

'Do the right thing' and ignore Woodlands settlement cutoff: Lawyer

BY SUZANNE FOURNIER, THE PROVINCE DECEMBER 15, 2009



Lawyer David Klein (left), former Woodlands resident Bill McArthurus and Greg Schiller, who has worked with the survivors for years, speak to the media on Tuesday.

Photograph by: Jon Murray, The Province

Former residents of Woodlands School and their advocates are calling on B.C. Attorney General Mike de Jong to lift an “arbitrary cutoff date” that will see more than 500 victims of abuse not eligible for compensation.

“Premier Gordon Campbell should do the right thing and give an early Christmas present to the 500 survivors of mental, physical and sexual abuse at Woodlands who have been told they are not eligible just because they attended the school before the arbitrary cutoff date of Aug. 1, 1974,” said David Klein, lawyer for the survivors’ group.

At a news conference Tuesday morning, attended by several former residents, some of them in wheelchairs, Klein welcomed the B.C. government’s approval on Monday of a “settlement agreement,” released this morning to media.

Klein said the long-awaited settlement is “bittersweet” because it will allow 1,100 residents to apply for compensation ranging from \$3,000 to \$150,000, as long as they attended the school after Aug. 1, 1974.

About 500 people who attended the school before that date will get nothing.

NDP health critic Adrian Dix, who attended the news conference, called on Premier Campbell “to do the right thing and lift this arbitrary cutoff date ... The 1974 law should not be a reason for this government to turn away people who have already suffered a great deal. They can settle it right now. This is the time to deal with all the abuse at Woodlands at once.”

No cutoff dates were imposed in compensation given to victims of a tainted national blood supply, as well as those who attended Indian residential schools.

The agreement lists a dozen “descriptions of injuries” ranging from “severe physical,” or “medium physical injury and sexual interference injury” to “severe sexual, physical and psychological” injury, with compensation values attached to each form of abuse, or “combinations of injury.”

Klein noted that the compensation process will allow victims to submit claims and be recommended for a certain amount of money, with the whole process to be ratified Jan. 27, 2010, by B.C. Supreme Court Chief Justice Donald Bowman.

“The government has known for decades about the severe abuse and maltreatment at Woodlands School, which closed in 1996,” said Bill McArthur, a former resident Woodlands who left 10 days before the cutoff date.

“The B.C. Ombudsman and the B.C. guardian showed in reports in 2002 and 2004 that there was systemic abuse at Woodlands and that all survivors should receive compensation,” said McArthur. “Now the B.C. government has decided to cut off 500 of us, including me, just because we were abused at the school before 1974; yet the older people are the ones who are the most vulnerable and are living in poverty, afraid they’ll be institutionalized again.”

Klein noted that in 1974, the B.C. government become one of the last provinces in Canada to pass legislation allowing citizens to sue government, but he said that law is “in no way binding on Campbell’s government nor can Minister de Jong avoid comment because it’s ‘before the courts,’ since the pre-1974 victims are not currently part of the settlement process.”

De Jong declined to give interviews Tuesday, but issued a press release acknowledging the government’s acceptance of a pre-1974-only settlement package.