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Zachary's Bill

Bill C-464 moves closer to becoming law

By DENISE PIKE
THE COMPASS

Avalon MP Scott Andrews never had the privilege of meeting Zachery Turner. However he wants to make sure the 13-month old's life and death is never forgotten. Last week Andrews received unanimous support from members of the House of Commons Standing Justice Committee for Bill C-464. The Private Members' Bill, introduced by the MP on Oct. 23, 2009, seeks to change the Criminal Code of Canada by allowing the courts to refuse bail to an accused person in custody if there is a question about the welfare of their own minor children.

On August 18, 2003 Dr. Shirley Turner (Zachary's mother), who had been accused of murder, jumped off a wharf in Foxtrap in Conception Bay South with Zachery in her arms — both drowned. At the time Turner was awaiting extradition to the U.S for the murder of Zachary's father, Andrew Bagby.

While the extradition process was making its way through the courts Shirley Turner was given custody of Zachary, whom she gave birth to after Bagby's death. She fled to Conception Bay South to try and out run the law as well as Zachary's grandparents Kate and David Bagby (Andrew's parents) who were seeking custody of the child. In 2002 the Bagbys moved to the province to be near their grandson and to continue their legal battle for custody.

Unanimous support

Since Zachary's death the Bagbys have been presenting their story and lobbying government to change Canada's bail policies.

When Bill C-464 becomes law it will help prevent what happened to their family from happening to other families.

Andrews also wants to protect other children from suffering the same fate and is just a step away from achieving that goal.

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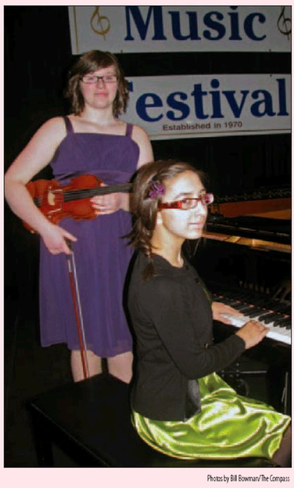
40th Kiwanis Regional Music Festival



Photos by Bill Bowman/The Compass

JUNIOR ROSE BOWL - Violinist Natalie Finn and pianist Antonia Whalen competed for the Junior Rose Bowl last Friday, March 19 at the Princess Sheila NaGeira Theatre in Carbonear. The award will be presented Tuesday, March 23 during the first of two grand concerts featuring performers from the 40th Kiwanis Regional Music Festival.

SENIOR ROSE BOWL - One of these young musicians will walk off the stage at the Princess Sheila NaGeira Theatre Wednesday night with the Senior Rose Bowl. Competing for the top award at the 40th Kiwanis Regional Music Festival were flutist Melissa King, pianist Katie Winsor and vocalist Alicia Gillingham.

BAIL REFORM - Avalon MP Scott Andrews, centre, asks members of the Standing Committee on Justice and Human Rights to amend the Criminal Code of Canada to protect children of people accused of serious crimes. Kate and David Bagby, grandparents of 13-month old Zachary Turner who was drowned by his mother Dr. Shirley Turner on August 18, 2003, supported Andrews.

Local parents concerned after needles found at school bus stop

By DANIEL MacEACHERN
THE COMPASS

Several Carbonear children underwent blood testing as a precaution last week after used insulin needles were discovered at a school bus stop.

Virginia Earle, whose five-year-old son Cameron catches the school bus with four other children across the street from their home on High Road North, said her son actually saw the needles Tuesday morning and told his grandfather, but the family didn't think much of it.

"He's five. I didn't take him serious," said Earle. Nevertheless, the next morning, she walked across the street with her son to the bus stop to look for herself, and found three needles.

"I was like, 'Oh my god, what do I do?' Then I grabbed my son, I come across the road and got a glove and a Ziploc bag," she said, adding she put the needles in the bag and started making phone calls.

Earle said she called public health, poison control and the police.

"Poison control told me to call public health care, public health care told me to call the (town) council," she said, adding that her father-in-law, who works for town council, suggested she call the police, which he said was what happened after another recent needle discovery in a hardware store parking lot.

Earle said the police asked her if there was blood in the needles. Earle said there wasn't, and the officer asked her to dispose of the needles carefully herself, in a puncture-proof container.

However, Earle's sister-in-law Laura Baker — a nurse — looked at the needles herself and found there was blood in them. Earle called the police back to let them know, but got the same response.

"They just told me just to get rid of them. There was nothing they could do."

Earle said an older child at the bus stop told her the needles had been there for a couple of days, and that there was a fourth one somewhere. Earle said the police officer she spoke to told her someone would come by to find the fourth needle later that day, but no one came.

"The older girl told me a couple of the children had them in their hands," said Earle.

After Cameron returned from school, Earle questioned him further, and said his cousin handled the needle and pulled the stopper out. His cousin said she hadn't, but another girl had. "We were all getting conflicting stories," said Earle.

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IN THE NEWS

Five-stars
This historic CBN town has picked up a five-star rating from the national WinterLights competition for its efforts in "historical preservation."
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Clean-up time
If at first you don't succeed, try try again! Following that motto, a Harbour Grace woman believes there is genuine interest among citizens in cleaning up their town.
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SPORTSBEAT

Winning colour
With the CBN Lightning split into colour-themed squads for its third annual Irish Cup indoor soccer tourney it only seemed fitting the team wearing green would win.
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Festival results
The competitive portion of the 40th Kiwanis Trinity Conception Regional Music Festival wound up last Friday. We have all the results.
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TRINITY SOUTH

Celebrating freedom
Do you know what a Seder is? A Trinity South woman is holding one next week and you're invited. To find out all about it turn to our Trinity South page.
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"Bill C-464 is another tool that's going to give courts the power to deny bail and protect children under the age of 18," said Andrews in an telephone interview with The Compass last Wednesday. "It's unusual for a private Members Bill to get through a minority parliament and receive unanimous support like this bill has, but that just proves how much it is needed."

Dear Zachary

Andrews started working with the Bagbys to change the Criminal Code of Canada after he saw the documentary "Dear Zachary" (A letter to a son about his father) produced by Kurt Kuenne, a life-long friend of Andrew Bagby.

The documentary had such a profound impact on Andrews, afterward he and Senator Tommy Banks of Alberta distributed DVDs of it to every member of the House of Commons.

BAIL REFORM – Avalon MP Scott Andrews, centre, asks members of the Standing Committee on Justice and Human Rights to amend the Criminal Code of Canada to protect children of people accused of serious crimes. Kate and David Bagby, grandparents of...

The MP says he knew right away his first Private Members Bill would focus on bail reform.

" The documentary and Zachary's death really affected me," he said. "It was something that may have been preventable and I wanted to try to do whatever I could to keep it from happening to another family."

The Bill, which has been aptly dubbed as Zachary's Bill, was read in the House of Commons for the second time in December 2009. After receiving the support of all parties it went straight to the Standing Committee on Justice and Human Rights where once again it got the green light.

"All that's left now is for it to come back to the House for a third reading and then it will go off to the Senate where the amendments will be made and it' ll become law," said Andrews.

However before the bill can go back to the House of Commons for a third and final reading it will be added to a list of other bills waiting to be presented.

When The Compass f irst spoke to Andrews last Wednesday bill C-464 was at the bottom of the list, however Andrews was hoping to have it moved up.

"If it stays where it is now, it might take a few months before it goes to the Senate and the final legislation is in place," he said.

" But I'm hoping one of the other MPs, whose bills are higher on that list, will switch places so my bill can be read earlier."

In less than an hour later Andrews called back to report that Nova Scotia MP Peter Stoffer had agreed to the swap.

" I can't tell you how excited I am about this," said Andrews. " This means Bill C-464 will be back in the House this week."

Report

There are three key messages in bill C464.1.

1. The protection and safety of minors remaining in the custody of people charged with serious crimes be considered during bail hearings.

2.Judicial decision makers must be attentive for the necessity to protect minors that remain in custody of people charged with serious offences.

3. A decision to deny bail to an accused may be appropriate for the intended protection of the rights and safety of minors in the custody of the accused.

Meanwhile in 2006, Dr. Peter Markesteyn conducted a Review and Investigation of the circumstances surrounding the death of Zachery Turner in 2003 and concluded that Zachery Turner's death was preventable; and that he was in his mother's care when he should not have been.

Andrews would like to know if the recommendations made by Dr. Markesteyn in his report have been implemented.

"It's time someone took that report off the shelf, dusted it off and seen what has been done to implement the recommendations," said Andrews. "A thorough study of what has or has not been done is needed. It's time to find out who has been carrying out the implementations, how many implementations have been carried out and if they haven't been carried out, who is responsible?"

But before Andrews goes looking for those answers this week he will be rising in the House for the final time to read Zachary's Bill. When he does he'll be thinking about the father and son whom although he never got to meet, were the inspiration and the driving force behind bill C-464 and bail reform in Canada.

" This is an accomplishment that reflects the strength and determination of the parents and grandparents of the late Andrew and Zachary," said Andrews. " It is in their memory that we move this bill forward and do everything in our power to prevent this from happening to another family."

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