

serious bodily injuries. It has been proved that the use of a restraint belt can prevent casualties and many very serious accidents.

I think we must welcome the decisions made by the government in the past few years to improve the safety of Canadians, particularly on our highways.

My colleague, the Parliamentary Secretary to the President of the Treasury Board (Mr. Clermont), quoted a whole series of measures taken by the government in the past few months to ensure greater safety for people who drive along Canadian highways. I think we must welcome what has been accomplished, and have a right to expect that more will be done in this sphere.

It is frightening to realize that at the present time, the highway toll in North America—Canada included—is higher than that of any war, even a world war. All governments, particularly North American governments, should make every possible effort to improve motor vehicle safety.

I for one always use a safety belt when I drive my car. The type of safety belt I have is European: it is a four-point belt which fastens on the right. And I can guarantee that this type of belt is far more effective and much safer than the types we find on North American cars at present. I suggest that General Motors, Chrysler and Ford study the European types of belt used in Mercedes and Volvos and try to manufacture similar ones. I think that passenger safety would thus be greatly improved.

I feel, Mr. Speaker, that we must congratulate the hon. member who presented this bill designed to improve car passenger safety by prescribing the use of better types of safety belts, and I think that all hon. members will agree that every possible step that can be taken to prevent loss of life should be encouraged.

• (1720)

[English]

Mr. Lloyd Francis (Ottawa West): Mr. Speaker, again I want to join those who have congratulated the hon. member on this bill. He has shown a consistent interest in this subject over a period of time. I want to say a few things about the basic problem of constitutionality with respect to certain measures that he is proposing, and then I want to talk generally about the Motor Vehicle Safety Act, its purposes, and how the regulations under that act are brought into effect.

The Motor Vehicle Safety Act, which was Bill C-137 and which was passed by this House on March 11, 1970, by the Senate on March 23, and received Royal Assent on March 25, is the authority by which the federal government prescribes certain things by regulation. It provides authority for regulations respecting the design, construction and functioning of motor vehicles manufactured in Canada or imported into Canada. Thus safety standards for seat belts and other safety features of new motor vehicles are prescribed by regulation rather than being specified in the enabling legislation. The Motor Vehicle Safety Act is not concerned with the use of motor vehicles on the road, since this is presently regulated by the provinces under their highway traffic and motor vehicle acts. A few minutes ago, I asked the hon. member who introduced the

Motor Vehicle Safety Act

bill, the hon. member for White Rock-Surrey (Mr. Mather), whether he was aware of this constitutional problem. The federal government, according to the law passed by this parliament, can require the installation of seat belts, but the penalty for failure to use the seat belts has to be prescribed by the provincial authorities. This appears to be the ridiculous situation we have under our constitutional arrangements, one that cannot easily or readily be avoided.

The installation of seat belts in passenger cars was mandated in the initial Motor Vehicle Safety Regulations which came into force with the proclamation of the Motor Vehicles Safety Act on January 1, 1971. In the October 23, 1971, edition of Part I of the *Canada Gazette* the Department of Transport proposed extending section 208 of Schedule D of the regulations to require the installation of seat belts in the operator's seating position of buses, trucks, multi-purpose passenger vehicles and chassis-cabs. Final regulations mandating seat belts in these vehicles effective July 1, 1972, were approved by Order in Council PC 1972-603 on March 28.

With respect to Bill C-17 the government is requiring the equipping of commercial vehicles, trucks and buses with safety belts in the driver position. While the ministry is studying seat belt use and attempting ways of increasing their usage, presently only the provincial governments would have the authority to mandate their use by operators of commercial vehicles. So, Mr. Speaker, the situation is that, by regulation under the existing act, it is the intention of the government to extend the requirement for new vehicles, and this is presently being done. The requirement that the seat belts, having been installed, would be used presents a much more difficult problem for resolution here.

[Translation]

Mr. Speaker, the Motor Vehicle Safety Act was adopted by Parliament as early as January 1, 1970.

The purposes of this act are as follows: First, to set compulsory safety standards for new motor vehicles, in order to protect passengers against injuries or death, as well as against hazards to health caused by exhaust fumes and perhaps by noise.

This act applies to every new motor vehicle as well as to parts manufactured or imported in Canada. Provinces will continue to be responsible for the safety of vehicles in use and for the administration of existing laws.

On November 13, 1970, the Minister of Transport (Mr. Jamieson) announced that the new Federal Motor Vehicle Safety Standards would come into force on January 1, 1971.

These safety standards are part of the Motor Vehicle Safety Regulations published in Part II of the *Canada Gazette* for November 25, 1970. I am quoting from the press release:

These regulations first appeared as proposals published in Part I of the *Canada Gazette* for August 22, together with the regulations on snowmobiles which appeared in the September 19 issue. Manufacturers, dealers, importers and others concerned were given the opportunity to express their views on the proposals. Submissions were carefully reviewed and in some cases the original proposals were altered in the interest of clarity.