

Re: Question

From: "Bromm, William (CAB)" </o=govon/ou=ontario public sector - iserv
ems/cn=recipients/cn=brommwi">
To: "Robert, Melanie (CAB)" <melanie.robert@ontario.ca>
Date: Sun, 05 Mar 2017 21:29:54 -0500

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Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Robert, Melanie (CAB)
Sent: Sunday, March 5, 2017 8:51 PM
To: Bromm, William (CAB)
Subject: RE: Question

Thanks so much William.

I had to read that a few times but I think I have it. Thank you for taking the time.

May I share the latest bit of your note (highlighted) and the script edits?

They may want to talk with you tomorrow am if you have some time?

Thank you
Melanie

From: Bromm, William (CAB)
Sent: March-05-17 2:27 PM
To: Robert, Melanie (CAB)
Subject: Re: Question

Sorry, this is a long email because this is not an easy question.

If the concern is contempt of the Legislature for presuming passage of a bill, the underlying issue is ignoring or presuming the outcome of the Legislature's role in passing a Bill.

Usually "would" is explained by reference to proposed legislation (for example, "legislation that would" or "will introduce legislation that would or will, if passed...").

The problem with using "would" in the current script is that it is conditional without the ad saying anything about what the condition is. In other words - "where's the Bill reference?"

The key question here is whether legislation is absolutely necessary to give effect to the reductions. My understanding is that it is, at least to implement the current plan to give effect to the reductions.

If that is correct, and someone asks the Speaker to rule on a contempt question, the Speaker will need to

decide whether "would", by itself, is enough to show the necessary regard for the legislative process. Does "would" automatically imply a bill?

If I were the opposition, I would argue that anyone hearing the ad has absolutely no idea that legislation is even required to give effect to these changes. I would also say the government is not only presuming passage - it is ignoring entirely the fact that the Legislature has any role in this program at all. I would also argue the government is misleading the average person by attempting to avoid referencing any need for legislation and hiding behind a simple "would" that means nothing without context.

The other complicating factor is that the press release already says "will" as the opening sentence. While "would" is used in the subsequent paragraphs, like the ad there is no explanation for why the conditional is used. The opposition may argue that the conditional "would" modifies nothing, and is therefore to be interpreted consistent with the opening "will", and that read as a whole, and read with the ad, a reasonable person will conclude the reductions are a done deal.

It is hard to predict what the Speaker would do in this case.

He may say because there is no reference to a Bill, and because there is no Bill before the Legislature, he cannot find a point of privilege is made out because he has no evidence before him to show passage has been presumed or that a Bill is even necessary to give effect to these changes.

He may say that while he accepts legislation may be necessary (since the need for it was referenced in the technical briefing and through other statements and media coverage), the government has not presumed passage since "would" is conditional, even though the ad could have been clearer on exactly why.

Or he may say that given the acknowledgment elsewhere as to the requirement for legislation, he finds the lack of any reference to the role of the legislature in the ad and press release and the use of the completely definitive will in the Release to be unacceptable and uphold the point of privilege.

Of course it then goes to a vote, and the government has the deciding numbers.....

What would I do?

If I wanted to be risk averse, I would at a minimum stick with the woulds that are used in the Release.

If I wanted to protect myself further, I would amend the ad to refer to a bill as well.

See my inserts in your ads below.

W

Sent from my BlackBerry 10 smartphone on the Rogers .

From: Robert, Melanie (CAB)
Sent: Sunday, March 5, 2017 1:14 PM
To: Bromm, William (CAB)
Subject: Question

Hi William

Thanks for the call on Friday.

The radio scripts are below that we discussed.

If the highlighted bits were "woulds" would that make it more accurate?

Are there any other edits we would need to make?

PO would appreciate your POV.

Thanks so much
Melanie

Radio Scripts

Fair Hydro Plan 1

The government is proposing changes so that , starting this Summer, households in Ontario would receive an average of 25 percent off their hydro.

And if the legislation is passed , your bill wouldn't increase beyond the rate of inflation for at least 4 years.

We've heard you. Hydro needs to be fair for everyone across the province and we are proposing fundamental changes to ensure this in the long term.

Find out more about your reduction at Ontario.ca/FairHydroPlan.

Paid for by the Government of Ontario.

Fair Hydro Plan 2

Ontario has made important investments in clean, reliable energy. This has led to hydro bills that have become harder to pay.

We've heard you and we're taking action with the Fair Hydro Plan.

We will introduce legislation to ensure households in Ontario receive an average of 25 percent off their hydro starting this Summer. And if the legislation is passed, your bill wouldn't increase beyond the rate of inflation for at least 4 years

Find out more at Ontario.ca/FairHydroPlan.

Paid for by the Government of Ontario.

From News Release

Ontario is lowering electricity bills by 25 per cent on average for all residential customers as part of a significant system restructuring that will address long-standing policy challenges and ensure greater fairness.

Starting this summer, Ontario's Fair Hydro Plan **would** provide households with this 25 per cent break. Many small businesses and farms **would** also benefit from the initiative. People with low incomes and those living in eligible rural communities **would** receive even greater reductions to their electricity bills. **As part of this plan**, rate increases over the next four years **would be held** to the rate of inflation for everyone.