

*Weights and Measures Act*

"Riding the ticket" means that the operator of a fuel truck can insert a ticket into the printing mechanism of his meter, pull down a lever, and punch a zero on it. The ticket remains locked in the printing device until the delivery is completed and then, he pulls down the lever a second time and prints the total gallonage.

In other words, if the driver has an order to deliver 200 gallons of oil, in effect he can deliver only 150 gallons of oil, indicate that 200 gallons have been delivered on his meter and take the other 50 gallons for his own use or sell it elsewhere. This is a fraudulent practice that has crept into the delivery of fuel oil, one that requires regulation. In this regard we are worried whether or not the minister has enough inspectors on staff adequately to enforce the provisions of this amendment. We feel these inspectors are very necessary and essential in preventing the continuance of this type of practice.

There are two provisions dealing with sections 18 and 32, both of which are consequential upon each other. We hope that the minister will give us, in view of the importance of these amendments to what would otherwise be a piece of housekeeping legislation, some elaboration and explanation before the House consents to third reading. Perhaps the most important of the new provisions in the bill now before us is clause 27, which states:

Every person who alters or adjusts the odometer of a motor vehicle in such a manner that as a result of the alteration or adjustment the total number of miles indicated on the odometer is other than the total number of miles travelled by that vehicle is guilty of an offence.

The second part of that particular clause, which is consequential, provides:

(2) No person shall be convicted of an offence under subsection (1) if he establishes that the alteration or adjustment was reasonably necessary for the purpose of making repairs to an odometer or to any other part of a motor vehicle directly related thereto.

That is a very important new aspect of this bill. It takes into account what has been a fairly common practice, especially with the sale of used cars, namely, tampering with the odometer in order to mislead the public into believing that the motor vehicle in question has in fact not travelled the number of miles it has in fact travelled.

There are certain questions that were raised in committee and which I think deserve to be brought up at this time in respect to this particular clause. First of all, on the surface this would appear to be an area of provincial jurisdiction. For example, we do not know how many of the provinces have amended their motor vehicle acts to make this practice an offence. We know some provinces have done so, and we are wondering exactly what would be the effect of this amendment which extends the jurisdiction of the federal government into an area which on the surface appears to be one solely for the provinces.

Having said that, I should like to reiterate a matter put forward by myself and other members in the committee, namely, that this new clause in the bill will have the effect, hopefully, of getting the provinces to pass legislation to protect the public from unscrupulous automobile dealers, especially used car dealers, who all too often

[Mr. McGrath.]

have made it a practice to tamper with automobiles and to sell them to the public by misrepresenting their true mileage. I think this matter is worthy of mention here.

I hope the minister will enlarge upon what I have said and perhaps inform the House how he intends to enforce this provision. Perhaps the minister can inform us whether or not he has had consultations with the provinces in regard to the constitutional aspects of this provision. Certainly in provinces that have not legislated in this area, the initiative of the federal government will be welcomed. But we should also like to know what is the position of this amendment in cases where the provinces have acted and made the appropriate amendments to their provincial motor vehicles act. Which law will take precedence, the provincial or the federal? I think this matter deserves attention.

I think these are new and important amendments that have been introduced into the bill. Down through the years this legislation has served the public of Canada well in its regulation of weights and measures, and is now expanding into areas where it can continue to protect the public. As I say, we are concerned about its constitutional aspects. We are concerned that we may be enacting a law that is powerless, by virtue of constitutional limitation, notwithstanding the importance of these specific clauses, to protect the public from fraudulent and in many cases criminal practices which unfortunately have become all too common in our modern society.

**Hon. Ron Basford (Minister of Consumer and Corporate Affairs):** Mr. Speaker, I feel I should reply to my hon. friend—

**Mr. Deputy Speaker:** Order, please. I must advise hon. members that the minister would need the unanimous consent of the House to speak now. Is there such consent?

**Some hon. Members:** Agreed.

**Mr. Basford:** Mr. Speaker, I feel I should say something in reply to the very helpful comments and questions put by my hon. friend from St. John's East (Mr. McGrath), who as leader of his party in the Committee on Health and Welfare was very helpful in the examination of the bill and in dealing with the amendments that were made in committee and undoubtedly improved the bill. I thank him for his thoughtful remarks this evening which were directed to the substance of the bill, and for some very legitimate and proper questions that he asked in relation thereto.

This is, as the hon. member pointed out, a bill that is really a complementary measure to the packaging and labelling bill which this House passed a couple of weeks ago. When we were introducing the new omnibus consumer packaging and labelling bill to Parliament, it seemed a proper and opportune time to revise the Weights and Measures Act, which is a very historic act in Canada but one which, if we are to keep pace with technological developments, needs to be revised from time to time. Now is the proper time to make that revision.