

28th July, 2015

To Lilian Topic,
Secretary,
Legal & Social Issues Committee,
Parliament House,
Spring Street,
Melbourne, Vic., 3002



My name is Joyce Hearn, and I reside at the above address. I would like to make a submission to the enquiry into End of Life Choices. Leonard James Hearn and I were married in 1952. He was a fibrous plasterer, which used to be very heavy work. In 1959 he was scrimming a ceiling and suffered a fall, damaging his back. He was 30 years of age.

Len had been a very fit man, and, after a few days absent from work, he continued in the trade. However, he then found he was having difficulties lifting the heavy sheets of plaster and climbing up into roofs, so sort employment elsewhere. Over the years he had various means of employment, culminating in being a library attendant at Swinburne University, which he enjoyed very much. Unfortunately, he was unable to continue and resigned.

We had tried all manner of medical treatments to alleviate his back pain. He had a back operation during which a frame and screws were inserted in his back, which, he said, gave him some respite. This lasted for a time, but the pain was there twenty-four hours a day. He was continually on pain killers.

The frame and screws were removed in another long operation, bones shaved, and

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we were told, nerve ends. This was all to no avail, and the pain continued. He was on morphine patches for some time, and the last five years of his life was horrific, watching him suffer. Len had been a very loving, caring family man, quite humorous. We had worked together for forty years, compatibly and successfully. It was quite devastating watching him deteriorate.

He became an isolate, but always presented a pleasant personality to others if they called. Whisky became a daily beverage. Anything to dull the pain and get some relief. Some days he was ashen due to the pain.

Len started working at thirteen in a tannery. He used to joke that he always had a seat on the tram coming home, as he smelt so much. He came from a home with a violent alcoholic father. He was the fifth of six children, and was a sectotoller until his son was born in 1960. He was a very moderate drinker until seeking pain relief, along with any medication he could lay hands on to seek relief.

I cannot emphasise enough the effect on my family and myself that my husband of fifty-eight years had to take his life to end his pain. The brief note he left me showed to what depths he had sunk. He had lost several Kgs in weight, and was like a walking skeleton. People in this situation should be able to end their suffering in a gentle, painless, dignified way, and not be dictated to by others.

I am attaching a copy of my statement to the police, also a copy of the Coroners Court of Victoria

Joyce Hearn

Enc. (6)

STATEMENT BY JOYCE HEARN 26th JANUARY, 2010

On Monday, January 11th, 2010 my husband, Leonard James Hearn, attended Guardian Medical Clinic for an appointment at 11.15am with Dr. Chris Penington. Mr. Hearn had been a patient at the clinic for about four years.

At approximately 12.45pm I realized that he was late returning home, and rang the clinic to find out if he was still there. The receptionist, Tess, told me that he had seen Dr. Penington and left about noon. Tess put me through to the nurse, Bev., who assured me that Len was his usual bright self.

I waited a short while and decided to telephone my sister, [REDACTED], at [REDACTED].

We thought I should ring the Box Hill Police Station and enquire if there had been any accidents reported. As there had been no reports the Constable suggested that I ring back about 5p.m. if Len had not returned. At approximately 1.45pm I decided to ring Box Hill Hospital Emergency and make enquiries, in case he had collapsed in the street. He was not there. As he was driving my car, I set out to look for him by following the route he would take to the clinic, thinking that he may have felt ill and pulled over to the kerb, bearing in mind that the temperature reached 44° that day.

As I started up the Inverloch St. hill, I thought that I should have left a note to tell him which way I was walking, so that he could come and pick me up. As I walked back to the house I saw a white car parked behind the neighbor's car outside [REDACTED], and for some unknown reason decided to check the registration No. of the car, which turned out to be mine. The car was locked, and the keys were not in it. I made sure the car was empty, and opened the boot using my keys. I immediately realized there was a problem, and again rang the clinic. Tess put me on to Bev., the nurse, who asked me if I would like her to ring the police, to which I agreed. Earlier in the day I had tried to contact my daughter-in-law on two occasions without success. I again rang my sister and told her of my fears.

The phone call came from Dr. Penington to say that he was coming to the house, and would look for Len. I thought that if he would contemplate suicide, he would go down to Gardiner's Creek. Dr. Penington spent some time looking ~~for~~

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in the nearby streets without any sign of my husband. The police rang to say that they were coming over. They arrived a short time later followed by my daughter-in-law with my grandson. The police searched the house, and with Dr. Penington went outside to the little shed behind the garage. Dr. Penington forced open the door and found my husband. The police told me not to come near the shed, and they proceeded to take control.

I am not quite sure of the time I rang the clinic the last time, the time that Dr. Penington rang or the police arrival, but these times can be verified. Finally, I would like to express my thanks to the two constables for the sensitive way they handled this situation, and the consideration they showed towards me, to Dr. Penington for his personal interest, to Bev and Tess at the clinic, and to my daughter-in-law [REDACTED] for her loving support, and for volunteering to identify my husband.

This has been a very distressing time for all our family to lose a much-loved one in such traumatic circumstances.



Coroners Court of Victoria

Level 11, 222 Exhibition Street Melbourne 3000

T 1300 309 519

F 1300 546 989

W www.coronerscourt.vic.gov.au

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Court ref: 0137/10

26 May 2011

JOYCE HEARN



Dear Mrs Hearn,

Investigation into the death of Leonard Hearn

The Coroner has completed the investigation and made a finding without inquest. Please find enclosed a copy for your information.

It may be upsetting to read these details about a loved one's death in a finding. If you would like to speak to someone, please call our Family and Community Support Service on 1300 309 519.

Yours sincerely



Lidia Lo Giusto
Coroner's Registrar

COMFAM-3

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FORM 38

Rule 60(2)

FINDING INTO DEATH WITHOUT INQUEST*Section 67 of the Coroners Act 2008***Court reference:** 137/10

In the Coroners Court of Victoria at Melbourne

I, PARESA ANTONIADIS SPANOS, Coroner,

having investigated the death of:

Details of deceased:

Surname: HEARN

First name: LEONARD

Address: [REDACTED]

without holding an inquest:

find that the identity of the deceased was LEONARD JAMES HEARN born on the 3rd April 1929,

and that death occurred on the 11th January, 2010

at [REDACTED]

from: 1(a) PLASTIC BAG ASPHYXIA

Pursuant to Section 67(2) of the **Coroners Act 2008**, an inquest into the death was not held and the deceased was not immediately before the person died, a person placed in custody or care; but there is a public interest to be served in making findings regarding the following circumstances:

1. Mr Hearn was an 81 year old married man who resided with his wife of 58 years. He suffered chronic back pain having suffered a work-related back injury when working as a plasterer. He had undergone surgery in the past but continued to suffer chronic pain. In the twelve months preceding his death, the "Norspan" patches he had been using no longer provided satisfactory pain relief and he had lost 15-20kg.
2. On 6 January 2010, Mr Hearn was taken to Box Hill Hospital by emergency ambulance after Mrs Hearn found him with a plastic bag over his head. He was well enough physically, apart from being a little drowsy. He said that he was disappointed his suicide plan was unsuccessful but denied that he would make another attempt in the near future as it had 'taken him six months to plan this'. He admitted to medical staff that he had ongoing suicidal thoughts and they arranged review by the Psychiatric Triage Service. Mr Hearn was assessed and

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discharged with a planned referral to the Peter James Centre, Aged Psychiatry Service for follow up. The referral was faxed through to the service. Mr Hearn's general practitioner Dr Penington was also contacted, provided with contact details for the Psychiatric Triage Service and an appointment made for Mr Hearn to see Dr Penington the following morning.

3. At the appointment on 7 January 2010, Dr Penington found Mr Hearn to be severely depressed and preoccupied with his pain. He was commenced on "Lexapro" (citalopram, an antidepressant), referred to the pain management clinic at St Vincent's Hospital and an appointment for a long consultation was made for 11.30am on 11 January 2010. Mr Hearn guaranteed his safety to Dr Penington in the meantime.

4. Mr Hearn attended the appointment and told Dr Penington that he had already stopped taken the antidepressant as it had given him nausea. Dr Penington advised that the nausea would settle after a few days and he agreed to resume taking the antidepressant, and guaranteed his safety until the next scheduled appointment on 14 January 2010.

5. When Mr Hearn had not returned from this appointment, Mrs Hearn became concerned and started looking for him and contacting a number of people. She saw that Mr Hearn's car was parked a short distance down the street. She contacted Dr Penington who went out looking for Mr Hearn in the vicinity of Gardiners Creek and arrived at the Hearn residence at about the same time as the police. They forced the door to the shed and found Mr Hearn lying on a rug inside the shed. There was a plastic bag secured over his head and tied tightly. Mr Hearn had blood on his fingers and cuts to his forearms/wrists. A small Stanley knife with blood on the handle was on a nearby bench. Police found an envelope next to Mr Hearn's feet containing a note addressed to his wife and implying that he had taken his own life to end his pain.

6. This finding is based on the investigation and brief of evidence compiled by one of the attending police officers Constable Sean Schmizzi from Box Hill Police who concluded that there were no suspicious circumstances and that Mr Hearn had taken his own life.

7. There was no autopsy, in part to facilitate Mr Hearn's request that his body be donated to the University of Melbourne, but also because I was satisfied that a reasonable cause of death was available. Forensic Pathologist Dr Melissa Baker from the Victorian Institute of Forensic Medicine (VIFM) conducted an external examination in the mortuary, reviewed postmortem CT scanning of the whole body and advised that it would be reasonable to attribute death to *plastic bag asphyxia*. Dr Baker noted abrasions and a superficial laceration to the neck (anteriorly), three incised wounds to the forearms (also anteriorly), an intact larynx and no acute intracerebral pathology (bleeding or injury to the brain).

8. Toxicological analysis of postmortem samples revealed no alcohol or other common drugs or poisons, apart from tramadol (an analgesic) at a concentration consistent with therapeutic use and a trace only of citalopram, suggesting that Mr Hearn was not taking his prescribed antidepressant at the prescribed dosage.

9. I find that Mr Hearn intentionally took his own life by plastic bag asphyxia and that he did so primarily to end his chronic and unrelenting back pain.

Signature:


PARESA ANTONIADIS SPANOS
CORONER

Date: 26 May 2011

cc: The Hearn Family

Dr Penington

Eastern Health