

Parents of Saba Button who was victim of flu vaccine debacle receive payout from WA Government

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- <http://www.theaustralian.com.au/news/parents-of-saba-button-who-was-victim-of-flu-vaccine-debacle-receive-payout-from-wa-government/story-e6frg6n6-1226945651845>



Saba Button pictured in her bed at home with parents Mick and Kirsten. Picture: Justin Benson-CooperSource: News Limited

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- [Saba, the girl who is never alone](#)

THE parents of a WA girl who has been awarded millions in damages after a defective flu jab left her severely disabled say they it's a “massive relief” the legal battle is over.

Mick and Kirsten Button’s daughter Saba was just 11 months old when she received the Fluvax shot in April 2010.

The then toddler suffered a hypoxic brain injury, kidney, liver and bone marrow failure. She can now no longer walk and talk and needs round-the-clock care.

Three days after Saba was admitted at Princess Margaret Hospital, Fluvax was recalled. It is now banned for children under five.

Her parents launched legal action against the vaccine's manufacturer CSL which then launched a cross-claim against the State of WA and the Minister for Health.

Today the Federal Court of Australia approved a settlement which had been reached between the parties. While the details of the payout have been sealed, legal experts have previously said it could be more than \$10 million.



Saba Button with her mum Kirsten. Picture: Justin Benson-Cooper. *Source:* News Limited

Speaking at their Scarborough home today, the Buttons said they were pleased they could not put the legal battle behind them and move forward with Saba's treatment.

"I suppose today is a bittersweet feeling for us," Mr Button said. "It's a relief to have the legal case behind us but we now have the ability to supply Saba with the care, therapy, the equipment, all the things she needs to give her the best quality of life we can.

"She is an amazingly strong little girl who is inspiring us every day.

“Again we would like to thank all our family and friends who have helped us through the last four years. It’s been a long, tough road, so we certainly couldn’t have done this without them.

“But this doesn’t just stop now. Once all the cameras are gone we’re back to business and we have a lot to do with Saba.”

The now five-year-old will need extensive therapy for the rest of her life.

Mrs Button said it was relief knowing they can now afford to give their daughter the best care possible.

But, she said, they were realistic about what it could achieve.

“Saba cannot be left alone,” Mrs Button said.



Saba Button with parents Mick and Kirsten at their Scarborough home. Picture: Justin Benson-Cooper. *Source:* News Limited

“By not having those other pressures on us makes it easier and having the funds there now to access and support that we need is amazing. And not just once or twice a week, every day.

“We are realistic as well with Saba that we are just looking for those one percenters, but they are huge for Saba if she achieves those things.”

In the claim the Button’s alleged Fluvax was defective after testing conducted by the company prior to April 2010 identified fever as a serious side effect of the 2010 batch.

However the company denied liability then filed a cross-claim against the State of WA and the Health Minister. In return the State of WA filed a defence to the cross claim denying any liability.

Settlement was reached between CSL, the State of WA and the family during recent mediation.

Today, Justice Michael Barker agreed to allow the settlement to proceed.

Mick and Kirsten Button with daughter Saba and son Cooper. Picture: Karin Calvert *Source: News Limited*

“Her life expectancy has been significant shortened,” he said. “Her disabilities are profound and permanent. She will require constant care for the remainder of her life.”

He also said he was pleased the parties reached the agreement saving the youngster and her parents the cost and stress of a lengthy trial.

Health Minister Kim Hames today issued a statement following the settlement saying he was pleased the matter was over and that he wished the Button family well.

After Saba was admitted to hospital in 2010, it emerged there had been more than 100 adverse reaction presentations to the vaccination at PMH that flu season.

But this information wasn't passed on to the general public until after Saba was in the intensive-care unit.

An independent inquiry found "serious deficiency" in reporting processes and slow responses by both state and federal authorities.

It also concluded the Department of Health's Communicable Disease Control Directorate was "informed of a significant rise in adverse reactions in early April 2010, but did not take any further action while they gathered data".

In 2012, the federal Health Department's Therapeutic Goods Administration released data revealing Fluvax was four times more likely to trigger side-effects in adults than two rival vaccines.