

Opposition Liberals attack NDP plan to fix ICBC's financial woes

Bill 20, the principle effort by Premier John Horgan's New Democratic Party government to extinguish the financial "dumpster fire" at the publicly-owned Insurance Corporation of B.C. – which is forecast to post a loss of \$1.3 billion in 2017/18 – passed third-reading in the Legislative Assembly on Thursday, May 10.

It was not without a fight, however, as the BC Liberals – in government from 2001 until 2017, and therefore responsible for managing ICBC over the past 16 years – waged a lengthy fight against the NDP's legislation, the *Insurance (Vehicle) Amendment Act, 2018*.

In fact, the opposition BC Liberals forced a total of four recorded "divisions" during debate on Bill 20, likely a symbolic gesture as the NDP's legislative majority – secured through a compact with the three-person Green caucus – appeared never to be in jeopardy.

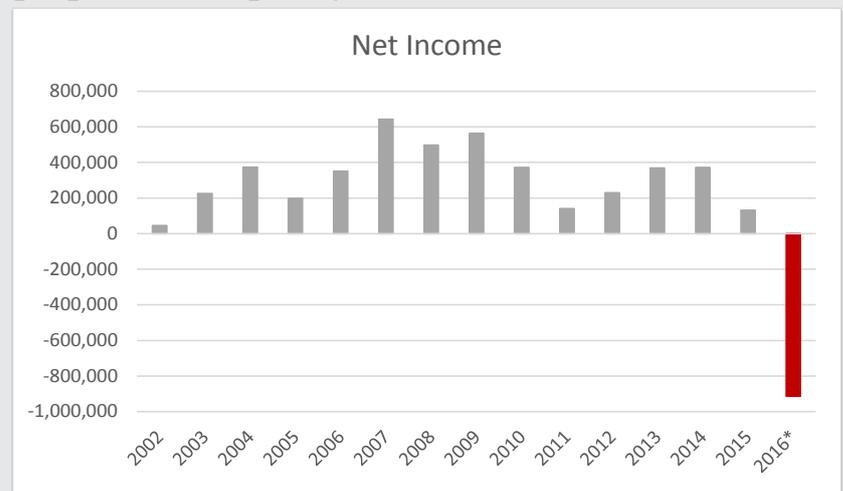
The first division, on May 7, came at the end of second-reading, and revealed a narrow 43-40 advantage for the New Democrats and Greens over their BC Liberal opponents.

The remaining three votes in the legislature on Bill 20 occurred late in the afternoon of May 10.

The afternoon's initial division took place at 5:15 pm during the clause-by-clause 'committee-stage' of debate (which is undertaken on each bill once it has received second-reading).

The vote was on section 29 of the legislation, which amends Part 7

ICBC profits replaced by red ink as BC Liberals prepared to depart government



* 15-month period from January 1, 2016 to March 31, 2017. B.C.'s 41st election was held on May 9, 2017.

SOURCE - Insurance Corporation of British Columbia.

of the existing *Insurance (Vehicle) Act* with updated or new definitions of terms such as "accident," "minor injury," "permanent serious disfigurement" and "serious impairment," and also sets April 1, 2019 as the date when the new policy will take effect.

In February, NDP Attorney General David Eby announced that accident victims who were diagnosed with a minor injury would receive a maximum payout of just \$5,500. That number does not appear in Bill 20.

The BC Liberals – specifically, veteran MLA John Yap and newcomer Michael Lee, who during committee-stage took turns tag-teaming Eby – seemed most exercised by the provision that allows the Lieutenant Governor in

Council (that is, the cabinet) to set new "regulations" to Part 7 in the future without legislative input.

As Eby explained when he introduced Bill 20 for second-reading on April 26, "The bill will introduce a new legal definition of what constitutes a minor injury in B.C. This will be further defined in regulation to ensure that only minor injuries are captured in the legislation."

Eby reiterated this point during committee-stage debate, declaring, "The definition of 'minor injury' is new to this legislation. Because that definition did not exist previously ... or at any point until, hopefully, this bill passes, there's no categorization of injuries according to the definition that's in this bill that hasn't passed yet."

continued on page 2

Continued from page 1

So, once Bill 20 receives Royal Assent and becomes law, the NDP cabinet will be able to make regulations – with input from health professionals and others – to further define or clarify what constitutes a minor injury. In turn, that will determine which accident victims can expect their injury compensation to be capped at \$5,500.

Debate on section 29 alone – which got underway at 11:45 am on May 10 before breaking for lunch and resuming at 1:37 pm – went on for approximately four-and-a-half hours before the following exchange took place:

John Yap (*BC Liberal MLA, Richmond-Steveston*) – “How can the minister be expected to administer fair regulation when he’s responsible for ICBC on matters such as protocol of claimants, insurers and prescribed health care practitioners?”

Hon. David Eby (*NDP Attorney General*) – “It’s hard to know who, other than the minister responsible for ICBC, would be bringing these changes forward”

J. Yap – “Looking at this same section, why did the minister feel it necessary to give himself the power to impose limits upon the roles of claimants, insurers and prescribed health care practitioners?”

Hon. D. Eby – “Again, absolute non-

sense. I’m not giving myself any powers under this regulation.”

J. Yap – “What qualifications does the minister have to decide protocol and limits of health care practitioners?”

Hon. D. Eby – “... I understand the member is reading a list of questions. It would be helpful if he listened to the answers, because the same answers are being given again and again. The regulations are approved by cabinet.

“Cabinet approves all kinds of regulations where they’re not expert, and they’re reliant on experts and the advice of and consultation with experts. This regulation proposal is no different, except that in this situation, we are relying on the expertise of medical professionals.”

Tempers clearly were fraying as debate on section 29 of Bill 20 dragged on interminably. A few minutes later, this confrontation:

J. Yap – “This section also grants the minister power over referrals. I wonder if the minister can explain the rationale and the intent here.”

Hon. D. Eby – “I can only think that the member is refusing to acknowledge the text of the bill, which is very clear: it does not grant me, or the person in the role of Attorney General, or a minister responsible for ICBC, any powers.”

J. Yap – “Again to the minister, the section gives him the ability to prescribe a class of persons. What is the intent with this?”

Hon. D. Eby – “It does not do that”

Finally, at 5:15 pm, a division was called. It was decided by a lopsided 42-34 split in favour of the government.

MLAs quickly moved on to wrap up debate – sections 30 through 36 passed in about 20 minutes – and then at the conclusion of committee-stage the BC Liberals demanded another division.

This one at 5:40 pm survived by a bigger margin of 42-33, and then Bill 20 immediately went to third-reading.

The BC Liberals quickly sought yet another division, and this one was lost by the opposition by the widest margin of the session, 43-31.

The House then adjourned at 5:52 pm and the remaining MLAs fled to return to their respective constituencies.

With a combined 44 seats in the 87-member legislature, the NDP-Green alliance has a very thin majority over the 42-member BC Liberal caucus.

Legislative votes during debate on Bill 20 on May 10 showed that New Democratic Party cabinet minister Lisa Beare – recovering from open-heart surgery in early April – was not in the House, and NDP veteran Raj Chouhan missed the first two divisions but was present for the vote on third-reading.

Eight BC Liberals did not participate in any of the three divisions on May 10, including newcomer Dan Davies who was injured in an accident in late March. Others absent from the House included leader Andrew Wilkinson, plus Mike Bernier, Jordan Sturdy, Sam Sullivan, Jane Thornthwaite, Laurie Throness and Teresa Wat.

Ellis Ross voted in the day’s first division, but skipped the next two. John Martin and Doug Clovechuk missed the final vote of the day. 



Hon. David Eby
Exasperated by endless series of questions



John Yap
Opposed to NDP cabinet’s new authority

PHOTO CREDITS - Legislative Assembly of B.C.