

Witness Name: Charles MacKenzie  
Statement No: WIT3939001  
Exhibits: WITN3939002- WITN3939060  
Dated: 15 May 2020

**INFECTED BLOOD INQUIRY**

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**EXHIBIT WITN3939043**

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# Herald Sun

NEWS

## PQ battles Red Cross, CSL and The Alfred hospital in medically-acquired HIV case in 1980s trials

Mark Dunn, HeraldSun  
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IT was an Australian case that helped set an international precedent after hundreds of people contracted HIV, some developing AIDS from tainted donor blood in the 1980s.

The spread of the virus to blood stock recipients made for a crisis in confidence in blood supplies.

The accidental infections through contaminated blood stocks in the 1980s - and community panic about the spread of AIDS - led to victims being ostracized.

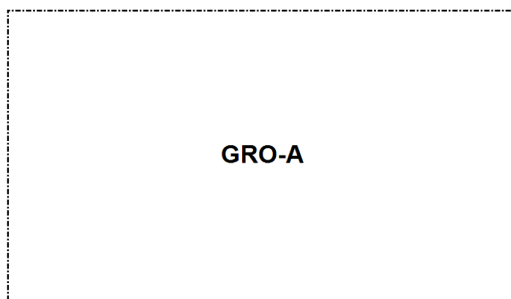
In 1986, HIV-carrier **GRO-A**, 3, and her family were forced to leave Australia after a campaign driven by fear and ignorance.

**GRO-A**, who tragically died in 1993, was infected with HIV through a blood transfusion as a premature baby and her family moved to New Zealand after she was banned from preschool with other parents raising concerns about the chances of cross-infection.

Victims of medically-transferred HIV and AIDS slammed the then-federal government for failing to offer compensation more quickly.

"It's absolutely ridiculous the Government can't do as the rest of Australia and the world has done and compensate," HIV patient **GRO-A** said in 1992.

**GRO-A**, who contracted HIV through donor sperm in 1982 also became an advocates of victims of medically-acquired HIV before succumbing to AIDS in 1990.



**GRO-A** was diagnosed with AIDS, after contracting HIV from a blood transfusion after a car accident. Picture: HWT library

But it was the Supreme Court civil action case of **GRO-A** launched in 1989, that saw major changes to donor screening and product treatment procedures.

The case was brought against the Australian Red Cross Society, the Commonwealth Serum Laboratories and The Alfred Hospital.

In the end **GRO-A**, a father of three, had been born a haemophiliac and contracted the virus after being given a blood plasma product at The Alfred.

The hospital had changed blood-clotting agents March 1984, using a product made from blood donated at the Red Cross by up to 2000 different donors.

**GRO-A**'s previous treatment had involved use of a product made from only single donors.

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"It was like being hit between the eyes with a mallet . . . especially considering that haemophiliacs had constantly been reassured we were quite safe," the man later said of his diagnosis while giving in evidence at the trial.

He said he would not have agreed to change to the new product had he known of the increased risk of infected blood.

**GRO-A** won an \$870,000 settlement from The Alfred after 86 days in court.

The case had seen an earlier aborted trial, and was at the time the longest and most expensive civil trial in Australian history, with estimated legal bills topping \$15 million.

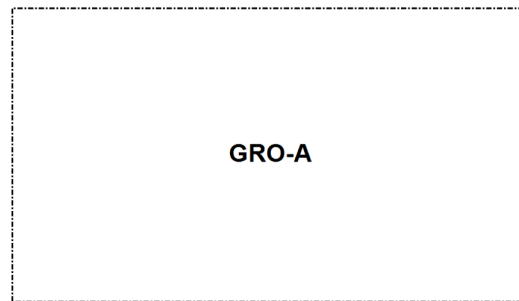
CSL and the Red Cross were not found liable in that case but were subjected to other lawsuits as other cases were brought forward.


Lawyer Peter Gordon worked on **GRO-A** and related cases for five years, eventually winning compensation settlements of \$24 million for 560 people who were accidentally infected with HIV from contaminated stocks.

As government agencies and health institutions faced further litigation, another \$18 million was made available for ongoing medical treatment for victims.

The compensation damage bill in Australia amounted to approximately \$150 million.

Mr Gordon helped launch similar actions interstate and in New Zealand, and assisted legal moves in Canada and England.



 **GRO-A** died of AIDS after contracting HIV from a sperm donor. She was the first in the world to contract medically-acquired AIDS. While her daughter Lesley-Ann was born without the virus, her husband George faced huge barriers to winning any compensation. Picture: HWT library

Blood agencies, whom it was alleged should have acted to stop taking blood from intravenous drug users and homosexual men after at least 1982, were targeted.

Hospitals where transfusions took place were also in lawyers' sights.

Most of the victims contracted HIV virus from blood transfusions performed at hospitals around the country between 1982 and 1984, before donations were checked for the virus.

Blood products since 1985 were heat-treated to kill the HIV virus.

"Over 100 people are involved in legal action - but the total potential pool is some 400 - there are 1600 haemophilia sufferers in Australia and about a quarter have received contaminated blood transfusions," Mr Gordon, then of Slater and Gordon, said at the time when launching the first stream of court actions.

The first writs, on behalf of 30 sufferers, some of them children, were lodged in the Supreme Court in 1989.

The **GRO-A** case set the stage, with a jury of six awarding him the landmark payout in December 1990.



(U) Peter Gordon was at the forefront of the compensation case for people that had contracted HIV from tainted blood. Picture: HWT library

A deal was struck with government and health agencies in 1992.

It is alleged that it failed to exclude sexually active homosexual and bisexual men and their sexual partners from donating blood; failed to test donated blood with surrogate tests; failed to ensure that the blood product was heat treated in manufacture; and failed to warn haemophiliacs of the dangers of AIDS from blood products distributed by it and made from blood donations originally received by it.

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