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Chair: Mr. Kelly McCauley



Standing Committee on Government Operations and Estimates

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• (1100)

[English]

The Chair (Mr. Kelly McCauley (Edmonton West, CPC)): I call this meeting to order.

Good morning, everyone. Welcome to meeting number 101 of the House of Commons Standing Committee on Government Operations and Estimates, also known as the mighty OGGO, the only committee that matters.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, October 17, 2022, the committee is meeting on the study of the ArriveCAN application.

Please do not put your headsets anywhere near the microphones, as that could cause potential ear damage to our very valued translators.

Before I turn the floor over to Mr. Lafleur for his opening statement, I will let you know that in the last 20 minutes we will do committee business. We just need to approve a couple of budgets quickly. I'll go to Mr. Bachrach first for his Canada Post motion, as he kindly pushed that back from last time so that we could have our full time with Mr. Jeglic.

Mr. Lafleur, we'll start with you, please, for your opening statement. Go ahead, sir.

Mr. Michel Lafleur (Executive Director, Professional Integrity, Canada Border Services Agency): Thank you.

Mr. Chair, I first want to acknowledge that this meeting is taking place on the traditional, unceded territory of the Algonquin Anishinabe people.

[Translation]

As executive director of the professional integrity division at the Canada Border Services Agency, my responsibilities include providing an independent investigation function for the agency. My team conducts investigations into allegations of employee misconduct and provides management with reports of our findings to allow them to address instances of misconduct in the workplace.

The process of investigating allegations takes time and requires a systematic approach to ensure that all evidence is properly gathered and considered prior to final conclusions being made.

[English]

Policies and procedures relating to internal investigations are issued under the authority of the chief security officer of the CBSA

and are aligned with the policy on government security, which requires that we ensure that any significant issues regarding policy compliance, suspected criminal activity, national security concerns or other security issues are assessed, investigated, documented, acted on and reported to the deputy head and other investigative bodies, as appropriate.

I have been a security practitioner in the federal public service for 15 years, working in the fields of intelligence, security screening, misconduct investigations and security operations. During this time, I have conducted, directed and overseen hundreds of administrative investigations, both relating to employee misconduct and as part of reviews for cause of employee security screening.

Key to my current role is ensuring the integrity of investigations, procedural fairness and due process for those under investigation. It is for these reasons that it would be inappropriate for me to speak to you about certain details or matters that remain under investigation.

• (1105)

[Translation]

As the committee is aware, the current CBSA investigation into allegations first brought forward by Botler AI is still ongoing. I am therefore limited in what I will be able to share about that process.

What I can speak about is our investigation process and investigations in general terms.

I will answer your questions to the best of my ability.

[English]

Thank you.

The Chair: Thank you very much.

Mrs. Block, we'll start with you, please, for six minutes.

Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC): Thank you very much, Mr. Chair.

Thank you, Mr. Lafleur, for joining us today to provide testimony on what has become a very lengthy and complex study into not only the ArriveCAN app but now also some investigations that are taking place within the department of the CBSA.

I want to confirm this. Have the preliminary findings been made public?

Mr. Michel Lafleur: They have not.

Mrs. Kelly Block: They have not been made public.

After CBSA president Erin O’Gorman referred the Botler allegations for investigation, were you the individual who was tasked with leading this investigation from the beginning?

Mr. Michel Lafleur: I am the director responsible for conducting investigations within the CBSA, so yes, my team and I were assigned this file.

Mrs. Kelly Block: Was that right from the beginning?

Mr. Michel Lafleur: It was from the beginning, in November of 2022.

Mrs. Kelly Block: Thank you very much.

Let me quote from your opening statement: “The process of investigating allegations takes time and requires a systematic approach to ensure that all evidence is properly gathered and considered prior to final conclusions being made.”

If that is true, if that is important, can you provide any rationale to the committee as to why President O’Gorman would imply to this committee that Mr. MacDonald and Mr. Utano were guilty of misconduct? This happened on January 18 of 2023.

Mr. Michel Lafleur: I’m not exactly sure which statement of the president you’re referring to. I can speak to my process, and we have not yet reached any conclusions relating to misconduct.

Mrs. Kelly Block: Do you think it was prudent to share initial findings with the superiors of those involved in the investigation?

Mr. Michel Lafleur: What I can say is that it is normal in the course of an investigation for our investigators to share information with management so that they may take the administrative measures that they feel are required, pending the conclusion of the investigation.

Mrs. Kelly Block: Did you recommend that the report be shared with the deputy heads of Health Canada and the CRA?

Mr. Michel Lafleur: I did.

Mrs. Kelly Block: You did.

When did you become aware of the suspensions of Mr. MacDonald and Mr. Utano?

Mr. Michel Lafleur: I became aware when the matter became public through The Globe and Mail, I believe it was.

Mrs. Kelly Block: I’ll ask again. Do you think it is appropriate to suspend employees without pay when you have only completed an initial statement of fact?

Mr. Michel Lafleur: I can’t speak to the appropriateness of the decisions taken by other departments. Mr. Utano and Mr. MacDonald are not employees of the CBSA. I can’t make any assessments relating to their employment.

What I can say, and I think it’s important for the committee to understand, is that it is normal in the course of an investigation to ensure that mitigating measures are put in place when there are potential risks. That is something that is in our processes, and it is why we share information to management during the course of the investigation.

Mrs. Kelly Block: How do you square that with the systematic approach of ensuring that all evidence is properly gathered and considered prior to final conclusions, if in fact employees have been

suspended without pay before a thorough investigation has been conducted?

Mr. Michel Lafleur: Management may take any number of administrative measures pending the conclusion of an investigation. I can speak generally. For example, if we’re conducting an investigation indicating an employee may be disclosing information inappropriately, management may choose to remove their access to sensitive systems. This is normal in the course of an investigation.

Mrs. Kelly Block: Were MacDonald and Utano allowed to respond before their suspensions?

Mr. Michel Lafleur: That decision was taken by their respective departments. I can’t speak to that.

Mrs. Kelly Block: Okay. Thank you.

We have heard contradictory testimony from President O’Gorman as to when the investigation began. Can you provide some clarity for us? Did it start in November 2022 or January 2023?

• (1110)

Mr. Michel Lafleur: We started the investigation as soon as we received the allegations from Botler AI in November 2022.

Mrs. Kelly Block: It was November 2022. Okay, so it took you nearly a year to provide an initial statement of fact to the president of the CBSA, which happened shortly after MacDonald and Utano gave testimony critical of President O’Gorman before this committee.

I would just say that it seems odd that there was a sudden breakthrough in the case against these individuals right after they were critical of some of the actions taken and the testimony before committee.

I also want to note that you mentioned in your opening statement that you provide management with reports of your findings. Does this include providing initial statements of fact?

Mr. Michel Lafleur: We provide information to management as it comes up during the investigation. Usually, it is not in a formal format. This was a different case, as they were not employees of the CBSA.

Mrs. Kelly Block: Was President O’Gorman a part of the management team that you provided reports to?

Mr. Michel Lafleur: She did receive a copy of the preliminary statement of facts, yes.

Mrs. Kelly Block: Then she had direct access to the investigation of former employees who publicly criticized her. I’m wondering again if you can provide us with your opinion on whether or not this seems like it compromises the integrity of the investigation?

Does it at least not concern you that someone in her position—

The Chair: You’ll have to wrap up, Mrs. Block.

Mrs. Kelly Block: —who has implied guilt before a final investigation, holds a position in regard to the power to investigate?

Mr. Michel Lafleur: Mr. Chair, I can assure this committee that none of the actions taken in the course of the investigation were as a result of any evidence heard before this committee. Our investigation is proceeding in parallel with the work of the committee, but not as a result of anything that you heard here.

The Chair: Thank you, Mr. Lafleur.

Mr. Jowhari, go ahead, please.

Mr. Majid Jowhari (Richmond Hill, Lib.): Thank you, Mr. Chair.

Welcome, Mr. Lafleur.

Mr. Lafleur, you've been called as a witness under the study of the ArriveCAN application. For Canadians who are watching today, I'm going to ask some pointed questions, and then hopefully we can get into a more in-depth conversation around the investigation that's going on.

Are you conducting any internal investigation relating to the development of the ArriveCAN application?

Mr. Michel Lafleur: ArriveCAN as an application is not something that we're investigating. We're investigating procurement matters around that.

Mr. Majid Jowhari: Are you investigating anything around procurement of any direct or indirect activities, whether it's procurement, a complaint or people, relating to the ArriveCAN application?

Mr. Michel Lafleur: Some of the allegations that we're investigating do touch on contracts that were used for ArriveCAN.

Mr. Majid Jowhari: Thank you.

In your testimony, you talked about being limited in what you would be able to share about the process, and you said that you could speak about your investigation process and investigations in general terms.

Can you tell us about your investigation process? I come from a management consulting background, and we usually look at the process, we look at the timeline and we look at the outcome. Can you share with us the steps in this process, some of the anticipated outcomes, the timing of these outcomes and who you share these documents with?

Are you allowed to share these findings at the preliminary stages?

Mr. Michel Lafleur: Generally speaking, when we receive allegations of employee misconduct, we initiate a preliminary review. The point of that preliminary review is to see if there's any evidence to substantiate whether something occurred or not. If we have evidence to substantiate it, we would move forward to a formal phase of the investigation. If there's no evidence to support the allegations, we would close the file. If there's exculpatory evidence at that point, we would, of course, not move forward with an investigation.

We try to do that preliminary phase within 45 business days. Of course, depending on the case, that may go longer or it may be shorter. Once we have made a decision to move to a formal phase of the investigation, we determine the allegations that the employees would have to respond to. Those are detailed in relation to the CBSA code of conduct.

The respondents in the investigation are then notified of the investigation of these allegations. We then proceed to witness inter-

views, and we interview the respondents before finally, once all of the evidence has been gathered, drafting an investigation report with our conclusions.

That report is then shared with CBSA senior management, and they are responsible for addressing any founded allegations of misconduct.

• (1115)

Mr. Majid Jowhari: Thank you.

Are you in a position to be able to share with us whether you have completed the preliminary review?

Mr. Michel Lafleur: With relation to...?

Mr. Majid Jowhari: As it relates to the investigation that you are doing.

Mr. Michel Lafleur: Yes.

Mr. Majid Jowhari: It looks like there are two stages. If there seems to be some evidence within the preliminary review and within the first 45 days, then you proceed to the second stage, which you call the formal phase.

That first phase is completed. There was a determination that it necessitates moving into a formal phase. You have already moved into the formal phase.

Can you share with us where you are in the process you identified—the formal process of allegations, meetings and conducting interviews, and then meeting with witnesses and all of that? Are you in a position to be able to share with us where you are in that process?

Mr. Michel Lafleur: We did complete the preliminary review. We have notified the respondents of the allegations against them, and we are proceeding with witness interviews at this time.

Mr. Majid Jowhari: You are in the process of doing the witness interviews.

Mr. Michel Lafleur: That's correct.

Mr. Majid Jowhari: Is it fair to assume, given the fact that you have moved into a formal phase, that you found evidence that you needed to further explore?

Mr. Michel Lafleur: As I've stated before, that is part of the process. Before moving to a formal phase of the investigation, we have to have some level of assurance that the allegations may have occurred.

Mr. Majid Jowhari: Okay.

You were very clear on the 45 days for the preliminary review. Is there any timeline established for the formal phase?

Mr. Michel Lafleur: Depending on the complexity of the investigation, we aim to complete a formal investigation between 60 and 120 business days.

Of course, when we're dealing with more complex files or files that involve potential criminality, those timelines can extend significantly.

Mr. Majid Jowhari: Okay, so you establish timelines of 60 to 120.... If there's any potential criminality, then there are no timelines for it.

Mr. Michel Lafleur: That's right.

Mr. Majid Jowhari: I only have about 10 seconds. Is there any date established by which you're going to publish your report?

Mr. Michel Lafleur: No. We'll be done when we're done our work.

Mr. Majid Jowhari: Thank you very much.

The Chair: Thank you, sir.

We have Mrs. Vignola, please, for six minutes.

[*Translation*]

Mrs. Julie Vignola (Beauport—Limoilou, BQ): Thank you very much, Mr. Chair.

Mr. Lafleur, thank you for being here.

Recent newspaper reports have alleged that certain public servants deleted emails. Did they pertain to a sensitive file, specifically Botler AI?

In your past investigations, did you often find that emails regarding a sensitive matter had been deleted?

Mr. Michel Lafleur: Not intentionally, I would say.

Mrs. Julie Vignola: Is there an email management process for supply processes? I am not referring to sensitive files only.

Mr. Michel Lafleur: I am not an expert on contracts. As managers, however, we are responsible for ensuring that all of our decisions are documented.

Mrs. Julie Vignola: Do all departments document their decisions in the same way or does each department have its own methods?

Mr. Michel Lafleur: I am not familiar with that level of detail, unfortunately.

Mrs. Julie Vignola: Okay.

A whistleblower who requested and was granted an investigation appeared before this committee. We realized that people were protecting each other. That was how it looked at least.

With due respect, I would like to know, in cases that appear to be as serious as the present one, whether it makes sense for CBSA to conduct its own internal investigation. Would it not make more sense for the investigation to be conducted by someone outside the agency who is completely independent?

• (1120)

Mr. Michel Lafleur: My role is to provide an investigation function which is indeed independent. I do not work for management as such. I would say that we are working for the agency when we conduct investigations. That is how I explain it to my team.

A completely independent function would certainly add a degree of assurance, but I am very comfortable with our approach.

Mrs. Julie Vignola: What happens when your investigation is finished? Are your recommendations binding? Is any misconduct that is identified explained and corrected? Are those at fault sanctioned?

Mr. Michel Lafleur: Let me clarify something: we do not make any recommendations in our reports. We establish the facts of the matter and draw conclusions as to whether or not the allegations are founded.

Once we have completed our report, it is sent to management. It is up to them to decide, depending on the circumstances involved, whether disciplinary action is warranted. That can range from a verbal warning to suspension, and even dismissal in extreme cases.

Mrs. Julie Vignola: So you do not make any recommendations. You draw conclusions as to whether there was misconduct, and management then makes a decision.

At the same time, when members of management themselves are involved, management still decides on any action to be taken. In that case, is there not a risk that management would simply give those at fault a slap on the wrist, telling them not to do it again in order to protect the agency's reputation?

Mr. Michel Lafleur: If the investigation pertains to senior managers, the report is sent to the agency's top executives. They are the ones who have to take action and are responsible for the decision.

Mrs. Julie Vignola: So you are saying that your role is not to follow up on the report. Your role ends once the report is submitted.

You know, Parliament Hill could be described as a rumour mill. And indeed, there is no shortage of rumours. Let's say there is a rumour that parliamentarians with access to confidential documents on a sensitive matter inform witnesses of the content of those documents or provide them to witnesses. Would that be included in your investigation of the matter? Would such practices be included in your investigation?

Mr. Michel Lafleur: No, not the actions of MPs.

Mrs. Julie Vignola: Okay. So you only investigate members of management and public servants and so on.

Mr. Michel Lafleur: My role is to investigate Canada Border Service Agency employees.

Mrs. Julie Vignola: Okay.

Thank you.

[*English*]

The Chair: Thank you very much.

Mr. Bachrach, go ahead for six minutes, please.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you very much, Mr. Chair.

Thank you, Mr. Lafleur, for being here with us and answering our questions to the best of your ability.

My apologies to the committee if I'm a little slower than usual. The airplane I was on last night from Toronto suffered a cracked windshield in the air. It resulted in a very late night and early morning. Better safe than sorry, though. I certainly don't regret turning back when something like that happens.

I thought I'd start my questions around potential criminality. I understand that an RCMP investigation is also ongoing.

In your work, Mr. Lafleur, if you came across instances of fraud or other criminality over the course of your investigation, could you go over the steps that you would take? That's if indeed you were to come across such examples.

• (1125)

Mr. Michel Lafleur: Yes. The policy on government security's directive on security management, at paragraph 4.1.7, requires us to report any suspicions of criminality to the law enforcement of jurisdiction. When that does occur, we would typically first reach out to the RCMP and have a preliminary discussion to confirm whether our understanding of what occurred may be criminality. Of course, we're not law enforcement, but we do have a responsibility to report that when we see it.

Mr. Taylor Bachrach: We had the ombudsperson at our last meeting. I note that, in the CBSA's response to the ombudsperson's recommendations, the CBSA states, "the CBSA is strengthening processes and controls related to procurement planning, contract administration, corporate culture and proactive monitoring to reduce the risk of fraud." It seems, from that sentence, that they feel there is some risk of fraud that has become evident through the course of these investigations and conversations.

Could you talk a little bit about what kinds of instances would constitute fraud in the context of the allegations that are being made in this investigation?

Mr. Michel Lafleur: I can't speak to any specifics of the allegations, but what I can say is that any time there is an exchange of money between the government and other parties, there is a potential risk of fraud. People may want to circumvent internal controls to try to get something out of the system. Procurement is one area. Finance is another where that may occur.

Mr. Taylor Bachrach: In the context of procurement, could you provide a very generic example of something that would clearly constitute fraud?

Mr. Michel Lafleur: I can. There have been numerous cases, sadly, in the past around false invoicing, with either completely false businesses invoicing the government or maybe an employee circumventing internal controls to sign both sides of a transaction. That would be clear fraud. From a vendor's perspective, submitting fraudulent documents could be considered fraud.

There can be any number of scenarios.

Mr. Taylor Bachrach: Is looking for instances of fraud or other criminality within the specific scope of your investigation?

Mr. Michel Lafleur: It's within the scope of my duties. I have another function within my team that aims to identify potential fraud, corruption or misuse, using the agency's data through proactive data analytics. As we get into a file like this and we see evidence of potential fraud, we would report that to law enforcement.

Mr. Taylor Bachrach: Shifting gears a little bit, I know Mr. Utano and Mr. MacDonald came to committee at a previous meeting. I wasn't at that meeting, but I'm familiar with what happened. They brought a number of documents, and you're familiar with these, I assume. Were those authorized and provided by the CBSA?

Mr. Michel Lafleur: I'm not familiar with the documents they would have provided to committee.

Mr. Taylor Bachrach: Okay.

Moving on to the issue of security clearance, one of the issues at play here is the fact that GC Strategies, which had participated in the procurement process, did not have the document safeguarding capability that was stated as a requirement of the procurement.

Could you describe document safeguarding requirements for sensitive procurements like the ArriveCAN contracts?

Mr. Michel Lafleur: I can speak generally. Again, it's not my area of expertise, but I have some exposure to it as a security practitioner.

When we're talking about document safeguarding, it means that the vendor may be required to hold protected information within their physical premises or within their IT systems, which would be different from if they were working solely within a CBSA space where they may have access to systems of ours. However, when they control it, they need to have measures in place to protect it.

Mr. Taylor Bachrach: What's the risk of misclassifying document safeguarding capability requirements in a procurement process?

• (1130)

Mr. Michel Lafleur: I'm sorry. In what regard?

Mr. Taylor Bachrach: If a company that is participating in a procurement does not have the stated document safeguards and capabilities and is given the work anyway, what is the risk at play?

Mr. Michel Lafleur: Obviously there's a risk of potential disclosure of that information if it's not kept protected. Traditionally, we're talking about certified filing cabinets, things like that. In more modern times, it means encryption on their systems if they're going to be holding protected information. Obviously, that's—

The Chair: Gentlemen, thanks very much.

We have Mr. Brock, please, for five minutes.

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

Mr. Lafleur, with all due respect, your investigation in this matter is seriously flawed. You talk about your 15 years of experience working on hundreds of administrative investigations. You highlighted today in your opening statement that your key role is to ensure the integrity of the investigation, procedural fairness and due process for those under investigation.

Those under investigation have been targeted by you as Mr. Cameron MacDonald and Mr. Antonio Utano. They're the only two individuals under investigation. What you have done so far, sir, is anything but to ensure procedural fairness, so much so that they have retained a lawyer. A lawyer has brought an action in the Superior Court of Justice—and you, sir, are named as a defendant, as well as the Attorney General of Canada, the CBSA and Erin O'Gorman—seeking declaratory relief that their rights to participate in this process have been compromised by you.

Are you aware of that?

Mr. Michel Lafleur: I am aware of that.

Mr. Larry Brock: That's right.

Sir, you don't have a legal degree, do you?

Mr. Michel Lafleur: I do not.

Mr. Larry Brock: No, and you don't understand the difference between a criminal standard of proof and a civil standard of proof, do you?

Mr. Michel Lafleur: I do have some understanding of the difference.

Mr. Larry Brock: It's proof beyond a reasonable doubt on the criminal spectrum, and beyond the balance of probability on the civil spectrum. You understand the difference between fact and allegation, don't you?

Mr. Michel Lafleur: Of course.

Mr. Larry Brock: However, I have access, sir, to your "Project Helios" preliminary statement of fact, for both Cameron MacDonald and Antonio Utano, and you interchange the concept of fact, which is a proven entity, and allegation. In fact, the title of the document is "Project Helios" preliminary statement of fact. That's misleading, and it's wrong—isn't it, sir—because these are allegations.

Mr. Michel Lafleur: The report itself is a point-in-time document, so—

Mr. Larry Brock: Sir, these are allegations, allegations brought by Botler AI—yes or no?

Mr. Michel Lafleur: There are allegations that—

Mr. Larry Brock: They're not a proven fact, are they?

Mr. Michel Lafleur: They are not.

Mr. Larry Brock: I would suggest to you that you be much careful in the future, as it relates to this investigation and other investigations, and that you understand, sir, the clear difference between an allegation and a fact, because you interchange this throughout your report.

The statement of fact, this preliminary statement of fact, was ultimately sent on to the new two departments that Mr. MacDonald and Mr. Utano are employed by. Is that right?

Mr. Michel Lafleur: They were.

Mr. Larry Brock: You expressed serious concerns, notwithstanding that nobody has been interviewed. Mr. MacDonald hasn't been interviewed. Mr. Utano hasn't been interviewed. Minh Doan hasn't been interviewed. Erin O'Gorman, the president of the CB-

SA, hasn't been interviewed. Former president John Ossowski has not been interviewed.

You've identified a number of key individuals you want to be interviewed, and none of them have provided you with an interview. Have they?

Mr. Michel Lafleur: I'm not going to speak as to—

Mr. Larry Brock: I have the information right before me, sir. It's very clear that none of them has agreed to interview with you yet.

Mr. Michel Lafleur: Perhaps I could add a point of clarification there. The report was a point-in-time assessment of the evidence on December 19—

Mr. Larry Brock: I don't care about a point in time. This is affecting the lives and livelihoods of Mr. MacDonald and Mr. Utano.

Mr. Majid Jowhari: I have a point of order, Mr. Chair.

Can I ask my colleague Mr. Brock to allow the witness the same amount of time to respond? The line of questioning is very interesting. I'd just like to hear the responses.

An hon. member: He's not going to run out the clock—

• (1135)

The Chair: Both of you, stop.

I've stopped the clock, but we've established in this committee that it is the member's time.

Please continue, Mr. Brock.

Mr. Larry Brock: You made conclusions that were so significant that you felt that these were proven facts of serious employee misconduct. They were so serious that you required the RCMP to investigate at least two criminal charges, fraud and bribery. Later on in this report, you declare that there is absolutely no evidence of bribery as outlined by Botler AI in their allegations.

Do you remember saying that—

Mr. Michel Lafleur: I do.

Mr. Larry Brock: —and that to date there is no evidence of bribery? Did you actually share that with the RCMP? I'll bet you didn't.

Mr. Michel Lafleur: That we have no evidence.

Mr. Larry Brock: Yes. Did you share that with the RCMP?

Mr. Michel Lafleur: We have provided information to the RCMP—

Mr. Larry Brock: Did you share the fact that you have no evidence to support the allegation of bribery with the RCMP—yes or no? It's a simple question, Mr. Lafleur.

Mr. Michel Lafleur: I disagree that it's a yes-or-no question. We have provided—

Mr. Larry Brock: Answer the question, Mr. Lafleur. Did you advise the RCMP that you uncovered no evidence of bribery—yes or no?

Mr. Michel Lafleur: The RCMP has the evidence that we have collected.

The Chair: I'm going to interrupt here.

We're out of time, but a very straightforward question has been put to you, Mr. Lafleur. Could you please respond in a yes-or-no fashion?

Mr. Michel Lafleur: As to whether I've specifically told the RCMP that we have found no evidence of...? I'm just seeking clarity on that.

The Chair: Could you quickly repeat the question? Then we have to move on to Mr. Sousa.

Mr. Larry Brock: Certainly.

For the sixth time, I'll repeat the question—very slowly and carefully for you, Mr. Lafleur.

The Chair: Be polite about it.

Mr. Larry Brock: I will be, Mr. Chair. Thank you.

Botler AI raised concerns regarding bribery involving Kristian Firth and Cameron MacDonald. You raised that as a significant concern in your preliminary statement of fact.

Paragraph 50 of your report indicates—

The Chair: Quickly, Mr. Brock, ask your question.

Mr. Larry Brock:—that there was no evidence to substantiate the allegation of fraud. Did you share your opinion that this allegation of fraud was unsubstantiated to the RCMP—yes or no?

Mr. Michel Lafleur: That's not what the report says.

Mr. Larry Brock: I'm sorry...?

Mr. Michel Lafleur: With respect, that's not what I say in the report.

Mr. Larry Brock: I can read it—

The Chair: I'm going to interrupt. I think we will get back to this in the next round, and we will reclarify.

Mr. Sousa, please go ahead.

Mr. Charles Sousa (Mississauga—Lakeshore, Lib.): Thank you for appearing here today.

It's infuriating. We have an ongoing investigation. You make clear that you're taking the steps necessary to provide for that investigation so you can have a proper outcome. Some are arguing that you may be withholding information during this process, but in fact you are taking the necessary steps. What's appropriate to disclose now versus what you're going to come forward with at the end needs to be understood, and I presume the line of questioning is to that effect.

However, I also recognize some of the prosecution efforts this committee seems to be playing at throughout this process. Now they're defending the very individuals they prosecuted in the past and made assertions about that they have been dealing inappropriately and in a way that is misconduct. They've made those assertions. They've actually claimed that others—and those individuals themselves—had been lying to this committee. Now they're putting you under the gun for the same issue, yet you're the one doing the investigation.

I'm just trying to comprehend, notwithstanding the antics here, so that we get to the truth. That's what they seem to want, but they're

making allegations themselves. Now they're prosecuting those very individuals.... Now they're coming back trying to protect those individuals whom they themselves have accused of lying.

We're not accusing you of anything. Let's be clear. We want to make certain that the investigation takes its proper course and that the results and the outcome are best understood. I'm having some difficulty trying to understand how....

First I have to ask, is it common to use general contractors and then they subcontract? Is that normal?

Mr. Michel Lafleur: It is something that's allowed within procurement rules, based on my understanding.

Mr. Charles Sousa: Do those things come with contracts?

Mr. Michel Lafleur: That's correct.

Mr. Charles Sousa: Then they come before the government in terms of what is being proposed, understood and agreed to during those contracts. Is that correct?

Mr. Michel Lafleur: It's part of the process.

Mr. Charles Sousa: How do you investigate a situation when there are no contracts? There is no contract with the general contractor, and there are no contracts with the subcontractor. The allegations are engaged in those...but there's nothing of legal consequence. How do you proceed to investigate something that doesn't actually have contracts?

Mr. Michel Lafleur: I can say generally that what we investigate would be around whether the individuals with authority exercise their delegation appropriately, whether the processes were followed and the various procurement policies were respected.

• (1140)

Mr. Charles Sousa: Can you explain the difference between an internal investigation and something that the RCMP would conduct?

Mr. Michel Lafleur: Our investigations are with respect to whether the code of conduct was followed by employees in the course of their duties. The RCMP would be responsible for investigating potential criminality.

Mr. Charles Sousa: You have since, of your own accord, provided the RCMP with an indication of that, and you've given them and released information to them. Have you had any discussions subsequent to that with the RCMP?

Mr. Michel Lafleur: Yes, we have engaged with the RCMP throughout the investigation to provide them information, as per their lawful request.

Mr. Charles Sousa: Is it specific to Botler's allegations—

Mr. Michel Lafleur: That's correct.

Mr. Charles Sousa:—where there were no contracts?

Mr. Michel Lafleur: There was no contract with Botler.

Mr. Charles Sousa: Right.

Some here are claiming that maybe you're withholding information from us. Is that true?

Mr. Michel Lafleur: No, not at all.

Mr. Charles Sousa: The information that you have you've given to the RCMP, but they haven't conducted an outcome. They haven't determined any guilt. Is that right?

Mr. Michel Lafleur: That's my understanding.

Mr. Charles Sousa: Have you determined any guilt?

Mr. Michel Lafleur: No, our investigation is ongoing.

Mr. Charles Sousa: What is there that you can explain to us that would give us comfort that there's some wrongdoing? At this point you're investigating any possibility of that. Is that correct?

Mr. Michel Lafleur: We're investigating the possibility of that, and there have been extensive disclosures to this committee pursuant to your production orders. You have a significant amount of evidence to look at as well.

Mr. Charles Sousa: Right.

As you can tell, through these committee hearings we've had a lot of discussions not just around the activities of Botler but other possible allegations that could be made. Of course, the ombudsman came back with a number of recommendations. Are you aware of those recommendations?

Mr. Michel Lafleur: I am.

Mr. Charles Sousa: Did you participate or co-operate with the ombudsman during that procedure?

Mr. Michel Lafleur: Yes. I have responsibility for security screening for the agency, so we provided information around the security screening questions that they had.

Mr. Charles Sousa: There were practices that were explained, which I understand have been prevalent over decades, even under the previous government. Is that correct?

Mr. Michel Lafleur: It is my understanding that some of the issues raised have been systemic in government for some time.

Mr. Charles Sousa: I know that some members across have suggested that something has just happened, which is not the case, in terms of providing for.... Especially during the pandemic a lot of contracts were initiated, but then they've subsequently used their services to do other functions. Is that correct? I think they call them swaps, or bait and...whatever they're called.

Mr. Michel Lafleur: It's "bait and switch" or something like that.

I can't speak to those details.

Mr. Charles Sousa: Have you seen that occur in the past?

Mr. Michel Lafleur: I haven't had that many procurement-related investigations, so, no, I have not.

Mr. Charles Sousa: Do you foresee anything negative there? Is there something wrong that's happened?

Did the ombudsman say there was any wrongdoing or any misconduct?

Mr. Michel Lafleur: I don't want to misspeak. I haven't fully reviewed the ombudsman's report. I do note that they had concerns and that we've taken steps to address those.

Mr. Charles Sousa: Do you know what our response has been in respect to the ombudsman's report? Are you aware of co-operation or recommendations put forward?

The Chair: Answer briefly, Mr. Lafleur, as we're past our time.

Mr. Michel Lafleur: I'm sorry, but do you mean the committee?

Mr. Charles Sousa: No, I mean the CBSA.

Mr. Michel Lafleur: I am aware that we've strengthened procurement practices.

The Chair: Thank you very much.

Mrs. Vignola, please, you have two and half minutes.

[Translation]

Mrs. Julie Vignola: Thank you very much, Mr. Chair.

Mr. Lafleur, I have read so many documents. Did the Botler AI complaint about CBSA include the word "bribery"? I am trying to remember, but cannot recall whether the complaint included that word.

Mr. Michel Lafleur: I do not have the report in front of me, but I don't think it included that word.

Mrs. Julie Vignola: Okay. I will check again. My memory is quite good, but I don't remember seeing that word.

Does your investigation also include all the documents provided to the committee? Some documents were apparently submitted to the committee and later deleted. Regarding emails, for instance, do you have access to emails that may have been provided, but that people later deleted, thinking that they had been permanently deleted?

Mr. Michel Lafleur: For the purpose of our investigations, I have access to all information available to the agency.

Mrs. Julie Vignola: That includes what we received, doesn't it?

Mr. Michel Lafleur: Yes, that includes what you received.

Mrs. Julie Vignola: What happens if emails are deleted before you have seen them? How can you access those emails?

• (1145)

Mr. Michel Lafleur: Since our investigations are administrative in nature, we cannot seize people's computers, for instance. So we know we are limited. When we make a copy of an email account, for instance, we copy just what was in it on that day. Emails are retained by the agency or the government for just 30 days. So emails could still be recoverable, depending on the date they were deleted.

Mrs. Julie Vignola: Are you able to recover such emails?

Mr. Michel Lafleur: Yes.

Mrs. Julie Vignola: Okay.

Thank you.

[English]

The Chair: You have 20 seconds.

Mr. Taylor Bachrach: I'll take it.

The Chair: Go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: I'll pick up where my colleague just left off on this question of the deletion of emails. I think there are many questions swirling around this, and I understand there are aspects of this you probably can't speak to. Perhaps the question I'll ask is this: Over the course of your investigation, is there any correspondence, which has either been referenced in ATIP requests or in interviews with witnesses, that you have not been able to obtain through the avenues available to you?

You mentioned you can't seize computers, but I assume you would have access to the CBSA's servers and central repositories of correspondence. Is there any information that has been referenced—specifically, correspondence that has been referenced in ATIP requests or in interviews with witnesses—that you haven't been able to access?

Mr. Michel Lafleur: The lack of documentation on the procurement files is something that has been noted. I believe the procurement ombudsman speaks to that as well. I have seen no evidence to date—again I'm speaking generally, not about any specifics—of evidence being withheld from ATIP requests or being actively deleted to keep them from our investigation.

Mr. Taylor Bachrach: Thanks for that.

One line of questioning that my colleague Mr. Brock brought up relates to this preliminary statement of fact. I haven't seen that statement of fact. However, he made some pretty colourful allegations about your own competency as an investigator.

You referenced in your opening remarks the terms of reference under which your investigation is taking place, that there are procedures set out by CBSA for internal investigations. Does anyone check your work as an investigator? Is there any way for us, the committee, to confirm whether or not indeed the preliminary statement of fact followed the protocols and procedures that are established by the agency? How does that process work?

Mr. Michel Lafleur: You can see the policy on government security, which is something that's open to everyone, and the requirements therein related to the sharing of information when there have been concerns raised. We do engage in a yearly quality assurance process through a third party who comes in to look at our work and gives us recommendations with regard to our investigations and in respect to policy, so that is something we have systemically within—

The Chair: That is your time. Thank you very much.

We go back to you, Mr. Brock, please.

Mr. Larry Brock: Thank you, Chair.

Paragraph 50, page 10 of the statement of fact report as it relates to Cameron MacDonald is largely redacted. It starts unredacted as follows: It is important to note that the true motivation behind these actions are unclear and that while the Botler AI complaint appears to indicate that Kristian Firth solicited a bribe for Cameron MacDonald, exhibit 10, there has been no evidence gathered to date in this regard.

I'll take it by your non-response, sir, that you don't want to share the truth as to whether or not that important piece of your investigation was shared with the RCMP.

On the issue of deleting emails, Minh Doan, to clarify, has never been the subject of this particular "Project Helios" investigation. Is that correct?

• (1150)

Mr. Michel Lafleur: As was published—

Mr. Larry Brock: Is it correct, sir, that he's not part of the investigation?

Mr. Michel Lafleur: If I could answer—

Mr. Larry Brock: I'm asking you. Is he part of the investigation or not?

Mr. Michel Lafleur: On December 11, I received allegations, as has been made public, relating to Mr. Doan.

Mr. Larry Brock: Is he still the subject of an investigation?

Mr. Michel Lafleur: That review is ongoing.

Mr. Larry Brock: That review of whether or not he's going to be the subject of an investigation is under way...? So that's a possibility.

Mr. Michel Lafleur: The review of the allegations we received—

Mr. Larry Brock: That's a possibility. Is that correct?

Mr. Michel Lafleur: Correct.

Mr. Larry Brock: Minh Doan confirmed this, and ATIPs delivered to CBSA have confirmed that Minh Doan has four years' worth of highly relevant sensitive emails between the years of 2018 to 2022, which not only captures the pandemic and the ArriveCAN scandal, but also the Botler AI investigation that has mysteriously been corrupted. He's not taken responsibility for deliberately deleting that. The approximate number of those emails is roughly seven gigabytes, or 1,700 emails. You would agree with me, sir, that emails are supposed to be—

The Chair: I'm sorry, Mr. Brock.

Mr. Charles Sousa: I'm sorry. I have a point of order. I don't believe any of us have actually seen this statement of fact. Do you have a copy you can share with us? We're looking for it, and I don't think—

The Chair: I'm the only one on the committee who has a copy of it. I think Mr. Brock mentioned—

Mr. Charles Sousa: Can we have it distributed so that we can—

The Chair: No. I'll discuss it on Wednesday.

I think Mr. Brock indicated he received the information from two of our witnesses who have received it.

Mr. Charles Sousa: Are we not allowed to see it?

The Chair: I'll discuss it Wednesday. I and the clerk are the only people with a copy of it right now, but I'll address it—

Mr. Majid Jowhari: Did Mr. Brock get it from a witness?

The Chair: Not from the committee and not from CBSA.

Mr. Charles Sousa: How did Mr. Brock get it?

An hon. member: This isn't a point of order.

Mr. Charles Sousa: It is a point of order. How is it that certain committee members are receiving it and not all committee members?

The Chair: This is not a point of order, Mr. Sousa. I have explained to you he received.... He did not.... I'm the only one on the committee who has a copy of it, me and the clerk. No one else has received it from this committee.

Mr. Charles Sousa: Mr. Brock has a copy.

The Chair: I'm sure Mr. Brock also has copies of ATIPs that are not sent to us. I have copies of ATIPs that have not been sent to the committee. You have emails that have not been sent to the committee because they were sent to you separately. If you were listening, I think you would have heard Mr. Brock at the very beginning of the meeting indicating that he received it from the witnesses, whom I assume are Mr. MacDonald and Mr. Utano, who did receive a copy.

Mr. Charles Sousa: I appreciate the clarity. Thank you.

The Chair: I think it was discussed at the very beginning of the meeting.

Mr. Brock, you're at two minutes and 10 seconds, so you have two minutes and 50 seconds left.

Go ahead, please.

Mr. Larry Brock: Thank you, Chair.

Minh Doan at the time was the vice-president of the CBSA. You'd agree with me, sir, that deleting emails is an extremely serious offence.

Mr. Michel Lafleur: It would be a breach of the code of conduct to wilfully delete emails.

Mr. Larry Brock: It's incumbent on an IT professional, as Minh Doan was, to protect work emails dealing with official matters. Is that correct?

Mr. Michel Lafleur: It is part of our responsibilities, yes.

Mr. Larry Brock: The level of seriousness increases depending on the position a public servant holds. In this case, a low-level administrative data-entry individual is vastly different in terms of the seriousness scale from the vice-president of the CBSA when you reference deleting emails. Would you agree with that?

Mr. Michel Lafleur: I would agree.

Mr. Larry Brock: When was the president, Erin O'Gorman, informed about Mr. Doan's deleted emails?

Mr. Michel Lafleur: We have not concluded that there were any deleted emails.

Mr. Larry Brock: When was she informed, sir?

Mr. Michel Lafleur: She was informed of the allegations when I received them.

Mr. Larry Brock: Of the deleted emails...?

Mr. Michel Lafleur: The allegations as I received them.

Mr. Larry Brock: When was it? What was the date?

Mr. Michel Lafleur: December 11 is when I received them. I can't recall exactly which date I would have—

Mr. Larry Brock: When was the Auditor General notified of four years' worth of deleted relevant emails?

Mr. Michel Lafleur: Again, one point of clarification, I have no evidence that there has been deletion at this point. We are looking into the matter.

Mr. Larry Brock: Can you answer the question, Mr. Lafleur?

When was the Auditor General notified of four years' worth of a vice-president's deleted email account? When was she notified and by whom?

Mr. Michel Lafleur: I can say that, during our various engagements with the Office of the Auditor General, we have provided them with all of the information that we had available.

Mr. Larry Brock: Did you inform the Auditor General yourself, sir, or someone under your control, that the Auditor General received evidence of four years' worth of deleted emails by Minh Doan, vice-president—yes or no?

Mr. Michel Lafleur: Again, I'm not sure what you're referencing.

I did meet with the OAG—

• (1155)

Mr. Larry Brock: Chair, can we get some clarity, please?

My questions are very direct, and this witness has a hard time—

The Chair: Mr. Lafleur, could we ask that you just respond with a direct answer, please? If it's a yes or no, please provide a direct yes or no. Otherwise, please give a direct answer, so that we can move on.

Mr. Larry Brock: Did you notify the Auditor General of four years' worth of deleted emails?

Mr. Michel Lafleur: I notified the Auditor General that I had received allegations to that effect.

Mr. Larry Brock: When did you notify her?

Mr. Michel Lafleur: It was in December after I received the allegations.

Mr. Larry Brock: In December of 2023...?

Mr. Michel Lafleur: Yes, it was in 2023.

Mr. Larry Brock: Was the Treasury Board Secretariat informed?

Mr. Michel Lafleur: No.

Mr. Larry Brock: Did you inform the RCMP of potentially four years' worth of highly confidential, relevant emails?

Mr. Michel Lafleur: We are required to report potential criminality. I have no evidence of that at this time.

Mr. Larry Brock: Wow. You have no evidence of potentially—

The Chair: That is your time, Mr. Brock.

Mr. Larry Brock: —deliberately deleting emails. That is not criminality to you...?

The Chair: Mr. Bains, please go ahead.

Mr. Parm Bains (Steveston—Richmond East, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Lafleur, for joining us today.

On the statement of fact, which we've been talking about in the last few lines of questioning, is that confidential?

Mr. Michel Lafleur: It is.

Mr. Parm Bains: The witness shared it with the member opposite. Is that some type of breach?

Mr. Michel Lafleur: I'm not aware of any sharing that would have occurred.

Mr. Parm Bains: Mr. Chair here confirmed that Mr. Brock received it from a witness.

Would that be a breach of any sort in this investigation? Is this, in a way, undermining the investigation that's ongoing? Are they supposed to be talking about this?

Mr. Michel Lafleur: I would say that it depends who it came from.

Obviously, I would have concerns if that had come from a member of my investigation team.

Mr. Parm Bains: Mr. Chair just confirmed that it came from a witness—that Mr. Brock directly received it from one of the witnesses. Which witness, we don't know.

Mr. Michel Lafleur: If it was to somebody to whom it was provided, it may be considered their personal information. They are free to share it as they see fit.

Mr. Parm Bains: Okay, but it's confidential. You just said it's confidential.

You can't share it, but a witness can share it.

Mr. Michel Lafleur: If it's about them, they can share it.

Mr. Parm Bains: Okay.

In the scope of your duties, are you concerned...? You mentioned that there's been some things, some systemic issues, with respect to contracts and documentation and these sorts of things.

Are you concerned within your investigation now—and you're uncovering things, you're finding things—that there's widespread corruption in your organization?

Mr. Michel Lafleur: I've seen no indication of widespread corruption.

We provided information to the president in the fall of 2023, after which she took a number of measures to strengthen procurement within the CBSA. I'm comfortable that those measures are serving their purpose.

Mr. Parm Bains: This incident specifically that you're seeing, is this the first of its kind that's sort of...? In a way, we've been extremely confused. It's been like a tangled web, and there's still a lot of clarity that needs to come forward here.

Is this an isolated incident in your time that you've seen?

Mr. Michel Lafleur: It is the first time that I see a file of this complexity and seriousness relating to procurement, yes.

Mr. Parm Bains: If you're looking at the Treasury Board guidelines for discipline, in which circumstances might the presence of public servants at work undermine or impede an investigation, as described in the Treasury Board's guidelines?

Mr. Michel Lafleur: I can speak to the Treasury Board standard on security screening, which outlines when an employee may need to be suspended. Speaking generally, it's when they would represent a potential security risk to the organization—to people, information or assets—or to the conduct of the investigation.

Again, speaking generally, if someone is under investigation in the workplace and still has access to witnesses, they may try to influence them. That would be a concern, so they may be removed from the workplace to protect the integrity of the investigation.

Mr. Parm Bains: Seeing as how Mr. MacDonald and Mr. Utano were suspended, is this one of the risks that you saw or that CBSA is seeing, that they may have access to information and that's why they've been limited to that access and have been suspended?

• (1200)

Mr. Michel Lafleur: Mr. MacDonald and Mr. Utano are not employees of the CBSA. I can't speak to the decision to remove them from the workplace.

I can say that, generally speaking, it is normal in the course of an investigation for management to assess whether there is a need to mitigate potential risk pending the conclusion of the investigation. In the case where they have identified a potential risk, they have the responsibility to ensure that temporary measures are put in place to protect the organization and to protect the workplace until an investigation is completed and final decisions can be taken.

Mr. Parm Bains: We've received some feedback from some of the witnesses who appeared here before, and they've declared that there are some challenges with their health and they're unable to come back. Has this limited your investigation in any way?

Mr. Michel Lafleur: I can't speak to any discussions we may have had with potential witnesses. I will say that I have great sympathy for the stress that anyone involved in an investigation—whether it be a witness or someone who is under investigation—may face, particularly with the level of public scrutiny this file has had. I can appreciate how that is extremely stressful.

The Chair: Thank you, gentlemen.

Mr. Genuis, please, you have five.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Thank you, Chair.

Mr. Lafleur, you're tasked with providing an investigation internally into what happened with ArriveCAN. I'm interested in what seems to be the difference in the level of interest you're applying to allegations against different individuals.

Your preliminary work, at least, seems to suggest a profound interest in allegations against Mr. MacDonald and Mr. Utano and a surprising lack of interest against Mr. Doan. I note that Mr. Doan faces serious allegations related to the deletion of documents and that no provisional action seems to have been taken against him, while Mr. MacDonald and Mr. Utano have been suspended without pay.

Could you provide the committee with any explanation as to your relatively much greater attention to allegations against Mr. MacDonald and Mr. Utano compared to allegations against Mr. Doan?

Mr. Michel Lafleur: I would disagree that there's been undue attention given to one over the other. We received allegations from Botler AI in November of 2022. It would be expected for that investigation to have proceeded much further than the new allegations that I received in December of 2023.

Mr. Garnett Genuis: Okay. Your explanation is that you received the allegations against Mr. MacDonald and Mr. Utano earlier, yet Mr. Utano and Mr. MacDonald received a letter notifying them of the allegations against them on November 27 of this year.

That was again, suspiciously, 20 days after their damning testimony before this committee. How are we to understand the fact that allegedly your investigation had been going on for a year, yet they received a letter notifying them of the investigation in November of this year?

Mr. Michel Lafleur: If I can have a minute, perhaps, to explain that timeline, we did initiate an investigation in November 2022. Considering the potential criminality, when we have interactions with police, we do respect the integrity of their investigation and, in this case, we could not proceed with interviews or with notifying the individuals under investigation with respect to the RCMP investigation. Since we're talking about the same witnesses and the same evidence, we were limited in how we could proceed without negatively impacting the RCMP investigation.

That scenario changed when The Globe and Mail issued their report on October 4, 2023. Holding back on our investigation became a moot point at that point, which is why—

Mr. Garnett Genuis: It was still after their testimony on November 7. Even what you just said doesn't make any sense from a timeline perspective. The Globe story you referenced was at the beginning of October, yet it was only after their testimony before this committee that they subsequently heard from you that they were under investigation.

This whole thing is just bizarre in terms of the investigation, because you said the investigation started a year ago, but somehow, it was only within a couple of weeks of their coming before this committee to give damning negative testimony about the government in response to the questions they were asked that they were told they were under investigation and were subsequently suspended without pay.

Meanwhile, we had these very serious allegations against Minh Doan, which involve hiding information and deleting emails, and as far as I know there has been no action taken against him. The clearest difference to me between Mr. Doan and Mr. MacDonald and

Mr. Utano is that Mr. MacDonald and Mr. Utano gave very blunt, critical testimony, whereas Mr. Doan obfuscated, prevaricated, didn't answer questions and gave every indication of trying to defend the party line.

I get the same impression here: That you, who are subject to the leadership of CBSA, are looking at one set of allegations against one set of individuals and not against others.

Maybe the best way to go from that is to ask you, sir, about your own reporting chain of command. You have characterized your investigation as independent, but you're not independent. Are you? You're part of the department. You're subject to the authority of the department and you're movable—reassignable—at any time. Is that correct?

• (1205)

Mr. Michel Lafleur: Of course, I do not have the independence of the OAG or the procurement ombudsman, for example, but I do have the space and time to conduct my work independently within the agency.

Mr. Garnett Genuis: Okay. You would like us to believe that you have space and time to act independently, but substantively, in terms of your role, you are not independent. There are no independent attributes about your role. You even told us that you were informally providing information to your superiors at CBSA on an ongoing basis.

The Chair: Would you wrap up, please?

Mr. Garnett Genuis: You are not an independent investigator. You are their investigator, subject to the authority structure within CBSA.

Do you think that compromises the integrity of your investigation?

The Chair: Would you provide a very brief answer, please?

Mr. Michel Lafleur: It is normal for departments to investigate matters that occur within their departments.

The Chair: Thank you very much.

Mr. Kusmierczyk, go ahead, please.

Mr. Irek Kusmierczyk (Windsor—Tecumseh, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Lafleur, for being here with us here today and bringing us your testimony.

Over the course of the last number of months, we've heard testimony that there are allegations that CVs were being inflated in order to win contracts. Bona fides were being inflated to win contracts. Is that enough grounds, in your experience, to proceed from a preliminary review to a formal investigation, just on those grounds? If someone is caught inflating CVs to win contracts, is that typically enough to move from a preliminary report to a formal report?

Mr. Michel Lafleur: Maybe one point of clarification, if I could, is that I wouldn't be responsible for investigating the actions of vendors, only of employees of the CBSA.

Mr. Irek Kusmierczyk: Fair enough. Okay. That's a good answer.

I wanted to ask you, how many procurement-related cases have you investigated? You've been doing this for 15 years. Are the vast majority of the cases related to procurement? Is a small subsection related to procurement? I'm just curious if you can speak to that.

Mr. Michel Lafleur: It's a very small subsection.

Mr. Irek Kusmierczyk: It's a very small subsection. Okay.

In your experience, this case that you're examining right now, how normal is it? How out of the ordinary is it? Can you maybe speak to that and provide us a little bit of context in terms of what we're looking at here?

Mr. Michel Lafleur: My presence before committee today is highly abnormal. As someone who is responsible for conducting an administrative investigation that is ongoing, being asked to speak publicly is not normal, and it is a challenge.

I do have responsibility to ensure the integrity of the process and procedural fairness for the individuals under investigation. I also have a responsibility to ensure that our investigation ultimately is able, if there is wrongdoing identified, to lead to accountability. While I have great respect for the work of this committee, it is difficult to answer some of the questions relating to those very pointed points.

Mr. Irek Kusmierczyk: I know you can't speak specifically to this case. I understand that, but I just wanted to ask this on the specifics of this case. Are there things you have not seen in your experience in your 15 years that you've seen in this particular case that you're investigating?

Mr. Michel Lafleur: Absolutely.

Mr. Irek Kusmierczyk: Okay. Can you tell us when the preliminary review was completed?

• (1210)

Mr. Michel Lafleur: The preliminary review...it happened relatively quick. I would say that by December of 2022 we had evidence that at least some of the allegations appeared to be substantiated, and we would have been in a position to proceed formally with the investigation at that time, were it not for the ongoing criminal investigation.

Mr. Irek Kusmierczyk: How much time did it take before moving from the preliminary to the formal, roughly speaking? What are we talking? Is it a matter of days—weeks—that you make the switch to a formal...?

Mr. Michel Lafleur: Generally speaking, it can take up to seven weeks. We give ourselves 45 business days.

Mr. Irek Kusmierczyk: Okay. That's to switch to the formal....

Mr. Michel Lafleur: That's to move to formal.

Mr. Irek Kusmierczyk: Who makes that decision? Is that your decision or does someone make that decision for you and say, "Okay, we want you to move into a formal...?"

Mr. Michel Lafleur: In the normal course of an investigation, it would be the investigator and the responsible manager who would make those decisions.

Mr. Irek Kusmierczyk: Okay. In that case, it's you, with management, who make that decision together.

Mr. Michel Lafleur: It's my management team.

Mr. Irek Kusmierczyk: It's your management team.

Mr. Michel Lafleur: Yes.

Mr. Irek Kusmierczyk: Okay. Gotcha.

I actually have a question for the chair, if that's okay.

Thank you, Michel.

I just wanted to know, Mr. Chair, when did you become aware that a member of this committee had the preliminary statement of fact?

The Chair: Pretty much today, I understand such details...but I'm not sure if he has the full report. I was intending to discuss the release of the report, because there are some issues around it that we have to decide as a committee. I was going to do it on Wednesday, but I think we're going to move that up in camera right after we finish our committee business.

Mr. Irek Kusmierczyk: You can understand my concerns here. It seems that there are certain members.... I'm not sure whether the other Conservative MPs have access to this information.

The Chair: I can suggest that this is very often though.... There are certain MPs who have ATIPs and have other reports that others do not have. I think that's up to the members to discuss that with...or to do their research on that.

Mr. Irek Kusmierczyk: No, just as a matter of process, I would expect that at the moment that members of this committee—especially the chair—have information, asymmetrical information, it is distributed, or that at least we are made aware of the fact that the information is now out there. I think that is really important to—

Mr. Garnett Genuis: I have a point of order, Chair.

Mr. Irek Kusmierczyk: —the work of this committee.

The Chair: That's fine. That is your time, and then we'll discuss the actual distribution of it.

Continue your point of order. Go ahead.

Mr. Garnett Genuis: Mr. Chair, I think a point is getting confused here. Obviously, if the chair, in his capacity as chair, is sent information for the committee, he should be distributing that in a symmetrical way to all or to none.

However, clearly, all of us have different levels of information that we get from different conversations we have. That's extremely normal. Members of the government presumably have conversations with government ministers and government political staff and know things that we don't know, and we have conversations that they are not a part of. Everybody knows things that somebody else doesn't know.

The question is around the distribution of information from the committee. Those things are being conflated.

The Chair: I appreciate the point of order, but to be clear, I have one copy here and the clerk has a copy. Mr. Lafleur and, I'm sure, a dozen people at CBSA, and I'm sure Ms. O'Gorman, the witnesses and the witnesses' lawyer and however many people it has been distributed to....

We'll continue the conversation about distribution.

Mr. Irek Kusmierczyk: Sure. Thank you, Mr. Chair. I just wanted to make sure that the moment that the clerk and the chair are made aware that the information is out there.... For something as important as this, I would—

The Chair: I would disagree and I'll end it there, because I'm aware that certain people have ATIPs that have been shared with them that haven't been shared with anyone else, but that's because.... It's something that if someone has done their research and received information that you have not, that's incumbent upon—

Mr. Irek Kusmierczyk: What I'm saying, Mr. Chair, is that at the moment that you as the chair—or the clerk—is made aware that there is information that is confidential that is being shared, I think it's important that it is shared with the rest of the committee.

The Chair: I would disagree, but on the distribution of this, we will discuss among ourselves how it will be distributed. I'll explain a bit further why. There are rules around it, but I will disagree with you about that.

Mr. Irek Kusmierczyk: Do I have time for Mr. Lafleur?

The Chair: You have three seconds, so why don't we just move to Mrs. Vignola? I'm going to try to get through the rounds so we can get to our committee business.

Go ahead, Mrs. Vignola.

[*Translation*]

Mrs. Julie Vignola: Thank you, Mr. Chair.

Mr. Lafleur, during the course of your investigation, did you listen to everything our committee said and verify all witness testimony?

• (1215)

Mr. Michel Lafleur: I listened to the testimony, but that was not necessarily to verify what was said.

Mrs. Julie Vignola: Was that helpful for your investigation?

Mr. Michel Lafleur: Yes.

Mrs. Julie Vignola: Okay.

Regarding the report on the Helios project, can we assume that the current situation, resulting from a confidential document being released by someone somewhere, was intended to bring the matter up for public discussion?

Essentially, can the work of our committee interfere with the conduct of the investigation or undermine its rigour?

Mr. Michel Lafleur: My role is to preserve the integrity of the investigation regardless of what is happening around it.

Mrs. Julie Vignola: Does the release of a confidential document increase the pressure on your team or does it raise questions about the integrity of the investigation?

Mr. Michel Lafleur: I would say that we have to manage the public interest as regards the matter in question. The document in question was requested by your committee, and I understand that you will be discussing it. We would however like that information to remain confidential in order to preserve the integrity of the investigation.

Mrs. Julie Vignola: It is incredible that we are spending so much time on the ArriveCAN file. The application cost a lot of money, but it was just under 10% of the cost of the sponsorship scandal. We fought to have a commission of inquiry into that at the time, but it took a long time.

Thank you for being here and for the answers you were able to provide.

Mr. Michel Lafleur: Thank you.

[*English*]

The Chair: I apologize. I had someone speaking in my ear. Was there a question toward me, or are you done, Mrs. Vignola?

Mr. Taylor Bachrach: Mrs. Vignola has again granted her extra time to me.

The Chair: You have about an extra five seconds.

Mr. Taylor Bachrach: I'm not sure where this wellspring of generosity came from, but I appreciate it.

The Chair: Go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: Mr. Chair, this has turned into quite a twisted tale here, and I'm trying to follow all of these twists and turns as someone who joined the committee partway through this study. There's a lot of complexity here. We have this preliminary statement of fact that sounds like it's very interesting. Some members of the committee have it. Others don't—

The Chair: I would not say some, but anyway, go ahead. It's your time.

Mr. Taylor Bachrach: It seems to me that some members of the committee have it because they were reading from it and they said they had it, so we're in this strange position where Mr. Lafleur can't give it to us, the chair has it and we're going to discuss, apparently, whether we can see it. It seems to me that it would have been helpful for this line of questioning today for all members of the committee to have it so that together—because we're all seeking accountability here—we could ask questions of Mr. Lafleur, who's the author of the preliminary statement of fact. It also seems that, having that out in the open, in some ways puts additional pressure on the investigation, but we're already down that path now.

One of the interesting things here is that we have these two civil servants, and I wasn't here for their original testimony but I understand that they were subjected to some fairly strong lines of questioning and allegations from my Conservative colleagues at previous meetings. Now the Conservatives seem to be running interference for these same civil servants, who appear to be giving them confidential information so that they can ask certain questions at a committee where not all members are privy to that information. It creates a very odd dynamic

It seems to me that the best way to clear the air is to simply have the preliminary statement of fact on the table and to invite Mr. Lafleur back so we can ask him additional questions about the content of that document. Frankly, a bunch of us are playing with one hand behind our backs because, for whatever reason, certain witnesses felt that giving those documents to some members of the committee and not to others was going to be to their advantage.

We're in a situation where, obviously, these allegations are extremely serious. If the allegations that have been made in the Botler report turn out to indeed be true, this indicates that there is serious wrongdoing amongst civil servants working on the ArriveCAN procurement, and that's something all Canadians should be concerned about.

Mr. Chair, if you grant it, I will make a motion that the committee be provided with the preliminary statement of fact immediately.

• (1220)

The Chair: I—

Mr. Garnett Genuis: I have a quick point of order.

The Chair: You will burn out your time to discuss your motion, to begin with. Also, I would ask again that you wait. I will discuss how we will proceed with it in camera, or we could do it publicly, if you wish. It's up to you, but the—

Mr. Majid Jowhari: I'd like it to be done publicly, please.

The Chair: Sure.

Mr. Garnett Genuis: I'm sorry, Chair, but on a point of order, I don't know if the motion will be in order, because I proposed exactly the same motion and the committee adopted that motion early last week, I think, and it had a three-week deadline. I gather we're going to have a discussion about how to dispose of that particular document.

The Chair: It's a duplicate, actually, of Mr. Genuis' motion from three weeks ago.

Mr. Taylor Bachrach: It's a different motion, to be fair.

Can I respond, Mr. Chair?

The Chair: No.

Mr. Garnett Genuis: The committee has orders not to do what you want.

The Chair: Let me interrupt. I have the floor here, Mr. Genuis.

Mr. Taylor Bachrach: I'll withdraw my motion, Mr. Chair.

The Chair: Yes, Mr. Genuis is right that basically you're asking for a duplication of a motion that has already been received.

Mr. Taylor Bachrach: It's the word "immediately".

The Chair: We'll discuss it right now, then, and we may lose the time for your motion, but we're going to discuss it right now with the committee.

The request for these documents came in from Mr. Genuis. We agreed. The committee agreed to pass the motion to have the documents provided. CBSA wrote to me, saying, "We will provide one copy only, and it will be under lockdown." No one would see it. There would be one copy and it wouldn't be translated. We wrote back saying, "No, that's not the motion. You will provide it." They wanted it held in private for sensitivity reasons. We wrote back saying, "Please provide it", and I would take a look. I would read through it to see how sensitive it was, to see if it was actually sensitive stuff.

I've read through most of it and made notes that I was going to discuss in camera, but we'll do it publicly. I was going to suggest

that we distribute it only to the members themselves, not to the wider 48 people generally on our email list. I spoke to the clerk today before the meeting on how we could do that. We would just need a motion. My suggestion was going to be to propose that we translate it and share it, but only with the members themselves, not with our staff and not with the usual 47 people on the list.

That was going to be my proposal on Wednesday. That seems to have been moved up. If you wish to discuss it now, that would be my suggestion—that we share it with only the members.

Go ahead, Mr. Sousa.

Mr. Charles Sousa: Mr. Chair, the issue we're having here is that obviously Mr. Brock is not a regular on this committee and he's had access to this statement. In fact, you were aware that he had it, and you had it, and yet you didn't—

The Chair: Let me interrupt. I was aware that he had it when he spoke about it, but I have to question whether this is a first—and I'm going to say this to all of you. I'm kind of stunned. It's almost like the first committee. How many times has any of us received reports or emails or ATIPs that haven't gone to everyone—

Mr. Charles Sousa: Mr. Chair, my question is—

The Chair: —and yet now, all of a sudden, someone has one and it has to be shared?

Mr. Charles Sousa: No, no, listen. I just want to understand, Mr. Chair. I apologize that I'm not as astute when it comes to these procedures, but it seems to me that if you were aware that Mr. Brock had a statement of fact and you had it and the clerk had it, and you decided not to then share it with the rest of us, knowing that—

The Chair: No, that's not the case, Mr. Sousa, and this is the third time I'm saying this to you. I'll repeat it again.

Mr. Charles Sousa: Then when did you know he had it?

The Chair: You asked that earlier, about 15 minutes ago when he stated at the opening that he had received some information from the witnesses. I am aware that the witnesses and their lawyer have a copy of it. Mr. Lafleur has it and I'm not sure how many other people at CBSA have it, but even if it was shared by the witnesses or by Mr. MacDonald or Mr. Utano, that's their right. It's their right to share it with anyone they want, but that does not mean that you have the right to see it or that anyone else does.

Mr. Charles Sousa: Mr. Chair, I'm just trying to understand. I'm asking that the committee have the right to have information shared when it is already in the hands of some people and we know that it is. It could have been appropriate for us to expand the sharing of that document—I guess that's my point—so that we all could have seen it.

• (1225)

The Chair: I will repeat. As I said earlier, before the meeting started, I discussed this with the clerk. My opinion was that it should be shared only with the members themselves. I asked about the procedure required to do that. Before the meeting started, the clerk advised that it should be done as a motion. My intent was to do it in camera on Wednesday, but now it's been pushed ahead. If you wish, we could do a motion right now to share it with just the MPs, which is what I'm thinking, or we could share it with the broader mailing list, which is the way we generally share other issues. We could share it with the MPs with the understanding that it would remain confidential, which is what we do with documents.

However, if someone shares something that is theirs to share—if they decide to share it with you—that's their business and that is your business. It does not mean it has to be shared with everyone else until the committee decides. We were going to make a decision on this on Wednesday, as I discussed with the clerk at the beginning, and you can confirm that with her if you wish, but that decision seems to have been pushed to right now.

Mr. Charles Sousa: It seems appropriate. I was just concerned that it has somehow been held off, knowing Mr. Brock had it. However—

The Chair: I'll repeat this, Mr. Sousa. If you wish us to check with the clerk to reconfirm my discussion with her at the beginning, we will do so, Mr. Sousa. However, I'm getting a bit tired of your insinuation that some people are receiving information inappropriately from the clerk or from me.

Mr. Brock is next.

Mr. Larry Brock: We are wasting such valuable time with this important witness. Given the fact that we have more committee business to undertake, I'm asking that we reserve our right to recall this witness. I think all members will have a lot more questions for this individual, if the motion is passed, about the release of documents.

As far as preparation for this particular meeting goes, every member exercises their own unique due diligence. What I do in terms of preparation should not be the standard for any other member. I take this stuff very seriously, as I know my colleagues do.

There's an important point to make here: There is no proprietary interest in any witness. There is nothing preventing any member of the Liberal bench from reaching out to Cameron MacDonald or Mr. Utano on a telephone call and asking pointed questions, which is precisely what I did. I spent some time with both individuals gathering information. I'm not under any legal obligation to share that information with opposing members.

The Chair: Colleagues, are we ready to make a decision to move on, or would you like to discuss it further on Wednesday?

Again, my proposal is to share it solely with the members of Parliament at this committee.

Mr. Majid Jowhari: Mr. Chair, can we take a two-minute recess?

Thank you.

The Chair: We'll suspend for two minutes.

Please take two minutes maximum, guys.

• (1225)

(Pause)

• (1230)

The Chair: We are back, colleagues.

Do we have a decision—

Mr. Majid Jowhari: Mr. Chair, thank you—

The Chair: —or a request from the floor?

Go ahead.

Mr. Majid Jowhari: Yes, it's a request.

Thank you for offering us a verification. Again, this is just procedural.

Can the clerk inform us of the date and time she received the statement of preliminary facts?

The Chair: It was about a week ago.

This is the letter we were talking about last meeting.

Mr. Majid Jowhari: Specifically, I mean the document you pointed to and highlighted.

What was the time and what was the date when the clerk received that big document our colleague Mr. Brock has been referring to?

The Chair: We're looking it up.

Mr. Majid Jowhari: Thank you.

The Chair: I think it was probably January 30 or February 1. We'll double-check.

We'll suspend for a moment.

• (1230)

(Pause)

• (1235)

The Chair: We are back in. It was on Thursday, February 1.

Mr. Charles Sousa: Who was it copied to?

The Chair: It was just to me. It went to the clerk, and the clerk forwarded it to me.

Mr. Charles Sousa: When did the clerk get it?

The Chair: It was on Thursday, the first, as I said.

Mr. Kusmierczyk, go ahead.

Mr. Irek Kusmierczyk: Mr. Chair, I have a serious issue with the fact that you and the clerk had this report, the statement of fact, in your possession very early last week, knowing that the author of the report was coming before this committee today, and yet there was no indication, no communication from you, to let us know that there had been communication from CBSA regarding this report.

It takes a second to sit at a computer and say, "Folks, we have Mr. Lafleur testifying on Monday. This is a heads-up that I have a report in my possession, as does the clerk, that is pertinent to his appearance before this committee." It takes a split second, and I don't understand the logic behind not sharing that information with this committee so that we as a committee could make an informed decision as to whether we wanted to defer or delay the appearance of Mr. Lafleur and have the opportunity to look at the statement before the author, the investigator, came before the committee.

I cannot understand your logic, Mr. Chair. I have a serious issue with that lack of communication with the members of this committee on such an important issue, and your explanation doesn't fly, Mr. Chair.

The Chair: I guess we'll agree to disagree, Mr. Kusmierczyk.

Mr. Irek Kusmierczyk: I think it's more important than that. Moving forward, I think it's more important that this committee have the opportunity to have a say in how it conducts its business here. Pertinent, important information was withheld from this committee, and I think we ought to have had a chance to—

• (1240)

The Chair: Let me respond.

On January 29, you received a letter about the report from President O'Gorman. If it had been as important as you've been stating, you could, as you said, simply have sent a simple email to me asking to have it distributed.

Mr. Irek Kusmierczyk: Mr. Chair, we depend on you. You shared with us over the break that you had received the information. You had read through that report. Why were we not given the same privilege?

The Chair: Mr. Kusmierczyk, every single one of you received the letter on the 29th from Ms. O'Gorman about the report.

Certainly any one of you could simply have said at that time, "Hey, let's get the report out." You could have simply said that on Wednesday or Thursday or Friday or Saturday or Sunday or even this morning, knowing that we had Mr. Lafleur coming.

It's not as though it was a big secret. We knew about the report. Mr. Sousa actually referenced this letter at our last meeting, so somebody could have addressed it then if it were all that important.

Mr. Genuis, go ahead, and then Mr. Bachrach.

Mr. Garnett Genuis: Chair, respectfully, we have Mr. Lafleur before us. I have more questions that I'm willing to ask him, and we have this silly process point from the government, which on the one hand seems surprised that somebody might know something they don't know because of something they might have been sent directly.

Also, they don't seem to appreciate at all the legitimate exercise of the chair's discretion. I've been on many committees. It seems that the issue the chair has articulated is that he sought to get access to the information for the committee, and initially CBSA was trying to not send it or to not have it distributed or to require that people be in a locked room. The chair has undertaken a negotiation process back and forth in order to get the committee access to this document.

Let's remember that it was my motion to get us access to this document in the first place. When I initially put that motion forward, Liberal members said, "Oh, we don't know; we have to wait to receive it in both official languages." Then I put it on notice and had to bring it back, I think a week later, and that's when we got it approved.

If the members of the government were so eager to get access to these documents, then they should have just approved my motion to request it. We have people proposing that we request documents that we've already requested.

Look, the chair has put forward a proposal to say he'd like to distribute this document to members. I think we should approve the sending of this document to members and I'd be happy to have Mr. Lafleur back. I have more questions to ask him and I don't know if I'll get to ask those questions today.

I do suspect that this may be the government just wanting to eat up the time that would otherwise be spent asking questions of Mr. Lafleur. I'm ready to get back to work. Let's agree to allow the chair to distribute the documents and let's get back to work.

The Chair: Go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

With regard to this line of conversation around when the chair knew what he knew, how it was communicated to the committee and how we ended up here without the statement of fact with Mr. Lafleur here, I don't think we're going to get anywhere in that conversation. There are things going on. There are strategies being employed. I'm reminded of that famous quote from *Casablanca*, "I'm shocked to find that gambling is going on in here."

Some hon. members: Oh, oh!

Mr. Taylor Bachrach: It is what it is. We're not going to change what's already happened. We have to move forward.

I think, given that some members of the committee are talking about the statement of fact and reading from it, it would be beneficial to have the whole thing in front of everybody. I have no way of knowing whether it compromises the investigation, because I haven't seen it, but it would seem that putting out portions of it and not the statement in its entirety is not to the benefit of transparency and accountability.

I'll leave it at that. It sounds like we're going to have that conversation. Potentially, we'll have Mr. Lafleur back at a future date once we have the statement in front of us.

We are running out of time in this meeting, and I had hoped to bring forward my motion, so if I may, Mr. Chair, I'll take this moment to thank Mr. Lafleur for his time with us today and to move my motion, which has been put on notice, that the committee undertake a study on the loss of postal service in Canada's rural and remote—

Mr. Garnett Genuis: I'm sorry. Just on a point of order, I was under the impression that we had a motion on the floor.

• (1245)

The Chair: We're still discussing the motion to release this document.

Can I address a couple of things quickly?

Mr. Taylor Bachrach: Mr. Chair, we are—

The Chair: There was a motion about releasing the documents.

Mr. Taylor Bachrach: I made a motion and I withdrew it, but was there previously a motion made at this meeting that was being debated?

The Chair: Yes. It was about the documents.

Mr. Taylor Bachrach: From whom?

The Chair: Actually... Well, I had put forward and we were discussing whether we were going to release the documents or not.

Mr. Taylor Bachrach: Can we have the motion read back?

The Chair: Yes. Why don't we just...

We'll get to yours, Taylor. Let me just—

Mr. Taylor Bachrach: It's like now we have 10 minutes, Mr. Chair. The question is—

The Chair: We'll have less if we continue.

Mr. Taylor Bachrach: You've just said that there's a motion on the floor. I'm just asking you to read back the motion.

The Chair: It was a motion to release documents.

You cannot take back your motion without UC—unanimous consent.

Mr. Taylor Bachrach: Mr. Chair, through you, can I ask the clerk what the motion is that we're debating currently—

An hon. member: Yes, and who put it forward.

Mr. Taylor Bachrach: —and who put it forward?

The Chair: Going back with the chair, it was you, and you said you withdrew it, but you can't withdraw it without UC and you did not seek the UC, so technically we are on that motion.

I think we can probably settle it really quickly and then get to your Canada Post motion, because I want to get to that today.

Mr. Taylor Bachrach: You ruled my motion out of order, Mr. Chair. I think that if you check the record, you said that there was already a motion from Mr. Genuis that is duplicative—

The Chair: I apologize. We apologize.

You are correct there. I apologize. We crossed lines here. Can I—

Mr. Taylor Bachrach: Apology accepted.

The Chair: Thank you. That's very kind of you.

We do have time. We'll get to that, I promise. Can we agree to hold on for just 30 seconds, please, before we get to that?

Now, are you wanting to talk about Canada Post, Mr. Sousa?

Mr. Charles Sousa: No, it's about the other issue.

The Chair: Okay. It doesn't look like we will have the 30 seconds.

Why don't we get to Mr. Bachrach's motion? He has the floor and it is in order, but I hope we can get back to decide today about whether we're going to release this just to the MPs, as I suggest or, if you wish it, to a larger audience or the larger email chain.

We're on Mr. Bachrach's motion, Mr. Sousa.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Issues related to postal service fall squarely within the mandate of this committee.

In the region I represent, which is made up of rural and remote communities, there are a lot of concerns about the loss and sustainability of rural postal service, particularly rural post offices. In a recent conversation with Canada Post, I became aware that the financial challenges of the corporation continue to worsen. I expect we'll be hearing from Canada Post at a future meeting, but I am gravely concerned about the future of postal delivery in rural and remote Canada.

This is a lifeline for so many people. People order their medications through the post. Small businesses ship their products through the post. Many seniors who don't have access to technology rely on postal service for communication. Of course, in areas of our country that still lack broadband Internet, postal service is vital for a wide range of government services.

I will move the motion that I put on notice with the change of one word. This came from consultations with the chair—

• (1250)

The Chair: I will [*Inaudible—Editor*].

Mr. Taylor Bachrach: Okay. If we're going to be a stickler for procedure now, I will not change any of the words in my motion but rather read it into the record. I move:

That the committee undertake a study on the sustainability of postal service in Canada's rural and remote communities; that a minimum of 12 hours of witness testimony be dedicated to the topic; that the committee invite the CEO of Canada Post, the president of CPAA, and the Minister of Public Services and Procurement; and that the committee produce a report and table it in the House.

Thank you, Mr. Chair.

The Chair: Thank you.

[*Inaudible—Editor*] someone who can do the friendly amendment that you just—

Mr. Taylor Bachrach: I note, Mr. Chair, based on conversations prior to the meeting, that there are several amendments members would like to make, and I'd be happy to consider those.

I feel this is going to take more than the 10 minutes we have left in the meeting, so hopefully we can consider this at our next public meeting and arrive at a motion that meets the needs of everyone around the table.

The Chair: Perhaps someone can possibly read the friendly amendment you're seeking and include it in your amendment.

Mr. Taylor Bachrach: I'd be happy to speak about that.

In our conversation after the last meeting, you raised questions about the word "sustainability". I know the word "sustainability" means different things to different people. What I'm getting at here is long-term viability in sustaining postal service in rural and remote Canada.

Really, this study is on the loss of postal service. What we've seen over the years, particularly since the moratorium in 1994, I believe—

The Chair: I will interrupt you there.

We'll try to work that into a new amendment and—

Mr. Taylor Bachrach: Sure. What I was going to say is that we've seen a lot of post offices lost despite there being a moratorium on the closure of post offices. I'd like to get to that issue specifically.

Thank you.

The Chair: Go ahead, Mrs. Block, then we'll go to Mr. Sousa.

Mr. Charles Sousa: Yes, I would like to add to that amendment, if I may.

Mrs. Kelly Block: Excuse me.

Mr. Charles Sousa: Oh, I'm sorry.

The Chair: It's Mrs. Block and then Mr. Sousa.

Mrs. Kelly Block: Thank you very much, Mr. Chair.

I will be proposing an amendment to Mr. Bachrach's motion.

I propose that we replace the words "a minimum of 12 hours of witness testimony be dedicated to the topic" with the following: "the committee hold at least two meetings on this topic, starting with the CEO of Canada Post".

The motion in its entirety would read:

That the committee undertake a study on the sustainability of postal service in Canada's rural and remote communities; that the committee hold at least two meetings on this topic, starting with the CEO of Canada Post; that the Committee invite the CEO of Canada Post, the president of CPAA, and the Minister of Public Services and Procurement; and that the committee produce a report and table it in the House.

The Chair: Excellent.

Does someone want to speak on this amendment?

Go ahead, Mrs. Vignola. Then it's you, Mr. Powlowski.

[*Translation*]

Mrs. Julie Vignola: This will be very quick.

Two two-hour meetings, or four hours, represent a third of what my colleague suggested initially. That is not enough, in my humble opinion. Many rural regions in Canada are having a lot of problems with the mail. I am thinking in particular about medications that are not delivered. We have been talking about this for years and years, but some reason or other is always raised.

Four hours on the topic is not very much. If we want to find reasonable, lasting solutions for people, we should plan at least three meetings, if not four. I humbly suggest this positive and reasonable amendment.

I also think it is extremely important to get an update on the situation. In some places, there are homes that have the same postal code or the same address even though they are in a different village. That is problematic for emergency services and can be fatal in some cases. Canada Post also needs to address this problem, other than passing it off to the municipalities or provinces and saying they just need to change the street names, as if that were a simple matter.

So I agree that we should hold meetings about Canada Post. I would suggest however that we say "a minimum of three" rather than "two".

[*English*]

The Chair: Go ahead, Mr. Powlowski.

Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.): I want to just voice my support for Madame Vignola and Mr. Bachrach's proposal. Two meetings of two hours is not enough. I know that people living in urban areas hardly think of the mail, but having grown up in the country myself, I know that every morning we'd go down to the bottom of the driveway and check the mail. So much happens in the mail, so I agree.

The big question is how you can make it sustainable, given the fact that there probably isn't any profit and money to be made in this, but it's an important public service. I think that to properly canvass the issue, we need more than two sessions.

I'm going to call for a vote on what you guys want.

• (1255)

The Chair: Now we have Mr. Bachrach and then Mrs. Block on the amendment.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

I appreciate that my colleagues have substantive thoughts on the motion and on the issue that we're debating, which is great. It means it's going to be a good study.

I would like to have the hours of witness testimony expressed as “hours of witness testimony” as opposed to meetings. We eat up a lot of time at meetings dealing with other matters. It often cuts into the testimony of witnesses. I had proposed 12 hours of witness testimony, which is six meetings. I would be willing to accept four meetings' worth, or eight hours, of testimony. Perhaps that's a compromise that we can reach. My concern is that we have four minutes left in this meeting, and I don't believe we're going to get to a vote on the amendment or the main motion.

With that, Mr. Chair—I believe it's in order—I will move that we postpone this debate until February 7 at 4:30 p.m.

The Chair: We're trying to get a few extra minutes to continue.

Mr. Taylor Bachrach: If I may—

The Chair: Hold on just two seconds, please.

Are you looking to adjourn the vote on the amendment?

Mr. Taylor Bachrach: I have a point of order, Mr. Chair.

I can clarify my motion. I believe it's in order, and we can confirm with the clerk.

The Chair: Could you confirm?

Repeat again, please, what your motion is.

Mr. Taylor Bachrach: Yes.

The motion is to postpone to a certain time, that certain time being February 7 at 4:30 p.m.

The Chair: I think you can vote to adjourn the amendment.

Mr. Taylor Bachrach: Could we ask the clerk for procedural advice on this? I think a motion to postpone until a specific time is order, is not debatable and must be put to a vote immediately.

The Chair: Let me deal with it, please.

I disagree, but let me, as you're requesting me to do, consult with the clerk.

The clerk is saying what I was saying. You cannot do that. You can move to adjourn to a vote on the amendment, but you can't suspend until a certain date or put conditions on it.

Mr. Taylor Bachrach: Can I ask a question through you to the clerk?

The Chair: Sure. Go ahead.

Mr. Taylor Bachrach: At other meetings, we have had motions to postpone debate until a certain time. That is a dilatory motion that is not debatable and needs to be put to a vote.

Is my understanding unclear?

The Chair: I think you may be wrong, but I will—

Mr. Taylor Bachrach: Okay. I'm open to being wrong.

The Chair: I'll let the clerk address it.

The Clerk of the Committee (Ms. Stephanie Bond): Thank you.

If a motion has a condition attached to it, it can't be moved while there is a motion on the floor. If it doesn't have a condition, it's a

dilatory motion, such as a motion to adjourn debate, but if it has a condition attached, it has to be handled differently.

Mr. Taylor Bachrach: Can I ask a follow-up question on that for my edification?

The Chair: Please go ahead.

Mr. Taylor Bachrach: My understanding is that a motion to postpone to a specific date or a specific time is a dilatory motion. How can you move a motion to postpone to a specific time without specifying what that time is?

The Chair: You can't move that because it has a condition attached to it. The clerk's ruled and I've ruled, and you're welcome to....

We can try to get a few extra minutes in, but I'm pretty sure that if you discuss it with your colleagues off-line, we will probably come up with something, because we've seen close to three or four.

One was “at least”, and we quite often do “at least” motions, so that we have at least three meetings or four meetings. I think you'd probably find agreement to do that. We can then wrap in the other one.

Mr. Garnett Genuis: I have a point of order.

The Chair: If it's discussing the procedural part, no. I've ruled on it. Let's move on.

Did you want to move...? We can have the motion to adjourn the debate on Ms. Block's amendment and then we can finish up.

Knowing the committee, I imagine if you talk off-line, you could probably come to.... There seems to be close agreement with three or four, at least, and have the motion like that. We could then probably have a new one put on the order today for Wednesday, if you wish.

• (1300)

Mr. Taylor Bachrach: I'll move to suspend. If we vote to suspend, we will pick up precisely where we left off at our next meeting. My concern is that we pick up where we left off at our next meeting. I know that's not always the case, so I want to be specific about it.

The Chair: You're looking to suspend the debate on the amendment.

Mr. Taylor Bachrach: I'm looking to suspend the meeting.

The Chair: You want to suspend the meeting.

I have a solution. I suggest we just adjourn.

For Wednesday, our witnesses have stated they're not available, so we will have committee business. We can finish this off on Wednesday, seeing as we have no witnesses.

Mr. Taylor Bachrach: Mr. Chair, I keep trying to make motions, and I'm unclear whether my motion is in order.

Can you rule on whether my motion to suspend the meeting is in order?

The Chair: It's been suggested that it's.... The advice I'm receiving from the clerk is to move to adjourn it, but I will confirm with her. Hold on two seconds.

My clerk has never heard of that, but she will double-check.

Mr. Garnett Genuis: I have a point of order, Chair.

If we don't have the other intended witnesses available for Wednesday, I wonder if the committee would agree to set aside some time to continue with the lost time for questions to Mr. Lafleur, as well as some time to conclude the matters of committee business, including Mr. Bachrach's motion.

I think it's reasonable for that work to finish on Wednesday. It could even be the first item on the agenda, but I would like to have Mr. Lafleur back.

The Chair: I think someone suggested that, but I don't think we got that far with Mr. Bachrach.

Mr. Garnett Genuis: We were quite limited, frankly, in our time to ask questions because of some of the other interventions.

The Chair: I have an answer as well. The clerk is stating that it's not a dilatory motion. You can't move to suspend, so I suggest—

Mr. Charles Sousa: I have a point of order, Mr. Chair.

The Chair: Give me two seconds. Let me finish, please.

I'm going to suggest again that if you wish, as we do not have witnesses on Wednesday, we can continue this on Wednesday under committee business. Perhaps we can discuss having Mr. Lafleur for a second hour or 40 minutes that we had for questioning or—

Mr. Charles Sousa: On this issue—

The Chair: —if we're fine with that.

Go ahead, Mr. Sousa.

Mr. Charles Sousa: On this issue, do we need consensus to adjourn? Given that we have ongoing engagement and we have an ongoing motion and we have an amendment to the motion, do we need consensus now, or can we suspend? Do you have the right to drop the gavel without consulting with us to provide for suspension?

The Chair: We do have a speakers list on Ms. Block's amendment. She was next. Mr. Bachrach has made several attempts. We were trying to accommodate him, but none of the ideas were in order.

Really, I was suggesting that we have agreed to an adjournment, but Mr. Bachrach doesn't appear to be in agreement with it. We are probably about another.... We're going to lose our resources in about another four or five minutes, but we do have a speaking list, and Ms. Block is on it.

Mr. Charles Sousa: I'm trying to understand this procedure now. If there is no consensus to adjourn, we cannot adjourn.

The Chair: Well, if we don't have resources, we adjourn. I adjourn the meeting. We cannot continue without resources.

Mr. Charles Sousa: It would suspend until the next meeting, right?

The Chair: I would just adjourn it.

Go ahead, Ms. Block.

Mrs. Kelly Block: Thank you, Chair—

[*Translation*]

Mrs. Julie Vignola: Mr. Chair, are we really arguing about whether the meeting can be adjourned in accordance with a clearly worded motion allowing for that?

[*English*]

The Chair: I'm sorry, but my interpretation is not....

Start at the beginning, please.

[*Translation*]

Mrs. Julie Vignola: Are we really arguing about whether the motion is properly worded so that we can adjourn? Some people are saying it is not properly worded to allow us to adjourn. This makes no sense. We have three minutes left. We have to adjourn and talk about Mr. Bachrach's motion again later on. I think we all agree on that. I cannot understand why the committee has been wasting its time on this for the past 10 minutes. Thank you, Mr. Chair.

• (1305)

[*English*]

The Chair: I would suggest that you talk to your colleagues, but if we adjourn, Mr. Bachrach can certainly start the next meeting with a motion to reintroduce the motion and we can discuss it then. Mr. Bachrach is trying various procedural approaches to try to extend it, and I appreciate that, but it looks as if we're probably going to continue it on Wednesday anyway, whether Mr. Bachrach likes it or not, through the procedure we're doing. That's where we're at.

We have about two or three minutes. We have Ms. Block on the speaking list on her amendment and then we will run out of time and we will adjourn.

I am suggesting that because we're without our witnesses for Wednesday, we'll set aside committee business to continue this, and I will encourage Mr. Bachrach to talk off-line with everyone, with the vice-chairs, so that we can come up with a simple agreement for the motion. This seems to be generally smarter.

Ms. Block, go ahead.

Mrs. Kelly Block: Thank you very much.

After all of that, I would recognize your very astute observation that I included in my motion “at least two meetings”, as opposed to “a minimum of 12 hours”. Representing a very large rural riding in the province of Saskatchewan, I do recognize the issues with postal service in rural Canada. That is why we are open to this motion, to this study, but I wanted to encourage us to start with two meetings—at least two meetings—and then go forward figuring out where we go from there.

I look forward to any off-line discussions that Mr. Bachrach would like to have with us, his Conservative colleagues, to see if we can come to some sort of agreement on the length that the study should be.

Thank you.

The Chair: If there's no one else on the speaking list, we can vote on Ms. Block's amendment.

Do you want a recorded vote, colleagues, on Mrs. Block's amendment?

Mr. Taylor Bachrach: Can we have it read back?

The Chair: Read it back to Mr. Bachrach.

The Clerk: It's that “The committee hold at least two meetings on this topic starting with the CEO of Canada Post”.

(Amendment negatived: nays 7; yeas 3 [*See Minutes of Proceedings*])

The Chair: Colleagues, we're basically out of time.

There are a couple of things that I'm going to quickly suggest. One is that we adjourn and continue this, and hopefully settle it, early Wednesday.

Again, Mr. Bachrach, I suggest that you chat with everyone and get your friendly amendment set up so that we can move it quickly, because it sounds like we're almost there.

Before we adjourn, if we have agreement on it, we can push Canada Post off until Wednesday and get it settled then. Also before we adjourn, I understand from the Liberal side that there is consensus to distribute the report just to the MPs and keep it confidential.

I want to settle the Canada Post one, and then get agreement on that one. Then we can adjourn.

Mr. Majid Jowhari: Mr. Chair, the P9 is not an issue, but I'm not 100% what “confidential” means.

The Chair: When I say “confidential”, I mean that we have had stuff in the past that.... For example, the McKinsey documents were shared with us, but we agreed that we would not release them. I'm talking about the stuff from McKinsey itself. We agreed that we would not release them until McKinsey had an opportunity to come and explain to us what it would like to see redacted. That's what I mean. I want to make sure that they stay—

Mr. Majid Jowhari: On the P9, I say yes. On “confidential”, I don't know because we have already released some of the key reports.

The Chair: Can we agree for the P9? Then we can keep it among MPs until our next meeting and discuss it further.

• (1310)

Mr. Majid Jowhari: We'll agree just to P9. That's the extent to which we are going to agree.

The Chair: The other option is printed copies, but I suggest sending it through SharePoint to the MPs.

Mr. Charles Sousa: Mr. Chair, I think it's appropriate to send it just to the members, but you don't have consensus to adjourn. I think we want to suspend and just continue on with our conversation.

The Chair: Can we just deal with one thing at a time, Mr. Sousa?

Mr. Charles Sousa: Absolutely.

The Chair: Okay. Quickly, can we just agree then? I want to get to that, but it has to be one thing and then the next.

We can suspend or adjourn. It's going to have the same result. On Wednesday, we will continue. However, again, I strongly suggest, Mr. Bachrach.... We seem close, but if we can get your friendly amendment and some of the other issues.... I think Mr. Sousa or someone else had amendments proposed as well. If they could get them all ready so that we can put them to bed early Wednesday, that would be great.

I am happy to suspend and continue. I would be happy to adjourn, and you can reintroduce a motion first thing Wednesday to continue, as I suggested. It's up to you. It's the same outcome, so you can decide. However, before we do that—

Mr. Taylor Bachrach: Mr. Chair, you keep looking at me like you want to know what my intentions are or what my desire is.

The Chair: I just want to get consensus in the room so that we can move forward.

Mr. Taylor Bachrach: My understanding is that adjourning and suspending are two different things that have two different effects.

One ends the meeting. Then, at the next meeting, there will be a new agenda set by the chair, and we will proceed according to the agenda.

Suspending indicates that this meeting will continue in the next time slot for the committee's meetings. That's my preference. That's why I moved a motion to suspend. I was told that it was not in order, so I moved a motion to postpone until a certain time, which I was told was not in order. I have run out of motions.

I will defer to your will as the somewhat arbitrary chair of this committee. Do what you will.

The Chair: I'm going to take offence at your “arbitrary”.

I'm happy, colleagues, if you want to be like other committees and stick to every little point and we will get nothing done, to run it that way, or we can have one where we can agree to do stuff. That's the will—

An hon. member: [*Inaudible—Editor*]

The Chair: Suspending will be fine, but before we suspend—

Mr. Garnett Genuis: I have a point of order.

The Chair: See—this is what you wished for, Mr. Bachrach.

Mr. Garnett Genuis: I know the Standing Orders very well. I'll just say that following the rules is important to me, and the rules provide that, when debate is adjourned, either through the adjournment of debate or the adjournment of a motion, a member can, after any time has passed, move a dilatory motion to resume consideration of the original motion.

Mr. Bachrach has that right. Regardless of whether we suspend or adjourn, he can bring this back and request that the committee, at any time of his choosing—

The Chair: That's not a point of order. We're going to move on.

I understand that we're going to suspend, which is fine, but before we do so, I will ask that we have unanimous consent to distribute that on SharePoint to the P9s only.

Some hon. members: Agreed.

The Chair: That's perfect. We have agreement for that.

Then do we have a motion to suspend?

Some hon. members: Agreed.

The Chair: We seem to have agreement on that.

Thank you, colleagues.

[The meeting was suspended at 1:13 p.m., Monday, February 5]

[The meeting resumed at 5:05 p.m., Wednesday, February 7]

● (6505)

The Chair: Colleagues, I call this meeting back to order.

Welcome back to meeting number 101—it's déjà vu—of the House of Commons Standing Committee on Government Operations and Estimates, which we're resuming today following a suspension on Monday.

If you recall, on Monday we were deliberating on a motion by Mr. Bachrach, which we're going to resume shortly. Following this, we'll move back to the ArriveCAN study.

I want to extend my personal thanks to Mr. Lafleur for coming back, especially on such short notice. I sincerely appreciate it. Thank you very much.

After that, we're going to move in camera to discuss the issue I texted a couple of you about, and then we also have a shipbuilding study and some budgets.

I'll remind you not to put earpieces next to the microphone, please, as this causes feedback and potential injury to our very valued interpreters.

We're now resuming debate on Mr. Bachrach's motion. I'll read it out:

That the committee undertake a study on the sustainability of postal service in Canada's rural and remote communities; that a minimum of 12 hours of witness testimony be dedicated to the topic; that the Committee invite the CEO of Canada Post, President of CPAA, and Minister of public services and procurement; and that the committee produce a report and table it in the House.

I'll start a speaking list on it. There's Mrs. Block, then Mr. Sousa, and then Mr. Bachrach.

The original amendment to it was defeated, so we're back to square one.

Go ahead, Mrs. Block.

Mrs. Kelly Block: Thank you very much, Mr. Chair.

After some discussions, I have what I believe is a friendly amendment to the original motion that was put forward by Mr. Bachrach.

I move that we replace “a minimum of 12 hours” with “at least eight hours”, and replace “sustainability” with the word “loss”.

The new motion would read:

That the committee undertake a study on the loss of postal service in Canada's rural and remote communities; that at least eight hours of witness testimony be dedicated to the topic; that the Committee invite the CEO of Canada Post, President of CPAA, and Minister of public services and procurement; and that the committee produce a report and table it in the House.

I have copies in both official languages.

The Chair: That's fine.

I will take a speaking order on the amendment.

Mr. Bachrach.

Mr. Taylor Bachrach: Mr. Chair, I'd just note that I agree with the spirit of the amendment and reducing the number of hours.

We may get to the end of the witness testimony and feel the committee wishes to either expand the scope of the inquiry or hear additional witnesses on the topic of rural and remote communities. I'm happy with this as a starting place, as I've indicated to Mrs. Block. I'm happy to vote in support of the amendment.

The Chair: I appreciate that, and I appreciate the time spent cleaning up timing in the language that came up before.

Does anyone wish to speak on the amendment?

Mr. Sousa.

Mr. Charles Sousa: Yes, I've been trying to get an amendment—

The Chair: I think we will get to yours right after this.

Mr. Charles Sousa: How does that work? Do we have to vote on this amendment?

I'm just trying to understand the process.

The Chair: What we'll do is vote on the amendment by Mrs. Block, which is just changing it to "at least eight hours" and changing some minor wording. Then we're back on the original debate on the modified motion, and we could entertain yours.

Mr. Bains.

Mr. Parm Bains: I'm wondering whether we can still keep "a study on the loss and sustainability", because just studying the loss limits the scope. What about the sustainability of it?

• (6510)

The Chair: I understand what you're saying.

I'll be honest. I'm not sure that kind of wording would limit our ability to do the whole study, just so you know.

Mr. Parm Bains: Maybe we can state it, at least.

The Chair: To do so, we'd have to defeat this amendment, and then include it.

Mr. Bachrach.

Mr. Taylor Bachrach: Through you to Mr. Bains, I think the goal here is to find wording that has a shared understanding around the table. There was some concern about the word "sustainability" because it's a word that now means many things to many people. It may lead us down paths that weren't the original intention of the study.

Really, what we're talking about is the viability and continuation of postal service in rural and remote communities. The opposite of that is loss. What we've seen over the years, since the 2014 moratorium, isn't more post offices being opened in rural and remote communities. We've seen post offices go from being proper Canada Post, postmaster-provided post offices to a franchise model that involves contracting out to other businesses and post office boxes on the side of the road. That's something many rural and remote residents are concerned about. It's certainly something the union of postmasters and assistants is concerned about.

I'm hoping this will be the focus. It's really about service levels. How do we maintain service levels for rural residents? I think there's a lot that we can shoehorn into that scope.

The Chair: Go ahead, Mr. Jowhari, on the amendment, please.

Mr. Majid Jowhari: I think the use of "loss" will limit it, although it may represent the spirit. I think it limits it because, the way I looked at it when we were talking about sustainability was that we were talking about the viability of Canada Post to continue serving Canadians, to provide services and also be a viable business.

If we're talking about sustainability, we can say "sustainability of services". If we're talking about the viability of this as a business while ensuring that all those services are provided, I think that was the spirit Mr. Bachrach was talking about, at least as I understood in my conversation with him. That's definitely the premise on which our side has prepared the amendment.

If that's not the case, I would ask for a one- or two-minute recess so we can realign on our side, because Mrs. Block's moving a motion and Mr. Bachrach's supporting it kind of throws us off a bit.

The Chair: We can suspend. You can share your motion with everyone else, and maybe we can come to a conclusion on that one that could be agreed to.

Would we consider a quick suspension to see if everyone is on board to have Mr. Sousa's amendment and if it includes everything suitable to all?

Mr. Taylor Bachrach: Can I just speak very briefly to what Mr. Jowhari just mentioned?

The Chair: It would be on the amendment.

Mr. Taylor Bachrach: It's on the amendment of Mrs. Block. I think the issue here is whether we state it in an aspirational way, where we're stating the positive future we want to create, or whether we use the motion to express concern about the trend that we've observed, which is a negative one. I think the motion as amended would do the latter, express concern about the loss of postal service.

Certainly the discussion of long-term viability and sustainability fits in the context of the loss we've seen. We want to reverse those losses. We want to see rural communities receive better service.

I'll leave it at that. It seems like maybe that's the distinction here on the two sides of the table.

As I said before, I support the amendment that's been put forward.

The Chair: Thanks, Mr. Bachrach.

It is a good point, because the long-term sustainability is written into the Canada Post Act.

We'll suspend.

• (6510)

(Pause)

• (6515)

The Chair: We're back from suspension.

Are we okay to move to a vote on this?

(Amendment agreed to)

The Chair: We'll consider the amendment passed.

Mr. Sousa, do you have something for us?

Mr. Charles Sousa: Thank you, Mr. Chair.

To piggyback on the amendment that Mrs. Block put forward, I would suggest including the following words. I believe that this is being distributed now.

Basically, Mrs. Block amended two items there, “the loss of postal service” and “at least eight hours”, so we’ll go with the eight hours instead of 12. If I were to continue reading, I would read as follows: “that the Committee invite the CEO of Canada Post, President of CPAA, and deputy Minister of public services and procurement”, as opposed to the minister. I would just add “deputy” in front of “minister”. I would then add the following: “That the committee establish a schedule for this study no later than February 28, 2024”. Then I agree with “that the committee produce a report and table it in the House”, but I would continue and add “before June 7, 2024, and that, pursuant to Standing Order 109, the committee request a government response.”

The Chair: Thanks.

The email has gone out to everyone in both official languages.

I see Mrs. Vignola.

[*Translation*]

Mrs. Julie Vignola: Thank you, Mr. Chair.

I agree with the wording. As a committee, we have to be effective and we always strive for that. You may agree or disagree, but I also think the wording really emphasizes the witnesses, whereas we usually have a brief reference to the committee being able to invite all the witnesses it deems necessary. There is no such reference, however, so it gives the impression that we will only hear from three witnesses when there are certain things that warrant our consideration.

By way of a subamendment, therefore, I would put a comma after the word “Procurement” in Mr. Sousa’s amendment, and add: “as well as any other witness the committee deems necessary”. That way we would not be limited to just three witnesses, even though they are important ones. There are no doubt other people who might wish to state their views, views that are equally important, during the eight hours we have agreed upon.

• (6520)

[*English*]

The Chair: Thank you. That is a very good point. It usually doesn’t say “and with other appropriate witnesses”.

We’ll start a speaking list on Mrs. Vignola’s subamendment to the amendment. Or are we comfortable with the changes she has suggested? It seems to be just one comma, I think I heard, and changing it so that we could call other witnesses as deemed appropriate.

Would you repeat it, Mrs. Vignola?

[*Translation*]

Mrs. Julie Vignola: After “Procurement”, we would add a comma, then “and any other witnesses the committee deems necessary”.

[*English*]

The Chair: It seems pretty straightforward.

Okay. I’m sensing that we have approval for this.

(Subamendment agreed to [*See Minutes of Proceedings*])

The Chair: Wonderful. It is so amended.

We are now back to discussing the amended amendment, which is Mr. Sousa’s, but is including other witnesses, basically.

I have Mrs. Vignola.

[*Translation*]

Mrs. Julie Vignola: This will be quick.

The same error appears in Mrs. Block’s amendment and in Mr. Sousa’s subamendment. It’s a grammatical error involving conjugation of the verb and the past participle, something that bedevils virtually all francophones and non-francophones alike. The text should read, “*au moins huit heures de témoignages soient sacrées*”.

I’m sorry. Once a teacher, always a teacher.

[*English*]

The Chair: Tell me you’re a teacher without telling me you’re a teacher.

Some hon. members: Oh, oh!

The Chair: I appreciate that. Our clerks will work on cleaning it up. Hopefully, we’ll get it to a point where we’re ready to finalize Mr. Sousa’s amendment. I guess I’ll allow the clerk to clean that up as Mrs. Vignola has suggested.

We’re now back to Mr. Sousa’s amended amendment.

Do we have anyone who wants to speak on Mr. Sousa’s amended amendment?

Mrs. Block.

Mrs. Kelly Block: I think it’s always appropriate to have a minister appear to speak to issues like this. We, on this side of the table, would appreciate hearing from the minister on this issue. We’d be happy to add the deputy minister to the list, but we would like to see the minister remain on that list.

The Chair: Mr. Sousa.

Mr. Charles Sousa: I appreciate the member opposite’s desire to have the minister, as all of us would. I’m just trying to make certain that we have substantive value in the witnesses who come forward. We are going to have the minister appear on a number of occasions before us. I want to make certain that we deal with the matter that is of prevalence here, which is the executive and the CEO of the company determining how, in fact, they are operating. Even the deputy minister will have some limitations with respect to those answers. I wonder to what extent his being here will be the best use of his time. He’ll just say they’ll refer it to the CEO or to the executive, and it’s arm’s length. It’s all those other things that are going to come out of it.

We need to get to the bottom of it. We need to make sure that the issues that are prevalent and the strategy...and that the board that oversees Canada Post is also held accountable for where we’re going and how we’re going forward. It is also the minister’s desire to get to the bottom of those very issues that Mr. Bachrach....

Mrs. Block, I appreciate your desire. I would just rather save the minister for some more prevalent issues. You will have him here. In that case, you can ask him about this issue, as well as many other things, when he appears before us.

Again, I want to make good use of the time when we're having these deliberations and these witnesses, and get a more substantive response in terms of what comes forward.

• (6525)

The Chair: I see Mr. Lawrence and then Mr. Bachrach.

Mr. Philip Lawrence (Northumberland—Peterborough South, CPC): I understand that. Certainly, some of these questions will be technical in nature. However, having now been at numerous committee meetings looking into the actions of Crown corporations and government departments, the trouble is that you get to a certain point with the deputy minister when they say—and rightfully so—they are not political and can't comment on that.

Therefore, I think it's absolutely critical, if we're going to have a serious review of this, to have the minister here in real time.

The Chair: Mr. Bachrach.

Mr. Taylor Bachrach: I've gone back and forth on this. I think it's important to have the minister appear, because ultimately, the accountability sits at his desk and on his shoulders.

However, there's a new minister responsible for Canada Post. Based on my meetings with the last minister responsible for Canada Post, I'm not convinced that Canada Post is the top priority. I know; it's surprising.

Therefore, my preference would be to hear from witnesses throughout the course of the study, and then decide near the end whether the minister should be invited separately to address the topics that have been raised. I think that allows us to survey the issue and decide which aspects of the issue are really the responsibility of the minister and which questions we want to ask.

I've been part of other studies for which we had the minister appear at the first meeting, when the committee hadn't really dug into the material and heard from the witnesses who were the most affected.

That would be my preference. I think the deputy minister will have been with the department longer and is going to have more familiarity with the issues at hand. If we hear from the deputy near the beginning and then, when we get near the end of the study, decide whether it warrants having the minister appear, that would be my preference.

Speaking to the other parts of the amendment, I like the other parts, because they allow us to get through this in a fairly timely way.

Thank you.

The Chair: Thank you.

I have Mrs. Block and then Mr. Sousa. I'll then suggest a compromise, which is something we've done in the past at this committee with ministers.

Go ahead.

Mrs. Kelly Block: Thank you very much, Mr. Chair.

What I'm hearing is that there should be no reason to remove the minister from the list, just understanding that we will ask him to attend the committee if we feel it's necessary and at a time when it suits him. Maybe that's further down the road in this study.

I think we could still leave the minister on the list, understanding that.

The Chair: Mr. Sousa.

Mr. Charles Sousa: As I mentioned, he is willing to have discussions. In fact, there are matters of concern related to this file, and certainly the minister is interested and, being new, he is also trying to come up to speed, as Mr. Bachrach has just explained.

We do have a section that we have just allowed to be put in, which, as Mrs. Vignola suggested, is to have the witnesses in as they are required. I think that would fall under this case.

I'm not trying to suggest that the minister doesn't want to appear. He just wants his appearance to be valued. I suspect he's also going to take great interest in the witnesses who appear before us with regard to this, because this is a matter of concern that is, I think, shared by many Canadians with respect to many issues. Canada Post as a Crown corporation also has matters that need to be addressed. Having overseen other Crown corporations in the past, I recognize that doing this may entail some consequences on the political side, as are being expressed, that go beyond just the minister himself, because this is a substantive corporation that's been around for hundreds of years. It is also a matter of greater decisions being made by the Government of Canada as a whole.

I would suggest that we leave it as it is, to give the opportunity to have other witnesses as may be appropriate, thereby providing for the minister's engagement as well.

• (6530)

The Chair: Thanks.

Before we go to Mr. Jowhari, perhaps, so that we can move ahead with this, we could ask the minister, as we have in the past, when he comes to discuss the estimates, to stay for an extended time. I can hear Mr. Jowhari whispering. I hope he doesn't steal my idea. Perhaps we could do the supplementary estimates and then the main estimates, and he could commit to an extra 25-minute round or 20-minute round, as he did last time. Perhaps we could have that as a compromise.

Mr. Jowhari, go ahead.

Mr. Majid Jowhari: That's exactly what I wanted to say, with a little bit of a caveat. Remember that we're going to have the minister here twice before we actually start this study, on both the main estimates and other things. Once we get to a point where we have a pretty good understanding of what the issues are and what the challenges are and what the strategies are, I think that would be an appropriate time for us to call the minister to come in. Then we could clearly say that this is what we heard; we understand that these are the challenges, and we also understand that these other recommendations have been made to him, for example, and we could ask what the government is going to do. That's rather than coming in right off the bat and probably setting the direction that we are assessing it, evaluating it and looking at it. That will be the latter part of the process, definitely. As for the other part, that's already covered. We could call other witnesses, including the minister. The minister would fall under "other witnesses".

I'm saying that before we get this study done—even to the last meeting, at which we were going to call the minister—we're going to have opportunities to call the minister. Whether we're going to go to an extra round of 25 minutes every time we have a minister coming in and talk specifically about Canada Post, I'm not 100% sure, but I can tell you that during those hours when the minister and staff and the department show up here, we will have an opportunity to ask any questions we want, and we've done that in the past.

Thank you.

The Chair: Thank you, Mr. Jowhari.

That is the point. We can certainly add a motion to call the minister at any time we choose to.

Mr. Sousa, go ahead.

Mr. Charles Sousa: I'm just trying to get clarity here. The way the motion has been amended allows for the minister to come at our discretion. He's going to be here for estimates and other matters. I'm not certain we will need to extend his stay as a result of those issues. I would leave it as is and proceed forward, Mr. Chair.

Mr. Taylor Bachrach: At the risk of belabouring this—

The Chair: There is no risk.

Mr. Taylor Bachrach: —I think a compromise that our chair was proposing was that, instead of squabbling over whether or not the minister is included in the motion, we should invite him to appear for an extra 20 minutes when he appears for estimates and dedicate a portion of our questioning of him to this specific topic and include his answers in the body of the report. That would be my understanding of what was proposed. Maybe we won't come to a consensus or compromise, in which case, because I like the timeline that's laid out here, I will not vote against the amendment the Liberals have put forward, but I would expect that near the end of the study, we would invite the minister to answer our questions about Canada Post.

The Chair: Thanks.

Next we have Mr. Jowhari and then Mrs. Vignola.

Mr. Majid Jowhari: I'll go back to the same point. When the minister shows up for the estimates in May and we haven't even

gotten halfway through this study, we are going to question the minister, and we're going to get the same answers that we would get if we had the minister here tomorrow. So, specifically calling for half an hour or one round of questions, 25 minutes or 24 minutes, asking the minister questions when we haven't done this study, is not going to be the right thing to do.

• (6535)

The Chair: Now we have Mrs. Vignola and then Mr. Lawrence.

[*Translation*]

Mrs. Julie Vignola: We're going to invite the minister to appear on the main estimates and the supplementary estimates. I understand what my colleague just said about the proposal to add 25 minutes to the meeting, which was that we'll be about halfway through the study that's been requested. It's true that we do have to consider that. Personally, I think that, if we invite the minister to come and discuss the estimates and then we ask him to appear to discuss Canada Post, that'll be two hours of testimony instead of an hour and a half. That's how it adds up for me.

Certainly, if we're not very far along in the Canada Post study, all the minister will do is remind us that Canada Post is a Crown corporation that's completely independent of the government. In that sense, we may not get any answers.

I know that ministers' time is a precious and limited resource, and I want that to be taken into account as well. Testifying here is part of their job. That said, if the minister is already coming for two hours and a third hour is added, maybe there's a way to make the most efficient possible use of his time with us. If he has to be here for an hour and we turn that hour into an hour and a half, that will save him a little time. That's something to consider as well.

Instead of adding an hour, let's consider the possibility of having the minister stay for an extra half hour when he's here to discuss another topic. That seems like a reasonable and very appropriate compromise, in my humble opinion.

[*English*]

The Chair: Thanks.

Do you need me to read back where we are with Mrs. Vignola's amendment? Okay.

It reads:

That the committee undertake a study on the sustainability of postal service in Canada's rural and remote communities; that a minimum of 12 hours of witness testimony be dedicated to the topic; that the Committee invite the CEO of Canada Post—

Mr. Taylor Bachrach: I believe the wording around "loss" was missed in what you just read into the record.

The Chair: Oh, I'm sorry. The clerk is going to update it. Thanks, Mr. Bachrach.

We'll try again:

That the committee undertake a study on the loss of postal service in Canada's rural and remote communities; that at least eight hours of witness testimony be dedicated to the topic; that the Committee invite the CEO of Canada Post, President of CPAA, the deputy minister of public services and procurement, and any other witnesses the Committee deems necessary; that the committee establish a schedule for this study no later than February 28, 2024; that the committee produce a report and table it in the House before June 7, 2024; and that pursuant to Standing Order 109, the committee request a government response.

Is everything fine with that? We have thumbs-up. That's wonderful.

(Amendment as amended agreed to [*See Minutes of Proceedings*])

(Motion as amended agreed to)

The Chair: It is so passed. Thank you, Mr. Bachrach; Mrs. Block; Mrs. Vignola, for your corrections; and Mr. Sousa, for the amendment and for providing it in French.

Mr. Bachrach.

Mr. Taylor Bachrach: I was just saying thank you.

The Chair: Thanks.

We are now on ArriveCAN and Mr. Lafleur...

I'm sorry. Give me two seconds.

• (6540)

Mr. Charles Sousa: Mr. Chair—

The Chair: Just shout it out. Go ahead.

Mr. Charles Sousa: I apologize.

We on this side of the House would like to dismiss the witness.

The Chair: That's not the proper format.

Mr. Charles Sousa: I'd like to dismiss the witness in the proper format.

Some hon. members: Oh, oh!

Mr. Charles Sousa: I'd like to move a motion to dismiss the witness.

The Chair: As such, that becomes a debatable motion, Mr. Sousa.

On my speaking list I have Mr. Brock, Mr. Jowhari, Ms. Block and Mr. Sousa.

Mr. Brock, go ahead.

Mr. Larry Brock: Thank you, Chair.

I'm rather surprised at Mr. Sousa's suggestion that we relieve the witness. Without explanation from him, it may be because of the hour. It's 5:40 now, and this meeting was supposed to start at 3:30. I would have thought, though, that there would have been some communication to the witness that our votes, in fact, seven votes, delayed the start of this meeting.

I would have hoped as well that there would have been some communication to the witness in advance of today's date that he was not expected to provide any testimony and answer any questions right at the start of the meeting, because of committee business. There was no indication as to how long that committee busi-

ness would take, but I believe the witness had committed himself to one further hour of Q and A.

These are relevant issues with this particular witness. We did not finish the full two-hour allotment that we had because of numerous points of order and discussions with respect to material that was not in the possession of regular members of this committee. That has since been rectified, as I understand it. They've had well over 24 hours to receive the material.

We are ready to proceed. Unless Mr. Sousa provides some justifiable reason as to why this witness ought to be excused, I would suggest that we have the witness here and that, if he's able to stay for the one full hour, we use that time accordingly.

Thank you.

The Chair: Thank you.

Mr. Jowhari, please.

Mr. Majid Jowhari: Thank you.

First of all, let me thank Mr. Lafleur for choosing to come back.

I had an opportunity to read the preliminary statement of fact for both Mr. Cameron MacDonald and Mr. Antonio Utano. I am flabbergasted by what's in here and the fact that the RCMP investigation is still going on, the internal investigation is still going on and the AG hasn't finalized her report. We somehow—I am trying to find the right word—thought it would be a good idea—and I was part of the group that voted for it—to have Mr. Lafleur here and to have these documents made available to us. However, that was before I read this document.

That's where I'm going to stop. If I start getting into the level of detail of the content available here.... The investigation is not completed. Even if we limit our questions to the process in general, we could lead the conversation in such a way that might force Mr. Lafleur to make statements that could lead one to deduce...or make certain conclusions that are very risky.

An hour after our last meeting, we received communication from certain legal bodies on how we should be very careful about what information we share about this report, what this report is all about and the role each of the witnesses is playing. This came almost before we even got an email that gave us the link to these documents.

These documents, by the way, were made available in hard copy to the office of the clerk on January 29 in both official languages. For some reason....

It's sad. Had I had the opportunity to read these documents, I would have moved a motion to dismiss the witness. I would not have supported any other activities on ArriveCAN and the Botler AI investigation, or supported our committee calling any witnesses whatsoever going forward, until all those processes are complete. What we are doing is a disservice to justice. I am being very serious about this. I am not a lawyer, but what I read is scary.

I'd love to see the report from the AG. More than that, I'd love to receive the report from the RCMP, because I think there is a big difference between the work the RCMP is doing and the work Mr. Lafleur is doing from an administrative versus legal and corruption...and all of those things. Getting more witnesses here and asking questions in the middle of an investigation, with just a preliminary statement of fact, is concerning. Even the media picked it up in *The Globe and Mail*, which is basically.... I'll stop there. They are now looking at it and saying—at least the way I read it—“Should we go down this path? Why are we really doing this?”

• (6545)

Just put yourself in the position of the people these reports were prepared for. This investigation is going around.

I don't want to be in any court until all those processes have gone through.

We're turning this committee into a quasi-judicial process. I'm not a lawyer. I'm here to ask certain questions. This is just a sample, and I'll read it again. It's a “preliminary statement of fact”, and this is not from a lawyer; this is from an internal investigation. I'd really like to read the preliminary statement of facts from the RCMP.

The reason we are asking for the witness to be dismissed is that I don't think it's unfair to the process, but I don't think it's fair for Mr. Lafleur to be put in this position while this investigation is still going on. As soon as all the investigations are completed, I'll be the first one to vote that Mr. Lafleur come back.

I want to go back on the record again, saying that the CBSA, Mr. Lafleur, offered to come to this committee in camera, with MPs only, and walk us through this report. I wish I had had the wisdom to accept that at that time.

We chose not to, and I thought, “Oh my God, there's some sort of conspiracy going on.” We were given that opportunity. Now, having the opportunity to just read this, I don't even want to ask a question when I had that opportunity before to have Mr. Lafleur come to this committee in camera and allow us to ask questions. That's why I am strongly opposing any other committee meetings as they relate to ArriveCAN until all those milestones are completed, until we have a report and until we've had the opportunity to look at the report. Then call all of the witnesses back. I want everybody back.

Thank you.

• (6550)

The Chair: Thank you, Mr. Jowhari.

I have Mr. Sousa, Mrs. Vignola and Mr. Brock.

Mr. Charles Sousa: As my colleague has expressed, we all are very concerned about the tone and the situation that has occurred recently in this committee relating specifically to Mr. Lafleur.

We recognize that the committee requested a statement of facts. It was sent in both languages at an appropriate time, back on January 29. At that point, Mr. Lafleur was not on the docket. He was one of the considered witnesses who were supposed to come forward.

The Chair: I'm going to interrupt here. That's not correct. We agreed to have him before.

Mr. Charles Sousa: We hadn't stated the date as to when he was supposed to appear.

The Chair: No.

Mr. Charles Sousa: That's my point. We hadn't stated the date as to when he was supposed to appear. He was one of the witnesses we wanted to see.

Now we have the statement of fact before us—not before us but before the clerk in both languages prior. If that had become known and then the witness had been called, knowing that the statement of fact was in hand would have been advantageous to the committee members. It would have given us an opportunity to review and to then put forward appropriate questions and understanding.

Furthermore, there were many occasions when those who are presiding over the investigation called for an in camera meeting because of the confidentiality measures, not to make this a public kangaroo court. There are a lot of people here trying to play Perry Mason or maybe Tom Cruise. Regardless, what we have here are witnesses who are being accused of wrongdoing. Those very witnesses are now going through an investigation, which appears to be contrary to what was initially put forward by the opposition.

My worry is that here's a statement of fact that was provided to the clerk. Somehow, another member of the committee has taken it upon himself to approach the witnesses, approach the very individuals we are deliberating over, and the concern many are facing is the obstruction that is being put forward, the confidentiality matters that pertain and which even the chair has explained are highly confidential.

Yet, it's being made public, and questions are being put to you, as the witness. That ensures that we deliberate over the very issue that is meant to be confidential to protect the witnesses and the integrity of the investigation.

There are a couple of main concerns.

One, there seems to be an obstruction that's being taken on the investigation. There seems to be an interference with the witnesses in terms of its transparency. I'm no lawyer, but for those who are, it would seem to me that it's inappropriate for this committee to go on its own to start to talk to witnesses and go after individuals when they're being investigated. Then we have legal responses by those witnesses coming to us, partly because they're being approached by other members, who, by their own admission, have gone over to these two witnesses. That seems completely inappropriate.

Then there are individuals who have access to this confidential information.

Now, they apparently didn't share it with the chair. They didn't share it with their own colleagues. They just decided on their own that they were going to do this in secret. Only at the time of this committee hearing, where you appear before us, having already had a statement of claim in hand by the clerk, not having it shared with the committee members, which would have made it appropriate for us to ask questions of you.... That unilateral decision to call upon you to become a witness, knowing that you have a statement of fact and relevant information that would be appropriate and important for us to know.... Maybe you wouldn't have been called. Maybe you would not have been called to this committee, because we would have seen in that reflection how confidential the matter was and how inappropriate it would be to have a public discussion on this with you. It should have been in camera, as was already suggested many times, by many others, to protect the substance and the integrity of the investigation.

Now you're called back. Now we're being asked to continue the deliberations over these confidential matters, on which lawyers for the witnesses are saying, "Don't do it," and on which folks from the CBSA and those who are overseeing the investigation are saying, "Be cautious. You're going to compromise the report." We have the Auditor General doing a review. You've shared information with the RCMP, who are acting on their own. They're not advising you.

They're not coming forward with this issue, and we don't know what deliberations are being had with the witnesses. We do know from reading the statement of fact.... I went through it very thoroughly, and I do see that there was a reaching out to the witnesses. Notwithstanding what was said, the report makes reference to the fact that the witnesses were both sought after to respond, to enable the witness to make affirmations or refute some items, but then they gave a legal response, and rightly so. They got legal representation, as is appropriate. What's not appropriate is for us around this room to play lawyers, to be doing this as a prosecution ring, to be the means by which to put you and others at risk and then compromise the very investigation that's being put forward. Let the people do their job, and then, if we do have an opportunity to have you back, it's appropriate that those other members....

• (6555)

I know, having spoken to them, that not everyone has had an opportunity to review the statement of fact. Not everyone has had an opportunity to see exactly what is in this report.

The fact is that too few members on this committee have had an opportunity to see it, and it has not been shared with staff, as was decided. We need time to come up to speed on what's been said to then ask you the appropriate questions, and to do so not in public, in order to protect the interests of the witnesses and the integrity of the investigation.

That's it, Mr. Chair.

The Chair: Mrs. Vignola.

[*Translation*]

Mrs. Julie Vignola: We must never forget that we are neither investigators nor a court of law. We cannot and must not take the place of an investigator or a court of law. The only thing Mr. Lafleur can tell us about is the process. However, based on

what I've read and the discussion following Mr. Lafleur's appearance on Monday, I realize that the questions we're asking might interfere with the investigation process not only within CBSA, but also within RCMP.

Everyone knows how important it is to me to know the truth, do the research and understand things, so that I can contribute perspectives and solutions that are based on—at the risk of trotting out what has become a well-worn expression these days—common sense.

I do agree that we should invite Mr. Lafleur back. That said, we should do so once the internal and RCMP investigations are done, so as not to interfere, even indirectly, with what's happening now. The investigations must be as impartial as possible. The investigators need to be able to get to the bottom of things, and everyone involved in the situation we are currently studying must be targeted and bear the consequences of their actions.

I may have my opinion, but my opinion shouldn't interfere with the current investigations. This isn't a black-and-white thing; it's all shades of grey. I'm certain there's more than one, two or three people involved in this matter, but the investigations must be carried out properly.

What I just said shouldn't even interfere with the investigation, because I'm not an investigator. We're not investigators or a court of law; we're here to find out what went wrong with a process so we can come up with solutions to improve the process and ensure that taxes paid by Quebec and Canadian taxpayers are used in a rational and intelligent manner.

That's why I agree with letting Mr. Lafleur go and inviting him back to testify once all the investigations are done. That way, we can get the whole story. At that point, we can make sure that the process is duly amended and improved and that our fellow citizens' tax dollars won't be wasted. That's our job.

The motion asks that Mr. Lafleur be allowed to leave and come back later, once the investigations are done. That's the approach that makes sense today. It's the right thing to do, even if we don't like it, even if we have 15,000 questions to ask him and even if we want to get to the bottom of things and get every possible answer. All in good time.

• (6600)

Patience is a virtue. We don't all have it, not all the time. We need it now. We also have to take the time. It's not like we only have 10 pages of ArriveCAN documents to read; it's a few thousand pages. I've read 2,000 so far, but I think that's just the tip of the iceberg.

That's my opinion. I agree that we should let Mr. Lafleur leave for now and come back to the committee once the investigations are done.

[*English*]

The Chair: I'm sorry. I have several ahead of you, Mr. Bachrach.

Mr. Taylor Bachrach: I just wanted to add myself to the list, if I may.

The Chair: Certainly.

Mrs. Kusie.

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): I will pass my time for now.

Thank you.

The Chair: Mr. Brock.

Mr. Larry Brock: Thank you, Mr. Chair.

I've listened very carefully to my colleagues. I have a lengthy response that I could provide based on the comments I heard from Mr. Jowhari and Mr. Sousa—particularly those from Mr. Sousa. He didn't identify me, but he certainly made specific reference to the strategy I adopted and the evidence I relied upon. He certainly impugned my integrity and character. Although he has parliamentary privilege within this committee, he certainly does not have it outside of this committee and the House. These are serious allegations he's levelled against me. He used the phrase “obstruction” and “interference” with witnesses. I don't believe Mr. Sousa has a law degree. I do, as my colleague Mr. Lawrence does. He certainly does not appreciate the rules of evidence.

He certainly does not appreciate the rules with respect to talking to witnesses. As I shared with the committee on our last occasion, there is absolutely no proprietary interest in any witnesses, whether they are called on behalf of the Conservative team, the Liberal team, the Bloc team or the NDP team. These witnesses did not have to speak with me. They chose to speak with me. They were not under duress to speak with me. They could have refused to answer any and all questions that I put to them, in much the same fashion that Mr. Lafleur cautioned this committee in his opening statement about how he was here to talk about process. Notwithstanding that opening statement, he indeed answered questions. Sometimes it took me a number of times and rephrasing the question, but I eventually got answers.

To answer Mr. Jowhari's point about why we are doing this, I think that's abundantly clear. This is about unearthing the truth behind the wasteful spending of the \$54-million ArriveCAN app, of which \$11 million went to a two-person firm that's currently under RCMP criminal investigation for doing absolutely nothing. It acted as the middleman between the CBSA and the real IT professionals, some of whom legitimately did work and some of whom did nothing and were still paid. The procurement ombudsman called that “bait and switch”.

These are horrendous allegations against the Government of Canada. I can see, Mr. Chair, why the Liberals will do everything in their power to shut this down. I have chased this particular scandal over the last several months in a number of committees, and I've been faced with tactics similar to what we heard today: motions to adjourn in order to silence me.

I won't be silenced. Mr. Bains can laugh all he wants, but that's the truth. That's my job as a parliamentarian. With my criminal law and prosecutorial background, that's how I frame my questions. I'm not Perry Mason. I wish I looked like Tom Cruise, but I don't. I thank Mr. Sousa for making that suggestion. My wife might appreciate that, in hindsight.

That's why we're here, Mr. Chair. It's to get to the bottom of this scam—in particular, GC Strategies, which seems to be kryptonite in the hands of the government. Justin Trudeau, our Prime Minister, even said in the House that it was completely illogical, in the procurement activities surrounding the awarding of this contract to GC Strategies, to funnel out \$54 million. If the Prime Minister has concerns, why do not all parliamentarians have concerns?

• (6605)

Yes, this is not a court of law. This isn't a criminal court. It's not a civil court. However, it is certainly within Mr. Lafleur's purview to say, “Yes, Mr. Brock, it's a relevant question, but it might compromise my ability to continue the investigation by answering.” He never did that to any of the questions I put to him or to any of the questions that any member put to him on the last occasion.

With all due respect to my colleagues—and in particular to Ms. Vignola, who I greatly admire—I don't see how continuing with this particular witness in terms of getting some basic questions answered is going to compromise the ability for anyone to defend themselves.

Mr. MacDonald and Mr. Utano both have very experienced counsel working on their behalf. As I suggested to Mr. Lafleur on the last occasion, there is an application in a superior court with respect to reasserting and preserving their legal status and their privilege to make sure they are in a position to participate in Mr. Lafleur's investigation. They've never refused.

I know there has been an exchange of correspondence between Mr. Lafleur and counsel—as recently as today, as a matter of fact. I know there are certain conditions that counsel wants to see established before his clients participate.

Let's not forget something here, Mr. Chair. We both—

Mr. Majid Jowhari: On a point of order, Chair, I think that statement just proves the fact that—

Mr. Larry Brock: That's not a point of order. That's debate.

The Chair: That's not a point of order. You can discuss it—

Mr. Majid Jowhari: You just revealed [*Inaudible—Editor*]. That's not right.

Mr. Larry Brock: Get on the speaking list.

Mr. Majid Jowhari: I am on the speaking list, and I'm going to talk about it.

• (6610)

The Chair: You can attend to it then.

Mr. Brock, continue.

Mr. Larry Brock: I lost my train of thought there.

Ad hominem attacks are not appropriate. It's unbecoming, and it's not parliamentary.

Mr. Majid Jowhari: For that, I apologize.

Mr. Larry Brock: Thank you for your apology. I'm doing my job, Mr. Jowhari.

Mr. Majid Jowhari: I believe you are doing your job.

Mr. Larry Brock: Thank you.

That being said, Chair, I believe the will of the committee is to relieve Mr. Lafleur at this time.

Do you want to speak?

Mr. Philip Lawrence: Yes.

Mr. Larry Brock: Is Mr. Lawrence next on the list?

The Chair: Mr. Jowhari is next. Mr. Brock is speaking, and then it's Mr. Jowhari, Mr. Lawrence, Mr. Bachrach and then Mrs. Block.

Mr. Larry Brock: As I indicated, Mr. Chair, I believe the will of this committee is to relieve Mr. Lafleur of his responsibilities today. I take into great consideration Mrs. Vignola's suggestion. We're not saying never; we're just saying not now.

We don't know how long this investigation is going to take. We're approaching two years since the date that the CBSA received the Botler complaint. We received no update at all from the RCMP, and we don't know, ultimately, if the internal investigations by the CBSA or the RCMP are going to focus on other individuals. As I suggested to Mr. Lafleur, which he disagreed with, Mr. Minh Doan needs to be criminally investigated. There is a serious allegation of the deleting of four years of relevant emails by a person who held the title of vice-president and who is now Canada's chief information officer. If there's anyone who should know how to preserve his IT and emails, it would be Mr. Doan. Mr. Doan appears to be the only one at the CBSA who had a problem with his emails. That's suspicious.

Notwithstanding what Mr. Lafleur said, I'm really glad that we were not in camera—to Mr. Sousa's point—but rather in public because I hope the RCMP investigator, whoever that was, was following this, because there is a strong suggestion that the breadth of those involved in this scam needs to be expanded. We have serious concerns about Mr. Doan. I have serious concerns about Erin O'Gorman, the president of the CBSA, who deliberately misled this committee. Not once but on at least two occasions, she deliberately withheld information from this committee. Although witnesses are never.... Well, I shouldn't say never, but they are rarely sworn to tell the truth. However, when witnesses attend a committee, they are presumed to be telling the truth and nothing but the truth, so help them God—or however it binds their conscience.

I leave with that notion, sir, that this investigation has the potential to be expanded, that there are more individuals involved than simply Mr. MacDonald and Mr. Utano.

Bearing in mind the will of the committee, I'm moving for a vote.

The Chair: The motion was originally from Mr. Sousa to vote to dismiss Mr. Lafleur. We've had several people talk on it. Can we get to that? Then we can move to the committee business on other issues.

Mr. Majid Jowhari: Don't we have to exhaust the speaking list?

The Chair: Well, if everyone wishes to pass, there seems to be a will to do this. However, we can go to the speaking list. That's what I'm asking.

Yes, we have to continue with the speaking list. It appears that we wish to continue.

After Mr. Brock, it's Mr. Jowhari. Then we'll have Mr. Lawrence, Mr. Bachrach, Mrs. Kusie, Mr. Sousa and Mr. Genuis.

Mr. Majid Jowhari: Thank you, Mr. Chair.

That's the best pivot I've ever seen. I commend my colleague Mr. Brock for doing such a great pivot and talking about and linking it to ArriveCAN. That's the scope of this study, but it doesn't have anything to do with why we have this witness called here. Linking it somehow to the federal government and to the Prime Minister and all those things is a great pivot. I hope, really, that the media is watching and that Canadians are watching, because they can see what this supposed ArriveCAN study is all about.

Now, I am specifically asking, and our side is specifically supporting asking, the committee to excuse Mr. Lafleur. My belief, and the belief on our side, is that if we actually continue with this, we are justifying what happened in the last meeting and the process we went through. The approach we took was wrong. By having this meeting today, by putting Mr. Lafleur through process questions, and by continuing along the line of some of the comments we got from Mr. Brock, which are directly from this report.... I wanted to know which part. It is actually on page 5 of 71 of the report.

This is not right. Until this study is done, we cannot talk about the fact that potentially some of the witnesses have chosen not to speak or participate in an investigation.

You just revealed that, sir. You just revealed that.

Mr. Larry Brock: No, I didn't.

Mr. Majid Jowhari: Yes, you did. Go back to the Hansard and read it. That's wrong.

We should not continue with this process. I think we're getting to the vote. On our side, the reason we shouldn't do it is that doing this will help justify the wrongdoing and the approach that was taken. That's number one.

Number two, we agreed to do an ArriveCAN study and to continue to do the ArriveCAN study. We have basically paused 10 studies. I can name them. We have agreed to pause 10 studies. This committee hasn't done anything—hasn't delivered one iota of output for the last four months—because we also thought it was important for us to look at ArriveCAN. The more we dig, the more we realize that there is no ticking bomb. However, with Botler AI it's a different story. Therefore, under the umbrella of ArriveCAN...which our Conservative counterparts are trying to keep alive, because they've built a narrative around it, and they're sinking every day. They said, "Bring Botler AI". That's fine. We brought Botler AI. Now we're seeing, "Oh, my god, on this, this is going even deeper than we expected."

It's not that we don't want to do the study, or we're trying to hide something, or we're trying to protect the government, or trying to protect a so-called \$54-million application. I'm not going to go down that road again. We are accused of wanting to stop this study and block all those things, and it's not true. Our behaviour hasn't demonstrated that. We've been active participants on every committee. We've accepted the new curriculum and the new plan, even after the subcommittee voted on doing other stuff. We've given the chair the leverage to be able to call witnesses as it relates to ArriveCAN. We haven't come back one time and said, "Oh, we agreed on this plan and we agreed on this calendar. How come we're not doing it?" We've said, "Fair enough. There is new evidence. Let's follow it."

The notion that the Conservative side is trying to portray, that we're trying to hide something or block evidence or push this under the rug, is absolutely false. I challenge all Canadians: If you want, call my office. I'll pull the list of the number of committee meetings we've had on ArriveCAN and the number of witnesses we've called. And what have we shown? There's nothing but a bunch of five-minute clips on social media of members, and now even the media is saying, "Oh, my God."

● (6615)

I will quote what they are saying, just because everybody else quotes the media. By the way, I'm not answering any questions from the media after this, so don't bother coming and asking. What they are saying is, "On ArriveCAN, Conservatives switch from prosecution to defence".

Let's talk about that. If we don't stop this process, it could be perceived.... I'm not a lawyer, so I'm trying to be very careful about my words so that I'm not putting anybody in any position of wrongdoing. If we don't stop this, what could be perceived is that we had access to information. This information didn't line up with perceived strategy. Then we asked who was providing this, and it was CBSA through Mr. Lafleur, so we said, let's call the witness. I'm saying it could be perceived as such: Let's call Mr. Lafleur, and let's challenge him and the credibility of the investigation before it gets out.

That's the wrong perception, because that's not the job of this committee. I don't think any member on this committee would ever do something like that, but that's the perception that could be derived by those who are watching and potentially by media. If they are coming back and they are saying you're switching from prosecutor to defence, could they come tomorrow and say that's the perception? I don't want the media to have that perception.

We are talking as if we are going to shut down this ArriveCAN study. No, I don't want to shut down the ArriveCAN study or the Botler AI investigation because, if after five months of doing our so-called investigation we have not been able to come up with one iota, aside from a couple of wrongdoings.... These are of a serious nature, I agree, and hopefully would lead to process changes and new regulations around multi-levels of contracting, around using standards for résumés and all of that.

There is no bombshell here. There's a lot of wrongdoing, but this wrongdoing seems to be in certain cases. It has been there for a long time, and it's time for it to be highlighted.

By no means is our side saying to stop ArriveCAN. What we are suggesting is a pause. Let's pick one of the other 10 studies now—potentially 11 or 12 studies, as we have a couple of motions—to be able to talk about something so that we could at least have one output before the end of June, after about a year and a half: shipbuilding strategy, air defence strategy, ArriveCAN, outsourcing, Canada Post, you name it. We haven't done anything but ArriveCAN, and we have been supportive. We have been a willing partner, so it's not fair to say that we are trying to push things under the rug.

We will go back to ArriveCAN. We will call witnesses, but I am adamant about the fact that, until the studies have been completed, the AG report is out and RCMP report is completely out, and we have had ample time to read them, every time there's a motion to bring a witness with regard ArriveCAN, I am going to move a motion to dismiss that witness until they are all done, because we are interfering in the wrong way in this investigation that's being done, whether it's administrative....

● (6620)

If I want to debunk some of the comments that my colleague Mr. Brock made, I'll have to refer to some of the contents of this at least 71-page document, which I hope you guys read. If I have to use words in here to debunk those comments, I'm going to run the risk of opening up the line of questioning in such a way that it will reveal the contents of this report. That's wrong. That is absolutely wrong.

Continuing with this is justification of a wrongdoing in our approach. We've agreed on a plan for ArriveCAN. We've been supportive all along. We've pushed everything else out. We will continue with this report when everything is out, and all the witnesses will be called.

I don't know what their strategy is. Why have the Conservatives changed their position? Why are they trying to go down the path of a potentially perceived concept of discrediting a witness who is leading an internal investigation?

If we want to continue answering some of the questions and some of the comments our colleagues on the other side are raising, we will go and open this up. This is not the right time to do that.

Thank you.

● (6625)

The Chair: Thanks, Mr. Jowhari.

Mr. Lawrence.

Mr. Philip Lawrence: Thank you. I'll be fairly brief.

In fact, I'll point out the irony of us calling for a vote that will, as I can count, dismiss the witness. The Liberals won't let us because they want to continue to filibuster, which is a slightly different strategy.

The part about this Liberal government that has been consistent is its scandals. We haven't seen anything in Ontario like this since, perhaps, the Wynne and McGuinty governments. There was scandal after scandal after scandal. We've seen consistent behaviour right from Wynne and McGuinty to Trudeau, which is cover-up after cover-up after cover-up.

It also provides us with a precedent. On SNC-Lavalin, did the committee cease investigating it prior to the RCMP? No. On WE Charity, did the committee stop studying it prior to the RCMP—

Mr. Irek Kusmierczyk: Mr. Chair, on a point of order, what is the relevance here to this discussion?

Mr. Philip Lawrence: That's not a point of order. It's disrespectful.

The Chair: I'll address that. On the question of relevance, I consider it fully relevant.

Continue, Mr. Lawrence.

Mr. Philip Lawrence: Thank you.

We see that with We Charity, once again. There is absolutely nothing wrong. On the Aga Khan, did the committee stop investigating it before the Ethics Commissioner? Then there were the groping allegations. Would those stop a committee from investigating? Absolutely not. The precedent is clear. We have the authority and we have the right. We are a committee of Parliament. We not only have the right; we have the obligation. In fact, it's an abdication of duty to not study this significant scandal.

I'll give you a prediction, Mr. Chair. We will see this government's continued filibustering and avoidance—because they want to avoid this. That's called a cover-up.

Thank you.

Mr. Larry Brock: Well done, Philip.

The Chair: We'll go to Mr. Bachrach, please.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

I've been on this committee for only three meetings now, but I must say, it's been a somewhat bizarre experience. I hope it's not me. I hope things weren't going along perfectly smoothly until I showed up.

I was listening to Mr. Brock's vociferous objection to the motion we have in front of us. I listened for the first few minutes. I think I got the gist of where he was going with it, and then I admit I lost focus and started doing something else on my phone for a brief moment and I missed the “road to Damascus” moment, this turning point, when all of a sudden the play shifted from one end of the ice to the other.

Anyway, this seems to be one of the themes, something I've picked up in this study, that things change very quickly in terms of where people are coming from.

I agree with the spirit of this motion. I think everyone wants to get to the bottom of what happened. I've read through the preliminary statement of fact and I don't think that it would be compromising the investigation to say that what I read I found deeply trou-

bling. I think most Canadians, if they read the statement of fact, would be deeply troubled by what, it seems, has gone on.

I am concerned, however, that if we continued down this line of questioning of Mr. Lafleur, as was occurring at the last meeting when some of the contents of the preliminary statement of fact were disclosed, we would compromise the investigation. I think what most Canadians want is a full, impartial, objective investigation by the proper authorities who have access to all the information, to get to the bottom of what went on—and whether there was misconduct, wrongdoing or criminality—so that the people responsible for that will be held to account for their actions.

The best way we can do that is by letting those authorities continue with their investigation. No one is questioning whether this committee has the right to continue down this path. Obviously we do. Committees have tremendous latitude to investigate what they see fit to and to compel evidence and to produce documents and that sort of thing. However, all of a sudden I find myself in violent agreement with everyone around the table that we should dismiss the witness.

I thank Mr. Lafleur for returning to committee and spending the last hour or so with us.

I hope the investigation takes place in a timely way and we're able to get the answers to the questions that Canadians have about what has taken place.

I do believe that after those investigations have concluded—both the internal investigation by CBSA and the RCMP's investigation—that would perhaps be a more appropriate time for this committee to bring witnesses back, when we have documentation and we have reports in front of us, to ask further questions about where we go from there.

I'll leave it at that, Mr. Chair. I'll be voting in support of the motion.

Again, I thank you for your forbearance.

• (6630)

The Chair: Great.

I have Mrs. Kusie, Mr. Sousa and then Mr. Genuis.

Mrs. Stephanie Kusie: Thank you very much, Mr. Chair.

It is not a surprise to me at all that the government has asked to dismiss the witness because of the embarrassment of this entire scandal—\$54 million for an application, \$11 million paid to two individuals working in their basements—and the consistent mismanagement we have seen from this government. Of course they're going to do their best to shut it down at every single step of the way. Of course they are going to have their coalition partner, the NDP, help them shut down this investigation every single step of the way, including having Mr. Lafleur here today, Mr. Chair. This is not at all a surprise to me.

As well, I worry very much about the precedent we are setting in this committee, Mr. Chair. We previously had the—

The Chair: I'm sorry. Let me interrupt.

Colleagues, please, can we end the chatter back and forth? I will say that for both sides. Please show respect for Mrs. Kusie.

Mrs. Stephanie Kusie: Thank you very much, Mr. Chair. I appreciate that. I know on the Liberal benches they are used to their leader shutting women down and so they do what they see there, and they're attempting to do that here as well.

As I said, we've seen the precedent within this committee of witnesses cancelling or not being able to show up as a result of medical notes. We on this side of the committee bench have come to term it as the ArriveCAN flu, very unfortunately. Now we have another negative precedent being set here today: the dismissal of witnesses who have been called to this committee.

In fact, one member of this committee has said that from now on, they will move to dismiss every single witness brought to this committee on ArriveCAN. Well, they are going to be wasting a lot of time dismissing witnesses, and we're going to spend a lot of time going through this process again and again, which will only lead further to the frustration of Canadians and to evidence of the cover-up that is going on here. It's very clear.

I would also like to say that we on this side follow the evidence where it leads us. Where it has led us here today is to an issue that was brought to light on Monday, which I and my Conservative colleagues have been mentioning all week in the House, that this government is investigating itself. In fact, Mr. Lafleur reports to Ms. O'Gorman, who, as my colleague Mr. Brock pointed out, has been untruthful to this committee more than once.

However, I have bad news for the government. On Monday, the Auditor General will release her report, and guess what? The Auditor General doesn't report to the CBSA or to Ms. O'Gorman, so even if the government wants this to go away, it's not going to go away, because Ms. O'Gorman didn't even have the decency to inform the Auditor General of the RCMP investigation. That's an important piece of information here.

It is of no surprise to me that this government, along with their coalition partner, is attempting to dismiss this witness. I am very concerned about the precedents that we have set within this committee. Again, we follow the evidence where it leads us, and it leads us to a government investigating itself.

It's not going to get any better on Monday when the Auditor General releases her report. There will be even more questions. Canadians will demand that we get answers. This might not be a courtroom, but it is a place where we are accountable to Canadians and finding out the truth for Canadians.

As I said, you might want this to go away, but this isn't going away, because after all this time, we have hardly any answers. Your government created such a mess with procurement. Your government created such a mess with ethical issues, again, starting from the top. You on the other side of the table might want this to go away, but it is not going away. It will continue.

Thank you very much, Mr. Chair.

• (6635)

The Chair: Thanks.

We'll go to Mr. Sousa, but before we do, I'm going to remind both sides to please keep it down. Allow the person who has the floor to continue. That is for both sides.

Go ahead, Mr. Sousa.

Mr. Charles Sousa: Thank you.

I think Mr. Brock and Mrs. Kusie have just reaffirmed why it's inappropriate to have this witness at this point. There are a number of allegations that have been made, a number of attempts to discredit various individuals consistently and a number of efforts taken to sound as if we're.... It's a lynching that seems to be happening in this room. That is inappropriate, given the investigation under way.

The RCMP have been provided with the information needed to do their own investigation as they see fit. To the point made, the Auditor General will come out on Monday with her report as well. When it comes to the truth, or the myth of truth.... This seems to have been rampant around this room over the last five or six months as we've talked about ArriveCAN. It doesn't sound like we're trying to cover anything up. We're actually having open discussions about it and encouraging those discussions because we, too, want to ensure that the activities of government are done appropriately.

To that end, Mr. Brock referenced the fact that people were getting paid for work they did not do. Well, that's not what the ombudsman said. The ombudsman said that no one was paid for work that was not done, regardless of baiting and switching. There were a number of references made to that. By the way, this is a practice that was also evident throughout the Conservatives' time in government and throughout industry and other sectors of the economy and the world. They take on contracts and move those contracts to do other work as they deem relevant. No one got paid for work they did not do. We'll make that very clear. The ombudsman made that clear, as well.

Then there's Kristian Firth. The member opposite talked about this terrible engagement that's been happening recently. Well, that, too, is not true. The fact of the matter is that Kristian Firth is someone who dealt in procurement under the Conservative regime as well, under a different name. That's been ongoing for some time.

As I said, the deliberations and release of confidentiality that Mr. Brock admitted to in his speaking engagement bring light to the fact that we have to take a pause and protect the interests. It seems as if people are tampering because they have some kind of authority or knowledge, or they have decided they want to do something beyond what they're doing in the House. They want to go further. That's certainly your prerogative. However, when you put at risk the deliberations and the investigation.... Now you're trying to discredit the investigator and witnesses. If you discredit the investigator, we're never going to get to the conclusion.

Thankfully, we are going to have a conclusion. Thankfully, there are a number of people who have all the facts. There are individuals who are reviewing this thing in its entirety. They're not looking at one point in time. They're sure not taking a political lens to it, being partisan about the issue or trying to get political points, video points, clicks on their Facebook or whatever it is they're doing. We need to take action to protect the integrity of the investigation and the results that come from it.

This is why we need to ensure there's some neutrality in the approach taken. This committee is not being at all neutral. They're predetermining and presupposing the issue. That is, in my opinion, wrong. To the point made, I'm no lawyer, but, man, I think I understand that, when you're trying to deal with a situation, protect people's rights and represent all Canadians in the House, you have to take some appropriate measures to ensure no one is prejudiced by some of the actions being taken.

When you look at some of the issues in regard to other governments and other levels.... Oh my gosh, there is a long list of allegations and misguided measures taken by all governments. I'm not going to go into the greenbelt issues, the licence plates or matters relating to other issues. What we need to do is ensure we uncover any wrongdoing, protect those who are engaged and make certain that those who have done wrong are held accountable and exposed. That is important.

The precedent we worry about here, which Mrs. Kusie is talking about, is a precedent of actually dissuading witnesses from appearing, acting as though we're lynching everybody who comes into this place and putting people at risk.

● (6640)

The matter is that we've been doing this for five to six months; we have a number of witnesses who have appeared before us, and we've taken countless amounts of information. The investigators and those who are taking the precautions, including the RCMP and others, are, from what I understand, very concerned with the confidentiality measures, the obstruction that has taken place and the integrity of the investigation, which is put at risk.

I think we wait now until we have the results of those investigations. It doesn't seem effective, what we are doing here, so let's move on to other matters of consequence, like the Canada Post motion, like other things that I know are relevant and that people want to see. We want to see results.

We want to see a resolution to this issue, and that's not obstructing you: You're obstructing. I think the members opposite are actually making it worse.

Let these investigators do their job effectively.

I will support the move to release Mr. Lafleur from this kangaroo court for today and ensure that we not proceed until we get proper results.

That's it, Mr. Chair.

The Chair: I have Mr. Genuis up next, and we have a hard stop at 7:07.

Mr. Genuis.

Mr. Garnett Genuis: I'll strike, Chair.

The Chair: In that case, I have Mrs. Vignola, then Mr. Bachrach and then Mr. Brock.

[*Translation*]

Mrs. Julie Vignola: I'll be brief.

I'll wait until all my colleagues have put on their earpieces so they can understand the extremely intelligent things I have to say.

I think we all generally agree that we should let Mr. Lafleur leave the meeting. Each party has its own reasons for that, if I understand correctly. Nobody wants to stop the ArriveCAN study; that seems unanimous, too. All we're doing is putting it on hold while the investigations take place. We all want the whole story. We all want to understand what happened and come up with solutions—I feel like I'm repeating myself, it's crazy—to improve processes, particularly procurement processes, and to make sure that no one can take advantage of loopholes, if there are any.

At this point, we have less than 22 minutes for committee business. We've all talked about this issue very intelligently and passionately. I therefore move that we now proceed to committee business, please.

● (6645)

[*English*]

The Chair: Thanks, Mrs. Vignola. That motion is a dilatory motion and is, I think, perhaps what was intended at the very beginning.

The motion is to proceed to committee business, which would end this and bring us to our next point, which would be our in camera committee business. We'll take a recorded vote.

Mr. Taylor Bachrach: I have a point of order, Mr. Chair.

The Chair: Mr. Bachrach, we have a dilatory motion, so I don't think we can entertain a point of order. It brings us to an immediate vote, and we can't do points of order during the vote.

Mr. Taylor Bachrach: I was just thinking that Ms. Vignola's intention may not actually be achieved by the motion she put forward, but it's in order, so I'll just vote.

The Chair: The motion is to go to committee business. It's a dilatory motion that we have to vote on, and that takes us to the next part of committee business on the schedule, and the agenda was to—

Mr. Charles Sousa: What happens to the witness once that happens?

The Chair: We dismiss everyone from the room, because committee business is in camera. I suspect....

Hold on for two seconds.

For committee business, basically we send Mr. Lafleur away. We can have him come back at a future time at the committee's pleasure—no offence to Mr. Lafleur—when the committee decides he should return.

Mr. Majid Jowhari: We're dismissing a witness.

The Chair: It's not dismissing the witness. It's effectively dismissing the witness. It's not confirming Mr. Sousa's original motion. It's to move to committee business.

We'll go to the vote right now.

Are we clear on what we're doing? Can we move forward with the vote, everyone?

An hon. member: Yes.

Mr. Charles Sousa: Just to clarify—

The Chair: No, we're moving to the vote. I've said it twice already. It's a dilatory motion, and we're going to the vote.

I think your team will direct you.

(Motion agreed to: yeas 7; nays 3)

The Chair: The motion passes. Even I can do that math.

Give me a couple of seconds, everyone.

Go ahead, Mr. Sousa.

• (6650)

Mr. Charles Sousa: I move that we go back in public.

The Chair: We are in public.

Mr. Charles Sousa: I move a notice of motion.

The Chair: Do you have the motion?

Mr. Charles Sousa: I do, and I have it in both languages.

The Chair: Would you care to distribute it?

Mr. Charles Sousa: It's being sent now, I believe.

I'd like to read it, if I may.

The Chair: Go ahead, Mr. Sousa.

Mr. Charles Sousa: The motion is:

That pursuant to Standing Order 108(3)(c), the committee undertake a study on the government's work towards regulatory modernization; that the committee examine matters including examining how to reduce the unnecessary administrative burden for individuals and small businesses; examining how to simplify regulatory processes, including certifications and codes of practice, without the need to make regulatory changes, and the introduction of regulatory sand boxes; cutting unnecessary red tape to make cross-border trade easier through more consistent and coherent rules across governments, such as adopting national standards more widely; examining regulations that may impede international competitiveness;

That the committee allocate four meetings to conduct this study; that witnesses be submitted to the clerk of the committee by February 21, 2024; that the committee report its findings and recommendations to the House; and that pursuant to Standing Order 109, the government table a comprehensive response.

Mr. Garnett Genuis: On a point of order, Chair, is the member moving the motion or providing a notice of motion? He said he's moving a notice of motion.

Mr. Charles Sousa: I'm reading a notice that's been provided, but I am moving the motion.

Mr. Garnett Genuis: You're either providing—

Mr. Charles Sousa: I am moving a motion and I'm reading the notice of motion that's been provided.

Mr. Garnett Genuis: It's not a notice of motion if you're moving it.

Mr. Charles Sousa: I'm moving the motion, man.

Mr. Garnett Genuis: Okay.

The Chair: I think we understand the intent, but perhaps we'll advise that in the future, we're following the proper procedures.

Mr. Garnett Genuis: Am I on the list, Chair?

The Chair: Yes, we'll start the speaking list with Mr. Genuis.

The motion is going out in both official languages.

An hon. member: Can we let the witness go?

The Chair: No.

Mr. Lafleur, you can hang around here for the next six months until we're ready for you.

A voice: Oh, oh!

Let me interrupt for two seconds. I have to check something with the clerk as well before we proceed.

Mr. Lafleur, thanks again for being here on short notice. We will see you again.

Mr. Genuis, are you speaking on this motion?

Mr. Garnett Genuis: Yes, thank you, Chair.

This committee has important, unfinished business with regard to the ArriveScam scandal. Just briefly on the substance of the ArriveScam scandal, I am flabbergasted by some of the comments the Liberals have made, saying, "This committee hasn't done anything; we haven't seen anything." Well, I wonder what committee they have been at, Mr. Chair. Over the last four months, we have heard incredible testimony, with senior public servants accusing each other of lying in a parliamentary committee, and this is—

Mr. Charles Sousa: I have—

Mr. Garnett Genuis: Oh, he's going to try to correct me on the rules.

Mr. Charles Sousa: On a point of order, Mr. Chair, I just want the relevance of this commentary regarding this motion—

Mr. Garnett Genuis: You proposed a motion about the committee's agenda. Of course it's relevant.

The Chair: We always allow a very wide breadth for discussion.

Go ahead, Mr. Genuis.

Mr. Garnett Genuis: This is a narrow breadth. You proposed a motion about the committee's agenda, and I'm discussing the committee's agenda, Mr. Sousa.

The committee has, for the last four months, heard absolutely breathtaking testimony of various senior public servants and whistle-blowers accusing each other of lying and presenting devastating testimony about a \$54-million contract for the development of an app that went to a company that had no internal capacity whatsoever to develop apps or do IT work. We gave \$54 million to a company that subcontracted all the work, and we've already seen a devastating report from the procurement ombudsman.

We have an Auditor General's report coming out. The RCMP are investigating. The procurement ombudsman released her report. The Auditor General is investigating. This committee has been investigating, and the Liberal members say, "Nothing is going on here. Nothing's going on; what's there to study, guys?" Come on. When the Liberals think nothing is going on, when they say there's nothing to see here, Mr. Chair, that tells Conservatives that we need to dig even deeper.

There is important business that this committee had to deal with in the context of the ArriveScam scandal, and I believe that was the intention of the committee business. Nonetheless, the Liberals have made clear that they want to hide the information, that they don't want to have this discussion. They moved a motion on another subject that the committee has not even seen yet.

I'm sorry; when you table drop a motion that has not been distributed to members and there are 12 minutes left in the committee, that is not a serious attempt to adjudicate the issue. We will review the motion that Mr. Sousa has moved in good time. We will consider it; we will evaluate it, but this is obviously fundamentally not what this is about. This is about Mr. Sousa's building on his scandalous record with the Wynne government, trying to divert and bury the ArriveScam scandal investigation.

Since the Liberals are clearly opposed to doing that work, and since they have sought to dismiss the witness we had important questions for today, I think there's just nothing left to be done.

On that note, Mr. Chair, I move that we adjourn.

● (6655)

The Chair: We have a motion to adjourn.

(Motion agreed to: 8 yeas; 2 nays)

Colleagues, while the vote is being tabulated, I want to get in very quickly that we had cancelled Monday because of the AG, but we do have some pressing issues. We have to do in camera budgets and some other things that are preventing us from moving forward on a couple of things.

I'm going to maybe try to fill in 30 minutes on Monday around the AG. This stuff really is important, and I have to get to it, so I'll follow up and let everyone know.

Mr. Majid Jowhari: Yes, but I think the AG meeting is going to be over by 11:00, so we could have our—

Mr. Garnett Genuis: We just passed a motion to adjourn.

The Chair: We are adjourned.

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