



The Brief

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New Brunswick Health Minister is “willfully incompetent” says doctor

By SUSAN O'DONNELL



Valerie Edelman and Dr. Adrian Edgar (left to right) with Clinic 554, this year’s Fredericton Pride Parade’s Grand Marshal. In this picture, Dr. Edgar is delivering the Grand Marshall speech at Officer’s Square in Fredericton. Dr. Edgar thanked the Fredericton community for supporting Clinic 554 and demanded that politicians take action to remove barriers to reproductive health care in New Brunswick. Photo by Douglas Mullin Photography.

Health Minister and lawyer Ted Flemming knowingly permits New Brunswick to contravene the Canada Health Act, the federal law regulating payment of health services. New Brunswick doctor Adrian Edgar says this indicates Flemming is “willfully incompetent” and has called for his resignation.

The Canada Health Act ensures that eligible Canadian residents can access health services approved by Medicare on a prepaid basis, without direct charges at the point of service. Most doctors across Canada operate from private facilities, billing their provincial government for Medicare services. In New Brunswick, the province pays for all Medicare services provided by doctors in private facilities, except abortions.

Several weeks ago, federal Health Minister Ginette Petitpas Taylor sent a letter to provincial health ministers asking them to respect the Canada Health Act requirement to pay for surgical abortions. However, Regulation 84.20, Schedule 2, paragraph (a.1) of the New Brunswick Medical Services Payment Act specifically excludes abortions performed outside of hospitals. Only three hospitals in the province, in Bathurst and Moncton, provide abortion services.

A panel of experts discussed the government’s contravention of the law at an event, “Intersections of Gender, LGBTQIAP2S+ Health & Reproductive Justice” in Fredericton on August 13 organized by Reproductive Justice New Brunswick (RJNB) and Fierté Fredericton Pride. Panel chair Jessi Taylor, a reproductive justice activist and formerly Education Program Manager at AIDS NB, explained that “reproductive justice” is bigger than pro-choice and refers to the ability to have children in a safe and healthy environment.

Panel speakers included Adrian Edgar, the doctor at Clinic 554, an award-winning centre of excellence for queer and reproductive health care. At the panel, Edgar said “We’re tired and sad that the government is, mindfully and purposefully, derelict in its responsibility.” He said Health Minister Ted Flemming is “willfully incompetent” and called, again, for his resignation. Edgar believes the government’s position is rooted in blatant discrimination and misogyny because reproductive health services are valued less if the patient has female reproductive organs.

As an example, Edgar said the fee for a vasectomy is billable at 132 units whereas the fee for an abortion is 18 units, which does not cover the costs of staff or facilities required for the service. Thus the low fee structure is specifically designed to make it difficult for doctors to perform abortions. Additional fees are available to doctors performing both services but the basic inequality and discrimination persists. As a comparator, a specialist waiting on hold for 15 minutes while a telemedicine service is delayed for technical reasons is entitled to bill 20 units per each 15 minutes they sit waiting.

Why is there a fee for abortion if it is not allowed outside hospitals? This is another example of government incompetence, says Edgar. Schedule 2 of the Regulation under the Medical Services Payment Act specifically excludes “abortion, unless the abortion is performed in a hospital facility approved by the jurisdiction in which the hospital facility is located.” However, recently a new service code for “Medical management of non-viable/unwanted pregnancy” for family doctors to use, apparently outside of a hospital, is classified as an abortion, billable at 18 units. Edgar said, “If that seems confusing given the explicit restriction in the Act, it’s because it is. The Department of Health is trying to suggest that medical abortions are not abortions,” adding that the government is “persisting in their multi-decade attack on the services offered at Clinic 554 and the previous Morgentaler Clinic in every way they conceive of – even if it means contravening their own regulation.”

Jenica Atwin, the federal Green party candidate for the Fredericton riding in the upcoming October election, was the only political representative to attend the panel event. She said that clearly, “something is wrong in New Brunswick,” and noted that more than 7,000 New Brunswick residents have signed a petition calling for the government to remove funding restrictions on abortion services. Atwin called the current situation another example of “the old guard holding bodies hostage” and underlined the need for the federal government to act.

Susan O'Donnell is a member of the NB Media Co-op Editorial Board.

Wolastoq Grand Council takes province to court to protect Mount Carleton

By KATALIN KOLLER

On August 19 and 20, the assertion of Wolastoqey Indigenous rights for protection of sacred, ecologically sensitive landscapes were tested in a judicial review at the courthouse in Woodstock. The case has the potential to set an important precedent given the status of the Wolastoq Grand Council as a traditional government and their legal claim of Mount Carleton Provincial Park as a sacred site. The Wolastoqewi Grand Chief emphasized this significance when he said that by taking the New Brunswick government to court, the Grand Council is “carrying on an ancestral legacy to resist the further destruction and theft of Indigenous land and waterways.”

At issue is the province’s July 2015 announcement that a \$1.4 million snowmobile grooming hub and fuelling station would be developed in Mount Carleton Provincial Park before the following winter. The new development is proposed to open access to 343 kms of new trails and attract up to 1,000 new snowmobilers to the area during the winter months. However, this decision was announced prior to adequate communication and engagement with affected First Nations and before any environmental impact or archaeological assessment was conducted. The park is well-established as a culturally sacred and archaeologically significant site for Mi’kmaq and Wolastoqey Nations and, according to the province’s own Environmental Impact Assessment (EIA), is also home to several rare and endangered species and five Environmentally Significant Areas (ESA).

In the fall of 2015, an application requesting a judicial review of the province’s decision was submitted by the Wolastoq Grand Council, Grand Chief spassaqsit possesom (Ron Tremblay), and previous manager of the park, Jean-Louis Deveau. A second application was submitted in the fall of 2016 concerning an addition to the province’s plan featuring construction of two bridges in ecologically sensitive areas of the park; both applications were reviewed together as the case began in August.

A judicial review requires a judge to evaluate the lawfulness of a decision made by a public entity, in this case, the Province of New Brunswick. The lawfulness of this decision will be evaluated within the emerging Indigenous rights regime and Provincial Acts and Regulations. Domestically, Indigenous rights are enshrined in Section 35 of the 1982 Canadian Constitution and the Crown has an established Duty to Consult and accommodate Indigenous Peoples when their inherent or Treaty rights might be infringed upon by development on Treaty or contested lands.

Locally, the Wolastokuk Yut (Wolastoq homeland), based along the Wolastoq (Saint John River), was never ceded (given over) to the British Crown, but rather was agreed to be shared in-common in pre-confederation Peace and Friendship Treaties. Globally, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) also requires that states cooperate with Indigenous Peoples and their chosen institutions (read: traditional governments) to obtain their free, prior, and informed consent before any project affecting their territories can be approved.

In addition to an interpretation of Wolastoqey rights regarding Mount Carleton, the judicial review will



Wolastoq Grand Council Chief Ron Tremblay. Photo by JJ Bear.

Protect Mount Carleton

investigate whether the Province has met its own Duty to Consult policy, as well as requirements for park and resource planning under the Provincial Parks Act and the Environmental Impact Assessment Regulation as part of the Clean Environment Act.

The Wolastoq Grand Council is asking supporters and allies to help raise the funds required to pursue this case by making a donation at their Go Fund Me page: <https://ca.gofundme.com/27ru624>.

Katalin Koller is an Acadian-Hungarian ally, socio-environmental activist, and doctoral candidate in human geography, living in Fredericton.

The NB Media Co-op is 10 years old! Celebrate with us

The NB Media Co-op's 10th Annual General Meeting & Keynote by Chantal Richard

Every year, the NB Media Co-op chooses a newsmaker that has provided insight to a hot topic to deliver its annual keynote address. This year's keynote will be delivered by Dr. Chantal Richard, a professor in the Department of French at the University of New Brunswick. Chantal will speak about the erasure and revival of Acadian identity, language and culture in the context of settler colonialism. Chantal's talk will address how divergent narratives in French and English-language media have divided communities and undermined efforts to promote equality.

Thursday, Sept. 19 at 7:00 pm

Charlotte Street Art Centre, 732 Charlotte St., Fredericton

This event is co-hosted by the Societ  de L'Acadie du Nouveau-Brunswick (SANB), French Studies at the University of New Brunswick, and the *Journal of New Brunswick Studies*.

*All are welcome to attend the NB Media Co-op's Annual General Meeting at 5:00pm at the same venue. You must be a member to vote. To become a member, visit nbmediacoop.org or email info@nbmediacoop.org.



Chantal Richard is the NB Media Co-op's 10th Annual Keynote Speaker.

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Fracking announcement: Good news in an ugly package

By DALLAS MCQUARRIE



Shale gas opponents demonstrating outside a meeting between municipal government representatives and then Energy Minister Craig Leonard in Richibucto in 2013. Photo by Dallas McQuarrie.

The August 12 announcement by Corridor Resources that it is shelving plans to frack for natural gas near Sussex was indeed welcome news. Not welcome was the sleazy, disingenuous and vicious nature of the announcement itself.

In a quarterly financial report to investors announcing its decision, Corridor cited “regulatory uncertainty in New Brunswick.” An August 13 CBC news report noted that the company says its decision is tied to provincial consultations with Indigenous people. Thus, Corridor is attempting to somehow assign the responsibility for its decision to Aboriginal peoples who are doing nothing more than ask that their legal rights be respected.

Intentionally or not, by linking its decision to provincial consultations with First Nations – the very folks whose land Corridor wants to frack – the company is bound to stir up resentment against Aboriginal peoples among the misinformed generally, and right-wing extremists in particular. What makes the announcement so distasteful and misleading is that in its rush to make Aboriginal people a scapegoat, Corridor ignored some ugly truths about the shale gas industry that are a big red flag for investors.

First, the finances of the shale gas industry are a financial dumpster fire that smart investors are avoiding. There is a myriad of reasons to not invest in shale gas, including both economic and financial conditions, climate change and all the scientific research to date (1,400 studies at last count) that has prompted many countries to ban fracking outright. Of increasing importance as deterrents to investment are the increasing number of legal cases, and the fact that many now say that fracking is a violation of human rights.

As well, the moment any move is made to frack in New Brunswick, there will be legal challenges to both the industry

and the government that allows it. Most notable here is the lawsuit filed by NBASGA (New Brunswick Anti-Shale Gas Alliance) which is based on a mountain of peer-reviewed, scientific studies showing the harmful consequences of fracking to people and the environment.

The bottom line is that anyone investing in shale gas in New Brunswick would demonstrate the truth of the old adage that ‘fools and their money are soon parted.’ But, of course, Corridor tried to off-load responsibility for its decision on First Nations, all the while ignoring the fact the industry itself is in a state of crisis. I don't know whether Corridor was deliberately being racist in making Aboriginal peoples the scapegoat for its decision. Perhaps the company was only trying to prop up its own delusions – delusions the Higgs government has bought into 100% – that shale gas has a bright future and can be used as an engine of economic growth.

But the effect of Corridor's dirty announcement will be the same as all the other times lies have been told about Aboriginal peoples, namely that First Nations will be blamed for something that was not their doing. Racists and those who just don't get it, will say the First Nations are killing jobs and holding back economic development.

The truth is that shale gas is a catastrophe for climate change, public health and environmental stewardship. It is an industry of death serving those who value profit more than life itself. What Corridor should have said in its announcement was that at a time when climate changes poses an existential threat to us all, the shale gas industry only offers misery and pain on a highway to oblivion.

Dallas McQuarrie writes for the NB Media Co-op and lives on Mi'kmaq territory in St. Ignace.

Voices for the Environment: A week of action, information and discussion

By RAVEN & the NB Media Co-op

September 20-27 at the University of New Brunswick, Fredericton

Voices for Environment Week begins Friday, Sept. 20 at noon with “Poetry for the Climate Crisis,” a performance featuring El Jones, Jenna Lyn Albert, Sue Sinclair, Rebecca Salazar and Lauren Korn at the Poet's Corner and the Quad, in front of the UNB Library. At the same time and venue, local student activists are hosting the Fridays for the Future Fredericton climate strike. Everyone is invited.

Voices for the Environment week continues with a “Poetry for the Climate Crisis” workshop by El Jones on Sept. 21-22 and discussions about fossil fuel divestment at UNB and St. Thomas University and other environmental issues throughout the week.

The final event, “The Women Resisting Extractivism and Bridging the Scholar-Activist Divide,” a panel and photovoice exhibition featuring Ramona Nicholas, Shannon Bell, Sherry Pictou and Tracy Glynn will be held at the Brian Mulroney Hall Rotunda at St. Thomas University on Friday, Sept. 27 at 2:00pm. For full details on all the events, visit <https://raven-research.org/September>



Halifax poet El Jones will perform her poetry and lead a poetry workshop on the climate crisis in September at the University of New Brunswick. Photo by Prismatic.