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Chair: Mr. Randeep Sarai



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• (1630)

[English]

The Chair (Mr. Randeep Sarai (Surrey Centre, Lib.)): I call this meeting to order.

Welcome to meeting number 20 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of Wednesday, May 18, the committee is meeting to study Bill S-206, an act to amend the Criminal Code (disclosure of information by jurors). We will also go in camera to discuss the travel plans for this fall and to adopt a budget.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website.

For those on Zoom, you have the choice at the bottom of your screen of floor, English or French audio. For those in the room, you can use your earpiece and select the desired channel.

I'd now like to welcome our witnesses. First we have Mr. Michael Cooper, member of Parliament for St. Albert—Edmonton, who is also a member of this committee. We also have Mark Farrant, founder and chief executive officer of The Canadian Juries Commission.

Mr. Cooper, it's at your discretion. You said you wanted only five minutes, but you have up to 10.

Mr. Farrant, it's the same for you. It's however succinct you want to make it.

I'll let you guys take it from there.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you very much, Mr. Chair and members of the committee. It's an honour to be here, as the House of Commons sponsor, to present Bill S-206.

Three years ago, I appeared before this committee with Mark Farrant to testify in relation to my then private member's bill, Bill C-417, which was substantively the same as Bill S-206. Just as Bill S-206 has received unanimous support at all legislative stages thus far, Bill C-417 passed the House at all legislative stages in the House of Commons with unanimous support, but unfortunately did not make progress in the Senate due to the call of the 2019 election. I'm hopeful that this will not be the case with Bill S-206.

This legislation is a straightforward piece of legislation. It seeks to implement a key recommendation of the unanimous report of this committee on juror supports, a study that I had an opportunity to participate in as a member of this committee. More specifically, Bill S-206 carves out a narrow exception to the jury secrecy rule, whereby former jurors who are suffering from mental health issues arising from their jury service can disclose all aspects of that service, including the deliberation process, with a medical professional bound by confidentiality.

As it currently stands, section 649 of the Criminal Code makes it an offence for a former juror to discuss any aspect of the deliberation process with anyone for life. There is but one narrow exception, relating to an investigation or criminal proceedings in relation to a juror for obstruction of justice.

During our committee's study on juror supports, we heard from a number of former jurors, including Mark Farrant, who was a jury foreman in a gruesome murder trial. All of these former jurors had gone through difficult trials, been exposed to horrific evidence and suffered from mental health issues—in some cases, PTSD, and in some cases for decades after. These former jurors are not alone. Thousands of Canadians each year take up the summons to serve on a jury, and many of them go through difficult trials and suffer from mental health issues as a result.

The deliberation process, as we heard at the study around juror supports, is one of the most stressful aspects of jury service, if not the most stressful. After all, it is where, as a juror, you are sequestered with other strangers and have to go through difficult evidence, sometimes again and again. There is enormous pressure to make the right decision, having regard for the gravity of rendering a verdict in terms of potentially putting someone away for life, as well as seeing that justice is done.

It begs the following question: If one who is suffering from mental health issues arising from jury service cannot talk about what may be the core of their injury, how is it that they can get the full help and support they need? That is what we heard at this committee four years ago when the committee undertook its study. It was that, indeed, the jury secrecy rule can be an inhibitor for jurors in getting the full support they need. It makes them unable to talk about what is the core of their injury or could be the core of their injury, as well as creating difficulties around having full and frank discussions with medical professionals.

• (1635)

That is where this bill comes in. It carves out a narrow exception, all the while protecting the integrity of the jury secrecy rule. There are many good reasons for the jury secrecy rule, including respecting the finality of a verdict, protecting the privacy of former jurors, and protecting the sanctity of the deliberation process. This carve-out would not impact any of those objectives, because, again, any disclosure would be post-trial, in a strictly confidential setting. This is a common-sense piece of legislation that is much needed and will go a long way to supporting juror mental health in Canada.

The Chair: Thank you, Mr. Cooper.

Now we go to Mr. Farrant.

Mr. Mark Farrant (Founder and Chief Executive Officer, Canadian Juries Commission): Thank you, honourable committee chair and members of the committee, for inviting me here today.

My name is Mark Farrant. I'm the founder and CEO of the Canadian Juries Commission, a national not-for-profit organization supporting and representing Canadians serving on jury duty and coroner's inquests.

Jury duty is an essential component of our Canadian democracy and our justice system. Entrenched in our Canadian Charter of Human Rights and Freedoms, the right to a fair trial and the right to be tried by a jury of one's peers are something to cherish and protect in these times of global unrest and uncertainty. Every year, thousands of citizens answer a summons and step away from their families and workplaces to attend a trial, observe evidence and deliver a verdict, often in difficult and disturbing cases.

For some, jury duty is a rewarding experience in which jurors take pride in supporting the justice system and their communities in court. For others, jury duty is extremely challenging and even life-altering. While jurors are addressed as officers of the court and judges of the facts, jury duty is not a vocation. Jurors represent the conscience of our society but have no preparation for their experiences in court, no special training and, indeed, no foreknowledge of the trial or its contents.

First responders and jury members are bookends of the justice system. Jurors deliver the verdict for the very same crimes answered by first responders and investigated by police. Jurors are exposed to the same graphic evidence of human cruelty, violence, homicide, sexual assault and unspeakable acts. Jurors do not have the opportunity to turn away from evidence and, indeed, must often view it over and over again. This is the burden of jury duty, along with the task of reaching a verdict based on facts and evidence.

Unlike first responders and other actors in the courtroom, jurors do not have access to evidence-based treatment, counselling and support networks to process the experience, or the necessary professional training to manage disturbing testimony and physical evidence. We now understand the toll these crimes have on those working in public safety and our courts, resulting in PTSD, depression and significant mental illness.

Collectively, Canadians have worked hard to destigmatize mental health and promote treatment. We have established programs to support first responders in their healing, respecting the important

work they perform for our communities. Jurors are in many ways the most vulnerable to trauma and, sadly, receive the least amount of support compared to others in the courtroom.

Jury duty is a civic duty, but it's not a duty to suffer, yet many jurors have reported difficulties post jury service in accessing adequate support, especially in jurisdictions offering no post-trial support at all. In some cases, clinicians have been reluctant to treat former jurors due to the jury secrecy rule and the threat of legal repercussions. The jury secrecy rule also has prevented jurors from having free and open discussions within the confines of therapy.

Deliberation is the most stressful component of jury service, according to former jurors, with many describing it as one of the most difficult experiences of their lives, above other common life events. Jurors have reported experiencing intense feelings of shame, guilt and remorse from delivering middle-ground verdicts in difficult trials. Jurors have reported grieving for decades because of their verdict—a decision that in many cases was the only one available, given the evidence—but these same jurors have been unable to process this experience and move beyond it due to the jury secrecy rule.

How can we unpack psychological trauma and develop coping mechanisms if jurors are unable to discuss the very thing causing them harm? This refutes the very foundations of psychology and mental health practices.

Committee members, Bill S-206 represents a very narrow exception to section 649 of the Criminal Code that would go a long way to improving juror mental health and making a measured difference in the lives of jurors long after their jury service. This is a long-overdue investment in jury duty that will both improve Canadians' willingness to participate in jury service and build confidence in the justice system.

We owe jurors our thanks for their service. We also owe them every means possible to move beyond negative experiences in court and to return to their lives and families.

Thank you, committee members, for inviting me here today to speak with you.

• (1640)

The Chair: Thank you, Mr. Farrant.

Now we'll go to our first round of questions.

Just in the interests of time and some efficiency, we'll do five-minute rounds for the first round, then four for the next two and then two minutes for the next, if that's okay. I've already spoken to Mr. Cooper. It's just an efficiency of time if we can do that.

We'll begin with Mr. Morrison for his five minutes.

Mr. Rob Morrison (Kootenay—Columbia, CPC): Thank you, Mr. Chair, and thank you to the witnesses. I have some hard questions for Mr. Cooper, but I'm actually going to start off with Mr. Farrant.

Mark, I want to thank you for coming today and for helping us with identifying PTSD, especially in jurors. I had a long career in the RCMP, and PTSD is a silent disease that is really hard to recognize. In fact, it's usually ignored. In policing, the belief is that you get tough, so you can handle it, but that's not true at all, actually. Even though I've seen lots of horrific things, there are a lot of people, and it affects everyone differently. Everyone is unique. To have our jurors, who we rely on—you are right—for democracy, feel afraid or suffer for years is just unacceptable.

I applaud this. I'm very happy you're here today, and I thank you for your struggles to help others who are going to go through exactly the same thing.

One of the questions I have is how you feel we are going to be able to encourage people to come forward to get the help. A lot of people are probably afraid to come forward because they're embarrassed that something at a trial bothers them.

• (1645)

Mr. Mark Farrant: Thank you for your kind remarks.

We've seen justices on the bench, once the verdict has been delivered and the jury is thanked and excused, actually delivering that message themselves. Justices are now slowly coming forward, especially in provinces where support programs are available, to remind the jury that those programs exist, encouraging them to talk about the experience and not be embarrassed about it. It's not universal, though. Not every justice does that.

The Canadian Juries Commission has been working with the National Judicial Institute on that basis, and we're hoping to come forward with some programs specifically for justices, to remind them that jurors experience trauma and that justices play a role in encouraging support post trial.

Mr. Rob Morrison: How do we encourage previous jurors to come forward? How do we go back in time and just check up on some of the jurors who haven't had this opportunity?

Mr. Mark Farrant: A lot of it is advocacy and work in the public sphere. Two weeks ago we were very pleased to have the first-ever jury duty appreciation week in Canada. That's an opportunity to thank jurors collectively, and to provide them with support and encouragement. That's an opportunity to thank jurors past and present from decades ago for their service, and an opportunity to again talk about mental health and its importance.

Mr. Rob Morrison: Great. That's awesome.

Mr. Cooper, this may be a harder question.

This to me is way overdue. I can't even imagine why we haven't gone down this road historically, knowing some of the traumatic incidents that people have had to deal with. What's taken so long to get this far?

Mr. Michael Cooper: To some degree, I think there was a lack of awareness, at least on the part of parliamentarians. The juror support study that we conducted was the first of its kind. Never before had a parliamentary committee undertaken such a study. It was in the course of that study that we really heard compelling testimony, from Mark and from other former jurors, that really highlighted some of these challenges.

It was in the course of the study that we heard from witnesses who talked about the jury secrecy rule and specifically cited the Australian state of Victoria, where such an exception exists and has been implemented quite successfully. This bill would implement the same exception that exists in the state of Victoria, in Australia.

Mr. Rob Morrison: I want to thank both of you for being here today. To me, it's nothing but a positive to move forward for Canadians, for jurors and for helping people with PTSD.

The Chair: Thank you, Mr. Morrison.

Next I'll go to Madame Metlege Diab for five minutes.

Ms. Lena Metlege Diab (Halifax West, Lib.): Thank you very much, Mr. Chair.

I have to agree with you, Mr. Morrison, on this one.

Mr. Cooper, I want to congratulate you for sponsoring this. I really do.

Mr. Farrant, thank you very much for your advocacy. As someone who practised law for 22 years before I went into provincial politics, I had a number of people come to me who were scared to death when they got the letter in the mail that they would have to go and be on a jury. They had no idea what that meant. This was before they even stepped into a courtroom. Most of these people had never been in a courtroom in their life; they were trying to figure out how to get themselves out of this, whether they had to do this, and all of that. I have never had the occasion for anybody to come back after though. I can only imagine the horrific things they would hear at some of the trials. Just from listening to you now, I know this is a no-brainer, but I have to confess that it's not something I would even have thought about.

For those who preceded me, Mr. Cooper and whoever else in the last number of years, really, congratulations, because this is what we are here for as parliamentarians—to improve the lives of Canadians, and in this case of the jurors whom we really need.

Mr. Farrant, you talked about provinces that offer support programs. Quite frankly, I don't know which ones do or don't. What can you see after the passing of the bills? What are a couple of things you would like to see provinces and territories and perhaps the federal government do to support jurors?

• (1650)

Mr. Mark Farrant: Thank you for your comments. They're greatly appreciated.

We've been advocating for a national standard for post-trial support for jurors, as it is a federal mandate that jury duty be administered by the province. Thus no one should have to look over the fence at the province next to them and wonder why they have juror supports in that province and why their own province has nothing to offer them. That's a terrible scenario to be in. I've spoken to jurors who have experienced that. Ontario, through the leadership of Yasir Naqvi, in fact, has instituted the Ontario juror support program. Saskatchewan, B.C. and Alberta have established juror support programs. There are many provinces that have nothing at all or have very cumbersome means of achieving support, such as having to go and acquire counselling on one's own. Anyone can understand that accessing mental health supports is very difficult. We know there are waiting lists and, especially if you're experiencing trauma from doing your civic duty, that's a difficult situation to be in.

A national standard would be appropriate, as would not restricting the number of sessions that are available to a juror. Some of those programs offer only four sessions of counselling, some an additional four. Anyone who has been through therapy would understand that sometimes in four sessions you're barely even unpacking the problem, let alone getting to a solution and coping mechanisms. Thus you're sent out the door not having any structure or any follow-up and still left with a nagging issue. PTSD is a very complicated disorder. It's not something that can be solved immediately in four sessions. It requires cognitive behavioural therapy. It requires a number of sessions.

Ms. Lena Metlege Diab: Let me get one more point in, if I have a few seconds. It can be for either one of you. I really appreciate what you talked about. You had a jury duty appreciation week in Canada for the first time. When I heard that, I thought that was a really good thing to do, because most people are scared to death when they get that letter and are asked to do that.

Perhaps, Mr. Cooper, there's something we as parliamentarians can do to raise awareness and encourage people that it's a good thing and not to be scared, but at the same time that there may be help for them if they need it at the other end.

Mr. Michael Cooper: Thank you very much, Ms. Diab, I very much appreciate your very kind comments. This bill will actually increase confidence, I believe, in people who are summoned, since they will know that they will be able to get the full help they need and they won't be inhibited by the jury secrecy rule. From the standpoint of encouraging participation, I think this bill is a step in that direction.

Ms. Lena Metlege Diab: Thank you very much to both of you.

The Chair: Thank you, Ms. Diab.

Next we will go to Mr. Fortin for five minutes.

[*Translation*]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Thank you, Mr. Chair.

Mr. Cooper and Mr. Farrant, thank you for being here.

Mr. Cooper, I know your talents as a parliamentarian, and there is no doubt that this bill is in good hands. I thank you for that.

I think this is an important subject. In our society, the role of juries is important.

I am pleased to have already spoken with Mr. Farrant and to see that he is here to testify before the committee and to shed light on various aspects of the bill.

Of course, I join my colleagues Ms. Diab and Mr. Morrison in their comments about the importance of your role and the need to recognize the essential role of jurors in our society. Jury appreciation week is a good thing, but I think we could go further. We could do more in terms of recognizing the people who agree to serve society in this way. All that to say, I agree.

For my part, I have a few questions. I wouldn't say they are reservations, because I understand the idea of being able to consult a health professional. I have no difficulty imagining that it can indeed be traumatic to be on a jury.

Mr. Farrant, you have served as a juror before. You've had the experience. I'm not going to ask you to tell us how traumatic it can be, because I think everyone here is already convinced of that. However, I would like you to tell me what is important for a juror. I understand that, afterwards, there is consultation, help and recognition. However, when you sit on a jury, there is a rule that everything that is said remains confidential, precisely to allow the members of the jury to feel comfortable expressing their point of view. The reason for choosing 12 jurors is precisely because we want them to think as a team. We don't want one person to decide on the guilt or innocence of an individual, but we want it to be the result of a reflection initiated by 12 people. This reflection must therefore necessarily be completely free and open.

Here is what I fear. If the members of a jury can consult a health professional afterwards, this opens a breach of that secrecy, which I think is of paramount importance for a jury to function or fulfil its role properly.

I wonder what effect this breach would have on the members of a jury. As a former member of a jury, how do you react to sitting around a table with 11 other people knowing that one of them could potentially repeat your words to a therapist?

Doesn't that worry you?

• (1655)

[*English*]

Mr. Mark Farrant: Thank you very much for your kind comments.

I don't think this bill would impact the jury's ability to deliberate as instructed, both through the charge from the justice and through the rules of the court. Jurors follow instructions to the letter, and they take their role extremely seriously. The idea that they might reflect on their mental health and the ability to disclose their deliberation after the fact isn't going to affect their decision-making process in the back room, in my estimation.

Jurors are deeply committed to the process. They are deeply committed to following the charge that is presented to them. That is on top of... One of the stressors that they experience is their deep commitment to the practice. That's why deliberations tend to go five days or longer. It's because of that commitment.

It sends a message to them that the system that they are supporting is also supporting them after the fact.

[*Translation*]

Mr. Rhéal Fortin: I think my time is up, Mr. Chair.

[*English*]

The Chair: Thank you, Monsieur Fortin.

I think Mr. Garrison is next.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you, Mr. Chair.

I have nothing to add to this debate and think we need to get moving. However, I know that one of my colleagues has parental responsibilities that sometimes constrain his schedule, so I'd like to give my time at this point to Mr. Naqvi.

Mr. Yasir Naqvi (Ottawa Centre, Lib.): Thank you very much, Mr. Garrison. I really appreciate it.

Mr. Farrant, it's good to see you again. Thank you for being here and for your steadfast advocacy on this, which is really inspiring.

Mr. Cooper, thank you very much for carrying the torch on this in the House of Commons. I very much appreciate it.

Mr. Farrant, I'll ask two questions of you.

One is, can you share with us your analysis of the American experience? Are there lessons we can learn from there in how juries are treated? I'm sure they probably differ from state to state, but are there things that Americans are doing that could be helpful insight for us here in Canada when it comes to providing supports for jurors?

• (1700)

Mr. Mark Farrant: In some ways, Canada is actually the leader in post-trial support and mental health support. In most American states, there is no support at all for jurors post trial, and every state is very uniquely different in the way it manages jurors.

Canadians have taken leadership in improving jury pay in many provinces. Jury pay in the U.S. is substantially lower—in some cases, it's \$6 to \$10 a day for jury service—which is feeding some of

the reticence and resistance to responding to a summons in the U.S. In many states, people aren't even showing up in court. They're not even in the courtroom. In some cases, the sheriff has had to go to houses to knock on the door to canvass and find out why they weren't coming to court.

Obviously, jury secrecy is very different in the U.S. from the way it is here. I think, from the research that we've conducted in focus groups and from talking to jurors, that Canadians appreciate their ability to have privacy, which is afforded under the jury secrecy rule, in the sense that they're not questioned by the media and there isn't scrutiny on the decision. That has an added benefit to the jury, in the sense that they're protected and can return to their lives. Their identities aren't disclosed, and that is very much appreciated.

Mr. Yasir Naqvi: My final question to you would be... This is an important step and, hopefully, this bill will pass at committee and in the House and will eventually become law. I'm sure the Canadian Juries Commission has a fairly lengthy list of things to do. What needs to happen next to provide for appropriate support for jurors?

Mr. Mark Farrant: We're very pleased and honoured to be working with the Attorney General of British Columbia and the B.C. Supreme Court through funding from the Department of Justice on our juror support pilot project.

We are training B.C. sheriffs, who manage jurors on a day-to-day basis. We're training them on self-care, resiliency skills, the juror experience, the journey of the juror and identifying the stresses. Many people just don't know or understand the juror's experience. We're providing B.C. sheriffs with that training to support the jury in court and to provide subtle supports. This means that after a difficult day in the courtroom, the sheriff can provide some empathy and support so that the jury can come back the next day and continue that work.

It's not opinionating the jurors or intruding on their objectivity; it's providing them with empathy and support.

We're also developing a peer support pilot project. We're training former jurors who have lived experience and have been through the system and been through graphic trials to provide empathy and support to jurors as an alternative and complement to the post-trial support programs that are there now.

Our goal is to nationalize those two programs, in addition to some of the other work that we want to do. We hope that Canadian jury duty appreciation week will be a designated event in the calendar so that all Canadians will celebrate jury duty and thank jurors for their contribution.

The Chair: Thank you.

We'll now go to Mr. Brock for four minutes.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Mr. Chair.

Thank you, gentlemen. I will start off with my colleague, Mr. Cooper.

It's a proud moment for you, Mr. Cooper. It's a proud moment for me to consider you a colleague. Tremendous work went into this private member's bill. You should be very proud of your advocacy on this issue.

I want to ask a couple of questions, just so I have this clear in my mind. I took a look at the language under the new exception to the jury's secrecy rule. There is a phrase that gives me a bit of concern. Perhaps you can shed some more light on it. With respect to the concept of speaking to a medical or psychiatric official or a therapist, or to getting counselling after the completion of the trial—I wasn't here four years ago when this was debated and discussed—can you provide some sense as to the legal definition of that? We all know that after verdict could mean after trial, or is it after sentencing? Quite often there's a significant passage of time between verdict and sentencing. What was contemplated, and how are we to interpret that language in this bill?

● (1705)

Mr. Michael Cooper: Thank you, Mr. Brock, for that question. I believe, in answer to it, that what is contemplated is after the verdict.

Mr. Larry Brock: It's after the verdict. Okay. That's good to know.

The second question is a follow-up for my colleague Mr. Morrison in terms of the retroactive perspective of this legislation. There's no limit as to whether or not we're talking about current jury composition. Was it contemplated that any past jurors from decades ago, who are still suffering and who now find out about this new piece of legislation, could now take advantage of it? I see that Mr. Farrant is acknowledging that by shaking his head.

Mr. Mark Farrant: I would anticipate that that would be the case. The idea is that we've spoken to jurors who for 20 years have been suffering with this sense of shame and guilt about an acquittal that it was impossible to make go any other way, and they take a sense of personal ownership for it. They are reticent to talk about it and unable to talk about it because of the secrecy rule and because they take their responsibilities very seriously. When Canadians are told not to discuss something from within the confines of court, they don't. They don't talk to their spouses about it. They don't talk to co-workers about it. They don't talk to anybody about it.

Mr. Larry Brock: I think that's what distinguishes our system of justice from that of the Americans. You've identified what I have always believed: We have a paltry remuneration system here in Canada, but the system in the United States, with the few pennies they receive, still pales in comparison. It's no wonder that the moment there's a verdict, they're looking for the press; they're looking for a publicist; they want to talk about the evidence; they want to make some money off of it. There are professional people who want to be on juries. In my view, that doesn't make for an effective justice system. I come from a 30-year career as a lawyer, the last 18 of which were as a Crown prosecutor, and I think that's what makes the Canadian judicial system so special: It starts literally the mo-

ment the judge gives instructions. I could see in their faces how serious and how solemn this oath is.

I can only sympathize, and I was really touched, Mr. Farrant, when I read a bit more about your story. I just did a Google search and read about the case you were involved in, the struggles you went through and clearly the help that you received professionally at CAMH. Now, the strong advocacy you're doing is just tremendous work. It's so important that we as parliamentarians use whatever tools we have in our tool box to offer that assistance. This is certainly a step in the right direction.

This is for both gentlemen. Four years ago, was there any sort of discussion about advocacy or learning opportunities for the judiciary, the lawyers, the Crowns and the defence counsel, or ways they could assist juries in the process as well?

The Chair: Unfortunately, we're out of time. If you have something, you can add it really quickly.

Mr. Mark Farrant: Under this bill, no, there weren't discussions along those lines, but we are working with the National Judicial Institute. We've done some plenaries with them, and we have every reason to believe that we will be producing some educational programs for justices and other actors in the courts.

● (1710)

The Chair: Thank you, Mr. Brock.

We have Madam Dabrusin for four minutes.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you.

This is actually a pretty big day. I'm a bit emotional about it when I think about where we started, Mark.

First, a big thank you to you for all the work you did. It's a message that advocacy matters.

You've been tireless. I met you many years ago when you started working on it. Since that time, you've put together the commission and you've worked with Michael, and I'll give a big shout-out to Michael for making this day happen to get this bill.

Really, I think there's a message for people, for anyone who is watching, that advocacy matters. You took this and you've really made a difference. Thank you for that.

You talked a little earlier about some of the next steps. We saw that with the provinces and the work you were doing with the provinces, but there was a big study that was done by the justice committee as well a few years back. What would you be prioritizing as next steps that you would like to see for juries from the federal level?

Mr. Mark Farrant: Thank you very much for your comments. It has been a long road, hasn't it?

The report had 11 recommendations, and this bill was derived from that report. In fact, the Canadian Juries Commission was born from that report. We took it upon ourselves because there was limited action on some of the other recommendations. We took it upon ourselves to advocate directly with the provinces.

Certainly, we know that there's a responsibility at the federal level to provide resources to the provinces to assist them in such things as raising jury pay. Raising jury pay is the best catalyst to improving diversity and representation on juries in this country. If we're talking about systemic racism within the justice system and identifying barriers, simply raising jury pay will almost overnight allow people who were otherwise shut out of the justice system the ability to afford to serve on a jury.

Even the recommendation made all those years ago at \$120 per day is now actually out of date because of rising inflation and the cost of living. That figure now should probably be \$150 a day. I think jury duty should be talked about in the meeting of the premiers. I think there's a responsibility to bring that discussion forward, because it is the last mandatory civic duty left in our country. There is nothing else. It's the only civic responsibility we have left.

Ms. Julie Dabrusin: Thank you for that.

I really don't have much more to add. I will say that there are very few times that you get a table that is basically asking very kind questions and being really supportive. That's a sign that this is a bill that I'm hoping.... We have, I think, two clauses to get through after this. Hopefully, that will go very quickly and we can bring it back to Parliament quickly and really just help shepherd it through, but from the sounds of it, you have a lot of support around this table, and that's a great thing to see.

Thank you.

The Chair: Thank you, Ms. Dabrusin.

Now we'll go to Mr. Fortin for two and a half minutes.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

Mr. Farrant, thank you again for being here, but I have these same questions to ask and I don't have a lot of time. It's hard to get through all of this in five minutes and two and a half minutes, including questions. So I'll ask my question of Mr. Cooper, if I may, Mr. Farrant, since he worked on Bill C-417, the forerunner of this bill, so to speak, and on this one.

I haven't seen many instances where the negative effects of such bills have been discussed. I don't want to be a spoilsport, but there are always two sides to a coin. We know that in Quebec, the Professional Code, among other things, requires professionals, therapists and others to keep secret the discussions they have with their clients. This might seem to be watertight, but there are cases where the professional may be allowed to disclose what the client or patient has said to him. For example, if they are being sued by a patient who decides that they have had bad service, if the law allows them to do so, or if they want to prevent an act of violence, such as when someone talks about suicide, the professional may disclose what they are told, even when it has been done in confidence. These are extreme and rare cases, but it is a possibility. This is what I called a possible breach of confidentiality earlier. I am concerned about this breach, and I ask you to reassure me.

Have there been any studies, to your knowledge, Mr. Cooper, of the effect that this possibility has had on jurors, who must be able

to rely on confidentiality to express themselves freely? Are there really any studies on this issue?

• (1715)

[*English*]

Mr. Michael Cooper: Based upon the experience in Victoria, it has worked well. As the committee understood it, no issues have arisen from this exception in the state of Victoria.

With respect to the stakeholders who appeared before this committee at the time, there was unanimous support for it from former jurors, from members of the bar, including the defence bar, and from mental health professionals. This is one of those few bills, as Ms. Dabrusin pointed out, for which there is seemingly unanimous support from parliamentarians and from all stakeholders, so—

[*Translation*]

Mr. Rhéal Fortin: I'm going to have to interrupt you, as I only have a few seconds left.

I understand that it's unanimous, but no study has been done to see if jurors will feel less comfortable and confident, correct?

[*English*]

Mr. Michael Cooper: As Mr. Farrant said, from his experience as a former juror, he doesn't believe this will impact upon the ability of jurors to deliberate, but what it will do is ensure that former jurors who are suffering will be able to get the help they need.

It's not just about disclosing the deliberation process to a medical professional. It's sometimes the uncertainty about where the boundaries lie. Medical professionals sometimes are even reluctant to take on former jurors as clients, because of uncertainty around the jury secrecy rule. This bill helps clarify that—

The Chair: Mr. Cooper—

Mr. Michael Cooper: —and will help former jurors in that regard.

The Chair: Mr. Cooper, thank you.

Thank you, Monsieur Fortin. Just for the record, I gave you four minutes. I never cut you short.

Mr. Rhéal Fortin: Thank you.

The Chair: I want to thank Mr. Cooper and Mr. Farrant, and especially Mr. Cooper. It's quite the honour when—

[*Translation*]

Mr. Rhéal Fortin: Mr. Chair, it's not my fault, it's Mr. Cooper who spoke too long.

Voices: Oh, oh!

[*English*]

The Chair: Thank you.

We will now move to clause-by-clause.

I will ask the legislative clerks to come forward.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Mr. Chair, on a point of order, Mr. Zuberi has advised that he's having some technical difficulties. I'm wondering if we could make sure that he's on and able to vote.

• (1720)

The Chair: We're just going to suspend for one minute. There are some technical difficulties getting one member on. We'll just suspend for a minute.

• (1720)

_____ (Pause) _____

• (1720)

The Chair: We will resume. We have witnesses as well. We have Samantha Reynolds from the Department of Justice, criminal law policy section. She's online and will help us with any questions that anyone may have. I'm assuming this will go relatively smoothly, because it's by consensus.

Shall clause 1 carry?

Do you want a recorded vote?

Ms. Lena Metlege Diab: Is that necessary?

The Chair: It's unanimous.

(Clause 1 agreed to)

The Chair: Shall clause 2 carry?

(Clause 2 agreed to)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill to the House?

Some hon. members: Agreed.

The Chair: We're all good. This will be reported to the House.

Thank you, Mr. Farrant.

Thank you, Mr. Cooper. Well done.

We'll suspend for one minute to go in camera.

[Proceedings continue in camera]

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