

To the Joint Committee.

Background

Thank you for accepting me as a submitter. I am a great admirer of the Republic of Ireland, which I visited 13 years ago and hope to return to again one day. You don't need me to say you have a beautiful country and culture, and an economic story that we in New Zealand take inspiration from. I'm also pleased to see your Rugby Team appears to be regressing back to historic performance levels.

I understand I've been asked to speak because I was the Member of the New Zealand Parliament who sponsored the End of Life Choice Act (2019), which made Assisted Dying legal in New Zealand with effect from November 2021.

It was a five-year project from when I first submitted the Bill for our Members' Ballot, until it was selected for debate, passed by Parliament, and confirmed by a referendum of all Electors. As a result, I lived this debate as a major commitment of my life for years.

The New Zealand Law

In summary, the legislation allows a *Person Eligible for Assisted Dying* to choose the timing of their death. They can do that either by self-administration, or administration by a Medical Practitioner.

A *Person Eligible for Assisted Dying* is defined as someone who is over 18, a New Zealand Citizen or Permanent Resident, in an advanced state of irreversible decline in physical capability, has a terminal illness likely to end their life within six months, is competent to make an informed decision, and judges that there are no other acceptable ways to alleviate their suffering.

These conditions are independently judged by two medical practitioners, the second one being randomly assigned by the Ministry of Health. The law serves as a narrow exemption from a number of provisions in the Crimes Act, that would otherwise see the health practitioners involved liable for Aiding and Abetting Suicide.¹

How it's functioning

Approximately 30,000 people die in New Zealand each year. In the year to March 2023, the first reporting year for which there is full data, 807 people, around 2 ½ per cent of all who died, applied for Assisted Dying.² Of those, 328 had an Assisted Death, 111 remained Eligible and the remaining 368 had been found ineligible or withdrawn their application. 202 died during the process.

¹ <https://www.legislation.govt.nz/act/public/2019/0067/latest/DLM7285905.html>

² <https://www.health.govt.nz/system/files/documents/publications/registrar-assisted-dying-annual-report-2023-july23.pdf>

A total of 122 Medical Practitioners have registered as either an Attending (first) or Independent (second) medical Practitioner, as well as 13 Psychiatrists and 13 Nurse Practitioners. In effect this means there are available staff in most parts of the country.

Some Political Observations

Above I briefly summarise what has happened, but I'd also like to make some observations that fellow politicians will recognize.

Supporting this legislation will not hurt you politically, in fact the opposite. Of those who supported my Bill in 2019, 71 per cent were reelected in 2020. Those who opposed my Bill, 57 per cent were reelected. My own party rose from one MP to ten MPs.

When the issue was put to the public, 65 per cent voted yes. This was in the face of expensive and disingenuous scare campaigns during the referendum which probably dropped the support from 70 per cent to 65 per cent.

It is difficult to change people's mind because people know what they've seen in their own lives. Too many people have seen bad death, want choice and control for themselves, and that sentiment is deeply personal and embedded.

You will nonetheless hear enormous amounts of misinformation about Assisted Dying in other countries. Generally, the more distant the country the more misinformation you will hear about it from opponents. In New Zealand, we heard the most misinformation about the Netherlands, an antipodean country with a different language from ours. I am taking the time to submit amid forming a new Government because I do not want you to be misinformed about the New Zealand story.

The opponents who ran campaigns of Fear, Uncertainty and Doubt against my Bill have been invisible since it passed. I understand that, having been discredited by reality here, some of them have now slunk around the world to submit to your Committee. I can't fathom what motivates them, but their behaviour is tragic and you should ignore them.

David Seymour
MP for Epsom
New Zealand Parliament
Thursday, November 23, 2023