

# Legislative Assembly of New Brunswick

## Oral Questions



June 3, 2021

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### INVESTIGATIONS

**Mr. McKee** (Moncton Centre, L): Mr. Speaker, it will be one year ago tonight that Chantel Moore was shot and killed by the police.

We just learned that, when Chantel Moore's mother asked to see her daughter's remains, the funeral home in New Brunswick denied her access. When Chantel Moore's body was brought back to Vancouver, her mother was able to see her remains. This is what Chantel Moore's mother said she saw:

[*Original*]

Three shots to her back, two in the chest, her leg completely broken, and another wound that was in her right arm.

[*Translation*]

The report from the Bureau des enquêtes indépendantes had been submitted to the New Brunswick Public Prosecution Services Branch, as well as to the coroner, on December 16, 2020. The Office of the Attorney General discretely issued a press release on December 23 saying it had received the report.

According to the media, the New Brunswick Public Prosecution Services Branch will meet with Chantel Moore's family on June 7 to share their conclusions on the investigation done by the Bureau des enquêtes indépendantes. How does the Attorney General explain such a delay in informing Chantel Moore's family? When will the report be made public?

[*Original*]

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): You know, Mr. Speaker, it is regrettable that the member opposite takes a tragedy and tries to promote it for political purposes. He knows full well that there is a separation of powers in New Brunswick. He knows full well that we live in a country where politicians do not decide the administration of justice. There is a procedure. There are prosecutors. There are police. There is independence.

I have to say I am pretty darn disappointed that the member opposite would take this tragedy—this regrettable tragedy—and promote it for political purposes like this. I must say I am extremely disappointed.

**Mr. McKee** (Moncton Centre, L): On December 16, 2020, the report from the Quebec Bureau des enquêtes indépendantes was given to the New Brunswick Public Prosecution

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Services and to the coroner assigned to the case. On December 23, the Office of the Attorney General conveniently and discreetly issued a release saying it had received the report. Following receipt of the report by almost six months, the New Brunswick Public Prosecution Services will now be meeting with the family to share its findings. There has been no coroner's inquest yet either.

Other jurisdictions in North America dealing with similar situations have had justice served in less than a year. Justice in New Brunswick is moving at a snail's pace. When can we expect the Public Prosecution Services report and decision on whether or not to prosecute the killing of Chantel Moore?

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): Again, just further disappointment. He knows better than that. Public prosecutions are independent of the executive branch of government. We live in a country where politicians do not decide who gets prosecuted and for what. I, quite frankly, am glad that we do. That is our system: the independence of the police to investigate and the independence of the prosecutors to decide the prosecution.

There is no place for politics in this tragic story. The member opposite knows that, and to me, it is appalling that he would take this tragedy and use it for political advancement.

**Mr. McKee** (Moncton Centre, L): Mr. Speaker, we are not playing politics with this. It has now been 12 months since the killing of Chantel Moore—one year tonight. The minister is responsible for Justice and Public Safety, and he is the Attorney General. He sets the policies for all three of those departments that are involved with this case, which is moving at a snail's pace when you compare it to what we have seen in other jurisdictions.

It goes without saying that the minister is responsible for the coroner's office as well. We have not yet seen a coroner's inquest commence in this case—12 months later. The coroner's office is his responsibility. He cannot use the excuse of independence for that. Why has the coroner's office not begun an investigation into this case? Those reports can be helpful to the Crown prosecutors as well and to the investigative agencies. When will the coroner's office begin its review?

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

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): I guess that there is just no stopping them. The coroner is an independent body that investigates the cause of death. It is a quasi-judicial hearing. Witnesses are called. They are sworn under oath, and that process exists by statute, not at the whim of whoever happens to be the Attorney General on that day. That process is by statute, and it is independent of the executive branch of government.

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To ask when I will see prosecutions is to suggest that you ask me to meddle into the area of prosecution and start telling prosecutors whom to prosecute and when to prosecute. That type of behaviour from an Attorney General is outrageous and irresponsible and breaches everything that the Attorney General is supposed to do in independence. I am just speechless. Well, I am hardly speechless. I am appalled.

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

### RACISM

**Mrs. Harris** (Miramichi Bay-Neguac, L): Thank you very much, Mr. Speaker. We are witnessing systemic racism at its worst here today. The horrific discovery on the grounds of the Kamloops residential school has shocked the nation. It has made all Canadians acutely aware that systemic racism against Indigenous peoples is very real in Canada and has resulted in unfathomable consequences.

We have also witnessed tragic deaths in First Nations communities through police action right here in New Brunswick. In light of growing calls to address this systemic racism against Indigenous people, will the Premier now recognize the magnitude of its impact and commit to a public inquiry into systemic racism in our policing and justice systems in the province?

**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): Thank you to the member opposite for the question. We actually do have some developments with respect to the systemic racism piece.

We do recognize that systemic racism is alive and real in New Brunswick and not just in New Brunswick but throughout Canada. That is why this government took unprecedented movement in terms of announcing that and in stating that we are actually going to do something about it. Once again, I would have to state that this is unprecedented.

In terms of the member's question, I would like to apprise her of the fact that, actually, we assume that this issue is alive and real. I would also tell her that we are in the process of hiring a commissioner to address this issue. We understand that this individual, whoever that may be, will actually be hired probably sometime this month and the work will commence immediately.

Also, I would like to apprise you of a meeting that we have tomorrow with First Nations to talk about the unspeakable loss that occurred in Kamloops and also to uncover the history of New Brunswick in terms of residential schools. Thank you.

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

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**Mrs. Harris** (Miramichi Bay-Neguac, L): Mr. Speaker, the Premier indicated that he will appoint a commissioner to study systemic racism, but Indigenous leaders have said that this action would be inadequate. But no one will listen.

What powers will this commissioner have? The power to call and compel witnesses? The power to subpoena documents? How can the minister justify such a watered-down approach to dealing with such a serious issue? When will this minister—when will this Premier—start to listen to Indigenous peoples?

**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): Thank you again, Mr. Speaker. I would actually take offense to saying that it is a watered-down approach. What I would say is that previous governments have taken a watered-down approach with respect to this issue and have done nothing for Indigenous peoples in New Brunswick.

What is different here is the fact that we are going to have a commissioner and the recommendations that are going to be provided by that commissioner will be implemented. That is also new. If you look around the shelves here, you are going to see a number of reports with recommendations that are sitting there collecting dust, and nothing has ever been done. Guess what? That is not what this government is going to do. Thank you.

**Mrs. Harris** (Miramichi Bay-Neguac, L): Thank you very much, Mr. Speaker. We often hear that the minister takes offense. We often hear that out of her mouth. Well, there is offense taken when you refuse to listen, to meet, and to do what the First Nations peoples are asking you to do. There is no trust between you and your department and First Nations leaders and the people who live in those communities. That is where the offense is taken.

We see that you are determined to ignore the pleas of the Indigenous leaders and to proceed with what will likely be a very ineffectual review. When will this commissioner be appointed? When will this watered-down review commence?

**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): Mr. Speaker, once again, this is a member stating that Indigenous populations in New Brunswick have no trust in this government. I completely disagree with that statement. We are actually working now with Indigenous populations in the province. I know that the opposition does not want to recognize that, and that is sad. If the opposition members actually cared about Indigenous populations, they would be at the table helping us with respect to the work that needs to be done.

(Interjections.)

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

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**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): In terms of the specific question, we do anticipate that a commissioner will be hired this month and that work will commence immediately. Thank you.

[*Translation*]

### SOCIAL PROGRAMS

**Mr. Gauvin** (Shediac Bay-Dieppe, L): Thank you very much, Mr. Speaker. Recently, the New Brunswick Common Front for Social Justice wrote to MLAs asking them to support a reform of the wage clawback policy, which affects social assistance recipients.

I am sure all members have received calls about this reform; some members of the New Brunswick Common Front for Social Justice even came to my office. My question is very simple: Will the minister accept this suggestion and allow social assistance recipients to get a \$500 wage exemption without clawbacks?

**Hon. Mr. Fitch** (Riverview, Minister of Social Development, PC): I thank the member opposite for his question.

[*Original*]

Mr. Speaker, we have been looking at various programs within our department. One is the clawback for people who are working. When I look at some of the steps that we are going to be taking with social development reform, I see that we are going to be there for folks who are looking for various things. One thing that I announced within my estimates is the fact that we will not be clawing back support payments to single parents for their children. We will not be clawing back their social assistance cheques if they are receiving Social Assistance child support from another parent. That has never been done before, and it is a big thing in moving child poverty forward in the province. Mr. Speaker, as the member opposite may remember, during my estimates, I also committed to reviewing the clawback on people who are receiving wages and working.

Again, I met with the Common Front for Social Justice and listened to the ideas that it put forward...

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

[*Translation*]

**Mr. Gauvin** (Shediac Bay-Dieppe, L): Thank you very much, Mr. Speaker. I appreciate the answer and, I do remember that, in committee... At some point, people will have to be given answers. This is not about the most fortunate people in the province, but probably the most

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vulnerable. So, time is always important for people who, week after week, need the little they have to make ends meet. This request is not unreasonable, since the current clawback threshold is too low, and that discourages people from working more hours. This measure would also benefit employers who want to offer overtime to employees. Does the minister not realize that, by not increasing the wage exemption, he is creating greater dependence on government? Thank you, Mr. Speaker.

**Hon. Mr. Fitch** (Riverview, Minister of Social Development social, PC): Through you, Mr. Speaker, thank you very much again for this question. It is a good file, and this is a good discussion.

*[Original]*

I know it full well. I have met with folks who are promoting this item. I have said it before and will say again that it is one of the things that we will be reviewing.

But, Mr. Speaker, I also know that we are working with a number of other departments, including PETL, and looking at ways that people can... If people are willing and able to work, are there supports that we can give them that will allow them to move into full-time employment? We are not pushing people there, but we are giving them an open door to allow them to move in that direction if they are able. We want to help the people who need help the most, and that is why we are looking at reforms such as the one that was brought up here this morning. We have talked about it before, and we will continue to talk about it as we move into the future.

### ***AN ACT RESPECTING EMPOWERING THE SCHOOL SYSTEM***

**Mr. Bourque** (Kent South, L): Mr. Speaker, as we know, Bill 35 is going through second reading as we speak. There is also an amendment on the floor to have it go through the law amendments committee. We strongly feel that law amendments would be an appropriate place for this bill to go because it would allow experts to come and weigh in. As we have seen, a lot of associations and people who are directly affected by this bill have spoken against it or have not said anything. Not one single association has spoken in favour of this bill with regard to everything that has to do with the psychologists and the resource teachers.

My question is for the minister. Will he accept what people—the experts—are saying? Will he go to the law amendments committee and hear what they have to say? Thank you, Mr. Speaker.

**Hon. Mr. Cardy** (Fredericton West-Hanwell, Minister of Education and Early Childhood Development, PC): Mr. Speaker, thanks to the member opposite for the question. We have heard from a lot of New Brunswickers. I have heard from New Brunswickers whose kids waited for years and years to get psychoeducational assessments. The inaction of



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successive governments meant that their opportunities in life were curtailed. I have heard from people in the field. I have heard from frontline teachers who say that they welcome the opportunity to get the extra qualifications so that they can help those kids in need with their educational challenges.

Do you know how we heard about this? We heard about this through a long series of consultations, which began when I became minister and which were held to build on a commitment in the 2018 platform to deal with the backlog. These were the consultations that led to the writing of the green paper, and then there were the consultations across this province—unprecedented in the education field—where we heard clearly that this needed to be addressed.

By working with the experts in the department and working with the experts across the country to model similar programs, we came up with a solution that is going to work for New Brunswickers, and we are not going to delay. It starts now.

**Mr. Bourque** (Kent South, L): Mr. Speaker, the minister seems to forget that there are experts here in the private sector and psychologists in the schools who are all saying the same thing: We need to do this differently.

We all agree that there is a problem. There is no doubt about that. But how can we say that we are tackling the problem when, right now, a school psychologist makes less money than a resource teacher? That is a fact in New Brunswick right now. School psychologists can go to other provinces and make more money. But here, let's put it all on resource teachers. Basically, we are sidelining psychologists. They are being paid less.

What types of messages are we giving psychologists here? They are the experts on this. Resource teachers are there to teach—pedagogy. So, now, we want the real experts, the psychologists, to take a stand on this, and we want to have this done by the law amendments committee.

**Hon. Mr. Cardy** (Fredericton West-Hanwell, Minister of Education and Early Childhood Development, PC): Mr. Speaker, thank you to the member opposite for the question. I look forward to the day when the members opposite stand up to defend—let's pick a random example—forestry experts from JDI as perhaps being the best inspiration for our province's forestry policy. Let's go down that long list of experts that the opposition members, when it is convenient for them, say should be listened to but miraculously, at other times, say should be totally ignored.

Let's look at the reality here. First off—I have said this 300 times, and I do not know how many more times I will have to repeat it—this is not a bill about psychologists. We have openings for psychologists in New Brunswick right now. We are looking, through the collective bargaining process, to improve their quality of work, to make sure that we can make that profession more attractive and that we can fill those posts.

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Even with every position filled, we still have a backlog. That backlog is not acceptable. That backlog is going to be eliminated, and it is going to be eliminated using a practice that has been tried elsewhere and that has worked elsewhere. We are going to do it here, and no amount of time wasting from the opposition is going to stop us in that task.

[*Translation*]

**Mr. Bourque** (Kent South, L): Mr. Speaker, it is quite incredible to listen to the minister talk about miraculous things that have happened. Since this government came to power, all we have seen are miracles involving completely fictitious consultations. These consultations are not taking place. The government says it is consulting, but it is not. We have seen many examples of that. This is all taking place in the midst of a pandemic, on top of everything else.

The government is now telling us that it has consulted people. It did not consult psychologists and people who are in the field, precisely, with regard to all that. The government says it wants to resolve the situation involving psychologists. Yes, let us resolve the situation regarding wages and those sorts of things.

We are not going to say: Oh, we are going to deal with this later, and we will find another solution. Moreover, the proposed solution is only used in specific circumstances elsewhere. It is done once in a while. There is no question elsewhere of dealing with it by adopting a whole bill, as is the case here. This bill is proposing a complete systemic transformation. It is unacceptable, and the minister has to realize that. Thank you.

**Hon. Mr. Cardy** (Fredericton West-Hanwell, Minister of Education and Early Childhood Development, PC): Thank you, Mr. Speaker. I am pleased the member understands that this reform will transform the system. It is our objective and it is the reality; we are going to make the necessary changes.

This is not about professionals; it is about children in our province. When the opposition says that two or three months have to go by before decisions can be made about things that have been done for decades, that is not acceptable.

Yes, we have a problem with the shortage of psychologists, but there are also thousands of students who are being abandoned by their government and their education system. This ends today. This ends with this government, because we are taking action after an unprecedented number of consultations in our province. We have clearly heard parents asking us to take action for their children. We did the research, we did the work, and we did the consultations. Now, we are taking action. Thank you, Mr. Speaker.

[Original]

### STUMPAGE FEES

**Mr. K. Arseneau** (Kent North, G): Mr. Speaker, the Minister of Natural Resources and Energy Development keeps saying that he is listening to private woodlot owners, but he clearly is not. Despite the minister's repeated claims that private woodlot owners do not want Crown timber royalty rates to increase during the boom in the lumber market, the New Brunswick Federation of Woodlot Owners has once again called the minister's inaction on Crown timber royalties not only mind-boggling but also willfully blind.

The minister's assertion that a steady royalty rate is better ignores the fact that successive governments bent over backwards to provide aid to the mills, including property tax breaks, when the market was down. It has been six years since timber royalties were changed, and that is a violation of the *Crown Lands and Forests Act*, which requires an annual review, as has been pointed out by the Auditor General. Now that the markets are back up, where is the benefit to New Brunswickers?

**Hon. Mr. Holland** (Albert, Minister of Natural Resources and Energy Development, PC): Mr. Speaker, it is a pleasure to stand and have a chance to answer questions on the floor here today.

I wonder what the member opposite would suggest when we have situations where retail prices on lumber are significantly low, as we saw from 2018 to throughout 2019. Would he suggest that we follow the jurisdictions that he is referring to and have prices that are significantly lower than what private woodlot stumpages are? When I say that I am not going to compete with private woodlot owners as it relates to the price of wood, that is what I am talking about.

If you want to take a piece out of context here or there and create a narrative that makes you seem as though you are a champion, so be it. I am going to choose to follow a path that ensures that we will not compete with the private woodlot owners and that we will not chase commodities as other jurisdictions have and, as a result, leave money on the table. I am going to ensure that it is a profitable sector and that the private woodlot sector is taken care of as well. Thank you very much, Mr. Speaker.

**Mr. K. Arseneau** (Kent North, G): Talking about a champion, the Minister of Natural Resources has said many times that he wants to restore fairness and help private woodlot owners but he has yet to bring in the legislative changes needed to ensure that this will happen.

When the Premier promised an overhaul of the *Crown Lands and Forests Act* during the 2018 election campaign, private woodlot owners were hopeful that change was finally coming. Three years later, they have yet to see it. The minister has even suggested that he is open to making private woodlot owners the primary source of supply again. The minister

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has had plenty of time and legislative opportunities to make the small changes to the *Crown Lands and Forests Act* that private woodlot owners are asking for. He has brought forward legislation that hunter and angler groups have requested. Why does he refuse to bring forward legislation to create fairness in New Brunswick's wood market for private woodlot owners?

**Hon. Mr. Holland** (Albert, Minister of Natural Resources and Energy Development, PC): Mr. Speaker, once again, I am going to reflect back to the member opposite. Is he referring to legislation that the private woodlot owners were confused about when the Leader of the Green Party presented it as a motion? I do not think so. If you want to legislate for the sake of legislating and put a Band-Aid on a bullet hole, then that means that you want to stand in front and get political points rather than deal with the issues.

We are not scared of legislation, but we are going to legislate accordingly. I am not scared of dealing with the issue. The member opposite fails to recognize in his question the five-year hold that we put on the increase to any allocation of Crown land. Now, when you say that we have had lots of time, how about we take the right amount of time, we take that five-year runway, and we put a plan in place that ensures that the primary source of supply comes back again, ensures that the resources that the private woodlot sector need are available, and ensures that we do it right? Then you can talk to me about legislation.

## GOVERNMENT REFORM

**Mr. Austin** (Fredericton-Grand Lake, Leader, PA): Mr. Speaker, I am aware that the Minister of Local Government continues to have consultations with various municipalities, LSD chairs, citizens, and stakeholders. The overinflated boundaries that continue to confuse and lack representation for most of rural New Brunswick have been both a challenge and a political hot potato for decades. There is no question that reform is needed.

However, what is not needed is for rural New Brunswick to pay more in taxes without receiving better services. I believe that to find the best model, we need to look both internally and externally for solutions for the problems that we face. Western University has created a comprehensive report directed specifically to New Brunswick's local government reform. As such, my question is for the Minister of Local Government. Has the minister read the recent report from Western University, and does he have any comments on its contents in relation to reform here in New Brunswick?

**Hon. Mr. Allain** (Moncton East, Minister of Local Government and Local Governance Reform, PC): Thank you, Mr. Speaker, and thank you to the member across the way for the question. Yes, I have read the Western University study. Yes, we are looking at it. It is exactly what the reform process is all about, to bring ideas—innovative ideas—to make sure that we talk and analyze other jurisdictions, including Nova Scotia, Quebec, and British Columbia. It is a chance for academia, for New Brunswickers, and for municipal



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associations to bring forward ideas for the reform process. It is really important for us to look at all sectors and definitely to make sure that rural is kept as rural.

Definitely, we will look at all the facets that we see in the Western University study. We have talked to Mr. Taylor. It is Mr. Taylor and Mr. Taylor who were the authors. They have actually participated in one of our public consultations. I hope to meet them within the next month. Thank you, Mr. Speaker.

**Mr. Austin** (Fredericton-Grand Lake, Leader, PA): Thank you, minister. The same report, on page 28, gives an example of British Columbia's model of regional districts, which are very comparable to our regional service commissions. One of the key parts of the Western University report is the voting power of the areas that are within the boundaries of the region. In this case, it is the Kitimat-Stikine regional district in British Columbia. That district, along with others, balances the voting power of larger urban areas with the rural areas to ensure fair representation while also acknowledging population density within its makeup.

Can the minister assure us, for those who live in rural areas, that when the final decisions are made on local government, they do not create an imbalance so that rural areas do not have the same voting power as urban areas?

**Hon. Mr. Allain** (Moncton East, Minister of Local Government and Local Governance Reform, PC): Definitely, the people are indicating with their voices. They are talking about local government reform. The LSD association has definitely been very vocal about its needs in rural areas. We are going to make sure that we find a balance between rural New Brunswick and urban New Brunswick. There are great opportunities, such as the Western University study, to talk about the different facets and the ability of individuals to vote and to have representation.

We have to remember that there is a democratic deficit in rural New Brunswick. During municipal election time, 30% percent of New Brunswickers do not have the ability to vote. We need to give people a voice. They need a voice to make to ensure their quality of life. That is why we are looking at all jurisdictions, including Nova Scotia and Quebec. We are looking at how we can improve New Brunswick's regional service commissions, and we are definitely looking at this British Columbia study.

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

[*Translation*]

## INVESTIGATIONS

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Thank you, Mr. Speaker. This morning, when we raise questions about the situation of the late Chantel Moore, we do so

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with all due respect to the independence of the public prosecution process in relation to the Minister of Justice and Public Safety and Attorney General. We understand this situation.

However, we also know that the Minister of Justice and Public Safety and Attorney General has a responsibility to ensure that justice is served within an acceptable timeframe. It has already been 12 months since the situation involving Ms. Moore, now deceased, occurred. Twelve months is a really long time. The minister has a responsibility to ensure that justice is served in a timely fashion. Could he clarify the situation for us?

[*Original*]

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): First of all, Mr. Speaker, if the Leader of the Opposition had any respect for the process, he would not be asking the question.

Having said that, this tragic death was investigated by an independent agency, and the complete report was given to the prosecutors—not the politicians but the independent prosecutors. The family of Chantel Moore has been briefed. The schedule is to do that, and the process is underway. It will be delivered to prosecutors, and decisions will be made. There will be an inquest.

The process is independent of government, as it should be. I will say this: After everything is completed, there will be a full public airing...

**Mr. Speaker** (Hon. Mr. Oliver): Time, minister. The time for question period has expired.