

RE: PC Platform - GAA

From: "Korn, Paul (TBS)" <paul.korn@ontario.ca>
To: "Bromm, William (CAB)" <william.bromm2@ontario.ca>
Cc: "Compagnone, Lisa (TBS)" <lisa.compagnone@ontario.ca>, "Hatzis, Len (TBS)" <len.hatzis@ontario.ca>
Date: Thu, 03 May 2018 10:37:25 -0400

Yes, agreed. Thanks for reviewing so quickly.
PGK

From: Bromm, William (CAB)
Sent: May 3, 2018 8:35 AM
To: Korn, Paul (TBS)
Cc: Compagnone, Lisa (TBS); Hatzis, Len (TBS)
Subject: RE: PC Platform - GAA
Sensitivity: Confidential

Thanks Paul, I think this is a good balance between the old and the new. The only thing I would flag is the extent to which we may be reinserting an element of discretion into the review (partisan advertising considerations e and g for example). I think your drafting tries to limit the subjectivity of the criteria as much as possible, but we would want to make sure anyone considering these changes understands that the Auditor will ultimately use any discretion available to her to reject ads. A government making these changes might say that is exactly what they have in mind, but as we know from experience, they might ultimately have second thoughts once ads start being rejected.

From: Korn, Paul (TBS)
Sent: May 2, 2018 5:37 PM
To: Bromm, William (CAB)
Cc: Compagnone, Lisa (TBS); Hatzis, Len (TBS)
Subject: RE: PC Platform - GAA
Sensitivity: Confidential

William, further to our previous discussion, I've had some time to think about this, and I've taken PMB 7 2018 (a PC bill that would restore the pre-2015 GAA while retaining a few new elements, such as digital and pre-election advertising restrictions) and modified it along the lines I suggested in December. My changes are tracked. This is just so that we'll have something in our back pockets to work from in case we're asked to come up with options quickly in the next mandate. Let me know what you think when you have some time.

Thanks,
PGK

From: Bromm, William (CAB)
Sent: December 7, 2017 1:06 PM
To: Korn, Paul (TBS)
Cc: Compagnone, Lisa (TBS); Hatzis, Len (TBS)
Subject: Re: PC Platform - GAA
Sensitivity: Confidential

Agree. I think we can make changes that do not necessarily simply revert to the old system.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Korn, Paul (TBS)
Sent: Thursday, December 7, 2017 11:57 AM
To: Bromm, William (CAB)
Cc: Compagnone, Lisa (TBS); Hatzis, Len (TBS)
Subject: PC Platform - GAA

William, I looked at the PC platform re: GAA. Here is what is stated:

In the 2015 budget, the Ontario Liberals removed the Auditor General's oversight of government advertisements. **They restricted her powers to only a preliminary, non-binding review function instead of a final review function with full veto power** – meaning the Auditor General can no longer block taxpayer-funded, partisan ads from hitting the airwaves. This has allowed various advertisements, like the blatantly partisan ads selling the “Fair Hydro Plan,” that are misleading and presume the passage of legislation.

Patrick Brown and the Ontario PCs will return the Auditor General's oversight over government advertising.

It's curious that the highlighted bit seems to misdiagnose the current condition though the result is consistent with the Auditor General's view and that of some other commentators.

If we're ever asked to review this legislation again by a government of whatever party, I think that in presenting options, we could devise something in between the 2015 legislation (no discretion) and the original (wide open discretion) with reference to what the federal government has done, albeit not in legislative form to date. In short, they have a fuller list of partisan factors within which an external reviewer can apply discretion in determining whether those factors are present. See federal column at pp. 5-7 in the enclosed comparison chart.

Thanks,
PGK

Paul G. Korn
Senior Counsel

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