

Bills waiting to be proclaimed law

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If you're an organic farmer, paramedic, eye doctor or the unhappy driver of a lemon, your legislation is in limbo.

At least two dozen provincial bills, including one that better protects emergency crews from blood-borne diseases such as HIV, aren't in force yet despite months of work and many press releases.

"I'm maybe a little disappointed it hasn't been proclaimed," said Paramedic Association of Manitoba Chairman Eric Glass, of a new act. "But we know they've been working on an educational campaign and that piece is really important."

Glass said he was hoping the bill would be a done deal by the end of this month, especially since it took four years of lobbying to get the Doer government to move on it in the first place.

The Testing of Bodily Fluids and Disclosure Act is one of many bills and amendments passed by the Manitoba legislature that haven't technically been proclaimed into law yet, according to a review of the province's statutes.

That includes a batch of fresh bills passed last October, such as ones creating a registry for lobbyists and a part-time privacy watchdog.

And it includes some quirky ones, such as a 2005 amendment to the Pension Benefits Act to fix the spelling of "circumstances."

But there are many more that appear to be stuck in legislative limbo.

Several bills and amendments passed last June haven't come into force nine months later, including bills to ban trans fats in school vending machines and cafeterias, enshrine the witness protection program in law, and make it illegal not to report child pornography. There's also the overhauled and modernized act that governs eye doctors, and one that allows the courts to impound a stalker's licence.

And it includes bills such as the Tobacco Damages and Health Care Costs Act passed nearly three years ago allowing the province to sue cigarette makers to recoup health-care costs — a new power the Doer government has yet to use.

That, say critics, is symptomatic of a government that moves slowly on what's a comparably light legislative agenda.

But Family Services and Housing Minister Gord Mackintosh, the acting house leader, said a delay before proclamation is a natural part of the legislative process, and the number of bills working their way through the system is miniscule compared to the 366 bills the NDP has passed since 1999.

A batch of bills from last June is slated to be proclaimed April 1, and others required a lot of intensive work before they can come into force. That includes consultations, public education, drafting complex regulations, hiring and training new staff and making funding agreements.

He also noted that, when former Tory premier Gary Filmon was defeated in 1999, more than 40 bills were in limbo waiting to be proclaimed.

But Tory MLA Kelvin Goertzen, his party's justice critic and deputy house leader, says the Doer government has a habit of rushing bills to quash public outcry on an issue. And he said, more and more, bills cover the government's broad intentions, leaving the real nitty-gritty rules for regulations that never come before the legislature and often aren't drafted for months or years.

"There's a big press conference, the candles are blown out, the cake is cut and people think the bill is all done," said Goertzen. "Without proclamation, a bill is like a car without an engine. It looks nice but it doesn't do anything."

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Doesn't fit the bill

There are at least two dozen acts or amendments passed by the provincial legislature in recent years that haven't technically been proclaimed into law. Here's a sampling:

Business Practices

Amendment Act

What it does: It's the so-called lemon law, which forces dealers to tell customers whether a car has been declared a lemon under U.S. rules.

When it passed the house: June, 2008 following an investigation by CBC-TV into shady importing practices.

Why the delay: Consultations on draft regulations will begin shortly, says the province.

Pharmaceuticals Act

What it does: Overhauls the act and rebrands the pharmacists' association as the College of Pharmacists of Manitoba, with updated complaint and discipline processes, new rights to prescribe drugs under limited conditions, and measures to help rural areas get better access to drug stores.

When it passed the house: Dec. 2006

Why the delay: The province's 1,250 pharmacists have been tasked with creating the regulations that put the law into effect, and that's proved tougher than expected. The first draft was rejected and the association is hoping to have another version ready for a membership vote by the end of the year. Once that happens, the law can be proclaimed.

Sections of the Climate Change and Emissions Reductions Act

What they do: Mandates new green building regulations for all provincial projects and fuel-efficiency standards for government cars.

When it passed the house: June, 2008

Why the delay: The province says extensive regulations are required for proclamation and consultation on those is under way.

The Organic Agricultural

Products Act

What it does: Regulates Manitoba's growing organic farms, so that when a product says it's organic, it really is.

When it passed: Nov. 8, 2007

Why the delay: The province's act is tied to similar federal regulations which have been delayed until later this spring. Manitoba's act will be proclaimed when the federal rules are, and the province is working with Canadian Food Inspection Agency to make sure the rules are harmonized prior to proclamation.

Forest Health Protection Act

What it does: Touted as a proactive approach to nasty, tree-eating bugs such as the pine beetle, it restricts the handling of certain firewood and allows the province to crack down if a pest is discovered. It also incorporates the Dutch Elm Act.

When it passed: Nov. 2007

Why the delay: Again, the province has been conducting the consultation with stakeholders required for proclamation for more than a year. The rules are almost done and the act should be proclaimed soon.

Sections of the Electronic Commerce and Information Act

What they do: The entire act was touted as cutting-edge e-commerce legislation to protect people who shop online, but the section that says an electronic document is as good as a paper one was never in force.

When it passed: 2000

Why the delay: It's not really clear. The province says the provisions so far haven't really been needed, but if the need arises, the legislation can be reviewed.

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