

Caledon Citizen

Publications Mail Agreement Number 0040032702

Covering all of Caledon

Office Administrator: Cheryl Phillips
Email: admin@caledoncitizen.com

Telephones: 905-857-6626 or 905-857-5846
Fax: 905-857-6363

Website: www.caledoncitizen.com

Main Office: 25 Queen Street, North, Bolton L7E 1C1

Owned and operated by
Caledon Publishing Limited

Publisher: Bruce R. Haire
Advertising Manager: John H. Archibald
Editor: **Mark Pavilons** Email: editor@caledoncitizen.com
Staff Reporter: **Alan Liczyk** Email: alan@caledoncitizen.com

Election-night blackout a silly law that should go

Let's hope this isn't another subject on which Prime Minister Stephen Harper changes his mind.

Harper, who has significantly changed his stances on several issues, was once a strong supporter of Paul Bryan, the British Columbia man who was fined \$1,000 for putting Atlantic Canada vote results on his Web site in the 2000 federal election before polls had closed in Western Canada.

In 2001, when he was still a private citizen, Harper circulated a fund-raising letter soliciting support for Bryan's appeal. At the time, the future prime minister called Elections Canada officials who prosecuted Bryan "jackasses," and termed chief electoral officer Jean-Pierre Kingsley a "dangerous man."

Last Thursday, the Supreme Court of Canada upheld the conviction, albeit by the narrowest possible margin (5-4), rejecting submissions that the law was an unreasonable infringement of Bryan's constitutional-ly protected freedom of expression.

Interestingly, Conservative House Leader Peter Van Loan noted that in this modern era the law requiring rolling information blackouts across the country on election night is virtually unenforceable and may have to be changed. Although the government had not made any decisions on the issue, he questioned the advisability of the provision, telling a Toronto Star reporter, "There's no effective way we can enforce a ban."

As is so often the case, the stronger reasoning is to be found in the dissent authored by Justice Rosalie Abella and supported by Chief Justice Beverley McLachlin and Justices Ian Binnie and Louis LeBel.

Justice Abella noted that the current practice of staggering the polling hours, with polls closing in B.C. only 30 minutes after they do in Ontario and Quebec, means that the only results that might be disclosed while B.C. voters can still cast ballots are from the 32 ridings in the four Atlantic provinces.

"Any harm to the public's perception or conduct in knowing the election results from Atlantic Canada before they vote is speculative, inconclusive and largely unsubstantiated," she wrote. "The harm of suppressing core political speech, on the other hand, is profound. The benefits of the ban are,

accordingly, far outweighed by its deleterious effects."

We couldn't agree more.

In fact, if the other five judges were to emerge from their ivory towers, they would realize that it's totally inconceivable that in the real world disclosing East Coast results on the West Coast can have any significant impact, much less the impact it had in the days when polls in Ontario and Quebec closed three hours before those in B.C.

Now that the staggered hours mean that the B.C. polls close just 30 minutes after those in Ontario and Quebec, the most a B.C. voter will glean from knowing the East Coast voting patterns is whether they mirrored recent opinion polls.

Accordingly, in the real world, what Bryan did in challenging the law was utterly harmless, and certainly undeserving of any fine, much less one of \$1,000 - about what you'd expect for someone endangering lives by driving 150 km/h on a two-lane highway.

Interestingly, the Bryan appeal brought supportive interventions by the CBC, CTV, Rogers Broadcasting, CHUM Limited, Sun Media Corp., Canadian Press, the Globe, CanWest Media, Canoe Inc. and the Canadian Civil Liberties Association, among others, but no similar interventions in support of this stupid law and the prosecution it permitted.

One is left to wonder what lay in the minds of the five judges who dismissed the appeal, apart from a belief that they would otherwise be seen as "activist" in an era when some conservatives are railing against what they see as judicial activism.

Writing for the majority, Justice Michel Bastarache conceded that the law infringes free speech but asserted that the infringement was reasonable, because its objective of "maintaining confidence in the electoral process" by leaving all voters equally in the dark about results was "pressing and substantial."

Contending that the staggered polling hours had only "imperfectly" addressed the issue of premature disclosure, he said Parliament's decision to maintain the 69-year-old ban was "a rational and justifiable solution to the problem of informational imbalance."



Our Readers Write

Vet praised for compassion

The following letter to Dr. John Brajkovich, of Caledon Mountain Veterinary Hospital, was submitted to the Citizen.

With heartfelt gratitude and admiration I would like to take this opportunity to thank you for all you have done for me and my family. As you know Bandit was more than a

CCS makes a difference

Caledon Community Services has helped and made a big difference in my family for three generations. My name is Angela D'Orazio and I am a resident of Valleywood in Caledon. My mother is a dialysis patient at Peel Memorial Hospital. She goes for treatment three times per week. CCS provides transportation for her. I also have a son who is autistic and has special needs. He is 22 years old and requires transportation to his Connections Programs three times per week. CCS provides transportation for him as well. CCS has been of great help to me, as I can rely on them for both members of my family. This frees up time for me and is a great help to me. I can't imagine how I would cope if I had to drive them both back and forth.

Joan and Clark Middlebrook are the volunteers who have been taking my mom for the past three years. They are very reliable and dedicated. They also live in Valleywood. The arrangement works extremely well. I want to thank them for doing such a wonderful job. I also want to thank the numerous volunteers who drive my son. They are also reliable and trustworthy.

I also want to thank the council for hearing our proposal (about the 1% tax rebate) Jan. 16. I believe it's for a very worthy cause. Caledon Community Services is a great not-for profit organization which plays a vital and important role in our community.

Angela D'Orazio
Valleywood

pet or companion to me, he was in every sense of the word my best friend.

With every trip that Bandit and I made up to your clinic over the years you showed us compassion and understanding that was without comparison. You worked tirelessly to find what was troubling my boy then were relentless in sourcing solutions that would slow the progress of his illness if not stop it all together. You were victorious in this pursuit as you managed to substantially slow the progress of his illness and extend my time with him. For this thank you does not seem to be sufficient to say how grateful that I am.

When Bandit was no longer able to battle his disease and started to succumb to it, the empathy shown by you and your staff as my family and I battled with a very difficult decision was extraordinarily supportive and helpful. Once we had finally come to the decision that Bandit was at his clearing at the end of the path you and your staff's attention was appreciated and reassuring.

I will never forget the day when we helped Bandit continue his journey without us nor will I forget your tenderness and understanding as you fulfilled this undesirable task that we requested of you and your staff.

It is one thing to be able to find an exceptional veterinary doctor, it is quite another to find one who is not only exceptional in their knowledge and ability and also a true lover of animals and their needs. I feel incredibly fortunate to of found such a vet in you Dr. John and will be forever grateful for your attention and compassion to not only all my animals but also me and my family.

With Love,

Charlene Bartlett
Bandit (July 7, 1996 to Feb. 17, 2007)

Caledon Citizen



Distributed throughout the Town of Caledon, the Citizen is published every Wednesday in the year by Caledon Publishing Ltd. from production offices at 34 Main Street W., Beeton, Ont.
Visit our website: www.caledoncitizen.com

Member Canadian Community Newspapers Association,
Ontario Community Newspapers Association and the Ontario Press Council

The CALEDON CITIZEN is a member of the Ontario Press Council, an independent body set up by the newspapers of the province to uphold freedom of expression and deal with complaints from readers. The Press Council encourages complainants to first give the newspaper an opportunity to redress their grievances. If not satisfied, they may then write to the Council, enclosing a copy of material that is the subject of the complaint, at 80 Gould St., Suite 206, Toronto, ON M5A 4L8.

Subscriptions: \$37.50 + G.S.T. within 65 kilometres
\$54.00 + G.S.T. beyond 65 kilometres and in towns with letter carriers
Advertising Representatives: Aileen Robbins, David Halwig
Printed by Central Ontario Web Ltd., 705-733-1349

ADVERTISING RULES: The advertiser agrees that the publisher shall not be liable for damages arising out of errors in advertisements beyond the amount paid for the space actually occupied by the portion of the advertisement in which the error occurred, whether such error is due to the negligence of its servants or otherwise, and there shall be no liability for non-insertions of any advertisement beyond the amount paid for such advertisement.

All advertisers are asked to check their advertisements after first insertion. We accept responsibility for only one incorrect insertion unless notified immediately after publication. Errors which do not lessen the value of the advertisement are not eligible for corrections by a make-good advertisement. There shall be no liability for non-insertion of any advertisement beyond the amount paid for such advertisement. We reserve the right to edit, revise, classify or reject any advertisement.

DEADLINES: Unfortunately deadlines do not allow us to take ads after the following specified times:

DISPLAY ADS and CLASSIFIED ADS: Monday at 10 a.m.

All ads must be paid in advance by deadline or the ad will not run. WE ACCEPT VISA, MASTERCARD & AMEX PAYMENTS OVER THE PHONE.