



**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. C. Santos*  
*Constituency of Burrows*



MG-8048

**VOL. XXXI No. 9 - 2:00 p.m., FRIDAY, 29 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>	Virden	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>USKIW, 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**

**Friday, 29 July, 1983**

**TIME — 2:00 p.m.**

**LOCATION — Winnipeg**

**CHAIRMAN — Mr. Conrad Santos (Burrows)**

**ATTENDANCE — QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Uskiw

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

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

Mr. John Schmitt, private citizen

Mr. Harold Dalkie, University of Manitoba,  
Road Safety Research Unit

Mr. Peter Male, University of Manitoba, Road  
Safety Research Unit

**MATTERS UNDER DISCUSSION:**

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

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**MADAM CLERK, Ms. C. DePape:** Committee come  
to order. Since our present chairman, Mr. Fox, is no  
longer a member of the committee, we have to proceed  
with the election of a new chairman. Are there any  
nominations?

Mr. Harper.

**MR. E. HARPER:** Mr. Santos.

**MADAM CLERK:** Are there any further nominations?  
Seeing none, Mr. Santos, would you please take the  
Chair.

**MR. CHAIRMAN:** Committee please come to order.  
This committee is scheduled today in order to consider  
Bill No. 60, An Act to amend The Highway Traffic Act,  
and to hear persons wishing to appear on the part of  
the public.

The Member for Pembina.

**MR. D. ORCHARD:** Yes, Mr. Chairman, could I ask of  
you, the chairman, are we going to have all of the people  
- the 20 people here - have they all been notified, and  
if some of them, through rather short notice, are not  
able to be here to make their presentation, I trust that  
if we have no more briefs to consider before the 5:30  
adjournment hour of the committee, that we would not  
deem that to be completion of the hearings if a number

of people on such short notice could not have arrived  
at the meeting this afternoon?

**MR. CHAIRMAN:** I understand that some of these  
people had been advised and had been phoned, but  
some could not be reached.

**MR. D. ORCHARD:** So, Mr. Chairman, I just simply  
want to make sure that we're talking the same ground,  
that even though we may finish the number of people  
that are here this afternoon, that we don't deem that  
the public hearings are finished on Bill 60 because of  
an inability to get hold of certain people who wish to  
make presentations because of the obvious short notice.

**MR. CHAIRMAN:** That's a matter that the committee  
can decide when we come to that point in time and  
the committee can make up its mind.

The Chair wishes to call on Thora Cartlidge if she is  
here. If she's not, we'll put her at the end of the list.

Mr. Peter — (Interjection)—

**MR. W. MCKENZIE:** Mr. Chairman, can I ask if Thora  
Cartlidge was notified?

**MR. CHAIRMAN:** We left the message on her answering  
service.

**MR. D. ORCHARD:** Mr. Chairman, if I can offer a  
suggestion, when we call these people, if they're not  
here because of the short notice, I don't believe that  
we should put them automatically to the bottom of the  
list simply because they're not here. I think we take  
the people out of the list and then just merely shorten  
the list up and leave it as is. Would that not be a fair  
way to run this?

**MR. D. SCOTT:** We've been moving people to the  
bottom of the list up till now.

**MR. D. ORCHARD:** No, but, Mr. Chairman, not for that  
reason.

**MR. D. SCOTT:** Other people have known at the  
meeting when we adjourned last night that it was coming  
back today at 2 o'clock.

**MR. D. ORCHARD:** Mr. Chairman, on a point of order.

**MR. CHAIRMAN:** The Chair thinks it's reasonable that  
if they are not here we'll just go on and on, and then  
we go in the cycle again.

Mr. Peter Male, University of Manitoba Road Safety  
Research Unit.

**MR. P. MALE:** Unfortunately, a good part of our  
presentation isn't here right now. We'd like to stand  
down and go on to the end of the list.

**MR. CHAIRMAN:** Mr. Chuck Murray, Private Citizen. He was advised. Mr. Ken Charleton, Manitoba Motorcycle Club. Mr. Don Charleton, Manitoba Motorcycle Club. Mr. Ken Haywood, Private Citizen. This person we cannot reach. John Schmitt, Private Citizen.

**MR. J. SCHMITT:** Mr. Chairman, respected committee members. My name is John Schmitt, and I'm employed as a high school teacher. I teach vocational industrial welding at St. James-Assiniboia. I consider myself to be a very knowledgeable and empathetic person. I've ridden a motorcycle for 14 years, participated in several motorcycling racing events, and done a lot of thinking about the issue of helmets long before this bill was presented to the House.

I am here to help this committee make the right decision. I've sat here for several days now and listened to lots of arguments. I'm going to scrap about half of it and save this committee some of its valuable time. There are some points I would like to make.

Mr. Chairman, I've brought a selection of helmets with me that I would like to present to this committee and have passed around for their inspection. Do I have your permission?

**MR. CHAIRMAN:** It is really at the discretion of the committee whether we will allow exhibits or not.

**MR. D. SCOTT:** We've agreed.

**MS. M. PHILLIPS:** We have lots of others.

**MR. A. KOVNATS:** I don't think he's using the exhibits to present a case, he's just using the exhibits so that we would be aware of the type of helmets that are available, am I correct?

**MR. J. SCHMITT:** That is partially correct. There are some warning labels and stuff on the inside of a helmet that I would like you to see. Do I have your permission?

**MR. CHAIRMAN:** If the committee is agreed, it can be done.

**MR. J. SCHMITT:** Thank you for your patience. In education - (Interjection) — And save me carrying it back to the car. Sure.

In education as in government, we first must assess a need for something and then define an objective. The needs, as I see it, are to decrease the strain on our Medicare budgets and to decrease the amount of pain and suffering experienced by Manitoban citizens.

A logical objective to meet these needs would be to decrease the number of accidents. This government has come up with an objective to force the people in Manitoba to use restraining devices and helmets, whose effectiveness is not a proven fact. Excuse me if it's a little choppy, I'm leaving things out that are repetitious from previous briefs. — (Interjection) —

**MRS. C. OLESON:** That won't show up in Hansard.

**MR. A. KOVNATS:** You'll have to speak up because we can't hear with these thick helmets.

**MR. J. SCHMITT:** I assure you these are a random sample of helmets that I collected from friends and neighbours of mine. Out of the 11 helmets I've handed out to you, two of them aren't worth a nickel. They have no approval stickers whatsoever. They do not even claim as to where they are made or who they were manufactured by. Seven more of them have USA S.I. standard stickers, and one is approved by the Snell Memorial Foundation. Only two of the 11 helmets brought here today have Canadian Standard Association approval stickers attached to them.

I put it to this committee that if this law is put into effect, half of the helmets that will be on the road will not be of the approved nature. No matter what you write into that bill, I cannot foresee a policeman pulling a motorcyclist over and saying, can I see your drivers licence, registration, and CSA sticker please?

Inside these helmets you'll notice a number of different stickers. I'll read them out to you:

(1) Warning: No protective headgear can protect the wearer against all foreseeable impacts. However, for maximum protection under this standard, the helmet must be of good fit and all retention straps must be securely fastened.

(2) This helmet is so constructed that energy from a severe blow is absorbed in partial destruction of the shell and/or protective material, although evidence may not be visible to the eye, and any helmet which suffers such an impact should therefore be discarded.

(3) Warning: Use only lukewarm water and mild detergent for cleaning; no paint or adhesives allowed to use except those supplied by the manufacturer."

Clearly, with these three warnings, you can see many of the pitfalls that are going to occur.

"Warning: No protective head gear can protect the wearer against all foreseeable impacts. There is still a very likely possibility of concussion and/or brain damage even with the wearing of a helmet." It goes on to say, however, "For maximum protection under this standard, the helmet must be of good fit and all retention straps must be securely fastened."

I have a 90 pound girlfriend; I only have one helmet. That helmet is far too big for her. It is not of a good fit. How many times are we going to see young children on the back of a motorcycle with a helmet that comes all the way down over their shoulders?

I read in a motorcycling magazine one time that a loosely-fitted helmet can be more detrimental to a person's well-being than no helmet at all. Are we also going to issue tape measures to policemen so they can measure people's heads when they pull them over?

Helmets come in sizes, in increments of one-eighth of an inch. "This helmet is so constructed that the energy from a severe blow is absorbed in partial destruction of the shell and/or protective lining." If it receives such a blow, the manufacturer says you should discard it. There is a helmet that has clearly received a severe blow.

Are we going to write into this law that a policeman's subjective visual inspection of a helmet can receive a ticket? Because, clearly, he is wearing a helmet that is useless for what it is intended to do.

There's another helmet that is being passed around that has the number 69 painted on it. That is also in violation of the manufacturer's recommendations. Does that helmet now become an object that is against the law?

Although we have a few of the inadequacies of the law no matter how it is written, they are inadequate because they'll never be enforced. I've heard many different opinions from different people in the last couple of days over the amount of peripheral vision lost, the amount of hearing lost, and the amount of heat fatigue - as it has been called - and I agree with all of them. If any one or two, or as many as you want, members of this committee would like to spend an afternoon with me, we'll go down to testing facilities and let them decide for themselves. I'm sure the Clerk has my phone number, feel free to phone, and you can find out for yourself.

Many years ago I started going to Florida - it's one of my favourite vacation spots - there were many many motorcycles. If you were to go to Florida today, you'll find very few with Florida licence plate tags on them. Because of the extreme heat of the weather down there, it just makes motorcycle riding unbearable. I wonder if the members of this committee have taken into consideration the motorcycle industry in this province and how it will be hurt, and the possibility of lost jobs and lost businesses.

While I'm on the subject of lost revenue, I should also mention tourism. I'm a pretty friendly guy, and over the many years of my motorcycle riding, I've run into people in our national parks at different motor sport events, you get talking to them and invariably one of the reasons they take their vacation in Manitoba is freedom from helmet laws in their own province or nearby states. This may not be of significance to you, but in the long run I think it will have some effect.

The number of times that this law has come up in front of the House reminds me of a joke about the little moron who is standing banging his head against the wall, and a concerned citizen came up and said, what are you doing? He said, oh, I just do it because it feels good when I quit. My grandfather once told me whenever anyone asks you for your opinion and you have to be critical, you should always provide alternative solutions with your rationale.

I put it to this committee that they have the administrative skills, the financial power, the brains and the caring spirit of a good human being to really take the tiger by the tail at this point. Education is the answer.

In a speech I once heard, this man said - and I wish I could remember his name, but I can't - any political train of thought can be implemented through the proper education of its people. As we have it now, we have a written test on very basic driving facts and laws, a road test of about a half-an-hour duration in quiet Charleswood, a non-compulsory Driver Education Program in high schools, a Defensive Driving Program which usually only convicted drunk drivers have to attend before they get their licence back, and a few other valuable but not very significant driving programs.

We have at our disposal at this time many empty and unused schools in the province, we also have unemployed teachers, and we could kill two birds with one stone by creating some employment and having compulsory driver training, whether it be first-time drivers or long-time drivers. All you have to do is take one drive down Portage Avenue from the Perimeter to the Richardson Building to see the number of rank amateur drivers that we do have on our roads.

We could teach things like brake and tire maintenance. We could teach things like a couple of

compulsory judo lessons that teaches a person how to tuck and roll, how to keep their chin to their chest when they're falling backwards. The list can go on and on. I am not talking two or three hours; I'm talking 40 to 80-hour courses, compulsory in the classroom, driving strategies, safety films. We could put the CBC to work to make possibly the goriest film you have ever seen.

If you want to really affect somebody's driving, take them to the scene of an accident where somebody has died. That wouldn't be possible to do, but through very graphic films, I think we could get more people to wear proper helmets, buckle up and, in general, have safer driving habits if we really worked at it. Some other ideas, possibly big yellow X's painted on the road where someone has died. If you came to an intersection and you saw seven yellow X's, I'm sure you'd take a second look before going through that intersection.

We could have the University of Manitoba design and build, driving and/or riding simulators similar to the kind used for training airline pilots. We have the brain power and the technology. All we need is the incentive from government about some incentives; about free Autopac premiums for a year, for every 10 years of driving without an accident or traffic violation. The list can go on and on.

The rest of the points have been well covered by other speakers to this committee. I think what you're doing is wrong on a constitutional basis, and on the fact that it will not work. You have motorcyclists wearing helmets that will not do what they are intended to do. You will have a good portion of your population breaking the law steadily by not wearing seat belts whereas you could come closer to your objective through education.

I sincerely hope that I've started a fire under somebody. Thank you.

**MR. CHAIRMAN:** Are there any member of the committee who want to direct one or two questions to Mr. Schmitt?

The Member for Pembina.

**MR. D. ORCHARD:** Mr. Schmitt, the helmets you passed around, you indicated that two of them were not legal helmets. Which two were they? Can you point them out?

**MR. J. SCHMITT:** There's a blue one and a brown one.

**MR. D. ORCHARD:** Okay now, are you saying that they weren't legal helmets from Day One or because of the damaged condition?

**MR. J. SCHMITT:** From Day One.

**MR. D. ORCHARD:** From Day One.

**MR. J. SCHMITT:** The amount of money you can spend on a helmet ranges from a Canadian Tire special of \$29 right up to very well produced helmets costing as much as \$200, and possibly more.

**MR. D. ORCHARD:** Now, the point that you made is that for the reasonable enforcement should this law

pass, you're going to have to have the police officer making:

No. 1 - an analysis of a helmet to determine whether it's certified - and I assume you'd have to have a sticker in there - but he's going to have to know whether a sticker was maybe torn out and the helmet is, in fact, certified; maybe know the type of helmet.

But more importantly, I think, the police officer is going to have to be able to recognize which helmet is no longer in a safe condition. Like were the blue one to be a certified helmet from Day One, which it isn't, it seems to me that it would be an illegal helmet with the damage to it. So you're saying that there is going to have to be some subjective analysis made by the enforcement officers in terms of determining whether the helmet, in fact, complies with the laws and the regulations.

**MR. J. SCHMITT:** Correct. May I go a little farther?

**MR. D. ORCHARD:** Okay, go ahead.

**MR. J. SCHMITT:** I can't seem to find it at the moment but one of the stickers in these helmets says, that if a helmet is subjected to a severe blow it is rendered useless even though it is undetectable by the naked eye. I'll see if I can find it exactly.

**MR. D. ORCHARD:** Yes, I read that on one of the helmets. Of course, I guess that puts the onus on the owner of the helmet to determine whether the blow was heavy enough or whether he wants to risk the chance. Certainly no enforcement officer could determine if that undetectable damage is done to a helmet. So you're saying people could be with this law riding with dangerous helmets.

**MR. J. SCHMITT:** My observations would be 30 percent to 50 percent, of the helmets being worn, would not do what they are supposed to do.

**MR. D. ORCHARD:** Okay. Now you made the other point Mr. Schmitt, that someone taking a youngster, or a girlfriend who's considerably smaller for a ride, would have a large helmet on a small head.

The section of the act says only, "that no person shall ride on or operate a motorcycle, moped, or motor assisted bicycle on a highway unless he is wearing on his head a properly adjusted and securely fastened helmet."

Both of those requirements could be met by an oversize helmet. It could be adjusted so it's nice and tight on the top of the head, and the strap could be nice and tight but yet that helmet's flopping around.

**MR. J. SCHMITT:** Correct.

**MR. D. ORCHARD:** Yes, but we're not passing compulsory ski shoe laws.

Now you made another point, Mr. Schmitt, that numerous bikers have made, and that being that education, of course, is a far greater importance than a compulsory helmet law. If the government should make an amendment to require some form of compulsory education, instill the helmet law, you would still find the mandatory helmet law objectionable?

**MR. J. SCHMITT:** Yes I would.

**MR. D. ORCHARD:** Thank you.

**MR. CHAIRMAN:** Are there any other members who wish to direct some questions?

The Member for Inkster.

**MR. D. SCOTT:** Thank you. Mr. Schmitt, your reference to people sustaining injuries, or people wearing helmets that are not properly fitted, or have sustained some form of injury, or damage, or as this one here, I believe, is the one Shoie, mentions inside about the energy or suffering a severe blow to the helmet. The helmet is not as effective as it would be were it in its brand-new state.

Are you saying that a person would be better off without a helmet; they would sustain less head injury if their head was to hit the pavement; if they're wearing a helmet that even had some scratches on it; or perhaps had its structure somewhat reduced from its original state; that they would be better off without a helmet in an injury where their head is bounced against the pavement; or with a helmet on it that is not properly fitted; or a helmet that has perhaps had some sort of a structural damage to it that is not necessarily evident in the appearance of the helmet?

**MR. J. SCHMITT:** There is an engineering term called the "notch effect" where a piece of paper like this has a lot of strength pulling it, giving it a tensile strength. You put a very small tear in that paper, and pull it, and they usually tear right where the notch is.

It's the same effect with a helmet. It is that false sense of security, and not meeting the standards - as low as they are - 20 mph, I believe, is the most direct impact that a helmet has to meet to get a safety approval.

I've personally banged my head at a little over 20 mph and didn't sustain but a few stitches.

**MR. D. SCOTT:** With your banging your head at over 20 mph, was that a glancing blow off the pavement, or was that a full stop at 20 mph? It's very hard to believe that your head could withstand a full stop at 20 mph when I understand that that is more or less, if these are designed for a 20 mph stop, or with the sudden stop at that speed, that your 20 mph would refer to?

**MR. J. SCHMITT:** It was a water skiing accident.

**MR. D. SCOTT:** So you hit water?

**MR. J. SCHMITT:** It was a one-point landing.

**MR. D. SCOTT:** On water?

**MR. J. SCHMITT:** No, on the dock.

**MR. D. SCOTT:** Do you ride your bike like you water-ski?

To go back to the first one, you still didn't really answer, I guess, my question as to whether you would be better off in a helmet even at a low speed or a high

speed, a helmet such as this one here, which has a couple of - the paint is off the top of it, it probably has some form of structural deficiencies - that you would rather land on your head with nothing on than with this on? Is the helmet going to hurt your head, or is the helmet going to add in some protection to your head even if the helmet is not in its original brand new condition?

**MR. J. SCHMITT:** I believe it will add, to some degree, protection. I'm a part-time helmet user. I mulled it over in my head several years ago. When I first got a motorcycle, my mother made me wear them, or she wouldn't co-sign a loan to buy my first motorcycle. — (Interjection) — If there's anybody that can force you to do something more than the government, it's your mother.

When I became of age, she let me make my own choice. I flip-flopped back and forth for several years, did a lot of talking with different types of people in all walks of life, witnessed a few accidents, etc., etc., and to this day I'm still a part-time user. In the last two weeks, I have not worn my helmet once. For me it is unbearable. Whether I'm more susceptible to heat than somebody else, I'm not sure, but after the first night sitting in here, I brought my own fan for the rest of the days because I was just sweating.

**MR. D. SCOTT:** Join thé club.

**MR. J. SCHMITT:** In the last two weeks, that helmet would be more detrimental to me because of the sweat in my eyes and the uncomfortable feeling that it gives me, distracting me from my driving, that I do not wear it. When the weather cools down again, I'll start wearing it again.

**MR. CHAIRMAN:** The Member for Niakwa.

**MR. A. KOVNATS:** Thank you, Mr. Chairman. Just a couple of questions to Mr. Schmitt.

You mentioned that there were two helmets that were illegal. I would advise you, Mr. Schmitt, that all of those helmets are illegal, but would be acceptable by the government, or at least they would not be able to take any action if helmet legislation came through, because I was looking at the warning in the helmets and it's only in one language. You know, we've gone through a problem before of where a ticket was given in one language and taken to the courts and found to be unconstitutional. I think under these circumstances that all of these helmets would be found to be unconstitutional and the Minister of Highways would be able to do nothing about it. I'm just bringing that to your attention.

Why are there no earholes in the helmets, which would allow you to hear? Do they weaken the helmets? Because I hear that's one of the problems that we do hear every so often when people come in and have been making presentations that they have trouble hearing, even people right next to them when they're driving a motorcycle and they don't get the sounds close to them. I had the helmet on a little while ago and I did find some difficulty hearing, but why are there no earholes similar to what is in a football helmet, which gives adequate protection?

**MR. J. SCHMITT:** Another one of the labels in there, and it says no holes, alterations, something, something, is the helmet supposed to be subjected to. The reason for no earholes is decrease in structural integrity.

**MR. A. KOVNATS:** I've had something to do with football and I've seen the type of football helmet with an earhole, because it is important that you hear in football because there are signals being passed back and forward, but the helmets are well made, possibly a little bit heavier.

I've seen two helmets meet at full speed between two players, and I think that the contact that comes about during that type of a collision would be almost as severe as maybe 20 or 30 miles an hour falling off a motor bike with one of these helmets on, but it does give adequate protection. There are very few concussions, but there are concussions in football, I must admit, but the helmet seems to be structurally sound.

I'm not asking you why exactly, I'm just really bringing it to your attention so that the Minister of Highways would be aware that I know that helmets can be structurally safe with an earhole, because they do come in football helmets.

To get to one other point, and I'm not going to prolong this. In Manitoba, we have very very severe winters, and I know that people who work for the Manitoba Hydro are forbidden to climb poles when a certain wind chill or a certain temperature is attained. Would you accept or would you recommend to the Minister that if he is going to proceed with this legislation - and I'm hoping with all the presentation that he's not going to proceed with this legislation - would there be some concessions made if the temperature reached a certain degree, rather than saying that you had to wear helmets and put the driver through the discomfort and the danger of wearing helmets after a certain temperature is reached? Would you recommend to the Minister that this be incorporated into this legislation?

**MR. P. SCHMITT:** In answer to your first question, the loss of hearing is not a new problem. It's been brought up, I'm sure, in every opposition to helmet law in all the states and all the provinces. I'm sure if the helmet manufacturers could put holes around the ear area to increase hearing, they would have done by now.

As to temperature, I drive my truck when it gets too cold. I don't think there are too many motorcyclists on the road when the temperatures are that severe that it's even worth worrying about.

**MR. A. KOVNATS:** I'm sorry I didn't quite make my point. I'm talking in the reverse now. I used it as an example in the wintertime, but I'm talking about the temperature reaching certain levels in the summertime. Would you recommend to the Minister when the heat rises over a certain temperature that the use of helmets be eliminated?

**MR. J. SCHMITT:** That could be a possibility, yes.

**MR. A. KOVNATS:** Mr. Schmitt, this is my way of getting to the Minister to be able to hear some of the points of view - even though I directed my question to you

- it's really to the Honourable Minister, and I thank you for allowing me to do so.

**MR. CHAIRMAN:** The Member for Wolseley.

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

Mr. Schmitt, I'm not sure whether you've made a case against helmets; you've certainly made a case for having more women in politics.

You were here last night, I believe, when Mr. Chapman, who had a lot of experience in racing - the motor sport industry - made his presentation. He addressed the issues of helmets, of hearing, of temperature, and seemed to be saying that the safety factor outweighed any inconvenience of not hearing as well or that helmets didn't impair his hearing. I felt he made his case very strongly for the necessity for this legislation. You're saying that you often wear yours, and I guess I'm wondering where you draw the line, whether you agree with Mr. Chapman that they're important for the safety factor and that outweighs the inconvenience.

**MR. J. SCHMITT:** His opinion is his opinion. As I stated before, if you would like to spend an afternoon with me we can do some testing on our own and you can decide for yourself. As to wearing the helmet, I draw the line at being told when to. I think I'm quite capable of making that decision for myself when it becomes more to my benefit to do so and when it does not.

**MS. M. PHILLIPS:** I have a question about the labels that you referred to. It seems to me that those labels would be put there by the manufacturer to prevent them from any liability if someone got killed in an accident and perhaps it wasn't even anything to do with a head injury, but to keep them from being sued in that event, if they were killed from chest injuries or whatever and someone saying, no, it was because I bounced on my head first and then I got stabbed by whatever.

**MR. J. SCHMITT:** I do not see any such labels on the seat belts in my car.

**MR. CHAIRMAN:** There are no more questions? Thank you, Mr. Schmitt.

**MR. J. SCHMITT:** Mr. Chairman, in deleting a lot of my brief, I forgot one very important point. May I continue?

**MR. CHAIRMAN:** Please proceed.

**MR. J. SCHMITT:** Also on the stickers you will notice that the year the helmet was approved is written in there. Helmets constructed of polycarbon, expanded polystyrene, enamel, acrylic, polyester resins, fibreglass cloth, all of these materials, have a characteristic about them called age hardening. The older they get, the more brittle and weak they become. There's one helmet that I had on display here that is already 13 years old. The weakness is increased through ultraviolet and infrared radiation which the helmet gets a lot of from the sun. Is there also going to be something in this law to the age a helmet can be?

Just another point that I'm making, is that you have to put the responsibility on the person wearing it by educating him to these problems and he will take care of those problems himself. This government cannot do it through legislating. Thank you.

**MR. CHAIRMAN:** Thank you, Mr. Schmitt. There's another question here from the Member for St. John.

**MR. D. MALINOWSKI:** Mr. Schmitt, I would like to ask you, in your own opinion, for how many years is a helmet, such as you are describing, is good in your own opinion?

**MR. J. SCHMITT:** I cannot answer that. Even the manufacturers of helmets have no ratings or scales as to the efficiency of a helmet. But I wonder if the 13-year old helmet I have here today, if it were to be subjected to the same stringent approval tests they gave it, would it still pass today. I'm not sure, I'm not a qualified engineer.

**MR. D. MALINOWSKI:** Can't you say approximately? We know, for instance, with cars, some people using a car might use it, let me see, for 10 or 15 years and some will just run a car for five years, I understand that. But approximately from the manufacturer's point of view and the quality point of view approximately how many years do you think that helmet is good for?

**MR. J. SCHMITT:** If it were made out of metal, I could answer you. I'm a welding teacher, not a plastic's teacher.

**MR. D. MALINOWSKI:** Well, please, don't play politics with us.

**MR. J. SCHMITT:** Any estimate I would give this committee would be complete guessing on my part.

**MR. D. MALINOWSKI:** Okay, thank you.

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

The Chair wishes to call now on Mr. Dave Johnson, private citizen. Is Mr. Peter Male here now? — (Interjection) — Is Mr. Dave Johnson here or not?

Mr. Doug Petrick, private citizen.

Mr. Roy Turnock, ABATE.

Mr. Marty Diamond, ABATE.

Mr. Len Creed, private citizen.

Mr. John Evan, private citizen. Someone has indicated he doesn't want to speak any more.

**A MEMBER:** Well, take him off the list.

**MR. CHAIRMAN:** Yes, we did.

Mr. Ben Hanuschak, Manitoba Progressive Party.

Mr. Tom Gold, private citizen.

Ms. Mary-Ann Haddad, Director, Group Transportation of Children.

Mr. Harold Dalkie, University of Manitoba Road Safety Research Unit.

Mr. Dalkie.

**MR. H. DALKIE:** Mr. Chairman, my address shall concentrate on the issue of mandating seat belt usage in the Province of Manitoba.



Until a year-and-a-half ago, I never considered wearing seat belts when I was in a vehicle. Since graduating in Civil Engineering and getting involved in the road safety field under the often quoted Dr. William Mulligan, I now feel uncomfortable in a vehicle if I'm not restrained. I have been at all the committee hearings since Mr. Green began this last week. I'm here not only because I'm with the Accident Research Unit, but also because I believe that this legislation is inherently good legislation and that I believe in the potential effectiveness of it.

I'm also here because of three people: Mr. Nathan Pollock, a friend of mind; Ms. Carol-Anne Plezia, a girl I went to high school with; and Ms. Cecile Carriere, a mother of a friend of mine. In the last nine months, all three have become statistics. All three were fatally injured in motor vehicle accidents. It is my belief that two out of three victims would have survived their accidents had they been wearing their available seat belts.

At this time, I'd like to comment on a couple of issues that have been made before this committee. It has been suggested that this bill infringes on one's civil rights, one's freedom, that if I get hurt it's my business, I don't need legislators telling me how to live or how to die.

In response to these claims, I suggest that any law infringes on freedom of choice to some extent. Laws are commonly enacted in those instances where the public good, ensured through the action of the law, is greater than the individual hardships imposed by that law. The question is not whether or not a law infringes on the freedom of choice, but whether the extent of the freedom is small or large compared with the public good generated by that law.

I suggest that mandating seat belt use provides great public good with minimal inconvenience to citizens and the government. Furthermore, I suggest that in itself driving a motor vehicle is not a right, it's a privilege. By regulating the occupants of a motor vehicle to wear the available seat belts, it is not unlike requiring drivers to obtain driving licences and to be able to exercise the privilege of using the road system. I also suggest that not only do you affect yourself if you fail to take certain precautions in preventing your own death and injury, you affect those around you; your family, a wife, a husband, or children.

It is true though that these arguments presuppose that there is a general belief that seat belts work, that they are an effective means of reducing the number of fatalities and a number of injuries of victims involved in motor vehicle collisions. I find it hard to believe at this point in time that there does exist doubt or an unwillingness to believe that seat belts do in fact work. There is no other road safety countermeasure that has been as extensively researched and documented as the effectiveness and use of seat belts.

I'd like to table in front of the committee a number of reports documenting the effectiveness of seat belts that I've just come across. They are actually the first two pages and the last two pages of the reports and give you an indication of what type of research has been done on the effectiveness of seat belts.

One of the first studies was done in Sweden, where the author reviewed 28,000 road accidents involving over 37,000 front seat belted and unbelted occupants.

He found that seat belts caused injuries in only 34 drivers and 25 front-seat passengers. He concluded that these injuries were so small in number that they were inconsequential compared to the lifesaving and injury-reducing potential of the restraint system.

In the United States, injuries produced by standard three point restraint systems were compared using human cadavers in laboratory simulated frontal collisions and in actual real-world collisions. — (Interjection) — Each stapled copy is one report. If you want the entire report, I brought the documents that I got the reports out of. The reports themselves are rather lengthy. I didn't think it'd be much use in presenting all the reports.

In the United States study using the human cadavers in laboratory tests, the authors concluded that a seat belt and shoulder strap worn by front-seat occupants involved in frontal collisions provides a very good countermeasure of protection against injury.

In Switzerland, in a study known as the adverse effect of seat belts and causes of belt failures in severe car accidents, 304 accidents with 153 fatalities and 257 severely injured belted occupants were analyzed. It was concluded that only five victims were identified who sustained, because of the belt, more severe injuries than would have been expected had they not been restrained.

A West German sample investigated 1,800 passenger car collisions involved in side collisions this time. Over 3,000 unbelted occupants were considered, and then the results were compared to a sample of 163 collisions with side-car damage, involving 238 belted occupants. The study again concluded that safety belts provide a significant protection in side impacts, particularly to opposite side passengers. When considering the abdominal injuries that occurred, it was concluded that in belted occupants, these injuries occurred at such a high degree of accident severity that other injuries, just as severe or even more severe, could have been expected.

In France, 200 front seat occupants were chosen from a file of 3,000 accidents. The sample consisted of 100 belted occupants and 100 unbelted occupants where the occupants themselves were selected in such a manner so that if for every belted occupant, there corresponded an occupant not wearing a belt in similar crash circumstances. For example, the make and the type of the vehicle would be same or similar, the age of the occupant, the direction of the impact force, the violence of the impact, and the intrusion into the occupant's space would be more or less equivalent.

It was concluded that by avoiding ejection, the safety belt would cut by 23 percent the number killed in all accident configurations. In frontal impacts, it was estimated that safety belts would reduce the number killed by 65 to 70 percent.

In another study done in West Germany around Munich, the incidence of collisions occurring where a belted occupant would sustain a possible injury aggravation due to the restraint system was looked at. Again, 42 fatalities, 196 non-minor, non-fatal injured occupants were considered. The study concluded that unrestrained occupants were four times more likely to be fatally injured, as compared to restrained occupants, and that restrained occupants also were 10 times more likely to sustain non-minor, non-fatal injuries as compared to restrained occupants.

A study in Michigan considered 3,000 front seat occupants involved in collisions and indicated that compared to the results for unrestrained occupants, lap and shoulder belts are 57 percent effective in reducing all non-minor injuries.

In Canada, a study considered 125 collisions, involving 157 fully restrained occupants in the London, Ontario region. The investigators concluded that the three-point belt system appeared to reduce the number of severe injuries in vehicle collisions, especially the injury and death associated with the ejection of the unrestrained occupant.

Transport Canada has also conducted a study where 314 fully restrained occupants sustained a non-minor injury. The author concluded that providing the interior compartment is not intruded upon, three-point belts generally afford excellent protection against fatal or life-threatening injuries.

As far as Manitoba is concerned, the accident research unit here has just completed a two-part study that includes, firstly, all collisions involving a vehicle occupant fatality in the City of Winnipeg between 1980 and 1982; and, secondly, a representative sample of all collisions involving fatally injured vehicle occupant fatalities in the City of Winnipeg between 1980 and 1982; and, secondly, a representative sample of all collisions involving fatally injured vehicle occupants in Manitoba, where a light truck or van was involved. In total, over 70 collisions were investigated in depth involving 95 fatally injured occupants. In only one case was the fatally injured occupant belted. Of this sample of 95 victims, it was conservatively estimated that over one-third would have been prevented had they been wearing the available restraint systems.

In completing this study, it was also recognized that excluding the City of Winnipeg fatal collisions, approximately 40 percent involved a collision where a vehicle rolled over. In over 80 percent of the studied roll-over collisions, the victims were ejected. The use of seat belts is extremely effective in preventing fatal injuries of this type in this type of accident configuration.

My basic conviction then is that seat belts work, as has been demonstrated here I believe; secondly, to work they must be worn; and finally, the only way to increase and maintain significant levels of seat belt usage among the general public is to introduce mandatory usage legislation.

Concerning the other two provisions of the legislation, I would like to support both, while making the following suggestions: Firstly, that in Section 172.2, Paragraph 6, the definition of a child be changed to read, "a person who has not reached the age of five years or whose weight does not exceed 50 pounds." The point there is that you're defining a child both in terms of age and weight. Secondly, that the regulations concerning the licensing of motorcycles be significantly changed to meet the guidelines introduced in Australia. Now these guidelines have been repeatedly discussed by different members in front of the committee.

I'd like to put forth a presentation by Dr. Peter Milne from Australia, which he presented to the Second Annual Road Safety Conference at the Hotel Fort Garry a couple of weeks ago. The title is "Effective Restricted Engine Size on the Mortality and Casualty Rates of Learner Motorcyclists." If I can read from his introduction, Dr. Milne states that, "In the State of Victoria in Australia,

the licensing mechanism for motorcycles involves the issuing of a learner permit for one year to 18 months. This is followed by the issuance of a probationary licence for a period of three years. During the first year of this licence, the motorcyclist must wear 'P Plate' on his vehicle. At the completion of the three year's probationary motorcycling, the cyclist then would acquire a full licence."

He then goes on to describe how in Australia they restricted the engine size for learner and probationary licensees to 260 cubic centimetres or less.

So, I'd like to table that and in one final comment, in looking at the collisions, motorcycle fatalities in the City of Winnipeg, if I could just read you, making the points about motorcycle sizes. In 1981 and in 1982, we've got fatalities, ages of 17 driving a 750 cc bike; 25 - 1,100 cc bike; 21 - 750 bike; 22 - 650; 20 - 550; age 18 driving a 750 cc bike; 18 - 750 again; 18 - 750 again; a 21-year old driving a 1,200 cc Harley Davidson; a 19-year old driving a 1,100 cc bike. I've got documentation of these particular bikes and collisions, but the point just is, I feel that the ages of the victims - one should recognize the youth of the people that are dying and the respective engine sizes of their bikes.

I thank you, Mr. Chairman.

**MR. CHAIRMAN:** Are there any members of the committee who wish to direct one or two questions to Mr. Dalkie?

The Honourable Minister.

**HON. S. USKIW:** I just want to thank you, Sir, for taking the time to present your views to the committee. That was a very worthwhile exercise in my opinion. Thank you.

**MR. D. SCOTT:** Mr. Dalkie, you mentioned - I just want to try and get this straight for clarification purposes - of a year - and I'm not sure which year - there were 95 victims and only one person died in that year with the seat belt on in your study?

**MR. H. DALKIE:** That is correct. That one person died two days after his collision. He did not necessarily die from injuries sustained in that collision, but he died of a heart attack.

**MR. D. SCOTT:** Age often comes into this - was that a young person or an older person?

**MR. H. DALKIE:** The gentleman was an elderly gentleman, he was 77 years old.

**MR. D. SCOTT:** He was 77, okay.

**MR. H. DALKIE:** That was the only belted fatality in our study.

**MR. D. SCOTT:** What year was that done in, 1981?

**MR. H. DALKIE:** The study included all collisions in the City of Winnipeg during 1980 through 1982, and a representative sample of all Manitoba collisions involving a light truck or van in 1981 and 1982, in the two-year period.

**MR. D. SCOTT:** On the ejection rates, you mentioned roll-overs. Was it 80 percent of the rural accidents, the highway accidents, were in roll-overs.

**MR. H. DALKIE:** No, if you exclude the collisions in the City of Winnipeg, 40 percent of all rural collisions involved a roll-over. A high percentage involve a single vehicle roll-over, where the vehicle leaves the roadway and rolls off. So, it's roughly 40 percent. It fluctuates between the years.

**MR. D. SCOTT:** And the death rate in the roll-overs is substantially higher than in other types of collision, where a person is not buckled in? could that be taken from this?

**MR. H. DALKIE:** We looked at only cases where there was a fatality, so I can only say that in roll-over collisions we have so many fatalities, I do not know how many roll-overs occur where the person is not killed, or is ejected and is not killed.

**MR. D. SCOTT:** How many deaths occurred in the roll-overs then, do you have that off the top?

**MR. H. DALKIE:** I have that here.

**MR. D. SCOTT:** Okay. Were any of them wearing seat belts?

**MR. H. DALKIE:** There was only one person wearing a seat belt, he was not involved in a roll-over type of collision. I believe there were 12 fatalities involved in roll-overs, 83 percent were ejected.

**MR. D. SCOTT:** Eighty-three percent of those 12 fatalities. In other words, say 10 of the 12 were ejected.

**MR. H. DALKIE:** Ten of the 12 were ejected or partially ejected, let me correct that.

**MR. D. SCOTT:** Okay. So, that the belt is instrumental, in particular on a roll-over to keep a person from being ejected, and if they're held in their position during the roll-over their likelihood of survival is - I don't know if you could even measure it, but it's very high - the likelihood of survival, if belted in during a roll-over, is very high; whereas the likelihood of being killed in a roll-over without being belted is much much higher.

**MR. H. DALKIE:** Most definitely. I believe Mr. Peter Male will discuss a couple of situations which are typical roll-over collisions, where there is very little damage to the interior or to the vehicle. The only damage may be an impression on the hood of the vehicle where the person got trapped between the hood and the vehicle on the ground. You cannot get there if you are restrained.

**MR. D. SCOTT:** Now, is Mr. Male going to deal with the motorcycle accidents? You had a couple page list of various motorcycle injuries and accidents. Could you table that please if you have copies?

**MR. H. DALKIE:** Yes, we do. This is the documentation I referred to.

**MR. CHAIRMAN:** Give it to the Clerk so she can reproduce and give everybody some.

**MR. D. SCOTT:** Well, we've got a number of copies of it, I think.

**MR. H. DALKIE:** I should make it clear that in the first page the fatalities were fatalities within the City of Winnipeg in 1981-1982. This is 100 percent sample. This includes all the samples to the best of our knowledge.

On the second page - the fatalities do not include all the fatalities and motorcycle fatalities in the rest of Manitoba but are the collisions that we looked at to some degree.

Again if you look at the ages, a lot of these people involved in these collisions were either suspended drivers, or do not have licences, or were driving unlicensed bikes.

**MR. D. SCOTT:** Okay in summary then, on the first page - in 1981, in the City of Winnipeg, fatalities - three of the six were head injuries, or pretty well head injuries only, head and neck injuries.

**MR. H. DALKIE:** That is correct.

**MR. D. SCOTT:** All of them were riding bikes above 550 cc's.

In 1982, in the City of Winnipeg again, there were, I believe it's four of the 10 fatalities were limited to the head as well.

**MR. H. DALKIE:** That is correct.

**MR. D. SCOTT:** Once again all the bikes were over 500 cc's.

In the rural accidents, in a more limited survey I take it, in 1981-82 - five of eight were head injuries.

**MR. H. DALKIE:** Which were the primary cause of death.

**MR. D. SCOTT:** Which were the primary cause of death - yes.

Okay. Thank you very much.

**MR. CHAIRMAN:** Are there any other members of the committee.

The Member for Roblin-Russell.

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

Mr. Dalkie, for all the stats and data that's coming before this committee, we had a chap yesterday by the name of Professor Levine, again from university where you come from with your stats, who tells us a different story. With all this wealth of statistics and data that has come before this committee, do you think we should proceed?

**MR. H. DALKIE:** I believe so. Why, because the studies I've referred to are not derived from anything else but looking at individual collisions and making a judgment on those individual collisions whether or not seat belts would work. I'm not taking raw data and looking at

total injuries or total fatalities, I'm trying to project backwards and look at what effect legislation did or did not have.

**MR. W. MCKENZIE:** Are you telling us in the committee, Mr. Dalkie, that like Mr. Sharpe was here yesterday, years in the Highways Department and Mr. Levine are wrong, that their opinions shouldn't be considered in this matter which as I say has been in this House for 20 years or more and still unresolved?

**MR. H. DALKIE:** It's been resolved in over 30 countries world-wide. This is not just a Manitoba aberration or Manitoba issue. Again I can only say that the effectiveness of seat belts has got to be the most researched safety counter-measure just on the determination of whether they do work in collisions, in certain collision circumstances. Whatever you want to do with statistics and how you want to project yearly trends, I personally have great doubts on how you can say that given this year's data or the previous year's data exactly how many people should die next year or how many injuries should be next year.

Those statistics - I shouldn't call them statistics - but those pieces of data are not something that you can relate directly to seat belt usage. You've got in Saskatchewan last year or two years ago there was that school bus accident where 22 railway people were killed. Just think what that did to your number of fatalities in Saskatchewan in that year, totally irrespective of seat belt use. There are a number of other figures that Mr. Levine quoted that I find great exception to, I don't know where he pulled them from. For example, he used a figure that the number of kills he suggested in Saskatchewan went up to 300. Well I suggest to you that of those 300 kills that included motorcyclists, that included pedestrians, that included bicyclists, things that have nothing to do with this legislation. If you look at just motor vehicle occupants over those two years, in fact they've experienced fewer deaths and fewer injuries. But I refrain from getting into that argument of yearly trends and statistic data.

**MR. W. MCKENZIE:** Did I hear you say - and this has come up before in the committee - there is some force from on high that's forcing this matter in Manitoba for three times or four times since I've been here. It keeps coming back and coming back and coming back. Did I hear you say that there is, in fact, some national force or outer force beyond the perimeters of this province that's pushing this issue in this province?

**A MEMBER:** E.T.

**MR. H. DALKIE:** All I can state is the facts and that the facts seem to me to be that more and more countries have been adopting mandatory seat belt legislation in order to get seat belt usage rates up. I know of no other means of increasing seat belt usages substantially and maintaining them other than to propose legislation. Personally, I would feel great if you did not have to propose this legislation; but I know of no other circumstances where you can achieve the seat belt wearing rates as you can with legislation.

**MR. W. MCKENZIE:** A final question, Mr. Chairman.

I think that over the three or four times that it's been on the table since I've been here; the people that I represent have come back, between 78 and 80 percent opposing this type of legislation. They feel that they have the ability to make those decisions themselves. What should I tell those people after listening to you today?

**MR. H. DALKIE:** I never wore a seat belt until I got involved in the subject with Dr. Mulligan. I probably would still not be wearing a seat belt. If it was made a law, I am basically a law-abiding citizen, I would figure, well maybe they know something I don't. Essentially I believe that the documents that I table, the ordinary person did not go through the research and recognize the true value of what a seat belt is. I believe if you pass that you will get people to buckle up. It's been shown that in Australia although there was initial opposition, the opposition towards this legislation declined very rapidly towards a point where it became blasé or commonplace.

**MR. CHAIRMAN:** I thought that was the final question. The Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Chairman. You mentioned, they. Are you referring to this government? As in, that they know better?

**MR. H. DALKIE:** . . . as in your part of the government.

**MR. W. MCKENZIE:** You mentioned "they," they brought in, they did this or they did that.

**MR. H. DALKIE:** No, I'm saying whatever government has legislated - I'm not saying a particular party or a particular set of individuals.

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

**MS. M. PHILLIPS:** Sir, your documentation on the motorcycle fatalities, in '81, you had one driver that died that was wearing a helmet, and you say the cause of death was severe abdominal injuries. Then, in '82, you have a passenger who was wearing a helmet who had brain contusions and a lacerated spleen, as well as fractured legs.

When you get to the rural - that was one out of 10 cases and one out of six - you've got eight cases. You've got four wearing helmets that died, one again with abdominal injuries and the other was either head injuries alone or head and chest injuries. I guess the rural accidents where you've got four out of eight where they died, whether they had a helmet or not, and including head injuries. I don't find that evidence extremely conclusive.

**MR. H. DALKIE:** Pardon me?

**MS. M. PHILLIPS:** I don't find the evidence in terms of the rural cases very conclusive.

**MR. H. DALKIE:** I'm not making a conclusive statement here. I am presenting to you the documentation that we have. In the helmets, two of the situations, the straps

were not done up, rendering the helmets marginally effective at most, okay?

**MS. M. PHILLIPS:** Even in that case, it's still two out of eight.

**MR. H. DALKIE:** You can derive whatever conclusions that you want from this. This is not by any means a total sample or even a representative sample. You know, people are going to die if they're going to have helmets on or not. I've got documentation here released actually rather recently. Well, I won't get into it, sorry.

**MS. M. PHILLIPS:** I have another question. In '82, Case No. 6, the driver, it says, survived and is a paraplegic. I'm surprised that Mr. Lane didn't know about that case.

**MR. H. DALKIE:** I can't comment for Mr. Lane.

**MS. M. PHILLIPS:** Maybe he was saying he didn't know of a case where a motorcyclist with a helmet ended up as a paraplegic.

**MR. H. DALKIE:** That could be. The driver did not wear a helmet . . .

**MS. M. PHILLIPS:** Okay, the other data that would be useful in this analysis which isn't here is the one that several other people, including Mr. Levine raised, in that there is no analysis of whether these drivers were impaired or not impaired, in other words, in terms of the cause of the accident. You've got the size of the bike and the age, but it doesn't say anything about the road conditions or the training or whether they were impaired or not impaired. Did you do any of that in the analysis?

**MR. H. DALKIE:** Again, we had attempted to look at alcohol involvement, both in this study and in the study that I mentioned with automobiles and light truck and van study. The problems that we have run into are times where you cannot document conclusively that a driver is definitely impaired; that is, you have a blood alcohol count on him.

We have documented cases where we have police reports and evidence giving the fact that we noticed a smell of liquor or an odour of liquor, but for some reason or another, whether or not it was the doctors that refused to consent to blood tests, whether or not a breathalyzer was not given, the incidence of alcohol could only be suspected. So we couldn't, on the basis of that and this rather small sample, relate alcohol involvement in this sample.

I suggest to you that if you wanted to have us look at alcohol involvement both in motorcycle accidents as in causes of death and in motor vehicles, the first thing that you should do is pass legislation as is in place in Australia where they make blood tests for all people admitted to hospital that were involved in motor vehicle collision, they would have to submit to blood test. There is no question then whether or not you suspect alcohol, or you strongly suspect it, or whether it may be present or not, you would have documented evidence. So I make that point to you.

**MS. M. PHILLIPS:** Do you have information as to whether they also do it with people with fatalities, in other words, people that aren't admitted to the hospital but to the morgue?

**MR. H. DALKIE:** Those counts we have; that is, the people that are dead - sorry. Usually the blood alcohol levels of the deceased victims are determined.

**MS. M. PHILLIPS:** Here in Manitoba, you mean?

**MR. H. DALKIE:** That's right, but I can't say that - that's if they die on the spot. If you are admitted to hospital and die five days later or a week later, you don't have a blood alcohol count on the person, unless you get that immediately as in a blood test.

**MS. M. PHILLIPS:** There are two questions. One, in Australia, are they also able to take a blood test at the scene of the accident when the person has died and is not able to give permission?

**MR. H. DALKIE:** That is correct.

**MS. M. PHILLIPS:** So they can both with people that have died and people that are admitted to hospital?

**MR. H. DALKIE:** That is correct.

**MS. M. PHILLIPS:** Okay. If you can do it here or if you have the information on people that have died, then it should be able to be shown up other than the ones that were lingering and then died in your statistics here . . .

**MR. H. DALKIE:** That is correct.

**MS. M. PHILLIPS:** . . . because these people on these two pages have died.

**MR. H. DALKIE:** I did not say that they died at the scene of the accident, so a certain percentage of them died somewhat later. I can't say what percentage were impaired or were not right now.

**MS. M. PHILLIPS:** The ones that died at the scene of the accident, died instantly or whatever, next to instantly, before they got to the hospital, do you have documentation matching some of these?

**MR. H. DALKIE:** I believe so, yes. But I cannot tell you offhand which ones we are talking about and out of what total sample we are talking about. I may know of . . .

**MS. M. PHILLIPS:** It would be very interesting to me to have that information and the ones like, say, if it was No. 4, you could say, died two later - unavailable or whatever.

**MR. H. DALKIE:** I can attempt to gather that information.

**MS. M. PHILLIPS:** I would find that interesting just in terms of how prevalent it seems to be as a factor in the accident in the first place.

**MR. H. DALKIE:** I can attempt to gather whatever information we do have. In our motor vehicle study, using the police reports and the judgments of policemen saying that alcohol is suspected, we have come up with a figure that in all our investigations, in 70 investigations, that in almost 70 percent of those investigations, the use of alcohol was involved. I am not saying that the alcohol was the cause of the death or that the driver that was impaired was the cause of death. I am just saying that in almost 70 percent of the cases, alcohol in one form or another was strongly suspected or involved. So I would have to qualify my answer by saying, strongly suspected, because I do not have a blood alcohol count on them.

**MS. M. PHILLIPS:** That could involve, say, for instance, where they were in collision with another vehicle.

**MR. H. DALKIE:** That is correct.

**MS. M. PHILLIPS:** It could be the other vehicle.

**MR. H. DALKIE:** It could have been a perfectly sober person running into a drunk and the drunk . . .

**MS. M. PHILLIPS:** Surviving and the person on the motorcycle without a helmet not surviving.

**MR. H. DALKIE:** That is correct.

**MS. M. PHILLIPS:** Most of them in the city didn't have helmets; only one did. Actually that 70 percent figure is close enough for me. I'm not into 69.8 kind of statistics these days.

**MR. H. DALKIE:** I didn't want to make the presentation as in giving all the numbers and people that were killed during my presentation but I felt you should be aware that those type of numbers do exist.

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

**MR. CHAIRMAN:** The Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Chairman. I can't guarantee you when my next question will be my last question.

**MR. CHAIRMAN:** Then don't make a commitment.

**MR. D. ORCHARD:** Fair ball. Mr. Dalkie, you and I are similar in a lot of ways. I'm getting so that I almost feel uncomfortable without my seat belt on; but I just want to make the comment that no one is making us do it right now, we're making our respective choices, and I made mine in 1968.

**MR. H. DALKIE:** May I ask why?

**MR. D. ORCHARD:** I just considered that the risks were better in favour of belts and I accept the downside knowing that some day I may get hit from the side and killed with my seat belt on but I'm willing to accept that risk.

**MR. H. DALKIE:** Based on what knowledge?

**MR. D. ORCHARD:** Based on the knowledge of a policeman's indication to a member of my family involved at a 40-mile-an-hour intersection crash wherein he said she'd be dead if she had her seat belt on.

**MR. H. DALKIE:** Right. If I may answer that, I hear your argument a lot of the time but I think it is really sad that it takes something like that or somebody that you know gets killed or would have survived maybe, had they been belted. To me that really does not make sense. If you have to wait for something like that and you had personal experience; I've had personal experience. A friend of mine here, the only reason why he's wearing a belt was because I went and I got involved in the subject. He would not have been. He would still not be wearing a belt and I think that overall, these instances do not represent a significantly large proportion of your population, not large enough anyway.

**MR. D. ORCHARD:** That's a valid point and we won't argue that point, except the person that didn't wear the seat belt and isn't dead is very thankful they're not a statistic; and you can say, make the case on the opposite side of the coin. That's why there's no cut-and-dried answer in mandating seat belts and helmets.

If I can ask a few questions here, you've based your belief in the seat belts on extensive use of statistics. You've quoted statistics from other jurisdictions within Canada, from other countries in Europe, etc. Based on your statistics, you have comfortably concluded that mandatory seat-belt legislation does prevent injury and death.

**MR. H. DALKIE:** Based on the research done by various people involved in the field, whether or not they be engineers, whether or not they be doctors looking at individual crash circumstances, individual crashes, I believe that seat belts do work.

**MR. D. ORCHARD:** You mentioned some cadaver crashes. Would you expect that these cadaver crashes being under controlled conditions, test conditions, would have naturally had an ideal belting-in situation?

**MR. H. DALKIE:** Belted in as in restrain. They would have been restrained as a person would have been restrained otherwise, as a live person.

**MR. D. ORCHARD:** I guess there's the point that there has been one instant; it was mentioned the other night, I believe last night, and this is why I question how much you can take cadaver tests under ideal test conditions, where they're belted in the way they're supposed to be belted in, are the greatest source of statistic we can use because an Ontario coroner did attribute the death of three women passengers in the back seat of a car from abdominal injuries due to the improper wearing of belts; so we get into the argument more or less like the helmet argument where the helmet becomes unsafe because it's not certified or it's been damaged because of a fall or whatever and in this instance, with seat belts, you have to be, I think, very very careful as an individual wearer of the belt to make sure it's adjusted properly.

**MR. H. DALKIE:** I cannot disagree with your point that you should wear a seat belt properly, whether or not it's a back seat and you have to put it around your hips properly. You mentioned the Woodstock case as in the coroner's report. I suggest to you that you consider the documentation of the researchers that actually looked at the crash and actually conducted a similar crash test using two equivalent vehicles and equivalent human surrogates and their conclusions are a lot different than the original coroner's report.

**MR. D. ORCHARD:** I guess, Mr. Dalkie, that's where you cannot necessarily use these controlled situations. I think you've made my point, because they re-enacted, under controlled circumstances, the same accident, didn't come up with the same results but the people are statistics; they're dead, in the real accident world. And when you get your controlled circumstances, you're operating under ideal conditions and those don't exist on the road so that your direct transfer of cadaver test conditions in crashes show what is available under ideal circumstances of wearing the seat belt, etc., etc., etc., but not all human beings are the same size. Some are overweight, some are smaller, some don't adjust their seat belts properly, so I don't believe you can transfer these laboratory test conditions to the actual thing and I think you've confirmed that in the re-enactment of the Woodstock accident where the results come out different from the actual fatalities.

**MR. H. DALKIE:** You're using my laboratory example here of human cadavers. That is but one measure of effectiveness. I've got a number of other studies that I used and I think that using a cadaver is, in part, a good measure of determining effectiveness of seat belts. It won't give you 100 percent or an assurance of 100 percent accuracy; I will not argue that, but I suggest to you that if you look at the study done in France where they randomly sampled 100 victims, both belted and unbelted, were crash circumstances in the real world, not under laboratory simulated conditions, they concluded that seat belts are effective in reducing life-threatening and fatal injuries. That's real world accidents; that's actually what's out there.

**MR. D. ORCHARD:** I listened very carefully to that example, Mr. Dalkie, and I believe when you read the report you said that, as close as possible, the accident circumstances were simulated so, once again, accident A and accident B would not be identical. I don't think that's ever happened; it's like two snowflakes.

**MR. H. DALKIE:** I believe that in that sample you've got a good probability of saying that, in that sample, most of them are rather similar.

**MR. D. ORCHARD:** I agree, and you say a good probability. That's what we're talking about.

**MR. H. DALKIE:** Nothing in this world is for certain or is absolute.

**MR. D. ORCHARD:** Exactly, Mr. Dalkie, and that is why one should not be legislating a personal safety measure that you can't guarantee; that you've only got a

probability of success in it. I think that's what most of the opponents tell them.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. H. DALKIE:** I also documented . . .

**MR. D. ORCHARD:** And they're killing other people.

**MR. CHAIRMAN:** May I remind the members of the committee that our primary function is to ask questions of the witness and not to debate with him.

**MR. D. ORCHARD:** Yes, you're right, Mr. Chairman. Okay, now you mentioned a number of Manitoba studies where you studied, I think it was death statistics in Manitoba.

**MR. H. DALKIE:** Yes.

**MR. D. ORCHARD:** Could you indicate whether within the Manitoba study all of the accident victims were legal drivers?

**MR. H. DALKIE:** Offhand, no. I cannot say which were legal or which were suspended at the time.

**MR. D. ORCHARD:** You see, that brings in the point that was brought in by Mr. Sharpe the other day, where in 1981, out of 168 fatal accidents with more than that fatalities, because some were of multiple fatality, but out of 168 accident experiences which caused fatalities, 81 of them involved a suspended driver.

Now when you get into those kind of circumstances, can you really attribute the saving of life that would have occurred in that accident to the wearing of a seat belt? Because the probability is very good that if the person is there breaking the law by driving illegally in the first place, it's hardly likely he would be wearing a seat belt and risking a \$20 fine.

**MR. H. DALKIE:** I know of a number of cases where the suspended or unlicensed driver was a cause of the accident where he did not necessarily die. If you can take those people off the road, if you can take the drunks off the road, that's fine. But in the meantime, I put forward to you that you have got to take whatever measures possible to protect people from either the suspended driver or the other driver.

As far as - I'm sorry, I won't make that comment. I can get you information on whether or not out of that sample which percentage of people were suspended or which were not.

**MR. DEPUTY CHAIRMAN, D. Malinowski:** Mr. Orchard.

**MR. D. ORCHARD:** That's fine. I just wanted to make . . .

**MR. H. DALKIE:** But I don't see the point of that comment as it relates to mandating seat belt use.

**MR. D. ORCHARD:** I guess the point is that we're saying that we have to bring in seat belts, because they are going to reduce some of those fatalities according to

your accident analysis. I say that if we removed the unlicensed drivers from the road, 81 of those fatalities at a minimum would not have occurred in Manitoba with or without seat belt legislation.

**MR. H. DALKIE:** How do you do that, Mr. Orchard?

**MR. D. ORCHARD:** Because if those unlicensed drivers weren't there, whether they hit somebody or somebody hit them, the accident would not have occurred.

**MR. H. DALKIE:** How do you do that?

**MR. D. ORCHARD:** Would the accident have occurred if the unlicensed driver was not there?

**MR. H. DALKIE:** How do you take that unlicensed driver out of that cross circumstance? How do you say that he is not going to be on that road? I don't see your point.

**MR. D. ORCHARD:** The point is very simple, that your statistics on how you save lives involve people that should not be there. We are removing the freedom of choice in this legislation from people who do not wish to wear seat belts, but yet we are not willing, as government and legislators, to deal severely enough with unlicensed drivers who are involved in at least 81 fatalities in 1981. We are going at the wrong legislation is the point I'm making.

**MR. H. DALKIE:** I am not sure how you can eliminate the unlicensed driver from the accident population. I am not sure how you eliminate the drinking driver from the accident population. I'm not sure how you prevent, as Mr. Martens suggested yesterday, accidents entirely. This is a complex problem. I am dealing with, admittedly, only one portion of it, but a portion that I feel is probably one of the most important issues.

**MR. D. ORCHARD:** Okay, your presentation was based quite extensively on statistical analysis.

**MR. CHAIRMAN, C. Santos:** Mr. Dalkie.

**MR. H. DALKIE:** I differ on the use of the word "statistical." I'm using research numbers of real collisions; I am not projecting anything.

**MR. D. ORCHARD:** No, but you're making the case that, I believe, from statistical analysis of accident cases that seat belts will save lives.

**MR. H. DALKIE:** I am making a judgment that I believe seat belts, based on the research and the analysis that has been done on them in the laboratory, in real world collisions, that they do work.

**MR. D. ORCHARD:** Now in the real world, all provinces collect fatality statistics. Mr. Sharpe presented those to us. No one argued with them; I don't think anybody can say they're not right.

The trend line for Canada has been going down. The trend line for all other provinces has been going down. Statistically, would you not expect to see Manitoba

without seat belts as one of the highest fatality provinces when you're comparing all on a similar basis? If the statistical argument you make that seat belts save lives is true, why is it that Manitoba is the second-lowest of all the provinces in Canada?

**MR. H. DALKIE:** Maybe we should be the lowest.

**MR. D. ORCHARD:** The other people who have been here on the opposite realm have not said that we can be the lowest with seat belts. They've taken the exact converse of your argument. They are saying that seat belts, if you bring them in, are going to cause us to go up.

**MR. H. DALKIE:** Again I beg to differ on the use of yearly trends and direct comparisons between other provinces, other jurisdictions as they regard total fatalities and total injuries. The amount of knowledge or information that you can gain from these total statistics, to me, is rather limiting. You cannot consider Manitoba and Ontario being equal. I don't know how many 401 or equivalent highways we have in Manitoba. I don't believe we have that many.

Driving conditions, and you look at things like motorcycle accident statistics; you are looking at things like the length of the motorcycle driving season, things like weather. This is not something that you can punch into a model and say that, okay, I've got all these variables and all of a sudden, I come up with a certain number of dead.

The only way that I can compare the total number of dead is if I can conclusively demonstrate that all my variables that result in my dead are the same in the two circumstances. I do not believe that you can come close to making a case of that nature.

**MR. D. ORCHARD:** Mr. Dalkie, why did you just do that in presenting your brief, because your brief was based on the statistical analysis of the benefit of seat belts from actual conditions in other countries and provinces? If that statistical analysis is not valid to make your case, why are you using it?

**MR. H. DALKIE:** That has nothing to do with a projection of total fatalities. I am looking at one part of the issue and that is, in individual crash circumstances, whether or not an unbelted person would be better off had he been restrained; or a belted occupant, would he have been better off if he was unrestrained. That has nothing to do with statistics and projections to total death rates.

**MR. D. ORCHARD:** Then can I ask you if your analysis has studied the accident circumstances where the person has not been injured because he was not wearing a seat belt, and would have been injured in his opinion - I'll grant you that - had he been wearing a seat belt? Have you analyzed that side of the point?

**MR. H. DALKIE:** If you would look at some of the reports that I did submit - I'm sorry, I didn't have copies for all - but a number of the reports dealt exclusively with belted occupants. They considered whether or not this belted occupant would have been better off had



they been unrestrained. Those are documented there. The general conclusion - I can go back to it - is that they are not less affected. You are better off restrained than unrestrained. You would have received more severe injuries had you not been restrained.

**MR. D. ORCHARD:** As I understood your analysis or your explanation of those accidents, they took something like a 100 accidents where the person was belted in and they said, if he wasn't belted in, he would have been hurt more, not knowing really what would have happened to him had he not been belted in because you didn't have the obverse case. You just had an assumption as to what the obverse case would be. Was that correct?

**MR. H. DALKIE:** In some cases that is what you would do in this type of analysis. I have got the France case that I mentioned, using 100 more or less identical cases, where the crash circumstances were more or less identical and where you can compare real cases.

**MR. D. ORCHARD:** Okay.

**MR. H. DALKIE:** I'm not a physician but if I'm - that's okay.

**MR. D. ORCHARD:** Given that you believe that mandatory seat belts are a necessary law in the province, would you recommend any exemptions to the law for non-use of seat belts?

**MR. H. DALKIE:** The legislation that has been drafted by the Province of Manitoba is identical in almost all cases to the legislation that has been introduced in Saskatchewan. I know of . . .

**MR. D. ORCHARD:** Which has a higher death rate than us.

**MR. H. DALKIE:** I argue that's not relevant in this particular issue.

I don't believe I would make any other exceptions.

**MR. D. ORCHARD:** How can you make any exceptions if you truly believe, from the study you've done, that seat belts are good? How could anyone recommend any exemptions if seat belts are that good?

**MR. H. DALKIE:** If you look at the exemptions, I don't know what exemption you are specifically - okay exemptions. Driving in motor vehicle in reverse - if I was writing the bill, I would only put in exemptions (b) and (c) I believe, and as well the child restraint provisions.

**MR. D. ORCHARD:** Okay. Then I take it from what you say that you would not recommend an exemption for transit bus drivers.

**MR. H. DALKIE:** Definitely.

**MR. D. ORCHARD:** Would you care to make a comment, although school children riding in school

buses are not contained with this legislation, should they be?

**MR. H. DALKIE:** How do you legislate the wearing of seat belts on buses which are not equipped with seat belts?

**MR. D. ORCHARD:** But that's within the power of this government to have them installed. Money is no object. If safety is what we're talking about, of the children, and seat belts work that should not be a criterion.

**MR. H. DALKIE:** Again I just have to say, what you're doing with the legislation is you're saying that the people have to use whatever is available, that is available in the car and that is a restraint system. That is you're not saying that seat belts to certain specifications must be installed because I say so. Seat belts are not commonplace in school buses. That, to me, does not make sense.

**MR. D. ORCHARD:** Okay. So you're saying that there is no need to have school buses from the passage of this law, should it pass, from that day on to be equipped with seat belts. The argument being now that because they don't have it in them then naturally they don't have to use them, but should school buses in the future contain seat belts for children?

**MR. H. DALKIE:** Seat belts would then be available restraint devices which would then have to be used by the people in the vehicle.

**MR. D. ORCHARD:** Okay. Would you recommend that school buses be designed with seat belts as part of the specifications?

**MR. H. DALKIE:** I would recommend that seat belts should be installed in school buses, as I would recommend a number of other safety countermeasures, both in motor vehicles and in school buses.

**MR. D. ORCHARD:** Would that include the passengers on city transit buses?

**MR. H. DALKIE:** To quote somebody from last night, a half a loaf is better than nothing. I believe this legislation is going in the right direction. I don't believe the incidence of injuries only, I don't know of a fatality involving a transit vehicle occupant rather than the bus driver. I think you're getting away from the main issue here, which deals with most of the driving population.

**MR. D. ORCHARD:** Okay we'll just say that you don't have an opinion on transit buses. I don't have either.

Mr. Dalkie, some of your Manitoba studies on the fatalities, actual fatalities, drew conclusions as to ones that would have been saved had they been wearing the seat belts.

**MR. H. DALKIE:** That's correct.

**MR. D. ORCHARD:** Based on 1982 statistics, we had 151 fatalities, 10,299 injuries. Based on the research that you've done on accidents that have occurred, what

percentage reduction would you expect with the implementation of this legislation?

**MR. H. DALKIE:** Of the 70 collisions that we investigated, including the 94 vehicle occupants, I suggest to you that over one-third would have survived or would have a very high probability of survival had they been restrained. To project that figure in that controlled study, in our light truck and van study to the general motoring collision population, that would be my opinion and my opinion only. I would not go forth and say that X number of people will not die next year due this legislation.

I say that one-third of the ones that we looked at would not have died. I suggest that over the last two years on my personal assessment - I'm not bringing this up as an argument or as a documentation - I believe you're looking at about hundred people per year over the last two years.

**MR. D. ORCHARD:** A hundred people per year?

**MR. H. DALKIE:** No, sorry a hundred people over the last two years.

**MR. D. ORCHARD:** Okay, so 50 people per year. Now you mentioned a couple of . . .

**MR. H. DALKIE:** There are a number of other variables involved in that, including usage rates and what not. So I should stick with the number that I gave, which we researched and set at one-third. Anything else would be pure speculation.

**MR. D. ORCHARD:** You have qualified that by the fact that your studies were under a controlled basis and not necessarily transferable to the real world of accidents.

**MR. H. DALKIE:** We used real world accidents.

**MR. D. ORCHARD:** Then you don't want to qualify that figure then, that that should be a transferable figure, that we can look for . . .

**MR. H. DALKIE:** I'm not saying that those accidents would be reproduced the next year at the same frequency and at the same magnitude, at the same time, using the same victims, the same age of the people; I'm not saying that at all. I'm looking at the people that I looked at, not what may happen next year.

**MR. D. ORCHARD:** Given that probably accident circumstances, with the exception of the severe accident in about 1979 or 1980 in Saskatchewan, where the railroad crew were all killed because of a very unfortunate accident; factoring out extreme examples like that, I think that accidents by and large occur without a great deal of variation year in and year out. You've got your roll-overs, you've got you head on, side impacts etc.

**MR. H. DALKIE:** I beg to differ with that statement.

**MR. D. ORCHARD:** Okay.

**MR. H. DALKIE:** I don't believe that you can predict one year to the next how many roll-overs I am going to expect, how many side impacts I'm going to expect, or how many total I am going to have for sure. I can do that, but that is not the point of my argument. My point is, seat belts, I feel, work. The only way to make them work is to have people that wear them.

**MR. D. ORCHARD:** I guess you are in a way helping me make the case that you cannot study this issue in isolation, come up with the conclusion that anybody is willing to say these are the number of people we're going to save. We're passing this legislation at the objection to many people who do not wish to wear seat belts, and yet no one is willing to put their credentials on the line and tell us how many lives we're going to save, whether we're going to have 100 fatalities or 250 next year. One of the legislators that is promoting this says, "how can you?" Well, why are you passing the legislation if you can't, because what bothers me about seat belt legislation is everybody is willing to base their case on statistical analyses until the statistical analysis is challenged and it may not hold up to the scrutiny. Then we go into other areas of debate to bring in this bill.

**MS. M. PHILLIPS:** A point of order, Mr. Chairperson.

**MR. CHAIRMAN:** The Member for Wolseley has a point of order.

**MS. M. PHILLIPS:** I believe that the point is to ask questions of the delegate and to accept the delegate's opinion or answers.

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

**MR. D. ORCHARD:** Thank you. I apologize if I appeared to be harassing the . . . I assure you I wasn't; I was just trying to elicit some information because you are one of the first gentlemen that has been here with a statistical basis on which you based your conclusion.

**MR. H. DALKIE:** I beg to differ again with your use of the word "statistical." I'm basing my assumption on actual research done both in the laboratory and in real world collisions, that I feel seat belts work.

**MR. D. ORCHARD:** Right, and each of those real world accidents is a statistic in which someone died and you're saying that they will not die with seat belts. Is that correct?

**MR. H. DALKIE:** I'm saying that they would not have died. I'm not saying that somebody else would not have died; I'm saying what they would have done.

**MR. CHAIRMAN:** If the Chair may intervene, maybe there is a lack of common use of terms here, in the term "statistics." Statistics, as being used by the witness, is in the sense of actual figures. Statistics can be used in other senses such as the mean or the median, which really do not exist but just averaging from actual figures, projections.

**MR. D. ORCHARD:** No more questions, Mr. Chairman.

**MS. M. PHILLIPS:** I will be brief. Mr. Dalkie, you gave us a paper from the General Motors laboratory in Michigan. It deals with several studies that I haven't seen and refers to them and compares them. There's several phrases in the studies that maybe you could help me with. I presume that you have done background research on this paper or you know what it's talking about.

**MR. H. DALKIE:** I will attempt to answer whatever questions . . .

**MS. M. PHILLIPS:** There are several phrases that bother me. For instance, in the first paragraph on the first page, on the second column, they have a discussion of variations in the three studies. It's offered to explain differences in the estimates of seat-belt effectiveness found in each. Then they come to conclusions and they say that, under No. 1, lap shoulder belts are 57 percent effective in reducing certain kinds of injuries; and in No. 2 they say that it tends to support the results of the study; in No. 3, they say that it appears to be more effective than was previously predicted by this other fellow.

**MR. H. DALKIE:** That's right.

**MS. M. PHILLIPS:** On the next page, under Belt Effectiveness Summary, it said that each of the three studies confirm positive, i.e. statistically different than zero, which could be one, benefit. Then it says that the point estimates indicate that relatively high benefits and then a little farther, the last sentence in that paragraph, the studies most likely reflect benefits as they actually occur and four lines up in the last paragraph there, it says that while not statistically established, the results tend to parallel this Campbell fellow's hypothesis, which I would say is a theory, that belts are much more effective in preventing fatalities than researchers had previously thought. It seems like there's an awful lot of variables in this study, a lot of words that say, tend to support, appear to be, tend to support this theory, etc., etc., just in briefly reading it, and I read the whole thing through.

**MR. H. DALKIE:** The first and last pages; you're missing Pages 263-274.

**MS. M. PHILLIPS:** It just seems to me and I wonder, from your experience, if you went through these, specifically the three studies, Wilson, Andresen and Campbell, if those are the conclusions that you come to, if it tends to support or appears to be or whether there's anything more conclusive than that.

**MR. H. DALKIE:** Again, if I did a study on my control group and I came up with a conclusion, based on my control group, I'd say lap and shoulder belts are 50 percent effective in reducing injuries, while this fellow says 57 percent, based on his control group. I would say that one would tend or one would appear to support the other, based on their own particular control groups and I'm saying that, of the researchers, of the people mentioned in the appendices, everybody is conducting their own independent analysis, on their own particular

control groups and coming up with a conclusion. Those conclusions are then compared to so, it appears to, tends to or what not; but the overall conclusion of all the reports is that they do reduce fatalities and injuries. To what extent cannot be documented to within decimal places or to within certain percentage points.

**MS. M. PHILLIPS:** Thank you very much for that clarification.

**MR. W. McKENZIE:** Have you done any studies in your lab with say, a seven-year-old cadaver, wearing an adult seat belt?

**MR. H. DALKIE:** I have not done any cadaver laboratory experiments.

**MR. W. McKENZIE:** Did anybody in your group?

**MR. H. DALKIE:** Doing a cadaver test? Not that I know of and I do not know of one with a seven-year-old, belted.

**MR. W. McKENZIE:** Well let's say an eight-year-old or a nine-year-old child wearing an adult seat belt.

**MR. H. DALKIE:** I do not know of a laboratory cadaver test.

**MR. W. McKENZIE:** Would you support the concept that's been raised by a number of witnesses here that seat belts do kill people?

**MR. H. DALKIE:** Hopefully I've passed out information based on investigations of thousands of accidents, of thousands of occupants that were belted and the overwhelming conclusion was that almost all of them would have sustained even more serious injuries than they did sustain being belted.

**MR. W. McKENZIE:** You said almost all.

**MR. H. DALKIE:** Nothing's absolute.

**MR. CHAIRMAN:** No more questions? The Chair thanks Mr. Dalkie.

**MR. H. DALKIE:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** The Chair has read all those who wish to present. Now there may be someone here who may not have been here when the name was read and now wishes to present; and the one that comes to the knowledge of the Chair is Mr. Peter Male.

**MR. P. MALE:** Mr. Chairman, I'm here to support the provisions of Bill 60. My name is Peter Male and I'm a research assistant with Dr. Mulligan's Accident Research Unit.

We have investigated over 400 crashes in the last three years. We log select accidents to obtain representative samples for the Manitoba collisions. When cases are selected, we document the scene, measure skid marks, locate points of impact, points of rest, photograph, measure the vehicles, document

occupant contacts, we collect police, medical and coroner's reports and then we consult with medical, engineering people to attempt to reconstruct the accidents.

I'd like to present to you a few case studies that we've looked at. In Harold's previous presentation, he mentioned the Manitoba study. These cases are all drawn from that study. On Page 1, there are three different accidents here; they're all unsurvivable. These accidents are going to happen, with or without seat-belt legislation. You can only hope that you're not involved in violent events, such as these.

Page 2, the first picture shows very bad intrusion. Belted or unbelted, you're going to be there. You are going to have to withstand the force. A belt will help you from rebounding, being ejected after the impact. It is probably not going to hurt you during the impact.

The second picture just shows that you can't survive after being hit by a train at 50 miles an hour.

Page 3, the driver of this truck had the misfortune of being thrown clear, clear out of his window into the path of his vehicle. He came to rest underneath his truck in deep snow. He suffocated. He didn't sustain any other injuries.

Page 4, this driver died as a result of striking his head and neck on the windshield on the pillar. You can see his head imprint on the windshield. It is a very minor accident. It is one of the seat belt survivable cases we've looked at.

Page 5, this couple in their late thirties were returning home from a house party two miles from their home. The wife was driving, because the husband was impaired. Two hundred yards from their home, she lost control and it rolled in a ditch, well under the speed limit. Her husband was ejected out the side window. His head was crushed between the ground and the roof pillar. The lower left picture shows the portion of the roof that he struck, that crushed him.

The driver, she was thrown to the right also, and contacted the windshield and the dash. She sustained neck fractures, and is quadriplegic. To me, the two surviving children are also victims in this case. Had seat belts been used, this would have been a property damage accident.

On Page 6, a mother of two was seated in the right front. The car came into collision at an intersection, it was struck on the left front. This woman was thrown to the left and impacted the steering column and dash. She died of head injuries only. Had she been belted, she wouldn't have got that far to sustain those injuries.

Page 7, this vehicle had two occupants when it struck a bridge pier. The driver survived. The passenger didn't. He had the added advantage of the steering column to ride down the crash. His passenger didn't. A seat belt would have afforded this woman effective protection to have saved her life in all probability.

Page 8, this driver of this truck was struck on the right side, 90 degrees to the direction of travel. He was thrown to the right, to the right door interior, and sustained fatal chest injuries. Notice his occupancy space is fully intact. He has all sorts of room to live there.

Page 9 is a case of a vehicle just doing a one-quarter turn roll-over. Both the driver and the passenger were unrestrained. The 20-year-old female in the right front was partially ejected out her side window as the vehicle

tripped and rolled. The dent you see in the right side roof pillar is where she was crushed between the ground and her car. She died of head and chest trauma, again a seat belt preventable fatality.

Again from Page 10, the driver died of massive chest injuries. Note the occupant compartment, no intrusion. It's intact. Had the driver not loaded the steering column so heavily, he may have been here today. Safety standards on cars today are designed to prevent this type of injury in co-ordination with a seat belt.

The last two pages, 11 and 12, are two collisions. They are very similar. They are both intersection L-type collisions. Both cars sustained very similar deformation. In the first car, the driver sustained concussion, unconscious for less than 24 hours, fractured skull, lung contusions and a fractured clavicle. In the second case, the driver only received cuts and bruises. Why the difference? We feel it was the second driver's three-year-old daughter standing on the front seat, who was crushed to death during the impact and died needlessly.

That's all I have to say.

**MR. CHAIRMAN:** Any questions for the members of the committee? Hearing none, the Chair wishes to thank Mr. Peter Male.

Is there any other person who had intimated they wished to make presentation who is here and who wishes to make presentation? Hearing none . . .

**MR. A. KOVNATS:** Dave, are you going to make a presentation?

**MR. D. JOHNSON:** No, at the moment I'm not prepared. I didn't realize the meeting was here last night. I wasn't notified. I didn't bring any preparation with me. We are also flying in Jim McNeney from B.C. He has been on the list since the beginning. He was on holidays, and we didn't catch up to him until just recently. He's on his way, but he won't be here until tomorrow night, his plane doesn't arrive until then.

I would ask if we could have, as much as I hate to ask it in this kind of heat, one more sitting, perhaps a Tuesday or Wednesday so that we could clear up the remainder of the people on the list and allow Jim McNeney to speak since he has cut his holidays short and flown here for that purpose.

**HON. S. USKIW:** Mr. Chairman, on a point of order, I think that what we must do as a committee, if Mr. Johnson is not prepared to present a brief here today, is to determine what it is that we intend to do since we have exhausted all of the potential briefs this afternoon rather early.

I take it, Mr. Johnson, you are not presenting a brief today?

**MR. D. JOHNSON:** No. There are also, if I could add, some people that you didn't have telephone numbers for to notify, because they were on the original list with Mr. Walsh. With a little time, I could contact them and make them aware of it.

**HON. S. USKIW:** Mr. Johnson, what you are asking for is not common practice. Normally, when we have exhausted our presentations, we then move to another

stage in the proceedings. So the committee will have to make that decision before we can indicate to you just whether or not there will be another opportunity.

You might want to just hang around for a few minutes to find out what the committee's decision will be with regard to any future hearing.

**MR. CHAIRMAN:** What is the pleasure of the committee? What is the next order of business?

The Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Chairman. I would agree with what the Minister said, and the key word was "normally." I think we have got a couple of things that have happened over the last day-and-a-half of House procedures. The notice for the 8:00 p.m. meeting last night was, I think, probably within four to five hours. I don't know how soon the Clerk could have contacted people today, but when we suggested last night the committee might be sitting at 2:00 this afternoon, we had no authority to do that. The Committee Clerk, I don't believe, had any authority to phone people last night.

So I think everyone has been on rather short notice. I think that we would have to reserve one more day some time next week to hear the rest of the presentations because people have not been able to be contacted on what has turned out to be, from circumstances, rather short notice in the House. I would suggest that we adjourn today's committee and schedule another meeting next week at the call of the Chair.

**MR. CHAIRMAN:** According to this list there are only two who were not advised. One was left a message with her answering service; there is one who did not answer the telephone; one has gone on holidays. All the rest have been advised.

**MR. D. ORCHARD:** How much notice - when were those people contacted for this afternoon's sitting?

**HON. S. USKIW:** Mr. Chairman, I don't believe that because of the fact that we're in Speed-up that we can indulge in the luxury of holding committee work up on the basis that people are not able to be here to present briefs. We have had three or four days of opportunity, if you like, for people to be here. It is very difficult for the Assembly to work in a way that accommodates everyone's schedule. I don't think that we can set a precedent in this way, if you like. I believe that it has been common practice to hear all the briefs on the given days that have been announced, and when the last brief has been heard we then move to the next stage.

I don't propose that we move to the next stage today; I propose that we will do that on another day. It's my understanding that we would not have hearings after today.

**MS. M. PHILLIPS:** Yes, Mr. Chairperson. I agree with the Minister in that if we did have another meeting next week and, say, three of these people arrived and the rest didn't, we could go on like that forever.

I think that people were notified. They certainly have been aware every time we've recessed that we were

going to sit again. I think the public also has some responsibility to check with the Clerk's office to find out when, as well as waiting for that phone call. I think they have notified everyone. If they're not able to attend, this could go on and on and on ad infinitum. I think that it's our responsibility to be here, we're here, we had another hour today and people didn't come, so I don't think we should be scheduling another session to hear delegations. I think our next session should be to get down to the clause-by-clause business of the legislation.

**MR. D. SCOTT:** I would therefore move that this committee terminate the public hearings at this point and that we come back to the next sitting to consider clause by clause of this bill and with the amendments as proposed by the Minister.

**MR. CHAIRMAN:** Is there a seconder to the motion? Does anybody want to speak on the motion?

I will give the opportunity to the Member for Gladstone who has not had the opportunity to speak.

**MRS. C. OLESON:** Mr. Chairman, I concur with the remarks made by the Member for Pembina a few moments ago. I also would like to add that if the Minister says this is a precedent perhaps it would be an excellent precedent to sit to listen to the views of all the people that want to speak on this subject.

It seems to be a preoccupation of this government to talk about hearing everyone. I think maybe this would be an excellent example for them to practise what they preach.

There are people who have not been notified of this meeting; therefore, they should be allowed to speak.

**MR. D. SCOTT:** They were here last night, and last night notice was given - at 2 o'clock today.

**MRS. C. OLESON:** They weren't here, they'd given up by then.

**MR. D. SCOTT:** Mr. Speaker, in all respect for the people who have come out, I know several people who have come out have not bothered coming back because of the long ordeal and long process.

**MRS. C. OLESON:** Because there were 20 on the list and they knew they wouldn't get on.

**MR. D. SCOTT:** Well, people were on the list - and we had people coming in and making presentations that went on for an hour-and-a-half and two hours, somewhat abusing the rights of the other people who were in the audience - and aren't prepared to come back night after night after night.

If when people are making presentations - and also some responsibilities on us as members to expedite - and in recognition of the role that the public wants to be able to participate, that when one person tries to hog an inordinate amount of time, recognizing fully that this committee has not put time limits on presentations, to have people coming back with people from the same organization who have taken hours and hours of House time, and then come back to say that

we want more time or we want the hearings to be extended two additional days because they don't have additional people ready to speak, I think is somewhat of an abuse of the process of the committee and of the privilege of the House as well. Because we have to recognize that the role of this committee is to hear the public and to gauge upon that hearing of the public the clause-by-clause reading of the legislation and to get legislation, as amended, back into the Legislature.

**MR. CHAIRMAN:** Anybody else who wishes to speak on the motion? I will recognize the person who wishes to speak next, the Member for Niakwa.

**MR. A. KOVNATS:** Thank you, Mr. Chairman, and thank you for the kind remarks on how I am being picked to speak.

I think that we have all been here many many hours and the reason that we're here is because that is what we have been elected to do, to be here to listen to delegations, as well as many of the other activities that we participate in. I think that we have made some concessions. The previous Chairman had made some concessions with due reason and with just cause in allowing people out of order to speak because they were from out of town and they weren't able to be here at another time, and we did make that concession.

After doing that, I think that there has to be some consideration given to people, who at great expense, are coming in from another province, as this gentleman, Dave Johnson, is it? Dave Johnson had mentioned that they are bringing in a person from British Columbia at great expense. I think that we've got to give them the courtesy of allowing him to make his presentation inasmuch as he . . .

**A MEMBER:** They brought him in and he sat in here all week.

**MR. A. KOVNATS:** I'm sorry. Now, I can hear you.

**MR. CHAIRMAN:** The Member for Niakwa has the floor.

**MR. A. KOVNATS:** Yes, but I would like to reply to the remarks that are coming from other members if they're important enough remarks. If not, I would hope that the honourable members would - you'll have to speak up or be a bit more quiet. I can't hear you, and if you would speak a little louder I will be able to hear you.

**MR. CHAIRMAN:** The Member for Niakwa has the floor.

**MR. A. KOVNATS:** Thank you. Anyways, I think out of courtesy, and we have made special concessions up until now, and I can't see any reason why these concessions cannot continue to be made. We came in an hour early one day. We worked until midnight on two or three evenings and I'm not against that, I think that is what is required. But I think that particularly when this gentleman mentions that there is a member coming in from British Columbia at great expense that he should be given the courtesy of being heard.

**MR. CHAIRMAN:** Any other member who wishes to speak? The Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Chairman. This committee, of course, has a problem as committees of the House always have a problem, because we're dictated when we sit by the Rules of the House, and that has been always a problem in the legislative process because we can't dictate the hours that we're going to sit; it's done by the House and that has caused some problems, no doubt, amongst these 18 or whatever that haven't been heard.

I would like to satisfy myself that all the people that have indicated they would like to come here and express their opinion at least are given a chance to come and if they have been all contacted, fair and well. We also face the problem, Mr. Chairman, this weekend, is a holiday weekend and it's most unfortunate, and I don't deny anybody the right to go and take a holiday and that has caused another problem.

One of the honourable members blames some of the members for speaking too long on this matter. I think that's extremely unfair because this committee has the right and the rule to limit the debate on any member. It's been done traditionally here from time-to-time over the years that, if we felt, because it did come up in the early debates, should we restrict the debate, so we agreed that we're not, so I think it's very unfair for the member to raise that we should, that some talk too long.

I think it's an extremely controversial issue that we've been dealing with; it's been here all the years I've been in the Legislature and it's never been properly settled and I would hope that, at least, we could give the Clerk's Office an opportunity to phone these people and say, the deadline will be, if we get in the House tonight, and they get their directive from the House, the deadline will be Monday afternoon or Tuesday afternoon, that's the last time the committee will sit; but for us to do it amongst ourselves here today without those — (Interjection) — well, I feel that these people would like to express themselves and I don't think they all have had an opportunity because the Clerk's Office said, she wasn't able to contact, in fact, the No. 1, Thora Cartlidge, it says that the call went on the answering service.

If you want to railroad it through, well we can't stop it. We don't have enough votes over here. If this is the open government that they promised the people of the province, then I fail to see it, in the way they're handling this committee.

**MR. D. ORCHARD:** Mr. Chairman, I have a question first off for the Deputy Clerk of the committee, which hasn't been answered, namely, when was the notification process on this afternoon's hearing started?

**MR. CHAIRMAN:** Officially, because of the announcement at the Thursday morning meeting, they already knew about this meeting. In addition, the Clerk had started calling them also this morning to remind them.

**MR. D. ORCHARD:** Mr. Chairman, I have difficulty . . .

**MR. CHAIRMAN:** The Clerk informed the Chair that, at yesterday morning's meeting, there was an announcement about this meeting, already known to the people who were present.

**MR. D. ORCHARD:** Mr. Chairman, we haven't got Hansard of course, but I don't believe that was an official announcement because the House hadn't struck that committee.

**MR. CHAIRMAN:** It was an unofficial kind of announcement.

**MR. D. ORCHARD:** An unofficial kind of announcement, so I think we've sort of nailed the thing on the head, that we've had an unofficial sort of an announcement that there would be a committee this afternoon and that may account for a number of people not being here; but, Mr. Chairman, the will of the committee will prevail. The majority is going to make the decision here and if the majority of the government decide that they don't want to listen to about 17 more Manitobans or more citizens on this issue, that's their decision.

I would only caution them that they are already getting a bit of a reputation on major pieces of legislation that they're afraid to listen to the people of Manitoba. I doubt that thinking members of this committee would wish this reputation to extend to such an honourable measure, according to the government, as seat belt and helmet and child restraint legislation; but if they wish to vote this motion passed by the Member for Inkster, that's their prerogative, that's the power that they can . . . If they wish to support this motion moved by the Member for Inkster, that is what they can do with their majority, but before the question is put, Mr. Chairman, I would suggest that you have an obligation, since we're not at 5:30, the adjournment time, that you ask whether anyone here wishes to make a brief.

Mr. Chairman, the Minister says, and it's off the record, but he said that was done and that is correct. That was done when Mr. Johnson was offered the opportunity to speak this afternoon. He declined in anticipation of further hearings. Circumstances have changed; there are no further hearings if this motion passes. Therefore, when the man is here, we should ask him if he wishes to change his mind as we have changed our mind in this committee, not to meet again, and ask him if he wishes to be heard because he has no further opportunity, a belief that he had when he made the decision, when questioned this afternoon, as to whether he could make his brief today.

**MS. M. PHILLIPS:** The Member for Niakwa said that we have made concessions in the past, in terms of moving people up or down the list or whatever. We have done that to facilitate the public being able to express their will to this committee and we've only done that where the person on the list has declined and given up their spot.

There's a big difference between those kind of concessions and talking about setting another meeting for all the people who were notified and who knew, through the different meetings of the committee, when we were going to reconvene and through the phone calls and the messages, etc., when the next committee meeting was. There's a big difference between whether someone is here and someone gives up their place and whether the committee decides to make that concession, than the recommendation that the members opposite are making, in terms of setting a

whole other meeting for people who have not come today, when they had the opportunity.

I've been at several committee meetings in the last two Sessions of the House and I've also been a member of the public at very long committee hearings over the previous government's legislation and the government before that and it seems to me that was a long established practice that, if people didn't show up, that was the end of it. I remember very well, the Family Law hearings, where we were here until 2:00 and 3:00 in the morning and if people didn't show up, that was it. They were not considered after that and I think that we've been more than fair and open, in terms of making reasonable concessions for people who are in attendance, to facilitate their participation and listen to their views; so in terms of the Member for Gladstone saying, practice what we preach, I think we've done that very clearly and very well.

I think there's also an obligation to cut this off somewhere, as I mentioned before the motion. We could sit again, five people could show up, the other twelve not come and then what do we do? Sit again and then sit again the next week. I think that we've given the public ample opportunity and I think that they certainly have been given a chance, and in terms of the individual who is present, he did say specifically he was not prepared to speak today. Now if the committee wants to review that particular situation, that's one thing, but I don't think the record should be left stating that we're not considering it. He did say to us that he was not prepared to speak today. Then he asked that we would sit again, but he said he was not prepared to speak today. I took that, that he was absolutely not prepared to speak today. So under those circumstances, I think it is our role to go ahead and make the decision. I am speaking in favour of the motion.

**HON. S. USKIW:** Mr. Chairman, just to make certain that we understand what took place pursuant to the Member for Pembina, his request that we reconsider the position of Mr. Johnson. I think it should be recalled that I asked him twice whether he was prepared to make a brief in the knowledge that this committee will be, in moments, making a decision on whether indeed we will have another opportunity for anyone to present briefs. He knew the risk then, that we may make the decision that we would not meet again for that purpose. He said twice, no, he was not prepared to present a brief. So I don't believe that the Member for Pembina is at all right when he argues that there is a legitimate grievance there on the part of Mr. Johnson.

Mr. Chairman, I think we should put the question.

**MR. D. ORCHARD:** Mr. Chairman, the Hansard will show whether the information given to Mr. Johnson is as the Minister explains. I must say, I don't know one way or another, but you might also recall, Mr. Chairman, that I wished to settle this matter at the start of today's hearing. It was deferred until we heard everybody. Now I see why it was deferred. So that you could get everybody to say, no, I don't want to speak today, but I'll come back another day, and then you don't have another day.

Had you made the decision that today, if we finished by 5:30, that was it, I am confident that Mr. Johnson

would not have given the indication to this committee that he did, because he had the expectation that he would have the opportunity some time next week to make his views known.

Given the fact that circumstances have changed since we made that offer and that request and asked that opinion of Mr. Johnson, would it not be eminently fair, Mr. Chairman, to simply ask him again if he wishes to make his final presentation to this committee for now and forever, because this government is bent on railroading this through with no more public input? They are going to — (Interjection) — You know, Mr. Chairman, the Member for Wolseley in her ignorance of the legislative process must realize that the conduct of this committee from 2:00 until 5:30 has nothing whatsoever to do with Speed-up. If we were not in Speed-up, we could be sitting here this afternoon. Speed-up has nothing to do with this committee being sitting here. So please don't blame this on Speed-up. This is a normal process of the Legislature and if the Member for Wolseley was here a little longer and knew a little bit more about it, she would not make those silly statements on the record.

Mr. Chairman, if I may return to what I was saying, this committee made a decision, after asking Mr. Johnson if he wished to proceed with his brief today, that this will be the last opportunity. Surely, Mr. Chairman, and you are an eminently fair person, he's here, he will not have another opportunity to speak to this committee. Should we not simply ask him if he wishes to be heard?

**MR. CHAIRMAN:** There is a motion on the floor. Unless we do something about that motion, we cannot do anything else.

**MR. D. ORCHARD:** Then, Mr. Chairman, what we have obviously is a committee that is going to vote against hearing a citizen of Manitoba who is here today, willing to be heard — (Interjection) — he said, he didn't want to speak, Mr. Chairman, when he was under the expectation there would be another committee hearing.

So you're not going to listen to Manitobans on this, on bilingualism, on anything. You won't listen to Manitobans. Totalitarians!

**MR. CHAIRMAN:** As Chairman, I don't want to feel that anybody has been ignored or neglected or oppressed. I would like to hear personally from Mr. Johnson, before I put the motion on the floor, if he wants to make presentation today.

**HON. S. USKIW:** Mr. Chairman, on a point of order, I don't believe that you have the authority to ignore a motion on the floor at the present time. There is a motion on the floor which you must deal with.

**MR. CHAIRMAN:** Question.

**MR. A. KOVNATS:** I would like to speak on the motion, Mr. Chairman.

**MR. CHAIRMAN:** The member wishes to speak for the motion?

The Member for Niakwa.

**MR. A. KOVNATS:** Thank you, Mr. Chairman. I think we are making a mockery of this process, where we advise the people of the Province of Manitoba that we will listen to briefs if they care to make a presentation. We tell them that this is part of the process. We tell them that we are prepared to listen to briefs.

However, we have our plans all prejudged; that the Minister of Highways has already made up his mind that there is not going to be any changing of what has already transpired. It is a mockery to allow these people to make a presentation, because it is obvious that the presentations will be heard but not listened to.

That is what we have reached at this point, Mr. Chairman. We are not allowing the people to make a presentation, because they are not going to be listened to. They will be heard. The decision as to what is going to happen has already been made. It is a fait accompli. Let us advise all of the people of the Province of Manitoba that even though we invite them to come down, we're not going to listen.

Those are my final words, Mr. Chairman.

**MR. CHAIRMAN:** Even though we have a motion on the floor, there is still a remedy because, where there is some problem, there is always a remedy. The remedy for Mr. Johnson is to put his brief in writing and send it to the Clerk, and the Clerk will distribute and circulate the brief to every member of the committee. That is better than oral presentation, because it is in writing.

**HON. S. USKIW:** Question.

**MR. CHAIRMAN:** Question has been called.

**MR. D. ORCHARD:** Mr. Chairman, on a point of order.

**MR. CHAIRMAN:** Point of order.

**MR. D. ORCHARD:** Thank you, Mr. Chairman. You have suggested, Mr. Chairman, that anyone may send in a written brief. Will you instruct the Clerk, since this committee is going to be closed by the weight of the majority of the government, and nobody else is going to be heard, will you instruct the Clerk to advise all other people to submit, if they wish, a written brief to this committee, and that they will not have the opportunity to be questioned on their brief, because this government is closing this hearing down?

**HON. S. USKIW:** This hearing has exhausted all the people that had . . .

**MR. D. ORCHARD:** Except for one.

**MR. CHAIRMAN:** Except for one who said he did not want to make presentation today.

**MR. D. ORCHARD:** When you change the rules, what do you expect?

**MR. CHAIRMAN:** The Chair had exhausted the list of people who had been listed as willing to appear and make presentation to this committee. The question has been put.

Those who are in favour of the motion, say aye. Those who are against, say, nay. The ayes have it.



**MR. D. ORCHARD:** I wish a recorded count, Mr. Chairman.

**MR. CHAIRMAN:** Recorded vote.

**A COUNTED VOTE** was taken, the results being as follows: Yeas, 5; Nays, 4.

**MR. CHAIRMAN:** The motion is carried.  
Committee rise.

**HON. S. USKIW:** Mr. Chairman, before the committee does rise, I presume that it will be at the advice of the House Leader as to when this committee will meet again.

**MR. CHAIRMAN:** Agreed? (Agreed)