

Rec 12/10



Rt Hon Helen Clark
Prime Minister of New Zealand
Hon Annette King
Minister of Health

7 October 2001

Media Statement

Crown settles with 95 former Lake Alice patients

Prime Minister Helen Clark and Health Minister Annette King today announced that the Crown has reached a settlement with a group of 95 people who were patients in the Child and Adolescent Unit of Lake Alice hospital.

The 95 former patients were at the Lake Alice unit between 1972 and 1977. They filed legal actions against the Crown regarding unacceptable events during their time in the unit, which was closed by 1978.

Helen Clark and Annette King today apologised to the 95 former patients on behalf of the Crown. A personal apology will be conveyed to all claimants with whom settlements have been reached.

"The government came into office determined to resolve the grievances of this group of former patients and we have kept our word," Helen Clark and Annette King said.

"The people involved were young – some of them children - and many from troubled backgrounds, including wards of the state. Some were sent to the Child and Adolescent Unit primarily because there was nowhere else for them to go."

The Cabinet agreed last year that a settlement was the most appropriate way for the Crown to deal with this matter, and set aside \$6.5 million for that purpose. The Crown paid the sum into the trust account of the claimants' lawyer on 24 September.

Helen Clark said retired High Court Judge Sir Rodney Gallen had determined how the money was to be allocated among claimants, without Crown involvement. The individual sums are confidential between Sir Rodney and the individual claimants.

"Whatever the legal rights and wrongs of the matter, and whatever the state of medical practice at the time, our government considers that what occurred to these young people was unacceptable by any standard, in particular the inappropriate use of electric shocks and injections.

"The government has now achieved a settlement with the majority of former patients who had brought claims, but there are others who may have been subject to similarly unacceptable events and who have not been part of this settlement.

"Their concerns will be considered as they come forward," Helen Clark and Annette King said.

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BACKGROUND INFORMATION

The Child and Adolescent Unit at Lake Alice hospital was set up in 1972, the year the concerns at issue first arose. Until the addition of that unit, Lake Alice housed a secure facility for criminal patients, and wards for adults with mental health and intellectual disability problems. The Child and Adolescent Unit was closed in 1978. Other parts of Lake Alice were gradually closed during the 1990s, with the secure facility being the final part to close in 1999.

Why people were there in the relevant time period

The people involved were at the time children and young people, many from troubled backgrounds. Some were State wards. Some were sent to the Child and Adolescent Unit only because no other place had been found for them to go. The concerns at the heart of their claims spanned nearly the entire life of the Child and Adolescent Unit, from 1972 - 1977 (the life of the Unit was 1972-1978).

Nature of the allegations

The allegations essentially related to the use of electric shocks and injections for non-clinical purposes, to modify non-tolerated behaviours or as a punishment. There were also issues around use of electric shocks without an anaesthetic or muscle relaxant.

Outline of inquiries over the years

A Commission of Inquiry in 1976 and 1977 did not find that electric shocks were used as punishments. The Ombudsman Inquiry in 1977 found that use of electro-convulsive therapy should play little part in the treatment of children. It should only be used as a last resort where other treatments have been exhaustively tried. The Ombudsman found that use of electric shocks without anaesthetic or a muscle relaxant could not be justified in most circumstances.

Other former patients

An unknown number of other former patients may be eligible to participate in a similar settlement process to that undertaken with Mr Cameron's clients. Sir Rodney Gallen is prepared to undertake a similar role for these claimants. Ten people who have proceedings filed were not part of the just completed settlement process. We cannot be sure of the actual number of other former patients because records from the time are not complete, but there could be around 50.

The Government intends to ensure the unrepresented people do not have to go to undue trouble to have their claims processed. That is why we intend to appoint a Crown-funded lawyer to process their claims for them. We will make a further announcement as soon as possible.

Could similar events occur today?

The mental health system has changed considerably since the 1970s.

The Mental Health (Compulsory Assessment and Treatment) Act 1992 prevents the use of electro-convulsive treatment for mental disorders unless the informed

consent of the patient has been obtained, or unless a psychiatrist appointed by the Review Tribunal considers it in the best interests of the patient (section 60). There are complaints mechanisms available under the Act so that District Inspectors can investigate issues.

The Health and Disability Commissioner Code of Consumer Rights requires informed consent to treatment, and codifies in statute patient rights. These rights are:

- to be treated with respect
- for freedom from discrimination, coercion, harassment, and exploitation
- to dignity and independence
- to services of an appropriate standard
- to effective communication
- to be fully informed
- to make an informed choice and give informed consent
- to support
- in respect of teaching and research
- to complain.

In today's society and health system, there should be little chance of health professionals being able to use electric shocks or injections inappropriately as occurred in the Child and Adolescent Unit of Lake Alice in the 1970s.