
Daily sitting 17

Wednesday, March 17, 2021

10 o'clock a.m.

Prayers.

Mr. Arseneau rose on a question of privilege and submitted that during an *in camera* meeting of the Legislative Administration Committee, a report was distributed in only one official language, which the Member submitted was an obstruction of his ability to perform his duties as a member of the Committee. In accordance with Standing Rule 9(2), Mr. Arseneau gave notice of his intention to move the following motion, seconded by Mr. Coon:

THAT the matter concerning the breach of privilege committed on February 18, 2021, during a meeting of the Legislative Administration Committee and events related to the meeting, with regard to the distribution of working documents and access to said documents in the language of choice, be referred to the Standing Committee on Procedure, Privileges and Legislative Officers.

Mr. Speaker advised that in accordance with Standing Rule 9(2), he would consider the matter in two hours' time.

Mr. Coon, Member for Fredericton South, laid upon the table of the House a petition urging government to launch an inquiry into the death of Lexi Alayna Daken. (Petition 5)

Mr. Carr, from the Standing Committee on Procedure, Privileges and Legislative Officers, presented the First Report of the Committee for the session which was read and is as follows:

March 17, 2021

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

Mr. Speaker:

I present herewith the First Report of the Standing Committee on Procedure, Privileges and Legislative Officers for the First Session of the 60th Legislature.

Pursuant to Standing Rule 91, the Committee heard from the Office of the Commissioner of Official Languages for New Brunswick on February 16 and Elections New Brunswick on February 19.

Pursuant to Standing Rule 92, the Committee discussed virtual sittings of the Legislative Assembly on February 19 and March 10 and has agreed that the *Report to the Standing Committee on Procedure, Privileges and Legislative Officers regarding virtual sittings of the House*, prepared by the Clerk of the Legislative Assembly at the request of the Committee, be attached to this report for your consideration.

And your Committee asks leave to make a further report.

(Sgd. :) Jeff Carr, M.L.A.
Chair

The full report of the Committee as presented follows:

Your Standing Committee on Procedure, Privileges and Legislative Officers begs leave to submit this, their First Report of the session.

On December 10, 2020, the Clerk Assistant, pursuant to Standing Rule 99, convened a meeting of the Committee in the Legislative Assembly Chamber and presided over the election of a Chair and Vice-Chair. On motion of Hon. Mr. Savoie, Mr. Carr was elected Chair of the Committee. On motion of Hon. Mr. Savoie, Mr. Turner was elected Vice-Chair.

On February 16, 2021, the Committee heard from Shirley C. MacLean, Q.C., Commissioner of Official Languages for New Brunswick, regarding the *2019-2020 Annual Report* of her office.

Following the appearance by the Commissioner, the Committee adopted the following resolution:

WHEREAS the COVID-19 pandemic has disrupted scheduled sessions of the Legislative Assembly on multiple occasions over the past year;

WHEREAS the House of Commons has adopted the use of technologies that allow Members of Parliament to participate virtually, including for routine business and in the debate and voting of bills;

WHEREAS the technology has been temporarily secured for the Legislative Assembly to allow members to participate virtually;

WHEREAS multiple standing committees of the Legislative Assembly, including the Standing Committee on Economic Policy, the Standing Committee on Private Bills and the Standing Committee on Public Accounts have met using a hybrid system with some members in the Legislative chamber and others participating virtually;

WHEREAS in a Global News article dated February 12 regarding hybrid sittings, the Premier said, “Not being able to conduct the business of the province is not an option. It will be a discussion over the next few weeks about how can we do this and what things can we do it [for], because you’re exactly right, we can’t just hope that we don’t have an outbreak.”;

WHEREAS the same Global News article cited the Government House Leader as saying that a motion should be tabled at the Standing Committee on Procedure, Privileges and Legislative Officers in order to discuss further and formulate in what situations a hybrid system could be used;

BE IT THEREFORE RESOLVED that the Standing Committee on Procedure, Privileges and Legislative Officers meet on Friday, February 19, 2021, to discuss virtual sittings of the New Brunswick Legislative Assembly.

BE IT FURTHER RESOLVED that the Committee report its findings and recommendations to the Legislative Assembly by March 17, 2021.

On February 19, 2021, Kimberly A. Poffenroth, Chief Electoral Officer and Supervisor of Political Financing, appeared before the Committee to discuss a document entitled *Post-Election Recommendations for Legislative Change, September 14, 2020, Elections New Brunswick*.

Following the appearance by the Chief Electoral Officer, the Committee discussed virtual sittings of the New Brunswick Legislative Assembly. Shayne Davies, the Clerk of the Legislative Assembly of New Brunswick, appeared before the Committee.

The Committee requested that the Clerk provide a report by March 10 which would summarize the issues that may require consideration in relation to virtual sittings of the Legislative Assembly.

On March 10, 2021, the Committee met to discuss virtual sittings of the House and adopted the following resolution:

WHEREAS the changing pandemic restrictions have made it difficult for all Members to participate in person in the deliberations of the Legislative Assembly and its committees;

BE IT THEREFORE RESOLVED that the Procedure, Privileges and Legislative Officers Committee urge the House to review the report of the Clerk of the Legislative Assembly of New Brunswick;

BE IT FURTHER RESOLVED that the report of the Clerk of the Legislative Assembly of New Brunswick be attached to the Committee Report.

Accordingly, the report of the Clerk is attached to this report for the consideration of the House.

And the Committee begs leave to make a further report.

Ordered that the report be received, and leave granted.

The following Bills were introduced and read a first time:

By Hon. Mr. Steeves,

Bill 32, *An Act to Amend the Gasoline and Motive Fuel Tax Act.*

Bill 33, *An Act to Amend the Insurance Act.*

Bill 34, *An Act to Amend the New Brunswick Income Tax Act.*

By Hon. Mr. Cardy,

Bill 35, *An Act Respecting Empowering the School System.*

By Hon. Ms. Green,

Bill 36, *An Act to Amend the Highway Act.*

By Hon. Mr. Holland,

Bill 37, *An Act to Amend the Fish and Wildlife Act.*

By Hon. Ms. M. Wilson,

Bill 38, *An Act to Amend the Service New Brunswick Act.*

By Mr. McKee,

Bill 39, *An Act to Amend the Auditor General Act.*

Mr. McKee gave Notice of Motion 49 that on Thursday, March 25, 2021, he would move the following resolution, seconded by Mr. D'Amours:

WHEREAS the tragic death of 16-year-old Lexi Daken has drawn attention to the gaps in our mental health services that desperately need to be addressed;

WHEREAS Lexi's story was a catalyst for many other families to come forward with other tragic stories of how our mental health system has failed their loved ones who were not able to receive the help they needed when they needed it;

WHEREAS, while the reviews undertaken by the Child and Youth Advocate and Horizon Health in relation to the events leading up to the death of Lexi Daken are appropriate, there is a recognition that mental health services have been chronically underfunded for many years, which must be addressed;

WHEREAS mental health experts and advocates believe the mental health crisis is worsening and believe there is an urgent need to ensure our healthcare system can respond to those struggling with mental health issues who need immediate help;

WHEREAS the Official Opposition brought a motion forward in the Legislative Assembly in 2019 calling for the position of Mental Health Advocate to be created;

WHEREAS this motion received unanimous support from all Members of the Legislative Assembly;

WHEREAS the Official Opposition has also called for the expansion of the mental health court to ensure that people appearing in the courts with mental health issues have access to the treatments and services they require;

WHEREAS the Minister of Health has just announced an Addiction and Mental Health action plan for priority areas for 2021-2025;

WHEREAS there is a need for urgent action on improvements to our mental health system;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to accelerate the timeline for the implementation of all the measures contained in the action plan from 5 years to 3 years;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to immediately enhance the funding for mental health services to achieve this objective;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to establish the position of Mental Health Advocate without delay.

Mr. Gauvin gave Notice of Motion 50 that on Thursday, March 25, 2021, he would move the following resolution, seconded by Mr. Melanson:

WHEREAS, in January 2017, a 10-year aging strategy entitled *We are all in this together: An Aging Strategy for New Brunswick* was released;

WHEREAS the strategy was created under the *Healthy Aging and Long-term Care Act* which provides for the creation of an Aging Secretariat with certain responsibilities including tracking actions under the strategy;

WHEREAS the Auditor General undertook a review of the aging strategy and the progress made in implementing the action items contained in the strategy;

WHEREAS the Auditor General found that the Department of Social Development had failed to set targets for the initiative “Access to care and services” which was designed to improve access to adequate care for seniors;

WHEREAS the Auditor General further found that the department had failed to develop an implementation plan for the aging strategy;

BE IT RESOLVED that the Legislative Assembly urge the government to set specific targets for its “Access to care and services” initiative;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to develop an implementation plan for the aging strategy with clear objectives, performance indicators for success, relevant program inputs and outputs required to achieve action items, a progress monitoring plan, and a timeline for when and how results will be reported.

Ms. Landry gave Notice of Motion 51 that on Thursday, March 25, 2021, she would move the following resolution, seconded by Mr. LePage:

WHEREAS, as a result of the COVID-19 pandemic and the restrictions imposed through the various phases, many in-person services provided by government to the members of the public were limited;

WHEREAS, in recognition of the need for the public to continue to access many of the government programs and services during the pandemic, many more services were offered online;

WHEREAS, while it is commendable that government will make access to more programs and services available online, there is a concern for many New Brunswickers who are unable to access online services;

WHEREAS the reasons for being unable to access online services include factors such as lack of access to high-speed Internet, lack of technological literacy, and lack of access to computers, tablets, or other devices;

WHEREAS a lack of future access to many in-person services for people seeking government programs and services will disadvantage many New Brunswickers;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to ensure that in-person access to government programs and services is not significantly reduced as a result of a move to increase availability of online services when eased health restrictions permit these services to be offered.

Ms. Thériault gave Notice of Motion 52 that on Thursday, March 25, 2021, she would move the following resolution, seconded by Mr. Melanson:

WHEREAS it is in the best interests of the people of New Brunswick to have more women elected to serve as Members of the Legislative Assembly;

WHEREAS women are often the primary caregiver of children, and a significant barrier to participation by more women in the provincial political process that is often cited is the fact that the rules governing parliamentary institutions are not family-friendly or parent-friendly;

WHEREAS many other jurisdictions nationally and internationally are moving forward with reforms to make their parliaments or governing institutions more parent-friendly;

WHEREAS New Brunswick's "Women for 50%", which is focused on gender parity in the New Brunswick Legislative Assembly, supports reforms that are more parent-friendly;

WHEREAS British MPs voted to bring in family friendly reforms like a system of "baby leave" that would provide new parents in the House of Commons with proxy votes that could be utilized by their legislative colleagues, which allows MPs to care for their families while doing their jobs;

WHEREAS certain provinces allow childcare costs as eligible campaign expenses;

WHEREAS legislatures have adopted measures that permit virtual participation in proceedings;

WHEREAS reforms dealing with shared legislative responsibilities, the availability of on-site childcare, changes to the sitting hours, and additional initiatives that reduce barriers to participation in the political process have been adopted by other jurisdictions;

BE IT THEREFORE RESOLVED that the Legislative Assembly direct the Standing Committee on Procedure, Privileges and Legislative Officers to undertake a review of initiatives that will encourage more women to offer as candidates to represent New Brunswickers in the New Brunswick Legislative Assembly and report back to the Legislative Assembly within three months with specific recommendations.

It was agreed by unanimous consent to continue sitting through the noon recess.

Mr. Arseneau gave Notice of Motion 53 that on Thursday, March 25, 2021, he would move the following resolution, seconded by Mr. Coon:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House all documents, information, memos, records, and correspondence, however stored, electronically or otherwise, including e-mails, mobile to mobile device communication, PINs, and text messages about discussions, agreements, and service contracts concerning the organization of Destination Acadie events between 2014 and 2020.

Mr. Arseneau gave Notice of Motion 54 that on Thursday, March 25, 2021, he would move the following resolution, seconded by Mr. Coon:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House all documentation regarding expenditures of the government of New Brunswick related to organizing and holding Destination Acadie events between 2014 and 2020.

Mr. Austin gave Notice of Motion 55 that on Thursday, March 25, 2021, he would move the following resolution, seconded by Ms. Conroy:

WHEREAS Lexi Daken's tragic case is not an isolated incident, as there are many health zones with many cases;

WHEREAS the demand for mental health services in New Brunswick has seen a dramatic jump in the past five years with 117,000 people receiving help from CMHC in New Brunswick through online services from April to December 2020;

WHEREAS New Brunswick provides between 4% and 7% of the public health care budget to mental health;

WHEREAS CMHC has been advocating for mental health parity with physical health care resources, but no government has yet raised the mental health care budget;

WHEREAS mental health problems manifest physically in the body and, too often, doctors and nurses in the ER do not have sufficient training in mental health to identify the signs and provide the care these people need;

WHEREAS low to moderate cases are placing a huge strain on the health system and the ER is not the best place for people with mental health illness to go;

WHEREAS, before COVID-19, 2% of New Brunswickers had suicidal thoughts, in April 2020 that number increased to 6%, and, in the fall of 2020, that number jumped to 10%;

WHEREAS, in 2018, suicide was the leading cause of death among male youth aged 15 to 19 and was the second leading cause of death among female youth in Canada;

WHEREAS there are over 100 suicides in New Brunswick each year, and New Brunswick has a higher suicide rate per capita than any other province (particularly among men);

WHEREAS 70,000 people in New Brunswick do not have a family doctor, thus ending up at the ER, and the current wait time for specialists such as psychiatrists through the province is 12 months;

WHEREAS approximately 40% of those people who use virtual healthcare to see doctors and nurse practitioners online (allowing people to be assessed quickly) do not have a family doctor;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government of New Brunswick to issue a directive for both the Horizon and Vitalité Health Authorities that no minor will be turned away when presenting themselves at any Department of Health facility without being properly evaluated for their mental health concerns.

Mr. Austin gave Notice of Motion 56 that on Thursday, March 25, 2021, he would move the following resolution, seconded by Ms. Conroy:

WHEREAS rural hospitals face unit closures or shutdowns for periods of time due to staffing shortages;

WHEREAS New Brunswick health authorities are unable to recruit enough doctors to address the need of countless people who are waiting for a family physician;

WHEREAS nurses who take 811 calls cannot diagnose or treat people who call NB tele-care;

WHEREAS virtual healthcare allows patients to see doctors and nurse practitioners online providing access, diagnosis, and treatment quickly without patients leaving their home;

WHEREAS the mental health crisis, overcrowded emergency rooms, and doctor shortages are among the many issues the province's broken healthcare system could address through a virtual care model;

WHEREAS other jurisdictions throughout North America have had success with various virtual care models including 20 hospitals in Canada using some form of virtual care in their ER departments;

WHEREAS since 2020, the eVisitNB virtual healthcare platform had over 13,000 visits to its platform from people who are being seen by doctors and nurse practitioners currently working in the province when they are available.

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Government of New Brunswick to expand the use of virtual care in emergency rooms, rural clinics, and any other healthcare facility under the Department of Health as well as promoting access to virtual care availability for patients outside these facilities;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to give the virtual care model equal remuneration to that of in person visits as it relates to physician and nurse practitioner billing.

Ms. Conroy gave Notice of Motion 57 that on Thursday, March 25, 2021, she would move the following resolution, seconded by Mr. Austin:

WHEREAS the Auditor General's Report indicated the number of New Brunswick seniors aged 75 and older will double by 2036;

WHEREAS nursing home waitlists continue to grow, and there continue to be long wait times for nursing home placements, thus creating added pressure and costs for hospitals as about half of those seniors are waiting in hospitals;

WHEREAS, as indicated in the 2011-16 Nursing Home Renovation and Replacement Plan (as of November 2020), of the 704 specialized memory care beds to be added, only 428 were completed and 276 were not;

WHEREAS the New Brunswick Nurses Union has called on government to order an independent inquiry into the long-term care sector, citing increasing severity of several issues, including low staffing ratios, residents going without basic personal care, and an increase in violence;

WHEREAS the Department of Social Development has produced a 2011-2016 Nursing Home Renovation and Replacement Plan, a 2018-2023 Nursing Home Plan and a 10-year Aging Strategy in collaboration with other stakeholders and, also taking into consideration the Department of Finance and Treasury Board's financial analysis of the nursing home delivery model, the Department of Social Development has failed to address the nursing home capacity demand;

WHEREAS the Auditor General made the recommendation in the 2016 Auditor General Report that the Department of Social Development evaluate whether there is an economic benefit to providing nursing home beds under the for-profit model versus the traditional model, and the recommendation has not been implemented;

WHEREAS the Department of Social Development needs to compare actual costs and overall quality of service to determine if the for-profit operated model has more economic benefit than the traditional model;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Department of Social Development to initiate and release a report on the comparison of actual costs of providing nursing home services under the for-profit model versus the traditional public model, and, in addition, do a detailed comparison of quality of service between the two models.

Hon. Mr. Savoie gave notice that on Friday, March 19, 2021, Bills 32, 33, 34, 35, 36, 37 and 38 would be called for second reading.

Hon. Mr. Savoie, Government House Leader, announced that following third reading, it was the intention of government that Private Bill 27 be called for second and third reading.

It was agreed by unanimous consent that when the Assembly adjourns at the end of this sitting day, it stand adjourned until 1 p.m. on Thursday, March 18, 2021.

The following Bills were read a third time:

Bill 3, *An Act to Amend the Early Childhood Services Act.*
 Bill 15, *An Act to Amend the Notaries Public Act.*
 Bill 19, *An Act to Amend the Workers' Compensation Act.*
 Bill 20, *An Act to Amend the Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act.*

Ordered that the said Bills do pass.

The Order being read for second reading of Private Bill 27, *An Act to Amend the Saint John Transit Commission Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 27 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 27, *An Act to Amend the Saint John Transit Commission Act*, was read a second time.

Pursuant to Standing Rule 121, Mr. Speaker ordered Private Bill 27 for third reading forthwith.

The following Private Bill was read a third time:

Bill 27, *An Act to Amend the Saint John Transit Commission Act.*

Ordered that the said Bill does pass.

Mr. Speaker advised the House that the two hours' notice required by Standing Rule 9(2) had elapsed and recognized Mr. Arseneau to speak on the question of privilege raised earlier in the sitting day. Having heard the arguments, Mr. Speaker took the matter under advisement.

And then, 12.50 p.m., the House adjourned.

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

Annual Report 2019-2020 Vehicle Management Agency	March 15, 2021
Annual Report 2021 <i>Statute Repeal Act</i> , Office of the Attorney General – Justice and Public Safety	March 16, 2021
State of the Child Report 2020, Office of the Child and Youth Advocate, November 2020	March 16, 2021