

Weights and Measures Act

One last remark is in respect of parking meters which are also dealt with under this legislation. Heretofore there has been no regulation relating to the sale of time. Under this legislation there will be. In respect of parking meters, I am sure all of us have been concerned—just as persons buying used cars have been concerned about the shown mileage—that parking meters in which we put our nickels and dimes may not be working properly. This legislation will relate to the sale of time and a device designed to measure time would include a parking meter. This provision will allow us to regulate the construction of parking meters to ensure they are constructed, designed and developed in such a way as to provide accurate measurement and ensure that they in fact work properly for all Canadians who put nickels and dimes in them.

I believe I have dealt with all the important matters which were raised in the Standing Committee on Health, Welfare and Social Affairs to which this bill was referred. I think the bill has been improved by the committee—I thank the hon. member for St. John's East for his contribution in the House and to the work of the committee in examining the amendments made to the bill, and I commend it to hon. members.

Mr. McGrath: Mr. Speaker, would the minister permit a question? In view of the increased necessity for surveillance under the new provisions of the bill—here I am thinking of clauses 10, 18 and 27—does the minister envisage a substantial increase in the number of inspectors employed under the Weights and Measures Act in order to adequately enforce these new clauses?

• (8:50 p.m.)

Mr. Basford: I would not anticipate a great increase. I think we may need a few additional people at the head office in order to examine and inspect the devices that are submitted for sale in Canada, particularly the new devices that are developed and which under this act must be approved for sale in Canada. Undoubtedly, the workload of inspectors, whether or not we have a new act, will increase. Our population is increasing, the number of retail outlets is increasing and the number of ordinary measuring scales is increasing, all of which generally requires us from year to year to have more inspectors.

However, we are finding that while we have more devices to inspect, there are technological improvements in the devices, which makes it less necessary to inspect them as often as before. This is a broad generalization, but while the number of devices increases, their perfection increases also, and therefore we have to inspect them less often. Also, this law allows us better enforcement provisions with regard to the devices which we now inspect. For example, the hon. member mentioned oil delivery machines. We already inspect all the fuel oil vending trucks. We will have a better enforcement provision under which to inspect them. We have found there are practices which under the law we are unable to deal with. This new law will enable us to deal with them.

Mr. McGrath: Would the House permit one final question? It might assist us if the minister were to put on the

[Mr. Basford.]

record the number and which provinces have already acted in the areas covered by clause 27, dealing with automobile odometers. How many provinces have enacted amendments to their motor vehicles acts to cover the provisions of clause 27?

Mr. Basford: I apologize to the House. I know that there were questions on this matter in committee and I thought I had them with me, but I find that I do not. I must therefore go by memory. I believe that two provinces have laws relating to the setting back of odometers and a number of other provinces are considering it. The hon. member will understand if I do not name the provinces that are considering it, because it is up to their ministers of highways or their attorneys general to make that announcement when they introduce amendments. As I understand it, the provinces that have some provision relating to odometers on cars are British Columbia and Alberta.

Mr. Baldwin: Rather than make a speech, something which I rarely like to do, I would ask the minister a couple of questions. He answers questions so delightfully. My question relates to clause 27. I notice the distinction between the amendment which changes subclause 2 of 27 and the original subclause, the one dealing with automobiles. In my view this provision has the effect of changing the burden of proof.

I am not making a big point of it; I just want to know whether in the opinion of the minister's legal adviser it would now be necessary for any person charged with an offence under this clause to establish affirmatively that the adjustment or alteration was reasonably necessary. Is it the minister's view that this clause now puts the burden upon the person charged to establish innocence?

Mr. Basford: Not entirely; and I think that is not quite the effect of subclause 1 and subclause 2 of clause 27. If one looks at subclause 1 of clause 27, it deals with every person who alters or adjusts an odometer on a motor vehicle. The standard of proof there is the usual standard of proof; the Crown will have to prove beyond reasonable doubt that the odometer was altered.

Under subclause 2 the accused is then entitled to show that the adjustment was reasonably necessary. But the standard of proof under subclause 1 is the same as it has always been. The Crown will have to prove beyond reasonable doubt that the odometer was adjusted. Having proven that beyond a reasonable doubt, there is the presumption that the court would make and that the clause makes, that the odometer was adjusted or altered for an illegal purpose, at which point the accused is entitled to rebut that presumption under subclause 2.

Mr. Baldwin: I thank the minister for that answer. I am sure he will find it useful when perhaps after the next election he is engaged in defending clients. He may even have a chance to defend someone under this particular clause.

Mr. Basford: I am expecting to be here then.