

REPORT 1, THE BEYOND THE BORDER ACTION PLAN, OF THE FALL 2016 REPORTS OF THE AUDITOR GENERAL OF CANADA

Report of the Standing Committee on Public Accounts

Hon. Kevin Sorenson Chair

MAY 2017
42nd PARLIAMENT, 1st SESSION

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THE STANDING COMMITTEE ON PUBLIC ACCOUNTS

has the honour to present its

TWENTY-FOURTH REPORT

Pursuant to its mandate under Standing Order 108(3)(g), the Committee has studied Report 1, The Beyond the Border Action Plan, of the Fall 2016 Reports of the Auditor General of Canada and has agreed to report the following:

"REPORT 1—THE BEYOND THE BORDER ACTION PLAN," FALL 2016 REPORTS OF THE AUDITOR GENERAL OF CANADA

INTRODUCTION

"In December 2011, Canada and the United States released the Perimeter Security and Economic Competitiveness Action Plan—better known as the Beyond the Border Action Plan [or the "Action Plan"]—with a vision of establishing a new long-term partnership to enhance security and accelerate the legitimate flow of people, goods, and services across the border."

Malcolm Brown, Deputy Minister, Public Safety Canada, stressed that the Beyond the Border Action Plan "was a first-of-a-kind horizontal undertaking, involving many federal organizations collaborating with a number of American counterparts."²

The Action Plan divided 32 initiatives into four areas of cooperation, or themes:

- Addressing Threats Early;
- Trade Facilitation, Economic Growth and Jobs;
- Cross-Border Law Enforcement; and
- Critical Infrastructure and Cyber Security.³

"The Action Plan also contained two more initiatives to manage the long-term relationship between Canada and the United States. The first focused on governance and oversight of the Action Plan, and the second on preparing a statement of privacy principles to protect the privacy of Canadians in Action Plan initiatives that involve the exchange of information or intelligence."

According to the Office of the Auditor General of Canada (OAG), initially, "the Action Plan was to cover a period of three years, up to the end of 2014," but it was renewed by Canada and the United States at the end of 2014 without any timelines:

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Office of the Auditor General of Canada (OAG), "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.1.

² House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 6 February 2017, Meeting 42, 1535.

OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.2.

⁴ Ibid.

"Treasury Board funding for some of the larger initiatives will end in the 2017–18 fiscal year." 5

The OAG observed that the "Action Plan did not identify specific funding for individual initiatives." In fact, departments and agencies "had to request funding from the Treasury Board or fund initiatives from within their existing budgets. In some cases, initiatives were funded through a combination of Treasury Board and departmental funding." Additionally, the OAG "estimated that these initiatives had a total planned spending of over \$1.1 billion between the 2012–13 and the 2017–18 fiscal years, of which approximately \$585 million had been spent as of 31 March 2016."

Two major status reports have been issued on the Action Plan:

- The <u>Report on the Beyond the Border Action Plan Horizontal Initiative</u> (also known as the Horizontal Report), which reports on progress, performance, and costs for all of the Canadian Action Plan initiatives.⁹ "Public Safety Canada committed to preparing this report annually from the 2012–13 to the 2016–17 fiscal years."¹⁰
- The <u>Beyond the Border Action Plan Implementation Report</u>, which "is an annual report that is co-authored by Canada and the United States and focuses on the progress of Action Plan initiatives for both countries."¹¹

In the Fall 2016 Reports of the Auditor General of Canada, the OAG released a performance audit that examined:

Whether selected departments and agencies were achieving results toward the objectives of the Beyond the Border Action Plan to enhance security and accelerate the legitimate flow of travel and trade, and whether reporting on progress against the Action Plan was accurate and complete.¹²

Although 18 departments and agencies are involved in delivering the 34 initiatives of the Action Plan, ¹³ the OAG audited the following nine departments and agencies:

8 Ibid.

⁵ OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.4.

⁶ Ibid., para. 1.5.

⁷ Ibid.

⁹ Ibid., para. 1.7.

¹⁰ Ibid.

¹² Ibid., para. 1.10.

¹³ Ibid., para. 1.8.

- Canada Border Services Agency (CBSA);
- Canadian Air Transport Security Authority (CATSA);
- Canadian Food Inspection Agency;
- Immigration, Refugees and Citizenship Canada;
- Royal Canadian Mounted Police (RCMP);
- Transport Canada;
- Treasury Board of Canada Secretariat (TBS);
- Privy Council Office (PCO); and
- Public Safety Canada.¹⁴

On 6 February 2017, the House of Commons Standing Committee on Public Accounts (the Committee) held the first of two hearings on this audit. From the OAG, the Committee met with Michael Ferguson, Auditor General of Canada, and Martin Dompierre, Principal. Public Safety Canada was represented by Malcolm Brown, Deputy Minister, and Jill Wherrett, Acting Assistant Deputy Minister, Portfolio Affairs and Communications Branch. CBSA was represented by John Ossowski, President, and Martin Bolduc, Vice-President, Programs Branch. Lastly, Gilles Michaud, Deputy Commissioner, Federal Policing, appeared on behalf of the RCMP.

On 8 February 2017, Committee held its second hearing on this audit and met with Nancy Cheng, Assistant Auditor General, and Martin Dompierre, Principal, OAG.¹⁷ Public Safety Canada was represented by Gina Wilson, Associate Deputy Minister. TBS was represented by Brian Pagan, Assistant Secretary, Expenditure Management. PCO was represented by David McGovern, Deputy National Security Advisor to the Prime Minister, Office of the National Security Advisor to the Prime Minister. Lastly, Laureen Kinney, Assistant Deputy Minister, Safety and Security, and Catherine Higgens, Assistant Deputy Minister, Programs, appeared on behalf of Transport Canada.¹⁸

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¹⁴ Ibid., para. 1.12.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 6 February 2017, Meeting 42, 1530.

¹⁶ Ibid

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 43, 1530.

¹⁸ Ibid.

FINDINGS AND RECOMMENDATIONS

A. Implementing Security Initiatives and Reporting the Results

The OAG "examined 19 security-related initiatives to determine the extent to which departments and agencies were able to show progress toward improving security." ¹⁹

The OAG found that "departments and agencies delivered on most or all of their commitments for implementing 19 initiatives to address security issues: "implementation was complete or mostly complete for 11 smaller initiatives and 4 larger initiatives," and "4 initiatives were delayed for reasons such as pending legislation or resolution of international legal issues." However, the OAG also found that departments and agencies "could not show that border security had improved" because they "did not have reliable performance indicators in place to measure security benefits for 17 of the 19 initiatives." According to the OAG:

Either departments and agencies had no performance indicators to measure intended benefits in these areas, or else they had indicators that were poorly designed to measure intended benefits or had well-designed indicators but had not yet reported results.²²

For example, Michael Ferguson, Auditor General of Canada, pointed out that the Entry and Exit Information Systems Initiative that was initially supposed to be completed by June 2014 has not been fully implemented yet because it requires a change in legislation.²³ This means that until such a change is made, CBSA will not be able to achieve and demonstrate the initiative's security benefits: namely, a border that is more secure because of a coordinated system that permits Canada and the United States to share biographic traveller information "so that the record of a land or air entry into one country can be used to set up an exit record from the other."²⁴

David McGovern, Deputy National Security Advisor to the Prime Minister, PCO, testified that <u>Bill C-21</u>, <u>An Act to amend the Customs Act</u>, which is awaiting second reading, is proposing legislative changes related to entry and exit.²⁵

21 Ibid., para. 1.24.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1530.

Office of the Auditor General of Canada (OAG), "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.22.

²⁰ Ibid., para. 1.23.

²² Ibid.

OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.37.

²⁵ House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 43, 1540.

Therefore, in light of these concerns, the OAG recommended that, for completed and ongoing initiatives that have not yet developed performance indicators to measure benefits, Public Safety Canada, CBSA, the RCMP, and Transport Canada should:

- develop performance indicators that clearly measure the security benefits for the initiatives that they are responsible for, and
- measure and report accurate and reliable results against baselines and targets to be able to assess the security benefits achieved.²⁶

Public Safety Canada responded that it "will, where appropriate, develop performance indicators and improved narrative reporting on progress toward the achievement of outcomes related to border security," and, where possible, "include those improvements in the 2015–16 Horizontal Report" by December 2017.²⁷ For example, Mr. Brown noted that revised performance indicators have been put in place for over two-thirds of the Department's 12 initiatives.²⁸

CBSA responded that the Agency "commenced a review of the current Beyond the Border key performance indicators," and "will create a working group with the mandate of reviewing and developing indicators that will more accurately measure these outcomes and impacts."²⁹ The Agency will also "update to the extent possible for the 2015–16 report, but will ensure that the final 2016–17 iteration of this report will include a complete picture."³⁰ The Agency committed to complete these actions by June 2017.³¹

RCMP committed to develop "a logic model and performance measurement framework" by December 2016.³² According to the RCMP's action plan, this logic model will include "activities, outputs, immediate outcomes, intermediate outcomes and long-term outcome."³³

Gilles Michaud, Deputy Commissioner, Federal Policing, RCMP, mentioned that the RCMP has taken steps to improve performance measurement across the RCMP's

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OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.40.

²⁷ Ibid.

²⁸ House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1540.

²⁹ OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.40.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Royal Canadian Mounted Police, RCMP Post-Tabling Action Plan: Beyond the Border Action Plan, p. 1.

federal policing program, and not only for its Beyond the Border initiatives.³⁴ Regarding such initiatives, the RCMP has "developed outcomes and indicators that measure the long-term impact of the initiatives:"

For example, interdictions made as a result of technology—either sensor or camera—will now be tracked, as well as how the activities related to the shiprider program and radio interoperability have contributed to investigations, including seizures made. Additionally, indicators were developed related to preventing individuals from leveraging the Canada-U.S. border to commit transnational crime, including the number of individuals charged by RCMP border units, as represented by the number of occurrences and percentage of files cleared by the RCMP border units.³⁵

In order to ensure accurate and consistent reporting, Mr. Michaud also told the Committee that, when possible, "data will be obtained through system-driven sources." 36

Mr. Michaud also reported that the RCMP had met its commitment to develop a logic model and a performance measurement framework for its Beyond the Border initiatives.³⁷

Lastly, in its action plan, Transport Canada stated that the Department and CATSA have developed the two following security benefit indicators, and have begun to measure them in eight preclearance airports on 31 December 2016:³⁸

- Percentage of checked bags screened by computed tomography (baseline of 87%, target of 100% and first measurement of 100%); and
- Operational availability of computed tomography (baseline of 98%, target of 98% availability 24/7 and first measurement of 99.15%).

Laureen Kinney, Assistant Deputy Minister, Safety and Security, Transport Canada, explained that this new baggage screening technology, which is certified by the United States, has enabled the United States to gradually lift the requirement to rescreen baggage from six of these eight airports prior to departure on a connecting flight from a U.S. airport.³⁹ The technology in the two remaining airports is in the final sates of being approved.⁴⁰

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House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1555.

³⁵ Ibid., 1600.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Transport Canada, Transport Canada Detailed Action Plan, p. 1.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 43, 1540.

⁴⁰ Ibid.

Ms. Kinney stressed that this baggage screening technology increased security harmonization between Canada and the United States, and resulted in cost savings, simpler operations, and better traveller experience:

Airlines have already reported a reduction in complaints from mishandled bags and less complexity in arrival procedures. The reduction in the amount of checked baggage that must be rescreened has also led to savings, both for airlines operating in the United States and the Transportation Security Administration. The modernization of screening technology has also enhanced security at Canadian airports by upgrading previously operational screening equipment that was nearing the end of its life cycle.⁴¹

Ms. Kinney also confirmed that Transport Canada and CATSA had developed new performance indicators in December 2016 to better track the security benefits of this initiative.⁴²

When questioned whether the Beyond the Border Action Plan represented a good use of public funds, Mr. Brown acknowledged that the participating organizations "have work to do on performance indicators." That being said, given the fact that most initiatives are completed or near completion, he argued that "the question really is less about whether money has been wasted, but more in terms of showing the impact" of the initiatives. How then reflected that federal organizations will have to think very differently about how they demonstrate the impact of their initiatives:

We count inputs really well; we count outputs better. We don't count and describe outcomes very well. An outcome that might be important to public servants might not be the same outcome that's important to parliamentarians. So I think, frankly, there's going to be a bit of a dialogue. I think we have opened up a new front of dialogue with the public accounts committee with what you will see over the next 12 months, because I'm sure you will have feedback and say, no, we'd like you to improve in this area or another. So I think it's a work in progress.⁴⁵

[...]

I think the point of a dialogue is that while I think the Auditor General would be pleased if we got it completely right the first time, I don't think he expects us to. I think we all expect the OAG to pay us a visit in the years ahead on this. I don't think anyone is under any illusions.⁴⁶

In light of this testimony, the Committee recommends:

⁴¹ Ibid.

⁴² Ibid.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1610.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid., 1700.

RECOMMENDATION 1

That, by no later than 31 January 2018, Public Safety Canada, the Canada Border Services Agency, the Royal Canadian Mounted Police and Transport Canada provide the House of Commons Standing Committee on Public Accounts with a report outlining their new performance indicators, baselines, and targets as well as the security benefits achieved. This report should also clearly explain why these performance indicators are appropriate for measuring the expected security benefits.

B. Implementing Cross-Border Trade Initiatives and Reporting the Results

The OAG "examined the extent to which departments and agencies were able to show progress toward facilitating the flow of legitimate trade." 47

The OAG found that CBSA "had not developed performance indicators to measure how the Single Window initiative helps traders;"⁴⁸ the Agency instead measured and reported "on project deliverables, such as the number of departmental programs that were using the Single Window and the number of forms that have been converted into electronic format." This means that CBSA "could not show that this initiative was achieving the expected outcomes of reducing costs and simplifying border processes for the trade community."⁴⁹ According to Mr. Ferguson, as of March 2016, almost \$80 million had been spent on this initiative that was being used to process less than 1% of shipments entering Canada.⁵⁰

When questioned about the limited results generated by the \$80 million spent on the Single Window initiative, Mr. Ossowski, President, CBSA, explained that "this initiative was at the request of industry," and that the \$80 million was spent on IT systems to "replace 200 pieces of paper in terms of various documents" that traders were required to submit. Mr. Ossowski then stated that he is confident that this initiative will be working as intended by the spring or summer of 2018. 52

⁴⁷ OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.45.

According to the OAG, the objective of this initiative "was to allow commercial traders and importers to electronically submit to the Agency all information required to comply with customs and other government regulations through a single window. In turn, the Agency would provide the information to the appropriate government department and agency responsible for regulating the goods." Ibid., para. 1.51.

⁴⁹ Ibid., para. 1.55.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1530.

⁵¹ Ibid., 1610.

⁵² Ibid.

Mr. Ferguson also shared with the Committee the example of the Trusted Trader Programs initiative,⁵³ whose objective was to provide more benefits to participants in CBSA's three Trusted Trader Programs—Free and secure Trade, Partners in Protection, and Customs Self Assessment—to increase participation.⁵⁴ According to Mr. Ferguson, as of 31 March 2016, \$31 million out of a planned budget of \$50 million had been spent on this initiative that "was launched in August 2015, but was soon taken off line because it was creating significant problems, including duplicate records."

Hence, the OAG recommended that CBSA "take into consideration, on an ongoing basis, various perspectives of stakeholders and ensure that the initiative on enhancing benefits to Trusted Traders programs and the Single Window initiative meet stakeholder needs." ⁵⁶

CBSA responded that the Agency "will consult with stakeholders to validate the enhancements identified in the Action Plan and identify options for modernizing the Trusted Trader program to meet the stakeholders' business needs." "In addition, the Single Window initiative will continue its outreach to trade chain partners and will leverage existing trade association forums to reiterate key messages regarding the Single Window initiative and its progress." CBSA committed to complete these actions by March 2017. ⁵⁹

Mr. Ossowski stated that CBSA meets with its Stakeholders twice a year. ⁶⁰ For example, last November, the Agency "met the Border Commercial Consultative Committee regarding an adoption strategy and onboarding plan for the single window initiative." ⁶¹ The Agency will also "hold workshops with importers and brokers this spring," and "leverage trade association meetings and other direct-to-stakeholder

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According to the OAG, the objective of this initiative was "to provide more benefits to participants in the Agency's three Trusted Trader programs (Free and Secure Trade, Partners in Protection, and Customs Self Assessment) to increase participation." OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.48.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1530.

⁵⁵ Ibid

OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.56.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1705.

⁶¹ Ibid., 1550.

channels to raise awareness." 62 Mr. Ossowski then reassured the Committee that CBSA is "confident that this outreach will help increase adoption rates." 63

In response to questions about the Agency's consultation process, Martin Bolduc, Vice-President, Program Branch, CBSA, explained traders' lack of interest in the Single Window initiative as follows:

[We] sort of approached it like the movie Field of Dreams: build it and they will come. Well, it doesn't work that way. We thought we had something very beneficial for traders, but again, if we were not able to present the incentive and the benefit for them, that led to us getting minimal membership. That discussion led to a lot of interest on the part of traders. At the end of the day, what will give the trading community the ability to do it will be to send us electronically all their documents and permits and certificates that they need and to give the CBSA the ability to connect with the departments that are responsible for those goods and be able to confirm and facilitate and expedite the movement of those shipments at the border.⁶⁴

Questioned about the estimated total costs of the IT investments that traders need to make in order to be able to participate in the Single Window initiative, Mr. Bolduc responded that these costs vary from company to company, and depend on the specific IT modifications that they need to make.⁶⁵ He then added the following:

I'd say most of the larger importers have a way to communicate with us. But again, when we last met with the membership, they told us that accounting for the IT investment at the end of the day, they would be able to make savings, but it would mean fewer human resources...managing permits and certificates, paper copies, and also expediting the movement of those shipments at the border.⁶⁶

[...]

When you're dealing with businesses, if they don't get a return on the investment, usually they won't go for it. ⁶⁷

In light of these considerations, the Committee recommends:

RECOMMENDATION 2

That, by no later than 31 January 2018, the *Canada Border Services Agency* explain how it has used the results of its consultations with stakeholders to ensure that the Trusted Traders programs and the Single Window initiative better meet their needs.

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62 Ibid.
63 Ibid.
64 Ibid., 1625.
65 Ibid., 1630.
66 Ibid.
67 Ibid.
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The OAG also found:

That of the 10 initiatives that were focused on facilitating trade, some had not moved forward significantly, were not working as intended, or had low adoption rates. Others had carried out their commitments but could not show a meaningful impact on enhancing the flow of commercial cargo and traffic. Departments and agencies either had no performance indicators to measure intended benefits in these areas or were not advanced enough to report results. ⁶⁸

Therefore, the OAG recommended that, for completed and ongoing initiatives that have not yet developed performance indicators to measure benefits, CBSA should:

- develop performance indicators to clearly measure the trade benefits for the initiatives that it is responsible for, and
- measure and report accurate and reliable results against baselines and targets to be able to assess the trade benefits achieved.⁶⁹

In response to this recommendation, CBSA stated that it "has commenced a review of the current Beyond the Border key performance indicators," and "has created a working group with the mandate of reviewing and developing indicators that would more accurately measure the impact and outcomes of initiatives." CBSA committed to include these indicators in the upcoming Public Safety Canada 2015–16 Horizontal Report, and complete these actions by June 2017.⁷¹

In response to a question about the lack of performance indicators to accurately measure the benefits of initiatives, Mr. Ferguson explained that a number of the organizations were only measuring their activities:

They had a number of things they said they were going to do and you can see a number of those in the report. They were going to put in place new screening technology or those types of things. They were measuring whether those activities were done without then indicating how those activities were having an impact on the outcomes related to security or to speeding up travel and trade at the border.⁷²

When asked to provide examples of performance indicators that should be developed by these organizations, Martin Dompierre, Principal, OAG, responded that the OAG did not recommend any specific performance indicators, but rather recommended that the organizations review their existing performance indicators.⁷³

71 Ibid.

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OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.41.

⁶⁹ Ibid., para. 1.57.

⁷⁰ Ibid.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1600.

⁷³ Ibid.

In response to questions about how CBSA will improve its performance indicators going forward, Mr. Ossowski acknowledged that developing good performance indicators is challenging, and suggested that CBSA will probably have multiple performance indicators for each initiative to measure all its intended benefits:

For example, with NEXUS, it's not about the precise time of how long you were processed at the primary inspection lane. It's how short the lane was. It's your satisfaction with the overall program—how you apply, how you renew. I think we have to look at it in a more organic way, and that will take some time. I'm happy to report that we've set up a benefits realization unit to actually start to capture this and look at it in a more organic way. Don't forget, though, there are also benefits to us in how we're managing risk, and that's an important part of the equation as well, as an outcome that represents value for money to Canadians.⁷⁴

Therefore, to address these concerns, the Committee recommends:

RECOMMENDATION 3

That, by no later than 31 January 2018, the *Canada Border Services Agency* provide the House of Commons Standing Committee on Public Accounts with a report outlining its new performance indicators, baselines, and targets as well as the trade benefits achieved. This report should also clearly explain why these performance indicators are appropriate for measuring the expected trade benefits.

C. Implementing Travel Initiatives and Reporting the Results

The OAG "examined the extent to which departments and agencies were able to show progress toward facilitating the legitimate flow of travellers."⁷⁵

Transport Canada and CBSA "developed five performance indicators focused on measuring deliverables, such as the number of installations completed and the number of websites and roadside signs posting real-time information." However, the OAG found that:

Transport Canada had not measured the benefits of existing border wait-time technology even though these installations have been operating for over five years. [The OAG] also noted that there was no business case to support the need for more installations.⁷⁷

Thus, the OAG recommended that Transport Canada work with CBSA "to assess the benefits of existing border wait-time technology and use that information to determine whether future installations of border wait-time technology are warranted at

⁷⁴ Ibid., 1620.

OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.62.

⁷⁶ Ibid., para. 1.74.

⁷⁷ Ibid., para. 1.58.

remaining crossings."⁷⁸ In response to this recommendation, Transport Canada stated that it will work with its partners, including CBSA, "to assess benefits generated by existing border wait-time installations" by July 2017.⁷⁹ The Department also committed to using this analysis to inform recommendations for future work on the initiative, "including helping to determine whether additional technology installations are warranted."⁸⁰

Consequently, the Committee recommends:

RECOMMENDATION 4

That, by no later than 31 January 2018, *Transport Canada* and the *Canada Border Services Agency* explain how the results of their assessment of existing border wait-time technology are used to determine whether future installations of border wait-time technology are warranted at remaining crossings.

Regarding the Installing Radio Frequency Identification Technology (RFID) initiative, ⁸¹ the OAG also found that, in its planning, CBSA "did not fully analyze the potential use of this initiative and did not develop a business case to show whether the initiative will significantly relieve congestion at the border." ⁸²

Consequently, the OAG recommended that CBSA complete its assessment of how the planned implementation will achieve the benefits from RFID technology and continually assess its plans for installing RFID technology in the future. In response to this recommendation, CBSA stated that it "will undertake a self-assessment to examine the outcomes in light of the expected benefits to be generated by RFID and "will update it periodically to assess the approach of installing RFID technology in the future. Additionally, the Agency "will develop a lane-management option analysis paper exploring the feasibility and benefits of enhancing the original Beyond the Border Action Plan commitment of only two lanes each at 11 ports of entry. The Agency committed to complete these actions by December 2017.

80 Ibid.

85 Ibid.

⁷⁸ Ibid., para. 1.75.

⁷⁹ Ibid.

According to the OAG, the "objective of this initiative, led by [CBSA], was to speed up the processing of travellers entering Canada by using card readers to read their [RFID]-enabled travel documents, such as NEXUS cards, FAST (Free and Secure Trade) cards, enhanced driver's licences, US passport cards, and US permanent resident cards." For more details, see Ibid., para. 1.76.

⁸² Ibid., para. 1.77.

⁸³ lbid., para. 1.78.

⁸⁴ Ibid.

Mr. Ossowski also informed the Committee that CBSA is committed to installing "RFID technology at 22 lanes in eleven ports of entry." As of January 2017, RFID readers were installed "in eight lanes at four land ports, and the remaining readers are scheduled to be installed throughout the fiscal year of 2017–18."

In light of this testimony, the Committee recommends:

RECOMMENDATION 5

That, by no later than 31 January 2018, the *Canada Border Services Agency* provide the House of Commons Standing Committee on Public Accounts with the main results of its self-assessment of the outcomes in light of the expected benefits to be generated by radio frequency identification technology, and the main results of its lanemanagement option analysis paper exploring the feasibility and benefits of enhancing the original Beyond the Border Action Plan commitment.

The OAG also found:

That for the eight initiatives that focused on facilitating the legitimate flow of travellers, some departments and agencies had completed their commitments and others were experiencing significant challenges. Also, departments and agencies either had no performance indicators to measure the intended benefits of facilitating the flow of travellers or had not yet reported results.⁸⁹

Therefore, the OAG recommended that, for completed and ongoing initiatives that have not yet developed performance indicators to measure benefits, CBSA and Transport Canada should:

- develop performance indicators to clearly measure the travel benefits for the initiatives that they are responsible for, and
- measure and report accurate and reliable results against baselines and targets to be able to assess the travel benefits achieved.⁹⁰

In response to this recommendation, CBSA stated that it commenced a review of its current Beyond the Border key performance indicators in June 2016, and "has created a working group with the mandate of reviewing and developing indicators that would more accurately measure the impact and outcomes of initiatives." CBSA

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1550.

⁸⁸ Ibid.

⁸⁹ OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.58.

⁹⁰ Ibid., para. 1.79.

⁹¹ Ibid.

committed to include these indicators in the upcoming Public Safety Canada 2015–16 Horizontal Report, and complete these actions by June 2017. For its part, Transport Canada responded that it will work in partnership with CBSA to develop performance indicators for completed ongoing initiatives to help assess travel benefits by 31 March 2017. March 2017.

Catherine Higgens, Assistant Deputy Minister, Programs, Transport Canada, informed the Committee that the Department has established a working group to develop performance indicators pertaining to the benefits of border wait-time technology. Higgens also reassured the Committee that Transport Canada will meet its commitment to develop new performance indicators by 31 March 2017, which means that the Department will be able to assess the benefits of the existing border wait-time technology by July 2017.

In light of this testimony, the Committee recommends:

RECOMMENDATION 6

That, no later than by 31 January 2018, *Transport Canada* and the *Canada Border Services Agency* provide the House of Commons Standing Committee on Public Accounts with a report outlining their new performance indicators, baselines, and targets as well as the travel benefits achieved. This report should also clearly explain why these performance indicators are appropriate for measuring the expected travel benefits.

D. Reporting on the Beyond the Border Action Plan

The OAG examined whether the 2014–15 *Report on the Beyond the Border Action Plan Horizontal Initiative*, "which was made public in September 2016, was complete and accurate." ⁹⁶ It also examined:

The information reported by departments and agencies to Public Safety Canada that was used to prepare the report, and the guidance on reporting that was provided by the Treasury Board of Canada Secretariat.⁹⁷

The OAG found that TBS "did not give departments and agencies specific guidance on costing and measuring program results," and consequently, "departments

93 Ibid.

94 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 43, 1545.

95 Ibid.

96 OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.84.

⁹² Ibid.

and agencies applied different interpretations, which contributed to producing inconsistent information."⁹⁸ For this reason, the OAG recommended that TBS improve its guidance on the management and reporting of horizontal initiatives to:

- clarify roles and responsibilities for lead and partner departments and agencies responsible for reporting accurately and completely on horizontal initiatives:
- clarify guidance for lead and partner departments and agencies reporting a consolidated view of progress, results, and costs for initiatives over the years; and
- clarify the requirements of a financial costing framework for horizontal initiatives.⁹⁹

In response to this recommendation, TBS stated that, by July 2017, it "will update its guidance on the managing and reporting of horizontal initiatives, as appropriate, to clarify the expectations for the lead and partner departments and agencies involved in horizontal initiatives." The Secretariat will also "work with departments and agencies, as needed, to ensure that they have a clear understanding of their roles and responsibilities in order to establish appropriate governance for managing and reporting on horizontal initiatives." ¹⁰¹

Brian Pagan, Assistant Secretary, Expenditure Management, TBS, stated that horizontal initiatives are useful because they "allow the government to leverage the attention, the efforts, and the resources of multiple departments and stakeholders to achieve shared outcomes." However, they also come with the four following challenges:" 103

 It can be difficult to ensure the "coordination, consistency, and validation of data collection analysis and reporting across many departments" involved in a horizontal initiative; 104

101 Ibid.

⁹⁸ Ibid., para. 1.80.

⁹⁹ Ibid., para. 1.87.

¹⁰⁰ Ibid.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 43, 1530.

¹⁰³ Ibid.

- It can be challenging to develop appropriate performance indicators that measure the real outcomes of a horizontal initiative instead of its inputs and outputs;¹⁰⁵
- It can be difficult to separate the results achieved by a horizontal initiative because such initiatives "are often complements to existing programs;" and. 106
- The accountabilities of a horizontal initiative are vertical because Parliament allocates funding to each participating department—i.e., ministers are individually accountable to Parliament for the horizontal initiatives' components for which their department is responsible, although all participating departments are working together to achieve the objectives of the horizontal initiative.¹⁰⁷

Mr. Pagan mentioned that over the years TBS "has worked to address these challenges" by "requiring lead departments to report on progress in their performance reports to Parliament," creating a horizontal initiatives database and, more recently, issuing "a guide on the management and reporting of horizontal initiatives." ¹⁰⁸

Mr. Pagan then explained that, in response to the recommendation of the OAG, TBS has implemented a requirement for departments "to report on the total spending of each horizontal initiative" in their 2017–18 departmental plans. TBS is also leveraging its new Policy on Results that came into effect in the summer of 2016 "to clarify results expectations of programs and improve the quality of program outcomes and performance indicators." According to Mr. Pagan, this will allow the Secretariat "to improve its monitoring function to better track performance and costing information of horizontal initiatives," and integrate the horizontal initiatives database with TBS InfoBase. Lastly, TBS "is reviewing the guide on the management and reporting of horizontal initiatives that was promulgated in 2014," and it is working with "departments and agencies to identify critical areas that require improved instruments and guidance" by the end of 2017. 111

When questioned about how TBS will integrate the horizontal initiatives database with the TBS InfoBase, Mr. Pagan responded with the following:

Through our consultations and engagement with different departments and stakeholders, we've heard quite often that the data is out there. The challenge is finding it. What we

106 Ibid.

¹⁰⁵ Ibid.

¹⁰⁷ Ibid., 1555.

¹⁰⁸ Ibid., 1530.

¹⁰⁹ Ibid., 1535.

¹¹⁰ Ibid.

have right now, the database known as TBS InfoBase and the horizontal initiatives database are perfect examples of that. The idea is to integrate these so that it's effectively one-stop shopping. If one had a question about resource utilization in the Public Service of Canada and were to go to a single site and query by department, region, or name of an initiative, one should be able to find access to that information. That's our vision. It's the vision of the President of the Treasury Board. We're aware of some very good models out there currently in use that we can build on and replicate. The idea is to take the existing holdings and progressively integrate or amalgamate these into a single source to provide ease of access. ¹¹²

Mr. Pagan also explained that TBS will "refine and hone" its existing guidance "so that it is crystal clear to departments what is required with respect to the utilization of resources allocated for horizontal initiatives and how to report those initiatives;" ¹¹³ he also went on to add the following:

Our existing guidance identifies an end-to-end business process. It starts with identifying the need. [...] It sets out how you would go about identifying that need and the consultations required. Then it explains the process around a cabinet approval. One of the key requirements is to identify how we're using resources already allocated to departments, and how those new incremental resources would be brought to bear to solve this horizontal approach. The third step is to create an inventory of programs. [...] The approach to horizontal initiatives is meant to tap into what is out there already, what we can draw from, and what existing programs, performance information, and data can be brought to bear to support the desired outcome. [...] Then we have guidance on performance measurement, and we are very clear in the guidance that there is a distinction to be made between the lead and the partner department. I believe we can further clarify what the lead department requires from partners and how they are to roll up that information in terms of a consolidated view. Then there's guidance on execution, program implementation, annual reporting, and then finally a close-out report. 114

Talking about the differences in the level of public reporting between Canada and the United States, Mr. Brown noted that the United States does not report publicly on its horizontal initiatives like Canada.¹¹⁵

Therefore, the Committee recommends:

RECOMMENDATION 7

That, no later than 31 January 2018, the *Treasury Board of Canada Secretariat* explain how it has clarified its guidance on the management and reporting of horizontal initiatives to ensure that their results are accurately reported to Parliament and Canadians.

113 Ibid., 1600.

¹¹² Ibid., 1625.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1635.

The OAG also found that "Public Safety Canada prepared a report using the costing and progress information it received from departments and agencies," which provided information on annual achievements, but "did not convey a consolidated view of progress." Additionally, the OAG found that Public Safety Canada developed a financial costing framework that "was never completed or used to report on costs." 117

For example, Mr. Ferguson pointed out that, for the initiative on deploying border wait-time technology, the Horizontal Report "stated that seven crossings had been completed," but did not "mention that six of these crossings had been completed years before the action plan was released." Regarding the Trusted Trader Programs initiative, Mr. Ferguson indicated that the Horizontal report stated that "there were 83 new members in the 2014–15 fiscal year, but it didn't mention that the long-term goal was to attract 1,700 new members."

In light of these findings, the OAG recommended that:

Public Safety Canada, which is the lead department responsible for reporting on the Beyond the Border Action Plan, should

- include cumulative costing and baselines and targets for indicators as appropriate for Action Plan initiatives in the remaining Reports on the Beyond the Border Action Plan Horizontal Initiative to ensure that the results, costs, and progress made on initiatives are measurable, clear, and consolidated;
- update the performance measurement framework to refine the performance indicators used to support the intended outcomes of the Action Plan in future reporting cycles; and
- set up a common costing framework so that all departments and agencies consistently report accurate and complete financial information. 120

In response to this recommendation, Public Safety Canada committed "to work collaboratively with initiative lead departments and agencies to update performance measurement" by December 2017. Public Safety Canada also committed to reinforce "the common costing framework in consultation with central agencies and in collaboration with participating departments and agencies," and provide "updated"

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OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.80.

¹¹⁷ Ibid., para. 1.94.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1535.

¹¹⁹ Ibid.

OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.95.

¹²¹ Ibid.

instructions for horizontal reporting to participating departments and agencies for the 2016–17 Horizontal Report" by December 2017. 122

For example, Mr. Brown stated that, "rather than simply providing a snapshot of the previous year's progress on each initiative," Public Safety Canada is "working towards providing a more detailed picture of how each initiative has developed from the start." "This includes financial data, such as cumulative spending to date, with an annex containing a breakdown by initiative." 124

When questioned about the difference in providing an incomplete and inaccurate report and misleading Parliament, Mr. Ferguson responded that it is difficult to explain why these public reports contained the weaknesses reported in the audit, but he nevertheless felt that it was important to bring these issues to the attention of parliamentarians. 125

Asked whether it was satisfied that a number of the initiatives of the Beyond the Border Action Plan where being met, Nancy Cheng, Assistant Auditor General, OAG, suggested that there "should be a checkpoint where we can say that maybe it's not going so well and ask what we really know and whether it is serving a real purpose;" 126 she also noted the following:

We're seeing that some of the details and some of the initiatives are not working all that well. Are we learning from that? As to the additional money that we still want to spend—at this point in the audit I think we are still looking at \$500 million being on the table as an expense—we should determine whether we are using it in the most effective way to help move those agendas we talked about to support those objectives. That's really the nub of the question. 127

Mr. McGovern reflected that in many instances, the absence of adequate performance indicators actually diminished the progress showed over the course of the Beyond the Border Action Plan: 128

Let me give you an example. On NEXUS, the AG's report was very clear. They looked at the initiatives and they looked at NEXUS. From a national security perspective, with NEXUS, an individual voluntarily fills out an extensive application form, provides information on where they lived over the past five years and their jobs, and it's submitted to both Canadian and U.S. authorities. They vet it, give you a green light, and you go into an office where there's a CBSA employee and a U.S. border patrol individual. They take

¹²² Ibid.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 42, 1545.

¹²⁴ Ibid.

¹²⁵ Ibid., 1605.

¹²⁶ Ibid., 1625.

¹²⁷ Ibid.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 43, 1630.

your picture and your biometric information. The U.S. takes your fingerprints, and then Canada takes an iris scan. There are now probably 1.5 million people in North America who have a NEXUS card, 80% of whom are Canadian, so when you go to a border, CBSA officers don't have to pay attention to somebody such as me who has a NEXUS card. They can focus their attention on higher risk travellers. That's a huge benefit to us. How do you measure that? I don't know.

In light of the audit findings and the testimony, the Committee recommends:

RECOMMENDATION 8

That, by no later than 31 January 2018, *Public Safety Canada* explain how it has worked collaboratively with lead departments and agencies to update performance measurement, and reinforced the common costing framework with central agencies and in collaboration with participating departments and agencies, so that the results and the costs reported in the 2016–17 Horizontal Report are accurate, clear, and consolidated.

E. Pre-Clearance Agreement between Canada and the United States

Mr. Brown told the Committee that Public Safety Canada continues "to build on the collaboration established in the framework" of the Action Plan by, for example, "moving forward with the implementation of the pre-clearance agreement through the introduction of legislation last June, and working with the U.S. on the implementation of new sites." According to Mr. Ossowski, this unprecedented Action Plan was also multi-faceted, complex, and represented a major shift from a reactive to a proactive approach to border management. ¹³¹

With regard to the pre-clearance agreement between Canada and the United States, Mr. Ossowski indicated that the United States had unanimously passed its pre-clearance legislation "before Christmas," while Canada's pre-clearance legislation is still before the House of Commons.¹³²

For his part, Mr. McGovern, mentioned that, in March 2016, several key deliverables were announced at the Canada-U.S. summit, including co-operation on issues that affect the shared border:¹³³

The two leaders reinforced their intentions to bring into force the Canada-U.S. agreement on land, rail, marine, and air transport pre-clearance. Building on more than 60 years of

¹²⁹ Ibid.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 6 February 2017, Meeting 42, 1540.

¹³¹ Ibid., 1545.

¹³² Ibid., 1635.

House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017, Meeting 43, 1540.

pre-clearance co-operation, the new agreement will further enhance both countries' mutual security and facilitate low-risk cross-border movement in all modes of travel. The two countries also agreed to explore the conditions necessary for cargo pre-clearance and to identify opportunities to pilot this approach. Both countries also committed to fully implement a system to exchange basic biographic entry information at the land border. This builds on the process already in place for third-country nationals, and will allow Canada and the U.S. to enhance border security in an effective and responsible way. This will be done in a manner that respects our respective constitutional and legal frameworks, and protects our citizens' right to privacy. 134

Mr. McGovern also drew the Committee's attention to <u>Bill C-23</u>, <u>An Act respecting the preclearance of persons and goods in Canada and the United States</u>, which is awaiting second reading in the House of Commons. ¹³⁵

CONCLUSION

The OAG "concluded that the selected departments and agencies achieved limited results toward the objectives of the Beyond the Border Action Plan of enhancing security and accelerating the legitimate flow of travel and trade." The OAG also concluded that the *Report on the Beyond the Border Action Plan Horizontal Initiative* "did not provide a complete and accurate picture of the progress, performance, or costs of the Action Plan." 137

In this report, the Committee made eight recommendations that seek to obtain the information that will be necessary to assess whether the gaps identified in this audit have been properly addressed by the responsible departments and agencies.

Given its increasing use of horizontal initiatives, it is crucial that the federal government improve its management, costing and reporting of such initiatives in order to be able to clearly demonstrate their concrete results for Canadians.

135 Ibid.

OAG, "Report 1 – The Beyond the Border Action Plan," Fall 2016 Reports of the Auditor General of Canada, para. 1.96.

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¹³⁴ Ibid.

¹³⁷ Ibid., para. 1.97.

SUMMARY OF RECOMMENDED ACTIONS AND ASSOCIATED DEADLINES

Table 1 – Summary of Recommended Actions and Associated Deadlines

Recommendation	Recommended Action	Deadline
Recommendation 1 (p. 8)	Public Safety Canada, the Canada Border Services Agency (CBSA), the Royal Canadian Mounted Police (RCMP) and Transport Canada need to provide the Committee with a report outlining their new performance indicators, baselines, and targets as well as the security benefits achieved. This report should also clearly explain why these performance indicators are appropriate for measuring the expected security benefits.	No later than 31 January 2018
Recommendation 2 (p. 10)	CBSA needs to explain to the Committee how it has used the results of its consultations with stakeholders to ensure that the Trusted Traders programs and the Single Window initiative better meet their needs.	No later than 31 January 2018
Recommendation 3 (p. 12)	CBSA needs to provide the Committee with a report outlining its new performance indicators, baselines, and targets as well as the trade benefits achieved. This report should also clearly explain why these performance indicators are appropriate for measuring the expected trade benefits.	No later than 31 January 2018
Recommendation 4 (p. 13)	Transport Canada and CBSA need to explain how the results of their assessment of existing border wait-time technology were used to determine whether future installations of border wait-time technology are warranted at remaining crossings.	No later than 31 January 2018
Recommendation 5 (p. 14)	CBSA needs to provide the Committee with the main results of its self-assessment of the outcomes in light of the expected benefits to be generated by radio frequency identification technology, and the main results of its lanemanagement option analysis paper exploring the feasibility and benefits of enhancing the original Beyond the Border Action Plan commitment.	No later than 31 January 2018

Recommendation 6 (p. 15)	Transport Canada and the CBSA need to provide the Committee with a report outlining their new performance indicators, baselines, and targets as well as the travel benefits achieved. This report should also clearly explain why these performance indicators are appropriate for measuring the expected travel benefits.	No later than 31 January 2018
Recommendation 7 (p. 18)	TBS needs to explain how it has clarified its guidance on the management and reporting of horizontal initiatives to ensure that their results are accurately reported to Parliament and Canadians.	No later than 31 January 2018
Recommendation 8 (pp. 21)	Public Safety Canada needs to explain how it has worked collaboratively with lead departments and agencies to update performance measurement, and reinforced the common costing framework with central agencies and in collaboration with participating departments and agencies, so that the results and the costs reported in the 2016–17 Horizontal Report are accurate, clear, and consolidated.	No later than 31 January 2018

APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Canada Border Services Agency	2017-02-06	42
Martin Bolduc, Vice-President, Programs Branch		
John Ossowski, President		
Department of Public Safety and Emergency Preparedness		
Malcolm Brown, Deputy Minister		
Jill Wherrett, Acting Assistant Deputy Minister, Portfolio Affairs and Communications Branch		
Office of the Auditor General of Canada		
Martin Dompierre, Principal		
Michael Ferguson, Auditor General of Canada		
Royal Canadian Mounted Police		
Gilles Michaud, Deputy Commissioner, Federal Policing		
Department of Public Safety and Emergency Preparedness	2017-02-08	43
Gina Wilson, Associate Deputy Minister, Public Safety Canada		
Department of Transport		
Catherine Higgens, Assistant Deputy Minister, Programs		
Laureen Kinney, Assistant Deputy Minister, Safety and Security		
Office of the Auditor General of Canada		
Nancy Cheng, Assistant Auditor General		
Martin Dompierre, Principal		
Privy Council Office		
David McGovern, Deputy National Security Advisor to the Prime Minister, Office of the National Security Advisor to the Prime Minister		
Treasury Board Secretariat		

Brian Pagan, Assistant Secretary, Expenditure Management

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant Minutes of Proceedings (Meetings Nos. 42, 43, 52) is tabled.

Respectfully submitted,

Hon. Kevin Sorenson Chair