



For Immediate Release

FALCON'S TRANSLINK RESTRUCTURING NOT LEGAL: LAWYERS

Government, TransLink Acting Outside of Legislative Authority; More "Cockroach Government," says Union

June 28, 2007

Burnaby, BC – Transportation Minister Kevin Falcon's efforts to proceed with restructuring TransLink without the legislation necessary for such a move is *ultra vires* and must stop or risk invalidating the entire process, according to legal analysis conducted on behalf of the Canadian Office and Professional Employees Union Local 378 (COPE 378).

The analysis, provided by the firm Caroline Bowering Gould, states that Minister Falcon's plans to proceed with establishing a "Screening Panel" to recommend appointments to a new Board of Directors can not have any legal standing until the enabling legislation passes.

"This is just another example of Cockroach Government at work; every time we shine the light of public scrutiny on them, they scurry away to do their business in the dark," said COPE 378 Vice President Bob Derby. "This time, however, they are actually operating without legal authority, and exposing all those involved to legal challenges and significant liabilities," added Derby.

A letter detailing this analysis and requesting the Minister to cease the restructuring of TransLink until he has the legal authority to do so were sent to the Minister's Office on Wednesday afternoon. Similar letters were also sent to the Chair of the TransLink Board of Directors and to the Liberal-friendly organizations that Falcon has asked to appoint members to the Screening Panel.

Bill 36 went through first and second reading in the spring sitting of the Legislature, but did not pass third and final reading or receive Royal Assent, which is required for a Bill to become a law. Consequently, Falcon's efforts to proceed without the legal authority may expose the government and all those involved to liabilities and to significant legal challenges.

"Given Falcon's purported desire to improve the accountability of the GVTA, it is particularly inappropriate to disregard parliamentary process in making these changes," said Derby.

"I don't see how the Minister can look British Columbians in the face and tell them that what he is doing is good for democracy and good for accountability, when ultimately he is operating without legal authority in order to replace a Board of democratically elected representatives with Liberal backroom operatives," added Derby.

The TransLink Board of Directors voted on Wednesday to create an interim Council of Mayors to appoint a representative to the screening panel. According to the legal analysis, this move is invalid because the council does not legally exist without the enabling legislation.

The letters to Falcon and TransLink conclude by stating:

If this process continues, the invalid steps taken at the beginning will taint and invalidate the entire process. We anticipate that the government will face significant legal challenges as a result. Our client is considering its options in this regard and looks forward to your prompt response.

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For more information call: Mike Bruce at 604.812.9049

Attached: Letter to Transportation Minister Kevin Falcon from Caroline Bowering Gould

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