

# Legislative Assembly of New Brunswick

## Oral Questions



**December 2, 2021**

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### FIRST NATIONS

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, the Premier and this government went to an all-time low yesterday. Enough is enough of the different messes that this Premier and this government have been creating in New Brunswick. New Brunswickers are tired. They are tired because of this pandemic. Everybody is being affected by the pandemic. We are all tired of it, but this Premier and this government are adding fuel to that fire by creating all kinds of messes. Yesterday, the disrespect toward our First Nations went to an all-time low. Why, Premier—and you need to get up on this—are you trying to divide and conquer and turn people and New Brunswickers against each other? Please clarify what you are trying to accomplish.

**Mr. Speaker** (Hon. Mr. Oliver): Member, 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): Mr. Speaker, thank you to the member opposite for the question. I would refuse to stand here today and say that... We all have an obligation, not only to First Nations but also to every single citizen of the province. The litigation that has been filed against the province is unprecedented. We all have a fiduciary responsibility to understand what that litigation means, not only for First Nations but also for every single citizen in the province. Would you refute that?

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, it is the responsibility of this government to bring people together, to try to find common ground, and to try to move issues forward in a respectful way—not in front of the courts and not by spreading fear to New Brunswickers.

This is a title claim, not a land claim. Trying to tell New Brunswickers that First Nations are going after their homes and their properties... Seriously? This is the most irresponsible Premier that I have ever seen in this province, honestly. Seriously, Premier, be the adult in the room. You need to understand what truth and reconciliation are. Obviously, you do not care. You do not understand the history of First Nations. At a minimum, respect them and talk to them.

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

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, it is unfortunate that the Leader of the Opposition basically believes that there is only one segment of the population that we have to be concerned about, because we have to look at all of New Brunswick and what this means. We are not the ones taking anyone to court. The New Brunswick government is being taken to court. The question is

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this. Yes, there are private corporations named in this, but, Mr. Speaker, as you heard, one of the chiefs mentioned yesterday that a trillion dollars was a good place to start.

(Interjections.)

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

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, that is what this is all about. What is it that we are starting from? What is it that we are starting toward? What is the issue here?

It may seem easy for the Leader of the Opposition to say, Oh, well, just do whatever. But we have an obligation here, and it is to every citizen in this province. I do not know about the Leader of the Opposition, but a trillion dollars as the place to start? Let's think about that. Where are we starting? Why are we starting? What are the issues? Thank you, Mr. Speaker.

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

[*Translation*]

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, the Premier continues, this morning, to refuse to recognize the truth of the history of First Nations and what happened. He does not want to acknowledge that we must work at reconciliation with First Nations. Reconciliation does not happen in the courtroom. It happens when people have respectful discussions, understand the issues, and try to resolve them. That is what it means to be a responsible Premier who is up to the task this responsibility entails.

Mr. Speaker, the whole place is in a mess. Does the Premier really want to go down in history as the one who turned the province upside down, who made a mess of everything, and who turned one community against the other? That is not New Brunswick.

[*Original*]

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): Mr. Speaker, the Leader of the Opposition is quite correct. That is not what New Brunswick is about, but we find ourselves where we find ourselves. We are defendants in an action, an action that was filed against the province of New Brunswick and a number of large corporations.

I ask this: Who is doing the discussing? The Premier is on record, from a number of months ago. The minister is on record as willing and able at any time to have meaningful discussions with First Nations about an economic path forward. That offer remains. I know the sincerity of both the Premier and the minister in this regard.



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When legal actions are commenced, you have no alternative but to defend those actions in accordance with the law. We did not sue anyone.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, I noticed yesterday at the press conference that the Minister of Justice and Attorney General was not present, but he is now getting up here this morning. Did you give legal advice—legal advice—to the Premier and your colleagues to do this press conference yesterday when the matter was actually in front of the courts? Is that the legal advice that you gave the Premier? Because that is what happened yesterday—spreading fear and trying to divide.

New Brunswickers are not like that. The Premier seems to be like that. He has been doing that all over during the last three years. That is not how you resolve issues. He talked about economic uncertainty. Do you know what is creating economic uncertainty? It is the fear that you are spreading in dividing and trying to conquer. That is going to create a lot of uncertainty. Let's be respectful toward First Nations and recognize the challenges they have and the accomplishments they have made. Can you please correct yourself, Premier?

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

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): I can be quite clear. The Office of the Attorney General, which I hold, gives legal advice to the government. I gave no advice with respect to a press conference, because the holding of a press conference is not a legal issue.

Having said that, we have a Premier who is open, transparent, and forthcoming and who communicates directly. When the province of New Brunswick is sued for a significant amount, we have a Premier who believes that the defendants, the people of New Brunswick, have a right to know. There are a lot of things at stake here in this action, many things.

(Interjections.)

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

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): The Premier has an obligation to represent the interests of 750 000 New Brunswickers, not just 15 000. He has to concern himself with the 1 in 12 New Brunswickers who earn their living from the forestry sector. He has to represent—and he continues to represent—all the people of New Brunswick.

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

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): You know, Mr. Speaker, when issues are in front of the court, it is very delicate, the words that you choose and where you use

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those words. Obviously, the day before, the Premier said, The legal process will bring clarification, and that is what we need. The following day, yesterday, he went out with this stunt of trying to spread fear to New Brunswickers. He was warning New Brunswickers in the coffee shops this morning, and they are asking, Oh, my God, am I going to lose my home? That is what he wanted.

Then he has the Attorney General saying that he did not give any legal advice regarding a press conference. But did he give legal advice on what should be said or not said because it was in front of the courts? That is the question you need to answer, minister.

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): Sure, I can answer that question. I gave no advice to the Premier on what to say or what not to say. Anyone who knows him knows that he is his own man and that he is a truthful, honourable, and straightforward person.

(Interjections.)

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

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): He explained to the people of New Brunswick what was occurring. They withdrew a lawsuit.

(Interjections.)

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

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): First Nations withdrew an existing lawsuit and filed a new one, which impacts the economy and the people of the province of New Brunswick in a manner that is unprecedented in this country, and the Premier had an obligation to tell the people of New Brunswick what was occurring. There was no foul in that. It was not a legal issue. It was the Premier of New Brunswick communicating with the people of New Brunswick, and that is his job.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, we have been in the Legislature... It is Thursday today. It is the third day this week, and there have been six, seven, or eight questions on First Nations issues and matters. Not once did the Premier get up—not once.

(Interjections.)

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

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**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): The Premier needs to be very respectful toward First Nations. He needs to recognize the truth. The land was unceded. He needs to work toward reconciliation and not to try to spread fear and divide and conquer and turn different communities against each other. Seriously, Premier, one day, you will be out of that chair—sooner than later, hopefully. Is that what your legacy will be, just to spread fear and try to divide and conquer and create mess after mess after mess?

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): First, I want to clarify this for the Leader of the Opposition. Obviously, I was up this morning talking about the questions he asked. He must have missed that. Maybe he dozed off there for a while. He wanted it to sound as though I was not up, but I was up. We know that.

Then in relation to having a future here and working together, the Minister of Aboriginal Affairs has been moving around the province a lot, talking and discussing with different groups about the support we give in the regions and about why we have conditions in First Nations communities that should be so much better. The investments that are made to work with First Nations to make improvements, whether in education or lifestyle or social assistance, amount to about \$450 million per year—to do that and do it right and make sure that things happen in the right way.

Mr. Speaker, the Leader of the Opposition has proven that his members are not prepared to represent all New Brunswick. They are just prepared to deal with an emotional or sensitive issue at the time but not look at the big picture. They have done it over and over again.

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

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Well, Mr. Speaker, the Premier could not even define what “big picture” means. He could not define it. He may be able to google it, but he could not define it unless he googled it. Honestly.

We are here trying to represent all people in this province who are trying to make a better life for themselves and their communities, and that includes First Nations. I am not trying to divide and conquer—you are. I mean, you have been proven to do that. You strive on results, and if you look at the results, you see that there has been mess after mess after mess. You pushed people against the wall so that they had to take the legal route or go on strike. I mean, is that your strategy? Does that really work for you?

Honestly, why not be respectful toward First Nations and their leadership? Sit down—I mean, you keep saying that you want to sit down and talk. You have lost their trust. You have ripped up all kinds of agreements that they had to try to make a better life for themselves. Can you please try to respect them...

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

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**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, I think that the obligation here is certainly to make everyone aware of what is at stake.

Now, I know that the Leader of the Opposition is certainly going back to when he was in Finance and Treasury Board, to the deal that was struck in 2017 behind closed doors and to what that meant to the Premier at the time and his buddies and people in the office. I think that all of that should come out.

But I am not prepared to make deals behind closed doors. I am prepared for the public to see what is going on. But I am sure that the Leader of the Opposition does not want any more details about the 2017 deal because that reflects a whole lot more than just the First Nations discussion.

When we are talking about being sued for a trillion dollars as a place to start, I think that we need clarity because every taxpayer in this province will be part of that trillion dollars. So, tell me that taxpayers are not involved? They are absolutely involved—absolutely, Mr. Speaker.

### COLLECTIVE BARGAINING

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, the trillion-dollar figure was thrown out by the Premier at yesterday's press conference, and it makes absolutely no sense to any reasonable person in this room. Again, Premier, if you want to be the adult in the room, try to be. I think that would be helpful in trying to resolve some of the most challenging issues in our province.

I am going to move over to the nurses. Today, they are starting a strike vote. We know that when that happened during other labour conflicts, the Premier and his government started a propaganda campaign through the media, buying ads and trying to negotiate through the media by paying for ads. There is going to be a vote up until Sunday, I think. Should we expect, starting tomorrow or this weekend, ads from this government that will try to divide and conquer and to sell what is on the table for nurses?

**Hon. Mr. Steeves** (Moncton Northwest, Minister of Finance and Treasury Board, PC): Thank you, Mr. Speaker, and thank you to the member opposite for the question. Let's go back, once again, in time. We have made two offers—tentative agreements—to the nurses. Those were taken. Those were not ratified. We continue to work on them. We continue to work with the nurses as well.

But do not forget that this is the government that added nurse practitioners to the list and that added nurse practitioner clinics as well. This is also the government that guaranteed a job for any graduate nurse—any and every graduate nurse. This is the government that is taking care of people in a Moncton clinic, with 3 298 patients now out-boarded because of



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nurse practitioners. We have more numbers to give you, so we will wait for the next question. But do you know what? There are more patients being out-boarded all the time. Our health plan is working. This government is working.

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

[*Translation*]

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, the Minister of Finance should probably take his title and where he lives into account; he is not the Minister of Finance for Nova Scotia, but rather for New Brunswick. It was Nova Scotia, and not New Brunswick, that promised a job to every nursing graduate. If this is new information, it would have been useful if the Minister of Health, the Minister of Finance, or someone else had announced it.

When there was a strike two or three weeks ago, the government used the state of emergency to force people to return to work in the health care sector. We do not know what is going to happen in this voting process involving a strike by nurses. Mr. Speaker, if there is a strike mandate, is the government going to use the state of emergency, which is still in effect, to force a return to work?

[*Original*]

**Hon. Mr. Steeves** (Moncton Northwest, Minister of Finance and Treasury Board, PC): Thank you, Mr. Speaker. Once again, as we have said before, the discussions continue with NBNU. It is taking a strike vote. We continue to bargain, we continue to make headway, we believe, and we continue to look for ways to satisfy the nurses. They are absolutely critical to what happens in all aspects of our lives in New Brunswick during the pandemic and out of the pandemic as well.

Let's talk a little bit more about nurses, let's talk about the health plan, and let's talk about recruitment. Under this minister, our Health Department has been doing some unbelievable stuff. In December of last year, we recruited 70 internationally educated nurses in our pilot project. All 70...

(Interjections.)

**Hon. Mr. Steeves** (Moncton Northwest, Minister of Finance and Treasury Board, PC): Yes. All 70 of them have received job offers—job offers to work in New Brunswick through Horizon and through Vitalité. We continue to work hard to support our nurses, and we continue to work hard to recruit nurses, doctors, and everybody else in the medical field. Also, this Health Minister has a health plan that is going to make a difference for all New Brunswick.

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### LOCAL GOVERNMENT

**Mr. McKee** (Moncton Centre, L): Mr. Speaker, under the *New Brunswick Municipal Finance Corporation Act*, the Municipal Finance Corporation provides financing for municipalities and municipal enterprises through a central borrowing authority. As of December 31, 2019, the date of its last annual report, the principal outstanding at that time was almost \$1 billion, and this is debt incurred by municipalities that may not continue to exist after the reforms have been completed. Can the Minister of Local Government indicate what the process will be to ensure that debt is apportioned equitably among the divided entities?

**Hon. Mr. Allain** (Moncton East, Minister of Local Government and Local Governance Reform, PC): First of all, to the Minister of Finance, you should call the Law Society. The members from Grand Falls and Dalhousie are fake lawyers today, so you should call the Law Society.

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

**Hon. Mr. Allain** (Moncton East, Minister of Local Government and Local Governance Reform, PC): To the question, the debts incurred by the municipalities will go with those municipalities. If a municipality takes in LSDs, the debt stays with the citizens. We will definitely discuss it.

[*Translation*]

We are certainly going to be discussing this when the bill is under consideration. Then it will be explained that the debt stays with the citizens. Thank you very much.

**Mr. McKee** (Moncton Centre, L): Mr. Speaker, when we debate the municipal amalgamations, it would be good to know what financial consequences are involved. One of the important things is to know what the process will be for dividing debt between the entities. It has been stated that this will be debated when the bill is under consideration in committee, but the white paper and the bill are silent on this, except for a mention of phases 2 and 3 regarding finance. So, people are wondering whether changes will be made to the loans process for municipalities and regional service commissions as well as to the New Brunswick Municipal Finance Corporation.

Right now, an application must be made for authorization. Will this process be maintained? I would also like to know what monitoring will be done provincially on municipal debt levels. Thank you, Mr. Speaker.

**Hon. Mr. Allain** (Moncton East, Minister of Local Government and Local Governance Reform, PC): I thank the member for Moncton Centre for his question. First of all, the level of indebtedness remains unchanged. As of 2024, there will be a new commission for municipalities, and the New Brunswick Municipal Finance Corporation will be incorporated

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into it. I am talking about January 1, 2024. After the holidays, I am going to table more bills on the same subject.

As for the level of indebtedness, the debt will remain with the restructured entities, and we are certainly going to be talking about this during the transition, because it is normal to go through a transition period. There have been 40 transitions or cases of restructuring over the last 50 years. So, the department is certainly aware of this issue, but it must be borne in mind that municipalities have debts—it is true—but that the debts stay with the entity and only with the people who have incurred the debt. As for the...

[*Original*]

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

## FIRST NATIONS

**Mr. K. Arseneau** (Kent North, G): Mr. Speaker, I was also astounded by yesterday's unprecedented, hastily called press conference by the Premier and the Minister of Aboriginal Affairs and the Minister of Natural Resources, where they made out that the Wolastoqiyik are looking to take back land that people live on. This could not be further from the truth.

The chiefs have stated time and time again that this is not their goal. Why the fearmongering, Mr. Speaker? I can only assume that a call from or a meeting with Jim Irving and his oligarch friends prompted this unprecedented press conference. After all, he did say in this Legislature that he has as many meetings with the minister as are required to get things done. In fact, it seemed that the minister was reading directly from JDI's notes.

My question is for the Minister of Natural Resources. What did Jim Irving threaten you with that caused you to call this press conference?

**Hon. Mr. Holland** (Albert, Minister of Natural Resources and Energy Development, PC): Mr. Speaker, what we see with that question from the member opposite is an embarrassing example of political theatre. We will not enter into banter or a debate that gives justification to such a question. This is an example of a press conference where we talked about some serious and significant concerns related to a very serious and significant subject matter. There was no consultation. There was no conversation as it relates to outside sources. But at the end of the day, if the member wants to try to trivialize or to pursue some sort of an agenda with a question on an issue that is as serious as the one for land claim titles that we have before us, quite frankly, Mr. Speaker, I will not participate.

**Mr. K. Arseneau** (Kent North, G): What we have seen here is the minister watching his words very closely, sticking to his reading notes.



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This is nation to nation. This is diplomacy. Now, I know that the Minister of Justice, with his whip, is watching over this so that no one says “unceded” or “unsurrendered”. But we are honourable members, and I trust that we want to be truthful in our answers. “Unceded”, “treaties”, “genocide”, and “reconciliation” are words that must be used to tell the truth. That being said, I would be very interested to know if, as a minister of the Crown, the Premier could please explain to us exactly how the Crown acquired these lands that are being claimed by the Wolastoqiyik.

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): You know, Mr. Speaker, time and time again, people stand up and say, Oh, the claim has nothing to do with private land; it is not our intention. Well then, I respectfully ask the Wolastoqiyik: Amend your claim. Exclude private citizens and their property.

But I read the claim, and the claim says what it says. It identifies 60% of the property, and it is claiming that. At the same time, they say, Well, it is not our intention to put any people out of their homes or anything like that. Then amend your claim. It is simple. Amend your claim. Exclude private citizens from this. That is all we are saying. But the claim does not say that. The claim is for 60% of the province in its entirety, in that area. If it is not that, then amend your claim.

## HEALTH CARE

**Mr. Austin** (Fredericton-Grand Lake, Leader, PA): Mr. Speaker, the *Stabilizing Health Care: An Urgent Call to Action* health plan certainly has some great ideas in relation to modernizing and streamlining health care. While I have my doubts about the success of the plan without its having a significant increase in the number of medical professionals such as doctors and nurses, I do believe that the overall concept is a step in the right direction.

Some of the most crowded areas of health care are found in our ERs, mostly in urban areas. On the other hand, it is rural clinics that are providing timely service for those seeking medical care for nonemergency conditions. One of those key services is blood work. Can the minister tell me if rural clinics will play a larger role in relation to testing services such as blood work as part of this new plan?

**Hon. Mrs. Shephard** (Saint John Lancaster, Minister of Health, PC): I am not quite sure that I understand the question properly. Rural health care, of course, is a strong part of our health plan because rural New Brunswickers need to know that their communities matter with regard to the overall province. Also, when it comes to health care, people need to be secure in knowing that they will have the services that they need in their communities.

Mr. Speaker, with regard to testing, I am not sure what the member opposite is talking about, whether it is lab work or whether it is the collection of blood specimens. I do not see any changes to blood specimens, and I do not really see any change to testing, with the exception that anything that is needed in the hospital will be done in the hospital.



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**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, we just heard the Attorney General, who is the top lawyer of the government, make comments about a process that is before the courts, a court matter. Is the Attorney General trying to influence, here today, the subject matters that are now in court proceedings? I do not think that I have ever seen or heard something of that nature before. The Attorney General is obviously trying to play politics—play politics—with this. Would the minister, the Attorney General, advise Cabinet and certainly himself to stay quiet and deal with this in the courts, not here in the Legislative Assembly?

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): Well, boy, if anybody has brought the subject into the Legislative Assembly, it is you. We cannot sit here and simply listen to all this stuff day after day after day.

I am a member of the Executive Council. I am not breaching any confidence. I have the consent and permission of my client to speak. There has been no foul committed. I am simply pointing out that, in the public domain, there is talk of all kinds. I am simply saying... I am not talking about judging anything. But if some people in the public domain are saying that they are not focused on private citizens' property, then I am asking a very simple question: Then, amend your claim. Let words speak. This is what you say. Just do it.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): The Attorney General is being a bit more careful...

(Interjection.)

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): For a change.

He is certainly being very irresponsible. He is being very irresponsible as the top lawyer of the government while trying to influence court proceedings here today. Seriously. I really do not get what... Other than trying to play politics and trying to divide and conquer again... Yes, I raised the issue, but as the Attorney General, his response should be: It is in front of the courts. I will make no comments. The court will deal with it, and it will be dealt with in the courts.

But that is not what he has done. Could you please clarify what exactly you, as the Attorney General, can and cannot do?

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): First, as I listened to you over the past 30 minutes, the first question that I had was, Where did you get your law degree? I am quite amazed at how you have become such a legal expert.

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(Interjections.)

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

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): I am making a simple observation. I am not talking about judges. I am not talking about evidence. I am not arguing anything. I am making a simple observation. In the public domain, the plaintiffs have said, We do not want to do... Our claim says something else.

Well, then, change the claim. That is all that I am saying. That is all that the government is saying. That is all that any of us are saying. That is it. It is as simple as that. I am not talking about judges, evidence, court, or anything. I am making a simple response to something in the public domain: We do not want to go after private citizens. Well, then amend your claim and say so.

**Mr. Speaker** (Hon. Mr. Oliver): Thank you, minister. The time for question period is over.

