

End of Life Choice Bill fails to adequately protect victims of elder abuse

Auckland — 26 June 2019 — Lawyers who specialise in issues affecting older New Zealanders are concerned that the proposed End of Life Choice Bill will add a new dimension of threat to the already prevalent problem of elder abuse.

Ian McIntosh, the Co-General Editor of *Elder Law in New Zealand*, has published an [article](#) arguing that the Bill fails to adequately protect victims of the pervasive and notoriously difficult-to-detect problem of elder abuse, who might be coerced into requesting assisted dying.

Around 10 per cent of elderly New Zealanders have suffered some form of abuse, and close family members are the most common elder abuse perpetrators: 79 per cent of abusers of the elderly are their family members; their children are the most common category of abuser (48 per cent).

“When inheritance comes into play, the risk of coercion of older people is greatly elevated,” says McIntosh. “Unscrupulous family members may be motivated by the prospect of inheriting property, getting their hands on the estate sooner or preventing its value from being eroded by the cost of rest home care or treatment.”

McIntosh explains that the due diligence provisions in the Bill do not provide adequate protection against coercion. “The due diligence process in the Bill is not fit for purpose,” he writes. “It depends on a flawed process that is open to abuse by family and others. A doctor assessing an elderly patient's request for assisted dying will not necessarily know much about their circumstances, or whether abuse is actually driving their request. A victim of elder abuse, may well be so afraid of their abuser that they would be unable to voluntarily advise the doctor that they are being coerced.”

“The Bill is not fit for purpose,” he concludes.

Richard McLeod, a spokesperson for Lawyers for Vulnerable New Zealanders, warns that the Bill presents significant risks to elderly New Zealanders, who will comprise by far the largest group of those finding themselves eligible to be euthanized or helped to commit suicide under its provisions.

“In the few jurisdictions where euthanasia or assisted suicide is legal, it's the elderly who bear the brunt of these laws: reports show that between 78 and 83 per cent of those who were euthanised or assisted in their suicides in the Netherlands, Oregon and Belgium in recent years have been aged over 60 years”, McLeod says.

“We remind our MPs that they have the power to protect vulnerable older New Zealanders from a dangerous legislative outcome by voting down this Bill tonight”.

ENDS

For further information contact:

Rachael Joel, Botica Butler Raudon rachaelj@botica.co.nz +64 21 403 504

Richard McLeod, McLeod and Associates, richard@mcleodlaw.co.nz +64 21 630 838