



No. S-090663
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN INDEPENDENT MEDICAL CLINICS ASSOCIATION,
CAMBIE SURGERIES CORPORATION, DELBROOK SURGICAL CENTRE
INC., FALSE CREEK SURGICAL CENTRE INC., OKANAGAN HEALTH
SURGICAL CENTRE INC., and ULTIMA MEDICAL SERVICES INC.

PLAINTIFFS

AND:

MEDICAL SERVICES COMMISSION OF BRITISH COLUMBIA,
MINISTER OF HEALTH SERVICES OF BRITISH COLUMBIA
and ATTORNEY GENERAL OF BRITISH COLUMBIA

DEFENDANTS

AND:

SPECIALIST REFERRAL CLINIC (VANCOUVER) INC.

DEFENDANT BY COUNTERCLAIM


**REPLY OF THE MINISTER OF HEALTH SERVICES OF BRITISH COLUMBIA
TO THE STATEMENT OF DEFENCE OF THE PLAINTIFFS AND
DEFENDANTS BY COUNTERCLAIM**

1. In reply to paragraph 18 of the Statement of Defence, the Minister pleads and relies on the *Ministry of Health Act*, R.S.B.C. 1996, c. 301.
2. In reply to paragraph 20 of the Statement of Defence, whether or not the forms employed by the various Extra Billing Clinics are the same as each other is irrelevant. The Minister relies on the legal and practical effect of any and all Acknowledgment Forms employed.

3. In reply to paragraph 21 of the Statement of Defence, the public interest is in a fair, efficient, and cost-effective health care system, full stop. The public also has a legitimate interest in the allocation of medical resources outside the public system when such allocation has an impact on the ability of the public system to remain fair, efficient, and cost-effective.

4. In reply to paragraph 22 of the Statement of Defence, the provisions of the *Medicare Protection Act* that the Plaintiff Clinics are challenging are the law, and acting in contravention of them is unlawful, unless and until a court of competent jurisdiction has held otherwise.

DATED at Victoria, BC, this 6th day of April 2009.



GEORGE H. COPLEY, Q.C.

Counsel for the Defendants the Medical Services Commission, the Minister of Health Services of British Columbia and the Attorney General of British Columbia