End-of-Life Choice
Society of New Zealand Inc

2026

Assisted dying in 2026 under the current End of Life Choice Act 2019

The End-of-Life Choice Society of New Zealand Inc. recognises the "right to die" as allowing mentally competent adults with a terminal illness or irreversible condition that makes their life unbearable, to have the right to lawfully choose how and when to die and to have medical assistance to accomplish that.

Why do you support assisted dying?

Many people would prefer an earlier death to a longer life of extreme suffering. Most of the Society's members have witnessed the agonising deaths of one or more people they have loved and do not want their own death to be similar. Nor do they wish to see others forced to endure the same.

Choice?

The important word in the title of the End of Life Choice Act 2019 is "Choice".

Assisted dying is the administration of medication by a doctor or nurse practitioner at the request of a person, to bring about that person's death in order to relieve their suffering. To choose this, you must meet all the current eligibility as listed below.

Assisted dying has been legal since November 2021, managed by Health NZ, our public health service. Your GP or specialist may or may not be involved: that is their choice.

How can I access assisted dying?

Your GP or specialist is not allowed to raise the topic of assisted dying with you. You, as the patient, must initiate the conversation by asking your doctor to help with an assisted death. This request must be explicit.

If your GP or specialist is a "conscientious objector" who opposes assisted dying for religious or other reasons, contact the Assisted Dying Service at Health NZ by either:

- Phone: 0800 223 852, or
- Email: AssistedDying@health.govt.nz

The Assisted Dying Service holds a list of doctors willing to assess people for eligibility.

Do I personally have to contact one of the Ministry's doctors?

No. This will be done for you. Your enquiry will be allocated to a clinical advisor who will talk with you initially about your circumstances, location etc. If you are likely to be eligible, the clinical advisor will put you in direct contact with a trained and registered doctor willing to make a definitive assessment. This doctor may request your own GP to release your files; it is in your interests to give permission. If the first doctor finds you eligible, every subsequent step in the process will be explained by your clinical advisor who will manage your case to the end.

What is the process for assisted dying?

At least two separate medical assessments are required to ensure you meet the eligibility criteria.

The Current Eligibility Criteria in 2026

ALL the below criteria must be met:

- ü Aged 18 or over
- ü NZ citizen or NZ permanent resident
- ü Suffers from a terminal illness that is likely to end life within 6 months
- ü Is in an advanced state of irreversible decline in physical capability
- ü Experiences unbearable suffering that cannot be relieved in a manner that the person considers tolerable
- ü Is competent to make an informed decision about assisted dying.

If either medical professional is in doubt about your mental competency, you may be referred to a psychiatrist for a final opinion.

Assisted dying is not available to those applying solely on grounds of disability, advanced age or mental illness. It is not available via Advance Directive or once mental competency has been lost, e.g. due to advancing dementia.

Assisted dying is not an emergency service. It is a planned service. Allow up to six weeks for application, although in urban areas this can be shorter. Latest data show that 24% of applicants die during the application process because they have left it too late to apply or because the medical condition has unpredictably advanced.

Can I get assisted dying under the current legislation if I have dementia?

Yes you can, provided you have another medical condition in addition to your dementia that enables you to meet the eligibility criteria and you are still mentally competent at the time of accessing your assisted death. Once you have lost mental competence due to dementia, assisted dying is no longer possible.

Can I change my mind?

Yes. You can opt out at any time. Including right up to the last minute.

Can my family legally overrule my in-person request for an assisted death?

No.

What will it cost me to obtain an assisted death?

Assisted dying is a free service. Any other medical expenses will be payable by you in the normal way.

Does anyone ever get turned down? What then?

Yes, people do get turned down sometimes. If you are ineligible, the assessing doctor will tell you so and explain why. You may become eligible later as your disease progresses, in which case you can re-apply.

The Society believes the current eligibility needs to be changed and improved.

So why is there any need for change?

Assisted dying is currently extremely restrictive mainly due to the "likely to die within 6 months" requirement. Most successful applicants have cancer despite cancer accounting for less than 30% of total deaths in the population.

The current law excludes all those whose life-ending conditions are unable to be predicted "within 6 months" due to the uncertain pathway of the disease. These include those with Parkinson's disease, progressive multiple sclerosis, Huntington's disease, Ehlers-Danlos syndrome, end-stage lung or heart disease and dementia.

The only hope of these sufferers is a change in the law. For that to happen, the End of Life Choice Amendment Bill must be drawn and debated in Parliament so that it can follow the usual parliamentary process of law-making and either be adopted or fail.

The End of Life Act 2019 Could Change

Here are the Key Amendments proposed.

The End of Life Choice Act 2019, New Zealand's voluntary assisted dying legislation, came into effect in 2021 following a binding referendum in 2020 that had the support of 65% of voters.

The End of Life Choice Amendment Bill that is now being proposed, follows the statutory review of the Act in 2024. It includes all 25 Ministry of Health (MoH) recommendations, plus two further changes strongly supported by the End-of-Life Choice Society NZ.

The most important of the MoH recommendations are:

- Removal of the blanket "Gag Rule".
  This recommendation would allow doctors and health practitioners to initiate conversations about assisted dying, but only in the context of an end-of-life care discussion. Currently they cannot do this; the person must ask them first.

- Conscientious objection provisions upheld but unlawful obstruction made harder.
  The bill would require care facilities (hospitals, hospices, rest homes) to provide reasonable access to assisted dying services and to facilitate third-party access by assisted dying doctors if patients can't be reasonably transferred.

- Expansion of nurse practitioner roles
  Two assessments are required for assisted dying. This change would allow Nurse Practitioners to conduct the first assessment, provided the second is by a doctor.

The two additional proposed changes are:

- Fairer Access to Assisted Dying (Removal of 6-Month Prognosis).
  Accurate prediction of a time of death is notoriously difficult and sometimes impossible. The bill proposes removing the requirement that a person is "*likely to die within six months*". Instead, it would allow access for those "*diagnosed with a condition that, either on its own or in combination with one or more other diagnosed conditions, is advanced, progressive and expected to cause death.*"
  All other eligibility criteria would remain as they are. Access to assisted dying solely because of age, disability or mental illness would continue to be prohibited.

- Waiver of Final Consent.
  The bill introduces a "waiver-of-final-consent" for approved individuals who lose mental capacity after scheduling their assisted death. This would allow the process to continue even if they cannot re-confirm their decision on the day. Assisted dying would continue to be inaccessible via an Advance Directive.

> *The key issue with both the existing law and the proposed amendments is 'choice'. A person who has successfully gone through the approval process may, in the end, elect not to proceed. That is their choice, but they have the comfort of knowing the option is there if they want it.*

Could the End of Life Choice Amendment Bill enable assisted dying with dementia?

Possibly. The current legislation prevents dementia sufferers from accessing assisted dying by requiring them to be "likely to die within 6 months" and simultaneously mentally competent up to the last minute. Most dementia sufferers lose mental competence several years before death.

If the End of Life Choice Amendment Bill is successful, the "6-month" requirement will be replaced by a requirement for the person to be "diagnosed with a condition . . . that is advanced, progressive and expected to cause death." As all types of dementia are eventually fatal, this could enable very determined applicants to be accepted for assisted dying, provided they proceed prior to losing mental competence. This would mean accepting a loss of several years of life in exchange for the ability to gain personal control of the timing of their death.

How will the Act impact disabled people?

Disabled people have the same rights as all other New Zealanders regarding assisted dying. There are two primary but opposing issues of concern for the disability community.

1. That disabled people may be at risk by the legislation because of potential coercion by family and other influencers who may wish to use the Act to hasten their death. To date there has been no evidence of this.

2. That disabled people may be denied access to the legislation because they may be wrongly assessed as not competent to make an informed decision to end their life.

We will ensure that these issues are well understood and that appropriate mitigation against these scenarios is included in the Act's policies and procedures.

Is assisted dying the same as suicide?

No, it is not. Several academic papers attest to this:

- In 2021 Dr Roger Hunt, an Australian palliative care physician, described the many differences between assisted dying and suicide in his article published in the Australian Medical Journal.

- In 2015 Dr Frank Spring, a clinical psychologist of New Mexico, described the many differences between the two as laid out in the Amicus Brief of the New Mexico Psychological Association when he testified at the NZ High Court in the case brought forward by Lecretia Seales.

The difference between assisted dying and suicide is also recognised in law: hence assisted dying does not invalidate a life insurance policy whereas suicide does.

Can providers of assisted dying be prosecuted?

Assisted dying is legal in New Zealand with very strict guidelines to prevent abuse. Trained health practitioners are not liable for prosecution provided they adhere strictly to the eligibility criteria and process.

Have people in NZ obtained an assisted death?

Yes, they have. The End of Life Choice Act came into force on 7 November 2021 and since then a small number of people have requested and obtained an assisted death. In 2026, assisted deaths comprised 1.3% of total deaths. Exact numbers are made known to the public at the end of June each year when the Registrar for assisted dying reports to the Minister for Health. This report can then be tabled in Parliament.

The reports are available to the public and links to the latest will be on our news page. Or you can go to the Health NZ/Te Whatu Ora's website at https://www.tewhatuora.govt.nz/. Type "assisted dying reports" into the search bar.

The End-of-Life Choice Society receives more frequent briefings from the Ministry of Health which is charged with the implementation and overview of the assisted dying service.

What's happening overseas regarding assisted dying?

As of August 2026, assisted dying legislation covered some 300 million people worldwide. This includes those in entire countries such as Australia, Canada, Switzerland, Holland, Belgium and Spain. It also includes parts of the USA such as California, New York State and Oregon.

We believe there is no turning back the tide of right-to-die movements around the globe, as practical experience explodes the fearful myths and dire predictions, giving way to the reality of a peaceful, lawful death. Our own End of Life Choice Act came into force on 7 November 2021.

Do you promote Advance Directives?

The Society has promoted Advance Directives for many years. Although our current legislation does not allow assisted dying by means of an Advance Directive, we still believe it to be an excellent document for all people to have all through their adult life. It is an alternative for those who do not meet the eligibility criteria for assisted dying but who do not wish to prolong their life under certain circumstances. An Advance Directive makes use of people's legal rights to refuse or reject unwanted treatment or medication.

More information, including our free-of-charge Advance Directive booklet and form, is available here.

Can my family legally overrule my Advance Directive?

In theory no. In practice, family can influence how your advance directive is applied especially where there is disagreement between family members. You cannot currently request assisted dying via advance directive.

Do you support palliative care?

The Society strongly supports palliative care and believes that most people and their families find it very helpful at the end of life. We also support increased government funding for palliative care and an expansion of its services. Working alongside assisted dying where desired, this can provide a continuum of care for the person and their whānau. Data on assisted dying provided by the Ministry of Health consistently show that at least 75% of applicants are already in palliative care.

However, we also know from personal experience as well as from international research that some diseases and conditions do not respond to even the best of palliative care. Under those circumstances, we believe assisted dying is a compassionate alternative.

What is the End-of-Life Choice Society?

We are an incorporated society (previously known as the Voluntary Euthanasia Society), founded in 1979 of ordinary citizens from all walks of life. We share a common belief that it is cruel and inhumane to force someone to die in unbearable suffering against that person's will. We operate by means of annual membership fees and donations.

Since our formation we have been campaigning for an assisted dying law that would enable a person experiencing unbearable suffering caused by an incurable or irreversible medical condition to voluntarily access medical assistance to hasten their death. We fight for a human rights-based approach to assisted dying law. The law should be fair, compassionate and non-discriminatory.

With the End-of-Life Choice Act 2019 we came part way in our campaign, but many people are still left with unbearable suffering as they face their inevitable death.

Who was involved in the End-of-Life Choice campaign?

The Society was very active in the campaign through articles published in the media; through its online presence and media appearances (TV and radio); and through local events providing face-to-face information.

Which other organisations played a part in the campaign?

We were supported by Doctors for End-of-Life Choice New Zealand, a group of retired and working medical professionals. This group presented arguments for and evidence of the need for assisted dying legalisation via medical journals, opinion pieces and media appearances.

Finally, we are grateful to the "Yes for Compassion" organisation which undertook a large-scale, professional media campaign designed to counter the misinformation put about during the passage of the Act through parliament and during the referendum period.

What actions do you continue to take to support legalising assisted dying in New Zealand?

1. We lobby parliamentarians to make changes to the law so that assisted dying becomes available and accessible to those who need it.

2. We counter misinformation about assisted dying in the media, via our online presence and by providing information to the public at face-to-face events. Please see our website and Facebook page.

3. We maintain ongoing communication with the Ministry of Health which oversees the implementation of the End-of-Life Choice Act 2019, which came into force on 7 November 2021. We advise the MoH on best practice implementation drawn from overseas examples.

4. We inform the public on the progress of assisted dying legislation in other countries and jurisdictions.

How can I support the End-of-Life Choice Society?

Please consider becoming a member (https://eolc.nz/membership-payment/) and receive our newsletters, and/or donating (https://eolc.nz/donate/). Your support will always be appreciated; and always much needed.