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Chair: Mr. John Williamson



Standing Committee on Public Accounts

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• (1630)

[Translation]

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

Good afternoon, everyone.

Welcome to meeting number 132 of the House of Commons Standing Committee on Public Accounts.

[English]

Today's meeting is taking place in a hybrid format pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

Before we begin, I'd like to ask all members and other in-person participants to consult the cards on the table for guidelines to prevent audio feedback incidents.

[Translation]

Please bear in mind the preventive measures in place to protect the health and safety of all participants, including interpreters.

[English]

Please only use a black, approved earpiece. Keep your earpiece away from all microphones at all times. When you're not using your earpiece, please place it face down on the sticker on your table, generally to your right, although it could be to your left. That ensures it is an adequate distance away from the microphones.

[Translation]

Thank you for your co-operation.

[English]

I remind you that all comments should be made through the chair.

[Translation]

Pursuant to Standing Order 108(3)(g), the committee resumed consideration of report 1 of the 2024 reports of the Auditor General of Canada, entitled "ArriveCAN", which was referred to the committee on Monday, February 12, 2024.

[English]

I'd now like to welcome our witnesses.

From the Royal Canadian Mounted Police, we have Michael Duheme, commissioner. We also have Mark Flynn, deputy commissioner.

Thank you, sirs, for agreeing to appear today. You have five minutes for opening remarks. Please proceed when you're ready.

Commissioner Michael Duheme (Commissioner, Royal Canadian Mounted Police): Thank you, Mr. Chair and committee members.

Good afternoon. I'm here before you today following the committee's motion last month to invite the RCMP.

I appreciate the work this committee is doing in order to respond to the recommendations of the Auditor General of Canada's report on the government's ArriveCAN application. I understand this committee and Canadians are looking for answers and accountability around ArriveCAN. The RCMP is investigating and using all available information, including the Auditor General's performance audit report and the procurement ombudsman's information. The RCMP has multiple investigations under way into these matters.

The principle of police independence is fully respected throughout all investigations. Operational independence underpins the rule of law and is necessary for the maintenance of public trust. The RCMP ensures that all investigative actions are appropriate to protect the integrity of the investigation and the rights of the accused individual, and it takes steps to mitigate any future harm that may occur throughout the investigation. This is a delicate balance the RCMP faces in all of its investigative efforts.

With this in mind, I would now like to share more information with the committee about the area within the RCMP that has expertise and experience in leading these types of investigations.

[Translation]

Federal policing is a core responsibility of the RCMP and is provided in every Canadian province and territory, as well as abroad.

As part of the federal policing mandate, the RCMP's sensitive and international investigations unit conducts investigations into sensitive matters that may pose significant threats to the political, economic and social integrity of Canada's government institutions, to public servants and to the integrity of the Crown at home and abroad.

The sensitive and international investigations unit investigates serious allegations of corruption and financial crime under the Criminal Code or other federal statutes, within the government or its institutions.

[English]

The integrity of any criminal investigation must be protected. While subjects of investigations are sometimes known publicly, additional associates in the alleged offence are often unknown. Knowledge of the suspect, charges or investigative strategy and techniques can lead to potential destruction of evidence, intimidation of witnesses or prejudice against an innocent person. Any disclosure of the aforementioned components has the potential to compromise an ongoing investigation. The RCMP cannot comment on the nature or source of the information it receives related to an ongoing investigation. In the case of ArriveCAN, the RCMP can confirm that it is investigating all associated matters to determine whether any criminal offences have taken place.

As a means of ensuring police independence free from any real or perceived political influence, the RCMP is operationally independent. Police independence is an important principle in a free and democratic society. It ensures that the government cannot direct or influence the actions of law enforcement, and that law enforcement decisions remain based on the information and evidence available to police. The independence of law enforcement is fully respected throughout all investigations.

In sensitive and complex investigations such as the ones we are investigating, the timeline will vary depending on a myriad of factors, including matters of privilege, the number of other ongoing investigations and available resources. As a result, the duration of these investigations can vary.

Today, I am committed to providing you with as much information as possible on the investigations. Mark and I will answer your questions to the best of our ability, all while protecting the integrity of this or any other ongoing investigation.

Thank you, Mr. Chair.

• (1635)

The Chair: Thank you very much.

We're going to begin our first round. Each of the first four members will have six minutes each.

Mr. Brock, you're leading us off. The floor is yours.

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

Thank you, witnesses, for your attendance.

Commissioner, you referenced in your opening statement “multiple investigations” into these matters. Is this in reference to the ArriveCAN issue?

Commr Michael Duheme: That is correct. There are multiple investigations going on.

Mr. Larry Brock: How many are there in total, officer?

Commr Michael Duheme: I would have to refer to Mr. Flynn to see if we have an exact number, but there are numerous investigations.

Mr. Larry Brock: Can we get an exact number?

Deputy Commissioner Mark Flynn (Deputy Commissioner, Federal Policing, Royal Canadian Mounted Police): With re-

spect to this type of activity, there is a broad number of investigations. Specific to ArriveCAN, there is one investigation specific to ArriveCAN.

Mr. Larry Brock: There's one general investigation and then offshoots from that investigation.

D/Commr Mark Flynn: There aren't offshoots, but if you look at ArriveCAN as well as other similar types of situations, there are many. That is the category I would put it in. I won't give you an exact number.

Mr. Larry Brock: Okay. There are many. Are there more than six?

D/Commr Mark Flynn: I'll say yes. That's as precise as I can get.

Mr. Larry Brock: Okay. Is this in reference to contractors and subcontractors, or does it involve federal bureaucrats and/or government officials?

D/Commr Mark Flynn: Specifically, I am speaking to procurement irregularity investigations.

Mr. Larry Brock: Okay. Again, the question put to you is whether this is exclusive to contractors and subcontractors, or does it involve government officials?

D/Commr Mark Flynn: It involves the entirety of what needs to be looked at with respect to procurement contracts.

Mr. Larry Brock: I take from that “the entirety” could include contractors, subcontractors and the federal bureaucracy that dealt with those contractors, as well as the deputy ministers overseeing that department and, ultimately, the ministers of the Crown who have ultimate responsibility. It's a catchment of individuals that you're potentially going to be looking at.

Is that correct, sir?

D/Commr Mark Flynn: I will not speak to any information with respect to the targets or subjects of the investigation. I will simply speak to the substance of it to give you as much information as I can today to be helpful.

Mr. Larry Brock: Thank you, sir.

I'm moving on to GC Strategies. On the eve of his call to the bar in the House of Commons, Kristian Firth, one of the two owners of GC Strategies—GC standing for “Government of Canada”—by his definition had his home raided. I understand this was an offshoot or a part of the RCMP detachment. It was the sensitive and international investigation unit that was responsible for the execution of the warrant.

How many officers were involved?

D/Commr Mark Flynn: We never speak to the number of officers involved in our policing operations. In that instance, we took the unusual step of confirming that we did execute a search warrant.

Mr. Larry Brock: Who was home at the time?

D/Commr Mark Flynn: I do not have that information.

Mr. Larry Brock: Can you provide that to us?

D/Commr Mark Flynn: I will not provide that. Again, that would speak to details of the operation and personal information.

Mr. Larry Brock: Okay. What was searched?

D/Commr Mark Flynn: I will not be speaking to that either. That's an active investigation that's ongoing.

Mr. Larry Brock: Okay. Kristian Firth confirmed what was searched. He actually reviewed the six-page search warrant.

Just for the education of the Canadian public who are watching this, anyone has the ability to apply for the release of that search warrant under an information to obtain request, in essence. Someone can apply to a court to get a court order and actually review the content of that six-page search warrant.

Do you agree with me, sir?

D/Commr Mark Flynn: If the warrant is not sealed, that is correct.

Mr. Larry Brock: Was this warrant sealed?

D/Commr Mark Flynn: I do not have that information.

Mr. Larry Brock: Can you provide that to us?

D/Commr Mark Flynn: We can determine that, yes.

Mr. Larry Brock: Okay.

Kristian Firth confirmed to the House of Commons that his electronic devices were seized. I know you can't confirm or deny that, but he supplied that as information.

Has that furthered your investigation into criminal activity involving Kristian Firth?

• (1640)

D/Commr Mark Flynn: The RCMP is exploring and reviewing all of the information, as we do in any investigation, that comes into our possession with respect to investigative materials.

Mr. Larry Brock: What did the potential criminal charges as outlined in that search warrant include?

D/Commr Mark Flynn: Again, I don't have that specific information.

Mr. Larry Brock: Are you free to give us that information?

D/Commr Mark Flynn: Once I determine whether or not the warrant and its contents were sealed, we will provide that—

Mr. Larry Brock: I'll cut to the chase. According to Kristian Firth, who skimmed the six-page report, it was in relation to fraudulent billing and forgery with respect to résumés. Would that seem accurate?

D/Commr Mark Flynn: Again, I won't be confirming any information contained in the document that I've not heard.

Mr. Larry Brock: Okay. Mr. Firth had a partner named Darren Anthony. Was his home raided as well?

D/Commr Mark Flynn: I will not be commenting on that. Again, that would be confirming elements of an investigation that, to my knowledge, has—

Mr. Larry Brock: Would he be part of the broader search of individuals, who are part and parcel of your investigation with respect to ArriveCAN?

D/Commr Mark Flynn: Again, I will not be confirming targets of an investigation that are not already publicly known.

Mr. Larry Brock: Has Mr. Firth been co-operative with the police?

D/Commr Mark Flynn: Again, we're speaking to details of the investigation that I will not be—

Mr. Larry Brock: Has Mr. Firth been arrested?

D/Commr Mark Flynn: Mr. Chair, I'd love to keep answering these questions, but again, I hate to repeat myself and—

Mr. Larry Brock: Has Mr. Firth been charged with a criminal offence, yes or no?

D/Commr Mark Flynn: I'm not speaking to any of the details of our current investigation, but if a charge had been laid, that would have been made public.

Mr. Larry Brock: Okay. The allegations that founded—

The Chair: Mr. Brock, I'm afraid.... Actually, I'll come back to you, because I know you're next on the list.

Ms. Yip, you have the floor for six minutes, please.

Ms. Jean Yip (Scarborough—Agincourt, Lib.): Thank you, Chair.

Thank you to the witnesses for waiting until we finished our votes today.

Commissioner Duheme, you originally declined the committee's invitation to appear, and I'd like to read part of your letter in response to this clerk.

It says:

As you may be aware, a similar motion concerning ArriveCAN was put forward by the Standing Committee on Government Operations and Estimates in October 2023, which called for the appearance of an RCMP official in respect of "reports that the RCMP is investigating allegations of misconduct by three companies involved in the development of the ArriveCAN app." The RCMP responded in writing to this request, noting that the RCMP was not investigating ArriveCAN and was investigating allegations brought to our attention by Botler AI. However, since that letter on October 2023, the RCMP has opened an investigation into ArriveCAN.

Respectfully, I am of the view that having an RCMP official appear on this matter would not serve the Committee well since we would not be able to comment in order to protect the integrity of the ongoing investigation. That said, the RCMP is committed to transparency, accountability, and integrity and remains open to the possibility of appearing at the conclusion of the investigation, should that be necessary.

Yours sincerely,

Mike Duheme

Can you please tell us what changed your mind to choose to appear before the committee today?

Commr Michael Duheme: Initially, Mr. Chair, when it was presented, it was to discuss the investigation itself. The reason why we prepared this letter to the clerk was to explain that we are not at liberty to explain or to talk about any of the details of the investigation. I wanted the committee to be apprised of that and then to make an informed decision, because the last thing I want to do is waste your precious time on something that we can't really answer to. That was the purpose of the letter.

There was another letter that followed up on the 29th that said we would be more than happy to come with the understanding that, again, we could not talk about the specifics of the investigation.

Ms. Jean Yip: It's good that you laid the facts out for us. How do you, or the RCMP, generally speaking, decide when it is appropriate to speak publicly about an ongoing investigation?

Commr Michael Duheme: As Mark alluded to earlier, when charges are laid, it is before the judicial process system, and it is disclosed to the general public. We have a responsibility when we are investigating to make sure that we protect not only the people we are investigating, but witnesses and whatnot, for fear of intimidation, as well as making sure that we protect the investigation itself.

• (1645)

Ms. Jean Yip: How is it determined what information or evidence is able to be shared publicly?

Commr Michael Duheme: I'll let Mr. Flynn piggyback on what I'm going to say, but anything that would be relevant to evidence to an investigation would not be discussed

Mark.

D/Commr Mark Flynn: There are times when we do speak about ongoing investigations when there is significant public interest, and public safety interest is usually the deciding factor in a decision to reveal publicly what we are doing with respect to a certain matter.

Ms. Jean Yip: How does the RCMP balance the need to preserve the integrity of investigations with the public's right to information?

Commr Michael Duheme: I appreciate that. We do a delicate balance in these high-profile files. Again, the responsibility that we have as members of the RCMP is to protect the integrity of the investigation.

Ms. Jean Yip: Do you feel pressure from certain members of Parliament to appear before this committee or others?

Commr Michael Duheme: I do not at all, and that's why my subsequent letter said that, if you wished to talk to us further in regard to the first letter I sent, regarding the investigation, we would be more than willing to appear.

Ms. Jean Yip: Did the RCMP feel politically pressured to open an investigation into ArriveCAN?

Commr Michael Duheme: No, we did not feel that. As in any other case, there was never any political interference or pressure to open a file. In this particular case, it was brought to our attention. Our sensitive and international investigations unit began the investigation, and then subsequently we received a letter from the Leader of the Opposition about investigating ArriveCAN further, which we are doing right now.

Ms. Jean Yip: How does public pressure weigh into the RCMP's decision on whether to investigate something?

Commr Michael Duheme: We have faced public pressure in the past given the positions we've taken on certain investigations. Again, we look at doing an investigation where one is merited, and once we begin an investigation, it's about maintaining the integrity of the investigation.

Ms. Jean Yip: Does the media play any role in your decision of whether or not to investigate something?

Commr Michael Duheme: Mr. Chair, it does not with regard to whether or not we investigate, but they like to know what's going on.

Ms. Jean Yip: When we have MPs from one political party in particular who are tweeting things such as demands that the RCMP open a particular investigation or lay charges, or statements that the RCMP is under the control of Justin Trudeau, how do you handle that?

D/Commr Mark Flynn: All of our investigative decisions are made completely independently of all political figures, whether they be members of Parliament, ministers, prime ministers or otherwise. We guard our independence quite strongly, and we are not at all weak in resisting any external forces with respect to what we investigate or don't.

The Chair: Thank you.

That is your time, Ms. Yip.

[*Translation*]

Ms. Sinclair-Desgagné, you have the floor for six minutes.

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

I would like to thank the witnesses for accepting our invitation to appear before the committee. Any information they can give us today will be very useful.

I'd like to go back and put things in context. We learned that the RCMP had launched an investigation in October 2023. In fact, the Auditor General had learned about it at the same time as everyone else, when she was already conducting her audit of the ArriveCAN application.

First of all, why didn't you notify the Auditor General of this investigation from the outset to avoid duplicating work and to use the information obtained through her audit of the ArriveCAN project?

Commr Michael Duheme: It's important to note that the Auditor General has to take certain parameters into account during an audit, just as the RCMP does during criminal investigations. Sharing information is not that easy.

Ms. Nathalie Sinclair-Desgagné: It should be, normally. The investigations you conduct can lead to criminal charges in a case. As far as the Auditor General is concerned, if she suspects wrongdoing, she passes the information on to you.

In this case, we're talking about fraud and falsified résumés. She may uncover evidence that could be useful in your investigation.

Is that correct?

• (1650)

Commr Michael Duheme: It would be interesting to be able to do that, but in the course of our police investigations, our organization has to go through a certain legal process to obtain the right to access information from any government or entity. This is not the case for other organizations, such as the Office of the Auditor General. The way the Office of the Auditor General conducts its investigations and obtains information is different from the way the police do it.

Ms. Nathalie Sinclair-Desgagné: Have you contacted the Auditor General?

Commr Michael Duheme: I didn't contact her directly, but there were discussions, yes.

Ms. Nathalie Sinclair-Desgagné: So I assume that she gave you her entire file, including all the evidence and information she had on the ArriveCAN project?

Commr Michael Duheme: No, she said she was prepared to co-operate with us. As I mentioned earlier, the police have to go through a judicial process to get the evidence they need for their investigation.

I think Mr. Flynn wants to add something.

D/Commr Mark Flynn: Thank you.

[*English*]

I think it's necessary for some precision to be added. The RCMP confirmed in October that we were conducting investigations with respect to other matters, and we clarified that they were not in relation to ArriveCAN. It was not until after the Auditor General tabled the report that we confirmed publicly that we were investigating that matter, and with respect to the—

[*Translation*]

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

The committee is well aware that you were investigating the complaints lodged by Botler AI. As the story continued to unfold, particularly within this committee, you realized that it wasn't just about one case or one company, but that it was widespread. There was also the Auditor General's report on the subject.

A lot of people are asking questions, in Quebec as in the rest of Canada. Will the overall investigation into the ArriveCAN case and the sub-investigations you mentioned earlier be made public?

What will be made public: the results of the investigation or just the criminal charges?

Commr Michael Duheme: I can confirm that, because of the attention the case has attracted, we plan to make a public announcement to inform people at the end of the investigation. Of course, if we lay charges, the documents presented to the court can be disclosed. Documents that are not can be obtained through an access to information request.

Ms. Nathalie Sinclair-Desgagné: When do you think the results of the overall investigation into the ArriveCAN project will be made public? I know that the timelines for the sub-investigations, which involve people you can't name, will probably be different.

Commr Michael Duheme: It's difficult to predict how long an investigation might take. I always use the example of the cellphone: 20 years ago, it was just a telephone, whereas today it's a computer. When electronic devices are seized, it can take time to analyze them. An investigation may require us to interview just one person, or sometimes ten.

Ms. Nathalie Sinclair-Desgagné: Do you think the investigation will be completed by the end of the year?

Could it take a long time, so that we don't receive the results for another three or four years?

Commr Michael Duheme: The complexity of an investigation can change from one day to the next. I can assure you that we have the necessary resources to tackle the complaints that have been referred to us.

Ms. Nathalie Sinclair-Desgagné: Okay.

So you have no idea when your investigation will be completed. Could it happen by the end of the year or during the following year, in 2025?

Commr Michael Duheme: That would be purely speculative. As I said, from one day to the next, an investigation can take a new direction.

Ms. Nathalie Sinclair-Desgagné: Sometimes speculation is better than nothing.

Commr Michael Duheme: That's true.

Ms. Nathalie Sinclair-Desgagné: I don't have enough time to ask another question.

Thank you very much.

Commr Michael Duheme: Thank you.

The Chair: I'm going to add the unused time to your next round.

The next speaker is Mr. Desjarlais.

[*English*]

No...pardon me. It's Mr. Green.

It's nice to see you again. You have the floor for six minutes.

Mr. Matthew Green (Hamilton Centre, NDP): Thank you very much, Mr. Chair. I had so much fun the last time I was here that I thought I'd come back.

I would like to open my round, however, with a notice of motion:

That, as per the usual practice of House of Commons standing committees, the Standing Committee on Public Accounts shall not meet during Parliament's summer recess unless the requirements of Standing Order 106(4) of the Standing Orders are met.

That's a notice of motion I have now put on the table.

I will continue with my round. Thank you very much.

Commissioner, the Auditor General found.... Finding 1.50 of her report says:

Multiple amendments were made to those non-competitive professional services contracts. Approximately half of the contract amendments extended the contract beyond the original period, which prevented or delayed opportunities for other contractors to compete for work. These amendments also resulted in additional costs.

Additionally, we know that GC Strategies falsified résumés and provided inflated task authorizations to the government. It's possible there was a duplication of the task authorizations to claim for higher billing.

Is that part being investigated?

• (1655)

Commr Michael Duheme: Again, I'll refer to what Mark mentioned earlier. I'm not going to comment on any of the avenues we're investigating.

Mr. Matthew Green: Sir, you implied that you're investigating not ArriveCAN but rather an expansion of the Botler allegations. Can you expand a bit more on this for the interest and understanding of Canadians?

D/Commr Mark Flynn: Mr. Chair, if I may, I'll answer that.

Mr. Matthew Green: Let's have him take a first crack at it. If he doesn't answer it correctly, you can answer after that.

Commr Michael Duheme: As you know, it was referred to us by the CBSA through Botler AI. ArriveCAN came in after that. There are multiple other complaints made that we are currently investigating.

I invite Mr. Flynn—if that's okay with you, Mr. Chair—to add to my response.

D/Commr Mark Flynn: To add some precision to that, all of the additional investigations I referred to earlier are not specific to ArriveCAN, CBSA or the Botler AI matter. They are broader procurement matters and, as you can understand since there's more attention in this space, there are additional investigations and complaints that come to our attention.

Mr. Matthew Green: It was testified in Mr. Firth's House of Commons appearance that Diane Daly, a CBSA official and former procurement manager, helped GC Strategies to write the RFP that they eventually won. Are you investigating that?

Commr Michael Duheme: Again, Mr. Chair, I'm not going to comment on the specifics of the investigation. This came up through a committee. I'm not at liberty to explain any further with regard to our criminal investigation.

Mr. Matthew Green: In March 2022, Ms. Daly sent an email to Botler demanding that they turn over all their records to Dalian and Coradix, even though they had no contractual obligations to do so. These documents were evidence of misconduct.

Have you seen any additional indication that certain officials went out of their way to mess with the evidence of misconduct?

Commr Michael Duheme: Again, Mr. Chair, I'm not going to speculate or even respond to any questions pertaining directly to the investigation.

Mr. Matthew Green: I'll keep asking the questions. You're here, I'm a guest, and I have a little bit of time left.

According to you, Commissioner, would it have been possible for a company like GC Strategies to operate without support from government insiders and networks?

Commr Michael Duheme: Mr. Chair, that's not for me to answer.

Mr. Matthew Green: I'll try an easy one for you.

How did you decide that the report warranted an investigation?

Commr Michael Duheme: We received a complaint, assessed the complaint and began our investigation.

Mr. Matthew Green: What's the difference between a review and an investigation?

Commr Michael Duheme: As soon as we get a complaint, it's an investigation.

Mr. Matthew Green: How long did it take for you to decide to investigate?

Commr Michael Duheme: I don't have the exact timeline. I can go through some of the timelines we had from the time we got the complaint, but—

Mr. Matthew Green: When did you receive the allegations from Botler?

Commr Michael Duheme: It was from CBSA, and it was January 31, 2023.

Mr. Matthew Green: When did you start the investigation process?

Commr Michael Duheme: It was the next day. I don't have the exact information on that, but it would have started after the complaint.

Mr. Matthew Green: According to your investigation's mandate, what would be considered criminal activity in this case?

Commr Michael Duheme: I'm not going to refer to this specific case, but in any investigation that we do, there are a series of offences under the Criminal Code that could apply to investigations we do.

Mr. Matthew Green: The Auditor General in her report said that she found no evidence to show that some CBSA employees complied with the agency's code of conduct by disclosing that they had been invited to dinners and other activities by contractors. Mr. Cameron MacDonald and Mr. Antonio Utano have been named in the GC's insider contracts.

Are you investigating their associations and their contact throughout the ArriveCAN project?

• (1700)

Commr Michael Duheme: Again, Mr. Chair, this is part of the investigation that I'm not going to comment on.

Mr. Matthew Green: I believe those are my questions.

Thank you.

The Chair: Thank you Mr. Green.

We'll begin our second round.

Mr. Barrett, you have the floor for five minutes.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Commissioner, you confirmed that the RCMP raided the home of Mr. Kristian Firth of GC Strategies. Why did you take the unusual step of informing the public of that search?

D/Commr Mark Flynn: Mr. Chair, I can answer that.

That decision was based on the fact that it had been revealed publicly and that there was public visibility in front of that location that demonstrated that the RCMP was there. At that point, it became a fool's errand to attempt to cover the fact that we were there and that we were executing a search warrant there.

Mr. Michael Barrett: Are you able to take us through the scene? Was Mr. Firth was present? Mr. Firth told us that the RCMP searched digital devices. Is that true? Are you able to confirm that's, in fact, what happened?

D/Commr Mark Flynn: I'm not able to confirm that at this time.

Mr. Michael Barrett: Mr. Brock asked you before, but I want to cover these questions again.

Has Mr. Kristian Firth been arrested?

D/Commr Mark Flynn: I'm not going to confirm that.

Mr. Michael Barrett: Has he been charged?

D/Commr Mark Flynn: As I stated earlier, if Mr. Firth had been charged, there would be a public record of that.

Mr. Michael Barrett: Is there a public record of any charges being laid in relation to your investigation into the ArriveCAN matter?

D/Commr Mark Flynn: Not that I'm aware of.

Mr. Michael Barrett: We're in possession of an access to information document. It's A-2023-00306. It's a memorandum for the Clerk of the Privy Council from that department, from the PCO, for the Prime Minister. The documents state that in January of 2023 the Prime Minister requested briefs related to ArriveCAN. Is the RCMP aware of those briefs?

Commr Michael Duheme: No, Mr. Chair, I'm not aware of any briefs.

Mr. Michael Barrett: The document, Commissioner, goes on to say that the Prime Minister raised the issue of ArriveCAN with the Clerk of the Privy Council. Is the RCMP aware of those conversations and their contents?

Commr Michael Duheme: No, Mr. Chair, I'm not aware of any conversations of the Prime Minister and the PCO, as well as the contents.

Mr. Michael Barrett: If it's helpful to the RCMP, I'd be happy to furnish you with this ATIP. Would you like it?

Commr Michael Duheme: Again, it doesn't involve us. We want to make sure that any document that's brought into an investigation is done properly. You can keep the ATIP for now, sir.

Mr. Michael Barrett: Okay. Well, I'm sure that those diligent folks from your agency who are behind you there caught that ATIP number when I offered it and can access that file.

In the Auditor General's report, she noted that she referred information related to the cozy relationship of CBSA officials and certain vendors to the RCMP. Is that being investigated, Commissioner?

Commr Michael Duheme: Again, we have multiple investigations ongoing based on information that was collected. I'll leave my answer to that.

Mr. Michael Barrett: It's important for Canadians to know if senior officials from the Liberal government are being investigated for criminality because there's been a reference made to you by an independent officer of Parliament.

You said that you're unable to tell us who the target is of any of your investigations. My question is this: If the evidence leads you there, will you commit to Canadians to interview any senior government official, including any minister, including the Prime Minister, if those conversations or interviews would be germane to your investigations?

Commr Michael Duheme: I can commit that our team will follow every single lead of investigation evidence and interview the people we must interview in our investigation.

Mr. Michael Barrett: That would include anyone, including senior government officials or elected officials.

Commr Michael Duheme: That would include anyone.

• (1705)

Mr. Michael Barrett: On the topic of documents, Minh Doan, who is the chief technology officer, is alleged to have destroyed thousands of documents related to ArriveCAN. Are you aware of those allegations?

Commr Michael Duheme: I am not. I would have to defer to Mr. Flynn and see if he is aware.

D/Commr Mark Flynn: Again, that would be a matter that could be part of an ongoing investigation, and we would not be speaking to that today.

Mr. Michael Barrett: Could you tell us, with my last question, what penalties the intentional destruction of documents that are the subject of a criminal investigation....? What are the potential penalties that someone would face if they were charged and convicted?

D/Commr Mark Flynn: Sir, in the context that you're asking the question, I believe it would be inappropriate for me to get into details. However, I can very cautiously move outside of the context of the question, if you'll allow me to—

Mr. Michael Barrett: Please.

D/Commr Mark Flynn: —and that say anyone who takes any steps that thwarts a criminal investigation can face consequences for doing so.

There are numerous offences that could be applied in those situations, including obstruction, but I do not answer that in the context of the initial question. I just simply say, to try and aid you in your work today, that any destruction of documents that are relevant to a criminal prosecution with intent to interfere with that could face criminal consequences.

The Chair: Thank you very much.

Next is Ms. Bradford.

You have the floor for five minutes, please.

Ms. Valerie Bradford (Kitchener South—Hespeler, Lib.): Thank you, Mr. Chair.

Thank you to both of our witnesses for being with us today.

Commissioner, you mentioned earlier that the leader of the Conservative Party sent you a letter demanding that you investigate ArriveCAN. How does that impact your independence and how did you respond to that letter?

Commr Michael Duheme: We, upon receiving the letter, responded to Mr. Poilievre that, with regard to that, we are assessing all the information part of the overall investigation.

Ms. Valerie Bradford: Can you provide members of this committee with a copy of that letter and your response?

Commr Michael Duheme: I would have to follow up with the team. If I can, then yes.

Ms. Valerie Bradford: Thank you.

Given the nature of what has been happening in the media and the questions that have been asked today, do either of you feel it's appropriate for the Leader of the Opposition or other political officials to attempt to interfere with the RCMP's independent work in investigations like this?

Commr Michael Duheme: I would say that no one should interfere with the work of an ongoing investigation regardless of the police organization that's leading that investigation.

Ms. Valerie Bradford: I've seen some allegations from some Conservative members that the RCMP is at the beck and call of Prime Minister Justin Trudeau.

Is that true?

Commr Michael Duheme: No, it's not. We have complete police independence. Since I've been in the chair, and in my previous chair as well, the only dealings I've had with the Prime Minister or other ministers are briefings on files. I would say that they were more or less one-way briefings more than anything else, and answering questions.

Ms. Valerie Bradford: Thank you.

As I'm sure you're aware, the committee voted to bring GC Strategies co-owner Kristian Firth before the bar of the House of Commons after he refused to answer questions here at the committee. Mr. Firth has stated that he did not want to or feel like he was able to answer certain questions specifically because of the RCMP's ongoing investigations into ArriveCAN.

Could you please explain to the committee how the RCMP deals with the concept of parliamentary privilege in parliamentary proceedings?

Commr Michael Duheme: It is a factor that we must contend with when we lead our investigations. We usually consult with some subject matter experts in the field to see what can be used and what cannot be used. It does pose a challenge when we deal with these types of investigations.

Ms. Valerie Bradford: How does that work, then, given that witnesses are protected by parliamentary privilege and the responses or information they provide cannot be used against them in a criminal investigation? What if the RCMP heard something in the committee testimony that relates to an investigation? Would you be forced to find this information in another way, then?

D/Commr Mark Flynn: In most situations, yes, we would be forced to find it in another way due to the protections that you articulated. However, there are so many variables that it would take a very highly skilled legal expert to analyze and give exact answers to that in those varying situations.

Commr Michael Duheme: If I may add to that, everything we produce in a criminal investigation must be disclosable and obtained legally. This is sometimes a challenge for us when it comes to parliamentary privilege.

Ms. Valerie Bradford: I understand.

To avoid this situation in the future, how can we ensure that witnesses feel safe and secure enough to be able to speak honestly in committee or other parliamentary proceedings?

Commr Michael Duheme: Mr. Chair, with all due respect, I have to think about that one. How do we provide that safety net for the individuals who come so that they feel protected?

Mark, would you like to add to that?

• (1710)

D/Commr Mark Flynn: That's really a question that each individual would have to answer with their own legal advisers and potentially with advice from this committee's legal advisers.

Ms. Valerie Bradford: I'd like to ask you a question about classified information and how it relates to ministers of the Crown and the Security of Information Act. Minister LeBlanc recently mentioned in his scrum that he'd asked you, Deputy Commissioner Flynn, what would happen hypothetically if he were to release classified information publicly. He said you responded by saying that the minister would be subject to criminal prosecution. Is that true?

D/Commr Mark Flynn: That is correct, and what I stated was that anyone who reveals classified information is subject to the law equally. Obviously, in this case, those names are classified at this time and to reveal them publicly would in fact be a criminal offence.

Ms. Valerie Bradford: Thank you.

There are many rules and parliamentary procedures to adhere to as members of Parliament, one of them being that you cannot do indirectly what you can't do directly. When someone puts out a tweet and says that the RCMP or another law enforcement agency must do this or that or insinuates that the RCMP lacks operational independence, one could argue that they could be indirectly trying to influence the RCMP.

Could you share your opinion on that, Commissioner?

Commr Michael Duheme: One can argue, but our investigators across the country are very professional. Again, as I mentioned earlier, we will follow the information and the evidence to lead us to the potential charges and whatnot.

The Chair: Thank you.

I'm afraid that's the time, Ms. Bradford.

[Translation]

I'll now give the floor to Ms. Sinclair-Degagné for just over two and a half minutes.

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

Mr. Duheme, you mentioned that the Auditor General was prepared to co-operate with you.

However, I understand that you did not ask for all the information available to her in these files. Yet some information has been forwarded to this committee, such as the list of public servants who accepted invitations to events when this was clearly in breach of the code of conduct of the organization in question.

This may provide clues as to which officials were involved in the case against GC Strategies.

This type of document was sent to this committee at its request. Is this the kind of information that you would also seek out on your own, knowing that the Auditor General has already done the work?

Commr Michael Duheme: As I mentioned earlier, the documents in a criminal investigation file were obtained legally. The documents that are tabled here, at the committee, are subject to parliamentary privilege. If we receive information that leads us to such lists, for example, the situation is made more complex by the fact that this information is then protected by parliamentary privilege.

Ms. Nathalie Sinclair-Desgagné: I'm sure that if you were to ask the committee to provide you with information, as we often do with the various items of information we make public, the committee would have no problem providing you with the information you need.

In view of the ArriveCAN saga and the decision to extend the investigation into the Botler AI allegations to what you call a comprehensive investigation into the ArriveCAN project, have you taken note of the work carried out by the parliamentary committees? Have you gleaned any information?

At the end of the day, can our work be useful to the RCMP in any of its investigations?

Commr Michael Duheme: Of course, the committee's work can always be useful insofar as the information can be used.

That said, we have to be careful. If parliamentary committees were to provide information to the police to promote or advance an investigation, then I would question the independence of the police in all of this.

As I said, the documents given to us are official. So the RCMP can lay charges in court, knowing that everything can be disclosed and that everything was obtained legally.

Ms. Nathalie Sinclair-Desgagné: At a previous meeting, the committee invited Mr. David Yeo to appear. He had admitted to certain journalists that he had foreign accounts.

I know you can't really comment on such a subject. However, generally speaking, is this the kind of case where you go and look at the accounts, whether they are Canadian numbered accounts or foreign accounts, to see if there has been any illegal activity?

Do you do that as part of your investigations?

• (1715)

Commr Michael Duheme: As part of an investigation, we explore all avenues. If a door opens with respect to an overseas transaction or any information whatsoever, we take the appropriate steps to obtain the information.

Ms. Nathalie Sinclair-Desgagné: Does that include accounts in tax havens?

Commr Michael Duheme: If it is relevant to our investigation, we do indeed take action.

Ms. Nathalie Sinclair-Desgagné: So that includes accounts in tax havens.

Commr Michael Duheme: What we can do legally, we do.

The Chair: Thank you very much.

[English]

Up next is Mr. Desjarlais for two and a half minutes, please.

Mr. Blake Desjarlais (Edmonton Griesbach, NDP): Thank you very much, Mr. Chair.

It's clear, particularly in the many series of meetings we've had in relation to this work.... We've also, of course, summoned Mr. Kristian Firth under contempt of Parliament to answer questions that he failed to answer in another committee. It's clear throughout this process that we've investigated several instances over a long period of time, but this has been, I think, a shocking case to Canadians.

I think it's important to note that this work and what's happened in Parliament, particularly with Public Services and Procurement Canada, has been really troubling. This is one of the cases that is being highlighted. I think what's here is a really deep concern I have, a systemic concern, a concern of systemic corruption taking place in Public Services and Procurement Canada. We notice this in this particular instance, but we've seen it several times. We know this because these actors are some of the same actors that have been involved in Public Services and Procurement Canada since as early as 2011.

GC Strategies, for example, was a tenure to contracts with the government even before the Liberals were in power. They went unnoticed at that time and changed their company name when the election was called. When the Liberals took power, they changed their name to GC Strategies. We see these same actors, these two-person companies, operating under the former government and operating under this government. We see this kind of behaviour of contracts that become huge webs, these massive webs of subcontracting, where even task authorizations are amended several times.

At what point did the RCMP think of, open investigations on or have any comments on the systemic nature of this contracting that seems to prefer certain actors versus others, particularly when it comes to non-competitive contracts? Do you have comments on that?

Commr Michael Duheme: Mr. Chair, I don't have any comments on the procurement process itself. All I'm here for is to explain that we are investigating several files from the first complaint that came in, from the second one and from others, as Mr. Mark Flynn mentioned earlier, pertaining to procurement.

Mr. Blake Desjarlais: How often are you doing these investigations, would you say?

As early as you can remember in your work, has Public Services and Procurement Canada been involved in these types of illicit contracting practices?

Commr Michael Duheme: Mr. Chair, I wouldn't be able to respond to the question as to how long I have known or been involved in investigations of this nature.

Mr. Blake Desjarlais: Have there been similar investigations of this kind previously?

Commr Michael Duheme: I would have to go through our filing system to look at how many files we've looked at in the procurement process.

Mr. Blake Desjarlais: Would you say there's a pattern of this type of behaviour?

Commr Michael Duheme: It's not for me to determine if there's a pattern or not.

Mr. Blake Desjarlais: My last question, while we have this round, is in relation to the fact that this is a very public case. We know that there have been political attempts, of course, to benefit from this very egregious situation.

Have there been any instances that you can direct this committee to of any attempts of interference in your investigation?

Commr Michael Duheme: To my knowledge, I am not aware of any interference whatsoever, by political or other means.

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

We're turning back to Mr. Barrett for five minutes, please.

Mr. Michael Barrett: Commissioner, you said you're investigating the ArriveCAN scandal—the arrive scam—because of the Auditor General's report.

Is that a fair assessment?

Commr Michael Duheme: I would say that it initiated in January 31, 2023, with the referral from CBSA when it was Botler AI, and then it grew from there.

Mr. Michael Barrett: Okay. The Botler AI investigation caused you to open an investigation into ArriveCAN. It was not a reference from the Auditor General.

Commr Michael Duheme: I'll ask Mark if he can clarify, but initially the referral that was received by us or sent to us was with regard to the procurement process in general.

D/Commr Mark Flynn: It's difficult to be precise on the timing of which elements, because when we have different sources of information coming in or that generated the start of it... We can follow up, but likely that detail will be something that the investigators will not want to be made public.

We can follow up, though.

• (1720)

Mr. Michael Barrett: You have the report of the Auditor General. You have multiple other investigations that are being pursued through officers of Parliament. We have the Public Sector Integrity Commissioner, the Information Commissioner and the Privacy Commissioner. Of course, the procurement ombudsman completed an investigation. The lobbying commissioner has received complaints and information related to this file.

Have you been working with these other investigatory bodies?

D/Commr Mark Flynn: A question of a similar nature was asked earlier.

The challenge that we have when we're involved in criminal investigations is that there are procedural rules, legal rules, privacy rules and different rules with respect to criminal liability, depending on which process you're in.

When we look at it from a law enforcement perspective, for something that the Auditor General or a parliamentary committee may be able to compel someone to come and speak to, they are protected in doing so in some of those processes. There may be a determination later that the person did not provide that information of their own free will and, therefore, we can't use it.

There are times where that actually creates significant challenges for our investigations. We will learn something but can't use it, and then there are subsequent questions about how we are pursuing certain investigative avenues that are based on a process that's not fair to the accused.

Mr. Michael Barrett: Have you requested or received documents from the government in your investigation of the \$60-million arrive scam?

D/Commr Mark Flynn: Again, that relates to details of our investigation that we won't be speaking to. I don't have all of that information to provide that detail, even if it did not.

Mr. Michael Barrett: We've seen the government hide documents and information from the RCMP before, including in the Prime Minister's illegal vacation to billionaire island and his SNC-Lavalin scandal where cabinet confidence was invoked to protect what is a political problem.

If you're met with the same obstruction in this case, what will the RCMP do to recover that information or is cabinet confidence just the end of the road?

D/Commr Mark Flynn: I'm not confirming whether or not there were any claims of any privilege on this. That's just to be clear on that.

We pursue all the legal rights that we have in our investigations to gather all the information that we can lawfully obtain.

Mr. Michael Barrett: Commissioner, we heard shocking revelations about Sustainable Development Technology Canada, otherwise known as the billion-dollar green slush fund, that \$319 million in tax dollars had been appropriated where conflicts of interest were indicated. This is found in the Auditor General's report.

Are you aware of these findings? Give a quick yes or no, if you could, please.

Commr Michael Duheme: I'm not, in the finest detail.

Mr. Michael Barrett: The House has ordered that the documents, the work product of the Auditor General, the documents from Sustainable Development Technology Canada and the documents from the industry minister, all be delivered to the parliamentary law clerk and delivered to the RCMP.

I have two questions. Do you undertake or commit to reviewing the information that's presented to you following this order of the House? Will you commit to updating the public with what the outcome of that review is?

Commr Michael Duheme: I'm not aware of the discussion that took place or if there's an appetite to share it with the RCMP. I would say that I am open for a review, providing that the information we receive can be disclosed and obtained in a legal fashion, so that if there is a follow-up to do, we can do the proper follow-up.

The Chair: Thank you very much.

Up next, we have Ms. Khalid.

You have the floor for five minutes, please.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you very much, Mr. Chair.

Thank you to our witnesses for being here today.

I'll start by perhaps just saying what's on the mind of, I think, a lot of people. It's becoming increasingly disturbing to watch individuals question the operational independence of law enforcement in this country.

Just earlier today, in the ethics committee, the Conservative MP for Brantford—Brant, Mr. Larry Brock, outright questioned the independence of the RCMP by claiming that because the commissioner of the RCMP is appointed by the Governor in Council and because they report to the Minister of Public Safety, the RCMP has a political agenda when it acts in its role. I really do want to know your reaction to that type of insinuation that the RCMP is not in fact operationally independent and is instead being governed by political interests.

• (1725)

Commr Michael Duheme: I can confirm that the operational independence exists. As I mentioned earlier, the only time I've had a chance to sit down with the Prime Minister, a minister or other ministers was to brief on key operational files for situational awareness only. Never once have we been subject to interference or suggestions or pressure to do something. I can confirm that for 37 years of my career, and from the last six or seven years dealing at this level, I've never been asked to do anything.

I'm sure Mr. Flynn could probably add to that.

D/Commr Mark Flynn: I would agree. From an RCMP perspective, we take great pride in that. You'll hear it in my voice whenever I've been questioned with respect to direction in the past. It is part of our training, and it is part of our DNA. We have that all the way from our early careers. Whether we're involved in municipal council or members of Parliament, at the provincial or federal levels. We work very independently and without influence.

Ms. Iqra Khalid: Thank you for that.

I personally am very concerned with this type of rhetoric because I believe that it erodes and corrodes trust in our democratic institutions and in the operational independence of the RCMP.

I'm just wondering if you can help us understand how disinformation, especially coming from people who are supposed to be credible, who have a large following perhaps, impacts our public

institutions and the work that you do, especially in open investigations.

D/Commr Mark Flynn: I have to be cautious, again, with respect to misinformation. I always like to remain neutral in all of these appearances and to provide the information that we can without impacting what our mandate is. I take great pride in my work. I'm here as an official to help with the committee, and we'd like to focus our attention on providing assistance to committee. That's where I'd like to keep my testimony today.

Ms. Iqra Khalid: I appreciate that. I understand the sensitivity of an open investigation, and that's why I'm so concerned about the level of disinformation that is being spread and, quite frankly, about the questioning of the RCMP's independence in this matter.

I guess my natural next step question is this: If the Conservatives don't like the outcome of your investigation, will they malign your organization? Have you started thinking about what those next steps are going to be?

Commr Michael Duheme: As I mentioned earlier, our objective, at the conclusion of these investigations, is to share with the general public as to our findings, so that we're open and transparent, which builds trust with the population. I can't comment on any comments that would be made with regard to the RCMP.

Ms. Iqra Khalid: Maybe we can talk about a hypothetical situation, rather than talking specifically about an open investigation.

I'll ask you this: How do you deal with disinformation and misinformation being spread about your organization, and what steps do you take to ensure your perceived independence and actual independence are well known to the Canadian public?

D/Commr Mark Flynn: We often face challenges in our ability to share information about what is happening in our investigations for many of the reasons we spoke about today, even post-arrest and when we start criminal proceedings.

The RCMP has a transparency website. You will see that we, as officials, are regularly engaging with media and the public. You will see a lot of our members out with the public at significant events. I'll remind everybody that this weekend, on June 23, we will be dealing with the tragic anniversary of one of the most significant terrorism attacks against Canada. You will see RCMP members out at those events, again, talking to people and sharing the information we can.

When it comes to an arrest and charges being laid, we fall into another category. Our ability to speak publicly is limited by procedural elements in the Criminal Code that speak about how processes are run and the rights of the accused to full answers and a defence. That information might impact those proceedings if released by officials, police included. It could impact fairness and the likelihood of a trial proceeding against the individual.

We're constantly battling between a desire to be transparent—sharing with the public—and competing interests of privacy and the rights of individuals and Canadians.

• (1730)

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

We'll turn now to the start of the third round.

Mr. Genuis, you have the floor for five minutes.

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

To follow up on Ms. Bradford's question, are you saying that revealing names in the NSICOP report would be a criminal offence?

D/Commr Mark Flynn: If a name in the NSICOP report is classified and is revealed by an individual who had access to that information through proper means, security clearances, etc., yes. They would be committing a violation of the Security Offences Act.

Mr. Garnett Genuis: Thank you.

Of course, the government can change the security classification of names. There's a difference between changing classification and revealing classified information. However, I take your point that it would be an offence for a person who had access to classified information to reveal that information.

What about a case where a person might imply a name? Perhaps a person says, after reading the report, that they think a certain named person should not be allowed to join or remain in a particular caucus. Would that implied reference to a name be a criminal offence?

D/Commr Mark Flynn: It's something that would be reviewed to determine whether or not there's an offence there. It really depends on the detailed circumstances of how the person learned of that name.

Mr. Garnett Genuis: Let's say a person receives a security clearance, reads the report, and then says, "Do you know what? After reading the report, I don't think person X should be allowed to be in caucus Y."

Is that a criminal offence?

D/Commr Mark Flynn: Again, that depends on where that individual did it and the classification of the name.

Mr. Garnett Genuis: Suppose this individual received a security clearance to read this information, and then says in public, in front of a microphone, "Having read the report, I don't think person X should be allowed in caucus Y."

Would that be a criminal offence—a violation of the Security Offences Act?

D/Commr Mark Flynn: Again, that would be something we would have to look into to determine.

Mr. Garnett Genuis: There was a CBC story published on June 14.

It says:

After reading an unredacted report from one of Canada's intelligence oversight bodies, NDP leader Jagmeet Singh says he now thinks that Independent MP Han Dong shouldn't be allowed back into the Liberal caucus.

I will share that information with you for your consideration. I believe very much in the importance of adhering to the rule of law, of course.

Now, we have an extraordinary situation before us today. I think you'll agree that it's extraordinary. We have senior RCMP leadership before our parliamentary committee in a context where concerns about NDP-Liberal government corruption have brought us to the point of having multiple different criminal investigations involving federal government corruption and multiple instances involving ArriveCAN contractors, plus other investigations.

Could you help us go through this and itemize all the investigations that are ongoing involving the federal government, or relationships between the federal government and external contractors?

D/Commr Mark Flynn: That is not something that I have the information...that I'm able to provide to you today. You're asking for a very broad number of things in that question. I don't have access to that information. In the context you're asking about, active investigations, it is not something that we would respond on even if I had that information.

Mr. Garnett Genuis: It's interesting that you said it's "very broad". Maybe that's illustrative of the problem. I mean, I'm asking you just to identify all the investigations that you as the RCMP are currently conducting involving government corruption or corrupt relationships between contractors and governments. You've told me that it's too broad a list, that it's too big a list to share.

Just on ArriveCAN, then, perhaps you could walk through the various investigations involving ArriveCAN and ArriveCAN contractors. You said there's the main investigation that started kind of post the Auditor General's report. There's another investigation involving the same contractors.

How many different RCMP investigations are ongoing that involve this core group of suspect contractors?

D/Commr Mark Flynn: For clarification, to the initial part of your question, I did not say that the list was too broad. I said the question was too broad.

With respect to the number of investigations specific to ArriveCAN—

• (1735)

Mr. Garnett Genuis: I'm sorry. I don't think the question is that. I'm just asking how many police investigations there are into government corruption. There would have been a time when it probably would have been easy to say there are none, but we're living in this different reality with the current government.

How many investigations are currently ongoing involving government corruption? That seems like a pretty clear, straightforward question. Just how many are there?

Commr Michael Duheme: Mr. Chair, I think it would be a jump to the fact with regard to corruption. We are currently investigating several files that are looking at the procurement process. That could lead to an element of corruption, but at this point in time, I'm not saying we're anywhere close to that.

Again, I don't want to get into any details of—

Mr. Garnett Genuis: You haven't laid charges yet, but there are investigations into it.

Commr Michael Duheme: As I mentioned earlier, there are numerous investigations. When we're dealing with investigations—you can open up the Criminal Code—a variety of offences can be applied. Again, I will let the investigation continue its pace. If any evidence brings us forward to a criminal accusation, we will act accordingly.

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

Mrs. Shanahan, you're next for five minutes, please.

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Thank you very much, Chair.

I thank the witnesses for being here today. Indeed, I don't think there's a member of this committee who would seek to prevent or interfere or otherwise jeopardize the investigations you're doing. That's why I'm very surprised at the line of questioning my colleagues on the Conservative side are pursuing. Maybe it's because one of the individuals mentioned is a card-carrying member of the Conservative Party. It could be that there's something to hide there. I certainly don't want to interfere with any investigation in the case of Mr. Yeo or any other person.

In terms of the reason that the RCMP was invited here today, I appreciate that you did accept this invitation on the second go-around, because you made it very clear, Commissioner Duheme, that you would not answer any questions—I appreciate that from both you and Mr. Flynn—that could potentially jeopardize your work, but that indeed you would be here to help us as committee members understand your general approach in conducting criminal investigations. What's of interest to us here is that this is particularly in those areas that touch on different operations of government and the civil service.

You mentioned earlier that the referral first came from the CBSA regarding procurement. I'd like to understand better how the RCMP interacts with the various independent officers of Parliament, such as the Auditor General, the procurement ombud and the Conflict of Interest and Ethics Commissioner. Is it something where you're waiting for a referral or a complaint, or are you generally surveying the day-to-day?

D/Commr Mark Flynn: I wouldn't say we are surveying day to day, but we're aware of our surroundings. We're aware when information comes to light. There are times when we get referrals from various offices and officials. They will tell us that they've discovered some irregularity and they will offer to assist. At that time, we will likely engage with advisory Crowns, who we have in many of our investigative units, who will aid us in dealing with the various complications of receiving information from different offices that have different types of authorities, including compelling authorities.

Mrs. Brenda Shanahan: Mr. Flynn, can you explain a little bit more about advisory Crowns? Would these be lawyers you're working with?

D/Commr Mark Flynn: Yes, we have access to Crown attorneys, who are part of the Public Prosecution Service, during our criminal investigations. They deal with specific legal matters that will impact the viability of a prosecution. They're not giving us legal advice for the RCMP. They're giving us advice with respect to actions that we may take that could have an impact on the viability of a subsequent prosecution.

I use that as an example, to answer your question, because many of the different officers of Parliament have different authorities, and in some cases compelling authorities to gain information that are different from and have different legal thresholds from the authorities that are available to the RCMP or police in general for use in criminal prosecutions.

If we possess such information and use information that has come from, for example, a much lower threshold than what we could use to obtain the information, we would seek their advice as to whether or not we should receive it without a warrant or we have to seek judicial authorization to get it through a production order or a search warrant, for example. Then that would enable proper judicial oversight into the process under which that information is going to be provided to us and ensure that we would get it within the thresholds that would allow us to use it in a prosecution and from which a successful prosecution could come.

Again I would stress that they're not giving us legal advice. They're giving us advice with respect to the things we might do or should not do that would impact the viability of the prosecution.

● (1740)

Mrs. Brenda Shanahan: Thank you for that.

I'm thinking of the Auditor General, for example, who's governed by an act of Parliament. There are some very specific articles in that act regarding confidentiality of information received and so on. The Auditor General is very clear that she does co-operate with the RCMP.

Are there guidelines you have worked out? In other words, does what you're looking for have to be very specific?

What are the kinds of things that help you work with the Auditor General's office?

D/Commr Mark Flynn: The answer is that it depends on the circumstances. As I described, it's not as simple as the Auditor General or another officer of Parliament simply saying, "I will give you all of my information because of the points that you raised." There are things that can be provided, again, without specific examples, and other things that would require additional authorities in order for us to possess them and use them in process.

Mrs. Brenda Shanahan: Could I just ask—

The Chair: I'm afraid that is—

Mrs. Brenda Shanahan: Can we be reassured that work happens?

The Chair: I allowed lots of extra time, Mrs. Shanahan. The government will have another opportunity.

[*Translation*]

Ms. Sinclair-Desgagné, you have the floor for two and a half minutes.

Ms. Nathalie Sinclair-Desgagné: Thank you very much.

I come back to my previous question about tax havens. How far do the RCMP's powers and its ability to act legally, as you said, allow you to go during an investigation?

Does this allow you to verify banking transactions, such as money transfers between Canadian accounts, for example accounts belonging to public servants, and accounts set up in tax havens?

Commr Michael Duheme: The RCMP's investigation can extend internationally, in collaboration with our partners. If I go back to the example you gave, as soon as we discover a link between an amount of money deposited in a tax haven account and a person in Canada, we look for information that would enable us to lay charges if need be.

Of course, we need to work together with the countries in question. This is not always easy when it comes to tax havens. It's up to us to demonstrate a link and make every effort to obtain the necessary information.

Ms. Nathalie Sinclair-Desgagné: Do your investigations often lead you to tax havens?

Commr Michael Duheme: I'm not in a position to give you a figure, but let's just say that we are aware of the existence of tax havens. When we carry out investigations into money laundering, they regularly lead us there.

Ms. Nathalie Sinclair-Desgagné: Do the host countries of tax havens usually co-operate with the RCMP?

Commr Michael Duheme: I'm not in a position to say how many times tax havens have agreed to co-operate with us. Obviously, I would have to search all of the organization's operational files.

Ms. Nathalie Sinclair-Desgagné: Generally speaking, is it rare for countries to agree to co-operate with the RCMP or, on the contrary, is it quite common?

• (1745)

Commr Michael Duheme: I have not been exposed to that. So I don't have any information on whether it goes well or not.

Ms. Nathalie Sinclair-Desgagné: You've never been exposed to that?

Commr Michael Duheme: I, personally, have never been exposed to that during my career as an investigator.

Ms. Nathalie Sinclair-Desgagné: Is it the same thing with the ArriveCAN app case?

Commr Michael Duheme: I can't give any details about a specific investigation. There again, there is nothing to indicate that the investigation will lead to tax havens. As I said earlier, we are gathering information, we are continuing our investigation and we will go where the investigation takes us.

Ms. Nathalie Sinclair-Desgagné: Nevertheless, David Yeo, who is at the centre of the whole ArriveCAN app affair, has accounts in tax havens. That has been mentioned several times. He had no legitimate reason to have accounts in tax havens, unless he has an interest in international trade. Apparently, that is why this man was opening accounts in tax havens.

The Chair: Thank you very much.

[*English*]

Up next is Mr. Desjarlais. You have the floor for two and a half minutes, please.

Mr. Blake Desjarlais: Thank you very much, Mr. Chair.

I want to ask a few more questions about ArriveCAN, since you're here in relation to that.

How is the RCMP ensuring the integrity of the investigations that are currently under way?

D/Commr Mark Flynn: Our investigation is being governed by multiple processes.

Number one, we have what is referred to as a command triangle. That's an independent group of individuals who determine what actions will be taken. There is oversight under a criminal operations officer within the area where that investigation is being conducted.

From a headquarters perspective, we also have a governance role, whereby there is regular reporting and oversight on a broad number of operations across the country. They use that for multiple purposes—

Mr. Blake Desjarlais: Just as a matter of time.... Thank you for that response.

Can you elaborate on what the charges would be in general for anyone who has falsified documents or task authorizations, or has overbilled the government using fraudulent information?

D/Commr Mark Flynn: In a broad context not specific to any investigation, I think you used the key word at the start of your question, when you described the activity as fraud. There are potential offences such as that.

Mr. Blake Desjarlais: What would that mean? What kinds of charges?

D/Commr Mark Flynn: Fraud.

Mr. Blake Desjarlais: I'm sorry. What kind of criminal penalty would that entail?

D/Commr Mark Flynn: I would have to go back to the Criminal Code. I don't remember the exact penalties for those sections.

Mr. Blake Desjarlais: That's okay.

Given that both the parliamentary committee and the RCMP are investigating similar issues and may end up with similar evidence, how do you protect the integrity of key evidence from being leaked, for instance?

D/Commr Mark Flynn: During our criminal investigations, there are expectations that our investigators will conduct themselves appropriately and professionally. There are internal consequences and there are potential criminal consequences for them leaking information. With respect to other bodies and entities that are conducting similar investigations, they'd be governed by whatever rules apply to those areas.

Mr. Blake Desjarlais: Previously, you implied that there were multiple investigations running in parallel. Will Canadians have to wait for all investigations to be concluded, or will we hear results as you arrive at them?

D/Commr Mark Flynn: I expect you will hear of results as we arrive at them, as long as there is no impact on other investigations by revealing that information.

Mr. Blake Desjarlais: Just to clarify that point, do you mean if these multiple investigations are connected in any way?

D/Commr Mark Flynn: That is the most likely way there would be a conflict that would lead to our not revealing it publicly. If we had five people in five different offences that are disconnected, there would not likely be any conflict in revealing that we had arrived at charges against one individual.

Mr. Blake Desjarlais: Like identity fraud—

The Chair: Thank you. That is the time.

We're turning now to Mr. Brock for five minutes, please.

Mr. Larry Brock: Commissioner, can you confirm that the next general election will not impede or interfere with your multiple investigations into fraudulent procurement practices and the potential laying of criminal charges?

Commr Michael Duheme: As I mentioned earlier, the independence of policing is a key thing for us, and it's respected. We will not change course because there's a general election.

Mr. Larry Brock: The answer is, no, it will not.

Commr Michael Duheme: That's correct.

Mr. Larry Brock: Thank you, Commissioner.

To either gentlemen, the majority of MPs in the House of Commons voted for a Conservative motion that orders the Auditor General, the Department of Industry and SDTC, the green slush fund, to collect...and submit them to the parliamentary law clerk. The motion passed essentially programs the parliamentary law clerk to hand over files to the RCMP.

• (1750)

Mrs. Brenda Shanahan: I have a point of order, Chair.

It's just about relevance. I know we flip back and forth on topics, but we're here today to discuss ArriveCAN.

The Chair: I'm going to allow it. You know I give latitude. This is a matter before Parliament.

Mr. Brock, you have the floor for four minutes.

Mr. Larry Brock: Thank you, Chair.

Nice try, Mrs. Shanahan.

To hand over files to the RCMP, they will be delivered to the RCMP headquarters. Will you commit, Commissioner or Deputy Commissioner, to undertake a review of those documents?

D/Commr Mark Flynn: I can say that any information that comes to the RCMP will go through the appropriate level of review, using the appropriate resources to do so.

Mr. Larry Brock: I don't know if you recognize the importance of a thorough police investigation into the green slush fund. It's been discovered that over 186 different conflicts of interest, not flagged, not acted upon, which resulted in the delivery of 300—

Mrs. Brenda Shanahan: I have a point of order, Chair.

I think we're going to have lots of time to talk about the SDTC. If the Conservatives are bored with ArriveCAN—

Mr. Larry Brock: That's not a point of order.

Mrs. Brenda Shanahan: —we can certainly conclude it.

The Chair: Mrs. Shanahan, that's not a point of order, but I will note your willingness to have the RCMP back for the green slush fund.

Mr. Brock, you have the floor.

Mr. Larry Brock: It's amazing the extent the Liberal government will do to block our attempts to get some answers.

Three hundred and forty million taxpayer dollars sent out.... If this were a publicly traded company, charges would have been laid and people would have been fired. There's such a difference between the public and the private spheres.

Will you give Canadians and parliamentarians your commitment to reviewing this as swiftly as possible?

Commr Michael Duheme: I think Mark was pretty clear on the information we'd receive and the actions that we would take.

Mr. Larry Brock: Thank you.

I listened very carefully, Deputy Commissioner, to your exchange with my colleague Mr. Barrett. Mr. Barrett gave you a hypothetical about potential charges, particularly in relation to the attempts by Minh Doan to delete thousands and thousands of relevant emails. Your response piqued my interest. Your response was that any person who thwarts a criminal investigation will potentially face consequences. That's true for every Canadian, isn't it?

D/Commr Mark Flynn: That is correct, and for precision, my answer was not in the context of Minh Doan.

Mr. Larry Brock: Right. I understand that it was in a general context, but it applies to every Canadian. The same can't be said for Prime Minister Justin Trudeau, who single-handedly obstructed your investigation into an obstruction of justice charge in his involvement in the SNC-Lavalin matter. Name one Canadian, Commissioner—

Mrs. Brenda Shanahan: I have a point of order.

We're not talking about SNC-Lavalin either. Relevance....?

Mr. Larry Brock: Chair, can we put an end to this?

The Chair: No, I do have to hear points of order.

Mr. Brock, you have a minute and 40 seconds.

Mr. Larry Brock: Commissioner or Deputy Commissioner, name one Canadian, other than Justin Trudeau, who can single-handedly block a criminal investigation. I'll give you some time to think about that.

D/Commr Mark Flynn: I can take that question immediately. I can say that there is not a single Canadian who can block an RCMP independent criminal investigation, period.

Mr. Larry Brock: Right, but Justin Trudeau did. I'm looking at your conclusions and recommendations report into the SNC-Lavalin matter. I'm looking at paragraph 23, which you probably don't have before you. I want to basically reiterate this so that Canadians can understand where this investigation is at. Although you reached a conclusion not to charge Justin Trudeau, you indicate in paragraph 23 that your report:

...does not translate to the absence of a criminal offence....

However, should additional evidence be uncovered corroborating a criminal intent to obstruct...it would be recommended that the occurrence be reopened for further investigation.

If Justin Trudeau co-operated with you and released cabinet confidences, particularly in relation to the firing of Jody Wilson-Raybould, would that further your investigation?

Commr Michael Duheme: Mr. Chair, I'd be speculating on the type of information that was received. We operate in a judicial process, and without having all of the knowledge of the authority of the Prime Minister, I'll just leave it at that, but there are different rules governing different entities and processes.

• (1755)

The Chair: You have a brief last question, Mr. Brock.

Mr. Larry Brock: Do I still have time?

The Chair: You have one last question.

Mr. Larry Brock: Thank you.

That doesn't answer the question. If Justin Trudeau released cabinet confidences to you—gave you full transparency, full accountability—would that be sufficient evidence for you to finally conclude whether or not reasonable and probable grounds exist to charge a sitting prime minister, yes or no?

Commr Michael Duheme: If we had the totality of the information, we would be in a position to better assess the outcome of a file.

Mr. Larry Brock: Thank you.

The Chair: Thank you very much.

I turn now to Mr. Weiler online.

You have the floor for five minutes, please, sir.

Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you, Mr. Chair.

I want to thank Commissioner Duheme and Deputy Commissioner Flynn for being here today. I know you're doing your best to provide us with all of the information you can within the challenge of making sure that you don't in any way compromise the investigations that you're undergoing. Certainly, a lot of this questioning would be easier at the conclusion of an investigation, to provide light without providing the risk of a compromise of the investigation.

Commissioner, I was hoping you might be able to share with this committee if the RCMP can compel information from the government or its agencies in order to aid in investigations.

Commr Michael Duheme: My experience is, again, as I mentioned earlier, that we need the right documents and judicial process to obtain information from other government departments, so that we can introduce them in a judicial procedure if we get to the point that we lay charges.

Mr. Patrick Weiler: Thank you, Commissioner.

In terms of the resources you have at your disposal, would you say those resources are robust enough to pursue these types of investigations?

Commr Michael Duheme: I have full confidence in the investigators that we have.

It has happened on occasion that we have had to get subject matter experts from outside of law enforcement to help us better understand the types of files that we're investigating.

Mr. Patrick Weiler: Commissioner, could you please expand on what the process might be for accessing those types of external resources to help in these types of investigations?

Commr Michael Duheme: We would consult with other policing colleagues or look at the academe side where some of them are SMEs in a certain field. It could be fraud. It could be any type of field that could help our investigators, educate our investigators, but also help them in the investigation.

Mr. Patrick Weiler: Thank you.

Whether that's an investigation looking at public officials or whether that's an investigation looking at organized crime, terrorism or so forth, do you feel that the RCMP has sufficient resources?

Commr Michael Duheme: I always say that when you ask a chief of police or commissioner if we have sufficient resources, every chief of police across the country would say that we never have enough resources, because we want to do everything. The RCMP has resources in which the environment in which we operate shifts.... I wouldn't say daily, but it shifts quite rapidly, and we prioritize the files that we have, keeping in mind that public safety is the number one priority for the organization.

Mr. Patrick Weiler: Thank you.

I certainly take your point on that. Complex cases like this, or perhaps thinking of things like financial crime and money laundering, these are areas that are quickly evolving. I understand that it's important that law enforcement has the right resources to be able to combat the continually evolving nature of those threats.

Changing tacks a bit, I was hoping that you might be able to describe to this committee what the risks might be of prematurely divulging too much information related to an ongoing investigation.

Commr Michael Duheme: Yes. The risk is to the integrity of the investigation itself.

If we were to start releasing the names of people we're interviewing or accused, you could find yourself putting these people at risk. You could put at risk other people who are associated with these people who are hiding evidence. That's one of the reasons why we don't release names until.... If charges are laid, then, through the judicial process, that's made public—that's when we'll comment—but throughout the investigation we do not comment out of respect for keeping the integrity of the investigation.

Mr. Patrick Weiler: Thank you.

We know that the work done by parliamentary committees is very important. It is a way that members are able to hold the government and its agencies accountable.

We also know that it's equally important for law enforcement to maintain their operational independence, as we've discussed so far today, and to preserve the integrity of investigations. How can we, as parliamentarians, balance our roles and responsibilities to look at and evaluate information in committees, which is in the public interest, without interfering or compromising an ongoing criminal investigation?

• (1800)

Commr Michael Duheme: It's important that people recognize that you are governed by a set of rules and parameters when you hold your hearings. That's why people feel, when coming to these committees, that they can speak freely on the judicial side of things. On the criminal operation side of things, obviously the parameters are slightly different. I encourage the committee to continue to do their work, and if we can gain a better understanding of an existing situation, I think it's a benefit to everyone.

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

We're beginning the fourth and final round.

Mr. Stewart, you have the floor for five minutes, please.

Mr. Jake Stewart (Miramichi—Grand Lake, CPC): Thank you, Mr. Chair.

I'd like to thank the commissioner and deputy commissioner for being here today.

With both the chair of the committee and me being from New Brunswick, I would like to start off by paying respect to our three fallen heroes from Moncton. It's 10 years this month since we lost RCMP Constables Fabrice Gevaudan, Dave Ross and Douglas Larche.

Our thoughts and prayers are with their families, whose lives were changed forever on that tragic June day in Moncton. We will never forget the bravery that those three men and their RCMP colleagues showed in protecting their fellow citizens in my home province of New Brunswick.

Here's one of the questions I have here today. I understand that the RCMP has a budget of \$49 million for the foreign interference investigation. I'm just curious to see if there's a separate budget for the RCMP to investigate the ArriveCAN scandal. If so, what's the amount for that budget?

Commr Michael Duheme: I'll start before I hand it over to Mark.

I'll start by recognizing and thanking you for your comments with regard to our three fallen members. In fact, it's 10 years ago that this tragic and sad incident happened that took the lives of three brave individuals, three brave RCMP members.

As for the budget, the amount you referred to was \$48.9 million. That was in an MC that went through a couple of months ago. Mark could further expand, but the budget for the organization is.... There's a pot of money that comes into the organization and it's not always dedicated to a certain type of offence that we're investigating.

Mark can elaborate on the budget when it comes to federal policing.

D/Commr Mark Flynn: Yes, I think it's key, as the commissioner stated, that the \$48.9 million is funding to look at a certain type of problem, not to fund a specific investigation. When you're looking at the broad federal policing budget, without getting into the complicated elements of it, we're over \$800 million in the budget for federal policing. You'll see anything up to maybe a billion dollars and anything down to \$600 million, and we apply that based on the priorities we have.

Mr. Jake Stewart: Thank you.

Was there a specific number just for the ArriveCAN investigation? That's kind of what I was looking for, that number, if you had it.

D/Commr Mark Flynn: We do not allocate a set number of dollars. There are investigative documents that speak to budget projections for investigations, but they are certainly not limited to that. It is all just to inform senior management of what an investigation is costing so that we can include that in our projections.

Mr. Jake Stewart: Okay. Thank you.

One of the questions I had...and this has never been my sort of immediate file, but I've had a lot of questions about it over the past year. One thing really struck me, and it could be coincidental, but I was curious to find out your opinion. The day that Kristian Firth was brought before the bar, during that testimony—

Mr. Blake Desjarlais: The barn...?

Mr. Jake Stewart: What's that?

Mr. Blake Desjarlais: Did you say “barn”?

Mr. Jake Stewart: It's not “the barn”. It's “the bar”.

Some hon. members: Oh, oh!

Mr. Jake Stewart: I'm sorry—that's a different story.

During his testimony, he said something that caught my interest. I'm paraphrasing here, but he essentially said that the RCMP investigated his home the day before. It might have been the morning of, but in my mind right now, it's the day before.

Is there anything significant about that proximity?

D/Commr Mark Flynn: Nothing whatsoever. I'm not aware of any connection between the two activities.

• (1805)

Mr. Jake Stewart: Okay.

Commr Michael Duheme: Nor, Mr. Chair, do we have a list of people with when they're appearing and in front of what committee they're appearing.

Mr. Jake Stewart: This was the second time it happened in history, and the first time in 111 years, so it was very publicly known that something significant was going to transpire in the House of Commons. I had never heard of it myself, to be honest, at the time, but I was curious to see if there's a link between the proximity.

Do you feel the RCMP has the full co-operation of the Office of the Auditor General to do this investigation?

Commr Michael Duheme: I know the Auditor General. We have a really good relationship, and I am convinced that we have 100% co-operation from her and her team.

Mr. Jake Stewart: Thank you.

One question I have is sort of a hypothetical.

Do you feel that you have sufficient resources, and what would the timeline be to carry out the investigation?

Commr Michael Duheme: As I responded earlier, I never pronounce myself on the timeline for any investigation, because when you interview one person that might open up 10 different people you must interview afterwards. I use also the example of our cellphones today. If you go 10 years ago, it was just a cellphone, or maybe 15 years ago, and right now it's a mini computer. Some are encrypted, so it takes additional time for us. This is just one cellphone, so you can imagine when we seize laptops and whatnot. It just takes more time.

The Chair: Thank you very much.

Ms. Yip, you have the floor for five minutes.

Ms. Jean Yip: Thank you.

Have you had any issues in receiving information from government agencies, such as CBSA, in this case, in the RCMP's investigation?

D/Commr Mark Flynn: I'm not aware of any issues, but I'm also not at a level to know all those details. There's certainly been nothing raised to my attention.

Ms. Jean Yip: What about other departments?

D/Commr Mark Flynn: Again, there's nothing that's been raised to my attention.

Ms. Jean Yip: Should Canadians have trust that Canada's rule of law is being upheld?

D/Commr Mark Flynn: I have significant confidence in Canada's rule of law.

Ms. Jean Yip: That being said, do you feel that public officials are held to a higher standard than the regular public, or is it the same threshold of accountability?

D/Commr Mark Flynn: There are specific offences that deal with public officials, anywhere from security clearances, depending on their role, to breach of trust-type charges, depending on which role the people are in. There are specific offences that apply to public officials, again in the broad sense of it.

I wouldn't call that a higher account. The law applies equally to everybody, and there are specific elements of specific offences that would only apply if an individual is in certain positions of trust.

Ms. Jean Yip: If it's not higher, then what would you say? Is it just part of the job?

D/Commr Mark Flynn: I wouldn't say it's part of the job. It is a fact that the Criminal Code applies equally to everyone, as do other acts. If you're in a position where there are certain actions you undertake, or don't undertake through an omission, you could be subject to penalties based on those unique offences.

Ms. Jean Yip: In your opening statement you said the RCMP faces a delicate balance in all of your investigative efforts.

What steps does the RCMP take to mitigate any future harm that may occur throughout the investigation?

Commr Michael Duheme: When I mentioned a delicate balance, it's really a delicate balance between the right to know and the need to know. When you are investigating a file of this nature, there is a strong appetite from Canadians to understand and know what took place. Again, that's a balance where, as I said earlier, we want to make sure we protect the integrity of the investigation.

Ms. Jean Yip: If Canadians have information, where would they go to provide this information to the RCMP?

• (1810)

Commr Michael Duheme: There are different ways that information can be provided to the RCMP. There are some 1-800 tip lines when it comes to the national security side. It can be reported online in certain areas as well. There are other ways to report with regard to remaining anonymous.

Ms. Jean Yip: In the opening statement, it was mentioned that the RCMP is investigating and using all available information, including the Auditor General's performance audit report and the procurement ombudsman's procurement practice review of Arrive-CAN.

What information are you looking for within the procurement ombudsman's procurement practice review?

Commr Michael Duheme: We're looking for any information that would help us. As previously mentioned regarding the Criminal Code offence, there are certain elements to a Criminal Code offence. Once we start getting a picture of what the offence could be, we look for any information that can assist us and support us in the elements of a criminal offence so that we can lay the appropriate charges.

Ms. Jean Yip: Is there anything that you would like to mention that you haven't answered in other questions?

Commr Michael Duheme: Not really. I'll just reinforce the fact that I have full confidence in the professionals we have in this organization who are leading this investigation. As I committed earlier, at the end of the investigation, if multiple files are not interconnected, we will release the information and inform the Canadian public of the work we've done.

The Chair: Thank you very much.

[Translation]

Ms. Sinclair-Desgagné, you have two and a half minutes.

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

Mr. Duheme, in the context of an investigation, is it considered obstruction when thousands of emails are deleted from an inbox?

Commr Michael Duheme: I don't have all of the necessary information to answer that question. What I can say is that it could indeed be considered obstruction.

I don't know all of the details of this case or about what was deleted. I also don't know the intention behind that, so it is hard for me to take a position.

Ms. Nathalie Sinclair-Desgagné: Of course.

In the ArriveCAN app case, it was brought to our attention that several thousand emails were deleted by a public servant before they left on sick leave.

I think that Mr. Flynn mentioned earlier in response to a question that he was not informed of a possible case of obstruction. In that case, is it because the RCMP was not aware of the fact that thousands of emails were deleted that could compromise some public servants?

Commr Michael Duheme: I will let Mr. Flynn elaborate on that.

[English]

D/Commr Mark Flynn: My answer was not in the context in which you're asking it at this time. My answer was with respect to any obstruction from any government entity with respect to what we were doing. In the context of this investigation, my answer has been consistent. I'm not going to speak to anything with respect to the ongoing investigation into ArriveCAN.

[Translation]

Ms. Nathalie Sinclair-Desgagné: Your answer had to do with the fact that you never saw a lack of co-operation or any obstruction from the various government entities. When we talk about a public servant from the agency, we are talking about the agency. However, you are saying that you did not see any obstruction. That is somewhat contradictory. Deleting thousands of emails while a

specific investigation is being conducted is obstruction. We agree on that.

We know what happened in the case of the ArriveCAN app investigation. However, you still answered that you did not witness any obstruction and no instances of obstruction were brought to your attention.

I'm really trying to understand where this contradiction is coming from. Could you provide some clarification on that?

[English]

D/Commr Mark Flynn: I do not believe at all that it is contradictory. The question in the context of the question that I was asked said that there was no obstruction. I don't recall the exact details, and I don't have a transcript of it to read, but if you go back to it, it was with respect to a broad definition whether such and such an organization obstructed.

The question you're asking me now is related to a very discrete act of an individual in the context. I believe that you're asking it in the context of an individual within the ArriveCAN app—

[Translation]

Ms. Nathalie Sinclair-Desgagné: I know that you can't answer that question, but I just want to clarify one thing.

If I understand correctly, obstruction may have occurred, but you cannot confirm or deny it. In any event, it is possible that obstruction occurred in the ArriveCAN app case. You just can't confirm it, but that may still be the case.

Is that right?

• (1815)

[English]

D/Commr Mark Flynn: It's theoretically possible, absolutely, on an individual basis, but I maintain my answer in the other context, which is that there are not organizations obstructing us in our investigation.

[Translation]

Ms. Nathalie Sinclair-Desgagné: It is therefore possible that individuals engaged in obstruction, but not organizations.

The Chair: Thank you very much.

I'm sorry, but your time is up.

We will now move on to the next speaker.

[English]

Mr. Desjarlais, go ahead once again for your last two and a half minutes.

Mr. Blake Desjarlais: Thank you very much, Mr. Chair.

To the RCMP commissioner, are you familiar with the missing and murdered indigenous women and girls inquiry?

Commr Michael Duheme: Yes.

Mr. Blake Desjarlais: Are you familiar that it cites, “The RCMP have not proven to Canada that they are [even] capable of holding themselves to account”.

Are you familiar with that passage?

Commr Michael Duheme: I'm not familiar with it. I don't remember reading it, but I don't discount it. If you're saying that it's in there, I'll take your word for it.

Mr. Blake Desjarlais: Don't you remember reading it?

Commr Michael Duheme: It has been a while, and there's a lot of information in the report that came out.

Mr. Blake Desjarlais: I recommend reading it again. The crisis is quite urgent. It's ongoing, so I'll turn my attention to the questions I have related to it.

Considering that you haven't read it in a while, I suggest that you do, particularly in advance of the questions that I would ask. If you can't answer them, I would hope that you can supply them in writing because it is, of course, a national emergency. I hope you can understand the gravity of this case and these issues.

It has been ongoing. We've now had five years since the tabling of the national inquiry. We've had hundreds of women come forward talking about the misconduct of the RCMP. In Alberta alone, we've had a case where a 33-year-old constable was charged and arrested with child sexual exploitation. The families and victims of that are scared, and they feel as though justice has not been met. The officer was suspended with pay.

Do you find that to be justice?

Commr Michael Duheme: Mr. Chair, I did not say that I did not consider this a crisis. The question that was asked of me was if I remembered the line that the committee member read. I, of all people, understand the crisis that was brought to us.

The RCMP has a unit that looked at all the recommendations. I've had a chance, for the last year and a half, to travel across this great country and meet with the folks who are doing the work on the ground with the different communities. I can tell you that there's some excellent work going on based on the recommendations that came out.

Mr. Blake Desjarlais: With all due respect, it has to be more urgent.

To the commissioner, you have to understand that this is every single day. These are the lives of real people. It's women who do not have trust in the RCMP. It's a critical issue of national import. Should we not have justice, like in the case I just mentioned, it creates real distrust.

A 33-year-old constable of the RCMP was charged and arrested for child sexual exploitation and received a suspension with pay. Is that justice?

Commr Michael Duheme: Mr. Chair, I wish to remind the committee member that there's also a criminal investigation that's taking place. What he's referring to right now is the internal process that

the organization has when it comes to code of conduct investigations.

Mr. Blake Desjarlais: Would that be justice?

Commr Michael Duheme: Justice will be served through the criminal courts.

Mr. Blake Desjarlais: What steps will you take, other than updating the uniform, to directly support the work that needs to be done to ensure that the RCMP can gain more trust with indigenous peoples and their nations?

Is it about time that we actually enhance the policing agreements that are put in place with first nations and allow first nations, Inuit and Métis to police themselves?

Commr Michael Duheme: Mr. Chair, I can confirm with you that the entire organization is aware and is doing all it can to rebuild the trust and work with the communities across this country to rebuild that trust and to assist the communities when we can.

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

Turning now to Mr. Brock, you have the floor for five minutes.

Mr. Larry Brock: Mr. Chair, I have a point of order before you start my time.

A number of members, including me, have asked for information from both of these witnesses. These witnesses, from time to time, have agreed to supply us with information.

Is it your intention to inform them as to what our usual return time is for the delivery?

The Chair: Sure. I will at the very end.

Mr. Larry Brock: Thank you.

Gentlemen, this is a different topic.

On March 20, Minister of Public Services and Procurement Canada Duclos and President of the Treasury Board Anand addressed the government operations committee and revealed that, through a combination of tips and advanced data analytics, they had uncovered three subcontractors engaged in fraudulent billing across 36 government departments amounting to nearly \$5 million.

They confirmed at committee, as they did at a national press conference, that all three subcontractors had been referred to the RCMP.

The department officials then testified approximately two months thereafter and initially refused to provide the names of those subcontractors to committee. Only after we brought to their attention that parliamentary rules trump privacy, they actually revealed the identity of three individuals—not corporations but individuals.

Are those individuals currently being investigated, or has the investigation been completed and charges laid?

• (1820)

D/Commr Mark Flynn: I am very much aware of the situation that you're describing. I will go back to my previous statements. I will not be speaking to, or confirming, any active investigations into these specific incidents.

Mr. Larry Brock: Is this an active investigation?

D/Commr Mark Flynn: As I said, I will not be confirming that.

Mr. Larry Brock: You won't confirm nor deny it.

D/Commr Mark Flynn: I will not confirm nor deny it, but I'll go back to my earlier statements that the RCMP is involved in a broad number of investigations regarding procurement irregularities.

Mr. Larry Brock: During that same period, both ministers outlined that this discovery, which was traced back almost six years, was merely the tip of the iceberg, suggesting a potential series of revelations to follow. The minister noted—that was Duclos—that five to 10 additional cases were currently under scrutiny. Subsequently, the Department of Public Services and Procurement Canada described this as a “first wave”. They disclosed that another five to 10 cases were under examination.

When Minister Duclos appeared at committee not too long ago, it was probably two and a half months removed from his announcement of a potential second wave. I asked him, specifically, on four subsequent occasions, of those five to 10 companies currently under review for fraudulent billing, if any of those cases have been referred to the RCMP. He wouldn't give me an answer, so let's talk to the source.

Has Minister Duclos or a member of his department, or Minister Anand or a member of her department, referred additional cases to the RCMP? I'm not asking you to opine on the nature of the investigation. I'm asking for a confirmation. Has a referral been made?

D/Commr Mark Flynn: As I stated earlier, there are numerous investigations—

Mr. Larry Brock: That's not good enough. Canadians need to know. There's no transparency or accountability with the Liberal government. I'm not asking you to jeopardize the nature of the investigation. I'm asking you to confirm this: Has the Government of Canada made additional referrals, yes or no?

D/Commr Mark Flynn: You're asking me to answer a question in a manner that I cannot provide you the precision in which you're asking it. There are many ways that investigations come to us. I know that we are currently investigating several matters, as I stated earlier—

Mr. Larry Brock: Why is it that you had no problem confirming that, when the Auditor General referred a matter to you, you were investigating, but you can't confirm whether a minister, or his department or her department, made a referral? You can't opine on that. Do you see the disconnect there, Deputy?

D/Commr Mark Flynn: Actually, Mr. Chair, I can give a very accurate precision as to why that is.

I sat in a meeting, personally, with the Auditor General and with the commissioner, where we had a discussion about the Auditor General referring information to us and offering her support in pursuit of a criminal investigation. What you're asking me for now, I have not personally been involved in those circumstances.

I can say that, organizationally, there are circumstances that have led to our conducting numerous investigations into procurement irregularities. If I had the opportunity to complete my answer in the

question earlier, as I attempted, I would have explained to you that I was lacking that precision because of the lack of my personal involvement or review of the information.

Mr. Larry Brock: Can you confirm to committee that either of those two ministers or members of their respective departments have made additional referrals with respect to fraudulent procurement billing? Can you confirm that, yes or no?

D/Commr Mark Flynn: I do not have that information with me.

Mr. Larry Brock: I understand, but will you supply that to the committee within so many days?

D/Commr Mark Flynn: I can undertake to review the files to determine if we have that information.

Mr. Larry Brock: Thank you. That's what I wanted to hear.

Thank you so much.

• (1825)

The Chair: Thank you very much.

Ending the rounds of questions today, I believe, is Ms. Bradford.

Ms. Valerie Bradford: Thank you, Mr. Chair.

Continuing along that line, Deputy Commissioner Flynn, the member opposite just mentioned that the Liberal government lacks transparency. Can you remind us whether the RCMP is overseen by the Liberal government?

D/Commr Mark Flynn: The RCMP is not overseen by the Liberal government.

Ms. Valerie Bradford: Right. Thanks for clarifying that.

You said earlier that you only speak about an ongoing investigation when there's significant public interest or public safety. What meets this threshold?

D/Commr Mark Flynn: That's a difficult thing to answer. It really depends on the individual circumstances. We will make those announcements usually in the situation where there is significant public safety risk. You'll hear them in situations of sexual offenders, of rather violent offenders, who are in a particular area. You'll also hear them where we do a “duty to warn”, where there are threats to harm or murder an individual. We will make public statements in those types of situations.

Ms. Valerie Bradford: Would the ArriveCAN application meet that criteria?

D/Commr Mark Flynn: I would say that it does not have that imminent harm element, but as you know, we have confirmed that we are investigating ArriveCAN, and that speaks to other analyses that we do with respect to the jeopardy that could cause, as well as the already existing public visibility of our efforts within that context.

Ms. Valerie Bradford: Was the RCMP aware of the Auditor General's report before it was made public?

D/Commr Mark Flynn: I was not aware of the details of the Auditor General's report.

I don't know if you were, Commissioner?

Commr Michael Duheme: No, I was not aware of the details, but I was informed a couple of days before that she would be tabling her report.

Ms. Valerie Bradford: Did she approach you at all at any point, or did you end up approaching her?

Commr Michael Duheme: I believe it was the Auditor General who requested a meeting with me to talk about ongoing audits, but also to inform me of the tabling of the report.

Ms. Valerie Bradford: Has the RCMP been given the same access to the same information that the AG used for her report on ArriveCAN?

Commr Michael Duheme: I wouldn't be able to answer that, and again, I go back to what I referred to earlier. We want to make sure that every piece of information that we obtain is obtained in a legal fashion so that we can incorporate it into an investigation. If it leads to charges, it could be used in a judicial procedure.

Ms. Valerie Bradford: What would the legal risk be for the RCMP? What would they be susceptible to for prejudicing an investigation into someone who turns out to be found innocent?

D/Commr Mark Flynn: There are numerous things. There are civil liabilities, and depending on the circumstances that led to that scenario, there are additional penalties or consequences that could arrive—neglect of duty, etc.—if the conduct was so outrageous or egregious.

Ms. Valerie Bradford: Can the RCMP compel information from the government or its agencies to aid investigations?

Commr Michael Duheme: Again, it goes to what I said earlier. That's provided we use the right format to obtain the information, such as going before the courts to have the government departments release the information, so that the information could be used in a judicial proceeding.

Ms. Valerie Bradford: While the law applies to everyone equally, it may not be distributed evenly between the public and private sectors.

Are you obliged to provide information to separate arms of Parliament, such as the AG, if the information and investigation you conducted do not lead you to pursue criminal charges?

D/Commr Mark Flynn: We can be obliged based on their authorities and their audits, again, through various processes that are in place for exchange of information between organizations.

Ms. Valerie Bradford: Do you believe there is greater oversight over the public service rather than the private service?

Considering the level of scrutiny, oversight and regulations that public service employees are required to follow, how do you feel this impacts third party contractors such as GC Strategies, who work with the public service?

Commr Michael Duheme: I am not aware of the oversight practices that exist in the private sector, nor am I aware of all the oversight practices that exist in the government departments, so I would not be at liberty to respond.

Ms. Valerie Bradford: I don't think I have any further questions.

The Chair: Okay. That is not a problem.

Thank you, Commissioner Duheme and Deputy Commissioner Flynn, for your testimony and participation in relation to the study of "Report 1: ArriveCAN".

• (1830)

[*Translation*]

You can provide any additional information to the clerk. Please ask her if you have any questions.

[*English*]

I don't think there'll be a problem with this, because you've been very forthcoming today, within the limitations you had outlined. Generally, we do like to have information from witnesses within about three weeks. If you hit an obstacle, please let us know, and we'll take that under consideration.

Again, I want to thank you both for being here today and for being flexible with your schedules.

I will excuse the witnesses. Gentlemen, you're free to go.

I will just proceed to some brief committee business, because I don't want to keep members here for any longer than necessary. I remind all members that should you or your staff wish to consult the unredacted statement of work, please email the committee inbox, that's the public accounts email, to schedule time with the clerk this week.

Now, quickly before I leave, there was a discussion, and I am happy to bring this back to us on Thursday. I don't think there'll be any concern on this. Let me go through it.

Before we leave, I'd like to present report 2 and report 3 of the subcommittee.

[*Translation*]

Here is the second report:

Your Subcommittee met on Tuesday, June 4, 2024, to consider the business of the committee and agreed to make the following recommendations:

1. That the committee dedicate one meeting to Report 1, ArriveCAN, of the 2024 Reports of the Auditor General of Canada and one meeting to the consideration of draft reports prior to the summer period.
2. That the 2024 Reports 5 to 7 of the Auditor General, referred to the committee on Tuesday, June 3, 2024, be the next reports studied by the committee.

[*English*]

Does the committee wish to concur in this report?

Obviously, the first point is moot because a subsequent motion passed by this committee has changed this, so there will not be another ArriveCAN report before we rise.

Could I look for agreement to concur in this? I'm seeing yes. I'm seeing no disagreement.

(Motion agreed to)

The Chair: Okay, that is concurred in.

Again, please put your earpieces in.

[*Translation*]

Here is the third report:

Your Subcommittee met on Monday, June 17, 2024, to consider the business of the committee and agreed to make the following recommendation:

1. That, in regard to the committee's study of Report 6, Sustainable Development Technology Canada, of the 2024 Reports 5 to 7 of the Auditor General of Canada, that each party send a prioritized list of witnesses to the clerk by Tuesday, September 3, 2024 at 5 p.m.

[*English*]

Is that concurred in? That is to have witnesses for that next report by September 3.

Yes, Ms. Yip, go ahead.

Ms. Jean Yip: I have a question on the June 4 report. It says here, “one meeting to the consideration of draft reports prior to the summer period.”

How will we fit that in?

The Chair: Do you mean the previous one?

Ms. Jean Yip: Yes.

The Chair: As I said, that is moot, so unless you would like me to squeeze it in, I was not planning on squeezing it in.

Ms. Jean Yip: I just thought on Thursday, if we're coming anyway, we could do the draft reports instead of the SDTC reports.

The Chair: As I said, that is moot because this committee passed a motion to have the witnesses in next Thursday.

That one has already been concurred in. Can I go back to this subcommittee meeting from yesterday? Could I have it concurred in that witnesses will not come until the end of the summer?

Mrs. Shanahan, go ahead.

• (1835)

Mrs. Brenda Shanahan: I believe it's that we are to provide our list of witnesses—

The Chair: That's it, yeah.

Mrs. Brenda Shanahan: —for September 3, so then meetings will be held afterwards.

The Chair: Yes.

Is that concurred in?

(Motion agreed to)

The Chair: Thank you, more to the Conservative members.

Mr. Blake Desjarlais: Hey, come on.

The Chair: No, it's to all of you.

The committee has concurred in that as well.

I will adjourn this meeting, unless there's anything else.

The meeting is adjourned. We'll see you Thursday.

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