



THE TORONTO STAR

Sunny with afternoon clouds. High 22C

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Metro Edition

'You have chosen a new course for our province. You have voted for major change. . . . Your will is a direct mandate to fix a government that isn't working for you any more.' — Mike Harris

Blue tide of change

Harris-led Conservatives roll to majority government

By WILLIAM WALKER
QUEEN'S PARK BUREAU CHIEF

Mike Harris last night led a big blue wave across Ontario, bringing the Progressive Conservatives back to a majority government they lost 10 years ago.

Harris rode a tide of voter discontent to a powerful majority with 82 of the Legislature's 130 seats, while the Liberals fell to only 30 seats and the NDP plummeted all the way down to 17. One independent, former NDP cabinet minister Peter North, was also elected.

The Tories took about 45 per cent of the popular vote, the Liberals 31 per cent and the NDP 21.

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LIVING IT UP: Mike and Janet Harris celebrate before a cheering crowd in their home town of North Bay last night.

Harris, born in Toronto 50 years ago but now representing the Nipissing riding from his home town of North Bay, addressed cheering supporters last night and vowed to immediately begin what he called "the process of change."

"Your will is a direct mandate to fix a government that isn't working for you anymore. . . . I tell you tonight we will keep that faith. We will deliver," he promised voters.

For example, Harris told reporters he doesn't expect the NDP's employment equity law will exist six months from now. Scrapping the law was a major plank in the Tory campaign.

As well, the first part of Harris' promise to cut the income tax rate by 30 per cent over three years will await at least a planned fall mini-budget and possibly a full budget next spring.

But Harris does plan to call MPPs back to the Legislature early next month to get to work on the new agenda.

"You have chosen a new course for our province. You have voted for major change. Those of us elected tonight must remember that we are merely

☞ Please see **Conservatives, A19**

MD to pay \$12 million

Botched birth left child with injuries to arm and brain

By DESMOND BILL
STAFF REPORTER

An obstetrician whose failure to perform a caesarean section on a woman caused her baby to suffer brain and arm injuries has been ordered to pay \$12 million in compensation.

After the child was born, his parents lost their claim for refugee status and had to leave Canada. Immigration Minister Sergio Marchi gave them special permission to return to testify in the case.

They must now go back to French Guyana but are leaving their son here with an aunt so that he may receive medical treatment not available in that country.

The obstetrician, Dr. Francis B. Sam, did not enter a defence after a two-week hearing before Madam Justice Susan Lang in Ontario Court, general division.

His lawyers admitted liability and agreed on the settlement for damages with Richard Sommers, lawyer for the parents of Brian Charran.

Sommers presented evidence that Durmatie Charran expected — on the basis of previous medical advice — to undergo a caesarean operation when she went to Doctors Hospital after going into labor on July 13, 1991.

She told the receiving nurse she was to have a caesarean delivery and the necessary preparations were made for one. But when Sam arrived, he did not proceed with one on the obese, 4-foot-11 woman.

Subsequently, the child's head came out of the birth canal



DEVASTATED FAMILY: Deobarran Charran and wife Durmatie, with injured son Brian, 4, left, and daughter Olivia, 5, must leave Canada and leave son behind for treatment.

but his body was stuck for about 15 minutes, cutting off some of the oxygen supply to his brain.

The doctor then used such force to extract the baby that it tore the nerves that control the child's left arm.

The child's arm does not function at all, Sommers said, and he is of low average intelligence as a result of his brain injury.

"I feel great about the award in that at least there is security for Brian but no award can make up for what happened. Nothing can do that," the child's father, Deobarran Charran, told

The Star last night in a phone interview.

The Charrans came to Canada in May, 1991, after having fled Guyana to live in Surinam, formerly Dutch Guyana. Brian was born two months later and they left this country in July, 1994, after losing their claim for refugee status and went to live in French Guyana.

They were at first refused a visa to return to Canada to give evidence in this case but then were given special permission to enter by Marchi.

Charran said he was "very, very grateful" to Marchi and his

lawyer, Sommers, said that if Marchi had not allowed them to come and give evidence, "the consequences could have been disastrous for Brian's future."

The Charrans have appealed to Marchi to be allowed to stay in Canada on compassionate grounds and hope for a favorable decision before they are forced to leave Canada again in five weeks' time.

"It's a heartbreaking thing," Sommers said. "They must leave their son here because he can't get the medical treatment he needs in French Guyana."

He said that if Marchi doesn't

let them stay, "they'll never be able to re-enter Canada. When will they see their child again?"

If the Charrans are not allowed to stay, Brian will live with his aunt, Roxana Gopaul, of Royal York Rd.

The boy will not start to receive compensation until he is 18 years old in order to conserve the award.

Compensation will begin at the rate of \$40,000 a year, rising by instalments to \$340,000 a year by age 79, which is his expected life span.

The settlement was ratified by Lang on Wednesday.

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