

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

WEARING OF HELMETS

Mr. John Milloy (Kitchener Centre): I move that, in the opinion of this House, the government of Ontario:

Recognize the safety benefits of wearing an approved helmet by those using bicycles, in-line skates, skateboards, scooters and similar devices;

Acknowledge that the original intent of legislative changes made by this Legislature to Ontario's Highway Traffic Act in 1993 was that all cyclists should wear an approved helmet regardless of age;

Make helmet use mandatory for all cyclists in Ontario by repealing the regulation which exempts cyclists over the age of 18 from these legislative changes;

Explore legislative measures to make helmet use mandatory for those using other muscular-powered devices such as in-line skates, skateboards and scooters;

Take into account those who cannot wear a helmet because to do so would interfere with his or her religious beliefs or practices;

Instruct the Ministry of Health Promotion, in conjunction with the Ministry of Transportation and other relevant ministries and stakeholders, to develop a comprehensive education and safety campaign aimed at encouraging helmet use by those using bicycles, in-line skates, skateboards, scooters and similar devices; and

Ensure that any safety campaign also address broader safety issues related to bicycles, in-line skates, skateboards, scooters and similar devices, including the role and responsibility of communities in ensuring the safety of all those using such devices, as well as the special responsibility of motorists to ensure the safety of cyclists and others on our roadways.

The Deputy Speaker (Mr. Bruce Crozier): Mr. Milloy has moved private member's notice of motion number 24. Pursuant to standing order 96, Mr. Milloy, you have up to 10 minutes. The floor is yours.

Mr. Milloy: I acknowledge from the outset the length of my motion that's presented here today. What I'd like to do is maybe boil it down to one sentence, and that is asking this House, through this motion, to acknowledge the fact that wearing a properly worn helmet that meets safety requirements can reduce injuries and even save lives in Ontario.

I think this a proposition that most of us in the House understand. There has been extensive scientific research done by leading experts in the field. At the same time, I think all of us would acknowledge that sometimes what speaks louder than data is the experience of individuals, of people who have been involved in serious accidents and, because they were wearing a helmet, were able to avoid death or avoid an injury that might have been much more serious.

Today I'm very honoured to have a number of proponents here at Queen's Park who represent both of these propositions: those who have done data and research studies as well as those who have experienced tragic falls.

As you can see, I have a great group here on both sides of the House. So with time limitations, I'd just like to acknowledge a handful: first of all, Dr. Charles Tator, head of ThinkFirst Foundation of Canada and one of Canada's leading neurosurgeons, who spoke eloquently this morning about the scientific and medical reasons for wearing helmets; also Dr. Alison Macpherson, a researcher at York University who has written extensively on this topic.

I'd also like to acknowledge a number of survivors who this morning shared their stories with great courage: April Ferguson, a young woman who experienced an accident several years ago; Barrie Faulkner, a gentleman who experienced an accident just over a year ago; and Shelley Gauthier, who was involved in an accident in 2001 -- all of them bicycling accidents. The fact that they were wearing helmets, all of them stated very clearly today, is the reason they're alive.

The data are clear. Studies have shown that wearing a helmet can lessen the likelihood of a head injury by 85% and a brain injury by up to 88%. Although in a sense we're here today to talk about helmets, I'd also argue that we're here today to talk about human nature, that unfortunate belief we all have that we're somehow a little immortal, that all of us are a little too lucky or too smart or too fortunate to be involved in an accident. Yet we all know that isn't the case. The simple fact is that it could happen to any of us, and the results could be disastrous.

This Legislature, as the motion points out, made a very important first step in 1993. It passed a motion that was put forward by former MPP Dianne Cunningham from the London area. What that bill said was that everyone in Ontario who's riding a bicycle should have to wear a helmet. One of the strange twists of fate: The government brought forward regulations to enforce the provisions of that bill, and in those regulations exempted everyone over the age of 18. So in effect, the law as it stands in Ontario only deals with children and youth.

Don't get me wrong: This was an important first step, and studies have demonstrated the effectiveness of this law in reducing brain injuries and head injuries for children. But at the same time, studies have shown that it hasn't had a similar effect on adults, who don't have to wear helmets. In fact, a recent study by Dr. Macpherson, whom I just mentioned, showed that the rate of adults who are going to our emergency departments with head

injuries as a result of cycling accidents is in fact on the increase. So only half of our work is done, and I think there's an obligation on this Legislature and on this government to continue it by making sure that all cyclists in the province have to wear helmets. Accidents don't discriminate on the basis of age. I'm not sure why our laws should.

There's something more than just the safety of adults. There's the fact that adults serve as examples to children, especially their own children. There's also the simple fact of stating the values of our society. If we believe that safety is important, if we believe that all of us have an obligation to take reasonable measures to ensure our safety, then enshrining that in law is a statement of our values and helps when we're educating all people, especially young people.

Mr. Speaker, as you may be aware -- I believe you were in the chair -- a little over two years ago I brought forward a private member's bill, Bill 129, which asked the government to enshrine obligatory helmet use, for cyclists and also for in-line skates and skateboards, in law. That bill passed second reading and languished on the order paper, as so many do. But at the same time, there were some technical problems that were brought to my attention about its relationship to the Highway Traffic Act and scope and so forth. So what I've decided to do today is bring forward a motion as opposed to a bill. What this motion would do is address these issues in a broader way and put the onus on the government, in a sense, to deal with some of the technical matters.

First, I'm calling upon the government to remove this exemption that exists in regulation and make it mandatory for all cyclists to wear helmets.

Second, I'm asking them to explore the possibility of legislating mandatory helmet use for other, similar devices such as skateboards, rollerblades and scooters. Here again, the statistics bear out the need for this sort of legislation. I checked in a recent year, I think it was a year or two ago, and there were 8,000 young people brought to Ontario's emergency departments with emergencies from this type of activity, and of those, over 1,000 had head injuries -- certainly a call for some action in this area.

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The final part of the motion that I presented today deals with the whole issue of education. One thing I've discovered over the last two years in my discussions with various groups and organizations that have supported this bill and been involved in cycling is that helmet use has to be seen as part of a larger picture. The simple fact is that we all have to ensure that we have safety on our roadways, that we have safety when we're cycling, when we're rollerblading, when we're skateboarding. That involves helmets, but it also involves making motorists aware of their obligations, making everyone aware of their obligations to follow the laws of the land when it comes to the Highway Traffic Act and other provisions and bylaws. So what the final part of my motion does is call on the government to educate people, first about the important need for helmets when you are involved in these activities, but second of all, about their obligations and responsibilities to move forward.

Specifically, I have asked that the Ministry of Health Promotion, which has a great interest in accident prevention, take leadership on this, along with the Ministry of Transportation. I believe that for a law to be effective, individuals have to understand the reasoning behind it. At the same time, I believe that for an education campaign to be important, it has to have a bit of teeth that the type of legal imperative we're calling for today would give it.

I think the combination of legislation and education will go a long way to creating the type of society where none of us will get on a bicycle or put on a pair of rollerblades or a skateboard without wearing a helmet automatically. All of us know about the experience of seat belts. I'm old enough, unfortunately, to remember a time when seat belts weren't mandatory in the province and certainly not many people wore them. Now we drive 20 feet in a parking lot and it's automatic. So the hope of this motion is to create this sort of culture of safety, because at the end, it's about the individual.

It's about people like April Ferguson, who spoke today in very courageous terms about how she was setting out a few weeks before her wedding and was involved in a serious accident, but because she wore a helmet, she was here today to tell the story. It's about Barrie Faulkner, a gentleman who was riding on a very quiet road in his community, one where he said there's hardly any traffic, and due to a mishap, he was involved in a crash involving his head. He was thought for the first few minutes to be dead. In fact, he survived and is making tremendous progress. As he spoke this morning at the press conference, it was because he was wearing a helmet. It's people like Shelley Gauthier, who was also here with us today at Queen's Park, who was involved in an accident on a bike trail and, again, because she was wearing a helmet, she's here today to share her story with us.

That's what it's about: It's about the personal stories, as well as the survivors and the people I've brought forward today. I also have representatives of numerous groups who work with people who have had brain injuries -- safety advocates -- and they can tell you of countless situations and countless instances where people have been spared tragedy because they've been wearing a helmet; and unfortunately the inverse, where tragedy has struck families, has struck individuals because people weren't wearing a helmet.

I was at a recent conference and, at the end of the day, someone stood up and very passionately spoke out saying, "It's only a helmet." And it is only a helmet. It's a small thing to ask to make people safe, to make sure that our province moves forward as a place where safety is paramount.

Interruption.

The Deputy Speaker: I would ask our guests to remain quiet but enjoy the proceedings. Further debate?

Ms. Laurie Scott (Haliburton-Victoria-Brock): I certainly do appreciate the

opportunity to contribute to the debate brought forward this morning, to speak to the motion from the member for Kitchener Centre which focuses on the importance of the issue of approved safety helmets for cyclists, in-line skaters, skateboarders, scooters and similar devices. We support the intent of the resolution brought forward by my colleague from Kitchener Centre and especially the development of this comprehensive education and safety campaign aspect of the resolution.

I welcome the members from the gallery, too. Your enthusiasm is great. We just have some rules in here where you can't applaud, but we appreciate your enthusiasm and all the contributions you've certainly made to the development of this resolution. Especially, a thank you to the survivors, who experienced it first-hand and saw something they could do so it didn't happen to other people. So I appreciate the contributions and the time you have given the member for Kitchener Centre.

As it currently exists, people 18 and under are required to wear safety helmets and adults are encouraged to consider wearing helmets, so the education aspect of this resolution is very important. With the younger generation, with my nieces, when we go horseback riding, sometimes I don't necessarily reach for my helmet first thing. Theirs are on, and they tell me that I can't go out unless I put my helmet on. So the younger generation is getting some form of education and they share it with the older group -- as I say, myself.

It has been mentioned, and I also want to mention, that the PC member of provincial Parliament Dianne Cunningham should be recognized and credited for bringing in the Ontario helmets law through her private member's bill many years ago when she was a member of the third party of this Legislature. I want to thank her for her past work. It makes good sense. I recognize the member for putting forward that we should be enhancing this, especially the education aspect.

Head injury does not discriminate on the basis of age. When we see the police reports we get on our computers and if there's been a cyclist accident with a van or some accident, it's usually people over 18 who have been involved in those accidents, whether cycling to work or not.

The member mentioned the need to work with different ministries, the Ministry of Health Promotion "in conjunction with the Ministry of Transportation and other ministries and stakeholders to develop a comprehensive education and safety campaign aimed at encouraging helmet use by those using bicycles, in-line skates, skateboarders, scooters and similar devices."

British Columbia, Nova Scotia, New Brunswick and Prince Edward Island have legislation requiring all cyclists to wear helmets. There is some research here that says a properly fitted helmet helps protect the head by absorbing the force from a crash or a fall and decreases the risk of serious head injury by as much as 85% and brain injury by as much as 88%. Brain injury is the most common cause of death among cyclists, skateboarders etc. Approximately 50% of cycling injuries involve adults. Only 42% of cyclists in Toronto wear a helmet. That's surprising to me, but that's educating us as we

discuss this private member's resolution this morning. A survey in 2002 by Safe Kids Canada found that 79% of Canadian parents support helmet legislation for both adults and children.

In my other profession, before I entered the Legislature, I spent over 20 years being a registered nurse in various settings, but a good portion was in intensive care in Lindsay at Ross Memorial Hospital. In the riding of Haliburton-Victoria-Brock, in all its aspects, more and more cyclists are seen up there as more people are encouraged and as more trails are developed. I've seen countless people come in with head injuries from their different sports -- just an accident that happened. You don't plan for accidents, but it's the type of thing where you should plan for the worst and hope for the best. It's a sad thing that these patients suffered injuries that could have been prevented if they had been wearing a safety helmet.

It mentions the seat belt law when it first came in, the restrictions and the pushback on that, and now it's such a reflex, as the member mentioned. You put it on in the parking lot before you leave to go onto the road. That type of education campaign is what we need. I just got a police report in from Durham about an accident that happened yesterday with a cyclist and a van and the injuries that occurred.

It's also important to note that in many cases where injuries occur it's not because of anything wrong, where the victim wasn't paying attention. It happens: busy lives, we're in our cars, things happen.

It's interesting and somewhat ironic how often I see in-line skaters, cyclists and skateboarders wearing all the protective gear besides the helmets: the elbow pads, the kneepads and wrist protectors. Sometimes you see all the gear on the lower parts of the body and they miss the helmet. Sometimes they're not thinking. That is going back to the education component.

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Every jurisdiction where this type of legislation exists has shown a reduction in serious head injuries in children, young people and adults. Anything we can do to keep Ontarians safer, we need to consider in this Legislature and to educate as many people as we can. It's important that we strike the proper balance that ensures safety but also limits the level of government intrusion in people's lives. You do hear of some pushback.

We got an e-mail from a gentleman in British Columbia, where the law is in but is enforced arbitrarily. He's saying that it depends where you are. In Victoria, it's enforced. The cruisers were pulling him over. He didn't know why the cruisers were pulling him over. It was because he wasn't wearing a helmet. In Vancouver, it's not enforced as strictly. A key part is how we're going to enforce it. Will it be enforced equally across the province? All these things need to be considered.

We're hoping this moves forward. I know it was brought forward before. What's the next stage? Let's get it to committee. Let's get some feedback. How can we equally enforce it across the province? As I said, some examples have come in. Member from Kitchener Centre, we're getting examples from British Columbia, so people are paying attention all across Canada to your resolution here this morning. When you said "a culture of safety," it's an appropriate phrase to use. The how-to is always a hard question, but we can all work together on it, and I'm sure we will.

I appreciate the opportunity of speaking to this bill this morning. Another of my colleagues would like to speak to it later too. Thank you very much for the opportunity.

Mr. Tony Ruprecht (Davenport): I appreciate the opportunity to support our colleague from Kitchener Centre in terms of the helmet law. The member's motion, while significant and long, essentially boils down to the fact that we should make helmet use mandatory for all cyclists in Ontario. I know that probably most of us will support this legislation and this motion.

How many bicycle-related injuries are there in Ontario? I was astonished when I looked at the specifics of how many injuries there are and how many times our emergency department has to respond to these injuries. In Ontario alone in the past three years -- get this -- there have been 27,898 emergency department visits. Wow, imagine that: 27,898. That's a massive amount, massive numbers of people who have to go to the emergency department and be treated because of accidents.

Do these injuries impact our community? Mr. Milloy gave us a very interesting fact sheet from which I shall read. According to ThinkFirst Canada, he says, each catastrophic head and spinal cord injury costs approximately \$4 million to \$8 million for health care, rehabilitation and lost earnings over a lifetime. Wow. Again, these are massive numbers: \$4 million to \$8 million for health care, rehabilitation and lost earnings for each case.

In my riding of Davenport, on Springhurst Avenue -- I live on Springhurst Avenue -- there is a group home. I've lived there for over 35 years. I've walked and cycled many times on Springhurst Avenue, and I see the results of these kinds of accidents. It is sometimes tragic to see people in wheelchairs and people who are trying to walk with a cane and with other equipment. Sometimes I even see people with two others trying to help them to take the first steps out of the home. When you see this kind of image in front of you, then you know something should be done, not just to protect and interfere with people's lives but to protect our citizens. So this helmet law, this regulation, must be changed and must be supported.

On a personal note, I want to tell you what happened to me. I was having my bike out with my girlfriend a few years ago and we rode down to Lakeshore. My house is very close to Lakeshore Boulevard. While I was looking to the left, I saw a car on the corner trying to make a right-hand turn. Because the traffic comes this way, the car driver was not interested in who was on his right. There were two bicycles almost parked next to the

car: mine and my girlfriend's. While he was interested in looking to the left because of the traffic coming this way, he was not looking to the bicycles at all. He had no interest in looking to the right, where I and my girlfriend were standing. Consequently, as soon as he had a chance, he pulled the car over and turned right without looking, and he drove over -- I just had a chance to pull my bicycle back. My girlfriend was to my left, and unfortunately she was caught. The tire of the car drove over her front tire and she was smashed, along with her bicycle, to the ground. Luckily, she wore a helmet, and hit her helmet against my pedal bar that was pulled back.

If she had not worn a helmet, we don't know what would have happened. The bicycle, of course, had to be replaced, and she had a few scratches. She came away with a fear of riding a bike again. But this, to me, showed that it is obvious what we have to do: We have to wear helmets.

I was the first one, being right in front of this kind of an accident, who from then on always wore a helmet. It is very clear that it is very important that this helmet law be passed.

There are other jurisdictions that have helmet laws in place. There is British Columbia, New Brunswick, Nova Scotia, Prince Edward Island, and the fines are not very high, apparently, if you're caught without a helmet. The fine in British Columbia is only \$29; in Nova Scotia, \$25. PEI has the highest fine, between \$50 and \$100. I would say that these other jurisdictions also have had experience and also know about some of these very tragic incidents.

I'm therefore delighted to lend my support to this most important motion by my colleague from Kitchener Centre.

Mr. Ernie Hardeman (Oxford): First of all, I want to say I'm happy to rise and speak in favour of the resolution from the member for Kitchener Centre. But I want to tell the audience who are listening -- first of all, I want to say, even though the Speaker doesn't want the audience to applaud, I appreciate the fact that from time to time there is somebody in the audience willing to applaud. So we very much appreciate that.

The Deputy Speaker: It's not the Speaker. I enjoy their presence. It's the standing orders, you know.

Mr. Hardeman: I'm sure the only person really interested in seeing those enforced is the Speaker. But we do appreciate them being here.

I do want to say, as my presentation goes forward, that even though I support the resolution, I do have some concerns, not so much with the resolution as with the process.

Safe Kids Canada reports that a properly fitted helmet can reduce the risk of serious head injury by as much as 85% and brain injury by 88%. Obviously, anything we do that

would reduce the negative impact of misfortune is a good thing. As a parent, I know the fear and concern you feel when you watch your child going where they could get hurt or hurt themselves. That feeling is there as a parent, but it doesn't disappear because the child gets to be 18. In fact, we still want our children protected even after they have children of their own. I was pleased to reach that point this past year where my children have children of their own.

At the same time, I think we need to be cautious how this process would be implemented. There was a reason why the bill that was introduced and passed on behalf of Dianne Cunningham, one of my colleagues a number of years ago, stopped at the age of 18 as opposed to being for everyone who was on a bicycle: Those who were most vulnerable, those who needed protecting the most, were the ones who might not be aware of the risk they were taking. That's why I think it was important that there was legislation put in place that forced them or imposed upon them that they had to wear a helmet.

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Having this law in place encouraged kids to do the right thing and protect themselves. It also helped parents get their kids to wear their helmets. Obviously, it's very easy for a parent to say, "You must put your helmet on," but unless there's some mandated reason, they might not do it. It gave the police the right to step in when they thought a child was being reckless by not wearing a helmet. At the same time, limiting the helmet law to those under 18 meant that it restricted the law from being something that could be implemented and enforced. When you look beyond the age of 18, it's going to be much more difficult for the police. It's a greater group of people who are also more difficult to look after.

One of the dangers of making the law too broad is that it becomes too difficult to enforce. Our police forces are dedicated and work incredibly hard, but we all have to admit that they have limited resources. We also need to be cautious as to whether the government is over-legislating or over-regulating. That is always a concern of the general population.

Perhaps it makes sense that adult cyclists in downtown Toronto should be wearing a helmet during rush hour, as the risk obviously increases with the amount of traffic. But does it also make sense to force an adult cyclist on a quiet, smooth -- and I use the word "smooth" lightly -- road in Oxford county to also wear a helmet? On a Sunday afternoon, cycling down McBeth Road where I live, it's quite possible you could go cycling for an hour and not see another vehicle in that whole time. So does it make sense, on a hot Sunday afternoon, that we have a law that says they can't do that unless they have their helmet on?

In fact, it's not just my opinion. I did receive an e-mail yesterday on this resolution suggesting that -- it came from Woodstock. I just want to quote from it: "As the vast majority of head injuries happen to other groups of people such as motorists and pedestrians, it's hypocritical of Mr. Milloy, not to mention discriminatory, not to include all groups of people in his helmet bill who could possibly suffer head injuries."

I'm not suggesting that that is the be-all and end-all, but there is a risk of head injury regardless of where you are. In a head-on collision in a car, we're obviously going to have a lot of head injuries. Does that mean we should all be wearing a helmet and a faceguard and force people to do that because we want to totally eliminate that risk? We need to ensure that we are striking a balance between protecting people and protecting their rights and freedoms.

In addition to expanding the helmet law for cyclists, this resolution also calls on the government to recognize the safety benefits of wearing helmets for those using in-line skates, skateboards, scooters and similar devices. Again, I support that approach. I also support the approach of having more education and training for people in those categories.

I want to say that I did visit one of our local schools, and one of the questions from a grade 5 student was, "How do we go about getting the government not to force us to wear helmets?" So it isn't necessarily everybody who supports putting such restrictions in place.

Lastly, I just want to very quickly cover the process that we find ourselves in here. I recognize the challenges the member introducing this bill faces, having introduced a bill prior to this that went to committee and was then never called out of committee. It becomes very easy here in private members' business for everyone to stand up and speak in favour of something and then see it go to committee and never called back because it's just private members' business. So I think I recognize the need to put forward a resolution to try and direct the government to get on with doing something about this issue, but the present government -- maybe it's other governments as well -- hasn't been very active in taking up direction from resolutions passed by this House and getting on with doing them. I had one passed in this Legislature a number of months ago asking the government to do something; in fact, it was supported by a majority in this Legislature. So far, absolutely nothing has been done to deal with that subject.

So I hope that as this resolution -- and I hope it will pass -- proceeds through the process, the government will have a look at this and start dealing with the issue, particularly with the education part of it, to make sure that our people are protected as well as they can be on our roads, highways and byways, and that we can leave this place and say that we did everything we could to prevent further injury.

Mr. Michael Prue (Beaches-East York): Two years ago, when Mr. Milloy last brought this topic up in private members' business, I stood in this House and I made probably what I consider to be the most difficult speech I have ever made in my entire life. I'm going to try today not to make it quite so difficult.

This is a bill, or actually a motion, that needs to pass. The difference between the motion today and the bill the last time -- just to underline it for members of the House -- is that this is a motion of the House requesting the cabinet and the minister to use the privileges

that they have to simply change a regulation. It is not a bill. It's a very simple thing that is being asked here today and what I hope the minister and the cabinet will take to heart. It will not require hearings; it will not require committees; it will not require people to go out of their way within the government; it will simply take the will of the minister to go forward and do what is right.

I said it was a very difficult speech at that time, and it was. But I am also mindful that on that day two years ago, the last time this topic was broached, every single member from every single party in this House supported it. We all understand the necessity of having people wear helmets.

I, too, after the last speech, got phone calls. I, too, got e-mails and faxes of people who don't want to wear helmets. Some of them were quite abusive to me. I was really quite surprised, given the circumstances under which I spoke and the personal tragedy of my own family, that they would behave in that fashion. But I will tell you and I will tell them that there's no sense in sending me these e-mails and faxes and abusive phone calls. What is being proposed here must happen. It must happen if we are to save lives, and it must happen so that other families and other people do not have or meet the same end and the tragedy that befell us.

I am very saddened that nothing has happened over these last two years. I am very saddened, given the process, that Mr. Milloy has to come here again today and put this back before this House. He has explained to me, in only minor detail, because he obviously is a man of great integrity, the member from Kitchener. He is a man of great integrity and won't tell me what transpired in his caucus or what transpired with the minister after this happened. But I'm given to understand through snippets that there is some problem and there was some problem in letting it go forward.

Now he's trying a new approach and, I believe, ultimately a much more successful approach. All this is going to do is take away the exemption that adults have not to wear a helmet. Right now, today, in the province, everyone has to wear a helmet, save and except an adult. That means every kid has to wear a helmet. But once you turn 18, somehow you're exempt from that. You're exempt from that, I guess, because you have, as the member from Oxford said, this sense that you have a freedom and you have your own responsibility, you can take charge of your own life, which you could not do a few months before, when you were only 17.

Well, here comes the difficult part. This is what happened to my family, to my brother. My brother was a very law-abiding man. I don't believe he was ever charged with any offence, even driving too fast. He did everything that the law required of him. When the law required that his children wear a helmet, his children wore a helmet. When he went out on the bicycle with them, they had a helmet and he did not -- and he was an athletic guy. One day he hopped on a bicycle -- it was the end of the summer, Labour Day weekend -- and he did what he was supposed to do. He lived in the town of Brampton; his family still does. He didn't want to get in the car to go to the corner store because in Brampton, the corner store isn't on the corner; the corner store is literally miles away. He

got on a bicycle and did not go on the road -- I want the member from Oxford to understand this -- he went on a bicycle path. The bicycle path was a couple of kilometres to the nearest store. He went on that bicycle path to pick up something and, en route -- nobody knows what happened -- on the bicycle path, not on the road, he fell off his bicycle. He was not wearing a helmet. He hit his head. Five days later, my sister-in-law made a very courageous decision and turned off life support. Five days after the accident, he died.

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I believe with all my heart that, had he worn a helmet, he would be alive today. I believe with all my heart that the statistics that have been cited, 85% reduction in head injuries and 88% reduction in brain injuries, would have been enough to maintain his life. You see, when he died, he had no other injuries. He didn't have any other broken bones; no car hit him. All that happened was that he fell off the bicycle and hit his head, and he fell off the bicycle and hit his head without a helmet on.

I want to make sure that what happened to him does not happen to anyone else. I want to make sure that his death was not in vain and that perhaps by my telling this story here today, people will know how important it is.

I see adults every day on the streets of this city, I see adults every day when I'm outside of the city, sometimes on little country roads, riding along without a helmet on. In every case I want to stop my car, if I'm in a car, or just to stop them -- I don't do it, mind you, but I want to -- and tell them the story of my brother. I want to tell them how wrong they are to do what they are doing without taking proper precautions. It did not take very much for this to happen. It did not take any horrific event. I am sure it was simply an accident.

The members have cited some statistics that I believe were provided by Mr. Milloy, and I believe them as well: 5,078 people in the last three years, the majority of those since the last time we debated this bill, have been treated for head injuries as a result of bicycle accidents. Almost all of them were adults.

I think it is the responsibility of all of us as Legislators to learn from what has happened before. Clearly, a generation ago there was a debate in this House about wearing seat belts. I remember that debate, although I was not a member of the Legislature, and people talking about their personal freedoms and how they didn't need to wear seat belts; that it was their right not to wear a seat belt, but if the law required for them to buckle up their children, they would buckle up their children, but, "I'm an adult and I don't need to do that." This Legislature wisely, at that time, rejected that notion. We said that all persons must wear a seat belt. I remember that in the months and years that followed, there was a whole hue and cry. I remember seeing bumper stickers and hearing people saying, "You can't legislate my safety." I remember seeing all of that stuff. Wisely, the government, the police and the courts rejected all of those statements. Wisely, today you can look at the statistics of automobile accidents and the number of people who die from not wearing

seat belts. You will see that the number has gone way down because we enforce people to do it. We make them do it. We tell them it's good, and it is good. It has saved a huge number of lives in the same way that this motion, if passed and if the minister obeys what the House is telling the minister, will save the same number of lives.

Perhaps there is another analogy which is even better, and that is the whole use of hockey helmets. When I was a boy, nobody wore a hockey helmet. I don't remember a kid who had a hockey helmet. We all played hockey and shinny and stuff, I wasn't very good at it and still am not, but we all played without hockey helmets. Nobody wore them at all, and then people started to notice the number of head injuries that kids were having from not wearing hockey helmets. Wise people came forward and suggested that kids should be wearing these, and eventually you started to see the odd child here and there wearing a hockey helmet. Nothing really changed. Some kids wore them, some didn't, until a remarkable thing happened: You started to see some NHL players wearing hockey helmets. They were not required by law to wear the hockey helmets but they determined that it was in their best interests to put them on.

Once the NHL players started to put on hockey helmets, so did the kids. Once there was this role model in front of them when they turned on Saturday night hockey and saw half the team wearing a hockey helmet, their friends could no longer say, "Hey, you're a sissy," or "Why are you wearing that?" or "Does your mother make you do it?" It was seen as something they could do without ridicule. I can't remember the last time I saw somebody skating on the ice without a helmet, but it was a good, long time ago. The NHL finally came to its senses and made the hockey players wear helmets, and all of the junior leagues made them wear helmets. Every kid today who plays hockey and every player, no matter where it is on up the road, wears one too.

The reason I'm telling this story about the hockey helmet is because children will emulate the response of adults. Children who see that adults are not wearing a helmet while they're on a bicycle, or hear a person who is 17 who says, "On the day that I'm 18, I don't have to do this anymore because I'm an adult," will change their minds. Or they will change their minds and they will do what is right and they will wear it. And the kids will grow to become accustomed to the fact that that is the way it is done. I believe that too.

I want to imprint on you again that this has been a very difficult speech for me. I hope I have made some sense. It has been a very difficult speech because of my brother Derek. I think back to all the things that he missed. I think back also, though, to what his family missed. I think back to the two kids and the wife whom he left. I think back to the difficulty they have had these many years in not having a father. They've grown up quite well. One has finished university and has her own business and the other is in university. My sister-in-law continues to work. But there is an emptiness that they have inside, and I can feel it, because I feel it myself. I feel it and know that we could have and should have done something about it.

I'm saying to the minister that when you get this motion -- and I hope this passes today -- have the courage of what it takes to simply do the right thing: End the exemption. You

don't need anybody else's permission. You will know that this House, all members of this House and all parties in this House know that this is the right thing to do. Do not let the emptiness that still is within my family, do not let the emptiness that my parents share to this day, be visited on anyone else. It is a simple thing to do. For those naysayers, and I'm sure there are going to be some, who are going to send me e-mails and faxes and phone me and tell me I don't know what I'm talking about, I will remind them, and I did remind them, of what it means to me.

I salute Mr. Milloy for not giving up this fight. I commend him for taking the time to come back and look at why his last attempt did not pass and come at it from a different angle which, in the end, will leave it up to one person, and one group of people within the cabinet, to change a regulation. If we can change that regulation, if we can do what we need to do, we are going to save the lives of many, many people. But more importantly, we are going to set an example for children so that a generation from now, just like what happened in hockey, you will get on a bicycle, but before you do, you'll put on your helmet. You'll put that on when you're eight and when you're 12 and when you're 15 and when you're 85. It won't matter whether you're in downtown Toronto in traffic or whether you're on a small country road. It only takes falling off that bicycle and one small accident to make a change forever. This bill, I hope, makes sure that all the changes that happen will be good ones.

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Mr. Jeff Leal (Peterborough): As I did two years ago, I certainly intend to support the motion from my colleague from Kitchener Centre.

There are very few times when there is absolute quiet in this House. But there was, indeed, two years ago when two members of this House had great courage to share very personal stories with us about the ramifications of having adults over 18 not wear helmets when they were cycling. The member from Beaches-East York two years ago chatted about the tragedy of his brother, and my colleague the Minister of Health Promotion talked about a very close friend who lost his life while cycling and not wearing a helmet.

To me, it should be a very easy thing for the Ministry of Transportation, our colleague Donna Cansfield and the executive council to change the regulations dealing with the wearing of helmets while cycling for those over 18.

I've had the opportunity to chat about this issue with the local brain injuries organization in my riding in Peterborough. Two years ago they certainly pressed me to support the private member's bill of my colleague, and I indicated, when I heard that the member from Kitchener Centre was going to bring this back again, that this morning I would support the resolution.

I listened carefully to my friend the member from Oxford talking about bicycling on a quiet back road in rural Ontario and not wearing a helmet. About a year and a half ago, I

talked to the local OPP detachment in Peterborough. One of the things they talked about that day was not accidents related to cyclists but car accidents that happen on rural back roads in Ontario. There's often a false sense of well-being, when one is travelling on one of those back roads, that perhaps because of the idyllic conditions on an autumn day in rural Ontario, you're not paying attention to the road as well as you should be, as one's mind wanders off thinking about other things. Indeed, there are many serious vehicle accidents that happen on those quiet back roads, even for people cycling, where something happens right out of the blue and they find themselves injured.

I think it's important that we move forward today and pass this motion to put pressure on the Minister of Transportation and the executive council, to make sure that we bring in this motion for people over 18 to wear helmets while cycling. I just think it's the right thing to do. It will prevent a lot of injuries and a lot of hospital care. I think it's important that we move forward on this motion today.

Mr. Lou Rinaldi (Northumberland): I'm delighted to stand today and support this motion from my good friend the member from Kitchener Centre.

We've heard stories that have been very touching and compelling, and they're all perfect. And I see the reasons why this member is trying to deal with this motion, to move it forward, because of those particular reasons. But I'm going to put a little bit of a different spin on this. I'm going to focus a little bit on cycling, although I'm not a cyclist very much. Cycling has become very big in our communities these days. The use of bicycles has increased dramatically.

I was fortunate to be a member of a municipal council that was instrumental in putting in the waterfront trail that now spans from Niagara to the Kingston area, the Thousand Islands. It goes right in front of my house. I can tell you that many times, as I'm on my driveway, there are a number of cyclists who come down that bicycle path, a dedicated path that stretches across the north shore of Lake Ontario. I guess what I'm getting at is that there is more and more use of bicycles, and the more we use them, the more the percentage of injuries goes up, as we just heard, specifically head injuries.

As legislators, we need to think of that. We tend to always react when the statistics get way out of whack, and then we rush in and put in laws to try to fix it. But the unfortunate part of that is --

Mr. Khalil Ramal (London-Fanshawe): Prevention.

Mr. Rinaldi: We don't do enough prevention, whether it's health care or, in this case, to protect injuries from bicycles. We waited so long before we instituted seat belts in cars, and yet we knew for a fact that if a person was properly restrained in a vehicle, the opportunity for injury was very much reduced.

Sometimes we wonder why we wait so long to do certain things as legislators for the health and welfare of our communities. I know my friend from Kitchener Centre has made an attempt at this in the past. I'm sad to say that it hasn't progressed fast enough. But I hope, as we sit around here and debate this motion, we really see the importance of it, because an injury is not an injury until it happens. We can talk about it -- "Maybe, maybe not. This could happen" -- but when something happens, we always say, "It's too late. We should have done something."

I think we have to be a bit forward-thinking. I'm prepared and I hope the rest of the members of this House are prepared to support this, because I think it's -- I'm not going to say that it's too late, but maybe we should have done it before. Let's do it now.

Hon. Jim Watson (Minister of Health Promotion): It's not normal that a minister speak at private members' hour, but I felt very strongly about Mr. Milloy's motion. As Mr. Leal pointed out, I too had a similar situation occur to me -- obviously not a relative. I very much appreciate the member for Beaches-East York talking passionately about the loss in his life of a brother as a result of an accident when his brother was not wearing a helmet. I had a friend -- in fact, ironically, Mr. Milloy knows this friend, Carl Gillis -- who was in-line skating and not wearing a helmet, and he tragically died prematurely. That's why I'm here to support this motion, as I was here to support Mr. Milloy's private member's bill.

Our Ministry of Health Promotion is listed in the motion, and if this House does adopt this motion, I very much look forward to working with Mr. Milloy and members of the injury prevention community throughout the province of Ontario to do what we can to better educate people about the importance of wearing helmets.

We know for a fact that a properly fitted helmet helps protect the head by absorbing force from a crash or a fall and decreases the risk of a serious head injury by as much as 85% and brain injury by as much as 88%.

I also want to commend all of the medical officers of health. I know our former medical officer of health in Ottawa, Dr. Rob Cushman, is a leading expert in the importance of wearing helmets while in-line skating, skateboarding and riding a bicycle.

We are in the process in our ministry of putting together an injury prevention strategy. This motion, if passed, would be an ideal complement to making sure that we get it right and that we reach out to those groups that are doing good work to see if we can help them do a better job of getting the word out about the importance of wearing a helmet.

I want to commend Mr. Milloy, the member for Kitchener Centre, for the work that he's done, the persistence in making sure that this issue stays alive, because we know that if more people wear helmets, particularly past the age of 18, more lives will be saved.

I want to commend Dianne Cunningham, the former member from London, who brought forward the motion in the first place. Let's continue the good work she's done by supporting this resolution of Mr. Milloy's in the memory of people like Mr. Prue's brother and my friend Carl Gillis.

The Deputy Speaker: Mr. Milloy, you have up to two minutes to respond.

Mr. Milloy: I've appreciated the debate this morning in the Legislature. As I think I pointed out in my presentation, this motion is really about balance. It's about making sure that we have the type of legislation and regulation which makes people sit up and notice when it comes to issues of wearing helmets and, at the same time, that it's complemented with education and an education campaign that has real teeth.

I want to thank the speakers from all three parties who stood here today to speak in favour of the motion. Due to the brevity of time, I just want to comment on two speeches. The first is that of the Minister of Health Promotion, who is named in the motion put forward today in the sense that we are asking for a government education campaign. I just want to state my appreciation for his commitment here that, if passed, he will certainly make it part of health and safety campaigns that he's moving with in the future. The second person I want to pay particular tribute to, of course, is my friend from Beaches-East York. I want to congratulate him on his courage in coming forward to the Legislature and telling his personal story.

As I said at the beginning, data is important, research is important, but at the end of the day, it's the personal stories which I think convince all of us of the importance of helmet use in our province, and the fact that it can withstand so much and prevent so many tragedies. At the same time -- I see my time is running out -- I do want to thank all the groups and organizations who have come forward to endorse my bill. The brain injury association in my own community of Waterloo-Wellington -- I have to mention them specifically for the leadership that they have shown at home. They really encouraged me to move forward, and I was then able to connect with a large number of local organizations.

In closing, this motion does something very simple. It creates a culture of safety which hopefully is going to lead to a situation where no one in this province would get on a bicycle, go in-line skating or skateboarding without wearing a helmet. Thank you very much.

The Deputy Speaker: The time provided for private members' public business has expired.

WEARING OF HELMETS

The Deputy Speaker (Mr. Bruce Crozier): We shall now deal with ballot item number 68, standing in the name of Mr. Milloy.

Mr. Milloy has moved private member's notice of motion number 34. Is it the pleasure of the House that the motion carry? Carried.

Call in the members. This will be a five-minute bell.