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Chair: Mr. John Williamson



Standing Committee on Public Accounts

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• (1110)

[Translation]

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

Good morning, everyone.

[English]

Happy new year. It's nice to see you all back, either virtually or in our nation's capital.

[Translation]

Welcome to meeting number 93 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.

I would like to make a few comments for the benefit of the witnesses as well as members. Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic. When speaking, please speak slowly and clearly.

[Translation]

Whether you are in the room or attending using Zoom, when you are not speaking, your microphone must be turned off or muted.

[English]

Although the room is equipped with a reliable audio system, feedback events can occur. These can be extremely harmful to interpreters and can cause serious injuries. In order to prevent incidents and safeguard the hearing health of the interpreters, I invite participants to ensure that they speak into the microphone into which their headset is plugged and avoid manipulating the earbuds by placing them on the table, away from the microphone, when they are not in use. I will remind you that all comments should be addressed through the chair.

Before we dig into the matter at hand, I want to introduce to you and welcome our new clerk, Hilary Smyth. We had a meeting yesterday just to get committee work under way and prepare for the winter session. I will give you a quick overview. Notices will be going out today and tomorrow with respect to committee work next week.

[Translation]

Pursuant to Standing Order 108(2), the committee is meeting to continue its study of the ArriveCAN application.

[English]

I would now like to recognize and welcome our witness from the Office of the Auditor General, Mr. Andrew Hayes, deputy auditor general.

Mr. Hayes, you have some brief opening remarks. We all look forward to hearing from you.

Do you have a point of order, Ms. Khalid?

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): No. I was just wondering; Mr. Johns' hand is up online.

The Chair: All right.

Mr. Johns, do you have a point of order?

Mr. Gord Johns (Courtenay—Alberni, NDP): Yes, I do, Mr. Chair.

I see that this meeting has been called and deemed as an emergency meeting. My understanding is that it is not only your committee that is studying ArriveCAN; three other committees, including the government operations committee, are also studying ArriveCAN. We had two emergency meetings last week. Today an emergency meeting has been called at the same time as three political parties are having their strategic caucus sessions.

This committee has asked for the Auditor General to appear to discuss the report on ArriveCAN. This is ahead of the scheduled report being tabled to Parliament—in mid-February, to my understanding. For a couple of reasons, I don't think this is the right way to go. It's interrupting an investigation by the Auditor General that's taking place right now, something that actually the NDP called for. I put forward a motion at our committee that the Auditor General study not just ArriveCAN but all government purchasing policies and practices, seeing if they're being adhered to in terms of the Treasury Board policies that we have to adhere to in Parliament and that government needs to apply. This calling on the deputy auditor general ahead of what will be a tabled report is interference, I believe, in a study that's being applied and an investigation that's happening right now.

As well, I believe an emergency meeting needs to be called when it's an emergency. We all want to get to the bottom of the ArriveCAN scandal, but to have four committees study it and to demand emergency meetings repeatedly.... I want to talk about what an emergency looks like. Right now I'm in Edmonton, where there are homeless people all over the streets. I tabled a motion at the government operations committee to look at government lands and how we would use those lands to ensure that we have adequate housing for people. We know that the Conservatives have talked about using 15% of government buildings and lands to build housing for Canadians. We know that the government has talked about using government lands as well, but my study was particularly narrowly focused on ensuring that government lands are used for public purposes, for affordable housing, and on ensuring that government lands belong in public hands.

That's an emergency. That's a reason to have four committees studying an issue—when we have homeless people and it's skyrocketing out of control.

Mr. Chair, I just want to make sure that when we call an emergency meeting, it's done in a way that reflects an emergency. We've brought in all this staff from the House of Commons right now to do this meeting ahead of what the Auditor General will already be tabling. I think this is interference in a study that's taking place, and I don't believe this meeting should be taking place for that reason. Secondly, I don't believe this truly justifies an emergency meeting of Parliament.

I wanted to put that on record.

• (1115)

The Chair: Thank you, Mr. Johns.

Your point of order is that you object to the meeting being called, which is not technically a point of order, but I wanted to give you time to speak.

I will address your first point. In fact, this committee previously invited the Office of the Auditor General to appear on this exact subject while that investigation was under way. It was viewed as a routine meeting that, again, was during a recess week, so there is certainly a precedent.

In terms of interference, we have a witness here today from the Office of the Auditor General, who is prepared to speak, so I don't quite follow the logic of this being interference.

I'll note that the previous meeting, which we had on October 12, not only resulted in information being shared publicly, which was noteworthy; it also resulted in the Auditor General then taking steps to ensure that the committee's concerns were addressed in the current report.

I've heard your point of order. Again, I listened to more to allow you to get it on the record, but the meeting is going to proceed.

We're not in debate. If you have a point of order, say, "Point of order". Otherwise, I want to hear from Mr. Hayes.

Are there any other points of order?

Mr. Gord Johns: I have a point of clarification, then, Mr. Chair.

This meeting could have been called earlier in the week. I find it suspicious that the Conservatives decided to have a meeting on a Friday, when three other political parties are in the middle of their strategic planning sessions.

With respect—

The Chair: Mr. Johns, it's Thursday.

There are all kinds of overlapping caucus meetings. The letter I received, which was sent to the OAG by Mr. McCauley, was at the end of last week, so I worked through that as quickly as I could.

Anyway, your objection is noted.

Hearing no other points of order, Mr. Hayes, you have the floor for up to five minutes.

[*Translation*]

Mr. Andrew Hayes (Deputy Auditor General, Office of the Auditor General): Mr. Chair, thank you for inviting me to appear before the committee as part of its study on ArriveCAN.

I would like to acknowledge that this meeting is taking place on the traditional unceded territory of the Algonquin Anishinaabe people.

As members of the committee are aware, the report will be tabled on February 12.

[*English*]

This audit looks at whether the Canada Border Services Agency, the Public Health Agency of Canada and Public Services and Procurement Canada managed all aspects of ArriveCAN, including procurement and expected deliverables, with due regard for economy, efficiency and effectiveness.

I am happy to answer the committee's questions when possible. However, as you know, since this report has not yet been tabled in Parliament, I am not in a position to discuss our findings. We look forward to appearing again before the committee when the report is tabled.

Mr. Chair, this concludes my opening remarks. Thank you.

• (1120)

The Chair: Thank you, Mr. Hayes.

We have a point of order from Mr. Genuis.

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

It was mentioned that the report will be tabled on February 12. I'm not a regular member of this committee. I wonder if you could just provide us, and anyone listening, with an update on what's going to happen on February 12 in terms of the tabling of the report and opportunities for members to see the report...the embargoed version.

I have been involved in the ArriveCAN discussions at other committees, and I think there is a great deal of anticipation for that February 12 report.

The Chair: Sure. I'll address that now. You're pre-empting my conclusion.

In mid-January, the Office of the Auditor General sent a letter to the Speaker of the House of Commons indicating that the Auditor General would be tabling the ArriveCAN audit on Monday, February 12. This then triggers a series of activities, both for this committee as well as for the OAG.

That's a Monday. The House opens at 11. Our committee does not normally meet on Monday, but we will be that day. As to how the day is going to unroll, members will receive a notice of this before the weekend. All parliamentarians are going to receive this information, actually, because the lock-up is open to all parliamentarians.

From 8 a.m. to 10 a.m., the Office of the Auditor General will be hosting a lock-up on Parliament Hill for members to come to. There will be staff members there from the OAG, who will be in a position to answer questions surrounding the audit during those two hours. That is open to all parliamentarians, as well as staff. Documents are also available electronically under certain embargoed conditions.

Next—and this is customary—at approximately 10 o'clock, the Auditor General, Karen Hogan, will come to a committee room and take questions from parliamentarians. This is not an official committee setting. This is something that I, as chair of public accounts, am asked to host. There is no speaking order: It is questions for the auditor from parliamentarians. Ms. Hogan will endeavour to respond to their questions with respect to what is contained in the audit.

Following that, our committee will meet at approximately 11:15 in the morning. Ms. Hogan will begin with opening comments on her audit, and then there'll be a meeting for approximately one hour. After that, Ms. Hogan has to leave, and she will then address the national press gallery with her report on ArriveCAN.

That is how the day is going to unfold on February 12. To give all of you an advance preview, I'm making arrangements now for the regular meeting on February 13, working in conjunction with the OAG, to bring the deputy auditor back, along with the three departments that are being investigated in this audit. There's where we are.

Pardon me. The invitation to all parliamentarians was sent yesterday, so it is probably at your main account, and committee members might have it on their P9s.

I see hands up, but if you have a point of order, I would prefer if you say so.

Mr. Gord Johns: On a point of order, Mr. Chair, the government operations committee has spent tens of millions of dollars in reproduction of documents—documents that it would take four people working full time a year to go over. That is costing.... Actually, the McKinsey study, the witch hunt, found nothing. It found nothing except for—

The Chair: Mr. Johns, please identify your point of order. You will have a speaking round.

Mr. Gord Johns: The point of order is this: There was an opportunity to send out a memo instead of doing this whole meeting. This whole charade has cost a pile of money. It's unnecessary. The witness can't speak—we all knew this going into this meeting—because they have a report coming out.

I'm trying to figure out what game is going on here and why we're sitting here. I need an explanation, and I'm hoping that you, Mr. Chair, can explain why you've called this meeting, knowing full well that the witness can't speak and there's a report forthcoming. Maybe you can explain to this committee why we're here.

• (1125)

The Chair: Mr. Johns, the witness is here to answer questions to the best of his ability, and I'd like to hear from him.

Mr. Gord Johns: He can't—

The Chair: All right, Mr. Johns. Thank you.

[*Translation*]

Ms. Sinclair-Desgagné, do you want to raise a point of order?

Ms. Nathalie Sinclair-Desgagné (Terrebonne, BQ): I only want to ask a quick question about what you just announced for the February 12 schedule.

The Chair: What is your question?

Ms. Nathalie Sinclair-Desgagné: Will the 11:15 meeting with the Auditor General be in public?

The Chair: Yes.

Ms. Nathalie Sinclair-Desgagné: That's perfect. Thank you.

The Chair: Thank you very much.

[*English*]

Mr. Brock, you have the floor for six minutes, please.

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

I'm putting notice to this committee that I'll be yielding my last 90 seconds to my colleague, Mr. Genuis.

The Chair: Do you want me to interrupt you for that?

Mr. Larry Brock: Yes, please.

Good morning, Mr. Hayes. Thank you for your attendance.

The Auditor General, on October 12, 2023, in a recess week, appeared before this committee. Unfortunately, her testimony was cut short when the Liberal-NDP coalition brought a motion to adjourn the meeting after it was revealed that neither the government nor the CBSA had informed her that the RCMP were investigating allegations of misconduct with the CBSA. She in fact learned about it only after reading a news article in *The Globe and Mail*.

With that in mind, have the Prime Minister and his government been open and transparent by releasing all documentation as requested by your department?

Mr. Andrew Hayes: We make our requests for information directly to the departments and agencies involved in our audits. We have received the responses that we expected from those agencies and departments. We have not identified concerns regarding our access to information in this case.

Mr. Larry Brock: I understand that with respect to the CBSA, approximately 30,000 pages are yet to be delivered to committees. It's in the translation process. Were you aware of that? Has that been factored into your report?

Mr. Andrew Hayes: Our audit is relating specifically to ArriveCAN. My understanding is that the study by other committees might be broader than just ArriveCAN. I'm aware that the committees have requested information and that some of that is outstanding, but it's not for me to comment on the process for that.

Mr. Larry Brock: Your office has a mandate that when you uncover some element of criminality, you are to refer that to the RCMP. Is that correct?

Mr. Andrew Hayes: When we identify issues that could raise the potential of criminality, we do identify for the RCMP—

Mr. Larry Brock: Did you uncover any issues with respect to criminality involving ArriveCAN?

Mr. Andrew Hayes: At this point, I think that would be a question that the Auditor General would be best positioned to answer on February 12. I can tell you that, as you mentioned earlier, we became aware that the RCMP was already informed of a matter by the Canada Border Services Agency. That obviously is a different scenario from the normal one for us, where we conduct an audit and decide at the end whether or not to bring in the RCMP. They were already aware of the allegations.

Mr. Larry Brock: At the government operations committee level, we have seen unprecedented levels of misinformation being shared by government officials—

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Mrs. Brenda Shanahan: On a point of order, Chair, why are we bringing in information from another committee? This is the public accounts committee. Can we deal with the public accounts mandate? It's about relevance.

The Chair: That's hardly a point of order. Mr. Brock has the floor and is welcome to reference any information. In fact, the letter sent by Mr. McCauley, who is a member of this committee, to the OAG specifically references information from that committee.

I will allow Mr. Brock to continue with his line of questioning.

Mr. Larry Brock: While my Liberal colleagues don't want to shed any sunlight with respect to these allegations, the Conservative Party certainly does.

CBSA officials appeared at government operations and deliberately misled the committee. The biggest outstanding issue is this: Who was responsible, and who chose GC Strategies, this two-person consulting company that performed no IT work and received \$11 million of taxpayer money towards the ArriveCAN total expenditure, clearly receiving the taxpayer-funded lottery in the process of doing absolutely nothing? This is a hot potato. It's kryptonite to the government. It's kryptonite to government agencies.

Were you able to determine, sir, with the documentation that you received, who was responsible, what department was responsible, for choosing GC Strategies?

Mr. Andrew Hayes: Again, the Auditor General would be best positioned to describe the findings of our audit on February 12. The scope of the audit is about the ArriveCAN app, though.

• (1130)

Mr. Larry Brock: Yes. Thank you.

Has the government or the CBSA informed you that two whistleblowers who came forth at committee two weeks ago were actually suspended without pay. They are Cameron MacDonald and Mr. Antonio Utano, who both worked for the CBSA. Were you informed of that by the government?

Mr. Andrew Hayes: I am aware of that. I cannot recall whether or not I first found out from the government or whether it was in watching the committee hearings. It was around the same time. I am aware of that situation.

Mr. Larry Brock: Thank you, Mr. Chair.

The Chair: You're done? Okay.

Mr. Genuis, you have just under two minutes.

Mr. Garnett Genuis: Thank you, Chair.

Sir, thank you for being here. I am very concerned about your ability to access information from public servants in conditions where those public servants have been subject to intimidation.

With that in mind, I want to briefly move the motion that:

The committee report to the House its grave concern about apparent reprisals against witnesses following their testimony on the ArriveCAN app.

This is critically important for the integrity of the kinds of investigations that parliaments can undertake.

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

Is this a notice of motion, or is it the moving of a motion?

The Chair: Mr. Genuis.

Mr. Garnett Genuis: I'm moving the motion. It's on the matter at hand, and I'm moving the motion.

I think the committee will, hopefully, be able to dispense with this quickly.

Here's a very quick review of the facts, Mr. Chair. We had explosive testimony at the government operations committee from Mr. MacDonald and Mr. Utano about what happened in the context of the ArriveCAN scandal. When that testimony occurred, it was surprising and shocking what they were able to reveal in response to questions the members asked. In particular, they identified that a number of other public servants either lied directly or were not honest and forthright with the committee. They responded frankly and directly to questions that were asked in that regard.

After their November 7 testimony, later that month, they received letters saying that they were subject to an investigation. While that investigation is still ongoing, these public servants have been suspended without pay. It's an incredibly unusual step that public servants would be suspended without pay in the middle of an investigation into their conduct, when no findings have even been reached, and that they would be informed of that investigation immediately after they provide frank testimony to a parliamentary committee. This speaks to the ability of public servants to be able to provide, without fear of intimidation, honest answers to important questions that are asked. It speaks to the right of parliamentarians to actually get the information we need to get to the bottom of the ArriveCAN scandal. Of course, many parliamentarians and parliamentary committees—and the public—have been seized with this scandal, it's true.

An amount of \$54 million was spent on the ArriveCAN app. It was spent through a two-person company with no IT expertise. Nobody wants to own up to giving this company this contract, a company that, again, does no IT work, subcontracted all the work and got a big payout in the process. Nobody in the public service wants to own up to giving it that contract. Now, when we have two public servants who come and give frank testimony, they are subject to disciplinary measures immediately after that testimony, before an investigation has even taken place.

This is gravely concerning, and I believe it is designed to send a message to public servants that they should shut up and not reveal the truth to committees. That is not a message we want sent.

I hope that this committee would consider supporting this motion to report to the House its grave concern about apparent reprisals against witnesses following their testimony on the ArriveCAN app. If members are serious about getting to the truth and if members are serious about really finding out what happened here, then we need to have a situation where the Office of the Auditor General gets all the documents that it requires and where public servants are free to speak without threats or intimidation. I would hope that members would support this motion to say that if we are going to get to the bottom of this, we need public servants to be free to speak without threats, reprisals or punishment for coming to committees and answering the direct questions of parliamentarians.

Thank you, Mr. Chair.

• (1135)

The Chair: I have a speaking order in place. Hands went up quickly.

Mr. McCauley, you have the floor, please.

Mr. Kelly McCauley (Edmonton West, CPC): Thanks, Mr. Chair.

I apologize for not being there in person, but I'm fighting a nasty flu bug.

The Chair: Mr. McCauley, I'm sorry to interrupt.

Just so everyone knows, the motion has been sent to all of your accounts as well—if you did not hear Mr. Genuis say that, but I think we all did—if anyone has questions.

We'll go back over to you, Mr. McCauley.

Mr. Kelly McCauley: Thanks very much.

I am in support of this. I am quite concerned about the issue around retribution against the whistle-blowers, having been on the OGGO committee for over eight years, where we've been pushing for whistle-blower protection, with no action from this government.

I am extremely concerned, especially about some of the details of this case, specifically. Here we had the president of the CBSA telling us she did not provide documentation to the CRA or PHAC that led to the suspension of Mr. MacDonald and Mr. Utano. It was apparently a mere phone call to these departments.

You'd think they would have provided a whole document and package and investigated. No. It was a mere phone call, and then immediately these gentlemen were stripped of their security status and, therefore, despite both being on medical leave, basically constructively dismissed and put on suspension without pay and without any investigation into it.

It is a very clear sign of a government exacting its revenge on whistle-blowers.

We saw this before with the CRA, when it famously went after whistle-blowers. The case came out about two years ago. It actually went to court. We had whistle-blowers who had brought forward issues of sexual assault, harassment and abuse, and the CRA fired people.

This is ongoing issue with this government.

Mrs. Brenda Shanahan: On a point of order, this isn't relevant to the motion.

I'm hoping Mr. McCauley will save his voice. It sounds pretty nasty, but yes...relevance to the motion.

The Chair: Mr. McCauley, I'm turning it back over to you. There was a call for relevance, but I know you'll get back on track.

Mr. Kelly McCauley: I'm pretty sure the motion is about reporting to the House about the whistle-blowers, and I'm talking about whistle-blowers.

I understand that I'm under the weather with the flu, but I don't understand the relevance issue.

Ms. Iqra Khalid: I'm sorry. Just to clarify, Chair....

The Chair: Just one second.

If you have a point of order, Ms. Khalid, say, "Point of order."

Ms. Iqra Khalid: On a point of order, Chair, to clarify, the motion talks about witnesses. There is no mention of whistle-blowers in this motion.

The Chair: Thank you very much, Ms. Khalid. You're coming off the speaking list as well.

Mr. McCauley, it's back to you.

Mr. Kelly McCauley: I think the Liberals are splitting hairs for a reason, and this clearly goes back to their disdain for anyone who dares challenge their narrative and anyone who comes forward and points out the truth. Here we have two Liberal members trying to interrupt me while I'm trying to present—

Ms. Iqra Khalid: I have another point of order, Chair, on the relevance to this motion.

The Chair: Mr. McCauley, I'll turn things back over to you.

Mr. McCauley is responding to the points of order, and I'm sure he's wrapping things up to get back to his point.

Mr. Kelly McCauley: Yes. As I was trying to say before, the Liberals continue to try to interrupt any disagreement with their point of view or, perhaps, any investigation into their continued ineptness or corruption.

I think this is a very important motion that Mr. Genuis has put forward. This is something the House needs to hear about. We have very clear, explosive evidence that continues to come forward about this issue. There are people who have been suspended without pay. People's lives have been destroyed by this government, and I hope we will move forward with this motion and address this issue.

Thank you, Chair.

Thank you, Mr. Genuis, for putting it forward.

The Chair: Thank you, Mr. McCauley.

Mr. Johns, you have the floor.

Mr. Gord Johns: First of all, I'm going to say this: Mr. Genuis just brought to the government operations committee a very similar motion, which was defeated. It seems that he is moving along from committee to committee to try to move this motion to the House, when he knows full well that this can be included in the final report. He can raise these concerns in the final report.

Now I'm going to talk a bit about Mr. MacDonald and Mr. Utano, who not very long ago was testifying before the government operations committee. I'm sure—it sounds like it—he was at more than one committee, because the Conservatives have this study going at four committees, which, like I said, could be focusing on things like housing and other things that are a real crisis in this country.

I'm not saying that we don't want to get to the bottom of this. We have to get to the bottom of this, but the outsourcing issue that AriveCAN has is reflected in many different contracts, I'm sure. It started under the Conservatives, when outsourcing doubled under

the big six consulting companies. It's gone up 400% under the Liberals and it's out of control, but it started with cuts to the public service by the Conservatives. This was actually cemented by Michael Wernick, who testified at the government operations committee, saying that when the Conservatives gutted senior public officials in 2012, this caused huge problems when it comes to leadership, and now it's costing us in outsourcing to outside consultants to fill the void.

The other thing we heard when the Conservatives were on the witch hunt around McKinsey is that we couldn't get some information from redacted documents. That started with a government policy in the Privy Council Office that was set by the Conservatives. You can't make this stuff up.

Conservatives were upset because they couldn't get information. I support that documents shouldn't be redacted before a committee, but it started with their own policies. This was affirmed at committee by the Privy Council Office. They know full well that they implemented policies that were going to make it difficult for future governments. Then they tried to use that as an excuse for not getting access to information. This started with the Conservatives.

I'm going to go to what is going on with Mr. MacDonald and Mr. Utano, because I saw these two witnesses testify before us at our committee when we tried to get some answers. They were absolutely grilled by the Conservatives. They were attacked by the Conservatives when they testified. There is no way that anyone could watch the tape of those committees and believe now that the Conservatives have their best interests at heart. That is absolutely hard to believe when it comes to what really took place there.

Now I want to talk about reprisals as well. I want to talk about policies that we've seen and about the failures to address protecting people like Mr. MacDonald or Mr. Utano or any public servant who feels that they are under threat from government for coming forward. We know that brave Canadians who report wrongdoing or crimes in the workplace often experience consequences such as losing their income, health and happiness, all for speaking the truth. All Canadian workers should feel free and safe in reporting workplace crimes and negligence. Absolutely, as New Democrats, we support that. Canada has the worst whistle-blowing laws—we're tied with Lebanon—and the Liberals and Conservatives teamed up to make sure that doesn't change under a number of amendments to Bill C-290.

We heard from David Hutton, who spoke to The Hill Times. He said that when the Conservatives reformed whistle-blowing laws under the Harper government—actually, Pierre Poilievre, the leader of the official opposition, was the minister in charge at the time—they actually made things worse, so here we are, with whistle-blower laws tied with Lebanon's as the worst whistle-blower laws in the world.

The Libs and the Cons teamed up to defeat numerous amendments that would have strengthened protections for whistle-blowers. They voted against many amendments to Bill C-290 that we and the Bloc put forward. It's not surprising for the Liberals: Their rich friends are not worried about whistle-blowing, so they're not. Pierre Poilievre, like I said, and the Conservatives always prop up big bosses, not workers. Ask workers about that. Ask unions about that.

Canada needs stronger whistle-blowing protections so that there is more transparency and more accountability of government in the public service to protect all workers. New Democrats are committed to protecting the rights and safety of all workers. That's why we're pushing to make sure Canada has the strongest whistle-blowing protections possible. Whistle-blowing laws are important. Because of how weak our protections for whistle-blowers are, less wrongdoing will be reported and stopped.

• (1140)

Protecting whistle-blowers is necessary to protect Canadian lives and security. Whistle-blowing reports protect Canada's global reputation and relationships. We saw Luc Sabourin. He came and testified at the government operations committee. He reported that superiors at Passport Canada were destroying foreign passports and then logging that they had returned them to the foreign embassies. He endured eight years of harassment and abuse: hand sanitizer in his coffee, threats to his children's safety—

• (1145)

Mr. Garnett Genuis: Mr. Chair, on a point of order, I had hoped that my motion would be able to just proceed quickly to a vote. I mean, there are parameters around relevance, and I know that if the NDP-Liberal coalition wanted this whistle-blower reform, they could have put it into their coalition deal.

However, it's not the motion in front of us. The motion is very specific to certain matters.

The Chair: Mr. Genuis, this is a pure debate, and you know I do allow members latitude to express themselves—

Mr. Gord Johns: It's all going to be tied to it, I promise, Mr. Chair.

The Chair: Mr. Johns, I'm giving you allowance here. I hope you will illuminate for us what side of this motion you are on. I appreciate your view, but if you could also address the motion as well....

Thank you.

Mr. Gord Johns: I would like to go back to Mr. Sabourin, because he endured eight years of harassment and abuse, and he deserves to have some time here on the floor today. There was hand sanitizer in his coffee and were threats to his children's safety before he lost his career in 2016 and almost lost his life. Whistle-blower reports save lives. In 1996, Michèle Brill-Edwards also lost her career after she reported that big pharma was influencing the drug approval process in Canada, endangering Canadian lives.

We put forward amendments. Our amendment to allow whistle-blowers to go to the public or media in specific situations in which, for example, the commissioner isn't dealing with the complaint or

decides not to do anything to stop the wrongdoing.... Both the Liberals and the Conservatives opposed this. Now whistle-blowers are at a huge risk if they expose wrongdoing to the Canadian public, and it's because of the Conservatives. I'm going to underline that. Interim relief would have protected whistle-blowers from punishments like termination as soon as they reported wrongdoing. Instead, we're allowing punishments to happen then spending years investigating whether they were, indeed, punished. This is exactly what's going on: reverse onus. Right now, whistle-blowers have to prove reprisal. For example, if they were fired, they have to prove that it was because they reported wrongdoing, which is virtually impossible. This amendment would have forced their superiors to prove that there was a real reason to fire them. That's the amendment the Conservatives defeated.

In other jurisdictions, this brings the chances of success from as low as one in 100 to as high as one in three, but the Liberals and the Conservatives teamed up to vote against it. They didn't support it. These amendments were contrary to the advice of all experts and whistle-blowers who testified and submitted briefs to the government operations committee. This is relevant right now, Mr. Chair, to what's going on right here, because some of our amendments were not voted on because both the Liberals and the Conservatives spoke against them.

We got amendments passed and improved whistle-blowers' access to the tribunal. We did a lot of really important work. However, I want to highlight this, because this is exactly relevant to what Mr. Genuis is trying to say about Mr. Utano and Mr. MacDonald. If they were really in their corner, they would have supported those amendments to Bill C-290. He also knows full well that, back to the Auditor General's report.... We're waiting for that report. Then this committee can do its final report and include his concerns in that. This meeting is unnecessary. It's the charade. It's costing taxpayers money, which doesn't seem to be a problem when it comes to Conservatives at the public accounts, government operations, international trade and ethics committees. They're doing four different committees, tying them up on this very issue while people are homeless on the streets of our country. I can understand four committees being tied up because of homeless people. It's costing us much more than the economic leakage of ArriveCAN.

An hon. member: I have a point of order, Mr. Chair.

The Chair: I'm sorry, Mr. Johns. You are now repeating, for the third time, something you previously stated under two points of order. It's not really relevant to the motion.

Mr. Gord Johns: I'm fine. I'm done with my time, then.

Thank you very much.

The Chair: Thank you very much. I appreciate that, Mr. Johns.

Ms. Khalid, you have the floor, please.

Ms. Iqra Khalid: Thank you very much, Chair.

I want to thank Mr. Hayes for taking the time to be here today. I also noted that your opening remarks were, word for word, exactly the same as on October 12, minus the last sentence.

Chair, we all knew that Mr. Hayes would not have much to contribute by way of answering questions in this committee. I think that we knew that. Now that we've received this table-dropped motion, I understand why, perhaps, we are here today. I find that to be a bit disingenuous.

I remember the last meeting we had the last year. We suspended the meeting. All members from all parties had gotten together and worked on a motion on this very topic. We had laid it out. We built consensus, because that is what our committee should be doing.

For us to be here, knowing full well that we have a witness who is not able to speak about a report that will not be tabled until February 12 and having spent a whole meeting working out a plan on this.... Now we go back to another emergency meeting, just like the one on October 12 when we heard from Ms. Hogan, who said, "[A]s you know, since this report has not yet been tabled in Parliament, I am not in a position to discuss our findings." She repeated that consistently throughout the meeting.

If we wanted to discuss the motion that is being presented by Mr. Genuis, then why are we wasting Mr. Hayes' time in being here? We could have just called a meeting for this motion. Better yet, we could have called a meeting at the regular time our meetings arise, which is literally three or four days from now.

• (1150)

Mr. Kelly McCauley: I have a point of order, Chair.

Ms. Iqra Khalid: I am speaking to the motion.

The Chair: I'm sorry, Ms. Khalid.

Mr. McCauley, what's your point of order?

Mr. Kelly McCauley: I think we were discussing Mr. Genuis's motion, not Mr. Hayes's attendance at this meeting.

The Chair: Again, I'll let Ms. Khalid continue, and then we'll hear from other members.

Ms. Iqra Khalid: Thanks, Chair.

I just want to highlight some of the points that Mr. Johns made as well with respect to Mr. Genuis's motion.

One is that it seems to be a little disingenuous to present it in various committees, knowing that being a visiting member of a committee and table-dropping a motion—

The Chair: I'm just going to stop you. Every time you say something is disingenuous, you are impugning the chair. That is fine. You're not crossing the line. My job is to oversee the government. This is an opposition-run committee. I will call a meeting when I think it is worthwhile. If you don't like it, you can take action. To suggest that I'm being disingenuous by calling a meeting is out of bounds.

Mr. Genuis, like all members, is entitled to bring forward any motion he likes that is relevant on the day of the meeting. He has done so. If you're implying that we're in cahoots, you are wrong. I

called this meeting on the information that I received from Mr. McCauley regarding the thousands of pages of documents.

Referring back, you are right. The Auditor General said the exact same thing at that October 12 meeting, and guess what? This committee found out something that we did not previously know—that information had been withheld from the OAG by the department about a police investigation. That was relevant. Number two, the OAG actually delayed the release of the report so they could go back to review the documents.

This committee is doing its job by overseeing the government. It will continue to do so. If you're going to keep calling my actions disingenuous for doing my job, I'm going to find you out of line.

It's back to you, Ms. Khalid. You're welcome to address the motion or my behaviour, but do so directly, without impugning my motives.

Thank you.

Ms. Iqra Khalid: Thank you, Chair, for your clarification, but I will respectfully say that it is not your job to hold the government to account. It is this committee's job.

The point that I was trying to make earlier is that we have been able to build consensus. We worked together on a motion and figured out the language. We have been finding ways, at least on our side, to build that consensus and to do the job of this committee.

What I'm trying to say here, Chair, is that neither was this meeting an emergency, nor was this motion an emergency. We have seen it showing up in other committees, as Mr. Johns pointed out. What I am trying to say is that none of the members, on our side at least, were consulted on this at all, even though we have shown good faith, time and time again, in trying to find ways to work together to do the job of this committee.

No one member is a representative of this committee, Chair, and I respectfully submit that to you.

I would hope that, going forward, we would continue to act in good faith on the consensus that we're trying to build here on holding the government to account, ensuring that we're not wasting public servants' time as they try to do their jobs and that we're not interfering in the work of the OAG, etc.

I will leave it there, Chair, but I hope that we can continue to find better ways to work together, rather than having meetings that are completely unscheduled and without consulting all members of the committee.

Thanks, Chair.

The Chair: Thank you very much.

Ms. Shanahan, you have the floor.

[*Translation*]

Mrs. Brenda Shanahan: Thank you, Mr. Chair.

I will continue along the same lines as my colleague. That fact that we seem to be here to call attention to a committee meeting, one which will be held with the Auditor General at some point, is a waste of this committee's time and resources, in my opinion.

It's common knowledge that members of different parties, except for the Conservative Party, have to attend caucuses and other meetings this week.

However, without anyone being consulted, except for I don't know who, we find ourselves having to attend this meeting. This is a waste...

• (1155)

[*English*]

The Chair: Wait one second, please, Ms. Shanahan.

Mr. Johns, you have the floor.

Mr. Gord Johns: Thank you.

I think this will help Ms. Shanahan, too.

It's a point of clarification that Mr. MacDonald and Mr. Utano—and this is directly related to this motion—were not whistle-blowers. They didn't report any misconduct. They didn't raise any alarms. They were implicated in misconduct—

The Chair: Mr. Johns, I'll get back to you. This is not a point of order.

You are down on the list again.

I have on the speaking list Ms. Shanahan, Mr. Brock, Madame Sinclair-Desgagné, Mr. Genuis, and after that, you, Mr. Johns. You will then have a chance to rebut this.

Thank you.

Ms. Shanahan, you have the floor again.

[*Translation*]

Mrs. Brenda Shanahan: I want it on the record, especially for my fellow citizens who are very familiar with the work we do here at the Standing Committee on Public Accounts. If they have that much respect for the work we do, it is because they know our work at this committee is consensus-based.

In the past, Conservative chairs of this committee always favoured consensus. I am thinking of Mr. Sorensen, for example.

Here's what we are seeing now: we're facing off like adversaries, as though we were in court before a judge. Furthermore, Conservative members are proposing that we do work already being done elsewhere. There's the real waste.

We know full well what they are trying to do right now. They claim the Liberals don't want to discuss this very important subject. However, that is completely false. This is a very important subject and we are always ready to work on it together. We cooperate with members of this committee when it comes to the Auditor General's work.

[*English*]

The Chair: Go ahead, Mr. McCauley, on a point of order.

Mr. Kelly McCauley: Thank you.

Unless we voted on this and I missed it somehow, we are debating the motion.

It would be nice if somebody actually got to debating the motion at hand.

The Chair: That's fair enough.

As you know, I allow for latitude, and members are expressing themselves. There is some irritation with having a meeting outside of the parliamentary calendar, and members are entitled to feel that way.

We're at work here, so I'll turn back to Ms. Shanahan.

I think you were concluding, but maybe you were not. I'm certainly not pulling the mic from you, so it's back to you.

Again, I'm going to remind everyone that we have a nice speaking list.

Mr. Genuis, go ahead on a point of order, and then I'm going back to Ms. Shanahan.

Mr. Garnett Genuis: To speed things up, given what's being said, would there be unanimous consent of the committee to proceed to a vote on this motion? We would be ready to do that if there was unanimous consent.

It's a request for unanimous consent. Is there agreement?

The Chair: I can tell there is no agreement.

Ms. Shanahan, we'll go back to you. Go ahead, please.

Mr. Garnett Genuis: You can request it, and you see it on points of order.

The Chair: Ms. Shanahan has the floor.

Please proceed.

[*Translation*]

Mrs. Brenda Shanahan: Thank you very much. I was just wrapping up.

I especially want the Canadian public to understand that the committee is looking into the ArriveCAN application issue, that we are working with the Auditor General, and that this meeting is nothing but a sideshow. We know all about the Conservative Party's objective.

I know other members want to speak too, and I look forward to hearing what my colleague from the Bloc Québécois has to say.

• (1200)

The Chair: Thank you very much.

Mr. Brock now has the floor.

[*English*]

We'll then hear from the Bloc members.

Mr. Larry Brock: Thank you, Mr. Chair.

I think it's important that we go back to the actual motion that was introduced, probably 45 minutes ago, which reads, "The committee report to the House its grave concern about apparent reprisals against witnesses following their testimony on the ArriveCAN app." That is the motion.

What we have heard from the Liberals and the NDP is anything but the importance and urgency of this particular matter. The House needs to have this matter before it so that all parliamentarians have a chance to speak to it.

Ms. Shanahan uses comments about urgency, how important this is and how we want to telegraph to Canadians that we're taking this seriously—we take our jobs seriously. However, she's forgotten exactly what happened on October 12 when the Auditor General appeared. After the entire Liberal bench was embarrassed, as well as the NDP, the Auditor General....

Ms. Shanahan, you can laugh all you want, but Canadians are watching me. They're watching you laugh at me, and it's not a good look.

You, your party and the NDP deliberately shut down the ability of the Auditor General to answer questions for a two-hour period.

Mrs. Brenda Shanahan: On a point of order, Mr. Chair, I am being spoken to directly, so I would like to respond to that.

There was no shutting down going on. We were proceeding with this work

[*Translation*]

properly.

[*English*]

If Mr. Brock doesn't like the timing of it, I'm sorry. I can't help him there.

The Chair: That is a very good reminder that points should be referred through the chair.

I appreciate your understanding, Mr. Brock. It's back to you.

Mr. Larry Brock: Thank you, Chair.

She can remind Canadians of what she did, but the fact of the matter remains that neither the government nor CBSA informed the Auditor General, who was then starting an investigation, that the RCMP were involved. That was an absolute embarrassment. The Auditor General confirmed that she read about it and knew about it only after reading the article in *The Globe and Mail*.

I was the one who asked that question, Mr. Chair. The moment I concluded my round—this was the first round of questioning to the Auditor General—the first member of the Liberal bench who had the floor moved to adjourn. I believe it was Ms. Khalid who moved to adjourn. They had the votes to adjourn the meeting, thereby wasting the ability of the Auditor General to shed light on the full parameters of this ArriveCAN audit. Now, over the course of several months—and this is the genesis of the wording in motion number 2—we have had direct evidence that two senior members of the CBSA—Mr. MacDonald, a former director general of the CBSA, and Mr. Antonio Utano, another former senior executive of the CBSA—testified, not under oath but knowing that they were there to

tell the truth. They pointed fingers and identified the president, Ms. O'Gorman, and the past president, Mr. Ossowski, as well as Mr. Kristian Firth and other members of the IT companies that were associated with not only the ArriveCAN issue but also the issue involving another IT company—Botler AI—as having deliberately misled the government operations committee. They informed the committee that they had evidence to produce to the committee to confirm their findings and that it wasn't just a he-said-she-said thing, or he-said-he-said depending on the witnesses involved and the players involved. They actually had witnesses who could come to committee to support the findings of both Mr. MacDonald and Mr. Utano that our committee, this national government committee, was deliberately misled by the CBSA. That is something the Auditor General should be concerned about.

Whether that's enough for them to alter their report is an issue for another day. That could be an issue following the release of the report to Parliament. It's incumbent upon members of this committee to inform the Auditor General what has transpired. They testified on November 7, 2023. In exchange for that testimony, they both received letters from their new respective employers—Canada Revenue Agency for Mr. Utano and Health Canada for Mr. MacDonald—saying that they were now suspended due to allegations of misconduct.

Now, allegations of misconduct that Mr. Hayes would certainly be aware of were brought to the attention of the CBSA in November 2022. Ms. O'Gorman testified a number of times, Mr. Chair, at committee that she took that very seriously, so much so that she did an internal review, found that there was a *prima facie* case, and referred the matter to the RCMP for a full investigation in November 2022.

Interestingly enough, which goes to the heart of this motion, it would appear that the findings in support of the suspension without pay for MacDonald and Utano were made only after they testified truthfully and pointed fingers about CBSA officials lying to committee. That is a reprisal.

● (1205)

What sort of message are we as members allowing the federal public service, the professional federal public service...? We often hear that phrase from the Prime Minister and his cabinet and members of the Liberal bench, that they take pride in and respect the professional federal public service. That these shenanigans are happening right now with the professional federal public service is disgusting. It ought not to happen. We owe it to Canadians, we owe it to the Auditor General and we owe it to all parliamentarians to shed as much light on this as possible.

Mr. MacDonald and Mr. Utano are both on medical leave, supported by documentation from their respective doctors as to what personal health toll their coming forward has had on them—the accusations and the death threats from the Canadian public that they have received. It is concerning. They also have the spectre of being under investigation by the RCMP. Both testified very emotionally and rawly about the real impact and the effects this is having.

What about those witnesses? What about those witnesses who they said will come to committee and support and corroborate the kinds of shenanigans the CBSA has been involved in at taxpayers' expense? What kind of message does that send to the other professional federal public servants? Will they want to come forward? Can they expect a suspension letter as a result of coming forward?

These are serious concerns. Mr. Johns should be all over these serious concerns and want to vote in favour of this motion, because it strikes at the heart of his argument.

Let's talk about how unusual this is. We had the former clerk of the Privy Council, Michael Wernick, chime in. He was quoted as saying that the public finger-pointing by senior public servants is highly unusual. Given his tenure as a professional federal public servant, he said, "I cannot recall any other instance of such public disagreement. It is an outlier." He said that suspensions without pay are also rare and went on as follows:

It is a very strong measure to suspend without pay while a process is under way and no conclusions have been reached. Usually disciplinary measures follow an investigation being completed and suspension with pay is more common in the early stages.

Lastly, because this has never been communicated to this committee, he said: "It is also a very strong measure to suspend or permanently revoke a security clearance." That's exactly what has happened to both Mr. MacDonald and Mr. Utano. Mr. Wernick says this is "tantamount to removing someone from that job and any other job that requires that level of clearance. It is not a common occurrence."

If my Liberal colleagues want to remember the words of the Prime Minister in 2015 about doing government differently, about sunny ways—that Canadians can expect the most open, transparent and accountable government this country has ever seen—they will vote in favour of this motion, as will I.

Thank you, Chair.

• (1210)

The Chair: Thank you, Mr. Brock.

[*Translation*]

Good afternoon, Ms. Sinclair-Desgagné. You now have the floor.

Ms. Nathalie Sinclair-Desgagné: Good afternoon, Mr. Chair.

I greet all my colleagues, and wish a happy new year to those I have not spoken with yet.

I will try to be as brief as possible, because many of us were pulled from important start-of-year meetings to attend this one.

I want to remind all my colleagues that protecting whistleblowers is a subject that we at the Bloc Québécois consider very important. In fact, that's why my colleague for Mirabel is the sponsor of the bill on protecting whistleblowers.

I will now come back to Mr. Genuis's motion. Let me be very clear: if documents, evidence or other information reveal serious wrongdoing on the part of the government, I urge my colleagues to provide those documents to the Office of the Auditor General. I also thank Mr. Hayes for being here today. It's important for him to

have all the documents in hand to produce his report. Then, it will be important to continue the study on ArriveCAN.

However, I find this meeting to be premature, as is the motion currently on the table. It's necessary to get the Office of the Auditor General's take on this and wait for what it has to tell us before resuming our work. My party and I are here to move the file forward and to protect whistleblowers by questioning witnesses and government representatives. However, at this point, taking into account the documents we have and the information provided to us, it would be premature to report anything at all to the House, especially since the Auditor General will table her report in about two weeks. Let's wait and be diligent. I urge my colleagues to do so.

Our committee is important, and we will make sure the government is accountable for its actions. You can count on me for that. If there was any wrongdoing, we will call attention to it and possibly report it back to the House. This motion could be debated again later if necessary, but at this stage, it is premature.

I therefore ask my colleagues to proceed with the vote. I think everyone has had their say on the matter. Out of respect for Mr. Hayes, we have to vote on Mr. Genuis's motion. Then, if members still have questions for him, they may ask them, but I think my colleagues asked all their questions.

Let's be serious, let's be reasonable and let's act accordingly.

The Chair: Thank you, Ms. Sinclair-Desgagné.

[*English*]

Mr. Genuis, you have the floor.

Mr. Garnett Genuis: Thank you, Chair, I'll be very brief. I didn't expect this to take the time that it has. There has been a lot of time spent by people talking about things that aren't actually the motion and people talking about other ideas for protecting whistleblowers. I think there's a time and a place for that discussion.

We're dealing with a specific instance here. Two senior public servants came before our committee and gave very frank testimony, and almost immediately after that they faced severe professional consequences. I think this is a relatively clear and certainly pressing matter, so at this point I'd like to seek the agreement of the committee to proceed to a vote on this.

• (1215)

The Chair: Well, I still have Mr. Johns and Ms. Khalid on the speaking list. I suspect they both wish to speak.

Mr. Garnett Genuis: I will put the question to the committee: Is there agreement to proceed to a vote, or...?

The Chair: I'm seeing no.

Mr. Garnett Genuis: From where are you seeing no?

The Chair: I hear no, Mr. Genuis.

Mr. Gord Johns: On a point of order, I'm saying yes, Mr. Chair. Yes, let's proceed to the vote.

Mr. Garnett Genuis: Great—it appears that there's unanimous consent.

The Chair: Would members like to vote?

Some hon. members: Yes.

The Chair: Yes. Okay.

Madam Clerk, would you do the roll call on Mr. Genuis's motion? I will read it while you're preparing to take the vote.

The motion is that “The committee report to the House its grave concern about apparent reprisals against witnesses following their testimony on the ArriveCAN app.”

We will have a recorded vote.

(Motion negatived: nays 7; yeas 3)

The Chair: We'll turn back now to the witness.

Thank you for your patience, Mr. Hayes.

Ms. Khalid, the floor is yours for any questioning you have of Mr. Hayes.

Ms. Iqra Khalid: Thank you, Chair.

I will take this time to agree with the Bloc and Nathalie Sinclair-Desgagné that this is a very premature meeting, as I have said time and again.

At this time, I don't think Mr. Hayes is in a position to answer any of the questions, as the report hasn't been tabled and will not be tabled until February 12.

I look forward to our continuing this study, as we have agreed to in our committee. It is obviously very important to all members. I think that if we can get the timing of it right, it will be very beneficial for us to have the OAG here before us to answer whatever questions all members of this committee may have to ask.

With that, Chair, I will move to adjourn this meeting.

The Chair: Very good.

It's a dilatory motion. I will ask the clerk for a recorded vote on that, please.

(Motion agreed to: yeas 7; nays 3)

The Chair: This meeting is adjourned.

I will see you all back here on Tuesday, January 30.

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