

# Legislative Assembly of New Brunswick

## Oral Questions



**December 7, 2021**

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### COLLECTIVE BARGAINING

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Well, Mr. Speaker, the message is loud and clear.

(Interjections.)

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

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): A total 92% of nurses, LPNs, and nurse practitioners have voted in favour of a strike. It is very clear to all of us that they mean serious business to get a collective agreement negotiated in good faith and signed. The Premier said last week that he would like to get this resolved by Christmas. There are about three weeks before Christmas. The parties are negotiating today, supposedly. What we need to hear from the Premier today is what exactly is the plan. Does he still have the goal and the objective of getting this collective agreement signed in good faith, with fair wages and good working conditions for our nurses in this province?

**Hon. Mr. Steeves** (Moncton Northwest, Minister of Finance and Treasury Board, PC): Thank you, Mr. Speaker, and thank you to the member opposite. Yes, we absolutely treat this seriously. You asked whether it is serious business. Yes, this is serious business, and this is a serious government. And this is a serious problem that we are tackling. It is not an easy problem, but that is what leadership is about. Leadership is about tackling problems, and that is what we are going to do.

Do you know what? We offered parity with Nova Scotia in one of our first two contract offers—those were turned down. We are going back to the table. I believe that we are going back to the table this afternoon to meet with the nurses and their representatives to find out what is needed—what is needed to help the working conditions, what is needed to help the average nurse, and what is needed to avoid 24-hour shifts.

We know that we are doing projects and programs in order to get LPNs up to RN status. There are bridging programs in there, and those will take some time. They are working as we speak, but there has to be more ways to help. So, together, the nurses and the government will come up with a plan.

[Translation]

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, 92% of registered nurses, licensed practical nurses, and nurse practitioners voted in favour of a strike. This is serious. Yes, there is no doubt that this takes leadership. However, leadership that creates labour disputes and a mess throughout the province is not what New Brunswickers are looking for.

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Last week, the Premier clearly stated that he wanted this situation resolved and that, by Christmas, there would be an adequate collective agreement, competitive wages, and better working conditions. Is the Premier, who is letting his Minister of Finance rise, busy thinking about the strategy and plan for meeting this objective by Christmas? Could he answer this question, Mr. Speaker?

[Original]

**Hon. Mr. Steeves** (Moncton Northwest, Minister of Finance and Treasury Board, PC): Yes, as a plan, we are working together, Mr. Speaker, to the member opposite. As a plan, we are working together. That is what leadership is about. Leadership is about solving the problems. That is what we do. We solve problems. That is what government does. We solve problems by working together with the management of the nursing union. We solve problems by coming up with more workers.

Do you know what? We talked about a program last week, and I want to expand upon that. There is another program where they are looking at internationally educated nurses. They are looking at bridging programs for nurses who arrive here from international places as well. In September, we recruited 150 internationally educated nurses, RNs, who will arrive this coming year to begin working as care attendants while bridging to work as RNs.

So, yes, that is what this government does. That is what this government does. It takes action. It takes action to solve the problems. That is government, Mr. Speaker.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, the minister talks about 150 international nurses who may come to New Brunswick, and I hope they do. I hope they do. But there are 1 000 vacant nursing positions in the system right now. The good place to start to try to retain them is to have a collective agreement. The agreement has been expired for three years—three years.

The government has a projected surplus of over \$250 million this year, and it had \$408 million last year; and we still do not have a fair, good collective agreement for our nurses. The Premier got up when the other group was negotiating and there was a strike. This is serious—92% of our nurses will go on strike if there is no collective agreement. Premier, please get up and convince us. Make sure that we do not get to that point in this province.

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

**Hon. Mr. Steeves** (Moncton Northwest, Minister of Finance and Treasury Board, PC): Yes, Mr. Speaker, we have been bargaining in good faith. We have come up with two tentative agreements that the leadership of the unions brought forward to be ratified, and those were turned down. But do you know what? Those were two opportunities. We are now on our third opportunity. We will keep moving, and we will keep working in order to get the nurses' contract signed. We will be working. We will be working not only to get that



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contract signed but also to continue to get more nurse practitioners and more nurse practitioner clinics, which is what this government has done. We will be working to get more programs that bridge RNs to become nurse practitioners, LPNs to become RNs, and so forth. We will be looking to get more of those programs in.

And do you know what? When the member opposite talks about 200 not being enough, it is 200 more than the members opposite put in when they were in government. I will tell you that. But I will agree that 200 is not enough. We have 200, and we have another 70 that we have signed. We are doing the work. We are doing the work, and we will work hard to get this contract with the nurses signed as soon as possible.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, I am hopeful this afternoon. I am really hopeful because we are asking questions about bargaining for nurses and the Premier does not seem to be involved in these negotiations because he is not getting up. I am hopeful because I think that he is giving the lead to the Minister of Finance and President of Treasury Board, who may get this resolved and avoid a strike. It is hopeful that the Premier stays sitting down and is not getting involved so we can have a resolution in this bargaining.

I will remind the minister that the average hourly salary of registered nurses in 2020 was \$39.18. In Prince Edward Island, it was \$41.84; in Nova Scotia, it was \$41.48; and in Newfoundland and Labrador, it was \$48.85. For the LPNs, it was \$25.03. In Nova Scotia, it was \$30.27; in Prince Edward Island, it was \$29.60; and in Newfoundland and Labrador, it was \$27.23. I hope that it improves for our nurses and our LPNs in New Brunswick.

**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. Do you know what? I have a reminder that we did offer a wage package that was very close to—I believe exactly—what Nova Scotia had. Parity with Nova Scotia is what we are looking for, and parity with Nova Scotia is what we offered in one of those first two contracts.

So let's continue with some of the successes that we have had with the nurses in the area. For instance, in the Moncton clinic, which opened on May 4, 2020, six nurse practitioners have been hired. There have been 3 298 patients onboarded with the nurse practitioners for their primary health care. In the Fredericton clinic, which opened on February 10 of this year, all six nurse practitioner clinic positions have been filled. There have been three additional nurse practitioner positions added to the Fredericton area, and as of September 2021, 1 325 patients have been onboarded. Do you know what? I do not have time, but Saint John is coming up next.

[*Translation*]

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, it is obvious that the minister knew that the first questions this afternoon would be about the nursing file. The

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government did some research and must have dug pretty deep to unearth all the data the minister just gave us.

We want to keep on hiring nurses and improving the situation, but I will repeat in French what I said in English. I am hopeful that we will avoid a strike with our nurses and all these professionals. I find it encouraging that the Premier is not getting up to answer questions today, because he should not be involved in negotiating this collective agreement. He got involved in the past, and it was a total mess—strikes and demonstrations. We do not want to see this with our health system and our nurses.

So, my question for the minister is this: Can you tell us here today that this bargaining situation will be resolved before Christmas?

[Original]

**Hon. Mr. Steeves** (Moncton Northwest, Minister of Finance and Treasury Board, PC): Do you know what, Mr. Speaker? I thank the member opposite for the question. Can I tell you that it is going to be solved before Christmas? Do you know what? I can tell you that we are bargaining and that the Nurses' Union is bargaining. We are meeting, and we are talking. And we are displaying leadership on both sides. Leadership—tough decisions have to be made. Sometimes the answer is yes, and sometimes the answer is no. We are going through the process. Where can we say yes? Where do we have to say no? And the Nurses' Union is doing the same thing.

I can tell you that we are bargaining in good faith with the Nurses' Union. Can I tell you that it is going to be done by Christmas? Can I tell you that it is going to be done in two and a half weeks? No, I cannot tell you that, but I can tell you that we darn sure want it to be done as soon as possible. We want our nurses to be satisfied. We want them to be back to work, and we want them to be happy to be there.

## FIRST NATIONS

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, this question is for the Premier. Friday, his Attorney General went to the media and said that a judge asked him not to speak about a legal matter that is in front of the courts. You would think that as the top lawyer for the government, the Attorney General, who is advising the Premier and the government, would know better or, at a minimum, would have good judgment. Forget about the potential legal implications of this. Premier, can you tell us whether the Attorney General is still your Attorney General today? Or did you ask him to resign?

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, I do not think that there is any change in the portfolio. The minister, the Attorney General, will be free to speak on this of his own accord, but I do want to make sure that people understand that we have a lawsuit in front of us.



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A lawsuit is in front of us that takes in 60% of our province. We can frame it any way we like, but it is 60% of all the land—whether or not it be under someone’s house—of the entire province. So it is a land title debate or court challenge.

It means, at the end of the day, that the province would not own the land. It could be awarded to the First Nations group. So we, right here, have an obligation to defend that in court. At this stage, we can talk around it, but the fact is that we have a land claim for 60% of this entire province. It is clear. That is fact. In fact, one chief said that a trillion dollars was a good place to start for a payout—imagine.

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

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Well, Mr. Speaker, I did not ask the Premier to spread fear and to talk about the issue of this land title claim. I asked the Premier whether his Attorney General was still the Attorney General today.

You know, the Attorney General was told by a judge... I do not remember a judge telling the top legal adviser of the government to keep quiet on a legal matter that is in front of the courts. I have never heard of that before. This is very serious stuff. You would think that the minister would know better, and you would think that the Premier would also know better and would not speak on this issue because it is in front of the courts. Either the minister deliberately misstated the land title claim or he just did not read the land title claim—or he just did not read it. So, Premier, will you ask your minister to resign?

**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): Well, Mr. Speaker, the request of the Leader of the Opposition for me to resign is just political posturing. If I had any meaningful regard for his opinion on the matter, it might bother me, but it does not.

The fact of the matter is that this is a very serious and high-profile piece of litigation. It brought attention, and people commented on a number of things, nothing of which was improper to do so. The judge did not issue an order. The judge directed the parties—not me. You are trying to twist it, but it was the parties, not me. She suggested that they not argue the case in the public domain. That is all that we did. Out of respect for the judge, we did it. No foul was done. There is nothing to apologize for, resign for, or anything like that.

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, I think that the Premier should really show leadership. For a judge to ask the Attorney General not to speak publicly on a matter that is in front of the courts... Well, I guess you do not have to be a lawyer to have good judgment about not speaking on a court matter. The Attorney General, who is the top legal adviser to government, spoke on the issue. He tried to direct the other party’s action on the claim. I have never seen that before during my 11 years in this Legislature. The Premier should be responsible enough to ask him to resign or to make sure that his Attorney General resigns, because it was very inappropriate.

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**Hon. Mr. Flemming** (Rothesay, Minister of Justice and Public Safety, Attorney General, PC): Oh, look. You know, you are trying to make a mountain out of a molehill. I was not even at the conference of the parties.

The judge made a comment—not an order but a comment—to the counsel and to the parties that the matter should not be litigated. That does not mean that you cannot talk about it. That does not mean that you cannot talk about its seriousness or anything else like that. It was a directive not to... It was a suggestion not to do it. It was not made to me. It was made to the parties—both sides.

I got the newspaper out on Monday and found quite an extensive article about the plaintiff and the plaintiff's counsel and everything else like that. All I am saying is that the judge made a suggestion. It was not to the Attorney General. It was to the parties. As far as the Crown is concerned, it will respect the suggested directive of the judge.

[*Translation*]

**Mr. Melanson** (Dieppe, Interim Opposition Leader, L): Mr. Speaker, I have seldom seen a government being so irresponsible—irresponsible. For the government, things are always someone else's fault. When will the Premier show real leadership or real concern about his government's actions? It is crazy to see a government trying to tell a party involved in legal proceedings what it must or must not do.

The Premier said this afternoon that this matter should be settled in court. Absolutely—that is indeed what the judge clearly stated. However, the Attorney General disregarded the fact that proceedings that are before the courts must not be discussed in public. He is the one who is supposed to be the chief legal counsel for the government. Obviously, he failed. That is irresponsible. Mr. Premier, are you going to ask the Attorney General to resign, please?

[*Original*]

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, leadership is about dealing with issues that affect all New Brunswickers, and that is exactly what we are doing. When 60% of the land in this province is declared as being someone else's and people want to take us to court to sue for it, we have an obligation—the government has an obligation, and the Leader of the Opposition has an obligation—to reflect the rights of all citizens in this province. So that is exactly what we are doing, because we do not believe that the land title should shift to one group. Land is owned by everyone in this province. We are elected to represent everyone in this province, and that is exactly what we will do.

The Leader of the Opposition can go around in a circle and try to pick out little things, but there is a big issue at stake here. And the big issue is an unprecedented lawsuit, for the first



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time in Canadian history, in which one group declares that it owns 60% of a province. The Leader of the Opposition would rather nitpick on little items rather than defend the rights of all New Brunswickers. It is time that we all found a solution that works in everyone's best interests, and that is what we are doing.

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

[*Translation*]

### CORONAVIRUS

**Mr. D'Amours** (Edmundston-Madawaska Centre, L): Mr. Speaker, although they are apparently under control, recent hospital outbreaks of COVID-19 are great cause for concern. We are also very concerned about the significant outbreaks in the schools. These incidents are alarming. There have also been outbreaks in nursing homes.

Mr. Speaker, nobody expects to get COVID-19 in hospital. Hospitals are places where we expect to be safe. We also expect the people in charge of health, especially the minister, to keep people informed about what is going on in these establishments and what is being done to lessen the risk of spreading the disease.

Can the minister give us some details about the steps being taken in the health, education, and long-term care sectors to prevent further outbreaks in the future?

**Hon. Mr. Cardy** (Fredericton West-Hanwell, Minister of Education and Early Childhood Development, PC): Thank you very much for the question. In the health and education sectors, plans are clearly in place. We need to develop these plans based on changes involving the virus. We had to adjust due to the British variant last year. After that, there was the Delta variant. Now, there is the Omicron variant.

This is really very difficult, but these are science-based decisions and plans. The Winter Plan, which was released last week, outlines all the measures that we plan to put in place at this stage to manage the health and education systems. In the coming days, we will be specifying once again what the plans are for the education system. The goal will again be to address all the challenges we can foresee due to the evolution of this virus.

Basically, we also need to say that the only way to really combat this pandemic is with the support of the people of our province. They need to support health measures...

[*Original*]

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

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### HEALTH CARE

**Ms. Mitton** (Memramcook-Tantramar, G): Mr. Speaker, I do not trust what this government says about health care. In February 2020, the Premier announced cuts to six rural hospitals, and then, under pressure from communities, he backed off. In June, Horizon announced that the ER at Sackville Memorial Hospital would have reduced services on weekends for the summer. In September, these evening and overnight ER closures were extended indefinitely, and then it became every single day. On Friday afternoon, residents in my riding were blindsided by an email announcing the closure of acute care beds.

Instead of attacking six communities, it appears that this government is carrying out the same plan just in Sackville. Is this a trial for other rural hospitals, Mr. Speaker? Where is the urgency to fix these problems? What is the Minister of Health's plan to return equitable health care to the residents of Memramcook-Tantramar through 24-7 emergency room and acute care services?

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, in terms of looking at the nurses and going through the contracts, what we see is that they want more than just money. They want to have a health system that is working. They want to have a lifestyle within our health care system so that they can give the best care possible to the residents.

What Horizon has done in Sackville is truly unfortunate but necessary. Horizon is looking at this. We are not making the decision in relation to what opens and what does not. Horizon is looking at how it can provide safe health care for residents. The decision about safe health care for residents was that we cannot staff this in the way we should. So it makes these decisions in the best interest of all New Brunswickers.

What we have to do here is to recognize why we need to make these decisions, why Horizon or Vitalité has come forward with changes, and what we can do to get this fixed. It did not happen overnight, and it will not be fixed overnight. The minister was talking about the changes and the hiring, but there is more to it. It is about managing and doing things differently because we must. We will continue to look at ways to do that. Thank you, Mr. Speaker.

**Ms. Mitton** (Memramcook-Tantramar, G): Mr. Speaker, I do not hear a clear plan to address the emergency in my riding. Last year, when he backtracked on his failed health care reform, the Premier categorically promised rural New Brunswickers that their emergency rooms would remain open 24 hours per day, 7 days per week. My community tried to work with Horizon and the government and tried to help, but my community has been disrespected. It feels as if any collaboration has been an attempt to carry out the same plan, just slowly.

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The reduction in services at the Sackville ER is actually worse than the Premier's failed plan because that plan closed the ER only from midnight until 8 a.m. Currently, the ER is closed from 4 p.m. to 8 a.m. daily. Now, Horizon has closed acute care beds too. These moves go directly against the Premier's promise to the residents of my riding. Why is he attacking rural New Brunswickers, and why has he broken his word?

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, I know that it is a difficult issue in the member's riding. I do not dispute that at all. But what I have to say is that we are relying on the health professionals to do what they must to ensure that health care services can be delivered. We are not saying, well, we will keep the doors open regardless of who is in there to serve people when they arrive. We have to make the decision as to how the staff will treat patients and how the staff can actually provide better service. And that is what they are doing. They are operating the system as best they can to ensure that when health care services are received, they are good and they are effective.

(Interjections.)

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

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): So we will work with them, Mr. Speaker. I encourage the members opposite to do the same thing because we must. We must work with our health professionals to find a way through this. It is not a political decision. There are no political decisions involved in this. This is an operational decision to try to provide health care services to the province. We have to rely on the professionals to guide us through this because none of us in here are health professionals. We are listening, and they are acting to make it safe for all of us.

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

## LOCAL GOVERNMENT

**Mr. Austin** (Fredericton-Grand Lake, Leader, PA): Mr. Speaker, since the release of the white paper, my office has been receiving a steady influx of questions and concerns from both local leaders and everyday citizens—questions as to whether their taxes will increase and by how much, whether local representation will increase or decrease, and whether amalgamated areas will see a decline in local autonomy. They need to know what it all means for them. Another key question that was raised is in relation to zoning and what it will mean for farmland. The province currently operates the Farm Land Identification Program, which, under certain criteria, allows for owners of agricultural land to defer payment of their property taxes.

Can the Minister of Local Government and Local Governance Reform tell us how these changes in the municipal reform will impact FLIP?



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**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 questions. I think those are all valid questions. Some people have definite concerns, and there are some unknowns out there. There is a lot of misinformation also, hence the reason that we have to correct that misinformation.

Again, all these questions will be discussed during the transition. We will establish the role of transition facilitators, and we will select great people to work with our communities, with our department, and with me. These transition teams will be responsible for coordinating the establishment of new and revised local boundaries as well as council compositions and ward boundaries, beginning in 2022, and the transition will continue through to June. We hope to have a discussion. My staff and I will be out there in the regions to make sure that people understand these questions that we have been talking about for the past 25 years. Thank you.

[Translation]

## CORONAVIRUS

**Mr. D'Amours** (Edmundston-Madawaska Centre, L): Mr. Speaker, since the pandemic began, a significant number of scientists have studied the role played by ventilation systems in COVID-19 transmission. We understand that some schools and systems are being monitored by the Department of Education and Early Childhood Development. Other provinces have gone a lot further by making significant investments in new systems for schools and other public buildings.

The federal government has also recognized the fact that these systems need to be changed and has provided funding for that purpose. Since many hospitals were built at the same time as a number of schools around the province, can the Minister of Health tell us whether hospital ventilation systems are currently being assessed? If so, is there a plan to upgrade them?

**Hon. Mr. Cardy** (Fredericton West-Hanwell, Minister of Education and Early Childhood Development, PC): Thank you, Mr. Speaker, and thanks to the member for his question. In the education system, the issue of ventilation has been controversial, I know. First of all, we have a number of schools that do not have a mechanical ventilation system installed. We now have a plan to identify solutions to this problem for 11 of the 60 schools involved. Over the next few months, we will be making announcements about how this lack of ventilation systems will be addressed.

Moreover, in the specific context of COVID-19, because Public Health has said that all these schools are healthy environments, we have set up a committee that will be hearing from some experts. Looking at the information on ventilation that has appeared in the newspapers and listening to what the experts are saying has made us realize that there are



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a variety of perspectives. So, we will be hearing all viewpoints and making a science-based decision. That is the only way we will be able to survive this pandemic, not by playing politics. Thank you very much, Mr. Speaker.

[Original]

**Mr. D'Amours** (Edmundston-Madawaska Centre, L): Mr. Speaker, the question was about ventilation in hospitals.

It appears that New Brunswick is losing ground in dealing with the fourth wave of the pandemic. As reported yesterday in the *Telegraph-Journal*, "Data paints dire picture of N.B.'s COVID-19 woes". New Brunswick had the third-highest case rate per 100 000 people in the two weeks leading up to December 3, along with the third-highest death rate per 100 000 people. Our testing numbers are poor, and only New Brunswick and Manitoba are at the top warning level for COVID-19 activity, according to Health Canada.

Last year, following the holiday season, we saw a significant increase in cases of COVID-19. Given our current state, can the minister tell New Brunswickers what the projections are for the case numbers following the holiday season? Where are we tracking with cases?

**Hon. Mr. Higgs** (Quispamsis, Premier, Minister responsible for Intergovernmental Affairs, PC): Mr. Speaker, one of the things that has stayed consistent throughout this fourth wave has been the level of hospitalization. I think that we had a high of about 67, and now, we are down in the 50-ish range, with 15 in ICU. Unfortunately, in some hospitals, we had an outbreak of COVID-19 cases, and that has been addressed by Horizon and Vitalité. It is under control, and we are told by the experts that they have this situation dealt with. They discovered the problem. They talked about the ventilation in hospitals and what was causing that outbreak. They found that, and they fixed it. So people should not be afraid to go to the hospital if they have other issues and are afraid that they might get COVID-19 while they are there.

In relation to the case count, we said from the beginning that we are going to focus on hospitals. Do you know what we are seeing? People are basically saying: I am tired of COVID-19. I am tired of this. So the latest move is trying to get people back into the mind frame of practicing social distancing, masking, practicing caution within retail outlets, and being cognizant of their surroundings.

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