



COALITION AGAINST NO-FAULT IN BC

R 141—757 West Hastings Street, Suite 655, Vancouver BC V6C 1A1

Phone: (604) 682-1441 Fax: (604) 875-9227

Toll-Free: 1 (888) 224-8811

Website: www.canf.bc.ca

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NEWS RELEASE

For Immediate Release

Surviving Family Members Call for a Wrongful Death Act Second Anniversary Today of Beloved Family Member's Death

(Vancouver) - Family members of wrongful death victims continue to call for a Wrongful Death Act in British Columbia, an effort that is especially moving today for Beatrice Pereira, whose mother Theresa died exactly two years ago after being victimized by a devastating medical error.

Despite the personal loss and anguish suffered by Beatrice Pereira and her family, she has been volunteering time and a great degree of energy as a representative of the Wrongful Death Law Reform Group (WDLRG), one of four organizations leading a call for legislative change. The other groups working in partnership with the WDLRG are the Coalition Against No-Fault, the BC Coalition of People with Disabilities and the Trial Lawyers Association of BC. As well, more than 90 organizations have signed on to support the collective call for a Wrongful Death Act to be implemented in this province.

"The law definitely needs to be changed," says Beatrice Pereira. "You can't imagine how much more pain is caused for grieving family members when they find out that BC's current legislation fails to provide them with help and, instead, leaves them hopeless."

Ms. Pereira's comments are echoed by Burnaby-based lawyer Don Renaud, who voluntarily devotes his time to the cause of the WDLRG members and the supporting organizations. "The state of things is tragic and it has been this way for far too long," says Mr. Renaud. "For wrongdoers - the people who cause fatal incidents to occur - it is far cheaper to kill than to injure. We need a Wrongful Death Act that will end this dreadful situation. Too many families have been let down and harmed further by BC's lack of fair and effective legislation."

Until new law is brought in, BC's legislation governing wrongful death remains modelled after the archaic *Lord Campbell's Act* of 1846, legislation 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 justice for their losses

after the wrongful death of their loved ones. And nothing has changed throughout BC's history as a province. Together, the groups are calling on the BC Government to right this wrong, to scrap BC's *Family Compensation Act* and thereby empower innocent families to seek justice.

The groups initiated a dialogue with the BC Ministry of Attorney General two years ago and their efforts are ongoing. Representatives from all four groups met in late May with key representatives of the BC Attorney General's Ministry. Last summer, the Ministry embarked upon a consultation process on the topic of Reforming British Columbia's *Family Compensation Act*. Though the process indicates the government is considering change in this regard, neither a timeline nor details of developments are known by the groups calling for a fair and effective Wrongful Death Act.

The Pereira family's tragedy is one of four personal stories chronicled in an anthology entitled: *in their name - the call for a wrongful death act in BC*, a special publication produced by the BC Coalition of People with Disabilities (BCCPD), which was funded through a grant from the Law Foundation of British Columbia. The lack of proper law at present is particularly hard on people with disabilities, seniors and other citizens who are often not able to rely on a regular wage-earning income. As well, the four stories are highlighted in the current edition of BCCPD's *Transition* magazine. Both documents can be accessed from BCCPD's website - www.bccpd.bc.ca . The anthology is also available at the Coalition Against No-Fault's website - www.canf.bc.ca .

The groups propose that new legislation should include the following provisions:

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.

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CONTACT: Adelaide Goldberg, 604 435-6948, at the office of Campbell Renaud. Interviews with both Beatrice Pereira and Don Renaud can be scheduled through Ms. Goldberg. NOTE: Beatrice Pereira works in Vancouver and resides in Surrey.