



Mr. John Williamson, M.P.
Chair
Standing Committee on Public Accounts
House of Commons
Ottawa, Ontario K1A 0A6

December 20, 2022

Dear Mr. Williamson:

The Public Health Agency of Canada (PHAC) is pleased to provide electronically, in both official languages, progress reports requested by the Standing Committee on Public Accounts pursuant to the Committee's Sixteenth Report on Enforcement of COVID-19 Quarantine and Testing Orders of June 2022.

Recommendation 3:

PHAC remains committed to implementing processes to assess PHAC's enforcement approach to border measures. Prior to all border measures being lifted on October 1, 2022, PHAC continuously evaluated the outcomes of referrals to police that were reported back to the Agency and used these results to inform its overall enforcement approach.

The estimated rate of compliance from the information received by PHAC was high throughout the pandemic; however, because police were not obligated to report on the outcomes of referrals, these compliance rates were estimates only. To address this issue, PHAC implemented a Compliance Verification (CV) Visits program using contracted security guards to visit travellers during their 14-day quarantine period. This program added an additional layer to the Agency's enforcement approach, and the reported results from these CV Visits provided PHAC an additional data set to use when assessing whether the Agency's enforcement approach was working.

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PHAC is committed to maintaining and improving the relationships it has developed with police partners through a process of continuous and ongoing engagement and dialogue, education and training. The outcomes of this ongoing engagement will be documented and incorporated in future planning and reporting.

Recommendation 4:

As noted in our previous report to the Committee, early in the pandemic, PHAC established a nationally consistent compliance and enforcement regime, wherein all travellers, regardless of where they arrived in Canada, were subject to the same compliance verification activities and the risk-based enforcement continuum. The compliance and enforcement program ranged from compliance promotion and education, to warnings, ticketing, and possible criminal prosecution.

The issue identified by the Auditor General related to the fact that PHAC used the ticketing regime set out in the *Contraventions Act* and regulations as its enforcement mechanism of last resort. Due to the nature of the Act, each provincial government must agree to its application in their jurisdictions. Alberta, Saskatchewan, and the three Territories did not agree to the use of contraventions tickets in their jurisdictions, meaning PHAC and police officers were not able to issue tickets to non-compliant travellers in these jurisdictions.

The Auditor General noted that, without agreement from Alberta, Saskatchewan, and the Territories to accede to the contraventions regime, there was no equivalent alternative enforcement mechanism that could be implemented quickly during the COVID-19 public health emergency. Recognizing the limitations of the contraventions regime, PHAC took several steps to put in place processes and mechanisms to make its enforcement approach more consistent across Canada.

In addition to the various ongoing activities described in our previous report to the Committee, and in alignment with the timing and scope of various lessons learned exercises, PHAC is initiating internal conversations regarding the *Quarantine Act* with the objective to establish the policy foundations needed to design and implement a nationally consistent penalty structure under the *Quarantine Act* (as opposed to a nationally consistent compliance and enforcement program with potential penalties that vary by jurisdiction).

As noted previously, identifying and, if appropriate, introducing other enforcement mechanisms will require significant time and analysis to ensure that the Agency lands on the best approach. In addition, analysis will be conducted to ensure that the enforcement of non-compliance is done in a fair and unbiased manner for all travellers.

PHAC remains on track to meet its commitments captured in the Managerial Response and Action Plan developed in response to the Auditor General's Fifteenth Report, Enforcement of Quarantine and COVID-19 Testing Orders - Public Health Agency of Canada.

We trust that the Committee finds this useful for their work.

Sincerely,

A handwritten signature in black ink, appearing to read "Harpreet S. Kochhar", written in a cursive style with a large initial "H".

Dr. Harpreet S. Kochhar