

Third Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BLAIKIE, Bill, Hon.	Elmwood	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WHITEHEAD, Frank	The Pas	N.D.P.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 9, 2009

The House met at 1:30 p.m.

Mr. Speaker: Please be seated.

Routine proceedings; introduction of bills; petitions.

ROUTINE PROCEEDINGS

PETITIONS

Photo Radar

Mr. Rick Borotsik (Brandon West): I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

It is important to protect the safety of construction workers who are on the job by having reduced speeds in construction zones when workers are present.

The provincial government handed out tickets to thousands of Manitobans who were driving the regular posted speed limit in construction zones when there were no construction workers present.

A Manitoba court has ruled that the reduced speed zones in construction areas were intended to protect workers and that the tickets they were given when no construction workers were present were invalid.

The provincial government has decided not to collect unpaid fines given to motorists who were ticketed driving the normal posted speed limit when no construction workers were present.

The provincial government is refusing to refund the money to the many hardworking, law-abiding Manitobans who had already paid the fine for driving the regular speed limit in a construction zone when no workers were present.

We petition the Legislative Assembly of Manitoba as follows:

To request the Attorney General (Mr. Chomiak) consider refunding all monies collected from photo radar tickets given to motorists driving the regular posted speed limit in construction zones when no workers were present.

This is signed by J. Hodgin, Lill White, Marie Gagnon, all rural Manitobans, Mr. Speaker, and many, many more.

Mr. Speaker: In accordance with our rule 132(6), when petitions are read they are deemed to be received by the House.

Ring Dike Road—Ste. Rose du Lac

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The Ring Dike Road is a well-used gravel municipal road that is used as a secondary road in and out of the community of Ste. Rose du Lac.

Given this heavy pattern of use, there is strong interest in the community in seeing the Ring Dike Road upgraded to a paved provincial road.

It would be most cost-effective to upgrade the Ring Dike Road to a provincial road at the same time that upgrades are being undertaken on the junction of Highway 68 and Highway 5.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Infrastructure and Transportation (Mr. Lemieux) to consider upgrading the Ring Dike Road at Ste. Rose du Lac into a provincial road; and

To request the Minister of Infrastructure and Transportation to consider upgrading the Ring Dike Road at the same time that work is being done at the junction of Highway 68 and Highway 5.

And this petition is signed by Jason Dupre, Eric MacMillan, Wayne Robertson and many, many other fine Manitobans.

Long-Term Care Facilities—Morden and Winkler

Mr. Peter Dyck (Pembina): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition.

Many seniors from the Morden and Winkler are currently patients in Boundary Trails Health Centre

while they wait for a placement in local personal care homes.

There are presently no beds available for these patients in Salem Home and Tabor Home. To make more beds in the hospital available, the regional health authority is planning to move these patients to personal care homes in outlying regions.

These patients have lived, worked and raised their families in this area for most of their lives. They receive care and support from their family and friends who live in the community, and they will lose this support if they are forced to move to distant communities.

These seniors and their families should not have to bear the consequences of the provincial government's failure to ensure there are adequate personal care home beds in the region.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to ensure that patients who are awaiting placement in personal care homes are not moved to distant communities.

To urge the Minister of Health to consider working with the RHA and the community to speed construction and expansion of long-term care facilities in the region.

This is signed by John Froese, Niko Thiessen, Frank Wall and many, many others.

PTH 15

Mr. Ron Schuler (Springfield): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

In 2004, the Province of Manitoba made a public commitment to the people of Springfield to twin PTH 15 and the floodway bridge on PTH 15, but then in 2006, the twinning was cancelled.

Injuries resulting from collisions on PTH 15 continue to rise and have doubled from 2007 to 2008.

In August 2008, the Minister of Transportation (Mr. Lemieux) stated that preliminary analysis of current and future traffic demands indicate that local twinning will be required.

The current plan to replace the floodway bridge on PTH 15 does not include twinning and, therefore, does not fulfill the current nor future traffic demands cited by the Minister of Transportation.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation consider the immediate twinning of the PTH 15 floodway bridge for the safety of the citizens of Manitoba.

Signed by Rosie Rogers, Jacqui Aitken, Glen Godfredsen and many, many other Manitobans.

Ophthalmology Services—Swan River

Mrs. Myrna Driedger (Charleswood): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

The Swan Valley region has a high population of seniors and a very high incidence of diabetes. Every year, hundreds of patients from the Swan Valley region must travel to distant communities for cataract surgery and additional preoperative and post-operative appointments.

These patients, many of whom are sent as far away as Saskatchewan, need to travel with an escort who must take time off work to drive the patient to his or her appointments without any compensation. Patients who cannot endure this expense and hardship are unable to have the necessary treatment

The community has located an ophthalmologist who would like to practise in Swan River. The local Lions Club has provided funds for the necessary equipment, and the Swan River Valley hospital has space to accommodate this service.

The Minister of Health (Ms. Oswald) has told the town of Swan River that it has insufficient infrastructure and patient volumes to support a cataract surgery program; however, residents of the region strongly disagree.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health to consider rethinking her refusal to allow an ophthalmologist to practise in Swan River and to consider working with the community to provide this service without further delay.

This is signed by Colleen Broda, Myrna Sarrel, Kathryn Patzer and many, many others.

Twinning of Trans-Canada Highway

Mrs. Mavis Taillieu (Morris): I wish to present the following petition to the Legislative Assembly of Manitoba.

And these are the reasons for this petition:

The six-kilometre stretch of the Trans-Canada Highway passing through Headingley is an extremely busy stretch of road averaging 18,000 vehicles daily.

This section of the Trans-Canada Highway is one of the few remaining stretches of undivided highway in Manitoba and has seen countless accidents, some of them fatal.

In its January 2009 budget, the federal government indicated it would work with the provincial government to cost share the improvements to this stretch of the Trans-Canada Highway.

In the interests of protecting motorist safety, it is critical that the dividing of the Trans-Canada Highway in Headingley be completed as soon as possible.

We petition the Legislative Assembly as follows:

To request that the Minister of Infrastructure and Transportation (Mr. Lemieux) consider meeting as soon as possible with his federal counterparts to finalize the cost-sharing arrangements needed to move the twinning of the Trans-Canada Highway forward in order to ensure that the federal monies available for this important project do not lapse.

To request that the Minister of Infrastructure and Transportation consider making the completion of the dividing of the Trans-Canada Highway in Headingley in 2009 an urgent provincial government priority.

And this is signed by Ed Gramiak, Dianne Bassett, Brian Michalenko and many others, Mr. Speaker.

* (13:40)

Photo Radar

Mr. Ralph Eichler (Lakeside): Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

It is important to protect the safety of construction workers who are on the job by having reduced speeds in construction zones when workers are present.

The provincial government handed out tickets to thousands of Manitobans who were driving the regular posted speed limit in construction zones when there were no construction workers present.

A mani-Manitoba court has ruled that the reduced speed zones in construction areas were intended to protect workers and that tickets that were given when no construction workers were present were invalid.

The Province of Manitoba has decided not to collect unpaid fines given to motorists who were ticketed driving the normal posted speed limit when no construction workers were present.

The provincial government is refusing to refund the money to many hardworking, law-abiding Manitobans who already paid the fine for driving the regular speed limit in a construction zone when no workers were present.

We petition the Legislative Assembly of Manitoba as follows:

To request the Attorney General (Mr. Chomiak) consider refunding all monies collected from photo radar tickets given to motorists driving the regular posted speed limit in construction zones where no workers were present.

Submitted on behalf of Cheryl Armishaw, Irene Armishaw, Tyler Propp, and many, many other Manitobans.

Winnipeg Regional Health Authority

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

Manitoba's Premier and the NDP government have not recognized the issues of public concern related to the Winnipeg Regional Health Authority.

The WRHA is building an administrative empire at the expense of bedside care.

Winnipeg Regional Health Authority needs to be held accountable for the decisions it is making.

Health-care workers are being pressured into not being able to speak out no matter what the WRHA is doing or has done.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Premier (Mr. Doer) and the NDP government to call a public—a meeting of the standing committee of the Legislature and invite representatives of the WRHA to appear before it.

Mr. Speaker, this is signed by D Valdez, N. Robinson, and R. Johnson, and many, many other fine Manitobans. Thank you.

Mr. Speaker: Committee reports.

COMMITTEE REPORTS

Standing Committee on Legislative Affairs Fifth Report

Ms. Sharon Blady (Chairperson): Mr., Mr. Speaker, I wish to present the Fifth Report of the Standing Committee on Legislative Affairs.

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Legislative Affairs—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense? Dispense.

Your Standing Committee on LEGISLATIVE AFFAIRS presents the following as its Fifth Report.

Meeting

Your Committee met on the following occasions in Room 254 of the Legislative Building:

- Thursday, June 4, 2009
- Monday, June 8, 2009

Matter under Consideration

- **Bill (No. 6) – The East Side Traditional Lands Planning and Special Protected Areas Act/Loi sur l'aménagement des terres traditionnelles situées du côté est et les zones protégées spéciales**

Committee Membership

Committee Membership for the Thursday, June 4, 2009 meeting:

- Ms. BLADY
- Hon. Mr. CHOMIAK
- Mr. DERKACH

- Mr. EICHLER
- Mr. GOERTZEN
- Mr. REID
- Hon. Mr. ROBINSON
- Hon. Mr. STRUTHERS
- Hon. Mr. SWAN
- Mrs. TAILLIEU
- Hon. Ms. WOWCHUK

Your Committee elected Ms. BLADY as the Chairperson.

Your Committee elected Mr. REID as the Vice-Chairperson.

Committee Membership for the Monday, June 8, 2009 meeting:

- Ms. BLADY (Chairperson)
- Hon. Mr. BLAIKIE
- Mr. CALDWELL
- Mr. GRAYDON
- Mr. MAGUIRE
- Mr. MARTINDALE
- Mr. PEDERSEN
- Hon. Mr. ROBINSON
- Mrs. ROWAT
- Mr. SARAN
- Hon. Mr. STRUTHERS

Your Committee elected Mr. MARTINDALE as the Vice-Chairperson.

Public Presentations

*Your Committee heard the following seven presentations on **Bill (No. 6) – The East Side Traditional Lands Planning and Special Protected Areas Act/Loi sur l'aménagement des terres traditionnelles situées du côté est et les zones protégées spéciales:***

Chief David Harper, Garden Hill First Nation

Chief Gilbert Andrews, God's Lake First Nation

Chief Gilbert Andrews on behalf of Chief Oliver Okemow, Manto Sipi Cree Nation

Chief Gilbert Andrews on behalf of Chief Bailey Colon, Bunibonibee Cree Nation

Michael Anderson, Manitoba Keewatinowi Okimakanak Inc. (MKO)

Moses Okimaw, Private Citizen

Vivek Voora, International Institute for Sustainable Development

Bill Considered and Reported

- **Bill (No. 6)** – *The East Side Traditional Lands Planning and Special Protected Areas Act/Loi sur l'aménagement des terres traditionnelles situées du côté est et les zones protégées spéciales*

Your Committee agreed to report this Bill, with the following amendments:

THAT the Bill be amended by adding the following after Clause 1:

Objectives**1.1** *The objectives of this Act include*

(a) developing a new government-to-government relationship between the Wabanong Nakaygum Okimawin (East Side) First Nations and the government arising out of the east side planning initiative; and

(b) implementing the goals and objectives of the Wabanong Nakaygum Okimawin Council of Chiefs Accord dated April 3, 2007, in accordance with the principles set out in that accord.

THAT the Bill be amended by adding the following after Clause 2:

Aboriginal rights protected

2.1 *This Act is not to be interpreted so as to abrogate or derogate from the aboriginal and treaty rights of the aboriginal peoples of Canada that are recognized and affirmed by section 35 of the Constitution Act, 1982.**

Ms. Blady: Mr. Speaker, I move, seconded by the honourable Member for Burrows (Mr. Martindale), that the report of the committee be received.

Mr. Speaker: Order. It's been moved by the honourable Member for Kirkfield Park, seconded by the honourable Member for Burrows, that the report of the committee be received.

Is it the pleasure of the House to adopt the motion? Agreed?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Tabling of reports.

TABLING OF REPORTS

Hon. Nancy Allan (Minister of Labour and Immigration): Mr. Speaker, I am pleased to table the report of the Manitoba Labour Management Review Committee's review of sections 87.1, 87.3 of The Labour Relations Act.

Mr. Speaker: Ministerial statements.

Introduction of Guests

Mr. Speaker: Prior to oral questions, I'd like to draw the attention of honourable members to the loge to my left where we have with us, we have John Loewen, who's a former MLA for Fort Whyte, and also Bin-Binx Remnant, who's a former—and also Binx Remnant, who's a former Clerk of the Assembly.

On behalf of all honourable members, I welcome you here today.

And in the public gallery we have Madison Dyck, Connie Dyck and Anne Wiens, who are the niece, sister and mother of the honourable Member for Steinbach (Mr. Goertzen).

On behalf of all honourable members, I welcome you here also.

And also, and—order. Order, please. Order. And also in the public gallery we have from Rivers Collegiate, we have 35 grade 9 students under the direction of Ms. Lesley McFadden. This school is located in the constituency of the honourable Member for Minnedosa (Mrs. Rowat).

On behalf of all honourable members, I also welcome you here today.

Oral questions.

ORAL QUESTIONS**Photo Radar Tickets
Construction Zones**

Mr. Hugh McFadyen (Leader of the Official Opposition): As we know, thousands of regular Manitobans were wrongly sent photo radar tickets for travelling below the speed limit. Many of these Manitobans paid their tickets anyways because they couldn't afford the time and the cost of fighting this NDP government. Some Manitobans though, Mr. Speaker, did fight and the court agreed with them. The tickets were wrong. Now there are

thousands of other Manitobans who deserve their money back.

Will this Premier give them their money back?

Hon. Gary Doer (Premier): And I would point out that we have had people call us and talk to us and e-mail us, as the member opposite has had. Some people believe that they followed the speed limit, knew the construction sites were there, didn't get a ticket. Other people feel that there was confusion and have asked that remedies be made. And, and other people have said that, yeah, they did speed, regrettably, and they're pleased that nobody was hurt and asked us to carry on with our, with the enabling legislation for the City of Winnipeg.

So there are different views on this matter. I respect people that disagree with the decision made in consultation with the City of Winnipeg. That's part of a democracy.

Mr. Speaker, we certainly have determined that—
[interjection]

Mr. Speaker: Order. Order.

Mr. Doer: We passed enabling legislation in this Chamber; members opposite actually asked us to go further. We, we passed enabling legislation. It allows the Wi—City of Winnipeg to deploy the photo radar devices or not deploy it, Mr. Speaker.—

Mr. Speaker: Order.

Mr. McFadyen: We're talking about Manitobans who were driv—driving below the speed limit when there were no workers present, no threat to safety, below the speed limit, many of whom were going to visit loved ones in hospital, driving their kids to soccer and doing other things that Manitobans do on a regular basis.

One of those people, Mr. Speaker, was Melanie Lawrence, a single mother, who this Premier attacked in this House on the basis of wrong information. He's yet to apologize for Melanie Lawrence for that attack.—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Mr. McFadyen: Even if he won't apologize for that attack, Mr. Speaker, will he at least give her her money back?

Mr. Doer: Mr. Speaker, the member opposite said he would be consulting with the police. We have consulted with the police in the city of Winnipeg.

The member said it a month ago, he'd be consulting with the police.

We, we consulted with the police. The police have said, on this issue of photo radar, Mr. Speaker, the po—police have said, on the issue of photo radar, that they put out four press releases last year, and we have checked that and verified it. They put out four press releases indicating that construction sites were potentially dangerous with the merger of traffic and dangerous for construction workers.

In fact, the chief, who has been taken out of context by the member, said that we believe it is important to enforce construction zones or—when people are working or when there's a safety issue. I've said that before, said the chief of police, and nothing has changed.

We are obviously taking advice from the police. Members opposite are not taking advice from the Winnipeg city police, Mr. Speaker.

Mr. McFadyen: I had a very good and productive meeting with the chief of police last week on this issue, and the Winnipeg Police Association have said that photo radar has turned into a complete fiasco. That's what the police association is saying now, Mr. Speaker.

The fact is the police association say it's a fiasco. Manitobans say it's a fiasco. Every major—virtually every major media outlet has said it's a fiasco. The courts agreed with the people, who went to fight it, that the tickets should never have been issued.

Melanie Lawrence, a single mother, never should've had to pay her ticket. Is it the case that, in NDP Manitoba, if you're a single mother driving below the speed limit, you pay, but if you're a friend of the Premier who engages in a scheme to defraud taxpayers, there's no penalty, Mr. Speaker?

Mr. Doer: No, Mr. Speaker.

Photo Radar Tickets Vote on Proposed Motion

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, this government's handling of the photo radar fiasco has been nothing short of a comedy of errors. There are thousands of Manitobans, though, who aren't laughing. They're the ones who were given tickets in construction zones where there were no construction workers, and the court said they should never have been given those tickets.

But, as the saying goes, it's never the wrong time to do the right thing, and this afternoon the government will finally have the opportunity to do the right thing. If they believed in equality, if they believed in fairness for Manitobans, they'll stand up for the, those Manitobans and vote to give them their money back that the court said should never have been taken from them, Mr. Speaker.

Hon. Dave Chomiak (Minister of Justice and Attorney General): Mr. Speaker, we gave the City of Winnipeg the ability to use photo radar in construction sites for public safety. As the police—as the report to—that came back indicated, the police decided to deploy it after two individuals were killed at a construction site, and the City deployed it, utilized it. The chief of police says they want to continue to use it both for safety and for speeding and places that used it for speeding, the speeding rate has gone down considerably.

* (13:50)

Mr. Goertzen: Mr. Speaker, this is a fiasco of the NDP's making. They did nothing as the tickets escalated by 2,000 percent year over year. Then the Minister of Justice, he flip-flopped back and forth on the issue of whether or not they were going to refund the money. Then he fabricated a meeting with the mayor of Winnipeg and later had to apologize for making up words that the mayor never said.

And, in the end, it's no different than the 1999 election scandal. It's no difference than the vote tax. It's all about the NDP trying to take money that they were never entitled to.

This afternoon, will they take the opportunity to pull their hands out of taxpayers' pockets and say that they're going to return money that they should never have taken from hardworking Manitobans, Mr. Speaker?

Mr. Chomiak: You know, Mr. Speaker, it's, it's, it's funny how members opposite often say, well, talk about the future. They've talked about 1999 in this session, in this session, more than I've ever seen. If the member wants to talk about 1999, if they want to do it—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Mr. Chomiak: If they want to talk about the firing of 1,500 nurses, if they want to talk about—if they want to talk about putting—if they want to talk about putting devices in hallways because people were in

the—50 and 60 people lining up, if they want to talk about women who died after 25 years—after 25 days in the hallway without a bed, if they want to talk about those issues, Mr. Speaker, if they want to talk about those issues they can.

On this issue, Mr. Speaker,—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Mr. Chomiak: —we talked to both the mayor—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Mr. Chomiak: —city councillor wrote back and said the City would not refund, and if they had to refund, they would take it out of the police budget.

Mr. Goertzen: Mr. Speaker, every step of the way this NDP government, in its desperate attempt to get out of this fiasco, has blamed everybody except the people who should be blamed, and that's their government.

This minister first tried to blame the people who paid their tickets and said, well, too bad for them; they've declared their guilt. Then he blamed the mayor of Winnipeg and said the mayor wouldn't let them give the money back, until the mayor came out and said, that's not true, and then he had to apologize for that. Now he's trying—and he's tried to blame the police. Well, the police have already come out and said that photo radar may have turned out to be a big fiasco and it wasn't such a good deal after all.

Stop blaming Manitobans. Stop blaming the City of Winnipeg. Stop blaming the police. I'll ask the Premier (Mr. Doer): Mr. Premier, will you take your hands out of the pocket of these hardworking, good Manitobans, give them the money back that the court said you should never have taken from them, sir.

Mr. Chomiak: Mr. Speaker, the annual report that was tabled in this Chamber of the Winnipeg Poli—yeah, keep looking up in the gallery, member—the LP—the WPS dedicated significant resources to the enforcement of construction zones. This was in response to two high profile collisions involving workers on or near roadways and calls from the construction industry to step up enforcement.

In 2008, there were numerous long-term large construction zones. They were permanently signed for reduced speeds at all times. With subsequent

enforcement, we're seeing a reduction in the 85 percentile of speed from 75 kilometres per hour to 58 kilometres per hour between April and August.

City of Winnipeg police department, you are wrong when you say the police did not support this. You are wrong and you're making it up.

Mr. Speaker: The honourable Leader of the Official Opposition.

1999 Election Campaign Returns

Some Honourable Members: Oh, oh.

Mr. Speaker: The honourable Leader of the Official Opposition has the floor.

Mr. Hugh McFadyen (Leader of the Official Opposition): Thank you—

Mr. Speaker: Order. Order. Let's have some decorum here. Order. Order. Members don't have to shout back and forth. There's—we have lo—loges for the members to use if they wish to have a conversation.

The honourable—*[interjection]* Order. The honourable Leader of the Official Opposition has the floor.

Mr. McFadyen: Thank you, Mr. Speaker. It's bad enough that they're holding on to the money of hardworking Manitobans through incompetence and intransigence, but what's even worse is that this government—which knew about a scheme enacted by the party which the Premier has said was a long-standing scheme of the party—engaged in a deliberate set of transactions in order to take thousands of dollars from Manitoba taxpayers that they weren't entitled to.

I want to ask the Premier: When David Asselstine, the forensic auditor, brought this to his attention in 2001, why didn't he make sure that the right steps were taken for Manitobans?

Hon. Gary Doer (Premier): Mr. Speaker, the right steps were taken for Manitobans. We co-operated with Elections Manitoba.

Mr. McFadyen: Mr. Speaker, the Premier was advised of the full scale of this, of this illegal activity by his inner circle in 2001. He apparently didn't tell his Minister of Finance (Mr. Selinger) or the 13 candidates who could have been prosecuted for it. He didn't tell the 13 candidates who could have been

prosecuted for it, including his Minister of Finance and his Minister of Labour (Ms. Allan).

I want to ask the Premier: Why did he fail in his obligation to Manitobans, and why did he leave 26 members of his own party out to dry?

Mr. Doer: Well, Mr. Speaker, we, we've certainly heard from the public over the last number of years. They are very pleased that this government was the second government in Canada to ban union and corporate donations. They were very pleased that when governments sold off Crown corporations, brokerage firms wouldn't be giving hundreds of thousands of dollars in reward to political parties.

So, nothing is perfect in the world, Mr. Speaker, but, certainly, banning union and corporate donations in Manitoba has made our democracy stronger.

You're against it; we're in favour of it, Mr. Speaker.

Mr. McFadyen: Mr. Speaker, in 1984 he gave a speech saying he wanted to ban union donations. Since 1984, over the course of 25 years, he has taken millions of dollars in help from unions, some of it concealed in false election returns.

He was advised of this scheme in 2001, Mr. Speaker. Other than seeing to it that his officials interfered with and obstructed the investigation with Elections Manitoba, other than doing that and seeing to it that the forensic auditor's ties were severed with Elections Manitoba, what did he do to protect the people of Manitoba?

Mr. Doer: Mr. Speaker, I, I did, I did tell the media in 1984-85. I—*[interjection]*

Mr. Speaker, the speech is correct. I made this speech and the first year I was ever elected as Premier of this government I had the opportunity and the privilege to bring in a ban on union and corporate donations. I believed—I believed in '84, I believed in '94, I believed in '99 and I believe it now that Manitoba's democracy is better off by banning union and corporate donations, something that's been applauded in other provinces.

It's too bad the Tories are still back in the old days. We're moving forward with better election laws in the province, Mr. Speaker.

**1999 Election
Campaign Returns**

Mr. Leonard Derkach (Russell): Well, Mr. Speaker, this province would be far better off if the Premier (Mr. Doer) kept—refused to falsify records that he did in the 1999 election. This province would be marvellously better off.

Mr. Speaker, the Minister of Finance (Mr. Selinger) sits in his chair these days stone-faced and appearing very troubled. This, this position is somewhat justified given the election scandal of 1999.

I say involvement because, Mr. Speaker, these are not my words. These are the words of the Premier when he said, and I quote: One would note that the Minister of Finance obviously was involved.

Now that the Premier has made it clear that the minister was involved, I want to ask the minister why he asked for the letter absolving him, only, of any wrongdoing in the 1999 election, or was this his way of distancing himself from the NDP provincially as he prepares to jump ship to the federal Liberals later this summer?

Mr. Speaker: The honourable Attorney General.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. Order. Order. Order. Order. Order. Order. I had already recognized the honourable Attorney General, so the honourable Attorney General has the floor.

* (14:00)

Hon. Dave Chomiak (Minister of Justice and Attorney General): Yes, Mr. Speaker, this, this secret—this secret scheme that was concocted by the NDP, that was reported in the Elections Manitoba report that came to the Legislature in 2004, which said, the '99 election results, as required, were amended and refilled. The New Democratic Party filed annual statements. The following NDP 13 candidates, all of those sus—suspects were named in this report that was provided in the Legislature, and Elections Manitoba—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: —indicated that the money was repaid on this so-called scheme, Mr. Speaker, that was provided publicly and repaid. In fact, it's the same thing that happened in the Conservative Party in

1995, when they, in fact, overspent and they repaid their funds.

And I'm just waiting for the member to find out—maybe he could tell us now who shot D'Arcy McGee in 1886. We could solve that one too.

Mr. Derkach: Well, Mr., well, Mr. Speaker, this, this issue would appear funny except that it is quite serious in terms of where the Minister of Finance (Mr. Selinger) was during these times. Now, the Minister of Finance didn't ask for a letter absolving the 12 other candidates in the election of 1999. Obviously, he was only interested in protecting his own skin. However, the minister, who did not tell his officials in the Department of Finance of the wrongdoings, committed a crime, in my view, against the people of Manitoba because he betrayed them.

Mr. Speaker, I want to ask the minister: If he does not feel that he betrayed Manitobans by not informing his officials of the Department of Finance so that they could take appropriate steps in recovering not only the money for 1999, but, indeed, the money for 1995, the money for 1990 and the money for 1990, or 1988 elections when the NDP failed, [*inaudible*] election claims?

Mr. Speaker: Order.

Hon. Gary Doer (Premier): Mr. Speaker, Elections Manitoba's dealt with this. The member opposite said this is a serious issue and then he raises issues about the Minister of Finance running for the Liberal Party. He makes light of it in his own question. I would point out, that points out the irrelevancy of the opposition.

We have the worst economic conditions since the 1930s in Canada. We have—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. The honourable First Minister has the floor.

Mr. Doer: We have a very serious issue of the H1N1 flu crisis in, in, in Canada and in, in Manitoba. We have the country-of-origin legislation devastating hog producers. And what do they bring as an opposition day motion, something, something, Mr. Speaker, that panders instead of deals with the principle difficult issues in Manitoba. I am absolutely shocked at the irrelevancy of the opposition members across the way.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Remind members that we have a lot of guests in the public gallery that, that have come from different places to come hear the questions and the answers. And I, I'd appreciate the co-operation of members.

The honourable Member for Russell has the floor.

Mr. Derkach: Well, Mr. Speaker, I think thousands of Manitobans would join us on the opposition benches in pointing out the seriousness of a party, a governing party committing fraud in an election campaign. That is serious.

Mr. Speaker, the Minister of Finance is responsible for the stewardship of the finances of this province. It is not the Minister of Justice, who jumps up as the human shield. It is the Minister of Finance who has to be accountable for his actions to Manitobans.

And I want to ask the minister: Could he tell this House whether he has now instructed his department officials to examine the records of the NDP rebate in the 1995 election, in the 1990 election and in the 1988 election, to ensure that Manitoba taxpayers were not scammed by this NDP party in those campaigns as well?

Mr. Chomiak: Mr. Speaker, I didn't think that discourse in this Chamber could get lower than I've heard from members opposite.

As the Premier indicated, there's, there's serious issues. And member opposite, who was part of the Cabinet that could have had criminal charges laid but for the fact that the members had already suffered so much, and who were called—the judge said they had never seen more liars in his life. They were part of that Cabinet, Mr. Speaker, and now they want to go back and they want to re-examine—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order.

Mr. Chomiak: —after Elections Manitoba released a report publicly, report publicly reporting on this, absolving this, Mr. Speaker, and yet they challenge that. It shows how low and how little material the opposition has.

White Horse Village Trailer Park Closure Government Strategy

Mrs. Mavis Taillieu (Morris): Mr. Speaker, there are 45 residents of the White Horse Village trailer park with us today. They're here today because they

are about to lose their homes. Because the private owner was not able to provide services, these people had to get their drinking water from garden hoses strung between residents and sewage had to be trucked out daily, and now they're going to shut this trailer park as of July 15th.

I want to ask the minister if he is planning on leaving these people homeless.

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, we, we appreciate the difficult circumstances that these trailer park residents have been left in by the failure of the owner of the trailer park to provide proper services, which is why, when the trailer park owner in January could no longer comply with the pump-out order for sewage that the government of Manitoba, through the citizens and taxpayers, had been paying \$1,000 a day to continue the pump-out program 'til July 15 under a court order, which allowed them to enter the site and take responsibility for that.

It's our objective to find a solution with the owner. The owner believes that they can refinance the infrastructure requirements to meet their licensing requirements for the park. We are doing everything we can to work with them. We have engaged the municipality of Cartier. We are looking for a solution, which will stabilize the lives of the people that live there.

Mrs. Taillieu: Well, Mr. Speaker, I want to table a, a petition that the residents have brought here today for the government outlining some possible solutions. But I want to just say to people here so that everybody understands this situation: imagine that you don't have water services, you don't have sewer services in your own homes. And imagine that your street is closed down and you can't take your home with you. You can't sell your home because no one is allowed on that street.

So, Mr. Speaker, the problem here is that people don't have a place to go to. There's limited spots, and it's a very unique situation.

I would like to ask the minister if he will commit today to meet with people from the White Horse Village today after question period and look at some solutions that they are proposing.

Mr. Selinger: Short answer, short answer is yes, I, I am prepared to meet with the representatives that are here today. I'd be happy to do that. And I continue to assure them that the pump-out program paid for by the people of Manitoba will continue to July 15. If

it's necessary, that program can be continued as we work with the owner who's responsible for repairing these facilities in the park, as we engage the municipality of Cartier in their interest in providing a solution to the people there.

But there's no question these people are in difficult circumstances due to the failure of the private ownership of this park, and the government has moved in in January to ensure people were not put out of their homes in the middle of the winter and children were allowed to complete their school year.

We will accomplish that. We will get them to July 15. We will work on a solution, and if it's necessary, we will provide more support beyond that. Thank you, Mr. Speaker.

Mrs. Taillieu: Well, Mr. Speaker, the minister can say anything in this House, but what we want to see is action, and we want to see a permanent solution.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. Order.

Mrs. Taillieu: Mr. Speaker, if this park closes on the 15th of July, these people could be left sitting on the side of the road on their suitcase. They have to find places to live. There's no park spots available as the minister knows. Some of these homes are not movable because they have been permanently lo-located there for over 30 years.

These people have a community. They want to remain in that community, and I want to, to make sure that this minister will commit right after question period to listen to these people and, and, and find a permanent solution—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Taillieu: —so those people—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Taillieu: —do not have to leave their homes, Mr. Speaker.

Mr. Selinger: Mr. Speaker, since January the government has been providing support to keep this trailer park whole so people didn't have to relocate in the middle of the winter. We have had officials meet with the tenants on May 13th and May 21st to inform them of the situation, to inform of the alternatives. We have engaged the municipality of Cartier to see

what's possible to be done in terms of providing services. The Department of Conservation is working actively with the owner of the trailer park to find a solution to providing proper sewage and water to that park.

We will, we will meet with the residents after, as I indicated earlier. We will work on a positive solution for the residents. The pref—the preferable solution would be not to dislocate people. Under no circumstances will people be left on their own as we work towards a solution. We will provide support to find a proper solution to secure a proper future for these people. Thank you.

* (14:10)

On-Site Water Management System Regulation Changes

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, proposed changes to the on-site waste-water management systems regulation require municipal governments to develop waste-water management plans as part of their land-use planning process. The Province is also overhauling its provincial land-use policies. Municipal governments spend a lot of time and money creating their development plans. They need to be able to plan from a position of certainty, yet, many of the Province's key planning related regulations and policies are up in the air right now.

Mr. Speaker, can the minister responsible tell municipal governments, and other stakeholders, when these various regulatory changes will be finalized so they can plan accordingly?

Hon. Stan Struthers (Minister of Conservation): What I want to be very clear about is that we are, we are motivated by protecting Manitoba's water and putting in place a framework that is going to do that. In addition to that, we have to be very careful in some of these cases where we deal with human sewage that we're concerned about public health as well. And we don't want to leave Manitobans in a situation where their kids could get sick. We don't want to leave our, our water systems in a situation where they'd be unprotected. So we're going to be working hard in consultation with Manitobans, as the Member for Ste. Rose knows. We're going to be working hard to make sure that framework's in place.

Mr. Briese: Mr. Speaker, the proposed changes to the on-site waste-water management systems are going to result in considerable cost. These include costs to many homeowners who will need to change their waste management systems. These costs could

be as much as \$10,000 per affected property. Municipal governments will also be incurring costs to upgrade their waste-water treatment systems to accommodate these changes.

Mr. Speaker, will the minister tell the affected property owners and municipal governments if there will be any type of assistance available to help them adjust to these changes or are they simply on their own?

Mr. Struthers: Well, Mr. Speaker, we've been in every region of the province consulting with Manitobans. We've taken these regulations out and, and, and we've listened to them. We've accepted their advice. We're reviewing that advice now as we speak. We've met with the Association of Manitoba Municipalities. We've met with others that have been concerned with the regulations coming forward. We're looking at that advice now as we speak here in the Chamber, and we will be coming forward with, with, I think, would be some very common sense, common sense approach based on protecting human health and based on protecting Manitoba's water.

Mr. Briese: Mr. Speaker, yesterday on CJOB, the Water Stewardship Minister called for water policies with North Dakota to be based on science, on science-based decisions. She said, we are focussing on science.

The Keystone Agricultural Producers, the Association of Manitoba Municipalities and Manitoba Pork have all called on this government to ensure that policies like on-site water management regulations and Bill 17 are based on sound science. People who raised concerns with the changes to the on-site waste-water management regulations fear the government is not listening.

Mr. Speaker, why does the NDP government have a double standard? Why do they refuse to make decisions based on science, yet, demand that other jurisdictions do so?

Mr. Struthers: Mr. Speaker, the member, the member talks about Bill 17, which dealt with hog manure, and he's comparing that, today, in the House, with the approach that we're taking in terms of septic fields and septic tanks and ejectors and all these things th—that spew out, that, in the case of ejectors, spew out human waste. There's a difference. There are health—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Struthers: There are health concern—concerns that we need to be worried about. We need to be able to understand, we need to be able to understand, and everybody knows, maybe, opposite, members opposite haven't caught onto this, but there are dangerous human health issues dealing with the, the proper handling of human sewage, Mr. Speaker, and we take those seriously.

Influenza A (H1N1)

Northern Communities Pandemic Plan

Hon. Jon Gerrard (River Heights): Mr. Speaker, there are now 26 Manitobans seriously ill on respirators, all believed to have H1N1 flu. Manitobans need some answers.

Was there a flu pandemic plan for St. Theresa Point? If not, why not?

Were there undue delays in reporting this epidemic? If so, why?

Was there adequate Tamiflu available in St. Theresa Point to be preventive? If not, why not?

Was there an adequate SWAT team on the ground to make sure the Tamiflu got to the people who needed it to prevent this severe respiratory disease from occurring?

Minister needs to provide some answers. Will she?

Hon. Theresa Oswald (Minister of Health): Mr. Speaker, certainly we know that last week when we reported that there were cases of increasing severity in Manitoba we made that information available to the public through our Chief Medical Officer of Health, the Acting Chief Medical Officer of Health at the time. Yes, we do have a pandemic plan that includes First Nations.

We know on communities that are, are the responsibility of First Nations, they are the lead, but we are working in concert with them. As I stated last week, we have made offers of equipment and human resources. At that time, the federal Medical Officer of Health, Dr. Poffenroth, did not need those services. Subsequently, they have asked us for assistance. We have provided for those asks, and indeed we have asked the federal government for help as well, and they have been very forthcoming with that help as well.

Mr. Gerrard: Mr. Speaker, the World Health Organization has just indicated that it is so concerned

about what's happening in Manitoba that it's considering raising this to a level 6 pandemic.

The situation is serious. People on reserves who came in with flu symptoms were told—given a Tylenol, told to go home, and some of these are now on respirators. The potential to develop a severe respiratory disease needing respirators was there. The people didn't get Tamiflu when they should have had it early on. Why didn't this happen?

Will the minister, the Premier, federal Minister of Health and the Prime Minister should provide some answers. And the minister was fighting with the federal Minister of Health instead of getting the job done for people in Manitoba.

Ms. Oswald: Allow me to correct the record, Mr. Speaker, because the member said several things that are incorrect.

First of all, I can let the member know that the use of antivirals, Tamiflu, as he references, is part of the pandemic plan, and they're decisions that are made by medical officers of health in appropriate situations.

Secondly, the World Health Organization is discussing moving to a level 6, which is indeed very serious, but it is discussing that for a number of reasons, including the fact that we're seeing very significant increases in Australia, in Chile and in other places. The Manitoba situation, as referenced, is part of that.

Thirdly, I can tell, Mr. Speaker, that as part of the pandemic plan, very early on when this situation developed, the Winnipeg Regional Health Authority ordered additional ventilators. They were in place. Because of that Manitobans are alive today.

Elections Campaign Returns

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, just after the '99 election, the NDP got caught trying to steal money from the taxpayers. In fact, dozens of workers were told that their work was in fact a donation of kind, and then somehow those workers would have been contacted and told, your work was no longer a donation, we wanna pay you money instead and then in turn, their party would generate \$76,000 in credit.

Mr. Speaker, the question I have for the Minister of Finance is: In the 2003, in the 2007 election, did any of those workers work for the New Democrats in

those elections, and, if so, were they a cheque exchange or were they a donation of kind?

Hon. Dave Chomiak (Minister of Justice and Attorney General): Mr. Speaker, one of the things that I think the member for—one of the things the Member for Inkster keeps forgetting and I think voted against is the fact that we banned union and co-corporate donations after '99, which then meant the rules changed. No longer could corporations or, or, or Crown corporations were privatized by the Tories, give money to the Tories. No longer could big corporate—

Mr. Speaker: Order.

Mr. Chomiak: —donors give money to the Liberal Party as they had in the past. They had to be tracked and they had to be on an individual basis, and no longer could union donations be provided in the fashion that they'd been provided prior to the banning of union corporate donations, Mr. Speaker. The Chief Electoral Officer said all three parties in this Chamber, the Liberals, the Conservatives and the NDP, have all been asked to re—to resubmit financial statements and to remit funding that had already been provided.

* (14:20)

Bristol Aerospace Limited Provincial Loan

Ms. Bonnie Korzeniowski (St. James): Mr. Speaker, the Manitoba aerospace industry is a growing and important part of our economy and a major employer in St. James and other communities. Manitoba's aerospace industry has a proud past and an exciting future and is one of the reasons Manitoba has continued to have one of the strongest economies in Canada.

Would the Minister of Competitiveness, Training—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Korzeniowski: —and Trade please inform the House about an announcement made today, that I was happy to attend, supporting expansion of Winnipeg's aerospace industry?

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): Yes, Mr. Speaker, it is a pleasure to have a question about Manitoba's economy, and I thank the Member for St. James.

I was very pleased to be with the Member for St. James today at the Bristol Aerospace division—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order. Order. Order. The honourable minister has the floor.

Mr. Swan: Yes, thank you. As I was saying, I was very pleased to join the MLA for St. James at the Bristol Aerospace division of Magellan Aerospace today, as the Premier (Mr. Doer) announced a \$20-million interest-bearing provincial loan which will enable that company to pursue this strategic multi-year expansion of its Winnipeg facility which is estimated to be worth \$120 million. Magellan will use this loan to acquire new composite manufacturing technologies to support work on its multinational Joint Strike Fighter project, as well as future commercial contracts.

Thomas Lake Water Levels

Mr. Leonard Derkach (Russell): Residents on the west side of Manitoba, who reside at Thomas Lake, are seeing their cabins go under water because, Mr. Speaker, the—of high water levels in the lake. Now they've approached the Department of Water Stewardship and the minister, asking her whether or not they would open up an outlet that would drain the lake down so that the cabins and the cottages would not be in water. Mr. Speaker, landowners along the outlet, the Keeseekoowenin Band, have all signed off because they know that the water levels must be lowered in order to protect the property of these residents.

And I want to ask the Minister of Water Stewardship whether she and her officials will allow the outlet to be opened to drain the water low enough so that cottages would not—would no longer be in danger of being flooded and rotted in the water.

Hon. Christine Melnick (Minister of Water Stewardship): Well, Mr. Speaker, we have had an extraordinary spring here in Manitoba, and we are working with water levels throughout the province. We are working on lake levels, we are working on river levels. The department has done a very good job on balancing and monitoring, and we are working with individual communities and will continue to work with individual communities.

I think it's important to recognize that we have had more water flowing through southern Manitoba this year than in 1997, and, so, we all have to work

together to make sure that we are balancing, to make sure that water levels are—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Order.

Ms. Melnick: We continue to watch water levels throughout the province and we continue to balance, Mr. Speaker, as the spring runoff moves forward.

Mr. Speaker: Order.

Mr. Derkach: Well, let's put this in perspective, Mr. Speaker.

At Onanole, where a few trees are in water, the minister has given a ministerial order that a dam should be opened which will flood out a three-and-a-half-million-dollar investment in a golf club—in a golf course. Now there are approximately 10 or 15 trees in water at the present time, and the minister was bold enough to issue a ministerial order.

Mr. Speaker, at Thomas Lake we have cottages that—cabins, residences that are being flooded. Sewage disposal tanks are being flooded. Roads are being flooded. There is an outlet that is silted and has a beaver dam in it and yet the minister will not allow this outlet to be opened.

I want to ask her whether she will use some reason and allow this outlet to be opened, so that residents in that area could be free from flooding of their homes and their—and their roads.

Ms. Melnick: You know, Mr. Speaker, again we have a question from the other side of the House that is extreme in its presentation. I can assure you—

Some Honourable Members: Oh, oh.

Ms. Melnick: —well—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable minister has the floor.

Ms. Melnick: Well, Mr. Speaker, they ask these, these quite extreme questions and then they just make fun of the answers. They're not interested in hearing about water levels in Manitoba. They're not interested in hearing about the other answers that have been given from this side of the House.

The department has worked very hard through this spring, along with MIT and IGA around the extreme water levels that we have seen this spring. We are working to balance. There is a lot of work that is still undergoing, and I know that the

department is working with this community and many other communities throughout Manitoba.

Mr. Speaker: Time for oral questions has expired.

Members' statements.

MEMBERS' STATEMENTS

École Dieppe Home and School Association

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I rise today to congratulate École Dieppe Home and School Association in the Pembina Trails School Division in Charleswood. This group of parents was presented the Manitoba Association of Parent Councils' Recognition Award for promoting meaningful parental involvement in its school community at its Changing Face of the Parent Council Annual General Meeting and Conference.

Mr. Doug Martindale, Acting Speaker, in the Chair

The mission statement of the Manitoba Association of Parent Councils is to support, promote and enhance meaningful involvement and participation of parents in order to improve the education and well-being of children in Manitoba. It is known that a school's overall level of achievement increases when parents are involved in the school. It is committed to helping parents find a voice in education.

École Dieppe Home and School Association offers many volunteer and fundraising opportunities, along with several community initiatives allowing the staff, students and their families to participate in using technology, experiencing arts and theatre, participating in social and personal development activities, developing written and electronic materials, co-ordinating grounds improvement projects and addressing safety concerns.

Shannon Tipping, principal of École Dieppe, said that they are very fortunate to have such wonderful parents working in our community that support École Dieppe school and the work that they do with students. Whether it's through financial assistance, volunteer time or organized events, the staff and she know that the Dieppe Home and School Association is there to support them and to help to provide the best educational programming and environment for their students.

Congratulations also, to École Dieppe school for being named one of the top 25 schools in Canada by *Today's Parent* magazine.

Congratulations to all the volunteers who worked so hard to make École Dieppe such a great school and to the teachers and staff who strive for excellence in education.

Congratulations also, to parent council chair, Rick Yarish; vice-chair, Kelly Laval; and all of the parent council volunteers who go above and beyond the call to make this such a, a marvellous experience for our students in Charleswood. Thank you, Mr. Speaker.

Greyhound Bus Service in Northern Manitoba

Mr. Gerard Jennissen (Flin Flon): Mr. Speaker, today I would like to address this House on a very serious issue facing northern Manitobans. The Greyhound Canada Transportation Corporation has recently proposed changes to its bus routes in northern Manitoba. Specifically, Greyhound is proposing to discontinue bus service in the Flin Flon-Thompson corridor, including the van service between Snow Lake and Ponton.

I'm not sure if Greyhound truly comprehends the impact this decision would have on the lives of people in the north. For many, the bus is their only means of transportation between the cities and towns where essential services are located.

Significantly, this decision would have a huge impact on the delivery of health care, as many people are dependent on bus routes to take them to medical appointments. Hospitals and clinics also utilize buses for movement of necessary medical products.

Students and the elderly, two sectors of society dependent on public transportation, will also be severely impacted by the discontinuation of service.

Safety is yet another factor to consider. If you live in the north where there is no available train or air service and you don't have a vehicle, how do you travel between our northern communities when the temperature outside is 42 below?

The decision would also have a negative economic impact, as northern businesses often use the bus for rapid movement of goods between communities.

Perhaps what is most unacceptable is that by eliminating services, whole communities will be completely cut off. People living in Snow Lake who lack access to vehicles will literally have, have no means of transportation out of their communities.

Mr. Speaker, I think we sometimes forget the realities people living in the north face every day, the realities of living in an isolated territory. For these people, public transportation is their link to the outside world. Can we, as Canadians living in an open and democratic society dedicated to removing regional disparities, deny northerners such an essential service?

In 2005, I strongly opposed Greyhound's attempt to cancel or downsize northern routes, and I strongly oppose such attempts now. I would encourage all members of this House to support the people of Manitoba in calling for Greyhound Canada to rescind the proposed route changes. Thank you, Mr. Speaker.

* (14:30)

R.M. of McCreary 100th Anniversary

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, it gives me great pleasure to rise before the House and commemorate the 100th anniversary of the Rural Municipality of McCreary, which was incorporated on May 26, 1909. Named for William F. McCreary, a surveyor and a member of Parliament, the municipality is nestled just east of the scenic Riding Mountain National Park.

The intrepid pioneers that settled this beautiful area of Manitoba are to be commended for the longevity of their efforts as we celebrate a hundred years of people living in this region. A post office in the area first began using the name McCreary on February the 1st, 1899. The surrounding area service included several small towns such as Glencairn, Reeve, Norgate and McCreary.

Though McCreary became incorporated as a village in its right in '64, it continued to share the McCreary name and the history. The other towns are now marked by small cairns to note their historic significance. In addition, the Burrows Trail, the first north-south thoroughfare that cut through the forests of the municipality, is remembered through the historic Satterthwaite cabin which was selected as the logo for this year's anniversary event.

Mr. Speaker in the Chair

Though 2009 marks the hundredth anniversary of official incorporation, settlers are—were arriving in the McCreary area as early as the end of the 19th century. Henry Howson was seeking cattle pasture when he happened along a perfect location near the Riding Mountains. Using the towering poplar trees, he constructed a log cabin, which was just beginning

the construction in the region, later replaced by the Eaton house, a more robust home using the half-lap dovetail method of log construction.

In 1899, the quarter section with the Eaton house was purchased by English immigrants. Jane and Thomas Satterthwaite built a home on that location that became a gathering place for the local community. Neighbours used the site as a staging area to cross nearby swamps. Travelling preachers gathered the locals for sermons on the yard, and Thomas Satterthwaite's fine violin playing made a many fest—made for many festive occasions.

To ensure the pieces of heritage were not forgotten, the cabin was reconstructed and opened to the public in 1995. Now a favourite stopping spot for today's travellers, it's located just off Highway 5, which happens to be the updated, paved version of the original north-south thoroughfare through the forest—

Mr. Speaker: Order. The honourable member's time has expired. Does the honourable member have leave?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted. The honourable Member for Ste. Rose, to continue.

Mr. Briese: Mr. Speaker, I congratulate the R.M. of McCreary on their 100th anniversary and wish them all the best in the—and for 100 more. Thank you.

Philippine Heritage Council of Manitoba Events

Ms. Flor Marcelino (Wellington): Mr. Speaker, June is a special month for the Filipino-Canadian community in Manitoba. On June 12, Filipinos will mark the Philippines' 111 years of independence. To observe the anniversary and the contribution of the Filipino-Canadian community in the province, the Philippine Heritage Council of Manitoba is hosting celebrations throughout the year.

Two thousand and nine is a particularly special year because the Filipino community is celebrating 50 years of settlement to the province. Last Saturday, on June 6, I, the Minister of Labour and Immigration (Ms. Allan), my colleagues, Mohinder Saran, and two others, we were delighted to take part in the annual flag-raising ceremony at the Philippine-Canadian Cultural Centre of Manitoba. The ceremony is the official launch of heritage celebrations which will include cultural events, educational sessions and joyous social gatherings. The Philippine Independence Ball this Friday and

next week's picnic in the park at Assiniboine Park are but a few examples.

These events have taken place annually since 1963. The efforts and dedication to ensure these traditions are kept, are kept display the dynamism and vitality of Manitoba's growing Filipino community.

On June 12, 1898, Filipino regulation air forces under General Emilio Aguinaldo proclaimed the sovereignty and independence of the Philippine Islands from colonial rule under Spain. Centuries later, Filipino-Canadians commemorate this history by also remembering their collective past.

Fifty years ago, in 1969, the first four Filipino immigrant nurses arrived in Winnipeg. Later, in 1968, the first wave of Filipino garment workers arrived in Manitoba. Over the decades—

Mr. Speaker: Order. The honourable member's time has expired.

Some Honourable Members: Leave.

Mr. Speaker: Does the honourable member have leave to continue?

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted.

The honourable Member for Wellington, to continue.

Ms. Marcelino: Thank you, Mr. Speaker.

Over the decades, waves of Filipino migrants arrived to call Manitoba home, to work, study and reunite with their pioneer—with their pioneering family—family members already in Manitoba. They are from all walks of life.

Today, under the Manitoba Provincial Nominee Program, the Filipino presence grows ever stronger. Currently, the Filipino community in Manitoba is over 40,000 members.

Today, we commemorate Philippine Independence Day and celebrate the Filipino-Canadian community's legacy in Manitoba.

I would like to thank Perla Javate and all the volunteers and organizers of the Philippine Heritage Council of Manitoba for their hard work in planning these important celebrations. Thank you.

Recognition of Foreign Medical Credentials

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I would like to draw the attention to both the Minister of Health (Ms. Oswald) and the Premier (Mr. Doer) on what I believe is a very important issue, and one could continue on from the member from Wellington.

You know, there's a wonderful Filipino family, Mr. Speaker, in which both the, the husband and wife, or the parents, are in fact medical doctors from, from the Philippines, and L. Arniel Navarro, M.D. and Maria Salvacion S. Navarro, M.D; two fine individuals that have been in Manitoba now for just under two years have a family of, of two children, and it's been brought to my attention, in regards to these two individuals that they're having a great—a difficult time in terms of getting their credentials recognized so that they're going to be able to participate fully in the province of Manitoba and contribute to the health care that we, that we believe is so very important for, for all Manitobans.

I raise these two individuals. I believe that the government is aware. I will ensure that the Minister of Health is provided the background to these two, two individuals, and what I would like to be able to do is, sometime when we come back into the next session, Mr. Speaker, it's to follow up with the Minister of Health. And I'd encourage her, in the interim, if she wants to get back to me, if she is able to do anything on these—on this particular file.

This is a big issue, Mr. Speaker. It's an issue of foreign credentials and getting and allowing individuals to be able to use the skills that they bring to our province, and I would like to use this one, this particular case, as an example. We lose and have lost hundreds of doctors over the last number of years. Here we have an opportunity to, to look at and try to keep this particular family here in the province of Manitoba. I look forward to the follow-up with the Minister of Health.

Thank you, Mr. Speaker.

Mr. Speaker: Grievances. Orders of the day.

ORDERS OF THE DAY

(Continued)

GOVERNMENT BUSINESS

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, would you call the Opposition Day motion?

Mr. Speaker: The honourable op—we'll—orders of the day. We'll deal with Opposition Day motion.

OPPOSITION DAY MOTION

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, I move, seconded by the Member for Tuxedo (Mrs. Stefanson), that the provincial government consider refunding the fines and court costs collected from those people who received photo radar tickets while travelling in construction zones with no construction workers present and travelling at or below the normal speed limit.

Mr. Speaker: Before I move the motion, I'd just like to remind our guests in the gallery, there's to be no participation and that also includes applauding.

It's been moved by the honourable Member for Steinbach, seconded by the honourable Member for Tuxedo, that the provincial government consider refunding the fines and court costs collected from, from those people who received photo radar tickets while travelling in construction zones with no construction workers present and travelling at or below the normal speed limit.

* (14:40)

Mr. Goertzen: Mr. Speaker, I'm pleased to rise today to speak to the motion, but sorry that it's come to this point.

There's been a great deal of debate, not only over the last number of weeks, but, indeed, the last number of months about the use of photo radar in construction zones where there are no construction workers. And let me say at the outset that I believe that all Manitobans are concerned about the safety of construction workers. That's not what's at debate here today. They believe that we need to protect those construction workers, but it provides no protection to construction workers to have photo radar where there are actually no workers in place. And, in fact, we, we could—saw from the dramatic increase of tickets from 3,000 to 60,000 in a one-year time frame that the vast majority of Manitobans travelling below the normal posted speed limit, in those construction zones with no construction workers, believed that the normal speed limit applied.

And, in fact, the court decided. The court decided that those Manitobans were right. They were correct in, in their belief that where there are no construction workers that it was the normal speed

limit that applied, and so you had that dramatic increase.

And I want to be clear that this debate tonight—or today is not about the future of photo radar. It's not about how photo radar will, will proceed in the days or the years ahead. Nor is it about a confidence motion on the government itself. Members opposite, the New Democratic backbenchers, have the ability to vote for this motion without defeating the government. It is just about those tickets, and we believe the number to be 60,000, because that's the number that the Minister of Justice (Mr. Chomiak) put forward in the House who were, were driving at or below the normal speed limit in construction zones where there are no construction workers.

And the minister absolved, because of the court decision, those who were fighting the tickets, but not the thousands of Manitobans who paid the tickets. And I think that they were offended, and I can understand why they would be offended, when the minister said that them paying the tickets was tantamount to pleading guilty, because I think the vast majority of Manitobans would've done the same thing. They're law-abiding citizens. They're hardworking men and women who have, who have commitments in their lives. And to believe that they could go and fight the government and go to court would be, I think, a little bit of, of too much to ask for the vast majority of Manitobans. And so they simply paid the tickets because they believed that it was the only thing to do, or in their own life circumstances it was the only thing that they could do. And I think that all Manitobans would have sympathy for individuals who received those tickets and who didn't believe that they could or would be able to fight the government and to take time away from work to fight the government.

So I would ask the Minister of Justice to consider that, and all the members opposite to consider that, that these were simply hardworking Manitobans trying to make ends meet in their day-to-day lives.

Now, I know that the members opposite have, have had hundreds, literally hundreds of e-mails from their constituents. They've had petitions that have come to the Legislature. They've had phone calls from their constituents saying: we want you to stand up for us at this critical moment. And while this debate isn't about the future of photo radar, and while it's not about whether or not the government

will fall on a confidence motion, it is about something that's very, very dear to each of us as MLAs.

All of us hold different positions here in the Legislature as elected officials. Some are members of the opposition. Some are classified as independent members. Some are back-bench members of the government and some are Cabinet ministers. But no matter what position you hold in the Manitoba Legislature, we all have one thing in common, and that is at some point we all have to go to our constituents, knock on those doors, shake their hand, look them in the eye and ask them for support in the next election. And that's the great equalizer. It doesn't matter if you're a Cabinet minister. It doesn't matter if you're a government backbencher. It doesn't matter if you're an independent member or an opposition member. It doesn't matter if you're the Speaker. You have to go to your constituents and ask for their support.

And I would say if I would look at some of the past material the members opposite have distributed at times of an election, it wouldn't be difficult to find material that said that they would be the voice for their constituents, that they would be their representatives, that they would stand up for their views. I'm sure that I could find many, many MLAs who had that material. Probably even the most recently elected MLA, the Member for Elmwood (Mr. Blaikie), would have committed to his constituents that he would represent them in the Legislature.

Well, here is that opportunity. Never has there been a better opportunity to stand up and say, I will be your voice in the Legislature to those hundreds who have phoned, who have e-mailed to their MLAs and said, we want you to stand up for our rights, that we should never have received this ticket, that the court said that we should never have received these tickets, that the mayor of Winnipeg has said it's up to the Province to decide whether or not these tickets get refunded, that the police association has come out and said that photo radar itself might be becoming a fiasco.

And so we have the police, we have the City, we have others who have distanced themselves from this government, and now they stand alone. They stand alone this afternoon to make a decision about whether or not they will stand for their constituents, whether or not they will do what they said they would do in the election and be their voice because

there will come a day, will come a day, Mr. Speaker, where they will knock on those doors, and they will ring those doorbells, and it won't be that long.

I know that two years seems like a long time in the life of this Legislature, but we all know as elected officials that that time moves quickly, that that time will go by quickly, and before they know it, they'll be on those doorsteps, and they'll knock on those doors, and they'll ring those doorbells, and somebody'll answer the door and they'll say, hello, I'm running as your representative to be your representative in the next election and I'm asking for your support today. And there'll be many individuals who'll look back and say, sir, madam, I needed your support two years ago when I got a ticket that the court said I should never have received; you didn't support me then, why should I support you now?

And so I ask these members, I ask the New Democratic back bench and government members to think about that day, to think about that day two years from now, even though it seems like a long time away. They should be willing, they should be willing to come in this Legislature every day, whether they're facing down the barrel of an election or not and to vote for their constituents, but, but that day will come. The day will come when they will say to those individuals, we want your support, and they will look back and say, you didn't support me; why should I support you?

And it's important to remember that all of us represent political parties. We know that. We all, we all run under a banner. But, at some point, you have to put the interests of your constituents, of single mothers, of those who are working to try to make ends meet. You have to put that ahead of partisan interest. There has to be a greater cause. There has to be a bigger reason why you run for election. And today they'll have that opportunity in only a couple of hours, and when they decide whether to stand up for their constituents or they decide to just simply follow the party line, I want them to think of the men and women, the single parents, those who are struggling to get by who are in their homes or who will be in their homes tonight. I'll ask them to think about them and what message it sends to them if they don't vote to support the court ruling, if they don't vote to support those individuals like they said they would in an election. And I would tell these members it will be remembered in 2011. It will be remembered. You will knock on a door, and they will say, sir, ma'am, you didn't support me; I won't support you.

But they have the opportunity this afternoon. Vote for fairness. Vote for equality. Vote for Manitobans. Vote yes for this resolution.

Hon. Steve Ashton (Minister of Intergovernmental Affairs): Mr. Speaker, and it's always interesting following the Member for Steinbach in, in debate. And I found what was interesting was his reference to different positions in this House. I—you know, and I think it's important that when the member's talking about the positions in this House, that some of us actually do recall a bit of the history of photo radar, and I think it's worth putting on the record because the speech the member just gave is not quite—*[interjection]* Well, this is, this is actually where the Conservative Party stood on photo radar the last few months and the last few years.

And I think this is important. We're talking about different positions. Let's start, by the way, with the fact that the first photo radar bill was actually brought in by the Conservatives. I noticed that wasn't part of the Member for Steinbach's speech, didn't conveniently fit in with his attempt to, to appeal to those who are concerned about this issue, and I respect those that are. But he didn't mention that. There was no, no mention of that.

* (14:50)

Now, I do know a bit about photo ra—radar in more recent years because I was actually the Minister of Transportation when we brought in limited photo radar in the province. Couple of conditions: had to be by agreement with the municipality, not the Province. The Province does not run photo radar; it is run by the municipality. In this particular case, only by the City of Winnipeg and, you know, Mr. Speaker—*[interjection]*— yes, yes, I was, I was the minister when photo radar was brought in for red light cameras, speed on green and also for school zones, and it was ad—it was additionally added for construction zones after a number of, of construction workers were killed in a high speed collisions.

Now, what's interesting, Mr. Speaker, is what was the Conservative position at the time? Now, this didn't make it into the Me—Member for Steinbach's (Mr. Goertzen) speech. I want to read you what their critic at the time stated, the Member for Lac du Bonnet (Mr. Hawranik), and remember this was a bill that, that brought in limited photo radar run by municipalities.

What did the Member for Lac du Bonnet say on behalf of his caucus? I support this bill, and although I would support, for obvious reason, the use of photo radar red light cameras across the province and not just for limited purposes, as proposed in this bill. I would urge, of course, all members of this House to support the bill.

They wanted wide open photo radar, Mr. Speaker. You know, in fact, their critic was very clear on that—not controlled, not limited to, to use by municipalities, but they wanted wide open photo radar.

Now, I want to keep these positions. There's a position of the Member for, for Steinbach, but he didn't read, take a position. Then there's the position of what they talked when the bill was here, and they had to vote, Mr. Speaker, and take a clear position—wide open photo radar.

Well, what was the position of the Leader of the Opposition (Mr. McFadyen) this, this May? Mr. Speaker, just remember, they, they brought in photo radar in the '90s. They said we didn't go far enough in 2002, 2003. Now, the, the Leader of the Opposition on May 9th, and this is directly from media reports from his comments, and this is the Leader of the Opposition said, any potential Tory ban—this is on the photo radar—could include taking photo radar out of school and out of playground zones as well as construction zones—the *Winnipeg Sun*, May 9th.

And they like to quote the *Wi—Winnipeg Sun* on occasion on photo radar, Mr. Speaker. That's a venerable media outlet. Now, by the way, three days later, what did the Leader of the Opposition state? He said, well, we're actually, we actually are looking at the issue of leaving them in place for school zones—changed his mind. But, we want them actually in place while kids are coming and going from school, particularly elementary schools where school—where kids are in greatest need of protection. It's not so much of an issue at high school.

Well, Mr. Speaker, I mean, you know, they, they, they—first they brought in the legislation. Then, when we brought in limited photo radar, they said it didn't go far enough, and now, as, as recently as May, the Leader of the Opposition first said he would get rid of it, and then said, well, no, we will only take it out of elementary school zones.

Mr. Speaker, you know what, the last time I heard a, a, an argument like this was when the rhino

party was running a few years ago, and one of their elements of their platform, quite frankly, was that they were going to change to driving on the other side of the, the, the road. But, in true political fashion, they were going to compromise, and they were gonna, they were actually gonna phase it in and they were gonna start with, with trucks and buses. Because that's the Tory position on, on photo radar.

And, Mr. Speaker, you know what I take great offence to is I take seriously the concerns expressed by members of the public on this or any other issue. And, yes, I have talked to constituents and people who are very concerned about this. But, before members opposite get, get up and feign indignation, they brought in the first legislation on photo radar. They said that the legislation in 2002 didn't go far enough.

Now they're trying to a-act like they're, they're somehow opposed to it, but only, you know, in high school, only in elementary schools they would keep it. You know, the bottom line here, Mr. Speaker, is they have no credibility on, on this and no one, anyone listening to them should think anything otherwise. You tell me what their position is on photo radar, if you read what they said in '97, what they said in 2002, and what they've said this year, because it is not, it is not consistent.

And I want to put on the record, Mr. Speaker, that photo radar should be run as was the intent in the legislation on a, on a restricted basis, not a wide-open basis. It should be in place in school zones because, yes, elementary school kids, but also high school kids are at risk. And schools are located in neighbourhoods. That also protects others, not just the school children themselves, but others. And one thing: the Winnipeg police report that came out, that I tabled on behalf of Minister of Transportation (Mr. Lemieux) last week, it indicated very clearly it's working in school zones.

I want to look at the evidence in terms of, of red light cameras. And Mr. Speaker, look, I've had family members who've gone through and gotten tickets, all right? So this is something, you know, I know we all ha-feel this-you know, don't feel good about and no one likes to get them, but the evidence in the police report-not the provincial government, but the Winnipeg police force-is that people have slowed down and, in fact, it points to a dramatic decrease in reported collisions in the city of Winnipeg in the last number of years.

Now, what's also happened is the number of photo radar tickets in those areas has gone down, but that makes sense because, you know, Mr. Speaker, I said when it was introduced if it's going to work, people are going to slow down and that is-should-that should be part of the success of photo radar. It should never be about revenue; it should be about protecting public safety.

Well, let's deal with the construction area, Mr. Speaker, as well, because I would say, again, knowing the background of this resolution and having some contact with it now as Intergovernmental Affairs Minister, it is incumbent on the City of Winnipeg in the application of the photo radar program to make sure that the same principles apply to the successful program in terms of red light cameras. No one likes to get those tickets, but let's for-not forget it's about speed on green. It's about red light cameras and it's about the, the school division where we started.

But, when it comes to construction workers, Mr. Speaker, it's incumbent on any of the municipalities-and right now, the City of Winnipeg in which it's operating-to make sure that the program is properly applied. And I think that's been the, the, the clear message from, from many Manitobans that I've certainly talked to. It is not what the members opposite are, are doing. I know there's some people who oppose photo radar. There are some people who oppose radar. There are some people who oppose speeding restrictions. I understand that and I don't believe that's really what this is about. In fact, I haven't really talked to anyone who said, get rid of photo radar. I talked to people who said, it should be applied properly, and that was the basic message. That was the basic message.

And, you know, Mr. Speaker, I think part of what we have to do here is recognize that this is a program that is slowing people down and is preventing collisions. It is saving lives, and I will put on the record-you know what? At some risk potential, even politically, because I know some people don't like photo radar-that I, I, I support photo radar because it's saving lives.

And I want to stress when it comes to construction zones, Mr. Speaker, we have to make sure that we have a program that protects the construction workers fundamentally. And I realize it's more difficult because it is an area in which you have a temporary need for lower-for speed. And I know members opposite like to play around with the

words; they shifted today in question period very significantly.

But, you know, I want to, Mr. Speaker, say that the clear message I think we're getting from Manitobans, they expect accountability, okay, for a program that I would say the majority of Manitobans do support. Now, I know there are some people who say, get rid of it. Some people don't like to get tickets of any kind. I understand that. But I think what people have been saying is, have a program where you have clearly delineated signage, a fair process, and make sure it's there for safety, not for revenue.

I, again, Mr. Speaker, wrote to the City of Winnipeg as of today, saying that they have to be responsible for the operation, for the signage of the program, and I'll put on the record that we not only expect them to do that—either it's going to be operated properly or there will be—

Mr. Speaker: Order.

Mr. Ashton: —consequences down the line in terms of the operation of photo radar in this province. Thank you.

Mr. Hugh McFadyen (Leader of the Official Opposition): I thank the, the Member for, for Thompson for that entertaining presentation to the House. He, he never fails to disappoint and I want to just thank him for some of the comments that have been made.

Mr. Speaker, the, the issue before the House today is a resolution brought by the Member for Steinbach (Mr. Goertzen), and, firstly, I want to commend the Member for Steinbach for the excellent work he has done in bringing this issue forward and defending those thousands of Manitobans who have been wrongly issued, who have been wrongly issued photo radar tickets travelling below the speed limit without workers present and who have suffered the consequences of this government's absolute refusal to refund money that is rightfully theirs.

*(15:00)

Mr. Speaker, the, the broader debate on photo radar is an important one to have at some point down the road. There are many opinions within this province about whether or not photo radar is effective. There are, there are different views as to whether the, the effect of photo radar is to achieve the desired safety results that all members of this Legislature would want for workers, for school kids

and for others who we need to, who we need to protect and that's an important debate to have.

We have concerns, Mr. Speaker, about the lack of evidence brought forward by the government to date that it's had any meaningful impact on safety issues, but we will continue to examine that evidence and we will, over time, as, as legislators come to the right view on whether, whether photo radar more, more broadly is having the effect that all of us want.

We know, Mr. Speaker, there are many, many things that can be done by governments of all levels to ensure that we protect those hardworking Manitobans working on construction sites each and every day on our behalf. We know there are initiatives that can be brought forward so that between Monday and Friday, during school hours, measures are taken to slow down traffic and make sure that kids of any age who are crossing the road are going to be protected from vehicles. And I can tell you that I have had occasion over the last year or so to walk to a school in my neighbourhood on many occasions with our daughter, Rachel, and I know that this is the thing that all parents think about as they're taking their kids to and from school is, is wondering and hoping that nothing will happen both to and from school.

We worry as our children are playing in yards and playgrounds and school yards that they might chase a ball onto the street or do something else that could put them in harm's way and these, Mr. Speaker, are the sorts of things that we need to address. But for the government to try to suggest that the way they have been misusing photo radar addresses any of these issues is not honest. It's not a clear and, and, and straightforward presentation of what is actually happening around this province each and every day.

I know thousands of Manitobans who have contacted us directly and I know many others, anecdotally, speaking to them on soccer fields and in different places around the city who have said that they have yet to see a photo radar vehicle park in the vicinity of an elementary school during school hours between Monday and Friday, between 8 a.m. and 5 p.m., which are the times when you might be most concerned about the protection of those zones. Most Manitobans would not have found this happening in elementary school zones, Mr. Speaker, during those hours and that causes people, I think, with some justification, to wonder what the real purpose of this program is.

I know people who have been, have commented on the fact that they seem to find the mobile vehicles parked in areas that are, that are not parked in areas where, where there are school kids on their way to school or workers on sites, but parked in areas that are most likely to net revenue for the government, Sunday mornings, Saturday afternoons, weekends when there's nobody on the work site, after hours when there are no workers present, at construction sites that have already been dismantled, at various other places, Mr. Speaker, where the clear intent is to gather revenue on behalf of the governments that are unable to balance their budgets by any other means, and that is why many Manitobans are sceptical and concerned.

But, on the issue of, of the specific issue of the resolution which is that those people who drove below the speed limit through construction zones, at times when workers were not present and where those, where it was unclear as to what the speed limit was as a result of either non-existent or confusing signage, should be refunded their money and, Mr. Speaker, the court has already spoken on this issue loud and clear.

The court said, refund the money. It's not legitimate to hand out speeding tickets to people driving below the speed limit in areas where there are no workers present and where the signage is either non-existent or confusing in terms of the actual speed limit and these are the people that we're talking about today. They're senior citizens. They're single mothers. They're parents or they're construction workers. They are people from all walks of life, living in all parts of the province, rich and poor. They're people who live in the city of Winnipeg and elsewhere who have found themselves in the situation where, where, a week or more after having driven through one of these zones finding tickets in their mailboxes requiring them to make payment sometimes in the range of two or three hundred dollars to the government without any justification. And thousands of those people did what you would expect any person to do, and that is simply give up and pay the, pay the money.

Manitobans are busy people. They are—they get up early and work hard every day, Mr. Speaker. Many don't have the time to go down to court to fight these tickets. Many are not in a position where they can afford either to get advice, professional advice, or time off work or the other things that may be necessary in order to go down to the building on

Broadway, to go down and tell the story and have the tickets thrown out, like those who did go down and have them thrown out.

These are the Manitobans we're talking about today, Mr. Speaker. They deserve their money back. This is not, in our view, something that governments at the outset of this program necessarily set out to do. The intentions were good at the time. Everybody bought into the idea that safety was an important goal and that perhaps photo radar could play a role in improving the safety of workers and school kids and others. That was the intent of all Manitobans, including members of our party and other parties when this initiative was first brought forward.

But what's clear, Mr. Speaker, is that under this government photo radar has morphed into something else. As the Winnipeg Police Association said, it has become a complete fiasco. As thousands of Manitobans are telling us, it's not about safety. It's a cash grab. It's a cash grab by a government that's already running an \$88-million deficit this year and feels they can't afford to take their hands off of the money of these hardworking Manitobans, and that's why it's up to every member of this House, when this comes to a vote, to stand up for their constituents, to stand up against a government that's mishandled this issue and vote yes to the resolution brought forward by the Member for Steinbach (Mr. Goertzen).

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): I'm pleased to respond to some of the comments that are put on the record, but I'd certainly like to clarify some. It's interesting, Mr. Speaker, the Leader of the Opposition (Mr. McFadyen) asked us to stand up. Well, yes, we stand up on the side of safety, and we stand up on the side of supporting the police. I want to make sure that's absolutely clear in any of our comments that we make.

We said from the very beginning that photo radar should be used to improve safety and not to generate revenue. Repeatedly, we've said that, Mr. Speaker, and decisions about photo radar and public safety should be made by police, not politicians, and provincial law does not require the City to use photo radar at all. It just enables it, and it's been absolutely clear.

And now we've had members from the opposition trying to have it every which way, Mr. Speaker. We understand and we know the importance of safety in our roads, whether they be in the city or on our provincial highways. We've had

the member from Lac du Bonnet, when he was a critic, talking about how he supported photo radar. He even argued it should be expanded: I support this bill, although I would support, for obvious reasons, the use of photo radar, red light cameras, across the province and not just limited purposes.

Mr. Speaker, so on the one side, you have an MLA for Lac du Bonnet pushing how he wants it everywhere, including in Lac du Bonnet and Beausejour and Oakbank, and then you have the Leader of the Opposition who, immediately, looking for attention—I do respect the Leader of the Opposition, but on this particular point, the moment that this started coming out, he started looking for any kind of—any issue that he could grasp, and it was—you know, I really was disappointed to hear him say, you know, that he was looking at considering including an outright ban on mobile photo radar in their 2011 election platform.

Mr. Speaker, we've had Chris Lorenc from the Heavy Construction Association and many others have commented how this would be truly a mistake, whether it's removing it from schools or playgrounds or, in fact, indeed, an outright ban on it. Mr. Lorenc commented that the Safe Roads Campaign, when it was announced—and he articulately pointed out about construction zones, in particular, because the focus was on construction zones at the time, about how it's not just workers present. There's equipment. There's changing from pavement to gravel. You're changing lanes. There's all kinds of pylons.

So it's not just, Mr. Speaker, the fact that there are workers present. Indeed, we want to make sure that they're safe, but it's to the driver of a vehicle entering those construction zones, that it's really important that they adhere to the warnings that are certainly posted, and the MLA for Thompson pointed out, the Minister of Intergovernmental Affairs (Mr. Ashton) pointed out, writing a letter recently—indeed, today, as well—to the mayor and to the City pointing out exactly, exactly, many, many of the situations that need to be addressed.

*(15:10)

Mr. Speaker, Mr. Lorenc pointed out that we need to continue with a campaign that includes safety in whatever we're going to do. And I was really disappointed to hear the Leader of the Opposition, almost a knee-jerk reaction, trying to grab onto something. And yet the economy is front and centre throughout this province and around the world in what's happening with the worldwide

recession, and yet you hear very little comments from the opposition.

Now, Mr. Speaker, you know, the decision with regard to photo radar, as I pointed out, is a decision certainly made by the City, and we're supportive of Chief McCaskill on the importance of photo radar as a safety measure. And chief misk—Chief McCaskill, sorry, has consistently expressed his support for photo radar in construction zones when workers are present and when safety is a concern. Moving forward, we'll be working with the police and the public to ensure that photo radar is used in a manner that is fair and the rules are clear and transparent for everyone involved.

So we have the opposition raising all kinds of smoke screens, Mr. Speaker, about this particular issue, and yet when it comes time to voting, as they should, for many initiatives with regard to this budget, whether it's dealing with health care, whether it's dealing with education, whether it's dealing with infrastructure and transportation, they have voted against those particular increases to our budget.

So here you have an opposition that has nothing, nothing, Mr. Speaker, to be critical about looking and grasping at any kind of issue they can, they can grasp and, and, and to, to, to try to take hold of.

You know, Mr. Speaker, we understand that there was some confusion with regard to signage, and there's other issues like that. We do understand that, and it's been pointed out to us by many Manitobans that we respect their opinion and we have had, indeed, recognized this.

So, Mr. Speaker, you have the Opposition Leader saying that, that, that, that any, any potential Tory ban would include taking photo radar out of school and playground zones, as well as construction zones, and that was in the *Winnipeg Sun* on May the 9th. And on CJOB, he said he might not only, might only keep photo radar for elementary schools, which we actually are looking at the issue leaving them in play for school zones, but we really want them actually in place while kids are coming and going from school, in particular elementary schools. It's not much of an issue at high school.

So here you have the opposition now backtracking on anything related to banning photo radar or getting rid of it totally. And, and yet, at first, that's not what they came out with, Mr. Speaker. And, and so it's certainly these double positions that they've taken is not helpful with regard to safety

overall. It has really left many people wondering where the opposition really stands with regard to safety on our highways and our roads.

I know Mr. Lorenc pointed out how he felt that would be a real mistake on the Leader of the Opposition to, to be removing photo radar, and Mr. Speaker, I would certainly agree with that.

When you take a look, Mr. Speaker, at the issue of, of photo radar, as was pointed out by the MLA for Thompson (Mr. Ashton), the minister responsible for Intergovernmental Affairs, that I believe it was in 1997 when, when, when the opposition introduced and passed the first legislation in Manitoba enabling photo radar at red lights and railway crossings. The minister responsible heralded photo radar as a way to make law enforcement more efficient. And the Province allowed the use of photo radar for speeding tickets starting in 2003 after requests from both the City of Winnipeg and the Winnipeg Police Service.

And so we continue to deal, Mr. Speaker, with the issue of safety and the issue around photo radar. And yet we've seen, in the most recent report, how, I believe, it's dropped by 50 percent from 1996 to the present with regard to, to, I believe, it was serious accidents. And we know that the evidence points that, at intersections that were troublesome intersections where there was very, very serious accidents in the past, that has been reduced. I mean, the stats speak for themselves.

And yet there is some confusion in the public, Mr. Speaker, I would argue, primarily, primarily, added to by the opposition, creating confusion in the public with regard to our laws of the province of Manitoba. So, again, I want to reiterate, we support Chief McCaskill and the city of Winnipeg police with regard in what they're trying to do with regard to safety on our city streets and with regard to overall safety for workers and others that are in construction zones, and also those drivers that are entering construction zones overall.

So, Mr. Speaker, you have comments made by the opposition and the MLA for Steinbach (Mr. Goertzen) with regard to this particular issue. And I really believe it's truly shameful, absolutely shameful that the MLA for Steinbach would jump on this issue and create such confusion in the public with regard to this particular issue. And the Leader of the Opposition (Mr. McFadyen), one day he's saying, oh, yes, let's get rid of it all. The next day he's saying, let's get rid of it in school zones. Oh, no, maybe I

changed my mind. I'll change my mind today because, maybe, gee, I've gone a little bit too far. So you know what we'll do. Maybe I'll follow what the MLA for Lac du Bonnet (Mr. Hawranik) said: Let's have it throughout the province. We'll put it in Brandon, Lac du Bonnet, Beausejour and, oh, oh, I better not go there, you know, yes, we said it, but, you know, I'll, I'll—let's see I'll put my finger in the wind and I'll see which way it's blowing. We've stood up on principle to support the police.

We've standing for safety, not only for workers in constr—construction zones, but those people entering those construction zones that are driving. And safety on our roads is, is an imperative for us, and I wish that members of the opposition would stand up on behalf of the pe—city of Winnipeg police. Safety on our roads, Mr. Speaker, and all those on our highways. Thank you very much.

Mrs. Heather Stefanson (Tuxedo): I am very pleased today to have the opportunity to second the motion from the Member for Steinbach. And I want to thank the Member for Steinbach for all of the hard work and effort that he has put into this motion today, and for co-ordinating the efforts of hundreds of Manitobans that have come forward to us, written letters to us. And not just written letters to us, Mr. Speaker, but also written letters to many, many members opposite and many members of this Manitoba Legislature. We've received e-mails at our party headquarters. We've received e-mails in our constituency offices. We've received phone calls. And I know that members opposite have also received those e-mails and letters and phone calls, and I know people have left messages.

And I know that members opposite are, are very concerned about this issue and want to do what's in the best interests of their constituents. And I know and I'm looking forward to the members for Southdale and Kirkfield Park, the members for Riel and Fort Garry and St. Vital and Radisson and, and many others across the way, Mr. Speaker. I'm waiting for them to stand on behalf of their constituents who have serious concerns over this, this tax grab by this, by this provincial government.

Mr. Speaker, the fact is that 60,000 Manitobans were issued tickets in a construction zone where they were travelling at the posted speed limit at a time when there were no workers in a construction zone at a time when no workers were present. The court ruled on this. They made it clear that these should've been thrown out. These people should never have

been issued these tickets in the first place, yet—and, and they should be refunded, these—the, the fines, yet members opposite have not stood as the Member for La Verendrye (Mr. Lemieux) claims. He didn't stand in this Manitoba Legislature in the name of safety. What he stood for is in the name of cash grab, and that is all what members opposite care about. It's not about safety because if it was about safety, then they would stand with their constituents. They would stand in favour of this motion and they would, they would ensure that it is about safety and not just about a cash grab.

So I think that members opposite—members of the public need to understand where this government is really coming from, and it has nothing to do with safety, because, if it did, they would stand in favour of this motion today and ensure that they stand for public safety and not in the name of cash grabs.

I know that, certainly, photo radar legislation was brought into this House back in 2002 under the auspices that we would be looking at something that is in the interest of public safety, that there would be these mobile vehicle units that would be in school zones, Mr. Speaker, and I'll start with school zones. Because what I'll, what I'll tell you is that what I find when I take my daughter to school, when I take my son to school is that never do I ever see and have I ever seen in, in that school zone and never have I ever seen during other—when I visited other schools during school hours one of these mobile units in those areas.

* (15:20)

And I wonder why, Mr. Speaker, because that is not where the revenue generation is for these mobile units. They're—they're revenue generators in, in zones where there's high traffic areas, and that's where these units are. This has nothing to do with the safety of students in our elementary schools. It has everything to do with a cash grab. And I think back when we brought forward—when this legislation was brought in for debate in this Legislature. Yes, we want to stand on the side of public safety. Yes, we want to protect workers in, in construction zones. Yes, we want to protect our students and our elementary school students and, and other school students who are, who are walking to school and who are walking within the school zones. We want to protect them. Of course we do.

But this is obviously not what is happening, Mr. Speaker. What is happening is that this government is more concerned—rather than

concerned about public safety, they're more concerned about the money that they can generate to increase their own revenues to put money in their own pockets. And I think that that is extremely unfortunate, that they would put their own—lining of their own pockets ahead of public safety in this province.

If they were truly concerned about public safety, they would see and they would look into and they would review what is taking place in Manitoba right now, but what we're seeing is that from this—and they would give the money back to those Manitobans that they should never have taken it from in the first place. But because they don't and they're refusing to give that money back, we know that this program that they have set forth in Manitoba is nothing more than a cash grab. I think that's unfortunate for all of us as members of this Legislature and, indeed, for all Manitobans, who, who look at us to, to pass laws in this province to protect the safety of the public in school zones, in construction zones and all across our province, Mr. Speaker.

Unfortunately, that is not what's happening here. That's why we're debating this motion here today. That's why the Member for Steinbach (Mr. Goertzen), has, has brought forward this motion, and I am very pleased to second it, and I hope that members opposite and members—indeed members on all sides of the House will come forward and represent their constituencies and know that it's the right thing to do in the name of public safety in our province, is to support this motion.

So, Mr. Speaker, I thank you very much for being given the opportunity, and I look forward to listening to members opposite from all other constituencies in Manitoba as we debate this, and I hope that members opposite will support this motion. Thank you.

Hon. Dave Chomiak (Minister of Justice and Attorney General): Mr. Speaker, with respect to this particular issue, there are legal issues; there are safety issues; there are public issues. Let me start out by dealing with the legal issues and recognize that—I'm not going to be political in this speech, but recognize that, in fact, the members opposite are doing classical wedge-issuing with respect to this issue.

Photo radar was authorized by this Legislature for use in three areas, as has been indicated: red lights, school zones and construction zones. The City of Winnipeg, through the police department—and to

quote from the City of Winnipeg, let me quote to members opposite: This was in response to high profile collisions involving workers on or near roadways and calls from the construction industry to step up enforcement. In 2008, there were numerous long-term large construction zones that were permanently signed for reduced speeds at all times. With subsequent enforcement, they saw a reduction in the 85th percentile of speed from 75 to 58 kilometres per hour between April and August on Bishop Grandin east of Pembina Highway.

Now, Mr.—Madam Deputy Speaker, the times set were 7 a.m. until 9 p.m. seven days a week. Neither the Legislature or the regulations required workers to be present. One photo radar ticket was found invalid by a justice of the peace, and he indicated the workers were not present. Based on the law, the Crown appealed. During the appeal, it was learned that the City had not followed the letter of the regulations in not providing signage at the end of the construction zone. Based on this evidence, the Crown withdrew the appeal and stayed the pending cases. I was advised that completed cases were not appealable.

Upon learning that the volume of tickets was in the tens of thousands, I indicated publicly that the department would look at the case. There appeared to be no legal remedy to apply. Several days later, we looked—we decided that reimbursements, if offered, would have to be offered in the following circumstances: that the individual was not speeding over the posted limit, there were no workers present, and, thirdly, there was no danger to the individual or traffic by the individual driving at that particular speed.

We broached the possibility of reimbursement with the City of Winnipeg, true to the point that I had made publicly. We broached the possibility of dealing with that issue, and we were told by the City of Winnipeg that there would be no reimbursement offered from the City of Winnipeg. And I'm quoting from the city council—Councillor Steeves, who wrote: Any refund required to be issued by the City of Winnipeg directly impacts the Winnipeg Police Service budget, will result in a corresponding decline in police services.

That's what the City of Winnipeg said to us when we talked about reimbursement.

We changed the regulation to make the rules more specific and not allow any wiggle room, and today the minister has already indicated he's written

a letter to the City to make it clear that they have to deal with that.

On the safety issue, Madam Speaker, let me deal with just two issues cited from the report. In 2008, mobile photo radar units monitored a total 12,269,238 vehicles. A total of 118,692 offences were issued for speeding which represents less than 1 percent of all vehicles monitored. This is a significant reduction in the percentage of individuals speeding when compared to the start of the program in 2003.

Secondly, the City said of the application of their photo radar, in one case, the construction zone on eastbound Bishop Grandin near the Fort Garry bridge, dropped as much as 17 kilometres per hour creating a much safer environment. Quoting the City of Winnipeg and police department.

We understand the impact this has on individuals and that many people who feel they were unjustly given a ticket for this offence, Madam—Mr. Speaker. We looked to the chief of police for guidance. We discussed it with the City. The chief of police felt very strongly that it was necessary for photo radar to be deployed in construction zones both for worker safety and for the safety of the drivers and others. We looked at the results of reviews that have been done. We looked at the possibility of driver meeting the three conditions that I outlined earlier. And it was—in the end we decided that the law had to be applied. And we had to try to change the law for no ambiguity.

We have to make choices, Madam—Mr. Speaker. And we have to look what's in the best interest of the public. We decided it was better to have police officers available to protect the public in significant areas, that they do, to provide for protection from everyday violence, accidents, crime, and not withdraw those resources to pay for some individuals, and a minority, who may have been fined based on a legal technicality.

In the end, it is a question of judgment. Were errors, were errors made, Mr. Speaker? Yes. Is a refund possible for legal reasons? No. Should those minority of motorists involved receive a payment from the Province that administers the program? The best we could offer, given what the City said, we could offer half a repayment. And it would be—require the individuals to meet all those three criteria, which is next to impossible.

I want to close on something, Mr. Speaker, and that is: persons who are convicted of speeding as a result of photo ra–radar, have legal rights available to them. A class-action lawsuit that is filed against the City of Winnipeg on behalf of all persons who got a fine while passing through a construction zone. A class lawsuit has been filed against the government of Manitoba on behalf of the same class of persons. The provincial government will vigorously defend the lawsuit. It does provide a forum for issues of validity. Any person who's found guilty of one of these offences has the right to appeal to the Court of Queen's Bench.

I don't want to be overly technical. We understand the significance for individuals who have been, who have been fined. We understand how they feel. We also understand the impact, as some police officers have told me, of how much pressure was put on them after people got killed at construction sites. But the law at some point, Mr. Speaker, has to deal with finality.

In nineteen-eighty–si–1987–the Supreme Court said: Finality in criminal proceedings is of utmost importance. But the need for finality is adequately served by the normal operation of *res judicata*. A matter once finally judicially decided cannot be re-litigated. That is the principle of law, Mr. Speaker. The entire legal system rests on *res judicata*. A system that deals with having dealt with an item, having followed lebal–legal procedures, it is not appropriate–and the Supreme Court said so–to go back and rejudicate.

*(15:30)

Mr. Speaker, it is clear that the City of Winnipeg and the police department, on delegated authority from us, utilized photo radar. It's clear that there are safety issues. It's clear there are issues of application. We are going to ensure that appropriate signage is in place and as the mini–and as the minister indicated, if appropriate signage does not provide the appropriate indication to the public, Manitobans, who are law abiding and want to follow the law, many of whom we have talked to, many of whom, I understand, have a reasonable disagreement with us, if we can't clarify how the law is going out, then we'll have to come back to this Legislature and change the law. And that's the point that members opposite will have the opportunity to vote on these related matters.

As it deals with the situation that is now being brought forward by members opposite, Mr. Speaker,

they have taken so many different positions in order to move this into the political arena. They are getting their political points out. We are trying to deal with it in a reasonable fashion. We understand the circumstances, but if you look at the case before, I think it was reasonable for the prosecutors to make the decision they made. It was reasonable to stay those charges, and to go back and retry those issues, in fact, in law, is not possible, and to do otherwise would be of incredible difficulty and cost and, most important, *res judicata* applies.

In terms of common sense, we have to correct the situation and move forward, Mr. Speaker, and on that basis, we have to do the best we can. Thank you.

Mrs. Myrna Driedger (Charleswood): Well, Mr. Speaker, isn't it also a principle of law that people who are innocent shouldn't have to pay a fine for something for which they are not guilty? I don't understand how the minister could stand up here and make his argument one way about a principle of law when, in fact, there should be a principle of law, too, that if you are innocent, you do not have to pay a fine. So his, his argument here just doesn't hold water.

Mr. Speaker, I'd like to thank the Member for Steinbach (Mr. Goertzen) for bringing this Opposition Day motion forward. I think he's bringing forward a very, very important debate that needs to occur today, and we have all heard from our constituents on this issue. While the Minister of Justice (Mr. Chomiak) may want to trivialize this, I think many of us have heard from our constituents, and we are here today representing them. And it gives all of us a chance–all of us, who are very privileged to have the job that we do, to represent our constituents–to be able to stand here in the Legislature today and bring forth their concerns.

And I have to say, Mr. Speaker, that the majority of concerns I have heard are certainly the ones from people who say that what needs to happen is something that is fair and justified and equal and that we should not be treating some people who paid their fines because they–and they may have been innocent but paid their fines because they didn't want to go to the–through the hassle, those people should not be abused by the system.

Mr. Speaker, what we have seen from all of this is that this issue has turned out from something that had started out as a safety issue in 2001 that has now, today, turned into an obvious money grab, and the Minister of Justice should have certainly been more

on the ball with this. When he saw the number of photo radar tickets that were coming in jump by 2,000 percent over a period of one year, you have to wonder, was he asleep at the switch? Did he know what was going on? Did he have any involvement in making any decisions about why this was happening out there? The Minister of Justice (Mr. Chomiak) certainly should have been more aware of what was going on, and if he wasn't aware, then we have to wonder why he wasn't aware. But when you see a significant jump like that, I'm sure his officials told him what was going on. There is no way that the minister would not have known what was going on, and when you see a 2,000 percent increase in the number of tickets issued and fines that are coming in, the Minister of Justice obviously was part and parcel of knowing what was happening. Just how involved he was in some of the decision making, I guess we may never know.

But, Mr. Speaker, we certainly have some significant concern about the principle of law about innocence and why people that are innocent should have to pay fines for something that they have not committed. It just, it seems strange.

We also note and in reading some of the articles that have been in the media, I note that the Crown stayed 875 speeding tickets that were still outstanding, but for those that had already paid, they were stuck having paid. But once the judge made his ruling and the Crown stayed some of the tickets but refused to refund fines already paid in a number of cases, just doesn't seem to make a lot of sense, but none of this has really made a lot of sense once the Minister of Justice got his hands on it, because he's made such a mess of this huge issue. It started out a mess and basically, became worse once he started to deal with this and try to explain it away. Well, it's very hard to explain something that is so obvious and so obviously egregious to so many Manitobans that they were wondering what in the world was going on here in this province.

Mr. Speaker, there was a situation brought to my attention the other day, and I think it really is an interesting example of how this situation has been abused by this government.

One of my constituents was telling me about driving down the Moray Street Bridge, and, as she's heading north, you're allowed on this Charleswood Parkway to go 80 kilometres an hour. There is an immediate stoppage of the 80 kilometres an hour as soon as you get over the bridge, and it drops

immediately to a 50 kilometre an hour speed limit. And wouldn't you know it, Mr. Speaker, that that's exactly where there is a photo radar unit and the number of people that are being stopped at that unit are quite large. And it is because it would be the perfect place, as a car is going over, you know, a parkway. It is 80 kilometres an hour. What a perfect place to park a photo radar van, because inevitably, it will take you a few minutes to realize that you're past the 80 kilometre an hour speed limit and you're now into 50. And, of course, that would be a perfect place if you wanted to trap speeders, and that is exactly what's happened. If, if that van wasn't there, it might present a different message, but this is so obvious in terms of what this government is trying to do.

I've heard from a number of my constituents, Mr. Speaker, and one of them indicated to me that it seems highly unreasonable and unfair for the Justice Minister and the Premier (Mr. Doer) to hang on to this money, even though there has been significant acknowledgment that taking it in the first place was wrong. It makes me think this is nothing more than a greedy cash grab, and it makes me angry.

Mr. Doug Martindale, Acting Speaker, in the Chair

Another constituent of mine told me that, and he was talking about a, a trip on the Bishop Grandin on a Sunday morning, where the speed limits was posted as 80 kilometres an hour, and this person received a ticket for going 77 kilometres an hour, even though this person was in an area where there were no construction workers. He did not see any construction workers. There was no construction machinery in sight, and this person did not feel that getting a ticket was warranted. And this person raised an issue and obviously has a good driving record, because he said for the record, his last Highway Traffic Act violation of any kind was in 1976. He had never received a ticket since 1976 till this one and when we look at this one that he received, it wasn't even for speeding in any legitimate way because he was under the speed limit because there were no construction workers present at that particular site. I don't blame him for being angry.

Another constituent of mine indicated that, you know, the government brings this forward as a safety issue. My constituent did not agree. He felt the issue was more a revenue generator, and he also felt that they were using shady and unethical traps and felt that this bordered on entrapment. And one can certainly understand that. You know, when I go back

to my example on the Moray Street Bridge, when you're going over the bridge and all of a sudden you're going from 80 and you immediately hit the 50, it's inevitable that many, many people are going to be speeding at that point and, in fact, you know, you have to wonder. With that speed, photo radar van there, you have to wonder if that is entrapment. That would be a great place if the government wanted to collect money, and that's, in fact, what they're doing.

* (15:40)

My constituent also said that he believed the government of the day appear arrogant in their handling of this matter. It seems that many, many thousands of Manitobans have been falsely charged with speeding, in particular in construction zones. And he also went on to say that to not cancel those tickets and repay those falsely charged is nothing more than a blatant cash grab.

And I heard from many, many constituents, Mr. Deputy Speaker, and they are all of the same mind, and they do not feel that this was appropriate. Even the Winnipeg Police Association has written not lo—that long ago an article in one of the local newspapers, and they, too, feel that this has been a fiasco.

Mike Sutherland, the president of the Winnipeg Police Association, also indicated that the police traffic enforcement unit has been decimated by this cash grab of this government. Because of the money coming in, basically what happened to their unit was a decimation of that unit. And he's saying now that, that photo radar became the main traffic enforcement tool and that traffic cops were reassigned.

So it has created a really bad situation, one that, had this Minister of Justice (Mr. Chomiak) been paying attention when the fines went up and when the cash grab started to take place, the Minister of Justice certainly could have intervened at that time, made the right decision. Instead, he's allowed this to become a mess.

So I hope, on behalf of, of all their constituents, that all members in the House today are going to rise and, in fact, vote in favour of their constituents, Mr. Deputy Speaker. Thank you.

Hon. Bill Blaikie (Elmwood): It's—Mr. Speaker, I begin by saying that I can certainly understand the, the anger that some people feel for having received the, the tickets that they did when they were—when it's obvious that they were proceeding in a way that, not only subjectively from their point of view, but

objectively speaking, was of no—there was—they were not acting in a way that was dangerous to any construction workers 'cause there were no construction workers on the site.

A lot of these tickets were issued early in the morning or at other times when people just couldn't conceive of the fact that this was actually a situation was—where they were posing any, any danger, and so it's important, Mr. Speaker, it seems to me, if we were doing our, our job here in the Legislature with trying to get to the bottom of why these things happen.

I was first confronted with this during the, the by-election when, when my Conservative opponent raised it. The member from River East might remember because I think she was with him at that time, and what I said at the, at the time was that I thought the court at that time, the court case had not concluded itself, but that that should proceed, but that there should come a time when the way in which this policy was being implemented should be reviewed, and I still believe that to be the case, Mr. Speaker, and I hope that at some time after we get over the politics of this, and I mean that in the most pejorative sense, that we might actually have an opportunity to review how this particular policy was being implemented.

And in that ca—in that sense, I want to be critical of, of the motion and critical of the, of the official opposition for the way they handled this, because it seems to me that they have been more interested in playing politics with this issue than in actually getting to the bottom—*[interjection]*—of why we find ourselves in the situation that we're in.

Because, Mr. Speaker, now, if the members of the official opposition would just listen for a few minutes, you know, and if it was—if they were truly interested in getting to the bottom of it, then perhaps they could've approached this less from the, from the point of view of trying to be the masters of simulated indignation and more from the point of view of people who wanted to co-operate with the government, who did not have a hand in the way that this particular policy was implemented, and see how, as, as a Legislature, as pro—as people in the provincial jurisdiction, we could make sure that the City, who's implementing a—something that the Province has delegated to them, to make sure that the City was implementing it in a way that (a) that was fair; (2) wasn't a cash grab and (3) didn't bring the

law into disrepute as all these three things are matters of concern and should be matters of concern.

But, instead, what the official opposition chose to do was to see a political opportunity and, and I'll have to say they did it well, to try and pin the whole thing on the provincial government. And they might have had more credibility—

An Honourable Member: That was a no-brainer.

Mr. Blaikie: —they would have had more credibility—well, it's a no-brainer, the member from Steinbach says. It's no-brainer when you're not interested in getting to the truth. So perhaps it was the minister for—I'm sorry. It was the Member for Russell (Mr. Derkach) sitting in the Member for Steinbach's (Mr. Goertzen) seat. So I'm not sure what's going on there, Mr. Speaker, but, in any event, what they have continuously failed to acknowledge, and this is where I think, I think this is the fatal flaw in their argument, is that the City has a tremendous responsibility for how this particular policy was implemented.

I mean, this is the obvious thing. This is the elephant in the room, if you like, that the official opposition does not want to acknowledge. Why, Mr. Speaker? Because it's their ideological and political colleagues at City Hall who have implemented this policy. If they were really concerned about getting refunds, they would have—they wouldn't just be talking to the Attorney General (Mr. Chomiak), or they wouldn't just be raising it in this particular Chamber, they would have been down at City Council giving City Council a hard time, giving the mayor a hard time.

And it was, it was the, it was the mayor or not—perhaps not the mayor personally, but it was clear that the City had no interest in refunding the money, and that if they were made somehow to come up with the cash that they would make the police budget pay if they, if they were put in a position where they had to refund the money. But, regardless of the details of that particular argument, Mr. Speaker, it is—I, you know, I've been in politics for a long time and I don't think I've ever seen, I don't think I've ever seen, perhaps because I've just, you know, tried to forget other times when I've seen such intellectual and political dishonesty, but I don't think I've ever seen a case of such intellectual and political dishonesty as the way in which this particular official opposition has tried to blame a provincial government for the way a policy has been

implemented by another level of government, which is, in this case, is the City of Winnipeg.

So I have—I congratulate the Conservatives on having so far done a great job of simulating—*[interjection]* I don't, you know, I don't, I don't, I don't think, I don't think you should be particularly proud of being congratulated on doing a great job of deceiving people as to where the real locus of responsibility lies, but if that's the kind of thing that you take pride in, then fair enough. That doesn't really surprise me.

The fact of the matter is, is that this, this official opposition, Mr. Speaker, has never said a word honestly about where this policy, about how this policy has been implemented and who's responsible for how it's been implemented, and I find that, I find that disappointing because I agree that to some degree this whole thing has been a fiasco. But the fiasco has been multiplied and magnified and made worse by the fact that the official opposition has not sought to bring any clarity to the matter, has not sought to actually get to the bottom of why this particular policy was im—why isn't the official opposition calling for a review of the contract between the City of Winnipeg and the people who are actually implementing the, the photo radar system?

We know that—I forget exactly the, the numbers, Mr. Speaker, but the City has to, has to raise millions and millions of dollars through these photo radar tickets before it even starts to retain any of the money for itself. Maybe there's something wrong with that contract. Maybe we need to look at the contract. Maybe we need to look at whether or not those kind of things should be privatized in that way in the first place.

I was interested to notice because a lot of the argument in favour of this kind of photo radar has been that it frees up police to do other things, and yet some elements of the police themselves, if I understand the report of what the Winnipeg Police Association had to say, are concerned themselves that this has had an effect on, on the, on the, the, those who normally do traffic enforcement and has, and anything which acts in a way that brings this kind of law enforcement into disrepute, Mr. Speaker, should be a concern to all of us, but it should be a concern to all of us in such a way that we actually try to get to the bottom of what was actually going on instead of saying, oh, let's see if we can blame this on the provincial government. Let's see if we can blame

this on the Attorney General (Mr. Chomiak). Let's see if we can create a situation in which somebody else—in which we can seize political advantage.

* (15:50)

And that's what's happened, Mr. Speaker, and as I say, so far, they've done it fairly well. They've had some help in the matter, but, you know, I think that in the end, the truth will out. And the truth of the matter is, is that the provincial government, in this respect, didn't implement the policy, was as concerned about the policy as anybody else, and we will have time once this fiasco of today and this vote is over, we will have time, I hope, to initiate a process whereby the kind of review that will get to the bottom of what was going on and what needs to happen to make sure that more Manitobans don't find themselves in this situation that we all agree was unfortunate.

We look forward to that kind of process, Mr. Speaker, but what the official opposition is doing here today is not helping. It's not getting to the bottom of it. It's not clarifying the matter. It's just politics in the worst and most pejorative—in its worst and most pejorative form, and this too shall pass.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to talk to this resolution. I want to first of all note that the Liberal Party was the only party which opposed the initial introduction of the bill on photo radar. And we opposed it not because we were fully opposed to photo radar itself. We opposed it because we saw that there would be problems in the way that this was going to be implemented under the bill as it was brought forward. And we, of course, have seen those problems now in a huge way, in a major way, and those problems might have led to the use of photo radar in an inappropriate way, in a major way in construction zones where there was no workers present, and that the courts have now said that it was inappropriate—indeed, a court ruling, illegal—that there be photo radar used in construction zones where there was no workers present.

And what should have then happened is that the government, the NDP, should have made sure that those people who were given tickets inappropriately—from the court ruling, illegally—should have had their money refunded. It's important that the Justice Department in Manitoba, the government of Manitoba be ready to follow the laws of the province, the court rulings of the province, and that where there is a mistake made, that the government is ready to acknowledge that mistake and, and to

refund money that was taken inappropriately from people when they were in construction zones travelling below the normal speed limit and they should not have been getting tickets. That's basically what the court ruling said.

Now, I know that the government wants to, you know, oppose that, that they have insisted that they have a right to continue to give people speeding tickets where there's no workers present in construction zones, but from our point of view, there are major problems with the government's approach, and, and there are major confusions in the way that the government approached this issue in the first place.

Let's think about this. The signage was clearly a major problem. And it was not only a major problem inside the city of Winnipeg, but it was a major problem in the way that signs are used all over the province. And in essentially what happened was this, is that when you're in a construction zone, as I passed through a construction zone several weeks ago on the way to Selkirk, there's a sign in an 80 kilometre an hour zone, speed limit 60 kilometres per hour when passing workers.

And, and that clearly indicates, tells people that the general policy of this government is to have a slower speed limit when there are workers at risk, when passing workers. Now, in this case, I mean, the whole construction site was dismantled. There was no obstruction whatsoever to the, to the roadway, to the highway, and the situation was very clear, you have to slow down when there's workers and when you're passing workers.

Now, as it has been pointed out, and, I think, clearly, that there is a problem in this signage to start with. This sort of signage is a problem for this reason: that if you're coming along the road and it says 60 kilometres an hour when passing workers, you know, if it's just around the bend you don't know whether there's workers there or not until you actually get to where the construction is, and so how do you know whether you should be going 80 or 60 until you can see farther—far enough to see whether there's workers present or not. And, and so, clearly, some changes should be made anyway in this system. Probably what should happen is that when there's no workers there and there's not a problem, the whole sign should be covered up so that you don't have to worry about whether or not you can see workers as you peer into the distance or not.

But, but the fact is that the provincial government and the department of Highways has put up these signs, go slow, or go at 60 kilometres an hour instead of 80 kilometres an hour, maybe different speeds in different places, but go at 60 kilometres an hour when passing workers. So the provincial government has essentially sent the message to people all over Manitoba that the plan is, the approach is slow down when there's workers present. And this creates a huge problem if you've got one approach, you know, in some parts of the province, and, a, a, a different approach in other parts of the province, and, and that creates a lot of the confusion and the misunderstanding. And, and that is, I am sure, part of the reason why there was the outrage that there has been over tickets given to people who are traveling below the ordinary speed limit, 73 kilometres an hour in a 80 kilometre an hour zone. And when there was construction, you know, in the area but there was no activity, there was no workers present, there was no problem.

Now, we, we accept in the Liberal Party that there may be some circumstances where you have major construction activity and it interferes in a way of the roadway, and that there may be some circumstances where even when there are not workers present that you want a slower speed limit, but we think that when that happens you've got to be very specific about telling people. You can't have a blanket policy of a slower speed limit anytime day or night just so long as there has been some construction in the area sometime in the last, you know, whoever knows how long.

So, when there's no construction activity, when there's no obstruction to the roadway, there shouldn't be tickets there, and until there is a very clear policy, we think that it is wrong for the provincial government to be involved, either themselves or through the City of Winnipeg, in allowing tickets to be given to people who are travelling at the normal speed limit in construction zones.

Part of the problem here is that the way that the photo radar was used is that all too often it was used in areas on a Sunday morning where there wasn't a particular problem and, and it was essentially used as a cash grab, as a trap for, for motorists and, and this is wrong. I mean, the government has got to be forthright, has got to be straightforward, shouldn't be using this kind of, kind of hide-and-seek almost, in the way that they're doing things, covering things up, doing things in a way that if not, you know, straightforward is, is grabbing people's money from

photo radar tickets when there's not a danger, when there's not a problem.

* (16:00)

Now we've, we've also commented on the situation in terms of where there's schools. And, and we firmly believe that in school hours that, that there should be a, a slower speed limit. And, and we see that it's reasonable to have, and, and appropriate to have photo radar when there's children around to make sure that people are slowing down in those school zones. But to have photo radar there, you know, in the middle of the night, periods when there's no kids anywhere near, that this is not an appropriate way to manage things, that if, if in consultation—right?—with schools, we can define where there's particular periods, where there's times of risk, okay, but, but, don't have a blanket policy of we'll put a photo radar trap there at 3 a.m. in the morning to catch people coming by a school when there's no kids around.

There's an inappropriate and there's an appropriate way to use photo radar, that it should be used to make sure that people are going a safe speed to enhance safety. It should not be used as a cash grab. It should not be used at times when there is not a risk to the safety of people.

And so, for all those reasons, we believe, as I've already said, that the refund should be provided to those people who were ticketed going at the normal speed in areas where there were no construction workers present and that the money should be refunded, because the last thing the Province should be doing is sending a punitive message to those who are honest and paid the fine, but not punishing others.

And, clearly, this government also has to get its house in order in terms of how it uses photo radar in the future, and until it does that, there's going to continue to be problems.

Mr. Ron Schuler (Springfield): I wish to put a few comments on the record in regards to this resolution. Back in 1989, I had the opportunity to visit the German Democratic Republic or, as we call it, East Germany, and before I drove my car rental across the border, I was warned. I was told that what they would do is put a pile of sand and put up a sign, reduce speed, construction zone, and then for 10, 15 kilometres, there'd be nothing. After about 10, 15 kilometres later, there would be another pile of sand on the side of the road, and behind there would

be photo radar—would be a car with radar, I should say, and they would pull you over.

Of course, most people would have sped up. There was no construction taking place. People were in a hurry. It was the highway between West Germany and Berlin, and people would be going 100, maybe 110 kilometres an hour, basically around the speed limit, and they would catch them. The unique thing there was, just like the example we have today, is that you would pay on the spot and it was an enormous amount of money, approximately 300 Deutsche marks at that time. And, Mr. Speaker, it was told to me that that is called entrapment. Basically, what was happening is the East German government that was really in need of hard cash was entrapping citizens to get basically western German currencies or any western currency.

Fast forward to today, Mr. Speaker, and we have the same situation. We have a government that is basically entrapping its own citizens to fleece it of money.

And I'd like to point out the Highway 59 and Headmaster intersection. There was a traffic light going in because of a development, and basically they had put up construction signs and they had put them up so that if traffic, trucks, were going to be turning off of Headmaster onto Highway 59, that they could slow the traffic down. There were no construction workers. In fact, off Highway 59, they were putting a culvert in. It wasn't even on Highway 59. They had only put the construction signs up just in case they had to pull some trucks onto the highway.

I drive that stretch of highway. I can tell this House that there were no construction workers present and certainly not in the evenings when the vehicle was sitting there, and it is such a shameful act of this government to fleece its own citizens of money, to take money from unsuspecting citizens, because the sign said, when workers present. And most of these people had slowed down, in fact. They weren't doing the 80 kilometres that's allowed on that stretch of highway. It's an 80 kilometre an hour stretch of highway. Most people were doing 72, 73, 74, maybe 76 kilometres an hour, and still they were giving them photo radar tickets and pulling them over and charging them a ridiculous amount of money.

What's so shameful is that in this democracy, you're supposed to be able to challenge your government, but, in this case, even that ability was

taken away because it costs a lot of money and it takes a lot of time, and people are working, and for those on the NDP side who don't realize, a lot of homes are two-income families. They don't have the ability to go to court and stand around and understand the legalese and pay for lawyer bills and get advice and all the rest of it. So what do they do, they paid for the ticket. And then they find out, it's not, it's not the NDP who, all of a sudden, found a conscience and wanted to start refunding some money, it was the courts; it was a judge.

We have an NDP government that is fighting the courts. It is fighting a judge. That's where the ruling came from. That's who's telling them to pay it back. Unfortunately, it's only those people who appeal their ticket that are getting their money back. Those individuals, two-income families, who are struggling to make ends meet, who are paying their soccer and hockey fees and all the rest of it, the school fees that members opposite are foisting on all these parents. It's those parents who don't have the time, don't have the means and then end up going and paying their ticket and find out they shouldn't have because the government was wrong in taking the money in the first place.

This is entrapment. It's unfortunate. The governing party, the NDP, should be honest about this, and say it's a judge that told them to do it. It's the courts that ruled against them, and they should listen to the courts of the land, refund the money, give the people their money back, rightfully so, Mr. Speaker, do the right thing. The Member for Rossmere (Ms. Braun), the Member for Elmwood (Mr. Blaikie), the Member for Transcona (Mr. Reid), the Member for Radisson (Mr. Jha), all of our constituents drive up and down Highway 59, and they were all caught in this entrapment. They should stand up, vote for this resolution and let's give those people, those honest, taxpaying citizens of our province, give them their money back.

Ms. Erin Selby (Southdale): I appreciate a moment to speak about this issue. It's certainly an issue that has people talking, and I would agree that there are people who are angry on both sides of this issue.

The members of the opposition party talk about the e-mails that they, they assume that we have received on this side of the House of people who are upset about photo radar and don't think that they should have got tickets, but what they're also not realizing and not talking about is that we've probably, most of us on this side of the House have

gotten phone calls and e-mails from people on both sides of the issue, some people who are upset that they got ticketed—[interjection] Absolutely, some people are upset that they got a ticket.

Mr. Speaker in the Chair

I'll admit my husband actually got two tickets, and he wasn't happy. He was mostly not happy with himself because he realized there was a sign, it said 60, it was a construction zone, he slowed down, he didn't slow down quite quick enough, and you know what, he got a ticket. He wasn't happy about it, but he paid the fine and the next time we drove down that area, paid a little more close attention as well.

But I have to say, I've also heard from people on the other side, who said, you know what, if you, if you don't pay attention to the signs, well, then, you have to pay the fine. And whether you think it's fair or not, well, that's something that we will debate. We will talk about whether the City has used this properly and wed—whether the City has had a consistent way of using photo radar, and I'd agree there's room to talk about whether there has been consistency, and where there's a lack of consistency, there's often confusion as well.

But I do have to say, a couple of things come to mind, and one is that, that we know that photo enforcement at red lights and speed limits actually do help prevent accidents. And, as frustrated as, as somebody may be at having received a ticket and maybe thought, maybe it wasn't fair, and they felt that it wasn't a dangerous situation, I just think that if, if slowing down in a construction zone saves the lives of a construction worker, or perhaps somebody in a car who could lose control, as you go from pavement to gravel, or when you meander into those pylons, should one person get hurt, should one person be killed in such an accident, it's not worth it. It's not worth it for us not to take those precautions.

Now I was thinking the other day as I was driving home from the Legislature down St. Mary's, and the folks in the Old St. Vital BIZ do a lovely job of keeping the boulevards on St. Mary's Road just looking beautiful with flowers and plants. And you often see them out there working, watering, weeding and that sort of thing. And, as I was driving home, it was a pretty busy night and lots of traffic going both ways down St. Mary's Road, and the folks were out in the vans and they were watering the plants. And there's no sign up. It's not a construction zone, and there's nothing in particular that says that people have to slow down, but, luckily, I noticed that most

people were slowing down, and that was good, that was good. And I commend those that do. But there are a few people who, because the speed limit wasn't any differently and didn't see that there was any, you know, construction, didn't slow down. And those folks watering those plants are standing awfully close to the edge of the road when they're on those boulevards, and it's a little dangerous that they're out there.

* (16:10)

So, you know, it's unfortunate that logic can't be the law. It's unfortunate that we can't say quite obviously, if there's a pylon that makes your car have to meander, that it might be a bit dangerous to go full speed. And, and it's too bad that we can't just trust people to slow down in a construction zone. But, unfortunately, there are some people that don't. There are some people that will push the limits.

And I know that some people got tickets and, and they might have only been going 70 or they might have been going 71 and they thought, well, it really wasn't that dangerous. And I'm not here to judge on case-by-case what that was. A judge would have to decide whether or not that particular instance was dangerous or not. I certainly know the police think that, that slowing down at a construction zone is important whether or not there are workers.

And, and that actually brings another issue to light. There's a lot of people who have been concerned about, do I have to slow down when there's no construction workers? Well, I'm not sure how you're going to necessarily make that judgment. I know sometimes there's an obvious sign out or there might be an actual construction worker warning people to slow down. But, in the case where there's no specific sign, and there is a construction zone, and there is a speed limit posted that you should slow down, I'm, I'm a little concerned about people feeling that they don't have to slow down if they don't see a construction worker. Because it can happen sometimes, you go into the construction zone and you don't see anybody. You assume, maybe they're not here, maybe it's over for the day, maybe people are on a break and then somebody, low and behold, is at the end of the construction zone. Perhaps they are there. Maybe they're over in the ditch working. You don't know when they're about to walk up closer to where the cars are passing. Maybe it is a coffee break and everyone's just coming back into the construction zone. And I just think it can be a dangerous precedent to have people deciding on a

case-by-case, as they drive through, I think there's no construction workers here, oh, I think there are construction workers. And people being confused as to, do I slow down or not? I don't see anybody right now, oh, there's someone, I'll slam my brakes on.

I think it's probably safer just to assume that if there's a construction zone, there may be workers or there may be other reasons you need to slow down. For instance, we've talked about this and I've heard other members mention it, that sometimes the road conditions change as you go into construction zones. Sometimes the roads actually narrow.

I was driving down Portage Avenue the other day and there was quite a bit of construction. Good to see that our roads are, are part of our renewal program; we'll see smoother roads. But, at the same time, it meant a lot of merging traffic and we were all kind of going into some lanes, coming out, going back in. It wasn't entirely clear sometimes if it was my lane that had the right of way as we were merging or the people next to me. Or was I supposed to go to this side of that pylon or that side. And it could be a very dangerous situation, should we not get our signals correct and somebody goes to the wrong one, out of confusion. I think it's just wise to slow down when we're not sure in those situations.

I do understand that people are upset, but what I don't understand is the Tories flipping back and forth on whether they're for photo radar, whether they're against it, you know. The Member for Lac du Bonnet (Mr. Hawranik) said he supported it although he would support it being for not just limited purposes. He wanted to see more photo radar.

We've been very clear from the beginning that photo radar should be used to improve safety and not to generate revenue, and that is something we take very seriously and obviously that has to be reviewed. The decision about photo radar though, and public safety, should not be made by politicians and should not be made by whether or not it's going to get you more votes. It should be made by the police who understand whether or not it's necessary.

I'll trust construction workers when they tell me they feel better knowing that people are slowing down even if they can't see them. Because, as I said before, if one person was ever hurt or killed because somebody decided, I don't see any construction workers, I can go as fast as I want, I can imagine that that the person would feel just as bad.

I have to say that we, on this side, stand with Chief McCaskill who says that photo radar is an important safety measure and has consistently shown his support for photo radar in construction zones where the workers are present and when safety is a concern. And that is a case-by-case judgment. You can't just overall decide today that as long as there's no construction workers, all construction zones are safe. That's just not true.

Of course, we will be working with the police and the public to restore faith in photo radar, to make sure that it is used as a safety issue and used when, when people are worried about it.

But, you know, going back a little bit more to the people who have said that they want us to make sure that, that people who did speed through construction zones still pay their fine. You know, I have a, a group of, of folks in my constituency, the Island Lakes Residents Association. They're a very active community group. I love to hear from them and they've always got great ideas. One of their ideas since about last year has been: Could I please talk to our local city councillor about getting more photo radar in Island Lakes? They have been asking that for a year.

I noticed the other night there was a photo radar van parked outside of one of the playgrounds in Island Lakes, and I know folks here complain that why is it there in the evening. Well, you know, on the rare nice day that we've had this spring, there's a lot of kids on bikes running around Southdale constituency and a lot of kids at parks. And I have to say, my kids get pretty excited and run out on the road without looking, and that can happen at 7 o'clock at night in front of a park. And when there is a nice day, I know my constituents are out enjoying it, and sometimes the little ones are not paying attention.

So I just would like to say I understand that people are angry, and I think we've all expressed the same thing, that this issue is something we need to discuss, that we need to talk about, and we need to ensure that this issue remains about safety.

Thank you, Mr. Speaker.

Mrs. Bonnie Mitchelson (River East): I'm glad to add a few comments to the opposition motion that was brought forward by the Member for Steinbach (Mr. Goertzen). First of all, want to thank him for bringing this motion forward and having us—having the opportunity to debate and to stand up for many,

many Manitobans that were so shabbily treated by this NDP government with this photo radar fiasco.

And, Mr. Speaker, I don't think there's anyone that can stand up in good conscience in this House and say that it was anything less than a cash grab, a cash grab by a government that has got spending so out of control that they're looking for absolutely every avenue to generate more revenue.

Now, Mr. Speaker, the Minister of Justice (Mr. Chomiak) must have been rubbing his hands with glee when he went before Treasury Board and provided the information to the Minister of Finance (Mr. Selinger) and the Treasury Board and the Department of Finance on how much extra revenue they were going to generate from this photo radar tax grab.

And, and we know that the Minister of Finance knew because he actually put in his budget the increased revenue that they expected to generate from fines in the province of Manitoba.

So, Mr. Speaker, there isn't anyone over there who can indicate with any clear conscience that they didn't know what was happening—and didn't the alarm bells go off? Didn't the Minister of Justice ask any questions when his officials came forward and said that we were going to raise this much more money; didn't they ask any questions? Didn't they ask for any report?

Mr. Speaker, we knew, we know today that the government knew exactly what was happening in the case of this photo radar tax grab. And, you know, there are many Manitobans out there that thought that the City of Winnipeg was generating all of the revenue from photo radar, and there are still those today. I talked to someone today who said, well, it's the City of Winnipeg that's generating all the revenue. Little did they know that the Province receives approximately 60 percent of the revenue that's generated from photo radar.

And so, Mr. Speaker, we can understand the rationale and the reasoning. You have a government that so—has its spending so out of control that's it's looking for absolutely every avenue to generate revenue.

And, you know, my colleague, when he introduced this, this motion, this resolution today,

said, you know, this really isn't a matter of—it's not a vote of confidence in this House. Anyone that stood up on the government side of the House and voted to support this resolution to give money back to those law-abiding citizens, who were travelling under the speed limit in construction zones where there were no workers present, Mr. Speaker, any of those that wanted to vote with their constituents or with their conscience could stand up today without fear of bringing down the government. This is a vote that really speaks to listening to the people that put you into office, listening to the people—some possibly 60,000 out there who were unfairly targeted and unfairly treated through this photo radar cash grab and the fiasco that this government has created.

* (16:20)

Mr. Speaker, and it is, it is a scam. And you know what I'm seeing here, is a government that's been in place now for 10 years and a government that is out of touch with the people that elected them and put them in office. It is a sign of arrogance when a government has been around so long that they don't believe that they need to listen to the many, many Manitobans who were unfairly treated.

And you know, when we see some 800 people or so who fought the tickets and fought the system and have their fines excused. They were exonerated. But what about the 60-some thousand individuals that got tickets and went and paid them? Mr. Speaker, Melanie Lawrence who is a constituent of mine e-mailed me and she wasn't anyone that I knew previous to the whole issue of her photo radar ticket, but she's a single parent living in my community, working for a living and got a photo radar ticket where there were no signs present, no pylons present and, in fact, the City of Winnipeg had taken that site down as a construction area.

So there was nothing on the Internet that indicated that it was a construction zone and it was on Lagimodiere and Bishop Grandin Boulevard. Everything was gone, Mr. Speaker. The only thing that was still there was the photo radar vehicle and she was ticketed in that zone for going 78 kilometres an hour in an 80 kilometre—with an 80 kilometre speed limit and she was ticketed. She went, she took the time to go and try to explain her situation. She went back to the site and she took pictures, and it's clear that there was absolutely nothing there. And yet she wasn't able to get her ticket excused. Then she

really felt that she was treated very poorly by the people that she talked to in the Department of Justice when she, when she went to try to explain her situation.

Mr. Speaker, we asked questions on Melanie's behalf in the Legislature, and you know, when the Premier (Mr. Doer) stood up to answer the question when we asked it, he was talking about a completely different construction zone. He wasn't talking about the zone on Lagimodiere and Bishop Grandin. He was talking about the, the construction zone on Headmaster Row and Lagimodiere Boulevard which is right outside his house and mine.

So he didn't have a clue where Melanie Lawrence had got her ticket, and he chose to stand up and attack her, indicating that she had no credibility, when he was talking about one area and she got her ticket in a completely different area. Well, Mr. Speaker, she was somewhat outraged, and rightly so when her credibility was called into question. And she asked the Premier for an apology, and to date she hasn't received that apology from the Premier.

So, you know, when we hear members of government stand up and talk about the holier-than-thou position that they have, defending public safety, none of us have any argument with slowing down in construction zones where there are construction workers present. But we have great difficulty with cameras being there the majority of the time on weekends and after hours, Mr. Speaker, when there are no construction workers present.

And there is absolutely no question the motives behind the cameras that are sitting in those locations. It's pure money, pure greed, Mr. Speaker, and, again, desperation on behalf of a government who is looking for absolutely every source of revenue they can squeeze out of law-abiding taxpayers.

Mr. Speaker, this speaks volumes about a government, again, that has lost touch with the people that elected them. They've become arrogant and they think that Manitobans will not remember. Well, we know that Manitobans will remember what this government has done, not only on this issue, but last night the issue of the vote tax came up by one of my constituents and I want members opposite to know that it wasn't a constituent that normally would have voted for me, but it was someone who indicated that they had been a New Democrat, but not any

longer. And it wasn't the photo radar issue. It was the vote tax issue that they raised as the issue.

So there's scheme after scheme and this government is looking for absolutely every avenue that they can find to scam the taxpayers and find that extra few dollars that they so desperately need because of the spending addiction that they have.

So I want members of the government to know that we're not going to let Manitobans forget. We are not going to listen to the lame arguments that are presented by members of the government side when they talk about this being a safety issue. Manitobans know it is not a safety issue. We know it is not a safety issue. We know that it is a tax grab and we would hope that some members would have the courage, on the government side of the House, to stand up and to support this motion today. Thank you, Mr. Speaker.

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Mr. Speaker, it was approximately 20 years ago, approximately 20 years ago where I happened to be in the wrong place at the wrong time. I was at the intersection of St. Mary's and Bishop Grandin, and I witnessed a nine-year-old boy hit by a car to find out later on that that child died. I'll never forget that each and every day as a father of a nine-year-old when I drive through that intersection.

Every day I drive down St. Mary's and I see the memorial to the workers who were killed while they were putting in cable, Mr. Speaker. This is about safety and we recognize that when provisions are made for the installation of photo radar at construction zones for safety. Every time I drive over the bridge at Bishop Grandin, to hear the members stand in this Legislature and say that Manitobans were ticketed driving the regular posted speed limit in construction zones where no construction workers were present, it's a little disconcerting that they would suggest that it would be okay to drive 80 kilometres.

When you listen to Chris Lorenc from the heavy construction industry on the radio saying that when there's construction there's a change in the profile of the road and there are times when, even though the workers aren't there, for safety reasons people cannot drive the posted speed limit. They have to drive the—or the regular posted speed limit. They have to drive the speed limit as posted in a construction zone.

This is what Chris Lorenc said on CJOB radio, Mr. Speaker, because it changes the pro-profile of the road. It changes the profile of the road and when you consider the merging lanes that happen to be the reality on Bishop Grandin right now by the Fort Garry Bridge, when you consider the fact that you have one lane going westbound and two lanes going eastbound, separated by pylons, for the members opposite to suggest that it's safe to drive 80 kilometres down that bridge is irresponsible.

The reason it is 60 kilometres when there aren't construction workers there is because it is not safe to drive 80 kilometres per hour, Mr. Speaker. And when I look at what's happened as a result of the photo radar, in the case of the construction zone on east-eastbound Bishop Grandin near the Fort Garry Bridge, accidents dropped as much as seven—or pardon me, speed dropped as much as 17 kilometres per hour creating a much safer environment.

Mr. Speaker, the members opposite talk about this purely from a money perspective. This is an issue about safety. If members opposite were so concerned when they first introduced the legislation they talked about unfettered photo radar. They talked about unfettered photo radar, but we said it's about safety. It's about the safety for construction workers. It's about the safety in school zones and when you look at the information that's been provided, clearly there has been an impact in collisions. The report has said so.

* (16:30)

And, when you look at the five-year reduction in the total number of motor vehicle accidents at the original 12 intersections monitored by red light cameras, it's 37.3 percent, 37.3 percent. The reduction in right angle collisions, the most serious type of crashes, Mr. Speaker, it's been reduced by 51.4 percent. Reduction of injuries at the 12 regional intersections by 5.7 percent—

Mr. Speaker: Order.

An Honourable Member: Thank you, Mr.—

Mr. Speaker: Order. The hour being 4:30, pursuant to rule 28(14), I must interrupt the debate to put the question on the motion of the honourable Member for Steinbach (Mr. Goertzen).

Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour—[interjection] Order.

All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the motion, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it.

Formal Vote

Mr. Gerald Hawranik (Official Opposition House Leader): A recorded vote, Mr. Speaker.

Mr. Speaker: A recorded vote having been requested, call in the members.

Mr. Speaker: Order. Order.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Borotsik, Briese, Cullen, Derkach, Driedger, Dyck, Eichler, Faurschou, Gerrard, Goertzen, Graydon, Hawranik, Lamoureux, Maguire, McFadyen, Mitchelson, Pedersen, Rowat, Schuler, Stefanson, Taillieu.

Nays

Allan, Altemeyer, Ashton, Bjornson, Blady, Blaikie, Braun, Brick, Chomiak, Dewar, Doer, Howard, Irvin-Ross, Jennissen, Jha, Korzeniowski, Lemieux, Mackintosh, Marcelino, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Saran, Selby, Selinger, Struthers, Whitehead, Wowchuk.

Mr. Speaker: Order. There's to be no participation from our guests in the gallery.

Madam Deputy Clerk (Bev Bosiak): Yeas 21, Nays 33.

Mr. Speaker: I declare the motion lost.

House Business

Hon. Dave Chomiak (Government House Leader): Weren't we supposed to do it? Oh, we got 20 minutes.

Mr. Speaker, I'll—

Mr. Speaker: Order. Order. The honourable Government House Leader—

Mr. Chomiak: Yes, Mr. Speaker, I'd like to—

Mr. Speaker: On House business?

Mr. Chomiak: Yeah, House business. I'd like to call for third reading Bill 24. Thank you.

* (16:40)

CONCURRENCE AND THIRD READINGS

Bill 24—The College Amendment and le Collège universitaire de Saint-Boniface Amendment Act (College Degrees)

Mr. Speaker: Concurrence and third reading of bill number twenty—Bill No. 24, The Colleges Amendment and le Collège universitaire de Saint-Boniface Amendment Act (College Degrees).

Order. Order. Order. Order. Order.

We're moving on with House business. We're dealing with concurrence and third reading of Bill No. 24.

Hon. Dave Chomiak (Government House Leader): I move, seconded by the Minister of Advanced Education, that Bill No. 24, The Colleges Amendment and le Collège universitaire de Saint-Boniface Amendment Act (College Degrees); Loi modifiant la Loi sur les collèges et la Loi sur le Collège universitaire de Saint-Boniface (grades des collèges), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a third time and passed.

Mr. Speaker: Let's have a little order, please.

It's been moved by the honourable Attorney General, seconded by the honourable minister for Advanced Education, that Bill No. 24, The Colleges Amendment and le Collège universitaire de Saint-Boniface Amendment Act (College Degrees), reported from the Standing Committee on Social and

Economic Development, be concurred in and be, and be now read for the third time and passed.

Hon. Diane McGifford (Minister of Advanced Education and Literacy): Well, thank you for the opportunity to just say that this is a very important act which will allow colleges in Manitoba to award baccalaureate degrees so necessary, as the credentials required in a complex economy take much longer for students to obtain, particularly the mastery of the field.

So I'm very pleased today to, to, to advocate that we accept this amendment to the colleges act. Thank you.

Mr. Gerald Hawranik (Lac du Bonnet): Yes, just wanted to put a few, brief comments on the record with respect to Bill 24. And I've spoken to Bill 24 on second reading as well, and just reit—reiterate my comments with respect to the bill that we support the bill itself. And the reality is, is that universities and colleges in this province have been co-operating in terms of the continu—continuum of education, both from high school, all the way from high school, all the way through university and a Ph.D. level. And this just gives further evidence that universities and colleges and have been co-operating and ensuring that there is that continuum and that there is a, an education within our province that will only serve our students in whether they continue in their education, in or outside of the province, or whether they go out to employment in or outside the province, Mr. Speaker. So that, I think it's important that we support this bill.

I know the universities have supported this bill. The colleges are sup—supporting this bill. It applies, of course, to an applied degree within university, within a college, and gives a degree to a student who graduates from it. We support that. I know the universities have supported it, and so have the colleges, and so do we, Mr. Speaker. And I look forward to royal assent of this bill. Thank you.

Mr. Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is concurrence and third reading of Bill No. 24, the colleges amendment and le Collège universitaire de Saint-Boniface amendment act.

Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed. Agreed and so ordered.

House Business

Mr. Chomiak: Yes, Mr. Speaker, pursuant to rule 31, sub 8, I'm announcing that the private member's resolution to be considered on Tuesday, September 15th, will be one put forward by the honourable Member for St. James (Ms. Korzeniowski). The title of the resolution is Reserve Forces Week. The title of the resolution is Reserve Forces Week. It will be considered on Tuesday, September 15th and will be put forward by the honourable Member for St. James, and the PMR title is Reserve Forces Week.

Mr. Speaker: Pursuant to rule 31(8), it's been announced that the private member's resolution to be considered on Tuesday, September 15th, will be one put forward by the honourable Member for St. James. The title of the resolution is Reserve Forces Week.

Mr. Chomiak: Yes, thank you. Mr. Speaker, I—insofar as we've got through a good deal of the House business today as we had planned, so I, I, I'd like to call it for 5 o'clock.

Mr. Speaker: Is it the will of the House to call it 5 o'clock?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed. The hour being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 9, 2009

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