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**KERRY-LYNNE FINDLAY ON MEGA TRIALS BILL**

**SEAN LESLIE (Host):** I want to talk about mega trials now.

The federal government making some changes to make these so-called mega trials more efficient, remember, like the Air India trial went on forever, cost a huge amount of money? Joined now by Kerry-Lynne Findlay, Parliamentary Secretary to the federal Minister of Justice and Attorney General of Canada. Miss Findlay, thanks so much for your time.

**KERRY-LYNNE FINDLAY (MP, Delta-Richmond East):**

Hi Sean. You're making me feel nostalgic from home talking about the PNE, because I'm talking to you from Ottawa.

**LESLIE:** Aww. I'm looking at people eating candy apples right now.

**FINDLAY:** (laughs) They're the best.

**LESLIE:** There you go. Hey tell us about these changes around mega trials. What's going on here?

**FINDLAY:** Well it's called Bill C-2, The Fair and Efficient Criminal Trials Act, but you'll also hear it referred to as the Mega Trials Act. And

basically we've tried to make for stronger case management. It's reducing duplication of processes in lengthy and complex criminal trials. And it's trying to improve criminal procedure.

**LESLIE:** What prompted this? I mentioned Air India. I think that stands out for most people as sort of the emblematic mega trial if I can put it that way.

**FINDLAY:** Yeah. Well this bill was originally introduced last November, but for various reasons, including a minority parliamentary... well what happens in a minority Parliament which is that it seems that you don't get things through as easy as you'd like...

**LESLIE:** Right.

**FINDLAY:...** it didn't... it didn't go through at that time. So there was nothing specific that prompted it but it is the result of a long process of dealing with different stakeholders, talking to people who know a lot about this sort of thing like the Working Group on Criminal Procedure, a coordinating committee of senior officials, there was a steering committee on justice efficiencies and access to justice. The Air India case is a good case in point and it does answer some of the Air India... the inquiry's recommendations. So it does move to answer some of that as well.

**LESLIE:** All right. What kind of cases are we talking about here? I guess there aren't too many mega trials, or are there? How common are these things?

**FINDLAY:** They're probably more common than you would think because they come up, particularly in cases involving, let's say, drug trafficking. It comes up in white-collar crime, terrorism of course, and organized crime. In other words its situations where you have many accused and often there is a commonality of the facts that led up to the laying of charges. But because it deals with several accused they can become very lengthy, very complex.

**LESLIE:** Well now do any of these changes in any way affect the rights of the accused? And I guess I ask that because, you know, are you concerned that defence lawyers will be up in arms, or that we could see any kind of legal challenges to this?

**FINDLAY:** Well we're always trying to find balance in the justice system between the rights of the accused, which are fundamental of course to our system that we are all innocent until proven guilty, even when charged, and also trying to fight, as our government is trying to do, for the victims of crime and stand up for them. And in striking a balance in these longer and complex trials there seem to be unnecessary impediments, so what this act has done is, for instance, it

allows for the appointment of a case management judge, someone who can sit on preliminary applications, can make decisions about preliminary matters so that it's a streamlining of that process. It also avoids a lot of duplication because prior to now you might have had similar facts or similar issues coming up at a preliminary level with several accused, but they would be heard separately which led to differences in the rulings, inconsistencies there. It also made it so much longer. And now this allows for a delayed enforcement of any severance of those hearings so that a case management judge can listen to these facts and come to decisions with respect to it. But you don't have to do it one at a time. There's been situations in Canada where provincial governments who are tasked of course with the administration of justice, where we've actually had to build extra courtrooms...

**LESLIE:** Yeah.

**FINDLAY:** ... and expand to just fit in the number of accused and deal with these things. One of the ones that a lot of publicity has been about is that there were 31 accused in Québec and because of delays in the system those charges were not proceeded with. And no doubt that's part of the reason the opposition came forward to support this bill.

**LESLIE:** Now are these changes then... Is this a done deal now? Do you have to still approve a bill in the House of Commons? Or are these changes essentially going to be going into effect?

**FINDLAY:** No, they are the law now. As of August 15 I believe it was the minister made the announcement that almost all the provisions were now law. It was passed by the House on June 22. It received Royal Assent on June 27, and that of course was all after going through the committee process. We certainly fast-tracked it to try and get it through before Parliament went into summer recess. And now the only part that... There's only one part that was delayed until October which is we now have a... under our present system with a jury, you have 12 jurors and there is a 10 juror minimum under the criminal code.

**LESLIE:** Right.

**FINDLAY:** This is going to allow 14 jurors to be empanelled who can listen to all the evidence and then 12 will be randomly selected to actually deliberate on the case. But this way there is less chance of going below the minimum and ending up in a mistrial. Because these cases are often very long there is any number of reasons why you might lose a couple of jurors along the way and this is to help that. But in order to allow the provinces and territories time to get their own infrastructure organized that's been delayed until October.

**LESLIE:** It's all good stuff in my opinion. Kerry-Lynne, good to talk to you. Thank you so much.

**FINDLAY:** Thank you. Bye-bye.

**LESLIE:** Bye-bye. That's Kerry-Lynne Findlay. She's Parliamentary Secretary to the Minister of Justice and Attorney General of Canada.

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