## Appendix A

## Terms of reference for the review of the End of Life Choice Act 2019

The End of Life Choice Act 2019 (the Act) is the law that makes assisted dying[[1]](#footnote-2) legal in New Zealand. It came into force on 7 November 2021, and is administered by the Ministry of Health | Manatū Hauora (the Ministry).

The Act sets out the legal framework for assisted dying, including eligibility criteria, processes, safeguards to protect patients and practitioners, and the establishment of administrative bodies to oversee and monitor the provision of assisted dying.

### Requirement to review the Act

The Ministry of Health is required to review the operation of the Act within three years of it coming into force, and every five years after that. As such, the Ministry is required to undertake a review of the operation of the Act to be completed in November 2024.

The coalition agreement between the New Zealand National Party and the ACT Party includes a commitment to ‘agree the terms of reference for the statutory requirement to review the End of Life Choice Act 2019 following consultation between the Parties, with any potential future changes to be progressed by way of a member’s bill, recognising this is a conscience issue’.

### Scope and approach to the review

The statutory review of the Act will be progressed through two parallel streams:

* a review of the operation of theEnd of Life Choice Act, to be informed by targeted engagement, and
* an online process canvassing public opinion on what changes could be made to the End of Life Choice Act.

The respective scopes and engagement approaches of these streams are set out below.

*Review of the operation of the Act*

The Ministry will consider whether the legislation as written is operating effectively and achieving its intended purposes. The purposes of the Act are to:

* give persons who have a terminal illness and who meet certain criteria the option of lawfully requesting medical assistance to end their lives
* establish a lawful process for assisting eligible persons who exercise that option
* provide for safeguards to ensure that assisted dying is only provided to those who are eligible, who actively seek and consent to it, and that this consent is provided without pressure from others.

In considering how well the Act is achieving its purposes, the Ministry will consider whether changes may be needed to:

* increase clarity around the meaning and interpretation of rules or settings in the Act
* improve the effectiveness of mechanisms in the Act, such as those intended to address issues of access and safety
* support effective administration of assisted dying
* provide clarity around the roles and responsibilities of those involved, and
* improve alignment of the Act with other relevant pieces of legislation, and the wider health system (including the principles of the Pae Ora (Healthy Futures) Act 2022).

To inform the review of the operation of the Act, officials from the Ministry of Health will undertake targeted engagement with:

* organisations and individuals that are directly referenced in the Act, or that have a role directly related to the Act
* organisations and individuals that are directly involved in the provision of assisted dying, or that regulate or represent workforces that are
* organisations and individuals with particular knowledge or expertise relevant to the operation of the Act.

Feedback is also welcome from those with experience of the service, and from the families and whānau of those who have received an assisted death.

This process will gather expert insight on how the Act is currently operating, particularly for those who work within or close to the scope of the legislation.

*Canvassing public opinion on changes to the Act*

The Government recognises that assisted dying is an issue on which there are a range of strong views, and that many individuals and organisations have expressed a desire to share their views on the Act.

To capture these views, a parallel process will take place alongside the review referenced above, which will see an online portal established where individuals and organisations can share their views or feedback on the changes they believe could be made to the End of Life Choice Act.

The portal will include prompts for people to respond to when providing feedback, but organisations and individuals will be free to provide feedback on any aspect of the Act. This may include but would not be limited to, suggested changes and improvements that can be made to the Act, and concerns around the functioning of the Act or objections to the Act.

This will be an online-only process and will not include any in-person meetings or forums.

The feedback that is received through the portal will be summarised in a report, and will not include recommendations.

Outputs from the review

The review will produce two reports which will be provided to the Minister of Health in November 2024:

* A report from the Ministry of Health outlining findings from the review of the operation of the Act, and noting recommended changes to the Act.
* An accompanying report summarising the public feedback received through the online portal on the Act.

These reports will be tabled in parliament. The Government will not make changes to the End of Life Choice Act 2019 following the review. Individual parties can decide whether they wish to pick up and progress changes through private members’ bills.

Roles and responsibilities

The Ministry of Health will undertake the review of the operation of the Act, and administer the process to canvass public opinion on the Act.

All reporting on the review will be to the Minister of Health, as the Minister responsible for the review.

1. In the Act, 'assisted dying' means an eligible person's medical or nurse practitioner giving them medication to relieve their suffering by bringing on death; or the taking of medication by the eligible person to relieve their suffering by bringing on death. [↑](#footnote-ref-2)