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Daily sitting 13

Thursday, December 17, 2020

10 o'clock a.m.

Prayers.

Mr. Turner, from the Standing Committee on Economic Policy, presented the Fourth Report of the Committee for the session which was read and is as follows:

December 17, 2020

To The Honourable  
The Legislative Assembly of  
The Province of New Brunswick

Mr. Speaker:

Your Standing Committee on Economic Policy begs leave to submit this, their fourth report.

Your Committee met on December 16 and had under consideration:

Bill 6, *Family Law Act*;  
Bill 7, *An Act Respecting the Family Law Act*;  
Bill 8, *An Act to Amend the Executive Council Act*;  
Bill 12, *Construction Remedies Act*;  
Bill 23, *An Act to Amend the Municipal Elections Act*;  
Bill 24, *An Act to Amend the Electricity Act*;

and have agreed to the same.

And your Committee begs leave to make a further report.

(Sgd. :) Greg Turner, M.L.A.  
Chair

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Pursuant to Standing Rule 78.1, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

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Hon. Mr. Savoie, Government House Leader, announced that following third reading, it was the intention of government that the House recess until 2.30 p.m., at which time Opposition Members' Business would be considered.

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The following Bills were read a third time:

Bill 2, *An Act to Amend the Climate Change Act*.  
Bill 4, *An Act to Amend the Assessment Act*.  
Bill 21, *An Act to Amend the Industrial Relations Act*.

Ordered that the said Bills do pass.

At 11.27 a.m. the House recessed. At 2.30 p.m. the House resumed

Pursuant to Notice of Motion 4, Ms. Thériault moved, seconded by Mr. Guitard:

WHEREAS Clinic 554 provides invaluable health services to a large patient group, including services for marginalized patients with addictions, LGBTQ2SI+ patients, patients with HIV, and persons with mental health needs, as well as abortion services;

WHEREAS the province of New Brunswick has an obligation to provide sufficient access to the services provided by Clinic 554, including reproductive health services such as abortion;

WHEREAS access to abortion services that are currently only provided through public hospitals in Moncton and Bathurst is insufficient to meet existing demand;

WHEREAS insufficient access to abortion services represents a danger to the health and safety of those requiring them;

WHEREAS patients who require access to abortion should not have to pay out of pocket when they are legally entitled to have any associated costs covered through our Medicare;

WHEREAS the Horizon Health Network passed a motion from its board indicating that Horizon's board will "advocate to the government of New Brunswick for payment to physicians to provide abortion services in a quality and safe environment outside of hospitals";

WHEREAS the federal government has indicated that refusal to fund abortion services provided by Clinic 554 is a violation of the *Canada Health Act*;

WHEREAS the Higgs government has refused to fund the services provided by Clinic 554;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the province to fund the services provided by Clinic 554;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the provincial government to repeal paragraph (a.1) of Schedule 2 of regulation 84-20 of the *Medical Services Payment Act* that prevents the payment of abortions outside of a hospital setting.

And the question being put, a debate ensued.

And after some time, Hon. Ms. Shephard, seconded by Hon. Ms. Green, moved in amendment:

#### AMENDMENT

That Motion 4 be amended by striking out both resolution clauses and substituting the following:

“BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to task the Regional Health Authorities with determining if abortion services in New Brunswick follow the *Canada Health Act*;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to task the Regional Health Authorities with prioritizing primary health care access for all New Brunswickers, including adequate services to the LGBTQ2SI+ community.”

Mr. Speaker put the question on the proposed amendment and a debate ensued.

At 3.06 p.m. the House recessed. At 3.14 p.m. the House resumed.

Mr. Arseneault rose on a point of order and submitted that the amendment was out of order as the health authorities lack jurisdiction and the federal government already determined that New Brunswick was contravening the *Canada Health Act*.

At 3.17 p.m. the House recessed. At 3.22 p.m. the House resumed.

Mr. Speaker delivered the following ruling:

#### STATEMENT BY SPEAKER

Honourable Members,

I have reviewed the original motion and the proposed amendment by the Minister of Health, and I find the amendment to be in order for the following reasons.

The subject matter of the proposed amendment is not foreign to the original motion. Both the amendment and the original motion relate to the provision of abortion services. The original motion urges the government to fund the service outside of a hospital setting, while the amendment urges the government to determine whether abortion services comply with the applicable legislation.

Whether the determination has already been made by the federal government is not for the Speaker to decide, nor is the question of whether the health authorities have the necessary jurisdiction. The amendment merely attempts to make the motion more acceptable to the House. I also find that the amendment does not negate the intent of the original motion. Rather, it presents a modified proposal for the consideration of the House.

Debate resumed.

And after some time, Ms. Landry, seconded by Mr. K. Chiasson, moved a sub-amendment:

#### SUB-AMENDMENT

That the following be added after the second resolution clause:

“BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to fund expanded access to abortion services provided in a clinical setting outside of hospitals including those provided in private clinics.”

Mr. Speaker put the question on the proposed sub-amendment and a debate ensued.

At 3.39 p.m. the House recessed. At 4.05 p.m. the House resumed.

And the debate being ended, and the question being put, the sub-amendment was defeated on the following recorded division:

#### YEAS - 20

Mr. Arseneault  
Ms. Thériault  
Mr. Melanson  
Mr. McKee  
Ms. Landry  
Ms. Harris  
Mr. Coon

Mr. LeBlanc  
Mr. K. Chiasson  
Mr. C. Chiasson  
Mr. Bourque  
Mr. LePage  
Mr. D'Amours  
Ms. Mitton

Mr. Legacy  
Mr. Guitard  
Mr. Gauvin  
Mr. Mallet  
Mr. Landry  
Mr. Arseneau

## NAYS - 27

Hon. Mr. Holder	Hon. Mr. Holland	Ms. Bockus
Hon. Mr. Savoie	Hon. Ms. Green	Mr. Cullins
Hon. Mr. Higgs	Hon. Ms. Dunn	Ms. Anderson-Mason
Hon. Mr. Steeves	Hon. Mr. Cardy	Mr. Hogan
Hon. Ms. Shephard	Hon. Ms. Scott-Wallace	Mr. Stewart
Hon. Mr. Flemming	Hon. Mr. Allain	Mr. Ames
Hon. Mr. Fitch	Hon. Ms. Johnson	Mr. Carr
Hon. Ms. M. Wilson	Mr. Wetmore	Mr. Turner
Hon. Mr. Crossman	Ms. S. Wilson	Mr. Austin

Mr. Speaker put the question on the amendment and it was adopted.

Mr. Speaker put the question on Motion 4 as amended as follows:

WHEREAS Clinic 554 provides invaluable health services to a large patient group, including services for marginalized patients with addictions, LGBTQ2SI+ patients, patients with HIV, and persons with mental health needs, as well as abortion services;

WHEREAS the province of New Brunswick has an obligation to provide sufficient access to the services provided by Clinic 554, including reproductive health services such as abortion;

WHEREAS access to abortion services that are currently only provided through public hospitals in Moncton and Bathurst is insufficient to meet existing demand;

WHEREAS insufficient access to abortion services represents a danger to the health and safety of those requiring them;

WHEREAS patients who require access to abortion should not have to pay out of pocket when they are legally entitled to have any associated costs covered through our Medicare;

WHEREAS the Horizon Health Network passed a motion from its board indicating that Horizon's board will "advocate to the government of New Brunswick for payment to physicians to provide abortion services in a quality and safe environment outside of hospitals";

WHEREAS the federal government has indicated that refusal to fund abortion services provided by Clinic 554 is a violation of the *Canada Health Act*;

WHEREAS the Higgs government has refused to fund the services provided by Clinic 554;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to task the Regional Health Authorities with determining if abortion services in New Brunswick follow the *Canada Health Act*;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to task the Regional Health Authorities with prioritizing primary health care access for all New Brunswickers, including adequate services to the LGBTQ2SI+ community.

And the question being put, Motion 4 as amended was resolved in the affirmative.

The Order being read for second reading of Bill 28, *An Act to Amend the Municipal Elections Act*, a debate arose thereon.

And after some time, Mr. Speaker interrupted proceedings and announced that the hour of daily adjournment had arrived.

And then, 6 p.m., the House adjourned.

The following document, having been deposited with the Clerk of the House, was deemed laid upon the table of the House pursuant to Standing Rule 39:

Annual Report 2019-2020

Office of the Commissioner of Official  
Languages for New Brunswick

December 16, 2020