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Chair

Mr. David Sweet

Standing Committee on Industry, Science and Technology

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• (1540)

[English]

The Chair (Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC)): Good afternoon, ladies and gentlemen.

Welcome to meeting number 10 of the parliamentary Standing Committee on Industry, Science and Technology. We're dealing with e-commerce and electronic payments.

We are delayed a bit because of votes in the House. I think the majority of our committee is here now.

I just want to introduce the witnesses very briefly, but I would also just like to advise members that the documentation that has been distributed, as per our Standing Orders, is in both official languages.

The presentation that you will see here in front of you is on PowerPoint. Mr. Swinwood will go through the visual part of this in English as he presents it, but you have the documentation of this presentation in both official languages in front of you. I just want to make sure that's okay with the members here in the committee.

Some hon. members: Agreed.

The Chair: Okay. I see no concerns around that so I'm going to move on.

From the Retail Council of Canada, we have Diane Brisebois, president and chief executive officer; from the Canadian Federation of Independent Business, Corinne Pohlmann, vice-president of national affairs; from the Information and Communications Technology Council, as I mentioned, Mr. Paul Swinwood, who is the president; and from the Entertainment Software Association of Canada, Jason Kee, director of policy and legal affairs.

I will go to you in the order on our agenda here, so I will go first to the Retail Council of Canada, Diane Brisebois, for six minutes, please.

Ms. Diane Brisebois (President and Chief Executive Officer, Retail Council of Canada): Thank you, Mr. Chairman.

[Translation]

It is our association's pleasure to be able to join you today and talk about e-commerce in Canada, given the key role the retail sector plays in this area. We hope that our presentation, our comments and our recommendations will be positively received.

The Retail Council of Canada has provided you with a detailed presentation. But because of time constraints, I suggest that we go

over the main findings and our recommendations. I will be happy to answer your questions during the question period.

[English]

The presentation we sent looks like this. Probably you have a copy in black and white. That would include most of the statistics, but I will, as I said in French, simply summarize some of the findings.

I'd like to direct your attention to page 6 in English and 7 in French, specifically to give you a sense of the size of the sector. Often when we present before committees the retail sector is not as well understood in relation to the contribution it makes to the overall economy. As you can see on top of page 6, we talk about the retail sector investing close to \$6 billion in machinery and equipment, which included \$1.6 billion in information and communication technology in 2008 alone. I thought that was an important point to make in relation to the discussion we're having today.

I would also encourage you to look at pages 8 and 9 of the presentation, which speaks specifically to e-commerce retail sales in Canada. As noted at the beginning of this deck, the Retail Council did a fairly extensive study of the retail market.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): A point of order, Chair. Do we have the deck that Ms. Brisebois is referring to? Which deck is it?

The Chair: I believe it looks like this, Mr. Lake, and it should be in front of you in both official languages.

A voice: It was sent to your office.

Ms. Diane Brisebois: Yes.

The Chair: Madam Brisebois, I've stopped the clock for your presentation. We'll make sure the other members have it distributed.

Ms. Diane Brisebois: No problem.

The Chair: Madam Brisebois, please continue.

Ms. Diane Brisebois: Thank you, Mr. Chairman.

I didn't realize our presentation was a showstopper, but I'm pleased to see that it was.

Voices: Oh, oh!

Ms. Diane Brisebois: To assist the committee, we tried to provide you with an overview of e-commerce retail sales in Canada and the kinds of investments retailers are making in this space, specifically on the web, in social media, and in mobile technology.

I'm not going to go through every page, but hopefully, when you have a moment, the information included will give you a very good sense of what the sector is doing.

On page 8 of the presentation—in French, page 9—you can see a graph that shows the growth of e-commerce sales from 2001 to 2007, which was just above \$6.5 billion. Obviously the market has grown substantially since then, with somewhat of a slowdown at the beginning of the recession. We're starting to see this sector make substantial investments in IT, in web technology, as well as in social media.

I'd like to also draw your attention to page 12 of the presentation, which shows you a graph.

● (1545)

[Translation]

It is an estimated value of domestic e-commerce orders for products by Canadians.

[English]

You will see that we are projecting...or that in fact Stats Canada, eMarketer, and several other firms are suggesting that e-commerce sales made by Canadians in Canada will increase by 9.5% in 2011, up to 13.6% in 2015—a substantial increase.

Slide 14 talks about projections with regard to shopping online by Canadians. It states that by 2015, 86% of Canadians will shop online, of whom 80% will buy online.

[Translation]

The average amount spent by online shoppers will increase by 7% in five years. The annual average will go from \$1,460 to \$1,928 between 2010 and 2015.

[English]

I realize there is not much time, Mr. Chairman, so let me draw your attention to page 15. It shows the key recommendations from the Retail Council of Canada. I'd be pleased to address them in more detail during question period.

Specifically, we're talking about electronic commerce protection proposed regulations. We believe they are wise, but they will ultimately, we believe, serve the public negatively, as well as the sector.

We are quite concerned with regard to the Copyright Act in Bill C-11 as it affects the technology side, specifically the web.

We also are very concerned about sales by foreign retailers into Canada via website, and the fact that in many cases those retailers are not respecting the Textile Labelling Act bilingual requirements and dealer identity.

We also believe it would be important to eliminate unnecessary import tariffs on finished goods to ensure that Canadian retailers continue to be competitive, in both the bricks-and-mortar environment and online.

Finally, we'd like to draw your attention to the last few pages of our presentation, which look at the task force on payments in Canada

and our concerns in relation to mobile payment and the costs associated with accepting payment in a mobile world.

If the task force recommendations are not supported by this committee and the government, we believe our retailers across the country will see fees increase substantially in their online environment to accept the payment of debit and credit cards.

Thank you, Mr. Chairman.

[Translation]

The Chair: Thank you very much, Ms. Brisebois.

[English]

You not only stopped the show, but you also managed to get back on time very well.

Madam Pohlmann for six minutes, please.

Ms. Corinne Pohlmann (Vice-President, National Affairs, Canadian Federation of Independent Business): Thank you, and thank you for the opportunity to be here today.

CFIB is a not-for-profit, non-partisan organization representing more than 108,000 small and medium-sized businesses across Canada who collectively employ more than one and a quarter million Canadians and account for \$75 billion in GDP. Our members represent all sectors of the economy and are found in every region of the country.

It's important to remember that almost all Canadian businesses, 98%, are small and medium sized, and they employ 64% of Canadians and produce half of Canada's GDP. So in this year of the entrepreneur, addressing issues is of importance to them and can have a widespread impact on job creation and the economy.

There's no doubt that the Internet and e-commerce in some ways was a bit of an equalizer for smaller firms as they now have a platform to more easily expose their business far beyond their local markets, allowing them to more effectively compete with their larger counterparts.

On the other hand, as e-commerce evolved, it's created a whole new business model that's quite different from the traditional bricks-and-mortar approach to selling goods and services. For many, selling goods or services online requires a new way of thinking about their business as they need to determine how they will deal with tracking inventory, security of their payments, interprovincial and international taxation, if it applies, and shipping issues, among other things. This may well be beyond the scope of what many of them intended to do with their businesses.

As you may know, CFIB does extensive surveying of our members on a wide variety of public policy and business issues. Over the years, we have periodically explored how small businesses are adapting to the Internet and, by extension, e-commerce.

You should have a slide deck presentation in front of you that I'd like to walk you through over the next few minutes.

We first started tracking the SME adoption of Internet in 1996, and we found that by 2005, the adoption rate had actually plateaued, indicating to us that virtually all those small and medium-sized companies that would use the Internet in their business were doing so. For example, on slide 2, you'll see a chart from 2008. That was a report we did that looks at how SMEs were using telecommunications in their business. Over 90% at that point had access to high-speed Internet, with some variation by location: 94% of urban-based businesses were using the high-speed Internet, and about 82% of rural-based businesses were using high-speed Internet at the time.

Before you can determine how small businesses are using the Internet, you need to make sure they have access to affordable, reliable broadband services. Part of our intent in our 2008 report was to understand how well small businesses were being serviced by Canada's telecommunications industry. As you can see in slide 3, small firms are relatively satisfied with the technical quality of their Internet services. More importantly, though, is whether small firms are satisfied with the availability of competitive options for telecom services in their area, as this will ultimately drive price and service quality.

As you can see on slide 4, almost 42% were dissatisfied with their Internet services, and there have been some CRTC decisions, for example, that might have made it worse had there not been some intervention by government and others. For example, we were very concerned with the idea of usage-based billing, and had it been allowed to go ahead it would likely have affected the pricing of broadband services for many smaller firms who rely on the Internet, and it would have limited the options that smaller Internet service providers could offer their own clients, making the market even less competitive.

We know that most small and medium-sized enterprises are using the Internet, but how are they using it? As you can see on slide 5, over half had a website that encourages customers to visit or call their business, and a similar amount are making purchases online. Interestingly—

• (1550)

The Chair: Ms. Pohlmann, if I could ask you to slow down just a bit....

Ms. Corinne Pohlmann: I get this all the time. I apologize to the translators.

Interestingly, about one in five is not using the Internet for business purposes, a proportion that has actually not changed since 2005. Overall, small businesses use the Internet in three general ways. They use it for information, including networking and training; they use it to market their business, and this could be through their own website or other sites or by purchasing online advertising; and third, they use it to sell their products and services.

Not surprisingly, the most common use is for information that's important to their business. What's interesting about this is that in fact in 2004, when we first asked this question, only 8% were using the Internet for information that was important to their business. By 2008 this had grown to more than 60%, as you can see on slide 6. Among new businesses that are less than one year old, the Internet is the most important place to get information that's important to their business.

In addition to using it for information, more and more are using the Internet to market their business. As you see on slide 7, among small business owners it was the most likely form of marketing of their business, after referrals and word of mouth. At this point there were 42% who said they had a website, and that was in 2008. It was up to 52% by 2009, as you saw on slide 5. And now, as we know, there was a study released just last week by BDC and CEFRIQ, out of Quebec, showing that 70% of SMEs now have websites.

Finally, some small businesses are selling their goods or services online. But as you can see on slide 8, only 16% were selling through the Internet. While this was asked back in 2008, the same BDC-CEFRIQ survey from last week did not indicate much growth since then, as only 18% in that survey were engaging in online sales.

So why are small business owners embracing the Internet but being slow to sell their products online? Much of it has to do with cost. As part of the payments review that is currently taking place at the federal level, we released a report just last week. In that study we found that for small firms there are many obstacles to accepting electronic payments, the most important of which is that the cost of implementing the system does not justify the investment, as you can see in that chart on slide 9.

Part of this stems from the fact that to sell online you have to think differently about how you run your business. As I mentioned earlier, you have to manage your inventory differently. How do you accept your payments? How do you interact with your clients? Ultimately it's the cost of renting or leasing electronic payment equipment, as well as the charges associated with processing those electronic payments, that really discourages many from moving in this direction.

Another factor for many, though, is the concern with online security. They feel there is a potential risk of losing customer or business data, or having sensitive personal or financial information stolen for which they themselves may become liable. This is especially worrisome for smaller firms that cannot always afford to protect their systems with more sophisticated software.

In conclusion, there is a strong desire on the part of most SMEs to increase their online presence in order to reach more customers and grow their operations. Policy decisions, for example, on broadband Internet and even wireless communications will have a direct impact on the ability of small businesses, especially those in rural areas, to do so.

We encourage the government to continue to monitor and make adjustments when necessary when potentially harmful decisions that have broad economic impact are made, to ensure that SMEs continue to have access to a wide variety of competitive Internet and wireless services.

Next, e-commerce depends on electronic payments, and there is a lot of growth and change happening in this area. To ensure these remain attractive to small firms, they must be affordable, accessible, secure, and user-friendly. The service providers also managing those electronic payment systems must be held accountable, perhaps by having to adhere to a code of conduct that could be further broadened.

Finally, I haven't touched on it in the presentation so far, but it is very important that governments minimize legislation and red tape that may hinder the adoption of e-commerce by smaller firms. I'd be happy to provide some examples in the question and answer period.

Thank you for your time today and for undertaking this comprehensive study. I hope I've been able to provide you with at least a small glimpse into this very large subject matter.

• (1555)

The Chair: Thank you, Madam Pohlmann.

Now we'll move on to Mr. Swinwood, for six minutes, please.

Mr. Paul Swinwood (President, Information and Communications Technology Council): Thank you very much, Mr. Chairman.

At the Information and Communications Technology Council, our worries are about having the right people in the right place at the right time to help the small businesses get to the point where they can implement e-commerce solutions. I just heard that 18% have so far implemented electronic solutions.

Our worries are about where the people are coming from, what their skills are, how we can find them, how we train them, and where they get trained. That's what we have been working on for the past 18 years of partnerships with industry and government and education. I do want to acknowledge the role that the federal government department HRSDC has played in assisting us in doing that. It has been greatly appreciated as we've moved down through the years.

Let me just switch over very quickly to the points I want to make on e-commerce adoption and questions. One of the current challenges of adoption is the competency of the small business owner to be able to implement e-commerce solutions. When I talk about competencies, I'll use a scale that I think people can relate to. Most of us can keyboard. A shipper and receiver in the back office who can keyboard and do a bar code scan, I consider that a level one. For those of you who have seen the movie *Avatar*, the people who developed the movie *Avatar*, I consider them a level 10.

Where are you on that scale? If I could raise you by one on your digital literacy, how would that help in the adoption of digital technologies, e-commerce, and everything else? So if I could look at the 82% of the companies who have not implemented e-commerce and raise their digital literacy up sufficiently that they would be able to understand this and work with the technology people, what could we accomplish in productivity?

One of the issues we've been talking about—and this one got flown a couple of years ago—is how we increase the e-commerce adoption.

While I hate to come here as a one-stop solution, one of the people who I, as a small business owner, get to see almost every month and have a long conversation with is, of course, my bank manager. For those of you who run small businesses, you understand the opportunity to have long conversations with your bank manager, if your sales have gone in the tank for a month. So using that system and being able to provide systems at a reasonable cost, with reasonable support, using their support services, how do we use the banking systems in Canada, our very successful banks, to become the implementer of SME adoption?

One of the things I also want to put a point on here as well is Canadian technology and our development. We're way behind other countries, when you see some of the things that are going on in other countries. The ability to walk up with your cellphone to a vending machine, swipe your cellphone against the vending machine, and get a soft drink of your choice, or other capabilities.... Canada is way behind, and I'm not going to comment on the reasons why; I don't play in that policy area. But we have the technology, we have the people, and we have the ways of making it go, if there's the demand for it.

My council has identified the need for 106,000 new workers in information technology roles across the economy. This is not just in the ICT companies. This is not the RIMs. This is not the HPs. This is all of the companies, including, of course, the federal government. So we're seeing a great demand. At the same time, we're seeing a significant decline in enrollments, so we're working with universities, colleges, and *polytechniques* on a centre of excellence approach. What we need to do is fund a few, looking at the priorities specifically around business, retail, and the domain areas. We need to look at articulation agreements with the colleges, the universities, and the *polytechnics*. We have a tremendous system out there that can become the source for skills for upgrading our e-commerce, 82% of the SMEs.

• (1600)

That's my plea. It's about the human resource side. Don't forget it. It's the part that is very important when we talk about the changes to legislation, the changes to the rules. We have to have the people with the skills to be able to respond.

Thank you.

The Chair: Thank you, Mr. Swinwood.

Now on to Mr. Kee.

Mr. Jason Kee (Director, Policy and Legal Affairs, Entertainment Software Association of Canada): Thank you, Mr. Chair. For those of you who aren't familiar with us, the Entertainment Software Association of Canada is the association that represents companies in Canada that develop, publish, and distribute games for all sorts of platforms—from consoles to computers to the Internet to mobile devices to handheld devices. Our members collectively account for about \$1.8 billion in entertainment software and hardware sold in Canada in 2010 and billions of dollars more for what's sold worldwide.

Generally, when people think of video games, they tend to think of games that are played on dedicated consoles like the Xbox or the PlayStation. Those of us of a certain vintage may think about arcade games. But the industry is actually going through a fundamental shift. The combination of broadband access and new mobile and online platforms for games are causing all sorts of tectonic changes. New consoles and PCs are now connected to the Internet and are always on.

As a consequence, a variety of online services like Xbox LIVE or PlayStation Network or Steam or Origin have emerged that not only permit users to purchase and download full games or other downloadable content directly to their devices but also offer enhanced value-added features like online multiplayer where players can play cooperatively or competitively against each other, automatic updates, additional add-on content, remote saving of games where you actually save your game on to the Internet, and community features like LiveChat and other kinds of functions.

While console games still represent the majority of the Canadian games market, the fastest-growing market segments are mobile games, played on smart phones like BlackBerrys and iPhones, and tablets such as the iPad or RIM's Playbook. There are also online games, which include everything from massively multiplayer online games like World of Warcraft, where literally millions of people play together in a persistent virtual world, to games on social networks like Facebook or FarmVille or the Sims Social. These types of games are driving new demographics and also driving new and innovative business models such as free-to-play, where we actually distribute the game for free and then earn revenue through subscriptions in app purchases of virtual goods, game advertising, and in other ways.

These types of games also reflect a growing trend away from older-school product-based business models that we see in conventional retail towards more service-based models in which users access the games they want online, where they want, how they want, to a device they want. The most robust example we see of this is the emergence of what we call "cloud gaming", where the game resides entirely on the Internet, that is, services provide an entire library of games on the Internet. Literally, you connect and it streams directly to your PC or your television, much like you're watching a movie on Netflix, except it's doing it in real-time game play.

With all of these digital options available, it's little wonder that we're seeing a rapid shift away from a kind of a packaged goods model towards online distribution services and platforms. In fact, according to NPD, over one-third of all games obtained in Canada in 2010 were acquired digitally. Major companies are reporting that over 20% of their Canadian sales are online and project that Canadian sales will be over 50% online sales by 2013.

Similarly, the smaller developers are benefiting even more from the efficiencies and cost savings that digital distribution affords them. Over 75% of their sales in Canada are through online means. So the e-commerce market in Canada for games is clearly developing very rapidly, and there are a number of policies needed to support this.

First and foremost, modernizing Canada's aging copyright regime for the digital age is critical for success. A robust regime is going to be necessary to adequately protect works in the digital environment.

In particular, it's critical to understand that these new and emerging platforms rely on sophisticated, technological protection measures, or TPMs, that facilitate online distribution of content. From streaming radio and music services like Spotify or Rdio, to film and television platforms like Hulu or Netflix or UltraViolet, to gaming platforms like Xbox LIVE or PlayStation Network, all of these services are supported by a wide range of TPMs that not only prevent piracy but also provide viable revenue streams for their creators and also enable a range of value-added features and flexible purchase options all the way from rental to purchase to subscriptions and everything in between.

While these TPMs are often dismissed as digital locks and considered solely in the context of legacy physical media, like music CDs or movie DVDs, they facilitate the development of new digital products, services, and distribution models, allowing creators to determine for themselves how their works will be exploited and providing consumers with a wide array of differentiated products, services, and models to choose from. However, if consumers can circumvent these TPMs and appropriate the works as they see fit, these models are fundamentally undermined.

●(1605)

The video game industry makes extensive use of these kinds of sophisticated TPMs to protect its works and enable new models, which are completely destabilized by circumvention. We applaud and strongly support the anti-circumvention provisions in the recently reintroduced copyright bill. We urge the government to implement the technical changes we recommended on the bill and to move expeditiously to introduce it.

Copyright is by no means the only important legislation affecting e-commerce in Canada. In order for Canada to flourish, we need smart, well-considered regulations that grasp the realities of an increasingly digital and global marketplace, to reflect the dynamic pace of change in knowledge-based industries, build consumer confidence, and foster new forms of high-value commerce. The Canadian digital economy is highly dynamic in its early stages of development. Consequently, government must be very cautious when introducing new regulations that will impact the digital industries.

Furthermore, given the reality of increasing global competition, any owner's regulatory burdens will simply drive companies to other jurisdictions. Accordingly, any form of regulatory intervention should primarily support Canada's growing e-commerce marketplace by encouraging innovation, investment, and consumer choice. We must carefully weigh the potential impact of any regulation on digital industries in consultation with affected stakeholders.

Lastly, cost-effective access to a first-class wireline and wireless broadband infrastructure is a critical component to e-commerce in Canada's digital economy. Access to advanced broadband is essential for online games, games with online functionality or features, and digital delivery of games. The cloud gaming services I mentioned in particular are very bandwidth-intensive.

Government policies that encourage more affordable, accessible, and faster broadband will be not only vital for the future growth of our industry, but it also has the additional value of fostering job growth within our industry. At the same time, it will foster consumer interest in the online games industry and digital delivery platforms, helping in turn to drive demand for further broadband infrastructure.

I would like to thank the committee for the opportunity to express our views. We welcome any questions.

The Chair: Thank you very much, Mr. Kee.

We will now go on to questions. For the first round, we will have Mr. Lake for seven minutes.

Mr. Mike Lake: Thank you, Mr. Chair, and thank you to the witnesses for coming.

Mr. Kee, you can take a breath now. It's so hard to fit all of that into the six-minute timeframe. I know it is pretty technical stuff. I am going to start with you.

With regard to digital locks, it is obviously a big topic of conversation. Before I go there, I have a question regarding copyright law in general. How important for the Canadian business environment is it for us to get this copyright legislation passed?

Mr. Jason Kee: It is absolutely critical. For us, speaking on behalf of the games industry, it is our number one priority above all things. This is probably because Canada has been lagging behind. As I said, we are 15 years behind now with the WIPO Internet treaties. It is critical we move forward, primarily because we can see that the e-commerce marketplace is developing so rapidly. We need the supports that are offered by the bill in order to foster that growth.

●(1610)

The Chair: Thank you, Mr. Kee.

Mr. Lake, the bells are ringing. I took a moment the last time to give any members a chance to give me a response before I adjourned.

Is there anybody who wants to make any requests of me before I adjourn?

Mr. Julian.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Could we ascertain whether it's 15 minutes or a half hour?

Mr. Mike Lake: In fairness, though, with seven-minute rounds, by the time we get done our round, there's not going to be time for everybody to get a round. In fairness, we have to respect the rules and go. I just started my round. There would be 21 minutes before we each get seven minutes. I don't think we can do that. We should probably try to have these witnesses come back.

The Chair: Thank you, Mr. Lake, because I was going to say, too, that I have to make a decision as well about adjournment or suspension. If we were in Centre Block, it would be suspension, but because we have to travel and come back here, we are going to adjourn the meeting. We'll have to decide whether we want to call these witnesses back and whether they would be gracious enough to return back.

Mr. Masse.

Mr. Brian Masse (Windsor West, NDP): As a collective, we could get each party to submit their questions of the witnesses to the clerk, and then get that collective response back from the witnesses.

The Chair: I'd be glad to consider that at a future meeting; we can dialogue about that for some business at a future meeting, but right now we need to adjourn.

The meeting is adjourned.

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