

MOTION WITHOUT NOTICE**Do Not Call List (DNCL)**

Moved by: Councilor Moscoe

Seconded by: Councillor Hall

SUMMARY:

On September 30, 2008, the CRTC launched the National Do Not Call List (DNCL). Canadians may register on the DNCL to reduce the number of telemarketing calls they receive. Businesses, organizations and individuals wishing to make telemarketing calls are required to verify that the numbers they call do not appear on the DNCL, and must comply with other restrictions.

This will affect candidates for municipal office who are not excluded from the restrictions. The proposed legislation excludes candidates for registered political parties. This means calls to the DNCL that solicit volunteers, electoral or financial support made to persons on the list could be subject to up to \$1,500.00 per call. It all means that candidates or currently elected officials would be required to register with the CRTC prior to making any telemarketing calls and they would also be required to pay a subscription fee to access the list.

It is obvious that the CRTC has not fully considered the potential consequences of these new rules on the electoral process. On October 20, 2008, the CRTC issued a Notice of Consultation calling for comments on the DNCL. In particular, the CRTC asked whether candidates not registered with a political party should be excluded from the application of the National DNCL rules.

The FCM has taken a strong position on this matter and has enunciated the following position:

1. **Equity:** All candidates for public office should be treated the same under the DNCL rules, whether they are members of a political party or not. In particular, as a responsible, accountable order of government, municipal candidates should receive the same treatment in the DNCL as provincial, territorial or federal politicians. Finally the administrative burden and costs of complying with DNCL rules should not be set so high as to have the practical effect of unreasonably deterring or disqualifying potential candidates.
2. **Democracy:** The rules should not unreasonably impair the democratic functioning of any order of government, and should respect the reasonable need for candidates to contact their constituents and potential voters.
3. **Efficiency:** DNCL rules should be as streamlined and straightforward to respect as possible.

RECOMMENDATION:

1. That the City of Toronto support the FCM position and urge the CRTC and Parliament to take the necessary steps to amend the DNCL regulations, or, if necessary, the Telecommunications Act itself, to apply our proposed principles to ensure the inclusion of independent, registered candidates for public office in the list of exemptions in the National Do Not Call List.

December 1, 2008

According to Chapter 27, Council Procedures:

Requires two-thirds to waive notice	(v)
Fiscal Impact Statement provided	
Should have Fiscal Impact Statement prior to debate	*
Requires two-thirds to waive requirement if Council wishes to debate	
Should be referred to Executive Committee	(v)
City Clerk, in consultation with the Chair, agrees that the Motion Recommendations are Urgent	(v)

* Deputy City Manager and Chief Financial Officer to advise.