

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

CIV-2015-485-235

UNDER	The Declaratory Judgments Act 1908 and the New Zealand Bill of Rights Act 1990
BETWEEN	LECRETIA SEALES  Plaintiff
AND	ATTORNEY-GENERAL  Defendant

---

AFFIDAVIT OF PHILIP WESLEY PATSTON  
18 MAY 2015

---

---

RUSSELL McVEAGH

A S Butler | C J Curran | C M Marks  
Phone +64 4 499 9555  
Fax +64 4 499 9556  
PO Box 10-214  
DX SX11189  
Wellington

**I, PHILIP WESLEY PATSTON**, Director, Social Commentator, and Speaker, of Auckland, solemnly and sincerely affirm:

### **Introduction**

1. I am a Director, Social Commentator, and Speaker. I am also a life member of the Voluntary Euthanasia Society of New Zealand.
2. I have been provided with and have read:
  - (a) the affidavit of Dr Huhana Hickey on behalf of the Care Alliance dated 8 May 2015; and
  - (b) the affidavit of Wendi Wicks and Robyn Hunt on behalf of the Care Alliance dated 8 May 2015.
3. I strongly disagree with the arguments they make against physician assisted dying.

### **About me**

4. At birth, I lost oxygen resulting in a neuro-muscular dysfunction. I have been diagnosed with cerebral palsy. My parents were told that I would never walk, talk or live independently, but I have done all of those things. Ironically, the process of walking has damaged my back so that I now use a wheelchair.
5. The physical effects of my disability include spasticity and/or athetosis in my limbs. This impacts on my ability to complete daily tasks; for example, I need support to get ready in the mornings. My cognitive abilities are not affected in any way.
6. I am the Managing Director of Diversity New Zealand Ltd and the Executive Director of Diversityworks Trust Inc. I am a speaker and a consultant, and I often address diversity and disability issues.
7. I also have a website and blog, on which I have previously discussed my beliefs about euthanasia. The relevant blog entries are annexed to this affidavit as "PP-1" and "PP-2".

### **My views on assisted dying**

8. I am a life member of the Voluntary Euthanasia Society and I supported Maryan Street's End of Life Choice Bill.
9. I have read the affidavits of Dr Hickey, Ms Wicks and Ms Hunt. They say that they oppose the legalisation of assisted dying, as they fear the consequences that it may have for people with disabilities. They argue that it will make people with unique function feel obliged to end their own lives so as not to be a burden on family, friends, and society.
10. While I agree with the anti-eugenic sentiments, I do not share their views on assisted dying. Moreover, I find their arguments patronising. They amount to saying that members of the disabled community have such a low sense of self worth that the availability of assisted dying would make them feel obliged to end their lives in order to avoid being a burden on others. In my opinion there is no justification for projecting that view onto


an entire category of society. I doubt the witnesses for the Care Alliance have such a low sense of self worth; I certainly do not.

11. I understand Lecretia's case to be about her autonomy and her right to be able to live as long as she possibly can, with the knowledge that she can choose to end her life in a dignified way when her suffering becomes intolerable to her.
12. Disabled people have the same rights to dignity and autonomy as non-disabled people. Disabled people can also suffer from terminal illnesses.
13. While I understand that Lecretia's case is not about legalising assisted dying generally, I disagree with the argument that doing so would exacerbate disenfranchisement of disabled people. To the contrary, I believe the process of legalisation would have great benefits. This is because it would bring society's attitudes of discrimination towards disabled people into the public consciousness through debate in parliament and the media.
14. In my opinion, disabled people are currently more at risk from suicide-related harm than if assisted dying were legal.
15. I believe that conflating the issues of disability discrimination and assisted dying is not useful for either disabled people, or for competent people (disabled or otherwise) who are suffering from a terminal illness, and are seeking the right to choose assistance to die.
16. As a staunchly active disabled person, I value equally my right to live and my right to choose to end my life in the case of acute suffering. If I were to be in a position where my suffering was intolerable, and assisted dying was available, I would want the right to choose to end my suffering.
17. We as a society should not deny one right by promoting another. I believe that complex issues such as euthanasia need to be approached on a case-by-case basis, and with love not fear.

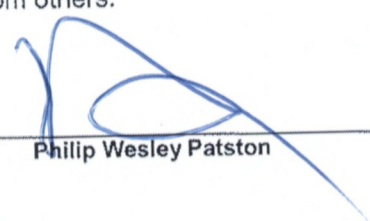
#### Views of others

18. I have discussed my views on assisted dying with other disabled people, both men and women. In all cases they have told me that, if they were suffering from a terminal illness and found their suffering intolerable, they would want the option of assisted dying.
19. None of the people I spoke to believed that legalising assisted dying would result, as one person put it, "in a mass exodus of disabled people," requesting assisted dying as a result of their own belief that they are a burden to society, or because of pressure from others.

**AFFIRMED** at Auckland this 18<sup>th</sup> day of May 2015 before me:

  
A barrister and solicitor of the High Court of New Zealand

**JEREMY COLIN PATSTON**  
SOLICITOR  
AUCKLAND

  
Philip Wesley Patston





"PP-1"

Blog » Choice to die vs right to live polarised

Posted by Philip Patston on 19 February 2015, 7:08 am in AIDS, disability, thinking, UK

## Choice to die vs right to live polarised

The revelation that BBC presenter Ray Gosling killed his lover who was in the final stages of AIDS 20 years ago has ignited claims by disability activists that the British media is promoting mercy killing.

In her blog, Disabled People Fight Back, Clair Lewis warns:

"...the British media are determined, in the main, to promote the acceptability of killing sick and disabled people. The Independent has been the only newspaper with anything like balance in it's comment. Mostly, killers have been lauded as heroes and victims. Ray Gosling is the latest example in a busy month of it and my fingers are getting sore from complaining."

I think it's important to avoid polarising this argument. While I totally concur with the anti-eugenic sentiments and concern over the media "pushing" euthanasia, I don't condemn it.

As a staunchly active disabled person I value equally my right to live and my right to choose to end my life in the case of acute, palliative suffering. Gosling claims he made "a pact with his lover to help him die if his suffering increased."

Please let's not deny one right with the promotion of another. This is a complex issue that requires two seemingly contradictory values to sit in the same room side by side. Uncomfortable as it may be, we need to approach this issue case-by-case and with love, not fear.

Tweet 0

Like Be the first of your friends to like this.

### Comments



Add a comment...

☒ Also post on Facebook

Posting as Ella Watt • Comment

Facebook social plugin

- My philosophy
- Book online

- My music
- My lyrics
- YouTube Videos

Search



diversity change creativity  
disability leadership politics humour  
unique experience thinking social innovation fun  
belief future communication education

- 17 May 2015  
Clever watch brings peace of mind and potential - made in NZ
- 9 May 2015  
Should entrepreneurs close things down?
- 6 May 2015  
Flying with wheels - a uniquely common event
- 26 April 2015  
Let's stop glorifying war
- 16 April 2015  
5 ways to avoid assumptions
- 14 April 2015  
Individual vs collective impact
- 4 April 2015  
Kids, meaning and agility

This is the annexure marked "PP-1" referred to in the affidavit of Philip Wesley Patston affirmed at Auckland this 18<sup>th</sup> day of May 2015 before me

Signature .....

A Barrister and Solicitor of The High Court of New Zealand  
(Solicitor to sign in part on Exhibit)

## Tweets

Follow



**PHILIP PATSTON** @philippatston 35m  
Diversityworks Weekly is out!  
[paper.li/philippatston/...](http://paper.li/philippatston/...) Stories via  
@andersoncooper @AucklandLive  
@teradar  
[Show Summary](#)



**PHILIP PATSTON** @philippatston 15h  
Clever watch brings peace of mind and  
potential – made in NZ  
[bloglovin.com/blog/post/9020...](http://bloglovin.com/blog/post/9020...) on  
@bloglovin  
[Show Summary](#)



**PHILIP PATSTON** @philippatston 17h  
JAMIE OLIVER NEEDS YOUR HELP  
FIGHTING FOR FOOD EDUCATION  
#FoodRevolutionDay  
[change.org/p/jamie-oliver...](http://change.org/p/jamie-oliver...) via  
@ChangeAUS  
[Show Summary](#)



**PHILIP PATSTON** @philippatston 17h  
If you see the benefit of CleverCare for  
yourself or someone else, do contact  
them directly or let... [wp.me/p12dNd-Cr](http://wp.me/p12dNd-Cr)  
[Expand](#)



**PHILIP PATSTON** @philippatston 22h  
A great watch: Why city flags may be the  
worst-designed thing you've never  
noticed [buff.ly/1IEBKM8](http://buff.ly/1IEBKM8)  
[Show Summary](#)



**PHILIP PATSTON** @philippatston 14 May  
More Magic Razer Irreverence: lads' mags  
and bad girls aren't the problem  
[buff.ly/1Fd3KDZ](http://buff.ly/1Fd3KDZ)



**PHILIP PATSTON** @philippatston 13 May  
Hot Harry Haka. My my. Lordy.

[Tweet to @philippatston](#)

[Blog](#) [About Me](#) [Hire Me](#) [Make a booking](#)

[Contact me](#) [My music](#) [My lyrics](#) [YouTube Videos](#)

Copyright © 2015 Philip Patston. All rights reserved.

[philippatston.com](http://philippatston.com) • [diversityworks.org.nz](http://diversityworks.org.nz)





"PP-2"

Blog » The courage to choose death

Posted by Philip on 6 August 2015, 146 put in death, courage, Peter Taylor, Voluntary Euthanasia Society, Carlier Bereavement Trust

## The courage to choose death

This morning I received an email from Peter Taylor, whom I've known as an acquaintance through gay circles for many years, but got to know quite well in 2011 when he was a participant on the Be. Leadership programme, which I co-direct.

His bio on the Speakers NZ website reads, in part:

"...At the Barcelona Olympics, Peter was infected by a sand fly, transmitted by a parasite after patting a dog and the subsequent infection destroyed his bone marrow and attacked the internal organs. He has been told he would die four times and needs continual treatments of chemotherapy to manage the chronic illness ... He has received 870 doses of chemotherapy over the past fifteen years. He is also the only person in the world to have lived this long with this particular parasitic infection, visceral Leishmaniasis Donavanni."

The email from Peter said, "Keeping you up to date. P x". Below was his latest blog post. The fifth paragraph reads:

"On the day after [31 August] I will cease all medications and treatments and let nature take its course. The Doctors assume it will take about 5 to 10 days and whoopee I'm out of here."

Whoopee - it's quite an attitude. But, as Peter explains,

"I ran out of oomph. In fact I have made some decisions. The recent time in hospital with the ear scrape and the liver infarct was enough to put a big NO to any further invasive action. No operations, no cuts and no pain, as I can't do it anymore."

So Peter has chosen death over life. He has made a decision to not hold onto life but rather, "wrapped in love, without fear, happy and excited about my new adventure," he will orchestrate the end of his life.

I feel so moved by Peter's courage and openness. It's hard not to say, "Don't!" but, as a life member of the Voluntary Euthanasia Society and supporter of Maryan Street's End of Life Choice Bill, I totally understand and respect his decision. It's lovely to read that Pete is so at peace and unafraid and, indeed, curious about the journey - I totally relate to that.

(There are many people with unique function (disabled people) who vehemently oppose the legalisation of voluntary euthanasia, arguing it will make people feel obliged to end their own lives so as not to be a burden on family, friends, society. My view is that if you are enough of a martyr to think that, you may well be better off dead.)

Somewhat serendipitously last night, my friend Lesley (who co-directs the programme with me so also knows Pete) and I were talking about the difference between suicide - taking your own life - and not fearing death. The two sit very closely together and are perhaps linked by Peter's quest - to allow oneself to die.

- My philosophy
- Book online
- My music
- My lyrics
- YouTube Videos

Search



diversity change creativity  
disability leadership politics humour  
unique experience thinking social innovation fun  
belief future communication education

- 17 May 2015  
Clever watch brings peace of mind and potential - made in NZ
- 9 May 2015  
Should entrepreneurs close things down?
- 6 May 2015  
Flying with wheels - a uniquely common event
- 26 April 2015  
Let's stop glorifying war
- 18 April 2015  
5 ways to avoid assumptions
- 14 April 2015  
Individual vs collective impact
- 4 April 2015  
Kids, meaning and agility

This is the annexure marked "PP-2" referred to in the affidavit of Philip Wesley Patston affirmed at Auckland this 18<sup>th</sup> day of May 2015 before me

Signature .....  
A Barrister and Solicitor of The High Court of New Zealand  
(Solicitor to sign in part on Exhibit)

I admire not only Pete's decision but also the generosity he is showing by telling people. Death is such a shock, even when it's expected because of age and/or illness. But the honesty of talking about it - even jokingly sometimes as you'll see if you read Pete's previous post - and giving people the chance to say farewell - can only be called a precious gift.

*The Cartier Bereavement Trust, which raises funds to support funeral costs of people who die from HIV-related illnesses, will hold a fundraising dinner on 31 August. This will be Pete's "last commitment", when his life and achievements will be honoured in a "This Is Your Life" format. Book here.*

*More about the End of Life Choice Bill here.*

-----  
You are welcome to share this post freely and without permission. Acknowledgement and a link back to this site is appreciated. And please leave a comment if you wish - I'd be interested to know where I've ended up.



This work is licensed under a Creative Commons Attribution-ShareAlike 3.0 Unported License.

Follow me on [bloglovin'](#)

Tweet 2

Like 41 people like this. Be the first of your friends.

## Comments

## Tweets

Follow



**PHILIP PATSTON** @philippatston 35m  
Diversityworks Weekly is out!  
[paper.li/philippatston/...](http://paper.li/philippatston/...) Stories via  
@andersoncooper @AucklandLive  
@teradar  
[Show Summary](#)



**PHILIP PATSTON** @philippatston 15h  
Clever watch brings peace of mind and  
potential - made in NZ  
[bloglovin.com/blog/post/9020...](http://bloglovin.com/blog/post/9020...) on  
@bloglovin  
[Show Summary](#)



**PHILIP PATSTON** @philippatston 17h  
JAMIE OLIVER NEEDS YOUR HELP  
FIGHTING FOR FOOD EDUCATION  
#FoodRevolutionDay  
[change.org/p/jamie-oliver...](http://change.org/p/jamie-oliver...) via  
@ChangeAUS  
[Show Summary](#)



**PHILIP PATSTON** @philippatston 17h  
If you see the benefit of CleverCare for  
yourself or someone else, do contact  
them directly or let... [wp.me/p12dNd-Cr](http://wp.me/p12dNd-Cr)  
[Expand](#)



**PHILIP PATSTON** @philippatston 22h  
A great watch: Why city flags may be the  
worst-designed thing you've never  
noticed [buff.ly/1IEBKM8](http://buff.ly/1IEBKM8)  
[Show Summary](#)



**PHILIP PATSTON** @philippatston 14 May  
More Magic Razer Irreverence: lads' mags  
and bad girls aren't the problem  
[buff.ly/1Fd3KDZ](http://buff.ly/1Fd3KDZ)



**PHILIP PATSTON** @philippatston 13 May  
Hot Harry Haka. My my. Lordy.

Tweet to @philippatston





Add a comment...

☒ Also post on Facebook

Posting as Ella Watt • [Comment](#)



Erin Gough • Follow

Wow, Pete's blog post is one of the most touching and brave things I have read in a long time. So lucky to have met and developed my leadership skills alongside Pete. A leader in life and in death. May his journey be all he hopes for and more.

Reply • Like • 3 • Follow Post • August 8, 2013 at 5:05pm



Moira Clunie • Auckland, New Zealand

Thanks for this post. I've been following Peter's words online and his strength and openness is, as you say, amazingly generous.

Here is something you wrote that I don't agree with (disclaimer: my opinions not necessarily my employer's, etc).

"arguing [voluntary euthanasia] will make people feel obliged to end their own lives so as not to be a burden on family, friends, society. My view is that if you are enough of a martyr to think that, you may well be better off dead."

This is a tricky one. Feeling obligated to end one's life so that one is not a burden is a very common factor in suicide across all ages and experiences\*\*. I don't think it's accurate to characterise people who feel this way as "enough of a martyr to think that" - it's an emotional state that is often based on distorted thinking, not a rational thought process... See More

Reply • Like • 1 • Follow Post • August 6, 2013 at 3:50pm



Philip Patston • Follow • Top Commenter • CEO & Founder at Diversity New Zealand

Thanks Moira. Perhaps I was being a little harsh, irreverent and provocative, hence the parentheses and qualifier "may be"! I do feel very passionate about the right to choice and think that the disabled anti-VE lobby confuse the two issues. I'd rather we had a conversation about "perceived burdensomeness", which is a result of stigma and isolation and many other things, rather than lobby against VE.

Reply • Like • August 6, 2013 at 4:18pm



Moira Clunie • Auckland, New Zealand

Yes absolutely: more conversation about why people feel like burdens (and how we work through the structural and interpersonal and mental health factors that lead them to feel that way). I agree this is a different issue to people having equal access to choose death, though they don't feel completely separate to me.

Clearly it's possible to accept and choose death and feel like it's your time to go, without feeling suicidal - your post above shares a beautiful example of that. On the other hand, I'm not sure someone feeling suicidal is exactly exercising choice, so much as doing what they feel needs to be done (because they're a burden, don't belong, & there is no hope for the future). It seems to me like a kind of duress.

But I agree - I'd rather a conversation about wellbeing and how to reduce suicidal feelings, rather than one about restricting choice.

Reply • Like • 1 • August 7, 2013 at 5:28pm

Facebook social plugins

[Blog](#) [About Me](#) [Hire Me](#) [Make a booking](#)

[Contact me](#) [My music](#) [My lyrics](#) [YouTube Videos](#)

Copyright © 2015 Philip Patston. All rights reserved.

[philippatston.com](http://philippatston.com) • [diversityworks.org.nz](http://diversityworks.org.nz)