



COALITION AGAINST NO-FAULT IN BC

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October 4, 2006

NEWS RELEASE

For Immediate Release

CANF Calls for an End to Archaic *Family Compensation Act* Citizens Group Wants the BC Government to Change this Legislation

(Vancouver) – British Columbia’s legislation governing wrongful death remains modelled after *Lord Campbell’s Act* of 1846, a dreadfully old act of “reform” that utterly fails to recognize or appreciate loss beyond its direct financial impact. The consequence of this failure has barred a countless number of families from seeking proper compensation after the wrongful death of their loved ones. Moreover, nothing has changed throughout BC’s history as a province.

The Coalition Against No-Fault (CANF) is calling on the BC Government to right this wrong, to revamp this legislation and to thereby empower innocent families to seek fair compensation for their losses. CANF notes that, through the years, several provinces have made significant changes to their respective wrongful-death legislation. However, it must be stated that current legislation is not adequate in any Canadian jurisdiction. With that in mind, CANF calls on the provincial government to lead the way toward a thorough and proper change, and do so on behalf of families in BC and beyond.

Specifically, CANF calls for changes to be made with regard to eligibility under the legislation and to various aspects of compensation. Letters to BC Attorney General Wally Oppal and Deputy Attorney General Allan Seckel have also been issued today.

“Among other things, changes should be made to recognize that a severe injury could cause a loss of guidance, care and companionship,” said Don Renaud, a CANF spokesperson on this issue. Mr. Renaud and CANF representative Margaret Birrell, along with other colleagues, have been working with some of the families impacted by the failings of the current *Family Compensation Act*.

One of the impacted family representatives who has met with members of CANF is Robert White, whose 15-year-old daughter Laura died at Vancouver’s Children’s Hospital on July 12, 2002. Laura was admitted to the hospital just three weeks prior. The initial diagnosis raised the possibility that Laura had leukemia. The family was assured numerous times that Laura was going to be fine, though were then left utterly

shocked by Laura's sudden death. A few days after being admitted, Laura had to have a central venous catheter (central line) put in surgically. The surgery caused a puncture of her right lung causing Laura's lung to collapse and she suffered a painful pneumothorax condition, fever and sepsis, yet the doctors continued her chemotherapy treatments. Laura had to endure the side-effects from the chemotherapy treatment, as well as being treated for the collapsed lung, fever and sepsis. Laura wasted away in front of her family, despite doctors repeatedly reassuring her family that everything would be alright and that they did not need to worry. Her death on July 12, 2002 was due to necrotic enteritis, a side-effect mentioned to Mr. White afterwards by Laura's oncologist.

"I had feelings of despair, anger and shock about losing our beloved Laura after three weeks of treatment," said Mr. White. "She came into the hospital a strong and vibrant girl on June 20, 2002." Detailed comments and notes from Mr. White are chronicled on a website the family established in Laura's honour, particularly in the section entitled "her bravery" (the website address is: angellaura.2ya.com).

In March 2005, the research company Synovate carried out polling pertaining to four fundamental questions of civil justice. One of the survey questions directly addressed the issue of compensation for families of those killed due to the negligence or recklessness of others. The results revealed that 77% of those polled supported "changing the law to allow for greater compensation to families of those killed due to the negligence or recklessness of others." The sample size was 500 residents within the Greater Vancouver Regional District.

CANF has a proposed definition for any new piece of legislation written in this regard. It reads as follows:

A. The court, notwithstanding any other damages that may be awarded, may award damages generally to the decedent's estate and /or survivors for:

1. solace and bereavement
2. personal anguish
3. emotional stress
4. loss of companionship, comfort, love and affection
5. loss of advice, counsel, guidance, protection and care
6. the decedent's mental anguish, pain and suffering from the date of injury to death

B. The court may also award punitive damages to the decedent's estate for wilful, wanton or reckless conduct shown by a preponderance of evidence.

NOTE: CANF has a background research paper pertaining to the current act. It is available on the CANF website (canf.bc.ca), in the articles/archives section.

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