



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Government Operations and Estimates

EVIDENCE

NUMBER 104

Wednesday, February 21, 2024

Chair: Mr. Kelly McCauley



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• (1305)

[English]

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

Good afternoon, everyone. Welcome to meeting number 104 of the House of Commons Standing Committee on Government Operations and Estimates.

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

As a reminder, please do not put earpieces next to the microphones, as doing so causes feedback and potential injury to our very valued translators.

Welcome back to OGGO, Ms. Maynard. I understand you have an opening statement, please.

The floor is yours.

[Translation]

Ms. Caroline Maynard (Information Commissioner, Office of the Information Commissioner of Canada): Thank you, Mr. Chair.

Thank you for inviting me to speak to this committee today.

It has been three years since my last appearance, but I expect that many of the things that you will hear me say today will be very much in line with what I said in previous appearances.

[English]

From the very start of the pandemic, my message has been the same.

In April 2020, as government institutions came to grips with the impacts of remote work, I issued a very clear warning. The extraordinary circumstances we found ourselves in had not suspended the right of access to information, a quasi-constitutional right, nor did they absolve institutions from the duty to document, which is a principle that underpins this right and is at the heart of government transparency.

After all, as I noted in my January 2021 submission to the government's review of access to information, the right of access is contingent on two factors: one, institutions properly documenting their key actions and decisions, and two, the retention of these records.

Simply put, the right to access government records depends on those records actually existing. In those early days of the pandemic, I spelled out the requirements of this duty in practical terms: Heads of institutions needed to ensure that their officials generated, captured and kept track of records documenting decisions and actions. These records also needed to be properly managed at all times.

I asked leaders to set the example by providing clear direction and updating guidance on how information was to be managed in their new operating environment.

[Translation]

Because I foresaw the grave consequences that could arise from a failure to do so, I also offered a prediction for the future. In a statement published in April 2020, I said this: "When the time comes...for a full accounting of the measures taken and the vast financial resources committed by the government during this emergency, Canadians will expect a comprehensive picture of the data, deliberations and policy decisions that determined the government's overall response to COVID-19."

In the months that followed, I continued to insist on the importance of carefully documenting decisions and actions, while efficiently managing information. I then explained how challenges faced by public servants working from home with respect to managing information, capturing it and storing it in government repositories were creating barriers to transparency and eroding the government's accountability to Canadians.

In fact, you can find such references in my opening remarks for my previous appearances before this committee.

[English]

With all this in mind, you can understand that I was dismayed by the release of the Auditor General's report detailing that the Canada Border Services Agency's documentation, financial records and controls were so poor that she was unable to determine the precise cost of the ArriveCAN application.

I reject any suggestion that in retrospect, given the circumstances that arose from the pandemic, a failure of this nature was justifiable or even understandable. I also take issue with the notion that this type of outcome could not have been foreseen.

[Translation]

As I have demonstrated, I was acutely aware of the possibility that this type of scenario could happen, and had been consistently and repeatedly issuing warnings to our leaders to take the necessary steps to avoid it, practically from day one.

In closing, I would like to remind you that my mandate is very specific: I investigate complaints about the processing of access requests by government institutions. I can confirm that the Office of the Information Commissioner has received complaints about requests related to decisions that were made and contracts that were awarded by federal institutions during the pandemic.

As my investigations must be carried out in a confidential manner, I will not be able to comment further on them. Nonetheless, I will be pleased to answer your questions.

Thank you.

[English]

The Chair: Thank you very much, Ms. Maynard. I again appreciate that you were able to join us today.

We'll start with six minutes with Mrs. Block, please.

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

Thank you, Ms. Maynard, for joining us today. I appreciated your opening comments, and I think no truer words, back in 2020, were spoken with regard to the collection of information, the duty to document and the retention of information.

I think what we're seeing today, as the Auditor General has pointed out and as you've pointed out in the report of the procurement ombudsman, is that there are gaps in documentation, either in creating it or in keeping it. We don't know whether documentation was never created or whether it was destroyed, and we need to get to the bottom of these questions as a committee that is responsible for ensuring that Canadians are getting good value for the money that is being spent on their behalf.

I know that your office investigates complaints from individuals who believe they have been denied their rights under the Access to Information Act and that you strive to ensure compliance with it. One of my concerns would be the inability of members of Parliament, through the work that they're doing on committees, to be able to access information. We've had to abandon a study that we were doing on outsourcing, with a specific focus on McKinsey, because we were not able to access documents. Not being able to access them meant that there were departments that simply refused to provide this committee with the information necessary to complete that study and come forward with any recommendations.

I also note that part of your role is to function in an advisory role to Parliament and parliamentary committees. What advice do you have for parliamentarians? How can your office help parliamentarians in their ability to access information from departments in trying to undertake their duties?

• (1310)

Ms. Caroline Maynard: It's difficult for me to provide advice to you as parliamentarians in accessing information outside the system

of access to information, because my role is really to implement the act. I know that some of you have used the act, and you know how frustrating that could be as well, because of delays and because of exemptions being used. My office is not able to seek cabinet confidence within our investigations as well. We are the only jurisdiction in Canada in which a commissioner does not have access to cabinet confidence to confirm that the information is actually a secret of cabinet.

I think if there's advice to be given, I've been asking for a legislative review. The government had promised one. Within our legislation right now, there's a mandatory legislative review that was going to be happening in 2020. It led to a list of issues with the system, but the review of the actual legislation will happen only in 2025, I'm told.

As parliamentarians, I think, as members, you have the power to make recommendations with respect to what kinds of statutes you think that Canadians are entitled to. The right of access is not just for you, but for journalists, for Canadians, for members. There's a lot of information out there, and I always said that the records of government are public records. It's not a privilege to access those. Access is a right, and we should not have to struggle to get access to that information. It should be provided as voluntarily as possible.

One thing I advise is to change the legislation to modernize it, to make it more accessible.

Mrs. Kelly Block: Thank you very much.

I think you've touched on a source of frustration for not only parliamentarians but for others who submit access to information requests. It's about the length of time that it might take for a department or a minister's office to respond, and then oftentimes the answers that are given are not as in-depth as they should be.

I know we've talked at committee about putting forward access to information requests in order to get the information that we're not able to get through the request for documents. I also want to note that it does say that the commissioner can issue orders related to a record, including orders requiring institutions to disclose information.

How does that fit within the access to information process? Is that something outside of a request for information? How do you undertake to issue orders related to a record, including requiring institutions to provide information?

• (1315)

Ms. Caroline Maynard: This is an authority that—

The Chair: I apologize. That is our time. You might have to get back to it at another intervention.

Ms. Atwin, you're up for six minutes, please.

Mrs. Jenica Atwin (Fredericton, Lib.): Thank you very much, Mr. Chair.

Thank you, Ms. Maynard, for joining us today. It's good to see my committee members as well. Most of us are joining from across the country. I'm here from unceded Wolastoqiyik territory in New Brunswick.

I appreciate very much your opening comments as well, the idea that of course the pandemic is not an excuse to not do our due diligence to cut corners, but the contrary. I really appreciate, again, that you reinforced time and time again the need to carefully document any decisions, particularly during a time of crisis.

That's led us here. We've had a very in-depth discussion about what has transpired, which has certainly been a lot since the last time you might have been before a parliamentary committee three years ago.

I was also disappointed with what the Auditor General found. Of course, she put forward eight recommendations. They've been accepted. I look forward to their being implemented. Also, the Office of the Procurement Ombud put forward a procurement practice review that also had 13 recommendations.

I would like to ask you something in reflection of that review. The Office of the Procurement Ombud procurement practice review—it's a mouthful—found that the proactive publication information was missing for 17 of 41 contracts, and that's 41%. In these 17 cases, either the original contract or one or more contract amendments valued at more than \$10,000 were not available on the Open Government website. What are the consequences for Canadians when contract information is not proactively disclosed?

Ms. Caroline Maynard: Currently, proactive disclosure is part of part 2 of the legislation under the Access to Information Act. Part 2 is a section that is not under my authority, so in simple terms, I don't have the authority to investigate and I don't have the authority to accept a complaint with respect to what is proactively disclosed or not disclosed with respect to the lists that we find in part 2. There are no consequences, and there is also no right to complaint with respect to that part.

Mrs. Jenica Atwin: Do federal organizations, or public servants, face any consequences for not fulfilling their proactive disclosure obligations?

Ms. Caroline Maynard: Not that I'm aware of. Unless you complain to the minister himself or herself and they have some requirement internally with respect to performance, there is no way to determine that somebody is failing their obligation. The commissioner's office does not have the authority.

We asked for the authority in the legislative review. Again, that's something that parliamentary members can recommend for the next round of legislative amendments.

Mrs. Jenica Atwin: Has the Canada Border Services Agency contacted you about implementing the procurement ombud's recommendation concerning proactive disclosure?

Ms. Caroline Maynard: Again, no, because it's not something that falls within my authorities. The only relationship we have with CBSA is with respect to complaints with access to information requests. Those complaints are active. We are investigating those complaints as we speak.

Mrs. Jenica Atwin: In your experience, how common are issues about proactive publication of federal contract information? Do you have general experience with seeing that happen?

Ms. Caroline Maynard: I can tell you that a lot of complainants are trying to complain about it because they are aware that this is

something that needs to be done, but because it's not within my authority, we don't keep track of who is doing it and who is not doing it. I'm busy enough with the 4,000 complaints that I receive every year under access to information.

I don't have a team that could be doing that, but I know that people in the public are complaining about the legislation not being updated.

Mrs. Jenica Atwin: Sections 13 to 26 of the Access to Information Act set out the exemptions that prevent federal organizations from providing access to government records as part of access to information requests. Much of the federal documentation requested by the committee was provided with redactions on the same grounds as these exemptions.

In your view, do exemptions in the Access to Information Act extend to parliamentary committees' right to access all information contained in these documents? Why, or why not?

Ms. Caroline Maynard: I believe that the parliamentary privilege of access is a different system. It should be treated differently. I think the Access to Information Act can be a good tool in that some of the exemptions deal with national security and what the test is in terms of releasing some of that information. It's the same thing for commercial information. It could be, again, a tool that could be used to determine whether information would be harmful, but at the end of the day, the act does not apply to a request made under parliamentary privilege. It's a completely different environment.

• (1320)

Mrs. Jenica Atwin: Okay.

Quickly, as my time is ticking down, you mentioned that you have received complaints about access to information requests related to ArriveCAN and what we've been discussing. I know you can't comment further, but is there anything in general you can say about the subject of these complaints that you might be able to share with us?

Ms. Caroline Maynard: Generally, I can tell you again that if records don't exist, access does not exist. Within our authority to investigate, we would be looking at what people are asking for and whether it was created, but I'm limited to records. The act applies to records that have been created, documented and managed properly.

Mrs. Jenica Atwin: Thank you very much.

The Chair: Thank you very much.

Mr. Julian, from the land of the New Westminster Bruins, welcome to OGGO. The floor is yours for six minutes.

[Translation]

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you, Mr. Chair.

[English]

The Chair: Mr. Julian, I apologize. It's the Bloc first. We will get to you in six minutes. I'm sorry about that, sir.

Ms. Vignola, please, you have six minutes.

[*Translation*]

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

Thank you for being here, Ms. Maynard.

I'm going to come at the issue from a slightly more technical and practical standpoint.

The Government of Canada has a website, buyandsell.gc.ca, where people can look up standing offers, supply arrangements and so on. However, the site doesn't necessarily provide information on the contracts related to the standing offers, supply arrangements, requests for proposals and other mechanisms listed on the site.

Open Government is another site where people can look for information on contracts, but only information that goes as far back as 2010 or so. You are lucky if you can find information on contracts from before 2010. It's exciting stuff. You run into the opposite problem on the Open Government site as compared with buyandsell.gc.ca, which doesn't give you the contract number or amendment number. You can find the contract, but not the general details of the contract. Buyandsell.gc.ca doesn't tell you whether the contract is for a standing offer, a supply arrangement or what have you.

Confirming a contract and calculating the exact value of contracts awarded to a particular company or in relation to a specific item is incredibly difficult because you don't know how much the original contract is for. It might be for \$50,000. You also don't know the value of the amendments, including the last one, which has to be counted. It might be for \$2.5 million.

Doesn't that prove that "open government" is just a saying that doesn't mean much in reality?

Do you have any advice for people who want information and are searching in earnest?

Ms. Caroline Maynard: Again, information that is not proactively disclosed on various government sites is outside my investigative mandate. That is not within my authority. The information is made available voluntarily or is not disclosed under part 2 of the act. Unfortunately, my office does not have the authorization to verify, research or investigate that information.

I strongly encourage people in government to make the information available voluntarily given how clogged the access to information system is. The information should be readily available. Is that happening? You're in the same boat I am. When we do our investigations, we try to find information that is publicly available. That's not always easy. We use the same tools you do when we look for information.

I am here to push for information that is as widely available as possible. It's the same when we investigate a record that was carefully examined. When Canadians see that information is missing or is not readily available, they lose trust in the information they are given.

Certainly, it supports transparency when a website makes comprehensive information readily available to Canadians, to the greatest extent possible.

• (1325)

Mrs. Julie Vignola: Whenever I look for information on buyandsell.gc.ca and the Open Government site, it brings to mind an old saying, "divide and conquer". The information is divided up so that people can't connect the dots. That's a personal observation.

Ms. Maynard, given all the work that your mandate involves, does the government give you the funding you need to ensure the transparency of information, now and in the future?

Ms. Caroline Maynard: Currently, my office receives enough funding to handle about 4,400 complaints annually. In the past few years, we've received about 8,000 complaints per year. I'm glad to report that the number of complaints dropped this year. For the first time, we've been able to tackle some of the backlog, which had been growing every year.

I definitely do not have the funding I need to keep reducing the backlog and dealing with the complaints we receive every year. The number of complaints varies from year to year, which is why we asked for an independent funding mechanism. Such a model would ensure that my office receives funding commensurate with demand.

Currently, however, we have to submit requests under the federal government's existing system.

Mrs. Julie Vignola: Is your office among the government organizations that were asked to reduce their budgets?

Ms. Caroline Maynard: Fortunately not. My office was spared the budget cuts, because we report to Parliament.

[*English*]

The Chair: Thanks very much.

Mr. Julian, now we will go to you. My apologies: I had hockey on my mind.

Please go ahead, sir, for six minutes.

[*Translation*]

Mr. Peter Julian: Thank you, Mr. Chair.

I want to acknowledge that this meeting is taking place on the traditional unceded territory of the Qayqayt and Coast Salish peoples.

Thank you for being with us, Ms. Maynard.

We know that the use of subcontractors has been growing for many years. Under the Harper government, the number of subcontracts doubled. Under the current government, the number of subcontracts quadrupled. That is indicative of a lack of transparency and abuse of the system. We saw it under the Harper government, with the whole scandal over the Phoenix pay system and the engineering and technical support services. Now we are seeing it again, with ArriveCAN, unfortunately.

[English]

Given that we've seen this massive increase in contracting out, both under the Conservatives and now under the Liberals, I wanted to ask you, to start.... You did mention that a number of complaints have come in regarding ArriveCAN. I'm wondering to what extent you're receiving complaints about government procurement in general, and particularly in relation to contracting out, and can you also share with us the number of complaints that you have received on ArriveCAN?

Ms. Caroline Maynard: Specifically about ArriveCAN, I cannot come up with an exact number. I think it's fewer than 20.

In general, contracting with the government is a big issue, and it's definitely something that Canadians want to know about. They are interested in finding out how much money is spent and on what. Other companies are also interested in the information to know who made a submission and who won the bid. We have a lot of requests from other public entities, as well as other private entities.

Generally, contracts should be open. The clauses that are used for contracting should be in the public domain. Very limited information on those contracts should be redacted. In our investigations, we often find that we have to recommend or order the disclosure of information that is not protected under the act.

The exemptions under the act are very specific. You can find them under section 20. The test is very limited, but unfortunately, third parties, contractors and subcontractors often try to not have that information out there in the public domain.

● (1330)

Mr. Peter Julian: Thank you for this.

There are upward of 20 complaints about ArriveCAN. Do you have an estimate of the number of complaints you've received about government procurement in general, particularly on contracting out, which was started massively under the Harper Conservatives and has increased even more under the current government?

Ms. Caroline Maynard: I don't have those numbers with me, but I can definitely send you a report with the number of requests or complaints we have had with respect to section 20, which is related to contracting.

[Translation]

Mr. Peter Julian: Thank you.

I want to turn to the independent funding model now. We saw a similar situation under the Harper government, which slashed the Auditor General's funding, making it almost impossible for the Auditor General to do their job during that time.

I gather from what you said that your office is underfunded, in addition to having to deal with budget cuts that will make it even harder for you to do your job.

Do you, as an officer of Parliament, genuinely believe that an independent funding model is necessary in order for you to do your job and ensure that all government spending is transparent—something that really matters to Canadians?

Ms. Caroline Maynard: Officers of Parliament are supposed to be independent of the government. We don't report to the govern-

ment or a minister. We report to Parliament. That is why I am appearing before the committee today. The only exception to that, as far as my office is concerned, is that our funding model is not independent of the government. I have to submit my requests for funding through the Minister of Justice, who then submits them to the Minister of Finance. The finance minister or the Prime Minister then decides whether to grant the request or not.

My office receives complaints about those departments, and we investigate those complaints. Those very departments are responsible for granting or rejecting my requests for additional funding. In my view, that goes against the independence of my office and the role of an officer of Parliament. I'm not the only one in that boat. You mentioned the Auditor General, and I know the same goes for the Privacy Commissioner.

Other officers of Parliament are fully independent, like the Conflict of Interest and Ethics Commissioner, so independent funding models already exist. I think it's possible to consider implementing a similar model for my office.

[English]

Mr. Peter Julian: Thank you very much for this. What you're saying is that you need that independent funding mechanism to avoid having to go through the government to get the funding to do your job effectively.

Thank you for your comments on that.

The Chair: Thanks. That is your time, Mr. Julian.

We're now going to Mr. Genuis, please, for five minutes.

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

Ms. Maynard, it seems from your opening comments that you were a bit of a Cassandra here. You prophesied correctly that there would be significant problems around information and said that the pandemic would not be an excuse. The government was warned and it didn't listen.

I think that's important testimony, not only about what happened with the "ArriveScam" scandal but also about how people were warned and flags were raised in advance, and yet there was no appropriate caution shown.

What are the responsibilities of ministers and the PCO, the Prime Minister's department, when it comes to information being maintained and information being available?

Ms. Caroline Maynard: Under the Access to Information Act, it's the Treasury Board Secretariat that is responsible for administering the act. It is the department that is responsible for sending notifications, policies or explanations on how to apply the act and for making sure that the administration is done properly. However, within each department, the minister is responsible for the administration of its own responses to the Access to Information Act and for making sure that the operation is working, that they have sufficient resources and that they have sufficient people working on it. They are also responsible for sending guidance and directions.

If a leader believes in access and believes in transparency, the rest of the department will work towards that. What we see is that in some departments, it's working really well. They have great leadership and great guidance. With regard to others, I was worried. It's what happened during the pandemic, with people working from home, working on their phones and on Teams and not taking notes, not recording what was happening. Again, I think it is a leadership issue.

• (1335)

Mr. Garnett Genuis: You expect leadership from ministers on that, as well as leadership from the Treasury Board. To be clear, that includes not only on responding to requests for information but also on ensuring that the obligation to maintain records is maintained so that they can be requested. Those are some of the obligations as well.

Ms. Caroline Maynard: Exactly. Right now, there is no legislative duty to document. There's a policy issued by the Treasury Board with respect to documenting records and keeping records, and there are also information management policies. However, with the perspective that the Treasury Board Secretariat is definitely responsible for administering the act, this has to come down from the ministers in the different departments.

Mr. Garnett Genuis: Clearly that's not happening. Thank you for that.

It has been alleged—there have been articles about this—that Minh Doan deleted email records. Can you confirm, first of all, that deleting email records, as described in this story, would be a violation of the law? Second, do you have any response or reflections on these very serious allegations against one of the principal players in the ArriveCAN issue?

Ms. Caroline Maynard: I cannot comment on that specific situation, but I can tell you that the act currently, under section 67.1, says that it prohibits destroying, altering, falsifying or concealing records with the intent of denying “a right of access”. During an investigation, if we find that documents have been destroyed and I have sufficient evidence to believe that it was intentional in order for that information to not be accessible, I can refer the file to the Attorney General for further investigation under the Criminal Code. However, it's not something that I can pursue. When an administrative investigation becomes a criminal investigation, I am limited.

Mr. Garnett Genuis: I want to understand that process that you just described.

You can't comment on the specifics around the allegations against Minh Doan, but if you had these concerns, you would refer them to the Attorney General, Mr. Virani, who sits in the Liberal

cabinet. Could you refer them directly to the RCMP? If you were making such a referral, would the public know that you had made that referral, or would it be a private referral?

Ms. Caroline Maynard: Currently, you're right that I can only refer it to the Attorney General. Unfortunately, I cannot refer it directly to the RCMP. It is something that I submitted to the TBS as possible amendments to the act—that I should be able to refer things to the appropriate authorities.

Right now it is the Attorney General, and it is not something that's private. This is something that we know we have done six times in the last 40 years of our existence. It's not something that happens very often, because you have to believe that there was an intention to remove access to the information.

The Chair: Thank you very much.

Mr. Garnett Genuis: I would just comment parenthetically that—

The Chair: That's our time.

Mr. Garnett Genuis: Okay, never mind.

The Chair: Go ahead, Mr. Bains.

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

Thank you to the commissioner for joining us today.

I know you said that some departments are following the guidelines, that they're documenting and that they're following the act as they're supposed to. Some are good and some are bad. Can your office make the determination of whether documents are missing or never existed when it comes to the CBSA in this case?

• (1340)

Ms. Caroline Maynard: During the investigation, we are definitely looking at whether documents that were supposed to exist have been destroyed or are missing. If something is not there because it was not created in the first place, it's a little bit more difficult. Sometimes we will find an email exchange in which somebody makes an allegation that a really big decision was made, but for some reason there is no record of it. That's something we can definitely comment on.

The act currently applies to records that already exist. If we find evidence during an investigation that something was destroyed, altered or changed or that somebody was telling somebody else to do that, we can definitely look at section 67.1 in terms of whether it was intentionally criminal.

Mr. Parm Bains: Are things leaning that way, that there was something there and it's not there now, without telling me what it was?

Ms. Caroline Maynard: During our investigation, we will ask people. We will look at emails. We will look at attachments that are not there. We also welcome submissions by the complainants. Sometimes they know things that we need to know as well so that we can pursue our investigation appropriately.

Mr. Parm Bains: Has anyone from CBSA reached out to your office for guidance in making sure they comply with the Access to Information Act?

Ms. Caroline Maynard: It's very difficult to provide advice specifically to the department on cases, because we may be called to investigate those cases. We usually try not to intervene with the way it's managed.

What we do is provide guidance in advance, as I did in 2020, about making sure things are recorded, making sure that people—

Mr. Parm Bains: I know. I'm asking specifically about CBSA here. Has anybody from there reached out?

Ms. Caroline Maynard: I am not aware of—

Mr. Parm Bains: Okay. Can you walk us through the current state of CBSA, specifically the ATIP processes? It appears they may be one of the bad departments here. What challenges are they having, if any?

Ms. Caroline Maynard: Currently, CBSA is the institution for which my office has received the most complaints. Also, it is the institution with the largest number of active investigations. They are having issues in responding on time to requests. They also have a lot of files with respect to refusal and with the application of exemptions to files.

Mr. Parm Bains: You're not aware if they're doing anything to address these challenges at all. Right now there is an investigation going on, and ultimately, at some point, maybe recommendations will come down and they'll have to do something.

Ms. Caroline Maynard: Yes.

Mr. Parm Bains: Are you aware that they are doing anything to address the challenges, being the leader in having the most complaints, etc.?

Ms. Caroline Maynard: I can just tell you that they are working with us on the investigations that we have open with them.

Mr. Parm Bains: This is a parliamentary committee, not a court of law. Eventually we'll get around to the business of making recommendations. Do you have any for the committee at this time to consider?

You've walked us through a few things. You mentioned that there need to be legislative changes introduced. What can we do to improve every department and make sure these departments are good actors, rather than failing in some of their duties?

Ms. Caroline Maynard: The duty to document should be legislated. We should have an actual authority to look at whether things have been documented or not. Right now it's not legislated.

I would recommend as well that you look at the submissions made by the ETHI committee on recommendations for the act.

On cabinet confidences, I should have the authority to review those so that we know they are actual cabinet confidences and not something used for documents that are not meeting the test.

I should have an independent funding mechanism so that I can actually increase the number of investigations and be more timely on those investigations.

There are a lot of things that can be done.

• (1345)

The Chair: That is our time, Mr. Bains.

Ms. Maynard, if you have a full list, I welcome you to send it to the clerk, and we'll distribute it to the committee.

Ms. Vignola, you have two and a half minutes, please.

[*Translation*]

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

After listening to what you said, Ms. Maynard, I gather that, if you find that records such as emails have been deleted—which seems to be the case here—you have to report it to the Attorney General, in other words, the Minister of Justice.

Do I have that right?

Ms. Caroline Maynard: Only if the evidence reveals that the records were deleted intentionally.

Mrs. Julie Vignola: I see.

Ms. Caroline Maynard: Sometimes people delete records because they are cleaning up their emails. That, in itself, isn't an issue.

However, when someone deletes a record so that the information can't be accessed, it becomes a crime.

Mrs. Julie Vignola: I see.

Do you have evidence that that occurred in the case currently before the committee?

Ms. Caroline Maynard: We are in the process of investigating various allegations and complaints, so I can't comment on that specific case.

Mrs. Julie Vignola: I see.

You said that your office had received the most complaints against the Canada Border Services Agency, or CBSA.

Is that normal given that the agency has a public safety role, or is it abnormal?

Ms. Caroline Maynard: I can tell you that my office undertook a systemic investigation with respect to CBSA after finding that complaints about CBSA had gone up 900%.

We are wrapping up the investigation.

I can say that most of the complaints involve access to information requests related to immigration. CBSA has access to the same information that Immigration, Refugees and Citizenship Canada offices do.

That means the complaints don't involve the issue we are talking about today. Rather, they stem from the fact that CBSA has access to the same information as immigration officers.

Mrs. Julie Vignola: Okay.

Does the agency have enough staff to answer those kinds of requests for information?

If not, is that the reason for the increase in the number of complaints or is that increase attributable to something else?

Ms. Caroline Maynard: Having the staff to meet the demand is definitely a problem for the agency. It has a good team of access to information officers, but the number of requests keeps increasing.

This year, CBSA received 19,000 access to information requests, as compared to 8,000 two years ago, so that's an increase of 10,000.

In many cases, there is not enough staff to meet the demand. Even if the agency has the necessary financial resources, it is often difficult to find people who want to join an access to information team. It is more difficult for those people to keep up with the new level of demand.

Mrs. Julie Vignola: Thank you.

[English]

The Chair: Thank you very much.

Mr. Julian, you have two and a half minutes, please.

Mr. Peter Julian: Thanks, Mr. Chair.

I lived through the Harper regime, which was absolutely terrible for transparency. We saw attacks on independent officers of Parliament by slashing budgets. The current Prime Minister came to power saying that he would be moving to be open by default, that the government would be open by default.

Ms. Maynard, you mentioned in your annual report last year, and I quote you:

Over the course of my time as Commissioner, I have observed the steady decline of the access to information system to the point where it no longer serves its intended purpose.

You've noted that you are underfinanced for the work that you need to do on behalf of Canadians, and you've raised a whole number of recommendations that, for the moment, have not moved anywhere, including the duty to document, the need for access to cabinet confidences and an independent funding mechanism.

Would it be fair to say that without the government moving forward on all of those recommendations, the idea of this government being open by default is simply ridiculous, given that the government has not moved to implement any of the measures that would bring us to a more transparent level, particularly when it comes to government procurement?

Ms. Caroline Maynard: The amendments to the legislation are definitely something that need to be done if we want to have a proper system on access to information that's modernized and that respects what is going on right now in 2024. The act was adopted in 1983, so there's definitely a modernization requirement.

There is also a change in culture that needs to be happening within the government. People need to see transparency as a positive thing, not a negative thing. They have to look at access requests not as something they want to refuse but as something that they want to give.

There's also a need for more tools, human resources and training in terms of responding to this access. Access requests are increasing every year. Canadians are asking for more information, and the tools and resources are not responding to that increase, not just in my office but in all departments.

We need those three big changes to be able to be the government that is the world leader in access that we used to be in 1983.

• (1350)

The Chair: Thank you. That is our time.

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

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

Good afternoon, Madame Maynard. Thank you for your attendance.

You spoke about the CBSA, of all of the government departments, as having the highest number of active complaints. Can you drill down a bit more with respect to that analysis and pronouncement? Specifically, how many investigations is your office currently undertaking right now with respect to the ArriveCAN issue?

Ms. Caroline Maynard: With respect to the ArriveCAN issue, it's very difficult, because sometimes it's not limited to what happened or the contract, but I think that we have around 15 to 20 cases that may be or are going to be linked to some of the issues that you're investigating here or dealing with. We have received 654 complaints this year against CBSA, and I still have 536 open complaints with respect to CBSA. As I said earlier, a lot of them are with respect to immigration files, because agents have found that they can ask CBSA for information that they could have also asked for from IRCC—

Mr. Larry Brock: I have limited time, so excuse me for interrupting. Is the ArriveCAN investigation your office is working on exclusively on the CBSA, or are there other government departments?

Ms. Caroline Maynard: There could be others.

Mr. Larry Brock: There could be others. They could be PHAC, PSPC or others relating to ArriveCAN.

Ms. Caroline Maynard: Yes.

Mr. Larry Brock: In your opening statement you expressed a deep dissatisfaction with the evidence that you heard from the Auditor General and some of the other pieces of evidence that I'm sure your office was made privy to.

The Auditor General opined that she's more concerned as to what her report does not indicate, and the highlight there is just the vast mass of missing information. We now have evidence, which we heard in various committees, that there are senior executives at the CBSA who are accused of deliberately deleting upwards of 1,700 emails over a four-year period. The person in question just happened to be the vice-president of the CBSA and is now the Chief Information Officer for the Government of Canada, and he, apparently, is the only executive at the CBSA who had issues with his email.

Does that concern you, from a perspective of the ambit and responsibility that you have?

Ms. Caroline Maynard: It's definitely a concern when we hear allegations like this.

Mr. Larry Brock: I understand that ultimately, if you discover any suspicions or any evidence of criminality, you must report not to the RCMP directly but rather to the Attorney General—in this case the Liberal Attorney General—who is not independent in the role as Minister of Justice: He is the Liberal Minister of Justice. Do you think, given all the evidence that you may or may not be aware of, that the Liberal team, led by Prime Minister Justin Trudeau, actually blocked the ability of the Auditor General to even start an assessment into the audit with respect to the arrive scam issue? Do you think, given all the efforts and attempts by the Liberal bench to block access to information, that you would be in a position to completely bypass the Attorney General and actually report directly to Parliament so that Canadians, and not necessarily the Liberal government, can be aware of your concerns? Would you have the legislative authority to report to the House?

• (1355)

Ms. Caroline Maynard: I would, because I have the authority under the Access to Information Act to report on special reports if there's something of importance.

However, although the referral would be only to the Attorney General, I could definitely publicize and table a special report if I did such a referral.

Mr. Larry Brock: Are you prepared to do such a referral?

Ms. Caroline Maynard: I could be, yes.

Mr. Larry Brock: Thank you very much.

Those are my questions, Chair.

The Chair: Thank you.

Go ahead, Mr. Sousa, please. You have five minutes.

Mr. Charles Sousa (Mississauga—Lakeshore, Lib.): Madame Maynard, thank you so much for your review and your proactive assessment of things some years back.

We all share your concerns. I really appreciate some of your recommendations and the thoughtful manner in which you have identified some of those things that have gone missing and things that have not been done correctly.

It's not just you. We have all seen the Auditor General's comments on this issue. The ombudsman has made recommendations. The CBSA and some of the teams have done an interim review because of the same concerns that they see. Of course, your department is where a lot of complaints come to.

The Office of the Information Commissioner, and the commission itself, exists to accommodate many complaints, and that is part of the job. I appreciate the tremendous amount of pressure that goes into that for you.

You've already walked us through the ATIP process with the CBSA. This committee is very concerned about the CBSA's activities and some of the shortcomings that have taken place. We know some of the challenges that you've now identified and addressed.

I want to understand something. Have you spoken to the Auditor General with regard to your review, and have you spoken to her, given her last report?

Ms. Caroline Maynard: No, I haven't.

Mr. Charles Sousa: Have you had a discussion with the ombudsman with regard to his report and his review?

Ms. Caroline Maynard: No, I haven't.

Mr. Charles Sousa: You just mentioned that you wouldn't be able to, but has the RCMP contacted you?

Ms. Caroline Maynard: No.

Mr. Charles Sousa: In all of the activities and reviews that you've put forward and that you've certainly seen and commented on.... How shall I put this? Have you seen misconduct in the work? Have you seen civil servants operating illegally? Has there been misconduct by people who are handling these files?

Ms. Caroline Maynard: I can't conclude misconduct. I can tell you that in six different cases, the Office of the Information Commissioner has referred files and information that we found during an investigation, under the belief there was evidence of an intention to commit a crime. The Attorney General is responsible for continuing those investigations.

As far as I know, there is no finding or pursuit of these six cases.

Mr. Charles Sousa: You have not reported any misconduct to the House or to the Attorney General.

Ms. Caroline Maynard: With respect to the CBSA, we haven't finalized our active cases. We're still investigating.

Mr. Charles Sousa: When do you anticipate finalizing your report on the CBSA?

Ms. Caroline Maynard: Each file is independent, so it really depends. We try to do our investigation as quickly as possible. Sometimes it takes three months and sometimes it's a year. It really depends on the allegations and the complaints.

Mr. Charles Sousa: The CBSA is doing a review concurrently. It's assessing this very issue. Have you not had discussions with it on this matter?

Ms. Caroline Maynard: I cannot discuss how we are doing our investigation and what kinds of conversations we are having. I can tell you generally that those types of conversations would happen with respect to these files.

Mr. Charles Sousa: You mean they would happen, but they are not happening at this point.

Ms. Caroline Maynard: They may. I cannot divulge—

Mr. Charles Sousa: No. You're right.

In this committee, we tend to discuss many things. Many members of the committee are going out of their way to investigate the issues themselves.

We understand that there are a lot of investigations happening concurrently. Certain individuals are now becoming investigators themselves and are going away and talking directly with witnesses about various matters. Others are trying to do the investigation and maintain the integrity of this investigation. You have, just with your comments today, maintained integrity, and that's critical in these investigations, so as not to prejudice the outcome and preclude any activity that would then void our having a proper resolution.

We need a proper outcome. I appreciate the work you're doing with regard to that. Certainly, all of us on this committee want to understand the truth.

When we talk about information that's gone missing, you can't even determine whether there was any information in the first place. I guess that's part of your dilemma. Is that correct?

• (1400)

The Chair: Give a quick answer, please.

Ms. Caroline Maynard: Yes.

The Chair: There we go. We have a quick answer. That's your time, Mr. Sousa.

We'll now go to Mr. Barrett, please.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): I'll give my first minute to Mr. Brock.

Mr. Larry Brock: Commissioner, following up on my last line of questioning to you, I want to confirm if you are in a position to conduct a special report to Parliament on ArriveCAN. If so, can you do that by May 1 of this year?

Ms. Caroline Maynard: I cannot confirm that I will. I can only tell you that if I find something in an investigation that is worth bringing to Parliament and tabling as a special report, this is an authority that I have under the act. I can do that.

Mr. Larry Brock: Does the evidence you've heard so far not rise to that level?

Ms. Caroline Maynard: I haven't been able to review the evidence that we have found during our investigation.

Mr. Larry Brock: Thank you.

I'll pass it over to Mr. Barrett.

Mr. Michael Barrett: Is it difficult to destroy government documents and records?

Ms. Caroline Maynard: No.

Mr. Michael Barrett: To delete and erase emails, for instance, would you have to do more than just delete them from your inbox?

Ms. Caroline Maynard: I think there are backups and tapes in some places. It really depends on the department, but usually people can delete and do a proper cleanup of their inbox every day.

Mr. Michael Barrett: In your experience, is that information then stored on servers, even if it's deleted from a public servant's inbox or a government email address?

Ms. Caroline Maynard: It depends on the retention policy of each department.

Mr. Michael Barrett: Would you say it requires the intent of the individual to delete it, or do things get deleted by accident?

Ms. Caroline Maynard: It could be deleted by accident. It could be deleted intentionally.

Mr. Michael Barrett: Could you give me an example of how something would be accidentally deleted?

Ms. Caroline Maynard: We.... I don't know. If somebody is going through their inbox and cleaning out their inbox....

Mr. Michael Barrett: Do you know what the retention standards are at CBSA for electronic records?

Ms. Caroline Maynard: No, I don't.

Mr. Michael Barrett: Do you know if they have any?

Ms. Caroline Maynard: They probably.... All departments have to have them.

Mr. Michael Barrett: Are you aware of the allegations that the chief technology officer for the Canada Border Services Agency, Minh Doan, destroyed 1,700 emails related to Prime Minister Justin Trudeau's \$60-million "ArriveScam"?

Ms. Caroline Maynard: I've heard the news in the media, yes.

Mr. Michael Barrett: You've said before that the investigations you're undertaking are not something that you list on your website. Is that correct?

Ms. Caroline Maynard: No.

Mr. Michael Barrett: How many active investigations did you say you have?

Ms. Caroline Maynard: Do you mean how many we have in total?

Mr. Michael Barrett: Yes, ma'am.

Ms. Caroline Maynard: We have presently 2,900, approximately.

Mr. Michael Barrett: What would it take for a committee, in the form of instruction to you, to be assured that an investigation was taking place?

• (1405)

Ms. Caroline Maynard: I would need a complaint.

Mr. Michael Barrett: You would need a complaint. A request to conduct an investigation isn't sufficient. A complaint to you is required.

Ms. Caroline Maynard: The investigation has to be linked to an access request that was made. If the person is unsatisfied with the response or the timelines, they can complain to my office.

Mr. Michael Barrett: Have you received complaints related to the ArriveCAN application?

Ms. Caroline Maynard: I cannot say which one or how and what, but yes, generally we have complaints with respect to CBSA.

Mr. Michael Barrett: You have complaints with respect to CBSA. Obviously you can't, with the 2,900 ongoing investigations that you have.

Is there any standard amount of time for the conclusion of your investigations? Is there a service standard that you have in your office?

Ms. Caroline Maynard: If it's a timeline issue or a delay complaint, we try to be within 90 days. If it's a refusal, exemptions or missing records, that could go up to six to nine months.

Mr. Michael Barrett: It's up to nine months for missing records, but if, for example, you—

Ms. Caroline Maynard: That's the standard, depending on how—

Mr. Michael Barrett: If you saw fit, you could then table your findings with Parliament if you deemed that missing the standard was in the public interest.

Ms. Caroline Maynard: If it's a matter that I believe that Parliament should be aware of, I have the authority to table special reports. If it's something that I believe not just the institution or the complainant should be aware of, I can use a special report to provide that information to Parliament.

Mr. Michael Barrett: I very much appreciate your responses. I trust that your being here today indicates Parliament's keen interest in your work in relation to CBSA and missing documents.

Thank you very much.

The Chair: Thank you, Mr. Barrett.

We have Mr. Kusmierczyk, and then we'll finish up with Mrs. Vignola and then Mr. Julian.

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

Thank you, Commissioner, for being here with us this afternoon. Thank you so much for your excellent answers and for shedding some important light.

A few months ago you met with frequent users of the ATIP process or frequent users of your office for a feedback session. What are some of the comments that you heard from the folks who utilized the ATIP process and the help of your office? What did you hear from them in terms of how we can improve things moving forward?

Ms. Caroline Maynard: The consultation that you're referring to is a consultation that we did with respect to our own process to make sure that we are responding to and understand the client's or the complainant's view on how we can make it easier for them.

Definitely, some of the comments were that they want our investigation to go faster. They want more information on our website. They want to understand the process better and have more frequent conversations with our investigators. This is something that we have just now received as feedback from the company that did the consultations. We are going to make the report public, and we are going to make the response of our office public as well.

Mr. Irek Kusmierczyk: Out of those suggestions, is there one that you feel ought to be prioritized or that you discussed with your team that ought to be prioritized in the near future?

Ms. Caroline Maynard: We haven't had the chance to even have a discussion yet.

We also have to be aware of the resource issues. I want to do my investigations faster, so we have to find ways to be more efficient with the resources that we have.

Mr. Irek Kusmierczyk: I'm really pleased to hear that you organized that type of platform and gathered that type of feedback from the folks who utilize your services. Kudos to you for doing that.

I want to ask you this: How independent is your office, the Office of the Information Commissioner? How independent are you from government and from politics?

Ms. Caroline Maynard: I can tell you that I'm fully independent, except for the funding—

Mr. Irek Kusmierczyk: How appropriate is it for a member of Parliament, as we saw a few minutes ago, to direct you to conduct an investigation on an issue?

Ms. Caroline Maynard: This is a reason that I can't accept a request for an investigation; however, if a complaint comes to me from anybody, including members of Parliament, that is something that we can definitely investigate.

Mr. Irek Kusmierczyk: What percentage of all ATIP requests made end up becoming complaints that are sent to your office?

Ms. Caroline Maynard: It's about 5% of all requests.

● (1410)

Mr. Irek Kusmierczyk: Can you give us a sense, relative to some of our peer countries, of whether that is good or bad? Can you give us a sense of what 5% means?

Out of all the ATIP requests that are submitted, 5% end up as complaints in your office. Is that high, is that low or is that average in terms of peer jurisdictions?

Ms. Caroline Maynard: I have no idea with respect to other countries. I can tell you that I'm the busiest access to information commissioner in Canada.

Mr. Irek Kusmierczyk: Certainly, certainly.

It would be really helpful if at some point you might be able to find that information in terms of how we compare with other jurisdictions and other countries as well. It would be quite helpful if you're able to send that.

I want to ask you how you handle high-volume requesters. We know, for example, that an individual may make dozens if not hundreds of requests. Is there a special approach that you take to high-volume requesters?

Ms. Caroline Maynard: We try to talk to them to decide with them which one to prioritize. We have a very open conversation with these requesters so that they know that we can't investigate 19 cases, or let's say 50 or sometimes 100 cases, for one requester or one complainant. We try to work with the person to prioritize those complaints.

Mr. Irek Kusmierczyk: Commissioner, I really do appreciate how you go back and forth with the folks that utilize the ATIP, that information system. That's really encouraging to hear.

I have one final question.

Mr. Chair, do I have any time left?

The Chair: You have 10 seconds.

Mr. Irek Kusmierczyk: Commissioner, really quickly, this committee has asked for hundreds of thousands of documents to be produced. Can you provide any advice to a body like the committee, which often asks agencies to produce hundreds of thousands of documents over the course of mere months on a specific issue? Do you have any advice as to how we might be able to help out the folks that are producing those documents in terms of how we craft the requests?

The Chair: Give a very quick answer.

Ms. Caroline Maynard: I think you just need to make sure you ask for the proper information, the scope of the subject that you want to have the information for.

The Chair: Thanks very much.

Go ahead, Ms. Vignola, please.

[*Translation*]

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

Ms. Maynard, I am pretty sure you will not be able to answer what I wanted to ask you initially. With regard to the ArriveCAN application, I wanted to know essentially whether it was a good use of resources for GC Strategies to subcontract the work to another company.

Looking at it another way, in the case of the ArriveCAN application, GC Strategies subcontracted some work to KPMG. Two people working from their basement subcontracted work to a huge company.

In cases where contractors subcontract the work or subcontractors subcontract the work, what happens in terms of analysis and transparency? It's enough to make your head spin.

Ms. Caroline Maynard: It depends on the contract. I cannot speak to this contract in particular because I have not seen it.

Some contracts specifically state that subcontractors will be subject to the Access to Information Act and that the information will not be confidential. In other cases, the reverse is true. It really depends on the contract.

Mrs. Julie Vignola: Why do contracts differ in that way?

In some cases, they say that all the information will be accessible, while others say it is confidential.

Ms. Caroline Maynard: I couldn't say. It is probably the contractor himself who wants the contract to be worded that way. I couldn't tell you who makes that decision.

Mrs. Julie Vignola: Is that a sound practice?

Ms. Caroline Maynard: I have asked Treasury Board to make as many people as possible subject to the Access to Information Act, including ministers' offices, the Prime Minister's Office, sub-contractors, contractors and agencies doing work for Canadians and using public funds.

I think the federal government should include that in the act.

Mrs. Julie Vignola: Did you get an answer?

Ms. Caroline Maynard: As I said earlier, the act will not be reviewed until 2025.

Mrs. Julie Vignola: Thank you.

[*English*]

The Chair: Thank you very much.

Mr. Julian, we'll go to you to finish things up, please.

Mr. Peter Julian: Thank you very much, Madam Maynard, for your service on behalf of Canadians.

I want to come back to an earlier question. You said, I believe—and correct me if I'm wrong—that there are 536 existing files on CBSA and 654 complaints that you would be examining. That leads us to a total of 1,190 complaints with CBSA, both presently and ongoing. Are those figures correct? If so, they're astounding.

Does CBSA seem to engender more complaints than any other part of government? Looking at your overall number of complaints, it seems to be beating other departments. Is that true?

• (1415)

Ms. Caroline Maynard: Currently we have received 654. We have 536 active cases remaining in our inventory against CBSA. It is the number one institution for complaints received this year.

I have to say that this is why I started a systemic investigation with respect to CBSA. It was to find out the root cause, and this is a special report that we're going to be tabling in May with respect to that investigation.

Mr. Peter Julian: Thank you for your work on this issue. This is something that obviously requires transparency. It is astounding to me that CBSA has been so negligent in responding to the requirement for information.

For CBSA and for other government departments, for something like a sole-source contract like the one for ArriveCAN, what information should they be keeping to ensure that we know what Canadians have spent on those contracts, who did the work and why those contracting decisions were made?

Ms. Caroline Maynard: As with any government institution that is doing contracting, including my office, there are rules with respect to contracting. There are controls in place. I believe that any decisions like this should be well documented. A discussion with respect to amendments of the contract should be as well recorded.

As I said earlier, the documents are being asked for, and we should be able to provide Canadians with as much information as required on the amount of public funds that are being spent and how they are being spent.

The Chair: Thank you, Mr. Julian.

Ms. Maynard, thank you again for joining for us. I appreciate your time and I look forward to receiving your list of legislative changes we can put through to empower your department.

I have one question, if colleagues will allow me before you go. You may have answered it, but I wasn't clear.

If you're satisfied that there are grounds to investigate a matter regarding ATIP or missing information, do you have the authority to self-initiate a complaint, or does it have to come from an outside body, so to speak?

Ms. Caroline Maynard: This is a good question. I do have the authority to initiate my own complaints if I don't see a complaint within my inventory on the issue.

The Chair: Wonderful.

Colleagues, I'm going to excuse our witness.

Before we suspend and get to the next issue, I just need quick permission. We had asked for witnesses for Canada Post. We have not received any. I'm asking that we extend to a week from this Friday at noon, which is another eight days, for Canada Post witnesses. Is that okay?

Mr. Peter Julian: I so move.

The Chair: Thank you very much.

We are suspending for about five minutes, and then we'll come back.

• (1415) _____ (Pause) _____

• (1430)

The Chair: We are back, colleagues.

Mrs. Block, I see your hand up.

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

I would like to move that the committee continue the debate on Mr. Scheer's motion and the amendment by Mr. Genuis and the subamendment by Madame Vignola.

The Chair: Colleagues, that's a dilatory motion, so we'll have a quick vote, unless we're all in agreement.

I see one thumb up. Mr. Julian, are you okay to resume?

(Motion agreed to)

The Chair: We will resume debate on the motion.

I see Mrs. Vignola.

[*Translation*]

Mrs. Julie Vignola: Mr. Chair, this morning I sent a proposed subamendment to all committee members.

Mr. Julian, I sent it to Mr. Bachrach, and I hope you received it as well.

Before I introduce the subamendment, I have to ask for the members' unanimous consent to withdraw the subamendment that I introduced yesterday.

[*English*]

The Chair: You wish to withdraw your subamendment and then issue a new one. Are we fine with that, members?

I see nods. Perfect. Thank you, Mr. Jowhari.

(Subamendment withdrawn)

The Chair: Now you're going to propose another subamendment. Have you sent it to the clerk?

[*Translation*]

Mrs. Julie Vignola: Yes, it was sent to the clerk and to my colleagues.

I want to point out that—

[*English*]

The Chair: I'm sorry to interrupt. I just want to make sure everyone has received the copy that has gone out. Can we nod yes or no?

[*Translation*]

Mr. Peter Julian: Mr. Chair, I would ask Ms. Vignola to read it out.

I want to make sure I know what it says because I have a lot of paper in front of me.

[*English*]

The Chair: Yes, she will read it. I just want to make sure—

[Translation]

Mr. Peter Julian: I want to make sure I have the right subamendment.

[English]

The Chair: Yes, she will read it. I just want to make sure everyone has it before she gets into it, as it's a lengthy one.

I'll turn the floor back to Ms. Vignola.

[Translation]

Mrs. Julie Vignola: Thank you very much.

I will read it out in French. I want to point out that the page references from the *House of Commons Procedure and Practice* do not match the English version. I translated them myself, without using the English version of the guide.

I will read out the motion in French, which will be used for the time being:

That the Committee report to the House that, given that,

CONTEXT

- (1) On November 2, 2023 and February 9, 2024, subpoenas to the Standing Committee on Government Operations and Estimates (OGGO) were issued to the owners of GC Strategies, Kristian Firth and Darren Anthony. The latter refused to testify before the committee.
- (2) The Auditor General revealed that GC Strategies might have received nearly \$20 million in government contracts for the ArriveCAN application.
- (3) The data on the open government website is said to be subject to errors, which casts further doubt on the amounts that GC Strategies, in particular, might have received in government contracts since 2015.
- (4) An RCMP investigation is currently taking place—

• (1435)

[English]

The Chair: I'm sorry. We've lost the translation.

[Translation]

Mrs. Julie Vignola: I have a printed English version if that helps.

[English]

The Chair: I'll get you to restart at the third point, once they're ready.

They're ready. Would you mind restarting at the third point?

[Translation]

Mrs. Julie Vignola:

- (3) The data on the open government website is said to be subject to errors, which casts further doubt on the amounts that GC Strategies, in particular, might have received in government contracts since 2015.
- (4) An RCMP investigation is currently taking place, notably implicating the owners of GC Strategies.

REFUSAL TO APPEAR

(A) According to BOSC, Marc and GAGNON, André, *The Procedure and practices of the House of Commons, Third edition, 2017, p. 137*, "If a witness declines an invitation, the committee may issue him a subpoena by adopting a motion to this effect. If the witness still refuses to appear, the committee may refer the matter to the House, which may then order the witness to appear. If the witness disobeys the order, he or she could be found in contempt."

- a. Still according to BOSC, Marc and GAGNON, André, *The Procedure and practices of the House of Commons, Third edition, 2017, p. 81*, "The basis of the power to punish contempt, whether it is a contempt of court or

chambers, is that courts and chambers must be able to protect themselves against acts which directly or indirectly hinder the exercise of their functions."

- i. BOSC, Marc and GAGNON, André, *The Procedure and practices of the House of Commons, Third edition, 2017, note 119*: "The House itself decides on its intervention when it makes

REQUESTS

In order to see the witnesses in committee to testify, those steps are requested:

First step:

The Committee recommend that an Order of the House be issued requiring Kristian Firth and Darren Anthony to appear before the Standing Committee on Government Operations and Estimates at dates and times determined by the Chair of the Committee, but within twenty-one (21) days of the adoption of this Order and with such accessibility accommodations the witnesses may request and the Chair may agree to arrange.

Second step:

After those twenty-one (21) days, if the Chair of the Committee informs the Speaker and Sergeant-at-Arms in writing that one or both have failed to appear as ordered.

That the House declare the witnesses in contempt and impose the necessary sanctions in accordance with House procedure, including if necessary the special power of the Sergeant-at-Arms to issue an order and take the witnesses into custody.

Third step:

The Speaker shall inform the House, at the earliest opportunity, of the sanctions imposed and developments in this regard.

I tried to strike a balance with this subamendment. We respect the witnesses and the difficulties they told us about. We are offering them accommodations, while respecting House procedures. No one wants to be accused of intimidating or harassing others. The wording of the subamendment reflects all of that.

[English]

The Chair: Thank you, Ms. Vignola.

I have a speaking list with Mr. Kusmierczyk, Mr. Jowhari and Mr. Sousa.

If this is on Mrs. Vignola's subamendment, please go ahead, Mr. Kusmierczyk.

• (1440)

Mr. Irek Kusmierczyk: Thank you very much, Mr. Chair.

I want to say thank you to my colleague Madame Vignola for working with us to try to bring a path forward that tries to balance the two interests that we have at heart here.

I want to reiterate that everyone around the table wants to see us get to the bottom of this issue. We absolutely want answers. We believe there are parties to this investigation, in this case ArriveCAN, that have to answer some questions we have. The best way to do that is to come before the OGGO committee and to stand here and answer some of the questions. They are answerable.

We've been studying this issue now for five months, but in the last few weeks we've had testimony from the AG, from the procurement ombudsman and from the CBSA executive director that have raised additional questions. There's no doubt that they've raised additional questions. It makes sense that we want to bring additional witnesses here to answer some of the questions that we have.

On the one hand, we're all united in wanting to do that. We all supported the request to have Mr. Firth and Mr. Anthony from GC Strategies come here before the House. We supported that. We want to see that meeting take place. It is important. It is critical that these two gentlemen appear in front of the OGGO committee and face the questions that we have in order to shed additional light as we try to get answers and get to the bottom of things.

At the same time, it's important to emphasize that we did, as was reported...and I want to be careful about what I say here, because this is a delicate situation. I want to be very careful about individual persons' health issues and the sensitive information that has been shared.

I will speak about what was reported publicly, because I feel comfortable speaking about that. There was, of course, information already in a Globe and Mail article that talked about the health challenges of the folks who have been called to appear.

We take those concerns very seriously, and so we're in a situation with the competing interests—the pull and tug, I guess—of the two interests that we have. On the one hand, we want to see the witnesses come here, and on the other hand, we respect the concerns of someone who steps forward and shares their personal health concerns with us. We have to take that into consideration. We're trying to find the balance here.

I stated yesterday, when I spoke about this, that we're trying to weigh a balance here. I believe that the subamendment that was brought forward by Madame Vignola—the amended subamendment or the edited subamendment—does advance us towards a path, but I still don't think we're there yet, and I'll tell you why.

The nuclear button option, as Madame Vignola herself described it, which is asking the Sergeant-at-Arms to take into custody the witnesses, is a drastic move.

- (1445)

I say that because we have not seen a committee utilize that option in a very long time, as far as I know, at least in my recent memory. I know there was an article recently in the National Post about the last time that a Speaker utilized this prerogative of summoning the Sergeant-at-Arms. It says here, if I can read this—because I think this is important—“Former Speaker Peter Milliken used the power in 2007 to force police authorities to hand over arms dealer Karlheinz Schreiber to the Sergeant-at-Arms. At the time, the House of Commons ethics committee was looking into the hundreds of thousands of dollars Schreiber had given to former [Conservative] prime minister Brian Mulroney.” This is from the National Post, if I'm not mistaken.

This is not a tool that we use frequently. It's not a tool that is used often. In fact, it's used rarely, in exceptional circumstances. I think we have to sort of be cautious in terms of reaching for that tool.

Do I think it's appropriate in this instance? At this point, I think that there are certain steps that we have not taken. I think that we're missing a few steps before we reach for that exceptional tool. Folks, in essence we're asking the Sergeant-at-Arms to take into custody—arrest—someone who has shared with us, as has been reported, the information that they cannot appear because of serious

health issues, on which I'm not going to go into detail because we're trying to respect.... Again, please understand that we're to respect personal privacy here, especially on health issues.

The Chair: Can I interrupt, Mr. Kusmierczyk?

Mr. Irek Kusmierczyk: Sure.

The Chair: Maybe we can just agree as a committee. We've all read the letter. We'll agree as a committee that we'll just refer to it, for simplicity's sake, as “health reasons” to avoid, perhaps, going past where we need to.

Thanks, colleagues.

Mr. Irek Kusmierczyk: Mr. Chair, I really do appreciate that guidance, because, again, we're trying to share with folks who are watching and following this case what we're grappling with here. As you said yourself, Mr. Chair, there are the three people who are watching, including your family.

However, it is important for folks watching to understand what we're grappling with here. We're trying to be respectful of personal information, especially related to health. Therefore, we're just going to refer to it as health concerns, health issues or health matters.

The Chair: Sure.

Mr. Irek Kusmierczyk: That's what we're trying to figure out here.

I think one of the steps that we suggested or discussed in the last meeting was, I believe, a step before that to have confirmation from a doctor or a physician providing that information to verify or confirm the extent of those health concerns and provide, for example, either a timeline for when it would be appropriate to bring those witnesses to testify at the earliest date, but at the same time to perhaps even spell out some of the accommodations that should be introduced here to accommodate the folks we are trying to bring to committee. I appreciate Madame Vignola's including that in her motion, talking about working with the chair in terms of determining which accommodations need to be brought forward to address some of the health issues and the health concerns here.

I think that's where we're at right now in terms of our conversation. I don't think we're quite there yet in terms of summoning someone who has a health concern or asking the Sergeant-at-Arms to do that. We call it taking into custody, but it sure as heck sounds a lot like arresting, from what I'm seeing there. That seems like a very drastic move. I think we want to find that balance here, and I'm not sure if we're there yet.

Again, I want to emphasize just how absolutely rare it is to utilize this particular power. As has been stated before, committees and members of Parliament have powers, almost unlimited in so many ways, but I think we have to be judicious in how we do that.

I also want to talk a little bit about something that I began talking about yesterday, but I didn't get a chance to finish. It's really important here, because in addition to being sensitive about this particular issue, I really believe strongly that we need to couch our discussions in facts. Around this table, I get that there's a lot of politics at play here. Obviously we know how this works. This isn't anything new under the sun. Folks say things for political advantage.

Facts, for example, are oftentimes used for various purposes, but an issue as important as this gets to the heart of the challenges that are facing our procurement processes. I think it's really important, if we are to be serious and if we are to do the people's work, to fix these issues, to fix the issues that clearly the Auditor General has spelled out in stark light, in black and white. If we are to address these issues, the issues that the procurement ombudsman has spelled out, the issues of process, I think we need to couch our discussions in fact.

Sometimes fact is not the loudest. In fact, I think there's an inverse relationship. When we hear politicians screaming and yelling and whatnot, oftentimes that screaming and yelling is inversely proportional to fact, and oftentimes the facts are sort of quietly established, but we need to speak about those facts.

When we talk about the ArriveCAN app, I hear repeated not just in this committee chamber but in newspapers, on *The National*, in discussions and repeated by opinion-makers, that the ArriveCAN app cost \$80,000 and that the cost of ArriveCAN ballooned to \$50 million. I really want to get this on the record, because it's really important, I believe, that we establish the facts here when we talk about this.

Again, it's really important so that we can focus on the issue at hand, which is the fact that processes were not strong enough. There were serious gaps and oversights in processes and documentation. That's the focus of what we're getting at here. I want to really quickly run through this, because it bears repeating, and I didn't get a chance to complete it the last time I had an opportunity to speak.

• (1450)

The document is called "Border Public Health Measure Costs (From April 1, 2020 through to March 31, 2023) ArriveCAN Related Forecast and Actuals". You can find this one-page document on the CBSA website.

It talks about the fact that yes, the original version of the ArriveCAN app was \$80,000. Where did the other costs go to? The other costs include all of the back-end things that make the ArriveCAN app work.

I'll give you an example. A Service Canada call centre needed to be stood up. This was to accept "Calls and emails from travellers on the COVID health measures in general and the app" that could be answered by PHAC and CBSA. The actual cost was \$6.1 million, and \$7.5 million was forecast for the Service Canada call centre.

Mr. Larry Brock: I have a point of order, Chair.

I'm listening very carefully. It's just riveting information coming from my colleague, but now we're getting into areas that are completely irrelevant to the motion at hand.

• (1455)

The Chair: Mr. Brock has a point. We are debating the subamendment. We always give wide latitude, but perhaps you could bring it back to the subamendment.

Mr. Irek Kusmierczyk: Chair, I am. I thank you, Chair. I appreciate what my colleague is stating here.

Again, I've heard our debates and discussions on this issue. I've heard certain things. I want us to go back to the facts and establish the facts. It's important that we couch our discussions in fact, including for folks who are listening and those who craft opinion and share this information on what we're debating here with the general public.

I think it's really important, before we proceed on this important vote and motion, that we at the same time establish those facts. I'll do this once. I'm not going to do it again.

Mr. Larry Brock: I have a point of order, Chair.

Again, I am reiterating the whole concept of lack of relevancy to the motion at hand. This is a motion regarding compelling witnesses to attend committee who have ignored previous summonses to appear. It has nothing to do with educating Canadians—according to my colleague—about all of the circumstances surrounding government spending on ArriveCAN. We know that they wasted \$60 million of taxpayer funds. This is clearly an attempt to filibuster on irrelevant issues.

I'm asking, Mr. Chair, that he get to the point and speak to the issues surrounding the motion. Thank you.

The Chair: Thank you, Mr. Brock.

Mr. Kusmierczyk, I'll turn the floor back to you.

Again, we allow wide latitude in our discussions, but please swing back to the subamendment.

Mr. Irek Kusmierczyk: I appreciate your latitude, Mr. Chair.

Again, I believe my colleague proved my point by his comments. We want to establish the facts here, and Canadians want to know what the \$60 million was spent on. That's what I'm trying to establish here, because it's important as we move forward, especially as we bring witnesses here for questioning, to make sure that our questions are sharp, crisp and based on fact.

I just want to get through this list here, and if I can establish that, we'll move on. Again, I wasn't able to complete that in the last meeting, and I just want to get through it here today.

It was \$80,000 to create the original app, the very first initial version, version one. Keep in mind there were 177 versions of this app, as it needed to evolve with the changing situations on the ground.

Service Canada's call centre was stood up, and \$6.1 million was the actual cost of that to handle questions related to the app, related to folks who were crossing the border, questions that could be answered by PHAC, the Public Health Agency of Canada, and CBSA.

On data management, there was a lot of data collected. The Conservatives often like to say that this app didn't work, but the app was downloaded 60 million times—60 million times. Imagine the mountain of data that was collected. Therefore, as part of the ArriveCAN app, a data management centre was stood up—again, the cost was \$7.9 million. The forecast was \$5.2 million; the actual cost was \$7.9 million. This was for PHAC and CBSA to collect data, report, monitor and ensure compliance with COVID border measures.

You can imagine all that data, the mountain of data collected, used 60 million times. You can imagine that the data needed to be shared not just with CBSA and PHAC, but almost instantly with every single health agency of every province and territory across the country. There was another related cost to that.

There's also data storage in cloud services—again, for 60 million travellers and 18 million downloads over two years, it was \$6.4 million for storing the data securely. We all know the error and terror of data breaches. You can imagine someone crossing the border, providing through the ArriveCAN app personal health information, and the need to have security. There was a need to have that data managed in a secure way and shared with hundreds, if not thousands, of other agency partners across Canada through public health agencies, and the need to do that securely. That's \$6.4 million for data storage cloud service.

There's IT support. This is a technical call centre for the app for airlines, airports, travellers. That's \$5.4 million.

There's security to ensure it meets Government of Canada standards on cybersecurity. That's \$2.4 million.

There's accessibility to make sure that persons with disabilities were able to cross the border, travel and utilize the ArriveCAN app. It was an additional \$2.3 million to make sure the app was accessible.

There were program and project management costs—

• (1500)

[*Translation*]

Mrs. Julie Vignola: Excuse me, Mr. Chair...

[*English*]

Mr. Irek Kusmierczyk: There were future readiness costs—

The Chair: I'm sorry, Mr. Kusmierczyk. One moment, please.

Go ahead, Ms. Vignola.

[*Translation*]

Mrs. Julie Vignola: ... with all due respect to my colleague, is the description of the use of ArriveCAN at the height of the pandemic related to the request to appear and the two witnesses' repeated refusal to appear?

[*English*]

The Chair: Thank you, Mrs. Vignola.

Mr. Kusmierczyk, would please come back to the subamendment?

Mr. Irek Kusmierczyk: Again, going back to the subamendment and the motion we're discussing here, obviously we're talking

about the contracts related to ArriveCAN. This is about the contracts related to ArriveCAN. I am trying to establish some facts. When you break down the \$60-million cost, what is it about?

When you listen to some of my opposition colleagues, they stated in their discussions here in this meeting today that an \$80,000 app became a \$60-million app. That is false. That is not accurate. That is not sharing accurate information with Canadians.

What I wanted to do is break down the actual \$60 million. Yes, \$80,000 was for the original app itself, but the \$60 million was for all the other back-end services and centres that needed to be stood up in order to make the app functional.

Why was it important to make the app functional? I'll give you an example.

I'm a border member of Parliament. I have the Ambassador Bridge right in my backyard. Why is that important to me? It's important to me because the Ambassador Bridge is the conduit for one-third of all trade between Canada and the United States. Some \$180 billion of goods travel across that border every single year. We're talking about over two million trucks that cross the border, carrying all sorts of goods, whether they're car parts, medicine, food or equipment. That \$180 billion Canadian—\$137 billion U.S.—that travels across the border is important, because it actually undergirds hundreds of billions of dollars more in economic activity. The seamless travel of traffic across the border is very important, not just to me as a border MP, but also to Canadians who rely on the \$180 billion of goods travelling across that border every single day. That's important.

I take issue when I hear colleagues say that it's an \$80,000 app that became a \$60-million app. That's not accurate. I also take issue with colleagues who say that the app does not work. I've heard almost a dozen times that it doesn't work. Sixty million travellers downloaded it 18 million times. It was used by folks to make sure the traffic travelled seamlessly across the border in my hometown.

The difference is that what the old system, the paper system would have done.... If we didn't have the ArriveCAN app, if we were dependent on the old paper system or even verbally answering questions from the border officers, that would have tied up traffic at that border. If you were to add minutes to every single vehicle that travelled across that border, it would have downstream impacts not just on my community but also on Canadian commerce, Canadian business and Canadians' health and quality of life.

There are certain things we need to establish here when we're talking about this. We take the ArriveCAN issue very seriously here. I've heard this discussion unfortunately being sidetracked by certain comments that are just not accurate. I think we need to get back to the facts. That's why it was important for me to read it.

The total tally, when you look at this document provided by CBSA, is \$55 million. We know this number can't be confirmed, because there are serious questions about the accuracy of the documentation. We know there are serious questions about the accuracy of the documentation, the financial tracking and records. That is the real problem. I want us to have a laser focus on that problem and park the politics on the side a little bit when we're having a serious conversation about real challenges in the procurement process in Canada.

I want to read one more thing into the record.

There is an article in The Globe and Mail today by David McLaughlin, who is the president and CEO of the Institute on Governance. He is a former clerk of the executive council and cabinet secretary in Manitoba.

• (1505)

He writes here, and I want to read this because I think it's really important, that:

By almost any objective measure, the public service has not adapted to meet the heightened demands of citizens when it comes to service delivery.

That's the quote here, to begin with. It's not his quote. Then it has here:

This isn't a quote from last week's damning report on the ArriveCan app scandal by the Auditor-General, but it could have been. It's from a December report to the Clerk of the Privy Council - Canada's top public servant - on values and ethics in the public service.

This is important. These are Mr. McLaughlin's words: "The ArriveCAN scandal was a—"

The Chair: I'm sorry to interrupt, Mr. Kusmierczyk. I have a point of order.

Go ahead, Mr. Barrett.

Mr. Michael Barrett: Chair, the debate is on a subamendment, and the member hasn't mentioned the subject of the subamendment, which is GC Strategies or their appearance at committee, in some time. It would be equally irrelevant for me to use this time to opine about Justin Trudeau's \$60-million "ArriveScam", an app that was supposed to cost \$80,000 but cost \$60 million. I know that the Liberals have a political problem that they're looking to solve with this filibuster, but we need to get back to debate on the subamendment—on which, I might add, the honourable colleague from the Bloc did consult all parties on in advance, so this was shopped

around and made available in both official languages—but the Liberals are still shamefully filibustering this accountability mechanism.

The Chair: Thank you, Mr. Barrett.

Mr. Kusmierczyk, the floor is yours, but can we stay on topic or close to the topic of the subamendment, please?

Mr. Irek Kusmierczyk: Yes, and I'm almost there. I promise, Mr. Chair. I thank you for your latitude once again. I really do appreciate it. That's the Edmonton kindheartedness showing through.

I'll finish here with this quote from David McLaughlin, president and CEO of the Institute on Governance, who says.... Again, I want to thank my colleague Mr. Barrett, because he made my point for me once again with his comments, in trying to connect this issue to ministers and elected officials.

I want to read here—this is why it's important—from Mr. McLaughlin. This is what he writes:

The ArriveCan scandal was a failure of public servants, not politicians. While ministers are still accountable to Parliament for this failing, the public service was responsible....

That's important. This is what the Auditor General, the procurement ombudsman and the CBSA executive director have pointed to in their work, where they shone their spotlight and flashlight. This is what they found: This is a failure of process at the level of public service. These are shortcomings, failures and significant egregious gaps at the levels of officials, public servants and bureaucrats, and that is what needs to be fixed and where we need to focus.

My colleagues will try their hardest to make that connection with elected officials, but the issue here is that we need to look hard and focus our flashlight, not on politics but on facts. It's the only way we're going to solve this issue and make the procurement process better. The only way that we're actually going to do the report of the AG service and to respect the hard work of the Auditor General is if we are laser-focused on facts and on what the issue is, we put the politics aside for a moment and do the work that Canadians expect us to do here.

With that, I reiterate once again that I appreciate the work of Madame Vignola. She always has a way of listening to the folks around the table, bringing opinions together and trying to find the path forward. I thank her for that.

• (1510)

The Chair: Thank you, Mr. Kusmierczyk.

I have Mr. Jowhari next, please.

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

Let me pick up where MP Kusmierczyk left off. I'll start with thanking Julie.

Julie reached across the aisle and had an opportunity to talk to everyone. She did indeed reach out to me, and we had a fruitful conversation.

I raised a number of concerns around the preamble and she listened carefully and explored. The changes that she's made to the preamble are something that I'm a lot more comfortable with. I'm not 100% there yet, but I'm a lot more comfortable.

She also took steps to reach out to others. I believe she might have reached out to the office of the Sergeant-at-Arms to try to get some clarification. I did my part as well in trying to understand the scope, the magnitude and the impact of the work of what we were asking, and asking if it is also within the scope of the Sergeant-at-Arms. Does the Sergeant-at-Arms have the mandate or is he capable of carrying out that mandate? A lot of clarification has been made, so thank you, Julie.

I think this is an example of how we should move forward when we want to bring a motion. We circulated this motion beforehand and we had a conversation. We listened to each other's concerns and we worked collaboratively together. Once again, thank you.

The second point is that I want to hear from GC Strategies. I want to hear from those two partners. There are no ifs and buts. I want to hear from them more now than ever, especially with the report that the Auditor General put out. I want to hear from them again when we will be in a position to receive the report for an internal audit that CBSA is doing. I want to hear from them again after any type of investigation, whether to investigate or not, by the RCMP. We are very much interested in hearing from them.

We also heard that there are concerns around health that we need to be aware of. We were made aware through channels, which we cannot talk about because of the privacy and integrity of the situation that we are dealing with. Very much like what Irek said, I also want to hear from the medical professionals that have provided that guidance to the legal bodies. I really want to understand what the impact is of something like this.

As Irek and as Madame Julie have said, this is like a nuclear bomb launch—

Mr. Larry Brock: I have a point of order, Mr. Chair.

The Chair: I'm sorry, Mr. Jowhari. Go ahead, Mr. Brock.

Mr. Larry Brock: All I have heard so far from my colleague Mr. Jowhari are essentially the same talking points as from his colleague.

To get to the point, perhaps Mr. Jowhari and all other Liberal members who want to use the same tactics of filibustering can stop wasting time and simply file their recommendations and concerns to the committee so that we can get to the actual motion itself.

Thank you.

• (1515)

The Chair: Thank you, Mr. Brock. I'm not sure that's a point of order. I'm sure Mr. Jowhari will take that to heart as he continues.

Mr. Majid Jowhari: Thank you, Mr. Chair.

We'll be on this for a while. Here we go.

Understanding that I'd like to hear from those health care providers, I would also like to actually get an acknowledgement that those health care providers have provided legal guidance and

have communicated it with the focus of understanding what the impact of such an action is.

I want them here. It's very simple. We want those two founders to be here and to be answering questions, but we want to make sure that we jeopardize neither integrity nor health, so I need to get a better understanding of that.

What safeguards do we have and what safeguards did we install? We acknowledge that we repeatedly reached out to those two individuals. I can't go into the details, but we've reached out and we have been unsuccessful. This needs to stop, especially now that we can get to the bottom of the one report that we have and we can ask some relevant questions vis-à-vis the AG's study.

What safeguards do we have to make sure? We've talked about accommodation, which is fair, but I'm talking about safeguards for the office of the Sergeant-at-Arms in the pursuit of being able to bring those individuals into custody. Also, while those individuals are in custody prior to appearing at the committee, what safeguards do we have to be able to protect the office and protect the Sergeant-at-Arms, as well as protect the health and well-being of these individuals so that they can show up?

I still have questions. I'm still pursuing trying to get an understanding of, for example, what will happen if the Sergeant-at-Arms comes into a position of bringing those two individuals into custody on a Friday afternoon and this committee doesn't sit until Monday. Are we calling an emergency meeting on Friday night—which I don't have a problem with—and coming in, or are we going to put these individuals in some sort of custody, whether it's going to be through the RCMP...? I don't have an understanding of those questions.

This is a real situation. We've seen how individuals have behaved when they were dealing with health issues and they were confronted with a situation of being arrested. What I'm talking about is not prolonging or filibustering; it's about safeguards. I think we are much closer to those safeguards. The steps that are being discussed are the right steps in looking at health care providers to provide testimony. It could be in writing. I'm not trying to create another 10 ArriveCAN meetings. It could be in writing. We could get legal guidance in writing that those are the terms and these are the health care providers that they need.

Also, I clearly want to understand the implications and I also want to understand the safeguards that we are going to put in place. Passing a motion saying that we'll make sure of accommodation is great, but if we don't pass that motion with an understanding of what those safeguards are and how they're going to be put place, it's a challenge. I'm agreeable to making sure that we use every tool in our tool kit to ensure that these guys arrive and provide the testimony, especially in lieu of the AG, and I totally support making sure that we have safeguards for the individuals as well as for the Sergeant-at-Arms. It's important, and we need to understand that. Pursuing those steps is important, and if we have to move an amendment to this motion, we're working on moving that.

• (1520)

As well, I'll close in probably the next two to three minutes.

I want to go back to the other aspect of what Irek was talking about.

ArriveCAN is labelled as an application that was \$80,000, and it mushroomed into \$60 million. ArriveCAN's initial intent was for the individual to be able to enter their last name, passport number and the time of arrival. That application cost \$80,000. During the emergency time, the government and the CBSA decided that this platform could be expanded. You heard from Irek how it went. The ultimate development costs of an application with 177 enhancements came to roughly around \$8 million.

The notion that this was an \$80,000 application and all of a sudden it came to \$60 million is false. There were never ArriveCAN things like this, because the requirements were completely different. We are comparing apples to oranges. It was never designed for \$80,000. There was no plan for an ArriveCAN like that. There were 177 modifications that were coming in at the rate of one every other day. It was planned for \$80,000, and the government said okay.

We constantly hear from across the table that this is a Trudeau "ArriveScam" application. First of all, it's not called "ArriveScam"; it's called ArriveCAN. Second, this is not Trudeau's application; this is a Government of Canada and CBSA application. That is the basis for it to exist.

If we want to stop misinforming the public, this is a good time to start. This is not an \$80,000 application. This was, at best, when you look at the development.... I'll be ready to argue with anyone about what the cost of these 177 modifications would have been. There's no way it would come to \$80,000. The development cost is around \$8 million to \$9 million. I'm not going to go into all the other support stuff, because Irek has already gone into it.

I want to close with this. I put that challenge in a very obscure way to the Auditor General, and I didn't get an answer. On the weekend I was at a gathering, where I was asked point blank how much an application like that would be worth.

I have someone who also is an expert in e-commerce applications. I put that question to him: If he had an application that had 18 million users, was downloaded 60 million times, facilitated over billions of dollars, and saved lives; and the error of margin was 10,000 among 60 million times—and you go and figure out what that percentage is—what would that application be worth if we were going to sell that application in the market?

It was a simple question. Is it worth more than the cost of the development of \$5 million?

He said he would assess that this application would be worth in the hundreds of millions of dollars.

Let's not confuse the cost of the application with the value of the application. Let's not confuse the fact that CBSA made the decision to develop this internally because they could control it and they could make sure the knowledge transfer stayed there.

Was it a perfect execution? Absolutely not. Is it a good application? Yes.

Please stop saying that this is an \$80,000 application that mushroomed to \$60 million. Stop calling it a Trudeau "ArriveScam" app. Stop linking inefficiencies in departments during an emergency to government officials with the fishing expedition you guys are going on.

• (1525)

In summary, we will, once the safeguards are in place, agree to amending this motion to ensure that we can have the two witnesses that you are talking about come and provide the testimony that we so desperately are looking for.

Thank you.

The Chair: Thank you, Mr. Jowhari.

Go ahead, Mr. Sousa, please.

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

Thank you also to Ms. Vignola for her work in trying to find a compromise for this nuclear option, an option that might set a precedent that might cause some concern with regard to those health issues and the precedent that it would set. I appreciate Ms. Vignola's attempt to foster a means by which we can respect the concerns of the witnesses.

They've advised us that there's been legal counsel. We've attempted, I presume twice, to invite the witnesses to appear. Maybe a third time would be appropriate, but the motion before us will have consequences with regard to apprehending these witnesses. It will have implications for us regarding the matters that have been identified by my colleagues and by Ms. Vignola herself, who also appreciates these concerns with respect to the integrity and the privacy of the matter that has been addressed to us. We have been advised by the witnesses and their lawyers to proceed with some caution as a consequence of what has taken place.

The Globe and Mail and other media outlets have already commented on the circumstances of what has occurred—the impact it's had on certain individuals and the conduct by members of this committee who have gone beyond the scope of the committee to address witnesses directly, to circumvent at times the investigation and the investigators and to address matters with independent agencies of government which, by their own accord, do not report directly to a parliamentarian or elected official but to the circumstances at hand, including the RCMP. That's their job. They don't take instructions from us, nor should they.

What we're now trying to suggest is that we are taking the position that we certainly have the right to take as parliamentarians, given the supremacy of Parliament, but with a consequence of this nature in the way it's presented to us today, versus a circumstance that.... The investigation is still ongoing. The process of addressing the allegations of criminality, if criminality exists, is still under way. We need to have that process take place. We need the integrity of that process.

I get the frustration that we all have in terms of having the witnesses appear before us and affirming the concerns and the actions that have been taken by these particular witnesses and by the others who have been discussed and named throughout our deliberations.

However, there's also a responsibility, I believe, as to whether the consequences of some of the actions that we take are going to take will support the investigation. Are they going to enable those responsible to get to the matter at hand? Are they going to be prejudiced by our activities? I don't know the answer, but I do know that the way this motion is put forward—and I really appreciate Mrs. Vignola's attempt to foster something more co-operative, because we're all in agreement about fostering a way to enable these witnesses to appear before us—is that nuclear option. There is a precedent that would occur, and that is ultimately a concern that I think all of us share.

● (1530)

As I go through it, I appreciate that the front end of this motion has been amended to assess more accurately some of the situations that are before us. In other words, the partisan political stuff that's been removed is helpful, because in the way it originally played, it was as though elected officials and others were complicit with the activities of CBSA or others. Again, I'm not presupposing it. The way we were acting assumed that everyone was guilty. We haven't even attempted to determine what actions occurred. There are other matters that we have privilege to receive that address some of that.

There's also the fact that Kristian Firth and others did business with the Government of Canada years before the development of ArriveCAN. Certainly, during the time of the Conservative government, they were quite active in their engagement. We already have a motion that asks to determine and collect those activities to understand more holistically how these things have taken place.

Kristian Firth and others have already appeared before us, and they've identified some of the processes by which they have come to obtain contracts with government throughout the last 20 years, but it's important, given the allegations that are out there, that we get to the bottom of what has taken place relative to the application of ArriveCAN, which is a compilation of many IT initiatives.

The option then to detain the witnesses, to issue a form of an arrest and to supersede the caution that has been given to us relative to the matters of health give us pause. That gives us a reason to be cautious and a reason to offer alternatives, I believe, in the circumstances before us. We still have more results to come to us. We still have the finalization of the investigation to read and to address.

I've considered what has been spoken already by some of my colleagues with respect to the establishment of GC Strategies in the circumstances when the COVID Alert app came to be, the suite of tools and the guidance that was developed by government to slow the spread of COVID. This was to provide opportunities for international trade, to keep businesses going, to enable millions and millions of Canadians to cross the border and, frankly, to be protected from those crossing in.

I look at the establishment and the complexity of the application in the short period of time it was required to be made. Some will say that it was a very simple thing and that it was an off-the-shelf

application, but that's just not true. On the initial proposal, the assessment, you can look at it as building a tree house in the backyard that cost \$80,000, but this app is like a skyscraper. You had to have contractors and engineers and subcontractors. There was the complexity around different departments and the enabling and assessment of millions and millions of transactions. There was also the complexity of dealing with the privacy issues. There was a lot of complexity and a lot of background in establishing the application and protecting people's privacy.

I am concerned as to the way it reads now, only because of the fact that it may be considered a precedent. We may have concerns with regard to its finality when we go forward. I just want us to be sensitive to what that means, and again I thank Mrs. Vignola for her amendments. I truly appreciate that. I think our colleagues appreciate it.

For those watching, please note that all of us on this committee want to see resolution, and we want to ensure that if there was any misconduct, those things will be addressed. We want transparency. We want accountability. We want people to stand forward in terms of what has taken place. We want to ensure that any application or any processes that did not occur properly are addressed.

● (1535)

Much of that is occurring already with the reports from the Auditor General, the ombudsman and the Information Commissioner, whom we heard from today. I just leave it to the committee to appreciate the precedent and the motion that we're trying to put forward at this point.

I will pass it on to the next speaker for their comments.

The Chair: Thanks very much.

Go ahead, Mr. Julian, please.

[*Translation*]

Mr. Peter Julian: Thank you very much, Mr. Chair.

I fully support Mrs. Vignola's amendment and motion.

I like the fact that she quoted Bosc and Gagnon's *House of Commons Procedure and Practice*, because it is the authority on the procedural rules we are supposed to follow at all times.

In my opinion, Ms. Vignola's use of this source is extremely important. It is also important to get to the bottom of things to find out exactly what happened.

I think Mrs. Vignola's motion and amendment are reasonable because it gives you, Mr. Chair, the opportunity to provide for any accommodations the witnesses might require.

With a few weeks' lead time, you can arrange the necessary accommodations. This is entirely reasonable and it is important for the committee to get to the bottom of things.

I lived through the Harper years, when the Conservatives were in power.

For the four years of the Conservative government, committees were completely blocked, so we could not get to the bottom of things.

That's the way it was, whatever the scandal involved: SIST, Phoenix or the G8.

When Harper formed a majority government, his team prevented us from getting to the bottom of things and demanding transparency.

With a minority government now, it makes a difference because our committee may decide to invite the witnesses it wishes to hear from. With reasonable accommodation measures, we will be able to ask questions and get answers.

[*English*]

I should mention as well, Mr. Chair, that the reason we're supporting the motion and the amendments is that this has not been a practice of committees.

I'll give you the best example that I can cite, which was at the Canadian heritage committee when we had Meta corporation. It's one of the largest corporations in the world. We tried to convene Nick Clegg, who is their president of global affairs, and it was simply refused. There was no interest from Meta. Because Mr. Clegg is not based in Canada, there was no way to do a follow-up to compel him to be a witness.

The reality, as you know, Mr. Chair, is that Canadian taxpayers indirectly finance Meta and Google collectively. As the Library of Parliament has indicated to us, over a billion dollars a year in taxpayers' money go to an indirect subsidy. We subsidize the advertising on Meta. There are many problems with Meta, yet members of the heritage committee—particularly Conservatives—didn't want to press the issue of making sure that Meta was convened and forced to testify.

In this case, the amounts involved are smaller. However, the reality is that we still have that responsibility as a committee to convene and bring witnesses forward and make those accommodations that their medical conditions may require.

To give a reasonable period of time makes sense as well. That's what the amendment does. It talks about a 21-day period. It makes sense to do this.

I recall the Harper years. I recall how committees were shut down and unable to do their work when Harper's Conservatives were in a majority. However, I certainly believe that in a minority Parliament we have the ability and the obligation to call witnesses forward to get to the bottom of what happened with ArriveCAN,

why so much money was spent and why the paperwork was not done in a responsible way.

• (1540)

I also flag, Mr. Chair, that this dates back to the Harper regime, and that some of the contracts that were given to the predecessor company of GC Strategies were provided during the Harper regime. It's important to question the witnesses about those contracts as well, contracts that date back to 2012 and 2013 with the predecessor company.

For all of those reasons, I'll be supporting the amendment and I will be supporting the motion as amended.

I think this is a measured approach. It gets us to the bottom of the information that we need to obtain on behalf of Canadians. It provides a long enough period for the witnesses to ensure that they are able to come forward, and it provides time for you, Mr. Chair, to ensure that reasonable accommodations are provided for any medical conditions that apply. For those reasons, I support both the amendment and then the motion as amended.

The Chair: Thank you very much, Mr. Julian.

I have Ms. Vignola and then I have Mr. Barrett.

[*Translation*]

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

I would like to thank each of my colleagues for taking the time to thank me. We could go on like this for much longer. I could speak at length, but that is not my intention either.

One of my colleagues talked about mitigation measures and suggested that we all decide together. I am open to that. That said, we have to remember that those mitigation measures are generally suggested by health care practitioners. In the end, we will just have to say yes or no to the measures. The parties in question have to be involved.

As to the precedent involving the Sergeant-at-Arms, this is not recent, but I want to point out that John A. Macdonald was taken into custody. The first prime minister of Canada was taken into custody on order of the Sergeant-at-Arms. I imagine that the witnesses who have repeatedly refused to testify are just as important as our first prime minister. I'm not joking; it is in the books.

The power of a Sergeant-at-Arms to issue arrest warrants dates back to 1543, when the British House of Commons asked the Sergeant-at-Arms to release a Member of Parliament that the City of London had imprisoned. The Sergeant-at-Arms prevailed.

That is the first instance of the Sergeant-at-Arms exercising the power to issue arrest warrants. So there are precedents. There are precedents dating back to long before Canada existed and that are all in the *House of Commons Procedure and Practice*, if you choose to consult it.

In closing, thank you for sharing your thoughts on my subamendment regarding ArriveCAN. This application was not created internally, and a number of subcontractors were needed to make something out of it. It did of course save some time and allowed Canada to continue trading with the United States. It would have been even better if, instead of costing one or two dollars per user, it had cost 15, 20 or 25 cents per user. In terms of final cost per user, one aims for maximum efficiency. That was not the case here.

Some 177 changes were made to the application, but we do not have any information about those changes. We do not even have information about the 25 most important changes. Were they warranted? How were they done? How much time was spent making those changes? We do not know because the documentation was not completed, the Auditor General says. It is not me, Julie Vignola, the member for Beauport—Limoilou, who is saying that. I am telling you what the Auditor General said.

I wanted to make that clear, in relation to my subamendment and the importance of not creating precedents. We are not creating any; they already exist.

● (1545)

[English]

The Chair: I have Mr. Bains next.

Mr. Parm Bains: Thank you, Mr. Chair.

Like everyone here, we're trying to get to the bottom of this. I don't want to prolong the discussion too much more. I believe a lot has been said.

I do want to recognize that with regard to GC Strategies in particular and the two people in question, we want to try to keep things confidential when it comes to people's health.

I think, Mr. Chair, you intervened and said to make sure that we're not using certain terms, but it's already out there. It has been reported. It was a large portion of our discussion here on what we need to protect. We need to ensure that those matters of privacy are protected.

We intend on voting yes to Madame Vignola's subamendment. We would just make a friendly change, which would be, "that such accessibility and accommodations that the witnesses may request be agreed by the subcommittee and arranged by the chair".

If we could please include just a friendly inclusion of this into that subamendment, if all members agree, I would like to put that forward.

The Chair: Thanks.

Mr. Sousa, do you wish to speak to this subamendment from Ms. Vignola, or are we done with Mr. Bains?

Mr. Charles Sousa: I think Mr. Bains has expressed our friendly amendment.

The Chair: Perfect. Thanks.

Colleagues, because we can't amend a subamendment, I will seek UC to adopt that. Under the paragraph with the "First step", but within in 21 days....

Sorry. Go ahead, Mr. Barrett.

Mr. Peter Julian: I have a point of order.

The Chair: I'm sorry. We're not going to go ahead. Hold on. We have a point of order from Mr. Julian, and then I have a question from Mr. Barrett.

Mr. Peter Julian: Thank you very much, Mr. Chair.

I just want to pass the baton to our very dedicated member of Parliament for Skeena—Bulkley Valley, Mr. Bachrach, who is now attending.

Thanks for all of your courtesy. I have enjoyed being with the committee today.

● (1550)

The Chair: Thanks, Mr. Julian. I don't think we've seen you here in the eight years—or the 107 years, as Mr. Kusmierczyk has stated—that I have been on OGGO.

Mr. Bachrach, the member from New Westminster has been bad-mouthing you and your riding the whole time. I'm glad to have you back so that you can set the record straight.

Goodbye, Mr. Julian.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): It's good to be back. Thank you, Peter.

The Chair: Mr. Bachrach, when did you come in on this?

I ask because we're ready....

Mr. Taylor Bachrach: I've just come in a moment ago, but I'm ready to vote if you are approaching the vote.

The Chair: Great.

We're hoping to have a quick UC to adopt the amendment of "within 21 days of the adoption of this order, that such accessibility and accommodations as the witnesses may request be agreed to by the subcommittee and arranged by the chair".

Go ahead, Mr. Barrett.

Mr. Michael Barrett: Chair, we've just withstood a filibuster of several hours by the Liberals. I have to say that after good faith was extended by the Bloc in negotiating an amended version of the motion, then while Ms. Vignola was thanked 37 times by each of the members for collaborating with them, they still talked for two days on the motion. I don't sense good faith in dealing with this motion.

My fear is that in taking this into a subcommittee.... Am I correct that a subcommittee is in camera?

The Chair: Generally, we do meet in camera.

Mr. Michael Barrett: My concern is that this goes somewhere quiet, behind closed doors, to die. The subcommittee generally acts on consensus. I feel like this is an opportunity for them to kill it behind closed doors.

We just had Mr. Julian, who says he's in favour but spent his time talking about times long before many of us were elected, probably before the last time these powers were used by the House of Commons. I'm a little nervous about that. I'm quite sure that we don't have good faith in dealing with Liberal members on taking this behind closed doors.

This is a mechanism of accountability for two individuals who have twice refused to present themselves when summoned by a parliamentary committee. Twice they have been instructed to appear after having been invited. Then twice they refused a legal summons to appear.

The proposal by Ms. Vignola was very generous. She consulted with all parties. All parties seemed to—

Mr. Irek Kusmierczyk: I have a point of order, Mr. Chair.

I think my colleague is confused here. The reason I say that is that the subcommittee would gather, as the UC put forward, to talk about accommodations and to agree upon accommodations for the witnesses. That is all. The meeting would still take place in public.

I think my honourable colleague here is confusing the two issues. The subcommittee meeting would simply be to discuss the accommodations for the witnesses regarding—

Mr. Michael Barrett: Then what happens if—

The Chair: We're getting off track here—

Mr. Michael Barrett: No, we're on track, Chair—

The Chair: Let me finish.

I suggested a UC. We do not have that, so I suggest that we move on. We were at a point where I think Mr. Bains was the last speaker, and we were going to go to a vote on the original subamendment.

Can we do that, colleagues?

Go ahead, Mr. Barrett.

We won't get to a vote.

Mr. Michael Barrett: Chair, I don't need any clarification from Mr. Kusmierczyk. It's quite clear that if there is not agreement in the subcommittee to the accommodation, then the meeting doesn't happen. Having the meeting behind closed doors is the opportunity for the Liberals to kill it, just like they were trying to do with their filibuster.

I don't have confidence in them, so I would be unable to support an element of this motion that removes the transparent nature of public debate and discussion. Good faith hasn't been shown to this point, so that's not a courtesy that we can support.

If there are discussions to have, the discussions should happen in public. If the commitment is that the committee will discuss accommodations in public, then there's transparency, and that is a different conversation we can have. As for closed doors, cameras off, backroom deals where there's an opportunity for the cover-up coalition to engage, I can't abide that.

• (1555)

Mr. Irek Kusmierczyk: On a point of order, Mr. Chair, that snide comment at the end is absolutely uncalled for.

Mr. Michael Barrett: We'll get you some kleenex.

The Chair: Gentlemen, please. I will not recognize—

Mr. Michael Barrett: You've shown contempt for Canadians.

The Chair: Mr. Barrett, please.

I understand, Mr. Kusmierczyk, and we're going to move on.

I think Ms. Vignola had her hand up. No, now she doesn't.

Ms. Atwin had her hand up. Are you speaking, or did you take your hand down? I have Mr. Jowhari as well.

Mrs. Jenica Atwin: I will cede my time, Mr. Chair, but I just want to mention that to suggest that the subcommittee is somehow nefarious in its responsibilities to this committee is just unbelievable. However, it's kind of like the rest of the discussions that we've been having. I wish Mr. Barrett would retract that statement.

Mr. Michael Barrett: He won't.

The Chair: Mr. Barrett, please—

Mr. Michael Barrett: I won't.

The Chair: Go ahead, Mr. Jowhari.

Mr. Majid Jowhari: Thank you, Mr. Chair.

In that subcommittee, what we will be discussing in a very open way is the health situation, because we are not allowed to discuss the implications of those health situations. We're not allowed to talk publicly about the testimony that we want to hear on health here—the implications, the safeguards and the potential threat to the safety and security of those involved. For us to come back and make the accommodation, we need to talk about that, but we cannot talk about that in public, so there is no conspiracy theory. There's nothing we're trying to hide.

I'd gladly give my spot to anybody who wants to be part of the subcommittee as long as we're talking about the safeguards, or the chair can come back and rule that there is no issue now and that we can talk about these things publicly and it's not going to impact integrity. I'll be the first one who votes for going in public and talking about it, because we're dying to go public to talk about this.

The reason we are saying that the subcommittee should be in camera is that we will be talking about the safeguards and the implications and health-related material that we are not allowed to discuss publicly to ensure the integrity of our investigation. There's also the safety aspect.

The Chair: Thank you.

Go ahead, Mr. Bachrach, please.

Mr. Taylor Bachrach: Thanks, Mr. Chair.

It seems that one option might be to engage in the subcommittee in good faith. If things go sideways and if there are parties or members at that subcommittee meeting who aren't engaging in good faith in this discussion of accommodations, then the subcommittee can go into a public meeting and have the remainder of the conversation in public. We do have that option at any time, to my understanding. It's not a debatable motion and it's in order at any time. Perhaps that would strike a balance.

It seems like there's a lack of trust, and some of that is probably warranted, given some of the games we've seen played by different sides of the table. Certainly our intention is to get through this and to have the witnesses testify and get answers for Canadians.

I do think that this conversation about accommodation has merit as an in camera conversation, given the sensitivity of the personal situation. If people show up and play politics, a motion to go public is always in order, and I would be happy to make that motion.

That's all.

The Chair: We're still debating Ms. Vignola's subamendment.

Go ahead, Mr. Kusmierczyk.

• (1600)

Mr. Irek Kusmierczyk: Thank you, Mr. Chair.

I just wanted to say, for those who are watching at home, that what oftentimes happens in committees is that while discussions are taking place and while an MP has the floor and is speaking and opining on various issues, discussions are taking place between staff members of the various parties. They're negotiating and discussing what could be a path forward, especially if there appears to be a Gordian knot that we're trying to undo. For those watching, discussion was taking place over the last couple of hours that we were here in discussion and we seem to have found a path forward.

This was something that was suggested by my colleagues. This path forward and this small change that we're requesting was suggested by the opposition members themselves. We seem to have found a path forward that we agree to.

The ultimate goal here is to see the witnesses. We've all said this. We're united in wanting to see the witnesses here before committee and speaking. The only thing we're asking is that when we're having discussions about what accommodations to bring forward in order to address their serious health concerns, we do so as a subcommittee. This is normal practice.

How many times have we had issues when, rather than discuss something, especially if there might be sensitive information at play, we ask the subcommittee to step forward and make a decision among themselves? I believe in our ability to do that, despite how cantankerous and rancorous the debates may be when the cameras are going. When the cameras are off, you see a tremendous collaboration and partnership.

This isn't something that's egregious. We're simply saying that if we're going to talk about health accommodations, health information and sensitive issues when it comes to somebody's health, let's do that at a subcommittee where we can have an open discussion and a debate.

My colleague MP Bachrach, who has joined us fairly recently, has always stepped forward with what are responsible, measured and thoughtful solutions for a path forward. This is what we have here.

Let's discuss those issues. If there is some kind of an impasse at subcommittee, my goodness, bring it forward into the light. I can tell you that from our position, we want to do everything we possibly can to come to an agreement, get the accommodations agreed to and have the witnesses come and testify.

Again, I don't understand the spirit that Mr. Barrett is trying to interject here into these discussions when we seem to be approaching consensus, collaboration and an opportunity to move this forward and get the witnesses here before the committee, which is our ultimate goal. I don't understand the motivations of my colleague here. I really truly don't.

I've been on the OGGO committee now for over four years. It was worked in the spirit of collaboration. It has done the people's business, and I don't understand the spirit here that my colleague is trying to interject into what is traditionally a collaborative committee that works hard and gets work done.

There are no games on our side. Let's talk about accommodation and let's do what we can to get the witnesses to testify at this committee, which is what we all want to do. I just want to clarify that again. I want to thank yet again—I think it bears repeating—Madame Vignola for setting the table for this and for doing the hard work in the last couple of days to bring this forward.

It is a sensible subamendment, and at the same time we're trying to introduce a sensible UC motion that simply allows us to talk about accommodations and health in the proper forum and move forward on this.

That's it from my end. I'm going to turn things over now to my colleague.

Thank you, Mr. Chair.

The Chair: Thanks.

I see Mrs. Atwin.

Mrs. Jenica Atwin: Thank you, Mr. Chair.

Just in the interest of time and maybe coming to a final negotiation here, if we don't send it to the subcommittee, then the committee can decide, and implementation would fall to you, Mr. Chair. Would that be more agreeable to my colleague Mr. Barrett?

• (1605)

Mr. Michael Barrett: Indeed it would.

Mrs. Jenica Atwin: Great.

The Chair: Thank you, Ms. Atwin. We should have had you speak out three hours ago.

Mr. Majid Jowhari: On that point of order, whether it's the subcommittee or whether it's in the committee as a whole, this will be in camera, so we can talk about all of those things freely. Is that correct?

The Chair: Ms. Atwin, what are you suggesting? Can you confirm to Mr. Jowhari what you were suggesting?

Mrs. Jenica Atwin: Again, because it's the accommodations for a sensitive health concern, I guess I made the assumption that it would be in camera. Hopefully, that's still agreeable for my colleague.

The Chair: Go ahead, Mr. Barrett.

Mr. Michael Barrett: The difference, of course, is that the full committee has the ability to move in camera and back into public proceedings as necessary, so if there's information that can only be dealt with in camera, then it ought to be dealt with there. However, if there's information that's just logistical in nature and if there's consensus that it would be dealt with only in public and we agree that the chair will report out of any in camera meeting we have, then that satisfies the transparency and the protection of any personal information.

The Chair: That's with the assumption that the actual meeting with GC Strategies is in public, as I think Mr. Kusmierczyk stated.

Mr. Sousa, do you have your hand up, sir? No. Okay.

Can we suspend for a couple of minutes? I'll just make sure that the clerk has properly documented what we seem to agree to.

We'll suspend for a couple of seconds.

• (1605) _____ (Pause) _____

• (1610)

The Chair: Everyone, thank you for your patience. I really appreciate that everyone is working together for this.

I think we have a solution. I will read it, and this will be on Mrs. Vignola's subamendment. We will just need UC to accept these changes.

Under the paragraph that starts with "First step", we'll say, "but within twenty-one days of the adoption of this Order and with such accessibility accommodations the witnesses may request, to be agreed upon by the committee and the Chair agrees to arrange".

This is understanding, of course, that the committee can move in camera and back in public at any time they want.

Where it starts under "Second step" in paragraph (a), with "the Sergeant at Arms shall take", etc., in the second line it will say, "for the purposes of enforcing their attendance before the Committee in public at dates and times determined by the Chair of the Committee".

Are we fine with that?

An hon. member: Yes.

The Chair: Great.

Do I have UC on that?

Some hon. members: Agreed.

The Chair: Perfect.

We now have to vote on Mrs. Vignola's subamendment, as we just discussed.

Do we need a vote, or are we fine adopting...?

I see agreement to adopt.

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

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

The Chair: That's done.

We are now into discussing Mr. Genuis' original amendment, which I understand he will withdraw if we can have UC—if Mr. Genuis agrees.

He agrees.

Can we have UC to withdraw Mr. Genuis' original amendment?

Some hon. members: Agreed.

(Amendment withdrawn)

The Chair: Perfect.

We will now vote on the motion as amended.

Can we just agree or...?

I see thumbs up all around.

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

The Chair: It is so adopted.

Colleagues, thank you very much. Lots of very good points were brought up by all sides. I will state that I sincerely appreciate the work of our clerk, who is dealing with us for a couple more days.

Unless there's something else, we will adjourn.

• (1615)

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

Sometimes there are delays in getting the minutes of the committee. Could you ask the clerk to distribute the correct form of the motion that was adopted by email to members just so we can have the exact text in front of us right away before the minutes are published?

The Chair: He will have it out sometime today in both official languages—before the end of business today, probably. Is that satisfactory?

It is. Wonderful.

Colleagues, thank you again, sincerely.

We are adjourned.

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