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11 August 2022

s 9(2)(a)

By email: s 9(2)(a)
Ref: H2022008719

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (Ministry of Health) on 26 July 2022 for information regarding assisted dying and palliative care. I will respond to each part of your request in turn.

- *How many applicants for Assisted Death had not requested palliative care?*
- *How many applicants for Assisted Death wanted palliative care, however it was not available?*
- *How many applicants for Assisted Death had previously received palliative care and had decided that it was not acceptable?*
- *With respect to the 80 % of applicants who had been receiving palliative care at the time of application for Assisted Dying, what was their reason for discontinuing with palliative care?*

The Ministry only records whether the applicant was receiving palliative care at the time of application. The Ministry does not collect information on whether the applicants had requested, discontinued, or declined palliative care either prior to application or during the eligibility assessment process. As such, these parts of your request are refused under section 18(g) of the Act, as the information you have requested is not held by Manatū Hauora or any other agency subject to the Act.

The Registrar for Assisted Dying expressed the hope “for broadening of the criteria over time”, of the EOLC Act

- *What are the criteria that the Registrar hopes to be broadened?*
- *Does the registrar favour amending the EOLC Act to accept advance directives for Assisted Dying?*
- *Does the Registrar favour amending the EOLC Act to include those with a disability?”*

To clarify, this was not the view of the registrar, rather this was one of the themes of the feedback on the End-of-Life Choice Act that the Ministry received. For the avoidance of doubt, the sentence you refer to is contained within the feedback section, page 25, point 3:

“The Ministry has also received constructive feedback from people, their whānau and practitioners on other topics that have not been lodged as formal complaints. Analysis of the feedback received to 31 March 2022 reveals three general themes.....

*.... 3. Legislation The legislation is welcome, and applicants were relieved that this service is available. The legislation is not as enabling as some people were hoping for with the criteria making an assisted death more restrictive than overseas jurisdictions. **This was coupled with hope for a broadening of criteria over time.**”*

You then asked whether the Registrar favoured amending the law to accept advance directives and to include those with a disability. Please be advised that while the Act allows New Zealanders to ask Ministers and government agencies for information, there is no requirement under the Act for agencies to provide or prove an opinion. The Act does not support requests where statements are put to agencies and Ministers for response, couched as a request for official information. Therefore, this part of your request is refused under section 18(g) of the Act on the grounds that the information is not held by Manatū Hauora and I do not consider it is held by any other agency subject to the Act.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on Manatū Hauorā website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Emma Prestidge
Group Manager, Quality, Assurance and Safety
Regulatory Services