

House of Representatives

Supplementary Order Paper

Tuesday, 20 August 2019

End of Life Choice Bill

Proposed amendment to SOP No 259

Chris Penk, in Committee, to move the following amendment:

Clause 5A

Replace *new clause 5A* (pages 6 and 7) with:

5A Conscientious objection by person

- (1) No person is under any obligation to do anything under this Act, if the person objects on the ground of conscience.
- (2) **Subsection (1)** applies despite any legal obligation to which a health practitioner or any other person is subject, regardless of how the legal obligation arises.
- (3) No person may be—
 - (a) denied any employment, accommodation, good, service, right, title, privilege, or benefit of any kind merely because they object on the grounds of conscience as referred to in **subsection (1)**; or
 - (b) provided or granted any employment, accommodation, good, service, right, title, privilege, or benefit of any kind conditional upon them doing a thing under this Act.
- (4) No agency or entity of the Crown, including district health boards, the Accident Compensation Corporation, 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 person on the basis that such person has a conscientious objection to providing assisted dying services; or

- (b) make conditional on the provision of assisted dying services any agreement for service or other funding.
- (5) A person exercising their right of conscientious objection under this section may, but is not obliged to, do any or all of the following things:
 - (a) promote, publish, or otherwise publicly communicate that they have a conscientious objection to providing assisted dying services:
 - (b) include in conditions of admission, residence, care, or other service that they are a person who has a conscientious objection to providing assisted dying services:
 - (c) include as a term of employment offered to a prospective employee or contractor that the person to whom this section applies has a conscientious objection to providing assisted dying services and that the prospective employees or contractors will be bound by the prohibition on providing assisted dying services:
 - (d) include in their contractual arrangements with employees and other agents a provision that the employees or other agents will not provide assisted dying services.
- (6) A person who suffers any loss by reason of any breach of **subsection (3)** is entitled to recover damages from the person responsible for that breach.

Explanatory note

This Supplementary Order Paper amends Supplementary Order Paper No 259 amending the End of Life Choice Bill to replace *clause 5A*, in order to protect the freedom of conscience of the persons within the New Zealand medical profession.

This fundamental freedom should not be restricted in a manner that relates only to certain aspects of the process detailed in the legislation.

It should also not be restricted in its application only to certain members of the medical profession, hence the amendment uses the phrase “a person” or “any person” rather than limiting enjoyment of the freedom to a practitioner acting as an attending medical practitioner (as that term is defined).