



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

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON STATUTORY REGULATIONS AND ORDERS

Thursday, 28 July, 1983

TIME — 8:00 p.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. Peter Fox (Concordia)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Mr. Uskiw

Messrs. Fox, Harper, Kovnats, Malinowski,
McKenzie, Mrs. Oleson, Ms. Phillips, Messrs.
Orchard and Scott

WITNESSES: Representations were made to the committee as follows:

Mr. Elliott Levine, private citizen

Mr. Phil Zubrycki, private citizen

Mr. George Chapman, private citizen

WRITTEN SUBMISSIONS:

Mr. Gary J. Hudson (Shoal Lake, Man.)

Dr. Bill Ewart, private citizen

MATTERS UNDER DISCUSSION:

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

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MR. CHAIRMAN: Elliott Levine.

MR. E. LEVINE: I suppose after our break and at least a slight relaxation for dinner, we'll take a while to get back to where we were, but I was reviewing the belt use statistics and what appears to be fairly reliable data based on a number of studies.

I had cited three or four studies from Ontario that seemed to indicate 50 percent as reasonable belt use and, indeed, people who have been doing this work in Manitoba believe that's a reasonable ballpark. You might be a few percentage up one month if you're down another month. Part of the trouble with some of the Ontario studies was that they were done during the daylight hours because that's the only time they could see and because of budgetary constraints, they only did it Monday to Friday, 9 to 5. We know that the big bumps in fatalities are Thursday, 11 o'clock at night, till 4 in the morning, Friday-Saturday, that kind of thing, and they weren't particularly counted.

There was the presumption in these studies, whenever there is a study that suggests that the numbers get closer to 60 percent, I get nervous because I find out that these were primarily eyeball studies in the daytime, and they were looking at what we know is the safer percentage of the population, and we know the safer

percentage of the population tends to belt up with a higher frequency perhaps than the drunks who drive at night. We know the drunks who drive at night conservatively kill 40 percent after we'd throw in the impaireds over 50 percent and some recent disturbing studies. I mean it was expected in terms of taking in all sorts of impairment in terms of drugs and probably the alcohol that isn't legally officially being picked up perhaps because of blood test absence or what have you. Some studies have suggested 85 percent.

The user rate for belts for impaired drivers and the blood alcohol count study that was done in Ontario - the BAC study - shows the correlation. This was a nighttime study where they pulled drivers off the road, promised not to prosecute them. The only concession that they made was if they were really sloshed, they wouldn't let them drive home but that they wouldn't charge them. They'd send them home by cab or by cruiser.

That study showed, and these were for drivers who although they were legally drunk had not had accidents, that the more booze in their system, the less likely they were to belt up. While you and I might think that's intuitively obvious, the report said this was a surprising result, because before that time in Ontario at least, the researchers had assumed that drunk drivers belted up with the same frequency that sober drivers did, and for that reason, if they had a reason - maybe this is their benign neglect, they never bothered to make a separate count, although they do have it in their accident reports, to correlate belt use and drunks. We know from the blood alcohol count study that Ontario did that the more drunk, the less likely to belt up and, if you average and say you assume that these people belted up at half the average rate, you'd be very conservative because these were for the sober enough drunks not to get in an accident.

We know that the majority of kills are from booze-related drivers, and these drivers are drunk enough to get in accidents. I'm not the only person who has requested that these figures be pulled apart and that a separate count be made - we have it police reports identify both belt use and drunkenness - that those figures be pulled apart so that we can identify sober people and see what happens to them when they're belted and not belted. But, nonetheless, we can make a reasonable extrapolation.

The next study that I would like to suggest to you is the series of statistical reports out of Ontario, 1973-74, 1974-75; they show some interesting things. When Ontario belted without being required to, so these are pretty honest results, 13.4 percent belt rate, they found 13.5 percent of their accidents were uninjured. In other words, they could show one tenth of 1 percent possible benefit, in terms of injuries; in other words, that's an insignificant statistic, .01 percent in 13. What the data showed in Ontario, when they did not have compulsory belt legislation, was that belting at a 13 percent rate didn't improve matters, didn't represent a net benefit in terms of reducing accidents.

Now here's the kicker. When Ontario is reporting a 50 percent rate or Ontario is reporting an 80 percent rate, it doesn't matter either. The best case that Ontario can make is that belts don't matter but, because of the way in which the figures are cooked, I would suggest to you that the more reasonable interpretation, given this very very disturbing problem with drunks who don't belt up, it clearly looks as if the net effect of belts, for whatever reasons, and we could go into those if you wanted, but for whatever reasons, it looks as if the total effect of belts is a minus, in terms of the safety factor and not a positive factor.

The researchers that I talked to informally with in Manitoba, I find a couple of things with regard to drunks. The ICU people are very unhappy about seeing people in the ICU and they say, we've got to belt up so that people don't show up in the ICU. Some of them cynically say, better these people died in belts, even if you're right about belts, because it's horrible to be in the ICU with spinal injuries, what have you.

The other point that I wanted to make to them is, when you're looking at drunk-related statistics for which belts were irrelevant, what is the breakdown in Manitoba? It may be that other people have figures, but one of the researchers at Health Sciences, whose job is to research what goes on in ICU, who personally believes in belts, did not know and did not care - he's been doing this for years - he did not know and did not care whether his ICU clientele were drunk or not; the only thing he cared about was to identify whether they wore belts. I submit to you, this is patently ridiculous. If we know that the drunks are killing most of the people and we have every reason to believe that belts are useless, if not dangerous, then surely, so as not to pretend that belts are dangerous and belts are causing what drunks are causing, it must be totally irresponsible and certainly unacceptable to refuse to separate, to make a distinction between someone who is hospitalized because he was drunk and someone who is hospitalized because he was belted up. This is one of the uneasinesses that I have with the data, when researchers refuse to look at what the obvious explanation is because the conclusion would fly in the face of accepted wisdom.

Belts are neutral, according to Ontario statistics. What do they tell us about total kills? 1973, optional use of belts, combined belt and non-belt kills in Ontario, 515 for drivers. They're roughly the same, a little bit less for passengers, but let's just look at drivers because we have the data easily available. In 1974, 522; 1975, 505, averaging around 510, 511; not compulsory, 13 percent belt use. Five years later, 1980-1981, compulsory belt use - they'd had it for five years; it settled out; they know the results. I believe, because of the road counts that were done, it's honest to say you now have four times the belt use in Ontario, 50 percent. Ontario motor vehicle accident facts, 1981, says they have an 81 percent belt use.

I asked a researcher in Manitoba the other night, who didn't know about this report, what he would think would happen if you shifted all the way up to an 80 percent belt use, what it would do to the fatalities, to the result of accidents. He said it wouldn't mean much. Now this is someone who knows the data and he's talking to me privately - I don't know what he'll say publicly. We have had, clearly, the indication from people

who have been talking to you, that if you legislators can only get these sluggards who are belting up at less than 10 percent in Manitoba, to belt up at 50 percent - Nirvana - they know damn well nothing will happen; at best, nothing will happen. I'm nervous that you're going to kill people, net.

In Ontario, they managed to kill 513 in 1980, 506 in 1981. Ontario manages to kill exactly the same number of people when Ontario reports 81 percent belt use - 80 percent and a fraction. Think of that. You are being asked to legislate so that people will wear belts. Ontario manages to kill at least as many people who are drivers, and notice, this is despite the fact that the total automotive kills are lower, the road speeds are lower, the vehicles are safer, people are wearing belts in inordinant numbers, and we could quibble whether it's 50 or 80 percent, but that's clearly higher than 13, and it does not decrease kills. The kindest thing you can say is that, hey, people might be a little bit remiss in looking at their data when they tell you, the legislators, that if you can only get people to belt up you will be doing a great thing, not as many people will be dying.

I submit to you that the only province in Canada, and the reason I use Ontario, partly because it's a sister province, but it's the only jurisdiction that is large enough with it's 8.5 to 9 million population, with it's budget that exceeds ours, with the decades of keeping of data, Ontario is the only place that has respectable data that we can look at. The most respectable Canadian data tells you that anyone who says that belts are going to reduce kills isn't telling it like it is.

Now I know they have a total of more drivers in Ontario now than they did five years ago, whatever, but the point is as a percentage of total automotive kills, Ontario has managed to shift from 28 percent to about 32 or 33 percent. If you look at the total number of people who get themselves killed in automobile related accidents, Ontario belting at the high rate between 50 and 80, depending who you want to believe, compared to the 13 percent rate, Ontario with compulsory belt legislation kills a higher percentage of automotive related deaths in its drivers, and we know they're belted up; I mean pedestrians aren't belted up.

I would submit to you that I would be nervous about believing that I am going to do anything but do what Ontario did and increase the percentage of drivers who are getting killed in automotive accidents in my province if I brought in belt legislation, because Ontario did precisely that.

Saskatchewan - I don't know why they out-perform us, but they move from 263 to 295. They have kill rates in their total automotive package that is far far worse than ours, and their negative performance vis-à-vis ours increased dramatically when they belted up.

Surely, people who are coming to you and saying belts are a panacea have the clear obligation to make an honest case, and my problem is they can't make that case. I can tell you there are three kinds of cases that can be made. (1) You do autopsies on individuals and you say they died because of X and Y. In itself, that's inconclusive. That has to be put in a context that can compare what would reasonably happen if you were comparing a jurisdiction that doesn't have any significant number of belts, and I was told - again, I assumed that we had 7 percent belted in Manitoba, and I'm told it's as low as 4 percent by one of the

researchers here. He's the source. I don't want to say that's a truth, but we both agree it's not enough to get a count that's worth very much.

So in the absence of having remembered that man who's looking for his five-spot under the lamp post when the real evidence is in the dark where he can't find it, we do not have the data in Manitoba itself to tell us what happens in Manitoba with belts. We don't have the experience. But for God's sake, we have the experience of Ontario, and we know that it looks dangerous in Ontario. It looks as if you're going to increase your kills. Look, Ontario identifies in its motor vehicle accident facts that it has in its hospital - these aren't the minor injuries, these are the serious injuries - six out of ten people in the hospitals are there because they were wearing belts and they're there.

We know from other studies that it looks like they were belted up 50 percent. The only way you can believe that Ontario isn't doing a net damage with its belts is to believe that they must have been belted up 60 percent, because if they weren't belted up 60 percent, then my God, belts would have been injuring more people than they were saving; but when you send people out to count who's wearing what on the highways, 51 percent looks like the most generous thing that you can say that they're actually wearing in the years in which they are identifying. I'm taking Ontario's facts. The only thing I'm quibbling with is I'm saying Ontario has a number of studies that say they belted 50 percent, and when they come to say how many people they have in the hospitals and how many people they kill, then they say that we're belted over 80 percent. I am nervous about the 80 percent, but I'm just telling you, they say 80 percent.

Now, why that 80 percent is significant is because of this. Our Manitoba Medical Association has submitted a brief to you, and I don't know how cautious they are with their facts. I was a little nervous when they tell you that over 10 years we killed 200 a year when that's out by 10-20 percent. It's an impressionistic way in which to use figures. They clearly told to you, as reported October 18, 1982, the MMA says - I'm quoting the Free Press, Manfred Jager. Presumably, he was honestly reporting the briefs that were submitted to you. The MMA says, "Serious injury is 65 percent more likely without safety belts while the risk of death is up by an average 50 percent." In another place, recently, they are saying four times the accident risk if you're not belted up.

I can tell you that figure is in here, Ontario Motor Vehicle Facts. Was it distributed to you? How they get that, the statistics sheet that was distributed, I've underlined: "Injured, 9,162 - belts installed, not used; installed and used - 38,000." Now, what they have said is that 9,000 injured was generated by 9 percent of the drivers who weren't belted up. What they say is that the 38,000 was generated by the over 80 percent of the drivers who were belted up. Now, that clearly says 40 percent of the injuries are generated by 9 percent of the drivers, therefore, you're four times as likely to be injured if you're not wearing a belt.

If you believe that I would suggest you consider one other factor. Ontario admits it has 7 percent of its drivers stinko drunk. They generate 38 percent of their kills, 42 in a good year. You can account for just about 100 percent of what Ontario says the belt damage is for

drunks who we know don't wear belts. What Ontario is telling you then is that it has over four times as many people injured wearing belts as not wearing belts. But I would suggest to you the honest way to look at it is this; we know half the people wear belts and half don't wear belts, I would be frightened as hell, if I were you, if I knew that Ontario got four times as many people injured wearing belts as not wearing belts when you know darn well only half the people are wearing belts. When you then take away the drunks who weren't wearing belts I can tell you that, after looking at those figures, is the reason why I, who am a sober driver, do not intend to belt up, because the figures look as if you are - I'll be modest about it - significantly more likely to be at risk if you're belted up and sober, and I would suggest that, while you are looking at the other parts of your legislation, you know that drinking causes most of the problem.

Quit fooling yourself that because you can't do anything about drinking and you can do something about belts, that by looking under the lamp post, that by asking people to wear belts, you're going to do anything about deaths. The likelihood is that, marginally, I'm not saying you're going to see a huge increase in kills, but you've got the problem that, when those kills start coming in with people who are wearing belts, that it's on your conscience that you know that probably the net result is that there is an increase in deaths and, of those people who are wearing belts, you can excuse away some of them and say they would have died anyway; and others, and say, well maybe that one died because they were wearing a belt but look at the one we saved, but the statistical case is more ominous. The only reason I bothered to get myself involved in this is that the case looks worse than that and I would hope that you would be more cautious about that.

I had not originally intended to say anything about child restraints. Personally, intuitively, child restraints seem great. I would caution you though that the same Ontario study that identifies how great belts are but it has to rely upon an 80 percent user rate to hook up its data, appears to perhaps be cooking its data here too.

Now I haven't heard anyone mention numbers. We've had euphemisms like the injuries are less, aren't as serious or we know where the injuries are and no statistical data. Quite frankly, I believe that no one yet has enough studies on this.

My intuitions are that probably belts are a good thing, but here is what you have to confront. Ontario says, 200 - well, hundreds of babies every year are injured, however they count injuries, who are wearing infant restraints, child restraints. Apparently this is for zero to one-year-olds as opposed to about 14 who weren't. Now, I still believe infant restraints are probably good but look what you have to swallow in order to legislate infant restraints. In a sister jurisdiction that legislates infant restraints, they are running at ratios of over 200 in 1980; 204 were injured in 1981; 222 in 1980; 14 were injured in 1981 not wearing infant restraints; 23 injured in 1980 not wearing infant restraints.

Now here is how the data is handled to say that infant restraints are three times as safe as not infant restraints, and I leave it up to you to decide whether or not you should be suspicious. I honestly don't know because being a parent myself, I used to use sort of a basket

and put my child in the back, in the well of a 5,000 lb. car and there was no place for the child to fall or get a whiplash or anything when she was an infant and after that I used - this was in the '60s before anything was required - child seats that had sort of a secure bar and head whiplash and various other things. It wasn't perfect but it seemed reasonable giving the technology of the day.

My problem is that Ontario has to report 97 percent users. If you believe that Ontario has or that you were likely to get 97 out of a 100 infants in a proper certified restraint, then when you report that 88 percent of the infants who were injured were wearing restraints, that's a good figure because if you've got 97 percent of the population but only 88 percent of the injuries you're doing those kids a favour because you're saying that the remaining 12 percent of the injuries were generated from only 3 percent of the population. But if you have reason to suspect that people were lying when they filled out the police reports, and if you have reason to think that - wow! - could you really get 88 percent of the populace to use infant restraints? Then you're in the position of not knowing whether or not infant restraints and that are good or not.

Here are some of the problems with infant restraints. People are tending to use smaller cars now. You take a Honda Civic - one of my neighbours, I pointed this out to her the other day and she said, oh my God, you're right and she immediately moved the infant restraint - she had the infant restrained in the perimeter of the car because she wanted to have another person in the seat with the child but it doesn't take very much to take a foot or so off the side of Honda Civic. If a child is restrained or packaged as a euphemism is in that perimeter of the car that disappears in a side hit - goodbye child. If that child was loosely packaged, they bounce, they've got a better chance of survival.

I would be nervous enough to want to legislate that infant restraints, if they are to be used, must be in the centre of the vehicle where they crush a foot or two off the back or the front or the sides before they get to the kid. I don't know how reasonable that requirement would be for subcompacts, but when Ontario reports 88 percent infant injuries from infant seats, I'm not saying to you that I feel - personally, I think they make a better case for infant restraints than they do for seat belts for adults. But I am saying that you have to believe that Ontario is belting up at a 97 percent user rate in order to believe Ontario when Ontario says you're three times less likely to be injured on average.

One other thing to do with statistics before I try to put this into some sort of semblance. Very few things kill children who are five years old or three years old. I mean once a child survives its first six months, it survives. Cancer starts getting at 30, 40 or whatever. When we look at the kills to passengers by age groups, we find that before the age of 16 years - in other words from zero to 16, we kill about the same number of kids per year, per age group. That kill rate is about the same as 35 years old, 36 years old, 38 years old, 40 and 65. In other words, you take a population of 60-year-olds and a population of 10-year-olds and you're going to kill about the same number of them as passengers in automobiles in a given year. But it's only going to be a small thing that's going to kill. The 60-year-olds are dying of all sorts of things, but for the kids, my God,

that's possibly the leading cause of their death and you're asked to do something about this epidemic.

Look, we're not kidding anyone. We know, you get in a car, there's an assignable risk per million miles, so many chances of getting killed. It really doesn't matter whether that is a four-year-old passenger or a 64-year-old passenger, a million miles of driving is a million miles of driving and you kill them at the same rate. The only reason I bring this up is as a cautionary note because if you're starting to belt up five-, six-, seven-, eight-year-olds in adult restraints and the adult restraints are questionable for adults - we know they're not made to fit children - you're not going to legislate a custom made size belt for every age from 10 pounds to 300. You are legislating ill-fitting belts that probably are net dangerous to adults, to kids who start off with the same danger to themselves from a million miles of driving as a 30- or 40- or 50-year-old. It looks dramatic. My God, you figure he has his whole life ahead of him. A five-year-old life wasted and a 60-year-old - oh well, he probably had cancer anyhow, so big deal, an auto wreck got him; but the point is the numbers only look dramatic for the children when you put them in the context of nothing else is killing them.

When you say, does automobile travel kill? Sure it kills. If you then say to those kids that they have to wear belts that were not designed for them, surely a belt that is not designed for them is not going to be safer than a belt that was designed for them. Belts are supposedly designed for the adults and I am telling you that the case is not being made on the basis of the statistics that this government has directed me to look at, that belts are worth anything. The case appears to be that belts are increasing your liability and here you're saying a belt that possibly - I'm not saying guaranteed - but that possibly increases liability for an adult, when it's fitted for an adult you're going to because all of a sudden it's the latest thing to look after kids, we're going to legislate it for children.

Well, quite frankly, I have this horrendous scenario. My God, I've got to fight the Children's Aid Society again because they're going to want to come and take my children because I'm not taking care of them. Luckily my kids are getting older, you probably won't come after me, but my nine-year-old, they might. I, quite frankly, don't tell my kids that they have to belt up or not, but maybe they've read the data that I have and they may be biased because they've been exposed to me, I don't know. They fight me on a lot of things, and they don't agree with their old man on a lot of things.

In belts, quite frankly, the propaganda that's hit them in the school system, they sit there and they laugh at it, and they're not the only ones. Various people go around with various movies that they show at the schools to show them that they should be wearing belts. If the reason why your education isn't getting through, Mr. Uskiw, and members of the government, I would suggest it's because it's propaganda and there's hope yet, our citizenry isn't that readily flimflammed.

Well, I will perhaps return to numbers, if you wish, to have me identify these reports later. I'd like to refer to my brief, at this moment, because I really think that the statistical case is only part of the problem. I would remind you that we are looking at people looking under the lamp post when they're looking for what the heck belts do in Manitoba. The belts aren't used in Manitoba,

so the best they can say is we don't know, and the surprising thing is the people I've talked to don't know what the correlation is between booze and belts, and they don't seem to know what the belt experience is in any detail in sister provinces. I find that surprising but be that as it may.

One argument is you do autopsies and you say this person was killed because their head hit the dashboard at such and so velocity. The other problem is that has to be correlated in some meaningful statistical way and no one seems to be able to produce or to admit - people who are working in the field admit that their data doesn't really prove anything. The only other way to prove something is to build an experimental model, smash a car into a barrier, roll it, whatever, and measure what happens. Quite frankly, you can set it up so that obviously a belt saves you 100 percent, or 99.9 percent of the time, in a particular kind of crash that you set up.

The problem with that is, if that works, then it should show up in jurisdictions that have had the temerity to actually legislate belts. If you are going to have a predicted fourfold decrease in accidents, and in deaths and what have you, you should expect to see Ontario go, not from 1,800 deaths to 1,600, but from 1,800 deaths to 800 or 900 deaths, and Ontario doesn't do that. Ontario showed a modest decrease in kills, just as we did, and you can attribute 100 percent of that to improved auto design, improved policing for drunks, and improved reduced road speeds and policing of those road speeds. Actually, you can account for more than the benefit that they got. They should have been killing even less people if those factors alone worked. That's why I said to you, they had belts as well, but they didn't even get the benefit they should have got from the other factors. It really looks as if belts were starting to be counterproductive.

That means that the special engineering setups where you roll a car, do whatever you do, can only prove a very narrow thing. I've been running a series of experiments for about eight years now just to prove one narrow range of phenomenon. You have to get all the variables neutralized if you're running a careful scientific experiment. I hadn't meant to want to bore you with philosophy of science concepts, but you know the difference between faith and science, there's a feeling about it, but logically it's this. Something held on faith is held to be proven, but not disproven by physical experience; that's faith. For example, if I drive through a puddle and I don't drown, and I'm wearing a belt and I believe in belts, I say that proves that belts don't drown you. If I say to someone else, but I know someone who went into a puddle and was drowned, and he says, oh well that almost never happens, don't count that. If I say, my cousin was in an auto accident, head-on collision, 12 people killed, he was in the death seat, the automobile block landed up where he was, he's alive today - a practicing physician actually - because he was thrown out the car through the windshield. They picked glass out of his face for a month, and he was in hospital for three months; but he's a useful member of society because he wasn't belted in.

I know a couple of attorneys in Winnipeg who were in side hits. One of them, he was thrown, as secondary impact he hit the driver, God forbid he hit the driver.

The car was totalled; he and the driver walked away. There was a property damage accident reported to Autopac, the car was a write-off, but not even a personal injury, but the car was 18 inches skinnier. I submit, when you're belted in and the car moves 18 inches and you don't move, you're in trouble. This man, not a scratch.

Other people have told me that they've witnessed side hits, minor accident, and the driver was killed, he was belted in, didn't have a chance. All I ask of the researchers is, where do you account in your experimental models for the counter instances; and I'm told they don't bother because it's only a 1,000 to 1 chance that ever happens. My God, I must know thousands and thousands of people who are alive because they wear belts; I don't know thousands and thousands of people in terms of my interchange with them.

Now, that's only anecdotal and it doesn't prove a darn thing. I could bring a hundred people here who believe that they were saved because they didn't wear belts, and people on the contrary side could do the same. What I am saying to you, an experimental model has to be able, if it's honest, to account for the negatives. Now a person who's got faith doesn't have to do that because experience proves, and is not allowed to disprove, faith. Aristotle - I'm paid to be a philosopher - was asked about the poets. The poets used to be important social figures in Greece like priests and physicians and legislators. He was asked about poets and truth - he was talking about Greek poets. He said, poets lie a lot; poets speak to experience, but they don't allow counter instances to count; it's called poetic license. I have the feeling that a lot of our statisticians were really studying humanities and studying a lot of poetry when they went to university.

Look, if something is to count for hard data it must be set in the context - it's called the verifiability criteria, I hate to even use terms like that with my students, so please bear with me - verifiability criteria wasn't really clearly identified until the 20th Century, although we recognize that all the bright scientists were using it for centuries.

Verifiability criteria says unless there is some finite sensuous experience that could disprove your claim the claim that you're making is not knowledge, you have no right to make it, it is not a verifiable claim; it's a poetic claim. There must be admitted beforehand a scenario that someone will say if something occurs then it proves me right but, if it doesn't occur, then I'm proven wrong. The man of faith says if God loves me he'll give me money, and then he didn't give me money; oh well, God must be punishing me for my sins, so no matter what happens it proves that God cares about me. The scientist says, if I've designed this car correctly it will get 50 miles to the gallon, and you drive it and you come back and say it only got 25; and if I say, well look, you have to drive it 100,000 miles, the average will be . . . You say, hey, give me my money back; the car only gets 25. Someone must say to you, okay, in the next 24 hours, 10 gallons of gas will drive the car 500 miles, and it either does or it doesn't. Unless experience can prove the knowledge claim right, it's not verified; it's not science.

We live in the day in which people dress up as specialists and they sell all sorts of things on television

and they appear to be making scientific claims, and there's all sorts of ways of hoking data, that I would submit to you that any claim that is made to you that can't specify how data could prove it wrong is not verifiable evidence. It's someone's fate, someone's poetry. Now, if you want to legislate deaths because of poetry, we're in bad shape. I hope you will be very careful when you consider the kind of evidence that has been given to you when people say that they have proven their case.

I've been looking at a lot of poetry in these statistics. This has been too overwhelming in terms of me just giving you the result of my sporadic-year study of these figures; but if you're serious, I'd be prepared to, as Paul Walsh earlier said, if you want to talk numbers, he'd be prepared to sit down and talk seriously to show you the serious, serious design flaws in these reports that claim benefits. I really know nothing about helmets, although I must say I've been very impressed by people talking about helmets. Paul was briefed to talk about helmets; I wasn't briefed by anyone, but I have only examined belt statistics and I can honestly tell you that belts look dangerous.

I would now like to present what I take to be the real formal problem that is presented to you, and I outline it in my brief. You have a copy. The documentation was initially forwarded me by the Minister and I indicated my dissatisfaction with the brief that went to caucus, presumably the NDP and not to you guys on the other side, and I read what the Minister directed to me as being the bibliography, the back-up data that justified the caucus brief, and a good deal of the reports that I've cited to you were cited to me by the Minister and others in my correspondence with the ministry of the Department of Transport in Ontario; they forwarded it to me.

The only thing I couldn't get out of them - believe me, I tried, because I know they have it in their accident reports, the raw data - I asked them to break down the sober belts to the impaired belts and they won't do it. I tried to talk politely to them. They recognize what the problem is, because if any data shows up and it looks like it's there, it destroys the case that they made for belts, and I appreciate that benign neglect, was what the speaker this morning said. Well, I don't know if it's benign neglect or not, but my efforts, I don't have enough clout to get the Ontario Government to push the buttons to run the study that would prove them wrong.

There's a legal, moral difficulty that requires the government to respect the citizen's right to life. This is the one that clearly is going to lead to the justification for the Supreme Court challenge. When you're talking about life, you are talking about legislating in areas that clearly is not within the ultimate competence of the province. You can be challenged.

Point (2) - Given that unbelted persons are of no danger to innocent parties, the defense of the normal motivations for saying, hey, we're defending society at large, you really can't make the case there; so your normal impetus, people are saying do something, we have a problem. You're defending the people. You can't make the case there, and the people that you're trying to control are the people who have the capacity to control it themselves. You can fly an airplane over the city and unless I get a bazooka and shoot it down, I

can't stop you; but you know darn well the majority of people, unless you enforce, it's a scofflaw. You have that problem, and you don't really have the justification for the legislation in terms of on behalf of the great, unwashed public.

You might argue the dollars case, but I would suggest to you that the Ontario figures show that you don't have a leg to stand on to show that unbelted drivers cost you money. You sure as hell can say drunks cost you money, but does this mean that the only reason the ICU is treating drunks is because it's saying they weren't wearing belts and you don't want to identify them as drunks? Are you prepared to say to a drunk, you pay your own medical costs?

In those cases, I'd suggest that you better make a distinction between a drunk and a belted guy and an unbelted guy, because an unbelted sober is not costing you money. The drunk belted or the drunk unbelted is costing you a fortune, and me. I'm not saying I should be so stingy as not to pay for the drunk, but if you think that the public interest has to do with dollars, you have the obligation to separate the people who are wearing belts from the people who are drunk, and we know that drunk drivers kill themselves too; drunk belt drivers kill themselves. So are you going to pay for a guy's medical because he was wearing a belt and drunk, but not if he was sober and not wearing a belt? You're going to have one hell of a challenge for that.

Point (3) - Paternalistic technical difficulty requires the legislator to produce conclusive evidence that intervention is a clear and overwhelming benefit. In one of my other guises, I teach philosophy of law. When you look to the theory of paternalistic law, and this is clearly paternalistic law, and I'm not saying it's pejorative, some of you may be more enthusiastic about the theory of paternalistic law than others; but the procedure, and it's good procedure, because if you violate the norms that have been generated, those norms weren't generated for some airy-fairy reason, the requirement for the paternalist to make his case is precisely to avoid scofflaws, to avoid the majority of the populace thinking the legislators are idiots and evil and all the other nasty things that they say, and at some point we have society breaking down.

The prudent thing, the decent thing, the honourable thing and in fact the only thing that you can do if you want to have a strong law that is really observed, is to make your case when you bring in paternalistic law. For this reason, the Federal Government has been spending millions of dollars on propaganda, and I can show you the studies that have to do with social engineering, nothing to do with whether belts work, but how you get a public opinion poll to show that you have 55 percent of the public believing belts work. We in Manitoba have been subjected to that for the last 12 months. You've seen the ads. The media people tell me they're coming in where they have conferences here and they tell us how good they are. That's part of the campaign to justify paternalistic legislation.

This is what they did in Ontario, and this was a Tory Government - evil Tory Government - 40 percent of the populace thinks belts are good; they wouldn't touch it. They educated the public. When they got over 50 percent, then they brought in the law. So it's prudent - I'm saying it's prudent, but now that's only the propaganda part of it. The substantive part - and this

is where it's going to hurt you - partly because you've got a bunch of organized people in Manitoba who are going to take you through the courts; you're going to have to prove not in some public opinion forum that's manipulated by a bunch of slipped publicity that our Federal Government got second-hand from Washington; you're going to have to go to a court of law with the rules of evidence and prove that when you say you're going to reduce injuries four times, that you're doing it. You can't do it because the data doesn't support you, and so on.

I would suggest that there's a problem in terms of the concept of a paternalistic law. You can make it in terms of momentary public opinion, but I would suggest to you just as a year of publicity being manipulated from wherever it's been manipulated from might temporarily increase the perception on the part of the public that laws, yes, I guess they're probably good even if I'm not going to wear them. In a court case, it would be reported in terms of hard data, the case could not be made and you've got to convince a judge and ultimately a Supreme Court Judge, that when the MMA tells you all these wonderful things that happen with belts, if you don't got the data, you don't have a case arguing on paternalism. So, that's another problem you have. I was just saying, if you want to bring in legislation, what are your problems?

Point (4) - and it's not polite to talk politics - but sometimes we see on television the Leader of the Opposition or one of the members opposite, hard words or flamboyance - and given that we know that you're going to have someone wearing a belt, getting themselves killed every week if you have a 50 percent user rate, can you imagine a coloured photograph in some of our more flamboyant newspapers, the kill of the week, box score for the year, every week a government that cares about its people, a Minister who wants safety on the highways, compels people to put on a belt. Really, in terms of respectable argument, I mean that's not where philosophers are at, but in terms of rhetoric, I just ask you to, in common sense, be cautious. Figure out what the heck you're doing.

Now I said, seat belt dangers. I know people in perimeters of cars who clearly were better off because they weren't belted in. I'm prepared to admit some people are better off if they are belted in, but clearly there must be some accounting on both sides of the ledger, and the reports that purport to tell you that belts are good don't even try to begin to make that case. But we have enough data from the coffins in the ground, from the bodies in the hospitals, that it doesn't matter what euphemisms are used, we know that belts don't do what their proponents say they do. It's one thing for the government to put television ads on - and I can't fund those, I can't compete with that - but you're going to have to make that case in the law courts and that's where Department of Transport expertise, with all of its flimflamming, just doesn't hold up.

Now, if climate and population and geography mean anything, Saskatchewan looks like Manitoba. Aren't you curious as to why they kill so many more people than we do? They did not lower their speed limits when they brought in belts. Other jurisdictions did the two things together and therefore had no statistical case to make. Unfortunately Alex Bazylewsky, who has the office next to me, who is professor of statistics, he begged me,

he said, hey, when you're making your brief, Levine, I want to make a co-brief - because he's been feeding me a lot of some of my reports and he is aghast. The social scenario is this. The people who get A's from professors such as Professor Bazylewsky, go and work for Great-West Life or insurance companies in the states who won't write up any helmet legislation, and the people who are more marginal students - to put it politely - tend to work for some of these agencies that are turning out some of these reports. He would have failed them in his class, turning out those reports. Bazylewsky should be making the case and I don't have the technical terms to show you with ten-syllable words why they're not doing what they should be doing. I have to talk in simpler, perhaps more florid language.

The only province that put in belts, didn't change their speed limits - Saskatchewan - and okay, people want to go and count corpses and say why did this corpse die and why did that corpse die, and I have lots of engineering reports and some projects I've been in and every time a researcher looks at a bunch of evidence, he says, this is what it shows, I recommend more research. That's the nature of researchers in any field, period. But surely, common sense, it's prudent - why did Saskatchewan move all the way up to 295 when we were down in the 180's, in the year that they brought in belt legislation? Surely, you should be nervous. Is the same thing going to happen in Manitoba? I really fail to follow the conclusion in the caucus document, given the numbers that actually exist.

Now the Ontario statistics - and I've given you sort of a rundown of the numbers that exist - they show the belted drivers cause property damage accidents. In other words, if you say what Ontario calls "belted" and what Ontario calls "unbelted," for every belted driver who's got in an accident, for every nine drivers who are belted and the police say they had an accident, one driver is unbelted and had an accident. I don't know if you believe that statistic or not. But I find it inconceivable that Autopac wants to tell someone that because they weren't wearing a belt that Autopac shouldn't have to pay for its insurance. In Ontario, when we know that they only have a 50 percent belt rate, if the rates are anything like 90 percent of those accidents caused by belted drivers, I should get a discount, a healthy discount, because I don't belt up. I'm not suggesting I really should, but I am saying these people are talking conclusions that are Wizard of Oz, it's poetry, pure poetry. If Aristotle was here, he'd say - well, what would he say? - and they do it a lot.

Ontario says belted drivers are reported to be hospitalized more frequently than unbelted. The only way that Ontario can, on one category, say that unbelted drivers are more at risk, is to lump in all of the drunks - now these are identifiable - Ontario identifies about 40 percent drunks in these fatalities. It says probably another 10 percent or 12 percent were impaired and that all those people on drugs, all those people, who for one reason or another, they couldn't get any hard evidence on, don't count.

I understand that out in California - now maybe California is bigger into dope than we are - they're thinking that 85 percent drivers are impaired when they get kills. How dare anyone lump in impaired drivers - and we know these impaired drivers don't belt up, or tend not to belt up, I mean, some of them do - we

lump those in and then say unbelted drivers are unsafe. That's hogwash. Impaired drivers are unsafe and that's the fact. No one has made the case because it certainly looks as if it can't be made that sober, unimpaired drivers who don't belt up are a danger to anyone. Indeed, the case looks suspiciously as if you're better off if you're not impaired and I must say that's a strange conclusion, but I am driven to that conclusion by the data - and this is data not generated by people who are against wearing belts - this is data that the people are producing who are in favour of belts. And even then, they get a fairly neutral - well it's not neutral - but making reasonable allowance for the known factors of drunks and what the actual belt rates are, we get the surprising statistic that flips the danger rate in favour of unbelted, instead of being in favour of belted.

I am not for a moment saying that I have conclusively made the case, that anyone is an idiot who wears a belt. But I am saying there is a strong reasonable presumption that belts are dangerous and the onus for those getting prepared to generate paternalistic legislation, the onus is on you - you, the legislators - to clearly make the case that you can support the MMA. And when you tell me that you are going to reduce my accident rate four times, you'd bloody well better have the data to show that you can do it. If you can't back up what our medical friends have been claiming then you don't have the case for paternalism. Now that's Point (4).

Point (3) Given the above, the burden of argument required to justify paternalism, I think, is unsurmountable. The case has never been made and in that light it's disappointing to discover that our Health Sciences researchers don't make the critical distinctions - impairment or unimpairment of ICU patients; maybe some of them do. I was talking to one casually and I asked him what the ratios were. He said, we don't keep those numbers we're not interested. My God, how can you be against belts, Levine?

I've got lots of friends who - my wife at cocktail parties says don't start talking belts because they see the corpses every day, they live with the blood. I must say I feel it's kind of unfair to sit at a distance of an ivory tower of a philosophy room and say, I'm just looking at the numbers. I know they represent human beings but you've got to imagine the human beings who will be put at risk. You're sitting a far distance away, too. If you legislate belts and people start dying in increasing numbers, as they appear to in other places, that's a horrendous thing to happen; and you have that obligation not to act, given that there is no data that really substantiates these wild claims that you're going to drastically reduce killings, you're going to drastically reduce whatever, because no one has ever done that when they've moved to belts, no one. Given that others haven't, why should we? Are we somehow different laws of physics and life expectancy hold for Manitobans? We're flesh and blood; we may be a little better than Ontario but, you know, we're human beings.

Now here is the kicker. People have been saying, we have an epidemic, we have to do something. Well, I'd wonder where the epidemic is. The epidemic appears to me in terms of drunks, if there is an epidemic. We appear to be containing it in terms of our rates because we killed less people in the last few years than we did years previous, given that we're not here dealing with

a drug whose side effects are unknown. Look, you bring in a drug and you don't know the side effects, and then five years later you know the side effects so you withdraw the drug; that's one thing. But if you know the side effects beforehand and choose to ignore them, if you're a drug company you get hauled through the courts.

You legislators know the side effects of what happens when you put on a belt because Ontario tells you what happens; other jurisdictions tell you what happens. You can't pretend that people are not going to be killed wearing belts. You can, hopefully, if you vote in favour of belts, say many people will be helped, so if I kill some I save some, and I'm going to play God. Not that I'm squeamish but because I believe the evidence isn't even that good, and because you have the obligation for far better evidence, you shouldn't be moving on this. But I find the propoganda contemptible because sometimes, although it's true that sometimes a belt will save a life and sometimes, you know, 80 mph belt, no belt, the chances are that's it. Although a gentleman the other night told me he was in 120 mph car accident, drunk, unbelted, and walked away, had some mouth damage. I just said, well, I don't really have any sympathy for that.

The cases show clearly that there are times when you are killed because you wore a belt, and I have difficulty taking seriously anyone who won't acknowledge that reality. That's why I tend to get angry when I'm talking to some people in research. It's like a doctor who says this pill has absolutely no side effects. My God, how many thalidomide people have we seen walking the streets? The physicians believe that they didn't have side effects; they didn't knowingly impose that consequence upon people. But we know that you are going to generate corpses if you force everyone to wear a belt, whoever is forced to wear a belt. It's a risk, it's like playing roulette. You can tell people they should play roulette but I don't think that you have the legal right, I think it's ultra vires since you're talking about a life and death situation.

We've got a prescription here that has potential lethal affects, and you people are attempting to put yourself into the place of compelling someone to take medication that has potential lethal side effects. I would submit to you that it's on that ground that you have no business legislating; and it's on that ground that, in terms of the principles of natural rights, that you will lose, in the higher courts of the land, if not in our Manitoba courts.

I don't think there's a social right or benefit that can justify what it is that belts represent. The important fact - I've been talking in inverse to what I really care about and, as a philosopher, believe me the principles of freedom are really what I think are worthwhile, but other people have made that case.

Philosophers in talking about knowledge and talking about life, maybe we're rebels. Again, since I'm a philosopher, Plato asked the question - who has the best knowledge? He was talking about belts of a sort. I mean philosophers can find belts everywhere. Plato was talking about the reins of a horse, not a casual horse, a horse you lead into battle and your life is on the line when you're fighting for your country. Who has the best knowledge of the horse's reins, the guy who makes the reins, who thinks he knows everything about it and the rider doesn't know a damn thing, or the

rider? Plato unequivocally says the rider. The rider tells the one who makes the belts what it should do, and how it performs. The rider decides when to use a device, and when not to. It's his life, he isn't going to casually or stupidly, generate ignorance about those reins that have to do with his life.

Now, obviously you go into war, you know, hey, this is a life-and-death situation. But belts are a life-and-death situation thing, and I would suggest to you that, in terms of the thousands-of-year-old heritage of civilization that we sometimes lay claim to in the western world, that we've got it from way back that we trust the user because the user has the best knowledge.

Now look, the citizens right to life is fundamental in our society. We have a society in the common-law tradition that's rebellious. We restrict the sovereigns right to tell us what to do from King John and Magna Carta right on. In a Liberal democracy there are certain restrictions on legislators, it's called constitutions and what have you. Martial law countries, Code Napoleon which is a military code. You have dictatorial law and this is the problem that we faced when I was in law school many years ago, being entertained by the likes of Bora Laskin, and I have great respect for him. He made the point that there's a real problem because we are generating legislated law on the Code Napoleon model, and yet we're a common-law tradition that says the law is what the judge says it is in a court of law when you had adversaries making their case. We, all the time, have the problem, how far can the Legislature go before the judges say - sorry that's not a law. You can say it's a law, but until I, the judge, say it is, boom, out. This is a philosophical problem, but it's one that is, in this case, not merely theoretical and philosophical, but it's one that you have to concern yourselves with.

Because belts can kill the philosophy of natural right. Now this basically says nature. I don't ask you for the permission to get born; I have a right. There's certain natural rights that are inherent in the fact that I exist as a human being. This is why we grant certain rights to people from Pakistan who are in Canada, even if they aren't Canadian citizens, because we recognize that as human beings they have inherent rights; one of the "natural rights" because, if you infringe upon the right to life no other rights exist. That's why the natural right, it's called a natural right to life, because all other rights are subsidiary. So the fundamental right, and whether this is Canada, U.S. or Russia or anywhere on the doctrine of natural rights, the right to life is fundamental, and we have a nice long tradition in common law of thinking that that makes a fair bit of sense. So even before we had a Charter of Rights and I take it, although I'm not an attorney, that the Leader of the Opposition, when he was arguing on our common-law tradition, had something in mind like we had our common law that could protect us.

So that's one of the legs of an argument, and any one of those legs is enough to demolish the seat belt case. One of the legs is the natural right to life and I think you can't overmount that; but it just happens to technically perhaps be a little easier because we have this nice new bauble, the Canadian Charter of Rights, that says we've got a right to life. All it is doing is spelling out what was there in natural rights and common law anyhow.

You really, as legislators - partly, it's a technical problem - but really you're confronting what do you

think Canada as a liberal democracy is about? When you start to legislate something that can interfere with a person's life, that can take a life as a provincial legislator, you are ultra vires; I mean that's it.

I would invite you to consider seriously that these are real problems, not imaginary problems, and that everyone - the people who are making up these poetic numbers and people like myself who are saying, hey, that doesn't prove anything - we all agree, and you agree too, half of our kills are from impaired drivers, and maybe 85 percent, but that's where the problem is.

We heard that frightening statistic. I heard from insurance people 8,000 drivers are driving in Manitoba without licences. If we get people to take blood tests, so we find out that they're drunk and take their licence away, are we going to change anything? So we'll have more drivers driving without licences. The problem isn't to identify and take away a licence. I guess I am very draconian here. I would like to respect everyone's rights, but say, darn it, if you are driving without a licence or if you're involved in a fatality, you go to jail; we take away your car, we sell your car, and that pays for your jail stay. Maybe you would have to worry about people who are renting cars, but you could have a fine equal to the cost of incarcerating someone, because I don't think the taxpayer should pay to incarcerate someone.

Now, I am told that is not politically acceptable, but I believe the majority of Canadians, even those who drive drunk, know that they shouldn't be. My God, 81 drivers in a 168 fatality accidents, or 168 fatalities in accidents, 81 without licences! We know that the majority of the kills are from people who are drunk, so maybe the guys without licences are all - well, only 37 were identified as being drunk, but we know that in Ontario 50 percent of the kills are from people who identifiably have enough booze to slow them down. At least 38 percent of the kills are from guys who are stoned out of their minds. That's where the real problem is, and I don't think anyone is denying that there is a real problem.

I don't think you would have the public on your backs if you were really hard-nosed about doing something about a driver who has the unmitigated gall to drive when he doesn't have a licence and he got his licence taken away because he was irresponsible and drunk on the road. I don't think anyone would cry any crocodile tears if you took someone who had killed someone in an auto accident and say sorry, baby, you were at fault, 30 days in the slammer, and we're taking your toy away from you; you don't have a car. If you get another one and drive it within a year, we'll take it away too.

If you brought in that kind of legislation, you would only be imposing a penalty on people who had proven that they were dangerous. You would not be imposing a penalty on honest, law-abiding, conscientious citizens. I can tell you, I, and I know hundreds of people who intend to break your seat belt law, who intend to say no. I don't want to particularly mix politics, many of them are NDP supporters, or were. I don't know if you start giving them tickets and branding them criminals, and they start joining organizations and fighting you through to the Supreme Court. That's political, that's really beneath the tone of the argument that we should be talking about.

But I would suggest to you that seat belts are not only a neutral red herring; they are diverting you from

what you should be doing, and they are generating innocent people's deaths. I for one will not be one of those innocent people slaughtered by seat belts.

As an experiment today to see what I was complaining about, I wore my belt, but only for about 60 seconds because it kept putting pressure on me. When I released it, it tightened again. I am told that if I play around with the spring release mechanism, I am breaking the law. I have to leave it as the manufacturer gives it to me. I can't drive my car with it. Now it may be that this Audi Fox has a bad . . . I should tell the factory to give me a new belt, but I don't intend to do that because the data doesn't tell me that a belt in working order helps me. My belt causes me pain when I put it on.

My belts cause my daughter not to be able to see over the hood of the car. She believes that if she can't see, she's more a danger than if she can see. She drives without a belt because she intends to see when she drives. She's a short kid; G.M. builds little seats. She puts a wedge under her and she can only sort of use the wedge and look forward without the belt. When the belt's on, it sort of pins her back. My wife is also short and she has the same problem.

I know some people who are conscientious belt users and they shop around for a car that's the right proportions for them, but look at the problem. A car that's suited for a five-footer isn't for a six-footer, and a lot of people are five foot and six foot and they're married to each other. Who buys the car? Only one of them is going to have a compatible belt. You go on and on and on; it just looks ridiculous.

I am prepared to say if someone can find a car and a belt and has the belief that for them a belt is a good thing, I wouldn't stop them, but we know the state of the art of technology is such that we are going to be generating corpses from people who otherwise would have been alive, and those corpses are going to be hanging out of belts. Whoever is going to be waving those photos, I can tell you, if I am going to court, I'm going to be waving all the photos I can. That's self-defense at that point, because I'm going to be driven to rhetoric because Plato tells me that's what happens in the law courts.

Well, I apologize for going on overly long. Have I exhausted you?

MR. CHAIRMAN: Any questions?
Ms. Phillips.

MS. M. PHILLIPS: Mr. Levine, at the risk of sounding paternalistic, which, as a feminist, it's a horrific thought for me.

MR. E. LEVINE: Maybe we need a new term.

MS. M. PHILLIPS: You were talking about if all those drunks, whether they were belted or unbelted, are causing accidents and, of course, I agree that drunken drivers are a major factor and an overwhelming factor; you are saying it doesn't matter whether they wear seat belts or not, or there is some dispute as to whether, if they are really drunk, they bother to put their seat belt on or not.

I guess I'm concerned about . . .

MR. E. LEVINE: No, the data shows that drunks don't belt up. The drunks who are sober enough not to get in accidents belt up at roughly half the rate of the daytime sober population. That's all I can say from the Ontario Blood Alcohol Count Study.

MS. M. PHILLIPS: I guess I'm worrying about the people, sober or otherwise, or drivers or passengers that they are colliding with. I don't think you have or anyone else so far in these hearings has talked about whether it's just the drunks that get killed, or whether they are killing other people who might be their passengers or passengers in other cars. There is nothing that sort of puts all that together that I've heard so far.

MR. E. LEVINE: Clearly, drunks kill other people, but my point as it bears upon seat belts is the drunk - it doesn't matter to me - now I would prefer they not to be drunk and not hit me. But, if someone is actually hitting me at a certain angle at a certain velocity with a certain vehicle - after he's hit me, it really doesn't matter whether he is a Martian with 10 heads, a sober minister or a drunk stoned out of his gourd. The question that I have to worry about is, am I going to survive the accident? In looking at the data that I've looked at, it looks as if I am more likely to be hospitalized if I'm belted up when this Martian or drunk or whoever hits me.

MS. M. PHILLIPS: Excuse me. More likely to be hospitalized than killed, or more likely to be injured?

MR. E. LEVINE: No, no. More likely to be hospitalized than not hospitalized. If I then ask the question, what happens to the total populations who are sober and unbelted?

Now maybe what we are now looking at is that sober, unbelted drivers probably avoid getting hit more than drunk, unbelted drivers, but I don't know how much it is going to help or hurt me. I mean, there was that argument on the Air Canada flight that those people who were so drunk that they couldn't open up their belts, burned. Then the question was, were they so drunk it didn't matter anyhow? Clearly under some circumstances, if you're drunk and belted up if you're drunk enough, you just sit there while you burn to death. I mean, it's a bit gruesome, that DC9 that burned. These things happen.

So there is nothing to show that I am going to be better off, from what I can see, if I'm wearing a belt and I'm hit by a drunk or I am hit by a sober person. The point is, if I am hit, on the average - now sometimes I would dearly - if I'm going to have a front hit at 70 miles an hour, gee, I want a belt. I really do. But now the problem is, given the particular car I drive and the way the belts work on that car and everything else about that vehicle, do I want to be belted in to start with. I have to admit - well I guess I won't be charged because . . .

I was in a situation last winter. I did the stupidest driving in my life. I passed a truck on the road to the ski resort on a two-lane highway. I was blinded by the snow, and it was stupid of me, and the truck was doing 40 miles an hour and I was doing 55 in oncoming traffic,

and I braked and cut in behind the truck. Given the road, I started to fishtail, five times on either side, wheel lock to wheel lock very quickly. Knowing the belts in my car, I know that I would have been slowed down a fraction of a second in going back and forth. Given the way my car responded, I know that in that accident the car would have flipped over.

I would have lost all my pricey skis on the roof. The car likely would have been wiped out. The real danger is that the car, as it was skidding upside down, would have gone into the opposing lane of traffic, and I don't know how many people would have likely been killed, but I am convinced - now I can't prove anything - that the not wearing of the belt caused me to avoid an accident. I am prepared to say, I was a bloody fool for getting into that tight situation, but I know my car. I know that in that situation, a belt would have possibly killed. Certainly it would have been a horrendous accident. Now that didn't generate anything for Autopac, because I pulled the car over to the side. I caught my breath. Everyone else in the car swore at me. I swore at myself, and I drove sedately to the ski hill.

The wearing of a belt - now this is what I'm saying - on average, you have to have some model for accounting for when wearing a belt is a negative. Then you say on balance, the negatives and the positives, if the negatives and the positives weighed out to show you, you were one-quarter as likely to be injured as the MMA reportedly claimed, or if you're only one-tenth of one-thousandth or half as likely to be killed as some other, there are a variety of claims made. If they could show the net benefit, that's one thing. But no one accounts for all of these people who are walking around who never made it to the statistics table at Autopac, because they never reported themselves killed or broken in part or in the hospitals.

Now the only way you can make that claim is to actually do the body counts in the hospitals, and start to identify where they came from. This is where I have the problem. Ontario says, we have the body counts. Two out of five in the hospitals are there. They didn't wear belts. But we, damn it all, know that more than that are there, because they were boozed-up. Boozed-up drivers probably weren't wearing belts. We then have the problem, three out of five are in the hospitals, and they were wearing belts.

Now I ask you. In a car that has passengers - now we're just talking about passengers now - the passengers are more likely to get into hospital wearing belts than not wearing belts in Ontario. Now Ontario reports that as a good thing, because they say, 80 percent of the people are wearing belts. Actually it's 75 percent for passengers - they admit a lag. But we know that doesn't happen. We know the passengers are belting at about a lag of 5 percent. That means, if it's a little over 50 percent for the drivers, it's a little under 50 percent for the passengers.

You have to then look at those hospital wards and say, of the half of the drivers that are in the hospital or of the 60 percent of the passengers who are in the hospital who were wearing belts, hey, you're only half of the passengers. That means that when the car got hit, you were more likely to wind up in the hospital if you had been wearing a belt when the accident occurred than not.

Now don't ask me to identify further the psychological state of the driver who was belted up, because I've had drivers in this town - some of them are engineers and good friends of mine - they say they belt up and they feel somewhat like these macho motorcycle helmet problems. Evidently, other people who habitually belt up report a similar kind of psychological phenomenon. I hadn't really thought of it, since I don't belt up. But they tell me, they feel somewhat invincible. They drive five miles an hour faster. They feel they can get in and out of a tight situation. They feel they've got protection. They admit to me that when they don't wear their belts, they drive slower.

Now I don't know if that's the reason why people who are in cars - and typically, if the driver isn't belting up, others won't and if the driver belts up and says, belt up or I won't take you anywhere - so I don't know if the reason why a belted-up passenger is more likely to wind up in the hospital than not is because the driver was more reckless. But that's irrelevant from your standpoint, because all you've got to know is, for whatever reason - and there are a myriad, the psychology of the driver, whatever reason, because you're only dealing with the macrocosm, not the microcosm of an individual accident. You are dealing with the population of Manitoba.

All I can say to you is, we don't know what belts do in the population of Manitoba, because we don't have the experience and your researchers can't tell you. The only thing they can attempt to do is to do an honest extrapolation, and the extrapolation that's the best one in Canada is Ontario, because they are so much bigger than us. They are so close to us, and they've got the numbers. But their numbers tell you that for 3,000 people in the hospital, 1,800 of them were belted up. If you want the numbers for passengers, they're somewhat similar to those for drivers. They're in Ontario Motor Vehicle Accident Facts '81, and they break down by age groups. There are all sorts of breakdowns.

The fundamental problem is that those people who wear belts are the preponderance of people who are in the hospitals. Now that's according to Ontario Police.

MS. M. PHILLIPS: May I interrupt? When you say a preponderance of them are in the hospital, are you saying that the others, the other 40 percent . . .

MR. E. LEVINE: They were the people who weren't wearing belts; 60 of a 100 people in the hospital were wearing belts. Sixty were wearing belts, 40 were not wearing belts, according to the reports. I make no comment on the reports.

MS. M. PHILLIPS: The question I have deals with the people that didn't end up in the hospital after accidents - the accident rate versus the injury rate - and the people . . .

MR. E. LEVINE: It's worse against the belts. It's more in favour of the un-belts.

MS. M. PHILLIPS: What I'm wondering is, how many in accidents end up in hospitals with injuries, how many end up dead and how many end up walking away?

MR. E. LEVINE: You've got the numbers there.

MS. M. PHILLIPS: The ones that you gave us on this chart.

MR. E. LEVINE: Okay. We know half the people in Ontario are wearing belts and half aren't, from independent studies that goes out and counts drivers. Now if it's 53, 54 or 58 percent, it roughly averages out, over everyone in cars and wearing belts, over the whole thing, city driving, highway driving, expressway driving, the whole bit, it's ballpark 50 percent and I won't fight for 5 percent because it really doesn't matter, in terms of what we're talking about here, as a principle.

Half wearing belts, eh? Can you imagine Autopac getting claims from the half wearing belts, 268,049? What about the other half who weren't wearing belts - that dangerous bunch of maniacs with all the drunks in it - 31,203? The belted drivers reported nine times as many accidents.

I quite frankly am skeptical about the figures but as I'm saying, these are the figures used to generate the claims of the MMA and the claims of the people who are telling you to put belts in and I'm prepared - now maybe this is a ploy - I am prepared to say, I'll accept your figures. It's the same as going into a law court. It's very inappropriate to say a police officer is a liar. Take whatever he says and show that they don't have a case. I am using, if you will, the people who say that seat belts are good. This is their figure.

Now here's what I've done that they would say is a no-no. I have said there's a 50 percent user rate and I have cited to you Ontario report after Ontario report after Ontario report, but this document does not cite those Ontario reports at 50 percent user rates, or 60 percent user rates, or 70 percent user rates, this report - and I didn't do it deliberately to mislead you, it was just my Xerox machine just couldn't do the full page and it's in green print in a belt at the bottom of the page here and I'll read the small print to you - "In 1981, 80.1 percent of the drivers of all motor vehicle accidents were using their seat belts and 9.3 not using them, as opposed to 80.3 percent of the drivers in 1980 who were using their seat belts and 9.1 were not."

Well, if you believe that statistic of 9 percent were not using belts, then you can say four times as likely to be injured, my son, if you weren't wearing a belt; but then you've got the problem. If that's really true Ontario should have, with 80 percent of the drivers belted up, they shouldn't have been killing 1,800, they should have been killing about 400. They shouldn't have been injuring thousands, but hundreds.

I am saying to you that if you really wanted to talk numbers, the numbers used here are cooked, but here is what the problem is. If these numbers are cooked, then the case made by the medical people, by the research people, when they tell you the great things that belts are going to do, it's based upon this cooked data.

I am saying to you, a reasonable interpretation of the data would accept that you got a body count in the hospital; would accept that you got a body count of corpses in the ground; would accept the counts of people wearing belts from researchers who have gone out and counted belts; and putting that together I am saying to you, you then have the horrendous result that the belts no longer look like they're good things, but

bad things. I'm sorry, I don't with great relish, say that people in other professions have done something that looks disreputable but they have.

It was just in the news, the politicians who threw billions of dollars at airplanes, it was the same level and integrity of research, the researchers in a corridor with the politicians in the next room would tell me what the truth was, but with the politicians in front of the desk, the airplane will work. They've had five years of salaries in the interim and they're not getting fired when the airplane doesn't work; they're getting reassigned to another research project.

So I would urge you to have a great deal of caution for people who have accepted, as apparently our Manitoba doctors have accepted, with naivety that I find incredible. The conclusions that are presented in a document that, quite frankly, I find these documents far more sophisticated than the caucus document that was originally sent to me, but they all have the same fundamental flaws. They really don't hold up to what would qualify as a verifiable study. In other words, something that you would be justified in committing your dollars to if you were making an investment in terms of whether you should build an airplane or committing people's lives to if you were being asked to legislate.

I have attempted to work through, despite the weaknesses of the numbers game. I mean, we can still reasonably say that people do belt up when you have compulsory legislation. You can reasonably quadruple the participation rate - I have no quarrel with that kind of figure - because that has been justified and bonafide. But when people then say there are other results, that you're going to get fewer kills, you're going to get fewer people in hospitals, the numbers aren't there and indeed they look the other way around and that's why I have the problem.

I understand you're going to vote on this in a very short while but it took me some time to digest what was going on with these figures and I don't know that I've really been as cogent as I could in explaining the weaknesses of these reports and what the real picture looks like. You can say you take it on faith - and who's Levine? - and you've got 27 other experts. I'm just outlining to you what's coming down, in terms of, if you proceed with the legislation, these are the difficulties that are going to confront you after the legislation is brought in. To my mind these are such horrendous difficulties - and I don't think the case has been made for this particular way of controlling the traffic problem - that the prudent course would be to table or to abandon this course and to look at where we do know the problems are and to control those people who don't have licences and I really think you should charge them for keeping them in jail. Do something that would be of an obvious benefit.

A driver in jail isn't going to kill anyone while he's in jail, but these seat belt things - besides the political thing of looking at a corpse of the week, in blood and gore, hung in, week after week after week after week in the Legislature, and at the end of that 50 weeks or so, you call an election and the public may or may not respond to it - besides the political ramifications, I think the prudent thing is just to pull back and come up with an alternate course of action.

I'd much rather be more positive. The only other time in my 18-year sojourn in the province that I - you guys

will hate me on this - but I asked the Legislature to bring in a housing Ombudsman and you brought in the Rentalsman legislation. Now I disagree with some aspects of it. I don't agree with the rent control part, but for there to be an adjudicator to make our society a more liveable place to have an adjudication outside of the law courts between landlords and tenants, I thought was a good thing and I felt I was doing something positive.

This, I think, is positive because I think society will be a better place for not having the legislation; but despite appearances to the contrary, it doesn't give me any great joy to stand up and say this is bad and other people aren't doing their job. I only do it because I think the consequences of not doing it would be unacceptable to me. So it's kind of an obligation that I, with reluctance, have accepted that I should speak on this issue. I don't know if my motives mean anything.

MR. CHAIRMAN: Any other questions?

Mr. Orchard.

MR. D. ORCHARD: Mr. Levine, I've got a comment first before I ask a question. I think it would have been quite beneficial for all of our legislators to have the opportunity to listen to two presentations so far on this seat belt thing and both of them have been today. On the seat belt aspect, one was Russ Sharpe's earlier on this afternoon where he drew out the statistic of the 81 unlicensed drivers . . .

MR. E. LEVINE: I was overwhelmed by that.

MR. D. ORCHARD: . . . that was an incredible statistic to me, and then your perusal of the Ontario statistics also makes a very interesting food for thought. I believe that it would make, and I realize I'm not faulting anybody for not being here because this committee is only struck with about a 20 percent membership of the House, but it would do all of those people very very good before they vote on this legislation to read the concepts that have been put forward on seat belts by yourself and by Mr. Sharpe today.

Basically, just a recap on this Ontario statistic for '80 and '81, and deal with the year 1981. I don't think there is any question that the actual usage of seat belts is the 50 percent. It seems to me that in the footnote from the page you read from, they had to derive their 81 percent seat belt user fee because that's what they've got in the statistic here.

MR. E. LEVINE: Because otherwise it looks as if people who are belting up are causing automobile accidents out of all proportion to drivers.

MR. D. ORCHARD: Exactly.

MR. E. LEVINE: I mean, if they don't put that in, my God, the No. 1 thing to do to get auto safety is to wipe out seat belts. So they had an imperative to put that in. Other people more cynical have suggested, well, you know when people are making police reports, they're not going to tell the police they weren't belted up; so they're all lying.

Now, if you start with the premise that all of the data is unreliable in an engineering term, what is the decimal

point - you can put a whole bunch of decimal points in, they don't mean anything; you've only got some that are reliable - but if you start off by saying that you've got no reliable figures, then what you have to do with all of these reports is burn them. If I have to start from scratch, that doesn't bother me, but surely if someone is coming and saying we have a case that seat belts are good and then they turn around and say the case is based upon nothing, then the logic is so simple and overwhelming, and I believe - you know, I am not saying that the Ontario police are so stupid as to have results that are worth nothing, but that's the direction you go in. I am not attempting to attack that basic data base, but if the basic data base is going to be attacked by the defenders of belt legislation, then at the same time they are demolishing the foundation of all of the briefs that they've been getting in favour of belts.

Maybe that's sneaky of me to suggest that this is how it works out. It just does. I didn't publish this; Ontario published it. It's people who are trying to defend the belts who said to me, hey, but of course those are cooked data. I said but if that data is cooked, look at the consequences. The case then does not exist for belts. In order to make the case for belts, the data had to be cooked apparently. That makes me suspicious, because if a man can't make an honest case - a used car salesman might tell you a lie about a car and it might be a great car nonetheless, but you're damn suspicious about buying the car if he's lied to you about it. I have lawyer friends who say the bottom line is forget about what it says in the contract; if you don't trust the man, the contract isn't worth anything. If you don't trust this data, then it's not merely one peripheral of 10,000 reports. This is pretty basic stuff. If the data base for Ontario stats are going to be thrown out, then we don't have any data in Canada.

I really don't think it's that bad, but I think you have to say it's reasonable to believe that maybe for the property damages, people were lying a bit, but by the time they get to the accident, belted in and carted off by ambulance drivers, you can start to have reliability for those figures. You obviously are not dealing with as precise figures as you would like, but you don't need it. You have to get a feel for what happens to belted populations opposed to unbelted populations and then make a reasonable allowance for the impaireds. When you do those simple things, based upon the imperfect data that you do have because you're never going to have absolute; there is always going to be a researcher who says give me another year and a million dollars, I'll better data.

The bottom line is that the case does not exist for belts. My problem is the bottom line appears to me that the belts are more likely to endanger me; me being a species of sober driver. Quite frankly, I'm selfish. The researchers tell me something else.

They hypothecate that the drunk drivers might be more safe but they say, when they get to it, that the first 80 percent of the drivers you're going to get are the sobers who don't cause a problem anyhow and there are 20 percent the problem drivers, and the 20 percent of problem drivers cause 85 percent of the problems. Those 20 percent of the problem drivers, and I was told that some of the guys at 4:00 in the morning when they're patching people up and trying

to put their skulls back together, they say, goddamnit, I wish that slob had been sober enough. Gee, if he had only been sober enough that he had put a belt on; he couldn't have put a belt on, he wasn't sober enough, then he wouldn't have driven; we've got to do something. We can't get sobers off the road because darn it all, the police can't police them; we've got to do something. Put belts on them; I don't know if it'll help, but they're pretty desperate. It's tough work putting people back together at 4:00 in the morning who are all boozed up.

Look, if there is the admission that you are not getting that problem group to belt up anyhow, and belting up the other 80 percent is going to kill a whole bunch of people who otherwise would have been alive, then you get into the numbers game. Are you going to be exchanging 20 people in Manitoba to 50 percent belt rate; you're going to save 20 people? I'm not quarelling with the fact that after doing the autopsies, they found 20 people who would have been alive had they been belted in. I mean 40 in the whole population, 50 percent belt rate, 20 gain.

You're going to have to account for 20 corpses who otherwise would have been alive and, believe me, if they don't know now, after there's been a bit of publicity from a court case or so, the survivors, the relatives of those 20 corpses are not going to be happy. I hope they're not happy because after looking at the data, I find it atrocious that on the basis of such - well, okay, I'll be polite - naive work that it looks as if we're going to condemn innocent people to death. As I say, the more horrendous cases, you're going to be condemning more innocents to death than you are going to be saving some.

The best case - and you have to make a whole lot of assumptions, and I don't feel comfortable that those are justified assumptions - but if you grant the belt fanatics a whole bunch of assumptions, the best case they can make is that for the 20 they're going to save, they're only going to kill 20, so the net result is neutral. But you have to grant them a lot of assumptions that I feel uncomfortable - you know, just as a numbers game, I feel they have to ask for too many concessions to make this scenario work. I had a battle with my wife at two in the morning - she's off at the lake now and I'm in town - and I said, look, knowing what I know it may be a waste of time, maybe the votes are already in, there's an alternate strategy, say nothing, and just go fight it in the courts, but if there was any chance in reason bringing in alternate - because things are in flux. You have the opportunity to bring in legislation that will change things. It's clear that knowing what we know about the drivers who drive without licences and who are drunk, that if you can control them, you will do an awful lot, so I thought it was worth addressing you at this time. Well, my family puts up with my idiosyncrasies.

MR. D. ORCHARD: Mr. Levine, the other thing that has been an interesting statistic is the fact that in the Ontario, and obviously in Manitoba - well, no, I can't say Manitoba because we don't have the sophistication of statistics - that the not-in-use accident driver, there's probably a greater probability of being your drunk driver, as you say, who is not belted in. So, that's another very interesting thing.

MR. E. LEVINE: That just matches people's observations. They say well, of course, what did you expect? Well, I say Ontario in the report to the Minister - it was a blue-ribbon report to the Minister - said it was a surprising result. The data exists in the Ontario BAC - Blood Alcohol Count Roadside Report. I've referred to it, if you want it it's in the pile over here if you have reason to want to look at it.

MR. D. ORCHARD: Then, one final thing - I guess maybe I'm commending you on the four points on the first page of your brief are the issues under which, I think, any legislator must give serious thought before they vote on this bill.

MR. E. LEVINE: I think they have to overcome each one of those separately, and any one of them is sufficient to be, in effect, a veto.

On the first page I list them in order of what I take to be, in terms of the fabric of society, their substantive importance. I believe every single one of them is of sufficient significance to serve as a complete roadblock, and even if you could answer three, if one of them stood, the case couldn't be made.

MR. D. ORCHARD: Mr. Levine, you also mentioned the philosophical argument of freedom to choose. Some of the legislators defending this bill in second reading in the House said that we have to bring this kind of legislation in, and if I can just quote from the Minister's introductory remarks, he attributes that seat belt usage would have saved \$1,068,144 in hospital costs alone. That argument has been picked up by legislators in this House to justify bringing in this measure and overriding the individual's freedom to choose. They say that has been an overriding factor.

From a philosophical standpoint, when we're dealing with an issue that is a self-protective measure - in other words, you're only protecting the individual from injury to himself; there's no defensive reason for this legislation in your second point - can you see a philosophical danger here in determining where governments stopped bringing in legislation because it might save the health care system, which is taxpayer funded?

MR. E. LEVINE: In terms of principles, I must say it's very satisfying sometimes to take the high ground that Sid Green takes. He thinks I'm crazy to start talking about numbers, because he says look you got 10 experts here, you got 10 experts against, and it's a mish mosh, and the whole thing is principles that you really care about anyhow.

I guess I'm enough of a pragmatist to say, okay, you take your stand on principles. It's like striking a budget for an organization; if you're on the board of an organization, you decide what the organization's commitments are, what its policies are in terms of what it stands for, then you go and strike a ways and means committee, and you find someone to get a treasurer and you go and get money and you spend it according to your priorities. I guess if we have no priority for the category of individual freedoms, then we don't spend money for it. I haven't really thought this through - but my first reaction would be, if we're a society that cares about freedoms, then we shouldn't flinch at spending some money for it.

If our first job is to have a neat package and lower mill rates and let everything else go, even kill some people if it's cheaper to kill them rather than to patch them up. But I really think this is sort of irrelevant in this situation, because after looking at the Ontario data, I should be saying to you guys, I want a reduction in my Autopac premiums because most of the guys going to the hospital are wearing belts. If you tell me there's a million bucks out there, I'm going to say, show it in court, because the actuaries that Autopac is hiring ain't going to be as good as the actuaries who are working in the universities who are going to tear them apart.

I think it's specious because they don't have the money, and that isn't an argument that Sid Green would touch because it's dirty

MR. D. ORCHARD: That's what he means, incompetent.

MR. E. LEVINE: Here's where I would say, if we really as a society in this felt so strongly and an absolute case could be made, if the case could really be proven - but I'd say they have to prove the case - that my free choice is going to cost my fellow citizens money, and they are so uptight about it that they ain't going to pay it. Look if I put - and I voluntarily put them in first - smoke alarms in my house because I thought there was a good thing - my insurance guy came along and said, hey, do you have smoke alarms? I said yes, he says, oh \$15.00. I said that's all I paid for one. He said, yeah, the insurance company is giving you a differential. If someone can really make a case that the differential exists, let him stick a dollar figure on and go on and stick it to the consumer when he pays his licence fees.

But, boy oh boy, if he can't make the case, you can expect people screaming at the damn legislator who's getting greedy and forcing the safe part of the population to pay a premium to put the idiots into hospital and keep them in hospital because they were foolish enough to wear belts. That's why I would be prepared to fight after looking at the figures, I'll fight on the high ground, I'll fight on the low ground, because I think both are defensible. If we are the kind of society we think we are - look, you show me a body in the ICU, I'm not going to say goddammit, I'm not going to pay for him, the fool should have known better. In my poverty - my bank manager can tell you I owe money - even though I have debts, I am willing to pay a premium to live in a society that's generous, and what you're saying to me is the legislator saying, we ain't being generous anymore; the free ride's over; we're all going to be nasty, and we're going to calculate every time we talk to our neighbour what it's worth.

I would prefer to live in a more generous society, but I think if the society chooses not to be generous, then they'd better do their homework, hire a bunch of actuaries, and come up with a defensible premium, because if they charge a premium that can't be defended, I'm going to scream. Look, we make a decision, women live longer, are we going to give them the same pension rights? That's a political decision. We spend money on it. We make all sorts of decisions. Drivers who start driving and are male are going to be a burden on Autopac more than others. Do we charge them a premium as they used to? I used to have to

pay a horrendous premium when I first started to drive, for all the other crazy drivers. I feel badly; for five or ten years I didn't have an accident and then I found out I was paying a horrendous rate that I didn't have to pay. I switched insurance companies and the very first month I had an \$80 or \$90 accident and, for good will, they paid it off immediately and I said, gee, I feel so badly, I gave all those other guys thousands of dollars and never had an accident. The first accident in my life, I said, I really don't know if I want to report it. He said, of course report it, we'll pay right away. It was good public relations for them but you can make an actuarial assessment and if you decide you don't have the political guts to be generous enough, charge a premium.

There is a cost to being stingy. The quality of life, we're all a little bit impoverished, and when you look at the rest of the world, darn it all, we've got a darn good community going in Canada and in Manitoba. Despite the outcome here - I might be very unhappy with the outcome, some people suggest that it's just going through the motions - but the fact of this hearing is a magnificent tribute to the kinds of things that, at its best, our legal system, our social system, is all about.

I have nothing but the highest regard for your capacity to put up with all the hours of presentations, because even if some people are cynics in saying you're only playing a game, the game at its best when it works is magnificent, and you are part of a tradition that sometimes is breaking ground, sometimes not, but it's certainly worth an awful lot. If you wanted me to say, how many dollars will I pay on my income tax for the government to keep lights on in this building, you can go on and on and on. At some point you'd say are we going to be a sufficiently generous society to have a certain quality of life? That's part of what we're talking about here.

I would really feel impoverished a little bit if we started putting tax credits, or whatever, every time an individual made a decision. In some cases, I think it's reasonable if you could really show. But my problem is that the data shows that I should be asking all the drunks and all the guys who are belted up to give me a refund because I'm paying for their hospital costs rights now. I'm not begging you to do that although, quite frankly, if you showed me the millions of dollars that you could be putting into other social welfare schemes that are going for the drunks, I might become stingy at some point and say goddammit, I don't want to pay for them, but right now I'm sufficiently of a generous mood to say, leave that one, the important thing isn't the dollar one, it's getting fewer people killed, and darn it all, the people in favour of seat belts have not made the case.

MR. CHAIRMAN: Anyone else? Mr. Uskiw.

HON. S. USKIW: Yes, I am fortunate, I assume I'm fortunate, in having this document brought to me today, and a letter from the Minister of Highways in the Province of Saskatchewan. It appears to challenge the kind of analysis that we just heard from you, sir. I'm going to read one or two lines from it and ask you for a comment: "So this can be interpreted that an unbelted person is four times more likely to be killed, and 2.6 times as likely to receive serious injury than

a person wearing available restraints." That's a report put together by the Traffic Accident Information System in the Province of Saskatchewan; fairly comprehensive document.

The Minister emphasizes the need to use these devices. I'm very happy to have the support of a Conservative Government in this regard, Mr. Chairman.

MR. E. LEVINE: My single statistic that I cited on Saskatchewan was the one that was in your caucus report that indicated that they had moved from 263 to 295 kills the first year that they brought in belts. I have seen another figure that someone else suggested to me that for, I believe '80-81, the outkilled us combined for those two years, 160. I have not seen that report. My initial response would be I would want to consider it before really responding. Initially, I can only say that the conclusion of that report sounds just about identical to the conclusions drawn from this Ontario Motor Vehicle Accident Facts Report, that upon examination appear bizarre.

HON. S. USKIW: I'm not saying they're not.

MR. E. LEVINE: I'm not saying that Saskatchewan's is the same thing at all. The conclusion that Saskatchewan is drawing appears to be the same as Ontario drew. All I'm saying is when the Ontario data is examined - I think Ontario is a better case because being almost 10 times our size, after 10 years in Ontario they've got data that would take us a hundred to get type thing. So when you're dealing with statistics that are pretty rough and ready, when you have a large volume of them you can start to draw generalizations with much more security and belief that you've got something firm.

All I can say is that's a study that you didn't direct me to. As you say, you only got it today. If there were any point to it I have sufficient curiosity, I wouldn't mind looking at it. Off the top of my head, I can't really say anything about that document.

HON. S. USKIW: Mr. Chairman, I don't want to make much of it either because I don't know whether the analysis will add or subtract strength from the pro argument. One has to take probably two or three days to sit through this document before one can . . .

MR. E. LEVINE: I can't do it this weekend.

HON. S. USKIW: . . . and even that may not be adequate, but it appears to have been a very comprehensive study of all factors contributing to accidents - road conditions, types of vehicles, urban, rural, alcohol related; it's all in here.

MR. E. LEVINE: Ontario has been doing that for over a dozen years.

HON. S. USKIW: There's an appeal by the Minister that we have to emphasize the use of safety devices in vehicles. I just thought I'd relate that to you for whatever it's worth.

MR. CHAIRMAN: Thank you, Mr. Uskiw. Anyone else? Thank you, Mr. Levine.

Phil Zubrycki.

MR. P. ZUBRYCKI: Mr. Chairman, with all due respect, there's a doctor here, Bill Ewart, and due to his commitments and so on, if you would allow it, could he speak in my place?

MR. CHAIRMAN: Well, we have a number of people that all want to do this and since some people take a little longer than others, there's nothing this committee can do except to take them in rotation. You're next on the list. If you wish to give your preference up, fine, we'll put you on the bottom, we'll go onto the next one. Dr. Ewart will be after Thora Cartlidge.

MR. P. ZUBRYCKI: Oh, I see, okay. I'll talk then.

MR. CHAIRMAN: You'll pass?

MR. P. ZUBRYCKI: No, I've got some material. I just have some notes and things here.

Mr. Chairman, and honourable members of the committee, I thank you for this opportunity to speak before you. It seems I don't want to show any disrespect but this sort of reminds me of the four older gentlemen sitting around in a senior citizen's home talking to each other. One says, you know, I have trouble now reading fine print, my eyes are going. The other one says, well, you know that doesn't bother me, my eyes are real good; what seems to bother me is my hearing. I really like nice music and everything and I can't hear too good anymore. The third one says, oh no, my eyes are good and my ears are good but I like to eat and you know I have all false teeth and I can't eat steak or corn on the cob anymore. The fourth one says, no, no, my eyes are good, my ears are good, my teeth are good but with me, well it's like this morning; me and the wife Edna we were in bed and I give her a little nudge and I said, Edna do you want to do it? She said, oh Henry, do we have to go through all that again? You see with me it's memory. Unfortunately I've been involved in this for almost 20 years.

I have a brief that I would like to hand out to you if you would like to pass it around. If you'll note the date on it, it's September 30th, 1965. That was one of the times I appeared before such a committee as this. It seems that the government's memory must be going because we've gone through this before on the helmets. We've gone through it, and we've gone through it, and the things that we recommend, some of them have been done with good affect. Manitoba was one of the first places in North America to have separate licensing for motorcyclists, but it seems that somewhere along the ways some of the things weren't done, yet we still want to put in this helmet legislation.

Now we've heard all kinds of statistics. I've been sitting here for some days, you've been sitting here for some days, and really so what. So what do all the statistics mean? The fact is, gentlemen and ladies, I was a member of the Canadian Armed Service Reserve for 14 years. During that time I felt that if I was called upon I would give my life for my country. In the Second World War how many thousands went overseas and gave their lives for freedom?

My regiment, on June 6th every year they have a reunion to remember the men who fell on D-day and

during the war. This year I didn't go. We're having a centennial celebration this year and every time I go to sign the reply to the invitation to send it in, I don't do it. I am wondering, what did I do for 14 years? What did those thousands go overseas for? Would you have tried to pass a law like this in 1946, or 1948, or 1950? Maybe I'm a little bit fanatical about this but after 20 years of going through the same thing over, and over, and over again it just makes me wonder what is going on here.

I don't know. On June 6th, we have a toast to these men and we say, "We shall remember them." We shall remember them. Is this how we remember them? Now there are other ways that we can do this, rather than using some kind of totalitarian fascist boot. I was trying to think how I could, somehow, show this, you know, what I think. I'm not a politician and I don't really think that I can teach you anything about politics, but I was just doodling and I came up with a thing I would call a poly-cube. I also have copies of these for each person.

Now if you look at that, I think there are different degrees of government. We can go right down at the bottom. We always talk about right and left, about capitalism and socialism. Well, I think that's a two-dimensional model, and what we really need is a three-dimensional model because there is also anarchy and totalitarianism, or fascism if you want to call it that. I wonder where we stand in that matrix with this law? I don't know, I think that I certainly don't want to be up at the top in a totalitarian society but, by the same token, I don't want to be down at the bottom level living in a jungle of anarchy. I think that the government is here to protect my rights, to protect my life, to protect my liberty, to protect the security of my person. By protecting the security of my person, I don't think putting a helmet on my head is what they mean. I mean that they mean that my security of my person will not be interfered with where it doesn't interfere with someone else.

You know, people come up and they say, well we have laws against bank robbery. That interferes with someone's right to free choice. Well, of course, it does, that's just a silly analogy. But I think that when we have laws that don't protect anyone else, but only interfere with me, that is what we are really talking about here, but we cloud the issue. I say freedom, and everybody else says safety. I say apples, they say oranges. How did this come about? What caused it to happen?

I remember a few years ago there was a fellow killed here on Osborne Street bridge. Apparently he was from Selkirk and I remember reading in the paper, at the time, that Howard Pawley said, I was against compulsory helmets, but now I don't know. Now, Mr. Pawley said that and I guess, you know, when you have the relatives there saying, oh if only he would have been wearing a helmet; as a matter of fact he had a helmet strapped to the carrier on the back of his bike, but when he flew off his bike at a terrific speed he hit into those concrete planters on the divider on the Osborne Street bridge. Now with proper highway engineering, what were those planters even doing there? I looked down Portage Avenue and there they are again, all over the place. So maybe the fact is, naturally when someone gets killed we want to blame somebody, the fact that perhaps he was speeding, the fact that perhaps nothing would have saved him in this case, that doesn't matter.

Another reason, why do we have this? Well, sometime ago I remember reading in the paper that Autopac tried to limit your payment for injuries because someone wasn't wearing the seat belt and they lost the case. They lost the case because Manitoba does not have a compulsory seat belt law and the judge then said, well, because there is no law, he did not then contribute to his own injuries. So is it to save that kind of money for Autopac?

The third reason. Talking to my cousin, as a matter of fact, who is in the party, he says, well anybody can go to the NDP convention, pay \$57, so somebody put up their hand and said, motherhood, and everybody else said apple pie and all of a sudden we have a resolution that we should have seat belts and helmets, but yet the government had no mandate to do this.

I phoned up my representative at the time and said, how do you stand on this. He said, we are not taking a position, we're not fighting the election on this. If it comes about come and talk to me. I have, I did, he says, well, that's the party, I mean that's the way the party wants to go. But what kind of tyranny of the minority is this? I mean, if 95 percent, heck, if 55 percent of the motorcyclists, not people who are unconcerned by it, and whether or not I'm going to go into the hospital and someone's going to have to pay for me. I'll gladly pay an extra Autopac premium or, better still, if you're so convinced this is going to save costs, give the people who want to sign an affidavit saying they will always operate their motorcycle with a helmet on, give them a rebate and let us people have our free choice; we'll pay for it. I'll pay for it, I'll pay \$25 or \$50 extra on my Autopac.

There's other ways of doing this besides making it compulsory. In the public schools, in our brief of 1965, if you look there, we suggested that if driver education becomes available in the public school system motorcycles should be included in that. Are they even mentioned? I don't think so. Are the benefits of a helmet pointed out to these children when they're at an impressionable age? I don't think so.

When we talk about licensing a person to drive, that's what we do, we license them to drive. Where is the skill involved? Oh well, they can learn as they go out and get experience. Hopefully they make the right decision the first time because that may be the only chance they have to learn. Why should it be any easier to get a driver's licence than to get a private pilot's licence?

In Germany, it costs - this is now back in 1976 when I was there, or '74 - I think the average cost was around \$600 to take the course to get a licence. They don't have any speed limits on their Autobahns. Granted they have high accident rates and they have a high traffic density and they have a lot of other things, but to get a licence there you better know how to drive a car, or else you're going to fail the test. I think you're allowed three chances and then that's it, you don't get anymore.

We wouldn't expect that everyone could be a pilot. Why should we expect that everyone should be able to drive a car? I don't know. I guess I could go on and on like this but, basically, I see this as a question of my freedom of responsibility, not freedom as a licence to do as I wish, but as a freedom to be responsible for myself. I pay taxes; I'm fully employed. I'm expected to pay city taxes, property taxes, provincial taxes,

federal taxes; I'm expected to be at work on time; I'm expected to do many other things; I'm expected to drive responsibly on the road. I'm 40 years old but yet I need the government to be my parent. Oh yes, we're protecting the young people. Well it seems that the people who are getting hurt and killed are in their 20s, they're old enough to vote, they're old enough to hold a job, they're old enough to pay taxes. These people, I think, should be given the responsibility to look after themselves in an educated way.

Some encouragement could be made for using these helmets. What happens now? If I go buy a helmet I have to pay a safety tax. Right now I'm wearing cowboy boots which happen to have steel toes on them, they're safer, I think, for a motorcycle. I didn't pay any sales tax on them. Leather jacket - I bought one back in 1963, I've still got it, I still use it. It's lasted that long, it cost me \$25.00; that same jacket now would cost over \$250.00. Leather pants - you're looking at \$250.00. Gloves - you know what a pair of gloves cost nowadays, \$30-\$35.00. All these things are taxable but they're safety.

People say to me, well, if you knew you were going to be in an accident, what would you rather have on, a helmet or not have a helmet? I say, that's fine, but a helmet and a pair of cutoffs - like I see a lot of these young fellows riding around on - or my boots, my leather pants, my leather jacket, my gloves and no helmet, I'll go with my leathers every time. I think I would be safer and I think I would be hurt less because I can always do things to protect myself. There's way I can roll; ways I can fall. If necessary, I can put my arms around my head to protect that if that's going to be the danger area. A helmet sometimes, I think, tends to draw the head down to the ground. I mean, here you've got this thing sticking out so a guy falls off at 20 miles an hour or at 50 miles an hour, whatever the case is, gets a bunch of scratches on it and says, look, it saved my life. Without that helmet he may never have even touched the ground. Meanwhile, that helmet is only good for the first bounce because, for that helmet to be effective, it has to have a non-resilient liner. In other words, it has to have a styrofoam or something like that which is not going to rebound, it's going to crush and take up the G-forces. Once it is crushed it is no good.

Some of the force can be dissipated when the helmet shatters; also, in Suffolk County, in an 18-month period they had six deaths directly attributable to the helmet because, when it shattered, it cut the people's jugular vein or stabbed them in the temple, things like this. So now if you can't guarantee that helmet won't hurt me, never mind whether or not it will save my life, if that helmet can kill me are you, in fact, murdering me? Are you taking away my life? With all good intention, I honestly think that the government this time, and in all the times past, is honestly trying to do the thing that would be benevolent, the thing that would really try and solve the problem of motorcycle injuries. I don't really think this will solve the problem of motorcycle injuries. As a matter of fact, I think we've got a darn good record.

When you figure that there are 17,000 registered motorcycles, 31,000 registered drivers and, you know, when I was up here in 1965, my memory, like the four gentlemen in the senior citizen home, my memory

sometimes goes a little bit, but we were suffering roughly one death per thousand. There was about 1,200 registered motorcyclists; we were having one death a year or no deaths, next year we'd have two, sort of thing, so it was averaging out to about one death per 1,000. We're way below that right now. Actually, with the things that have been instituted, I think we're doing pretty good. Naturally we'd like to get it to zero, but what about this helmet when I drop it. It's no good. That thing could be permanently damaged, that helmet that cost anywhere from \$69.95 to \$325 for one helmet.

Figure it out, if I've got myself and wife, or whatever the case is, that's times two. Helmets are not necessarily interchangeable, not only for health reasons, but because of fit; if they don't fit properly they're not any good to you. So now we're imposing this hardship upon people that they have to, not only buy it, but Autopac doesn't cover it. If I'm in an accident with it and it's the other driver's fault, then I can sue him just the same as if he ripped my jacket; but if I fall down on a corner because there happens to be a bit of gravel there in the springtime, what happens is, I better not have another accident for another year because it's my fault because I wasn't in control, I should have known that gravel was there. If that helmet's been rapped or banged they're not going to replace it; I have to pay sales tax on it when I buy it. If my jacket's been ripped, I've got to replace that, too, on my own expense. None of that's covered by Autopac, yet it's all safety equipment.

Why don't we eliminate some of these prohibitions? Why don't we do something to maybe subsidize them? Remove the sales taxes, both federal and provincial. Let's go to the extreme, why doesn't the government supply them? Don't forget, also, these helmets are only good for a limited length of time. I've heard two years, it seems to be a figure that's most popularly quoted, and that's because of the ultraviolet rays, because the sweat deteriorates the styrofoam, etc., etc., you know, for all these reasons. So now we're talking about inspecting them - (interjection) - Oh, you're not going to inspect them. Well that's okay then, because that's what's happening every place else. You can wear anything on your head and call it a helmet, no one really worries about it. I'll tell you, in 33 other states, they've repealed this law. They've repealed this law because - and this was in the States mind you - because they felt that it was unconstitutional. In some cases, the state was being named co-defendant in deaths where people were killed wearing a helmet, not only was the driver who was in the accident, but also the state itself was being named as co-defendant. I think our laws are a little bit different here in Canada. I don't think we can go ahead and sue the Crown without relief from the Crown, but still it gives some food for thought when you think about 33 states determined it was not constitutional. In other words, it wasn't as it says in - well, let's just look at the Bill of Rights, I think the Constitution of Canada is much the same but it says - ". . . confirming also that men in institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law . . ." I think we're talking about human rights there; the United Nations Human Rights Charter.

If I go to jail over this, would I then be a prisoner of conscience? Could I go Amnesty International as a prisoner of conscience? Because I really feel very

strongly about this. I feel that I would be a prisoner of conscience.

It says here that I have the right of the individual to life, to liberty, to security of the person, enjoyment of my property, and the right not to be deprived of, except by due process of law. Now I think in the Constitution of Canada - if you'll bear with me for a minute - "... that everyone has the right to life, liberty and security of the person, the right not to be deprived thereof, except in accordance with principles of fundamental justice . . ." I think the gentleman before me, Dr. Levine, just went through what fundamental justice is.

Now it says someplace in here - oh yes, right here right in No. 1 - Rights and Freedoms in Canada: "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free democratic society." Now, by the United States repealing this law in 33 states, does that then mean that this is not justifiable in a free democratic society? I don't know, I'm not a lawyer. It just sort of seems as a layman, it seems kind of logical to me that if 33 states found it unconstitutional, then how can we make it constitutional here?

Manitoba is the only province without this law right now. We heard someone up here earlier from the Safety Council. I was once a member of the Board of Directors of the Safety Council, believe it or not, and I was also a member of the CLC, and a little bit of historical background on that.

I can remember the CLC was against it because of what would happen to its members because of the restriction of their freedoms. Then the CLC was for it. Now I don't know if they're for it or against it. The Manitoba Safety Council was for the helmets; the Manitoba Safety Council was neutral. I went to one of their dinner meetings, spoke to them, and they voted not to support the helmet law, although they would not come out publicly and say that they were not in support of it, they would not support it, they would not publicly say they were against it, naturally. Now they appear that they're for it.

So here again, it just seems to me that there is a lot of people who are not really sure what they should do and I think this is the position that the Legislature is in. Unfortunately, it has come to the point now where someone has said, look, we've played around with this thing long enough, let's get it done. Well really, I don't know if that's what I would call democracy. Here we are; we don't want it and we don't feel it's proper.

Now I wear a helmet. To tell you the honest truth, I would be just as much against the law that said I couldn't wear a helmet. It's not a case of whether I have to wear a helmet, or whether I can't wear a helmet. The case is, Autopac says it's a piece of wearing apparel, it's treated that way. I say it's a piece of wearing apparel, 99 percent of the motorcyclists say it's a piece of personal gear. We want to make up our own mind. We want to be responsible citizens. We've had and we will have the whole spectrum of motorcyclists here, people who are maligned, but yet they were here the first night. You know who I'm talking about. Obviously if they were here, they must respect the law. They must believe that this is a country based on law. You can go ahead and shove this law through and they'll say see, we told you, it didn't matter, they were going to do it anyhow, wasted

our time. What did we accomplish? Well maybe it should go to court, and then we can get it over with once and for all. I don't know.

I had a little discussion with some people and we started talking about suicide. They said I was committing suicide by not wearing a helmet. Well, I guess if I went and ran at that wall full tilt, I would be committing suicide whether I was wearing a helmet or not, whether I was on my motorcycle or running. The fact is I don't go out on my motorcycle to commit suicide. I go out to enjoy myself. I find it a pleasant way to travel. I've been riding a motorcycle for 20 years. I've had some accidents, I've got the scars to prove it. But the worst accident I was in happened at 20 miles an hour. A truck actually cut me off in the States. I wasn't wearing a helmet, but my damage was internal. I had contusions of the bladder; I had two crush fractures to the knee; I was in critical condition for six hours. It was proved I was in poor condition for three days, but the helmet was a non-issue in that particular case. As a matter of fact, I wear glasses - I'm wearing contact lenses now - and I had a contusion on my cheek here where the eyeglass frame got pushed into my cheek, but the eyeglasses didn't break.

When we talk about specific cases and we go into general things, I don't know if that really proves anything. That's like me quoting statistics, we're talking about apples and oranges. Really the case is, are we free, are we responsible? I mean, we're the people who are supposed to be able to go out and elect a government and look at the newspapers and get through all the propaganda and still somehow make this a democratic country by being an informed population. There are places - don't get me wrong, I'm not trying to insult anyone or anything like that - where legislation has to be enacted but I don't think this is one of the places where it has to be done.

I think it can be done through education. Someone said to me, education doesn't work. Education does work. How can you say education doesn't work? Nobody's really tried education here. They say it doesn't work without even trying it. The Manitoba Safety Council has a driver education course which is, as far as I know, jam-packed. Facilities are needed, funding is needed. If we were educating 100 percent of the new motorcyclists, and then we found that we were still having an horrendous problem, I would say yes, okay, I'll believe you, education doesn't work. Unfortunately, I believe in education.

Look at what happened with hunters' safety. I can remember when I was up here and Mr. Steinkopf was sitting down there. We brought that up about hunters' safety. Every hunting season we were having five, six people killed, and we suggested, well, make hunters wear bulletproof vests and steel army helmets or educate them. So what did they do? They initiated a hunter safety program. It took a few years, you know, before it filtered down and there was enough. But what do we have now? We've probably got the best record in North America. We might have one person killed and, unfortunately, that's usually a farmer. Comparing what you're doing to us motorcyclists, maybe what you should do to prevent that one farmer from getting killed is make all the farmers during hunting season wear bulletproof vests. Really, anywhere, depending on what statistics I read, 50 to 80 percent - you know I hate

to quote statistics, but from my personal experience, I know that it seems that if you really want to protect us, just get rid of the cars because it's the cars that do it to us. So I have to wear a helmet because all these car drivers are drunk or don't know how to drive or don't see me. That's a very interesting concept: I didn't see him.

Well, we always hear about what goes on in other parts of the world, like Britain has helmets. Yes, Britain has had helmets a long time. Did you know though that before Britain instituted mandatory helmets, 95 percent of their motorcyclists were wearing them voluntarily? They actually were in favour of it; we're not in favour of it. Their climate is different than ours. I don't think they ever get 100 above in England. If they do, it's the thing that happens once a century. In the spring and fall, I wear a helmet quite a bit. In this kind of weather, no, I don't. I wear a cloth cap to keep the sun out of my eyes in the daytime, but I don't really wear a helmet.

In Japan, they have a very strict driver testing procedure. They limit their motorcyclists as to size of motorcycle they can have; before they can upgrade to a larger motorcycle, they take a further test. They have to wear helmets there, but did you know that if a car driver said I didn't see him, he would be charged with criminal negligence because that's his responsibility to see him? I mean, he's supposed to be a qualified driver, not just licenced to drive, not with a licence to go out and kill, but qualified to manipulate that vehicle in a safe fashion; the same as the motorcyclist is, mind you.

I'm not saying car drivers have to and we don't. What I am saying is perhaps what we need is a compulsory education program whereas a person would have to have an arbitrary number of hours which your university engineering people - you know, the safety people - could determine. I am sure there are safety courses going. Perhaps Autopac should be investing some money in that surplus that they got in developing a proper motorcycle and driver safety program, training instructors and then requiring people to have a certain amount of hours under logged instruction. If they get that, give them a rebate on their insurance; give them a grant once they've completed the course. They used to do that with the pilots' licences. If you completed a pilot's licence, you got a certain amount of money back from the government. Maybe we should be doing things like that and get these people properly trained.

I feels it's kind of ludicrous that I have to wear a helmet to protect myself from someone who doesn't know how to drive. I mean, I'm not the best driver in the world, far from it. Unfortunately, I didn't learn properly. I learned by surviving my mistakes, let's put it that way. When I first learned how to drive, I joined the Manitoba Motorcycle Club. Right now, I'm a life member. The club was formed in 1911. It has a depth of membership. There are older members; there are younger members. The older fellows say, ha, you keep doing that, you're going to get killed, that's no way to drive, and that's how I learned by riding with more experienced fellows.

Unfortunately, now a young kid can go out, and I don't know if any ethical dealer would sell him a motorcycle of that capacity, but I guess it is possible for a kid to go out and buy a motorcycle that will right out of the box, right off the show room floor, do 150 miles an hour. It will do 150 miles an hour from here

to Osborne Bridge; I mean that quick. I mean he's through five years and he's doing 150 miles an hour - not kilometres, but miles - and I'm not kidding; that's true. It scares me; it really does. I don't know - the problem is not whether or not we're going to wear helmets.

The problem is: Are we going to be free enough to make our own responsible choices, and is the government going to be wise enough to do things that they can do to make the highways safer without going to some kind of draconian methods where they have to almost put us in shackles and take away this right, privilege, freedom, whatever you want, of being able to travel interprovincially, intercity, around the community, out in the country?

I mean, you know, I wear a helmet on the highway. One of the big reasons I wear it is because it's got a face shield. That face shield keeps the bugs out of my eyes, believe it or not. They hurt. Really, at 60 miles an hour, you get a nice little wasp right about here and boy it hurts! I think that we should have compulsory eye protection. Saskatchewan has compulsory eye protection. They're the only province that does, and yet they seem to be the only one that's better off than us statistically. Colorado has compulsory eye protection. There are several states which have compulsory eye protection. I don't think that is something that is too harsh to put onto people. I think that if something goes in my eye, I can veer off the road and hit someone else or something like that.

Okay, so there's some argument that maybe we'll protect someone else; but by me wearing a helmet, there's no way it's going to protect anyone else's rights. This argument about money that it's going to cost, I just don't really follow that argument, because it's cheaper to kill me than to put me into the hospital. Now if the helmet is going to save my life, you're going to put me into the hospital, so it's going to cost you more money. If I don't wear the helmet, I'm dead and you bury me and that's the end of it. So how is it going to save money?

It seems also that if we really want to start getting into saving lives, maybe what we should be looking at is our trauma centres. I wonder, the educated people, the medical profession, etc., they're always for let's do this to them and let's do this to them. Well, I read just a few weeks ago that we could save across Canada something like \$364 million by stopping hospital-transmitted diseases. The biggest way that these diseases are transmitted is by nurses who go from one patient to the other. Why don't we pass a law that nurses have to wash their hands between patients? If they get caught not doing it, we'll give them two points on their nursing licence. If they get six points, they go in for a retest; and if they get 10, they take away their licence for six months because that's what is going to happen to me with the helmet; and I wonder if you're going to save \$364 million.

However, in the latest Scientific American, August issue, what they seem to - and I will admit that they do say that putting helmets on motorcyclists is going to stop injuries which, as I say, the statistics come from the National Highways Society which they're cooked anyhow as far as I know - but the thing is by getting people into hospital quickly, it says here - they developed this tactic during World War I - the time lag

was 12 to 18 hours of getting a person into surgery, and their mortality rate was 8.5 percent. The Second World War, it was 12 hours; it dropped to 5.8 percent. Korean conflicts, 4 hours, dropped to 2.4 percent. Okay, according to one study, the average time lag between injury and the definitive surgical care was reduced to 65 minutes, and the mortality rate fell to 1.7 percent. What seems the problem here is not necessarily getting the people to the hospital, because getting them to a hospital is not really the answer. What we have to do is get them to a proper trauma centre and once they get to that trauma centre, the doctors have to be there, trauma specialists and anaesthetists, the surgeon, the neurologist, whatever; so by putting these helmets on us, is it going to save Mr. Desjardins money because he won't have to develop trauma centres all over the province? Is that his answer? I wonder.

In Germany, they've got an interlocking system, which you can see over here, covered by helicopters and so on. I wonder if a helicopter ambulance wouldn't be a feasible answer, especially on this long weekend where traffic is piled up, someone has an accident out at Falcon Lake, someplace like that, maybe the priority should be to get him in here real quick. I don't know. I don't know how we are going to save money. Are we going to save money by clouding the issue with the helmets? Are we going to save money by clouding the issue with the seat belts, or are we going to save money by really stopping injuries? You're only going to stop the injuries by stopping the accidents, unfortunately, I don't care what you're wearing. I've been riding a motorcycle for 20 years and it seems to me, if you're dead, you're dead.

I've seen guys on the way to a hill-climb one time. A car was coming at one of our club members; the guy rode into the ditch to try and evade the car and the car went into the ditch, not after him, but in trying to avoid him they both went into the ditch. What can you do? I don't know.

The thing is, this benign paternalism though, it really sort of worries me because in the Third Reich, Hitler did a lot of things; Hitler didn't do anything illegal. Everything he did was done with the force of law, martial law, but by a decree on February 28, 1933, for the protection of the people in the State - get that - for the protection of the people in the State which Hindenburg, under Article 48 of the Constitution it signed - mind you, he was bamboozled into signing it - but the decree which suspended all civil rights remained in force throughout the time the Third Reich, enabling the Fuehrer to rule by a sort of continual martial law.

Is that what is happening to the NDP? Are they sort of having a martial law going on right now in that caucus? Is that the problem? Well look, this was never to me mandated by me as an elector. Why can't we have a free vote on this thing? Why can't we have a free vote? Why can't people vote their conscience, vote the way that they see fit?

If you really, as legislators, believe - and I can't convince you and no one else can convince you that it's not the right thing to do - well, okay, I can live with that. I won't like it and really what I won't like about it is I'm going to have to pay twice to go to court; I'm going to have to pay through my taxes for Mr. Penner's pen pushers and I'm also going to have to pay for the

lawyer to fight our side, so I'm going to have to pay twice. Maybe we should get a government grant to go to court; maybe we could apply to that work's fund. Sorry, I'm not trying to be funny but it just sort of struck me.

But the fact is, your conscience dictates this. I can sort of live with that. I can say, okay, everybody's entitled to the strength of their convictions. When it comes down to a thing like this which I think is not a case of should we have bank robberies or shouldn't we. It's not a case of, is it okay to go ahead and mug old ladies on Portage Avenue. I mean, that's interfering with somebody's rights, making a law that they can't mug old ladies on Portage Avenue, but this is the kind of analogy that people throw at us all the time. Would this be all right, would that be all right? We're not talking about something like that. We're talking about some basic freedoms here, my right to life, my right to choose whether or not I want to wear a helmet and have a little bit more perceived protection, or not wear the helmet and have a little bit more perceived protection because I feel I'm better off without it. That's my right, I think.

What happens if I'm killed because you've forced me to wear a helmet? How would you feel then? People say, if it saves one life, that's all that counts. What if it kills one person? Isn't that much the same? I don't know, I think it is. I really hate going into statistics because we can make them say this or we can make them say that. Like the airplanes for instance, a question that pops up quite often here is people, I've heard it a couple of times while I was sitting back there, well, they make you do up a seat belt in the airplane, don't they? Oh yes. When you're taking off, when you're landing, when the pilot thinks that it's going to be rough or turbulent or there's some reason to - not all the time when you're in the airplane - unless it's a private plane. I've flown with private pilots and they've made me wear the seat belt all the time. I don't know if they have to or not.

We had a DC-9 crash; 29 people died. They all had their seat belts on. Was it because they suffocated to death before they could get them undone or because they panicked, couldn't get them undone and suffocated; we'll never know. So we'll never know if those seat belts caused the death or if it just made the bodies easy to find. I always thought wearing a seat belt in a plane was just so that they were all attached to a seat and you knew where to find the bodies anyhow, because I don't know how you're going to survive falling 40,000 feet anyhow, unless maybe like that heroic pilot did this weekend, glided in. But if you just have an accident or something, that seat belt isn't going to save you.

Although I'm talking about helmets, I have to sympathize with the seat belt people as well on this issue, as a private citizen. I don't really want to belabour the fascist regime of the Third Reich and go on with what Hitler did, but he certainly had the legal power to do things and how did he do it? He did it with propaganda. He had total control of the schools.

If I might just read one paragraph from here. "I myself was to experience how easily one is taken in by a lying and censored press and radio in a totalitarian state. Unlike most Germans, I had daily access to foreign newspapers, especially those of London, Paris and

Zurich which arrived the day after publication and though I listened regularly to the BBC and other foreign broadcasts, my job necessitated the spending of many hours a day in combing the German press, checking the German radio, conferring with Nazi officials and going to party meetings. It was surprising and sometimes consternating to find that, notwithstanding the opportunities I had to learn the facts and despite one's inherent distrust of what one learned from Nazi sources, a steady diet over the years of falsifications and distortions made a certain impression on one's mind and often misled it. No one who has not lived for years in a totalitarian land can possibly conceive how difficult it is to escape the dread consequence of a regime's calculated and inconsistent propaganda," and it goes on and on and on.

My point is, if we hear enough over enough time - helmets save lives, seat belts save lives - whether or not it's true we're going to believe it. I think you've had some excellent presentations here, far better than what I could ever do, and I hope that you somehow can have the wisdom to separate the facts from the fiction - let's put it that way - or do the right thing because I certainly want you to look after my freedoms.

What I'm here for is in defense of safety, really because I think the only way we'll have a safe motorcycling public, is if the people take the responsibility to go out and buy the proper clothes and buy the proper safety wear and wear it when they feel it's necessary, so they're doing it with the proper attitudes. If we just force it on them, and make them wear it, what we're going to do is get a totally negative response, it's going to be counter-productive.

I would only like to finish off by saying take another look at the poly-cube which I designed, and figure out where you are on it.

Thank you very much for your time. I'd like to just finish by saying the issue is freedom and not freedom of choice or freedom with the licence, but freedom with responsibility. Thank you very much for your attention, your time, your consideration. If you have any questions - I've been a motorcyclists for 20 years - I'll do my best to answer them as honestly as I can.

MR. CHAIRMAN: Thank you, Mr. Zubrycki. Any questions? Thank you again.

Mr. Kovnats.

MR. A. KOVNATS: Mr. Zubrycki, I notice that on September 30, 1965 when this first brief was presented, it says Riel Park, Beliveau and Ste. Anne's Road. What is the location of the Manitoba Motorcycle Club?

MR. P. ZUBRYCKI: We're still in the same location. Our clubhouse has been moved within Riel Park. They built the big Centennial Arena there and we're now moved off of Forrester, but I believe the mailing address is the same.

MR. A. KOVNATS: I was reading the brief while you were talking, just having a look at it, and a large majority of our memberships are over the age of 21 and have the right to vote. It goes back a few years.

MR. P. ZUBRYCKI: It sure does.

MR. A. KOVNATS: But still very timely.

MR. P. ZUBRYCKI: Yes, it is. I hope you don't think by that that we're being hard-headed or anything like that. It just seems to me that the motorcyclists have a pretty consistent position on this. We haven't wavered and wishy-washed. What we've said is we want safety, we want education, we want training, we want upgraded standards, we're willing to work with the government, but don't force us to do things which are not really going to have that much of an effect. It seems that we've maintained it to me anyhow.

MR. CHAIRMAN: Ms. Phillips.

MS. M. PHILLIPS: Yes, Mr. Chairperson, I'd just like to have the delegate make Hansard aware that poly-cube is spelled p-o-l-y - c-u-b-e, and not Pawley.

MR. P. ZUBRYCKI: Yes, I had that pointed out to me, but I decided that discretion was the better part of valour, you might say.

MR. CHAIRMAN: Mr. Orchard.

MR. D. ORCHARD: Thank you, Mr. Chairman, I think Ms. Phillips' concern here is definitely valid because we wouldn't want to have the Premier going down as a square.

MR. CHAIRMAN: Thank you very much, Mr. Zubrycki.

MR. P. ZUBRYCKI: Thank you for your time, Sir.

MR. CHAIRMAN: Thora Cartlidge. Mary-Ann Haddad. Harold Dalkie, Peter Male.

MR. H. DALKE: Yes, I'm Harold Dalkie. There is a gentleman, Mr. George Chapman, who won't be able to make it here tomorrow. I'd like to forego my spot in lieu of his. He's No. 20 on the list.

MR. CHAIRMAN: Are you willing to take place 20 in his place?

MR. H. DALKIE: I'd rather not, but if that's the only choice that I've got, I'll do that. He won't be able to be here tomorrow and I will be.

MR. CHAIRMAN: What does the committee wish? Mr. Orchard.

MR. D. ORCHARD: Mr. Chairman, I believe you made an indication when Dr. Ewart and Mr. Zubrycki wanted to change that Mr. Zubrycki would go to the end of the list.

MR. CHAIRMAN: That was Elliot Levine.

MR. D. ORCHARD: No.

MR. CHAIRMAN: Levine and Zubrycki changed places.

MR. D. ORCHARD: Right, but tonight Dr. Ewart wished to take Mr. Zubrycki's place and you indicated that

there would be an arrangement by which Mr. Zubrycki would go to the bottom of the list if that change took place, if I understand correctly.

So, if you made that ruling once, I think you would have to be consistent, Mr. Chairman, with all due respect.

MR. CHAIRMAN: We'll put him at the bottom, all right, it's fine.

MR. H. DALKIE: That's my problem.

HON. S. USKIW: Should change places with the person that he's yielding.

MR. D. ORCHARD: But the Chairman didn't allow that two hours ago, Mr. Minister.

MR. H. DALKIE: The point before wasn't that Mr. Ewart wanted to speak before Mr. Zubrycki, rather than in place of him? I forego my spot then for Mr. George Chapman.

MR. CHAIRMAN: George Chapman.

MR. GEORGE CHAPMAN: Honourable Mr. Chairman, and members of the committee. I'm a lawyer, by profession, in fact, I've been a lawyer for approximately 30 years, and I've been a motor sport enthusiast for virtually all of my life.

I owned my first motorcycle in 1950, and I've owned numerous motorcycles since that time. At the present time, I'm a member of the Shrine Khartum Temple Motor Patrol, and I've been an active rider in that motor patrol for over 10 years, and I am the president of that unit this year. During my course of membership in the motor patrol I've been the obstacle-course rider for the motor patrol for over six years. I might say that I won the midwestern competitions for five of those six years.

For about 12 years - partially overlapping that same period - I was actively involved in automobile racing and, during that time, I had the good fortune, whatever, to win numerous championships in that field. In 1966, I was the Canadian Champion Automobile Racing Driver.

I retired from automobile racing and became involved in the administrative end of motor sport, and for a period of 13 years - sorry to bore you with all these statistics of dates and years and so on, but I'd like to make the point to the committee that I really have lived with motor sport for many years - I was involved in the administration of motor sport and for the last six years, 1974-1980, I was the president of the governing body of motor sport in Canada. During that time I was involved in all aspects of motor racing and our organization built the Grand Prix Racetrack in the City of Montreal which has now been named after the late Gilles Villeneuve.

Safety has always been a great concern of mine, and I've headed committees on Canadian motor sport, and I've served on committees of the FIA, which is the world governing body of motor sport. I've served on several safety committees of that organization whose job it is to define such things as the driver protection, both what the driver wears, the protection within the racing cars, and the protection required to be in place on the racing circuits.

I must stress to the committee that the use of helmets and seat belts is always a first basic step in any aspect of safety involving motor sport activities. They're considered absolutely essential by all organizations throughout the world. Just let me say that one reason that these things are really so important is that because when an accident or crash - call it what you will - when something happens, it happens unexpectedly. You don't normally have any warning of an impending accident. I think it's trite to say that if I was driving my car down the street and I could say that, gee, I'm going to have an accident, or I'm going to crash into the car ahead of me at the next intersection, I think everybody here would say, well, I'll put up my hands and protect myself; but if you're driving along minding your own business and a car crashes through an intersection, running a red light, and hits you broadside or hits you from behind, you're not even looking in that direction, you don't have a chance.

I think that's where some measure of a seat restraint, whether it's a belt or a shoulder harness, a seat restraint system and a helmet to protect you is where the dividends are really paid, because we can all say we can look after ourselves, and most of us can if we know what's coming, but I really want to make the point that nobody plans an accident and, therefore, it's good planning to be prepared in case.

I didn't bring any dramatic props with me tonight; I didn't bring any shin pads to wave around, or ear muffs, or galoshes, or I don't want to talk lightly to you about the idea of imposing a restriction or a regulation, because I'm as much of a civil libertarian as anybody. I believe I have my rights, and I don't want any infringement on these rights, but I think we've got to put things into perspective. We all have rights and we have privileges, and sometimes to exercise a privilege, you have to pay a certain price.

I'd like to just refer the committee, Mr. Chairman, there was a publication called the Canadian Consumer. Now I'm not selling these, so don't get me wrong; but there's a publication called the Canadian Consumer, and the January, 1983 edition of this magazine has a picture on the front page, and the top item referred to is helmets. It says, "Anti-shock treatment." Now, this magazine, Canadian Consumer, is a magazine that has credibility over many other magazines because of the fact they don't sell advertising. The only income this magazine derives is from the subscriptions, and I am a subscriber. Their tests and their reports are considered objective by most organizations and by most people. I'm not saying it's perfect and I'm not saying it's as scientific as some reports, but the headline on Page 18 of this particular edition of January, 1983 says, "Anti-shock treatment." It says "Snowmobile, motorcycle helmets help keep you alive in an accident." Now that's the heading. There's a couple of pages of the explanation. There is a little bit of further information about it.

They have, on Page 19 of that publication, a little article I would just like to take the time of the committee to read to you. It says "Man-made and natural laws." It says "You are required to wear a helmet whenever you ride a motorcycle in all the provinces except Manitoba. Helmets are also required equipment for snowmobilers in Prince Edward Island, Quebec, Ontario and Saskatchewan. Many people oppose compulsory

helmet laws on principle. They see them as an infringement on personal liberty. Others object to them because they believe that the dangers of wearing a helmet outweigh the benefits.

"The most often quoted disadvantages are helmets impair hearing ability, they restrict the driver's vision, they're heavy and tiring, helmets cause neck injuries and helmets are uncomfortable. None of these disadvantages were confirmed by the Hirt Report, the most comprehensive study of motorcycle accidents ever done. Among the findings of the Hirt Report are:

"1. The use of helmets cause no lessening of critical traffic sounds, no restriction of pre-crash visual field, no fatigue or a loss of attention. In fact, helmets were not related to any cause of accident.

"2. Helmeted riders and passengers showed significantly lower head and neck injury at all levels of injury severity.

"The study also shows that the helmet is the single critical factor in the prevention and reduction of head injury."

Those are words, I think, that quite well reflect my own personal feelings. As I say, I don't have the Hirt Report itself here. It may well have been referred to by previous speakers, but that is the summation by the editors of the Canadian Consumer.

We talk about rights and privileges. You know it's a privilege to drive on the street, but we must drive on the right-hand side of the street. We must not exceed the speed limit. We must stop at stop signs. These are, to some people, perhaps an infringement or a restriction they don't like, but to have the privilege of driving on the street, we must exercise or be governed by certain regulations. For those who are hunting enthusiasts, it's a privilege to go big game hunting. We must wear our blaze orange hats and our white coveralls. Of course, I guess you might ask yourself how many times have you gone into a restaurant and seen the sign that says, "No shirt, no shoes, no service."

With the greatest respect, Mr. Chairman and gentlemen, I submit to you there is great value in the use of a helmet, in the use of seat belt and child restraint systems, and I support this concept of your legislation. Our lives are governed by regulation because the vast majority of people have to be weighed in relation to the requirements or desires of individuals. Through my own years of experience, I think that this is a very forward step for the government to take.

If any members of the committee have any questions they might wish to ask of me, I would be pleased to try and answer them.

MR. CHAIRMAN: Thank you, Mr. Chapman. Any questions?

Mr. Orchard.

MR. D. ORCHARD: Thank you, Mr. Chairman. Mr. Chapman, in belting in for a race car, can you describe the belting that's used in a typical race car?

MR. G. CHAPMAN: We have several different standards, depending on the standard of racing. The minimum standard that we use at the present time is a lap belt and shoulder belts.

When you get into what we call the formula car racing such as the Formula Atlantic cars or Formula One cars

which are used in world championship competition, or even the Indianapolis type cars for instance, we have in addition to the shoulder straps and a lap belt, the crotch straps which prevent what has been referred to as submarining. In other words, it'll prevent the driver from sliding forward. In most of the racing cars, the driver is in more of a prone position than what you would sit in in your conventional automobile, so for that reason the crotch strap is a very essential part of your equipment.

MR. D. ORCHARD: And also race car drivers, is it mandatory that they wear helmets as well?

MR. G. CHAPMAN: Yes, it is, and they impose very rigid standards on the helmets that they use. Once again, the standards that are imposed are higher with the level of racing that the participants are involved in. I might say that the helmets themselves afford a very high degree of protection. I've worn them for years; I've always found them comfortable. I hear people complaining about things like peripheral vision. I have excellent peripheral vision. I can stand up before you and say that because I'm a private pilot as well. I've had the various eye tests and so on that are involved and my helmet doesn't bother my peripheral vision. My helmet doesn't noticeably affect any sounds or my hearing in any respect whatsoever. I can carry on a conversation with my helmet buttoned up that I can with anybody else.

So when I hear those objections taken I can only go by my own experience. I'm here as a private citizen tonight and I'm saying that maybe my helmet's different, but I bought it in the store that they can buy theirs in and mine works fine. I don't find it uncomfortably hot. I drive my motorcycle around the city quite a bit. On Tuesday, I drove over 100 kilometres in the City of Winnipeg wearing my helmet all the time. Tuesday was a pretty hot day, it didn't bother me to wear my helmet that day.

MR. D. ORCHARD: Would the ultimate safety measure, in conjunction with seat belts and cars, be also helmets for the drivers and passengers?

MR. G. CHAPMAN: I'm sorry.

MR. D. ORCHARD: In race car drivers the ultimate safety measure is double harness on the shoulders, sometimes even a crotch strap in addition to the lap belt, plus a helmet. If the ultimate goal was safety in motor vehicles, should we go as far as a mandate wearing of helmets in passenger cars as well?

MR. G. CHAPMAN: That's an interesting point. Some years ago there was a move to popularize that and design helmets that were comfortable to wear and attractive to wear. I think a lot of people are loathe to get into these things but in an automobile, like the passenger automobile that you and I drive, it's not that important to wear a helmet for the simple reason that if you have a proper restraint system, your head isn't going to be rattling around like it would be if you weren't wearing a helmet. Now if you weren't wearing a seat restraint system you'd be a heck of a lot better off

wearing a helmet because if you're not fastened down or held down and you have an accident, you're going to hit something. I think I can speak with some experience and say that I know that that's going to happen and if your head is protected you're going to come out of it better.

MR. D. ORCHARD: The legislation as its drafted, Mr. Chapman, contains a number of exemptions. Do you believe there should be any exemptions to the wearing of seat belts?

MR. G. CHAPMAN: I can only say I don't believe that there isn't a seat belt. For instance, you take a simple little car like a Volkswagen, you can buy it with a belt that automatically closes when you close the door, yet you open the door and the belt swings away. It's so simple but everybody doesn't have that.

To answer your question specifically, yes, I think that there must be some people somewhere that feel they can't wear them, either they have sensitive skin or whatever or they're performing such tasks that it's impossible for them to wear it, but they're exposing themselves to an unnecessary risk. Perhaps they'd be better prepared for it.

MR. D. ORCHARD: A request has been made for the exemption for transit bus drivers. They are currently required by the writing of the law, but they wish to have an exemption. Would you support an exemption for individuals who are driving a vehicle containing a number of passengers such as a bus driver?

MR. G. CHAPMAN: I can only say this to the committee, I haven't heard the arguments advanced in favour of that. I think that driving a public transit vehicle, I think there is a much greater responsibility on the driver to be seated behind his steering wheel so he can maintain control over his vehicle and I think this is really what a seat restraint system does in many cases. If you got on to a bumpy road or had a blowout or ran up on the curve and get thrown around, the driver isn't sitting behind the wheel any more. That's all right if you're stopped, but if the vehicle is still rolling, whereas a seat restraint system, the purpose is to keep you seated behind the wheel so you can maintain that control.

Now like I say, I haven't heard the arguments advanced why, but every time I ride Transit Tom, the bus driver never moves off his seat and I would think he would be a lot better and probably even more comfortable if he was seated behind his seat.

MR. D. ORCHARD: Now, the issue has been raised that school age children spend more time in the school bus, particularly in rural Manitoba, than they do in the family car. In the family car they must be belted in, in the school bus there is no requirement. Since you support seat belt legislation, would you think that school buses should be equipped with seat belts for all the student passengers?

MR. G. CHAPMAN: I would answer that by saying I would feel that that's analogous to the airlines. Every single person who gets on an airliner puts on his belt, tightens up his belt before he takes off and does the

same before they land. I don't see why they couldn't put the system in.

Now if you're talking about children who are of such tender years that they can't reach the floor or something, that may be a problem. But I think there's no reason why riders in public transit vehicles can't be suitably restrained. I think it's the designers problem. I think the concept is for safety. I support the concept of some kind of restraint system.

MR. CHAIRMAN: Mr. Uskiw.

HON. S. USKIW: Yes, I wonder if you might want to go back to the question of the perspiration problems with respect to helmets in hot days. Many have made that argument although I have never had occasion to wear a helmet on a hot day - I did during the wintertime - but not on a hot day. If you have the front of it open so that wind action can provide cooling, does that not offset that problem?

MR. G. CHAPMAN: Speaking only from personal experience, Mr. Chairman, I have no problem with my helmet. I do not find it hot or uncomfortable to wear it. I have a windshield on my motorcycle and the windshield probably cuts down on some of the air that blows on my face. Tuesday was a pretty hot day, all day, and as I say I drove over 100 kilometres on my motorcycle and I wore my helmet all the time.

HON. S. USKIW: Do you wear your front cover down or up?

MR. G. CHAPMAN: No. My helmet is not what they call a full-face helmet. My helmet is an older style that would be - I think it has a Snell 1972 or 1974 rating - but it's not what is termed the full-face helmet. I also believe in eye protection, but I have a windshield and I usually wear sunglasses as well, having had a few bugs on the forehead and . . .

HON. S. USKIW: Should we require mandatory eye protection?

MR. G. CHAPMAN: Yes, I would say definitely.

HON. S. USKIW: Would you recommend a particular kind?

MR. G. CHAPMAN: I'm not in a position to, but . . .

HON. S. USKIW: I don't mean brand name, but there's a difference between sunglasses and a pair of goggles or whatever. There are a number of items on the market.

MR. G. CHAPMAN: Yes. In my own experience, I use a windshield on my motorcycle therefore I don't wear goggles. I have ridden motorcycles without windshields and when I do that I always wear goggles. So I have several pairs of goggles that I can use, but as far as my own experience, it's limited, but I think eye protection is absolutely essential on a motorcycle.

HON. S. USKIW: What about motorcycles and other similar vehicles that are used by employees of the City

of Winnipeg, for example, attending to parking meters, they're equipped with small cabs? Would you want to wear a helmet if you were driving one of those with a cab? They're called metre maids.

MR. G. CHAPMAN: Yes, I've seen them, in fact, I have had a race with one of them to get to my car first, and I lost. I haven't really addressed my thinking to that kind of a vehicle so my own feeling is that they shouldn't really be treated any differently, they should have some protection, whether it would be more appropriate for them to wear a helmet, such as the City Police who ride motorcycles wear. Sometimes a helmet inside a vehicle, if you're moving around a lot, is cumbersome and you hit it on the side, it rattles and makes a lot of noise. No, I'd have to say that I'm not sure in my own mind what they should have, but they're perhaps even more susceptible to being run into and being caught unawares. Certainly the speed that they go, I think they're not much faster than a golf cart, probably 30 miles an hour, or 35 miles an hour is all they can go.

HON. S. USKIW: Do you consider the cab that is built over them sufficient protection?

MR. G. CHAPMAN: It doesn't look like much protection for me, but it's a superficial observation.

HON. S. USKIW: Okay, thank you.

MR. CHAIRMAN: Mrs. Oleson.

MRS. C. OLESON: Thank you, Mr. Chairman. Several people that spoke to this committee on the subject of motorcycle helmets mentioned the hearing problems when they were wearing them. You mentioned just now that your helmet is not a full helmet. Did you choose it for that reason, that you could hear better? Did you try several styles and did you find that some of the full ones did impair your hearing, or why do you wear the type that you do?

MR. G. CHAPMAN: The full-face helmet, I have used them, they do not impair my hearing, not noticeably. The only reason I don't wear them is it's hard to talk when you have them on, because the front of your face is covered. So, it's hard to talk to somebody else, but I've never had any problem listening.

MRS. C. OLESON: You have tried the full-face ones . . .

MR. G. CHAPMAN: Oh yes.

MRS. C. OLESON: . . . and you haven't found that you couldn't hear with them?

MR. G. CHAPMAN: No, I have not had a hearing problem with a full-face helmet.

MRS. C. OLESON: Okay, thank you.

MR. G. CHAPMAN: Of course, some wags might say, how do you know if you didn't hear something. I can

only say that I've been able to carry on conversations with people, apparently to me, normal and conventional. I have trouble communicating back because of the covering of the mouth area and, of course, the nature of the lining material of the helmet.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Mr. Chapman, I knew I recognized your name from somewhere. I believe years ago, if my memory serves me right, and I guess you're kind of lucky I didn't put the name to your face earlier, I would have been down trading racing stories with you from years ago.

You did race, and certainly under your jurisdiction, racing endurance races in closed cars; six hour, 12 hour races. Temperatures in those vehicles of 150 degrees is not unusual. They are wearing helmets, 150 maybe up toward the maximum, but I know there's been an awful lot of drivers pulled out of cars after races from virtual heat exhaustion.

Did you, in your experiences at those kind of temperatures, and even above 100 degrees in closed cars or in cars that weren't even closed, suffer from problems of heat with the helmet?

MR. G. CHAPMAN: Well, I can say to you that I've driven, like at Sebring, Florida, which is a 12-hour endurance race; I've driven in other races that were of three- and four-hour duration without stopping. At Sebring we used to stop every two hours and trade off, but the helmet itself never bothered me. I certainly suffered from heat in the car. My body was just absolutely wrung out. I never gave it a second thought that my head was hotter than any of the rest of my body; it certainly didn't bother me that way.

MR. D. SCOTT: Okay. On eye protection, you mentioned you use a wind screen on your bike.

MR. G. CHAPMAN: Yes.

MR. D. SCOTT: Do you feel that there would be, or would you object if you were required to have eye protection as well as a wind screen? The reason I ask this is partially because of definitions of wind screens. If you look at some bikes - just saw one tonight, a BMW with one of those little tiny wind cowls up front, not really terribly effective in the city, mostly on the highway when you're down crouched behind the wind screen; would you, as a motorcyclist, object if there was some provisions in it for eye protection?

MR. G. CHAPMAN: No, I think realistically I would welcome it. It's like wearing the blaze orange hat when you go deer hunting. I'm not going to shoot myself, but somebody else might if they don't notice that I'm a little bit different than the deer in the bush, but I think eye protection is very important. I'm conscious of it, I wouldn't ride my motorcycle without something on my eyes. I would welcome something that, perhaps, tied in with the helmet as compulsory as well, because there's lots of good face shields and visors available. I have a flip-up visor that I can snap onto my helmet if I want to use a visor. No, I would welcome that as a worthwhile improvement to what is already proposed.

MR. D. SCOTT: Finally, I've had a couple of motorcyclists comment to me that with their helmets on they found that the hearing was assisted, as far as for detecting noises, such as, other vehicles on the highway, because the noise from the bike itself, and the valves, and the chain did not stand out as strongly, or it maybe muffled some of those noises and made it easier to hear traffic noises. I was wondering, do you have any experience along that line, or would you accept that sort of an argument at all?

MR. G. CHAPMAN: Well, I don't think that my helmet muffles out any of the noise of my own motorcycle. I never noticed any reduction, not significant. Perhaps on the highway at high speeds it might. It think having a windshield on my motorcycle makes probably a bigger difference than not having a windshield.

MR. D. SCOTT: Okay, sir, thanks very much.

MR. CHAIRMAN: Mr. Kovnats.

MR. A. KOVNATS: Mr. Chapman, if I could just ask one question. Would you seek an exemption for your motorcycle group that is under the auspices of the Shriners to eliminate the use of helmets replacing the fez that you now wear?

MR. G. CHAPMAN: I thought you might bring that subject up. I might say that our Shrine group perform in many states in the United States and many provinces in Canada and the identification of a Shriner is a fez, of course, and when we take part in parades, like whether it's in the Manisphere parade in downtown Winnipeg; or in Des Moines, Iowa; or Rapid City, South Dakota; or Regina, Saskatchewan; it has been traditional to grant a waiver in these jurisdictions for us to be allowed to wear our fezzes instead of a helmet, but all of the rest of the time when we go to all of these different places we must comply with the law which requires a helmet to be worn but we do ask for an exemption. So in that regard I know there are always some special situations and cases in a parade, and we ask for an exemption.

MR. CHAIRMAN: Mr. Kovnats.

MR. A. KOVNATS: We had a presentation from a Sikh group that wear turbans for religious reasons and cannot wear a helmet over the turban or under the turban. It appeared that the Minister was not about to make any exemptions at all and I would think that you wouldn't have much of a chance of getting an exemption, particularly here in Manitoba, if this helmet legislation passes. I would just compliment you on your motorcycle group because I have seen them in action and they look very nice wearing the fezzes, but I think that you will have to comply with this regulation if and when it goes through.

MR. G. CHAPMAN: You're tough.

MR. A. KOVNATS: Not I, not I.

MR. CHAIRMAN: Mr. McKenzie.

MR. W. McKENZIE: Thank you, Mr. Chairman. Mr. Chapman, how bad is this problem of gentlemen or ladies driving motorcycles that don't wear helmets? Do you see a lot of people as you travel around on your motorcycle that are not wearing helmets?

MR. G. CHAPMAN: Yes, I see quite a few.

MR. W. McKENZIE: There are a lot.

MR. G. CHAPMAN: Yes.

MR. W. McKENZIE: So, it is a problem?

MR. G. CHAPMAN: Yes, and I feel it's really unfortunate because I think they just don't know what they're letting themselves in for. That's the sad part of it. It's like a workman on a construction site not wearing a hard hat. If a big bolt falls from the 18th floor and hits him on the head . . .

MR. W. McKENZIE: In one section of the act that's before us here where helmets are not required, it says: "It doesn't apply to the operator or passenger of a motorcycle which is manufactured with a cabin and closed and protects the operator and passenger." In other words, those who are in motorcycles with cabs on them don't have to wear helmets. Do you agree with that?

MR. G. CHAPMAN: I don't know what kind of a motorcycle has a cab on it. I've never seen one, except these little scooter deals that the police use for parking meters. So I can't really answer that question. I'm sorry.

MR. W. McKENZIE: That's all I have, Mr. Chairman. Thank you.

MR. CHAIRMAN: Mr. Orchard.

MR. D. ORCHARD: Mr. Chairman, one of the last answers by Mr. Chapman led me to ask one final question. When you comment that motorcycle riders in Manitoba who don't wear helmets, don't know what they're missing out on or what they're risking. If they are risking a great deal, why is it that Manitoba motorcyclists, without helmets, have either a better fatality and injury rate per 100 accidents than all other jurisdictions, with the exception of Saskatchewan, that have helmet laws?

MR. G. CHAPMAN: I am not in a position to answer that question. I don't know the statistics and I don't have any explanation for them. All I can say is, last summer a very good friend of mine was riding his motorcycle. He's a competent rider. He lost control of it on some loose sandy gravel on Wellington Crescent at a reasonable speed and he skidded and he hit the curb; he went over the windshield of his motorcycle wearing his helmet and he smashed his helmet on the curb. He had a concussion; he was unconscious for six hours; but he's alive and working today; and he has a smashed-up helmet to prove it.

If any one of you gentlemen could just try and destroy a helmet, put your head in place of that - and it's pretty

clear - that there was a young man who would be lost to us today if he hadn't been wearing his helmet. But that's only one example and there are all kinds of other examples.

It's just that I've lived with motor sport for as long as I can remember. I recall when they didn't want to wear helmets in racing cars - and I may not be that old - but gentlemen, they used to just put a cloth helmet on to keep their hair from blowing on their eyes. That's what they started off doing in the early 1950s. That's all they ever did - and everything about safety - and they didn't use seat belts. In 1955, they didn't have laws requiring seat belts in racing cars.

We've come a long way today. I guess people buck change, but it's progressive and there have been a lot of lives that have been protected and saved. My comment about people driving their motorcycles on the streets, it's just great, it's exhilarating, to be cruising down the boulevard with the wind in your hair and perhaps not even a shirt on and then shorts, but boy, if you ever come off that bike you leave a lot of skin on the road.

MR. D. ORCHARD: That's a point that's been made as well, that the helmet is only one part of safety equipment when you're riding a bike and if your mandating that, then maybe you have to mandate the jackets, the leather pants, the boots.

HON. S. USKIW: Move an amendment to it.

MR. D. ORCHARD: The Minister indicates to me that he would accept an amendment to it, but if safety's the major objective of this bill, the government should have had it in there. Would you agree or disagree?

MR. CHAIRMAN: Mr. Scott.

MR. D. ORCHARD: I think Mr. Chapman wishes to answer that.

MR. G. CHAPMAN: Which should be the major objective?

MR. D. ORCHARD: This bill has been introduced as a comprehensive safety bill and that's why we're having helmets required for motorcycle riders.

A case has been made by yourself and others that leather jackets, pants, boots, also are very important if ever you lay your bike down. Now if helmets are required as a comprehensive safety measure, maybe the government was negligent in not making a complete safety-wear requirement so you don't have people riding around in Bermuda shorts and no helmet.

MR. G. CHAPMAN: My answer to that is, half a loaf is better than none. I would say that rather than me stand up here and say you should have leather jackets or pants or boots, I think I would like to say that perhaps a more comprehensive training program or instruction program to obtain a licence. Different jurisdictions have different systems. Some jurisdictions limit the size of the motorcycle that a learning rider is allowed to ride. Some of them make them have a big orange triangle on the back of his motorcycle to show that he's just

got a learner's permit. There are a lot of different things you can do. Perhaps even a mandatory two-day course before you even get a learner's permit.

I think those are things the government might consider, but I commend the government for what they are doing because I believe in it. I think it's very important and I don't think any bill ever presented by any government anywhere is going to be the complete answer. But if it's in the right direction then I really laud them for what they're doing.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: You've just about answered my question I've just come up with and that's on mandatory training programs. I know on the CASC there are very stringent controls before anyone goes on a track, be it on a bike or be it in a car.

We had one of the gentlemen from ABATE the other night explaining to us of the power of motorcycles that are available to people. I could go out now, without having driven a motorcycle now for about 15 years, and go out and buy a bike with a 100 horse power and basically blow myself off the road and there's no restrictions on that. Would you consider it advisable to have a mandatory training program for new-bike licensees and also some restrictions on the size or the power of motorcycles for new riders for the first couple of years, say?

MR. G. CHAPMAN: My answer to that question is, yes, I would. I think, as part of the training program, that it's kind of a which comes first the chicken or the egg. They talk about getting a beginners permit so they can learn to ride, and they can't learn to ride unless they get a permit and so on, but I think it is important. I would really like to see some kind of a school, or a day set aside, or a training instruction ground.

For instance, the Industrial Park at Gimli has got vast areas where people could go out away from the public roads, they could be instructed. I know it would be awkward and difficult for some people, but certainly you'd come up with well-trained motorcycle riders. Just like going to a driving school for your automobile, there should be the same type of thing for motorcycles.

One observation I'd like to make, with regard to the size restriction of the motor, is that you can get some pretty small motors that are horrendously powerful and, for that reason, I'd have to think very carefully about how you describe it.

MR. D. SCOTT: Well, if I could, Mr. Chairman, one possible option. You're never going to get it down, you know, finely tuned enough, I guess, unless you use a horsepower limit, and the horsepower limit's a relatively difficult thing to judge because, if one modifies his bike, and he goes back and registers it the following year, he's not going to register his 250 bike now as having 40 horsepower, instead of 22 that it came with in stock. Would you feel that a movement of, say, a 350 cc in a four-cycle, and a 200 cc in a two-cycle, would that be a wise way to move on the restrictions for power, given the differences between a two-cycle and a four-cycle bike?

MR. G. CHAPMAN: Well, it would be one way. I was out last Sunday, instead of watching the jet come in

at Gimli, I went to Austin, Manitoba and I watched moto cross racing because I have a 14-year-old son that is very interested, and a pretty good motor cycle rider, and the 125 cc two strokes were just frighteningly fast and powerful. That's why I said there would have to be a very careful way to phrase the restrictions; but definitely for a road bike, a 250 cc four-stroke road bike would be plenty powerful for anybody learning to ride a motorcycle.

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

MR. CHAIRMAN: Mr. McKenzie.

MR. W. MCKENZIE: One question please, Mr. Chairman. How about the mopeds, what do you think of those? There's a lot of mopeds, I see them out even on the farms and that; they're a new vehicle in the province. Are they reasonably safe?

MR. G. CHAPMAN: I think they're limited. I don't know much about them. I have ridden them and to me they just seemed like kind of a toy. I think one of the things, probably the brakes aren't as good as they would be on a motorcycle, for instance. They will go up to, pretty close to - what? - 40-odd mph, and that's moving along pretty quick. I haven't seen one with a windshield on it yet. When you don't have any windshield or eye protection, you know, the bugs coming at you at 40 mph can hurt. But they're certainly economical transportation because I think they'll give you about 200 miles to the gallon of gas.

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

MR. CHAIRMAN: Mr. Kovnats.

MR. A. KOVNATS: Yes, while I was listening to George, and he certainly has established himself as a safety expert, something came to mind concerning farm equipment and the driving of farm equipment. I know that some of the farm equipment now is starting to come equipped with safety belts, and cabs, and roll bars, and all of the things that go with some of this farm equipment. If you were the one that was making the rules and regulations, would you include this type of legislation to include farm equipment also for the safety factor?

MR. G. CHAPMAN: Well, I don't think I'd include a tractor for seat belt, but I would sure include a roll bar for a tractor. A lot of tractors have roll bars. I think I would think in a different direction for two reasons, because of the very, very slow speed of the equipment; and secondly, because of the very limited possibility of a collision between two vehicles, as distinct from, say, two cars which can be going very fast. The farm vehicles aren't normally going to run into another farm vehicle. They're not normally on the highway. Secondly, the speed they go is so slow that I don't think a seat belt is going to make any difference.

MR. CHAIRMAN: Any other questions? Thank you Mr. Chapman.

MR. G. CHAPMAN: Thank you, and sorry to have taken up so much of your time.

MR. CHAIRMAN: That's okay - everybody else is taking their time.

Okay, committee to rise.

HON. S. USKIW: Committee rise.

MR. CHAIRMAN: This committee will reconvene tomorrow at 2:00 p.m.

Committee rise.

BRIEFS PRESENTED BUT NOT READ

Brief presented by Dr. W. B. Ewart as a private citizen.

Re: Seat Belt Legislation

The Manitoba Medical Association in its written presentation acknowledges the article by Warren and Simpson in the Traffic Injury Research Foundation Report in 1980 entitled Seat Belts in Traffic Safety: A Review of the Canadian Experience.

In this article Warren and Simpson state - "for proper evaluation of seat belt effectiveness controlled studies are essential in which the effect of all other contributory factors is eliminated". In other words, there is disagreement in the scientific world as to the medical benefit of the proposed legislation. Despite the introduction of compulsory seat belt legislation in four of our largest provinces we are still unable to demonstrate the medical benefit of same.

As a physician in Manitoba, and a previous coroner in Saskatchewan, I have seen examples where the use of seat belts would have prevented a fatality. Theoretically they should work in reducing fatalities, but we have found out there is no proof of same.

One of the great problems in appraising the value of seat belt legislation is that even in provinces in which it is strictly enforced utilization rate is only in the range of 60 to 70 percent and the remaining 30 to 40 percent account for 80 percent of the fatal accidents. We also know that between 55 and 85 percent of traffic fatalities are associated with excess alcohol. These are the people who don't wear seat belts; these are the people who are seen in our emergency hospital examining rooms; these are the people who cause the epidemics of highway deaths.

In other words, if we are sincere in attempting to reduce the epidemic of highway deaths we should first eliminate the major cause of highway fatalities - the drunken driver. These drivers should be restricted before any consideration is given to restrict those who are not responsible for the carnage. Once the alcohol consumers and other high-risk drivers are eliminated from our roads then perhaps we will be able to obtain statistics which will demonstrate the benefits of the proposed seat belt legislation. However, until this is done we should be very careful of introducing further state controls particularly when the benefits of same are unproven.

Brief submitted by Gary J. Hudson, Sshoal Lake, Manitoba.

Members of the Legislative Assembly

If I may be permitted a few moments of your time, I should like to address a subject of legislation now

under consideration by the House. Did I not believe I may possibly make a viable contribution I would not have taken the time or effort toward a communication such as this. Thus, I sincerely hope I have not, and will not, be wasting our mutual time in this endeavour. Because of its origin, I have simply entitled this essay:

AN INDIVIDUAL'S COMMENTS ON MOTORCYCLE HELMET LEGISLATION

Initially, it must be clearly stressed that this writer does not intend to attempt an attack on the success record of safety helmets. When these devices were initially introduced to the public, several rather isolated difficulties were encountered, relating to wearer "fit," auditory and/or "vision" factors. However helmet manufacturers and governments (to a large extent the United States Department of Transportation) quite rapidly responded with consideration of these factors and determinations of how the helmets could be constructed to maximize the rider's senses and safety. Since then, continuous research into new materials and designs, both by individual manufacturers and a co-operative body formed by them - the Safety Helmet Council of America (S.H.C.A.) - has led to high degrees of sophistication on the consumer marketplace. As well, a private standards-testing organization, the Snell Memorial Foundation, is continually revising its own procedures. Its performance standards are generally acknowledged as the most demanding in the world. A helmet that receives the Snell Foundation approval is, quite simply, as effective as our present technology can yield.

As the reader may already be aware, recent statistical summary of motorcycle accidents and their medical implications will illustrate, beyond any reasonable doubt, a record of success for the helmets.

No, this discussion will not deal with the efficacy of safety helmets, since the writer considers them to be of indisputable value. Instead, there may have been an oversight in the relevant legislative responsibility exercised.

The debate originates by initially recognizing that the writer has a rather firm belief in "democracy," of the type wherein an experienced, rational individual retains the right to determine his own lifestyle as long as his decision does not inordinately endanger other members of the society around him. To be more succinct, when the effects and consequences of an action are well understood, it is not the role of a government to protect the individual from himself. This argument would apply even in cases of greater risk, for we face varying degrees of such every day.

Partially as a consequence of these concepts, the writer has a rather uncomfortable "feeling" about the derivation of the proposed legislation. This "feeling" has remained throughout attention to the public media, contact with the government's information line and written communication with the Minister of Highways. The result is an impression that the legislation tabled may not have been prepared with the careful investigation that not only increases the safety factor as desired, but also preserves the aforementioned democratic philosophy to the greatest possible degree.

The writer is an experienced motorcyclist who has grown with and met colleagues to whom the wearing

of a helmet is an unquestioned element of safe, comfortable motorcycling. These "bikers" have previously encountered this legislative dilemma and, to a large proportion, their objections are not related to the wearing of a helmet (or eye, hand, foot, leg, arm, or trunk protection) but rather of the distress of being stripped of the right, as responsible adults, to choose their alternatives. Although generally very responsible very few, if any, of them have not at some time or another ridden without their helmets - a choice for which they know the possible consequences of that decision. Of course, there are also those riders who have never - and never wish to wear a helmet - but both the reader and writer should be aware of people who are greater "risk takers" than the general group in any social stratum.

The author is most concerned that the representative members have not been exposed to all important facts and alternatives relevant to the topic. Being mostly laymen to this activity one can hardly expect them to evaluate and vote responsibly on information which may be only a part of the picture. Therefore, they will essentially be voting on the lifestyles of other people without due consideration prior to their voting.

This author certainly does not possess the investigative resources of a governmental body but, nevertheless, would like to briefly examine some of the reasoning often used to justify such legislation. These arguments are, to a large extent, familiar to the author as they have existed virtually unchanged since the introduction of the helmets.

1. **IT WILL SAVE LIVES:** This is unquestionably true, and on the CKX Radio (Brandon) Morning-line Program of June 3rd, Mr. Uskiw affirmed that this is a natural human desire. However, on its own (to this author) it is not a sufficient justification for the present approach for, to make our lives a great deal more safe, many things could be restricted but the result may be a rather dull existence.
2. **ACCIDENT INJURIES ARE A FINANCIAL BURDEN ON THE MEDICAL SYSTEM:** No doubt they are, but is that a reflection on the injuries themselves, or on the ability of the medical system to accommodate injuries from within the population?
3. **MEDICAL EXPERTS TELL OF THE HORRIBLE ACCIDENT RESULTS:** It is not possible to argue against this statement, for undoubtedly the medical personnel see many chilling injuries (not all motorcycle either). Responsible motorcyclists will readily acknowledge that theirs is a high-risk recreation, but also that survival involves much more than simply wearing a helmet.
4. **WE ARE THE ONLY PROVINCE IN CANADA WITHOUT SUCH A LAW:** While this is true (reference source: p. 66, Motorcycle Buyer's Guide/83, from CRV PUBLICATIONS CANADA LTD., Montreal, Quebec), it is not sufficient justification for neglecting the legislative responsibility of examining all available information, weighing the alternatives, and reaching a decision relative to that locale.

In all the preceding comments, the author has attempted to present an impression which it is hoped will have made itself known to the reader. That is, the

issue of primary concern is not "helmets or no helmets," but surrounds the governmental approach to a desired "end." That statement alone quite logically leads a reader to think if he doesn't approve of the present approach, perhaps he has a better idea. Well, there may be more than one possibility but, yes, he will attempt to formulate a reasonable alternative, hopefully to be examined in a fair and rational manner by the reader.

Firstly, it is hoped that the legislators will have had the opportunity to examine a cross section of the wealth of information available from other provinces, states and countries that have dealt with exactly this situation. Additionally, the author is aware of one truly comprehensive, investigative research project conducted solely on motorcycle accidents. This project was commissioned by the U.S. Department of Transportation and was executed at the University of Southern California by a team under the direction of Dr. Harry Hirt (this is not fiction - it seems irony has no mercy!). Often called "The Hirt Report," its true title is "Motorcycle Accident Cause Factors and Identification of Countermeasures," and contains a good deal of insightful information. Due to a lack of thorough study, this author will not try to quote the study's findings due to the dangers of his producing errors. The completed report is available from either the U.S. D.O.T. or the U.S.C. Due to the considerable similarities of our traffic conditions, it would seem a significant error to attempt to draft legislation without the benefits of the findings of a report of the aforementioned magnitude.

Now, let us turn to a possible solution: In the information from the public media, it is acknowledged that most accidents occur within the first year of riding. That would reasonably suggest that additional safety measures are called for in order to partially offset inexperience. When the author earlier mentioned the desire to preserve the right to form an "experienced rational" decision, it now should be obvious that he is referring to "experienced rational" motorcyclists (there really are such beings, despite some public images) with the necessary training and riding time to have gained valuable road experience. Let us now examine an example of how the legislation might appear after the thorough investigative and judgmental procedures have been exercised.

A. THE NOVICE MOTORCYCLIST: Present procedures may be acceptable here, although the licensing preparation/examination could definitely be improved through consultation with motorcycle safety experts. The following details would be suggested for legislation concerning this type of rider:

a safety helmet is compulsory,
approved eye protection is compulsory,
a maximum speed of 100 km/h, punishable by a one year's suspension of the motorcycle licence if caught while exceeding (to all posted lower limits, normal traffic laws still apply - this is an upper limit protection solely for the novice rider),
extension of the Learner's Permit to one full year, with passengers permitted after six months, conditional upon application, approval and certification of the permit.
issuance of specially coloured license plates (red or orange may be preferred) for the benefit of law-enforcement officials.

NOTE: Should the reader get the impression that the author is somewhat firm with this rider, he (the reader) is perfectly correct - a person should not be put in a situation of possible danger without having the opportunity for self-improvement.

B. THE EXPERIENCED MOTORCYCLIST: (this being the area of concern for this lengthy discussion, it is important that the author be convincing, but careful at this point!)

As the novice rider returns to acquire his full licence, he is no longer a true "novice," (the major objective of the discussion (A)), since he has now gained valuable experience in understanding the demands of normal traffic on the motorcyclist. Therefore, it would be highly beneficial for him to be subjected to a "skills assessment" program. There have been some excellent ones developed, of which some primary examples are: Canada Safety Council (Advanced) Motorcycle Operator Skill Test (M.O.S.T.) Motorcycle In Traffic (M.I.T.)

NOTE: These programs are intended to assess and encourage self-improvement and would not be used as a traditional "pass-or-fail" test to acquire the licence.

Once the rider has completed the course (a mandatory stipulation), a full motorcycling licence is granted, at which time the rider would become subject to the following:

a standard licence plate is issued,
all standard traffic regulations apply,
he is no longer compelled to wear a helmet or eye protection and two possibilities for legislation arise:

- (1) the government imposes no specific behaviour, but lets the rider know that, in the event of an accident, he will be personally responsible for any health care expenses arising from his not wearing a helmet, although these may have to be recovered from his estate (a document to that effect must be signed) - one difficulty arising from this regulation is that no helmet will prevent an accident; it merely is intended to reduce the severity of a blow. Hence, the government and medical fraternity must arrive at a mutually-acceptable percentage of expenses for which the patient is responsible (after being told this, riders could be advised on the method of acquiring personal medical insurance) or,
- (2) previous to receiving his licence, the rider must prove he has either a personal safety helmet or has purchased additional health insurance (to a preset minimum value). Law-enforcement officials would have the authority to randomly check any motorcyclist not wearing a helmet, who must then prove the existence of the medical protection. Should he not be able to do so, his motorcycle and licence are immediately confiscated, to be kept until he proves that the licence requirements have been met at which time his articles are returned without fine, but with points assessed against his driver's licence as for a traffic misdemeanor.

(Note: if it is of any value, the author prefers the second of the above alternatives.)

C. THE PASSENGER: it may at first seem that a particular dilemma arises with this participant, but as mentioned previously legislators must carefully investigate available information before hastily proposing a "solution". The author does not have access to specific information, but will make a short comment from the "inside" perspective:

Since passengers have made the decision to ride it would be highly preferable that they also have the coverage as outlined above, especially if they ride regularly. This should be a very strong recommendation by the government, although it should not be imposed since the passenger may be a single-time or very rare participant.

It is hoped the reader can see the principle and value behind the proposed solutions: a responsible adult has retained his right of choice, but in any society, consideration and co-operation are also necessary, so the proposal is intended not to overburden the medical system, and hence, all taxpayers. Perhaps a summary can be of some assistance:

The NOVICE rider is subjected to quite heavy regulation stemming from the apparent need to provide some protection from his own lack of competence with a motorcycle (no matter what his age).

Having become an EXPERIENCED rider, the person retains the right to increase the risk level of his lifestyle, should he so desire - a valid objective and the entire point of this essay. The slight change is that he now must become more socially responsible, in that, should his increased level of risk "backfire," he would be a minimum burden on the society as a whole. (Please note that a motorcyclist involved in an accident and wearing a helmet is fully covered by the public medical system, as at present.)

It is sincerely the hope of the author that somewhere in this discussion a reader might uncover a degree of rationale and applicability to the real world. Please do not lose sight of the fact that the alternative presented herein has been derived by a single person with relatively few resources and little time. An important purpose is to emphasize that there can be alternatives which will optimally satisfy both parties (the government and the governed), while maintaining the spirit of a great degree of original intentions.

Well, as one individual, I have attempted to make my personal contribution, and appreciate any consideration given on your part. If any explanation of this discussion is desired, or any further discussion is desirable, I would be willingly accessible at the address given below (my congratulations at having gotten this far!).