



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

**STANDING COMMITTEE**  
on  
**STATUTORY REGULATIONS**  
and  
**ORDERS**

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**31-32 Elizabeth II**

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*Chairman*  
*Mr. Peter Fox*  
*Constituency of Concordia*



MG-8048

**VOL. XXXI No. 3 - 8:00 p.m., THURSDAY, 21 JULY, 1983.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, Hon. John M.</b>	Gimli	NDP
<b>CARROLL, Q.C., Henry N.</b>	Brandon West	IND
<b>CORRIN, Brian</b>	Ellice	NDP
<b>COWAN, Hon. Jay</b>	Churchill	NDP
<b>DESJARDINS, Hon. Laurent</b>	St. Boniface	NDP
<b>DODICK, Doreen</b>	Riel	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOLIN, Hon. Mary Beth</b>	Kildonan	NDP
<b>DOWNEY, James E.</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>ENNS, Harry</b>	Lakeside	PC
<b>EVANS, Hon. Leonard S.</b>	Brandon East	NDP
<b>EYLER, Phil</b>	River East	NDP
<b>FILMON, Gary</b>	Tuxedo	PC
<b>FOX, Peter</b>	Concordia	NDP
<b>GOURLAY, D.M. (Doug)</b>	Swan River	PC
<b>GRAHAM, Harry</b>	Virten	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNES, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, Hon. John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Hon. Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
<b>USKI, Hon. Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, Hon. D. James</b>	St. Vital	NDP

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

**Thursday, 21 July, 1983**

**TIME — 8:00 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. Peter Fox (Concordia)**

**ATTENDANCE — QUORUM - 6**

*Members of the committee present:*

Hon. Messrs. Bucklaschuk, Parasiuk and Uskiw, Messrs. Fox, Kovnats, McKenzie, Mrs. Oleson, Mr. Orchard

**WITNESSES:** *Representations were made to the committee as follows:*

Mr. Sidney Green, Q.C., Manitoba Progressive Party

Ms. Irene Stevenson, Private Citizen

Mr. Ajit Manku and Dr. N.S. Rihal, Singh Sabha Winnipeg, Inc.

Mr. Bryan Robertson, Independent Motorcycle Rider

Mr. Harry Cohen, President and Chief Executive Officer of the Alalgamated Transit Union

**MATTERS UNDER DISCUSSION:**

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

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**MR. CHAIRMAN:** Committee will come to order. We have a quorum. — (Interjection) — No, no. For the benefit of the people who are making representations, this committee will meet tomorrow at 2 o'clock again to hear all the other representations, those that do not get done tonight.

The first person we have today is Sid Green. Yes, Mr. Parasiuk?

**HON. W. PARASIUK:** I see that we have quite a long number of people wanting to make representation, which is good. At the same time, I recall that in past hearings we've tried to - occasionally when we've had a long list of people wanting to make representation - set a time limit of 20 minutes or 30 minutes or 40 minutes, just roughly speaking, rather than having it left very loose and open-ended. We can end up with one two-hour presentation, so I'm wondering whether we couldn't get agreement to try and go for a half hour.

**MR. CHAIRMAN:** I'm at the pleasure of the committee. Mr. Orchard.

**MR. D. ORCHARD:** Mr. Chairman, that may be something we wish to consider after we've had a few

briefs to see whether we're going to be unduly - not unduly - but say a number of people decide to take in excess of 30 minutes, 40 minutes, then we may have to make that consideration, but until we actually hear a few briefs I don't know whether we have anything to be concerned about in terms of time.

**MR. CHAIRMAN:** Mr. McKenzie.

**MR. W. MCKENZIE:** Well, Mr. Chairman, just for the record, I've been here since 1966. This matter is the third time it's been in the Legislature, and I don't think that we have in this committee the right to deny any citizen the right to come and express himself to the nth degree on this matter. It's the third time in my years that it's been in the Legislature, and I think that we better hear the public very carefully on this thing and not deny anybody the right to speak to the fullest, so that the Legislature will finally resolve this matter once and for all. Thank you.

**MR. CHAIRMAN:** Shall we proceed? Mr. Green.

**MR. S. GREEN:** Mr. Chairman, and committee members, perhaps Mr. Parasiuk was forewarned when he saw the first person on the delegation list, because I can well recall that when I was a member of the Legislature one of the honourable speakers, after several speeches, came up to me and said, Mr. Green, the rule is that you may speak 40 minutes, not that you must speak 40 minutes.

In any event, Mr. Chairman, perhaps the Minister was properly forewarned because it is a subject in which I tend to become somewhat involved and I will try to speak as briefly as I can, but I do have some things which I at least consider important to say on the subject.

First of all, Mr. Chairman, and members, I would like to indicate that last Thursday this particular problem was forcibly impressed on my mind by an incident. I was walking out of a law office, in which I'm required to be, and there was a young man about 20 years of age, who was wearing a neck brace and a long cast on his foot. He was a cyclist and he had been involved in a motor vehicle accident. He was wearing a helmet and there is absolutely no question in his mind, or in my mind, that the helmet saved his life; that if it were not for that helmet I would not have seen him. He broke his neck and that, from time to time, will end one's life, but it didn't end his life. He is alive, and I hope he will be well, and he was well-advised to wear that helmet.

Interestingly enough, Mr. Chairman and members, he didn't need the authority of the state compelling him to do so, but nevertheless he wore it. Mr. Chairman, he knew well enough to wear a helmet, and this bill won't help him, but you are missing out on helping him. He broke his leg! I want to indicate that these things are available, and I am sure, Mr. Chairman, I am positive, that you will get any number of doctors

to tell you that the chances of coming out of an accident with your leg less damaged will be reduced if you wear this. That particular safety feature was not imposed upon him by the state and, therefore, by some logic which I have heard, you have cost that person a leg injury which he would not have had.

Of course, Mr. Chairman, once you get him to wear this, I also indicate that these things are very good for the elbows.

**MR. CHAIRMAN:** Mr. Green, I am sure you are aware that the rules of the Legislature are such that we do not permit exhibits while we are conducting ourselves in the House, and that applies to the committees as well. So I would ask you to describe your exhibits, but not to make an issue out of them.

**MR. S. GREEN:** Mr. Chairman, this is the best description, but I want to indicate to you that you did not stop me, and it was very descriptive and very helpful. I supported the Member for Thompson who took out his grocery package and added up the numbers that were in them; said that he was perfectly right to do so. I played Monopoly in the House to show the Tories, and at that time, members on our side were very happy with the demonstration that I gave.

In any event, I mean if it's better for me to say that you can buy a gauntlet with huge padding in it and spend 15 minutes describing it, rather than to say, this, then I say, Mr. Chairman, that something bad has happened to the Legislature of the Province of Manitoba, because that is much more descriptive. In any event, we are through with them.

The fact is that you are missing many bets if you follow the logic that is behind this compulsory helmet, compulsory seat belt legislation, and I'm going to reserve on the child restraint for a while because that has a slightly different quality to it.

Now, Mr. Chairman, the disputes, and you know there is a method being about of people simplifying disputes. I guess it is simple minds that do it, because they say if you're against the Charter of Rights, you're against rights. They haven't got the sophistication of mind to know that you can be for rights, and that a Charter of Rights inhibits them, that if you are against enshrining some nonsensical clause in the Constitution, you are against bilingualism. I can tell you, Mr. Chairman, that I have been far more involved in extending the forces of bilingualism in this province than any of the people who are now involved with it, and I am against the legislation that the government has brought in, and I'm for bilingualism.

I say to you, Mr. Chairman, that one does not, because they come in and oppose this particular like-kind of legislation saying that the state will tell you when you are to wear a helmet and when you are not to wear a helmet and when you are to buckle up and when you don't have to buckle up, that that makes one against the use of safety devices.

There are numerous people who are in favour of using safety devices. Use them now, do so as free human beings, but say that there is a danger, even though we may save a few lives, of losing what is more important than a few lives. After all, we lost numerous lives fighting for freedom in World War II. How many

lives are we prepared to let people make their own decision about in order to maintain freedom in this country, because that's the issue, not whether you are for safety belts or against safety belts.

The issue, Mr. Chairman, is whether the Legislature should be guided by what appears to be a current attitude that there ought to be a law; that if something is good, you have to have a law to enforce it; that if it's desirable that when children go to a day care centre, they know whose toothbrush they are using; that if that is desirable, there ought to be a regulation mapped out by bureaucrats, specified in text, taken to Cabinet and argued about as to what toothbrush identification there will be in a day care centre.

It is an attitude, Mr. Chairman, members of the committee, which is based on those who don't trust what will happen if one is permitted to exercise what is probably one of the most important features of our personality, if one is permitted to proceed as a free human being. What you are saying, Mr. Chairman, is that if you permit people to proceed as free human beings, they will act stupidly; but that you have the greater wisdom to legislate them as to how to act.

Mr. Chairman, to be fair, there are differences of opinion on this question, and I have never attempted to deny them, although I also feel that I fall very strongly on one side of the question as against the other. In accordance with the British tradition, the underlying feature of English Parliamentary democracy and the English tradition is that we are permitted to do everything that the state has not prohibited; that the residual of power lies with the individual as a free human being; that that cannot be permitted to go without any regulation, but the lodestone is the residuum of freedom.

There are other theories that say that all human conduct has to be regulated by laws that are imposed by the state, and what the state does not permit is prohibited. There is no question, Mr. Chairman, that I would fall on that side of the question which says that we are more likely to have a much better and more productive society if we opt for freedom rather than for restriction.

Now, Mr. Chairman, I have indicated, or should have indicated, because I note that the document does not indicate that I am here speaking for the Progressive Party of Manitoba. I also note that Ben Hanuschak is here speaking for the Progressive Party of Manitoba.

One of the features of my talk here tonight is going to deal with other than the sections of the bill that is before you. I will be dealing with the principle of the bill in a far more important context because I have indicated, Mr. Chairman, as a Progressive, that I am on that side of the table which says that I will not legislate as to how a human being conducts himself unless I require that legislation in order to prevent him from interfering with how other people conduct themselves, or being a danger to other people. On that basis, I have for the past - you know, Mr. Chairman - 17 years been against the introduction of compulsory legislation with regard to seat belts.

We have had demonstrations on this question, and we've been through a history of them, and I was fortunate, Mr. Chairman; I say fortunate - and I notice the Minister of Transportation is here - to have been in the demonstration that appeared before this

Legislature early this year. There may have been 1,000 people there; there may have been 2,000 people there; I'm not good at estimating those crowds. It depends on what your point of view is, generally, as to how you estimate. But the fact is that I found that to be a very normal demonstration. They were vociferous; at times they were angry, but they were no angrier than the people who demonstrated with regard to Autopac; and I was surprised to hear the next day in the paper, and I hope it's not true, but sometimes you will read things in the paper that are not accurate, but I read it in any event.

I've had the experience before this committee, so I can mention that of my own knowledge that some people said, well, they have hurt their case by participating in such a rude demonstration, that their behaviour will hurt them insofar as this bill is concerned. I have heard that, Mr. Chairman, from members of this committee. You better watch how you behave; you're not representing your kind, as if, if one paid proper obeisance to the member of the committee, that they would be treated better.

Well, Mr. Chairman, I saw that demonstration. I thought that was a decent demonstration. I didn't see any flags burnt at that demonstration, Mr. Chairman. I didn't see people at that demonstration who were aspiring to be Cabinet Ministers participating in a demonstration, saying, "One, Two, Three - One, Two, Three - We've been screwed by the NDP." I didn't see that, Mr. Chairman. I saw that in an NDP demonstration against an NDP Government, and the people who were in that demonstration are now Ministers of the Crown; so they didn't see, Mr. Chairman, that they would make their way by participating in nice demonstrations. I don't think that is a relevant question here.

I think the question is, and I've heard them, and I tell you, Mr. Chairman, and I said this in the House and I say it honestly, that when I heard the people who appeared on behalf of the cyclists, I heard more eloquent, more profound, more measured, more careful, better speeches about the freedom of the Legislature than I heard in any legislative caucus, that I have been in, in the last 17 years. They appeared before this committee. The only one that I will compare them with and he was excellent, was the lawyer, Mr. Howe of the Jehovah's Witnesses from Toronto, who was saying much the same thing, Mr. Chairman.

It is all well and good to indicate that you are holier than thou, and that you wish to pass a law which somebody else won't pass because they don't care. Mr. Chairman, there is no end to those kinds of laws. Will you pass laws saying that people have to wear earmuffs to prevent them from catching a cold in the wintertime? Will you pass a law saying that they have to wear galoshes, because there is no end, when you pass a law saying that the motorists have to wear helmets. Isn't it a fact that if motorists wore helmets that there would be fewer deaths as a result of motor vehicle accidents? If you don't pass it, you are a fink. That's the kind of thing that I hear, Mr. Chairman, from people who are for these laws.

I say, deal with them, not on the basis of calling names or belittling the concern of people who say that the law should not be passed; deal with it solely, Mr. Chairman, on the basis of whether the law makes sense or not.

I have thought about it for years, and I was part of a government and part of an opposition caucus. Always the same arguments came up, and I have thought about it, Mr. Chairman. If I could be convinced that the wearing of a helmet was of value to other people and saved the lives or protected other people who were using the highways, then I would have voted for such laws. If somebody can convince me of that, I will still vote for such laws. But that's not what I heard.

I heard other things, which again have carried to their logical conclusion. I am going to say something very startling, and somebody's going to quote me some day in Hansard and say, look what Mr. Green is advocating. I have heard people say that the reason we want them to wear helmets is that if they don't wear them, they get hurt and they go to the hospital and then Medicare has to pay for them. Is that not right? Has that not been said this year? It was said in the previous years.

Now, of course, the standard answer to that is that alcohol creates more sickness than this, and cigarettes, my friend, the Member for Emerson, creates more trouble, so we have to pass a law telling him he can't do that, my wife would probably be in favour. But if you really meant that, you would pass a law saying, they shouldn't wear helmets because, Mr. Chairman, you will find and the doctors will have to agree that if they don't wear the helmets and they are more likely to be killed, it will be cheaper to deal with them than if they are maimed and stay in the hospital for months and months. They measure law suits on the basis of that.

Now I'm not advocating it, and I know somebody is going to take it out of Hansard and say, look how callous this man is. I am not advocating it, but those of you who are seeking to save money on this question should be totally opposed, Mr. Chairman, to compulsory helmets because that is not what will happen by virtue of helmets being worn or helmets not being worn.

I repeat, and I guess it's a little difficult to get through and I am showing my defensiveness on the question, I think that it would be better if cyclists wore helmets. I think it would be better if automobile drivers wore seat belts, and I say this, acknowledging immediately that I don't normally buckle up. But maybe I drive more carefully because I don't; maybe there is another factor involved; but at least I am living in a society where I know that the tendency will not be to make laws whereby they, who have been elected to the Legislature, think that they know better than I, how I am to deal with my own life. Because those laws, Mr. Chairman, don't stop at seat belts, they don't stop at helmets. They go further and further.

They start passing laws that tell me that my wife and I, during our marriage, have to divide our property and present accountings to each other, as to how much we have got. The next law, Mr. Chairman, will be a law that I am to remember my wife's birthday . . .

**MR. H. ENNS:** It's a damn good law.

**MR. S. GREEN:** Well, Mr. Chairman, my friend, the Member for Lakeside says, "It's a damn good law." It's a better law than the other one. It makes much more sense. There are far more marriages that run into trouble because of a husband not remembering

an anniversary and the one that follows that will be that the spouses must each be home at 11:00 o'clock at night unless they are together. That's a much better law than the other one. It will have much more - if you succeeded in doing it - it would have much more successful results than what is being suggested by the other. You will have laws regulating how much has to be paid by a housewife who has somebody in during the day looking after children - nobody would pass such a law, would they?

You'd have laws, Mr. Chairman, saying that where a woman makes an arrangement with a domestic companion, because she is old and she wants to have somebody to be friends with and live with her, and she will provide her with room and board and some stipulation and both parties freely come to that conclusion, you'll have laws that say no, they have to pay them a minimum wage and time-and-a-half for overtime after eight hours a day. You will have laws, Mr. Chairman, saying that two people who are not in agreement have to agree and you will change the dictionary to say that agreement means, if you look under it, where people do not agree with what each other is saying, that that's agreement.

And it won't stop there, Mr. Chairman. You ain't heard nothing yet. You've just started. This government hasn't been here for two years and they've got, by the calendar, another two years to go and it won't stop. So what has to be the measure, Mr. Chairman?

I propose to you a reasonable measure that in dealing with matters of this kind which relate to the individual, which relate to his looking after himself, that you should not pass a law telling him how to do so unless the absence of such a law will affect the freedom of what other people can do or will endanger other people.

I can't say how far that particular principle will go, but I think it's a good principle. I think that this particular law violates that principle, and now I'm going to say, Mr. Chairman, that unless - and he's here, the former Member for Burrows - the former Member for Burrows happens to be convinced by what I'm saying and he hasn't always been and others haven't always been, he will be a member of the Progressive Party, he will come here and he will say I agree with compulsory seat belts and I agree with compulsory helmets. I don't know whether he will, but he could say it.

I think that we are on opposite sides of this question and that really, Mr. Chairman, is the real issue which I come to talk to you about tonight. Because it is now being bandied about that any member who is part of the NDP Caucus is now precluded from voting aye or nay when the Speaker calls the vote. You know, you'd be surprised, the currency that kind of thing obtains. There are people in the street who have come to believe that an MLA is no longer a person who is representing a constituency, who is elected by a constituency, and has a right to speak his peace, but that being a member of a political party means that he has to vote in a particular way.

Mr. Pawley - and I don't know where he gets the power to do this - has got up and says that he has in his pocket - is it 33? Well, it's always so difficult to count the number. I mean it was 33, then there was Mr. Carroll, now Mr. Doern. We don't know where Mr. Corrin is, but he's got these votes in his pocket, and that he is able to tell 33 people how to vote.

Mr. Chairman, that is a worse tendency than this law itself, and it's finding itself in other fields. It found itself in the creation of political parties in legislative enactments. It wasn't 20 years ago, and it was always the case in Great Britain and I don't know that it's changed, that you could not find mention of a political party in Parliament. The political parties were formed quite naturally without a law - you didn't need a law - by a group of people who decided that they had similar social and economic objectives and that they employed group strategy to attempt to achieve them. But everybody knew, and it always happened, that they were the member for so and so, or the Member for Leeds, or the Member for Sheffield, or the Member for Manchester, and that they were there as people of integrity, character and as individuals who had a right to speak their mind.

If, Mr. Chairman, this was a question upon which a group of people have gotten together for the purpose

**A MEMBER:** Did they give Thatcher their support?

**MR. S. GREEN:** . . . now, the political parties. I tell you this, Mr. Chairman, I say it now that I, as a citizen in a democratic society, know that I have to pay for the mismanagement of the province by the NDP. I accept that and I pay, but I shouldn't have to pay for the mismanagement of the NDP; because they no longer get a voluntary contribution from me, they're going to pick my pocket. They're not going to do it.

It's because of their mismanagement that they bring in that type of legislation, but that is what we are getting. I know that I had to prove that four of us, three members, constituted a political party, and there were some people who said that I wasn't a member, I was an NDPer. I had to go to court to prove that I was a member of the Legislature, and more and more it's happening.

The Member for Elmwood has been told that he can't get his constituency allowance, which goes to him, because he's not a member of the NDP. More and more, Mr. Chairman, you will see that, until you will have the day - if you let this path to serfdom continue - when members of the Legislature are told that if they don't stick with the people who they were with that they cannot vote. They are expelled from the Legislature and there has to be a by-election. Haven't you already heard that? Haven't you already heard it?

**A MEMBER:** Yes.

**MR. S. GREEN:** That's what this, Mr. Chairman, is leading to. It's being led to it, Mr. Chairman, on the basis of the suggestion by a group in this House that they have the power to tell people how to vote.

Well, Mr. Chairman, would the members of this House be surprised to hear - because I saw it referred to yesterday in the newspaper as being a horrendous thing, and I'm going to embarrass some of my Tory friends now. It won't bother me because I'm used to it, you know. Mr. Chairman, would it be a surprise to members of this Legislature to know - there was an item in the paper yesterday that somebody was talking about passing a law which would permit a doctor to take your

blood when you weren't looking and give it to a policeman, as long as you didn't object to it. If you were unconscious he would take it, and it said how could anybody think of passing such a law.

Such a law was passed by the Conservative administration; it's The Blood Test Act. But, Mr. Chairman, not only was it passed by the Conservative administration, but every NDP member in the House voted for it. And why did they vote for it, Mr. Chairman? - because I spoke against it. That's true. They said we have to show that there's no division in our ranks by what Mr. Green is saying, and we will vote for it. It's on the record, Mr. Chairman. It's on the record - The Blood Test Act permits a doctor in Manitoba to take your blood as long as you don't object and give it to a policeman, and he is permitted to do it and you passed it.

An interesting thing happened - there were two votes against it, Mr. Chairman. The Leader of the Opposition will remember, because one guy in that group said I can't vote for this law. That was George Minaker. A member of the Executive Council got up on a government bill, and the world didn't fall apart, the party didn't fall apart, the Legislature didn't fall apart. I know that some people fell apart. Every NDP member was made smaller and smaller and had less character by the very reason of voting for that law. They voted for it because I spoke against it. They went into caucus and they fought about it for hours. They came out - we have to be united, we can't let them say that Sid Green is leading some NDP members, and that's what they're doing now. They say that this is courage.

I heard the Premier say that it takes courage to bring in a government vote on this question. Mr. Chairman, it is the result of fear and insecurity, not courage. What kind of courage does it take to say that we won't let anybody speak so it will appear that we're all standing together because if two break, three more may listen to them and break two, and then we don't get the bill?

Mr. Chairman, the Minister of Transport does not agree with that, and I don't care what he says. He doesn't agree with that. I've been with him too long to know, and I've been in that caucus and know that he doesn't agree with that. He doesn't agree with that.

I tell you, Mr. Chairman, there is the story of Pinocchio - and I think that my friend, the Member for Elmwood raised this - whose nose got longer every time he told a lie. Every time a member has to get up and accept a compulsion on his conscience for something that he is totally against, he becomes less a man, he becomes less of a person of character, less of a person of independence, and what the NDP is doing worse than passing this law is that they are degrading their own members by saying to them that you will vote for this law.

Now, Mr. Chairman, I'll prove it to you. One person got up in the House and voted that Bob Wilson shouldn't be expelled, one person. It was myself. The NDP voted in a bloc against it, but some of these people, you can't fathom them. They voted against it, and it even appeared in the paper the next day. Why did they vote against it? Because Sid Green was the other way. We didn't want to vote the same way as Sid Green is voting.

Mr. Chairman, not only do they do it, but they don't have the conviction behind it to stand up and say, we showed you. They still want to be liked. I got a card

- "Sid, kudos on your Wilson suspension position. Independence has some definite advantages." - signed by an NDP caucus member, Mr. Chairman, who voted against the position that I was taking and still had to go, sneak behind the others and say, I told him he was right.

Now do you know that's the kind of thing that you are doing? Do you want to continue to do such a thing? Do you have to get a lesson, Mr. Chairman? Do you have to have lessons other than what I am saying? One of the greatest enemies of the NDP - you know, they really like to run down people - Reagan is a villain; he's not wrong. I think he's wrong. They say it's not a question of being wrong; he's a villain. He's evil incarnate.

Margaret Thatcher is a villain. Even if she's a woman, she's a villain. You know this thing, you have to have women up there, but when one comes up there, she's an ogre. You could learn from Margaret Thatcher.

I put this to you. She elected enough members to pass any kind of legislation she wanted. She brought in a bill, and some of my Tory friends will have to smile; by now she was going to have capital punishment. She's got loads of members. Capital punishment, that's not a small thing. Mr. Chairman, Margaret Thatcher got up and said that she was for capital punishment. She didn't say to every Tory, you got elected with me; you'll vote for capital punishment. Capital punishment went down in the British House of Commons by Tories who voted against the Thatcher position. Margaret Thatcher shames Howard Pawley on this question, shames him. And they should be ashamed, Mr. Chairman, if they go through with this.

I still believe, Mr. Chairman, if the Minister won't do it, then there has got to be left something on that side of the House to say that this is not an issue on which we were elected to Parliament; that if we stick together on this issue, it won't show strength and courage. It will show weakness and fear and cowardice, quite the reverse of strength and courage.

So I don't find fault with somebody who votes for compulsory seat belts, or somebody who votes for compulsory helmets. In the Progressives, there are people who believe in compulsory seat belts and will vote for it, and people who don't believe and will vote against it; but there is nobody in the Progressives who will say that a majority of this group has the right to tell us how to vote on that question.

Is the NDP saying that's what they have to offer people who are seeking election to the Legislature under their banner? No wonder, Mr. Chairman, that they are passing a conflict of interest act which, if it is not designed to do so, will certainly have the result of saying to anybody but a pedestrian person, I'm not going to run for the Legislature. Maybe they want to keep the Legislature for the pedestrian persons that they have running for them. Maybe that's why they are willing to say to people, "We are able to tell you on this question how you are to vote."

I really, Mr. Chairman, don't think that they will really carry it off. I am here trying to convince them that there is something left in a member of the Legislature, because even though I don't happen to agree with their party, I do agree with the parliamentary process, and I don't like to see it being hurt by anybody. Surely, they don't see that their position on this question is one

upon which their power and strength and unity of a government depends.

Mr. Chairman, I am just going to deal with the child restraint for a moment. With the child restraint, there is a possibility that one's conduct and liberty will affect somebody who cannot speak for themselves, and that is the infant. Therefore, there may be something to that section, but I urge the Minister to consider that there should be some savings provision.

I mean, what you've got now is that if my grandson came to visit me, I couldn't drive him to Assiniboine Park unless I had a seat restraint thing in the car; that if the kid was crying in the back, and I have five of them - they were five little ones - when they are screaming in the back, can the mother take the child out of the seat and comfort him for a few minutes, or is that illegal? Because, as I read the law, it's illegal.

If I went to the airport and picked somebody up who happened to bring an infant with them, could I take them home, or do they have to go home in a taxi which doesn't have to have a seat? You make it illegal for me to drive them home in my car, and you require me to send them in a taxi that doesn't have the seat. Well, I don't have the seat either. Why can't I drive them home?

**A MEMBER:** What about if you live in Swan River, and you've got 350 miles to drive?

**MR. S. GREEN:** The member says, what about Swan River? I think that, although I can tell you, Mr. Chairman, and maybe this will come as a confession that we raised the five kids and we had them in the back of the station wagon, and I don't know how we would have made it back and forth to Los Angeles without that, or see them strapped in, but people have convinced me or told me that I was playing a risky game with my kids. I am willing to listen to that, but I do think that one has to be reasonable.

Mr. Chairman, I have heard it said by some in the NDP that the helmet law, we are the last province that doesn't have one. Doesn't that make you feel proud? Mr. Chairman, this is the only province in Canada where a judge cannot order a man to work, the only province. Are you going to repeal that law so that we will be the same as the others? This is the last province in Canada, the only province in Canada where a court cannot restrain a picketer who is not bothering anybody and is bearing a sign containing true information, the only province that contains these two liberties.

If the Member for Lakeside or the Member for Emerson moved a resolution, let's eliminate these two laws because we are the only ones that have got them, we are the only ones who preserved our freedom to that extent, would you eliminate them? We have, Mr. Chairman, retained in this province, one liberty that others have given up and it's not the particular law. It's not a question of a particular statute. It's a question of an attitude towards freedom and I suggest to the honourable members that being in the forefront of freedom and liberty is not a shameful place to be. There are many members who are in the forefront of pursuing a Charter of Rights, which I told them two years ago will inhibit freedom, not produce it.

Now they hear from their great lawmaker, the Attorney-General, and this is what he says, "I'm having

sobering second thoughts about this Charter of Rights. It is politicizing the judiciary and it is unpoliticizing the population and maybe what we have to have is a politicized population and an unpoliticized judiciary." You didn't have to get Roland Penner to tell you that. I told you that two years ago and it's on the record, almost in those words - almost in those words.

So, Mr. Chairman, this particular law - and you know you people have developed an interesting facility - this particular law probably offends the Charter. One would probably be able to go - and I know there are lots of people who are ready to do it - who say that we're going to get this law declared ultra vires and then if the NDP really believed in it, which I doubt, they would, at least, find that they've set up the barrier to the creation of it.

It won't only happen with the helmet legislation or the seat belt legislation. It'll happen with many things that are far more important to the NDP, or at least used to be, but it gives them an out. They can go back to the people they collected 50 cents on a dime for and said that this is what we're going to do when we achieve power and then when they get in they'll say we can't do it, the courts won't let us. But who made the courts not let you? You did, and you only had one person who saved you - the enemy - Mr. Lyon because he put in a notwithstanding clause, which NDP Governments will be the first to use, if they're trying to do what they say they want to do.

Those are my remarks, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Mr. Green. Mr. Doern.

**MR. R. DOERN:** Mr. Chairman, Mr. Green has been attacking the New Democratic Party and the Tories. I just wanted a little reassurance. If there was a Liberal MLA, would you also attack him?

**MR. S. GREEN:** It depends on what he'd say, Mr. Doern. If he voted against this legislation, I would say he's right on that bill, but as you know, I could never be a Liberal. The Liberals are in the NDP.

**MR. R. DOERN:** Mr. Chairman, I have two basic questions for Mr. Green. One is, there is I think a well-known fact that most people in automobile accidents are killed in what is called the death seat, which is the seat beside the driver . . .

**MR. S. GREEN:** Legislate the seat out of existence.

**MR. R. DOERN:** That wasn't my question.

**MR. S. GREEN:** That was my answer.

**MR. R. DOERN:** Mr. Chairman, I have been wearing seat belts for a number of years and I encourage passengers that travel with me to wear seat belts. I wanted to ask you, sir, even though you, yourself don't necessarily wear a seat belt, whether you encourage your passengers to wear seat belts or whether you make no comment in regard to that.

**MR. S. GREEN:** I let them do as they wish. Mr. Chairman, the psychology of accidents is far more subtle



and far more sophisticated than mere physical appliances can deal with. A person who is a bad driver and secures himself with a seat belt and thinks that he is now safe, has got far more probability of getting involved in an accident, than a person who is a good driver and doesn't wear a seat belt and says, I'm not going to wear a seat belt because I'm going to make sure that I am careful and not get into an accident.

Now that is simplistic, but the fact is, that the infinite variations of what causes and does not cause accidents are impossible to contemplate and the notion that you will deal with it simply by legislating a seat belt, and even if you do have some success, you will do far more danger with the remedy than you will have had with the disease. Because while you are saving lives, you will be eroding what makes life important to live.

**MR. R. DOERN:** I would also like to ask you, if you were travelling in a car full of - let's say you were transporting a number of children, some in the back seat and one in the front seat. Would you encourage a minor to wear a seat belt or would you say nothing?

**MR. S. GREEN:** Mr. Chairman, I could be certainly persuaded on that question. I would be far more willing to sort of change my conduct in that area with people telling me that I am endangering somebody, and I would, and could be convinced to have much more solicitude for kids who are in the car. I am ashamed to say that I have not done that up until now. So you've done something, you have brought this to my attention.

**MR. R. DOERN:** I would also like to ask you - I gather that you are not arguing that seat belts are ineffective. What you are arguing is that a person should have the right to decide whether or not to wear a seat belt? I assume that you are not saying, or have not said, that seat belts are ineffective?

**MR. S. GREEN:** Well, Mr. Doern, the only way I can answer that question is to tell you that I don't think I will be wearing a seat belt and I hope the law doesn't change, so I'm not faced with a confrontation on that issue. I don't think that I'll be wearing a seat belt and I don't think that's because I think they are ineffective. I will say that I won't wear one because I am more comfortable not wearing one, and perhaps my comfort is a greater safety gauge against getting hurt, than strapping myself in with a seat belt and thinking that I am now able to do things I wouldn't ordinarily do. It's just not one of the things I do. I wear a hat in the wintertime and some people don't, and I say, how can you walk around without a hat? Don't you know that you can catch cold and he says, I prefer not to wear a hat. I'm not going to pass a law that you have to wear a hat in the wintertime.

**MR. R. DOERN:** Well, my final question is this. I, myself, am persuaded that seat belts are effective, that they do prevent accidents and death, but you seem to be saying you are not certain of the effectiveness of wearing a seat belt, but you are certain of the importance of the right to decide?

**MR. S. GREEN:** Yes, Mr. Doern. I do want to indicate that you said that the seat belt is effective in stopping

accidents. I believe that they have been shown, statistically, to be effective of stopping or mitigating injuries, but I don't know there has been something to say that they are effective in stopping accidents, or reducing accidents? I've never heard that.

**MR. R. DOERN:** Injuries.

**MR. S. GREEN:** Injuries, well you said accidents, I'm sorry. Well you may have more accidents and less injuries because of seat belts, but who wants more accidents?

**MR. R. DOERN:** Thank you, Mr. Chairman.

**MR. W. McKENZIE:** Can you recall in the last election campaign, Mr. Green, that this was on the mandate of Premier Pawley when his NDP were touring this province?

**MR. S. GREEN:** Mr. McKenzie, I can recall being a member of the party and of the government that is now in power. I can remember endless arguments on this question; I can remember that there were as many for or against; I don't remember it ever being discussed at a provincial party convention; I don't remember it ever being sold to the people of Manitoba as one of the programs. What I do remember is that people said from time to time - if only that SOB wasn't here we'd be able to do this. Now, they've proved that. Because what I'm saying to you they heard lots of times.

**MR. W. McKENZIE:** Mr. Green, the second - I've, and you, and others have been in the Legislature and this matter's come up from time to time. We now have lobbying groups, medical profession, and others, they're coming here to the Legislature and telling me, a person that's been here since 1966, and through these wars before, that I should vote against the wishes of the people.

Now the people in my constituency have consistently opposed this legislation since '66 since I've been here, and they're trying to tell me that I have to go against the wishes of the people. Do you think that I'm right when I'm standing up opposing this legislation with the majority of the people, it's in the 70 percent, and they're telling me to vote against this legislation?

**MR. S. GREEN:** Mr. McKenzie, I don't wish to be unkind, but I would hope that you're opposing this legislation because you don't believe in it because if 70 percent of my constituents said that I should vote for capital punishment, and I did not believe in it, I would have to say - I'm sorry, I'm voting against this, that's the way I'm made, and if you want to get rid of me you can do so, which they did. But they elected a person who also does not believe in capital punishment but that's what he would have said.

**MR. W. McKENZIE:** You've likely been through this, this bill that's before us Bill 60, and I refer you to Section 172.21. It goes on and tells about these belts, got to have them securely fastened to the vehicle, they're composed of straps, webbing, and all this other material. Who the heck's going to check all this stuff out?

**MR. S. GREEN:** It's worse than that, Mr. Chairman. That's the kind of legislation, and I don't make any imputations against the government, but I can tell you what it leads to. It's the kind of legislation that people who are less principled, legislate in order that they can provide a market to people who can't otherwise sell their product.

**MR. W. MCKENZIE:** Mr. Chairman, on the next section, Sub. 2 there, it goes on and says - and it tells about the condition of the seat belt, and we're going to have to go through all these cars at the time the vehicle was manufactured, imported, has been removed, modified and again. A jungle of stuff. Who, as the ordinary layman in this crowd tonight, or others goes and buys a car, and has to go and get a copy of this bill, and go through the dealer to check out all these conditions to see if, in fact, the thing's in place, and properly in place as is provided in this legislation? It's going to take a nightmare of cops or somebody, or bureaucrats to check it out, or who's going to do it?

**MR. S. GREEN:** "Jobs don't just happen, they are made".

I have to pay for that crap too, and I should not have to pay for that because it's a lie. If there was no government there'd still be lots of jobs in this province. You wipe out the government and people will be working.

**MR. W. MCKENZIE:** Mr. Green, I'm a country guy but I live in, during the Session, in an apartment, and I'm worried about this going into reverse thing where you don't have to wear your belt.

I live in an apartment . . .

**MR. S. GREEN:** People will be driving in reverse.

**MR. W. MCKENZIE:** My wife and I are not are not familiar but in this apartment where we live, there's levels of cars, and we have to back in and out, and it says if it's in reverse, you don't have your belt on, and I wonder if I'm covered by insurance if I don't have my belt on and back into the other guy's car in that parking lot and bash him in. I'm in reverse, but when I go forward I've got to have the belt on.

**MR. S. GREEN:** I'm sorry, Mr. McKenzie, you'll have to come and see me at my office. We'll rate the time when you're there.

**MR. W. MCKENZIE:** And I have a dozen other questions, Mr. Green, but it's a shoddy bill, poorly wrote, poorly drafted, there's millions of perils and problems in this legislation, and one of the poorest bills I've seen in all the years I've been here, and I don't see how the people in this province can possibly live by this kind of legislation. I don't know whether you agree with that or not. I think it's one of the poorest bills I've seen in my years here.

**MR. CHAIRMAN:** Mr. Uskiw.

**HON. S. USKIW:** Yes, thank you, Mr. Chairman.

Mr. Green, first of all I want to welcome you here, to hear from you a very eloquent presentation,

something that one had learned to expect from yourself. I want to tell you that some of us perhaps even wished that you were able to make that kind of presentation on a continuing basis in caucus, and in Cabinet . . .

**MR. S. GREEN:** Not enough of you.

**HON. S. USKIW:** . . . and in government, but notwithstanding events are such that that is not possible.

I want to ask a couple of questions. You indicated that if you thought that this kind of measure would protect the life of another person that you might give it a little more weight.

**MR. S. GREEN:** If I thought, Mr. Chairman that - and I've thought about this - if somebody could show me that the compulsory buckling up would prevent danger to other people using the highway I would think about that, yes.

**HON. S. USKIW:** Okay, I'm going to put forward to you, not only a hypothesis but actual events that have occurred in this manner, where a person has suffered a collision from another source, another person, resulting in the driver being dislodged from his or her position resulting in the vehicle they were driving coming into an out-of-control position, and then smashing into another innocent person because of that, where a seat belt would have kept the person fastened behind the steering wheel and in control of the vehicle.

We've had an example of that last year, I believe, it was Smith Trucking in Winnipeg whose driver was killed on a 50 kilometre street, here in Winnipeg, where he had come into collision with a car driven by a lady. She was not injured, but he fell through his own windshield, driving one of these cab-over-engine vehicles for Smith Trucking, fell underneath his own vehicle and the vehicle ran over him and killed him. The vehicle was at that point out of control. Fortunately there was not a death on the other side. There's an example which one could, I think, easily argue fits your definition of favourable consideration.

**MR. S. GREEN:** Mr. Chairman, I don't know that anybody could demonstrate that there was a real danger created by that incident but I will concede that one could hypothesize, or even demonstrate, that some freak kind of thing like that could happen and I'm not able to legislate against every freak incident.

But you will, Mr. Chairman, know the other, you will know that there are many freak accidents where if the man was not wearing a seat belt he'd be alive and the seat belt killed him. That is, the freak thing can happen either way.

I know a man very, very well, I can give you his name, his name is Polinski. He was in an airplane, the other fellows, or some of them were buckled. He wasn't buckled and it was just on take off, and he's alive today because he wasn't buckled. But it was a freak accident, he should have been buckled. Maybe he would have been dead but according to the safety rules he should have been buckled.

**HON. S. USKIW:** But the hypothesis that I'm putting forward though is the potential injury to an innocent person . . .

**MR. S. GREEN:** Yes.

**HON. S. USKIW:** . . . not the person that is driving, and who is not buckled. But because of not being buckled . . .

**MR. S. GREEN:** Yes.

**HON. S. USKIW:** . . . having dislodged one's position behind the steering wheel, then impacting on another person, either pedestrian or vehicle, the sole cause of that was the fact that a person was not in control of one's vehicle because of a minor impact from another source.

**MR. S. GREEN:** Mr. Chairman, it is possible to show a freak condition which detracts from the general proposition, but the general proposition, and not merely generally probable but almost universally, the seat belt is designed to protect the driver, and the non-wearing of a seat belt will not hurt another person. Now I have to say "almost," but I wouldn't legislate on the basis of a freak condition.

**HON. S. USKIW:** One other point. If you were driving a bus with a load of people on it, would you feel that it would be safer if you were strapped in from the point of view of making sure that you're in control of the bus upon impact?

**MR. S. GREEN:** The bus driver?

**HON. S. USKIW:** Would the passengers feel safer if their driver was buckled up?

**MR. S. GREEN:** I, as a passenger, would not notice it one way or the other.

**HON. S. USKIW:** No, but what I am saying is: In your mind, would the passengers be safer if the driver of the bus indeed was buckled up?

**MR. S. GREEN:** I don't know. If there is an indication that is the case and that where you have mass transportation, a person responsible for many other people and rules require that, I would certainly consider that; but that's not the effect of this legislation.

**HON. S. USKIW:** The reason I am putting the question is because there will be a submission from a number of people to this committee requesting that bus drivers be exempt from that provision. I have some trouble with that, fearing that what we are then condoning is a runaway bus situation, a bus without a driver.

**MR. S. GREEN:** I can get you out of your problem. If you don't have the legislation, you don't need the exemption.

**HON. S. USKIW:** I know; I appreciate that.

**MR. CHAIRMAN:** Mr. Kovnats.

**MR. A. KOVNATS:** Thank you, Mr. Chairman. To Mr. Green, I just have a couple of questions. I would just

like to say that his presentation was excellent. I agree with him in almost 100 percent; so very little that it would be close to 100 percent.

As a preamble, I would just say that during the discussion of this bill in the Legislature, I spoke on the same matter in which Mr. Green presented his case here tonight, and I'm sure that he . . .

**MR. S. GREEN:** Obviously, you're a very intelligent fellow.

**MR. A. KOVNATS:** I agree with you. I am just about ready to ask the question, being that intelligent, but I am sure that you would find it very frustrating even to be able to come here and make your presentation tonight, considering that this bill is a fait accompli almost without exception. I don't think that the government is about to make any changes, but I admire your courage in making this presentation.

Now I'll go back to my little story concerning my father who passed away at 93 and who had lost his licence a few years prior to that, and who had to be driven from place to place because he didn't have a driver's licence. My nephew was driving him, and my nephew has got a little bit of a heavy foot, was driving at just close to the speed limit. My father admonished my nephew, saying that either drive faster or slower. He either wants to be dead, but not crippled.

Therefore, this brings to light my question. Mr. Green, do you think that driver training and driver courtesy would do more for the people driving cars in the Province of Manitoba than all of this legislation concerning seat belts and helmets?

**MR. S. GREEN:** Yes.

**MR. A. KOVNATS:** I agree, okay.

Now I used to be a football referee . . .

**A MEMBER:** No!

**MR. A. KOVNATS:** Yes, and a darn good one, and I think Mr. Green would certainly agree with that situation also.

**MR. W. MCKENZIE:** That's debatable.

**MR. A. KOVNATS:** We used to think up hairy situations concerning the rules in football.

**A MEMBER:** That was when Winnipeg used to win games.

**MR. A. KOVNATS:** Whose side is he on? We used to think up hairy situations concerning football rules. Some of them used to be quite ridiculous.

Now let's start taking some of the things that could happen with this seat belt legislation, because I am speaking of things that I know about. A friend of mine who was driving his car, he was out in the country, when Nature called and he had to get out to relieve himself. He opened the door and got out and left the engine running. The car somehow jumped into gear and started to move. He had to jump into the car and he was thrown right back out. He broke his leg, and the car ran over him.

I was just wondering whether you would comment on whether this type of thing would be against the - how can they legislate against things like that?

**MR. S. GREEN:** They can pass a law against urination.

**MR. A. KOVNATS:** I enjoy the humour of it, and I'm sure that you are agreeing with me inasmuch as that no matter how much legislation they have, it can't possibly do the same good as safety training, driver courtesy and driver training, which I have supported 100 percent. You didn't mention that at all during your discourse when you were speaking, nothing was mentioned at all, and I was really trying to give you the opportunity of mentioning whether driver training would be of any greater value than all of the seat belt legislation.

**MR. S. GREEN:** Mr. Kavnats, you said it so well that I didn't think that I had to do anything more than to indicate that I agreed with you.

**MR. A. KOVNATS:** I would just like to bring one other thing to your attention. When you were speaking about that you weren't against the legislation concerning bilingualism; as a matter of fact, you supported bilingualism, but you were against entrenching it in a Bill of Rights.

**MR. S. GREEN:** It is a wasted . . .

**MR. A. KOVNATS:** Let me finish that. Let me finish on this one, and then I'll let you comment. You said that you supported bilingualism, and more so than anybody in this room.

**MR. S. GREEN:** I don't know if I can say that, but more than the present Ministers of the Crown who are dealing with it.

**MR. A. KOVNATS:** Okay, I will accept that, because I am one who does support bilingualism, and I am certainly against the entrenching of these French language rights in this new Bill of Rights. So I just wanted to bring that to your attention.

**MR. S. GREEN:** Mr. Chairman, I don't think that I am permitted to talk about that other thing. There will be a time, and I will be here. I will definitely be here on that question . . .

**A MEMBER:** We look forward to it.

**MR. S. GREEN:** . . . and I will try to combat some of the racist lies that are being put about by people who say that people who are against silly laws are against bilingualism. Those lies are based on trying to raise, and have been successful in raising racist opinions in this province.

**MR. CHAIRMAN:** Mr. Orchard.

**MR. D. ORCHARD:** Thank you, Mr. Chairman. Mr. Green, you're a veteran of the Legislature, and I'm sure

you are aware that when you read from documents, it could be requested by the committee to table them.

**MR. S. GREEN:** You could do whatever you like, Mr. Orchard. I will not table that document.

**MR. D. ORCHARD:** So I take it that we won't find out who the congratulatory NDP'er was.

**MR. S. GREEN:** You have a right to legislate me for contempt of a committee. You go ahead and do it.

**MR. D. ORCHARD:** Well, that isn't the major point I wish to make tonight, Mr. Green.

Mr. Green, the Minister was making an argument on the basis of the use of seat belts whereby a circumstance might occur that without a seat belt, a driver would lose control of his vehicle and injure an innocent third party. You have indicated that would be a freak accident. The Minister didn't make any reference to the other portion of the bill, that being the helmet legislation which is also part of this. Would you conceive of a circumstance where lack of a helmet might incur a similar loss of control situation?

**MR. S. GREEN:** If you were on a bike - I'll be perfectly serious, and I should have said this in answer to the Minister on the other. You are on the bike; you weren't wearing a helmet. You got thrown from your bike and, as a result, you were knocked unconscious or killed. If you had worn the helmet, you could have been alive; and then somebody sitting in a burning car, you could have pulled out of that car because you were alive and not dead.

Now it's possible to conceive of these things the same way as if you were wearing a seat belt, that if you were in an accident wearing a seat belt and the car exploded and you weren't thrown out, that you were therefore prevented from helping some other person, because you would have been out of the car being able to do it if you hadn't had the seat belt on. You can postulate all kinds of sort of weird circumstances, but I know I shouldn't say this, because it's not true, but you're not really dealing with the weird in the Legislature, is it?

**MR. D. ORCHARD:** I suspect that two-and-a-half years from now the people will decide that.

**MR. S. GREEN:** The big question mark on Broadway points to the Legislature. It's a very unusual sign.

**MR. D. ORCHARD:** Mr. Chairman, Mr. Green has indicated that laws can appropriately be passed which may restrict individual's freedom - if I've interpreted his position correctly - to do certain things if there is an overriding provision that they prevent a harm or a disability to an innocent third party. Is that a fair summation?

**MR. S. GREEN:** Yes.

**MR. D. ORCHARD:** It follows that in looking at this bill, would it be fair to summate, Mr. Green, that you consider the wearing of helmets and seat belts,

particularly, to be measures which only protect the individual from injury from himself?

**MR. S. GREEN:** Almost invariably that's what they're for. If they have another effect, it would be remote and unexpected. I couldn't say the same about the child restraint. The child is not able to decide for themselves. I do tell you that four-and-a-half year olds - and some of them are pretty big - and you try to strap them into a seat, from here to Wasagaming, you got trouble on your hands, you've got a nervous driver. I don't know whether that contributes to safety. I just ask you to look at that one. There should be some type of saving features. There are some four-and-a-half year olds who are pretty big kids.

Someone told me today that his four-and-a-half year old could hardly fit into one of those seats. Why can't they have a seat belt if they're a four-and-a-half year old? Will it be illegal for the four-and-a-half year old, who's a big kid, to wear a seat belt, instead of being put into the harness? Maybe you should deal with the weight of the child or the height of the child, rather than five years old.

**MR. D. ORCHARD:** Thank you, Mr. Chairman. Okay, the laws of seat belt and safety helmets are primarily for protection of the individual from personal injury, his own injury. Mr. Green, would you consider that seat belts and motorcycle helmets are a safety device which lessens or reduces injuries in all accident circumstances?

**MR. S. GREEN:** Well, you know the answer to that question, they don't. I would think that the case can be very well made for probabilities, but in some instances they could cause the accident. In some instances, on a day like this, that helmet, in 85 degree or 90 degree weather, I would imagine could be a problem for some people.

**MR. D. ORCHARD:** Well, then, given the circumstance, No. 1, that the safety helmets and seat belts are primarily designed to prevent injury from himself, to prevent personal injury by the wearer, and given that they're not 100 percent safety, is it not akin to reinstating the death penalty to have a law which is imperfect, which may cause injury or death, by having either the seat belt or the helmet on?

**MR. S. GREEN:** The trouble with accepting that rationale, Mr. Orchard, is that I know that there are a lot of Tories who want the death penalty back and therefore they would say yes and vote for the bill on the basis that it's akin to it. I really think that there are good and sufficient reasons for voting against this legislation on its own merits. But I think you're in a different level of consideration when you're talking about the death penalty and the helmet legislation.

The best reason for voting against the helmet legislation is that you don't like the state to tell you what to do, unless it's very important for the benefit of others, that otherwise you want to act as a free human being. There is nothing more valuable that we are granted. You know, I have long been involved in pursuing economic objectives. I find that many of them,

the very people who say they want them, are the least people you can rely upon to get them. The objectives of freedom are just as important, if not more so.

**MR. D. ORCHARD:** Well, given that the law is not a 100-percent safety measure, and not considering at this time the argument of the individual's freedom, does the fact that it's not a 100-percent safety measure mitigate against making it compulsory for everyone, because there will be circumstances in which the wearing of the seat belt against a person's compulsion may lead to his injury in an accident?

**MR. S. GREEN:** Mr. Orchard, if that pleases you, then that's the way you should vote. I can tell you that I wouldn't depend on it being 100 percent effective. I know that the 60 mile-an-hour speed limit, or whatever the speed limit - now it's 90 kilometers or 55 miles - is probably a reasonable law and one worth passing even though it may be safer at some time to travel 80, depending on the circumstances.

**MR. D. ORCHARD:** In dealing with child restraints, is there an argument to be made for the passage of compulsory child restraint systems? Can an argument in favour of that segment of the bill be made from the standpoint that a two-year-old child is not yet able to make an intelligent or informed decision on the benefit of a child restraint system?

**MR. S. GREEN:** You know, the way I understand the legislation as introduced, and again, whoever thinks that doesn't know the rules. You can vote against these measures, clause-by-clause. You can be left with the child restraint measure, but the government apparently feels that the child restraint measure is a good one and therefore they're not going to pass the bill unless they pass the whole thing. So they're saying that if you want ice cream you have to take sulphuric acid and something else with it, otherwise you won't get the ice cream. If people have to do that to get legislation passed, then they're in a sorry state, and of course they are in a sorry state.

**MR. D. ORCHARD:** Given that the child can't make an intelligent or informed decision, child restraint systems and compulsory use of them may be a goal that legislators should consider, but could you answer this question for me? Mr. Green, you have objected to the use of helmets and seat belts from the basis that they remove the individual's freedom to choose an aspect of his lifestyle. Can you not make the same argument that by imposing child restraint systems you have removed from the parent the right to determine how to bring up their children and the state has intervened there? Once again, I would simply make the argument that you made, where else do you, in the bringing up of children, to protect them against the parent's will or best informed decision?

**MR. S. GREEN:** Mr. Orchard, although I think you have to be careful, the fact is that I do accept the child neglect laws. I do accept certain laws with regard to parental control which are designed to protect the infant on a different basis than I accept the control of the

individual who is not an infant, who is an adult. So, there is, in my view, a difference.

**MR. CHAIRMAN:** Mr. Ransom.

**MR. B. RANSOM:** Mr. Green, I know there are many other people who would like to make presentations, but I have one brief question for you. Might this legislation be contrary to the Charter of Rights?

**MR. S. GREEN:** I did indicate that in my remarks, Mr. Ransom. I said that this legislation, in my view, if I was sitting on the Supreme Court of Canada, I would say that it is contrary. Now, different judges can say different things. The important thing is that when I said to you, two years ago, that the law saying that they will protect life, liberty, and the security of the person will protect property, I was guffawed that this is not true. It is now protecting property, just as I said it was.

**MR. CHAIRMAN:** Mr. Enns.

**MR. H. ENNS:** Mr. Chairman, through you to Mr. Green, just approaching the question from an entirely different point of view. Mr. Green, you are addressing a group of lawmakers, an activity that you yourself are familiar with. Leaving aside the issues that have been talked about entirely, I am troubled as a lawmaker to pass a law that I know that upwards to 30, 40 percent of my constituents tomorrow will break, or the day it's passed.

A sociologist that I can't name right now has dubbed this kind of lawmaking that is all too prevalent in modern government as a scofflaw. In other words, lawmakers ought to be very careful about passing laws that ordinary citizens will regularly, contentiously scoff at and break.

I believe there is a responsibility on lawmakers not to pass laws that we know in advance a substantial number of our citizens will regularly hold in contempt. It brings the whole process of respect for the law into contempt. I think the adjective "scofflaw" is well applied in this case.

There have been, of course, other very classical examples of governments attempting to regulate people's lives. The most notable one was, of course, in the '20s and '30s when governments decided that people shouldn't drink, and we passed prohibition laws. Well, we made bootleggers rich and no doubt helped organized crime, but we didn't stop people from drinking. In due course, those laws were repealed.

I simply ask you with your background experience as a lawmaker whether or not there should not be some concern to those of us who are now entrusted with the responsibility of making laws, whether we shouldn't be concerned about the stats that are readily available in our sister provinces, in other jurisdictions where this kind of legislation is applicable and whereby governments' own figures and facts reveal that upwards to 30, 35, 40 percent of the people regularly scoff at these laws?

Oh, the usage of helmets or the usage of seat belts will rise if there is an order from the Attorney-General's Department to go out and now we'll have a "catch the biker's month" drive on, or we'll take the cops off the beat looking for rapists and bank robbers, and checking on seat belt users more harshly and the usage will rise.

But, in fact, figures from Ontario and other provinces, other jurisdictions seem to indicate that on a regular basis, upwards to 35 percent of the people scoff at the law that we are being asked to pass right now. For that reason, I can't support the law.

**MR. CHAIRMAN:** Mr. Sherman.

**MR. L. SHERMAN:** Thank you, Mr. Chairman. Mr. Green, could you help me by advising me whether your essential opposition to this legislation is based on your conviction that these requirements included in the proposed legislation do not enhance safety, or that they impinge on personal freedom, or both in equal measure?

**MR. S. GREEN:** I don't think that there is any suggestion that they enhance safety in terms of preventing accidents. They could possibly mitigate against injuries, I won't deny that; but they, to the extent that they could possibly mitigate against injuries being at advantage, it is a far greater disadvantage that is created when we reduce the liberty of the subject and of the individual.

**MR. L. SHERMAN:** Mr. Chairman, through you to Mr. Green. Mr. Green is well aware, having served in this Assembly with distinction for many many years, we have wrestled with this problem again and again over the great span of time that it's been my privilege to be a member of this Assembly, and I really need help on this question.

I ask Mr. Green, Mr. Chairman, through you, quite sincerely, to tell me what does he say and what do I say to medical practitioners who point to paraplegics and quadriplegics and vegetables - to use a very unfortunate and pejorative term - who, in their sincere opinion, could have been spared their fates had they been wearing seat belts and/or helmets? I'm asking Mr. Green for help on that question.

**MR. S. GREEN:** I believe, Mr. Sherman, that you may not have been here, but I did indicate that if one were to carry that position to its logical conclusion, it would mean laws against things which have produced demonstrably far more problems than the failure to wear a seat belt, such as the cigarettes, the smoking, other things which have caused people to be in the hospitals. Overeating - are you going to legislate how people eat? With regard to the fact that there are people who are injured because they do not wear a seat belt, that is one of the hazards that living as a free human being in a free society carries with it.

**MR. L. SHERMAN:** Well, Mr. Chairman, I suppose this question may be out of order, but it may well be one of the hazards that living in a free society carries with it, and like Mr. Green, I would hope to preserve all those qualities of freedom that is possible for him and me to preserve, but when he, from his experience as a legislator, looks at the impact and the impost on the public treasury and the public purse on terms of health care, what does he say and what do I say in terms of preventive medicine, in terms of proper lifestyles when I am confronted and he is confronted with this kind of

damage that cannot necessarily be equated with the damage that's to be found among smokers; that's a different issue and we're not debating legislation against smoking.

**MR. S. GREEN:** You couldn't have been here when I was here, because if you were, you would have heard me say and I'm not advocating this - I know this is going to get me into trouble and I still have to say it so that you'll know - if the person was wearing a seat belt and was maimed, and there have been people who were wearing a seat belt and were maimed; and if they hadn't been wearing a seat belt and they were killed, you would save the money that you are talking about. If the person who was wearing a helmet was saved and broke his neck and had his leg in a cast, as I saw last week, if you're trying to save health care, tell him to take off the helmet and you'll save health care costs. It's ridiculous. You will kill them and you will save health care costs.

If we are dealing with the question of health care costs, then you have to make it an offence. You have to regulate what causes health care costs, and far more health care costs are caused by people who smoke, people who drink, people who have bad habits. Are you going to say what time people shall get up in the morning and go to bed at night and what they shall eat, because you will save health care costs? I mean, that can go to ridiculous conclusions.

The fact is that with the helmets - you know, we have a saying in law - I don't know if any of my colleagues in law are here, but we were taught it's cheaper to kill than to maim. So on that basis, you should pass a law that you can't wear a helmet, if you were going to go on that basis which is silly. I say it's silly in hope that one doesn't take out the phrase in Hansard. But if you were thinking of laws to save health costs, there are better ways of doing it.

**MR. CHAIRMAN:** Thank you, Mr. Green.

**MR. S. GREEN:** Thank you, Mr. Chairman and members.

**MR. CHAIRMAN:** I would like to ask the audience if there are any people who are from outside of Winnipeg, 30, 40, 50 miles or more. Come forward, please. Give us your name please.

**MR. J. BOWEN:** My name is Jeremy Bowen and I live out in St. Andrews, plus I live out in Lac du Bonnet.

**MR. CHAIRMAN:** Which do you live? St. Andrews is not too far.

**MR. J. BOWEN:** I also live out in Lac du Bonnet, 50 percent of my time because I work out there.

**MR. CHAIRMAN:** Are you from there tonight?

**MR. J. BOWEN:** Yes.

**MR. CHAIRMAN:** What's the other lady's name?

**MRS. I. STEVENSON:** My name is Irene Stevenson, and I come from Graysville which is about 80 miles from here.

**MR. CHAIRMAN:** And the other gentleman?

**DR. N. RIHAL:** My name is N.S. Rihal. I come from Selkirk, Manitoba. It's about 30 miles.

**MR. CHAIRMAN:** I know where Selkirk is. We'll take the lady first.

**MR. S. USKIW:** She's got the furthest distance.

**MRS. I. STEVENSON:** Thank you, Mr. Chairman, and good evening.

Mr. Chairman, members of this committee and ladies and gentlemen, in regards to the proposed seat belt legislation, I have heard this present government saying that our Manitoba school buses are to be exempt from this proposed law. This proposed legislation upsets me greatly as our children ride a Manitoba school bus 80 minutes per day, five days a week and 10 months out of the year.

From what I can see, a car and a school bus are very much the same vehicle in structure, mechanical makeup and the like. I hear the argument that our school buses have a good track record. I can say that I have a good track record as well as I have driven for 17 years, accident-free. I pray that I never have an accident.

Our school buses roll on tires which are subject to blowouts. Our school buses are subject to poor road conditions at various times of the year. In fact, we had an incident this spring where our bus that our children rode on, and we thank God that everyone is still alive today, took a joy ride through a ditch and out through a farmer's field in the district that we live. It was no fault of the driver.

Our school buses are subject to mechanical failure. Our school buses are driven by a human being, which is subject to human error. Lastly in my argument, school buses, there is the other driver.

From what I am hearing, this government is saying that it is okay for our children to go unbuckled 80 minutes per day, five days a week and 10 months out of the year. But if we as a family unit are out on our Manitoba highways for whatever reason, and they are not buckled and if we are caught, I receive a fine. I say to you, the members of this committee, this legislation does not hold water. Can you please tell me why it is so important for a child to have a child restraint seat in a car up to the age of five years and, once he reaches school age, he does not have to be buckled for the five days out of seven that he goes to school during a week? I almost hear you saying that you really don't care, because you are telling me that school buses are to be exempt.

Cost? I do not believe there is one of you here that can put a price on a child's head and, most of all, on a busload of Manitoba school children. Cost? I see as just an ordinary citizen of this province that there seems to be all kinds of money for bilingualism and spraying our province, and yet when it comes to buckling up the most important people in our lives, our children, we're saying that school buses are to be exempt.

I, myself, have very mixed feelings about seat belts. There are many times that I feel good in a seat belt. The time that I feel the safest in a seat belt is driving in the city where I don't drive very often.

I, as a mother of two Manitoba schoolchildren who ride our school buses daily for one hour and 20 minutes per day, am saying to this government, if you are so bound and bent to make this law mandatory, then I am saying to you, let's buckle everyone up daily in every vehicle.

Thank you.

**MR. CHAIRMAN:** Are there any questions? Thank you, Mrs. Stevenson.

Ajit Manku. Proceed.

**MR. A. MANKU:** Mr. Chairman and the honourable committee, I am representing Nanaksar Sat-Sang Sabha. Since then all the Sikh societies of Manitoba have come together on this issue, Bill No. 60, because it affects their basic principle of their religion. As such, we have elected Dr. Rihal to represent our case, so I would like to have your permission to introduce Dr. Rihal to the committee to represent our case. Is that okay?

**DR. N. RIHAL:** I take it, Mr. Chairman, that I have your permission to proceed to present our case.

**MR. CHAIRMAN:** Proceed.

**DR. N. RIHAL:** Mr. Chairman, ladies and gentlemen, I have here a package with copies of our submission plus some other documentary material which I will pass on to you for your reading and keeping.

Mr. Chairman, I will first read of our submission of May 23rd, addressed to Honourable Samuel Uskiw, Minister of Highways and Transportation, that was presented to him a few days after that. This submission goes under the heading of The Case for the Sikh Turban, and it goes:

This is further to our letters dated April 24, 1983, and May 1, 1983, addressed to Premier Howard Pawley and requesting that the Sikhs who do observe their religious requirement to wear turbans should be exempted on religious grounds from one particular provision only of the new legislation currently before the Legislature, i.e., mandatory use of helmets for motorcyclists.

We hereby submit a further somewhat detailed submission in favour of our above-stated request:

1. The Sikh Faith

The Sikh Religion started with Guru Nanak born in 1469, and died in 1539, and continued under the guidance of nine subsequent Gurus. The basis of their teaching is the belief in the absolute one-ness of God and the brotherhood of mankind. The message of the Gurus (and other contemporary saints) is enshrined in the main Sikh Scripture, the Guru Granth Sahib. The Sikhs regard the Guru Granth Sahib as the embodiment of absolute truth and all that is holy and to be revered. The enclosed pamphlet entitled "Brief Outline of the Sikh Faith" will provide further essential details. You have that pamphlet in the package, Mr. Chairman.

2. Special Sikh Identity

While all the Gurus and the contemporary devout Sikhs had always worn turbans it was the tenth guru of the Sikhs Guru Gobind Singh who conferred upon the Sikhs a special identity. This special identity

conferred as part of a special baptismal ceremony first originated by Guru Gobind Singh in the year 1699 was to make the Sikhs easily recognizable henceforth anywhere in the World. The turban is a very essential and complementary part of the Sikh Identity. It continues as an important component of Sikh culture and heritage up to now. Other essential details on this will be available from the leaflet "Why do Sikhs wear Turbans and Beards?" which is available in that package, Mr. Chairman.

3. Historical Recognition of Sikh Identity

While the period after the tenth Guru in the first half of the 18th century was a very difficult one for the Sikhs and they had to struggle a lot for their survival they did eventually succeed in winning sovereignty over the Punjab towards the later part of the 18th century. The British who were also expanding their rule in India at that time recognized the Sikhs first as a sovereign nation and then as a subject people from 1849 onwards when the Punjab was annexed. However as a special recognition and tribute to Sikh identity and valour the Sikhs were allowed to maintain their special features in all services and especially the armed forces. As history will bear witness forever it is a well recorded fact that Sikh soldiers in their traditional uniforms proved to be among the best soldiers in the world. We may also add that full-fledged Sikhs have also excelled in other activities - be they academic, technical or physical.

Next point, Mr. Chairman, is:

4. Present-Day Concerns for Sikh Survival

The recent period after the independence of India in 1947 has also been one of further struggle for survival of Sikh identity and heritage within India and outside of it. It has been the earnest desire of every well-wisher of the Sikh nation that aside from the basic tenets of their faith their cultural and social identity, or special identity, continue to survive and flourish and not just disappear into the quicksands of time or other teeming millions of the world. In spite of the lack of any political power base and in the face of many hurdles it will not be wrong to say that Sikh religion and the Sikh people's way of life is becoming better known and understood in the world today than ever before.

Next point, Mr. Chairman, is:

5. Restrictive Legislation

In recent years the Governments of different countries have brought in restrictive legislation making the use of certain devices or procedures mandatory in certain situations. Some of these restrictive measures (the safety legislation currently under question being an example) have been seen as an infringement upon Sikh belief and practice, as members of other faiths may also see some other measures affecting them similarly. In many countries where such legislation has been passed and enforced the Sikhs have consistently argued and won their case for special exemption from the provisions of such legislation. A notable example of such a country is the United Kingdom as the enclosed copy of news-report dated 26 July, 1976, would show. Mr. Chairman, that is available in the package. Since then the other countries that have allowed similar exemption for the Sikhs are Denmark, Singapore, Malaysia and Thailand.

Next point is:

6. Sikhs in the Armed Forces (Canada)

It was in accordance with a similar struggle and recognition that Sikhs were allowed a few years ago



by the Government of Canada to join the Canadian Armed Forces while maintaining their full features including the turbans. This permission was already available to the Sikhs outside of India in the armed forces of several other countries, namely, the United Kingdom, Kenya, Malaysia, Singapore. We feel strongly that there is no more hazardous occupation or activity than fighting as a soldier for your country.

Next point is:

7. Sikhs as "Almost a Race" and "Almost a Nation"

While the Sikhs had always believed with confidence that they were a nation in addition to being a religious brotherhood ever since 1699 a recent judgment from the British House of Lords dated March 1983 has declared that the Sikhs are "almost a race" and "almost a nation" in addition to being a religious group and "the turban is an essential component of Sikh identity and culture." The said case concerned the crucial issue of the turban and the permission to wear it in an educational institution. In this historic judgment the British House of Lords and the British Government have conferred a special recognition to the existence of a Sikh nation and religion founded by Guru Nanak in 1469 and later reconfirmed by Guru Gobind Singh in 1699. It is to be hoped that other countries and their Governments will show similar understanding to the Sikhs.

Next point is:

8. Every Logical Reason

We therefore feel and request that there is every logical reason for Sikhs to be allowed a special exemption from the one particular provision only of the new legislation that requires mandatory use of helmets for motorcyclists. This exemption is requested for turban-wearing members of the Sikh religion. A copy of relevant exemption as passed by the British Parliament in 1976 is available in the package for your information. We request no more and no less in this regard.

The next point is:

9. Sikh Code of Conduct

According to the Sikh Code of Conduct or the Rehatnama as laid down by Guru Gobind Singh, the following two commands are inviolate: The first one is, only with the turban is the appearance complete of a Sikh; and the second is, wearing of any other hat or headgear is strictly forbidden.

The above commands leave no room for argument or variance for those of us who have absolute belief in our faith and love the turbans dearly and wish to preserve them.

The last point is:

10. Joint request

This submission has been jointly prepared and is presented by us, as representatives. By us, I mean there are several of my colleagues present here who represent the same as mine and some of the other Sikh organizations in Winnipeg and area. Thus it represents the views of the majority of the Sikh population in Winnipeg and area. We earnestly hope this will meet with your favourable consideration and response. If any point needs further clarification, please do not hesitate to raise it with us. Any written reply may be sent to our address at the front.

This is the first submission dated May 23rd, Mr. Chairman, and I'll leave the second one - it's only a

short one - of one page only, dated July 21 or today's date.

Again under the heading of "The Case for the Sikh Turban," it says:

We present herewith our case for the Sikh Turban in connection with Bill No. 60, An Act to amend The Highway Traffic Act (2).

In this regard we present again our submission dated May 23rd, which I have already read, together with all the accompanying material that has already been presented to the Honourable Samuel Uskiw, Minister of Highways and Transportation. All that is available in the package, Mr. Chairman. We endorse and reiterate our viewpoints, as stated in the earlier submission, in favour of our request for exemption of the turban-wearing members of the Sikh community, for the application of the mandatory use of crash helmets while riding motorcycles. There is very little else to add except to state that:

1. we are firm in our resolve to seek this exemption as detailed earlier;
2. the turban is not just a minor article of headgear used only by a few people in our modern day world;
3. rather the turban has been worn since the very early times;
4. in the ancient Egyptian civilization the turban was an ornamental headdress;
5. there are references in the Old Testament to the turban as a priestly vestment, as a symbol of dedication, as the symbol of stoic courage in the face of grief, as the symbol of dignity and self-respect, as the symbol of youth and strength, and as the symbol of justice, charity and purity.

Therefore, for the believing and practising Sikh of today, the turban is an essential article of faith, to be worn at all times in public and it cannot be replaced or super-imposed by any other kind of headgear.

We trust and hope this information will be comprehensive and satisfactory. We will be pleased to provide clarification on any point as required.

Thank you for your consideration and in anticipation of a favourable response.

Thank you, Mr. Chairman. I will now answer any questions with the help of some of my other colleagues, who are also here.

**MR. CHAIRMAN:** Thank you, Dr. RihaI.

Mr. Orchard.

**MR. D. ORCHARD:** There are nine other provinces which have compulsory helmet legislation. Do they have the type of exemption which you are requesting tonight?

**DR. N. RIHAL:** So far I have no information in the positive. I'm sure representations have been made in other provinces, and especially in Ontario, but I have not seen anything written. I'm sure this would be the concern of Sikh communities in all the other provinces of Canada, including Manitoba.

**MR. D. ORCHARD:** Your objection is on the basis of, I believe, a Code of Conduct for your religion. If it weren't for the Code of Conduct in your religion, would you object from a moral or philosophical standpoint to the imposition of compulsory helmet legislation?

**DR. N. RIHAL:** If it wasn't in the Code of Conduct, it would not be a religious issue. That being so, it is part and parcel of our religious practice to wear turbans and to be recognizable as turban-wearing Sikhs.

**MR. D. ORCHARD:** I fully appreciate the point that you're making in your brief. There are going to be others who are opposing the compulsory wearing of seat belts and of helmets from a philosophical standpoint and I would simply want to get an indication as to whether your religion, were it not part of the Code of Conduct, would have an objection from a philosophical ground?

**DR. N. RIHAL:** Well, if it wasn't a religious issue - I mean the question being hypothetical - for us, then probably it will not be a matter of concern, as the other provisions of the safety regulation under question are not matter of concern to us.

**HON. S. USKIW:** The question of religion plays a very important part with respect to many items of legislation from time to time. But I want to put forward again a hypothesis in another area, and that is, recognizing that in some countries of the world it is not only permissible but morally proper for a man to enjoy several wives, if you like. It is a custom or a culture. Do you think that because of that, being a fact of life, world society, that people of that persuasion living in Canada should be able to convince governments to amend their laws which, in essence, would have to be a repeal of the law on bigamy, if you like? In this country it is not legal for any person to have more than one spouse, if you like. I'm wrestling with that in my own mind, because the moment you have exemptions based on someone's lifestyle, culture, religion, you get into that whole broad area of issues. It's always easier to say "no exemptions."

**DR. N. RIHAL:** I don't think those two issues, the one of being able to have more than one wife in a certain religion and the practice of wearing turbans in another, should be tied together or compared in the same vein.

I think, as far as the matter of the turbans goes, it's very dear to the practising and believing Sikhs. There is already the precedent of other countries having allowed the exemption. It does not hurt or harm other individuals or other countries or governments in any way. It falls on the personal belief and safety of the individual concerned, who wishes to continue wearing the turban. If we, living in this country, that allows us the freedom of religion and religious factors and other rights and liberties, I feel, and very strongly so, that under that kind of law, environment and culture and government, this practice of being allowed to wear turbans and being exempted from the mandatory use of crash helmets for motorcyclists would be and should be an acceptable thing to any government.

**HON. S. USKIW:** Just to pursue that hypothesis, let's assume for a moment that a family were to immigrate to Manitoba from that part of the world where it is not only possible, but common practice for a man to have five or six or a dozen wives. If they were to migrate to this country and settle in Winnipeg, should we consider an amendment to The Marriage Act, if you

like, in order to permit them to continue that kind of marital relationship?

**DR. N. RIHAL:** Mr. Chairman, in answer to that, let me give the example of a recent case from the country that has under a special legislation given us an exemption about the turbans. That's the U.K. Only the other day, there was a case in the news about a Moslem person being allowed or not allowed to divorce the first wife merely by saying, I divorce you, and taking on a second one. Apparently, they can do that. They can do so in their home and Islamic countries, but a certain Moslem wanted to do that in the U.K., and a British judge ruled that he will not be allowed to do so.

But I still maintain the two issues, the example you are quoting, that of practicing polygamy and so on, should not really be tied with the matter of the turban. It's quite a different thing.

**HON. S. USKIW:** You are saying they are not analogous situations?

**DR. N. RIHAL:** I don't think so.

**HON. S. USKIW:** Okay.

**MR. W. McKENZIE:** Dr. Rihal, to date, have you any reply to those few letters you wrote to Premier Pawley?

**DR. N. RIHAL:** We have had replies of a very courteous kind, stating that the matter has been receiving serious consideration at the highest level, and further stating that we should make a presentation of our case to this committee, which we are doing today.

**MR. W. McKENZIE:** Have you had a response to your letter to the Minister, dated May 23rd?

**DR. N. RIHAL:** No, sir. Maybe he will explain now that we are here, he is here, how he responds. That's Mr. Honourable Sam Uskiw, Mr. Chairman.

**MR. W. McKENZIE:** Let him respond at another occasion.

May I ask you, have you and your group considered what Mr. Green earlier put into the records here, that this bill that's before us may be in violation of the Constitution?

**DR. N. RIHAL:** We have not gone deeply into that consideration. I would say that some legal and constitutional experts would rather delve into that. We have purely and primarily tackled it on the basis of it being an infringement on one particular aspect of a religious practice concerning us especially.

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

**MR. CHAIRMAN:** Ms. Phillips.

**MS. M. PHILLIPS:** Thank you, Mr. Chairman. Through you to Dr. Rihal, you mentioned earlier that you didn't know whether there were exceptions under the legislation in the other provinces that have legislation

requiring helmets. Have you been in contact with any motorcycle-riding members of your religion in other provinces to see how they deal with this particular situation?

**DR. N. RIHAL:** I have not been in contact in that particular connection, so I don't know, I cannot answer it. There hasn't been time to do so.

**MS. M. PHILLIPS:** So your organization doesn't have sort of national connections with other branches in other provinces that have had to face similar kinds of legislation?

**DR. N. RIHAL:** Mr. Chairman, we do have national connections with other organizations in other Canadian provinces, but this being a matter of communication, it just has not been possible to do so; but we know of cases arising out of some occupational situations quite unrelated to the riding of motorcycles. In due course, we will be able to communicate and, hopefully, get some information in this regard.

**MS. M. PHILLIPS:** Thank you very much.

**MR. CHAIRMAN:** Thank you, Dr. Rihal.

**DR. N. RIHAL:** That's all?

**MR. CHAIRMAN:** That's all.

**DR. N. RIHAL:** Thank you, Sir.

**MR. CHAIRMAN:** Bryan Robertson.

**MR. B. ROBERTON:** Hello. Hello. Can I be heard back there? All right. My name is Bryan Robertson. I am a motorcycle rider in the Province of Manitoba in the City of Winnipeg for 27 years now, since 1956. I don't wear a helmet; I don't wear a helmet out of choice.

Now I have worn a helmet. I went to Ontario in the early 1960s. I put on a full-coverage motorcycle helmet. I got just outside of Kenora, and I ended up with a very severe headache. I pulled over to the side of the road and I took the helmet off. I would say the temperature would have been about 75 or 80 degrees. I found I had beads of perspiration on my forehead, on the side of my face. At that time, I had a much shorter beard, just a goatee with a little strip down here. It was extremely hot, extremely uncomfortable.

I put the helmet on and proceeded. Again, I still had this headache. I got to where I was going; I took a couple of aspirins, lied down and relaxed. My headache went away. The next morning I got back on my motorcycle, put my helmet on and continued on my holiday, and ended up with a severe headache again.

Now, in my particular case, and this applies to me personally, I have over the period of time experimented with helmets of different configurations, full-face, open-face, the shortie-type helmet. Every time I put one on I end up with a headache. It may be because as Peter Newman - who prepared this little booklet for you people for the Province of Manitoba, "Motorcycle Helmets," suggested to me at the Fort Garry Hotel at the Safety Conference that I attended out of my own money, out

of my own pocket, because I am concerned, I am concerned not only with my freedom of choice, but with a piece of legislation that I am not convinced works - said, well, probably it's because you're claustrophobic, maybe that's the reason why you get these very severe headaches when you put on a helmet. I'm not a doctor and I'm not going to question that.

But I'm going to go into a little bit of detail here, taking a look at some of the facts presented in this brief, "Motorcycle Helmets, Who Needs Them, Revised Edition." Now, when we take a look at the reason for bringing forth helmet legislation, myself and a fellow by the name of John Prest, who is a chief instructor for the Manitoba Safety Council, he also runs a business, he has an autobody shop. I run a business, I'm a hair stylist. I employ a matter of three people along with myself; I think that we're reasonably responsible people. We're not as you might term "punks" or whatever, and that's your prerogative. If, because I ride a motorcycle, because I've got blue jeans on, if in your eyes you thought that I was a punk because I rode a motorcycle, God, I sympathize with you because, really, that's the way some people think, and I would hope that the legislators do not have that train of thought. I would hope that you're here specifically to pass a piece of legislation, because if you are really really convinced, that this legislation is for the benefit of society as a whole.

Anyway, getting back to this business of myself and my years of motorcycle riding. I've had friends of mine that have become fatalities that have been wearing helmets, and I oftentimes have questioned one in particular, which was a phone call I got one morning from a girl we used to call "Fat Judy." She was crying on the other end of the phone, and I said, "What's the matter?" She said, "Woody got killed." I said, "Woody got killed?" And she said, "Yes." Then I realized that he was in Ontario at the time, and I realized that in Ontario you had to wear a helmet. So I said, "Was there a car involved?" She said, "No, he ran off the road." Then the thoughts occurred to me, Woody was wearing a helmet, could it have been a factor in the accident happening, and could it have been a factor in his death resulting? You know, could he have died as a result of this helmet?

I'm sure that we have people in the audience here that are medical doctors that have done lots of research, that are very familiar with head injuries, that are very familiar with other aspects of injuries and fatalities resulting from motorcycle accidents. But I'm going to tell you that there is nobody here that can assure me that if I put on a specific helmet, under specific conditions, and get into a certain kind of accident and land on my head, that helmet is absolutely going to protect me and save my life. We've got absolutely no assurance; there's no guarantee. We know that and they know that too.

I have put forth a suggestion in a letter I wrote to the Free Press about a month ago. It was published after I wrote one, two, and then the third letter. The first letter didn't show up. The second letter, I phoned, the editor's secretary said, "Yes, Bryan, I have it here at my desk." She said, "And it will be published." Two weeks went by and the letter didn't appear in the Free Press. Now, believe me, I'm not a paranoid person, I'm a very confident individual. I'm an eternal optimist.

I know that you are going to amend this legislation to read better, rather than a blanket piece of legislation, am I not right?

Anyway, getting back to my letter to the Free Press. I decided upon calling these protests on the steps of the Legislature back in April and again two weeks later. In April, I had co-operation from some other people. Now, we had the unfortunate experience. First of all, it was the first time I had dealt with a crowd of people on the steps of the Legislature since 1974. I'm dealing with a whole bunch of brand new people, people who are not familiar with me, they're not familiar with the Legislative Assembly, the procedure of dealing with Legislatures. They thought that you guys were of closed mind, that you weren't going to listen, etc., etc.

So what we were confronted with at the first protest - a protest that we had called as an anti-helmet lobby - it was to go off to be orderly and well-conducted. But again, and I notice some of these people are here today, a group of people from the Nursing Association, which do not represent the total number of nurses in the Manitoba Association of Registered Nurses, but of people who represent the executive of the Manitoba Registered Nursing Association, stepped in there on their own without being invited. It was our rally.

Now, just put Joe Borowski in this position with his anti-abortion group of people, and then all of a sudden myself or somebody else steps in and says, hey, we're for abortion, we want to speak at the same time Joe and his people are speaking, and you know darn well what would happen. The stuff would hit the fan and it would be all over the place. But the fact of the matter is that because we were young - I should say because some of the people were young, because I'm now 43 years of age and I'm still young - that there were long-haired people, people with beards, people with pierced ears, with earrings, guys with buck knives, guys with hunting knives on their belts, guys with patches on the back, and there were little girls that were giggly with headbands on. Because of this aspect, we had a news media that sat there - now, this isn't in general, this is some of the news media that sat there - and when they did the editing, they showed the pictures of the guy with the long hair, the guy with the great big fat belly, the guy with the pierced ear, and the little giggly girl with the headband. When the announcer said, "And what do you think of helmets?" She went giggle, giggle, "Helmet suck." Now, you can take that in many different respects. She didn't mean anything by it, it was just a comment. But the way it was edited, the way it came out across the media, people turned around and said those damn long-haired, greasy, stinky punks, they should be made to wear helmets.

Now, let's go to the business of motorcycle accidents. So far this year I think we've had about five or six fatalities in the Province of Manitoba. Now, let's do a little bit of an analysis on these fatalities. First of all, why did they happen? They happened from inexperience, they happened from excessive speed - something that I don't know - but I'm sure it's at your convenience to find this fact out, were everyone of those five or six fatalities a properly licensed or properly registered motorcycle driver? If not, then we have to rule these people out as being protected by a helmet, because these people should not have been riding a motorcycle because they are either suspended, they

are not properly qualified or they were driving a motorcycle when they shouldn't have been.

Then there's the guy that's going down the street fooling around. Fooling around at 4 o'clock in the morning. Drunk? In all likelihood. Coming from a party? Probably. Excess speed? Listen, the speed has been a factor in a couple of these fatalities. For example, the fatality on Ness Avenue - over 100 miles an hour, not kilometres, but miles per hour, going down Ness where there are pylons and there's a barricade. He's got a passenger on the back. He hits the barricade; he loses control of his bike. The bike goes down and it slides for over 700 feet, which is four city blocks in width. Apparently the driver slid for approximately 170 feet on his face with the passenger hanging onto him; this is what I am told. Now, I question, if we were to take a look at the facts, if we were to confront the family members of some of these fatalities and maybe some who were here in the audience and ask them if they thought that compulsory motorcycle helmets were the answer, or would they rather see more stringent controls on drunk and impaired driving? Would they rather see better education made compulsory? And this is a very serious matter.

Dr. Mulligan in his brief, the fellow who did the road safety, research study on accidents in the Province of Manitoba over a period of time, concludes in his brief that he questions the validity of compulsory legislation as it stands right now because it isn't proven. It's questionable. But he does say that he is appalled at the fact that today, at 30 years of age, at the age of 16 or 17, never having driven a motorcycle before in your life, you can go down; you can take written test which, I understand, you don't have to be too smart to pass, and then you can go out and you can drive any motorcycle available to you.

Now if we take a look at the fact that there are motorcycles available now that you can buy providing you've got the money, or you don't even have to buy it if you've got a friend that will let you drive it, that will accelerate in one-quarter a mile under 11 seconds. Now that's rather alarming to think that your 16-year-old neighbour or the 30-year old guy down the street who is in his second childhood went out today and took a written test and came out and drove a motorcycle that could accelerate in a quarter-mile under 11 seconds.

Also, we have to take a look at the fact that this motorcycle has a potential top-end speed of 145 miles an hour, 140 miles an hour. Now God knows that I have been driving a motorcycle a lot longer than many people. I have had a number of years of experience. Through those years, I have had accidents, and I'll get to that in a little while. But the fact is that with all my wisdom and my expertise in motorcycle riding, and I'm not saying that I am the best by far, I would never take it upon myself to drive a motorcycle on the roads in Manitoba or elsewhere at 145 miles an hour. I wouldn't accelerate 11 second quarter-miles unless I was under a controlled condition, and maybe making a dollar while trying to do it. We have these facilities such as the drag race track and places like this, the road race track for people who want to go out and hot dog it.

I suggest that by passing a piece of legislation like this in the form that it's in right now, all we are going to do is put a bandaid on it. We are going to put a

bandaid on the problem. This problem will continue to exist. The fact is that the inexperienced driver will still go out and still get his beginner's licence with the only stipulation being that he doesn't take a passenger.

Now it's an extremely nice, hot day out there. I am on my motorcycle. If I was 16 years old; if I was 18 years old - and these people do go into bars, and you know it and I know it. The kid is sitting in the restaurant or he's sitting in the bar and there is a sweet little thing over here, and maybe she's kind of nice and she's got a nice hairdo or whatever, and it's kind of appealing. The fact of the matter is that this kid takes a look at her. He's got his drink in front of him, and he is questioned by his buddy who is with him. His buddy's got a little bit more experience. His buddy's got his licence now. He has had it for six months. They've got their bikes out in the parking lot, and they're at the Westminster Hotel as an example.

So his buddy says, that's kind of nice over there. Why don't you ask her if she wants to go for a ride? He says, well I can't take her. I don't have a licence. His buddy says, ah, who's going to know? We are not going very far. We're not going very far at all. We're just going over on Stafford Avenue. So he says, oh, what the heck! Why not?

He goes out into that parking lot, and he gets onto his motorcycle with his buddy and his buddy's sweet little thing. He puts the one on the back of his bike. Now this is a kid, 16 years old, 18 years old, who has never driven a motorcycle with a passenger before. Do you understand me? Now, not only is he taking a passenger, but he's been drinking. He gets out and he goes over to Stafford or Grosvenor, wherever he's going.

I would suggest that it would be much better if we were to take this kid and, before we issue him a written permit to go out and drive a motorcycle, if we give him some on-road instruction, some on-road testing, a Safeway parking lot, the CFB base, wherever, where you've got some pylons. You've got somebody who puts their hand up and he has to stop, and they put their hand down and he has to turn to the left or the right just to show that this kid has got some co-ordination; that he's not going to get on the bike and drop it over the first time he pulls up to an intersection.

To substantiate that my thoughts are valid, this is the kind of thing that Dr. Mulligan made mention of. He was appalled at the fact that, with a written test, you could go out and drive a motorcycle without any on-road instruction, and you could drive a motorcycle of any size you want.

Getting back to the Safety Conference at the Fort Garry Hotel, I went to it Monday morning which was my day off. I paid the fee to get in. I paid for the meal. I sat through the course of the morning. I went to hear Dr. Milne speak. Dr. Milne didn't speak until the next day, so I listened to Dr. James A. Newman, Bio-Kinetics and Associated Limited. I understand that this isn't a medical doctor. This is a doctor that deals with problems resulting from these accidents.

I listened to him talk. I listened to a lot of this conversation that went on at this three-day seminar. The only thing that I saw that was really relevant to motorcycle safety was on Tuesday morning at 8:30, Dr. Peter Milne spoke. He made a 20-minute presentation of a paper. It was fabulous.

Now let me tell you something, and please pay attention to what I'm going to say. They had a 43 percent

decrease in fatalities after they implemented the program in 1979 where they put a limit of 260 cc's as the displacement of the motorcycle that the learner could drive. Why don't we take that into consideration and maybe step in that direction here?

In England, in Australia, in other places in Europe - and I spoke to Joe Borowski about this when he was the Highways Minister in 1971; I spoke to Peter Burtniak about this when he was the Highways Minister in 1974; I spoke to some of you fellows about it. I was familiar with it. I have never been to England, but I used to subscribe to a magazine from England that talked about L-plates. I made inquiries, and I found out that an L-plate was a licence plate approximately eight inches by eight inches, white in colour with a black L to signify that the driver of the vehicle that this was affixed to was a learner or a beginner.

Now let's go back to this 16-year old that just got his licence and was at the Westminster Hotel, as an example. His buddy says, take her for a ride. He says, well yeah, but I shouldn't, but the guy says, nobody's going to stop you. They don't know you're a learner. If this kid on the back of his motorcycle had an L-plate because he's required to by law, because he is a beginner or learner, he is not going to jeopardize his driving future by putting a passenger on the back, because he knows damn well that even the most foolish policemen is going to know he's breaking the law.

I suggest that you take a very serious look at the use of an L-plate. I suggest that you take a very serious look at lengthening the probationary period, and I suggest that you take a very serious look at on-road instruction before issuing a learner licence to somebody.

I came here with the intent of taking this brief that's put together by Newman and finding fault with it, which I can do, believe me, I can do. I have got half-a-dozen or more pages here. I'm not prepared to do that, because I am sure you're tired. I am sure that you are going to hear a lot more from a lot of other people, but the fact of the matter is, going back to 1966 when this legislation was first introduced, I guess it was Maitland Steinkopf was the PC. Highway Minister at the time, a meeting was called at Gordon Bell High School. There was a committee, a board set up - it went down the tube then. In 1969 it was again brought forward. At that time we were sitting in a auditorium in the Norquay building. We were rehashing the same thing that we had done in 1966 and I thought, you know, we're talking about the subject matter amongst ourselves and we know where it's at, but you, the politicians don't.

How many of you people here ride motorcycles? How many of you people, or how many of your peer group ride motorcycles? And the answer is probably none or maybe, yeah, I rode one - one time, or my cousin had one or my son had one. Now the relevance of that is that you can't appreciate the things that I say about helmets and how they can be detrimental. You can't appreciate the fact when I tell you the helmet will cut down on your peripheral vision. If you would be so kind just to take your hands and hold them over your ears for one minutes and say, "Hello Bryan," you'll know damn well what I'm talking about, when I tell you a helmet can cut down on your ability to hear.

Now, in this brief that Dr. Newman put together, he makes a statement about how sensitive the brain is,

that it can be affected by jarring, by vibration, that it can be affected by temperature. With the temperature we have today, which is a usual summertime temperature we get, with a fluctuation of up or down, 5 or 10 degrees, I would like to know if there has ever been a study done and the answer to that is, yes, of course there's been a study done. We have a fellow here that did it, a professional engineer. A professional engineer, not just a punk motorcycle driver, but a professional engineer, who submitted this study to you.

And when presenting this study to you, if you were responsible enough to look through and digest the information in the brief that was presented by the ABATE organization, and if you were responsible enough to take a very serious look - an indepth look - at the study of heat retention characteristics of a full coverage helmet vs. a woolen toque, at 90 degree temperature with a 35 percent humidity factor, and realize that the full coverage helmet had a heat retention characteristic of three-and-a-half times that of a wool toque. I suggest, Mr. Uskiw, you didn't wear a wool toque today and I would suggest that you wouldn't feel very comfortable if you were forced to wear a motorcycle helmet. Now that same standard applies to an 80 degree temperature with a 50 percent humidity. This is all in the study that was presented with the ABATE brief and I'm sure Mr. Fisher will go into more detail about that when he comes.

I had a radio station from Ontario phone me after we had our first protest on the steps of the Legislature. They wanted to do an interview with me on this matter. The producer of the show suggested to me something that I had mentioned. Now I know, being that you people are reasonably busy and this is a very time-consuming job, and we have our differences at times - not specifically me and you - but specifically the public and the legislator, I am sure that you don't get a chance to watch as much television as some of your constituents do.

There was a recent program in the last six months, the last three months. It was on W5, it was on Fifth Estate, it was on a program like that. This spoke about the alarming increase in spinal column injuries in Ontario where compulsory or mandatory hockey helmets had been put into effect. And what does this have to do with motorcycle riding? It instills a false sense of confidence.

The conclusion of the people who did the study on this alarming number of spinal-column injuries in the junior, juvenile, the primary hockey leagues in Ontario, concluded that many of these youngsters play hockey beyond their capabilities. They put their helmet on, they get out on the ice, they put their head down when they go for somebody, to give them a body check, or to ram him. If it so happens that the individual should step aside and they hit the boards with their head down, they break their neck and there is a question and the question prevails - the benefit. The benefit of making somebody wear a motorcycle helmet.

What if we put these young people that are coming out there into a full coverage, top of the line - we'll use a name called "Simpson" motorcycle helmet. We'll use a price figure of approximately \$160 to \$350, a Simpson, Bell, Shouey (phonetic), many many different makes of helmets. Some are fibreglass, some are polycarbonate, some are good some are bad, and we

put this kind out there on this motorcycle with a full coverage helmet on top of his head. He's driving along, he's on his bike. It's a hot summer day. He's going down Wellington Crescent, not much traffic, turn the throttle on, go a little faster, go up a gear, go down a gear, pull into a corner, see a straight stretch ahead - accelerate. Is this young motorcycle driver, who is being compelled to wear a helmet, is he possibly going to have a false sense of confidence? - and if he does is he, or will he, drive beyond his capabilities? I would leave that question with you as something to consider when this legislation comes to the floor.

Getting back to Ontario, I asked her if she would come up with some facts and figures for me because they were at her disposal. I wanted to know the number of registrations in the Province of Ontario for 1980 or '81 or '82. I wanted to know the number of fatalities in Ontario. These are the figures that I was given: 119,000 registrations; 126 fatalities. I think if we do a calculation on a piece of paper here - you don't have to be a mathematician to do this - you'll find out that in Ontario, per 1,000 registered motorcycles, they probably had a higher fatality rate than we did and they have a compulsory piece of legislation in effect.

Going back to the facts and figures that are stated from the ABATE brief, I think the mean figure for Canada is .85. I think the lowest is Saskatchewan at .61. I'm not sure, but I think we were .64. Quebec was .66 and then we jumped up to the point where it was 1.4, 1.3, 1.6, in other provinces. This is fatalities per 1,000 registrations. Now, my God, you could be the stupidest person in the world and this is still got to tell you that we're not doing bad and we don't have a compulsory piece of helmet legislation.

Now I would conclude that being that we do not have a compulsory piece of helmet legislation, if a helmet was so effective, then why the hell are we not in a position where we are first and foremost with the most fatalities year after year after year? We're not; we're not.

So let these doctors and these nurses and these safety experts and these lobby groups that have been behind you and suggesting to you that, "make them wear helmets, it's for their benefit," what about the health cost? As I look around here and I see these people with cigarettes hanging out of their mouth, and I look at some of these people here and realize that tonight when they go home, or before they came here, or tomorrow night, or Friday night, they're going to be sitting back and drinking a little bit. Some of them may drink a little bit too much. I'm not going to point fingers at nobody in particular because I don't know who you are; but I would suggest to you that I shoulder the responsibility as a taxpayer, as an employer and as a citizen of the Province of Manitoba to look after you if you end up with severe liver problems as a result of drinking, if you burn your brain out as a result of drinking, if you end up with respiratory problems or lung cancer as a result of smoking.

Yet we always hear, well, you know, it's rather unjust that we, the taxpayer, should shoulder the responsibility of somebody who drives a motorcycle and doesn't wear a helmet and gets into an accident and ends up being a long-term type patient as a result of that. I think that we have priorities, and some of these priorities that we have have got to be reassessed.

I would suggest that the government's position here on bringing forth this legislation - let's step back to last Thursday. I had a meeting. John Prest and myself met with Mr. Schroeder, who was very opinionated, who put forth letters with facts and figures; facts and figures that we disputed, facts and figures that were wrong, maybe not lies, but wrong. When I consider this, we put forth some of the proper facts and figures, and I'm sure, in his wisdom, Mr. Schroeder is going to realize the fact that maybe somebody was trying to snow him, pull the wool over his eyes, or maybe it was just a mix up, maybe somebody put the wrong figures down.

A week ago tomorrow, which was Friday, we had the pleasure - and I do say it's a pleasure and I say it seriously because I think you're a very nice man, and I am not trying to butter you up - of meeting with Sam Uskiw. Sam made a comment about the fact that he's just a little guy. Well, believe me, I'm not very big myself, Sam; so we're in the same boat.

I would never ever want to put myself in a position where I'm intimidating anybody. I'm sure that there's people here who may be able to intimidate somebody just by their physical appearance, but the fact of the matter is that, believe me, we're not here to do that. We spoke to Sam, and I came out and I asked Sam - or Mr. Minister if you would prefer Mr. Minister - I asked him: Why this legislation, 1966, 1969, 1971, 1974 and now, why? Was it you yourself? No, he said, it really wasn't me myself. Was it specifically Dr. Penner; was it Dr. Mulligan; was it anybody in specific that said, sure, put this legislation forth; please put it forth; I beg you to put it forth? He said, no. He said, what it is, and we're living in a democracy as such. Now the definition of the word "democracy" - you got me! I'm not going to be a pseudo-intellect and tell you that I think I know what it means because I don't know what it means, but . . .

**MR. H. ENNS:** It's simple. If you've got the right numbers, you can beat him.

**MR. B. ROBERTON:** Okay. Thank you, Harry. Anyway, getting back to where we stand, I said why? He said, well, the pressure is from the peer group, the other provinces. After all, we have this legislation in nine other provinces. We also are getting pressure from the Federal Department of Transportation; they want uniformity. Now, without any partisan feelings or any comment, if we have nine provinces with P.C. governments, does that mean in the Province of Manitoba we should do the same thing?

You know, I'm going to get the pros and cons from both sides of the table. Now the fact of the matter is that it's reality; and reality suggests that just because somebody else does it or because nine other people in the country of Canada do it, we shouldn't be the odd ball. Now, again, going back to the fact that we do not have consistently the highest fatality rate, then I suggest leave well enough alone on the basis that we are not doing bad at all. Up until a few years ago, there were two places in North America without a compulsory piece of legislation - the State of California and the Province of Manitoba.

Now, I've been involved in this issue myself for a number of years, and I'm involved with this issue for

one reason and one reason only. The fact is that I believe in freedom of choice. I believe in the fact that when I go to bed at night, I'm not going to have to be too concerned about somebody kicking my door down because I have different beliefs than the people who sent whoever to my door, such as the police or the CIA or whatever.

The crux of this whole thing is, I attended that Safety Conference, and on the Monday I went for lunch and I sat at a table not knowing where I was sitting. The fellow I sat beside was Dr. Peter Milne, the recognized safety expert from Australia. I hadn't heard him speak; I didn't know what his feelings on the issue were. So as we sat down and we enjoyed our lunch. I didn't want to bring politics into it; I didn't want to bring the issue of helmet into it; but I did have the T-shirt on that I had amongst the doctors and the safety experts and all the concerned people that were at the Safety Conference. The T-shirt makes a statement, and it just says, "Freedom of Choice - Let Those Who Ride Decide." I suggest that in the Province of Manitoba that's what we're after. We're after the fact that we want freedom of choice.

Now there are some things that I don't have any freedom in, and through my lifetime I have been exposed to the fact that I have lost freedom. I have actually had freedom taken away from me, and I don't like it. I'm not suggesting by any means that we're ready for a revolution or anything silly like that, but when you tell me against my better judgment on the basis that I have rode a motorcycle for 27 years, that I am an employer, I am a taxpayer, including that 1.5 percent health and education tax that I pay as an employer - again, I shoulder this responsibility; I don't come down on your government for implementing this piece of legislation or this tax. I accept it, because in your wisdom you have put it in with the idea in mind that it is going to benefit our society. You tell me how making me or forcing me to wear a helmet is going to benefit our society.

Let's go back to 1956 when Bryan Robertson was 16 years of age, and he decided that he wanted to drive a motorcycle. My parents didn't like this idea. They said, "You'll hurt yourself." They probably hadn't seen the picture, "Wild One," with Marlon Brando, and they probably didn't have the idea of the stereotype image that exists today and Bryan went out and bought a motorcycle against his parents' wishes.

Bryan was 16 years old and Bryan was also a foolish kid at 16 years of age, and Bryan got out and goes to a party one night and in going to this party one night he's with his peer group, a bunch of 16, 17 and maybe the odd older guy, 18 or 19. The booze was there and, of course, Bryan had something to drink and Bryan had something more to drink and Bryan got on the telephone and phoned a girl that lived over on Hespeler Avenue towards Redwood Bridge. At the time we were in East Elmwood over by Gateway Road.

It was wet, it was raining and Bryan got on his bike with another fellow and decided we were going to go over to Hespeler Avenue to this girl's place. We got to Chalmers, and Chalmers was under construction at the time. They had the street ripped up, they were putting a sewer down and it was raining out. So either Bryan or the other guy suggested, hey, we'll ride down the sidewalk, what the hell. We rode down the sidewalk,

the only thing is Bryan had an accident, Bryan had a very very serious accident.

There was a set of railway tracks that crossed on a very very sharp angle, Bryan's wheel caught in these tracks and Bryan flew through the air and Bryan landed on his head and Bryan had a concussion and Bryan was taken to a hospital and Bryan was operated on and Bryan was in a coma for one month, for 28 days. Bryan is here today and I suggest to you and again there is nobody who can substantiate this fact, that if Bryan was wearing a helmet the probability exists that he could have broken his neck.

Now there's also the possibility that under those circumstances had he been wearing a helmet maybe nothing would have happened, a few cuts, a few scratches. You see, nothing is for sure and until we're to the point with this type of thing and I think I have to go back to 1974 and I think Sidney Spivak was one of the people that got up and spoke on this matter and I think I followed Dr. Penner and I think Dr. Penner got up and made the comment after hearing some of the things that our people had had to say about the fact that yes, sure, I can appreciate the fact that it does cut down on your peripheral vision and I can appreciate the fact that maybe it's a little harder to hear and again I suggest you put your hand to your ear and just talk to yourself for a minute and you'll what I'm talking about because it does cut down and distort your ability to hear properly.

Sure, it's uncomfortable and it's heavy and it can be an irritant and it was Dr. Penner or it was somebody that made the comment but with the technology available today I'm sure that a better helmet could be designed.

Now, in their wisdom they've designed better helmets but these better helmets are still not the answer and the answer is that we're after you here in the Province of Manitoba, whether you're PC, or NDP, we're after to take it upon yourselves to do something a little different than anybody else has done in Canada. Turn around and implement the use of an L-plate to signify the learner is the driver of the vehicle. We're after you to make it mandatory for somebody to take some on-road instruction before they get out on the street.

We're also going to ask you to implement controls on the size of the motorcycle that the novice or the learner can drive. If we do these things we're not going to end up with anywhere near the accidents or the fatalities regardless of the helmet issue.

A Dr. Peter Milne who was interviewed by John Harvard on the 24 Hour program at which time - and you know how brash Harvard can be when it comes to centre somebody out to get an answer from them - and he said listen, listen here doctor, you know what's happening here, the motorcyclists are protesting against the compulsory legislation of helmets. Now, the helmet is a safety factor isn't it? What do you think about this issue? And you know what this doctor said, and I've got the tape, I've got the sound track from it, he said helmets are a secondary issue. They're a secondary issue, in other words, straighten out the guy that's driving the motorcycle and make him aware of the consequences of driving stupid, make him aware of the consequences of drinking and driving, give him some better instruction, lower the displacement of the motorcycle he's going to drive. These are all common-sense answers to the question and the question being how do we cut down on these accidents.

Very often when it comes to the matter of, does a helmet cause an accident, and the conclusion is that there's never been a documented case of a fatality being caused as a result of wearing a helmet. I would suggest to you that you cannot ask a fatality if a bead of perspiration was rolling down his forehead and got into his eye and that's why he lost control of his motorcycle, you know it and I know it, we've got to be realistic, we can't ask a fatality.

No matter how smart these doctors or these safety experts are they can't tell you that either, they cannot tell you that. They can tell you under a given situation, a given circumstance a helmet may have been a decisive factor in whether or not somebody died.

In the case of head protection, the freedom of activity is related directly to the wearer's ability to hear, to see, to speak, to be heard and to exercise head movement. In addition the helmet must be comfortable, reasonably priced, appealing in his looks and not in itself a potential injury hazard.

A customer of mine in my hairstyling shop is a fellow by the name of Harry Forgie. I've know Harry Forgie for a number of years, he has just retired as Superintendent of the traffic with the City of Winnipeg Police Department. Harry drove a motorcycle for a number of years on the police department. He was interviewed in the Free Press upon his retirement, he was confronted with this business of safety, this business of helmets, seat belts, things like that. Harry's conclusion was the fact that instead of .08 and not enforcing until .10 why not turn around and make it .05 and enforce it at that level. If you're very serious about cutting down fatalities and accidents and cutting down health costs you'll take a very serious look at that.

British studies have revealed that so-called safety helmets may be killing many riders whose deaths are falsely attributed to head injuries from a crash and, says an orthopedic surgeon, Gordon Hatfield, Chief Medical Officer of the British Motorcycle Racing Club, the bigger the helmet the more dangerous. There are helmets that are so heavy that they rotate the rider's head when he falls, causing him to break his neck. In one British hospital, for example, seven riders in 18 months were found to have been killed by their helmets. Most died from broken necks, a few died after bleeding to death with jagged fibreglass pieces stabbing them in their jugular vein. Many riders reported to have died of head injuries were probably killed by massive neck injuries, damage caused by full-face helmets. Hatfield claims that new studies show that neck injuries are more common after bike accidents than previously believed.

The media has a policy of mentioning in the story of a motorcycle accident, reports the details, the name, the location, the accident description. It doesn't mention the cause of the accident, doesn't mention the fact that he was drinking - can't do that because if litigation is there - doesn't mention the fact that the kid was doing dope, or he was or he was that, or he was driving while suspended, doesn't make mention of these things. Oftentimes at the end of this little paragraph that follows the description of the motorcycle accident, it says, "and he wasn't wearing a helmet."

Now, I would suggest again if we were to take a very serious look - we have the people here that can provide



you with the information, the doctors, the research people - on these six fatalities that have occurred this year - I'm not a doctor at all, we all know that - I'm sure that these people, if they're going to be honest with us can provide us with the information, the autopsy report that will prove that of these six people, these six fatalities that occurred, many of these incidents did not, and a helmet would not have been a decisive factor in many of these cases, if in any of these cases.

If we go through the course of a year and we have a dozen accidents in the Province of Manitoba and after every accident it says the kid wasn't wearing a helmet, everybody assumes, hey, make them wear the helmet. That isn't the answer. The answer is we need better education. We need co-operation. We're here to co-operate with you. We're here because we feel that you do have a lot of common sense. We are here on the basis of feeling that we're optimistic and we're going to come out on top of this with a better program to improve motorcycle driving in Manitoba, motorcycle licensing.

I think on that basis I'm about to close down and leave it to you gentlemen. If you have any questions, otherwise we'll turn it over to some other people. Thank you very much.

**MR. CHAIRMAN:** Thank you, Bryan Robertson.  
Mr. Orchard.

**MR. D. ORCHARD:** Mr. Robertson, the points you make are three-fold and I missed the jurisdiction that you referred in your remarks about the size restriction, I believe; 1979 one jurisdiction had a . . .

**MR. B. ROBERTON:** It was in Australia. They put a limit of 260 cc's which is basically a single-cylinder engine. Most motorcycles are 250 cc's. The idea of a 260 cc allows for the fact that the motorcycle has been rebuilt and has been bored out, has an oversize cylinder. It would increase the displacement within that 260 cc.

**MR. D. ORCHARD:** I assume that's a beginning size, two years, how many years?

**MR. B. ROBERTON:** It's for a one-year period of time with the L-plate. At the end of the one-year period of time with the L-plate, they go to a P-plate which is a probationary plate. I am not familiar with what they do as far as displacement, but I would suggest that the logical step would be to go to a 440 or a 500 cc. There are many bikes out there now that are 400, 440, 500, even a 550 cc displacement, which then gives you a little bit larger bike, but still you're not getting up into the heavy-duty powerful motorcycle.

**MR. D. ORCHARD:** You quoted a statistic, and I didn't catch it. Was it something in the neighbourhood of a 40 percent reduction in . . .

**MR. B. ROBERTON:** A 43 percent reduction. Now, may I interrupt here for a minute and tell you one thing. In Australia, as he said, helmets are a non-issue. They have had a compulsory piece of legislation in Australia for over 20 years. If I can have your attention for just one minute, I cut hair for a living. Now, to take somebody

that's my age and to convince them to get a brushcut is not as hard to do as what it would be today to take an 11 year old who has never had a brushcut, who has never had short hair, and to convince him to get a brushcut. Do you understand what I'm talking about? So, in Australia, they have a helmet law that's been in effect for a number of years and nobody questions it. If they do question it, it's rather easily accepted because it's been in for so long.

**MR. D. ORCHARD:** The 43 percent reduction, that was in fatalities?

**MR. B. ROBERTON:** In fatalities.

**MR. D. ORCHARD:** Do you have any knowledge of what the corresponding reduction might have been in injuries?

**MR. B. ORCHARD:** No I don't, Don.

**MR. D. ORCHARD:** You made the comment about education as being a prerequisite for any beginner, and you would, I take it recommend the size restriction, the L-plate for identification by law enforcement officers, and as well, a fairly extensive training program, or at least some training program prior to licencing and allowing operation of a motorcycle?

**MR. B. ROBERTON:** Yes. I wrote a letter to the Free Press here where I made mention of some of the points that I would like to see implemented. These are just basic suggestions. I would be happy to leave this copy with you people again. I'm sure you're busy and you don't get the opportunity to read all Letters to the Editor. I would like to circulate this and possibly you people in your time, and I'm sure you're busy, can look these over.

In fact, I had occasion getting off the elevator the other day to go see the Highways Minister - I didn't know how to address him. I've known him for years. He was standing in his doorway with his executive assistant and somebody from the CBC, and I looked at him and I know the man's name, but I didn't know his title. I said, "Hello, Howard," and talked to him for a few minutes, and asked him if he'd read the letter, and he said no. I showed it to him and he asked me if I would mind leaving a copy with him, so he's familiar with it also.

**MS. M. PHILLIPS:** Mr. Chairperson, not being either a gentleman or a sweet young thing, I hope you'll answer my questions.

**MR. B. ROBERTON:** I certainly will.

**MS. M. PHILLIPS:** I'm curious, especially based on this Australian example and your seeming acceptance of that as the route to go. If we were to implement this list of educational training measures and restrictions in terms of size and probationary periods, etc., would you still be against compulsory helmets?

**MR. B. ROBERTON:** My own particular position against the blanket legislation as it stands now, yes I would

be against it. I would suggest that in your wisdom as the government and the people who do the safety research, if you were to implement - I'm not suggesting it, but I am suggesting that you might not get the backlash or the opposition if you were to implement either first year, be compelled to wear a helmet, or say 18 and under, be compelled to wear a helmet.

I would suggest in that respect you would end up with the same type of atmosphere as what happens in Australia where it's been in effect for a long time. In other words, if an 18 year old kid and under has to wear it, eventually he's wearing it, and he might not object to it in years to come.

**MS. M. PHILLIPS:** Mr. Chairperson, supplementary to that then, all the things that you've said about helmets being detrimental in terms of your example with hockey helmets, and the heat, and the weight, and the hearing, etc., I'm curious as to why you would suggest it would be all right for a beginner or an under 18-year-old.

**MR. B. ROBERTON:** But I didn't suggest it. I said the onus would be on you people and your road safety people, if you really felt, if you were dead set that there had to be a helmet law as such. What I am suggesting is that you wouldn't probably get such opposition from the majority of the motorcycle riders if you were to turn around and implement it that way rather than the blanket legislation. I am not suggesting at all that I think that's a good idea.

**MS. M. PHILLIPS:** I am interested in getting to the bottom of this matter in terms of what is the best in terms of safety. I'm asking your opinion as to whether you think, if all those safety measures were in place, whether it is then okay to also wear helmets if people have training, etc., etc., or whether it is still detrimental? I'm asking for your opinion.

**MR. B. ROBERTON:** I would suggest that the way things are in the Province of Manitoba right now, where it's up to the discretion of the individual, freedom of choice. In other words, you know the consequences; if you want to go out there today when it's 90 or 95 degrees and wear a helmet, that should be your prerogative. If you are prepared to accept the fact that you could suffer a heat stroke, that you could perspire and a bead of perspiration could roll down into your eye, and you could take your hand off your control to wipe the sweat off your brow, at which time you could get into an accident, again, that's your prerogative. It's a prerogative that being I have a choice, I don't want it.

**MR. L. SHERMAN:** Thank you, Mr. Chairman. I'd like to ask Mr. Robertson whether he is saying that helmets are essentially dangerous or whether, in his view, it is entirely a question of personal preference, meeting a specific individual situation, whether it be weather, whether it be traffic or whatever?

**MR. B. ROBERTON:** Mr. Sherman, I feel, such as I've always felt, it should really be a matter of freedom of choice to the individual. My freedom of choice dictates that I don't wear a helmet. I ride from the very very early part of the spring time when the snow is just going

until after the snow just comes, eight and a half months last year, I find myself not wearing a helmet; I don't wear a helmet. As I explained to you before, I get very severe headaches. Should you pass the legislation, I will break it; should I break it, I'll go to court; should I be convicted, I'll pay a fine; should the judge ask me why I persist on breaking the law, I will tell him I get very very severe headaches and I will not subject myself to these severe headaches, and as a result of this, I choose not to wear a helmet.

If he says, you can't ride a motorcycle any more, then I guess Bryan stops riding a motorcycle after 27 or 28 years, because it infringes on something that I want, which is freedom of choice. My freedom of choice, as I suggest, is as a result of the fact that with these headaches that I get, that do result in me wearing a helmet, along with some of the other information that we have provided you that can be substantiated, I choose not to wear a helmet.

**MR. L. SHERMAN:** Mr. Chairman, just one other question and, in fact, I would have to suggest that it's probably answered by the letter to the Editor that's just been circulated over Mr. Robertson's signature, entitled, "Split the Package." The question that I wanted to ask him, Sir, earlier during his representation before the committee was whether he was essentially in favour of any components of the legislative package that are in front of us, or opposed to all of them.

I suppose, to a certain extent, that question is answered by the letter that he wrote to the Free Press that is now circulated to us, but for the record, I'd like to ask him the question anyway, Mr. Chairman, whether his opposition is essentially to the package in total or just to the helmet component.

**MR. B. ROBERTON:** The position I have taken is to deal specifically with the helmet issue. As I say, I cut hair for a living. I've got a lot of people coming in the door. I've got people from all walks of life; I've got people from all ethnic groups, and a lot of these people are familiar with the stand that I have taken. You wouldn't believe the amount of people that come in my door that say, that damn helmet law, but I sure don't like the seat belt law either. I don't want to wear a seat belt. What will I do, for example, if there's myself, my wife and my sister-in-law going over to take out my son and daughter and three kids for a hot dog? What am I going to do? Am I going to buy two bloody cars? This is the kind of talk I get. I got a gentleman in that's got his own plane, he's got two big companies, and he says to me: I, under no circumstances, will wear a seat belt when I'm out on the highway. He says, my business means that I have to go out on the highway and I do go out on the highway. He said, I'll give you an example. He said, if I was going down a road in the spring time and the road was icy and slippery and the ditches were full of water, and the fact is that my vehicle went out of control and ended up on its roof in a ditch and I was trapped in with a bloody seat belt, he says I'm committing suicide. This is a very intellectual, very successful businessman; it's not just some greasy guy that works at the CNR. Again, I'm not classifying by saying sweet little things or gentlemen or a greasy guy that works at the CNR; I'm just categorizing this as such.

I hear this from people that are retired; I hear this from people that have young families; I hear this from people that I meet on the street corner. They'll pull up to me at an intersection, look over at my motorcycle and say, you're not wearing your helmet yet, eh? I hear this from police officers that will pull up alongside me in their car and say, well, where's your helmet, and laugh about it. The fact of the matter is that really, and I'm very serious, it isn't a laughing matter to me; it's a very serious matter. We've been here before; I hope we don't have to come here again, and I sure as heck don't want to be classified as a habitual criminal on the basis of repeatedly being charged and convicted of not wearing a helmet.

I would suggest, and I'm not doing this for any other reason other than the fact that I think this law, you said, Sam, and again - I don't know what I've got here; I've got one, two, three - see, I've got three \$100 bills, plus some other money here.

**A MEMBER:** Lucky guy.

**MR. B. ROBERTON:** Yeah, well, I cut hair for a living and, as I say, it's fairly lucrative at times.

But the fact of the matter is that, really, and I'm not putting an ultimatum forth to you, but as silly as I may be and as bullheaded as I may be, if you're bound and determined to make me wear a helmet, then you're going to get these \$100 bills laid right out in front of you. It's going to be here; I'll go out and do it again.

**MR. L. SHERMAN:** He'll get them one way or another anyway, Bryan. You can be sure of that.

**MS. M. PHILLIPS:** Mr. Robertson, does your intelligent, sophisticated business-person friend wear seat belts in his airplane?

**MR. B. ROBERTON:** Does he wear seat belts in his airplane? I didn't ask him. As a matter of fact, I will, and I'll let you know.

**MS. M. PHILLIPS:** Thank you.

**MR. B. ROBERTON:** That's a good question; I'll ask him.

**MS. M. PHILLIPS:** He might crash and get stuck in a lake.

**MR. CHAIRMAN:** Thank you, Mr. Robertson.  
Mr. McKenzie.

**MR. W. MCKENZIE:** Mr. Robertson, what's the membership in ABATE? How many members have you got?

**MR. B. ROBERTON:** First of all, there's a bit of a falsification. I'm down on the document as ABATE. I am not; I will clarify that. I will clarify it as I did on the steps of the Legislature. I am Bryan Robertson, an independent motorcycle rider. I am affiliated with no club, with no group. I don't belong to the Los Bravos; I don't belong to the Spartans; I don't belong to the Manitoba Motorcycle Club, or the Winnipeg Road

Riders, or the Agassiz Racing Association or any of these. Some are defunct; some of them are still functioning. Over the years, the media, in their wisdom, has reported me as the president of the Manitoba Motorcycle Club; they've reported me as affiliated with the Los Bravos or the Spartans, or this or that. All these guys are friends of mine, some are customers of mine. The fact of the matter is they're my peer group and that's all.

As far as what the membership of ABATE is, these other fellows will be able to answer it when they come up and speak on the matter. Again, I'm an independent motorcycle rider representing the views of the majority of the motorcycle riders.

**MR. W. MCKENZIE:** Mr. Chairman, I apologize to Bryan. On the program that's before us, you are shown . . .

**MR. B. ROBERTON:** Yes, I do understand that.

**MR. W. MCKENZIE:** I'm asking you, when you had this nice quiet meeting with Sam, and he in fact told you that there's going to be no free vote, did you get a chance to look at the regulations?

**MR. B. ROBERTON:** No, as a matter of fact, I didn't, but the fact of the matter is that this free vote issue - I recall in 1974 speaking on the steps of the Legislature and I think at that time it was Russell Doern that stood up in the caucus because I was asked to speak to the NDP Caucus. I spoke to the caucus, Russell Doern stood up and asked for a free vote. I don't see anybody standing up this time. Mind you, I didn't have occasion to speak to the caucus until a later date but if anybody would like to get up and ask for a free vote, believe me, I'd be 100 percent behind you.

**MR. W. MCKENZIE:** Bryan, I think you're whistling in the wind if you think they're going to pull this bill. They're not going to pull this bill, you're going to have to face these regulations. May I ask you now, have you seen the bill?

**MR. B. ROBERTON:** No, I haven't seen the bill.

**MR. W. MCKENZIE:** Well, there's only two brief sections. They talk about helmets, can you give me some description, how many motorcycle helmets are on the market today?

**MR. B. ROBERTON:** Well, I would say virtually hundreds.

**MR. W. MCKENZIE:** Because all it says here is helmets. Are there some of them that are safe or safer than others?

**MR. B. ROBERTON:** Some of them are safe. Let's take a look at what the Winnipeg Police Department wears right now. I had a cop having a coffee with me the other night a nice guy, real good people, you know what he said to me? He said, you know what these helmets are? I said, what standards do they meet? He laughed, he said they don't meet any standard. He said there's a little tag in the box, we throw the tag away,

it says not supposed to be used for motorcycling. This is your City of Winnipeg Police Department.

**MR. W. MCKENZIE:** Just one more question, if I may, Mr. Chairman. It mentions also in the legislation here in the exemptions a motorcycle that is manufactured with a cab that encloses and protects the operator and passenger, they don't apply apparently under these regulations. How many of those kind of motorcycles are out there?

**MR. B. ROBERTON:** Well, there's not too many now, but you can be rest assured that there are a few people out here right now that are putting together a company to manufacture a cab device that works in conjunction with a motorcycle.

**MR. W. MCKENZIE:** Then, Sam assured you then you don't need to wear helmets?

**MR. B. ROBERTON:** Yes.

**MR. W. MCKENZIE:** Thank you.

**MR. CHAIRMAN:** Thank you, Mr. Robertson.

**MR. B. ROBERTON:** Thank you, Mr. Fox. You were my MLA at one time, meaning that the area has changed.

**MR. CHAIRMAN:** I'm aware of it.

For the sake of the audience, this committee will meet again tomorrow at 2:00 o'clock. We will take no further presentations tonight, this is the last one. Those who wish to leave may do so or are welcome to stay.

**MR. H. COHEN:** Mr. Chairman, members of the committee, after listening to Sid Green for two hours and the last speaker I just got woken up by somebody shouting my name out. They're pretty hard acts to follow and members of the committee I hope you would bear with me for a few minutes and we could all go home to bed.

I have enough presentations here, copies I should say, to pass around to you so that you can read them if you don't understand my English.

This brief, members of the committee, Mr. Chairman, is addressed to the Minister of Highways, the Honourable Sam Uskiw, re Bill 60, An Act to amend The Highway Traffic Act, submitted by Local 1505 of the Amalgamated Transit Union representing the operating employees of both the City of Winnipeg and the City of Brandon Transit Systems.

This brief is respectfully submitted to the Minister of Highways requesting the exclusion of transit bus operators employed by the City of Winnipeg Transit System and the City of Brandon Transit System from the proposed requirement to wear seat belts while driving on duty on bus routes within the City of Winnipeg Transit System and the City of Brandon Transit System other than on Highway PSV charter-type operations.

It is recommended that the driving while on duty section of the proposed legislation be amended as follows:

Driving While on Duty, Section 172.2(8)(b): a driver where he is transporting a passenger for hire in a taxicab

or livery - and here's where we're asking the amendment be placed - "or the passenger-carrying motor vehicles of an electric or steam railway or motor bus company operating on the streets of a city" - and then or . . . - and it would carry on to your Sub(c).

This request for exclusion is based upon the following concerns and requirements that are common to transit bus operators in carrying out their duties:

1. Transit bus operators are susceptible to an ever-increasing number of personal assaults from unruly or inebriated passengers. The seat belt presents an increased problem in the confines of the cab area to release himself while under attack, rendering him most vulnerable and almost defenseless.

2. Transit bus operators are required to make stops for pickup and discharge of passengers on a block-by-block basis in the downtown area and each second block in the outlying areas creating average speeds of approximately 19 kilometers or 11.4 miles per hour.

3. During the above-noted stops transit bus operators are required to render assistance to the aged, physically handicapped and mothers with children on boarding and alighting which require that they frequently leave the operator's seat.

4. Transit bus operators are required at the end of each route and often enroute to change signs front and side, to punch time clocks and to check the entire length of the bus for lost property and damage value due to vandalism.

5. The size and weight of a transit bus reduces the hazard to the operator should they be involved in an accident with another motor vehicle.

Our summation is that it has been pointed out that transit bus operators are literally making hundreds of stops per shift in a transit-type service and are required to leave the seat on numerous occasions throughout their shift to assist passengers, change signs and check buses for lost property and interior damage.

The transit-type service, because of the required stop and go of passengers loading and alighting produces average speeds far lower than other on-duty operations. It should also be noted that transit passengers are not, I repeat, not required to wear seat belts and, in fact, are at times required to stand in peak period travel.

The foregoing facts inherent in transit bus operator's duties along with the susceptibility of transit bus operators to assault warrants serious consideration for exclusion under the proposed legislation for transit bus operators on city transit operations other than charter PSV highway-type service and then on the last page, we once again point out the amendment we are seeking.

Mr. Chairman, members of the committee, I had a meeting a couple of months ago with the Honourable Minister of Highways, Mr. Sam Uskiw, and we discussed the people who are exempt while driving on duty and when I mentioned all of these things that I've mentioned in the presentation to you tonight, Mr. Uskiw was under the impression or, I should say, to quote his words, "he thought we would be exempt because of the fact under 172.25 where it states that slow-moving vehicles, drivers who frequently leave the seat, etc., etc., that we would come under this legislation." However, I notice on the 172.2(8) that a driver of a taxicab is a peace officer in lawful performance of his duty who is transporting a person in his care or custody is and in c) a medical attendant or an ambulance driver is, but we are not.

I don't want you to take my comments and my presentation out of context, because I'm not here to play politics with you people tonight in regards to the legislation. I'm one that has never been opposed to upholding the law. On the contrary, if you remember and take your minds back to 1971, I got suspended with a recommendation for dismissal because I refused to break the law, the law which I felt was Section 282 of The Highway Traffic Act which forbids people or persons travelling on a public transportation vehicle to stand forward of the back of the driver's seat in a city transit bus.

If this legislation passes, and personally speaking I hope it doesn't, however, I told you at the outset that I am representing 1,000 bus drivers in the City of Winnipeg and approximately 30 bus drivers in the City of Brandon, and I'm speaking on their behalf. If it does pass, then I guess I will have to abide by the law and buckle up when I'm in my car.

My main concern is because of drivers sitting behind the wheel of a bus, and especially at nighttime where we have these physical assaults that our bus operators could be sat there a vegetable before they could even get to unbuckle themselves. Not one, two, but three or four blows could rain on a person's head and before they got a chance to unbuckle themselves, they would be literally defenceless.

There's one other point I'd like to make that it seems kind of ridiculous to have a bus driver strapped in with 52 seated passengers and approximately some 40 or 50 standing passengers not strapped in. I can assure you that I haven't been sat behind a desk with a big fat plush cigar with my feet up as a union president for 25 years. I drove a bus in this city for 18 years. In my 24 years of association with the City of Winnipeg Transit System I have never seen where the driver has involved, so much so that he needs to be strapped in to protect him or her. I say her because we now have female drivers, and we need more of them Myrna.

However, to argue the pros and cons I don't wish to get into that, although my personal views on that is a very very simplistic statement that surely we can show where seat belts have saved lives. I guess if I want to use statistics, I'll show you where the wearing of a seat belt was the cause of somebody being killed. When cars overturned and went into a ditch of 10 feet of water and the buckle of the seat belt bended and they could not get out and they drowned, or the car caught fire.

I heard of a case only last week where one of our retired bus operators came in and said his son is still in hospital in Calgary because he was driving with his truck from Lethbridge to Calgary, and somebody was driving in the opposite direction who obviously had a death wish in mind, and was driving on the same right side of the highway as his son was, only both coming head on. His son took the side of the road and so did this other vehicle. His son took the ditch and so did this other vehicle, and they met head on. The steering column of his son's truck came right up through the roof, but just at the point of impact, it threw his son away. That would have took his head completely off. I could say had he been wearing a seat belt, he would have been killed, but because he wasn't he was luckily, coincidentally, and by a stroke of good fortune thrown clear.

So there's pros and cons. There are the cases where they have been saved because they would have gone through the windshield. I am not here tonight to argue those arguments. My main argument is for bus operators.

A lot of 172.25 applies to bus operators, and with all due respect to the present government - God bless you, I hope you're around for another 20 years - but in any event, if it's not written in the law in Bill 60, the bus operators are excluded, then it's no use me coming back 5, 10 years from now and saying that the then Minister, Mr. Uskiw said I think you people are included. We would like to see it as an amendment and included in 172.2(8).

Mr. Chairman, and members of the committee, I thank you for your attention.

**MR. CHAIRMAN:** Thank you Mr. Cohen. Mr. Uskiw.

**HON. S. USKIW:** Mr. Chairman, I would like to take a moment to advise Mr. Cohen that on checking the legislation after that meeting, it was indeed concluded that you are not exempt. That would not apply to bus drivers so that if you are to want an exemption there would have to be an amendment.

The question I have though with respect to that has to do with again a hypothesis where you have to bus driver on impact is dislodged from the seat from which he operates his bus, and you have a driverless bus with your 50 passengers if you like standing or sitting without a driver in the chair. What is the answer to that kind of a problem?

**MR. H. COHEN:** I guess in that case, I guess that the 50 people are going to get injured because the driver's been thrown out.

**HON. S. USKIW:** That's my point though.

**MR. H. COHEN:** However, statistics prove that you an exception to the rule in making that question because of the fact that we haven't had that happen. I'm not going to argue on what might happen. Let's talk about statistics.

You know I've heard it said many many times, Mr. Minister, that if it saves one life this bill will have accomplished something, but what about the people's lives who have been killed because they were strapped in, what about their rights? What are we going to legislate something to protect them, which we can't do obviously because we can't bring them back from the dead. If we save two and it kills three, is it worth this legislation? I would suggest to you respectfully, no, definitely no.

A gentleman stood here before and said that this is a bandaid affair and I have to agree with that. It's not going to be the be all and end all of stopping people being killed and injured. Some yes, all no. Bus drivers I can assure you is absolutely a ridiculous thing to have them strapped in and have all the rest of the people not strapped in.

When you get on a plane and you fly anywhere everybody buckles up until you're up there and then you can take your buckles off and walk up and down the plane just like you do in the street. When you're on the ground and taking off, everybody does.

I would suggest if you're bringing out legislation, then we provide seat belts for every seat on the bus and everybody gets strapped in or nobody gets strapped in. Let's not make this a farcical piece of legislation and have the driver strapped in and 14 old ladies get broken collar bones because there's an accident and the driver is perfectly safe. By the way, Mr. Minister, the driver is in the most safest position on a bus. We have all kinds of accidents that take place with the city transit buses and out of the last few weeks, who are the people that are being injured? The passengers, not the driver; so I'll give you argument for argument if we want to discuss bus drivers.

On the issue of auto drivers, I don't have any qualms. Like I said, if the law is passed, when I'm driving my car, I'll buckle up. I would like an amendment because the taxi driver is being allowed not to buckle up. Our people stop much more frequently than a taxi driver; they travel slower than a taxi driver does. The only buses that you see flying down Portage Avenue are our Express buses where they only stop at limited stops; but that is a minority of the bus service in the City of Winnipeg.

**MS. M. PHILLIPS:** Thank you, Mr. Chairperson. Mr. Cohen, you say that transit bus operators are susceptible to an ever-increasing number of personal assaults. Through your union, do you keep track of the number of assaults and how many are there and how fast is that increasing? I'm looking to see how serious that problem is.

**MR. H. COHEN:** Usually they take place at night time, and Saturday nights is one hell of a night, if I can use the expression. I don't know what's so magic about Saturday night, but . . .

**MS. M. PHILLIPS:** Ask John Travolta.

**MR. H. COHEN:** . . . this is what happens when they get into the sauce and we have people on the bus who are drunk and disorderly and, for whatever reason, don't wish to pay their fare and, for whatever reason, they wish to take out their miseries on the bus operator. I would suggest to you that the fact that we now have a two-way radio system, which we fought for about four years to get, is also not the answer.

However, it does alert the police much quicker to get to the scene, but when you phone for the police to come on the scene because you have a drunk and disorderly passenger on the bus and he's attacking you, there's a priority system in the police force. They have rapes and burglaries and goodness knows what going on, and I guess a drunken passenger on the bus attacking a bus operator is umpteenth, so to speak, on the priority list. So the fact that you have a two-way radio does not stop the incident taking place of violence on the bus. We've had quite a number just recently. They come on the bus; they'll take an empty beer bottle out of their pocket and hit the driver over the head because the driver asked the passenger to pay the correct fare.

I suggest to you that being buckled in, before they could get themselves unbuckled, they could literally be a vegetable in that seat; and I'm asking you to exempt

the bus drivers, because if you can exempt taxi drivers, I can't understand why the bus driver's not exempt. When you pick a fare up as a taxi driver and you go a distance - you might go two, three miles before you'll come to a stop - and I want you to exclude stop signs, yield signs and traffic lights; I'm talking about official stops. Bus drivers are in and out of the seat like the act says; those people are exempt. They travel in the curb lane; they frequently stop, but it doesn't say in the other part of the act that it includes bus drivers. So in one part, it says the work that we do, the type of work we do, we're exempt. I want it shown, city transit drivers are exempt. — (Interjection) — No, he said I'd have to bring it before the Minister.

**MS. M. PHILLIPS:** Yes, I'm quite aware that's what you want. I'm looking at your arguments, your reasons for why we should do that. I asked if you had any indication about the numbers of - I think you've made a couple of very good arguments. I think if the personal assault issue is extremely serious, I think that's an argument to be taken into account; although the difference I would see between a bus driver situation and a taxi driver situation is the taxi driver is alone, whereas the bus driver can be alone if it's late at night, but oftentimes there's other passengers there that could at least come to their assistance if it's just someone who is inebriated and not physically assaulting someone; but I was looking for an indication of how serious that problem is.

Your other argument that I think is quite valid is the slow speed argument. When you get into the business, No. 3 and No. 4, I think you would have to convince me on the validity of those two arguments, if you have some back-up statements. I rode the bus since my child was three for eight years in this city, many times a day, and I never yet saw - not just for myself, but for any of the other passengers - the bus driver get out and help anyone on. I never saw it, ever.

If you can convince me that they're hopping up and down at every other stop to help someone on, then I might put more seriousness in that argument. In terms of No. 4, of course they would undo their seat belt when they stopped at the turnaround and changed their sign and check for lost articles, etc. You can hardly go to the end of the bus while you're buckled in, but when you're stopped, right? So No. 3 and No. 4, I don't think are convincing arguments to me unless you can give me more evidence that those should be something we should take into consideration. I think No. 1 and No. 2 are certainly valid arguments that would have to be given due consideration.

**MR. H. COHEN:** I'm very sorry that you ride a bus and have never seen the bus operators helping people, but I can assure you it's happening every minute of the day. You were just unfortunate in not being able to ride on a bus when I was driving for the 18 years I was on the bus. Not only did I help people with babies, but blind people at Sherburn and Portage to help them across the street, and I wasn't by myself. All you have to do, if you disbelieve me or you think this is a play on words, you can get those statistics very easily down at the transit offices, and they will show you the commendations that people get daily for doing exactly

the things you say you have never seen. We've got 600 buses in this city and it's unfortunate like that you rode on the same bus every day and nobody helps you. I don't know the reasons why. However, because you didn't see it, it doesn't mean to say it doesn't happen.

To get to the statistics of people being injured, bus drivers being injured through assault, what do we have to do? Do I have to wait until somebody gets killed behind the wheel to prove it? We have statistics to show where our bus operators are being attacked for whatever reason. I'm suggesting that they're at a great disadvantage being buckled in there before they can free themselves to protect themselves.

The taxi driver, you say, is alone and I hate to say this, but Mr. and Mrs. Public aren't the guardian angels that you think they are, that will come across to the driver's help, because I've known this to this day; nobody wants to get involved, and they'll sit there and the driver could be killed, and nobody will lift a finger. That's generally speaking now. Oh yes, you'll get one out of a hundred where somebody will come to the driver's help but, generally speaking, you ask them, you hand out witness cards: Did you see what happened? Nobody wants to get involved. Nobody wants to go to court to be a witness, and that's the facts of life. So I cannot buy your reasoning in regard to your remarks on that case.

**MS. M. PHILLIPS:** No, I think that's a valid argument.

**MR. H. COHEN:** And stopping, all of these things are here, and I respectfully suggest to the committee that our bus operators do stop more frequently than a taxi. They do get in and out from behind that wheel more than a taxi driver does. They travel at lesser speeds than a taxi driver, all in this a, b, c, d, e, f, g and h, and yet you've got "taxi driver." I am suggesting that with all of that and because of the violence and vandalism that exists on the buses, I'm suggesting you include a "transportation bus driver in the City of Winnipeg."

We don't travel at 60 miles per hour. All of these accidents where people get hurt and killed, where do

they go? In the ditches. So where do they happen? We don't have ditches in the middle of Portage Avenue and the streets. They're on the highways. Well, I'm not concerned right now with the highways, I'm talking about the City of Winnipeg Transit System and the Brandon Transit System. I believe we have logical arguments, and I'm not standing here shooting down the legislation, asking for an amendment only, to include us along with ambulance drivers, taxi drivers and police car drivers.

I don't know whether I've answered all your questions, Myrna, but if there's anything more you need to know, or anybody else, I'd gladly answer them. I know you all want to go to bed. I have a 7 o'clock meeting tomorrow down at Transit.

**MS. M. PHILLIPS:** Mr. Chairperson, I'd just like to thank you. The two arguments I think are quite valid. The assault one, I certainly didn't mean to say that was trivial. I did have some question about the other two.

**MR. H. COHEN:** Well, they're quite prevalent, Myrna, I can tell you, the assault cases.

**MR. W. MCKENZIE:** Mr. Cohen, the transit drivers, in these other jurisdictions, do they have to wear seat belts like these other provinces that have mandatory seat belt laws? Do you know? Maybe not, maybe we can get it from Sam.

**MR. H. COHEN:** I haven't got the figures for the other provinces and, personally speaking, I'm only concerned with Manitoba because this is the only province I've ever lived in.

**MR. W. MCKENZIE:** Thank you, sir.

**MR. CHAIRMAN:** Thank you, Mr. Cohen.

**MR. H. COHEN:** Thank you, Mr. Chairman, and thank you, members of the committee.

**MR. CHAIRMAN:** Committee rise.