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Chair

Mr. David Sweet

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•(1100)

[English]

The Chair (Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC)): Good morning, ladies and gentlemen. Pursuant to the order of reference of Thursday, May 13, 2010, we will be meeting today on Bill C-14, an act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act.

I'd like to introduce our witnesses to you. We have Alexia Taschereau, senior counsel, legal services; André Gagné, senior program officer for legislative and regulatory affairs, Measurement Canada; and Carl Cotton, manager of the legislative and regulatory affairs division of the program development directorate, Measurement Canada.

Thank you very much for attending and sharing your expertise with us.

Now we'll move to clause-by-clause consideration of the bill. Pursuant to Standing Order 75(1), consideration of clause 1 is postponed until the chair calls it at the end. We'll go to clause 2.

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Chair, on a point of order, I'm sorry to interrupt, but I don't think clause 1 has been dealt with.

The Chair: Clause 1 will be postponed to the end, Mr. McTeague.

[Translation]

Mr. Serge Cardin (Sherbrooke, BQ): Can you hear the translation into French? Yes? Right. Perfect. It was also working earlier? Right, it's fine.

[English]

The Chair: Okay. Shall clause 2 carry?

(Clauses 2 to 4 inclusive agreed to)

(On clause 5)

The Chair: I believe there's a Liberal amendment to clause 5. Is that correct?

Hon. Dan McTeague: Chair, if I could speak to clause 5, my proposed amendment reads:

The Minister shall ensure that all inspectors and all persons designated as inspectors are trained in the same manner and that all measurements made by inspectors and by persons designated as inspectors are conducted uniformly.

The purpose of that, Chair, is to ensure there is absolute due diligence on behalf of the government.

I've certainly looked at a number of the documents supplied to me over the past week and a half, and I want to thank my colleagues and Measurements Canada for making my Thanksgiving a very memorable one. But there seem to be a number of varied ways in which one tests gasoline, depending on temperature and the kinds of provers you're using. This amendment would ensure that the training is uniform, even if it stays as it is currently. It would also ensure that the tests are done in a uniform way, thereby ensuring, among other things, uniformity and repeatability.

It's important that we ensure that if we're going to ask for accuracy by our gas retailers, those small businesses, we should also be asking the same of those who are deemed to be inspectors.

Thank you, Chair.

The Chair: Mr. Lake.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): I'd like to ask the witnesses, if we could, what the impact would be of the amendment the member is proposing.

The Chair: Mr. Cotton.

Mr. Carl Cotton (Manager, Legislative and Regulatory Affairs Division, Program Development Directorate, Measurement Canada, Department of Industry): First, to clarify this, the particular clause we're looking at applies to the Electricity and Gas Inspection Act, not the Weights and Measures Act. So fuel dispensers won't be covered by this particular proposed amendment.

The other thing to point out is that I'm not entirely certain that this would be the best section to address that concern. We'd have to look at it a little more closely. But further to that, the accreditation program under the Electricity and Gas Inspection Act has been in place since 1986. When the program was established, we looked at perhaps having some mandatory training requirements. As we established the process, we looked to see that the Canadian Gas Association, the Canadian Electricity Association, and the municipal electricity associations as well, all had training and certification processes in place. Most of the utilities that are accredited organizations hire from that pool of certified "verifiers", if we can put it that way. So it doesn't seem to me that it would be an enhancement of the current process.

We have 20 to 25 years' worth of audit data demonstrating that things are working fine. The advantage we have with the current process is that it puts us in a position to monitor, rather than manage, a training process, which is more cost-effective for us.

•(1105)

The Chair: Are you withdrawing the proposal, Mr. McTeague?

Hon. Dan McTeague: No, I'm not withdrawing it at all, Chair—quite to the contrary—and it will be introduced in the other section. You'll see further amendments dealing with this.

I have difficulty in understanding and certainly recognizing that the question of compliance, given the number of variables involved, would require a greater measure of certainty and certitude on behalf of the government and those who are doing the inspections.

While your track record is one you have presented here, it's one that I very much question.

I say this because, in part of the documentation you provided—and we'll go right to this, so that we understand where we're coming from—the citation you had to support the 2009 impact of inaccuracy at gas dispensers suggests that you put forth an inaccuracy of \$19.88 million, or for argument's sake, \$20 million. You have, however, a statement made in one of the background pieces of paper I'd requested that says:

It is important to note that the \$20 million overcharge estimated for 2008 was not distributed evenly for all gas pumps but would rather have come from close to 6,000 inaccurate gas pumps located throughout the country. Conversely, it was also estimated that close to 3,000 gas pumps were delivering more gas than what consumers paid for. The total undercharge...was estimated to be \$12 million in 2008.

So when you trot out the \$20 million, you're not including the fact that \$12 million in fact went back to consumers, for a net of \$8 million.

The second concern I have is with the documentation, which I would certainly like to provide. Unfortunately, it's only in English, but I'll supply it for other members to the clerk through you, Chair.

It is titled "Measurement Canada compliance rate—2005 to 2009 by sector" and it suggests—I'm looking at about 25 to 30 here—quarries and pits, 47% compliance; laundries and cleaners, 56% compliance; and, looking at upstream petroleum, 78%. Or how about the one I was looking at earlier today: dairy and farm products, at 89%?

I was surprised to learn through your information here that compliance was at 90.89% for retail food, 93.11% for retail gasoline, and in fact 93.33% for honey and apiary. In other words, the retail gasoline market is the second most compliant, according to your own information.

It's also been relayed to me in some of this information that there isn't always accuracy in how one measures. If we're going to go after a retailer with, it suggests, the force of law that you have, through the easier process of the administrative monetary penalties and through civil means, you're going to have to ensure that there is in fact accuracy beyond a reasonable doubt.

I'm simply asking that the government demonstrate both that it has people who are qualified and that when a person is tested, the test is provable, is reliable, is consistent, and above all is in fact uniform.

Mr. Carl Cotton: And we'll be addressing that mostly through the Weight and Measures Act amendments. With ENG, electricity and natural gas, as I've said, compliance rates tend to be higher, and the process we've had in place doesn't demonstrate that there's a need for formalizing a training process that Measurement Canada would

monitor and oversee. We're dealing with different types of stakeholders.

Hon. Dan McTeague: You're in a position in which you're going to have to do a bit more training, because the number of people across the country is significantly lower than the number we anticipate we are going to need down the road. In other words, you're going to be hiring a lot of new people who perhaps, as we speak today, have never had any training in this particular area.

The prospect that training will take place in certain areas of the country only at a given time has been brought to my attention—I think we've had this discussion thanks to Mr. Lake—in an earlier meeting in, I think, the West Block, a very quiet meeting with members of Parliament attending. You're obviously going to have to change that scheduling. So whatever you've done in the past 25 years, now change it. This is a pretty dramatic piece of legislation.

• (1110)

Mr. Carl Cotton: But we're dealing with two different issues here. What you're speaking about is electricity and natural gas, which is covered in a different statute and in which we have an accreditation program that is mature and has been in place for close to 25 years and in which compliance rates are high. The industry associations are much more organized. We're also not dealing with smaller stakeholders. So, based on our experience, for ENG it does not look as though formal mandatory training programs would be required.

We have developed the training programs for weights and measures as part of our means for qualifying and designating non-government inspectors as part of doing the due diligence for the minister. When we get to that section in the Weights and Measures Act, we could discuss it, I guess, more fully, but I think under ENG it would be going a step too far and amending something that isn't broken.

The Chair: Thank you, Mr. Cotton.

Mr. Wallace has his hand up, so I'll have him enter the discussion.

Mr. Mike Wallace (Burlington, CPC): Thank you, Mr. Chair.

You made the point that I was going to ask about: the issue that the honourable member is bringing up in terms of training is just not an issue in this particular segment of the bill that he's making the change in.

Mr. Carl Cotton: We'd see it as the implementation of smart regulations, of tailoring the requirements to the particular sector that you're dealing with, which is a government objective.

For electricity and natural gas, we're dealing with larger stakeholders, larger utilities. They have very strong associations that have a gas measurement school on an annual basis. The municipal electricity associations have a variety of training programs in place for the meter shop technicians, and provincial bodies—Hydro One, for example—have an electricity metering school as well. It would be adding a layer of bureaucracy, so to speak, when it may not necessarily be required. They'd be trying to fix something that isn't broken.

The Chair: Thank you, Mr. Cotton.

Go ahead, Mr. McTeague.

Hon. Dan McTeague: I think the objective here is to ensure uniformity, and while you suggest that it may not be there, we could look at the possibility of ensuring that it's everywhere, that it's ubiquitous.

Your comments that it may not apply here, and it may be unintended, actually speak very much to the concerns I've had about the bill generally. As my good colleague Mr. Rota suggested earlier, this is a bill that in many respects looks a lot like a dragon slayer looking for a dragon.

I would suggest that none of us here would want to argue against uniformity, Mr. Cotton, yourself in particular, and while the industry may be accountable, I think it's important to be seen and perceived as fair to all industries and not to be seen as targeting one industry, which this legislation appears to be doing.

Notwithstanding the evidence that by your own information, Mr. Cotton, Measurement Canada demonstrates that retail gasoline in Canada is the second most compliant of the 30 industries listed here. Those would be the ones that exclude the sectors that are less than five data points.

I would suggest, colleagues, if you wish—and it's entirely up to you—that the word “uniformity” should remain consistent to all practices and industries affected under Measurement Canada's mandate.

The Chair: Go ahead, Mr. Lake.

Mr. Mike Lake: In a way we're dealing with this issue in two parts. I imagine the change that would be made under clause 16 is almost identical to this. Mr. McTeague, the change that you're making in clause 16 is identical to this, right?

Hon. Dan McTeague: That's correct. It raises the important point of consistency throughout all. Mr. Cotton has pointed out that energy—natural gas and electricity—has a very rigorous level of oversight and conformity. Is it fair to say “uniformity”?

Mr. Carl Cotton: Pardon me?

Hon. Dan McTeague: Is there uniformity in testing?

Mr. Carl Cotton: Yes, it would be, because the mechanism for delegating the verification and re-verification authorities under the Electricity and Gas Inspection Act requires the implementation of a quality management system, so it will encompass how they manage their meter shop verifications, their training procedures, and their nonconformance corrective action process.

More importantly, and to your point, Measurement Canada has to approve and authorize for use the procedures that the accredited organizations under the Electricity and Gas Inspection Act are using, so in terms of uniformity, you have a central focal point where Measurement Canada is reviewing and approving and authorizing the procedures that an organization accredited under the Electricity and Gas Inspection Act would be utilizing.

• (1115)

The Chair: Thank you.

I have a list of speakers started.

Mr. Wallace—

Mr. Mike Lake: Sorry, I was still going. I just asked a quick question of Dan.

As I'm looking at both of these changes, we're talking about several categories of things that would be measured, yet the wording and the changes talk about “all inspectors and all persons designated as inspectors” being trained and tested in a uniform manner. As I read that, it strikes me that given that we're talking about several different types of things that may be measured, it seems that this blanket approach to all of them doesn't really address the fact that there may be differences in the ways that certain items are measured.

That seems to me to be the crux of the issue; it doesn't give the flexibility to—

Hon. Dan McTeague: Point of order, Mr. Chair.

The Chair: Mike, I think you've got the earlier version. There's been an updated version since then. I'm sorry. It's not the testing of the testers. You may have the earlier version of the amendments.

Mr. Mike Lake: Okay.

Hon. Dan McTeague: Chair, could you give us a minute? You may want to get the one that's the latest.

Mr. Mike Lake: Yes. Someone came to bring me a different one. I assumed it was the same. I can take a peek at that to make sure I'm dealing with the same thing.

The Chair: Hang on for a second. Could you read the one you're referencing right now, Mr. McTeague, so all of us know that we have accurate documentation in front of us?

Hon. Dan McTeague: He just took my copy, so hang on a moment here, Chair.

My amendment is that clause 5 of Bill C-14 be amended after line 14 on page 2:

The Minister shall ensure that all inspectors and all persons designated as inspectors are trained in the same manner and that all measurements made by inspectors and by persons designated as inspectors are conducted uniformly.

Chair, could you just ascertain whether Mr. Cotton—

The Chair: Hang on just a minute. There's a point of order on this. We've ascertained what the correct one is.

Mr. Lake, is that what you were operating from?

Mr. Mike Lake: Can we take a couple of minutes to get the new version and take a look at it? I got this version from Mr. McTeague, so obviously it's been changed since then. It would be nice to be talking about the same thing.

The Chair: All right, can we come back to this then?

Hon. Dan McTeague: Yes, absolutely, Chair.

The Chair: That's fine.

Monsieur Cardin.

[Translation]

Mr. Serge Cardin: Mr. Chair, I have one small question for our witnesses. At the beginning, I thought I maybe didn't have the French version, but that was because it wasn't working. So I may have lost a little bit.

I would like it if you could clarify the situation. In terms of the Electricity Inspection Act, it is the corporations or the big companies that have inspectors in their organizations to do the verifications. Those inspectors are appointed by the companies...

Mr. Carl Cotton: Yes.

Mr. Serge Cardin: ...each of the respective companies. Are those choices subject to official approval?

[English]

Mr. Mike Lake: Point of order.

The Chair: Mr. Lake.

Mr. Mike Lake: If it's possible, can we call a five-minute recess right now just to take a look? We were given one set of documents previous to the meeting by the member who is moving the amendments. The ones we're looking at right now are different. I think if we can have five minutes just to process this information right now, that would be worth while.

The Chair: Mr. Lake, Monsieur Cardin is simply asking a question. Let him get his question answered, and then we'll suspend for five minutes.

Monsieur Cardin, continue.

[Translation]

Mr. Serge Cardin: At the same time, to reassure the secretary, I didn't receive anything, nor did my colleague, before getting here. We are going to try to get along somehow else.

The choice of the people appointed by each of the organizations, who are identified as inspectors, is it somehow approved by the Department? Is it verified that the people appointed to that position have the skills to perform it? Is that the procedure?

Mr. Carl Cotton: That is the procedure for electricity and gas. The accreditation program requires a quality management system that has to be put in place, and that includes the way the inspectors are trained and the work instructions, the work procedures. Measurement Canada does audits of the system every year, and audits of the products. There are "reinspections" every year as well. So there is a way for the Minister to oversee the work done by the accredited inspectors at Hydro-Québec or Gaz Métro, for example.

• (1120)

Mr. Serge Cardin: Do you also approve the appointment of the inspectors by verifying their professional qualifications at the outset, or...?

Mr. Carl Cotton: That is a responsibility of the organization that accredited them. In English, we would say:

[English]

The proof is in the pudding. When we do the audits,

[Translation]

—excuse me for switching to English—

[English]

if someone has been named as a meter shop verifier or is listed as a meter shop verifier as part of their accreditation program, we will interview that individual as part of our audit process. We will also observe that individual as they do their work, their meter shop verification, which includes how they do the inspections of the devices, how they set up the standards that are going to be used, the test console or the bell prover or what not that will be used to perform the inspection. We monitor their process for controlling that test equipment, so the periodic checks to make sure that the devices, the standards, remain in calibration is monitored by Measurement Canada.

So there is an oversight program to make sure that the work they're doing is appropriate and suitable.

[Translation]

As I said in reply to Mr. McTeague, this is a program that has been in place since 1986, if I recall correctly. As well, there is nothing to suggest that Measurement Canada should be involved in training the people who work in the meter shops. The compliance rates are higher for electricity and gas than for weights and measures, because there are requirements associated with periodic "reverifications" that do not exist at present for weights and measures.

The Chair: Okay, sir?

Mr. Serge Cardin: Yes, that's good.

[English]

The Chair: We'll suspend for five minutes now. When we come back you can continue your questions with the officials.

• _____ (Pause) _____

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• (1125)

The Chair: Ladies and gentlemen, we're back in session.

I allowed the conversation to go rather casually because it was only a dialogue at first, but now we have a number of speakers and I need to direct the conversation.

Monsieur Bouchard, I already had a speakers list. Monsieur Cardin asked his question, so I will put you at the end of the speakers list, Monsieur Bouchard, and come back to you.

Mr. Wallace, Mr. McTeague, and then Monsieur Bouchard.

Mr. Mike Wallace: Thank you, Mr. Chair.

I simply want to clarify one of the comments you made.

You believe that adding this amendment would add more bureaucracy to an already bureaucratic system that we have. Coming from a bureaucrat, it's very interesting to see that you don't want more. I don't know why we don't listen to that around the table. You're telling me it would be more work with no gain, from a bureaucratic point of view, based on the wording that we have now in front of us. Is that correct?

Mr. Carl Cotton: Yes. We don't see the need to formalize a training process for ENG at this point, and I'm not sure I would envision it occurring at any point.

Another thing I would add is that we've had very significant consultations with stakeholders in a variety of sectors, including the electricity and natural gas trade sectors. When we consulted with the ENG stakeholders, including the vulnerable parties, including the end users, the device users, it was never raised as an issue.

These are consultations that took place over the course of six to twelve months, so they would have had ample opportunity to raise that type of concern. So for ENG, I'm not sure I see the need for this.

Mr. Mike Wallace: Okay. So based on that answer, Mr. Chair, I will not be supporting the amendment.

Thank you very much.

The Chair: Mr. McTeague.

Hon. Dan McTeague: Well, we're not adding people. Let's be very clear, Mr. Cotton: we're adding what is a protocol, a safeguard, an addition, an additional protocol to ensure. And I can understand your point about ENG. To my way of thinking, at worst we would be only looking at a question of redundancy, and only in those two areas.

Again, I point out that we should have uniformity. It's consistent. I almost think, from a parliamentary point of view, it's something we would always look for in terms of application of protocols or application of process: uniformity in testing, consistency in testing, repeatability, reliability. You may suggest it not be there. I see no reason why it ought not to be. It certainly won't have the bureaucratic weight that is being suggested here, and I hope you've not given your consent that that's in fact what is going to happen.

Mr. Carl Cotton: I would see this as having resource implications for Measurement Canada: if it's something that's stipulated in this statute, it's something we would have to monitor. We would have to formalize the reporting processes that we use under our accreditation program that indicate that there is no problem on the ENG side. It indicates there is no problem in terms of uniformity and the ability to reproduce results.

I'm not sure the data you received includes electricity and natural gas trade sectors.

• (1130)

Hon. Dan McTeague: I think it's 100% in your case.

Mr. Carl Cotton: The compliance rates are significantly higher under the E&G act—

Hon. Dan McTeague: Sorry, how high?

Mr. Carl Cotton: I don't have the data in front of me, but I suspect they are in and around the area of the fuel dispensers.

Hon. Dan McTeague: In that case, Mr. Cotton, why would you be going after the retail gasoline industry when it has a 93.11% compliance rate? We are talking about maybe, at most, 6.7%, 6.8%, 6.9% higher at the most, if it is 100% for ENG, or natural gas.

If it's good for the goose it's good for the gander.

Mr. Carl Cotton: We're not targeting a specific industry. The scope of the bill is the eight trade sectors that we'll initially be regulating in.

Some of the sectors have far lower compliance rates. The inspection frequencies that we will be proposing were consulted upon with our stakeholders. CIPMA and CPPI at the time agreed with the inspection frequencies that were set forward. They came forward to committee here and said that they were all for consumer confidence and supported the changes that were being proposed.

Hon. Dan McTeague: I'm glad you will be able to give us an opinion on what you think of the short title of this legislation, because it's not directed at the other industries, as you have suggested, sir.

In any event, I believe this is important. It's redundant, it's uniform, and it ought to be there. That's the position I'm taking. It's the position that's been put forward.

Mr. Chair, I have no further comments on this.

The Chair: Thank you, Mr. McTeague.

Mr. Bouchard.

[*Translation*]

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): If I'm not mistaken, Mr. McTeague is withdrawing his amendment. Is that correct?

I think the amendment is reasonable. It seems to me to be reasonable for training to be uniform.

You talked about an increase in personnel. It seems to me that with your audit system, there can be oversight measures. I don't think that to implement the amendment it would be necessary to add personnel to deal with weights and measures.

It seems to me that with the audit system, which is a form of oversight, the one you spoke about just now, we could manage to make sure, in your oversight procedure, that there will be uniform training.

[*English*]

Mr. Carl Cotton: Forgive me for speaking in English, but it will be easier for me to answer.

We are talking of two separate amendments here. One amendment is for ENG, which would in theory drive uniformity, and one amendment for weights and measures.

When we are talking about the ENG amendment, that's the one I'm suggesting is not required. We have a lot of data and experience with our accreditation program. There are a lot of provincial and municipal strong association training processes for qualifying meter shop technicians—not weights and measures, but meter shop technicians.

Our evidence doesn't support the idea of formalizing a training process for that. Weights and measures to my knowledge is not what we're discussing now. We'll get to that, I guess, when we get to the next amendment—unless I'm off base.

[Translation]

I don't know whether that answers your question.

In terms of electricity and gas, we don't think it is necessary. The system seems to be working very well.

For weights and measures, that is what the next part of the discussion will address.

[English]

The Chair: Thank you, Mr. Cotton.

Mr. Lake.

Mr. Mike Lake: I just want to come back to this issue of uniformity. Again I am taking both clauses kind of together because I think they're designed to accomplish the same thing.

We are talking about eight trade sectors, yet we're using wording that says they are trained in the same manner and that all measurements made by persons designated as inspectors are conducted uniformly.

While it sounds nice, and I think we can all understand the need for consistency in terms of the way these actions are carried out, the way it's worded is completely impractical. It seems to me that in each of the eight trade sectors the way things will be measured will be different. To put in the law—actually write it right into the law—that inspectors have to be trained in the same manner whether you are measuring vegetables or gasoline doesn't seem very practical to me. It doesn't make a lot of sense to me. And that all measurements made by inspectors or by persons designated as inspectors are conducted uniformly.... How can measurements for different things be conducted uniformly?

I just think the changes sound very arbitrary to me. I have yet to actually understand from Mr. McTeague why he is even suggesting this change. What is driving it? We never heard from witnesses who suggested this change.

Maybe Mr. McTeague can point to the witnesses we heard from in the testimony who actually asked for this. Mr. McTeague, was there somebody in the testimony and the witnesses we heard from who actually requested this change?

• (1135)

The Chair: Yes, we'll have to—

Mr. Mike Lake: I guess you can comment on my first comments in terms of the difference between the trade sectors.

The Chair: Yes. We have more speakers on this as well, Mr. Lake. Sorry.

Mr. Carl Cotton: I tend to agree with everything you said, Mr. Lake.

I guess the other thing I would bring forward, again speaking about ENG, is that we have different types of organizations that are accredited. We have manufacturers as well as utilities. A manufacturer, for example, may institute some in-process verification of a meter that would count toward the final verification or the final inspection. That won't be the same methodology that's used by hydro, when it's doing its verification or re-verification because it has a different product in front of it.

I think the process that we have in place now allows us some flexibility to deal with different types of stakeholders. If we start focusing on everything being the same cookie-cutter approach, what we'll find is that the manufacturers will be telling us, "This is far too costly. We don't want to verify these meters any more. You guys do them." It could be an outcome.

Mr. Mike Lake: Can you just remind us again, how varied are the eight trade sectors?

Mr. Carl Cotton: We're looking at retail food, retail fuel, off the top of my head. It's hard here. I'm under pressure.

Mr. Mike Lake: I know, sorry about that.

Mr. Carl Cotton: Retail food, retail fuel, downstream petroleum, grain and field crops, the mining sector, dairy, fishing, and logging.

Mr. Mike Lake: So it would seem that the way measurements are done in each of those areas would be quite different.

Mr. Carl Cotton: It will be.

Then to address the uniformity issue as well, as I've said before, prior to becoming accredited or registered, an organization has to submit inspection procedures that are approved and authorized for use by Measurement Canada. We're looking at the inspection procedures through the lens of whether it is working properly and does it look like ours, basically, with concessions, as I said, for things like manufacturing processes versus utilities.

There already is a uniformity in the inspection process of accredited or registered organizations. I guess where there may not be uniformity is in the organizations that aren't accredited or registered. They may use non-calibrated and non-certified standards, they may use alternate test procedures, but they won't be doing any of the certification work under the bill.

Mr. Mike Lake: Okay. Again just using the wording here in the amendment, it says "that all measurements made by inspectors and by persons designated as inspectors are conducted uniformly". Would it be fair to say that all measurements made by inspectors are conducted, actually, differently when you're measuring fish versus when you're measuring vegetables versus when you're measuring gas? Obviously, the way they're measured is different. I mean, you would have a consistency in terms of the way the rules are followed.

Mr. Carl Cotton: Well, the technology is different. Even within the retail fuel sector, the standards that it may use, approved standards, may be different. You may have a pipe prover or you may have a volumetric prover.

Mr. Mike Lake: Right.

Mr. Carl Cotton: So the standards it uses, as long as they're suitable, will require a different inspection procedure. Again, Measurement Canada would have to calibrate and certify the standard that's being used, so we evaluate its suitability for purpose when we calibrate it, whether it's reproducible, whether it repeats, and whether it's within tolerance. All of those things are taken into account when we authorize someone to certify a device on behalf of the minister.

Mr. Mike Lake: So clearly, from a scientific standpoint, when it comes to measurement, this amendment is problematic.

Mr. Carl Cotton: I see it as problematic, yes.

The Chair: Thank you, Mr. Lake.

Mr. Masse.

Mr. Brian Masse (Windsor West, NDP): Thank you, Mr. Chair.

When I read the amendment—and maybe I'll have our analyst comment on this, because I want to be clear—I think we're on a wild goose chase here with the way it's been twisted.

I didn't read this amendment to have the end result that if you're going to measure things, they would have to be done exactly the same, whether it be fish or whether it be fuel. The way I saw this is that there would be a process at Measurement Canada that if you're going to measure fish, then there would be certain expectations for that particular food.

Can we get a clarification on that? I think that's important.

I don't read.... I don't know how you could read through this in terms of exact manner and exact ways, and lump it all together like that. I think that's a little bit misleading with legislation. I'd like our analyst to provide some insight.

• (1140)

The Chair: Go ahead.

Mr. Mathieu Frigon (Committee Researcher): Yes, we'd need to consult with lawyers at the office about this.

The Chair: Okay, he can't give you an opinion at this time, Mr. Masse. He has to consult with lawyers on it.

Mr. Brian Masse: Mr. Cotton, you mentioned this would formalize a process.

Mr. Carl Cotton: Sorry, it's more than formalize, because the process is already formalized. The accreditation process and the audit process are already formalized. We have a series of accreditation requirements that someone has to meet. But it would add to it in terms of what we do with the information, in terms of how we manage.

Mr. Brian Masse: Are you saying to this committee that if this motion were passed, it's your opinion that you would have to then go back to the department and train everybody the same way, whether they're doing retail, food, grain, mining, dairy, fishing?

Mr. Carl Cotton: Yes, it would create an expectation that we're training everybody exactly the same way. My interpretation of the uniform as well is that even.... In our process for qualifying these people, we don't use the same theoretical exam all the time. We mix up the questions because we know these people speak to each other. We're talking about the authorized service providers now. Our interpretation of uniformity would mean we're supposed to be using the same exam all the time in terms of a literal interpretation of it.

Mr. Brian Masse: Did the department get a legal opinion on this?

The Chair: Mr. Cardin was being very polite in saying he has a point of order.

[Translation]

Mr. Serge Cardin: I would like us to decide what we're talking about. I think we are still on the Electricity and Gas Inspection Act. Mr. Lake has asked that measures also be taken for fish, but I don't think that's in any way related.

If we stay with the Electricity and Gas Inspection Act, we're talking about the amendment that is to be made to this bill. How can

it affect the pump, fish, or anything else? Can we settle the question of the Electricity and Gas Inspection Act in terms of this amendment, and stop mixing fish up with it? That is a completely different thing.

I think there is also an amendment a little farther on that deals with the Weights and Measures Act. Let's clarify this point, and we can finish a little quicker.

[English]

The Chair: Thank you, Mr. Cardin. It's not really a point of order. I understand that you'd like some clarification on that.

[Translation]

Mr. Serge Cardin: That's another way of putting it.

[English]

The Chair: Mr. Masse, do you mind if Mr. Cotton answers that directly?

Mr. Brian Masse: Of course, that's what I'm trying to get at. So it has been helpful. Thank you.

The Chair: Mr. Cotton, you can reply to that question.

[Translation]

Mr. Carl Cotton: Thank you, Mr. Cardin. That was what I was trying to say 15 minutes ago. We're talking about electricity and gas.

Our opinion is that it isn't necessary to add this section to the Electricity and Gas Inspection Act. We have consulted our stakeholders, and it was not determined to be an issue. The program has been in place since 1986. We do verifications every year, product verifications every year, at the accredited organizations. We have not identified any problems in the training of the technicians who work in the meter shops. So in terms of the Electricity and Gas Inspection Act, we don't see why that would have to be included in the Act.

If we continue the discussion, it will be to talk about it in relation to weights and measures.

[English]

The Chair: Thank you, Mr. Cotton.

Mr. Masse had a redirection.

Mr. Brian Masse: Thank you. That's what I'm trying to clarify here.

You're saying this is in the energy clause, yet you just mentioned to me, when I listed retail, food, grain, that all those things are now affected by this. How is that...? I'm not a lawyer, but we were talking about a specific clause in a specific section for ENG but now you're suggesting that opens it up to all the other sectors.

●(1145)

Mr. Carl Cotton: No, what I'm hoping to do is nail away the ENG debate. We don't agree with this. Let's discuss weights and measures. Weights and measures are another story. We're dealing with different stakeholders. We do have a formal training process in place. I guess from where I'm sitting it would be very useful for the committee to determine whether or not this is required for ENG in light of the fact that we've consulted with stakeholders. They have not identified it as an issue in light of the fact that we've had a series of audits over the last 25 years that have not discovered any problems. So let's deal with ENG. Then we can talk about weights and measures.

Mr. Brian Masse: I know, but in your exchange with the parliamentary secretary we went down this road assuming that if we amend this clause it will affect fish, poultry, dairy, and mining—and it won't. We want to be clear about that.

Mr. Mike Lake: In fairness to the witnesses, the question I asked was about both clauses. In my preface I made that very clear.

Mr. Brian Masse: Whatever, but let's make sure we're clear that this does not affect those other sectors. If we stick to the amendment we're discussing now, it might be helpful.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Masse.

Mr. Rota.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Everybody wants uniformity—I don't think that's an issue here—and it seems that different sectors have different needs. Perhaps we can amend this amendment at the end, after “as inspections are conducted uniformly”, and add: “and for greater certainty in each particular sector”.

Basically, it gives some flexibility and allows the amendment to work.

The Chair: Mr. Bouchard.

[*Translation*]

Mr. Serge Cardin: ...including fish!

Mr. Anthony Rota: Yes, that includes fish, in each sector, that's quite true!

Mr. Robert Bouchard: Thank you, Mr. Chair.

If I'm not mistaken, you said Mr. McTeague's amendment is not necessary for electricity and gas because there are well-organized big companies and they have all the resources needed.

I would like to talk about the specific case of Hydro-Québec. If we adopted Mr. McTeague's amendment today, what would that change?

Mr. Carl Cotton: I think Measurement Canada would be responsible for training Hydro-Québec technicians. At present, that is the job of Hydro-Québec. We monitor the way the company has implemented the process. When we do our verifications and interviews, we assess how it has been implemented. Our verifications haven't identified any problems with electricity and gas training.

Mr. Robert Bouchard: That means you would be more involved with Hydro-Québec.

Mr. Carl Cotton: If this amendment were in force, yes. I think we would be more involved in their operations...

Mr. Robert Bouchard: ...in terms of administering the measures...

Mr. Carl Cotton: Yes.

Mr. Robert Bouchard: ...relating to electricity and gas.

Thank you.

[*English*]

The Chair: I'll let the questioning go on a bit to give everybody time to kind of consume the subamendment and see if there's some agreement on it.

Mr. Braid.

Mr. Peter Braid (Kitchener—Waterloo, CPC): Thank you, Mr. Chair.

It's been helpful, as this discussion has continued to evolve here. Just to recap, we understand that this amendment only deals with the ENG sector.

If I hear you correctly, Mr. Cotton, you're saying two things. One is, “if ain't broke, don't fix it,” which I completely get and understand. I think you're also concerned about the potential consequences of resourcing this, and the added bureaucracy and cost to either your department or government.

To help focus us on this, I want to ask a question. In addition to those two concerns that I've touched on, are you concerned about potential adverse impacts, either intended or unintended, of this proposed amendment on consumers? That's ultimately what this is all about.

●(1150)

Mr. Carl Cotton: I'm thinking, and I'm getting confirmation on it.

Mr. Peter Braid: That's fine.

Mr. Carl Cotton: Yes, the big one that comes to mind is additional cost for the verification, because the government is involved in the training of the meter shop technicians, whereas we weren't before. So that's a cost that could be passed on.

Mr. Peter Braid: Okay, that suppliers would bear and then pass on to consumers, potentially?

Mr. Carl Cotton: Yes, on the spot like this, I think it's the biggest thing I could come up with. If I went back to my office and thought about it, I could weigh out the pros and cons.

Again, you summarized our thinking on this, in terms of if it ain't broke, don't fix it, and this could become resource-intensive for Measurement Canada. That means it's resources we're not spending or using doing inspections or follow-up activities as well. It's resources we're using doing administrative duties, and I'm not sure what the value added is for consumers.

Mr. Peter Braid: Thank you. That's very helpful.

The Chair: Monsieur Cardin, did you have another question?

[Translation]

Mr. Serge Cardin: Yes. Thanks to the answer to my colleague's question, I have just understood the confusion.

This amendment is to the Electricity and Gas Inspection Act.

Mr. Carl Cotton: Exactly.

Mr. Serge Cardin: But that Act does not provide for people to be designated to verify the level of training. That is in the Weights and Measures Act. You are saying that it affects weights and measures and will have an impact on them. Weights and measures officials are going to make sure, in the Electricity and Gas Inspection Act, that the training is verified.

Mr. Carl Cotton: No. That would be a new requirement for electricity and gas.

It is an amendment in Bill C-14 that...

Mr. Serge Cardin: Yes, I know.

Mr. Carl Cotton: ...that changes the Electricity and Gas Inspection Act.

Mr. Serge Cardin: In your answer to Mr. Boucharde's question, when he talked about Hydro-Québec and what that represented, you referred to the Weights and Measures Act to be sure that things will be done properly at Hydro-Québec.

Mr. Carl Cotton: I don't think so. If I did say that, it was because my French... That isn't what I said, André?

Mr. André Gagné (Senior Program Officer, Legislative and Regulatory Affairs, Measurement Canada, Department of Industry): You said "Measurement Canada".

Mr. Carl Cotton: I said "Measurement Canada". That's excellent. Thank you.

Mr. Serge Cardin: Ah, Measurement Canada!

But that may still be where the confusion in what you said comes from. There would be an additional responsibility associated with the Electricity and Gas Inspection Act and it is actually Measurement Canada that would have to administer it.

Mr. Carl Cotton: Yes.

Mr. Serge Cardin: As for the second amendment to the Weights and Measures Act, Measurement Canada would be responsible for administering it.

[English]

Mr. Carl Cotton: *Oui*, and as far as I'm concerned, we haven't started debating that yet.

I'm with you, Mr. Masse, if I can say that. I'm trying to deal with the amendment to ENG, and I would hope that we can set it aside. Again, not to beat a dead horse, I think that our experience with the accreditation program under the Electricity and Gas Inspection Act does not indicate that this would be required. So from an ENG perspective this amendment is not required. If we move on to the weights and measures, then let's discuss it. I'm trying—failing miserably, I guess—to focus the discussion on ENG.

[Translation]

Mr. Serge Cardin: So we do see that probably you often referred to the Weights and Measures Act rather than Measurement Canada. I think that happened because we see how it works.

Mr. Carl Cotton: I think I always said "Measurement Canada", but if I said "weights and measures", I apologize.

Mr. Serge Cardin: In any event, now we understand the system better.

So Measurement Canada would be responsible for going to Hydro-Québec and verifying all aspects of the training and so on.

Mr. Carl Cotton: But also for making sure that they are doing the same thing at Hydro-Québec as at TransAlta, in Alberta, and Hydro Ottawa here in Ottawa. There might be differences in the measurement equipment used to certify meters. There might be differences that are reasonable.

• (1155)

Mr. Serge Cardin: But at present, Hydro-Québec, like the other companies in the other provinces, has a responsibility to ensure the result.

Mr. Carl Cotton: Yes, exactly, performance based.

Mr. Serge Cardin: So Hydro-Québec is still going to have that responsibility.

Mr. Carl Cotton: We oversee Hydro-Québec through our audits, our product audits, and so on.

Mr. Serge Cardin: Fine, thank you.

[English]

The Chair: I'm going to go next to the original mover of the amendment, but we've had a subamendment. I just want to ask Mr. Cotton, before we go to Mr. McTeague, the subamendment was at the end of the original amendment and said "for greater certainty in each particular sector". Does this change the nature of the original amendment? I think members around the table—

Mr. Carl Cotton: If we're speaking about the ENG amendment, I don't think it adds anything of value, because I don't think the ENG amendment adds anything of value at this point. Maybe I should choose my words a little more carefully here, but if we're talking about weights and measures, then let's take a look at it. I'd need to see it in writing, and perhaps I'd need to discuss it. Right now I'm seeing it as a "concept" here, so...

The Chair: Mr. McTeague.

Hon. Dan McTeague: Thank you, Chair.

I appreciate Mr. Rota's friendly amendment here to the clause I am trying to amend. I'm wondering if the wording might be tightened after the word "inspectors". I'm just leaving this open. It's not a...

So after the word "inspectors", remove the three words "are conducted uniformly", and replace them with "in each specific sector subject to inspection, conducted consistently and uniformly".

The Chair: Well, Mr. McTeague, I think in all fairness we have the amendment, and now we've—

Hon. Dan McTeague: I'm leaving that open just for greater clarity. I think Mr. Cotton gets an idea of what we're trying to achieve.

[Translation]

Mr. Chair, I hope that Mr. Cotton did not want to give the impression that Measurement Canada does one thing for one province but not for the others.

On the question from my colleague Mr. Cardin regarding Hydro-Québec, it seemed to me that one thing was being done for Quebec and it wasn't uniform for the rest of Canada. That isn't the impression...

[English]

Mr. Carl Cotton: Again, if that's the impression I gave, that's not what I meant.

[Translation]

Hon. Dan McTeague: Did I misunderstand?

[English]

I want to make absolutely sure.

Mr. Carl Cotton: What I meant is that there are different situations for a utility such as Hydro-Québec compared to a utility such as TransAlta in terms of the test equipment they use that would require us to assess what they're doing and determine whether it's suitable. It may not be exactly what Hydro-Québec is doing. It may not be exactly what Hydro One is doing. But it's—

Hon. Dan McTeague: You don't do that already?

Mr. Carl Cotton: Yes, we are doing that, but it's not a matter of making concessions; it's a matter of ensuring that what is being done is appropriate and suitable for that particular—

Hon. Dan McTeague: Mr. Cotton, I guess the concern I have... I go back to the time it took, a week and a half, to respond to the 3,000 or so pages you sent me. One thing stood out on the chart I was able to put together on the measurement compliance rate. You may take issue with it, but I'll be glad to give you a copy. It says here that electricity has a compliance rate of 74.19%. We're going after an industry that has 93.11%.

With this alone, unless I am completely mistaken, the information you've given me is erroneous. It seems to me that you definitely need something as far as electricity of the ENG equation is concerned, Mr. Cotton. Do you feel it's acceptable to have an inaccuracy rate of 25.81%, leave that silent, as opposed to going after an industry that might at worst have a 6.5% skew?

Mr. Carl Cotton: I guess what I have to say is that I'm not looking at what you're looking at.

Is it proper process to ask to have it tabled so that we can take a look at it?

The Chair: For reference, you can take a look at it, but I believe it's only in one official language, so it can't be distributed to the committee.

Hon. Dan McTeague: No, I wouldn't do that.

The Chair: Mr. Cotton, I think it's acceptable for you to take a look at what Mr. McTeague is speaking to.

Hon. Dan McTeague: Chair, with electricity rates in this province and in many other provinces, one-quarter inaccuracy is a lot of money.

When consumers, Canadians, are knocking on our doors asking us how they're going to make ends meet, it seems to me that we can agree or disagree with the facts you've supplied and how they've been rearranged, but, if anything, the amendment we have put forward here is in fact appropriate, is in fact necessary. If it's necessary to go after industry with a 7% inaccuracy rate, we sure as heck should be going after an industry with a 25% inaccuracy rate.

Thank you, Chair.

• (1200)

The Chair: Thank you.

Mr. Wallace.

Mr. Mike Wallace: Thank you, Mr. Chair.

I find I may have to disagree with the mover of the motion. We've heard from expert witnesses today who have nothing to gain or lose by saying that this amendment—and its two or three subamendments that we have—isn't relevant. It won't make a bit of difference whether that number is 25 or 96, or whatever the number is. It will not affect the performance in that area. We've heard that from these individuals. I don't understand why my colleagues from across the way want to add more bureaucracy.

I spend much of my time on the finance committee, and we hear over and over again that if there is one thing government should be doing, it's to get out of the way and reduce the red tape. Here we are adding more. Some people may say it interferes with provincial jurisdiction. The door is open on our future amendment to talk about another area, not the electricity piece. Mr. Cotton has said he has been willing to discuss that issue in terms of maybe there being something we could do in that area. They are very clear that this amendment will not have any effect. It is inappropriate and I'm not voting for it, and I can't believe that in this day and age anyone in this government, on any side you sit on, is looking to add more bureaucracy to the Government of Canada.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Wallace.

Mr. Lake.

Mr. Mike Lake: I'm going to further the comments made by Mr. Wallace.

First of all, in terms of looking at the amendment itself, I don't even think grammatically it makes any sense. In the way it's worded right now, it's just a throw-on at the end of a paragraph in a place that doesn't make any sense, so it would have to be reworked even to make sense within the original amendment. I still don't think it adds anything to the amendment.

I do think what we've seen so far is an argument for more bureaucracy. All this does is adds more bureaucracy, as Mike mentioned. It's funny, we didn't compare notes or anything but I had written down, more red tape, more cost, more bureaucracy. That's all we're talking about here. Even the mover of the original amendment, Mr. McTeague, did acknowledge that it may be redundant, which is the definition of “red tape”.

We have heard from the expert witness who has nothing to gain from this. He's not in a partisan position in any way. These are experts who have worked under governments of different stripes, and he's giving his honest feedback that this adds nothing to the legislation. It seems like we're throwing in a kind of random or ad hoc amendment to a bill here that doesn't add anything to it. I don't think I've heard one bit of rationale that makes sense. I haven't heard an argument for it. We certainly didn't have any witnesses come before the committee actually arguing for this, so I'm not sure why we're going through this exercise. It doesn't make any sense to me.

Maybe we could have Mr. McTeague actually tell us about the witnesses he has heard from. Whether he heard from them at committee or whether he heard from them in his office, name the people who have come to him saying they need this change, because we haven't heard that yet.

The Chair: Thank you, Mr. Lake. I'm certain he'll do that right after Mr. Braid.

Mr. Peter Braid: Thank you, Mr. Chair.

I was just simply going to raise the concern about potential intrusion into areas of provincial responsibility, which my colleague Mr. Wallace did in a superbly articulate way, so I'll just leave it at that.

The Chair: Thank you.

Mr. McTeague.

Hon. Dan McTeague: Chair, I would certainly like to open up and welcome a discussion on compliance rates with Measurement Canada, which is what the government ought to have done, as opposed to picking and targeting and slandering one particular sector of the gas retail in this country.

I point out a comment that was made by Measurement Canada. In 2009 Measurement Canada was asked to estimate the impact of measurement and accuracy for fuel dispensers. The question is why didn't the government ask for you to look at quarry and sandpits, 47% accuracy rate? Why didn't they ask you to do metal scrap or perhaps fruit and vegetable, at 83%? Why didn't they do chemical products, at 62.2%?

Mr. Lake and others may dismiss the fact that electricity rates are only accurate to the tune of 74.19%, but that's one quarter missing, by your own analysis from Measurement Canada. So let's not get caught into the argument of why witnesses were not brought forward. They were specifically to go after the retail gasoline industry.

I'm suggesting if you really want to be honest in terms of your approach on the accuracy question, you would have gone after all industries, and I'd be quite willing to extend those discussions, Mr. Wallace and others, into looking at all the other inaccuracies.

I can tell you, Chair, the concern that I have is this. If it was not validated by the comments that were made here, it's certainly the result of the information that suggests we have a lot of work to do, and there had better be uniformity and there had better be uniformity quickly, because it's consumers' money that's being played here. As the Liberal Party, we want to make sure that there is uniformity and that Canadians can expect that when they buy something they are

actually getting what they pay for, as opposed to going to an industry that has a pretty damned good track record, notwithstanding the hyperbole.

• (1205)

The Chair: Thank you, Mr. McTeague.

Mr. Masse.

Mr. Brian Masse: Chair, I'll be supporting the amendment. I sat on a utilities commission for a number of different years, and I think the most compelling evidence we have is that there is an accreditation process. I think Mr. Cotton has done a good job of making a case, but at the same time I wouldn't object if there were a so-called—and I'm using the words of Mr. Cotton—formalization process for that accreditation. For that reason I'll be voting for the amendment.

I don't think it would create undue costs and burdens and so forth. What it would do, I think, is provide a little more prescribed formula, which would be done by the department itself.

The Chair: Thank you, Mr. Masse.

Mr. Mike Lake: Could we get a recorded vote on this?

The Chair: Yes.

We're going to go to the subamendment first. The only one that was in order was the one Mr. Rota moved. We'll read that again: "and for greater certainty, in each particular sector" is added on to the original amendment.

Would you like me to read it in full?

An hon. member: It's making sense so far.

The Chair: Okay.

It's simply at the end of what is printed in front of you, "and for greater certainty, in each particular sector".

(Subamendment negated: nays 7; yeas 4)

The Chair: We'll now go to the original amendment for a recorded vote as well.

I'm just making sure that my clerk's pen is as fast as my voice.

(Amendment negated: nays 7; yeas 4)

(Clause 5 agreed to on division)

The Chair: All right, now clause 6.

Mr. Lake.

Mr. Mike Lake: On a point of order, Mr. Chair, what are we going to do?

Hon. Dan McTeague: We're going to clause 6 right now.

Mr. Mike Lake: I know. I just wondered if we should go to clause 16 first, since we just spent all this time having this discussion, and clause 16 kind of carries on naturally from the discussion we were just having. Can we do that?

The Chair: We can if I can find some agreement.

Hon. Dan McTeague: Agreed, and we'll come back to it.

The Chair: Mr. Masse, you're fine with that?

Okay, we'll go to clause 16.

There is amendment LIB-4. Is that correct?

Hon. Dan McTeague: Yes, that's correct.

The Chair: Mr. McTeague.

Hon. Dan McTeague: I have no further comments on this. I think Mr. Cotton has suggested...and others have said enough on this. We stand by this amendment.

The Chair: Mr. Lake.

Mr. Mike Lake: We're opposed to the amendment for the same reasons we've discussed. I want to give the witnesses the opportunity, if there's anything additional, to add to the discussion on clause 16. Now would be a good time to do that.

• (1210)

Mr. Carl Cotton: I'm catching up.

The Chair: Mr. Cotton, we await your wisdom once more.

Mr. Mike Lake: I know you guys were working on a certain order and expecting a certain order. This is just to be clear that we've moved to clause 16 now with regard to the same changes we were talking about.

Mr. Carl Cotton: We're on proposed subsection 16(1.1)? I'm looking for the proposed amendment.

The Chair: Monsieur Bouchard, was your question for the officials?

[Translation]

Mr. Robert Bouchard: I would like to know, Mr. Cotton, whether section 16 has some connection with electricity and gas.

Mr. Carl Cotton: None. The impact is on weights and measures, particularly as it relates to a gas pump manufacturer like Tokheim & Gasboy or an inspector like...

[English]

No one is coming to mind right now.

There is National Energy Equipment Inc.

[Translation]

It has no connection with electricity and gas, just with weights and measures.

[English]

Pardon me.

For this amendment now we're talking weights and measures and not E and G. I hope we're all on that page.

Looking at that from our perspective, inspectors aren't certified, they're designated. So regarding the wording related to "certified", if the wording were changed to "trained and qualified in the same manner", I think that might be appropriate. My sense is that for weights and measures, this would be acceptable, and it would fit in with the way things are currently run with our accreditation and registration programs.

The Chair: To be clear, you said this would be germane, but you said that "certified" has to come out, with "qualified"....

I'm only doing that because Mr. McTeague was away from the table and I want to make sure he understands.

Mr. Carl Cotton: Yes.

The Chair: Okay, great.

Mr. Masse.

Mr. Brian Masse: I want to hear from Mr. McTeague. Then I would move an amendment to have "certified" struck and "qualified" added.

The Chair: So it's a subamendment that "certified" be struck and "qualified" replace it.

Hon. Dan McTeague: Chair, I would have no trouble with that.

The Chair: Mr. Lake.

Mr. Mike Lake: As it is, then, the only thing we're changing is the word "certified" to "qualified".

To clarify in terms of the arguments, what is different about this one from the one previous? I want to have a good understanding of that.

Mr. Carl Cotton: It actually reflects what's occurring.

We are dealing with different sectors and different stakeholders. On the electricity and gas side, we're talking about large utilities and large manufacturers. Again, as I stated earlier, with the training processes that the Canadian Electricity Association and the Canadian Gas Association have in place, as well as the Municipal Electric Association and some of the other provincial bodies, it's more than adequate, and the evidence seems to indicate that.

On the weights and measures side, we're talking about smaller organizations; they're not as well organized. They don't have.... I don't believe there is a scale manufacturers' association any more in Canada. They're not as organized, so we provide the training as a matter of due diligence, to make sure they're doing the job properly. That's it. Part of the process is to evaluate them on a theoretical basis, so a written exam; and on a practical basis, a witness inspection, if you could call it that; and then ongoing monitoring through the audits and the follow-up inspections.

The only other thing we might want to consider here is the amendment that had been previously proposed about other sectors.

Mr. Mike Lake: That was what I was looking at.

If we were to add an amendment about other sectors.... Actually, I'm going to quickly turn back to the one we had; I don't like where it was placed there.

If we add "for each particular sector", so "The Minister shall ensure that for each particular sector"—and then go on from there—"that all persons designated", would that make sense?

So it would be "The minister shall ensure that", and then we'll insert "for each particular sector all persons designated under subsection (1) are trained and qualified in the same manner and that all measurements made by these persons are conducted uniformly".

Would that make sense?

• (1215)

Hon. Dan McTeague: I find the amendment proposed by Mr.—

Mr. Mike Lake: Maybe I'll read it one more time so everybody is clear.

The Chair: Sure, read it one more time.

Mr. Mike Lake: Okay.

The Minister shall ensure that, for each particular sector, all persons designated under subsection (1) are trained and qualified in the same manner and that all measurements made by these persons are conducted uniformly.

An hon. member: That's fine to me.

The Chair: I'm going to wait for a comment from Mr. Cotton. Then we need to deal with the first subamendment and then we'll go to this one. Is that fine with everybody?

An hon. member: Yes. This is a well-run meeting, Mr. Chair.

Mr. Carl Cotton: I'm wondering if "uniformly" would be better served by stating "consistently". Thinking back to some of the discussions I brought forward earlier about manufacturers versus service organizations and the different contexts, "consistently" may be a better word

Mr. Mike Lake: Where would you use the word "consistently"?

Mr. Carl Cotton: Other than "uniformly". It would be everything you said up to "uniformly", and then replace "uniformly" with "consistently".

Mr. Mike Lake: He's suggesting what I said, but then he would replace the word "uniformly" with "consistently", which I have no problem with.

Hon. Dan McTeague: Yes, "consistently" is good language. That's fine.

The Chair: Okay. Do we have agreement, then, on the first subamendment: "qualified" instead of "certified"?

Hon. Dan McTeague: Yes.

The Chair: So do we have agreement then that for the first subamendment we have "qualified" instead of "certified"? We pretty well agreed, and we'll say that the second subamendment contained all the wording that was accumulated between Mr. Lake and Mr. Cotton.

Monsieur Cardin, was there something you wanted to clarify?

[Translation]

Mr. Serge Cardin: You talked about particular sectors. What do you mean by that?

Mr. Carl Cotton: Here we're talking about the sectors that are regulated under the Weights and Measures Act. There are eight sectors...

Mr. Serge Cardin: That's what I thought at the outset. A section in the Weights and Measures Act applies to all sectors affected by that Act. When we talk about particular sectors, we mean something specific. So the section being amended corresponds to all the sectors affected by the Weights and Measures Act.

So why are we talking about particular sectors?

Mr. André Gagné: If we talk about all sectors rather than particular sectors, that means they are all treated uniformly. But the oil sector has its ways of doing things and its way of doing inspections. It is uniform in that sector, but it has nothing to do with what happens for scales. By making that distinction, we are not

requiring that inspectors be fully trained for everything. The people who deal with volumes don't have the same approach as people in the chemical products field or the people who verify scales in the forestry sector.

Mr. Serge Cardin: That means that someone, somewhere, is going to decide that in a particular sector there will be trained and qualified people, but there won't be in other sectors.

Mr. André Gagné: No, as I understand it, various inspection methods apply to various types of instruments. A person who verifies volumes does not have the same inspection methods as another person who verifies scales. Inspecting a scale and inspecting a gas pump are two completely different things. They are devices that work differently. With a device that measures length, you aren't going to verify a gas pump, other than for certain specific aspects. You aren't going to require that a person who does inspections dealing with length receive the whole training, including training for volume, that they will never put into practice. That is how we understand this aspect, sir.

Mr. Serge Cardin: We might refer not to particular sectors, but to training and qualifying these people based on the standards in the sector concerned. I have the impression, here, that the intention is to create differences among the sectors. It's the standards in each sector that are different.

• (1220)

Mr. André Gagné: It's hard to find a really accurate formulation on the spot. But that is the intent. I don't have the exact word.

Mr. Serge Cardin: If it were possible to understand the intent clearly, it wouldn't cause any problems for me. But I don't feel that's the case here.

[English]

The Chair: Mr. Lake.

Mr. Mike Lake: To elaborate on that and just to make sure we have it right, when we're throwing out wording like that for each particular sector, it makes sense in the context of our conversation here in an hour and twenty minutes that we've been discussing it, but I just want to make sure that wording makes sense in the context of the entire bill. So if there's any suggested change to the way I've worded that, this would probably be a good time to throw that out.

Ms. Alexia Taschereau (Senior Counsel, Legal Services, Department of Industry): From a legal perspective, we'd have to go through the bill, but I don't think there's an issue with that. I think it's okay.

Mr. Mike Lake: If there's some legal problem, we have one more chance, at the Senate committee, to have it amended. So it's good as long as you're comfortable with it as it stands right now.

The Chair: Mr. Lake, thank you.

Mr. McTeague.

Hon. Dan McTeague: The purpose—and I just want to reiterate, [Translation]

so everything is clear—is that this bill involves people who are outside the system. The idea is to train them and grant them certification. We are talking about the people who are going to do the inspections in particular.

[English]

It's really important that we get this correct, because you're asking people who hitherto have not had experience, and for greater certainly the point has to be made on ASPs, the outside workers, the outside inspectors. This is critical to making sure this works. I appreciate that Mr. Cotton and I agree, notwithstanding some changes to the wording, but I think it's important that we get this correct for the sake of recognizing that we don't want to leave up to a particular untrained retail gas station attendant dubious inspections that might lead to the possibility of prosecution or conviction or penalty.

Thanks.

The Chair: For confirmation that our legal clerk has the right wording, Mr. Lake, could you read it once more please?

Mr. Mike Lake: Sure.

The Minister shall ensure that, for each particular sector, all persons designated under subsection (1) are trained and qualified in the same manner and that all measurements made by these persons are conducted consistently.

The Chair: Okay.

Mr. Cotton.

Mr. Carl Cotton: I'm thinking in the context of the whole bill. The idea that all measurements made by these people or persons are conducted uniformly is not really within the context of the whole bill. It should be "inspected or examined", so that blah, blah, blah.... "in the same manner and that all inspections" or "all examinations", to keep it in the context of the whole bill. "Measurements" doesn't really fit in with the context of the idea of having mandatory inspections, right? Looking at it on the spot here, it seems to me that "examinations" would fit better. I think "examinations" would fit better.

Mr. Mike Lake: So you'd replace the word "measurements" with the word "examinations".

Mr. Chair, can we treat that as—

The Chair: I think Mr. Cotton said "examinations and inspections".

Mr. Carl Cotton: I think the word that is current now is "examinations".

The Chair: Let's go to Mr. McTeague.

Hon. Dan McTeague: I need to have that repeated, guys. Words mean everything in law.

Mr. Carl Cotton: I apologize for making it sound like I'm not agreeing with you any more. I still agree with you. I think it's a matter of getting it right within the context of the rest of the amendments, and the rest of the amendments talk about examinations and not measurements.

Mr. Mike Lake: Can I read it one more time then for Mr. McTeague?

The Minister shall ensure that, for each particular sector, all persons designated under subsection (1) are trained and qualified in the same manner and that all examinations made by these persons are conducted consistently.

Hon. Dan McTeague: I see no trouble with that.

The Chair: Okay.

Hon. Dan McTeague: I have a question. Mr. Cotton, in your view, what's the difference between an inspection and an examination?

•(1225)

Mr. Carl Cotton: In my mind, they're synonymous. But "measurements" is a different beast altogether. To my knowledge, I don't believe it's set out in the Weights and Measures Act as an obligation in terms of inspection. Initial inspection, approval, calibration, and certification of standards would be in there, but while it deals with measurements, the notion of measurements as an obligation is not explicitly set out. That's why I think "inspection" or "examination" would be the way to go.

Mr. Mike Lake: And you're saying "examination" is the word that's used—

Mr. Carl Cotton: I'm saying "examination" because my understanding of the current wording for the concept of inspections—and I may be off base here.... Because of the Jarvis decision, there has to be a clear designation of when an inspection becomes an investigation, and "examination" is the word that's been chosen to best describe the process of inspection.

I can see it's giving you heartburn. I apologize

Hon. Dan McTeague: Well, it is. It's only because your own wording here, in terms of the inspection types defined, inspection types used by Measurement Canada.... "Time spent by an inspector on the first inspection and all subsequent inspections until the device has been certified". The word "certification"...that's the device itself. We're talking about certification of the individual.

I'm wondering, you're saying "measurement" doesn't exist anywhere in your nomenclature.

Mr. Carl Cotton: I'm not sure what you're looking at, sir.

Hon. Dan McTeague: It's the appendix that you sent me about inspection types, various types of inspections, but you have monitoring.... I don't see the word "measurement" other than Measurement Canada.

Mr. Carl Cotton: That's pre-Jarvis. I would imagine that at some point that would need to be changed from "inspection" to "examination", but I don't think it affects the intent of inspections.

The Chair: Let me check with our staff here. We can, in the bill, insert "examination", and if you want to bracket "inspection", that's fine.

Hon. Dan McTeague: That would be fine. Thank you, Chair.

The Chair: There seems to be agreement around that. Can I dispense with reading it once more?

You'd rather have it re-read. If you need assurance, then fine.

Mr. Lake, I think we agreed upon "examination", then in brackets "inspection" right after the word "examination".

Mr. Mike Lake: I want to make sure that we're consistent with the bill, and as I was looking at the bill, right away I noticed the word "examination" in what I would guess to be proposed section 13. I don't even know what the numbers are here. In proposed subsection 14(5), the word "examination" is used.

It does seem consistent to use the word “examination”. It doesn't talk about inspection at that point. I don't want to confuse things by adding something in parentheses afterwards and introducing two terms where one is used otherwise.

I wonder if having the word “inspection” in brackets afterwards might actually cause us more problems down the road. If the word “examination” is used, we should use the word “examination” to refer to the same thing.

The Chair: Mr. McTeague.

Hon. Dan McTeague: It's consistent with the bill. The language I've used is in the bill. Mr. Cotton suggested that in light of the Jarvis decision, somehow we have to change those words. There's nothing here that I've used in any of this that doesn't work lockstep with what the existing legislation had suggested.

I'm not sure what the problem is, Mike.

Mr. Mike Lake: I think what Mr. Cotton is saying, and the spirit of what you've put forward in this amendment, is that the measurement isn't what the bill is trying to address. It's trying to address the examination of the measurement.

Hon. Dan McTeague: We're fine with that.

Mr. Mike Lake: You used the word “measurement” in your amendment, but I think they're saying it's more accurate to use “examination”.

Hon. Dan McTeague: That's fine.

I think we agreed, Mr. Chair, that measurement could be substituted.

The Chair: Mr. Lake's original point is that he thinks putting “inspection” in brackets may cause some problems, so let's just stick with the singular word “examination.” Are you okay with that?

Hon. Dan McTeague: Plus the word “inspection”. Would that be in brackets? Is that what you were suggesting?

Mr. Mike Lake: I guess what I'm saying is that I have a little bit of concern with that. Again, you talk about words being important. For us to introduce two different words at that point, where everywhere else in the act one word is used, and that word is “examination”, for us to use “examination” and then put “inspection” in brackets doesn't make sense.

• (1230)

Hon. Dan McTeague: Mr. Chair, could I seek the advice of Measurement Canada?

In Appendix 5: “Inspection Types Defined - Accredited Organization - Inspection Types: Type A1 - Initial Factory Inspection by an Accredited Organization; Type A2 - Initial Field Inspection by an Accredited Organization; Type A3 - Subsequent”—

Mr. Mike Lake: Where's that coming from? That's not the language contained right in the act.

Hon. Dan McTeague: These are the regulations. The language of the regulations has to be consistent with the act. Inspections are part of this.

Mr. Cotton, you're smiling. I'm only going by what you have here.

Mr. Carl Cotton: I've been told to shut up.

Some hon. members: Oh, oh!

Hon. Dan McTeague: I didn't tell you that.

Mr. Carl Cotton: What you're looking at there are not regulations.

The Chair: Mr. Cotton, you can speak. I will let you.

Mr. Carl Cotton: Those are not regulations. You're looking at an implementation manual for our STARS data entry process.

I mean, we still call inspections “inspections”. We have been advised throughout the legislative process that “examination” is the more appropriate word in the current context. We know what you mean by “inspection,” but “examination” is the more appropriate word.

Hon. Dan McTeague: The current bill has the word “inspection” in it. Are you suggesting that there should have been an amendment anyway that you would have proposed that the wording be changed? If not, why didn't you do it?

Mr. Carl Cotton: No, we're not suggesting that, and “examination” has been introduced.

Hon. Dan McTeague: So it's not an issue here. Okay.

Mr. Chair, I will work with Mr. Lake on this. I think you have the word you're looking for, “examination”. But I still think the word “inspection” should be in brackets for greater certainty.

I don't want someone interpreting this to mean something else, especially when we're involving a whole new line of oversight, which is going to require absolute clarity and precision, not only on behalf of the retailer but also the government. And the language should be consistent with what currently exists in the act.

Mr. Cotton is wondering whether we're going to make a change anyway.

The Chair: I have Mr. Masse on the speakers list. I know that you want to retort to that, Mr. Lake.

Mr. Masse. Is it germane to this point?

Mr. Brian Masse: Yes, it is.

I'm just rethinking as we're going through here. If you're going to examine something, that's a different level of expectation from inspecting. If you're inspecting, I would argue that there's going to be some repercussion that would be different from just an examination. If you fail an examination, that's different from an inspection. I think there is going to be legal precedent for setting penalties and fines.

The Chair: Thank you, Mr. Masse.

Mr. Lake.

Mr. Mike Lake: I'll just make the point here that this is a language issue more than a political issue. My suggestion would be... I understand what we're trying to accomplish with the idea of putting “examination” and “inspection” in brackets, but we know that's definitely not the way the wording is throughout the rest of the bill.

It's been suggested that the wording, to be consistent, should be “examination”, but surely, when this comes before the Senate committee, we have time before then for the experts and legal officials to look to make sure that the wording is consistent.

If there is a change that's needed, that change will be able to be made in an amendment at the Senate committee stage. It surely will be, because it's not a politically contentious wording change. It's just language, and we need to make sure that it's right, to be consistent legally. Surely that will be able to happen at the Senate committee stage if we've made an error here.

The Chair: Mr. Cotton.

Mr. Carl Cotton: I just want to point out the amendment on page 30. Proposed section 29 talks about “examination”, “inspection”, and “examined”. It's on page 30 of Bill C-14. It's in fine print buried at the back. It says:

The Act is amended by replacing “inspected” and “inspection” with “examined” and “examination”, respectively, in the following provisions:

That would make it uniform, if I can use that word, throughout.

The Chair: All right. So we'll go with the singular word “examination”.

Mr. Masse.

Mr. Brian Masse: Does that change the accountability to Measurement Canada at all?

Mr. Carl Cotton: No, it doesn't.

The Chair: Okay.

Read it one more time, Mr. Lake.

Mr. Mike Lake: Okay.

The Minister shall ensure that, for each particular sector, all persons designated under subsection (1) are trained and qualified in the same manner, and that all examinations made by these persons are conducted consistently.

• (1235)

The Chair: Do we have agreement?

Mr. Mike Wallace: No. I want to vote against the amendment.

The Chair: Okay, then we'll record the vote.

Hon. Dan McTeague: Just so I understand, this is the subamendment by Mr. Lake, correct?

A voice: Yes.

(Amendment agreed to: yeas 8; nays 3)

The Chair: Mr. Wallace.

Mr. Mike Wallace: Yes. On the amended motion, I'll be voting against it. I don't care if it's recorded or not. The reason is that I didn't get a compelling reason for us to do it. I think it's adding bureaucracy we don't need.

Thank you very much, Mr. Chair.

The Chair: Thank you, Mr. Wallace.

Mr. McTeague.

Hon. Dan McTeague: I would go one step further and say you don't need the bill at all, Mr. Lake, Mr. Wallace. So we can all pack it up and leave well enough the way it is.

Some hon. members: Oh, oh!

The Chair: Mr. Cardin.

[*Translation*]

Mr. Serge Cardin: I didn't get the translation.

[*English*]

The Chair: Mr. Wallace.

Mr. Mike Wallace: I find it inconsistent that an individual who spends much of his time criticizing the oil industry and the gasoline industry every week says we don't need this bill. I think this bill is important, and I don't think we need the added bureaucracy.

Thank you, Mr. Chair.

The Chair: Mr. McTeague.

Hon. Dan McTeague: That invites the comment that many people in Burlington look at the site I provide for them. My information is probably a lot more useful than that comment. Actually, I'd put that to a test to the member of Parliament in the next election.

Mr. Mike Wallace: I appreciate that.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): I'm going to put in my two cents. We do need this bill. This is a bill that's been presented by the bureaucracy. These are people who are experts in their field. I think they've done a good job, and we're nitpicking on areas that we shouldn't be touching.

I agree indirectly with Mr. Wallace, but I'll be voting against this because I think this whole procedure is wasting an awful lot of time. This bill should pass.

The Chair: Mr. Rota.

Mr. Anthony Rota: I have a quick question for Mr. Cotton. Did you—I'll call you bureaucrats or civil servants—come up with the short title, or was that a government thing? It's just a straight question. Who came up with that title?

Mr. Carl Cotton: I believe Alan already answered that question at a previous meeting. Measurement Canada—

Mr. Anthony Rota: Could you reconfirm it for me? It wasn't Measurement Canada. I just want it confirmed, because I'm hearing a lot of rhetoric here and I wanted to bring that forward.

Thank you. That's all I have to put.

The Chair: All right, we'll go to the amendment.

Hon. Dan McTeague: It need not be recorded, unless Mr. Lake or the Conservatives wish. We're fine with a hand count.

The Chair: Okay.

(Amendment agreed to) [See *Minutes of Proceedings*]

(Clause 16 as amended agreed to)

The Chair: We'll go to clause 6 and Liberal amendment 3.

I'm certain we'll have more collegiality around this.

Mr. McTeague.

Hon. Dan McTeague: Chair, this is really a response to the intention of the bill, which has been raised many, many times.

For the purposes of members, in clause 6, in proposed paragraph 29.1(a), and I'll read this into it:

provision designated under paragraph 29.1(a), and who fails to remedy the contravention within 30 days,

You'll read in this particular section, Chair, that the purpose of the legislation is not to punish but in fact to seek compliance. This is very much in the spirit of that.

Chair, I raise this issue because more often than not, if a pump is out of skew it is not necessarily because someone has gone and made it so, but that mechanical or electronic devices may and can break, and as a result of overuse or underuse there may be a number of reasons this happens. But to ensure that there is in fact compliance, rather than giving the person a penalty, or publishing a name, or a panoply of other administrative penalties, this gives the operator, the retailer, up to 30 days to comply before a violation is deemed to have taken place. That seems to me to be in keeping with the stated objective, if I can find it here, of the legislation.

Proposed subsection 29.11(2) is not to be amended by anything that we have said here, and would continue to read:

The purpose of a penalty is to promote compliance with this Act and not to punish.

I made it very clear as to why, the intent, the purpose. I have been concerned by the fact that this is legislation that seeks to find damages where they do not exist or where it's questionable that they exist. I've demonstrated that the level of compliance is here. The Measurement Canada report and the earlier report by the *Ottawa Citizen*, which no one seems to be able to take ownership of, as to where it came from.... With a level of compliance of 93.11%, it makes it second-highest in the list of sectors and industries I've looked at. We've pointed out that electricity is at 74%. There are many others that are well below the 93.11% threshold.

I point out, Chair, that the only industry that I have here that is anywhere near what the retail gasoline industry has done as far as accuracy is in fact honey and other apiary.... So I would suggest that this is very much in keeping with an attempt to find a balance, to strike that balance. We're going to remove the criminal sanction, which creates a number of barriers to trying to find, as the witnesses from Measurement Canada have pointed out, an administrative monetary penalty. We have to be absolutely sure we're seeking compliance, not punishment.

Thank you, Chair.

●(1240)

The Chair: Thank you, Mr. McTeague.

Mr. Masse.

Mr. Brian Masse: I'd like to have some comments from Mr. Cotton on this. I have concerns with this amendment; I have concerns with this bill. I see it as a privatization of inspection services, really, at the end of the day.

Could you give us some commentary with regard to this? I think it would probably weaken the case for those who are violating the law.

Mr. Carl Cotton: As I understand the way this is drafted, it would neutralize the purpose of the AMPs. You have to keep in mind that AMPs would be used in the context of the graduated enforcement policy that we have spoken about, so we likely wouldn't be in a position to issue an AMPs until we've already provided a first

warning and then a second warning, anyway. So this would just be adding another 30 days, if I understand correctly, to the period of time that a non-compliant device or a device that's not measuring accurately could sit out in the field.

As it is now, when we do our monitoring inspections or our inspections, if we uncover a problem, we would issue a non-conformance, a non-complying device certificate, and the organization would have 21 days to rectify the situation. Then we would follow up. As I said, it would neutralize the purpose of the AMPs.

If I can add one other point to that, I seem to recall that when Joan Huzar was here from the Canadian consumer initiative, she said that the AMPs, as drafted, didn't go far enough. So it would be contrary to what the consumer groups are expecting in terms of protection as well.

The Chair: Thank you, Mr. Cotton.

Hon. Dan McTeague: Chair, I'm sorry, I have a point of order for the sake of clarification. I do recall that particular witness who didn't know what an administrative monetary penalty was. It's kind of rich to be able to present that, Mr. Cotton, when the person who made the statement wasn't aware of what an administrative monetary penalty was.

The Chair: If there is no further debate, we'll move to the amendment.

(Amendment negated)

(Clauses 6 to 15 inclusive agreed to on division)

(Clauses 17 and 18 agreed to on division)

(On clause 19)

The Chair: Clause 19, and this is your fifth amendment, Mr. McTeague.

●(1245)

Hon. Dan McTeague: Chair, repeating what I'd said earlier, "provision designated under paragraph 22(a), and who fails to remedy the contravention....". Sorry, this is clause 19?

The Chair: That's correct, your amendment number five.

Hon. Dan McTeague: Replacing number what? Sorry.

The Chair: It's the same as the one we just talked about.

Hon. Dan McTeague: I think we've concluded what we were going to say on that one. I'm free to call the question.

(Amendment negated)

(Clause 19 agreed to on division)

(Clauses 20 to 29 inclusive agreed to on division)

The Chair: We have an additional one, Liberal amendment six.

Mr. McTeague.

Hon. Dan McTeague: I'll get back to it here. Sorry, what page?

The Chair: Liberal amendment six is new clause 29.1.

Hon. Dan McTeague: Thank you.

The Chair: Page 30.

Hon. Dan McTeague: Same as before.

The Chair: Yes.

Hon. Dan McTeague: The wording is: “The Minister of Industry must complete a review of the provisions and the operation of this Act within three years after it receives royal assent.”

Chair, I just want to get Mr. Lake's attention. We've had some discussion here and we've also recognized earlier testimony by Measurement Canada. It's clear that it may be two to two and a half years before this actually rolls out, before the inspections are done.

Is that correct, Mr. Cotton?

Mr. Carl Cotton: The inspection frequencies are between one and five years for the devices in the eight sectors. To be fully rolled out, to have the devices in the retail food sector it would be five years.

Hon. Dan McTeague: Chair, I would suggest then on that basis, and Mr. Lake and I talked before, that the word “three” years be amended to “five” years after it receives royal assent.

The Chair: So basically the amendment as it's written, except that it's five years instead of three years. Are you okay with that, Mike?

Mr. Mike Lake: No problem.

Hon. Dan McTeague: Yes.

The Chair: We'll assume it was presented in that way, okay?

Hon. Dan McTeague: Correct, thank you.

The Chair: Okay, it doesn't look like there's any debate.

(Amendment agreed to)

The Chair: So that's a new clause 29.1.

(Clause 30 agreed to on division)

(On clause 1—*Short title*)

The Chair: Now we're back to clause 1, the short title.

Mr. McTeague.

Hon. Dan McTeague: Chair, thank you again. I see that we may be within time, but maybe we won't.

The initial response in the short title has created an enormous amount of hardship and difficulty for a lot of people in the retail sector of gasoline, through no fault of their own, who do very good work. And as the evidence demonstrates very clearly, the numbers for compliance are relatively high. This is a very open industry and one that will be subject to a number of constraints.

I'm suggesting that this be changed, and that the act be cited as the Consumer Confidence in Measurements Act. We've gone through the plenum of trying to do this in other areas. Perhaps this will obviate the need, Chair, at some point to have Mr. Cotton et al. come before the committee to explain the other areas where the compliance isn't as high.

I think this is in the spirit of trying to target something that's pro-consumer, as opposed to anti-retailer of gasoline.

Thank you, Chair.

The Chair: Thank you, Mr. McTeague.

Members, this amendment seeks to amend the short title of the bill. *House of Commons Procedure and Practice, Second Edition*, states on pages 770-771:

The title may be amended only if the bill has been so altered as to necessitate such an amendment.

In the opinion of the chair, there have been no amendments requiring a change to the bill's title, and my ruling right now is that this amendment is inadmissible.

Hon. Dan McTeague: Chair, with all due respect, I would challenge the chair's decision. I think the incendiary nature of the title as it currently stands is such that it sends the wrong message. It is both confusing and frankly without the support of a basis in fact. So I would challenge that ruling by the chair.

I so move.

• (1250)

The Chair: All right. There's no debate on that.

We will be voting on whether you're going to sustain the decision of the chair, I believe. The clerk will lead the vote.

Mr. Mike Lake: Just to be clear, a vote of yes is a vote to support the chair's decision.

The Chair: That's correct. It is to sustain the fact that the amendment is out of order.

(Ruling of the chair sustained) [See *Minutes of Proceedings*]

The Chair: The chair is sustained on that, and that amendment will not stand. Is that okay, Mr. McTeague?

Shall the short title carry, then?

Some hon. members: Agreed.

A voice: On division.

The Chair: Monsieur Cardin, my apologies. You had your hand up. I couldn't address you, because it wasn't debatable. I just remembered that you had your hand up. Did you have a comment? [Translation]

Mr. Serge Cardin: It's no longer very relevant, like the short title, in fact. The problem when it comes to the regulations you mentioned is that we're talking about the impossibility of amending the short title if the amendments are not sufficient to justify the changes, or something like that. In this case, it's after the fact, but in that one, it's before. It's a short title that has nothing to do with the bill that was considered in the House. In the circumstances, someone is going to have to determine, from the outset, whether the short title corresponds to the Act. In this case, that was absolutely not the case. So there is a major problem in terms of the regulations.

We could possibly have reversed your decision. Does this relate to the regulations? Would there still have been a problem? What would have happened?

[English]

The Chair: Actually, Mr. Cardin, the committee has just passed, on division, both the short title and the main title. So you're right; it's already gone beyond that.

Go ahead, Mr. Garneau.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): I would like to make the observation that the procedure, as you explained it, makes the assumption that the title was appropriate at the beginning, which is not the case here. I think there's a flaw in the system if this kind of situation can occur. I want to make sure that this is noted.

The Chair: Thank you, Mr. Garneau.

Mr. Masse.

Mr. Brian Masse: Thank you, Mr. Chair.

I want to make this clear. What we voted on was not whether we liked the name of the bill. It was whether the chair followed correct procedural elements. That's why I voted the way I did. Also, the suggested Consumer Confidence in Measurements Act.... I suspect that this bill will have repercussions that will be negative, so I ... [*Inaudible—Editor*].

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Masse.

We'll get back to the procedure. Shall the bill as amended carry?

Some hon. members: Agreed.

Some hon. members: On division.

The Chair: Shall the chair report the bill, as amended, to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill, as amended, for the use of the House at report stage?

Some hon. members: Agreed.

Mr. Mike Wallace: That would be helpful.

The Chair: Thank you very much.

That concludes our meeting. Have a great day.

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