



133 Molesworth Street
PO Box 5013
Wellington 6140
New Zealand
T+64 4 496 2000

2 November 2022

§ 9(2)(a)

Email: § 9(2)(a)
Ref: H2022015158

Tēnā koe § 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 (the Ministry of Health) on 19 October 2022 for information relating to section 5 of the End of Life Choice Act 2019. Each part of your request is responded to below.

Who is charged with the decision of whether an individual is experiencing 'unbearable suffering'? Please provide a list of diagnoses/conditions that meet this criterion if such a list exists.

The attending medical practitioner and independent medical practitioner separately decide if a person meets the eligibility criteria for an assisted death by using their knowledge and experience combined with the information from the person applying. This includes whether the person is 'experiencing unbearable suffering that cannot be relieved in a manner that the person considers tolerable.' A full list of eligibility criteria is available on our website here: www.health.govt.nz/our-work/life-stages/assisted-dying-service/assisted-dying-information-public/assisted-dying-eligibility-and-access.

Your request for a list of diagnoses/conditions that meets the definition of 'unbearable suffering' is refused under section 18(e) of the Act, as the document requested does not exist.

What is New Zealand's official definition of 'terminal illness'? No such expansion is proffered in the Act. Please provide a list of diagnoses/conditions that meet this criterion if such a list exists.

Your request for this information is refused under section 18(g)(i) of the Act as the information requested is not held by Manatū Hauora or any other agency subject to the Act. You may wish to refer to publicly available medical definitions of this term.

Your request for a list of diagnoses/conditions that meets the definition of 'terminal illness' is refused under section 18(e) of the Act, as the document requested does not exist.

You may wish to refer to the quarterly statistics available on the Manatū Hauora website which provides information about the diagnoses of people who have applied for assisted death: <https://www.health.govt.nz/our-work/life-stages/assisted-dying-service/assisted-dying-service-data-and-reporting>.

The Registrar's report also provides further information and is available on our website: www.health.govt.nz/system/files/documents/publications/registrars-assisted-dying-annual-report-jun22.pdf.

I trust this information fulfils your request. 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 the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Ruihua Gu
Acting Group Manager, Quality Assurance and Safety
Regulatory Services | Te Pou Whakariterite Ratonga