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EDDIE MAIR:

It was the issue on which John Major made his first policy statement as Prime Minister. Commentators took it as a signal of a new, more caring, era of British government. Haemophiliacs infected by the HIV virus as a result of using contaminated blood products were offered fifty one million pounds in compensation but in the debate in parliament last night on the system for medical complaints, the range of compensation on offer was rubbished by Labour's health spokesman, Hariette Harman. She joins us on the line from London now. Good morning.

HARIETTE HARMAN MP:

Good morning.

EDDIE MAIR:

The government have agreed to compensate haemophiliacs. What is the problem for Labour.

HARIETTE HARMAN MP:

The problem is that although they have agreed to compensate haemophiliacs which we are very glad about and is absolutely right, what they have done is excluded some people who got HIV infection through a blood transfusion in exactly the same way as a haemophiliac got it but people who weren't haemophiliacs. For example, there is a young man in Scotland who got leukaemia and after being treated for leukaemia he had a blood transfusion and thereby got HIV. Now he is excluded for compensation, doesn't get a penny, but what is the difference between somebody who had a blood transfusion for leukaemia and somebody who had a blood transfusion for haemophilia.

What the government should have done instead of saying "We will compensate just people who are haemophiliacs" what they should have done was said "We will compensate people who got HIV through a blood transfusion on the NHS." It is a terrible thing to go in for treatment and instead of getting your situation better to come out with a deadly infection and to divide off people with one group of illness from another is just not fair and they are only trying to do it because they are penny pinching.

EDDIE MAIR:

Shouldn't Labour have mentioned this problem some months ago?

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HARIETTE HARMAN MP:

Oh indeed we did. When we called for compensation for the haemophiliacs we always said that small number of people who had HIV from blood transfusions and who weren't haemophiliacs should be included as well. We never argued first of all compensate the haemophiliacs and then let's look around and see who else should be compensated. The group of people we wanted compensation for was those who got HIV from blood transfusions and that was haemophiliacs and non-haemophiliacs and it was the government who sought to make this ludicrous distinction and thereby leave some people who, in effect, had been given a death sentence by the NHS, leave them without any compensation so that they have to fight poverty as well as AIDS.

EDDIE MAIR:

Now, to speak in broader terms for a moment. You want a 'no fault' compensation scheme for victims of medical accidents. Isn't that removing the power of jurisdiction from the courts?

HARIETTE HARMAN MP:

Well, in Sweden and in New Zealand they have no-fault compensation schemes which work well. The problem at the moment is that you can't get any compensation unless you can prove negligence in the courts and it is very difficult to prove whether somebody did something wrong or whether it was just one of those terrible accidents. What we do know is that if something has gone wrong, people should be compensated.

The trouble at the moment is that it is a cruel lottery - some people get millions of pounds while others get nothing and the people who gain most out of the current system, whereby you have to go to court before you get compensation, are lawyers. Seven out of ten pounds in every court settlement goes to lawyers. Now what we are saying is "Spend all that ten pounds on people where something has gone wrong and save the money used in the court process and give it instead to victims." We think it would be fairer to, instead of make people go to court, to give them the money when things go wrong.

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