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## **'Sunshine' in Ferry Act amendments**

Amendments to the *Coastal Ferry Act*, introduced in the provincial legislature on April 29, provide for public input into ferry decisionmaking, give new powers and responsibilities to the BC Ferry Authority and to the Ferry Commissioner, and bring BC Ferries and the Authority under the *Freedom of Information Act*.

They also specify a new and strict procedure for setting salaries for ferry company directors and executives, and give the Commissioner a more proactive role in creating competition in the ferry business.

This new transparency and increased supervision could make the ferry service more accountable to ferry-users and the public, and may represent a 'reining in' of the quasi-private corporation set up under the 2003 *Coastal Ferry Act*.

They also respond to the comptroller-general's report last year, and to recommendations from the Save our Ferries advocacy group.

However, the amendments do not touch on the main purpose of the *Coastal Ferries Act*, which is to shift the costs of this vital piece of the provincial transportation infrastructure (a monopoly) from the government to user-pay.

### **The BC Ferry Authority**

Originally, this body was conceived as a legal fiction, to hold the sole voting share of BC Ferries Services so as to distance the corporation from the government, which actually owned it. Its directors were shared with the Board of BCFS, and it had no real shareholder function.

Now, with the revelation of the substantial salaries paid by BCFS to its officers and directors, the government has found a genuine *raison d'être* for this shareholder body, and a reason for its independence from BCFS. Directors of the Authority must not be connected with the corporation or the government. A new amendment requires it to 'oversee' BCFS and elect the Board of Directors of BCFS, and further amendments set out a strict procedure for setting remuneration levels.

### **Commissioner to Consider Ferry Users, Public Feedback**

The Ferry Commission was originally created with the sole responsibility of ensuring that the fare structure, together with a provincial percentage contribution, was sufficient to finance the corporation and ensure that it could sell bonds on the open market. It was specifically not designed as an advocate for ferry users, communities served by the ferries, or the public, and went to considerable lengths to make this clear.

New amendments could change the function of the Commissioner radically. Right up front, the commissioner is enjoined to consider 'public feedback under this Act'; and when reviewing the performance and pricing of ferry operators, he is to 'consider the interests of ferry users'. He is also required to ensure that 'ferry operators' have a proper procedure for handling complaints.

The Commission is now required to publish, on its website, route by route forecasts of costs and revenues, and request public comments. It is given the power to order action on the part of ferry operators to improve service and efficiency.

And to top it all off, the Commissioner is now required to give his opinion of how BCFS has performed under the *Act* and its contract.

### **Finally, Sunshine**

One more thing. 'ferry operators' are now to comply with the *Freedom of Information Act*. Formerly, as a private corporation, BCFS was exempt. ☞

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