

New Zealand votes on end of life choice and cannabis legalisation

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Alongside New Zealand's general parliamentary election on 17 October 2020, voters also were tasked with answering two significant referendum questions. The first asked whether the *End of Life Choice Act 2019*, permitting medically assisted dying for terminally ill persons, should enter into force. Voters agreed to this measure by an overwhelming 65.1% to 33.7% margin.¹ The second was whether Parliament ought to enact into law a draft Cannabis Legalisation and Control Bill, thereby permitting personal use of the drug along with a regulated commercial market for its supply. Voters rejected this measure by a very narrow 50.7% to 48.4% margin.¹

Consequently, willing doctors may legally provide medically assisted dying in New Zealand from 6 November 2021. Adult citizens or permanent residents will be eligible if they meet four criteria (*End of Life Choice Act 2019* (NZ), section 5):

- suffer from a terminal illness that's likely to end their life within 6 months;
- have a significant and ongoing decline in physical capability;
- experience unbearable suffering that cannot be eased;
- are able to make an informed decision about assisted dying.

Various safeguards also apply, including requirements that a person explicitly consent to each stage of the process and two doctors independently agree on an individual's eligibility (*End of Life Choice Act 2019* (NZ), section 17).

Public backing for this legislation was no surprise, given that a steady 60–70% have expressed support over a 20-year period.² Although the country's medical associations almost unanimously opposed the legislation, while several groups ran vigorous campaigns urging a 'no' vote, this messaging apparently had no effect on the final outcome.

In contrast, the rejection of cannabis legalisation appears to have halted for the foreseeable future any chance of removing

the drug from the criminal underworld's control. That is regrettable, given the manifest problems with the current strict prohibitionist approach.³ Not only is the 'no' vote therefore a wasted opportunity to establish a comprehensive, harm-reduction focused policy response, but it perpetuates a criminal justice approach that is frankly racist towards Māori.⁴ Given that the harms of cannabis criminalisation fall disproportionately on socially excluded social groups – Māori in particular – it was wrong of the Government to allow the prejudices of a bare majority to effectively veto its amelioration. Braver political leaders would simply have legislated and then explained to the public why it was the right thing to do.

Competing interests

The author declares no competing interests.

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