



Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
STATUTORY REGULATIONS
and
ORDERS

31-32 Elizabeth II

Chairman
Mr. Peter Fox
Constituency of Concordia



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON STATUTORY REGULATIONS AND ORDERS

Wednesday, 27 July, 1983

TIME — 7:00 p.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. Peter Fox (Concordia)

ATTENDANCE — QUORUM - 6

Members of the committee present:

Hon. Ms. Hemphill, Hon. Mr. Uskiw

Messrs. Fox, Harper, Kovnats, Lecuyer,
McKenzie, Mrs. Oleson, Ms. Phillips, Mr. Orchard

WITNESSES: Representations were made to the committee as follows:

Mr. John Prest, ABATE (All Bikers Aiming Towards Education of Manitoba Inc.)

Ms. Debbie Ellis, ABATE (All Bikers Aiming Towards Education of Manitoba Inc.)

Mr. A.J. Moreau, Private Citizen

Denys Herbert, Manitoba Safety Council (Dr. Herbert also presented a brief for Dr. Donald Penner)

Dr. L.C. Bartlett, Manitoba Medical Association

Mr. Edward Lipsett, Manitoba Association for Rights and Liberties

Mr. John Lane, Executive Director of the Canadian Paraplegic Association

WRITTEN SUBMISSIONS:

Manitoba Motor League

Transcona Jaycettes

The Manitoba Chiropractors' Association

City of Winnipeg

Canadian Union of Public Employees (Manitoba Division)

MATTERS UNDER DISCUSSION:

Bill No. 60 - An Act to amend The Highway Traffic Act (2)

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MR. CHAIRMAN: We have a quorum, ladies and gentlemen.

Our first presentation is John Prest.

MR. J. PREST: Good evening, Mr. Chairman. My name is John Prest. I am vice-president of the organization called ABATE. I have been a motorcyclist in the Province of Manitoba for the last 16 years. I am currently self-employed as an auto-body repair person. I also am engaged with the Manitoba Safety Council as a voluntary instructor for the motorcycle training course.

I have done this for eight years, six as an instructor and two as a chief instructor.

I have a great deal of information to present and some studies and statistics. It won't be in any particular order. I will be happy to answer any questions at all after.

On Friday, there was given the question about the cost to society of injured motorcyclists, and who pays this cost. I think the figure given was about \$54,000 or thereabouts, \$45,000, \$54,000, all right. I would just like to take a look at the cost that motorcyclists themselves are putting into the public coffers.

My motorcycle cost me about \$3,000.00. The provincial sales tax on that was about \$180.00. Sales tax on motorcycles ranges anywhere from \$600 for a \$10,000 Harley Davidson, to anywhere under \$50 for a used motorcycle. I'll be fair; I'll use a low figure, \$100.00. Motorcycles are constantly changing hands, day in, day out, throughout the province. I'll use 17,000 as the number of registered motorcycles approximately in Manitoba. So I multiplied that by \$100.00; that's \$1.7 million from the motorcycles themselves.

I paid \$200 for a season of insurance. If I wanted to get full coverage, which I can't afford, it would cost me \$600, albeit there are older motorcycles on the road that cost less for insurance. To use the figure of \$100, there is another \$1.7 million insurance.

Motorcyclists pay about \$18 a year for a licence. There are 31,000 licensed motorcycle riders in Manitoba. I will just use the number that will be riding, which is 17,000. There is another \$306,000 of money that motorcyclists themselves are pumping into the provincial coffers.

Add to that the amount of sales tax on a gallon of gasoline for every motorcyclist in Manitoba, for every quart of oil they use. Every time they buy safety equipment or they buy accessories, they're paying money into the system.

When we have figures like \$3,714,160 just from a rough estimate of sales tax, licence fees and insurance rates, I think it is quite self-evident that the people who are paying the medical costs of injured motorcyclists are motorcyclists themselves.

There are a great deal of statistics that have been tossed out in letters from the Ministers to their various constituents in answer of why they are passing a helmet law. We have had figures such as two to two-and-a-half times the number of head-injury fatalities tossed at us, over and above other provinces with helmet laws. These statistics, most of which come from this little booklet here are put out by the Federal Department of Transportation. I might add that none of those statistics anymore are included in the revised edition, because the Federal Government thought better of it because the statistics just weren't holding water.

We have a little graph here that says reported accidents per 100 registered motorcycles - and it's

nice, it's in three colours, it looks pretty - it's got mysterious province No. 1. without helmet legislation - who could that be? - province No. 1 with helmet legislation; province No. 2 with helmet legislation and the province without the helmet legislation has a whole bunch more reported accidents per 100 registered motorcycles. I went to Stats Canada and I had a look through their little thing, their statistics - I have them here - and all across the board this magazine upped the figures by 2.5 to 3.5 accidents per 100 registered motorcycles.

Okay, we have province No. 1. These are supposed to be our helmet law neighbours, so I consulted with the Departments of Transport for both Alberta and Saskatchewan. Alberta and Saskatchewan cannot supply me with those figures. Where did the Department of Transport get them for those years?

Here we have another fancy little graph which shows the total number of head injury fatalities since 1970 per average per 10,000 registered motorcycles; it goes from 1970 to 1974. The layman looking through this book will glance at this and say, oh my God, in 1974 we had 24 head injury fatalities per 10,000 registrations. I thought to myself, that's rather strange, because we only had four fatalities on motorcycles in 1974. How could we have 25 head injury fatalities that year? Closer investigation shows they used cumulative data, added each succeeding year to the previous year to take an insignificant statistic, because they all started at almost zero, to make it look like a significant statistic.

We've also got a little scenario in here which says that we have more reported accidents in Manitoba because motorcyclists are falling off their bikes, hitting their heads and having to report the accident. The scenario reads the motorcyclists goes around the corner or gets cut off by a motorist, falls down, doesn't hurt his head so it doesn't become a reported accident.

Let me give you the same scenario. I am riding along; I get cut off by a motorist; I fall down on my motorcycle; I haven't got a helmet on; I'm not hurt. I stand up; I look at my motorcycle. My motorcycle's damaged. I pull out my wallet. I have a merit point on my licence. My insurance is fully paid up. I am not going to pay for that motorcycle damage out of my pocket. It becomes a reported accident. If the insurance base all across the country was exactly the same, then that scenario would be accurate, but it's not.

Whether an accident becomes a reported accident or not is based on injuries, but it's also based on whether or not the person can afford two points on his licence, or he can afford to have, such as Ontario with private insurance, and he falls down and they're going to double his insurance next year if he reports this accident, so he will pay for that out of his pocket.

In the new revised edition, they no longer use those statistics. They have gone to the United States and borrowed a study that was done by the U.S. Department of Transportation. It has a little graph, and it shows, all of a sudden, the motorcycle fatality rate is climbing between 1975 and 1976. Then they point out, at that period of time, 26 states repealed or weakened helmet laws between '76 and '78. Now this would make it appear, since all these states have repealed their helmet laws, that everybody is suddenly dying of head injuries and these states alone are responsible for this fatality increase.

I have a study here done by the U.S. National Highway Traffic Safety Administration, the Department of Transportation, by the Fatal Accident Reporting System. In the base-line on this report, at the bottom, it says, "Figure 16 shows the fatality rate, fatalities per 10,000 registered motorcycles, and the existence or non-existence of a helmet law in each." There is no significant difference in the fatality rates of states requiring or not requiring the wearing of a motorcycle helmet. This is from the same department that is blaming the entire increase on these states repealing their helmet law.

We have an American Motorcyclist Association news release that deals specifically with that graph. I will go through it as quickly as I can and tell you what they said about it. In that graph, the NHTSA fails to account for young riders who are still mandated to wear helmets included in the increased fatalities. They didn't segregate any of the states; they didn't segregate any of the injuries as to head injuries or non-wearing helmets or anything like that. They just blamed that increase on those states which repealed the helmet laws. In about 18 of the states that repealed their adult helmet law, they kept the helmet law for 16 years or 18 years or 19 years in the case of some states, but this was not taken into account when they compiled their figures.

The NHTSA fails to acknowledge possible moped contribution to statistics. According to the figures and methods of recording that AMA, now in conjunction with the Motorcycle Safety Foundation, has been able to identify, there are 17 states that include mopeds in their motorcycle registration figures; five add tricycles; one adds scooters; and three add similar vehicles. So it may not have been all motorcycles responsible for this fatality increase.

Then there's the reference to the DOT in the FAR study that I just pointed out where their own studies contradict one another. The NHTSA de-emphasizes increased exposure due to licensing increased use.

There is nothing in that data from 1976 to 1978 that indicates the number of registered motorcycles that were on the road during that period of time. That's just about the time that suddenly motorcycles became respectable. You know, you meet the nicest people on a Honda, and everybody started buying motorcycles. Consequently, whether or not these states had repealed their helmet laws, the national fatality rate would have increased for motorcycles.

The NHTSA has long contended that repeal of helmet laws will increase the number of fatalities. The most cursory examination of national data shows that at least seven states had corresponding increases in fatalities but retained the law.

The following table makes some of the more outstanding comparisons: Georgia, 71 percent increase over 1976; Massachusetts was a 40 percent increase over that year; New Jersey was a 67 percent fatality increase; New York was 40 percent; Ohio, 35 percent; West Virginia, 73 percent and Wyoming was 202 percent increase in fatality over the previous year while retaining their helmet law.

Certainly in such states as Wyoming a small increase in raw fatalities may amount to what appears to be a monumental percent increase. But such reasoning in states such as New York, Ohio or even New Jersey simply will not stand. In these states there is a

motorcycle population large enough to make the percentage increases meaningful. Again, these significant increases point to the causes other than helmet use. Remember, all these states kept their helmet law.

We have a comparison in this brief, of 1977 fatality rates. Now, what they've done is they've taken the repealed states and averaged the fatality rate per 100 accident and per 10,000 registrations. They've done the same thing with the states that kept their helmet law. In the repeal states, the average fatality per 100 accident ratio is 2.56; for the states that kept their helmet law, the average fatality per hundred accident rate was 2.62. If you go on registrations, the average fatality rate per 10,000 registrations for the repeal states was 7.19; for those states which kept their helmet law, it was 9.09 per 10,000 registrations.

Let's look at what we are passing a law to compel people to wear. We have a motorcycle helmet. It's comprised of a smooth outer shell of fibreglas or polycarbonate, lined with somewhere between three-quarters of an inch to an inch of styrofoam. It's the same thing that the cups in front of you are made out of, every-day, ordinary styrofoam. You have to realize, of course, that upon crushing, the styrofoam will not crush one inch, but only three-quarters of an inch if there's an inch of padding, and only half an inch if there's three-quarters of an inch of padding.

The test for a CSA certified helmet is, they take a 10-pound weight; they drop it nine feet onto a helmet with a head form inside of it. The terminal speed of the weight is 16.6 miles an hour. The amount of energy that the helmet has to absorb is 89 foot-pounds. This is the equivalent of hanging a 178-pound man up by his heels, and dropping him six inches onto his head. That is all that helmet has to absorb in order to be a CSA certified helmet.

With polycarbonates, there have been studies done that indicate that when you hit your head with a polycarbonate helmet on, you get not one impact but two impacts, because it has a rebound factor of up to a third, which means if you strike something at 30 - I'll use that figure, because it's easy to work with - then your head will rebound in the other direction at 10 miles an hour, giving a deceleration to the brain of not 30 miles an hour as the initial impact was, but 40 miles an hour.

I have had two accidents in my 16 years of riding; one I suffered a concussion from, when I bumped my forehead either on a part of my motorcycle or on the pavement. I wasn't wearing a motorcycle helmet. The only helmet that I had at that time which I used to go to the United States or other provinces that had helmet laws, was an open-face helmet. I had an engineer friend of mine calculate the extra energy that my forehead would have had to absorb had I been wearing this helmet. Using the entire weight of the body and the helmet, the helmet increases the weight that my head would have to absorb by 2 percent of total body weight. Using the head only, which they do in all the helmet tests, the increased weight would have caused my forehead to have to absorb 27 percent more energy.

I know I wasn't wearing a helmet at the time; I also know I'm still here speaking to you. Would this extra weight have caused either a more serious injury or my death? I don't know. That is conjecture on my part, but I do know that I am here.

We put together a brief which was distributed to all of the politicians in power here in Manitoba today, and we had hoped that most of them had taken the time to read it and have gathered something from it. I'd like to go through it just a little bit.

We found a study that was entitled "Trauma to the Nervous System" written by A.K. Omia (phonetic) which Dr. Mulligan, in his report, quoted many times from, this same gentleman. He didn't, of course, quote from this report. In one statement which was on Page 20 of this report it stated, "The study was done in the late '60s." The only difference between helmets then and now is they've been allowed to become heavier.

The statement reads: "These facts have raised the very important practical point that crash helmets may, in themselves, constitute a hazard under certain conditions. Protective helmets have been designed primarily as energy-absorbing or deflecting devices, but by adding further weight and by shifting the centre of gravity up and forward, a heavy helmet such as worn by pilots and motorcyclists increases the movement of inertia about the cervical pivots. This increases the tensile and shear stresses in the brain and cervical cord under conditions allowing acceleration and free movements of the head and neck indirectly by a whiplash or flexation effect, or directly by impact to the head. Existing helmet design has not taken the above into consideration."

The gentlemen in British Columbia who have been trying to defeat a helmet law there through the court systems for the last five years, spent a great deal of money in having helmets tested. They had them tested at auto laboratories in Anaheim, California, which is an independent testing laboratory. I don't think I'll go through the entire resume of the gentlemen, but let me point out exactly what they do there.

They are consultant to virtually every motorcycle manufacturer in stability, handling and design factors, fatigue tests, stress analysis, human factors test, instrumentation design, special photographic techniques, wind tunnel testing, and all have at various times been a part of these projects. Computer simulations of the dynamics of motorcycles, trucks and various other mechanical systems have been developed and used in many of the projects with field verification by instrumented test vehicles.

These tests were verified in the B.C. Supreme Court by a Mr. Keith Victor Godfrey, who is president of K.V. Godfrey Associates Limited, who specializes in motor vehicle accident studies including their reconstruction and the study of injury mechanism, countermeasure of program design and evaluations. This is his resume. I can let you have a look at it any time you want.

This gentleman also at one point in his career was Dr. Mulligan's counterpart for the B.C. Department of Transportation.

I'll read you just selected segments of the report: A motorcycle helmet is designed to reduce the probability of an open head injury resulting from direct impact and that to this end when tested for compliance with the United States Department of Transfer Standard 218, they are tested with a motorcycle helmet being placed in an approved head form, and the head form dropped to attain a speed of 12.5 miles an hour, which is the approximate equivalent of a 150-pound man striking his head at a speed of 4.5 to 5 miles an hour.

Basically, the equivalent motorcycle accident to both the DOT and the CSA test is a motorcyclist sitting in his driveway and accidentally having his head roll off his shoulders and hit the pavement.

When a manufacturer for an automobile bumper has to make a five-mile-an-hour bumper, he has to use the entire weight of the car behind it, not just the weight of the bumper brackets. Yet the helmet manufacturers are allowed to design helmets that only take into account the weight of the head.

As well, I have viewed videotapes and 16 millimetre films of the impact tests and these films demonstrate that upon impact with a flat anvil, energy is stored within the helmet itself. This causes the helmet and head form to rebound and the height of rebound is indicative of the amount of energy stored by each helmet and each helmet differed in this characteristic with a maximum observed rebound of approximately two feet, a third of drop height. The least amount of energy was stored by a plastic, yellow, hard hat and as well as that, a plastic, yellow, construction-worker hard hat transmitted the least energy to the head form accelerator of all the motorcycle helmets tested.

The result of the afordescribed rebound syndrome is to impose upon the head forms an additional acceleration in a direction 180 degrees to the original direction, which results in subjecting the head form to two accelerations where, in contrast, the unhelmeted head form is subject to one acceleration only. This has the greatest significance in the consideration of closed head injuries where the free to move brain inside the skull is first subjected to rapid deceleration causing the brain to compress in the direction of impact, and such compression then being further accentuated by the rapid acceleration in the opposite direction whereupon the compressed brain, which is then lagging in the skull, proceeds to catch up with the interior of the skull causing a second impact within the skull on the opposite side to the point of impact.

They took motorcycle helmets, and since none of the manufacturers will do this test, they mounted it on a neck form, an anthropometric neck form, such as used in crash dummies. They mounted it sideways on a drop-testing platform and they drop-tested them to simulate a seven-and-a-half mile an hour T-bone impact which, according to Mr. Mulligan, is a very common type of motorcycle accident, where the body and torso are free to accelerate in the direction of impact and the head and arms lag behind, such as that.

A detailed examination of these results show that the junction of the neck and head is subjected to a significant increase and sheer displacement when the head form is contained with a helmet than one compared to the head form alone. This sheer displacement is a product of the inertia of the helmet and the differential rotation between the head form and the helmet; that I have studied the dynamics of injury analysis and am aware, as an engineer, that the application of such forces to the upper cervical spine can be expected, and has been documented, to cause serious disabling injuries to the spinal column that may be fatal. Due to the location and distribution of the weight of the helmet with respect to the pivot, the relationship between sheer force applied at the base of the head form is not linear and the addition of a helmet weighing three pounds to a head form weighing

10 pounds, 30 percent, will increase the moment of inertia of the combination of helmet and head form by 60 percent of the moment of inertia of the head form alone. This increase in the moment of inertia is the cause of the application of significant sheer forces at the junction of neck head forms described.

We have letter from Dr. Rannold MacKenzie of New York State, who is the founder and past president of the Motorcycling Doctors Association, who, incidentally, have taken a stand against compulsory helmet legislation in the United States. He states that the year following the helmet legislation in the New York State, fatalities due to neck injuries increased by five times. This test indicates that that's very possible to happen, that a helmet may mitigate some types of open head injuries and abrasions, but can actually make more serious, internal head injuries and cause neck injuries.

They did a test using calibrated microphones at a given sound source to demonstrate the reduction or amplification of given sounds; the results demonstrate a dramatic reduction in the intensities of these frequencies typically present in sirens and increase in those frequencies associated with the motorcycle travelling on the road. The magnitude of the decrease in the intensity of the sound implies that a sound source of a given intensity at that frequency will be reduced by approximately 100 times in power to an ear within the helmet and this result was independent of the location of the sound source with respect to the helmet. The magnitude of the increase in low frequency sound is magnified by a factor of approximately two and this increase can be expected to play a significant role in increasing the fatigue experienced by the rider.

These two factors would be expected to increase the probability that the operator would be involved in a motor vehicle accident, although the available data does not permit the increased risk to be evaluated at this time. We have been told that although we put a helmet on, we can see perfectly normally, as well as anybody in a car and that helmets give a peripheral vision of 180 degrees. This 180 degrees is only judged looking straight ahead. I, for one, don't drive either my motorcycle or my car looking straight ahead; I look to the sides to check for traffic situations, to check for imminent accident situations. When I move my eyes to the side, the helmet swings into the view of my peripheral vision, thus cutting down my peripheral vision. It is also a known fact that on most motorcycles the rearview mirrors at certain RPM in the motor becomes useless due to vibration and then a motorcyclist has to look over his shoulder to see what's coming.

Keith Godfrey states that as a result of this phenomenon, in order to obtain vision of vehicles from the rear, a motorcycle operator must turn his head and use peripheral vision capacity to recognize and evaluate any potential danger from the rear; that motorcycle helmets which I've observed and inspected and identified and which are approved according to American and Canadian standards which standards I have correlated with helmets during the course of my investigations, infringe upon the eye's peripheral vision and that such infringement has never, to my knowledge, been gauged, marked or evaluated having regard to the vibration effect of rearview mirrors.

What basically this says, is that most of the studies to date trying to document helmet use and helmet

success has done just that, to verify somebody's preconceived notions of helmets help the situations. I had the opportunity to talk to Dr. Mulligan, who I have a great deal of respect for, and I asked him, is there any research done on the harmful effects of helmets - no, there isn't. Why? Before anybody can market a pill or a drug the research has to be done upon the harmful effects of that drug. How can we pass a law to force somebody to wear a safety device that preliminary studies have shown may cause an injury, may cause an accident, may cause a fatality, without first documenting all the harmful effects of said safety device?

It would be inconceivable today for the Government of Manitoba to take a large segment of the Manitoba population and say, we're going to force you to take a drug. Now this drug, we believe, through our cursory studies has been statistically proven to be beneficial to society, but might harm or kill one out of every 20 people, one out of every 30 people, and we don't know who these people are. Manitobans wouldn't stand for this. The motorcyclists of Manitoba will not stand to have the drug of motorcycle helmets forced upon them.

I heard some statistics being bantered around on Friday to the point of the total Canadian motorcycle fatality numbers, from 1970 to 1974. It says, "Motorcycle operators and passengers, fatalities were 1,884." Well, I walked over to Statistics Canada and they allowed me to photocopy some material and I checked the material from 1970 to 1974. There were not 1,884 fatalities that occurred in Canada during those years. There were 205 less, 1,679.

I have also heard that 59 of those were in Manitoba. Well, that didn't jibe with the numbers that I had, either from Stats Canada or from the Department of Highways here in Manitoba. From the Canada Stats statistics, I get 34, not 59, that died in Manitoba for those periods of time, and from Mr. Uskiw's department on his letterhead, I get numbers that state that 36 died that year, not 59.

We put together a small three-page brief, which I'm sure you have all had the occasion to see. Somebody was given the task of studying it and disassembling it, then I, in turn, took upon the task of studying their study and finding the holes in that, if you don't mind me using that expression.

First of all it says, "With the advent of the lightweight motorcycle, its low price and simplicity of operation, the popularity of motorcycles particularly among the young people, has grown into a motorcycle explosion. This has resulted in a staggering increase in deaths and injuries involving motorcycles and their passengers." There is a problem. We do have motorcyclists dying in Manitoba. I don't know if the increase could be considered staggering because it hasn't really gone up or down very much in the last few years at all. But there is a problem. It says, "With the advent of the lightweight motorcycle, its low price . . ."

According to Dr. Mulligan's study, it is not the 16-18 year olds that are killing themselves on motorcycles, it's the 22-25, or thereabouts, 25-34. This is the age group that's been working for a few years; a bit of money in their pocket; want to do something new; sees all the ads on T.V. for motorcycles; reads a few magazines; decides he wants a motorcycle. He used

to have a fast car. It had 300 horsepower. He could handle it. He's got about \$5,000 to spare. He goes out and he buys a \$5,000 motorcycle. You can buy, from \$3,000 to \$5,000, you can buy a motorcycle with 75 to 120 horsepower. Let me interpret this for you.

One hundred and twenty horsepower in the light weight of a motorcycle is the equivalent to dropping an 800-horsepower motor in your family car. How would you feel about your sons or daughters learning to drive on the street as novices in 800-horsepower cars? I think you'd have something to say about that, wouldn't you?

Australia has instituted a maximum engine size restriction for novices. They have had enormous success; that and an L-plate. They've reduced novice injury rates by 43 percent. Now you can go through as many studies as you want, both pro-helmet and anti-helmet legislation. You will not find a reduction in novice injuries anywhere near that, by the introduction of mandatory helmet legislation.

On Pages 9 to 10 of their little critique on our brief, we are criticized for the sources of information on the causes of death in a New York study, because the coroner was relied upon for the studies of broken necks and head injuries and so were the police reports. This isn't good enough according to their critique. But on the same page where they stated 1,884 persons died on motorcycles, they say, exactly 775 people died as a direct result of head injuries. Where did this number come from? Did Stats Canada sneak into Manitoba or run across Canada and do autopsies on 775 persons to determine that exactly and only head injuries killed these people? I don't think so.

It is stated in letters to constituents and also in the "Helmets, Who Needs Them" from the Department of Transport, that Manitoba has two to two-and-a-half times the number of head injuries than our helmet law neighbours. Well, that's really interesting when you consider that Manitoba, on a per-100 accident fatality rate, is almost identical to our helmet law and eye protection neighbour, Saskatchewan. Manitoba was 2.3 per 100, and Saskatchewan was 1.89. Surely if we had two to two-and-a-half times more head injury fatalities than our neighbour provinces, they should show up in our statistics, but they're not. Ontario is 2.21 per 100 accidents, and Alberta is higher with three.

They give us the statistics from Quebec, basically what it states is that the first full year after the helmet law was implemented in Quebec, the fatality rate dropped. It doesn't say what happened in the years following, but we do know what happened in Ontario; we do know what happened in New York. The fatality rate steadily climbed until it was higher than pre-helmet legislation riding days.

The drop can be attributed to the dramatic amount of publicity given to both the helmet law and motorcyclists. Think to yourself, if this law is passed, what will we be looking for? You're going to be looking for motorcyclists. You want to see if he's got a helmet on his head. The motorcyclist is no longer invisible to the general public. Two-thirds of fatal accidents don't occur anymore because they are not invisible and they are seen. Consequently, we get a reduction in the fatal accident rate.

A few years down the line when all the publicity drops and all that's happening is the court cases that

motorcyclists themselves are trying to push through to get this unfair legislation pushed out of the system, they again become invisible to the motorist and consequently, the accident rate, the fatality rate rises again.

It gives two pages detailing all the studies done in various states; Michigan, Illinois, Nebraska, Wisconsin, and Idaho about how motorcyclists, 77 percent in Idaho, support mandatory helmet legislation, and studies indicate that helmet legislation is saving a whole bunch of people but it's really interesting to find that all the states listed, with the exception of Michigan, have all repealed their helmet laws. I'm certain that if 77 percent of the motorcycle population favoured mandatory helmet legislation in Idaho, they'd still have this law on the books. Obviously, there is some question to the methodology of these studies done.

On our little chart on the front stating the fatality rates per 100 accidents and injuries, per 100 accidents in Alberta, Ontario, Manitoba and Saskatchewan and it says, "The figures on this chart were verified and are correct. Unfortunately, they do not indicate the type of injury of the direct relationship that this has on motorcycle helmet use. The data, perhaps accurate, is too generalized to be consistent to draw any conclusion." Yet on the previous page they tell us 1,884 people died all across Canada and 775 died of head injuries. I think that's a little more general than our fatality per accident ratio chart.

It also states and it appears from this chart that 78.57 percent of the motorcycle accidents result in injury or death. A very low percentage of the motorcycle accidents result in injury or death. I think the average of those four provinces is 2.35 per 100 accidents. The average injury rate though is 76.22. Well, certainly it's high. If you fall off a motorcycle, you will probably be injured, you will have an injury of some sort. This ranges from a booboo on the end of your finger, to a broken leg, crushed chest, broken neck or any multitude of serious or non-serious injuries. It's the same thing as falling off a bicycle. If you fall off a bicycle, you're going to be injured. If you fall down stairs, you'll be injured.

The Hirt Report, which is taken as the study to end all studies, is it 899 in-depth on site accident reports, states that the most common, potentially fatal injury to a motorcyclist is, no, it's not head injuries, it's chest injuries. I've fallen off a motorcycle five times in my 16 years. I've broken a collar bone; I've broken a foot; I've had abrasions; I wear a leather jacket to prevent abrasions; I wear boots to prevent broken ankles and scrapes. I know that the most common motorcycle injury isn't a head injury. It's abrasions and broken limbs and I'm sure you can go into any emergency ward, in any hospital anywhere, and verify that.

Then they took, in their little critique, a little segment to the back of that book, "Helmets, Who Needs Them", and copied it word-for-word about the anti-helmet case, it says. I'm not anti-helmet. A rider is free to weigh the factors and choose to wear a motorcycle helmet if he likes. I am anti-helmet law. I'm against being compelled to wear something that has been scientifically shown can cause an injury, cause an accident, cause my death.

If a rider decides that he wants to forego this and he feels that, for his protection, he can cope with the heat retention, which Mr. Fisher described, he can cope with the vision loss, the hearing loss, then more power

to him. I have chosen not to. I am more aware of traffic situations; I rely on my riding skills. It says, "The wearing of helmets impedes the vision. Certified helmets provide a view of at least 210 degrees from side-to-side." I left my helmet here with both caucuses. You all had occasion to try it on. Tell me honestly that it didn't impede your vision. "The wearing of a helmet reduces the wearer's ability to hear potential, important sounds in traffic environment." Then it says, "A given sound will be heard by the cyclist only if it is louder than other sounds present at the time." Mr. Fisher just told us that a reduction in six decibels of sound will half the distance at which it can be heard.

There was a gentleman that had an accident in front of the McDonald's Restaurant. It was either Friday at 9:30 or Saturday at 9:30. He was stopped at a pedestrian crosswalk; lights flashing, pedestrians crossing. He didn't have a helmet on. He heard a noise; he looked in his mirror; there was a car that wasn't going to stop. He had enough time because of the distance that he heard the car at, that he was able to rev the engine, honk the horn to get the pedestrians out of the way, drop the clutch and start to accelerate before he was hit.

The extent of his injuries is that the handlebars were kind of pulled forward, giving him sore arms and then he bumped his chin coming forward on his own windshield. Had he not heard that car coming behind him, he would likely have either been - by the way, the car and the motorcycle were one piece after that accident and the drunk stumbled out of his car and professed to seeing nothing - had he been wearing a helmet he most likely would have halved the distance that he could have heard the car at, halved the reaction times, been either under the car, in the grill or on the windshield.

I think he will be making a presentation here if he's allowed, later on, on his own accident and he will swear that the only reason he walked in here today with only a cut on his chin is because he wasn't wearing a motorcycle helmet, because he chose not to.

"Using a helmet reduces the wearer's ability to execute rapid head movements so important in heavy traffic. The neck muscles soon accommodate," - and these are the facts according to "Helmets, Who Needs them." - "The neck muscles soon accommodate the approximate 20 percent increase in weight due to the wearing of a helmet." Twenty percent increase; that would make a two-pound helmet. That would be equivalent to what the police wear. What the police wear isn't even certified. Certified helmets weigh anywhere from two-and-a-half to five pounds.

"The 20 percent increase would only be applicable to an inferior half helmet. Open and full-face helmets range from 25 percent to approximately 50 percent increase in head weight." Imagine getting into your car, putting on a hat that weighs two-and-a-half to five pounds. Do you honestly think that your neck will become quickly accustomed to this weight or do you think your neck would become sore or fatigued instead, causing you not to bother doing shoulder checks? How do you think your driving would be affected by wearing such a hat?

Helmets are hot and could possibly cause excessive perspiration which might trickle into the cyclist's eyes, hindering his vision. It says: "There is no evidence to

support this contention; there has been no documented accident for which this was the cause." That's because there has been no studies done on the harmful effects of motorcycle helmets, until now.

We had a cursory study done at the University of Manitoba that states: "The wearing of a full-face helmet in 90 degree weather reduces the head's ability to radiate heat by 70 percent. Heat stroke occurs when your body's heat intake overcomes the body's ability to radiate heat. Your head is one of the greatest heat sinks; somewhere between 35 and 40 percent of total body heat is lost through your head. It was judged to be three-and-a-half times warmer than a wool toque, and I don't think anybody in this room would go out today and wear a wool toque driving their car, voluntarily.

We looked at that study at New York where, first of all, the critique says, neck injuries in motorcyclists are rare - 2 percent. New York figures show 4.6 before the law, and 27 percent after the law. It said that the data is accrued from police reports, in coroners reports. This, I believe, is where most of the data available in Manitoba is also accrued from.

Then it said that the study wasn't really fair because we didn't examine all of the accidents. If we were to be really fair and just apply those figures to the number of fatalities that were examined we get a jump to 5.7 before the law and 37.83. Despite the sources of this information, this increase is significant.

It also stated that the same New York study earlier referred to, there were 5,184 accidents in 1966, and only 3,161 in 1967. To be fair, however, it is possible that there may have been other reasons for the saving of over 2,000. Of course, to be fair there's other reasons. New York, in 1966, tightened their licencing requirements causing a drop in registrations for the first time in about 10 years, and also a drop in novice riders, but the pro helmet law groups continue to claim it was solely the effect of helmet laws.

Helmets continue to be pushed on us motorcyclists as the end-all, be-all to motorcycle safety. A rider who believes a helmet will keep him alive in all situations will surely appear quite shortly in the obituary column.

The last statement in their critique says it all. Wearing a helmet may save your head; saving your life is largely up to you and how you ride. The last statement is absolutely true. That's all a helmet can do is mitigate certain types of head injuries and certain types of motorcycle accident situations; that's all a helmet can do. It can't prevent an accident which, by the way, in the "Helmets, Who Need Them?" brief, in the first edition they said that motorcycle helmets prevented accidents, but then in the revised editions they realized the folly and no longer have that printed in there.

I think we have to take positive steps to prevent motorcycle accidents. If we prevent motorcycle accidents we don't only prevent head injuries, which is a small percentage of motorcycle injuries, we prevent all injuries. We also prevent the property damage which is costing lots of money.

We have also been told, according to the numbers of letters that have been sent to our constituents and our members and things like that, that education doesn't work. I have a newspaper clipping from the Winnipeg Free Press that reads, "Snowmobile fatalities declined - Uskiw credits safety program." Here we have someone

from the Highways Department standing up and saying, hey, education really works, but when we say, educate the motorcyclist, education doesn't work. There's a program on right now to educate the people on the French language issue. What I heard bantered about for a figure as to printing and mailing cost was \$56,000.00. This is from the newspaper and we can credit or discredit the newspaper as we please. I also heard something like a figure to prevent encephalitis and to educate people on the dangers of it and why spraying is being undertaken. I heard a figure of \$2 million. I have been riding a motorcycle in the Province of Manitoba for 16 years; I have not seen an effort, on the part of any government, at any time, to educate the public that there are motorcyclists on the road; to educate motorcyclists about the dangers of alcohol in motorcycles; about the Manitoba Safety Council Motorcycle Training Program; there's absolutely no funding at all that goes to that from the Provincial Government. It is one of the best motorcycle training programs in the world today.

How can we say education doesn't work if it's never been tried? The only motorcycle education I see today is on CKND television three times a week it's a 30-second commercial film, it's called "Watch out for Bikers." ABATE of Manitoba secured that commercial and had CKND put it on three times a week. The time and the money that is being spent to try and promote helmet legislation would have prevented probably half of the accidents that occurred this year if we could have put it into billboard publications. There's a program in England that's called, "Check Twice, Safe a Life." It's got a silhouette of a motorcycle and those words; they have it on the back of buses; they have it on billboards. When somebody's going to work at 7 or 8 o'clock in the morning in their automobile and they've got their stereo on and their windows rolled up and their air conditioning on, the last thing in their mind is having a motorcyclist around. So they're not watching them; their mind is tuned to nothing smaller than a Volkswagen. But, hey, somebody comes on the radio and says, "Share the road with a two-wheeled friend," or "Check twice, save a life, there are motorcyclists around you."

There's a program in the States called, "See and Be Seen," and it also gets the motorcyclists to realize that he's potentially invisible to car drivers and it gets the automobile drivers to realize that there are motorcyclists out there. In the defensive driving course, there is virtually nothing regarding motorcyclists; it's just - we're there somewhere, we don't really need to be there. We've spoken to them and they've said, well, maybe it's good idea, but to date nothing has been done. In the Driver's Handbook, there is nothing to do with motorcycles. It's a fair percentage of the road population during the summer, yet there's hardly any mention at all in the Driver's Handbook which is supposed to give people the basics to go out and drive safely on the street.

Dr. Mulligan did a study and it basically says what we can agree with, that helmets under certain accident conditions can mitigate certain injuries; we don't dispute that. But we don't believe that to pass a law to force everybody to wear it under the light that it can cause an injury or an accident or a fatality, it is right. Dr. Mulligan says Manitoba has little data to support the

effectiveness of helmets but he says we should pass the law and if it doesn't work - repeal it. I will state what I stated to John Harvard in an interview, I refuse to become a guinea pig in somebody's research for better statistics.

Dr. Mulligan also recommends, if I may quote: "Meanwhile improved rider training and licensing procedures for Manitoba seem justified. It's appalling to realize that a probationary licensee is allowed to operate a motorcycle of any size without the benefit of on-the-road instruction. Engine size restriction and compulsory rider education for beginners ought to be required for all public road users. Funding for this program might accrue in a trust fund from a small add-on fee to motorcycle registrations."

You can walk out on the street right now and you can stop any motorcycle, ask him how he feels about the helmet law, the vast majority of them will give you a resounding no. Even if they are wearing helmets by choice, ask them how they feel about a \$3 or \$5 add-on to the motorcycle registration. If that money would go to motorcycle awareness films or commercials or billboards or into a riding course, you'll get a resounding yes from almost everyone of them. Dr. Mulligan recommends rider training.

A study done by Dr. Parker a few years back on motorcycle accidents, the No. 1 recommendation wasn't helmet legislation; the No. 2 recommendation wasn't helmet legislation; the No. 3 recommendation wasn't helmet legislation. Then he says that we realize that there is a lot more to be taken into account than just helmets, when we talk about legislation. His No. 1 recommendation was to lower the blood alcohol content allowable for motorcycle riders. I don't really know if I agree or disagree with that but I do know that the study that Dr. Parker did points out that 65 percent of all serious and fatal motorcycle accidents are alcohol involved. I spoke to somebody, we had a doctor take the motorcycle course, one of my students that I don't think will go out and wear a helmet by choice because it was so bloody hot the days he was taking the riding course. But he does know that it's not 65 percent of motorcycle accidents that are alcohol involved; it's over 90 percent. The 65 percent is only because you can take blood tests under certain conditions and almost every motorcycle accident that he'd seen in the emergency ward was due to alcohol. There are two killers in motorcycles, alcohol and overconfidence and one gives you the other.

If you put a helmet on riders and tell them that they're invincible, they'll probably ride accordingly. You can talk to the most pro-helmet-minded rider in Manitoba and you tell him to find his favourite corner - lots of motorcyclists have corners they like to go around real fast - and you tell him to ride his motorcycle around that corner as fast as he feels really comfortable with his helmet on and remember the speed; then do it again without his helmet on and see how much he slows down because he realizes he's no longer invincible. He realizes if he falls off he takes the chance on being hurt. Why does the helmet do that? That doesn't stop you from being hurt, the Hirt Report just stated that the most common, potentially fatal injury on a motorcyclist is a chest injury. We have a false sense of security.

This is my Reader's Digest version of the Hirt Report, it contains all the basic findings and recommendations.

The last eight pages - it's a 400-page study and I borrowed it from the Safety Council and photocopied important segments of it, basically, the recommendations. It's really funny to find that when I got the study, although it had been at the Safety Council for a matter of three or four months, the last eight pages containing all the findings and recommendations were still stapled together with the invoice. At a safety organization, the recommendations and proposed countermeasures to the motorcycle accidents and fatalities that occurred in that study with 899 motorcycle accidents, the No. 1 recommendation is training. It says: "The motorcycle rider course of the Motorcycle Safety Foundation should be the prerequisite or at least co-requisite of licensing and the use of motorcycle in traffic. This course is well-developed and has been proven effective by containing the basic ingredients for safe operation of motorcycles in traffic. Licensing, the accident involved motorcycle riders are shown to be significantly without licence." I don't know how that applies here because we haven't done an investigation as to whether or not the people that are getting into accidents actually have valid licences. I know there are a lot of people that go out and buy motorcycles and then feel, because they have a car licence, they can drive anything, so they'll drive a motorcycle without taking the test and without having any training, and believe me riding a motorcycle is not like driving a car.

Law enforcement is the No. 3 recommendation. It's "Get the alcohol impaired road users off the road." Not as Dr. Mulligan says. He says, "Scientific data shows it's really easy to get a brain injury when you are alcohol impaired so helmet use for alcohol impaired road users is imperative." Does this mean we should let everybody go out and drink, but wear helmets? Maybe we should go down on Main Street and make all the drunks wear helmets because they might fall down and get a head injury. Let's check the people that don't have licences. Let's get the motorcyclists on the road that are doing wheelies down Portage Avenue and are getting constantly cited for traffic violations and teach them how to ride motorcycles.

The No. 4 recommendation - there's four on the list - is protective equipment and that includes everything: boots, gloves, jacket, helmets, gloves, the whole bit. When I ride a motorcycle, I've fallen off enough times to know that the first thing I do is I don't fall on my head, I put my hands out, then I cover up my head, so I wear gloves and I wear a jacket because I don't want to look like a skinned rabbit and go to the hospital. I've made this decision myself.

Now, we have three studies: Dr. Mulligan's, Dr. Parker's and the Hirt Report, that state the No. 1 recommendation is rider education. Protective clothing is always way down on the list. Why are we starting at the bottom of the list here in Manitoba? They've done that in England; they've done that in Quebec; in various states; they've done that in Australia. They start at the top of the list, they make helmets mandatory. A few years down the road, helmets aren't working. Well, we'd better make an engine size restriction and an L-plate. England has done that; Australia has done that; Quebec has passed an engine size restriction legislation because the helmet legislation didn't work. It didn't do the great job of preventing accidents or

solving fatalities that the lawmakers thought they would eventually, initially, and then they said, let's make rider training courses mandatory.

Okay, Australia wants to make them mandatory. England has a really good system that might work here. If you make a course mandatory, it becomes a problem of supplying it to everybody.

If you want a licence in England, you go and you tell them, I'd like a motorcycle licence, a learner's permit. They say, well, have you taken the motorcycle rider training course? You say, no I haven't. Well, you know the earliest we can schedule you for a test is six months from now, but if you go take that course, within a week you can get your licence. It makes it a really good incentive to take the course.

A lot of people don't know about the rider training course here in Manitoba, because there is simply not enough funds to advertise it. It should be on TV; it should be on the radio; people should know that there's an alternative to taking a motorcycle out in traffic and learning to ride by accident.

We teach things like emergency braking. The Hirt Report indicates incidentally that four years of full-time motorcycle riding is roughly equivalent to a 22-hour training course. The training course in Manitoba is 21 hours long. We teach people how to start a motorcycle; we teach people how to balance a motorcycle; to correct application in the brakes. How many times, countless times I have in the eight years that I've been working with this course, heard people say, gee, if I use the front brake, I'll go over the handlebars just like I did on my 10-speed. They don't realize it's not a 10-speed, that 70-75 percent of the braking power happens when you use the front brake on a motorcycle. This might account for a lot of novices who get in an accident situation, lock up the back wheel, because that's exactly what it does, is lock up and skid right into the car they were trying to avoid.

We teach them gyroscopic procession, offtracking for short. What do you do when you're travelling over 30 miles an hour on a motorcycle and somebody gets in front of you, a dog runs out, a child runs out, a car pulls out? If I want to go to the right, shouldn't I just steer to the right? Do you know what happens if you do that on a motorcycle? If you steer to the right, the bike leans left. There are lots of accident situations that have happened because novice riders or riders who just didn't know about gyroscopic procession have had that moment of panic when something gets in front of them and tried to steer around it; the bike leans in the wrong direction. They straighten it out and they try it again; it happens again. They hit, or become a part of what they were trying to avoid and the witness to this says, gee golly, I don't know what he was doing; he didn't even use his brakes.

In order to get a motorcycle to turn to the left at high speeds, you have to steer to the right for a split second. The motorcycle falls into a turning position and then you may turn. You can avoid the obstacle you were trying to avoid. Very few novice riders find this out, except by accident. This is contained within the 21 hours.

We also have a chance to tell them that 120 horsepower in a motorcycle is like 800 in a car and they won't go out, they don't go out and buy, for the most part, 100-120 horsepower motorcycles. They go

out and they buy 400-500 cc motorcycles that are light, stop fast, handle really well and they can get themselves out of accident situations, if indeed, they get themselves in the first place.

We tell them what to watch for when they ride. We have hundreds of years of actual compiled on-road motorcycle experience among all the instructors and we try to pass as much of this along to the students as we can. In doing so, when the rider leaves, we also make them wear helmets. At the course we make them wear gloves; we make them wear jackets; we make them wear pants and we make them wear boots.

No. 1, there's the question of liability on our part. If we didn't do everything that was reasonably deemed suitable for the protection of the rider, we could be found at fault. But also this gives the rider a chance to try riding with a motorcycle helmet on; to see if he can adapt to (a) the heat, (b) the peripheral vision restriction and the hearing restriction and when the course is done, he can go out and make a qualified, educated decision on whether or not he wants to wear a motorcycle helmet.

The Attorney-General of Manitoba made a statement sometime last year that read to the effect, that laws were becoming an epidemic and it's too easy for legislators to try and solve problems by passing new laws, and all you create when you pass a new law is a different breed of criminal.

I've been riding for 16 years. The worst I've ever had is a speeding ticket. I don't want to be a criminal; I don't want to be made to be a criminal; but I will be if the law is passed.

We have statements from Alexander Rannold MacKenzie CHMMDFACS of New York, who is the founder and past President of the Motorcycling Doctors Association, who states: "At the inaugural meeting of the Motorcycling Doctors Association in Independence, Missouri, in August '77 the assembled motorcyclists, all physicians or dentists, unanimously condemned the existence of mandatory helmet laws. At each subsequent annual meeting this position has been endorsed.

"It's funny that physicians and researchers who don't ride motorcycles tend to think that helmets will do a great deal of good, but the experts, the people who are involved with motorcycle safety, the American Motorcyclists Association, the Motorcycling Doctors, there's another organization comprised of motorcyclists, professionals, it was The Blue Knights Inc., a law enforcement motorcycle club.

"It was announced today by Wayne M.O. L'Abri International President of Blue Knights, Inc. Law Enforcement Motorcycle Club that a report survey conducted by the Chairman of the International Board of Advisors, Johns Darragh of Massachusetts, Chapter 1, reveals that the majority of Blue Knights favour repeal of the helmet and headlight laws which now exist in most States. However, it would be noted that a large number will continue to wear helmets and drive with headlights on even if the laws are repealed. It is our general consensus that you cannot legislate common sense."

Here we have the experts, the people who ride motorcycles, who are involved in motorcycle safety. I can speak for nine of ten of the chief instructors of the Manitoba Safety Council Motorcycle Training Course

whose feelings are with us against this law. Richard Choquette who has ridden, who is the chief instructor, who has been an instructor for 11 years, has been involved with the course for 14 years, and has ridden for something like 28 years, does not want to see a helmet law. Like I said, who are the experts? The people who don't ride motorcycles, who are involved in research and safety things, or the people who are involved and care about safety, and our doctors and our policemen and our engineers who also care about the same thing, but ride motorcycles.

This is from Dr. McKenzie; "It is regrettable that the growing mass of data compiled by the American Motorcyclists Association, the personal reports of various surgeons here and in the United Kingdom, and the recent disclosures of the Wisconsin Department of Transportation, all of which show the inefficiency of helmets in reducing the incidents and mortality rate of head injuries has escaped the attention of some State Legislatures. Happily the present NHTSA has terminated the misleading and costly practice of publicizing highly selective data which, it seems, our own national Department of Transport has picked up on this subject so that soon we may see a more fruitful and less emotional approach to the problem, reducing the accident rate among motorcyclists."

"The three most important factors contributing to motorcycle accidents and injuries and fatalities are: (1) Motorist unawareness; (2) Motorcyclist inexperience; (3) Alcohol and drugs and road users. Attention to these factors by State and Federal Legislatures should be immeasurably more rewarding than the year-in year-out obsession with the wearing of helmets. Helmet laws inevitably are counterproductive."

Our organization, if we have to, is going to spend a fortune, if we have to, to fight this legislation through the court system until it is finally found out to be the folly it is and scratched from the books. We are concerned with motorcycle safety, we would rather spend that money on motorcycle training, motorist awareness and motorcycle awareness and such like.

My father rode a motorcycle, as opposed to the gentleman who spoke here first for us. It was with my dad's wishes that I buy a motorcycle so I didn't clutter up the yard with cars. He rode in the '30s, he rode for about 10 years; he competed on motorcycles, he set records at hill climbs, all without a helmet. He's here, I'm here. I wish this trend would be continued into the future so that I can ride without a helmet, or with a helmet as I so choose, and if I have children so that my son can buy a motorcycle and I can teach him how to ride properly and then he can decide himself whether or not he wants to wear a motorcycle helmet.

The law only protects the individual, it does not protect society from the actions of an individual; that is not the purpose of a law.

Thank you.

MR. CHAIRMAN: Any questions? Mr. Orchard.

MR. D. ORCHARD: Thank you, Mr. Chairman. Mr. Prest you've taken a number of statistical presentations which theoretically support the government in their legislative desire to have helmet use compulsory and, basically, I think without exception, you have effectively destroyed

those statistical analysis as being either incorrect or improperly presented. Would it be a fair assumption that you believe that if the government were challenged that they could not present a statistical justification for helmet legislation?

MR. J. PREST: Based on the statistics that are available, either through the various Departments of Transport in Saskatchewan, Alberta, B.C., Ontario and Canada Stats, the statistical data supporting helmet legislation doesn't exist.

MR. D. ORCHARD: Mr. Prest you made reference to some responses from various government members which used statistics to justify the government's insistence on compulsory helmet legislation. I'm looking at a copy of a reply from Vic Schroeder, MLA for Rossmere, he indicates that, in fact, motorcyclists without helmets involved in accidents suffered nearly twice as many head injuries as motorcyclists with helmets. Are there any statistics that you're aware of, in Canada, which support that statement?

MR. J. PREST: I believe that that statement came from this little booklet, this little propaganda booklet, from the National Department of Transport, that consequently in the revised editions no longer use those numbers. I also would like to reiterate that if we have two to two-and-a-half times the number of head injuries as helmet law provinces, consequently a head injury one would think would be much more serious and be reported more often. But this isn't the case, being as that our fatality injury rate is on the same level as Saskatchewan with a helmet law, much lower than Ontario in reported injuries, and also much lower than Alberta in reported injuries. Where are all the reported injuries coming from? Is it because they have helmet laws and everybody's getting broken necks and reporting them, instead of cuts or scrapes or bruises? What's a head injury? Is it a cut? Is it a scrape? If we count cuts and abrasions and scrapes, and a little bit of blood and a Band-Aid, and go home with an ice pack as a reported injury, well then certainly we could have two to two-and-one-half times the number of head injuries. But as far as serious reported injury goes, the statistics don't hold water.

MR. D. ORCHARD: Okay, you've nailed a concern on statistics that I have held for the past number of years, in that statistics between provinces are not necessarily comparable because, for instance, on an accident statistic in Ontario, I believe, the benchmark for property damage at which you have to report an accident is something like \$400 or \$500 - my memory's not clear - in Manitoba it's, I believe, \$200 or \$300.00. The criterion for a death, a fatality, in a motor vehicle accident, motorcycle or automobile, in Manitoba requires a much longer period from which one can die of injuries in hospital than other provinces do, so that statistics don't necessarily mean the same thing from different jurisdictions, and I think you've adequately addressed that issue in terms of your possible explanation to the head injury argument.

But Mr. Schroeder went on to say that further the death rate per unhelmeted rider is between three and

nine times higher than for helmeted riders. That statistic, if I followed your presentation closely tonight, doesn't seem to appear to be one which is backed up, or this statement that's made by Mr. Schroeder, in his reply to an opponent of the helmet legislation, does not seem to be borne out in any of the information that you presented tonight on helmet statistics. Would you have any concern about the source and the voracity of that statistic - the death rate per unhelmeted rider is between three and nine times higher than for helmeted riders?

MR. J. PREST: Okay that statistic came directly from the unrevised edition of the Department of Transport's brochure, "Helmets, Who Needs Them," where they used compiled data, where they added each succeeding year to the previous year to make an insignificant statistic look significant. In that year it appears, to the layman who looks at that graph, as though we have 25 head injuries per 10,000 motorcycle registrations. Now we only had four fatalities in 1974, but we only had 8,600-and-some-odd registrations, so I got out my little handy-dandy calculator and I figured out what our fatality rate per 10,000 accidents was, and it came to 4.6, as opposed to the graph which makes it appear as if we have 25 head injury fatalities per 10,000 registrations. As I say, they're using cumulative data to make it appear. They don't tell you what provinces with helmet legislation they picked either; obviously Manitoba may, or may not, have been the only province without helmet legislation in that period of time, since it was quite early in the '70s, but we could also pick another province with helmet legislation and make that little graph go right out of sight, by using cumulative data.

MR. D. ORCHARD: So then, Mr. Prest, what you're saying is that possibly the information that Mr. Schroeder used in justifying the information is; No. 1, information that has been since revised and no longer used by the source that may well have been used in this letter and, at the time, it was of questionable calculation and questionable value.

You know, Mr. Prest, it is indicated by a number of the proponents of legislation that they say that accidents and deaths are going up, hence we need to have helmet legislation. I just give you a copy of a reply to a Mr. John Martens for the Minister of Transportation, Mr. Uskiw, and on Page 2, at the top of the page, there is an indication of the number of registrations of motorcycles over the period 1970 to 1982. Roughly we've got a multiple of three times registrations over that period of time, at the top of Page 2. There are three times as many motorcycles in 1982 as there are in 1970.

Now if the proponents are correct, that accidents and deaths are indeed going up, then the chart at the bottom of Page 3, which has accidents with injuries, etc., for motorcycles from the period 1970 to 1982, if they are going up then it would be fair to assume that, instead of having 16 fatalities, in total, in 1982, as compared to nine in 1970; if the rate of accidents and death are going up, there should actually be 27. Injuries should be approaching 1,050, whereas they're actually half that at 523. From the Minister's statistics that he's given to Mr. Martens, it would appear as if the

proponents who say that accidents and deaths are going up do not have a statistically sound argument in Manitoba to base that on. Would you concur with that from perusing those statistics, and I appreciate you just received them a couple of minutes ago.

MR. J. PREST: I've had occasion to look at them before and I can agree totally with you. We have nowhere near the rise in accidents or fatalities per registrations, as seems to be indicated. It seems rather strange, if I can digress a little bit, that two people die from encephalitis and it suddenly becomes a health emergency and requires the spending of \$2 million to get at the cause; and yet, in 1982 there were 523 motorcyclists injured and 16 fatalities, and yet there is no money spent on getting at the root of the problem in preventing accidents.

MR. D. ORCHARD: Yes, I believe that's a very valid observation and one that we made to the Minister during his Estimate process when he indicated to us that he was bringing in a comprehensive safety measure of seat belts, helmets and child restraints, at the same time, he was reducing several areas of funding toward safety programming in Manitoba.

Now, Mr. Prest, you have advocated, as have other motorcycle riders, that there are a number of approaches to motorcycle safety that would be much better to take. You've mentioned the education program, the drinking driver, and various programs for beginning motorcycle operators, such as, a size reduction and the L-plate for learning and then, of course, the education program as to the awareness of motorcycles.

I take it that you base your recommendations from the fact that you have been an instructor of the Motorcycle Training Course for a number of years and have seen first-hand the value of a proper education before a person gets on a motorcycle.

MR. J. PREST: We found that although Autopac has, through their record systems, the ability to document whether or not a person has taken the course, whether or not he's been in an accident, it's never been done. But myself and the other instructors, we can see - a person comes in with the attitude that this is just a toy; I'm going to learn to ride it and I'm going to out and I'm going to play in the streets and have a good time, without realizing the consequences of his action. But after 21 hours, you can see, in the majority of cases - there are always those few that you can't teach anything - they begin to realize that this isn't a toy. It's like a loaded gun; it deserves some respect and these people will go out and ride that motorcycle, as such, because they know the trouble they can get themselves into and how easy they can do it, because they are novice riders and because the majority of fatal accidents occur to novice riders.

MR. D. ORCHARD: Thank you, Mr. Prest. That's all the questions I have right now, Mr. Chairman.

MR. CHAIRMAN: Mr. Kovnats.

MR. A. KOVNATS: Thank you, Mr. Chairman. If I could just call Mr. Prest by his first name, John, I seem to

know him quite well after listening for the last hour and a half and found it very very informative.

John, you mentioned it quite in detail about the safety factors and the driver education of motorcycle drivers and how it could come about, inasmuch by charging each individual motorcycle driver an additional amount per year, somewhere in the area of \$2 or \$3, and I'm ready to accept that. Would you agree or would you disagree that part of the driver training and safety education would have to be directed at people who drive motor cars rather than just motorcycles, because I would think that there's not the greatest of respect for motorcycle drivers by people who do drive motor cars.

I see motorcyclists weaving in and out of traffic, and I guess I lose some respect for all motorcycle drivers when I see this happening. What would you do to gain the respect of motor car drivers, and how would you regulate or train them to live and abide by the rules of the road and to respect the motorcycle driver?

MR. J. PREST: I think a great deal of the adverse publicity that motorcyclists get is due to the press and the movies. When was the last time you saw a motorcyclist on TV depicted as a suit-wearing engineer going to the university to do some research study, or as a doctor using a motorcycle as an alternative means of transportation? They don't. They're always picked up as the guys who took over the town and beat cars and kicked women and small dogs. This has been proliferated by the media over the years. They were in here the other day with a camera and they didn't focus on myself or my comrade, Dave Johnson, or the engineer, Don Fisher. They focused on the members of the motorcycle club. I have nothing against these people in the motorcycle club. They choose to dress the way they do and to act the way they do because that's their personal choice, but they are not indicative of all the motorcyclists in Manitoba. Unfortunately, we get tarred by the same brush.

You're right; there has to be something done to make motorists aware of motorcyclists. I don't condone motorcyclists weaving out in traffic and we teach that in our course, that you go down between the two lanes of traffic when everybody is stopped at a stop light and it's so simple to become involved in an accident. All you have to do is have somebody open their door to empty their ashtray and you'd become part of their interior; but they don't realize this. They just go down the middle. It makes me mad, whether I ride my motorcycle and I like to be, when I ride my motorcycle, I like to have the same crush distance, the same safety zone as a car. I'm entitled to one lane and one car length. People don't realize this. They pass you on each side without changing lanes because they think it's just a glorified bicycle.

When I see people violating the rules of the road on motorcycles, it's just bad PR for everybody. They need to be told; they need to be ticketed. If somebody does that and a police officer sees him, it's against the law, it's against The Highway Traffic Act. He should be ticketed for such. The greatest fatality rate is two-vehicle accidents, car-motorcycle. About 65 percent, give or take, is car-motorcycle accidents, two-vehicle accidents, fatal. Seventy-five percent is the fault of the automobile

driver. "I didn't see the motorcycle," because they're not looking for motorcycles and they have to be made aware, through billboards, through television ads, through radio ads. It's a very simple thing to do and if we don't have to fight this through the court system, then that's what we'll be doing with our money, is putting it into radio advertising and buying billboards and putting signs on the back of buses. We priced it before we got involved in this litigation. We priced it. It was going to cost us \$3,000 to put 19 signs, the guy, because it was a safety-oriented factor, he was going to give us 26 signs on the back of Metro Transit buses. It was called, "Check twice, save a life," but we couldn't afford to do it because of this.

MR. A. KOVNATS: Just a little bit further in one regard. We have different organizations that come for recognition, professional organizations, and I'm not sure whether I want to compare your organizations or motorcycle organizations with professional organizations but, why not? These organizations want to be self-regulatory. Would you consider, or is there any way that the motorcycle organizations can work with the Minister of Highways or the Province of Manitoba in being self-regulating to the point where motorcycle drivers would be controlled by their own and be reprimanded by their own, supervised by the Province of Manitoba? Would that cut down on the carefree motorcycle driver who doesn't follow all of the rules of safety?

MR. J. PREST: I think that the enforcement of both laws and being reprimanded should be left to law enforcement agencies. To suddenly make someone who's had no training in such enforcement, and say, go out and you can give somebody a ticket - I don't know if that's what you meant, or along those lines - is not right. It will make for bad feelings between various groups of the motorcycling population and it could also, if somebody doesn't like somebody, well, I'll go out and I'll do this to him or I'll turn him in. It won't work very well. The motorcyclists of Manitoba have worked with previous governments and had some very good legislation put on the books. The law that says you cannot alter the frame on a stock motorcycle by cutting and rewelding was a joint effort between the government and motorcyclists. The handlebar laws; the fork length laws where you can only have such a length of front fork on your motorcycle; the front licence plate, the fact that, at one time, you weren't required by law to have front brakes on motorcycles. I believe, Mr. Roy Turnock, who is here today and going to speak later, is a motorcyclist, is a motorcycle dealer and had a lot to do with that law being put on the bills. Now we know the effect of that law, because motorcyclists have 70 percent of stopping power on the front wheel. Those are good laws; those are laws that accomplish something. We have no qualm at all of working with the government in either putting together programs or suggesting ideas or even trying to help to implement these ideas, none at all.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Thank you, Mr. Chairman. Mr. Prest, firstly I'd like to acknowledge and thank you for the

comment that you made that I've made earlier to this same committee, that what bothers me, of course, is a lawmaker to pass a law, to be party to passing a law that will, in effect, make lawbreakers out of many ordinary people that heretofore have had few infractions with the law.

I say that the stats indicate that that statement is correct whether it involves seat-belt legislation or helmet legislation, in those jurisdictions where these kind of laws have been passed, the stats are available to us, that 25, 30, 35 or 40 percent of the people regularly break that law and I'm concerned as a lawmaker about passing that kind of a law that breeds that kind of contempt for law.

Mr. Prest, the specific question that I have posed to you of course is that under Section 17.172 Section 3.(1) of the law, indicates "that no person shall ride on or operate a motorcycle, moped or motor assisted bicycle on a highway", we're dealing with cycles on a recognized highway. Mr. Chairman, through you to Mr. Prest, this is what bothers me about the inconsistency of passing this kind of a law. I'm a rural representative and the same thing applies again with seat belts - and I speak to the Minister of Education who is sitting right here opposite from me - we will continue to bus thousands of school children every day, morning and evening, across many miles of country roads, none of them will be required to be belted up or wear seat belts. Surely, that's a major inconsistency in the law.

My concern is that we have in the area that you're more specifically interested in, we have all kinds of other bikes, dirt bikes if you want to call them. I'm a rancher. I found out that rounding up cows with an all-terrain Toyota type vehicle is easier than with a horse but I'm also aware that there have been some very serious accidents involved in what you would call off-highway travel of these kind of vehicles. Are you aware, Mr. Prest, do these accident figures figure into the stats that are compiled when we talk about cyclists' accidents?

MR. J. PREST: Yes, I believe they do. I'll give an exact example, if I may. A while ago there was a young man who was 14 years old and was killed riding an off-road motorcycle. He wasn't wearing a helmet. It wouldn't have made a difference because he rode under the wheels of a 3-ton truck. Now, this is regrettable. What's even more regrettable is that the law would not have had any effect on this gentleman. He's 14 years old; he's not a licensed rider; he's riding an unlicensed motorcycle illegally, on a provincial road. Followed, I might add, by his father who is condoning this. How is a helmet law going to affect this type of accident? I don't feel that an off-road motorcycle who the police can't enforce to wear helmets, say it's somebody out in their own field or something - they can't make them wear helmets - and he dies, how that 1, 2, 3, or 4 fatalities a year can be used to justify a helmet law because the helmet law, even if it were in effect, wouldn't have had an effect on that fatality.

The safety course up till now is aimed at people who are old enough to get driver's licences and the younger people who are out riding dirt bikes and that, some of them need some kind of supervision and it's difficult to give them because the parents say, here's a

motorcycle, go out and enjoy yourself. Maybe we need to have courses for the parents of the people who buy their children motorcycles so they realize the inherent dangers and what can happen.

There are getting to be fewer and fewer places where people can ride off-road motorcycles and off-road vehicles. There used to be in the gravel pits where one could go and ride and have a really good time but, I guess, it developed up and the people were getting annoyed by the screaming exhaust pipes and stuff. I went through there with my own dirt bikes last year to find a place to ride and gravel pit after gravel pit after gravel pit was staked off.

Give the kids an area to ride in and maybe have some kind of supervision, like a community club where there are parents there to kind of watch to see, hey, this guy's hotdogging too much and take him aside and explain something to him, maybe that can be done and that might stop those fatalities. But passing a helmet law isn't going to have any effect on people who ride off-road unless we give the mounties motorcycles and let them chase people off-road.

MR. H. ENNS: Thank you, Mr. Prest. You have, to some extent, answered that question. You don't have, Mr. Prest, any statistical information as to what contribution to the overall stats of cyclists' accidents are caused by, to use your terminology, off-road or dirt-bike activity of this kind?

MR. J. PREST: I don't have any because I wasn't really looking for them. I think if I went through the Department of Transportation information, the highways report, you might determine what happened outside of the city but I don't think it would break it down to exactly whether or not it occurred in the floodway, or it occurred on a provincial road because the data base isn't there.

May I read from Dr. Mulligan's brief? It says, "This raises the question of need for a comprehensive motorcycle and collision data base. The annual number and age of persons killed in a breakdown of urban, rural classification and scene conditions, no accurate national or provincial motorcycle collision data exists. The tools and methodologies available to collect comprehensive data are also woefully inadequate. It is questionable whether new legislation concerning motorcycle safety should be proclaimed until its value can be ascertained."

MR. H. ENNS: Thank you, Mr. Prest. I just want to reiterate that, again, there is this inconsistency in the law that we are being asked to pass. We don't have the figures but the law that we are being asked to pass will, of course, have no effect on those accidents that are being caused on dirt bikes off-road, off recognized highway travel which, I suspect, is probably significant.

I just know and I am concerned and I regret the fact but while you may say that the accessibility to places and gravel pits, something like that, to enjoy this form of recreation is becoming somewhat limited, I must tell you and I'm sure you will agree that there has been a very substantial increase in the number of these kind of vehicles around. I just mention it from my own experience that people, farmers, ranchers that normally would be tying up a horse are now kick-starting a Toyota

to go and check their cattle quite often, which wasn't the case 10 years ago. So the usage of that kind of vehicle is increasing and regrettably, of course, also the number of accidents that will be involved in terms of mileage travelled, but this legislation is not touching it. So there's a basic inconsistency with the legislation again.

MR. G. LECUYER: Mr. Prest, I appreciate your presentation and I would go a long way in agreeing with you that aside from the helmet there are many other features that would go a long way in preventing accidents, motorcycle accidents and motorcycle fatalities.

Mr. Prest, I'm sure you're familiar with it, there was a study conducted in Wisconsin of the injuries and deaths before and after helmet law repeal, which study shows that the reduction in deaths and injuries that could have been expected had the helmet law been in place, and based on this, with no helmets the fatality rate due to the head injuries is 40.64 percent as compared to 22.48 percent for helmet drivers. I wonder if you would comment on that study.

MR. J. PREST: Certainly. What year was that?

MR. G. LECUYER: Well, the study was conducted between 1975 and 1980, before repeal and after repeal.

MR. J. PREST: It's very very easy to go out and pick a specific province or a specific state and say that, before and after; and then again, you have that before and after repeal where you have a group of people who have been forced, through a law which the National Department of Transport blackmailed the states into passing, wearing helmets. Suddenly the law is repealed and everybody who's riding wants to try riding without a helmet.

I have data here from 1979 that takes all the states that didn't repeal their helmet law and all the states that repealed their adult helmet law and we have the average fatalities per 100 accidents in those years. The average fatality per 100 accidents for the states that kept their law was 2.79, and for the states that repealed their adult helmet law, it was 3.08 in that particular year. The difference between the two states is statistically insignificant. It can be simply attributed to chance. Now you can take one state whose fatality rate increased that much due to repealing the laws and then you can take states like Wyoming or New York, the fatality rate for a year increased 40 percent and they kept their helmet law. Wyoming increased 202 percent. It's all too easy to pick one particular state.

MR. G. LECUYER: Yes, it's all too easy to pick statistics from any states, but I am referring to a study that was conducted in the State of Wisconsin. Based on what you just said, how do you explain then that after the repeal, the two years after the repeal of the helmet law in Wisconsin, the deaths from fatalities from head injuries were 72, as compared to 174 for the same two years for those not wearing helmets?

MR. J. PREST: Well, not having a study right in front of me and not having the time to peruse it all and check

the information, I can't really make a comment on it. All I can say is that we can take a helmet law state and use the same facts and figures and say that during this number of years - see, that was a national trend during the years of 1976 to 1978. Across the nation in the United States, the fatality rate per registration in motorcycles was increasing.

MR. G. LECUYER: I was specifically referring to the years 1978 to '80. This study referred to, which was after the repeal of the helmet law, and the study is based on head injuries of a group wearing helmets, as compared to the group not wearing helmets, and the figures are 72 to 174 and that's the figures I was saying.

But leaving that and going to another statistic, the casualty rate per 1,000 motorcycle registrations for the five years preceding and following the helmet law for provinces of Canada, specifically B.C., which introduced the law in 1966, the rate per 1,000 before was 42.1 and after was 38.6, a reduction of 8.3 percent. For Alberta, which introduced the helmet law in the same year, the fatalities per 1,000 was 26.6 before and 20.8 after, a reduction of 21.8. For Ontario, which introduced its law in 1968, the fatalities per 1,000 was 71.5 before and 59.9 after, a reduction of 16.2. For Quebec, which introduced its law in 1973, fatalities per 1,000 were 45.0 before and 30.4 after, a reduction of 32.4 percent.

Now you see, I find it very difficult in reading these statistics to at least not accept that helmets do afford some kind of protection.

MR. J. PREST: We don't dispute that helmets do afford some kind of protection in certain accident conditions, but I can also dispute the figures that you quoted because it's based on registrations, and comparing the number of fatalities per registrations doesn't give you any indication whether a helmet law works. It just gives you an indication of how safe or unsafe it is riding in that province. For example, how many of those riders that died of head injuries before the helmet law were wearing helmets? It doesn't say. But then also in Ontario statistics, the statistics actually increased. They went down briefly the first full year after the helmet law was introduced and then climbed steadily until you've got a figure of almost five fatalities per 1,000 accidents more in post-helmet years than you do in pre-helmet years. Why is this?

Also, we're basing most of our statistics on the number of accidents, because let's face it, in order to see if a helmet law works, you have to have an accident. If nobody falls down and nobody hurts himself, you have absolutely no statistics and nobody hitting their heads. As far as the registration goes, what month of the year did they take those registrations? Is it a total of all the registrations, off and on, that occurred all year, or was it a specific time during the year?

I have, from the Traffic Safety Engineering Division in Saskatchewan, the number of motorcycles registered and I have two registrations for 1979, one in March and one in September. The one in September reads 12,219, the one in March reads 14,339. So if you take your registrations and compare the fatality rate to the registrations in the pre-helmet law and compare it to when there's very low motorcycles registered on the street, then you'll get a higher figure. Then if you do

the opposite thing to when the motorcycle registrations are really high, March, June, July, and then compare the fatality rate in that, then you'll get a really low fatality figure. That's why we tried as often as possible not to use registrations as a base for fatalities.

MR. G. LECUYER: Mr. Chairman, you can make statistics say various things, but don't make them say something that it doesn't, because we're talking here for a five-year period: total registration before, total registration after, five years before, five years after. We're not taking a specific month. It's the whole five-year period and it may be that some were wearing helmets before, but obviously more were wearing them afterwards when the law came into effect. Those figures show a tremendous amount of reduction in spite of that, following the helmets.

Leaving that and going to another comment that you were referring to a while ago, having to do with the questionability of how much protection helmets afford, how much may they be responsible for fatalities in themselves, again, the aforementioned State of Wisconsin study reveals that protection is, indeed, afforded because, the U.S. Department of Transport conducted a study which reported to Congress on this matter and, based on that study, it was found that four injuries of 980 that had neck injuries were attributable to safety helmets, and all four were of a minor nature. Two of them involved minor injury to nasal soft tissues by excessively large helmets rotating forward and contacting eyeglass frames and, in both cases, the helmet protected the rider against threat of a more serious injury.

You probably saw, as I did, an article which appeared in the Free Press recently, in fact, on Monday, June 13th, which followed this conference which was held in Winnipeg, at which one of the keynote speakers was Dr. Peter Mill from the Royal Melbourne Hospital who said that, and I quote: "Mill said that it is generally accepted that motorcycle helmets do not prevent or reduce accidents." So he agrees with you on that standpoint, but he goes on to say "what helmets do is reduce potentially severe head injuries to minor ones and prevent minor ones altogether." As you probably recall he is one of those that advocates even wearing helmets for regular bicycles. I wonder if you have any comments to make about . . .

MR. J. PREST: He also, I might add, stated before he made his presentation the number of sheep per capita in Australia and he says it's very easy to pass restrictive legislation in Australia because the people just follow along like sheep. Mr. Lecuyer, we're not sheep.

MR. G. LECUYER: Okay.

MR. J. PREST: And I'm sure the people in Australia would have been offended by that comparison and I'm also offended by hearing it even in Manitoba at a Road Safety Conference. As far as the study done with the 899 motorcycle accidents, the on-site, in-depth report, here's a couple of points about that report. As a result of lack of funds in financing the project, only 505 of the 899 accidents sites were returned to. Although a random selection sampling design was utilized, the bias

and sample selection still exists and that's another point, it's because not all the accidents that occurred in that area were investigated. They selected the accidents that they were going to investigate. Returning to the 505 accident sites, they occurred from 12 months to as long as 36 months after the accident occurred. Collecting the exposure data over this time period creates an obvious problem in comparing and analyzing the accident data.

Now, I have viewed the Hirt Report film, as I'm sure you have, where it states cases. In all three of the cases, whether a helmet is worn or not, the rider is doing something absolutely god-awful stupid, which is passing a line of traffic at high speed without looking where anybody's turning. Is that the solution, we put helmets on everybody and let them have accidents?

Also, there's a problem of what is a helmet? In B.C., they can't tell what a helmet is anymore, because it's been dragged through the courts so much. It's allowable in B.C. to cut about three or four inches out of the top of a helmet, and put straps on it and wear it on the back of your head because that piece of helmet will meet all the impact standards in the penetration tests that the whole helmet would. They also took two Tupperware salad bowls, glued them together with a helmet strap in between them so it couldn't pull through the head form, lined it with an old styrofoam helmet liner and tested it, and it absorbed twice the amount of energy that a current CSA approved motorcycle helmet did. What are we legislating people to wear?

The Hirt Report also indicated - the No. 1 recommendation of the Hirt Report was rider training, the No. 2 was licensing and No. 3 was law enforcement. Here we go back again to the bottom of the list and start again like the other provinces did. Let's set a precedent in Manitoba, let's start at the top of the list, and if that doesn't work, and then start going down the bottom of the list. Let's start with the No. 1 recommendation and all the reports and all the studies that were done; rider training.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: I don't disagree with rider training either, nor the other measures to protect motorcycle riders, and I go along with that.

In a recently published - in January '83 - review, Dr. Jim Newman, Director of Biokinetics and Associates Limited, who is an expert on motorcycle helmets, in a pamphlet published last January, he wrote: "If you're in a motorcycle accident, even a minor one, you have more than 50 percent chance of hitting your head. If it is unprotected and moving at 30 kms or 20 miles per hour when it hits something solid, you're dead period."

MR. J. PREST: Helmets are tested.

MR. G. LECUYER: This is the expert on helmets.

MR. J. PREST: That's the expert, who I don't think rides a motorcycle either, okay. He also states, I have an article by him that states, "Helmets do not protect you against (a) collisions with very hard objects, b) collisions with very soft object, because if you land on

something soft like a boulevard or snow or something, the increased size of the helmet creates a larger blow to the head. It doesn't protect you against rotational impacts, and, in fact, can add to it by the extra rotational weight, three and one-half to five pounds, and it doesn't protect you against repeated impacts. You say what? Twenty kilometres an hour, or 20 miles an hour?

MR. G. LECUYER: 20 miles per hour.

MR. J. PREST: 20 miles per hour. It must have been an old study.

MR. G. LECUYER: No, it's January '83.

MR. J. PREST: January? He doesn't like metric then.

MR. G. LECUYER: Well, he states it in kilometres. I have translated it for you.

MR. J. PREST: Okay, 20 miles an hour. The terminal speed of the CSA test is 16.6 miles an hour. The terminal speed of the Snell test, which is way better but not enforced by law, is 18 miles an hour. If you hit your head with a helmet at 20 miles an hour, there's a 50-50 chance you're going to make it anyway, besides which there is not a 50-50 chance that you're going to fall and hit your head. Go to the emergency wards, see the people who are being involved in motorcycle accidents and what damage is done; broken legs, arms, chest injuries, abrasions. There are head injuries, there's no dispute about that. But where are they? Are they someplace where the helmet wouldn't hurt at all? Because helmets are only tested on the top portion of your head.

Again, we end up like Ontario, Saskatchewan, Alberta and B.C., the law is a sham. The police don't stop you if you're wearing anything that closely resembles a helmet. The people in B.C., if they don't want to wear a helmet will buy an extra small one, take all the styrofoam out of it, line it with cork so it's nice and light and cool and wear it, and if you drive by a police officer it looks like a helmet, so it's okay.

I talked to a police officer from Pennsylvania who stated exactly the same thing. They have no knowledge at all of helmet standards, they have no power to enforce helmet standards; if he looks like he's got a helmet on, he can ride. The law is a sham. Let's pass some legislation that'll do some good without making extra work for the law enforcement agencies in making motorcyclists just try and find loopholes to get around it.

MR. G. LECUYER: In this same review published in January 1983, and I make this comment in relation to the one you made when you said that the only improvements in helmets since 1960 has been increased weight. This says, "To receive certification under new standard, helmets will have to be among the best available. Before receiving the right to carry a CSA mark under the new standard, a particular model will have to pass a series of laboratory tests including shock absorption. Maximum deceleration of a model head inside the helmet will be 300 grams when the helmet collides with a flat anvil at 25 kilometres per hour. Each collision will be repeated once.

"Penetration - the helmets must prevent contact between a model head inside the helmet and a sharp 3 kilogram steel cone dropped from a height a one metre.

"Chin strap - the strap secured around the model jaw will not break when jerked by a 10 kilogram mass falling 75 centimetres. This test will also be repeated once. A second requirement is that this chin strap is always 20 millimetres wide and doesn't stretch more than 60 millimetres on the first test and 8 millimetres on the second. The total slippage on the buckle will not exceed 8 millimetres.

"Peripheral vision - someone wearing the helmet will have a minimum of 210 degrees field of view. These requirements may change slightly before the final version is approved, but no major modifications are expected. Helmets certified under the new standard should be available by 1984. The standard has yet to be published."

MR. J. PREST: They've been saying that for 12 years now that they're going to improve the standards. When they do improve them, they are not improved much. It is beyond the scope of current technology to produce a helmet that will safely decelerate the human brain from 30 miles an hour to a dead stop without severe internal brain injury. You'll prevent fractured skulls, and that doesn't necessarily mean you'll prevent their death because you prevent fracture of the skull.

There was an incident on Provencher last year. A rider struck his head on a lamp post. He was in a coma for a month. He came to and the doctor told him, if he would have had a helmet on, he more than likely would have been dead. If there is a brain injury where the brain swells and it swells down the spinal column, the pressure has to be relieved by operation almost immediately. If the skull is fractured, in some cases it will allow the pressure to be relieved. If this gentleman had a helmet on, he would have received such a blow, he would have died from it.

There are just as many cases where a helmet may or may not have killed a person, as where a helmet may or may not have saved a person's life. The standard that you're speaking of will allow 300 g's forces of deceleration to the human brain when dropped on flat anvil, as you said.

Safety experts came to some kind of a tentative agreement. In overlong durations, which is over 5 milliseconds, the extent that the human brain can safely withstand is 40 or 50 g's. On peak decelerations, it's 200 g's. Here we have a helmet certification standard that's allowing 300 g's, which is over and above the brain's capability of withstanding it . . . to sell helmets on the street.

Also, we have people like Simpson, which is a very reputable helmet maker - a racer who I know had occasion to tour the factory, and they downplay their helmet manufacturers. They say, we make this kind of safety equipment, we make racing suits and we make 6-point racing, and oh well, we make helmets too.

They also recommend that when you wear one of their helmets now, you wear something that looks like a life vest from a motorboat to prevent broken necks, and you want to legislate these helmets for people who ride on motorcycles?

MR. G. LECUYER: I just want to make the comment that this is quite a different helmet than the one you were describing at any rate.

According to an in-depth study that was conducted in Southern California of 899 motorcycle collisions, fatalities were suffered by only 23 percent of those motorcyclists who were wearing helmets, while 77 percent of those without helmets died as a direct result of the accident. This is what that study found, and I'm just wondering what your comment is on that.

MR. J. PREST: Died as a direct result of the accidents; that means not just head injuries, but all kinds of injured trauma. That same report, which is called the Hirt Report, which I have the abridged version in front of me here, states that the most common potentially fatal injury to a motorcyclist is to the chest, not to the head.

Dr. Parker's study that was done a few years back also states, if you read through it, that the most common cause of death among helmeted riders was head injuries.

MR. G. LECUYER: Mr. Chairman, you can deny statistics, and you can change statistics, but the fact is, I did not state they were in one case head injuries or the other case they weren't. These were all sorts of injuries. The fact remains that 77 percent of those without helmets died, and 23 percent of those who were wearing a helmet died. So, take it for what it's worth, but obviously in one instance, a lot of those with head injuries died, and in the other instance when they were wearing helmets didn't die.

I want to touch on another comment you made, and you say, let's listen to the experts, those who drive motorcycles. Among those you mentioned were the police officers who are concerned with the riders' safety. Awhile ago you mentioned hospital wards where these accident victims are treated. I'm just wondering why, if helmets afford as little protection as you state, do you think police themselves wear the helmet? And secondly, in regards to the hospital, why is it that in the view of the Manitoba Medical Association they state, "The overwhelming evidence is that safety helmets reduce head injuries and deaths in Manitoba? The Medical Association urges the Government of Manitoba to enact a legislation which would require all motorcycle riders to wear approved safety helmets."

MR. J. PREST: I think you'll also find that the Manitoba Medical Association doesn't represent all the doctors in Manitoba, just as we may not represent all the motorcyclists in Manitoba. There are 1,600 doctors in Manitoba and 31,000 licensed motorcycle riders. Who's the small vocal minority?

As far as their overwhelming evidence, I read their brief, it was a three or four-page brief, and all the statistics, when gathered, came from this Department of Transport "Helmets, Who Needs Them?" which makes it look to the layman as if - now we're not saying that helmets won't do any good; we're saying that it's a counterproductive measure. Legislation is not made to protect the individual against himself.

Let's stop accidents, okay. We've been specifically dealing with head injuries all during this conversation. Aren't there any other kind of injuries that are potentially

fatal, or any kind of injuries that are costly to the medical system?

If we stop accidents, prevent accidents, we will do the job better, more safer and without putting anybody at risk from either heat stroke or sweat in their eyes or not missing somebody - this fellow who was almost hit by a motorcycle on Portage Avenue here, you know, we're not referring to that. Just like a person has to go to school for so many years before he goes out and gets a job, or you have to get an air-brake licence before you drive a semitrailer, or you have to take so many hours of flying lessons before you learn to fly.

If we give everybody all the facts and let them make an educated decision on helmets and we teach them how to ride, we'll probably save a great deal more lives with a lot less backlash from the public.

MR. G. LECUYER: I can't agree with you more on that. Hopefully, we can teach people how to drive motorcycles. But, again, I come back to that comment I made awhile ago, and I hope the police who drive motorcycles are experienced drivers and they do wear helmets. I appreciate the fact that you said awhile ago that you, in your teaching people how to handle motorcycles, do encourage them to wear helmets.

MR. J. PREST: We also have people in our organization that are police officers, who can't make presentations for fear of their jobs; who are ambulance drivers who can't make presentations for fear of their jobs, who teach the motorcycle course and who don't believe in helmet laws. Some of them wear helmets after the course is over, some of them go home, put the helmet away and go out and enjoy the personal freedom that has been happening in Manitoba since the turn of the century when motorcycles were introduced here, because they've made that decision.

The ambulance driver that I speak of can virtually break down every accident that occurred this year and why that person died. There aren't any that would have been helped by a helmet. It's all massive injuries that have occurred through - a guy stays at a party till four in the morning and rides through Winnipeg to the other end of town trying to do wheelies, pulls a wheelie at 45 miles an hour and hits a tree and splits his chest open and slices his carotid artery and bleeds to death. The newspaper, of course, prints it up, well, he didn't have a helmet on.

If helmets are so effective, I'd like to read you a little letter from the Safety Helmet Council of America to Mr. Kenneth Miller of the Arthur Fulmer (phonetic) Company who manufactures helmets. It says, "Thank you for your letter of March 17th regarding your concern over your company's increase in products liability insurance premiums. You are not alone. One other major helmet manufacturer informs me that his annual premium is \$180,000.00. That manufacturer builds less than 200,000 helmets a year; therefore, he's looking at a dollar per helmet as basic cost. At this point in time," this is April 9, 1976, "it looks like we have about 30 products liability cases against dealers, manufacturers for a total dollar value of \$50 million.

"Since the Riddell football helmet case hit the wire services in mid-December, 1975, I now receive at least three phone calls per week from products liabilities

attorneys. Ken, this is going to get much worse before it gets better. I think that the product liability suits against the helmet industry will equal or exceed the medical malpractice situation as receiving so much publicity. I would like to assure you that I'm making every effort to locate an insurance carrier to grant a group of products liability policy for the SHCA. Unfortunately, over the past six years of trying, I've learned that most carriers, regardless of premiums, will not under any circumstances insure dealers and manufacturers of motorcycle rider helmets."

They're producing a product which is claimed to make it safer to ride. They cannot get any kind of a liability insurance for that product. One would question exactly how good and how effective that product is.

MR. CHAIRMAN: Ms. Phillips.

MS. M. PHILLIPS: Thank you, Mr. Chairperson.

Mr. Prest, I think what you've accomplished tonight is to get me totally, thoroughly confused about statistics. I can see some faults in both the ones you've presented and the ones that you've refuted. I think in terms of making my decision on this particular section of the act, I'm just going to ignore the statistics totally. For instance, it's not a valid argument to me whether there's a stat. like 12.9 died instead of 13.4. To me that's .5 of a person that died in one case and didn't in the other, or that the 12 people that died in one are every bit as important as the 13 in the other. I think what we're trying to do is help decrease some of these astounding statistics in accident rates and deaths that people have while they're driving motorcycles.

The issues that I'm concerned about are things like the training and the probation periods, all those suggestions that you made. If we went to that route and implemented all those suggestions, L-licences, etc., etc., which to me do seem to have a lot of merit in terms of having people better trained and avoiding accidents rather than worrying about whether they died from a chest injury or a head injury. If they died, they died, and the people in their families are left to suffer the consequences of that. If we had all those provisions in the legislation, are you saying that not only do helmets not help, but they increase injury? That's the dilemma that I'm having is that are helmets just a non-factor, they don't help, they won't decrease the statistics, but do they mitigate against more statistics? Are they dangerous, is what I'm asking you?

MR. J. PREST: That has to be delved into with more thoroughly. Now, what we're basically saying is that even according to the United States Department of Transport there is no significant difference in fatality rates between states with helmet laws and without. So the riders are wearing them if they want and it's making no significant difference in statistics. We have that thing in Australia, the L-plate, the engine restriction size with a 43 percent novice injury reduction. There is no statistic you can ever find that will say a helmet law even did that. Even the helmet laws that are really biased and really pro-helmet don't get 43 percent injury reduction rate.

If you institute all of those aforementioned things, you'll find that the injury fatality accident ratio in

Manitoba will probably be then the lowest in Canada and give the other provinces something to work toward, instead of saying, well, they passed a helmet law, so maybe we should too. That's like my neighbour has a bigger car, so I should buy one too.

MS. M. PHILLIPS: Thank you, Mr. Chairperson.

First of all, I understood from Mr. Robertson the other night that in Australia they do have helmet laws as well.

MR. J. PREST: Why did they have to pass all the other laws if they were so effective? Obviously they weren't. Mr. Milne, also on a TV interview, when asked what he thought of all the motorcyclists and what they were trying to do with the helmet law - we, being against it and that - after all his telling the interviewer about rider education, L-plates and all the effectiveness they've had, stated that helmets were a secondary issue. So, why can't we, as I stated before, start at the top of the recommendation list of all the studies and implement driver awareness and rider training, instead of starting at the bottom and saying, well, the provinces have it, so should we? It hasn't statistically made a great deal of difference. I agree with you that one life is worth saving, even if it means like it's kind of saying, well, let's save this person and inconvenience 17,000 people against their wishes.

But suppose it takes one life, suppose the fellow that got hit on Portage Avenue on Friday night was killed, suppose a person who works for one of the Ministers here, her brother had a motorcycle accident that was caused by the helmet, driving down the road all of a sudden face shield fogs up, flips it up, has to make a quick manoeuvre, face shield drops down in front of him, he has an accident and his passenger severely injured - the accident was directly attributed to that motorcycle helmet.

Why do we have to pass a law that if I, through all my cautious riding, drive defensively - I've taught the course for eight years - if by some chance I happen to fall off and I happen to strike my head in such a manner and such a speed that I do incur an injury, be it severe or fatal? - then I have made that decision myself. I've weighed the factors of helmets and of not riding with one and I've made that decision. If you pass this law and I fall off my motorcycle, and I incur a broken neck specifically due to that motorcycle helmet, or the face shield breaks and slices my throat and I bleed to death, or it fogs up when I crash into the back of a car because the helmet caused the accident, then you have legislated me to death, as simple as that. If a person goes out and chooses to wear that helmet and that happens, then he has chosen to do so. I don't think it's the government's place to legislate some piece of safety equipment that isn't proven. The research isn't done to find the harmful effects of helmets, the research is only done and funded mainly in the States by the National Highways Traffic Safety Association to just back up their already preconceived notions of how helmets work. If you distinctly mount a study to find out if something works the way you think it does, then that's the way that study will turn out.

MR. CHAIRMAN: Ms. Phillips.

MS. M. PHILLIPS: Mr. Chairperson, I'd like to get back to the issue of whether you believe that injuries are

increased by the wearing of helmets and I want to follow up on what you said about the Australian experience. If injuries are increased by helmets, if helmets are actually dangerous and all those things you just listed happened, and the accidents or the fatalities - I'm not sure which it was you said went down by 44 percent when they brought in all the training programs, etc., the L-licences, etc.- if they're wearing helmets as well in Australia and the rate went down 44 percent with the combination of all of them.

MR. J. PREST: It dropped specifically 43 percent due to the restriction in engine size and the L-plate. That was specifically due to that measure. It had nothing to do with the wearing of helmets, because everybody was already wearing helmets, but that dropped. They were all wearing helmets but there was an astounding increase of novices being killed or injured. Astounding, despite the helmet laws. So they passed this engine-size restriction law and the L plate, and got a 43 percent reduction in injuries.

We're not saying that helmets are dangerous. All we're saying is, statistically whether a state or province has a helmet law seems to make no difference as compared to a state or province that does have one.

MS. M. PHILLIPS: My last question is: You said as an instructor that you make your students wear helmets as well as all the other wearing apparel. Do you take them out on the streets and the highways. and is this practical training?

MR. J. PREST: Yes, it's completely practical. It's 21 hours of motorcycle training. It's two nights a week, three hours a night with only one-half hour per night of theory. The rest is all on the motorcycle, on the lot until they get the basics, and then out on the road under supervision so that they become accustomed to how traffic works and what they should do and where they should ride, what to watch for and where to position yourself in relation to cars and the blind spot, things like this.

MS. M. PHILLIPS: And you make them wear helmets in this practical part?

MR. J. PREST: No. 1, is the liability factor, you can understand that; No. 2, it is Department of National Defence property that it's taught on, it's mandatory there; No. 3, it is also felt that if we give them the benefit of experience with the helmet on, then they can make a qualified judgment as to whether or not they want to wear one when they have completed the course.

MS. M. PHILLIPS: Are you travelling alongside them when they're - they're heavily supervised while they're out on the road?

MR. J. PREST: Yes, they are.

MS. M. PHILLIPS: One of the problems that other people have mentioned is the fact that it's difficult to communicate with someone who is driving along beside you with the helmet, and you're driving along with new drivers.

MR. J. PREST: We communicate through hand signals, and we pull them over to explain something, because you can't talk to someone with a helmet on. We signal them to pull over, we pull over either on the side of a residential street or a parking lot, everybody takes their helmet off and we speak to them. If you come down to the motorcycle course, you will see that everybody takes their helmets off when they're being lectured, because they can't hear the person speaking.

MS. M. PHILLIPS: So you don't find that a problem when you're taking them out?

MR. J. PREST: Not when we're teaching, no. There is somebody in front and somebody behind, and they are communicated to through hand signals.

MS. M. PHILLIPS: I still would like to know whether you think that helmets are dangerous?

MR. J. PREST: Do you want a personal opinion? At first, when I got into this, in the middle of last year, I thought that if I fell off my motorcycle I'd want to have a helmet on, if I knew I was going to fall off. But that is just like, if you knew you were going to fall downstairs, you'd probably want one on too; or if you knew you were going to fall in a bathtub, you'd want a helmet on; or if you fall 20 feet off a ladder, you're doing 30 miles an hour by the time you hit the ground. Would you want a helmet on? I would think so, if you had the option. You know, if you knew you were going to fall.

But then I delved into it, and I realized the circumstances that a helmet can actually protect me in were getting narrower and narrower and narrower. If you could tell me that I was going to have an accident, exactly what kind of an accident I was going to have, I could honestly tell you if I would or wouldn't want to have a helmet on. Due to the research with neck injuries, 60 percent sheer force is to the first three cervical joints. That is a lot of sheer force.

There was a gentleman hit on Henderson Highway, parked behind a school bus, lights flashing the whole bit, 12 feet behind it, a van didn't see it, rear ended the motorcycle at about 40 miles an hour. The gentleman didn't have a helmet on. He was tossed onto the windshield of the van, into the school bus and off onto the ground. The motorcycle was driven into the back of the school bus, three children were sent to hospital due to minor injuries. The licence plate of the motorcycle was wrapped around the carburetor of the van, and they had to haul it to the Autopac Compound in one piece. You didn't see that in the news though, did you? Because the rider wasn't wearing a helmet and he's okay.

If you get rear-ended at 40 miles an hour and you have three-and-half to four pounds extra on your head, think what that would do to your neck. Automobiles have head restraints, because the head itself is too heavy for the neck to restrain it when you're rear-ended. But you want to pass legislation to force everybody to wear from two-and-a-half to five pounds extra on their head?

Albeit, those kinds of accidents are fairly rare, they do happen, and in passing this legislation, you may well have legislated that particular person to death.

How do you feel personally about that, thinking, hey, I had passed a law that killed three people, four people.

If you pass a law that allocates funding for rider education or car-driver education or revamp the driver handbook so that they know motorcycles are around, you have saved lives with it, in no way endangering them. It doesn't endanger somebody to go to school. If you get a riders' course like the Hirt Report, the one with the 899 accident, that points out that it takes four years of riding full-time on a motorcycle to equal a 22 hour training course, the experience and the knowledge gained in it. Then, don't you think you'd be doing them a favour by having them take that course?

MS. M. PHILLIPS: Mr. Prest, I'm not arguing against having the training and the other kind of things, I'm just trying to narrow it down in terms of what we do about helmets. You mentioned a lot of accidents, I had a brother who was thrown off his motorcycle, landed on the boulevard. He had a helmet on and spent three or four days in the hospital and was told that if he hadn't had the helmet on, his head would have been like a pumpkin and that would have been the end of him.

I'm looking for your expertise in terms of whether you actually think helmets are dangerous, or whether with all the other kinds of things I admit would certainly be helpful in reducing accidents when one does have an accident, I'm looking for your advice as to whether that helmet is an advantage or a disadvantage. You're saying you can't tell me, it's so circumstantial.

MR. J. PREST: It depends on the accident situation. Every accident is different. A major helmet manufacturer quoted - I have a magazine article that goes into depth about helmet testing and how they're tested, and it states, "The helmet manufacturer stated, 'if you tell me the kind of accident you will be in, I will build you a helmet for that accident.'"

MS. M. PHILLIPS: Thank you, Mr. Chairperson.

MR. CHAIRMAN: Mr. McKenzie.

MR. W. MCKENZIE: Mr. Chairman, I have a couple of questions. Mr. Prest, did you say earlier in your comments that nine out of the ten safety instructors in your group, who are opposed to this legislation, will not abide by it if it's passed?

MR. J. PREST: That's not necessarily true. Because a number of those instructors wear helmets voluntarily? No. They have assessed the information available and decided that they want to wear them. I would say it's about 50-50. There are a number of the instructors that are really really upset by this legislation because they know. For instance, the ambulance driver picks these people up and he knows it's not the head injuries that are killing these riders, it's alcohol, it's racing down the street, it's having an overpowered motorcycle and no experience riding it. This is what he sees. This is first-hand information from, unfortunately, the people that have to pick them up.

Also we have police officers that will state the same thing. In reference to the type of helmets that police

wear and why they wear them, obviously they're paid, just as construction workers are paid to wear helmets, and football players are paid some phenomenal amount of money to wear helmets. They're paid to do that, but they're not even given certified motorcycle helmets. They're given the helmets that are made for the guys in the United States to wear in their cruiser cars, riot helmets.

MR. W. MCKENZIE: Mr. Chairman, and by the way, Mr. Prest, I congratulate you on your excellent presentation that you've made to this committee. Have you made this presentation to the Minister?

MR. J. PREST: I've made parts of it at caucus to the Minister.

MR. W. MCKENZIE: Did he tell you any reason why he intended to proceed with the legislation after you made your presentation?

MR. J. PREST: I really don't know, I really can't hazard a guess, although he may be getting outside pressure. Other provinces are beginning to fight it on the new Constitution, because not all the provinces have to do it. I believe the National Department of Transport is putting some pressure on, so are other provinces; that's given the accident statistics that we have compared with other provinces. Pressure from other provinces is not a reason to pass this kind of legislation.

MR. W. MCKENZIE: I believe, Mr. Chairman, one other presentation - I don't know if it was Mr. Robertson who made it the other night - that the National Safety Council is the one putting the pressure on. Have you any indication of that?

MR. J. PREST: I don't know if it's the National Safety Council, I would think more it's the Department of Transportation. They had quoted themselves a figure that by 1980-something they intended to reduce the car fatalities in every province by this much. They said we're going to do this, so now they're putting pressure on the provinces to implement. Now this is just theory on my part, putting pressure on the provinces to implement seat-belt legislation.

Now, helmet legislation, by a lot of provinces is thought to be a prerequisite to seat-belt legislation. In B.C. it's been thrown out of court and ruled either unconstitutional or the government didn't have the power to make people to wear helmets - about three or four times. The government, because they feared it would endanger their seat-belt legislation, turned around and just changed the law a little bit giving people power to determine what a certified helmet was and things like this, just reinstated the law. It's been fought and repealed in Nova Scotia; it's been fought and repealed a couple of times in New Brunswick; and it has once in Alberta; and about two or three times in B.C.

I sat in on a court case in B.C., Judge Scow, (phonetic) some time in October. Although he found the two riders guilty of not wearing motorcycle helmets, he decided that it wasn't within his power to decide what laws were just and unjust. But he said, upon reviewing all the

evidence presented, "I've decided this may no longer be a wise law." This is from a judge, but the court system is a really bad place for us to have to battle helmet legislation. Here's the place for us to head it off now and do something constructive for motorcycle safety.

MR. W. MCKENZIE: Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Prest.
Debbie Ellis.

MS. D. ELLIS: I'm a resident of Beausejour, Manitoba. Beausejour is within the boundaries of the Lac du Bonnet riding which is represented by the Minister of Highways and Transportation, Mr. Sam Uskiw.

I'd like to present to you petitions opposing mandatory helmet and seat-belt legislation signed mainly by residents of the Beausejour area. The population of Beausejour is approximately 2,400 and we have collected approximately 750 signatures opposing mandatory helmet legislation, and 850 signatures opposing mandatory seat-belt legislation. There are still petitions in circulation and it is felt that a significant number of these signatures are still to be collected.

Mr. Uskiw was elected as our representative, and if he votes in favour of Bill 60 it is felt that he is not carrying out his responsibilities of office.

Mr. Howard Pawley has called for a block vote on Bill 60. That is not democracy. Premier Pawley in a TV interview on CBC, Tuesday, July 19, 1983, stated that all Manitobans are entitled to a freedom of choice. If he believes in this statement, a block vote on Bill 60 should not be permitted.

He's also stated in the Winnipeg Free Press, April 21, 1983, that the legislation will "reduce the number of lives lost in traffic accidents and that such accidents add millions of dollars in the cost to health care systems." It is my understanding that no study has been done to determine the cost to the health care system, therefore, how can such statements be made? This legislation fails to comply with the Charter of Rights and Freedoms. According to the Charter, fundamental freedoms are protected and added to, not removed from the individual.

Therefore, as Manitobans, we want to retain our freedom of choice. We are against mandatory seat-belt and helmet legislation, and feel that it should be left up to the discretion of the individual.

These are the petitions that we've got so far. I've also been asked to speak, and Mr. Prest made some reference to a particular motorcycle accident that happened. Mr. Bruce Armstrong has asked me to speak on his behalf, as his employment has temporarily called him out of the province.

On Friday, May 21, 1983, at approximately 8:30 a.m., Bruce Armstrong was involved in a motorcycle accident. He was southbound on Henderson Highway near Frasers Grove, a school bus was ahead of him, stopped for a pedestrian at a crosswalk. He stopped behind the bus and moments later was struck at the rear by a van. The driver of the van made no attempt to stop. On impact, Mr. Armstrong's motorcycle was pushed into the school bus, and the rear of the bike was lodged

in the motor compartment of the van. I've got some photographs, if any of you wish to take a look at them, before and after.

Mr. Armstrong was thrown backwards onto the van and bounced onto the ground. There were police, ambulance and fire department in attendance. Three children from the school bus were taken to hospital and later released. Mr. Armstrong was not wearing a helmet. In his opinion, as an experienced motorcyclist - I believe he's been driving for 14 or 15 years now - the injuries would have been much more severe had he been wearing a helmet. The average weight of a helmet is three to five pounds. The excess weight on this person's head has been known to cause severe neck and head injuries, or result in fatality when involved in an accident. Even the best of motorcycle helmets contain warning labels such as, "This article is sold without warranty expressed or implied. No warranty or representation is made to this product's ability to protect the user from any injury or death, the user assumes that risk." It's taken from the Simpson Model 62.

A compulsory helmet law would not have prevented Mr. Armstrong's accident. Had he been wearing a helmet, injuries which he did receive to other parts of his body would not have been avoided. The wearing of helmets not only interfere with the hearing and peripheral vision, but have been found to give a false sense of security to a motorcyclist. Manitoba is the second safest province in Canada and we have not mandatory helmet legislation.

In the U.S., the States are repealing their helmet laws as they have found them not to be effective, and mandatory helmet legislation is not the answer. Helmets do not prevent accidents. Why not educate the public, educate the riders and help prevent the accidents from occurring?

Thank you.

MR. CHAIRMAN: Thank you, Ms. Ellis.

Mr. Orchard.

MR. D. ORCHARD: Ms. Ellis, you have taken what must be considerable time to gather signatures on, I take it, separate petitions, one for seat belts, one for helmets.

MS. D. ELLIS: That's correct.

MR. D. ORCHARD: In the Beausejour area you have, if my numbers were correct, 750 signatories against compulsory helmet use and 850 against seat belt use. In your opinion, would the people not wishing compulsory seat belts or helmets represent a majority in that area that was canvassed?

MS. D. ELLIS: Yes, I believe so. There was a restriction with the time that we had to accumulate these signatures. This is within the Town of Beausejour mainly.

I'd also like to explain the difference between the 100 signatures between the helmet and the seat-belt petitions where some of these petitions were made available publicly and not through canvassing. Some individuals were not aware that there were two separate petitions. They thought there was just one there.

MR. D. ORCHARD: Thank you, Mr. Chairman.

Now, Ms. Ellis, as a citizen of Manitoba you would prefer to see your MLA, and I would assume all MLAs, to attempt to represent their constituents on this issue since it's an issue of legislation which protects only the person required to wear the helmet or the seat belt, and it's not as if it's safety legislation which benefits innocent third parties. Would you strongly support the government if they were to allow a free vote on the separated issues of seat belts and helmets?

MS. D. ELLIS: I think it should be separate. I think there are different things to consider from either. I feel too that if it was a free vote amongst the MLAs that we might get different results, and I somehow feel that the government isn't looking at the education point of view strongly enough.

MR. D. ORCHARD: In the brief that you presented on behalf of a Mr. Armstrong, the point you were making in terms of his, what would seem to be, miraculous escape from injury, was the fact that without wearing a helmet he didn't have the additional inertia and weight on his head to cause neck injuries. Would that be the major . . .

MS. D. ELLIS: Yes, also another point that I didn't make in the presentation was that he did, in his rearview mirror, see a white flash. The van was white, he saw a white flash, instantly knew that there was no way possible that this vehicle was going to stop, and as a result attempted to get out of the way. Unfortunately, there wasn't enough time.

MR. D. ORCHARD: This is the gentleman that was referred to earlier who checked his rearview mirror because he heard something coming behind him. Was that the case?

MS. D. ELLIS: I believe that's a different accident.

MR. D. ORCHARD: Okay, thank you.

MR. CHAIRMAN: Mr. Uskiw.

HON. S. USKIW: Yes. I didn't catch the numbers, I notice that you have presented a fairly substantive petition. Did you give the numbers there or not?

MS. D. ELLIS: Yes, there was approximately 750 signatures regarding the helmet legislation, that's in opposition to; and approximately 850 signatures opposing the seat-belt legislation, mostly from the Beausejour area. I'd like to repeat the population of Beausejour is approximately 2,400 people; that's including children, and of those persons eligible to vote in that area I believe that's a significant volume of signatures.

HON. S. USKIW: Was the one person carrying both petitions to the same residence if you like?

MS. D. ELLIS: Yes.

HON. S. USKIW: So there were two questionnaires, in other words, presented at the same time?

MS. D. ELLIS: Yes, we also had these petitions posted in various places that would be convenient throughout the town.

MR. CHAIRMAN: Thank you, Ms. Ellis.

MR. D. ORCHARD: Just one more question.

MR. CHAIRMAN: Mr. Orchard wants another go.

MR. D. ORCHARD: I'm sorry, I neglected to ask whether the Minister signed your petition.

MS. D. ELLIS: No, but I happened to notice that relatives of Mr. Schreyer have.

MR. CHAIRMAN: A.J. Moreau.

MR. A.J. MOREAU: Mr. Chairman, my name is Mr. Moreau. I'm a citizen of Winnipeg, having being born in a house on Arlington Street 53 years ago, and I'm happy to say that I'm still living in the same house. I'm a self-employed businessman.

First of all, I'd like to compliment the Manitoba Government for holding a public hearing on Bill 60. I'm also appreciative of the opportunity to be able to say a few words as a private citizen.

I would like to qualify my remarks slightly in the beginning by saying that this is the first time that I've addressed a government body. I'm very emotional, and if I irritate anybody I want to apologize in advance.

Even though I have agreed with a lot of things that have been said - I've been present at all the hearings up to date - the length of the presentations have been a little long. It's too bad that they couldn't have synopsized their remarks. They've been kind of a broken record. In the beginning that wasn't the case, of course, because the ideas were fresh. A lot of things that I'm going to say tonight you will have heard before, except maybe the approach might be a little different.

I'm here primarily because I have an opinion and I want to add my voice to that side. As a matter of fact, the people who are not in hearing distance of my voice are the ones that I really want to get to. I'm talking to the people in this room as if they are two people; representatives of the government on both sides of the House, and also the general public. In a democracy, a government usually has an awful lot of responsibility. You know why? Because they've got a partner who has abandoned them. I'm talking about the general public. They are weak, don't try to take advantage please, of a partner who has gone to sleep and somebody's going to divert the plane to Minneapolis when we should be going to Toronto.

Two things I got in mind about a weak partner when it comes to making input into a society, and that is that a lot of members of the public don't make any input into what goes on here. They have no input, and when something is done fairly, they won't compliment you. That's why you have a difficult task, and I want you to know that I know that's the position you're in.

What the public does is, they're cry babies. As far as I'm concerned, the majority of the public are in two sections; half of them are cry babies and half of them you never hear from them altogether. You cry after the

horse is out of the barn. If they were to pass a test on citizenship, they would fail unless the citizenship course was set out by an authoritarian, by a person who specializes in authoritarianism. Then everybody would pass the test, because there's only be three clauses to that kind of a citizenship test, and that is click your heels, say yes, sir, and salute.

Now all of us have been resisting legislation on this bill for a long time - I don't know I think it may be 10 years. Are we now saying that we've been wrong all this time? Are we going to admit that we've been wrong all this time. Don't quit now. We've got a man who was a football referee. How many times has this man seen a football player carry the ball for 95 yards and then fumble it.

Following the other provinces doesn't make it right. I'm very sorry, it doesn't make it right. It's obvious that the other provinces didn't study the question like Manitoba has. I'm proud of Manitoba. We should be a beacon to change their minds, not the other way around. We should change their minds.

There are powerful lobbies and powerful government administrations in Ontario and Quebec, both federally and provincially. Public opinion and elected representatives, politicians are outclassed in those two provinces.

Your own public relations, the NDP Government of Manitoba, and media news coverage would have us believe that you are in favour of this bill. I, for one, am not taken in. In fact, I get the distinct opposite vibrations that you are conscientiously struggling with this bill. If you are, I want to pat you on the back.

Now when you consider the pros and cons that we have heard at these three meetings, the nays have won it hands down. If this were a debate in school, it would have been over five minutes after Sid Green starting speaking. It would have been all over. They would have gone home for a recess. Since then, the litany has been mostly the same. If this bill is passed in the law, let it be said that logic didn't do it, but simply the power of the vote and whatever else is behind that.

If judgment is so dangerous, how come we are using it right now to discuss this bill? Oh, judgment is so dangerous. Don't let anybody decide to put on a seatbelt or not; don't let anyone decide to wear his helmet; don't let anyone decide, oh they don't care for their young 10-month infant. We're using judgment, but they can't use judgment. We should have a law to pass a law.

As long as the purpose of this bill is in doubt as to its achievements, let me point out in my estimation a few things that are not so much in doubt. In other words, what will this bill do or what will it not do? It will improve government image. That's what this bill will do. It will improve the government image to a lot of people out there that the government is trying to do something in this regard. It'll be revenue bearing. There's no doubt about that. There is no doubt that it helps suppliers.

I wonder how much cost versus gain has gone into this thing. It deals with results and it fosters authoritarianism, especially when the bill could be shown that it's unfavourable to the public.

In case you're wondering what do I think authoritarianism is. Authoritarianism is: I'll hold your hand and you want me to hold it, because

Authoritarianism is a two-way street. I'll hold your hand and you let me hold it, because the party of the second part doesn't realize that if he doesn't comply, the party of the first part is out of business.

Conformity - the other provinces are doing it, we should do it. You know, my neighbour has awnings, I should have them too. Mama, I want to go to the party, everybody else is going. Yes, but you're only 14. Oh, everybody else is going. I want to wear lipstick, everybody's wearing it. That's what you call the comparison trap. Every salesman uses it. It's an insult to intelligence. That's authoritarianism. You don't know anything, I know. You don't know anything.

If you pass a bill that is unpopular, then people will say that you are not responsible, you're only responsible to yourselves. You don't need this bill to educate the public.

This bill, in my estimation, encourages disrespect for the law. We should be dealing with the cause which is impaired driving and lack of education. I'm certain that this bill will not lessen the burden on Medicare. There are already plenty of lifestyles and occupations that contribute to the cost of Medicare. Medicare is already abused. As an example, there \$100,000 out there that was free and clear because this law was in place. Do you think that \$100,000 wouldn't be snapped up by somebody else figuring, oh, let's come up with a pacer for every man, woman and child. They'd eat it up like that, that \$100,000.00.

In conclusion, ladies and gentlemen, so that we may strike a good balance between order and liberty, I recommend that you defeat this bill.

Thank you very much.

MADAM DEPUTY CHAIRMAN, M. Phillips: Mrs. Oleson.

MRS. C. OLESON: I take it from your remarks, Sir, that you would be in favour of a free vote on this subject?

MR. A. MOREAU: No, I wouldn't be. Surprisingly, I wouldn't be. In the party system, people are not ready for free votes.

MADAM DEPUTY CHAIRMAN: Any further questions? Mr. Orchard.

MR. D. ORCHARD: Mr. Moreau, I take it from your objections to this bill that in listening to various presentations and to various questions by members of the committee that no one has established a clear case of the benefit of compulsory seat belts and helmets, that they are going to be the benefit that is purported to be accruing to the users of helmets and seat belts by a compulsory law?

MR. A. MOREAU: I'm sorry, Mr. Orchard, I haven't heard you too well. Would you speak louder please?

MR. D. ORCHARD: Sorry. I take it, Mr. Moreau that you've been here for all of the briefs that have been presented so far. There have been a number of questions and positions put forward and a number of questions asked by various members of this committee.

I take it from your presentation that you have not seen the statistical or the logical case made by proponents of this bill that it is going to be of the great benefit to the users by compulsion of seat belts and helmets that is purported to flow from this compulsory bill?

MR. A. MOREAU: You're right.

MR. D. ORCHARD: Thank you.

MADAM DEPUTY CHAIRMAN: Are there any other questions?

Thank you very much, Mr. Moreau.

Mr. Bud Shiaro. — (Interjection) — The Clerk informs me that we have a brief from Mr. Shiaro and she will be passing it around.

Mr. Ben Hanuschak.

A MEMBER: He's not here.

MADAM DEPUTY CHAIRMAN: Mr. Denys Herbert.

MR. D. HERBERT: Mr. Chairman, ladies and gentlemen, I'm here to make two presentations; the first on behalf of Dr. Don Penner, and the second on behalf of the Manitoba Safety Council.

I'm reading this first presentation on behalf of Dr. Don Penner, who is Chairman of a Safety Related Interest Group of 19 organizations, with a total membership of 182,509. This presentation is being made in support of Bill 60 and specifically on behalf of 14 of these groups, the remainder of which are making their own individual presentations.

You have a list of the organizations attached to the papers now being circulated.

I shall present a very brief overview of the issues and the facts as we see them. The tragic daily toll of close to one death every two days and 30 injuries every day sustained by Manitobans in motor vehicle accidents together with their associated costs can no longer be tolerated since many deaths and injuries can be prevented.

1. Seat belts and child restraints prevent ejection from the car and violent movement within the car and these are the major causes of death and serious injury. Motorcycle helmets reduce the severity of head injuries, which are a major cause of death in motorcycle accidents.
2. The use of these safety devices does not in itself make a significant contribution to injury, and in the rare occasion when they do the injury sustained is of a lesser degree and/or death prevented which would have been the result had a seat belt not been worn.
3. The safety devices will not prevent all deaths and serious injuries, but we strongly believe that substantial partial solutions are better than no solutions at all. Educational programs on safety and more effective law enforcement relating to the drinking driver must continue.
4. Educational programs have been ineffective in achieving a significant level of voluntary use of safety devices, whereas mandatory legislation combined with educational programs has been most effective.

5. Individual rights and freedom of choice are the hallmark of a free and just society. No less important is the need for each citizen to accept responsibilities that are an integral part of these individual rights. Safety laws do not deny the right to drive motor vehicles; they do, however, impose responsibility to decrease the number of deaths, injuries and costs.
6. Recent public polls by Data Com Opinion Research Corporation indicate that:
 - (a) Traffic safety generally, and personal injury specifically, are matters of concern to virtually all Manitobans surveyed.
 - (b) While most Manitobans believe seat belts would save their lives or reduce injury, few wear them on a voluntary basis.
 - (c) 62 percent of Manitobans would support compulsory seat-belt laws. 30 percent are strongly supportive and 32 percent are mildly supportive. Only 14 percent are strongly opposed to compulsory seat-belt laws and 19 percent are mildly opposed. 5 percent have no opinion.
 - (d) 90 percent of respondents support compulsory child restraint seat laws.
 - (e) 87 percent of respondents support compulsory motorcycle helmet laws.

Generally people don't like to be forced to do something, even though they really believe they ought to do it. We suggest, because most Manitobans are concerned about motor vehicle safety and because the majority support the use of mandatory safety legislation, government should now proceed to enact that legislation. While it's desirable to have substantial public support for proposed legislation, the compelling reason for safety legislation is to reduce the number of preventable deaths and injuries and related costs. It is time to change the slogan of "Friendly Manitobans" to "Friendly Caring Manitobans" for most Manitobans truly care about the life and safety of our people.

Dr. Don Penner has practised medicine as a pathologist in Manitoba for over 40 years. In his role as a forensic pathologist he's gained a great deal of experience and knowledge on the nature and causes of all types of traumatic injuries and deaths. Based on his own personal experience and the study of numerous scientific documents, he can assure this committee that the use of seat belts, child restraints and motorcycle helmets reduces death and the severity of injuries with almost no risk of harm to the users.

We are most grateful that the decision to enact safety legislation was made. We will continue to support and help with the needed educational and informational programs so that Manitobans may achieve the maximum benefits from their safety legislation.

**SAFETY LEGISLATION
ORGANIZATIONS THAT SUPPORT SAFETY
LEGISLATION
(Safety Belts, Helmet and Child
Restraints)**

<i>No. of Members</i>	
City of Brandon Police	65
Manitoba Medical Association	1,600

Manitoba Community Newspaper Association	48
CUPE, Local 1550	2,000
Consumer's Association of Canada, Man. Branch —	7,600
Manitoba Association of Registered Nurses ..	9,000
Manitoba Teachers' Society	12,000
Workers Compensation Board	N/A
*Canadian Paraplegic Association	N/A
(safety belts only)	
*Manitoba Trucking Association	400
(safety belts & child restraints)	
Manitoba Health Organizations Inc.....	150-member organizations
Winnipeg Chamber of Commerce	4,161
Manitoba Federation of Labour	70,000
St. John Ambulance Council for Manitoba	N/A
Manitoba Motor League	75,000
Canadian Physiotherapy Association (Manitoba Branch)	300
Manitoba Association of Registered Respiratory Technologists	120
Manitoba Chamber of Commerce ..	65 communities
Nor'West Co-op Health and Social Services Centre, Inc. Manitoba Safety Council.....	N/A

That is the end of Dr. Penner's presentation. Thank you for the opportunity to make it. Dr. Penner is travelling outside the country; he would have wished to be here himself.

Mr. Chairman, I'd like to be excused from questions on Dr. Penner's presentation. I really don't feel competent to fill his shoes.

MR. CHAIRMAN, P. Fox: Proceed with your own presentation.

MR. D. HERBERT: If I may, I'd like to make a presentation for the Manitoba Safety Council.

George Bernard Shaw, an Irish playwright was writing to one of his many lady friends, and at the end of a long letter he apologized for being lengthy and verbose and said he hadn't had time to write a short one. You'll be pleased and relieved to know that I've had ample time sitting on these wretched chairs to write a short one.

This is a presentation in support of Bill 60. My name is Denys Herbert, I'm executive director of the Manitoba Safety Council. The Safety Council is an independent non-profit organization. Its principal aims and objectives are set down in the Constitution.

- (a) To assist and co-operate with the people of Manitoba, and others, in promoting all aspects of safety and health by protecting themselves and others from death, injury, sickness, and destruction of property.
- (b) To advise, assist, and co-operate with public authorities at every level of government - municipal, provincial, and federal in advancing the cause of safety.
- (c) To co-operate and work with the Canada Safety Council and other public and private safety organizations and individuals.
- (d) To offer educational programs to the general

public designed to focus attention on the causes and the prevention of accidents.

This brief presentation is to confirm to you that the Manitoba Safety Council fully supports the three main provisos of Bill 60.

- (a) The requirement that car drivers and adult passengers must use seat belts.
- (b) That children travelling in cars must be provided with suitable restraints.
- (c) That motorcyclists and their passengers must wear safety helmets.

The effectiveness of these several measures in reducing or even eliminating serious injuries has been well established by reputable organizations in many different parts of the world.

Many of the recommendations you have heard have been based on statistical analysis from various sources. It was very clear that in some cases the speaker was not quite sure just how those statistics had been derived and might even have done better to leave the figures well alone.

Rather than assail you with fresh figures and complex argument, I'll draw your attention to the important fact that almost everyone who has spoken against Bill 60 has conceded that if enacted it will do some good.

The Manitoba Safety Council view is that the figures, statistics and cash savings are arguable. The important truth is, quite simply, these measures will reduce injuries, will save lives and that those are the aspects we must all reflect upon.

Very much more remains to be done in the field of traffic safety, but we believe these are essential preliminary measures to be initiated now before moving on to improved education and improved training opportunities for all users of the public highways in Manitoba.

Thank you for your attention and, Mr. Chairman, I'll be pleased to deal with any questions as best I can.

MR. CHAIRMAN: Thank you, Dr. Herbert.

Apropos to what you started out with that the seats are hard, I should like to inform the public that this committee will reconvene at 10 o'clock tomorrow morning to hear those who haven't been heard. I haven't had any direction from the committee, but I would presume that we will probably go until about midnight tonight. Carry on.

Any questions of Dr. Herbert.

MR. D. HERBERT: I think before we go any further, Mr. Chairman, I'd better disclaim that distinction. Respectability has been thrust upon me, Mr. Denys Herbert will do fine. I'm no doctor.

MR. CHAIRMAN: Okay. Mr. Orchard.

MR. D. ORCHARD: Thank you, Mr. Chairman. I appreciate that you don't feel competent to answer questions on Dr. Penner's brief but, Mr. Herbert, I find one statistic has always baffled me and it was used in Dr. Penner's brief; that being, that 30 percent of Manitobans are strongly supportive of compulsory seat-belt laws, and yet I believe the user rate is something around 7 or 8 percent. How is it that if people strongly believe in something, they don't do it?

MR. D. HERBERT: Well, Mr. Orchard, I think you know what the road to hell is paved with, and I suspect that's got something to do with seat-belt performance.

MR. D. ORCHARD: So, then what we're getting down to is paving the road to hell then with legislation to make our intentions better amidst opposition from a significant number of people.

MR. D. HERBERT: I don't think the Safety Council understood that you were considering legislating good intentions.

MR. D. ORCHARD: Mr. Herbert, you mentioned on Page 2 of your brief that almost everyone who has spoken against Bill 60 has conceded that if enacted, it will do some good, and you have some underlined. Would you also concede that all of those people who have spoken against Bill 60 have concluded that it will do some harm?

MR. D. HERBERT: No, I wouldn't make that concession.

MR. D. ORCHARD: On what basis wouldn't you make that concession?

MR. D. HERBERT: I wouldn't make that concession. I don't agree that everyone who has spoken has conceded that the measures will do some harm. Most of the discussion over the last three sessions has revolved around safety helmets for motorcyclists, I don't really think we have explored seat belts or child restraints in any depth. One lady did want to discuss school buses and the possibility of equipping them with seat belts.

MR. D. ORCHARD: Well then, you consider Dr. Penner to be, basically, an expert on seat belts, helmets, etc., and he concedes that there would be almost no risk of harm. I would assume from that statement he is saying there would be some risk and harm to wearers of seat belts, wearers of helmets, child-restraint systems.

MR. D. HERBERT: Dr. Penner would allow me, I think, to interpret. We've had some discussions about this. He's a senior pathologist with 40 years experience. His advice to me is that the use of seat belts, the use of safety helmets, would really incur very little risk to people of normal physique in normally good health, and Dr. Penner's opinion has been borne out by other expert opinions offered to us at the Safety Council.

MR. D. ORCHARD: Well, that makes an interesting proposition as to what percentage of our people are of normal physique and in good health. That, by some estimates, would take in very few people in the province, but we won't get into a statistical argument on that one.

MR. D. HERBERT: I'm relieved to hear that, thank you.

MR. D. ORCHARD: Mr. Herbert, the argument has been made by at least one speaker that since this is a safety measure, which has no innocent third-party spinoff,

that the government should not legislate those kinds of safety measures. It's not the same as installing a speed limit or a traffic sign which is intended to provide a semblance of safety to innocent third party users of a highway facility or whatever. I take it that you don't concur with that opinion, that if it's a personal safety measure, that it should be only up to the individual to choose whether he wishes to use it, but you do believe that it is within the purview of government to legislate safety measures which impact only on the individual.

MR. D. HERBERT: There are three measures contemplated in the legislation. I imagine that you're talking about safety-helmet legislation now and not seat belts or child restraints?

MR. D. ORCHARD: The argument, Mr. Herbert, was made for all three.

MR. D. HERBERT: I don't think it's valid for all three. I can see a situation where unrestrained passengers in a car act as very dangerous missiles. In fact, we have on record at the Safety Council a pretty graphic picture which shows the results of two married couples travelling in a car, an older car, which only had seat belts in the front seats. The two men, naturally, sat in the front seats wearing the belts, and the two ladies, respectfully, sat astern where there were no seat belts. The car hit something very solid at quite a high speed. The two ladies crashed into the back of the front seats and crushed their husbands to death against the dash board. I don't think that would be regarded as being an innocent third party.

Now, in terms of children, if children are unrestrained and come to grief, whoever was responsible for that decision would bear a great responsibility.

So, I suggest to you that the only area which is perhaps in neutral is the question of safety helmets. Certainly the Safety Council believes that it is right and proper to take that decision on behalf of motorcyclists, who may not wish to take it for themselves.

MR. D. ORCHARD: In the incident of the accident that you mentioned, were the two gentlemen in the front seat belted in?

MR. D. HERBERT: Yes, they were.

MR. D. ORCHARD: Interesting.

MR. D. HERBERT: Really rough on them, I think, to be crushed to death, wearing a seat belt, by your wife.

MR. D. ORCHARD: Did the wives survive the accident?

MR. D. HERBERT: I believe they did.

MR. D. ORCHARD: That's an interesting accident circumstance, isn't it?

You, in the last page of your brief, Mr. Herbert, have indicated that much more remains to be done in the field of traffic safety. The Manitoba Safety Council is funded, in part at least, by an annual grant by the Provincial Government, Province of Manitoba. Could you indicate how much funding you've received this

year, or will receive in this government fiscal year from the province?

MR. D. HERBERT: The province's grant this year is \$125,500 and that is exclusively to be used for defensive driving and performance driving courses. None of that money is to be spent on motorcycle training and education.

MR. D. ORCHARD: Is that a new requirement that none of it would be used for motorcycle training?

MR. D. HERBERT: No, my understanding is that that's the traditional requirement which has been reiterated quite recently.

MR. D. ORCHARD: Is that funding the same as last year, or down from last year?

MR. D. HERBERT: It's 10 percent reduced from last year.

MR. D. ORCHARD: Does it not seem a little bit strange that a government, which is bringing in compulsory seat belts, helmets and child restraint as a comprehensive safety package, would be reducing funding to what is the major safety organization in Manitoba by 10 percent?

MR. D. HERBERT: I questioned the cut when it was made, because, naturally, I wondered whether it was a reflection on the performance of the Safety Council. I was assured that it was a reflection of hard times and we'd better take our share along with a lot of other people. The fact that I was given six months warning for steam made it a little easier to deal with the impending cut. No, we don't feel too badly used over that, Mr. Orchard. I hate to say that in public, but we don't.

MR. D. ORCHARD: I'm sure the government is pleased that you are saying it, because a number of their backbenchers were greatly alarmed to find the Safety Council and other safety program funding had been cut by the government.

MR. D. HERBERT: Let me reassure you, Mr. Orchard, this year, we confidently expect to graduate 5,000 people from the defensive driving course in the province. Last year, the figure was 4,000, and the year before, you may recall, the figure was only just over three.

MR. D. ORCHARD: And enabling you to do that, are other areas of normal safety funding undertaken by the Manitoba Safety Council being reduced or eliminated, such as the Farm Safety Program or other programs that the Manitoba Safety Council

MR. D. HERBERT: The Farm Safety Program has had its grant suspended, because the funds have been diverted, I understand, to the Workplace Safety and Health Division. No, in fact, over the last couple of years we've had the opportunity to improve efficiency and to increase fees, and we are going to be able to carry on quite adequately, at least for the foreseeable future.

MR. D. ORCHARD: When you mention you have increased fees, did the Driver Training Course fee go up this year?

MR. D. HERBERT: They went up at the beginning of this year, yes, the first of January.

MR. D. ORCHARD: I take it that was in anticipation of a reduction of funding?

MR. D. HERBERT: Absolutely.

MR. D. ORCHARD: Thank you.

MR. CHAIRMAN: Mr. McKenzie.

MR. W. McKENZIE: Thank you, Mr. Chairman. Mr. Herbert, on the second page of your brief, you mention the Safety Council supports the three main provisions of Bill 60, and that car drivers and adult passengers must use seat belts. Are you saying that should be mandatory? You say, "must use." Would you say mandatory?

MR. D. HERBERT: Yes.

MR. W. McKENZIE: Mandatory all the way?

MR. D. HERBERT: That's right. We're supporting that legislation.

MR. W. McKENZIE: Would you advise me, how far do you think we should go as legislators on putting mandatory things that people must do? Should we say that they must get up in the morning at 8 o'clock and go to bed at 10 o'clock at night for their own safety?

MR. D. HERBERT: I think your chances of re-election would be considerably reduced if you did that, Mr. McKenzie.

MR. W. McKENZIE: You're right, and so do I.

MR. D. HERBERT: But I do feel this, that it's very difficult these days to think of any field of legislation in which you may enact law which doesn't impinge on people's freedom of choice in one form or another.

MR. W. McKENZIE: Mr. Herbert, in my constituency a recent poll has indicated almost 80 percent of the people are opposed to this legislation. Should I, as a legislator representing those people, vote against this legislation, or support it?

MR. D. HERBERT: Mr. McKenzie, I've heard you ask the question before, and I'm sure you've come to terms with it and don't need my advice.

MR. W. McKENZIE: That's the difficulty in this type of legislation, where it's against the wishes of the majority, do you think we should still pass it and push it through the Legislature.

MR. D. HERBERT: I'm not at all sure what you should do. If it were my decision to make, I think I'd have to

go with my conscience and not necessarily with my constituents.

MR. W. MCKENZIE: Thank you.

MR. CHAIRMAN: Mr. Uskiw.

HON. S. USKIW: Mr. Herbert, you mentioned that your presentation represents a fair number of organizations with substantial membership, or at least the submission you make on behalf of Dr. Penner. Would it be fair to ask you whether or not those groups have come to that position by way of an annual meeting decision, or how would they presume to represent those numbers?

MR. D. HERBERT: Those numbers there, Mr. Uskiw, are the numbers of members of those particular organizations, but my understanding is that in every case the presiding body of that organization has made that policy decision.

HON. S. USKIW: So, what you're saying, if I may pursue it then, is that the various executives of those organizations have come to grips with that issue and not necessarily was that matter referred to all of the members of the associations?

MR. D. HERBERT: That may well not have been referred to a full membership meeting.

HON. S. USKIW: When I look at the membership, it is in the thousands. If you look at the Federation of Labour, there are 70,000 listed, but I'd be surprised if all of them would support this bill.

MR. D. HERBERT: Right. I think policy decisions have been made by boards of directors or the equivalent executive.

HON. S. USKIW: I guess I picked the wrong one. I would just advise that that one was a convention resolution, so presumably it does reflect a fairly good cross section of opinion within the Federation of Labour.

Have you ever come in contact with other jurisdictions in seminars or workshops where this item has been a matter of fairly extensive discussion, other provinces and other countries?

MR. D. HERBERT: I have experience in other provinces and other countries, but I have not had the benefit of quite such a protracted discussion as we've had here for the last few days in so much detail. The U.K. experience is well-known and conditions there are really very different - I'm talking safety helmets now. In the United Kingdom and many parts of Europe, there are a lot of people who use motorcycles 365 days of the year because that's the best kind of motorized transport they can afford. The tendency, I think, in Canada is that a motorcycle is a fun optional vehicle for use during five, six, eight months of the year.

HON. S. USKIW: Would you have any current knowledge of statistics in England based on the fact there is a very substantive number of population that make use of a motorcycle as a means of transportation as opposed to luxury or recreation?

MR. D. HERBERT: I really don't have that information, Sir.

MR. D. HERBERT: I see. That's good. Thank you.

MR. CHAIRMAN: Thank you, Mr. Herbert.

MR. D. HERBERT: Thank you.

MR. CHAIRMAN: Dr. L.C. Bartlett and Dr. Fewer.

DR. L. BARTLETT: Mr. Chairman, ladies and gentlemen, this matter is so important to us that this is the third day I have taken out of my vacation to come to Winnipeg and await my turn during these presentations, which at times did seem rather lengthy.

MR. CHAIRMAN: Would you tell us whether you're Dr. Bartlett or Dr. Fewer.

DR. L. BARTLETT: I'm sorry. I'm Dr. Bartlett. I must apologize, Dr. Fewer is out of the country and I will speak for him.

MR. CHAIRMAN: Thank you.

DR. L. BARTLETT: I also have had plenty of time to prepare a short speech and I should do just that. I shall not repeat a lot of data which we have previously submitted to you.

On behalf of the Manitoba Medical Association, I wish to thank you for the opportunity of being here today. We are vitally interested in a decision which has the potential to save many lives and many tragedies.

Our Emergency Medical Services Committee has been studying intensively the data regarding seat belts and motorcycle helmets for the past 10 years. Each of you must have received documents from the Manitoba Medical Association dealing with seat belts and motorcycle helmets giving you in detail the results of our studies on these matters. If not, let me know and I will be sure that you get them.

We all tend to think of our bodies as being tougher and more durable than they really are. I would remind you that the human body is actually 70 percent water, and this is contained in a sac which is not especially tough, namely, the skin. Does it seem logical to hurtle along such a sac containing such a precious fluid and at such a speed without at least packaging and protecting it for safety? I will not burden you today with repeating all the facts and statistics in our submitted reports.

I will summarize by saying that every year 200 Manitobans are killed in motor vehicle accidents, over 11,000 are injured, and 15 new paraplegics or quadriplegics are created with their lifelong problems. Autopac pays out over \$15 million a year for personal injuries alone. The hospital and medical expenses are enormous. Families suffer untold grief. In view of these facts, any argument to continue the present situation without change should be unthinkable.

Seldom does a government have the opportunity to prevent such tragedy on such a scale and by such a simple measure as is being presented to you now. The Manitoba Medical Association will firmly support this

important legislation. Studies on motorcycle helmets show only that helmets reduce head injuries, nothing else. This was clearly demonstrated in the State of Wisconsin when the helmet law was repealed; the rate of head injuries then doubled while other injuries remained the same.

A previous speaker stated that few of you ride motorcycles which is true. It is equally true that few of you and few of the riders spend any time opening the skulls of the injured victims trying to repair their shattered brains and trying to comfort their grieving families. I had with me at my last attendance here a man who does just that, Dr. Derek Fewer, president-elect of the Manitoba Medical Association, and one of Manitoba's prominent neurosurgeons. Dr. Fewer has had intensive experience in dealing with the tragic results of these accidents. Unfortunately, Dr. Fewer is unable to attend again tonight, but he asked me to tell you that any doubts you have about these safety measures would be dispelled if you could stand beside him during some of these operations.

In closing, I repeat that the Manitoba Medical Association will strongly support this important legislation.

Ladies and gentlemen, I thank you for your attention and for the opportunity of speaking to you tonight.

MR. CHAIRMAN: Thank you, Dr. Bartlett.
Mr. Uskiw.

HON. S. USKIW: Yes, Dr. Bartlett, I first want to express some appreciation at least, hopefully on the part of all of us, I think for both sides of the House, I'm sure, for the patience on your part having sat through so many hours of this committee waiting for your turn.

Could I ask you whether or not you are actively involved professionally in this area? I didn't get whether you were personally engaged in handling injuries, automobile injuries.

DR. L. BARTLETT: I am a general surgeon insofar as that goes. I'm not a trauma specialist, no.

HON. S. USKIW: I see, okay. Are you basing your own arguments on what others have conveyed to you by way of information, or is part of it based on your own experience as well?

DR. L. BARTLETT: No, this is not based on my own experience.

HON. S. USKIW: What is the frequency of injury in your opinion in Manitoba, in Winnipeg, resulting from car accidents and motorcycle accidents in which cases prevention would have saved lives or reduced substantially the injuries?

DR. L. BARTLETT: Mr. Chairman, respectfully, if I may, I would prefer not to go into the statistics here on this podium. We have studied them intensively. We have reams of data; I could spend the rest of your allotted time going over statistics. We have all the data on record; we have submitted a great deal to you. If you wish more, I'd be glad to give you any data you wish.

HON. S. USKIW: Yes, I think that's really what I wanted to get from you, whether or not you're satisfied that

the data is accurate enough to be relied upon in that sense?

DR. L. BARTLETT: We wouldn't have taken the action we have if we had not.

HON. S. USKIW: These are not guesstimates or averages, these are actual case histories that are compiled?

DR. L. BARTLETT: We can support all the data we have submitted.

HON. S. USKIW: Okay, that's good. Thank you very kindly, Sir.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Dr. Bartlett, currently in Manitoba we're faced with a potential of a health epidemic due to Western Equine Encephalitis. We have never lost near as many people through that disease as we have through automobile accidents and motor vehicle accidents in general. Would you consider in looking at it as an epidemiologist that a case can be made that there is an epidemic situation and has been for years and years which has been ignored by governments on our highways in relation both to accident injuries, both permanent injuries, temporary injuries and deaths?

DR. L. BARTLETT: I don't quite understand your question. Are you saying that this legislation should have been brought in long ago, is that what you're suggesting?

MR. D. SCOTT: Well, I guess that could be assumed from it. What I'm saying is that if any other cause of death in Manitoba resulted in some 200 deaths a year, resulted in as you said some 11,000 injuries per year, one would have, needless to say, a health emergency declared. Yet in this instance, we have never up until now tried to take the preventative measures, which we are trying in this safety package, to be able to both save lives and save injuries and not being concerned particularly with a dollar amount as much as the intrinsic costs instead of a dollar cost of losing the individuals through accidents. I guess what my question is, since we're supposed to be asking questions, if there were other instances in the province where we were losing this many people on a routine basis, would it not be considered or could you not consider this on highway traffic accidents - not just highways - but cities as well, and towns, that they should rank as high in order as the health epidemic in relationship to Western Equine Encephalitis?

DR. L. BARTLETT: I understand your question now. Yes, I agree this is an epidemic which attention is long overdue.

MR. D. SCOTT: Thank you very much, Doctor.

MR. CHAIRMAN: Anyone else. Thank you, Dr. Bartlett.

DR. L. BARTLETT: Thank you.

MR. CHAIRMAN: Edward Lipsitt.

MR. E. LIPSETT: My name is Edward Lipsett, and I am representing the Manitoba Association for Rights and Liberties.

Mr. Chairman, honourable members, the Manitoba Association for Rights and Liberties, MARL, has reviewed Bill 60, An Act to amend The Highway Traffic Act, and offers general and specific comment and criticism.

Undoubtedly, the proposals in Bill 60, to make mandatory the use of seat belts in automobiles and motorcycle helmets, make some infringements on individual freedoms. Moreover, the persons most affected by whether the protective devices are or are not used are the users/non-users themselves.

MARL, therefore, can support the legislation in principle only if the demonstrated value of such devices is clearly great, and then only if it can be clearly shown that the degree to which the devices will be used will be greatly increased as a result of legislating the requirement to use them.

If, however, the assumption that the beneficial effect of using seat belts and motorcycle helmets is either wrong or not substantially proved, then the legislation ought not to be enacted.

Even if the main provisions of this bill are deemed necessary, we suggest that amendments are needed to prevent especially severe interference with the basic freedoms of certain groups or individuals, and to reduce the possibility of arbitrary enforcement or unduly harsh results.

A serious concern is the adverse effect this bill could have on the religious freedom of certain groups and individuals. For example, certain members of the Sikh religion, as you have heard from the eloquent presentation the other night, are not permitted, according to their religious beliefs, to wear helmets; they must wear turbans, with nothing on top or under the turbans. There may well be other groups, or individuals, whose religious tenets prohibit use of helmets, seat belts, etc. It is suggested that exemptions be provided from both helmet and seat belt requirements, at least in the case of adults, for those with bona fide religious or conscientious objections to the use of such devices.

Such exemptions may indeed be required by Section 2(a) of the Canadian Charter of Rights and Freedoms, which protects "freedom of conscience and religion." It has been judicially recognized that constitutional protection of the "free exercise of religion" could require exemption from a law of "general application"; where applying such law against a particular group would severely damage that group's religious freedom, and there is no "compelling" justification for such infringement. (See for example, the U.S. Supreme Court decision of *Yoder v. Wisconsin*, 1972 found in 406 U.S. Supports 205)

Even if the Charter would not be construed to require such exemption, such an exemption would certainly be consistent with the spirit of the Charter and of a free and multicultural society. There is ample precedent in Manitoba and elsewhere for special exemptions from otherwise general obligations. Examples include Section 4(1) of The Retail Business Holiday Closing Act providing

Saturday as an alternative closing day to Sunday; Section 68(3) and Section 68.1 of The Labour Relations Act concerning exemptions from compulsory check-off and closed shop agreements, and, of course, conscientious objector provisions in various military conscription statutes. Although the vital value of saving lives inherent in safety provisions may seem "compelling", exempting certain groups and individuals from the helmet and seat-belt provisions would not pose substantial danger to the other users of the road.

We suggest that in addition to the exemptions already provided, there should be a general exemption for both the seat belt and helmet provisions where a person has a "religious, conscientious, medical or other compelling grounds." Section 172.2(13)(b) does allow the Lieutenant-Governor in Council to make exemptions for "any class of drivers or passengers" regarding seat belts. The fundamental issues referred to above, however, ought to be provided for in the legislation itself and not left to regulation. A procedure might be provided whereby an applicant could be granted a certificate of exemption in advance by an officer such as the Registrar of Motor Vehicles. Such a certificate would automatically preclude charges being laid though these grounds could also be left open for a defence where a person did not get such advance exemption. Although, on rare occasions such a wide provision for exemption might be abused, especially if the term "other compelling grounds" were liberally construed, most people do not seek needless hassle or controversy, and would be likely to seek an exemption only if reasons for it seemed very important to them.

Other areas where amendments would be helpful to reduce the risk of needless arbitrariness or harshness should be considered.

The reference in Section 172.2(5)(b) and also in Section 172.2(a) to a "qualified medical practitioner" is too narrow. A person might have valid psychological reasons (e.g. certain phobia) for which he/she is seeing a clinical psychologist, who, unlike a psychiatrist, is not part of the medical profession. He/she might have a physical problem which is being treated by a chiropractor rather than a medical doctor. The individual might have religious or personal scruples which prevent him from consulting a "medical practitioner" yet have real health problems. At any rate, if the grounds existed at the time of the driving or riding, failure to have a certificate should preclude a person's being able to prove at trial that he/she came within the exemption; similarly, if he does not carry the certificate with him, this should not preclude him from producing it at or before trial.

Referring to Section 172.2(5)(c), and also Section 172.2(7)(b), the peace officer's decision should not be determinative against the individual. If the officer does not accept a reason, it should still be available as a defence to the charge. It might also be possible for this to be a reason for the "advance" exemption suggested above.

Section 172.2(6) in conjunction with Section 172.2(12) seem to impose liability on the driver for his passenger's conduct. MARL believes that it is unfair to hold the driver liable for the refusal of an adult passenger to wear his seat belt. If such passenger refuses, it in effect requires the driver to ask the passenger, who may well be a friend, neighbour, or relative to leave. Or, if a

passenger claims he has a certificate, it may in effect require the driver to ask the passenger to produce it, or, if he trusts the passenger, to be held liable should the passenger lie. The driver should not be required to enforce the law against his adult passengers; to require him/her to do so would be an undue infringement of the privacy interests of such parties, and would, we believe, put the driver in an impossible situation with respect to his/her passengers.

In summary, MARL could support the principles enunciated in this bill only if there is persuasive evidence that implementation of them is clearly beneficial. If the bill is to be enacted, then we respectfully suggest certain amendments which we believe are needed to prevent further infringements on the rights of the individual.

We thank you for your courtesy in considering our points of view, and I'll be glad to answer any questions if any are coming.

MR. CHAIRMAN: Thank you, Mr. Lipsett. Any questions? Mr. McKenzie.

MR. W. MCKENZIE: In your conclusion to it, Mr. Lipsett, there you said, "If there's persuasive evidence that an implementation of them is clearly beneficial," now who's going to make that decision?

MR. E. LIPSETT: It seems to me that is the responsibility of you honourable ladies and gentlemen. MARL has not taken a position for or against the bill. We recognize that to a certain degree, even if it is beneficial to the individual concerned, there is a certain amount of paternalism in the bill.

On the other hand, some would argue that for most people the loss of freedom would be relatively minor compared to the great benefits of having their life saved. So, we are remaining relatively neutral on that issue. As to the factual issues, whether or not it is beneficial, the medical evidence, the engineering evidence, we do not have the professional expertise to come to that conclusion. You have had the benefit of excellent, well thought out, well-researched briefs here, you'll undoubtedly hear many more, dealing with the technical and scientific aspects. It's your decision, it's your responsibility to weigh them, and if you come to the conclusion that again there is substantial doubt as to the issue, I respectfully submit it your duty to defeat the provisions.

MR. W. MCKENZIE: One more question, Mr. Chairman. Mr. Lipsett, you referred to the Canadian Charter of Rights and Freedoms. Where does this kind of legislation fit in, outside the conscientious objectors or religious grounds, are there other groups that could consider this legislation to be infringing upon their rights?

MR. E. LIPSETT: You mean generally speaking?

MR. W. MCKENZIE: Yes.

MR. E. LIPSETT: That's an interesting question. As Mr. Walsh pointed out in his excellent submission the other day, there are some American decisions which have held that such provisions infringe on the

individual's liberty generally and, therefore, constitute a violation of the right not to be deprived of liberty without due process of law. On the other hand, there are many other American decisions that have come to the exact opposite conclusion.

As far as Canadian cases under the Charter, we have none in point yet. It's true we don't use the exact same terminology as The American Bill of Rights and 14th Amendment, but in Section 7 of our Charter, it does refer to the right not to be deprived of life, liberty, and security of the person except in accordance with fundamental justice. There's at least one B.C. Court of Appeal case that held that the term "fundamental justice" goes beyond mere procedures; i.e. the rules of natural justice, and could in exceptional cases quash substantive legislation as well. That would probably be fairly rare, judged as a completely different issue.

Again, we're not taking any stand one way or the other as to the general legislation, but we are suggesting that if in a few rare cases that I do mention, a religious group, like, for example, the Sikhs, it may be well incumbent upon the Legislature to grant exemptions. We are not certain.

Again, we have no clear Canadian precedent, but there is American precedent. The leading case dealing with the Yoder v. Wisconsin that dealt with mandatory education. It was held that although the general law regarding everybody to send their kids to school till age 16 is valid, requiring the old order Amish to send their kids to a high school beyond the age of 14 because it has such a tremendous effect on that group, and because the benefits of the extra two years are so marginal, then it would be an unconstitutional infringement on their religious freedom.

Again, I'm certainly not saying that religion gives a person the right to disobey any law. Most laws would probably have to be obeyed whether you believe them or not, but unlike most laws, these laws in question primarily direct to the individual him or herself, and they're uniquely personal. In cases like that, a concession may well be required.

MR. W. MCKENZIE: Thanks - he answered my second question, which was on the Yoder v. Wisconsin, and the Supreme Court. He answered that. Those are my last questions.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Lipsett.

Mr. John Lane. Mr. Lane will sit at the table, microphone 20 please.

MR. J. LANE: Okay, does that carry from there? I guess I'll just lean forward.

MR. CHAIRMAN: Yes, very well.

MR. J. LANE: Thank you, Sir.

Thank you very much. I guess last Thursday I would have said it was a pleasure to be here. It's becoming less so after waiting through all the sessions, but on the other hand I find it enlightening. I did want in my opening remarks to thank the government for introducing this bill, and to thank the opposition for considering it freely, and particularly for those members

that are considering voting in favour of it, and have done so in second reading.

I also want to add that I am particularly impressed that so many members of the Legislature are sitting through these sessions in the evening. We often, in the public, get an impression that our elected members spent all their time at each other's throats, name calling, or on the other side patting themselves on the back. I think that's a mistaken impression, and it's particularly encouraging to see how each and everybody here sits and pays attention and listens through all of the individual presentations that are made, and without exception asks probing questions even at 11:15 at night. I say that sincerely.

Anyhow, I'm not here to pat people on the back, but to talk in favour of compulsory seat-belt legislation as proposed. I'm the Executive Director of the Canadian Paraplegic Association, the Manitoba Division. I'm also a member of the national board of our association. In a way though I don't represent the association here, because our 550 members in this province are already paralyzed. I find myself in a strange kind of a conflict, because I feel that I'm representing the other million of you that haven't got it yet. The 550 members that I usually speak for are expecting me to lobby for research money to get us out of this situation, or to be lobbying for government programs and concessions by the private sector by way of access to make it an easier place for us to live. However, it's ludicrous to be continuing to put band-aids onto a problem when a number of measures stand out that could keep people from ending up spinal cord injured paraplegics and quadriplegics, as 35 people will this year and 35 people next year, and on and on as long as we pretend that this is something inevitable and nothing that we can do anything about.

It's from the perspective that this is a problem, part of which can be solved, and that part of the solution is before us in the way of Bill 60 that I'm speaking in favour of this sort of thing. I have some statistics that I'll go into later on, although I won't spend three hours at it. I'll make what I can of it and condense it for you and respond to questions.

I should mention though that 40 percent of the injuries that occur each and every year are motor vehicle accidents, and I would like to show you later on that the basic way those accidents occur is through mechanisms that could be prevented by use of seat belts. However, I'd like to tell you a little bit about the association, so that you can come to a decision as to how much weight you want to give my opinion in this matter.

Spinal cord injuries basically killed the individual prior to the Second World War. I think most of us grew up with sort of a synonymous view of breaking your back or breaking your neck as being dead. I know I did before I broke my neck. Mine was not a motor vehicle accident; mine was diving.

In any event, these are very serious injuries that only relatively recently have we been able to allow the person to survive from. The drugs that have made this possible were invented around the time of the Second World War, and our association was formed by war veterans who came home from that war with their paralysis but without any response in the community that was adequate to that particular injury.

If you can appreciate, the war veterans that came back to Manitoba, to Deer Lodge Hospital, were obviously severely paralyzed and were going to be that way for the rest of their lives, but this was a condition that normally was either something that people faced at birth, with cerebral palsy or something and regrettably the individuals were relegated to the closet for the rest of their lives. What happened, when somebody was "crippled up with arthritis or rheumatism or something like that," as the old word went, and later on in life people were prepared to go to pasture, what you had was young war heroes who were facing this situation. What these individuals did was form their own organization and they formed an organization to deal in a broad way with their particular needs as paraplegics. This wasn't a bleeding heart organization of well-meaning individuals in a community trying to work for people, this was an organization of people that had been selected at random for a particularly gruesome form of disability and were banding together to deal with that mutually.

It's the same situation that we face today. The same association has survived. I have a war veteran on my staff at the moment and there a few around still, but most of the individuals that become paraplegics now, become that way through randomly selected accidents that occur and these individuals form our association. The basic approach we take is that we have certain rights and we have certain responsibilities; and I'm only stressing this so that you'll realize that we are a broadly representative group in that we're chosen at random and that we have no vested interest in this particular problem except that we don't wish other people to have the same fate that we have.

Our association exists in every province in Canada with the exception of Prince Edward Island and we have a national presence, and in each and every province and nationally we are in favour of compulsory seat belt legislation and we're actively lobbying for it, either to retain it or to get it. Helmets are not an issue with us, and I should make that clear right now. Some statements have been made that helmets may cause spinal cord injuries and when I heard that week, I was set to thinking that perhaps there's something here that I wasn't aware of and that I'd better find out pretty quickly, because if motorcycle helmets are causing spinal cord injuries or are likely to cause them, then I've got something to be concerned about. I double checked my figures and I double checked with our medical consultant, Dr. Hy Dubo, the medical director of the Rehabilitation Hospital. We get one or two motorcycle accidents per year that cause paraplegia but they do not happen to helmeted riders in a way that would lead us to believe that the neck is involved.

Dr. Dubo tells me that in the last 10 years there has not been a single broken neck in a helmeted motorcycle rider. He also tells me that there are no studies in existence that would lead him to believe that helmets are a contributing factor to neck injuries and spinal cord injuries in the neck. He's got no vested interest in promoting helmets or not promoting helmets and I trust his advice. We do have, as I mentioned, some members that have become paraplegics through motorcycle injuries but it's the same sort of thing as being thrown out of a car. You're travelling along at 40 miles an hour, you're flying through the air, you come

down and you land like a sack of potatoes and you break your back. I really think that's important to mention because we are speaking about seat belt laws because seat belts will prevent spinal cord injuries, we're convinced.

We're not talking about helmets because we do not believe they cause injuries and we do not believe they prevent neck injuries. They're a non-issue with us.

In developing the position that we have in favour of compulsory seat belt legislation, we really have to consider two elements: one of which is, is there a role at all for the government in legislating private behaviour or personal actions; and secondly, is the prevention of spinal cord injuries a significant matter and worth considering? I think I would like to prove to you as I go along that our thinking leads us to believe that this is the case in both instances.

In the first case, I listened at length to a very interesting speech by Mr. Green here last week but, to be honest with you, I didn't know if he was talking about Manitoba. I believe myself to be a pragmatic civil libertarian; I'm that way inclined. I'm concerned about civil liberties, but I also live in a province where we have fluoride in our water. This is accepted. We draw a line that says it is legal for an individual to drink; it is illegal for an individual to smoke marijuana or to take heroin or addicting drugs. We've consciously drawn a line that says this is acceptable personal behaviour; this is unacceptable personal behaviour. This happens in our society.

I get a little bit offended when people make interesting, spirited discussions that say, well, what are we going to do next, make people wear toques or make them stop eating? This implies that we live in a world that has absolutely intrusions by government into personal behaviour whatsoever and that this is going to open the flood gates, and where are we going to stop from here? That's not the province that I live in, that's not the country I live in. Even down south that's not the case, so having accepted that, the argument then is, where do we draw the line? Is it reasonable to require people to buckle up in order to achieve a certain objective and then I look and I say, what is involved in buckling up? - click. I don't like doing it; I didn't like doing it before I got involved with the association. I still don't really like doing it but I'm now convinced, on the basis of statistical evidence that I have and the outcome that's involved, that this is not a trivial matter. This is not a matter of, do we require people to wear wool socks or other things like that? We're talking big, important, personal tragedies that could be prevented here.

Most people don't know what a spinal cord injury is, although in the last couple of years there's been a lot more public attention directed that way, but it's important to the argument that I present that we accept that a spinal cord injury is a very serious occurrence, because if it's only going to happen 13, 14, 15 times a year that can be prevented by this compulsory law, then it has to be a mighty important event if that's going to be an important factor in figuring it out.

What you should know is that a spinal cord injury results in paralysis below the level of injury. In other words, a person whose back is broken about here, is paralyzed below that. They can't move their muscles and they can't feel what happens. A person whose neck

is broken, similarly is paralyzed, basically below the neck, can't feel and can't move. That's an overly simplistic view of what happens though, because it leads to a number of different things. Going along with that, although it's unpleasant to talk about, the bowel and bladder are also impaired. Many of our members - I would guess well over 25 percent - when asked, would say that they would be glad to have control over their bowel and bladder and sexual function back, rather than worrying about being able to walk. Others would say being able to have the sensation back in their body, so that they could understand when they're damaging themselves and they could stay out of the hospital, would be important.

We have people that go back in because they run into a sore on their body and go back into the hospital for months and even years. This disrupts their ability to work and destroys their life. Other people suffer from chronic pain as a result, and this is also reported, in some instances, to be a major debilitating factor that keeps people away from work; so that we have a lot more involved here than merely the loss of muscle function.

You also have people whose whole view of themselves is absolutely knocked out of whack for a good period of time, and some of them, as a result of all that, don't know whether they're, if I can use a quote, "still a man anymore," are they able to provide for their family? If they're a woman, major concerns relate to their ability to fulfill these kinds of roles, whether they'll still be a contributor, in a net sense, to the family. We do a lot to help people to become that way and we believe that people do reassert themselves through the basic strength of the human will and a lot of help that we put in. We've got nine people working at it and our budget is about \$300,000 a year, and that doesn't include what the government puts in through purchasing wheelchairs and various other matters, so it's no small piece of investment that is applied to assist people to resume their normal roles in society, but it is a devastating thing to happen to a person.

This is all because of a little nerve that runs up the middle of the spinal column. It's really, I guess, not a little nerve; it's a significant bundle of nerves, but for some reason those nerves, like the nerves in the brain, don't recover when they're injured. They don't grow back again. If somebody loses their arm in a grain auger or in a farm accident, with a bit of luck and a good surgeon and a pack of ice handy, they can get that arm to the emergency and they can maybe get it sewed on again and it'll grow back because you're dealing with a different kind of nerve.

That doesn't happen in the spinal cord. People don't recover if the damage, in the first instance, is significant, and it can all happen because of a little break in that spine, that one bone. We don't understand why it's so devastating and so permanent, but it is, and it's a factor, I think, to consider in weighing the severity of that versus perhaps a bruising injury that would put somebody out of the way for a couple of weeks or something like that. Incidentally, our average spinal injury spends three months in intensive rehabilitation now, and if you multiply that by the cost of the hospital, you run into approximately \$20,000 per injury per year, and that's just for the initial hospitalization, not for the readmission, not for the ongoing costs, not for the \$850 wheelchair, not for any of these things.

Another measure of the severity of these injuries is the amounts that are being awarded in court cases. When a person is injured in a motor vehicle accident, they'll often sue, as you know, and our association is often asked to prepare an analysis of the costs of future care. The kinds of settlements that are coming down routinely, show a paper, the other side rolls over and plays dead, are half a million to \$1 million. You may have read in the Globe and Mail a couple of weeks ago that there was a case in Ontario that was settled at over \$1 million; there was a case in Quebec last year at \$2 million plus. Now these are costs that are assigned to these cases on the basis of loss of future earnings, pain and suffering, and the costs to care for that disability over the individual's lifetime. They often don't take all the costs into consideration. For example, there's an arbitrary upper limit of \$100,000 on the pain and suffering. It's always given, because it's always reached.

It seems to us to be a trivial amount because you can't really assign a dollar value to that sort of thing; but if you want to get a handle on how big this problem is and if you want to compare it to scrapes and bruises or other sorts of injuries, you can take 13, 14, 15 motor vehicle accidents a year, that we believe could be prevented if people were wearing seat belts, and multiply that by \$500,000 to \$1 million and come up with a figure like \$7 million to \$14 million, which gives you some kind of a handle on it.

Until recently we, as an association, have been focusing on how to make society a better place for our members to live in, but I guess, increasingly, it's become difficult just to ignore the problem and continually try to deal with the number of people that come on each year; so we are very concerned now with prevention. We are actively concerned with preventing diving injuries; we're actively concerned with the role that alcohol plays. I was very interested to hear the various proposals by the motorcycle groups that would show that there are ways to cut down the number of motorcycle injuries regardless of helmets, because they would affect the number that come our way. We're strongly in support of all these measures, anything that would help prevent spinal cord injuries.

We do feel that one of the best places to start, because it would have an immediate impact, would be enforcing mandatory seat-belt legislation. The typical person that gets injured is a male, three to one, young person who's been drinking. We talk about educating people and we talk about rational free choices, and it's so easy for us to assume, well, that's what I would do, or I would think about it, or I would read everything there was and come out to a rational decision, but how much thinking, reading and analysis is a 17 or 18-year-old kid going to do and how much is that person going to bring to bear after having been drinking at a house party? How much bigger effect is it going to have if that individual stands the chance of being pulled over to the side of the road and fined, penalized, or whatever, for not wearing a seat belt? You can see that by looking in the window of the car. The policemen tell us that it would help them enforce their anti-drinking rule to have a seat belt law because it would help them pick out who's drinking because these will be the ones who weren't wearing their seat belts, the careless wreckless ones.

You could carry that to absurd extremes and I don't want to waste your time with it, but I really do believe that education has not worked for people that we've seen, and that the very group that is at risk to having spinal cord injuries in motor vehicle accidents is the group that education would have the least impact on and that one really has very few alternatives left but to require a seat belt law.

Now, we haven't taken this position just based on supposition, although we do know that the mechanics of spinal injury are such that you need a fair amount of force and that this occurs when people fly through the air and land on something or hit something else awfully darn hard because you've got to snap your whole body or your neck to break that bone. But we have recently helped finance the study of every motor vehicle accident that resulted in a spinal injury in Manitoba in the last eight years. I think the results do support the position that we have taken.

This study was done by Dr. Hy Dubo and Dr. Gil Delaney at the Spinal Cord Injury Unit here in Manitoba. These are not foreign statistics, these are down home numbers. The incidents of spinal cord injuries in the Manitoba Spinal Cord Injury Centre catchment area, meaning Manitoba, of 1 million population from January 1, 1975, to December 31, 1982, eight years, was 257; 101 or 39.3 percent were due to motor vehicle accidents. So this equates to incidents per million per year of about 13 for motor vehicle accidents. I'm skimming through this because of the time. Single vehicles rolled in 71.4 percent of the accidents; ejection occurred in 38 percent of the rollovers. So your typical accident is a car driving down a rural road, going off into the ditch, and you can imagine that car, it goes over and it rolls and the individual is thrown around like a pedo-whistle, probably flies out the window and it sustains all that force, either rattling around inside or flying outside.

One of the folk myths is that it was fortunate for such an individual to be thrown away from a crash. That's not true; they are injured because they are thrown out.

We had one individual a couple of years ago, but to add insult to injury, he was thrown into the burning gas. They say we'd be better thrown away from the burning wreck. He was thrown into the fire; this occurs too.

So out of 101 spinal cord injuries there are a total of 40 ejections, the others rattled around inside and some other figures indicate the number of second collisions that occurred inside the car, etc.

I'll just read some concluding things here. The highest incidence of spinal cord injury was in the 16- to 20-year-old age group, 25.7 percent of all motor vehicle spinal cord injuries. One of the reasons you get up to \$1 million-plus is when you start with an individual 20 years old and add those costs every year until there are 75 and dying. A single vehicle accident occurred in 73 percent and ejection occurred in 54 percent of these particular injuries; 65 percent suffered permanent complete motor paraplegia or quadriplegia. From the level of the injury down, they lost all sensation, all movement, all bladder and bowel control, all sexual function. Seat belt usage was zero in this age group - nobody. Total seat belt usage was 6 percent, six out of the 101 injuries. None of the seat belt users were

ejected and none suffered serious associated injuries. All 11 deaths were non-belted. The incidents of ejection for those non-belted was 45.6 percent. Of those ejected 75 percent suffered complete motor paraplegia or quadriplegia. The six seat belt users had incomplete lesions. Complete recover occurred in three; major recover occurred with minor residual neurological deficit in the other three. They were significantly less severely injured, none of them was a complete paraplegic, those who were belted.

As an aside, of the six that were belted, none of them were really doing it voluntarily. Two of them occurred at the race-track, out of the six; two of the others were required to wear their belts by their employer; and the other two were driving through from mandatory provinces. They had crossed the border from Saskatchewan in one case, and from Ontario in the other case. So if you take away those who had to wear them or the two who were wearing them from mandatory provinces, you had nobody, not a single individual, who chose on the basis of the evidence available to them to wear their belt and that included the old ones and the young ones. They all suffered that permanent injury though, that serious injury that nobody thinks is ever going to happen to them, the same reason that nobody figures the volcano is ever going to blow up when they put their house on the side of it.

Dr. Dubo and Delaney's conclusions are as such: The results of this study indicate a need for a change in public attitudes towards drinking and the driving and the observance of speed limits. The use of safety belts could play an important role on decreasing the incidents and the severity of spinal cord injury due to motor vehicle accidents by preventing ejection and human second collision.

I called Dr. Dubo up to confirm that his use of the words "could play an important role" in that sentence was not indicative of anything wishy-washy and he assured me that he had used it in that in the sense that they should be required. He is in favour of mandatory seat belts and he was surprised that I should read into that any doubt as to his position in that case. I convey that to you in case anybody draws that conclusion.

I guess in conclusion in our case, we're convinced that seat belts are a major factor that would prevent spinal injuries, and we don't think people are going to use them unless we have to, not the people who become injured with spinal injuries, because there's just no evidence based on the facts that we have. We think that this is a significant and not a trivial matter. I must say that I'm insulted by people like previous speakers who would infer that we are talking trivial matters when we're talking about factors that should be considered in using this compulsory legislation. We feel that the province is already, as every state that we're aware of in the Western World, involved in making decisions as to where to draw the line in involving themselves in private behaviour.

We think there's ample evidence of that, and we don't think that any major precedent is going to be set. We do think it's not a decision that should be taken lightly, but on the basis of the evidence available to us this is the kind of argument that should carry the day. We should have compulsory seat belt legislation because it will prevent very serious paralyzing injuries that affect families in Manitoba.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Lane. Are there any questions?

Mr. Uskiw.

HON. S. USKIW: Mr. Chairman, I would simply want to thank Mr. Lane for giving us the benefit of his knowledge and experience in this area. I know that we have read and listened to others and it's always something that sticks with one in one's mind for a period of time, but to have one of your background experience on all sides of the issue is somewhat unique for a committee like this. We appreciate the time you have taken to make us aware of the information that you are able to impart.

MR. CHAIRMAN: Mr. Kovnats.

MR. A. KOVNATS: That was a real excellent presentation. I have a couple of questions. You say your group are not really that interested in helmet legislation. All three types, legislation for helmets, legislation for seat belts, and childrens' restraints are all lumped into one bill. How would you feel if you - are you a paraplegic or quadriplegic?

MR. J. LANE: Quadriplegic.

MR. A. KOVNATS: Quadriplegic. How would you feel if you had to wear a helmet while driving a motorized vehicle - I'm pushing it to the extreme - there's nothing in this bill that says that they're going to say that you've got to wear a helmet, but if there was - and I can see it happening as the next step - how would you feel in that case when you are directly affected again?

MR. J. LANE: I'm human, I think I'd be annoyed at having to wear a helmet, but I don't have any evidence right now because I drive on the sidewalk and it's kind of hard to relate it, but if somebody said to me, "When you're on the sidewalk, a car is going to run up on the sidewalk and hit you," I'd have to ask, "Well, why doesn't every pedestrian wear it," or something like that. I suppose if one could make the case and could prove it, I would have to follow the same kind of analysis we put into this brief and go along with it. I would be annoyed if I had to wear a helmet, though.

MR. A. KOVNATS: Yes, just a couple of other minor questions. Have you ever fallen out of your chair?

MR. J. LANE: Yes, not for awhile but, yes, that's happened.

MR. A. KOVNATS: Now, I have a feeling for you because I have another friend who is quite similar, Kenny Tacium, who you probably know. I think of your best interests, and I would want you to wear a helmet just in case you fell out of your chair - let's push it to the extreme. Would that be wrong for me to do so, or do you think that you should have some freedom of choice as to whether you wear a helmet or not?

MR. J. LANE: As I mentioned before, I consider myself to be a pragmatic civil libertarian and I think that would

be an unjustified intrusion on my personal rights. I don't think I'm going to suffer brain damage falling out of my chair. That's the kind of injury where I could prevent myself with my arm or whatever. The mechanics aren't the same. It's sort of a different kind of a thing. I think if I was in a suburb and the curbs weren't wrapped and I had to travel on the road, I think it would be quite legitimate for me to be told that I have to have flashing lights on my chair or something like that, or even not be allowed to go on the streets and have somebody go with me and push me onto the curb and off the curb. So I can see where intrusions would be necessary if they were linked to a significant risk of a significant thing happening, but just the same as you could suffer injury if you fell off the curb, I'm not suggesting that people have to wear helmets to walk on the sidewalk. That to me is trivial.

MR. A. KOVNATS: Thank you.

MR. CHAIRMAN: Mr. Orchard.

MR. D. ORCHARD: Thank you, Mr. Chairman. Mr. Lane, now I'm sorry I missed the first part of your remarks, but you indicated that you didn't have a strong feeling for the compulsory helmet aspect of the legislation. There have been speakers on both sides of the issue on the helmet issue; those that say in some accident circumstances the helmet would be beneficial. The case was made by a couple of speakers, and I believe you've been here at each of the sittings so far, Mr. Lane.

MR. J. LANE: The first one, not the second.

MR. D. ORCHARD: Maybe you missed one of the briefs, but they have made the argument against the mandatory use of helmets from the standpoint of the additional weight of a helmet and in certain accident circumstances that causing extra inertia and causing neck injury. You made the point that when you have severe spinal column injury, that results in paralysis from the injury point down. When there is the possibility that has been given to us - and I don't believe it's just a possibility, it's a reality of wearing a helmet - that you can run into an accident circumstance where the helmet causes excessive injury to the neck and indeed possibly total paralysis from there down, given the chance that the wearing of that helmet could result in total paralysis, do you believe that that is a legitimate measure for a government to legislate and make mandatory?

MR. J. LANE: I would be very concerned if that was true and when I heard it mentioned and mentioned on a couple of occasions as the kind of thing that might happen, I did some soul searching on it and I consulted with Dr. Dubo and I asked him can this happen? He said, no. He said that in the last 10 years we have not had one single spinal cord neck injury from a motorcyclist who was wearing a helmet. He said to me, "I'm not aware of any studies that would indicate that." He suggested I get a hold of Dr. Mulligan and see if he was, but I wasn't able to, and I did hear the first speaker say that he wasn't aware of any studies on the adverse effect of helmets. I would be worried if

helmets were causing spinal injuries, but we have no evidence of that.

MR. D. ORCHARD: I think, Mr. Lane, we've probably got no evidence of that in Manitoba because we've had virtually no use of helmets in Manitoba, so Manitoba, I think, would be not a good test population, if you will, if that's what you want to call it.

The possibility, I believe, is there. I don't ride a motorcycle and I tend to operate from a lack of knowledge in personal experience, but I think that riders who have experience are probably not bringing out facetious information when they indicate that.

Now, that brings me to my next question.

MR. J. LANE: I think, really, that I didn't hear anybody ask them for the proof. I heard people say this could happen, or would you like me to be taken out of here paralyzed in a box rather than with my head hurt. I did not hear anybody say where the proof was, I only heard hearsay. So perhaps you could question people and determine where that's coming from and satisfy yourself whether that is true or not, because I tried to check and I couldn't come up with anything that would indicate it's true.

MR. D. ORCHARD: Well, agreed, and I think one of the speakers tonight did quite an adequate job of demonstrating how statistical information can be contorted and distorted to suit the purpose of the presenter. That's always the problem that you've got when you want to have a numbers argument over the benefit of any particular measurement, and seat belts and helmets are, of course, no exception to that.

Mr. Lane, you have indicated in your brief that over an eight-year period, I believe, there were some 101 people who were injured from vehicle accidents in which spinal injury and, at least, partial if not total paralysis occurred. The case has been made to me by several people who have had the personal experience of an accident and the accident that they have been involved in and they described to me was of a side-impact at an intersection. The one particular individual, whom I'm fairly close to, wasn't wearing a seat belt, the car that hit her from the side ended up with the bumper on the console of her car, and she was thrown quite violently to the other side of the car and fractured her right hip on the right side of the car. The left hip wasn't injured from the impact of the car, it was hitting the other side of the car that hurt her. She was told by the police and she believes that this is true that had she been wearing a seat belt she wouldn't have escaped, she would have been dead.

Now, I recognize that the circumstance that you describe of the 101 paralysis victims, who may well have been prevented that injury had they worn their seat belts, is a very emotional argument to make. But I can assure you that the person that made that accident description to me also made a very emotional argument, and the bottom line in her argument was that when you've got a situation where you're only protecting yourself by wearing a seat belt and there are accident circumstances where the wearing of that seat belt could cause death or more serious injury than not wearing it that, as an individual, that person makes the point

that she should have the right to choose and accept the consequences of her decision.

MR. J. LANE: Well, how can you choose what kind of accident you're going to have?

MR. D. ORCHARD: Exactly.

MR. J. LANE: So how can one say that they're choosing to avoid harm? I don't understand quite how you can follow that through. Was she saying that were she to do it all over again she would feel that she would not wear a seat belt because she'd be safer?

MR. D. ORCHARD: That's her basic position, yes.

MR. J. LANE: Because, you see, the facts disprove that despite the fact that there are instances, and it sure sounds to me like that sideways accident is one of the ones where the seat belt wouldn't provide much help, and if you had enough impact to drive a car right to the console she's probably better off without it. But, how's she going to know that ahead of time?

MR. D. ORCHARD: I guess that's exactly her point. You never know what kind of an accident you're going to be in, and you never know whether you're going to have a benefit or a disbenefit, and you've got to make your own personal decision rather than have someone make it for you and that's the argument she makes.

MR. J. LANE: Okay, but all you've got to rely on really when you can't predict the accuracy of any particular event is the overall risk, and the overall risk is overwhelmingly that you're going to be much worse off with respect to a spinal injury if you're not wearing your seat belt than you are if you are wearing your seat belt. On that basis we have to conclude that it's going to prevent an awful lot of spinal injuries and it's much better off for the person to be wearing it. Now, there are all kinds of arguments people put up about this case and that case, but I understand your reluctance to go on statistics but statistically she's taken a bad bet. It's a foolish decision.

MR. D. ORCHARD: A lot of people go to Las Vegas, too. Mr. Lane, I guess maybe I've got a hangup on this being an issue that should be one where the individual chooses his own fate, because I've got another individual in my family that was involved in a single vehicle accident where they hit a very solid embankment. A fuel tank came in from the back of the half-ton and completely crushed the cab. The individual, who survived the accident, didn't happen to be strong enough to hold himself on the seat. He was floating up on top of the cab, the other two guys were sitting on the seat and the tank crushed them and killed them instantly. He came out of it seriously injured but alive. Had he been strapped to the seat, as would be mandated by this legislation, he would be dead. I have to tell you that I personally wear my seat belt probably 80 percent of the time, because I'm on the other side of the coin where you are that if I have to choose the risk I'm going to choose it on the highest side of the odds.

HON. S. USKIW: You're going to caught on that 20 percent . . .

MR. D. ORCHARD: Yes, the Minister is quite true, he says I'm going to get caught on the 20 percent that I don't wear the seat belt. That may well be.

I have to tell you with all sincerity, Mr. Lane, that the people who have had these personal experiences and the families involved with them are very vehement and adamant that it should be their right to choose the safety protection that they should use for themselves. I know the position that you're making is a valid one because I would not want to have any member of my family subjected to an accident situation that would leave them paralyzed. I think that's tragic. On the other hand, I'm not certain I would want to be voting for legislation where someone might come to me afterwards and say, because you voted for that legislation, my son or my daughter is dead because of an accident circumstance, as I've described in those two instances, where they're dead, because you passed a law mandating them to wear a safety measure for their personal protection that by anybody's admission is not 100 percent safe.

MR. J. LANE: I understand your discomfort with the position because you're being asked to take a decision which you can't win on, because somebody's not going to come to you and say, thank God, for passing that legislation because I'm alive now. I doubt that's going to happen. We may get a seat belt survivor from it, but you won't get any credit for it. None of us here will, it'll be the person that'll say I was wearing it and I'm happy. I do think that it's kind of fallacious to think that somebody can choose their own fate in these circumstances, you can't.

MR. D. ORCHARD: Well, you can't choose the fate of the type of accident you're going to be in, but you can choose whether you wish to be protected by the seat belt or not and that's the decision they want to make. — (Interjection)—

Well, my honourable friend, the Member for Inkster, says, yes, you can make your choice and pay your fine. I'm sure the NDP Government wants that to happen, so they can fatten the coffers to pay their next election campaign.

MR. CHAIRMAN: You can talk to each other later after you're finished with Mr. Lane.

MR. D. ORCHARD: Thank you, Mr. Chairman. Can I ask one other question? you've addressed the issue of the seat belts and you've not specifically addressed the child restraint systems, do you have any feeling on the child restraint compulsion?

MR. J. LANE: Well, we don't as an association because children don't come to us, we deal with adults. I find it hard to argue with on personal grounds, but the association position and what I'm really talking about just addresses seat belts.

MR. D. ORCHARD: Thank you, Mr. Lane.

MR. CHAIRMAN: Thank you, Mr. Lane. This committee will reconvene at 10 o'clock tomorrow morning in this room.

The committee is adjourned.