



**MEDIA RELEASE – FOR PUBLICATION AT 3.00PM 5 JUNE 2015**

**LECRETIA SEALES v ATTORNEY-GENERAL**

**[2015] NZHC 1239**

**PRESS SUMMARY**

**This summary is provided to assist in understanding the Court’s judgment. It is not part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at Judicial Decisions of Public Interest [www.courtsofnz.govt.nz](http://www.courtsofnz.govt.nz)**

The late Ms Seales sought declarations concerning the meaning of two provisions of the Crimes Act 1961 in order to determine if her doctor could lawfully administer a drug to end Ms Seales’ life or provide Ms Seales with a drug to enable her to end her own life. In the alternative, Ms Seales sought declarations that the offence provisions of the Crimes Act breached her rights under ss 8 and 9 of the New Zealand Bill of Rights Act 1990 (NZBORA). This part of Ms Seales’ case asked the High Court to follow the reasoning in a decision of the Supreme Court of Canada.

The judgment explains Ms Seales’ doctor would have been at risk of being prosecuted for either murder or manslaughter if she administered a fatal drug to Ms Seales intending to kill her. The judgment also explains Ms Seales’ doctor would be at risk of being prosecuted with assisting suicide if she provided Ms Seales with a fatal drug, intending Ms Seales take that drug and if Ms Seales died as a consequence.

The judgment explains that the criminal law of suicide in New Zealand is not the same as in Canada and that the offence provisions of the Crimes Act are not inconsistent with ss 8 and 9 of the NZBORA.

In his judgment, Justice Collins explains that only Parliament can change the law to reflect Ms Seales’ wishes and that the Courts cannot trespass on the role of Parliament.

Sadly, Ms Seales passed away within hours of receiving the judgment. The Judge conveys to Ms Seales’ husband, family and friends his deepest condolences.