



Competition Tribunal

2002-2003
Estimates

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are tabled in the spring and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

© Her Majesty the Queen in Right of Canada, represented by the Minister of Public Works and Government Services, 2002

Available in Canada through your local bookseller or by mail from Canadian Government Publishing (PWGSC)
Ottawa, Canada K1A 0S9

Telephone: 1-800-635-7943
Internet site: <http://publications.pwgsc.gc.ca>

Catalogue No. BT31-2/2003-III-10

ISBN 0-660-61801-X

Competition Tribunal

**2002–2003
Estimates**

A Report on Plans and Priorities

Allan Rock
Minister of Industry

Table of Contents

| | |
|---|----|
| Section I: Messages | 1 |
| Minister's Portfolio Message | 1 |
| Management Representation Statement | 3 |
| Section II: Raison d'être | 5 |
| Section III: Plans and Priorities | 7 |
| Plans and Priorities by Strategic Outcome | 8 |
| Section IV: Organization | 11 |
| Departmental Planned Spending | 12 |
| Section V: Annexes | 13 |
| Spending Authorities | 13 |
| Other Information | 14 |

Section I Messages

Minister's Portfolio Message

Today, our people, our universities and our industries are successfully competing around the globe. At the same time, we have a democratic society and way of life that continues to be judged one of the best in the world. To continue our economic growth and social development, indeed, to continue our success as a nation, we must strive to be among the best in creating and commercializing new knowledge. We are committed to building a world-leading, knowledge-based economy and we need to be more innovative to stay competitive.

To support a nation of innovators, we are investing in the skills and abilities of all Canadians so that they can actively contribute to and participate in today's knowledge-based economy. By harnessing our human potential and talent, we can continue our economic success.

The Government of Canada is investing in research and development to improve the capability of our universities and private sector firms to compete internationally. To foster a culture of innovation, we are creating an environment that is favourable to innovation, an environment of trust and confidence, where the public and private interests are protected and there are marketplace incentives for innovation.

Whether stimulating the creation and use of knowledge, supporting the creation and development of businesses and industries, promoting inclusive economic growth, or ensuring a fair and equitable marketplace, each of the fifteen member organizations of the Industry Portfolio is contributing to Canada's innovation strategy. Their work with public and private sector partners across the country is key to Canada's success.

The Industry Portfolio organizations are:

- Atlantic Canada Opportunities Agency
- Business Development Bank of Canada*
- Canada Economic Development for Quebec Regions
- Canadian Space Agency
- Canadian Tourism Commission*
- Competition Tribunal
- Copyright Board Canada
- Enterprise Cape Breton Corporation*
- Industry Canada
- National Research Council Canada
- Natural Sciences and Engineering Research Council of Canada
- Social Sciences and Humanities Research Council of Canada
- Standards Council of Canada*
- Statistics Canada
- Western Economic Diversification Canada

I am pleased to present the Report on Plans and Priorities for the Competition Tribunal which describes their expected achievements and results over the next three years.

With the development and implementation of its e-filing system, the Competition Tribunal is very proud to be regarded within the legal community as a leader in service innovation and will continue to enhance the Tribunal's filing process using forward-looking technology.

To secure Canada's continued success in the 21st century, we are committed to nurturing and developing the potential of all our citizens in every community across our nation. By investing in organizations like the Competition Tribunal, we will continue building an innovative economy and society for the benefit of all Canadians.

The Honourable Allan Rock

Management Representation Statement

MANAGEMENT REPRESENTATION REPORT ON PLANS AND PRIORITIES 2002–2003

I submit, for tabling in Parliament, the 2002–2003 Report on Plans and Priorities (RPP) for the Registry of the Competition Tribunal.

To the best of my knowledge, the information in this document:

- C Accurately portrays the organization's plans and priorities.
- C Is consistent with the reporting principles contained in the *Guide to the preparation of the 2002–2003 Report on Plans and Priorities*.
- C Is comprehensive and accurate.
- C Is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP's production.

The Planning, Reporting and Accountability Structure (PRAS) on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name:

Monique Séguin

Date:

February 4, 2002

Section II Raison d'être

The Competition Tribunal is a quasi-judicial adjudicative tribunal created in 1986 by the *Competition Tribunal Act*. Its mandate is to hear applications and issue orders related to the civil reviewable matters set out in Parts VII.1 and VIII of the *Competition Act*, whose purpose is to maintain and encourage competition in Canada, and to ensure that firms compete fairly and markets operate efficiently. The Tribunal has no other function and operates at arm's length from government and its departments.

Since its creation, the Tribunal has heard cases relating to mergers, abuse of dominant position and various trade practices that involved key players in a number of industries.

To find out more about the
Competition Tribunal, click on:
www.ct-tc.gc.ca

Some of the products and services dealt with include airline computer reservations systems, oil refining and gasoline retailing, community newspapers, aspartame, waste disposal, car parts, marketing research services and shared electronic network services.

The *Competition Tribunal Act* also provides for an administrative infrastructure for the Tribunal. Through its Registry, the Tribunal can hold its hearings anywhere in Canada for the proper conduct of the Tribunal's business as necessary. The Registry is also the repository for filing applications and documents and issuing documents and orders for all cases brought before the Tribunal.

Section III Plans and Priorities

The last fiscal year was a ground-breaking year for the Tribunal and Registry in terms of modernizing its operations. The electronic filing and hearing project continues to set a standard for the legal community, winning the Award of Excellence at the Canadian Information Productivity Awards ceremony in Toronto. Enhancement to the system and simplification to the Tribunal's Rules of Practice and Procedures will continue to be key initiatives for the Tribunal.

Fiscal year 2002–2003 will see the Competition Tribunal's mandate increased with the enactment of the amendments to the *Competition Act* and the *Competition Tribunal Act*. The proposed amendments will benefit Canadian businesses and individuals alike. Changes to the legislation will help to build a more efficient, innovative and competitive marketplace in the changing global economy and increase the Tribunal's powers and simplify procedures. The amendments may affect the operations of the Competition Tribunal by:

- streamlining the Competition Tribunal process by providing for cost awards, summary dispositions and references;
- broadening the scope under which the Tribunal may issue temporary orders; and
- allowing any person to apply to the Tribunal for leave to make an application under section 75 (refusal to deal) and section 77 (exclusive dealing, tied selling and market restriction) of the *Competition Act*.

The Tribunal's major planning challenge is that the number of applications brought before it depends on the enforcement policy adopted by the Commissioner of Competition. Since the creation of the Tribunal, the Commissioner has been the only applicant to bring cases before the Tribunal. Because the Tribunal has no functions other than those associated with the hearing of applications and the issuance of orders, it can only react to external demands. The Tribunal and Registry are constantly looking at ways to enhance preparedness so that cases are processed promptly and fairly.

COMPETITION TRIBUNAL

Plans and Priorities by Strategic Outcome**Tribunal Business Line**

| Strategic Outcome | Planned Results | Priorities | Resources (thousands) | | |
|---|---|---|-----------------------|-----------|-----------|
| | | | 2002–2003 | 2003–2004 | 2004–2005 |
| To provide a court of record to hear and determine, as informally and expeditiously as circumstances and considerations of fairness permit, applications under Parts VII.1 and VIII of the <i>Competition Act</i> . | Enhanced Tribunal effectiveness and transparency while preserving fairness. Improved client service. Simplified procedures. | The permanent Tribunal/Bar Liaison Committee will continue to review and amend the rules of practice and procedure to further streamline the established process. | \$250 | \$250 | \$250 |
| | A system to accommodate electronic filing and electronic hearings: <ul style="list-style-type: none"> • to produce significant time and cost savings for all litigants; • to accelerate document interchange among parties; and • to make information more readily available to all Canadians. | The Tribunal will continue enhancing the e-filing/hearing project with input from stakeholders. | | | |
| | Accelerated hearing process. | Active case management to reduce case delays, to shorten filing time lines when possible and to help counsel resolve issues in a timely and fair manner. | | | |

Registry Service Line

| Strategic Outcomes | Planned Results | Priorities | Resources (thousands) | | |
|--|--|---|-----------------------|-----------|-----------|
| | | | 2002–2003 | 2003–2004 | 2004–2005 |
| A Registry service that provides administrative support to Tribunal members and litigants and also provides timely access to case records and decisions. | <p>Efficient case processing and hearing services to the Tribunal and litigants and management of the Tribunal’s case records through:</p> <ul style="list-style-type: none"> timely access to case documentation and providing appropriate information on the Tribunal that will assist litigants and the public to better understand case proceedings; and the use of technologies that will result in efficiencies and cost reduction, and facilitate the advancement of cases. | <p>Develop and improve systems in support of the case management system and the e-filing system to facilitate the upload of case information and documents.</p> <p>With the help of user feedback, continue to enhance the Tribunal’s Web site.</p> | \$1,250 | \$1,250 | \$1,250 |
| | <p>Modern document and filing systems that use Internet technology:</p> <ul style="list-style-type: none"> to increase service efficiency for the Tribunal, litigants and the public in process management, hearing support, access to case documents and the provision of information; and to give the public and litigants access to information on the Tribunal’s rules of practice and procedure, case records and decisions. | <p>Use e-filing and hearings as an alternative method of work.</p> <p>Amend the Tribunal’s rules of practice and procedures to accommodate e-filing and hearings.</p> <p>Make the necessary modifications to the Tribunal’s hearing room to accommodate electronic hearings.</p> <p>Amend Registry procedures for e-filing based on the Tribunal’s review of rules of practice and procedure.</p> | | | |

COMPETITION TRIBUNAL

| Strategic Outcomes | Planned Results | Priorities | Resources (thousands) | | |
|--------------------|--|---|-----------------------|-----------|-----------|
| | | | 2002-2003 | 2003-2004 | 2004-2005 |
| | <p>Economies of sharing support services with other federal agencies and departments:</p> <ul style="list-style-type: none"> • to realize savings; • to share best practices; and • to help the Registry maximize its ability to handle its workload. | <p>When appropriate for hearings outside Ottawa, arrange cost-effective short-term secondments with Federal Court regional registries to provide court services.</p> <p>Negotiate the use of hearing room facilities with regional offices of other federal agencies to avoid the high cost of commercial facilities for hearings outside Ottawa.</p> <p>Continue actively promoting use by other departments and agencies of the Tribunal's hearing room facilities when the Tribunal is not using them.</p> <p>As a member of the Modern Controllershship Cluster Group, implement the Capacity Assessment Action Plan.</p> <p>Continue to be an active member of the Small Administrative Agency Network by attending regular meetings and using this forum to share best practices, and establish important networks.</p> | | | |

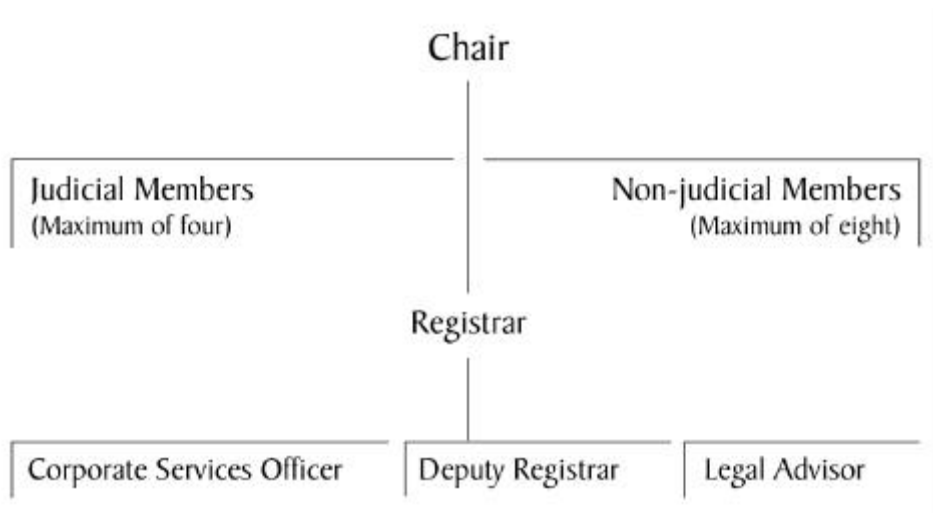
Section IV Organization

The Tribunal is composed of not more than four judicial members and not more than eight non-judicial members. Non-judicial members have backgrounds in economics, business, accounting, marketing and other relevant fields. Figure 1 shows the Tribunal's organizational structure.

The Governor in Council appoints judicial members, on the recommendation of the Minister of Justice, from among the judges of the Federal Court, Trial Division, and designates one of the judicial members as Chair of the Tribunal. The Governor in Council appoints non-judicial members on the recommendation of the Minister of Industry. Appointments are for a fixed term not exceeding seven years; members may be re-appointed.

The Registry has been designated a department for the purposes of the *Financial Administration Act*, with the Minister of Industry as its minister and the Registrar as the deputy head. The Registry has 14 full-time employees including the Registrar, the Deputy Registrar, the Legal Advisor and the Corporate Services Officer. Registry staff provide all necessary administrative support required by the Tribunal for the hearing and disposition of all applications. They respond to all requests for information by the legal community, researchers and the public on the status of cases, the Tribunal's rules of practice and procedure, and its case law.

Figure 1: Organizational Structure



Departmental Planned Spending

| (\$ thousands) | Forecast Spending 2001–2002 | Planned Spending 2002–2003 | Planned Spending 2003–2004 | Planned Spending 2004–2005 |
|---|-----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Budgetary Main Estimates | 1,512 | 1,540 | 1,540 | 1,540 |
| Less: Respendable revenue | - | - | - | - |
| Total Main Estimates | 1,512 | 1,540 | 1,540 | 1,540 |
| Adjustments ¹ | 202 | - | - | - |
| Net Planned Spending ² | 1,714 | 1,540 | 1,540 | 1,540 |
| Plus: Cost of services received without charge | 454 | 454 | 454 | 454 |
| Net Cost of Program | 2,168 | 1,994 | 1,994 | 1,994 |
| Full-Time Equivalents | 14 | 14 | 14 | 14 |

¹ This amount includes the 5% carry forward of \$34,713 from the budget of 2000–2001, \$56,000 for collective bargaining compensation and \$110,600 for the Modern Comptrollership Initiative. (As the host organization and member of the Cluster Group, the Competition Tribunal administered these funds on behalf of the Canadian Artists and Producers Professional Relations Tribunal, the Copyright Board Canada and the Civil Aviation Tribunal. The funds were used to set up the Project Management Office and for the Capacity Assessment Check.) These adjustments do not take into account money set aside for the Employee Benefit Plan.

² Reflects the best forecast of total net planned spending to the end of the fiscal year.

Section V Annexes

Spending Authorities

Table 5.1: Net Cost of Program for the Estimates Year

| (\$ thousands) | Total |
|--|--------------|
| Net Planned Spending | 1,540 |
| <i>Plus: Services Received without Charge</i> | |
| Accommodation provided by Public Works and Government Services Canada | 400 |
| Contributions covering employers' share of employees' insurance premiums and expenditures paid by Treasury Board Secretariat | 54 |
| Workers' compensation coverage provided by Human Resources Development Canada | - |
| Salary and associated expenditures of legal services provided by Justice Canada | - |
| 2002–2003 Net Cost of Program | 1,994 |

Other Information

Enabling Legislation

Competition Tribunal Act, R.S.C. 1985 (2d Supp.), c. 19
Part VII.1, *Competition Act*, R.S.C. 1985, c. C-34
Part VIII, *Competition Act*, R.S.C. 1985, c. C-34

For Further Information

Registry of the Competition Tribunal
90 Sparks Street, Suite 600
Ottawa, Ontario K1P 5B4

General Information: (613) 957-3172
Registrar: (613) 957-7851
Legal Advisor: (613) 954-0452
Facsimile: (613) 957-3170
World Wide Web: <http://www.ct-tc.gc.ca>