

# Legislative Assembly of New Brunswick

## Oral Questions



**March 25, 2021**

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### ENERGY AND UTILITIES BOARD

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Thank you, Mr. Speaker. Thank you for the birthday wishes, but let's put that aside for now.

CBC has confirmed this morning what we always knew. The Premier's fingerprints are on the letter that was sent to the EUB, forcing his minister—following the advice of the department's bureaucrats for the minister to stay out of it—to try to influence the EUB to increase fuel costs by \$1 million per week to New Brunswickers.

The Premier says he would do it again. There is no recognition of the potential conflict of interest or even abuse of power. True leaders recognize through common sense that you step away. You recuse yourself for things that could be perceived to be or could be a conflict of interest. Premier, did you know that leaders do that? Why did you not do it?

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, what I do realize is that true leaders stand up and are accountable for what is needed in the province. I do not walk away from the challenges we face in our province. A refinery was shut down in Newfoundland, and a supply issue is imminent, from what we are seeing. There have been layoffs of 250 people, and there is about \$100 million, \$200 million, \$300 million, or \$400 million that will not be spent this year.

Our request was simply for the EUB to look at it, to make it a priority, and we put it in writing. We did not go around to the back door. We did not do anything. We put it in writing, and we asked our legal counsel how we should word it so that there is no influence of any kind, that is just suggesting: This is a serious situation. It is a supply issue. It is an issue we have to address in our province. Please look at this.

The EUB did. It offered. The company went through later. But the EUB offered. The EUB did look at it, and it rejected it. The system worked, Mr. Speaker, and we stood up for the province.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): The Premier can scream all he wants. Your former employer is a huge employer and a big enough company that it can take care of itself. You need to realize that when you are the Premier, whatever is sent on your behalf can send a message of influence. You, as the Premier of the province, need to recognize that.

Now, public servants were giving advice to the minister or through his deputy not to get involved. Because of the abuse of power of your office and the top level of government, you still went ahead and forced your minister to send that letter. It seems he was not even

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involved in the process. Could you please recognize that when you send a letter or you direct your ministers to send a letter, it sends the message of trying to influence?

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): I realize that the Leader of the Opposition feels he knows a whole lot more than legal counsel. He understands the system a whole lot better, and his views are more paramount.

This was not a forced issue of any kind. This was a collaborative issue that we discussed. What happens next? What should we do next? Do we do anything?

We saw what Nova Scotia did. We did not do that. We saw what Newfoundland did. Nova Scotia raised prices by 2.5¢. We did not do that. Newfoundland raised prices by 6¢ after the refinery closed. We did not do that. To say to do nothing or to sit and watch is not what the leader would do if he were in this situation. He would say: How do we understand whether it is real or not real? It is not a decision that we are going to make arbitrarily.

That is exactly what we did, especially given the fact that I have a history with the company. There was no arbitrary decision here. It was a case of saying let's have the procedure followed completely, but let's have it done in an expedited fashion so that we know the impact before our refinery closes like the one in Newfoundland.

**Mr. Speaker** (Hon. Mr. Oliver): Time.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): The Premier seems to not even acknowledge what he has done. As the Premier of the province, he should know what is right and what is wrong. In his position, in any Cabinet minister's position, if there is a perception of a conflict of interest or even an actual conflict of interest, you recuse yourself. The process does work, absolutely, but there are highly qualified people who can make those decisions based on information that they have without the influence of the Premier. Why did you not let that process take its course as is normally done? We have never seen this before—a minister forced to send a letter on your behalf. Why did you not sign it? Why did you not sign it, because you approved it? Tell us why you did not sign it.

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, we have lots of ministries where the ministers take responsibility for what they send and we work together to come up with an agreement. I said, as I backed the minister, when I was challenged here... When everyone said that no, no, we cannot do this and that the minister should not have done it, I said: I find no fault here with this.

This was a situation that we had to understand. We had to have an expedited review, and we reviewed it with legal counsel to ensure that we did not go over the line.

(Interjections.)

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**Mr. Speaker** (Hon. Mr. Oliver): Order.

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): I also want to reiterate that the system worked. They rejected it, Mr. Speaker. They obviously did not have enough material. They asked for more material, and the company declined to provide any more information. So the system worked. What more proof would you need of the system working as it should? When the company eventually backed away, the decision was made not to increase rates—end of story. Mr. Speaker, we did our job, and we are proud of it.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Your former employer is a well-respected business. It creates a lot of jobs. Based on your answers and on what you are saying, we know that you have a lot of knowledge of that industry. That is why you should have recused yourself and not gotten directly involved in the process, because your office, your position, creates the perception of trying to influence the outcome in a process that should be completely independent. It is mind-boggling that the Premier would not even recognize what is right and what is wrong and the perception of being in a conflict of interest or maybe actually being in a conflict of interest.

The Integrity Commissioner will be reviewing this, and I hope that he takes all of this into account—what was made public but also what was not made public, all the information that was used. Hopefully, you will cooperate.

**Mr. Speaker** (Hon. Mr. Oliver): Time, member.

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, when you do not have anything to hide, it is not a worry. The whole process is well documented. The whole situation and the letter itself say volumes. The letter itself was reviewed by our Attorney General's Office to understand whether there was any issue there, and it said: No, there is none. You are not asking for anything more than to review this.

That is it. There is no confusion there. That is what was done. That was provided. I feel very good about the process, and ultimately, the decision was made. In that context, it all flowed as it should.

For us to sit idly by and watch companies or watch issues, no matter where they are in the province... It is like asking: How do you manage through this in a way that is reasonable and effective? Mr. Speaker, I feel good about our government's relationship, not only with businesses but also with investors. We are seeing record numbers of investors at this point in time, so they feel good about New Brunswick too. We will continue that momentum.

**Mr. Speaker** (Hon. Mr. Oliver): Time, Premier.

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### RACISM

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): The abuse of power of this government—the abuse of power of this government—is certainly evident.

Yesterday, there was an announcement about creating a commissioner for systemic racism. There are way too many situations of racism and discrimination in New Brunswick. There are some toward our First Nations. There are some toward people of colour, women, people with disabilities, LGBTQ2+, and many others.

You would question and you would think about why that announcement was made yesterday. Was it in the context of what CBC was going to reveal or make public today, to try to divert the attention from a media perspective? We will never know. We will never know. But Mr. Speaker, the Premier needs to tell us this: Who will be the commissioner? Why was this not done under the *Inquiry Act*? Let's get it done.

**Mr. Speaker** (Hon. Mr. Oliver): Time.

**Hon. Ms. Dunn** (Saint John Harbour, Minister responsible for Economic Development and Small Business, Minister responsible for Opportunities NB, Minister responsible for Immigration, Minister of Aboriginal Affairs, PC): To the member opposite, thank you for the question. Mr. Speaker, I would say this. As someone who is personally married to someone of colour, I can tell you that this issue is massive in this province. It means something to me personally, and it should mean something to every New Brunswicker.

For the opposition to stand here today... It is very sad. Yesterday was a historic moment in this province. We are the first province to actually acknowledge this. We are the first province to say that we are going to do something about this. I can tell you that if you think that it is okay to stand here and actually criticize us for doing something when you did nothing about it, then shame on you.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): No, the shame is on your government. Do you know why? There is no respect for our First Nations communities and leadership—zero, not even consultation. They were not even engaged in what was announced yesterday. There was a refusal—a refusal—before Christmas to do an independent inquiry for First Nations communities because of systemic racism. The Premier said that there are too many reports ; we do not need more.

Then, as an afterthought, a commissioner was announced yesterday—and we do need to address it—to look into this through a consultation process. There is no subpoena power. There is no inquiry under the *Inquiries Act* to bring people in and to really understand what is going on and identify the source of racism.

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Why did you not recognize the systemic racism with regard to First Nations, and why did you not have the respect to consult them when you announced this yesterday?

**Hon. Ms. Dunn** (Saint John Harbour, Minister responsible for Economic Development and Small Business, Minister responsible for Opportunities NB, Minister responsible for Immigration, Minister of Aboriginal Affairs, PC): Once again, to the member opposite, I appreciate the question. Mr. Speaker, I would say this. First of all, the announcement yesterday was to say that this government is actually going to action something that it has been speaking about, which is entirely different from previous governments. Second, I would say this. There is going to be a lot of consultation. There is going to be a lot of engagement.

I would also caution you to make sure that you understand that this issue is not only applicable to First Nations. It is applicable to new Canadians, Black Canadians—to many New Brunswickers who are living this reality every day. To stand here and say that this government has done something wrong with respect to the fact that we are looking into this issue and we are going to implement recommendations to change the way this province works, it is a sad day.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Do not try to lecture us in terms of understanding racism and systemic racism. We know it exists. I enumerated some of the groups, segments of our population, that are discriminated against or have racism directed toward them. We need to address it. We completely agree.

What I said was this: Why did you not consult First Nations? Why did you not recognize that there is systemic racism in terms of First Nations communities? Why did you not have an inquiry?

[*Translation*]

### STUDENT SERVICES

Mr. Speaker, I am going to move on to another topic, that of psychologists in New Brunswick. The Minister of Education and Early Childhood Development always wants to impose his ideas and solutions.

A person who moved to New Brunswick and applied for a school psychologist position is known to have received an answer from the system saying that the position no longer existed. While there are more than 40 vacant positions available in New Brunswick for psychologists who want to work for our children, we are told there is not even a psychology position open.

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[*Original*]

**Mr. Speaker** (Hon. Mr. Oliver): Time. Time, member.

**Hon. Mr. Cardy** (Fredericton West-Hanwell, Minister of Education and Early Childhood Development, PC): Mr. Speaker, in the absence of a question, I am happy to talk about the great strides that our province is now going to be taking to deal with the massive backlog that previous governments have left unaddressed. When I took the job as Minister of Education...

(Interjections.)

**Hon. Mr. Cardy** (Fredericton West-Hanwell, Minister of Education and Early Childhood Development, PC): The member opposite says, Shame. What I heard from the people in my department...

(Interjections.)

**Mr. Speaker** (Hon. Mr. Oliver): Member.

**Hon. Mr. Cardy** (Fredericton West-Hanwell, Minister of Education and Early Childhood Development, PC): The experts who manage our education system said that previous governments had passed the buck and had pushed the can down the road because they knew that they would face pushback. They knew that they would face political blowback such as this.

We need every psychologist position that we have available in our system filled, but even with that, Mr. Speaker, we need additional resources. The psychologists are the generals in the army to deal with the backlog of psychoeducational assessments, but we need the foot soldiers. We are getting those with these highly trained, already master's-level resource teachers who are going to get 952 hours of specialized instruction.

We are going to deal with this backlog. We are not pushing this can down the road any further. We are standing up for the kids of this province.

**Mr. Speaker** (Hon. Mr. Oliver): Time, minister.

[*Translation*]

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, the minister just said that it is important to address the shortage of psychologists in our school system. I am talking to you about a specific situation here. The SP-021 competition was open. A qualified psychologist moved to New Brunswick. She applied on December 20, 2020. On January 4, 2021, she received an acknowledgement indicating that the position no longer existed.



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There are people who want to play a role in helping our children. We know that there are at least 40 vacant school psychologist positions. If the minister consulted, had discussions with school districts, department officials, and professionals, and listened to hear what the needs are...

There are opportunities, so why can this person, who is now looking for work in the United States, not get a job in New Brunswick?

**Hon. Mr. Cardy** (Fredericton West-Hanwell, Minister of Education and Early Childhood Development, PC): Thank you, Mr. Speaker. Thank you for the question, which brings us to something that is so important. We have a major problem today with professionals who are trying to come to our province from other countries or even from other Canadian provinces. These people are not considered qualified and are not accepted by the professional groups here in the province, such as the College of Psychologists of New Brunswick or the college of physicians. I personally know a woman who has two doctorates in psychology. She cannot practise here in New Brunswick because she has to go back to school. We must deal with this issue.

However, while we are trying to solve this problem, we must take action. That is why we are taking action today to add to the number of psychologists we will have available. We are doing this while we are negotiating with the union representing these professionals. I hope that we will be able to improve their working conditions.

At the same time, we will take action to give positions to 25 highly trained teachers to deal with this backlog. Thank you, Mr. Speaker.

[Original]

**Mr. Speaker** (Hon. Mr. Oliver): Time, minister.

[Translation]

## CORONAVIRUS

**Mr. D'Amours** (Edmundston-Madawaska Centre, L): Mr. Speaker, during the nursing home crisis in Zone 4, I personally requested a walk-in testing campaign, and the answer was simply no. Last Saturday, I made the same request for walk-in testing in the Edmundston area, and, again, the answer was no.

The Minister of Health must understand that she has lost five precious days of testing. We are told that the variant is present and spreads more rapidly. So, can the minister explain why she lost five precious days for doing walk-in testing in the Edmundston region, when we know that the number of cases is increasing in that region? There has been a lack of action. What did the minister want to do in this case?

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[Original]

**Hon. Mrs. Shephard** (Saint John Lancaster, Minister of Health, PC): Mr. Speaker, I appreciate the question from the member opposite. I think that it is really important to note that Public Health does morning briefings every single day. That is seven days per week. Public Health is on top of how situations are evolving. We look to it for guidance, and we make decisions based on its recommendations.

I also want to say, Mr. Speaker, that we have not had any difficulty in getting anyone tested who wants a test. That is very important. Now, because the situation is evolving, we took the measures yesterday to open up mass testing over the next two days. Mass testing is done for a couple of reasons. It is done to heighten awareness, it is done to give people comfort that we are getting it under control, or it is done to tell us that we have a bigger problem. Until yesterday, we did not have a real concern about how we were proceeding.

**Mr. Speaker** (Hon. Mr. Oliver): Time, minister.

[Translation]

**Mr. D'Amours** (Edmundston-Madawaska Centre, L): Mr. Speaker, if testing had started last Saturday, as I requested, we might have fewer cases today in Zone 4. That is the minister's responsibility.

[Original]

(Interjections.)

**Mr. Speaker** (Hon. Mr. Oliver): Order. Members, I will...

[Translation]

**Mr. D'Amours** (Edmundston-Madawaska Centre, L): Thank you, Mr. Speaker.

[Original]

(Interjections.)

**Mr. Speaker** (Hon. Mr. Oliver): Member, member.

[Translation]

**Mr. D'Amours** (Edmundston-Madawaska Centre, L): Thank you, Mr. Speaker, for calling the government members to order.

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Last night, I learned that five Edmundston-area pharmacists who are already vaccinated could no longer vaccinate people as of this morning because their children attend one of the closed schools in Zone 4. The same goes for pharmacy technicians. Health professionals can continue their work, but now we are stopping the people who are doing the vaccinations.

I received the following comment: Is the government aware that we will have to cancel appointments for people like truckers who are supposed to get their vaccines today and tomorrow? Some of these truckers will be leaving again on two-to-three-week trips without being vaccinated. It makes no sense. When is the minister going to assess the impact of this decision...

[Original]

**Hon. Mrs. Shephard** (Saint John Lancaster, Minister of Health, PC): Mr. Speaker, our COVID-19 reality has been a constant measuring of information on a daily basis. I understand that there is a stress level now in Edmundston. I understand that there is a concern, and the members have been extremely cooperative in helping us to deliver the proper messaging. The fact is that public health measures work, and we need to continue to deliver that message.

As for mass testing, it has been open today and will be open tomorrow. We will be encouraging every citizen of that area to come forward, if they choose, to have a test done so that we can completely understand the full scope of what we are dealing with. Mr. Speaker, we are going to be watching it very, very closely. We have been watching it very, very closely. I appreciate the members opposite and their help to us to continue to deliver a positive message to the people in their communities. Thank you, Mr. Speaker.

[Translation]

## ROADS

**Ms. Mitton** (Memramcook-Tantramar, G): Mr. Speaker, I was stunned to hear that the provincial government had reduced funding to the municipal designated highway grant program by 60% over the past two years. In an article in *Acadie Nouvelle*, Yvon Godin, the Mayor of Bathurst and Chair of the Forum des maires de la Péninsule acadienne, stated that several municipalities in his region had to set projects aside due to the funding cut.

[Original]

It is not just in the north. I have seen this in my corner of the province as well. Port Elgin and Dorchester have had projects rejected, and this is not the first time that it has happened. This year alone, the total value of applications made was \$61 million, six times the allocated budget, which leaves me wondering how these decisions are made.

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Can the Minister of Transportation and Infrastructure answer these simple questions: How many projects were approved this year, and how many were declined?

**Hon. Ms. Scott-Wallace** (Sussex-Fundy-St. Martins, Minister of Tourism, Heritage and Culture, Minister responsible for Women's Equality, PC): Thank you for the question, Mr. Speaker. I am standing today on behalf of the Minister of Transportation who is not here today. I will take that question under advisement, and I will absolutely get details of that program for you. Thank you.

**Ms. Mitton** (Memramcook-Tantramar, G): Thank you, Mr. Speaker. I look forward to getting answers to those questions. Little old Jolicure Road has been in the news this week because Canada Post determined that it could not deliver the mail because the road was so bad. But Jolicure Road is not the only road in my riding, let alone in the province, that has been neglected. It is not just dirt roads or less-traveled roads. Near Jolicure, Route 16, which is part of the Trans-Canada Highway, is an embarrassing patchwork that should have been remedied years ago. Considering that this main route is a highway connecting to Prince Edward Island and has lots of traffic—locals, trucks, and tourists—it is an embarrassment to New Brunswick. I have heard well-founded complaints from people in my riding and even from people in neighbouring provinces such as Prince Edward Island.

People who live outside of municipalities rely on the province to maintain their roads, but the province is dropping the ball due to chronic underfunding and inadequate asset management. Does the Minister of Transportation and Infrastructure actually think her department's budget is adequate to maintain safe and, at the very least, passable roads in our province?

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Thank you, Mr. Speaker. I think that there lies the fundamental issue of our asset management program. That is, indeed, what we are focused on. The capital budget and the expense budgets for DTI are maintained the same, regardless of the pandemic. They have not been reduced at all. I think the point that needs to ring home here is that we have a lot of roads in this province. I think there are more per capita than anywhere else. How often do we hear: Build another new road, twin another highway; do not make it safe and passable, but just build more?

We need to fix what we have. I agree with the member opposite: We have to focus on the roads that we have and make them passable and sufficient in all areas of our province so that we can have tourists in every sector and not have them rush back out on the road to get away from a community. I appreciate that this is more of a main road, which you pointed out. But let's focus on what we have. Let's make the roads safe and effective and efficient to drive on so that people will want to be in every part of our province.



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### FLOODS

**Mr. Austin** (Fredericton-Grand Lake, Leader, PA): Mr. Speaker, over the past several years, the Grand Lake region has faced back-to-back floods, with some reprieve last year. These rising waters have caused a lot of damage to local communities, businesses, and homeowners. While government cannot stop the rising waters, it can prepare to help alleviate its effects and help those who find themselves in need of a hand up. As the flood season is fast approaching, my question is for the Minister of Public Safety. Can the minister tell us what the early indicators are telling his department in regard to potential flooding this year?

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): Thank you for the question. It is indeed flooding season. Flooding is on our minds, and certainly we at Public Safety are well aware of that. Three things go into issues with respect to flooding. One is the amount of snow in the winter, followed by rapid melting, followed by heavy rains. Now, we cannot predict the future, but so far, things are reasonably optimistic. We have not had a lot of snow, melting has been sporadic, and we have not had heavy rains. But we are not out of the woods yet, and we really will not know for sure until early May. We have River Watch in place, in partnership with my good friend the Minister of Environment. Water models are taken daily, as are soil saturation and things of that nature. I can assure the member opposite that we are well aware of this, we are watching it carefully and consistently, and we are cautiously optimistic.

### CANNABIS NB

**Mr. Austin** (Fredericton-Grand Lake, Leader, PA): Thank you, Mr. Speaker. Thank you, minister, for the answer to that question.

I would like to switch gears a little bit. In 2018, the PC Party made a commitment to privatize Cannabis NB. I was disappointed to learn that its model of privatization was to take it from a government monopoly and attempt to take it to a private monopoly and spend thousands of dollars in the process. From the start, I was not pleased with that method. I believe that cannabis retail—or any retail, for that matter—should be done by the private sector. Government has no business selling weed and booze. It has health care, education, and infrastructure—all the things that we complain about—to worry about, as opposed to some of those retail drivers.

My question is for the Premier. Since the government has backed off the sale of Cannabis NB to a private monopoly, will it commit to looking into a private model—a truly private model—that allows retail to go into the private sector rather than the government doing that job?

**Mr. Speaker** (Hon. Mr. Oliver): Time, member.

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**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Thank you for the question. Certainly, through the process that was undertaken—and it was a very hands-off process in which there was not any involvement from any of us, actually—we got the outcome that came a week or two ago. The idea of the proponents that were asked to bid on the program, and there were maybe eight or so... At the end of the day, there were not any, basically, that got down to the point to meet what we thought were acceptable financial terms. That was kind of the recommendation of where we were.

I think that it is always important to compare private-sector and public-sector operations and for government always to be focused on what it should be best at. That could be in the delivery of services in relation to health, education, and social services. The issue around any operation such as NB Liquor or Cannabis NB within the government is always the manipulation of the activity. We saw that with Cannabis NB, with six stores...

**Mr. Speaker** (Hon. Mr. Oliver): Time, Premier.

[*Translation*]

### DISEASE

**Mr. Landry** (Bathurst East—Nepisiguit—Saint-Isidore, L): Thank you, Mr. Speaker. Two days ago, the Minister of Health said this in the House about the 43 cases and 5 deaths:

[*Original*]

“Public Health is the guide... and we can make it accountable for the information.” Well, government is the leader, and we make you accountable for your actions.

[*Translation*]

Since this government took office, 41 new cases have been identified. Can the Minister of Health explain why the people, the opposition, and the Legislative Assembly were not informed about the situation? Can she tell us when she intends to give us a detailed update on the situation, the steps that have been taken, and those that are planned in order to protect our people?

[*Original*]

**Hon. Mrs. Shephard** (Saint John Lancaster, Minister of Health, PC): Mr. Speaker, I really appreciate the question from the member opposite. As we know, this is a neurological syndrome that Public Health has been investigating as new cases have cropped up.

I am not a clinician. I will say that I am sure that Public Health needed some sort of accumulation of data in order to proclaim what it did in sending out a message to medical

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practitioners throughout this province. Some of the wording in that memo said that Public Health is encouraging all health care providers in the province to look over the case definitions contained in the memo and to refer any patients that meet the case definitions.

We have experts from across the country who are coming together to help in trying to understand this disease. I know that it is a worry. I am worried, because you cannot not worry for your community when we know that we have clusters. We are working on a briefing for the leaders and for the members of the Legislature. It should be coming up. My hope is that it will be next week.

**Mr. Speaker** (Hon. Mr. Oliver): The time for question period has passed.

