

House of Representatives

Supplementary Order Paper

Wednesday, 21 August 2019

End of Life Choice Bill

Proposed amendment to SOP No 259

Hon Maggie Barry, in Committee, to move the following amendment:

New clause 18C

After clause 18B (page 17), insert:

18C Support person to assist vulnerable elderly person

- (1) This section applies where a person who is eligible for assisted dying is aged 65 years or over.
- (2) A person who is described in **subsection (1)** is a **vulnerable elderly person** for the purposes of this section.
- (3) In addition to other requirements of this Part, a vulnerable elderly person must be offered the assistance of an independent support person, who—
 - (a) possesses in-depth knowledge of the cultures and practices within the community the vulnerable elderly person is from; and
 - (b) possesses an understanding of how older people from that particular community are regarded and treated in that community and within family groups; and
 - (c) is able to translate for the vulnerable elderly person in the language they are most comfortable with.
- (4) The offer referred to in **subsection (3)** must—
 - (a) be in writing; and

- (b) be provided by the attending medical practitioner as soon as practicable in the circumstances after a request has been made under **section 8**; and
- (c) be provided free of charge to the vulnerable elderly person, funded by the Ministry of Health.

Explanatory note

This Supplementary Order Paper amends the End of Life Choice Bill by adding potential for additional protection in the case of vulnerable elderly persons.

This category of New Zealander is particularly vulnerable to neglect and abuse and hence a combination of coercion, undue influence, and general desire to have life ended due to loneliness, feeling a burden, or other adverse societal factors. The New Zealand Longitudinal Study of Ageing found that elder abuse was prevalent for at least 1 in 10 participants aged 65 years and over, and concluded that “Elder abuse is pervasive in New Zealand”.¹ Additionally, the 2018 data summary on the Oregon Death with Dignity Act found that 54.2% of individuals cited “Burden on family, friends/caregivers” as a reason for seeking assisted suicide.² It is demonstrably clear that elder abuse is high, and furthermore that loneliness and feelings of burden are also high, and without proper protections the Bill would lead to vulnerable individuals seeking assisted suicide as a direct result of coercion or feelings of burden.

This amendment ensures that those individuals are explicitly offered a culturally and ethnically appropriate support person by the attending medical practitioner, affirming and extending the rights afforded and available by the Code of Health and Disability Services Consumers’ Rights. This individual will possess relevant knowledge on the cultural community the individual resides in, particularly towards the role of older people in that community, and shall be available to assist in translation when needed, so the individual requesting assisted dying is fully comfortable and understanding of the process as outlined in this Bill. This support person shall also be offered free of charge to the individual so that there is no cost barrier for vulnerable individuals in need of a support person.

¹ Measuring Elder Abuse in New Zealand: Findings from the New Zealand Longitudinal Study of Ageing (NZLSA). “The study demonstrated that elder abuse, as measured by VASS, was prevalent for at least 1 in 10 participants aged 65 years and over on each of the four sub-scales. Items concerning psychological abuse were more frequent than those associated with coercion and physical abuse.”

² Oregon Public Health Division, Oregon Death With Dignity Act: Data Summary 2018, 12: Characteristics (N=168) Burden on family, friends/caregivers (%) 91 (54.2)