

**Transcript of pre-cabinet meeting questions from journalists to Attorney General Michael Bryant on the release of the Report of the Justice and the Media Panel, Ontario Legislature Building, Queen's Park, Toronto, Ontario, August 23, 2006:**

Q: You have received the report of the Justice and the Media Panel. What's next?

BRYANT: Well, just as a reminder, this report on justice in the media was something I asked for in January of 2005 in an Opening of the Court speech. It seemed to me that the justice system and the media, the news media, more often than not, operated in solitudes, and I wanted to provide some kind of a venue for the two to consider issues and come up with recommendations. That happened. We had leaders from the journalistic community and from the legal community sit down and do that. We had people from news media organizations, the public, lawyers, judges who came in and provided for their submissions and recommendations. I thank them all. I thank the panel for the work they have done. Obviously, I have to do costing and consultations with chief justices, but I could not be more pleased with the report and support the spirit of all the recommendations.

Q: Can you ask the courts to put the cameras in or is that something that the chief justices have as their ultimate decision?

BRYANT: Well, there's no doubt that the chief justices will be consulted on this. Mr. Justice James MacPherson, a very senior jurist in Ontario was on the panel, and a part of the recommendations. And I agree with the recommendation. I think it is inevitable that cameras will be coming into the

courtrooms of our nation and I think that our justice system is ready for its close up.

Q: You can tell the courts? You'll consult the judges but in the end, if you want the cameras in, it's recommended? You want to see cameras in courts?

BRYANT: Well, it may require a legislative change. In the past where legislative changes have taken place, contrary to what the judiciary wanted, there have been challenges. I'm confident, particularly with having Mr. Justice MacPherson on that panel, that there will be a way to come to a consensus on these issues. All the work that has been done into these recommendations, I think will have lot of weight with the chief justices and I look forward to speaking with them about it.

Q: When do you think we'll see cameras in the courtrooms?

BRYANT: Good question. There are some parts of the report that require government implementation, there are some that require government and judge implementation, and there are some parts of the report that are in fact a challenge to the news media. And that will be up to the news media to decide what to do with it. I can say within our own ministry, some recommendations will be implemented immediately, such as providing for contact with media in all the courthouses; a media guidebook; more information on websites. Other parts of the report are going to require some costing and obviously I'll be speaking to government colleagues about that, and we'll have to look at what parts of the report require legislative change. But I'm going to put together an implementation committee including, obviously, the panel itself, to see how quickly we could do this and have a report back on this.

Q: It could take years, though, right? It could take several years?

BRYANT: I called for this report because I wanted to make some changes. We now have the report and I'd like to make the changes. Obviously, we want to complete the consultations and we'll certainly have a report back within a couple of months.

Q: Court costs are already an issue, as you know, and security, other issues. Is bringing the cameras into courtrooms, is this something that the province, it's your goal, is it something you'd be prepared to suck up the cost for?

BRYANT: There are going to be some costs associated with the recommendations and we need to do that costing and determine what the effect would be on the ministry's budget and obviously that's something that I'd have to have a meeting with the treasury board of the cabinet about as well. But the recommendations here, to a large extent involve compromises. There are some who might want cameras in every single proceeding, in every single courtroom, including youth court. There are some that don't want any cameras in any courtrooms. And I think what they came up with is a solid recommendation, that is defensible, that respects the rights of victims and witnesses in fair trial, but at the same allows for a transparency that we just haven't been able to have up until now.

Q: Are you worried about a US-style circus of justice like the O.J. Simpson trial? Isn't that what this is going to lead to?

BRYANT: The panel looked at that and wanted to avoid the circus, and there were great concerns about television cameras recording in a fashion that would intimidate witnesses, so witnesses might not come forward if they thought they were going to be on television. Some victims might not want to come forward if they would come forward on television. So the recommendations seek to avoid that kind of a circus entirely.

Q: Minister, why not make the television networks pay for the cameras? If the Toronto Star or the Toronto Sun wants a transcript of a court we have to pay for that. Why should CTV or CBC or Global or any of these major money-making firms, CanWest or whoever, why should they get this for free? We all have to pay for stuff, transcripts. The print media has to pay for transcripts. Why shouldn't the broadcast media pay for cameras?

BRYANT: It's an interesting question as to whether or not you have, as in the legislature, some cameras that are the public cameras, and access for cameras, for other cameras. And that's something that we're going to have to work out.

Q: Do you think that one point of this would be to make Canadians understand a bit more how the justice system works and not be so Americanized?

BRYANT: The courts are open to the people, but the vast, vast majority of the public do not learn about their justice system by sitting in a courtroom. They learn about it by watching the news, and there are people in the legal community that feel that the justice system is inaccurately portrayed there. There are many people in the media who believe that the justice system is not accessible and transparent enough. So what I tried to do is get everybody

together and find some ways in which we could better make available the information and what's happening in our justice system.

Q: If a judge right now wanted to allow cameras in his courtroom, could he?

BRYANT: Under certain circumstances with leave of the court, certain very narrow circumstances, cameras can be brought in. But it would be for an opening of the court speech, the swearing in of a judge, it could be during a judicial reference.

Q: On what authority, is there some rule?

BRYANT: The prohibition and the limitation and the authorization is all provided by statute under the Courts of Justice Act.

Q: So you would have to change the legislation?

BRYANT: In all likelihood, yes.

Q: Have you talked with other attorneys general about this?

BRYANT: I know that a couple of attorneys general have expressed interest in it. Whether or not they agree with the recommendations or not, I'll leave to them.

Q: Have you talked with them generally about cameras in courts, and with your federal counterparts? Does everyone sort of think it's the 21<sup>st</sup> century, it's going to happen?

BRYANT: We're a big country. A lot of attorneys, mixed views.

Q: But won't this lead to a lack of decorum in courts? That's one of the great things about our court system is that there's a very strict code of conduct. Isn't that just going to turn into a zoo?

BRYANT: The concern is particularly where witnesses or other evidence is involved, involving people providing that evidence that, in fact, those people would behave differently because the cameras are rolling. And yes, of course, we heard from (lawyer and author) David Lepofsky that he had a concern that lawyers and judges might grandstand. But you know, we do have cameras in the Supreme Court of Canada for those appeals. There are rules of engagement. The cameras can't wander over and focus on somebody, an accused, doing one thing or another. The cameras can only point in a certain direction. So there are ways of providing some limits to ensure decorum. There's no way that the judges of the courts of Ontario are going to be part of a change that is going to see decorum break down. The question is, is there a way to have cameras in our courtroom, allow people to see more of our justice system, allow some of the most important issues in our nation to be considered by all the public and covered by the news media while at the same time keeping decorum? And they made the recommendation that that could happen.

Q: Will you change the statutes before the next election?

BRYANT: It's a good question. I can't say one way or the other whether I can do that. I'll have to consult with my colleagues first.

Q: In the past, it's been a concern that the lawyers would play to the cameras and perhaps thus conduct themselves. Do you think they've matured by now?

BRYANT: That part of the debate is very similar to the debate that went on many years ago with respect to cameras in the legislature. That was before my time. You will end up inevitably having people who will not change their behaviour whatsoever, but in the context of counsel making submissions, judges responding, judges questions, motions, applications and appeals, the experience from the Supreme Court of Canada and the televising of those hearings on CPAC and also on the national news has been in fact that not much changed at all.

Q: What about intimidating witnesses? People are not going to come forward if they going to...

BRYANT: That was a real concern of the panel and that was one of the reasons that they came to a compromise as to what could be covered by cameras. For some it will be seen as a first step. For some it will be seen as too big a step. But I think that the panel came to a reasonable compromise in saying that no, we should not have live witness testimony subject to cameras because some witnesses might not come forward, some victims might not come forward. But when it comes to airing out a hearing from all sides of the issue, in an application or a motion or an appeal, and having the judges' responses and questions, and the judges' rulings, that is something that the public interest may be benefited by, and that's why I'm taking this recommendation very seriously.

Q: Does the American experience make you nervous at all, given the circuses we've seen?

BRYANT: Sure, I think we need to learn from the American experience. I think we have to preserve the rights to fair trial. We have to preserve the presumption of innocence. And I think that the recommendations seek to do that.

Q: Do you see other provinces looking at this?

BRYANT: I know of two attorneys general who asked for, in advance, a copy of the report as soon as it was available. I'll certainly provide it to them. And whether or not they're interested in pursuing that, I'll let them speak for themselves.

Q: Other countries than the US, do they have televised courts?

BRYANT: The House of Lords had a pilot project where they televised courts. The United States did as well and there was some other comparative research provided in the report.

Thanks.

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