



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

DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
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DOERN, Russell	Elmwood	NDP
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DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
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HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupert Island	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
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LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 27 June, 1983.

Time — 8:00 p.m.

ADJOURNED DEBATES ON SECOND READING Cont'd

BILL 60 - THE HIGHWAY TRAFFIC ACT

MR. SPEAKER, Hon. J. Walding: When we recessed for supper hour we were dealing with Bill No. 60. The Honourable Member for Portage la Prairie has 23 minutes remaining.

MR. L. HYDE: Thank you, Mr. Speaker. At 4:30 this afternoon when we stopped for the Private Members' Hour, I was about to start to speak on the compulsory motorcycle helmet section of Bill No. 60. I'm sure all members, whether on the government side of the House or on this side of the House, have received many, and I mean many, letters protesting the action of this government on this part of the bill. I have here, Mr. Speaker, I couldn't tell you just how many, but there's probably 50 of them right there that are all telling me the one thing they do not want, is to see compulsory helmet legislation passed in Manitoba.

Protests on this bill have been made by motorcycle clubs and by individuals asking the government to withdraw this bill. The compulsory action of this government, not only on this particular aspect on this part of the bill, but as I said earlier this afternoon they're bringing the compulsory aspect on all their legislation. It's a "must" on the part of this government. They seem to think they want control. They tell us that they have the answer.

Mr. Speaker, I suggest they should stop and listen once in awhile to what the people of Manitoba are saying to them. We can't, whether they're in government or we're in government, sit in this ivory tower and dictate at all times just what is best for the people of Manitoba. I say that this government has lost touch with the people of Manitoba in this respect.

The Winnipeg Road Riders Club has suggested to me that an educational program is what we need in Manitoba to educate the young new riders of motorcycles, those who possibly have applied for their first licence to operate a motorcycle on our highways. They are the ones they claim are causing the majority of the accidents in Manitoba and they are suggesting to us that we take and have an educational program that would improve the situation.

In their letter here it says, "We do feel, however, that a meaningful educational program in the form of a hands-on motorcycle rider training program would be of more infinite value, particularly to the new novice riders." Well, I believe they couldn't be too far wrong there, that's a pretty fair statement.

The young person who is not acquainted with the handling of a powerful machine, some of these machines are quite heavy in horsepower and it reminds me very much of the farmer who tries to hire an incompetent operator for his expensive tractors, he quite often finds

it's piled up in the ditch in the corner of a field or something like that. These people were not qualified to operate those heavy, powerful machines and I say the motorcycles are very much the same. If you don't understand the machine in itself and how to balance them, I think you are in trouble. I believe that is what these people are suggesting, when they ask for a heavy training program. What they are suggesting is education, not legislation.

There is an article here by the President of the Motorcycle Safety Foundation of the United States of America and it is quite an article. I haven't read it in entirety but they are advocating much the same, that we do make every effort to train and educate the drivers of these strong motorcycles, high powered machines.

Well, Mr. Speaker, I want to conclude by saying there's an article here that I picked up where it says, "Seat Belts Cause of Death." Well, I'm sure the statistics have proven that, that it could be either one way or another. There are some who say that if I hadn't had my seat belt on, I'd be dead, and I've heard vice versa. I don't believe that we can just honestly say that they are the answer to all of our problems.

I know very well that in my case, in Portage la Prairie, where my own doctors in Portage la Prairie, they do advocate the support to this legislation. Well, they are entitled to their opinion, Mr. Speaker. I can tell you that the letters I have received from Portage la Prairie and from the farm community of Portage la Prairie, residents, the motorcyclists of Portage la Prairie, they do not want me, or have asked me not to support this legislation.

As I said earlier this afternoon, the government seems to be so positive of the fact that they want to take over the freedom of choice from each and every one of us, and I say that until they change their thinking, the government is in trouble and will definitely see the results of some of their actions in three or four years down the road when they go to the people asking for their support. The people are not going to forget the actions that are taking place by the Premier of the province today, and his colleagues.

Mr. Speaker, this about winds up what I want to put on the record. I cannot support the compulsory action. I've said that I honestly believe that if the bill had been broken down where it was in three separate parts, where there was one, in particular, for the child restraint, I would have to give second thoughts to that one, not that I agree for one minute of the compulsory aspect of it all; I don't.

I can realize, I do realize that we as parents have an obligation to raise those children, see that they're brought up to manhood or ladyhood in the safest possible way; and the day that government tries to interfere with the history of parenthood, I say they've gone too far.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Mr. Speaker, I would like to speak on this bill also but I would also like to let it stand in

the name of the Honourable Member for Pembina, when I'm finished.

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Thank you, Mr. Speaker. This bill is a very very important bill, inasmuch as it deals with the every day life and death of people that ride vehicles and are drivers of different types of vehicles. I'm very very disappointed, Mr. Speaker, inasmuch as the Honourable Minister has presented a bill that is a little bit embarrassing to me inasmuch as I can support some of it, but not all of the bill.

When it comes time to making a decision as to what part of the bill I can support, you look at it, Mr. Speaker, and it's taking away freedom of choice. I am about to make a decision and I will support the decision for children's restraints, inasmuch as they cannot make a responsible decision, therefore I will make the decision for them and I will support restraints for children for their own safety; but for every other part — (Interjection)—

MR. G. LECUYER: You're not responsible.

MR. A. KOVNATS: Well, they're not responsible; the children are not responsible, but I will take the responsibility on their behalf. I will not support something that tells me that an adult will have a decision made for him by the government. I cannot support the government telling an adult that they must wear a seat belt, or they must wear a helmet while driving a motorcycle, it is against every principle that I believe in.

A very famous Canadian who happens to be a Manitoban said, and I'll quote, "There is no room in the Statute Books for this kind of police state legislation which prejudices people and our province's reputation as a decent place in which to live." — (Interjection) —

MR. D. BLAKE: Stanley Knowles.

MR. A. KOVNATS: No, a very famous Canadian and a famous Manitoban and happens to be the Leader of the Opposition, Sterling Lyon. I cannot accept where the government, whatever government, tells me what's best for me. Let me decide what's best for me. — (Interjection) — I can decide. I feel that I'm responsible and I feel that the people of the Province of Manitoba are responsible. Why are you taking that responsibility away from them and saying, you must wear seat belts; you must wear a helmet? It doesn't seem fair, it doesn't seem right, and I cannot support it.

A few weeks ago I was on the steps of the Legislature when there were hundreds, possibly thousands, of people who drive motorcycles making a presentation to the Government of Manitoba. The Government of Manitoba was represented by one of the Ministers who stood on the steps and listened to everything that was said by these people. They said that they weren't against helmets while driving out in the country, but while driving in the city they felt that it was a hindrance. They lose the sense of the sounds of the traffic and everything that's happening around them. They didn't feel that

driving with a helmet in the city was constructive and would add to their safety.

The Minister of Agriculture happened to be that Minister out on the front steps of the Legislature, and I'm not going to make a remark about the Minister just entering the Chamber because I know it's against the rules, but I'm glad that the Minister is now here so that he can listen to my remarks. The Minister listened to this group of people, and there were possibly thousands of motorcycle drivers out on the front steps of the Legislature a few weeks ago . . .

A MEMBER: Thousands.

MR. A. KOVNATS: . . . Thousands, I accept that, thousands. The Minister listened very attentively and spoke when it was all over and said that he would make a representation to his Cabinet, rather than representation he said that he would speak to his colleagues in the Cabinet and let them know what it was all about.

That seems to me, Mr. Speaker, as something that was pulling the wool over the eyes of those people that were making their representations. Inasmuch as it is a fait accompli, je comprende a fait accompli is, it's already decided. There was nothing to be gained by having this Minister go to his colleagues in the Cabinet and say, you know what, we had hundreds and possibly thousands of people making a presentation to us about how they are against helmets, particularly while driving in the city, not so much while out in the country because there was half a chance of survival if you're wearing a helmet.

I don't know how you can survive at 60 miles an hour, if you fall off your bicycle or you're in an accident wearing a helmet, under any circumstances, but they feel they're ready to comply with the government by wearing this helmet out in the country. Why is the government forcing them to wear this helmet while they are driving their motorcycles in the city? They say, and they are right because they are the people who have gone through the experiences of driving a motorcycle, training and education is the answer, not legislation telling you that they've got to wear a helmet - training and education.

My daughter took a course while she was up in Edmonton on motorcycle safety. My daughter is well versed — (Interjection) — I don't know but she took her course in Edmonton. I'll tell you I'm very very pleased that she took her course in Edmonton on how to drive a motorcycle and learn all of the safety factors. I'd be much happier if she stayed the hell off motorcycles but if she's going to ride a motorcycle, she is well prepared.

She knows the danger of riding a motorcycle immediately after a light rain because of the gas fumes and the oil slicks on the ground that get very slippery, particularly right after a rain. She knows that you can't drink and drive a motorcycle. Alcohol and motorcycles don't mix. — (Interjection) — It's alcohol and gasoline don't mix? Well particularly in motorcycles, they just don't mix. Now I know that — (Interjection) — Actually alcohol and gasoline do mix in Minnedosa, that's correct, but it's for driving other vehicles and that's where Mohawk has come to the province and done a real good job in supplying people with jobs and supporting the Province of Manitoba.

But to get back to motorcycles, Mr. Speaker, it's education. I have lost some friends through motorcycle accidents, particularly in my area. Oh, oh, we've got a complaint, I'll sit.

MR. SPEAKER: Order please. The Honourable Minister of Municipal Affairs on a point of order.

MR. A. KOVNATS: If the Honourable Minister would just wait till I get my . . .

HON. A. ADAM: I was wondering if the honourable member would permit to a question?

MR. A. KOVNATS: Mr. Speaker, I'd be happy to permit to a question, but I have so much to say about motorcycles and cars and safety and seat belts and legislation that will protect children, that I really don't know whether my 60 minutes of time which is allocated to me, will be sufficient. — (Interjection) — 40?

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Then obviously if it's 40 minutes it appears that I'm going to be in a lot of trouble because I've got about 60 minutes of material and I'm going to have to speak very very quickly. I would be happy to answer any questions when I'm finished and I'll see if I can allow a little bit of time, Mr. Speaker.

Mr. Speaker, I feel this bill is very very unfair. I think the government can come up with something a little better than what they are presenting at this time. I think seat belt legislation should be a freedom of choice, but if you're going to force seat belt legislation on the people of the Province of Manitoba I can, deep within me, accept it. But I'm very very reluctant, because I wanted it to be my choice.

I think with seat belt legislation, if they make some sort of concessions that if you're wearing a seat belt and you have an accident, that you do have some special concessions because you're wearing the seat belt. If you're not wearing the seat belt you don't receive the same type of concessions as those that are wearing seat belts; and I think that maybe by allowing some initiative it would give the people with freedom of choice, a chance to either wear a seat belt or not wear a seat belt, knowing that there are benefits if you get into an accident by wearing a seat belt.

I know that and I'm not going to quote any statistics, Mr. Speaker, inasmuch as statistics are for losers; they're not for winners. Statistics are for losers. You can justify anything you want with statistics. But what I did, Mr. Speaker, I went out and I investigated as much as I could, concerning those wearing seat belts who were in accidents, those not wearing seat belts in accidents and I have two cases where I can justify where wearing seat belts have caused either the death or could have caused the death of an individual.

One, I've heard that there are cases where somebody says there's been no drowning incidences with people wearing seat belts. I can tell you, Mr. Speaker, I know of one case where the driver of a vehicle was in a shallow amount of water which covered the car completely and was drowned. I'm not sure, Mr. Speaker, whether in fact there would have been a loss of life if

the seat belts were worn or not worn, but I know that in this case a seat belt was worn, the man in question was in the water in the ditch, and wasn't able to get out of his car. He might have been dead prior to going in, a heart attack or something, I don't know, Mr. Speaker, but all I can tell you is that he was wearing a seat belt and there was the possibility - there was the possibility - that this person would be alive today if not wearing a seat belt, I don't know, but I've got to assume that there was that possibility.

I can tell you of another case, Mr. Speaker, and if it comes right down to a point, I am prepared to reveal the person's name because I've spoken to the widow of that particular person and she has given me permission to do so; but there's no advantage to me doing so at this point.

Now, I also have another friend who was hit in a car, not wearing a seat belt, she was driving along out in the country out around the Sanford area, and one of the cars coming off a side street didn't stop at a stop sign, came right on the highway and hit this car, knocked her out of the car and she would not be alive today if she had been wearing a seat belt, inasmuch as she would have had to be restrained in the car. The motor of the car was exactly where she was sitting if she hadn't been knocked out of the car and she is alive today and she is a very very strong supporter of mine and I would have been at a loss without this woman if she had been in this car accident and had not been thrown out of the car, alive today, Mr. Speaker, because she wasn't wearing a seat belt.

I am not prepared to force that woman, in fact I will not be able to force that woman, even if legislation is brought out, that she wear a seat belt. She will go to jail before she would wear a seat belt; she would not pay a fine. She believes that her life was saved because she wasn't wearing a seat belt and I can't argue with that, I've got to accept that and I believe that her life was saved because she wasn't wearing a seat belt.

I think I've got to go back to where child restraints are completely acceptable to me because these people can't make decisions for themselves. I have seen, Mr. Speaker, some of the films that some of the doctors who are in support of child restraints have distributed, and I see where the child is sitting on the mother's lap, which seems to be the safety of a mother's lap, it is not so. It is not so, Mr. Speaker. If the car has to be stopped with expediency and when the car is going at great speed, the baby is thrown forward and the mother comes forward also and smashes right against the baby, the baby or young person does not have a chance. I cannot allow that to happen. I must support legislation for that kind of safety for the child.

I think that education is by far, more important. If we could educate everybody to know that it is dangerous to have a child sitting on your lap while driving in the front seat of the car, or any part of the car, in the back of a station wagon, some of these same safety feature pictures that we have seen in motion pictures, where the child has been thrown out of the back of the station wagon and bounced around inside of the car, it is such a dangerous factor, I have got to accept that it is dangerous to the child that we do not have legislation to protect that child.

I received a letter from a children's doctor who advised me as one of my constituents, and wrote on

a very personal basis, "Dear Abe, please see that there are child restraints. I have seen so many children," and I don't have the letter with me, Mr. Speaker, but I'm trying to relate what was said in the letter. It was from Dr. Besant, a very very well-known doctor in my area, who supported legislation to protect the children. For everybody concerned, I support that legislation. Except, the Honourable Minister has put me in such a precarious position where I support one part of the legislation so strongly and I am embarrassed that I cannot support the other part of the legislation.

When I say I'm embarrassed, I could support the legislation but I'd be a bloody hypocrite if I did so because I really don't feel I can support that legislation other than the child restraint. I condemn the Minister for doing so; for not giving me the freedom of choice of supporting one part of the legislation which I feel is so important and not being able to support the other part which I think is against all the rights and my privileges as a Manitoban.

MR. G. LECUYER: Irresponsible.

MR. A. KOVNATS: Well, it could be a little bit irresponsible, to the Honourable Member for Radisson, yes. I dislike motorcycles; I think they are dangerous. I will not drive a motorcycle myself and I put it in the same category as hunting; I despise hunting. I don't think that anybody should have the right to go out and kill animals, particularly those that do it without any . . . these little bambis, these little white-tailed deer.

I remember as a young child, or as a younger person, watching Walt Disney, with all these little bambis — (Interjection) — There's no hunters? Anyway, I dislike hunting more than I can tell you. I have never killed anything in my life . . .

A MEMBER: Poor shot.

MR. A. KOVNATS: . . . mainly because I'm a poor shot; that's right. No, actually, Mr. Speaker, I have never fired a gun in anger. I fired a big gun in anger, a four-inch gun, but never a 22, a shot gun or one of those. I refer to my time in the Navy where I was a gunnery person and we did fire the big guns, but I have never shot at anything knowingly to try and kill it. That doesn't bother me, Mr. Speaker, inasmuch as there are other people who enjoy hunting. Let them go to it. They're not going to hunt on my land because I have it posted and I will protect the animals to the greatest extent that I'm able to do so, but that's getting away from seat belt legislation, Mr. Speaker.

I am against hunting but I accept that there are people who go out and hunt and I don't condemn them. I am against motorcycles, but I accept that there are people who go out and drive motorcycles and even though I don't like it, I know that there are people who do it. I don't want my family to do it; I don't want my friends to do it. I have lost friends through motorcycle accidents and it stays pretty deep within me, Mr. Speaker. I don't have that many friends and I hate to lose whatever I've got. I would hope that they would stay off motorcycles rather than try to put in legislation that says you must wear a helmet.

Mr. Speaker, in my office - I thought that maybe the Honourable Minister of Natural Resources was getting

up to complain and I hadn't really said anything that would cause him to complain - but in my office I have a football helmet. I was going to bring it into the Legislature this evening to show you how a football helmet compares with a helmet that a motorcycle driver uses, except that a football helmet isn't as strong as a helmet that a motorcycle driver uses.

There are holes where the ears are so that you can hear, but it takes away the strength of that helmet by putting ear holes and it is not the protective device that a helmet that motorcycle drivers use. There are things that you've got to give up for safety and the thing you give up for safety is that you cannot hear all of the regular sounds that a motorcycle driver should hear if he is about to drive safely. I guess I'm repeating myself, Mr. Speaker, because it gets right down to these people who cannot hear these sounds in the city. I condemn the government for bringing in legislation that says you must wear a helmet and not hear the sounds around you.

It's almost comparable to a story where I had a friend out at one of the camps under the Department of Natural Resources and they had been drinking, and they were on motorcycles, Mr. Speaker. They were drinking in one of the camps and the camp police came and said, you're making too much noise, get out of here. They were going to force those people to get out on their motorcycles to go out and drive, and they weren't capable of doing so.

I don't know which is the greatest evil, telling somebody who has had too much to drink to get on their motorcycles and get the hell out, or putting up with a little bit of noise. Mr. Speaker, I don't believe those people should have been forced to go out on the road on their motorcycles after having a few drinks. That is where we've got to educate motorcycle drivers. If they've had a few drinks, and even though their blood alcohol content is less than .08, I think they should be aware and have studied under safety factors, that they mustn't ride a motorbike. It is dangerous; it can cause loss of life.

The loss of life that it might cause might be mine, Mr. Speaker, that's why I would like them not to drive their motorcycles and involve me in an accident.

I will support helmet legislation for driving out in the country as has been recommended by the group of motorcycle drivers. I have a chap right in my constituency who is very strong in support of anti-helmet legislation, but he tells me that he will wear a helmet while driving out on the highway. While driving in the city he tells me - he's had much more experience than I - that it is dangerous. Why are we forcing motorcycle drivers into a dangerous position, Mr. Speaker? — (Interjection) — I'm sorry, I'm a little bit hard of hearing.

A MEMBER: Why do the police wear them in the city?

MR. A. KOVNATS: Why do the police wear them in the city? I guess they would be exempt from the bill from what I understand, I don't know; maybe because it looks good and the white helmet goes good with the blue uniform, I have no idea.

Mr. Speaker, I've been asked, why do police wear them in the city? I'll tell you why they wear them in the city, because they're told to wear them in the city. It's

not their bloody choice. They're told to wear them and that's why they wear them. It's not that they want to and besides they don't have to buy their helmets, they're supplied to them.

Mr. Speaker, I think that we require a training program.

A MEMBER: Your argument just bit the dust there.

MR. A. KOVNATS: I've got to wait for the Honourable Minister of Municipal Affairs. He's going to ask a question and I would hope that there'll be enough time for the Honourable Minister. I've only got a few more minutes of information here, because as I say, I understand it's not 60 minutes of time that I'm allocated, it's 40 minutes. We're getting close to that time now, Mr. Speaker.

What is going to happen, Mr. Speaker, if this legislation goes through? What if it goes through? I'm told that it is already a fait accompli. I shouldn't even discuss whether it's going to go through, because it's not freedom of choice on their part. I understand that they will be voting completely in favour of this legislation. They don't have the right because it is a government bill brought in by the Minister. They don't have the right to disagree with this legislation, they must support it. The government must support it. So what is going to happen after this bill goes through, because there is only 23 members on this side out of 57? There's just no way that we're going to be able to stop it.

There are going to be people coming around, the motorcycle drivers and everybody, who has a love of life and feels that seat belt legislation can detract from the length of their life. They're going to be around and they're going to be complaining, but it's of no consequence, Mr. Speaker, they don't have a choice.

Let's go a little bit further, Mr. Speaker. When I fly from one place to another, and I used to do a lot of flying, you used to have to buckle up your seat belts and put out your cigarette when the plane was taking off and landing. The pilot or somebody would come on and say, for the comfort and safety of those passengers, please leave your safety belt done up while we are flying because if we hit an air pocket, these things can happen. I can see it happening as legislation, Mr. Speaker, not will you please wear your seat belt? Because I can just see what'll happen when the pilot comes on and says leave your seat belt buckled up because it is the law of the province over which we are flying, that seat belts must be worn in all aircraft while flying over the Province of Manitoba.

I can understand that it just seems to be a logical follow-up if this legislation goes through. Again I say "if," Mr. Speaker, a great big "if" - let's cross off the "if" - when this legislation goes through. We're fighting something that we just don't have any choice on, because it has already been decided. It's already been decided when the Minister of Agriculture spoke to these people out in front of the Legislature and said, you know what - he didn't say in so many words - but he intimated that there was a chance that there would be some consideration given to all of these people who were motorcycle drivers. Consideration, baloney, it was already decided, Mr. Speaker. Why he said it to those people I do not know.

If I tell you, Mr. Speaker, that I am not prepared to support this legislation, I hope that it would be enough to scare you so maybe you can get rid of the hiccups, but I hope that it's not presenting a problem, I hope that the hiccups weren't caused by what I was saying, Mr. Speaker, but anyway let's go a little bit further.

The bill is already going to be passed and because I have received word that there have been some letters sent out that as of November 1st, this legislation will be taking effect. What is going to happen after November 1st? Are the engineers who drive trains or any type of vehicles, are they going to have to wear seat belts while driving the trains? What happens if there's an accident and the engineer has to jump off his train, because it happened not too long ago where the engineer did jump off the train, a hell of a big accident in CPR Yards?

HON. J. STORIE: We're on The Highway Traffic Act.

MR. A. KOVNATS: Highway Traffic Act. Look, that's the first step in the door. It's like a salesman. The salesman puts his foot in the door and the woman slams the door and the man's foot is there. He's there, Mr. Speaker, this is what happens. The government has got their foot in the door with this legislation and I can assure you that once they have their foot in the door, they're going to do more. The only alternative we have is to change the government and, Mr. Speaker, we will change the government in two years time because the people do not want this type of legislation. It will cover everything, engineers driving trains, it will cover pilots and the passengers in the aircraft and, Mr. Speaker, anybody behind the wheel of a car is considered to be driving the car.

I can recall, Mr. Speaker, when a person who has had, say, too much to drink and drives his vehicle to the side of the road, he parks his car and the police come along, he's behind the wheel of the car and the keys are in the ignition, that man can be charged with drunken driving. He can be, absolutely true.

What happens if that man goes to the drive-in theatre, drive-in restaurant and somebody comes and sits behind the wheel of the car and is having something to eat or watching the theatre. I can see this bill proceeding a little bit further and I don't know how the courts are going to rule but at least they've got some meat in there, where they can go after these people and charge them with drunken driving just by sitting behind the wheel of a car watching a drive-in theatre or at a drive-in restaurant, Mr. Speaker.

Mr. Speaker, I don't want to just carry on and on and on and not say anything of great importance because really I'm talking to the wind because nobody is listening. They have made up their minds, Mr. Speaker, the bill is a fait accompli - and I use that same expression again because I think that it's something that I learned a little while back - fait accompli which means, that it's already decided, Mr. Speaker. I don't know why we are talking into the wind because the wind is just blowing it back at us and nobody is paying any attention.

A MEMBER: It's a foul wind.

MR. A. KOVNATS: It's a foul wind that blows this bill no good.

A MEMBER: Sit down then.

MR. A. KOVNATS: Please don't ask me to sit down. I've been accused of being prejudiced a little while earlier by the Honourable Member for St. Johns and I'm the last one in this Legislature that's prejudiced. There's others who are not as prejudiced. — (Interjection) — No, I agreed with you at the time, to the Honourable Member for St. Johns, but I am the least bit prejudiced. I have been through more prejudice than the Honourable Member for St. Johns. I know what the bloody score is and I accept it because that's part of the rules, it's part of the rules, I accept it. I accept it.

MR. D. MALINOWSKI: Don't bleed.

MR. A. KOVNATS: I'm not bleeding.

MR. D. MALINOWSKI: Of course you are.

MR. A. KOVNATS: Well, to the Honourable Member for St. Johns, I've accepted everything that he has said. I believe him to be an honourable man but then he comes out with stupid, stupid statements, Mr. Speaker, and I can accept that even though it changes my whole concept and my friendliness towards him. I can't accept stupid statements and I do accept the statements coming from him because I know that he knows no better.

Mr. Speaker, I will not be supporting this bill even though there is part of the bill that I would love to support dearly, but there are other parts of the bill that just revile me to take away the freedom of choice, to take away the rights of people to live life and enjoy it to the fullest extent.

There is that possibility of loss of life by wearing seat belts - and I don't know the percentages and I don't care about the percentages - but I cited two cases where I absolutely know that these people would not be alive today if they had been wearing seat belts.

I'm going to sit down because I know the Honourable Minister of Municipal Affairs has a question and I know that I've got about two or three minutes left so that I can answer his question. Thank you very much, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. A. ADAM: Yes, the honourable member agreed to respond to a question that came to my mind. In his comments he indicated that as far as seat belt legislation and helmet legislation was concerned, he wanted to be my choice speaking of himself, and he wanted freedom of choice. I would ask the honourable member if he agrees with the regulation that requires anyone riding a boat, that there be sufficient life preservers in that boat or is he opposed to that because it's a regulation that that be carried out?

MR. A. KOVNATS: Mr. Speaker, I'm not against people who drive in boats, having life preservers in that boat, inasmuch I would prefer that those people who were riding boats had a better education and safety training rather than be forced to having life preservers.

I'm not against it inasmuch as my background, Mr. Speaker. I served in the Royal Canadian Navy Volunteer Reserve and I know that when we were at sea life preservers were always available because of the danger of falling overboard. I know that, Mr. Speaker, and I accept it because it is part of my background. But I think that safety factors for driving boats in Manitoba lakes, a safety training would be far better and I would hope that there would be a program and maybe the Minister would initiate a program of safety for those people that drive boats in the Province of Manitoba.

MR. SPEAKER: If no other member wishes to speak to this.

The Honourable Member for Assiniboia.

MR. R. NORDMAN: Mr. Speaker, before the Member for Pembina finishes off on this, I would like to add just a few comments with regard to Bill 60.

The thing that bothers me the most about this bill, Mr. Speaker, is the fact that we are again taking a measure of freedom away from John citizen; one more piece of legislation that takes away the citizen's right to think for himself; one more piece of legislation that automates the individual; one more piece of legislation that pushes us towards robotism.

Over the course of one's lifetime millions of dollars are being spent on educating people; teaching, in most instances, for the purpose of allowing people the ability to think for themselves, and educating them to be able to be the architects of their own destiny. But along comes government and, in this bill, they are telling us, buckle up; you have to wear seat belts and helmets. How long will it be before we are being told that we have to wear a certain kind of helmet, or a certain kind of shoes, a certain pair of pants or a pair of gloves. You know, you can stretch this thing out to no end of telling people, even to the type of motorcycles that they can even ride or buy.

Then all that's left for us to do and say is to say, how high, when the government tells us to jump. This is the fear of so many people, a lot of these people that I've been getting telephone calls from, and letters from, in opposition to this, and they're pleading with the government . . .

A MEMBER: How many?

MR. R. NORDMAN: Plenty, plenty. You want them, I'll put them before you.

One rider, who is also a writer, puts it to us this way. He normally wears a helmet and, so long as he can choose the type of helmet that he wears, he will wear one; but he is also aware of the limited protection that a helmet will give him. He claims that the best protection that he has is his ability to prevent the accident, mainly by way of his defensive driving techniques. If the accident can be prevented, then the question of surviving never comes up.

Statistics prove, and according to the statistics that have been put out by ABATE, they approve that the largest number of motorcycle accidents are caused by the people that are inexperienced in driving. So it seems evident that the best way to avoid accidents is by way of education programs. Maybe consideration should

be given for us to follow the actions of the State of Arizona who, in 1981, enacted a driver educational program whereby the State takes part of the licence fee that each cyclist pays and puts it into a fund, and this pool is directed toward the education of cyclists. By 1982, 10 States have entered into the driver education program, self-funded by the cyclists themselves. Should we not be looking at something along these lines? I think we should be educating instead of legislating.

Seat belt legislation has its merits, but in the enforcement of it I can foresee a problem. Again, I feel that we should be encouraging or educating, rather than legislating. I think that, over the past few years, driving on our highways, we see the signs encouraging us to buckle up. I think that a lot of people have taken that into consideration and are doing it, and I think that with encouragement this could come to the point where everyone is buckling up; but I think that what most everyone is opposing is the legislation, the business of taking that choice of our own destiny away from us.

I remember a few years ago next door neighbours of mine, they were sitting on the corner of Portage Avenue and Sturgeon Road in their car at a red light and they were hit from behind; this was, I would say, at least 10 years ago, whenever the seat belts first came out and they made a practice of wearing their seat belts. In this particular instance, they were hit from behind and I'll grant you they were saved by the fact that they did have the seat belts. The lady in the car, the wife, ended up in the back seat pretty bruised up and banged up, but alive; and yet I have another friend who is alive today because, upon impact, she was driven right out of the car and onto the boulevard, but the car was an absolute write-off. I know there are instances, both for and against, but I think what we're talking about is giving the people the right to choose their own destiny.

I think we can give people enough credit for having enough sense to do the necessary things to sustain life, and driver education can be the answer. Give the individual the fundamental right to make decisions regarding his own conduct and safety.

Child restraints, I agree with the Member for Niakwa. I could vote for the bill if it were just with regard to child restraints. I just have a brand new grandson; I insist that my son and his wife buckle up their little guy when he goes into the car. At this point in time he can't do it himself, naturally. I can see a problem, too, with children over 20 pounds of weight. How are you going to buckle these kids up? Most of you, I think, have had children, at one time or another, and to try and control two or three children in a moving vehicle on a trip, and trying to tie them down, it's almost impossible.

So anyhow, I will not be supporting the bill as it stands. I'm sorry, but if it was just to do with the children's restraints I would be prepared to go along with it.

Mr. Speaker, I have added just my few words to the debate and would like to again say that I cannot support the bill in its present form.

MR. DEPUTY SPEAKER, P. EYLER: Are you ready for the question?

The Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, I have been designated by my leader to speak on behalf of caucus on this matter and would request time beyond the 40 minutes that is normally allocated.

Mr. Speaker, this is another bill that the new generation of legislator has seen fit to bring to the people of Manitoba; legislation which they did not mention or campaign on during an election campaign; legislation which is not deemed to be good legislation by the majority of Manitobans. It is not legislation that they had a mandate to bring in. It is not unusual that they are doing it because they are doing it with several other bills. They are bringing in election finances so that they can muster up a 57 slate of candidates, most of whom will go to the slaughter next election. The only way they can do it is to pay their election expenses by the taxpayer, and they're bringing in that bill.

They're bringing in a bilingual amendment which they never campaigned on. They are bringing in a farm lands ownership bill which goes far beyond whatever they promised, so that it's not terribly out of their style to be bringing in this style of legislation when they never mentioned it at all whatsoever during their election campaign.

But this legislation, this bill, reflects the prevailing attitude shown to us by the new generation of left winger in the New Democratic Government where they believe they know what is best for the people of Manitoba, and they shall decide what is best for Manitobans, because they are all wise, all powerful, and they will decide what Manitobans shall do. They shall decide under what thumb they will place free Manitobans. This is a piece of legislation which demonstrates that kind of irresponsible attitude by the current, very temporary government.

Now, Mr. Speaker, this legislation has been brought in - as has other pieces of legislation this Session and in the previous Session - it has been brought in and sold to members of the caucus with badly researched statistics, with badly formulated concepts, and with bad presentation, and being the gullible bunch of newcomers that many of them are on that side of the House, they have bought this legislation, as they bought the bad statistics for The Farm Land Act, and as they have bought other pieces of legislation, sold to them by a Minister and a government or several in the Treasury Bench obviously, on the basis of bad information.

It isn't as if we didn't look at seat belt legislation when we were in government because we did. We probably looked at it on three separate occasions. — (Interjection) — Mr. Deputy Speaker, I hear such notable pieces of brilliance coming from the Minister of Housing and the Minister of Natural Resources and I'm beginning to think that they're comparable in terms of their appreciation of what we are to do here. They say that we didn't bring in seat belt legislation because we were gutless. — (Interjection) — Well, if that's the definition of gutless, then I wonder what you would term a government that won't go to the people with a referendum or legislative hearings on the bilingual issue. Is that gutless? Is that a gutless government that won't go to the people and listen to the people on an issue as fundamentally important as the bilingual policy that

they intend to foist on the people of Manitoba? You talk about gutless legislators and we are looking at 34 of them; 33 of them on that side of the House who are now government. — (Interjection) —

Mr. Speaker, when you can't come up with a logical argument you say, well the Conservatives were gutless, they didn't do anything. Their logic ends at that one phraseology. They take statistics from other provinces and they say that their accident rates have dropped when they put in seat belt legislation. But if these legislators would have checked, they would find that there was one very important thing that happened in Canada at the approximate time that a number of jurisdictions brought in seat belt legislation, and that occurrence was a national occurrence where the speed limit was reduced to 90 kms per hour, and all provinces' accident rates dropped and dropped significantly. The key to the statistics was, that in that year Manitoba's accident and fatality rate dropped more without seat belt legislation than Ontario's did with seat belt legislation.

We have a good record of safe driving in Manitoba. It is founded upon successive governments who have seen fit to fund safety programming and bring in various safety measures as part of their mandate in governing the people of Manitoba. We now see in Manitoba a New Democratic Government that has chosen to bring in compulsory seat belts, helmets and child restraints, and at the same time reduce safety funding, going exactly against the tide of spending and the governing of a number of successive administrations in this province by cutting back on safety funding at the same time they're bringing in seat belts. If you don't call that hypocritical by a government, I don't know what is hypocrisy in government. On one hand they bring in what they call a comprehensive safety package of compulsory seat belts, helmets, and child restraints, at the same time they're reducing funding on safety programs.

It was interesting in Estimates when that was revealed to the committee in Estimates, how quickly some of the backbenchers who didn't realize what was happening jumped on the Minister, their own Minister, saying that we should reinstate the funding to those safety programs. We don't want safety funding cut back. That government, the back bench, doesn't know what the front bench is doing and vice versa. They're in a shambles over there. They're fighting amongst themselves and they're bringing in bad legislation and this bill is part of the bad legislation that Manitobans are going to have to live with because of a disorganized, squabbling, scrapping caucus over there that can't govern properly. Now how much more bad legislation are we going to see these incompetent people bring in and foist on the people of Manitoba?

It is incredible that that would happen, a seat belt legislation bill and a cutback in safety funding, the two simply do not make sense. If, as the Minister and his government have said, they are interested in the driving safety of Manitobans, if they were interested, why, Mr. Deputy Speaker, is your government cutting back on safety funding that will prevent accidents through a reduction? I'll tell you what the reduction in safety funding is, it's fewer inspections of vehicles on the road, cars. — (Interjection) — Now we hear the Minister of Housing coming in with more of his brilliance.

The Minister of Housing should concentrate on his own department and run it properly, rather than trying to be an expert on every piece of legislation that comes in. He's the only person I know who is a 16-month old member and is an expert on everything that has ever been debated in this House. It's incredible that we have such expertise over there and such an incompetent government. It's incredible how the two can co-exist.

Mr. Speaker, accidents are caused by unsafe vehicles. This government is reducing the inspection of unsafe vehicles. They're cutting it by a full quarter. They completely eliminated the Critical Item Inspection Program for heavy trucks, and they reduced the funding to the Manitoba Safety Council. They reduced funding to highway construction and to highway maintenance this year and if there's anything that makes safe drivers, it's safe roads. They've cut funding, not only in safety programs but in rebuilding roads to make them safer for the driving public, and while they are doing it, Mr. Deputy Speaker, they are bringing in this comprehensive safety package to force Manitobans to do something that the majority do not wish to do.

The statistics they use are absolutely terrible. They are not well researched, they are not well presented, they are biased, they're presented with a slant to try to justify what they're doing and they are not presented correctly. There will be briefs that will deal with that come legislative committee.

But the one statistic in the Minister's opening remarks that was totally incredible, incomprehensible, Mr. Deputy Speaker, was his concept that this passage of compulsory seat belts, helmets and child restraints was going to save Manitobans \$1 million through reduced cost to the health care system.

Now, in the next line he says that this is borne out by the fact that in Ontario they save approximately \$2 million per year. I want to point out two fallacies to that argument that obviously missed the brilliant minds in government. Manitoba has a million people. It has a better safety record in a hundred thousand miles travelled than Ontario. We have safer drivers in Manitoba; we have a million people; Ontario has not as safe drivers and 8.6 million people, and their compulsory seat belts save only \$2 million? How can we save \$1 million? It is a false statement; it is a false statistic that the Minister is using to try to justify this piece of bad legislation in this Session, and it's not the first time that we've been misled by information given by Cabinet members in introducing legislation. The Minister of Agriculture, as we've said on numerous occasions, is one of the greatest fabricators and prevaricators and falsifiers of information in the Treasury Bench; he demonstrated that clearly in the Farm Land Ownership bill. Now, we even have the Minister of Highways slipping to that.

The major concern that many of us have with this legislation, Mr. Deputy Speaker, is the fact, and it is a fact that is acknowledged and admitted to by speakers on the government side, those that have chosen to speak on it. They say and the medical profession will say it as well, that in some accident circumstances seat belts will cause greater injury or, indeed, death to the wearer, in certain types of accidents, particularly the side impact at intersections.

Now when you have a safety measure that is imperfect, that will not work in 100 percent of the time,

when it may only work in 80 percent of the circumstances, and each and every one of us in this House will have had a friend or an acquaintance, and maybe even a relative, who will point out an accident circumstance that they have been involved in personally, or one of their friends have been involved in, where the wearing of a seat belt might have caused them serious injury or death, but yet these people are bringing in this legislation to mandate, to make compulsory, the wearing of seat belts when they know full well that it is not a guaranteed safety measure. I find that, Sir, very offensive and that is the major reason why I did not proceed with seat belt legislation during the two years that I had responsibility for highways and transportation in the Province of Manitoba.

To justify this my honourable friends opposite bring up all kinds of other safety regulations and legislation, and the most ridiculous one was given tonight in a question by the Minister of Municipal Affairs where he posed a question to my colleague, who had just finished speaking, about whether he agreed with the regulation requiring life jackets in boats. The Minister's question proves that he is ignorant of the circumstances. The regulation requires that life preservers, or life jackets, be available to every passenger in a boat. Regulation also says that each car that's manufactured and sold in Canada today must have seat belts, but the regulation does not say you must wear your life jacket every minute you're in the boat. It's a ridiculous and stupid question that the Minister of Municipal Affairs posed, and it demonstrates the kind of ignorance that is on that side of the House, and lack of understanding of what the issue is on seat belt use. It was, indeed, a misleading question and it was a stupid question, but he asked it because he doesn't understand the situation, he doesn't understand what he's legislating.

Regulation already requires that the car you buy today, manufactured after 1968, must contain seat belts as a safety device. The same as you must have life jackets in boats, there is no difference. We have that situation now, but what you are doing with this legislation is forcing the use of seat belts. Is your next step to force the wearing of life jackets the moment a person gets in a boat, because that's the logical follow-up of your question; that's the logical conclusion; that's the logical next step. Are we going to tell boaters now that they can expect compulsory wearing of life preservers in boats now? You see how ridiculous the arguments made on that side of the House to justify this legislation are? They are not thought out, they are not logical, and they're not based on a rational decision. Why they're going and bringing this legislation in, at a time when the majority of Manitobans do not want to see it, is more than beyond me. It's like a government with a death wish, that they want to do all the unpleasant and nasty things that they can do so they can be guaranteed they won't be government next time to clean up the mess that they're going to leave in Manitoba. It's the only thing I can think of; this government has to have a legislative death wish, that's the only thing that makes sense.

The government, in drafting this legislation, and a number of the speakers, as I've said, and the most ridiculous position was put forward by the Minister of Municipal Affairs, but we've had the Minister of Housing in his infinite wisdom say, well, if you don't want seat

belts then maybe we should take out all the traffic lights, and stop signs, and traffic signs, because that would represent true freedom of choice. My concept of what legislators are to do when they pass law is to attempt to pass law where it is clearly demonstrated that the lack of the law allows an individual to infringe on the freedom of another individual. Do you follow what I'm getting at? That we pass laws in this Chamber in an attempt to protect the average citizen from other citizens who may wish, by their actions, to do them financial or physical harm or economic harm. In other words, we are protecting innocent third parties when we pass law.

I suggest, Mr. Deputy Speaker, that is why we have stop lights at intersections, stop signs at intersections; that is why we have speed limits on our highways, because we believe that the proper operation of a motor vehicle requires you stop at an intersection, not to save your own hide, but so that you don't go roaring through an intersection and kill an innocent third party who thinks he has the right-of-way at that intersection.

You establish those controls, not for the protection of the individual driver from himself, but to make sure that he does not do undue harm to other drivers on the road; so that there is a measure of safety on the road that people know when they go to an intersection and there's a green light, that they have the right to safely pass through. That is third-party protection that those regulations give to us; and they are using those kinds of arguments to justify this bill which does nothing but tell the individual how he can best protect himself; and they are taking away his freedom of choice to decide whether he wishes to wear a seat belt, or a motorcycle helmet, or put his child in a child restraint system in the car. There is a vast difference in the philosophical principle of safety laws passed for the protection of innocent third parties in this legislation.

The most incredible speech on this came from the Member for Burrows, a man who I thought was reasonably well-versed on democracy and freedom of the individual, and he used the same silly arguments to justify this bill; that we must protect the individual. I agree we must protect the individual, particularly we must protect the individual from actions of third parties. That's why we pass laws; that's why we have laws that say you shall not rob a bank, or anything else; that is why we say you shall not take another person's life. This is why that is no longer a law on the book, Kermit.

The laws that we normally pass in this House protect the third party, the innocent third party. This bill does not protect any innocent third party. This bill is designed to protect the individual and you are forcing him to make a decision against his own will to protect only himself and there, Mr. Deputy Speaker, lies the issue of freedom of choice.

MR. G. LECUYER: Who pays the costs?

MR. D. ORCHARD: Ah, my honourable friend, the MLA from Radisson, says who pays the cost? I take it from his implication that, because the taxpayer pays the cost, to pay the medical cost if I have an accident going home tonight, and I haven't had my seat belt on and I'm injured, because the other 999,999 Manitobans, through tax dollars, pay my medical costs, therefore,

we must force me, when I drive home, to wear my seat belt. Well that tells us another interesting thing about how far these people are willing to carry the argument of the fact that, if it's good for the state, it's good for the people. Ask people in countries that don't have democratic freedoms if what is good for the state is good for the people.

Go to Poland and ask the people if what is good for General Jaruzelski's Government, ask them if that is good for the people and the measures he puts in, because your argument can be carried that far and once you start infringing on the individual's right to choose, and the individual's freedom, because of an argument that you are going to save the state money, you are in danger of removing many more freedoms from individuals in the name of protecting the state, because these people believe the state is all powerful and the people are only puppets of the state. We do not believe that, Mr. Speaker.

We believe the state is nothing more than an expression of the will of the people and in this case the will of the people is against you and it does not want this kind of legislation. So you have their two phony arguments, the one about safety laws - this is another safety law - and you have the even phonier argument put forward from his seat by the MLA for Radisson, that if taxpayers pay the medical costs we must legislate the safety measure so that the individual cannot injure or harm himself.

The logical question comes, then, will the MLA for Radisson and his incompetent colleagues be then bringing in a bill which says, there shall be no more smoking in the Province of Manitoba because there is more medical dollars spent treating cancer patients and patients with poor circulation because of smoking than ever you have from accident victims? Is the next logical extension of the MLA for Radisson's argument saying that you ban the consumption of alcoholic beverages in the Province of Manitoba because people who drink have sclerosis of the liver if they drink enough and they cost the medical system; so do you ban drinking?

Do you take it to the ultimate ridiculous state where there are a number of people, and some of them are in this Chamber, are obese, they're overweight; they have heart attacks because they are overweight. Are you then going to say, because the state is paying the medical costs of those people who over eat and are overweight, are you going to say that we must pass a law in this Chamber saying, you shall not be more than 155 pounds if you're five foot eight in height? Is that how far you're going to take saving the state money, because this is what you people are going to do? This is the course you are taking with this legislation.

A number of the members over there say, well why don't you speak to Ontario, because Ontario has the law. Does that mean that every law that is in Ontario we should have in Manitoba? Does that mean that the NDP are now advocating user fees in Medicare because Ontario has them? You see how ridiculous that argument is, gentlemen? Do you see how absolutely ridiculous your line of reasoning is on this bill? That's like telling a person who has cancer that you're in better shape than I am because I've got cancer and I'm going to die in two months; you're going to live for a year. That's the kind of phony argument you use when you compare

this legislation as being good because it's another legislation. If it's bad legislation it's bad no matter where it is.

MR. A. ANSTETT: Is it bad in Ontario?

MR. D. ORCHARD: Yes, Mr. Speaker, the MLA for wherever, he's not going to be around after the next election; the guy that thinks he's the Government House Leader said, is it bad in Ontario? Yes, it is bad in Ontario, you bet it's bad in Ontario; and it's bad in B.C.; it's bad in Saskatchewan; and it's bad in Newfoundland; and it's bad in Quebec. I would not legislate compulsory use of seat belts. I've said it from Day One that I would not pass that kind of bill.

Okay, let's deal with a little bit more of the illogical argument that these people have. In introducing the bill . . .

MR. DEPUTY SPEAKER: Order please. The Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, I'm wondering if the honourable member will permit a question. Since he has unlimited time, I'm wondering if he'll allow a question now.

MR. DEPUTY SPEAKER: Mr. Deputy Speaker, I will answer all the questions that the MLA for Springfield wishes to pose when I finish my remarks. Do you have a problem with that, Andy? Oh, that's your problem now.

Mr. Speaker, I think I pointed out already and I'm glad you're back in the Chair, I think I pointed out some incredibly wrong-headed reasoning that the NDP are using in bringing in this bill, in that they are saying that this is a safety measure; in that they are saying that we must have it because we will save the state medicine system money. My honourable friends make a joke, make light of the fact that you use the argument; you make light of the fact that you use the argument, you the government use the argument that this legislation is necessary because it will save \$1 million in medical costs. If it's ridiculous why did you use the argument and, if you use the argument there, I ask you, simply and plainly, where do you stop using that kind of rationale in developing legislation to take away and deprive people of freedoms in this province?

As I say, do you ban smoking, drinking and overeating? Maybe you're going to have to ban jogging because people jar their backs out when they jog, so we have to ban jogging. People injure themselves from time to time when they fall off ladders and fall down stairs. Are we going to legislate that there shall only be one-level homes, office buildings and factories in this country, there shall be no more stairs, there shall be no more ladders, because people will fall off and hurt themselves, and when they do, it costs the state money. We've got to save the state medical system money. That's the argument they're using in seat belts. Well, it doesn't wash.

You cannot get away from the basic philosophical argument that this legislation is being passed simply to protect the individual from himself, no one else, and in that regard you are removing freedom. You are

depriving an individual Manitoban of freedom of choice. That is where it is wrong. I heard someone over there say, yes, that's what they're doing. Well, if they recognize it let me assure them that the people of Manitoba recognize it and they recognize other areas that this government is removing their freedom of choice on. They are a temporary government, there is no question about it.

The Minister in introducing the remarks, made reference to the fact that freedoms have been removed and the argument of removing freedom in this bill is not a valid one. He used as the example The Planning Act. The Planning Act is an onerous piece of legislation. I believe that The Planning Act only passes laws and regulations to control the use of property from purposes which would infringe on third parties. — (Interjection) — The good Father agrees with me. Once again, even the Minister is using an incorrect and a false argument to justify this legislation, because The Planning Act, as onerous as it is, is designed to protect other Manitobans, other property owners from the misuse of adjacent properties. It is to protect them from innocent, third-party action. There is no comparison to The Planning Act in this bill.

I have to, as my other colleagues have done, point out that this bill is being brought in a very irresponsible way. Number 1, the First Minister has said there shall be no free vote; the whips are on; every MLA on the New Democratic side of the House must vote on this bill and vote for it?

MR. D. MALINOWSKI: You want to bet?

MR. D. ORCHARD: Well, the good father says, do you want to bet? I would really be embarrassed and would have to apologize to any one of them that would stand up and vote against this legislation and if they do I will, immediately after the vote, get up and congratulate them for being individuals, for being proper and true legislators and for representing their constituents. I will do that. But we will not see one of them break ranks over there because they're afraid to. They indeed, are the gutless people over there. They won't break on this one. They will ram it down the throats of Manitobans and they will vote in a block. That's the first criticism of this bill.

This is an issue of freedom of personal choice, therefore, this should receive a free vote in the House. This is not legislation which guarantees the safety of innocent third parties. That is why this legislation should be by free vote in this House, so that individuals can vote as to their conscience and as to the will of their constituents, whom they are here to represent. The Premier has taken that away. He's taken that away.

The second thing that they're doing on this is that they are not splitting this bill up, and a number of my colleagues have made reference to this. They are bringing in compulsory seat belts, compulsory helmets, and child restraint systems in a package. — (Interjection) — The MLA for Springfield helps me all the time with some of his intrusions. He says you're going to vote against it. Yes, I am. But you know, I'm going to vote against it with some reluctance on the child restraint system end of it. What the MLA for Springfield and his - I was going to say a word that

would have been unparliamentary, Mr. Speaker, but I won't - what he and his colleagues will do is they will go out to Pembina constituencies, to a number of my colleagues' constituencies, and they will say, well, you know, the Tories are baby killers. They voted against child restraints. That's what they'll separate out of the bill for propaganda and political purposes.

Well if they're going to separate that issue in our constituencies, why don't they separate the three of them and allow us a free vote on all three separately, so that each and every one of you could represent your constituency on seat belts, helmets and on child restraints. That would be fair, proper.

If you live by your conviction, as the Minister of Agriculture is saying he is doing in Bill 90, the act that's going to destroy the beef producers' organization in Manitoba, if you believe in what you are bringing in in legislation, allow a free vote on it. Why do you not allow a free vote on that? And yet you say all you're doing in Bill 90 is allowing farmers a free vote when they sell their cattle. You know, you're hypocrites you people over there. You say one thing in one circumstance, then you change your mind and if it suits your fancy, you say another thing at another time on another piece of legislation. The people of Manitoba recognize that.

MR. SPEAKER: Order please. The Honourable Minister of Agriculture on a point of order.

HON. B. URUSKI: Mr. Speaker, I've been sitting patiently listening to the honourable member's comments, but I think he's gone a bit too far with the language that he is using and I ask him to withdraw the language.

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, I will abide by your ruling on that but I believe that "hypocrite" is a parliamentary use if you use it in the context whereby you point out two situations of legislation brought in by the same government, where in one case they say they're allowing a free vote, and on the other hand they will not allow a free vote. That is hypocritical activity, Mr. Speaker, and I think it is used in a parliamentary context.

MR. SPEAKER: Order please. The Honourable Member for Elmwood to the same point.

MR. R. DOERN: Mr. Speaker, on a point of order. It may be appropriate to say that something is a hypocritical action, but it is not permissible or parliamentary to say that a person is a hypocrite.

MR. SPEAKER: Order please. I listened quite carefully to the honourable member's remarks, and it was my understanding of his remarks that the charge of hypocrite was made against members of this House on the opposite side. I would think it then not proper to remain on the record, and I would ask the Honourable Member for Pembina to withdraw that reference.

MR. D. ORCHARD: Certainly, Mr. Speaker, I will withdraw at your request the accusations that New

Democratic members of this government are hypocrites. I will withdraw that remark.

The members over there know full well what their actions are, and when they say one thing out of one side of their mouths one day on one piece of legislation, and they say another thing out of the other side of their mouths on another piece of legislation, they can decide the term, parliamentary or unparliamentary, which best describes them as individual legislators. If the term I used happens to fit, then so be it, because that is what the people of Manitoba are saying you people are. If the shoe fits, wear it. You people are deviously confusing issues and talking out of both sides of your mouths, presenting untruths to the people of Manitoba, and you are consistently doing that.

Mr. Speaker, the other thing that these people are doing by forcing a vote on this bill is, they are depriving the people of Dauphin, the people of Flin Flon, the people of The Pas, the people in Thompson, they are refusing them the ability to have their MLA vote on their behalf on an issue in this Legislature. We know - we've done the survey - that the majority of people in Dauphin do not want compulsory seat belts or compulsory helmet legislation, but yet they are forcing the Minister of Government Services to stand up and vote for it against the will of at least 80 percent of his constituents. They are forcing bad representation by their own members in this House by a forced vote and, as my colleague says, that is good for us, it certainly is, because they are doing it on so many other issues, this is only one more. If you think we're not going to point out to the people in Dauphin come next election time that their MLA did not represent them properly

A MEMBER: And the Interlake.

MR. D. ORCHARD: . . . and the Interlake, you bet, we'll do it in the Interlake as well in the Minister of Agriculture's area. The people will know that they weren't properly represented on issues of important and basic freedom. They'll know that. We will make sure they know that.

The argument on the seat belts, I don't think I want to dwell on it too much longer because members opposite have said that they're not 100 percent safe but yet they're willing to bring in the legislation to force them to use them. I want to deal with the arguments put forward for the use of compulsory motorcycle helmets. I think we have 56 MLAs in this House who are going to vote on the use of compulsory motorcycle helmets. I would venture to say that of the 56 that are going to be voting on this issue, Mr. Speaker, if there's one that rides a motorcycle, I'll be surprised.

MR. A. ANSTETT: There are at least two.

MR. D. ORCHARD: Oh, there are at least two. Well, we'll have to find out. The MLA for Springfield says there are at least two. Well, that's interesting.

Here we have a group of legislators who probably do not own or do not ride motorcycles, and here we have them passing a law when they don't ride motorcycles to require the compulsory use of motorcycle helmets. They do this on the advice of a

number of lobby groups in the medical profession - and once again I will make the same statement there - the vast majority of whom do not ride motorcycles. So here we have legislation being supported by a group of people who don't ride motorcycles, going to be voted for by a group of people the majority of whom don't ride motorcycles, forcing the people that do ride motorcycles, do know the advantages and the disadvantages, forcing that group of people to wear motorcycle helmets.

In the argument of motorcycle helmets what happened to this government was something that was quite incredible. The organization lobbying against the helmet law outmaneuvered the government. And they didn't do it by great raucous demonstrations to intimidate the government; they sat down with them and they argued the issue on a factual, researched basis, and they beat the government. The motorcycle group who presented the arguments against compulsory helmet use had more arguments to leave the law as it is, that riders should have the right to choose, than the government came up with arguments to justify the compulsory legislation. They lost the statistical battle; they lost the logical battle; they lost the argument with the motorcycle users. And they still come in with the legislation to force the people who beat them in the argument, outpresented them with facts. Their reward for doing the job that they did is to still see compulsory legislation foisted on them by a government which is out of touch with the people.

It's interesting that they would do that. Here we have a group, the majority of whom don't ride, deciding, against the will of the group that exclusively ride motorcycles, how they should undertake a safety measure. Now, if that isn't getting close to a totalitarian regime where you do exactly as you think is proper for the people and to hell with what the people think - I don't know what else you need. I don't know what else you need as an adequate demonstration because that's exactly what the motorcycle riders did to this government, they outargued them, they won the argument and their reward is compulsory helmet use anyway. We don't care about the facts; we don't care about the issue; we know what's better for you even though we don't ride motorcycles. Absolutely incredible, Mr. Speaker, I can't believe that it's happening, but it is.

Manitobans can't believe that it's happening and they're going to remember this issue next election and they're going to work against the New Democratic Party next election, and so they should. Mr. Speaker, how can you justify that? It was interesting, I was over at a friends about two months ago shortly after this bill was tabled, and a young woman came up to me, a friend that I've known for some time, and her children ride motorcycles. She came up to me and I thought oh, oh, here we go, she knows I'm against compulsory helmet legislation. I'm in for an earful. You know what she told me and I thought this was interesting because she has, I believe, three sons who ride motorcycles. She says, why is the government bringing in compulsory motorcycle helmets? She said, is the only thing they want you to have is a pretty face in the coffin? That's what she said, is that the only thing the government wants is a pretty face in the coffin at the funeral for viewing? Because, she said, that is what motorcycle

helmets will give you - a nice pretty face for the funeral. Her sons choose the times they wish to wear their helmets. They know of the visibility restrictions, the noise restrictions and the other problems in the summertime of riding with a helmet, of the heat build-up, etc. etc. They choose when they're going to ride their motorcycles and, she said, more important to her sons was the fact that they took a motorcycle education course and they learned how to properly handle their bikes. She said, that is far more important than compulsory helmet use, because helmet use like seat belt use is not 100 percent safe. It has its down side.

The motorcycle riders told the government and presented the government with that as factual issue, that there is a down side to motorcycle helmets; they're not 100 percent safe. Therefore you have to let the rider choose because if you don't let the rider choose then you are really, in some circumstances by passing this bill, imposing the death sentence on some of those motorcycle riders, as you are doing when you force the compulsory use of seat belts in some accident circumstances. You're passing a death sentence, because neither seat belts nor helmets are 100 percent safe. She emphasized and I will emphasize to these people that education of motorcycle drivers is the key and is the answer.

You may have to go one step further, Mr. Speaker, in that you may have to require a size restriction on the first motorcycle that a learner has so that he can't go out and buy a 750 cc or 1,000 cc bike that's too big for him to handle. If you're not going to have the training courses so that they learn how to properly use their bikes, maybe as in other provinces, you limit the size to 125 cc in the first bike. Maybe you do it that way. But you don't, Mr. Speaker, make it compulsory that they wear helmets when helmets aren't 100 percent safe. You lost the argument and you're still bringing in the legislation. It's an incredible thing that we see these people doing.

In terms of the child restraint system, Mr. Speaker - I want to deal with that for a few short moments. I have some sympathy with the child restraint system. It has been expressed by my colleagues, and I will express it was well, that . . .

MR. G. LECUYER: Up to what age?

MR. D. ORCHARD: Mr. Speaker, could you control Kermit back there, please?

MR. D. SCOTT: Where you get Kermit from?

MR. D. ORCHARD: Because he sits beside Miss Piggy. Mr. Speaker, the issue of child restraint systems is probably a valid argument in children up to three years old or so, from the standpoint that those children cannot make an educated decision, based on the pros and cons, as to whether they wish to use or be in a child restraint system. So that from that standpoint you could justify having mandatory child restraint systems. You take that argument one step further and what are you doing to the freedom of choice of parents to determine the destiny of their children? You are, in effect, removing it by passing this law and, if you remove that choice of parents, whether to have their children in child

restraint systems, once again, to save the state money, what is the next decision you remove from parents to save the state money in the upbringing of their children? There is no limit to that kind of law, as I pointed out already.

Mr. Speaker, the child restraint system I am sympathetic to. I haven't made a decision as to whether I am in total agreement with it yet because there are problems with it. First of all, how do you handle the circumstance of a young person who is part of a number of families that take their children to preschool day care? They're all under five years old and going to day care school; they probably have a car pool and one day one family takes the five children to the day care, and the next day another parent does. Does that mean you have to have five child restraint seats in the one car, take them all out, put them in the next car? There are physical problems with this bill. It has been pointed out in an editorial, what do you do to the grandparents that wish to take their grandchildren for a drive? Do you make the grandparents buy a child restraint seat and have it in their car all the time? There are problems with this legislation and problems that are real and have not been thought out by members opposite, because they don't think about these things before they bring in the law. So there are problems.

I want to point out a couple of things on this bill. First of all, it is not good law from the fact that this bill has a number of exemptions; they include policemen, taxi drivers, exemptions for seat belt use if you're above a certain size. I don't know which Minister put that in, whether it was the Minister of Health or the Minister of Urban Affairs? There is a restriction on size and a restriction that you don't have to wear the seat belt if you have a medical certificate.

On the other hand, there is no requirement of use of seat belts in school buses for the children. What do you do? Are the school buses never involved in accidents? Is there no safety involved in having children in school buses safety belted in? If it's good for them in a car, why isn't it good for them in a school bus? If there's a place that a child spends more miles in his life, in his formative years, it's in a school bus, not in the family car; yet, that's exempted from the legislation, it's not a requirement.

Is it a possible reason that they haven't included school buses in this, that this government would see that they would have to spend money putting seat belts in all the school buses because they don't have them, and they don't want to spend the money for the safety of the children? We've seen they've cut back safety spending, so is that the reason school buses are left out of this legislation, because the government would have to spend money on safety? I believe that's the reason, Mr. Speaker.

Once again, Mr. Speaker, I made reference to these people in an unparliamentary fashion earlier on tonight and I withdrew that, but you know why I made it now, when you see the kind of silliness that is built into this legislation. It is totally frustrating to deal with these people who bring in unthought out and poorly drafted, poorly considered legislation. We see now, Mr. Speaker, that the drivers on the public transit buses want to be exempt; they don't want to wear their seat belts. So there's another exemption that these people will bring up because the union will probably request it, and this

government does everything a union requests. Yet, where is the safety measure in a bus? I've ridden transit buses where, not only are the seats full, but people are standing in the aisles holding onto whatever they can hold onto just to stand up. Now how safe is that? If safety is your objective why don't you limit the number of people that can get into transit buses and require them to buckle up a seat belt? Well, you won't do that because, once again, the city transit system would come to the Provincial Government and say we need money to install seat belts. We need money for more buses because we have to run more of them because we can't allow people to stand in the aisles. If safety is your objective, why are you going only part way? Why are you going the easy route of forcing it on the individual car owner in this province, and not other groups of people? You know these people are truly confused and incompetent legislators.

Now the fining system is set out so that it is a minimum \$20, maximum \$100.00. You have a carload of five people, that's \$100 a crack; that's \$100 minimum fine because each individual, including the driver, have to wear the seat belt, and the law says that if the passenger does not wear it he's subject to the fine; read the act. The brilliant Member for Springfield doesn't know that's in the act. That's incredible, Mr. Speaker, but that's in the act.

My colleague from Lakeside pointed out the other day that he sees this as a direct tradeoff, that this is where they're going to get the money I believe to finance the next election campaign, and that is right, \$100 a crack. Five people in a car, none of them belted in, that's a minimum \$100 fine. No problem. This law is anti-tourist because everybody must wear seat belts. If you have tourists coming in from the United States they must wear their seat belts and, if they don't, you'll stop them at the border and you'll give them a \$20 ticket. Welcome to Friendly Manitoba the sign will read right on the top of the ticket.

This group say they want to encourage tourism in Manitoba. Well the Americans coming up across this border, not wearing seat belts, are going to be welcomed by a \$20 ticket, and they're going to have nothing to do about it. You know what Newfoundland did in this bill? Newfoundland, who doesn't have as many car tourists as we have, have a 10-day exemption for out-of-province people, automatic 10-day exemption. You don't have to wear your seat belt if you're out-of-province, the first 10 days you're in the province. What does this government do that depends on a majority of tourists coming in from the United States? They pass a bill hitting them at the border with a \$20 fine. Welcome to Friendly Manitoba they say to our American friends. Well we know the attitude of the Minister of Natural Resources to the Americans and they are demonstrating this in this bill.

Mr. Speaker, the Minister of Agriculture has come up with some convoluted logic and I'll let him speak to this bill, if he wishes to. Well, then he's spoken to it and he didn't say anything.

Mr. Speaker, in terms of the fines for the child restraint system, first of all, is the government going to provide to those families who cannot afford the \$100 for a good child restraint seat, are they going to provide them on a loan basis? Are they going to rent them to people who cannot afford to buy those seats? There's no provision in the bill to do that.

Are they going to apply, as many states do, the first fine that they impose on that family towards the purchase of a seat, of a restraint seat? That's not in the bill but it should be if this thing is going to be rammed through by the government majority. They should consider the financial implication of the child restraint legislation by dealing with it through a government-owned pool of child restraint seats that can be made available or they should wave the first fine and allow it to be applied toward the purchase of a child restraint seat; but they haven't thought of either of that and it's not as if it's an original thought of mine. It's in half the child restraint seat laws in the United States; all they have to do was look it up and it's there. But these people, they don't research anything, they don't bring in legislation on a factual basis. Oh no, that's too complex. They bring it in willy-nilly without any thought pattern at all.

Mr. Speaker, I want to close off with a few short comments about this bill. First of all, this bill - and there are others in this Session - but this bill particularly offends the freedoms of Manitobans, the freedoms of Manitobans to choose what they wish to do for their own personal safety. From that basis, this bill is reprehensible because there is no limit to what a government with the bent of this socialist New Democratic Government will do to save the state money in removing matters of personal choice. This is the beginning and one of the members in the backbench said, hear, hear, in agreement with my statement.

This is the first step to removing personal freedoms from Manitobans to save the holy state money; money in the medical system, the next step will be probably in the education system. They, in passing this, will know no bounds of legislative ability to remove freedoms for the divine right of saving the state money. That's what the governments of Poland, Czechoslovakia, East Germany, Russia do for their citizens. They decide, from a centrally planned state government, what is good for their citizens.

Is that what these people are suggesting is good for Manitobans; some central decision-making group of thinkers will decide what is good and they will remove whatever and any personal freedom so long as it benefits the state and saves the state money? That is a bad precedent and a bad foundation and a bad philosophical concept on which to base legislation removing personal freedoms; but they are using it and they will, Sir, I submit, use it in other matters, justifying it by saving the state money.

This legislation on motorcycle helmets, on seat belts and to some degree, even on the child restraint system, is not a perfect safety measure. I know of no other regulated safety measure that is more imperfect than this one, in terms of its effectiveness. Hard hats on construction sites, I have never known of anyone who has been killed because he wore his hard hat on a construction site, but there will be people who die in their cars because this government forced them to wear their seat belts.

There will be motorcycle riders who are involved in accidents that will die because this government forced them to wear motorcycle helmets. The wearing of seat belts, the wearing of safety helmets on motorcycles is imperfect safety measures, should not be compulsory, should be left to the individual to choose whether the

benefits outweigh the disadvantages. It should be the individual's choice when it is not a 100 percent safety measure but yet these people are forcing it upon the people of Manitoba, this government, this New Democratic Party.

This bill should be split up. It should be three separate issues; seat belts, motorcycle helmets and child restraints and I say this, Mr. Speaker, to save my honourable friends opposite some embarrassment in their constituencies, because the Minister of Government Services could vote against seat belts and helmets and for child restraint and be a hero in his constituency; instead he's going to have constituents mad at him.

I shouldn't make suggestions to help him because the more damage he does to his personal image in that constituency, the far easier it's going to be for us to be in government after the next election. But this bill should be split, and in splitting it, it should be allowed a free vote in the House so that you, as elected MLAs, can speak on behalf of your people, not on behalf of the Premier and the Attorney-General and whoever else is forcing this bill on us. You're not elected to come here to represent the whims of the Attorney-General or the Premier; you're here to represent the considered opinion of your constituents.

MR. SPEAKER, Hon. J. Walding: Order please. The Honourable Minister of Agriculture on a point of order.

HON. B. URUSKI: I rise on a matter of privilege as the honourable member in his remarks has accused me, as a member of this Assembly, of not speaking on behalf of myself as an elected member and I wish him to withdraw that kind of statement. I stand here as an individual member of this Assembly, Sir.

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker. I trust that was an unwanted interruption and not a point of order.

Mr. Speaker, this should be a free vote in this House.

MR. SPEAKER: Order please. The Honourable Minister of Agriculture on a point of order.

HON. B. URUSKI: On a point of privilege, Sir, I interrupt the honourable member. The honourable member has imputed motives to myself indicating that I, as one member of this House, have not stood in my place, have not been able to stand and speak on behalf of my constituents as an elected member of this Assembly. I reject that comment and I ask him to withdraw that imputation to myself, Sir.

MR. D. ORCHARD: Mr. Speaker, I will not withdraw the statement I made because what I said was correct. The Minister is not representing his constituency if he votes in favour of this bill because the majority of his constituents do not wish to have compulsory seat-belt legislation; and if he can prove that through a survey, I will withdraw it, but I know that the majority of his people do not want it to be compulsory, yet he will vote for this bill and not in conjunction with the wishes of

the majority of his people. So I will not withdraw that, Mr. Speaker. That is not anything but a straight statement of fact.

What this government should do, Mr. Speaker, is start listening to the people of Manitoba.

MR. SPEAKER: Order please. The Honourable Minister of Agriculture did not have a point of privilege in that his remarks were not followed by a substantive motion.

The Honourable Member for Pembina should not put himself in the position of imputing motives to another member of the Chamber, and if he feels that he has done so or another member has, then the point should be clarified by the Honourable Member for Pembina as exactly what his intent is and not to impute the motive to another member.

The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker. What this government has to start doing is listening to the people of Manitoba, listening to what the people of Manitoba are telling you. The people of Manitoba are telling you that they don't want some of these types of legislation and they are telling you that you are not listening to them; that you are government out of touch with Manitobans; out of touch with what Manitobans wish from their legislators; out of touch with the views of your constituents in terms of what they want to see you pass in terms of legislation.

Mr. Speaker, I have no argument with this group over here continuing down the path of not listening to Manitobans, and bringing in legislation and resolutions which do not reflect the will of Manitobans, because they do so at their peril and to our benefit. So that, Mr. Speaker, if they don't take the advice they will be the losers, but Manitobans will be the winners in that they will get rid of this gang of incompetent legislators at the earliest possible time in an election.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Thank you, Mr. Speaker, I had several questions for the Member for Pembina arising from his remarks this evening. When the Member for Lakeside spoke on this bill, he strongly suggested that if a Progressive Conservative Government were ever to again be elected in this province, one of the first things that government would do would be to repeal this package of legislation particularly as it relates to mandatory motorcycle helmets and mandatory seat belts.

Mr. Speaker, my question for the Member for Pembina is, as the official spokesman for the opposition on this bill, which he indicated he was at the commencement of his remarks, can he confirm the statement by the Member for Lakeside that it's the official position of the official opposition that repeal of this legislation would follow the opposition's ascension to government in the future?

MR. D. ORCHARD: Mr. Speaker, it is indeed unfortunate that when we are government after the next election that the MLA for Springfield won't be here to see what I do for the people of Manitoba.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please. The Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, despite the unwillingness of the Member for Pembina to confirm or deny the position taken by the Member for Lakeside, I do have another question.

Several members on his side have suggested that there should be a requirement for seat belts in school buses. I'm wondering if, during committee stage on this bill, members opposite or the Member for Pembina intend to introduce an amendment requiring belts on school buses to be installed to protect children.

MR. SPEAKER: Order please. Questions following a member's remarks are supposed to be for clarification of his remarks only. They are not intended to anticipate something that might be happening to the bill or to the process of the bill at a latter stage.

Are you ready for the question?

A MEMBER: We've heard the question.

MR. A. ANSTETT: Mr. Speaker, I'll reword the question then. I didn't mean to anticipate committee stage. Based on the member's remarks, does he favour that this bill should provide for mandatory seat belts in all school buses in Manitoba?

MR. D. ORCHARD: Mr. Speaker, I thought I made my position eminently clear that I do not favour compulsory use of seat belts in Manitoba.

MR. SPEAKER: Are you ready for the question?
The Honourable Member for Inkster.

MR. D. SCOTT: I move, seconded by the Member for Radisson, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The time being 10:00 o'clock, the House is adjourned and will stand adjourned until 2:00 p.m. tomorrow afternoon (Tuesday).