

BILL M213 — FAMILY COMPENSATION ACT  
AMENDMENT ACT, 2011

R. Sultan presented a bill intituled Family Compensation Act Amendment Act, 2011.

**R. Sultan:** I move that the bill intituled Bill M213 — Family Compensation Act Amendment Act, 2011, of which notice has been given in my name on the order paper be introduced and now read a first time.

Motion approved.

**R. Sultan:** The Family Compensation Act Amendment Act would permit the court to award damages up to specified limits for grief, and loss of guidance, care, and companionship to spouses of deceased persons as well as parents and children. Curiously, if you suffer from the wrongful death of your spouse or child, the law permits courts to grant you damages for the financial loss you have incurred. What potentially is your compensation for the loss of your spouse, beyond the nickels and dimes? Nothing. It is not allowed.

This amendment is inspired by the unfortunate plight of my friend Dale, who lost her husband, Russ, apparently through a prescription error. What was her recourse for this tragedy? None, because her income from retired engineer Russ and her own pension was unaffected, and for Dale, financially, life went on as before. But for Dale after loss of her lifelong companion, life certainly did not go on as before.

This amendment is a carbon copy of the statute currently on the books in Alberta granting the potential for the court to grant awards, within limits, for those who have suffered the tragedy of wrongful death. The Family Compensation Act Amendment Act is consistent with the families-first agenda of this government.

Speaker, I move that the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill M213, Family Compensation Act Amendment Act, 2011, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

**2011 Legislative Session: 3rd Session, 39th Parliament**  
**FIRST READING**

**MR. RALPH SULTAN**

**BILL M 213 — 2011**

# FAMILY COMPENSATION ACT AMENDMENT ACT, 2011

## Explanatory Note

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

***Section 3 of the Family Compensation Act, R.S.B.C. 1996, c. 126 is amended by the following subsections:***

(10) If an action brought under this Act, the court, without reference to any other damages that may be awarded and without evidence of damage, shall award damages for grief and loss of the guidance, care and companionship of the deceased person of

- (a) subject to subsection (3), \$75,000 to the spouse of the deceased person,
- (b) \$75,000 to the parent or parents of the deceased person to be divided equally if the action is brought for the benefit of both parents, and
- (c) \$45,000 to each child of the deceased person.

(11) The courts shall not award damages under subsection 10 (a) to the spouse if the spouse was living separate and apart from the deceased person at the time of death.

## Explanatory Note

This bill would permit the court to award damages, up to specified limits, for grief and loss of guidance, care and companionship to spouses of deceased persons, as well as parent or parents, and children.