

# TRANSCRIPT

## STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

### Subcommittee

### Inquiry into end-of-life choices

Bendigo — 12 August 2015

#### Members

Mr Edward O'Donohue — Chair

Mrs Inga Peulich

Mr Cesar Melhem

Ms Nina Springle

Ms Fiona Patten

#### Staff

Secretary: Ms Lilian Topic

Research assistants: Ms Annemarie Burt and Ms Kim Martinow

#### Witnesses

Ms Diana Hookey, and

Mr Geoffrey Hookey.

**The CHAIR** — Good afternoon. I would now like to welcome Ms Diana Hookey and Mr Geoffrey Hookey to the committee. Before we start I caution that all evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Legislative Council standing orders. Therefore you are protected against any action for what you say here today, but any comments made outside this hearing are not afforded such privilege. Today's evidence is being recorded. You will be provided with proof versions of the transcript within the next week. Transcripts will ultimately be made public and posted on the committee's website. We have allowed half an hour for our session this afternoon. I thank you both very much for being here, and we look forward to what you have got to say.

**Mr HOOKEY** — Thank you, Chair. I guess I am coming from the other end of the spectrum, having experienced end-of-life choices. If I could perhaps paraphrase it a little bit, it is in relation to the legislation, which I think may be commonwealth, which does not permit assistance or abetting of suicide, and in particular, applying to us, the submission I made outlines what happened. My wife was a very intelligent, widely travelled person, who many years ago decided that she wished to make an end-of-life choice, to have that planned, and had been planning it for some time, because she had a congenital disability which she knew was going to create problems later in life, and she made provision for it. She thought she had done everything properly. She had consulted with her family for the permission to take this action if and when the time occurred. She had obtained the necessary drug to do this, which she told us was her insurance and which I think she hoped she would not have to use, but she had it in case she did.

Unfortunately, several months prior to her death her condition deteriorated, and it deteriorated quickly. I kept saying, 'I will get a drug that will fix it. Don't panic. It will take the pain away'. We kept going back to the doctor, and the medication was increased. Finally, the doctor said, 'Look, I think you have to be realistic in this. Your condition is such that no matter what we do you will always have pain'. I think that was the culminating thing. The drug that they were giving her, as she said, 'is blowing my mind, and I can't stand this. I'll have to do something about it'. Unfortunately, she had planned to do it whilst I was away from the house and there was nobody else in it so there would be no repercussions to anybody who was associated with it, but she then was not able to drive and my daughter came in to help me nurse her. On the night of the 26th, when she went to bed, we put her to bed, and at that stage she took pentobarbitone. I found her sitting up in bed. I thought she was reading, because she always used to go to bed and sit up in bed and read. When she was tired, she would go to bed, lie down and go to sleep. On some occasions I would find her sitting up in bed, and I would just go in and rub her hand and put her back to bed.

On this occasion when I went in her hands were cold, and of course I panicked and rang 000. The ambulance people were very good, but they instructed me to get her out of bed, which I could not do, so I yelled for the kids and we got her out of bed, and immediately initiated CPR with the ambulance. To show how stupid I am, she had already given advance care instructions that she was not to be resuscitated, but nothing registered with me; I am too thick. The ambulance came and said, 'Look, I'm sorry; she's dead. The state undertaker will now take the body, and the coroner will get it. You'll get the death certificate in the morning'. I thought that was what would happen. Unfortunately I went in later and found the suicide note. I advised the undertaker, and he said, 'I've got to advise the police'.

I would say that within 10 minutes the house was full of policemen and forensics. They took everything. We found the bottle on the side and the suicide note. The position we were in was that we were virtually potential criminals. We have had association with police almost going back to the murder at Stringybark Creek, and it is not a very nice feeling to be interrogated for hours by the police as to what your involvement in this suicide was — 'Did you help her in any way? Did you get the drug for her? Did you do this?'. The children were taken down to the police station — that is, Diana and her brother — and your interrogation went for three and a half hours, was it?

**Ms HOOKEY** — Yes.

**Mr HOOKEY** — And since then I have had a search warrant executed on the house — in about March, it was. She died in November, so it was in March that they came and said they were looking for evidence to see if anybody had aided and abetted the suicide. They had authority to seize all computers, tablets, *The Peaceful Pill Handbook* — if we had one — and any other object. I must confess that the police were reasonably gentle, and it is not a very pleasant — forget all about that.

Dorothy had planned this for about 25 years, and she was rational and intelligent. She had said goodbye to all of her friends, quietly, before her death. She had insisted that I take a cooking course so that I could look after myself when she went. She had spent two weeks in an aged-care facility to find out what happens in an aged-care facility in the current time — I might add that I had been in hospital administration for about 40 years, so I knew a bit about it — and she had made all preparations. But because of a deterioration in her condition she unfortunately involved others, and there does not seem to be any pathway where people who wish to take that course can do so without being treated as a criminal. Basically that is what I am here about. You may have questions, which I hope I can answer, but that is the situation, Chair.

**The CHAIR** — Mr Hookey and Ms Hookey, thank you for sharing such a personal story, and we respect your courage in being before us today. Thank you for informing us about your own personal circumstance. Do members have questions?

**Ms PATTEN** — I have one, thank you. I have been following your story for some months, and I wonder if you could let us know: has all of this been settled now?

**Mr HOOKEY** — No.

**Ms HOOKEY** — No.

**Ms PATTEN** — Could you give us an update?

**Mr HOOKEY** — The coroner has issued a death certificate. That took only a couple of months. Just to say, we did not even have Dorothy's remains when we started the memorial service. We had to wait for that to come from the coroners. When the police seized the computers I said, 'Well, what are we going to do, and how long is it going to take?'. He said, 'It will take as long as I want, and it could be up to 12 months'. It is nine months to date, and we have got no resolution.

**Ms PATTEN** — Is there still a chance that you might be charged?

**Mr HOOKEY** — Yes.

**Ms HOOKEY** — I have had a phone call from them asking me to come back in and do more statements.

**Mr HOOKEY** — Because Dorothy was a member of Exit International, when I realised that this was not straightforward and that we were in serious trouble, I sought assistance from them and they did provide me with advice from Peter Nugent, who was a thing. He said, 'For goodness sake, don't say anything. You've already said too much. You didn't have to make a statement. Tell the police you will go down and make more statements, but they'll be, "No comment"'. Of course to cap it all off, Peter Nugent has now passed away. But at this stage we have had no further request for interviews from the police.

**Ms SPRINGLE** — This may seem an obvious question, but I would just like to clarify: is it really as simple as that decriminalising assisted suicide would make this different for you? Or is it more than that?

**Mr HOOKEY** — No; I presume it is decriminalising it. I think I am right in saying that it is a federal law that was put in recently about assisting. Am I right? Can anybody advise me? The search warrant said 'assisting or abetting suicide', and he said, 'Well, it is up to five years if you are convicted'. I think I am as guilty as hell. I mean, I have assisted my wife for 63 years. Anything that she did I supported, I suppose, and I have abetted her, too, by providing her money to do whatever she wanted to do. This is the sort of thing we are thinking — 'What the hell have we done that requires this sort of scrutiny?'. My daughter keeps saying, 'But we haven't done anything, Dad', and I say, 'Well God, why don't they say that?'

**Ms HOOKEY** — We were in the house, and that was the problem.

**Mr HOOKEY** — Yes. Dorothy, as I said, was going to do it when I was away, but she got too sick too quickly. It was tragic to see because she was such a vibrant person. But she knew what was happening. She gave all of her money away to her favourite charities — well, only days before, because some of the cheques came back. She had been around quietly saying goodbye to dear friends and things, and she had given away a lot of her very personal possessions. She had kind of very carefully and thoroughly gone about the business that she wanted to do. She had reached the stage where she had done everything she had wanted to do. She no

longer wished to be here. She had made plans to depart the life very peacefully. She was asleep. She was asleep in bed when I went to get her. But we had no chance to say goodbye, except 'Goodnight'. That is not right — not right — that a government should do that.

**Ms PATTEN** — Thank you.

**Mr HOOKEY** — Thanks very much. Someone has given me a cuppa.

**Mr MELHEM** — You had better drink it.

**The CHAIR** — Thank you, Mr Hookey and Ms Hookey.

**Mr HOOKEY** — I am sorry I am such a mess. Is that all right to go now?

**The CHAIR** — No rush.

**Witnesses withdrew.**