



COALITION AGAINST NO-FAULT IN BC

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October 4, 2006

Honourable Minister Wally Oppal
Attorney General of British Columbia
P.O. Box 9044
Station: Provincial Government
V8W 9E2

Mr. Allan Seckel
Deputy Attorney General
P.O. Box 9290
Station: Provincial Government
V8W 9J7

Dear Minister Oppal and Deputy Minister Seckel,

Re: British Columbia's *Family Compensation Act*

We write to advise of our coalition's desire to see that much-needed changes are made to BC's current *Family Compensation Act (FCA)*. The *FCA* is a grossly inadequate piece of legislation that fails to recognize, or provide for, loss beyond direct financial impacts. The reality of this legislation from 1846 is that generations of families have been prohibited from proper and fair compensation after the wrongful deaths of their loved ones. It has been this way throughout BC's history as a province. Though that is an appalling reality for BC families, it also represents an opportunity for the current provincial government to enact new legislation or make significant changes to the present form of the *FCA*.

Our coalition issued a press release today (October 2, 2006) as a step toward bringing about public dialogue on this subject. In fact, it was not the first step taken in this regard. Polling was conducted in March 2005 concerning four aspects 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. It is notable that 77% of people 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. The survey was conducted by Synovate in Vancouver.

As our press release advised, the Coalition Against No-Fault (CANF) is calling on the BC Government to revamp this legislation and thereby empower innocent families to seek fair compensation for their losses. We are aware several provinces have made changes to their respective wrongful-death legislation in recent years. However, the legislation is not adequate in any Canadian jurisdiction. For that reason, CANF calls on the provincial government to lead the way now and ensure that the necessary changes are made. This should be done on behalf of families throughout the province.

CANF calls for specific changes to be made with regard to eligibility under the legislation and thereby various aspects of compensation. Legislation should be made to recognize that a severe injury could cause a loss of guidance, care and companionship. Accordingly, CANF has a proposed definition for any new piece of legislation written in this regard, 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.

It is our hope that your Ministry will consider this matter thoroughly. CANF members and families directly impacted at present would be pleased to discuss this with you at your earliest convenience. We will continue to correspond with you on this matter as our campaign for change progresses publicly.

Thank you very kindly.

Regards,



Peter Maarsman
President
CANF Steering Committee

Enclosure / background paper