

House of Representatives

Supplementary Order Paper

Tuesday, 6 August 2019

End of Life Choice Bill

Proposed amendments to SOP No 259

Hon Michael Woodhouse, in Committee, to move the following amendments:

New clause 5B

After new clause 5A (page 7), insert:

5B Conscientious objection by organisation

- (1) An organisation is not under any obligation to assist any person who wishes to exercise the option of receiving assisted dying under this Act if the organisation has a conscientious objection to providing that assistance to the person.
- (2) **Subsection 1**—
 - (a) applies to any company, trust, incorporated society, or other legal entity not owned by the Crown that has as part or all of its service the provision of—
 - (i) health and disability services:
 - (ii) aged residential care services:
 - (iii) long term hospital care:
 - (iv) dementia care:
 - (v) services for persons with physical or intellectual disabilities:
 - (vi) palliative care:
 - (vii) hospice care:

- (viii) any other service that might bring the organisation into contact with a person who wishes to exercise the option of receiving assisted dying; and
 - (b) applies regardless of whether the organisation receives any funding for services unrelated to assisted dying from the Crown.
- (3) An organisation described in **subsection (1)** may—
 - (a) promote, publish, or otherwise publicly communicate that it is an organisation that has a conscientious objection to providing assisted dying:
 - (b) include in its conditions of admission, residence, care, or other service that it is an organisation that has a conscientious objection to providing assisted dying:
 - (c) include as a term of employment offered to a prospective employee that—
 - (i) it is an organisation that has a conscientious objection to providing assisted dying:
 - (ii) the prospective employees are bound by a prohibition on providing assisted dying:
 - (d) on or after the day after the Act comes into force, amend the employment agreements of staff by adding a clause stating that the employee will not provide assisted dying:
 - (e) include as a term of access or admitting rights offered to a health professional who is not an employee that—
 - (i) it is an organisation that has a conscientious objection to providing assisted dying:
 - (ii) those health professionals are bound by a prohibition on providing assisted dying:
 - (f) on or after the day after the Act comes into force, amend access or admitting rights agreements (or similar) between the organisation and any health professional who is not an employee by adding a clause stating that the health professional will not provide assisted dying:
 - (g) include as a term of any volunteer access agreement (or similar) to a volunteer or prospective volunteer that—
 - (i) it is an organisation that has a conscientious objection to providing assisted dying:
 - (ii) volunteers or prospective volunteers are bound by a prohibition on providing assisted dying:

- (h) on or after the day the Act comes into force, amend volunteer access agreements (or similar) between the organisation and any volunteer by adding a clause stating that the volunteer will not provide assisted dying.
- (4) No department, Crown entity (including the Accident Compensation Corporation or any District Health Board), or other public sector entity responsible for funding, commissioning, purchasing, or procuring services on behalf of the New Zealand taxpayer may—
 - (a) make a funding decision against any organisation on the basis that it has a conscientious objection to providing assisted dying services:
 - (b) offer an agreement for service or other funding arrangement to an organisation on the condition that it provide assisted dying services.

Explanatory note

This Supplementary Order Paper amends Supplementary Order Paper No 259 amending the End of Life Choice Bill to insert *new clause 5B*. The amendment extends the protection the Bill offers to employees and attending medical practitioners with a conscientious objection to include those organisations that, on grounds of conscience, do not wish to offer assisted dying services.

Many organisations involved in medical, aged, and palliative care services have a mission to promote healthy living and a death that is not hastened by assisted dying services. They may be faith-based and object on religious grounds, or otherwise have a mission and ethos that is at odds with the purpose of the End of Life Choice Bill.

The underlying principle of the Bill is to allow a person to seek assisted dying if that is their will, but it also gives individuals the choice not to provide assisted dying services. Non-Government organisations should also be free to exercise that choice without negative consequences for the services they provide. This amendment achieves that goal while ensuring that end of life choices remain an option in organisations that are prepared to offer them.