



## Supreme Court of New Zealand

17 September 2009

### **MEDIA RELEASE – FOR IMMEDIATE PUBLICATION**

**B AND OTHERS v CROWN HEALTH FINANCING AGENCY  
SC 72/2008; [2009] NZSC 97**

### **PRESS SUMMARY**

**This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at [www.courtsofnz.govt.nz](http://www.courtsofnz.govt.nz).**

The Supreme Court has partially allowed an appeal by six former patients of Porirua Hospital who are suing the government, alleging that they were mistreated by hospital staff during the 1960s and 1970s.

The appellants are part of a group of 280 claimants who were admitted for treatment at various psychiatric hospitals in the period concerned by agreement, without becoming committed patients under mental health legislation. They also claim that while inpatients they were abused in various ways.

The Court of Appeal decided that statutory restrictions, in force at the time, on bringing civil proceedings against those acting under the mental health legislation applied to all patients in the group. The restrictions required that plaintiffs obtain leave of the Court to bring the proposed proceedings showing that there was substantial ground for contending that hospital staff had acted in bad faith or without reasonable care. Applications also had to be made within six months of the alleged actions giving rise to the proceedings.

The Supreme Court has decided that on the correct interpretation of the legislation the statutory restrictions on bringing proceedings ceased to apply once the responsibility for psychiatric hospitals moved from the government to hospital boards (later Area Health Boards) in April 1972.

The proceedings concerned have been referred back to the High Court for resolution in accordance with the Supreme Court's judgment.

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