

# Country's top lawyers join opposition to End of Life Choice Bill

**Auckland – 14 April 2019** –High profile New Zealand lawyers and legal academics have joined more than 75 other lawyers to publicly voice their concerns over the End of Life Choice Bill in an open statement issued today.

Leading lawyers including Grant Illingworth QC, Judith Ablett-Kerr QC, Victoria Casey QC, Matt Casey QC and Deborah Manning, together with legal academics such as criminal and mental law expert Professor Warren Brookbanks, have joined the group Lawyers for Vulnerable New Zealanders (LVNZ), which today issued an Open Statement criticising the End of Life Choice Bill as "not fit for purpose" and "not salvageable". The group has identified a large number of fatal flaws in the Bill, which a Justice Select Committee report to Parliament last week said was "not workable" after failing to reach agreement that it be passed.

The Open Statement outlining the reasons the lawyers oppose the proposed legislation has been published on the group's website at [www.lvnz.org](http://www.lvnz.org). It says the lawyers and legal academics, with experience in diverse fields of law and representing a variety of ideological and political views, are unanimous in their concern over the care of New Zealand's vulnerable and the compassionate treatment of its sick and terminally ill.

The lawyers say: "We acknowledge that this issue is fraught with complexity and recognise the difficult choices that many of us in New Zealand must make when we are near the end of our lives. We also empathise with those New Zealanders who live with disabilities, chronic illnesses or mental illnesses; in fact, some of our number are amongst them. However, we believe that the mark of our civilised society is measured by the manner in which we treat and protect our weakest and most vulnerable members".

The statement draws attention to the fundamental incompatibility between the Bill's stated purpose and its inevitable effects:

"While the Bill purports to be targeted to a 'small but significant group of competent adults who are not vulnerable and who wish to die without unbearable suffering and pain', we consider that it will in fact place many vulnerable members of our community (whether terminally or chronically ill, disabled or mentally ill) at greater risk of premature death by homicide or suicide as a result of neglect, coercion and other forms of abuse, as well as misdiagnosis or prognostic error and uncertainty."

The lawyers point out that the Bill's definition of a "person who is eligible for assisted dying" is so broad in its coverage of a range of conditions and illnesses that it could extend to New Zealanders with disabilities, relatively common chronic health conditions, and in some cases even mental health or psychological disorders such as depression, anorexia or bi-polar disorder.

“We concur with the New Zealand Disability Rights Commissioner’s assessment that the Bill undermines the position of disabled and vulnerable New Zealanders and poses significant risks to them, both as individuals and as a group. We are particularly concerned at its potential impact on Māori, who are over-represented in our suicide rates each year, in terminal, mental and chronic health illnesses, and in disabilities.”

According to the lawyers’ statement, the Bill lacks important safeguards; and those it does propose are “completely inadequate” in protecting New Zealand’s vulnerable communities, even if eligibility were restricted to terminal illnesses only, as its sponsor David Seymour is now proposing.

“We agree with the New Zealand Disability Rights Commissioner that its safeguards are deficient, both procedurally and substantively, for both terminal and non-terminal conditions.”

Some of the numerous flaws in the Bill that have been identified by LVNZ include concerns around eligibility criteria that are broad and subjective; inadequate safeguards against coercion; concerns that the legislation will disproportionately affect Māori and breach Article Three of the Treaty of Waitangi; a lack of any effective oversight mechanisms to ensure accountability and transparency in the euthanasia process; and the susceptibility of more restrictive eligibility criteria, such as are now being floated by Mr Seymour, to legal challenges that might expand eligibility to the disabled, mentally ill and to mature minors.

“This Bill was designed to address a particular circumstance and to cater for the confident, the capable, the committed, and the well-resourced who aren't vulnerable,” says Richard McLeod, who established LVNZ along with legal academic, Huhana Hickey, "But there's no appreciation or understanding of its potential effects on large numbers of marginalised and vulnerable New Zealanders who could also find themselves eligible for assisted suicide or euthanasia, and who are susceptible to many forms of overt or subtle coercive forces within their families, their communities and within our failing health system".

ENDS

**For further information contact**

Richard McLeod, McLeod and Associates, [richard@mcleodlaw.co.nz](mailto:richard@mcleodlaw.co.nz) +64 21 630 838  
Dr Huhana Hickey, [huhana@gmail.com](mailto:huhana@gmail.com), +64 22 059 7752