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4TH SESSION, 37TH PARLIAMENT

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Morning Sitting

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TUESDAY, NOVEMBER 18, 2003

The House met at 10:03 a.m.

Prayers.

Orders of the Day

Hon. G. Bruce: Good morning, everybody. I call second reading of Bill 71.

Second Reading of Bills

PUBLIC SERVICE AMENDMENT ACT, 2003

Hon. S. Santori: I move that Bill 71 be read a second time.

In 2001 the government announced the review of its core services and challenged the public service to give fundamental consideration to the way all services and programs are delivered.

[1005]

In response to this direction, a comprehensive review was undertaken. The government values of accountability and responsibility played a key role in this review. Our fundamental goal is to deliver the highest-quality service and value to British Columbians.

The review culminated in the establishment of the public service renewal project begun in September of 2001. Its mandate is to rebuild and sustain a professional public service that provides quality services to meet the needs of British Columbians. In order to renew and invigorate our public service, we need to ensure that modern-day recruitment and retention practices and approaches are in place.

Complementary to the core review of all government programs and services, the government also launched a review of its administrative agencies or tribunals. As a part of both the renewal initiative and the core service review of the administrative justice agency, I had cause to examine the current appeal process for public service staffing decisions. The conclusion of these reviews was that the current staffing appeal structure and process is no longer effective or efficient.

The Public Service Appeal Board was established in 1994. It is responsible for hearing appeals from employees who are unsuccessful applicants to public service appointments. The board is a stand-alone, independent body composed of at least three members appointed by the Lieutenant-Governor-in-Council. British Columbia is the only province to have a stand-alone appeal body.

Consensus is that over the past several years, the current appeal process has evolved to create too much emphasis on avoiding appeals rather than ensuring that the best candidate is chosen. The current appeal process has become lengthy, complicated and arduous. It has become mired in detail, and it has lost sight of its fundamental purpose — that is, to support the merit principle.

With the appointment of a new chair to the Public Service Appeal Board in the fall of 2001, efficiencies to

the operations of the board were achieved. However, it is not possible to achieve the required effectiveness and efficiency through further changes to the current model and approach. This bill supports merit-based staffing by replacing the Public Service Appeal Board with a staffing review by the merit commissioner. This maintains the independence of the staffing review process, as the merit commissioner is an independent officer appointed by the recommendation of the Legislative Assembly.

The merit commissioner review of staffing actions will focus on the outcome of the staffing action, whether or not the principle has been complied with, rather than on the process and procedural details. Additionally, a review through the merit commissioner will be more efficient and cost-effective.

The bill also provides, as an initial step in the review process, the right for an internal inquiry. Managers responsible for a staffing action will be required to provide feedback to any employee who is an unsuccessful applicant. Decisions of the manager will be subject to an inquiry by the deputy minister.

This new approach underpins the establishment of modern-day human resource policies and practices. It is modelled on the best practices found in virtually every large public and private organization in North America. The new approach is consistent with my government's increased emphasis on responsibility and accountability. It supports a manager's responsibility for staffing decisions and ensures that the manager is accountable for those decisions.

The current system is not working well for either management or employees and must be changed. The changes put forward in this bill maintain the right of recourse for public service staffing decisions, which is essential to ensure the integrity of the merit-based staffing system, while addressing the real and significant problems of the current system.

Other amendments to the bill affect the name change for the organization responsible for human resource management in the public service. Effective April 1, 2003, public service human resource services were consolidated, as part of the government's shared services initiative. In recognition of the new role and organization of human resource management in the public service, this bill changes the name of the Public Service Employee Relations Commission to the B.C. Public Service Agency.

[1010]

A final change made in this bill is to restore the appropriate hierarchy of regulatory authorities for public service human resource management. It repeals the provision that made collective agreements prevail over regulations passed under the authority of this statute.

I know that my colleague from Victoria-Beacon Hill wishes to make a few remarks, after which I will close debate.

J. Bray: I warn the minister — and you as well, Mr. Speaker — that it's probably more than a few words.

I am very pleased to rise in support of Bill 71, the Public Service Amendment Act, 2003. As you know, prior to May 17, 2001, I spent 13 years as a public servant with the Ministry of Human Resources as a member of the BCGEU, working in the public service serving British Columbians.

Interjection.

J. Bray: It's true.

In our *New Era* document we had a whole host of very exceptional commitments, directions and focuses that we were taking as a party going forward to seek the support of the British Columbia public. Certainly, one of the areas that I was particularly excited about was the commitment that we as a party were showing to the public service. We recognized that for us to move this province forward, for us to be successful as a government, we had to have a strong, non-partisan, professional public service. The commitment that the Premier and our party took with respect to that in the campaign is coming to fruition now, and Bill 71 is just one more step along the way.

I'd also like to thank the Minister of Management Services for being so open to having me come into his office frequently as I raise issues with respect to the public service and to the procurement process. Being here in Victoria and being a "government town," we do get a lot of issues here, and I would like to thank the minister for being so open to letting me come in at any time to talk to him on these issues.

Bill 71 focuses on one of the critical issues. In fact, it almost sounded like I wrote the speech for the minister because there are so many issues that he's addressed on the frustrations people in the public service have around the hiring process that we as a government are really focusing on. I want to review some of those now.

I want to start, if I can, just on Bill 71, to take you back and give you an example of the way the hiring process had morphed, certainly in my experience as a front-line manager, and the way the system was designed to avoid appeals as opposed to ensure that the best person is hired based on merit. We would hire financial assistance workers who would be the front-line workers determining eligibility entitlement for income assistance for British Columbians. As the job market had changed in the nineties, we would often get 300 applications for a handful of positions, which is a significant number of people to process.

The first round we would go through would be your standard short-listing, checking credentials on the résumé to make sure they met the minimum standard. That was a straightforward process. Most organizations, public or private or non-profit, go through that process.

Where the process started to go wrong was once we started to get to the point where we were going to talk to the applicants, actually sit down and interview them. Normally, in an interview process you sit down and your prospective employer has a series of questions they want to ask to try to find out, based on your

résumé, if you have the skills that match the need. Are you going to be a good fit in the organization? Are you going to be able to grow? Are you interested to work there? All those types of things.

But the way the system had morphed was that it wouldn't just be me as a supervisor or manager interviewing. It would be me plus two of my colleagues. There would be three of us sitting in the room. Quite often there would also be a personnel technician or a personnel director sitting in the room. We may have 50 people or 40 people we're interviewing from that initial 300 list. That's a huge number of people. You're tying up four management-level people in that process, so it's already a pretty top-heavy process — just the fact that you've got so many people hiring individual people over the course of a couple of weeks.

[1015]

We would start with a set of questions, and we could not veer off those questions one way or another. It was like an oral exam in grade 12. We could say the question, and if the person wasn't sure what we meant, they couldn't ask for clarification because we might give them an advantage over all the other applicants that would come up at an appeal and overturn a potential hiring decision. All we could do as management people would be to sit there and read the question — should widgets be painted blue or red? — and then listen for the answer. We couldn't engage in dialogue. We couldn't find out more information on their answer. We simply had to listen.

Then, to make sure the process was fair, we had to write down what the person said — all three of us. You're madly trying to write down everything they're saying — not record it, not videotape it. We had to write it down. Instead of actually making eye contact with the applicant and determining their comfort level, we had our heads down busily writing away. At the end we would mark their answers — times 50.

That whole process was designed to say that it was so ultra-fair that whoever we actually hired.... Nobody else could possibly complain that the process was in any way biased or flawed. Invariably, what it meant was that the system served those who got in early, because we weren't so exhausted that we were missing things to write down, or people who got in early in the day, because our hands weren't so tired that we were starting to miss and skip writing things down.

That is no way to hire people into a professional body of any kind. It was designed and morphed into that way because the process around appeals through the public service was so onerous that personnel directors.... That became their modus operandi: "Let's do this hiring process to avoid any appeals." It was understandable. That's not a condemnation of the personnel directors or the HR staff. It was that the appeals process became so ridiculous that the entire hiring process could get thrown out, and you had to redo the whole thing again, which was unfair to the management team that was spending their time in a room interviewing 50 people instead of in their offices managing several million dollars' worth of activities through income assis-

tance. The person who was the successful proponent could get their hiring quashed, literally, on an opinion of somebody that said: "Oh, maybe it wasn't quite fair enough."

What happened was that the process didn't actually help us determine who was the best person for the job. It helped us determine who gave the best answers early enough in the day. Sometimes we still ended up with the best person; other times it's debatable whether we did or not. The process didn't serve us, and it didn't serve the applicants who, if they couldn't quite understand a question because we hadn't worded it properly, weren't going to get the job because they couldn't ask us for clarification. That made no sense whatsoever.

As we started to move, after May 17, 2001, to ask how we are going to change the public service, we addressed a lot of things. The minister spoke briefly of one thing, and I want to re-emphasize how critical it is. The merit commissioner position is a commitment to ensure that the entire organization of government moves away from a prescriptive hiring process — an appeal-avoidance hiring process — to a process based on merit.

I'll tell you, Mr. Speaker, that nobody supports the merit principle more than public servants themselves. Nobody wants to ensure that their ability to move forward in the organization they work in is protected and enhanced through merit more than public servants themselves. They want to ensure that as they work on training, on leadership, on volunteering and on building their résumé, the process identifies that, recognizes that, promotes that and ultimately, quite frankly, rewards it.

The system as it had been laid out was very prescriptive and very structured and actually allowed for no engagement between potential employer and employee. It completely eliminated that. It actually got down — once you got through the shortlist — to whoever did best on the exam, which is not the same as hiring based on merit. The appointment of an independent merit commissioner was critical to shift the entire public service in a way that I think will benefit not only public servants but the public which they serve.

[1020]

It's critical, too, because there are no more dedicated British Columbians than our public service and our professional public service. They work long hours. They sometimes work in very thankless positions. They sometimes work with absolutely no recognition in their own communities. Although we had a tremendous response from our public service this summer through the disasters in both the forest fires and the floods and our public servants got due recognition, those men and women actually do that every day of the year. They do it year in and year out. One way in which we can ensure that we recognize their professionalism and the contribution they make is to ensure that the workplace they're in rewards their excellence, demands their excellence, provides opportunities for them to succeed and to exceed expectations of the public.

Bill 71 is a critical step in how we move forward for a merit-based professional public service, but it's not the only thing that we've done nor is it something that's been done in isolation. I know I sometimes talk about service plans ad nauseam, but it's critical for us to understand that Bill 71 didn't pop out of the air somewhere. It didn't arrive in a midnight thought of brilliance from the minister, although he has several of those. It actually is part of a coordinated plan put forth every year in the public service plan and in particular in the Public Service Employee Relations Commission service plan, which the minister is responsible for. As you know, I've canvassed the minister extensively during estimates to ensure that we continue to move forward on our new-era commitments around the public service, because I believe it's critical for the long-term success of this province.

I want to review a couple of things, if I can, in the service plan that we're seeing come to fruition right now. One of them is actually at the beginning. Sometimes people think: "Oh, value statements, mission statements. You know, they're just sort of words on the page." In fact, they set the direction for your entire organization. I just want to review into the record what the mission statement is for the Public Service Employee Relations Commission:

"The commission provides leadership in people management and human resource services to support the achievement of excellence in public service, through: service excellence — a professional public service that delivers the highest service quality and value for British Columbians; work environment excellence — a dynamic work environment that promotes innovation, learning and results; and people excellence — passionate people who take pride in making a difference for those they serve."

Now, let me be as plain as I can be. Having spent 13 years in the public service, that mission statement aptly describes the men and women who work on behalf of all British Columbians. They already provide service excellence. They already provide for an excellent work environment. They excel, they show pride, and they want to achieve on behalf of British Columbians. The system around them didn't always support that. So by having the Public Service Employee Relations Commission adopt that mission, it actually meant the agency that oversees the public service was now going to adopt the same philosophy that public servants have carried for decades.

Another thing we should be proud of here in British Columbia — and I'm sure the minister will agree with me — is that I think you could take British Columbia's public service and hold it up to scrutiny against any other civil service in Canada or North America, and British Columbia's public service will always come out on top. We are incredibly fortunate to have people dedicated to their communities who work for the public service. There's no question that in the last couple of years through workforce adjustment, it hasn't always been an easy time. But their professionalism and their dedication have never wavered. So it is critical for us as government to come forward with our

commitments on revitalizing and renewing the public service so that in fact that excellence is rewarded and they continue to have a workplace that is supportive of their desire to serve British Columbians and to provide excellence.

There are a couple of other things that were talked about in the service plan. I'm going to review what our response has been, because Bill 71 is part of a large arc. One of them is around leadership. I'll read this from the goals and core business areas of the service plan: "Leadership services — responsible for strategic and succession planning, research and policy development, consulting services and leadership and career development for executive management in government."

[1025]

This is a critical area that I have spoken about before. The tradition in government — not in every case, not in every ministry — was obviously that you wanted to provide opportunities for those already in the public service to advance their careers, to move up, and that's the same in most organizations. But what tended to happen was.... Let's use a fictitious example, if I can: the ministry of widgets, in the widget development branch. You would get a good technician who worked at the front lines around widget production, who knew widgets inside and out, who would become the successful manager of that branch.

The problem is that their technical knowledge around widgets only composed a small percentage of their overall work now. They now had to manage a large workforce. They had to manage budgets. They had to manage career advancement for their employees. They had to manage strategic planning. They had to manage work production and work flow. In other words, how do you keep people productive, doing good work throughout the course of a year? They were a whole bunch of skills that actually had nothing to do with widgets.

So you got the right widget person in the management position, but they didn't have any of the other requisite skills. As that happened throughout government, you had a lot of situations where you had people doing a lot of busy work but who weren't working to their full scope of knowledge and expertise. At the end of the day, they weren't providing government with the best advice and the best knowledge, because the management-level people did not have all the skills they needed. It wasn't that they weren't the right person, but they were hired based on their technical skill, not on their leadership skills.

A critical component of how we move the public service forward and revitalize it is to ensure that as we get people into those management positions, we ensure they are provided with, or have and bring with them, the skills necessary to manage other people — that they know how to manage budgets, work flow and employees; that they understand basic labour relations issues; and that they can actually provide the leadership for their employees so their employees can excel, get great job satisfaction and, at the end of the day, provide the public with the best service and the government with

the best advice. This is a critical area that comes down to how we hire people.

Now, it will take time to achieve that, but what is it the government is doing to help ensure and foster that whole concept? We're a large organization. You know, there are still almost 30,000 people that work in the public service. I mean, it's a large body. We're not talking about a small enterprise. It's not all located in Victoria or Vancouver. It's spread throughout the province. It is a provincewide organization, and it's huge.

Well, one of the first things we recognized is that we have to have a human resources strategy that's governmentwide, which each ministry can then feed into and develop its own more specific criteria, but we have an overall strategy. So we've actually developed and the ministry has developed the first-ever corporate human resources plan to bridge ministries and business plans to a corporate plan. In other words, now we can ensure that ministries are able to hire the best way they can for their ministries based on an overall strategy, and government is ensuring that as we move forward on the merit principle and a professional public service, we know we're achieving that in all ministries.

That's critical. That never existed before. It was left for ministries to kind of do their own thing. They developed their own cultures. Some were better; some were worse.

Proactive and visionary leadership. There were two leadership conferences held with deputy ministers, assistant deputy ministers and senior executives. The first was in April 2002, and the second was in December of 2002. Then there were a number of workshops — 29, in fact — following up with respect to leadership with over 2,400 attendees. Then another 1,000 attendees participated in 24 leadership action workshops.

Now, leadership. It's one of these words that gets bandied about. What it really is for us in the public service is ensuring that the people who are driving the public service forward and moving forward on that merit-based principle and professional-based principle know how to bring the organization with them, provide the direction for employees, get the best out of each employee, make the workplace rewarding for each employee, and ensure the public is getting the service they deserve and the government's getting the advice it needs to make the best public policy.

[1030]

Having over 3,000 people attending these leadership conferences is not just an exercise. It's actually laying the foundation and the structure by which we will improve how the public service is managed by the public service — not by government, but by the public service. I think one of the penultimate activities of the public service revitalization that we will see for years to come happened on April 1 of this year. That is the establishment of the Leadership Centre, which is helping to recruit, select and retain top leaders in the public service, actually recognizing that if you get the right leaders into the public service, every public service in the province benefits. Every member of the public benefits. Government, regardless of who's in govern-

ment, will benefit by getting top-notch advice from the public service.

There's another shift that's critical with respect to how we hire people and its importance, and that is changing to a performance-based result, recognizing that results count. They count in society. They count at home. They count in your business, and they count in the public service. By shifting to performance-based results and rewarding that and recognizing that and honouring that, it helps provide an environment where everybody pursues excellence.

Not everybody wants the same thing. Not everybody has the desire to be the deputy minister of the ministry of widgets, for instance. But people want to be valued in their work, and they want to know that they're doing valuable work. By moving to a performance-based method, that is critical. We're also making sure that managers, the leaders, are actually accountable. They actually have a responsibility to their employees and to government to deliver on that.

You've heard some talk about the 360-degree performance review. What that really means is: it's an opportunity for managers to get the same input and feedback from their employees and others that they interact with as they provide to their employees. In other words, managers and leaders should be subject to the same kind of performance reviews that employees are — not to criticize, not to chop down, but to build up. Where are the areas where they're performing well? Where are the areas where they need to focus and perhaps improve their performance? If their performance improves — guess what — everybody else in the organization improves. That's absolutely critical as we move forward in ensuring that we revitalize the public service.

Learning and innovative organization. A corporate learning strategy was approved to ensure that learning and development of programs meet the needs of the public service. I have talked about this before, Mr. Speaker. But when I was a public servant, I received a whole bunch of training. I didn't receive very much education. There's a difference. I knew, through training, which bottles under the sink in the kitchen I should put the Mr. Yuck stickers on. I had my WHMIS training. It was good to know, but I spent a day learning that I shouldn't drink the Ajax. I had not had any education on poverty issues in eight years at the front line of working for income assistance. I didn't get any education on the effects of substance abuse on individuals. I didn't get any education on how to communicate with people in stress. I got some training to defuse critical incidents, but I didn't get the education.

So as we move forward, we actually are recognizing that public servants, in order for them to better serve the public and advance their own careers, need to move away from just training to education. What's critical in that process is the employee performance review. It's critical to ensure that as managers, as the new leaders sit down with their employees, they don't just tick the boxes that say: "You manage your paperwork fine. You're on time. You had three sick days."

That's only part of it. The other part is: where do you want to go in the public service? What are your goals? Where do you see yourself in five years, and how can the organization help you move forward?

[1035]

A component of that is going to be education. What do you need to learn in order to assume further leadership roles — not: what training do you need? Having an organization that's focusing on learning is critical, and it's a critical shift. As we move forward and look at the way we hire people, we're also looking at the way we serve them once they're in the public service. It is critical that we continue this shift, because I believe it's a very honourable profession to be a civil servant. I think we need to make sure British Columbians know that being a civil servant isn't something to be snickered at, at coffee parties, and that it's a proud and noble tradition.

There was a time in this province when Victoria was the place people around Canada wanted to do their public service — Ottawa and Victoria. In the eighties and nineties, through the system becoming politicized, through the structures becoming more bureaucratic and less responsive to needs, that changed somewhat. There is a public perception around public servants that I think is both unwarranted and unjustified. As we move forward, we want people to join the public service, perhaps right out of university, with the actual expressed goal of making their career serving British Columbians.

They can't do that if the system doesn't hire appropriately. They can't do that if the system doesn't provide the leadership to make the workplace satisfying and doesn't provide the leadership to allow for people to progress through the public service either across ministries or up the ladder, if you will.

I believe we've taken several of the steps necessary to shift the public service from a place where I'm working until I get my real job to the place I want to go to because I see opportunity and advancement and I see the ability for me to be challenged as a human being — the ability to grow, to get new experiences, to attain new positions and the honour of serving British Columbians. I think we're making significant progress in that way.

I think what Bill 71 does is signal again that we are actually going to reward the excellence and not the process. We're actually going to ensure that managers have the ability to hire the best people for the job and that the process is protected against political interference. Who is actually going to be the judge? It's the person that is appointed to oversee the entire hiring process, and that's the merit commissioner. It fits very well in the way we move forward.

Now, there are still areas within the hiring process that I think we need to continue to focus on. I've spoken about it before, and I'll take just a minute to mention it again. In a large organization you often have people who will leave for other opportunities, maybe for a year's secondment somewhere else, maternity leaves, illness leaves — any number of reasons where a

position becomes vacant quite quickly and there wasn't the ability to plan for it. The secondment process is used quite regularly. The secondment process is a very effective management tool to be able to put somebody in to fill that position in the short term.

If we remove the partisan and political nature of hiring on the macro scale, and we've done that successfully, we also need to make sure that the personal politics of hiring is abated. If the secondment process is where somebody gets seconded in without an interview to fill a position for a month, and then it gets extended for a month, then another month and then six months.... Then it's: "I guess the person is not coming back to that position. We're now going to post the position for a competition." Guess who is going to be the likely person to get that position? The person who spent the previous eight months in it. Although there was no ill intent in the way that was designed and happened, everybody else who applied for the position feels that they were at an unfair advantage because the person who did the job for eight months is going to do the best in the interview and is going to be able to demonstrate better than anyone else that they can do the job.

As we drill down in the hiring process, we need to make sure that our secondment process rewards excellence but still creates a balanced, level playing field as we look to more permanently fill those positions so that the personal politics, or the perception of personal politics, is removed from the hiring process in the way we've removed the partisan nature of hiring that has been prevalent in the past through the merit commissioner.

[1040]

I want to congratulate the Minister of Management Services and PSERC for really moving forward in the revitalization of our public service. I see huge advances. I think it's going to pay great dividends for public servants and British Columbians for years to come, and I anticipate that once again we will be the jewel of the public service in Canada.

Mr. Speaker: Hon. members, we are at second reading stage of Bill 71. The Minister of Management Services closes debate.

Hon. S. Santori: First of all, before I close debate, I do want to express my thanks to the member for Victoria-Beacon Hill for his support of this bill. I also want to thank the member for Victoria-Beacon Hill for the valuable input that he has provided to my ministry over the last two and a half years. He has taken a very keen interest in the public service. He is very knowledgeable about it. I just want to express my sincere thanks and appreciation for his continued input as we move down the road of rebuilding the public service in this province.

I thank the member for his comments, and with that, I move second reading of Bill 71.

Motion approved.

Hon. S. Santori: I move that the bill be referred to a Committee of the Whole House to be considered at the next sitting of the House after today.

Bill 71, Public Service Amendment Act, 2003, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. G. Bruce: I call committee stage on Bill 55.

Committee of the Whole House

WATER, LAND AND AIR PROTECTION STATUTES AMENDMENT ACT, 2003

The House in Committee of the Whole (Section B) on Bill 55; J. Weisbeck in the chair.

The committee met at 10:44 a.m.

Sections 1 to 7 inclusive approved.

[1045]

On section 8.

Hon. J. Murray: Mr. Chair, I move the amendment to section 8 standing in my name on the orders of the day.

[SECTION 8, by renumbering the proposed section 799.1 as section 799.1 (1) and by adding the following subsection:

(2) If, at the time of repeal of the Park (Regional) Act, a regional district provides a regional park or regional trail as a service under letters patent that refer to the Regional Parks Act, S.B.C. 1965, c. 43,

(a) the regional district may continue to provide this service in accordance with this Act as if the service were provided under the authority of an establishing bylaw for a service, and

(b) section 774.2 (3) to (6) [continuation of regional district services] applies as if the service were a continued service under that section.]

Amendment approved.

Section 8 as amended approved.

Sections 9 to 11 inclusive approved.

On section 12.

Hon. J. Murray: Mr. Chair, I move the amendment to section 12 standing in my name on the orders of the day.

[SECTION 12, by deleting section 12 and substituting the following:

12 Section 14 (5) (b) of the Mineral Tenure Act, R.S.B.C. 1996, c. 292, is amended by striking out "or the Park (Regional) Act;" and substituting "or a regional park under the Local Government Act;"]

Amendment approved.

Section 12 as amended approved.

Sections 13 to 20 inclusive approved.

On section 21.

J. MacPhail: Mr. Chair, we're in a very complicated section here that I referred to in second reading. It's about the establishment or lack thereof.... The effects on a park. I have proposed an amendment to section 21 that reads as follows:

[By deleting in section 21 the text highlighted by underline:

(a) in Schedule A by adding the following description:
23.1 SATELLITE CHANNEL ECOLOGICAL RESERVE
All those parcels or tracts of Crown land, together with
all that foreshore or land covered by water,
situated in Cowichan District and contained within the
described boundaries as shown on the Official
Plan deposited in the Crown Land Registry as Plan 14
Tube 1920.

The whole ecological reserve containing approximately
337 hectares.,

(b) in Schedule B by repealing the description of Satellite
Channel Ecological Reserve,

and by re-numbering subsections 21 (c) and (d) appropriately.]

On the amendment.

J. MacPhail: I'm suggesting by my amendment that section 21 be rewritten to delete subsections (a) and (b), and then to renumber (c) and (d) appropriately.

Here's why, if I may, Mr. Chair. During debate at second reading of this bill, this is what the minister had to say about changes in section 21 to park boundaries:

"This bill also includes amendments to the schedules of the Protected Areas of British Columbia Act. These changes will correct inadvertent errors in boundary descriptions to make them conform with recommendations of land use planning processes. In addition, adjustments will be made to the boundaries of certain protected areas in support of measures to address health, environmental and public safety concerns in some areas and to support economic growth in the province, while preserving environmental and recreational values."

Those were the second reading remarks around section 21 that the minister made. During debate at second reading, in my remarks I raised the issue of the need for amending the Satellite Channel ecological reserve in order to allow for the Georgia strait crossing pipeline to go through it. I raise that concern because the Duke Point generating plant is now not going ahead.

I believe that the changes in the bill we're debating, in the amendment to section 21, were originally proposed because the government thought the Duke Point energy plant was going to go ahead and that the Georgia strait crossing was going to go ahead. When I raised these concerns, to her credit, in closing second reading debate the Minister of Water, Land and Air Protection said that the bill would be amended at committee stage to delete the proposed change to the

boundaries of the reserve. Good. I thought that was great. It was actually doing useful business in the chamber.

However, what we now see is that the minister has an amendment that not only makes the changes to the Satellite Channel reserve.... They're deleted, but so are the changes to all other parks mentioned in section 21. That's why I've made my amendment to section 21, Mr. Chair. My amendment deals with only the debate that the minister and I had to correct the application of the bill to the Satellite Channel reserve.

[1050]

I want to ask the minister why it is that she is now going to either defeat section 21 or delete it by amendment. What is this? Why is she going to this extreme to delete all aspects of the park?

Hon. J. Murray: The intent is to defeat section 21 because a new act is intended to be introduced into the House in this sitting that will include the adjustments to the park boundaries but will not include the Satellite Channel ecological reserve boundary adjustments.

J. MacPhail: Oh my gosh, I find that disturbing. I actually had been hoping for a different answer.

Given the fact that I have tabled this amendment, which would achieve exactly what the minister committed to in closing second reading debate, how is it that this government can have such confidence — and I mean that with the greatest of respect — to take parliament so for granted that they're willing to actually remove from legislation protected areas in the hope that future legislation will restore those protected areas? It does seem to be.... I don't want to use the word "arrogant" because I don't think that's the minister's intent, but it is taking parliament for granted in a way that puts at risk, for instance, Omineca Park.

This is very complicated for people to watch. I understand that. Let me just go through this as carefully as I can. Section 21 does make reference to certain parks — establishes park boundaries or changes park boundaries. We already agreed that the effect that section 21 should have on Satellite Channel should not apply now. The minister and I agreed. However, it also affects Inkaneep Park, Rubyrock Lake Park and the Spatsizi Wilderness Plateau Park, and it affects Omineca Park as well.

This minister somehow suggesting that she will allow all of the descriptions of these parks to now be deleted and that at some future date she will assume that parliament will restore those boundaries is extremely risky — and I just believe is taking for granted the will of parliament — and she is willing on that basis to risk the permanent establishment of these very important parks.

My amendment doesn't put at risk — to a future parliament — Inkaneep Park, Rubyrock Lake Park, Spatsizi Wilderness Plateau Park and Omineca Park. My amendment does what the minister originally said she wanted to do, which was to remove any effect on the Satellite Channel park.

Hon. J. Murray: I'd like to clarify for the member opposite these amendments to parks and protected areas, because I think the member completely misunderstands what section 21 was attempting to accomplish before amendment.

[1055]

No part of section 21 is the permanent establishment of a park or was intended to be. All of the parks that were listed in the original section 21 were minor amendments to change boundaries of existing parks. We are not removing any protected areas by voting down section 21. These protected areas exist; their boundaries are intact. The intent is to make some minor boundary changes for the purposes that the member reiterated in reading my second reading speech.

Those are amendments to existing parks, and we are withdrawing those amendments. We are not withdrawing parks. We are not withdrawing protection of parks. We are not delaying the permanent establishment of parks in anticipation of future legislation. I just wanted to clarify that.

J. MacPhail: So it means that what would be a gigantic problem is just a medium problem now. But it is still a problem. By this minister removing the descriptions around.... They're here, and they're very specific about what will now not be protected areas or will not be designated as park. They're back in existence.

There was an original reason for redefining the boundaries of Inkaneep Park, Rubyrock Lake Park, Spatsizi Wilderness Plateau Park and Omineca Park. There was a reason to change those descriptions to now make these the described boundaries of these parks, and we'll be right back to where we were prior to the protection of the changed boundaries, to where those parks will no longer have the boundaries as listed by this section 21.

I don't understand why. I just don't understand why the minister can't merely accept my amendment, which achieves exactly what she said she wanted to do at second reading, instead of now putting at risk the redefined boundaries of these parks to a future parliament — for which, frankly, she is taking it for granted.

Hon. J. Murray: This section 21 is no longer needed because of the changes that occurred around the potential need for the changes to Satellite Channel ecological reserve, and there are a few minor boundary amendments that we are choosing not to carry forward in this particular act. We will be introducing another act that will include those minor amendments.

J. MacPhail: I'm sorry. I didn't hear the last answer. My apologies. Would the minister mind repeating it?

Hon. J. Murray: There is no need for section 21, because of the amendment to the Satellite Channel ecological reserve, which was the primary issue that the member opposite was concerned about in earlier debate on this act. So there is no need for that amendment. The other park amendments are minor altera-

tions to the boundaries, and they will be proceeding in a new bill.

[1100]

J. MacPhail: Thank you very much for repeating that. That is exactly my concern. What the minister defines as minor amendments to parks, she is now deleting by this sweeping amendment even though we were just trying to solve a minor change.

This sweeping amendment will include all the minor adjustments made to those parks on the promise that a future parliament would add these boundary amendments in another piece of legislation that no one has seen in the light of day. It is on that basis that I am suspicious and that I frankly don't trust the government to protect, once again, these minor amendments to the park boundaries. And there's no need for it. There's no need to do this complete deletion of those park boundaries. My amendment achieves exactly the purpose that the minister addressed in her second reading debate after I raised concerns and achieves exactly what she committed to.

[1105]

The Chair: Hon. members, the question is the amendment on section 21 presented by the Leader of the Opposition.

Amendment negated on the following division:

YEAS—2

MacPhail	Kwan
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NAYS—34

Hogg	Hawkins	Whittred
Cheema	Hansen	Bruce
Santori	van Dongen	Barisoff
Masi	Lee	Murray
de Jong	Stephens	Coleman
Chong	Jarvis	Brenzinger
Mayencourt	Trumper	R. Stewart
Hayer	Christensen	McMahon
Bray	Locke	Bhullar
Wong	Suffredine	K. Stewart
Brice	Kerr	Manhas
	Hunter	

The Chair: Hon. members, on the order paper we have an amendment to section 21, to delete section 21. The preferred practice is to vote against this section. So shall section 21 pass?

J. MacPhail: Mr. Chair, because the government has defeated the opposition's amendment that would actually permit the minister to do what her original legislation was intended to do, which was to change

boundaries of parks appropriately — to add protected areas to the parks — and yet not affect the Satellite Channel park, which the minister admits doesn't need to be affected now that Duke Point energy and the Georgia Strait crossing line is not going ahead, we are at a complete loss to decide how to vote on this amendment, because what the government members will now be doing is literally throwing out the baby with the bathwater.

[1110]

They'll be removing a section that rightly deletes any reference to the Satellite Channel park — which is no longer needed now, because the government's not ramming through the Duke Point energy and GSX line — but it also deletes amendments to other parks that are appropriate on the promise that this government will make those amendments at a future date in a future piece of legislation that this parliament has not seen, and we have no idea whether they will see it or not.

However, here's the dilemma that my colleague and I face. If we vote in favour of this amendment, against the government's wishes to defeat this amendment, then we're voting in favour of removing any protected reference to the Satellite Channel park. What a way to run parliament.

Section 21 negatived.

Sections 22 to 37 inclusive approved.

On section 38.

Hon. J. Murray: I move the amendment to section 38 standing in my name on the orders of the day.

[SECTION 38, by deleting subsections (2) and (3) and substituting the following:

(2) Sections 14 (b) and (c) and 15 come into force by regulation of the Lieutenant Governor in Council.]

Amendment approved.

Section 38 as amended approved.

Title approved.

Hon. J. Murray: I move the committee rise and report Bill 55 complete with amendments.

Motion approved.

The committee rose at 11:11 a.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

Bill 55, Water, Land and Air Protection Statutes Amendment Act, 2003, reported complete with amendments.

Third Reading of Bills

Mr. Speaker: When shall the bill be considered as read?

Hon. J. Murray: By leave, now.

Leave granted.

Bill 55, Water, Land and Air Protection Statutes Amendment Act, 2003, read a third time and passed.

Hon. G. Bruce: I call second reading of Bill 92.

Second Reading of Bills

MEDICARE PROTECTION AMENDMENT ACT, 2003

Hon. C. Hansen: I move second reading of Bill 92. The amendments we are proposing today support our new-era commitment to "ensure that B.C. health care is universal, accessible, portable, comprehensive and publicly administered, consistent with the five principles of the Canada Health Act."

The changes will help protect patients' access to publicly funded health care by providing greater clarity to patients, physicians and private clinic operators about charges that are not permissible under the Medicare Protection Act, as well as auditing procedures and penalties for violations. These changes will clarify when it is inappropriate to bill patients or unauthorized third parties, such as friends or relatives, for medically necessary medical procedures, including diagnostic services. The practice of third-party billing is only allowable for a few limited circumstances where approved agencies, such as the federal government or the Workers Compensation Board — and there are several other third-party agencies — are specifically and explicitly authorized to provide direct third-party payments.

They will also clarify when it is inappropriate to bill for charges related to the provision of medically necessary procedures. These charges may be described to patients as fees for private nursing care or the rental of the facility.

[1115]

These amendments will also confirm the Medical Services Commission's authority to respond to complaints by auditing relevant billing records of any physician, diagnostic facility or medical-surgical facility in British Columbia with respect to benefits provided to a beneficiary.

Strengthening the auditing and enforcement provisions of the Medicare Protection Act will ensure consistency with similar statutes in other provinces, including Manitoba, Alberta and Ontario. I would like to emphasize that this legislation actually brings British Columbia in line with provisions that are already in place in other provinces.

Finally, the amendments specify penalties for individuals or corporations who violate the legislation and

authorize the Medical Services Commission to recover unlawful charges. This will enable government to, in turn, reimburse patients who have been inappropriately charged for medically necessary services. We expect these measures will help us to protect the financial and medical interests of our patients and B.C.'s health care system, while continuing to ensure equitable access to care by all British Columbians.

If I can just take a minute to set out for the House some of the policies that are driving this particular initiative.... In doing so, I really want to emphasize that the changes we're making today are not a policy shift for this government. It's more clarification around the powers that are there to make sure compliance with the Canada Health Act can be achieved in British Columbia in the same way that it can be achieved in other provinces.

The Canada Health Act, as I mentioned earlier, sets out the five principles for provincial health care insurance plans. The Canada Health Act is obviously a piece of federal legislation, but it is the provinces that are obligated to ensure that there is compliance. In order for provinces to qualify for federal transfer payments for health care, medically necessary services must be available at no cost, meeting the universality principles of the Canada Health Act.

We have seen cases in the past where there have been complaints brought forward by individual patients who had received care in private clinics. Those patients then came forward, complaining that there may have been violations of the Canada Health Act as a result. In doing so, the provincial government then has an obligation to ensure that each of those complaints is followed up on. The problem we've had in the past is that we don't have all the tools that other provinces have at their disposal to thoroughly follow up on those complaints when they do come forward.

There were two cases that actually occurred in 1999 where there were surgeries provided, and the patients came forward with complaints. We found that our ability to do the due diligence and the follow-up that was expected by Health Canada was not as strong as it should be. That has, in turn, led to these amendments. The ramification for the province was that because we could not satisfy Health Canada that the Canada Health Act had been adhered to in those circumstances, we in fact saw a holdback of transfers to the province that occurred this year to the tune of about \$5,000. When you look at the total amount of money that is transferred from the federal government to the provinces, \$5,000 may seem like a lot of money, but I think there are principles at stake. We have made commitments to the public in this province that we are going to uphold the five principles of the Canada Health Act, and we need to make sure we have the tools with which to do that.

The Medicare Protection Act is the vehicle we have in this province to ensure that B.C. patients are being charged for medical and surgical services that are covered by the provincial Medical Services Plan. A person acting for a patient, such as a friend or a relative, can-

not be billed in place of a patient. That is, again, something we'll make sure we have consistency in across Canada.

As I mentioned earlier, there is provision for third-party payment, but those particular third-party payers are specified, and we have to make sure that is adhered to in order to satisfy Health Canada that we are doing the due diligence that was required of provinces.

[1120]

The other side of it is that patient charges are permitted for uninsured services or services that are not medically required. We can think of a lot of those — such as cosmetic surgery, for example — that are clearly outside of the Canada Health Act. Nothing in this act prevents patient charges from being applied for those services that are not medically required.

Also, patients pay the full cost of uninsured services, including related preoperative and postoperative visits.

What can patients be charged for? In other words, what is allowed as a result of the Medicare Protection Act as it will be amended? It's services that are not medically required, such as physical exams for a driver's licence or for job requirements and, as I mentioned, most cosmetic surgery, for example.

There are certain material upgrades, where the cost of the upgrade is significant compared with the usual cost, such as requesting a fibreglass cast as opposed to a plaster cast. There are many cases with procedures that are considered medically necessary, such as a broken bone, where the kind of materials that are used in treating that patient will be provided on a universal basis by the Medical Services Plan for the basic piece of equipment or material that is required. Now, should the patient wish to have an upgrade to that particular material, then there are additional fees that can be charged directly to the patient in those circumstances.

There are also devices such as crutches, splints, braces and tensor bandages that are appropriate for additional charges to be made directly to the patient, in addition to extensive dressings and special bandages that are also required. There are some therapeutic drugs, such as those used in allergy or cortisone injections, where it is also appropriate for additional charges to be levied.

Some of the areas where patients cannot be charged extra amounts are fees for medically necessary services as covered by the MSP or for any item related to an MSP-insured service unless specifically approved through the Medicare Protection Act. There is also a prohibition against the charging of facility fees, such as to cover operating or other costs in a private centre. Also prohibited are rental charges for equipment or instruments that are used by a physician in the provision of medically necessary services.

Also prohibited would be something that's referred to as tray fees for services that physicians perform during a patient's visit. Examples of that are performing a biopsy or applying a cast to a broken limb, where tray fees have been proposed in some cases. Those would be specifically prevented when it is applied to medi-

cally necessary services. There are consumables and single-use items — such as examining gowns, tongue depressors and dipsticks, for example — that would also be specifically prohibited under the Medicare Protection Act.

Just in summary, what this amendment does is make some relatively minor changes to the Medicare Protection Act to give us tools for investigation that will bring us in line with other provinces. It also provides the kind of clarity that I think we need for patients and physicians in B.C. so that they have certainty around what can and cannot be charged and still ensures that there is compliance with the Canada Health Act as well as the Medicare Protection Act. I think these minor amendments will bring that kind of clarity and bring us in line with the kind of regimes that are already in place in other jurisdictions.

K. Stewart: I'd like to rise in support of Bill 92, the Medicare Protection Amendment Act, 2003. I think it's very important, not only as British Columbians but as Canadians, that we uphold the high standard of health care that we have across this country and within this province. Through the Canada Health Act, that allows us to be consistent within the various provinces.

It's important that we keep our jurisdiction in line with the Canada Health Act for a number of reasons. One, of course, is for consistency of health care across Canada and to all Canadians. It's also to ensure that we continue our fair share of funding from the federal government. Many times it's a bit of an issue for those of us out west that we do not get our fair share of the federal dollars, and it's crucial that we have in place an act that will allow that we're in line with the requirements of the federal government to ensure that those dollars will continue to move out west to British Columbia.

[1125]

The percentage of those dollars, based on the cost of health care in British Columbia, has been diminishing over the years from the federal perspective. As we move through with bills such as Bill 92, I think it's incumbent on our government to ensure that we are in compliance with the federal government requirements, that we pursue the percentage to increase back to a level that's more equitable for British Columbians and all Canadians, and that the federal government realizes that it has been unfair, as health care expenditures have gone up dramatically, to control the health care system in such a way — with the requirements of the Canada Health Act — that in some cases it is not perceived to be fairly applicable to all citizens of Canada. In support of this, I also strongly recommend that we continue our pursuit of the increase by the federal government of the percentage of our health care dollar that's spent in British Columbia.

In saying that, I do support the act, and I understand that it's necessary for us to make such amendments to fall in line with the jurisdiction of the federal programs which allow for at least partial funding of health care within British Columbia. Therefore, I commend the minister on this act and support it fully.

Mr. Speaker: Hon. members, I seek leave to make an introduction.

Leave granted.

Introductions by Members

Mr. Speaker: In the gallery today we have 30 grades 5 to 10 students from the Victoria Home Learners, accompanied by Ms. C. Miltimore. They look like a very interesting and bright-looking group that is here to witness the debates, and I would ask the House to make them welcome.

Debate Continued

R. Stewart: I rise today in support of Bill 92 as well.

I'm glad the Speaker was able to make the introduction he did, because it brings to mind for all of us here in the chamber that there is a generation we are trying to protect Medicare for, that there's a generation we are trying to protect our health care system for. The Medicare Protection Amendment Act, 2003 goes a step in the direction that we have to, to make sure we continue to protect a valuable part of the social net in Canada, the provision of health care for Canadians.

Canadians have come to expect one of the world's most comprehensive methods of paying for medically necessary procedures. It's one of the world's most comprehensive methods. The Canada Health Act, of course, comes under criticism at times, partly because of the enormous costs we're now having to face as our society ages. We recognize that demographically, Canada is becoming an older society. The baby-boom is aging as we speak. That means, of course, that we'll have a large number of people getting to an age over the next few years where their medical requirements will be heightened and will continue to increase.

At the same time as that, we're seeing explosions of medical technology in Canada and elsewhere around the world — wonderful technologies that are able to improve the quality of life and that are able to cure disease and extend life beyond the expectations we had a generation ago. With that, of course, come tremendous costs.

The cost of health care in Canada is expected to continue to increase very rapidly. It's increasing much faster than inflation. Part of that is, as I said, the aging population that exists in Canada and in most other countries. In fact, in that regard, Canada is not by any means in a horrible situation as far as aging population. There are countries where an enormous percentage of the population in ten years will be of the age that we would normally consider to be retired — much higher than in Canada. Nonetheless, Canada faces that. As I said, as well, all countries face the increased technological advances that provide tremendous ability to provide better health care but also add to the cost of health care. As we move in that direction, we have to protect as much as we possibly can the means by which government pays for these programs for our citizens.

[1130]

The Canada Health Act, as it does come under criticism, will also need to be challenged. The assumptions underlying the act will have to be challenged as we move forward so that we can ensure that we have a sustainable health care system, a sustainable method of paying for health care for the generation that is aging now and for generations to come that will be saddled with the cost of paying for the health care system and all other programs that governments run.

Health care in British Columbia now consumes very close to 50 cents on every dollar of taxes that the government collects. It's in the forties, and that's an enormous percentage of our provincial budget. Of that, a small percentage is paid by the federal government — much smaller than was envisioned when medicare was originally established. That's a challenge that every province will have to come to grips with and that the federal government will have to sit down with provinces and discuss.

As we move toward that discussion, at the same time we as a province owe it to our citizens to make certain that with bills such as Bill 92, we continue to protect the fundamental aspects of medicare — the fundamental aspect being that patients shall not be charged directly for medically necessary procedures.

Medical care is not free. All too often I'll get an e-mail or a letter from a citizen of the province which says that these things should be free, this particular procedure should be free. As we enter the debate today, I want to remind people once again that none of these procedures are free. All of these procedures are very expensive. The procedures covered by medicare and the procedures that aren't are very expensive.

The difference, of course, is who pays for them directly. In the case where government steps in and directly pays for them, we have to make certain, first of all, that we've balanced our budget so that we're not saddling those folks and their generation with the cost of the medical care that's being delivered today. At the same time, we have to make certain that we get the very best we can for the enormous number of dollars we spend on health care in British Columbia.

This bill cleans up, essentially, some of the issues associated with the way in which medicare is provided in British Columbia. It protects, as the title suggests — Medicare Protection Amendment Act, 2003 — a very important part of the assumptions we have about medically necessary procedures in British Columbia. It tells people that this government stands up for medicare. It stands up for the fundamental principles of medicare, the fundamental principles in the Canada Health Act.

The main principle there is that medically necessary procedures shall not come out of the pocket, directly, of the patient — that patients shall not have to ration their medical services based on their financial need. That's a big challenge in many other countries, and I'm proud that Canada and in particular British Columbia continue to stand up for that provision of the Canada Health Act. With a bill like Bill 92, we'll put in place the measures necessary to protect that.

In the end, I often find myself defending our government's stand on any number of issues that we have to face — the challenging issues, the ones that really present challenges. The main ones that present challenges, of course, are financial. We as a government inherited an enormous financial challenge, in that a good part of what government paid for in the past wasn't actually paid for by government, and by extension it wasn't paid for by the taxpayers of the day. It was paid for by those folks up there, by the young people, the next generation — the generation that we borrowed the money from to pay for government programs.

[1135]

As I stand up to defend some of the tough decisions we've had to take, I have to remind people and I have to remind myself every step of the way that we will never again allow a government to spend more than it has, to essentially rob the piggy banks of our children, rob their future in order to buy votes with spending that they can't afford, spending that they don't have. That's what the previous government did. That's what previous governments did — not just the last government but the government before that as well. I want to make certain that the discipline that is necessary in the household to protect household budgets is just as evident and even more evident in a government that stands by its commitment to live within its means, because that's what people ought to expect governments to do.

I recognize, of course, that sometimes governments will be rewarded for deficit spending, and that has happened in Canada. I want to reiterate, though, that we must not let that happen. We must make sure that with Bill 92 and other measures that continue to protect health care and health care spending, at the same time we acknowledge on the other side of the balance sheet that there is tremendous cost to a society by spending more than it has. That's the challenge we face today. So as we move to protect essential medical procedures, essential government health care budgets, I want us to recognize, as well, that the tough decisions that have to be taken there are the right decisions. We have a tough decision in my community that has had to be taken, related to health care.

Those kinds of challenges I often shudder at, because it would be much easier to just say: "Okay. Let's just spend the money. It's not really ours to spend, admittedly, but governments are permitted historically to borrow money from future generations and just spend the money." If you do that, no one complains very loudly. There are some groups that recognize the dangers of that mechanism, but very few people will actually stand up and complain if you deficit-spend. I'm very proud to work in a government that has steadfastly refused to do that, and to work with a Premier who stands by his commitment to make certain that the next generation is well served by the way in which we spend today's dollars, the way in which we budget for tomorrow's dollars and the way in which we protect the essential services that British Columbians have come to rely on.

With Bill 92, the Medicare Protection Amendment Act, 2003, we stand today as a House and say we stand

as a government for the essential, important provisions of medicare that people rely on, that people believe in and that we will be criticized about because some people will not understand the kinds of challenges we face. Nonetheless we do stand here. We intend to protect medicare. We intend to protect the health care system in this province. We intend to make it as good as it possibly can be within the dollars we have, so that at the end of the day the people that are well served are not only the seniors as they age and the people of my generation as we move toward a time in our lives when we'll be using more health care but also the young children of today — my children and the children in the gallery and every other child in British Columbia. They will recognize that British Columbia stands up and protects every generation so that we will have the health care and other social services in the future that we have come to depend on today and that we deserve.

L. Mayencourt: Mr. Speaker, through you to the member for Coquitlam-Maillardville. I am grateful for his passion and for his reference to the young people that are here in the gallery today. This bill really is about protecting health care and protecting our system of health care delivery for the people in our society today, including the young people that are up there. I'm very grateful, also, that they have taken the time to sit here and listen to some of the things that we have been discussing, because they are important — important to them, important to their families, important to all of us.

I'm pleased to stand here to respond to Bill 92, the Medicare Protection Amendment Act, 2003. The minister was very clear, and he indicated that these changes are proposed and are put forward to meet our new-era commitments that would ensure that B.C. health care is universal, accessible, portable, comprehensive and publicly administered — consistent with the five principles of the Canada Health Act.

[1140]

That's really important, because the Canada Health Act... Sometimes it's important to articulate what those five principles are. The five principles are universality — everybody gets to have the same level of health care; accessibility — people throughout our province and around this nation have access to affordable health care; comprehensiveness — it covers all of the health needs that people present to us; portability — in other words, I as a citizen of B.C. could move to Ontario or visit Ontario and receive the same kind of health care, the same supports that British Columbia offers; and the public administration of health care services. We believe that the best place for public health to be managed is in the public domain, and that's with the Minister of Health, the various health authorities and such.

Though the Canada Health Act is really a piece of federal legislation that establishes these principles, it's enforced by each individual province. British Columbia, Alberta.... All of us have an obligation as provin-

cial members to enforce that act to make sure it works for people in our communities and in our province. Over the last several years it's become clear to our government that the existing Medicare Protection Act was inadequate in terms of providing those who work in the health care system and the patients that access the health system with information about what is permissible and not permissible in terms of patient charges.

I think it's really important. This legislation is very similar to other pieces of legislation that have come forward in this session. The legislation we bring forward is a reflection of the new world we live in. The acts that were passed in perhaps 1950 or 1966 or 1972, and so on, need to be refreshed. We need to go with today's information, with today's realities. We need to be able to go back and have a look at the acts and bring them up to date in the interests of providing clarity. These amendments are going to address some of this inconsistent and ambiguous wording that currently exists in the act. It will make it clear that diagnostic facilities are covered by this act, and I think that's important as well.

It's also been unclear which third parties may be billed under this act, and we've heard a lot about that in the news as people were going to private clinics and what have you. These changes will clarify when it's inappropriate to bill patients or third parties, like friends or relatives, for medically necessary medical procedures, including the diagnostic services. Third parties may only be billed where a group is excluded from MSP because their care is provided under another statute. In other words, you can go to these clinics, and you will be billed for it only if you're not covered by the MSP program.

Some of the acts, and trades or individuals or people that are covered under these other acts, are: the Aeronautics Act — that's a Canadian one; the Civilian War Pensions and Allowances Act; the Government Employees Compensation Act; the Merchant Seamen Compensation Act; the National Defence Act; the Pension Act; the RCMP Act; the Royal Canadian Mounted Police Pension Continuation Act; the Veterans Rehabilitation Act; the Penitentiary Act; the Workers Compensation Act. All the individuals covered under those acts have alternative access to other clinics and billing for those services. But for people like you and me and the kids that are here in the gallery today, we are covered by MSP. This clarification was really very important to have. It's very important that we know when it's appropriate to bill for such charges as facility fees, rental charges, tray fees and so on.

These amendments ensure that the Medical Services Commission has the authority to respond to complaints by auditing relevant billing records of any physician, any diagnostic facility or private medical-surgical facility in British Columbia with respect to the benefits provided to a beneficiary. What does that mean? Well, it means that in the event that the Medical Services Commission receives a complaint, they'll act upon it. They will listen to the concerns of British Columbians, as they should. They can go to the physician,

they can go to the diagnostic clinic, they can go to where this person received the care, and they can look into whether or not they were appropriately billed.

[1145]

Now, you've got to have penalties when people do the bad things, so we've built that into the Medicare Protection Amendment Act, 2003, and it's in section 12. It talks about a person contravening the act, and it talks about what the penalties will be for someone who does that. I think it's important when we look at any piece of legislation where we want to have people following the rules that they know there are some serious consequences for breaching the act.

In section 12 we've amended section 46 of the Medicare Protection Act to state that a person who is convicted of an offence is liable to a fine of not more than \$10,000 and, for a second or subsequent offence, to a fine of not more than \$20,000. What we're doing is saying that if you contravene this act, there is a serious penalty that's going to be paid by you. The patient is going to receive their money back, and you're going to pay up to \$10,000 in fines for that contravention. What's more, do it again and we'll slap you harder, because we can go ahead and double the fines. I think it's really important that we get that across to people in this province — that we are here to protect those five essential elements of the Canada Health Act, and where someone contravenes that, where they contravene this act, we're going to slap you with hefty fines.

We also found that there were times when there was some question as to whether or not it's covered by the Medicare Protection Act. The Medical Services Commission has the ability to go to the Supreme Court and seek an injunction restraining a person from contravening the act. It can grant an injunction if the court is satisfied that there are reasonable reasons for doing so. Furthermore, the court may give us an interim injunction as a result of that case or what have you.

I think we have done a lot of things with this particular act. The most important thing is that we've updated it; we've brought it into the twentieth century. The second thing is that we've brought clarity for practitioners, for citizens and for the justice system as to what we expect from the Medicare Protection Act. We have done this in the best interests of protecting health care in British Columbia.

In conclusion, Mr. Speaker, we're clarifying when it's inappropriate for physicians or clinics to charge patients for medical and surgical services. We are prohibiting patient charges for medically necessary diagnostic care. We are confirming that the Medical Services Commission has the authority to audit the billing practices of all diagnostic facilities and private clinics in response to complaints. Once again, the diagnostic facility is a new part of this act. We are specifying penalties for individuals or corporations that violate the legislation and authorize the Medical Services Commission to recover those unlawful charges.

I think that Bill 92 is a move forward for all British Columbians, and it works to help us fulfil our new-era commitment, which was to ensure that British Colum-

bians got the best level of medical care at the best rates. Mr. Speaker, I thank you very much for the opportunity to speak to this bill, and I look forward to committee stage.

G. Trumper: In speaking to Bill 92, I think it should be made very clear that in closing a loop which has caused us a problem with the federal government with transfers for health care to the province.... We can ill afford to lose any funding from the federal government, as we could do with a great deal more. Hopefully, with the new Prime Minister that will be installed very soon, we will see a change in a positive way for more money from the federal government for health care.

[1150]

What I want to make very clear is that this is covering a small part of what has been maybe an unfortunate happening in which.... And I want to emphasize that it's a few cases where there has been extra billing when it was inappropriate. I would not want anyone to think this is a general issue that takes place right through our health care system. It's a very small number of incidents that take place, whether it's inadvertent or not understanding the Health Act, but it is enabling us to make sure that we are in line with the rest of the provinces and with the federal government to make sure that we do get the appropriate funding.

It's also appropriate, though — and I have certainly come up with, in my work with constituents, although it's not exactly related to this.... I know that on occasions we've had people coming in and saying: "You know, I went to such-and-such in a particular incident, where I was told that I was covered by medicare, but there was an extra charge for this specific issue." We did some checking around, actually, and in that particular part of the health care system, the person who was giving the service was perfectly entitled to give that extra charge. But what was happening in the community was that the other individual who was giving the same professional service in his business was not charging that extra charge.

We find in our office that we're having to say sometimes to people, where this is legitimate: "Well, if you're finding it difficult to pay that extra charge they are allowed to give, maybe you need to just check around, unfortunately — rather like you do when you're buying a vehicle or something — to see what the costs are." So I don't want anyone to be under the impression that what those particular services were doing in that particular health discipline was not correct. They were absolutely entitled, if they wished, to charge over what they would be paid under MSP.

It is unfortunate when these issues happen, because quite often when people are dealing with a health issue, they really don't need to have to worry about other issues. I want to go back, and for some of you.... My husband was in general practice when the first health care system came into place in Canada, and it was very difficult for some. I do know that some of his friends, who were in Saskatchewan at the time, underwent

some very difficult times, as there was certainly a difference of opinion between physicians in Saskatchewan and the government of the day when the whole issue of medicare in Canada came forth. My family, for instance, has been through two very serious life-threatening illnesses with two members of my family, one in which there was a very positive outcome and one in which there wasn't.

At the time when those issues hit us, even though the health field was our livelihood, we weren't then even quite sure what was going to be covered and what wasn't going to be covered. I can remember to this day my husband saying to me about one of our children: "This is going to be a very costly disease, even though it's covered by our health care system." He probably should have known better, actually, but when it came down to it I think we paid, from the whole time that this particular son of ours was very ill to the time when he was given the news that he probably didn't have to go back for any treatments.... I think it cost us probably two prescriptions and our travel costs. We had no idea, and we know what the costs were — huge costs for that individual.

[1155]

It went on when we faced another very devastating illness in our family — the same issue — and it was covered. When people are ill or need help in the health care field, they certainly need to know there are going to be no extra costs on it, and they need to know what is covered under MSP. It needs to be made very clear to individuals that if they are going for whatever treatment it is, they need to know exactly what is covered and what is right and what is wrong in the extra billing. I do know that.

As some of you may remember, last year I clumped around with a cast on my leg, by choice. I paid for a lighter cast so that I could get around, do my work better and not take time off. Those things are perfectly legitimate to be charged for, but it is those few instances in the whole system when you suddenly have someone coming and saying: "I've been charged for this." You look at this, and you know very well it was covered by our health care plan and that there was no reason for them to be given that extra charge. It's very unsettling when people are ill.

We value our health care system. We know it's under tremendous stress. We know that people do things to try and get quicker health care because of the difficult times we're in, but nobody should be faced with that hanging over their heads — that maybe there might be an extra charge put on so they can get

through the system earlier. That is wrong, and we need to make sure....

That is exactly what this bill does. It closes that loophole to make sure our health care system is in line with the federal guidelines for our health care and that we are enabling ourselves to make sure we do not face in the future, again, the possibility of receiving less money from the federal government.

I'm pleased to speak to this bill. Probably my whole life I've spent in the health care system in one way or another, and I follow very carefully the changes that are taking place. Health care has changed so much in the last 50 years that it is unrecognizable today, but we need to make sure that the health care system we have in place is there for the people when they need it, that they are not facing any other little anxieties that may occur when they're dealing with illness or sickness themselves or in their family. This is exactly what this bill does and enables us to move on.

I am very pleased to speak to this motion and support this motion.

Mr. Speaker: On second reading of Bill 92, the Minister of Health Services closes debate.

Hon. C. Hansen: I'll be very brief — just to thank the members for their comments with regard to the bill. I certainly look forward to discussion in committee stage as well.

Mr. Speaker: Hon. members, the question is second reading of Bill 92.

Motion approved.

Hon. C. Hansen: I move that this bill be referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Bill 92, Medicare Protection Amendment Act, 2003, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. G. Bruce moved adjournment of the House.

Motion approved.

Mr. Speaker: The House is adjourned until 2 p.m. today.

The House adjourned at 11:58 a.m.