



**BRIEF OF
THE CONSUMERS COUNCIL OF CANADA
TO THE
STANDING COMMITTEE ON INDUSTRY, SCIENCE
AND TECHNOLOGY
REGARDING BILL C-14
An Act to Amend the Electricity and Gas inspection Act and
the Weights and Measures Act**

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June 10, 2010



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I Introduction

This is the submission of the Consumers Council of Canada ("Council"), to the Standing Committee on Industry, Science and Technology, on *Bill C-14 The Fairness at the Pumps Act*.

The Consumers Council of Canada is an independent, not-for-profit organization federally incorporated in 1994 to bring a consumer voice to important local, regional and national issues. The Council works collaboratively with consumers, business and government to solve marketplace problems. We aim to inform consumers, business, and government alike about their rights and obligations.

The Council's volunteer Board of Directors consists of experts in the fields of consumer issues, consumer policy development and business development. The Council provides informed opinion through its Public Interest Network, a volunteer think tank of over 400 thoughtful and engaged leaders from many different fields of expertise from across the country. As well, the Network of Young Consumers, a virtual forum of more than 100 young professionals keeps the Council in touch with this consumer demographic and able to understand their needs.

The Council is arguably the most active multi-issue consumer group in Canada.

II Summary of the Council's Comments on Bill C-14

General Comments:

In general, the Council approves of the government's intent to provide greater protection for Canadian consumers from inaccurate measurements at gas pumps and other metering devices through

1. administrative monetary penalties and increased maximum fines,
2. a new fine for repeat offences,
3. mandatory inspection frequencies, and
4. the appointment of non-government inspectors trained to conduct these mandatory inspections.

Specific Comments:

1. Administrative Monetary Penalties and Increased Fines

Section 29.11(3) sets a maximum penalty for a violation at \$2000. This amount is not going to promote compliance with the Act.

The offence penalties Section 33(2) and (3) sets maximums from \$20,000 to \$50,000 and under Section 32 (2) and (3) (stealing a marker) sets maximum fines of \$10,000 and \$20,000. These penalties represent real inducements for compliance.

The Council questions the government's provision of the payment of "the lesser amount that may be paid as complete satisfaction of the penalty". Section 29.13(1). How does a reduction in the penalty provide increased protection against non-compliance?

Furthermore, the Council questions the provision of compliance agreements which are an admission of guilt but which may result in a reduction in whole or in part of the amount of the penalty. Section 29.14(b). How does a reduction in the penalty provide increased protection against non-compliance?

Section 29.28 allows the Minister discretion as to making public offences under the Act. This, in combination with the provision of compliance agreements, seems to undermine the deterrent quality of the Act.

The Council believes that it is unrealistic to have the only recourse in a dispute an appeal to the Minister. Surely, Weights and Measures Canada can establish a realistic dispute resolution process.

The Council applauds the provision for an employer to be liable for a violation committed by an employee (vicarious liability). Section 29.22 and 29.23

2. A New Fine for Repeat Offences

The Council agrees with Section 29.24 which establishes that “a violation that is continued on more than one day constitutes a separate violation in respect of each day during which it is continued”. Why is there not an increased penalty as there is in Sections 32 (3)?

3. Mandatory Inspections

If the intent is to conduct mandatory, timetabled inspections and not inspections conducted as a result of consumer complaints, the Council supports the requirement.

The Council’s concern with mandatory inspection is the provision of financial and human resources to carry out this function. It is our experience that government often makes consumer protection laws and regulations but fails to provide the resources to ensure that protection.

4. The Appointment of Non-Government Inspectors

The Council approves of the appointment of non-government inspectors trained to carry out the mandatory inspections. There appears to be some confusion in the proposed Act about who is an authorized inspector. Section 26.(5.1) is in opposition to Section 29.12(1)

Who is an authorized inspector under that Act?

III Conclusion

In closing, the Council supports the principles upon which Bill C-14 is built. We believe that the concerns we have raised need to be addressed to make this stronger consumer protection legislation.

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