



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Public Accounts

EVIDENCE

NUMBER 052

Thursday, March 9, 2023

Chair: Mr. John Williamson



Standing Committee on Public Accounts

Thursday, March 9, 2023

• (1530)

[*Translation*]

The Chair (Mr. John Williamson (New Brunswick South-west, CPC)): I call the meeting to order.

Welcome to meeting number 52 of the House of Commons Standing Committee on Public Accounts.

[*English*]

We're meeting today to discuss committee business. On Thursday, February 16, we were debating the motion of Madame Sinclair-Desgagné in regard to the contracts by Public Service and Procurement for a supply of COVID-19 vaccines and the amendment by Mr. Housefather. That amendment now belongs to the committee, because I see that Mr. Housefather is not here today, which is fine.

I will note that we have House resources until 4:15.

The order will be Madame Sinclair-Desgagné, and then we will go over to Mr. Fragiskatos.

Madame Sinclair-Desgagné, you have the floor.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné (Terrebonne, BQ): Thank you, Mr. Chair.

I want to start with the motion I put on notice a few weeks ago. I think everyone agrees it's time to come back to that very important motion.

After that, I will let the Liberals have the floor because they indicated that they were going to seek unanimous consent to withdraw their amendment. The idea is to then move that the committee invite the pharmaceutical company representatives to appear at a special meeting. They will have a chance to make their case as to why the contracts should stay confidential and why we, as parliamentarians, should not be allowed to review the contracts in camera. Keep in mind that the motion already includes safeguards to not only keep the contracts confidential, but also steer clear of any intellectual property-related issues. I want to make something crystal clear: the purchase agreements with the pharmaceutical companies do not contain any intellectual property information about vaccine manufacturing whatsoever. It's important to set the record straight.

I also want to set the record straight about something else. A number of countries have disclosed their purchase agreements. Just so everyone knows, I repeat: those agreements have been disclosed elsewhere in the world.

I will leave it there, so my fellow member can have the floor.

[*English*]

The Chair: Thank you very much.

Mr. Fragiskatos, you have the floor.

[*Translation*]

Mr. Peter Fragiskatos (London North Centre, Lib.): Thank you, Mr. Chair.

In the spirit of co-operation, I have a solution to put forward.

[*English*]

I'm going to ask for unanimous consent, Mr. Chair, for the Liberal side to withdraw its amendment to Ms. Sinclair-Desgagné's motion that we were recently discussing and debating and propose that we would meet next week to have suppliers from various pharmaceuticals—I think it's only fair that we invite them to appear—in addition to trade associations that have also expressed concern in written form, as you know, Mr. Chair, to this committee. I am asking for unanimous consent for that.

The Chair: There are two ways to proceed here.

There's one that I think will work. I'm going to break it in two, but I'm going to look for your agreement on this—and this is on the advice of the clerk—that we pass quickly a unanimous consent motion to withdraw the amendment and then return immediately to the date and the witnesses as the next step. That way it just kind of clears the table: We reset it and we deal with that. Is that...?

• (1535)

Mr. Peter Fragiskatos: That's in line with what we're hoping for. I decided to bundle everything up, but if that makes sense for the clerk, then I will defer to the clerk.

The Chair: I'm going to ask for that UC vote. Then, with Mr. McCauley's approval, I'll go back to Mr. Fragiskatos, because he still has the floor. Is that okay? I want to move this along and be as friendly as we can.

Could I look for unanimous consent to have the amendment attached to the motion withdrawn, please?

Some hon. members: Agreed.

The Chair: That amendment is now off the table and removed from committee business.

I have a brief remark for the record.

I am pleased this has happened. Over the recess week, I gave this a lot of research and time. I came to the conclusion that the amendment was very problematic, because it bound members. I'm not saying this to chastise anyone, but I want to get this on the record because it might be something that future committees will have to deal with. Based on the research I looked at, with the assistance of the clerk, no committee we could find has ever agreed to a non-disclosure agreement. They have been used for ad hoc committees—either the committees agreed to that, or Parliament. That is outside the scope of Parliament, because privilege does not apply.

Importantly, the reason for my thinking is that the vote was not just a vote that members were taking for themselves. It wouldn't just impact them. For example, if a member wasn't here or voted against it, it could potentially put them in a position where, if they were not in agreement and were unwilling to sign the NDA, they could not perform their Parliamentary duties. They would not have been able to move ahead and conduct committee business. I made that point quickly when we last met.

When I thought about it further, it put me in a very tough bind, because as committee chair, I would have been bound by the decision of the non-disclosure agreement, which is an issue I had a problem with. Many of you expressed that in this committee, so I won't relitigate it. Potentially, it meant that if the chair had not agreed to the NDA, I would have had to recuse myself, which would have put the committee in an awkward position.

I'm pleased this has happened. I'm pleased we can move on from this.

On that note, I will turn things back over to Mr. Fragiskatos for the next bit. I will try to summarize it: It's looking for a meeting next week or as soon as possible. It's looking for the seven manufacturers, as well as two trade associations. You're welcome to add to that if you like, and after that, I will turn it over to Mr. McCauley.

Mr. Peter Fragiskatos: You've taken the words out of my mouth, Mr. Chair, but that's fine. You have it exactly.

I'll reiterate the point I made at the outset: On a simple fairness principle, we allow the various pharmaceutical companies to come and present their perspective, in addition to the trade associations that have also shared a view, naturally, as they have with the committee.

I should add that after the testimony is complete, we would move to a vote on our colleague's motion.

That's what we have to share, on our side.

The Chair: Thank you.

Go ahead, Mr. McCauley.

Mr. Kelly McCauley (Edmonton West, CPC): Thanks for that. I appreciate that.

The only thing I would add is this: Frankly, I am not keen on having trade associations or either chamber here. I just want to have the pharmaceuticals. After chatting with my colleagues, I think they feel the same. I would ask that we stick to those.

Otherwise, thanks for bringing that forward, Peter.

• (1540)

The Chair: Thank you.

Go ahead, Mr. Desjarlais.

Mr. Blake Desjarlais (Edmonton Griesbach, NDP): I have the same comment as my colleague Mr. McCauley in relation to the trade organizations. The pharmaceutical companies are sufficient for our purposes and for what we need to do.

The Chair: I will add to that.

I believe the committee members have already received two letters, which have been translated. A third one is coming. A fourth one has already been received but is being translated. It is expected. I raise this not to say these letters aren't welcome but that they open up a bit of a concern. I don't think we're suggesting that anyone who writes a letter should be in a position to come to that meeting. We have their written testimony. I want to flag that. It doesn't end with the first two we've received. Others are coming as well.

I'm not breaking any confidence if I say this: The contact I had today was looking to offer another opinion—the case for disclosure. It might be best to focus on the pharmaceuticals. Of course, that is a question for the committee.

I'll go back to you, Mr. Fragiskatos.

Mr. Peter Fragiskatos: I have no view. If that's the will of our colleagues, we're not going to fight that.

The Chair: That seems to be resolved. Thank you.

Can we talk about the date? I'd be curious to get—

I'm sorry; you're up, Mr. McCauley.

Mr. Kelly McCauley: I was going to start the discussion on a date, but you go ahead.

The Chair: The proposal from the government bench is next week, which of course is a recess week. Note that I didn't call it a break week, because we're all going to be home in our ridings, working exceptionally hard.

I want to talk to you. We can endeavour to put a meeting together. The earliest would be a week from now or a week from tomorrow. I want you to think about what is fair in order in terms of notification. What is a fair notification?

We also need to talk about who we're inviting. We don't just want, obviously, the communications person to come in. I would think we would want the country representative for each of these pharmaceutical companies to come to the committee. We want this committee to hear from senior mandarins, top officials, so some thought has to be given to the people we are inviting to come to address this.

Is it the country representative? For heaven's sake, I hope it's not someone from the legal department, because we will never get through this committee work. Give that some thought. My recommendation is that we maintain the status we have, which is to ask for a very senior executive.

To go back to the timing, a week is the soonest. Not to disagree with my colleague, we do have the calendar open on March 23, which is two weeks from now. That would give sufficient time for notification. It would give sufficient time to have people make travel arrangements to come in if they choose, or for the clerk to send out the headsets if people don't come here, because we want to take that responsibility seriously.

I throw that back to the members, both the date and the officials.

We'll go to Mr. Fragiskatos first, and then to Mr. Genuis.

Mr. Peter Fragiskatos: I suggested next week. I could also have phrased it as "at the earliest opportunity". We don't want to play games with it. Let's meet when our clerk can book the times for the companies to come.

[*Translation*]

The Chair: We now go to Mr. Genuis.

[*English*]

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): I agree with next week and senior people. Let's trust the chair to have latitude in terms of the specific names so that we don't have to come back and mechanically go through it piece by piece. Chair, it's the most senior people, so using your good judgment, let's do it next week.

[*Translation*]

The Chair: Go ahead, Ms. Sinclair-Desgagné.

Ms. Nathalie Sinclair-Desgagné: Given what we are trying to do, that is, give the pharmaceutical companies an opportunity to have their say—I think we can simply ask for senior executives and let the companies decide who to send. Obviously, if they send their legal department heads, we will know that we are dealing with a legal issue, and we can debate what's more important: the constitutional conditions of transparency and democracy or purchase agreements. It would be quite the debate, I'm sure.

As far as scheduling goes, I just want to say that my preference is to hold the meeting as soon as possible, ideally next week. However, if the committee wishes to schedule the meeting on Thursday, March 23, I will go along with that.

• (1545)

The Chair: Very good. Thank you.

Over to you, Mr. Desjarlais.

[*English*]

Mr. Blake Desjarlais: I'll add some comments on two things. One is on the date, just to begin. I can trust the chair and the clerk to find a suitable time for us. The sooner the better, though. I agree with my colleague from the Bloc.

On the presence of the members who'll be invited from these companies, it might also be important, considering the nature of

their attendance, that we also invite the Parliamentary law clerk. It could be of benefit to our committee to have the law clerk present as a witness as well, in order for us to better understand the circumstances in which these companies may provide information, or lack thereof, on which we may seek some advice.

The Chair: Thank you.

Go ahead, Mr. McCauley.

Mr. Kelly McCauley: Thanks, Chair.

I echo Mr. Desjarlais' comment that we should maybe have the law clerk here, just to avoid a "he said, she said" situation and a delay of things and be able to settle it all in one day.

Next week is wonderful. I would just ask that it be either Thursday afternoon if some of us out west are catching the red-eye in, so that we can get a bit of sleep, or earlier Friday, so that those of us out west can actually get out at a decent hour.

Mr. Blake Desjarlais: Next week's a break week. Is that right?

The Chair: Next week's a recess week, yes.

Does anyone want to say anything on the presence of the law clerk specifically?

Mr. Peter Fragiskatos: Yes, sure, although I've done a lot of talking.

I don't know if my colleagues have a view on it, but I see no obvious issue with what Mr. Desjarlais has suggested with respect to the law clerk appearing.

The Chair: I just want to ask the clerk. Do you think inviting the parliamentary law clerk will be an issue?

The Clerk of the Committee (Mr. Cédric Taquet): No. I will ask him.

The Chair: Very good.

Mr. Kelly McCauley: Mr. Chair, I apologize.

One other thing I was going to mention is that if we're able to pull it all together, we strongly request that the folks in the pharmaceutical companies be here in person. I realize the difficulty. However, it's just so much more conducive to—

The Chair: Yes, that's my default. Of course the Standing Orders give the individuals the ability to choose, but witnesses are encouraged to attend in person. I've been doing that and will continue to do that. The clerk will tell you that I've asked him to go to the limit on that already in every meeting, and I can't go any further.

Are there any other comments?

Mr. Desjarlais, go ahead.

Mr. Blake Desjarlais: This is just one comment to Mr. McCauley's point about being in person. For your reference, Mr. Chair, my preference—and I think the preference of some of my colleagues—would be to make sure that we have their presence in person.

I know that it's going to be difficult for the clerk and for the chair to find a suitable time for this to happen next week. If they can't be present in person next week, I'm of the position that if they offer another date that is in person, I would accept that date in favour of having them appear virtually next week.

Do you know what I'm saying?

The Chair: You've hit the conundrum.

That's why I think two weeks will give us time for people to clear their calendar and get here. One week will do that less so. You're in the same party that I am. You want to have your cake and eat it too, so on that aspect, we're ideological soulmates.

Mr. Desjarlais, the challenge is that at the end of the day, if a witness wants to appear virtually, there is nothing that this committee can do about it.

Go ahead, Mr. McCauley.

Mr. Kelly McCauley: Thanks, Chair.

I appreciate that, and it's difficult, because we're going to have maybe four or five. However, that being said, if they've managed in the short time that the motion's been in front of us to gather enough pressure to have so many letters written from a high level and it's important enough that they can do that, I'm sure it's important enough that they can get themselves here by this week.

• (1550)

The Chair: I'll overlook the obvious speculation.

My goal—and I think our goal—is to ensure that we have people here who can speak to these issues and not that they just send someone in who meets a deadline that is early and attractive.

I will say this, and I'll consult with the clerk afterward: The absolute earliest I would want to do this is a week from tomorrow, which is March 17. However, I'm going to consult with the clerk. Unless you all direct us to act on this next Friday, I'm going to talk to the clerk about some of the logistics and discuss settling on either the 17th or the 23rd.

Go ahead, Mrs. Shanahan.

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): I must object to the 17th. I'm sorry, Clerk. Come on. Have a heart. March 17 is St. Patrick's Day.

The Chair: We can do it Saturday. You'll feel twice as bad.

Mrs. Brenda Shanahan: I've offered in the past to work weekends, but apparently that doesn't happen.

[*Translation*]

Of course, we are open and available.

I think we'll get a better sense of those things once we contact the companies. I see there's a willingness to accommodate the commit-

tee members and the witnesses, so that we can hold a productive in-person meeting.

The Chair: All right. Very good.

[*English*]

Are there any other comments? If not, I'm going to summarize where I think we're at. I'll do that right away anyway, and then you can comment.

We're going to invite the seven pharmaceutical companies, with an emphasis that they appear in person, but recognizing that your chair is constrained by the Standing Orders. We'll also include the parliamentary law clerk, who will be here as well.

I am going to consult with the clerk and set the date for either the end of next week or the Thursday two weeks from today. We will proceed in this meeting as we normally proceed. There will be an opening statement from each of the witnesses, and then we will turn to committee business.

Does that sound like a good summary of where we're at? If so, you can send me on my way.

First I'll turn to the motion's sponsor.

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: Thank you, Mr. Chair.

I just want to say that it would be good to schedule a bit of a longer meeting, not just two hours. We're asking representatives from seven companies to come here to meet with the committee, so it's only appropriate to schedule enough time to hear what they have to say.

I think we should schedule at least three hours, if not four, to meet with them and leave 15 minutes at the end to vote on the motion.

[*English*]

The Chair: I'm going to take what we've agreed to and put that in my pocket.

Now you can talk about the time and whether it's two hours or three hours. I'm sure government members will have something to say about this, and perhaps others will too. The request is that we attempt to have a two- to three-hour meeting. I'm going to consult with the clerk on this before I seek your opinion to make sure this is even possible. Hold on.

I'm told that if we want to do that, it is possible.

Mr. Fragiskatos, go ahead.

Mr. Peter Fragiskatos: In principle, we're not opposed to more time, but I think that we can also get the meeting done in the usual time frame. If more time is needed, then I suppose we can reserve that right. Of course, all of this depends on the availability of the resources of the House of Commons. That aspect is completely out of our hands.

I think everybody's being co-operative, so we'll keep working together on it.

Mr. McCauley just said, "Three hours if necessary, but not necessarily three hours." It's a famous Mackenzie King line, I think. Anyway, we don't need to get into that.

• (1555)

The Chair: I'm seeing head nods on this side, but I just want to confirm that it's okay.

All right.

What I will do is set the meeting up. Again, I will seek your approval to do this, but at the two-hour mark, if there are still questions, we can either continue with rounds or members can defer to those who still have questions. That way we'll just continue this process.

All right. Could I have agreement to adjourn the meeting, please?

No, hold on. Before that, we're going to look at budgets. Hold on a second.

Could I please get your agreement here? These are just our requests for budgets, and they have been sent to you. You might not have them in front of you. The clerk can send them. In the meantime, I'll just read them out. It's end of year, and our clerk has been very persistent and persuasive in wanting to get these done.

An hon. member: [*Inaudible—Editor*]

The Chair: Look, the optimism has been beaten out of me. We're prepared here.

Did you want to send them out, clerk?

Okay. They just went out.

Could I get your approval for \$1,100 for headsets, dial-in phone lines and working meals? I'm sorry. I don't have my notes in front of me. This is for a meeting on "Report 4: Systemic Barriers—Correctional Service Canada", of the 2022 reports 1 to 4 of the Auditor General of Canada.

Could I have your support to pass this?

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

The Chair: The next one is for \$1,625, again to cover the same items for the upcoming "Report 7: Cybersecurity of Personal Information in the Cloud", of the 2022 reports 5 to 8 of the Auditor General of Canada

Could I have your approval for that, please?

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

The Chair: Good. Thank you.

Next is "Report 9: COVID-19 Vaccines", of the 2022 reports 9 and 10 of the Auditor General of Canada. The amount requested is \$1,100 for the same items.

Can I have your approval for this budget, please?

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

The Chair: Thank you.

Finally, we have "Report 10: Specific COVID-19 Benefits", of the 2022 reports 9 and 10 of the Auditor General of Canada, for \$2,375. This is two meetings, and hence the higher amount. Again, it's for the same items—dial-in phone lines, headsets and working meals.

Can I have your approval for this, please?

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

The Chair: Thank you. The clerk is very happy.

I will now explain this to keep opposition members aware. I'm not pulling a fast one. I'm going to adjourn the meeting. Because we have an upcoming meeting on March 20 with the Minister of Indigenous Services, I need to adjourn this meeting so that I can roll that meeting in.

The schedule is now set. We will have this meeting either at the end of next week or on March 23. Nothing's going to derail that, Madame Sinclair-Desgagné.

The committee has agreement, so I can safely adjourn this meeting. We will come back to this issue, as I outlined earlier today.

Do I have agreement?

Some hon. members: Agreed.

• (1600)

[*Translation*]

Ms. Nathalie Sinclair-Desgagné: The clerk just confirmed that we will be able to vote on the motion. As long as we can do that, I'm fine.

The Chair: Yes, of course.

[*English*]

Thank you, everyone.

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>