

Judge praises landmark compromise

Drug tragedy deal

A HOSPITAL accused of causing a boy brain damage by an overdose will pay for his care while his lawsuit is put on hold.

Aaron Maxfield, 10, will receive continuing support from Wangaratta District Base Hospital under the first such interim settlement of a lawsuit in Victoria.

The support, for Aaron's care and for equipment, will continue until a final resolution of the case in his late teens, once the extent of his problems can properly be assessed.

In approving the settlement, Judge Tom Wodak said it was worthwhile and in the best interests of the community.

"I want to congratulate both parties and their lawyers for achieving what I believe to be a first in litigation in this state and, in particular, medical negligence litigation," the County Court judge said.

Aaron, who sued for compensation through his mother Susan, was about six months old when he was admitted to hospital after a paracetamol overdose at home.

He was then allegedly given 10 times the correct dose of an antidote.

A lawyer for the family, Nicholas O'Bryan,

Philip Cullen

County Court reporter

said outside court it was initially thought Aaron was blind, but as his sight improved it became clear he had sustained a brain injury.

Mr O'Bryan, of Gabbally and O'Bryan, said Aaron's education and ability to interact with others had suffered, and his development was about two years behind his twin brother Travis's.

He required a teacher's aide, occupational therapy and specialised equipment, he said.

"The advantage of this settlement is that the hospital will provide funding to meet these needs so that Aaron can maximise his potential until the case is finally settled, subject to court approval, probably when Aaron is 16 to 18 years of age," he said.

Lawyers for the hospital, which does not admit liability, proposed the interim settlement to maximise Aaron's intellectual, social and physical development.

The hospital was ordered to pay \$31,375 into a fund to be used for Aaron's benefit. Further payments are to be reviewed annually and varied to meet his needs.



Paid care: Aaron Maxfield, 10, after making legal history, with his parents, Susan and Eric, and brother Jason, 12. Picture: DAVID CAIRD