

THE BILL'S ELIGIBILITY CRITERIA FOR EUTHANASIA OR ASSISTED SUICIDE

1. Clause 4 of the End of Life Choice Bill sets out the eligibility criteria for accessing euthanasia or assisted suicide. These criteria will be interpreted and applied on a day to day basis by medical practitioners. Importantly, most of these practitioners are likely to be General Practitioners, rather than Palliative Care Specialists or specialists in the particular condition afflicting the person in question.

2. Clause 4 provides:

In this Act, **person who is eligible for assisted dying** means a person who—

- (a) is aged 18 years or over; and
- (b) is—
 - (i) a person who has New Zealand citizenship as provided in the Citizenship Act 1977; or
 - (ii) a permanent resident as defined in section 4 of the Immigration Act 2009; and
- (c) suffers from—
 - (i) a terminal illness that is likely to end his or her life within 6 months; or
 - (ii) a grievous and irremediable medical condition; and
- (d) is in an advanced state of irreversible decline in capability; and
- (e) experiences unbearable suffering that cannot be relieved in a manner that he or she considers tolerable; and
- (f) has the ability to understand—
 - (i) the nature of assisted dying; and
 - (ii) the consequences for him or her of assisted dying.

3. Euthanasia or assisted suicide is available to a person, possibly within a matter of days, if two doctors consider the criteria in cl 4 are met. The proposed doctors are:

3.1 the “attending medical practitioner” in cl 8, who is referred to in the course of this analysis as “**the first doctor**” or “**the first medical practitioner**” and who –

- (a) is the doctor to whom a person first expresses their wish for EAS;
- (b) may or may not be the person’s usual GP;¹
- (c) must (unless they exercise a conscientious objection) reach an opinion as to whether the person is eligible for EAS;²

3.2 the “independent medical practitioner” in cl 11, referred to in the course of this analysis as “**the second doctor**” or “**the second medical practitioner**” and who -

- (a) is appointed by the SCENZ Group as a doctor who is "willing to participate" in EAS;³
- (b) must read the person’s files, examine the person, and reach an opinion as to whether that person is eligible for euthanasia or assisted suicide.⁴

¹ EOLC Bill, cl 3.

² Clauses 7 and 10.

³ Clauses 3 and 19.

⁴ Clause 11(3).