

Registry of the Competition Tribunal

2011–2012

Report on Plans and Priorities

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Minister's Message

As Canada's economy shows continued signs of growth following the global recession, the Harper government has a clear vision for Canada. We remain focused on creating jobs and economic growth in all regions of Canada. We remain committed to fighting protectionism, the number one impediment to global economic recovery. And we will continue to support science and technology as it drives innovation to improve quality of life for Canadians.

In the coming year, Industry Canada and its portfolio partners will seize the opportunities of the evolving global economy. We will set the conditions for industrial success by improving the policy we put in place, making strategic investments and supporting business-focused programs and services. We are working to remove impediments to competition and to create the best climate for international investment. Industry Canada will lead efforts in developing major policy initiatives to support Canada's digital economy and shape a whole-of-government strategy for federal tourism activities. The Department will also improve the cost-effectiveness and efficiency of its own operations and work with recovering industries and sectors to help assure a solid and prosperous future.

In 2011–12, the Registry of the Competition Tribunal will focus its continuous learning program on national and international developments in competition law and economics to maintain the members' readiness to deal with complex cases. The Registry will also develop and implement a communication strategy to inform the legal community of its case processing technologies, now available to them when they file documents. And, as always, I will work with the Industry portfolio partners, the private sector and other governments to create the fundamentals for a strong and competitive economy.

It is my pleasure to present this year's Report on Plans and Priorities for the Registry of the Competition Tribunal.

Christian Paradis
Minister of Industry and Minister of State (Agriculture)

Section I: Departmental Overview

Summary Information

Raison d'être and Responsibilities

The Competition Tribunal is an independent, quasi-judicial tribunal established under the *Competition Tribunal Act* to hear applications brought by the Commissioner of Competition or a private party, depending on the circumstances, under various parts of the *Competition Act*. The purpose of the *Competition Act* is to maintain and encourage competition in Canada. The Tribunal hears applications related to deceptive marketing practices, such as misleading advertising, under Part VII.1 of the *Competition Act*. The Tribunal also has jurisdiction to hear references as well as applications brought pursuant to Part VIII, which sets out restrictive trade practices such as exclusive dealings.

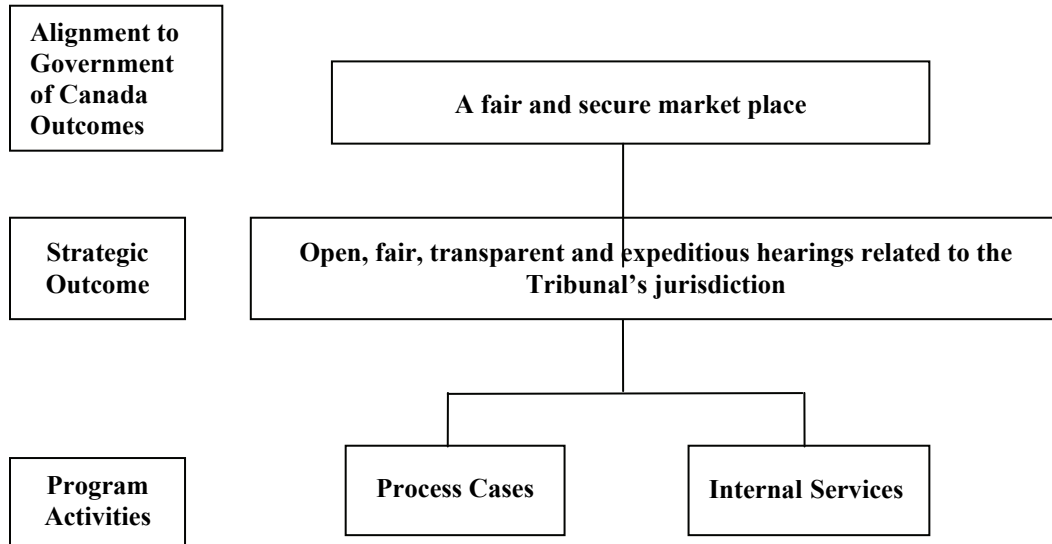
Since its creation in 1986, the Tribunal has heard cases relating to mergers, abuse of dominant position, deceptive marketing and various trade practices that have involved key players in several industries. Cases have involved a number of business areas, including furniture stores, importers of cast iron pipes, airline computer reservation systems, community newspapers, aspartame, waste disposal, car parts, weight-loss products, fuel-saving devices, fireplace maintenance products, banking services, poultry supply, and career management services.

The *Competition Tribunal Act* provides for an administrative infrastructure in support of the workings of the Competition Tribunal, through the Registry of the Competition Tribunal. The Registry of the Competition Tribunal is designated a department under Schedule I.1 of the *Financial Administration Act* and therefore must adhere to federal public administration policies including the preparation of this Report on Plans and Priorities. This Report pertains to the activities of the Registry in support of the Tribunal and its deliberations, and not to Tribunal cases themselves.

The Registry of the Competition Tribunal supports all aspects of the Tribunal's work and ensures that the Tribunal can hold hearings across Canada, as required. The Registry is also the repository for filing applications, consent agreements, and documents, as well as issuing documents and orders for all cases brought before the Tribunal. The office of the Registry of the Competition Tribunal is located in the National Capital Region.

Strategic Outcome and Program Activity Architecture

The chart below illustrates the Registry of the Competition Tribunal’s framework for how its program activities contribute towards its strategic outcome.



Planning Summary

Financial Resources (\$ thousands)

2011-12	2012-13	2013-14
\$2,328	\$2,328	\$2,328

The financial resources table above provides a summary of the total planned spending for the Registry of the Competition Tribunal for the next three fiscal years.

Human Resources (Full-time Equivalents – FTEs)

2011-12	2012-13	2013-14
14	14	14

The human resources table above provides a summary of the total planned human resources for the Registry of the Competition Tribunal for the next three fiscal years.

Strategic Outcome: Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction					
Performance Indicators		Targets			
Client level of satisfaction regarding quality of service		80% satisfaction			
Tribunal members' level of satisfaction regarding quality of service		80% satisfaction			
Program Activity ¹	Forecast Spending 2010–11	Planned Spending (\$ thousands)			Alignment to Government of Canada Outcomes
		2011–12	2012–13	2013–14	
Process Cases	\$767	\$1,747	\$1,747	\$1,747	A fair and secure marketplace
Internal Services	\$662	\$582	\$582	\$582	
Total Planned Spending		\$2,329	\$2,329	\$2,329	

¹ For program activity descriptions, please access the Main Estimates online at <http://publiservice.tbs-sct.gc.ca/est-pre/index-eng.asp>

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome	Description
Develop new tools and services offered by the Registry and implement a communication strategy to inform the public of those tools and services	New	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction	<p>Why is this a priority? The Registry's recent investments in technology need to be communicated intermittently to potential users to encourage them to use and benefit from the services.</p> <p>Plans for meeting this priority Identify the services and tools that will be deployed over the fiscal year and establish a schedule for the release of communiqués to the legal profession.</p>
Provide Continuous Learning Opportunities to Tribunal Members	On-going	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction	<p>Why is this a priority? The field of competition is wide and complex. Tribunal Members must understand and be aware of economic policies and developments in Canada and abroad that could have an impact on their work as panel members.</p> <p>Plans for meeting this priority Keep Tribunal Members informed through bulletins, conference calls or seminars with internal and external speakers to discuss national and international developments in competition law and economics.</p>

Management Priorities	Type	Links to Strategic Outcome	Description
Develop partnerships with other organizations to provide learning opportunities to employees	On-going	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction	<p>Why is this a priority? The types of cases heard by the Tribunal are specialized. Providing staff with learning experiences at other organizations will expand their knowledge and abilities which, in turn, can be beneficial to the Registry.</p> <p>Plans for meeting this priority Review the internal workload and integrate the option of assignments with other organizations into the Integrated Business and Human Resources Plan of the Registry.</p>

Risk Analysis

The Registry of the Competition Tribunal has an ongoing major planning challenge in that the Tribunal's sole function is to respond to the matters referred to it. As such, the Registry's activities are driven by external demands that it can only react to rather than plan for. The number of applications brought to the Tribunal depends on the enforcement policy adopted by the Competition Bureau and the number of applications filed by individuals or companies under the private access provisions of the *Competition Act*.

Bill C-28, previously known as the *Fighting Internet and Wireless Spam Act*, received Royal Assent on December 15, 2010. This Bill, once in force, will broaden the scope of Part VII.1 of the *Competition Act*, Deceptive Marketing Practices, by prohibiting false or misleading commercial representations that are made electronically. The Tribunal could expect to get more cases under this new provision and will have to reassess the additional challenges placed on its human resources level.

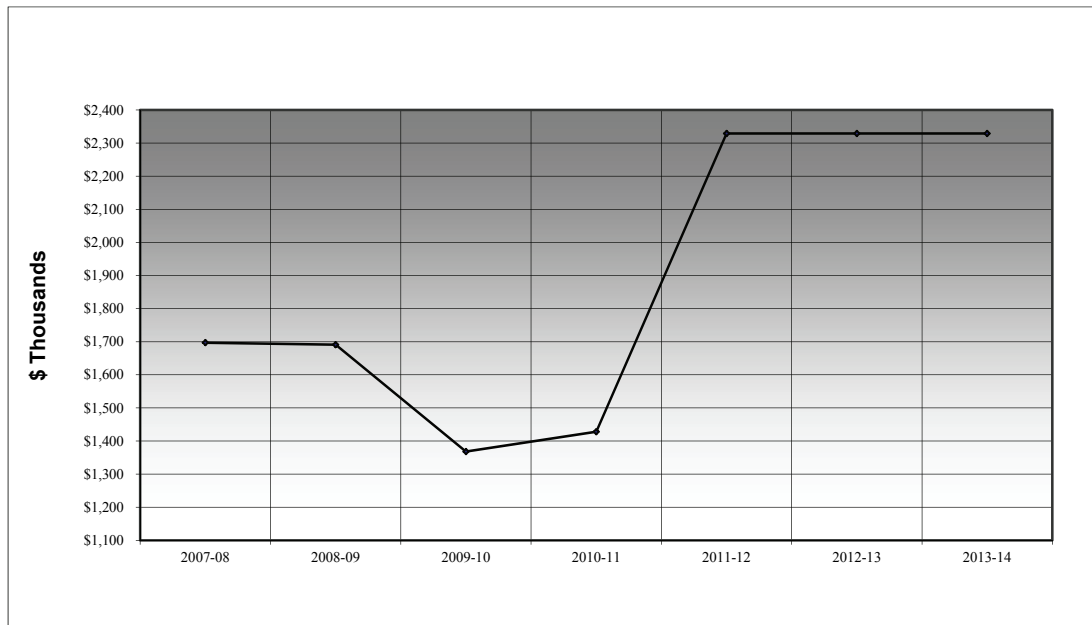
A new civil provision regarding agreements between competitors came into force in March 2010. It often takes a certain amount of time after the implementation of new provisions to translate into more cases at the Tribunal. The Registry will closely monitor the impact of this new provision on its workload and also the impact of Bill C-28, which is expected to come into force this fiscal year.

Another potential risk relates to the limited development opportunities the Registry can offer as a micro-agency. Staff turnover in recent years points to a need for deft

management of the Registry's human resources requirements so as to maintain its delivery of mandate-related and support activities

Expenditure Profile

Departmental Spending Trend



Expenses are expected to increase in 2011-12 due to the additional jurisdiction granted to the Tribunal in relations to price maintenance practices that have an adverse effect on competition. Also, Bill C-28 *Fighting Internet and Wireless Spam Act*, became law in December 2010. Therefore, the Tribunal could expect more cases. The Registry cannot forecast the Tribunal's workload; it can only react to and process applications as they are filed by Canadian enterprises and the Competition Bureau. The Registry expects to be able to process these additional cases within its approved reference level.

Estimates by Vote

For information on our organizational votes and statutory expenditures, please see the 2011-12 Main Estimates publication. An electronic version of the Main Estimates is available at <http://www.tbs-sct.gc.ca/est-pre/20112012/me-bpd/toc-tdm-eng.asp>

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction

The Tribunal hears applications and issues orders related to civil reviewable matters as set out in the *Competition Act*. These include deceptive marketing practices (Part VII.1) and restrictive trade practices (Part VIII).

Parties to the Competition Tribunal are mainly the Competition Bureau and Canadian businesses involved in a range of products and services. The cases it hears are complex and the impact of the decisions of the Tribunal on Canadian businesses can be significant. The Registry provides efficient and effective support to the Tribunal in processing cases. The level of satisfaction of members and clients are measured at the conclusion of each hearing through a questionnaire sent to them asking for an assessment of the level of service received from the Registry. A minimum of 80% satisfaction level has been set as a target.

The following section describes the Registry's two program activities and identifies the expected result, performance indicators and targets for both of them.

Program Activity by Strategic Outcome

Process Cases

Program Activity: Process Cases					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011-12		2012-13		2013-14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
10	\$1,747	10	\$1,747	10	\$1,747

Process Cases: Expected Results	Performance Indicators	Targets
Timely Registry services that provide the public efficient access to case records and decisions	Percentage of non-confidential case documents and decisions posted on website within 48 hours of filing	90%
Documents that are processed according to timeframes established in the Rules of Procedure ²	Documents processed within established timeframes	100%
Efficient access to electronic processing of applications	Percentage of documents filed using the electronic filing system	50%

Planning Highlights

To achieve the expected results of providing the public and parties efficient access to electronic hearings, the Registry of the Competition Tribunal plans to implement a communication strategy to inform the public of the new tools and services offered by the Registry. Providing the public with efficient access to case records and decisions will also continue to be a focal point of Registry activities.

Learning opportunities will continue to be provided to Registry staff. Providing employees with learning experiences at other organizations whenever operationally feasible will expand their knowledge and abilities and prepare them better to support the Tribunal in meeting its mandate.

Benefits for Canadians

The Registry of the Competition Tribunal contributes to the Government of Canada outcome area of a “fair and secure marketplace” by supporting the Tribunal in conducting open and timely hearings of cases. Outcomes of Tribunal proceedings may be felt by all Canadians. The decisions of the Tribunal help promote the efficiency and adaptability of the Canadian economy on issues related to its jurisdiction. The additional information to be provided on its website will make it easier for private parties to fully understand the steps to follow to file a case with the Tribunal.

² Rules of Procedures can be accessed online at www.ct-tc.gc.ca/Procedures/RulesProcedure-eng.asp

Internal Services

Program Activity: Internal Services					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
4	\$582	4	\$582	4	\$582

Internal Services: Expected Results	Performance Indicators	Targets
High-quality internal services to the Registry function to ensure the infrastructure is in place to assist the Tribunal in meeting its mandate	Continuous review of internal policies Public Service Commission and Receiver General's rating of financial and human resources management	25% per year 80%

Program Activity Summary and Planning Highlights

This program activity is intended to establish internal services expectations and monitor overall service performance of the Registry. The Registry intends to follow the Management Accountability Framework³ management practices to act in the best interest of the Registry, its members, its employees and Canadians.

The planning highlights include the implementation of a policy renewal life cycle strategy that will cover areas ranging from human resources to risk management to financial management.

³ The Management Accountability Framework can be accessed online at <http://www.tbs-sct.gc.ca/maf-crg/index-eng.asp>

Section III: Supplementary Information

Financial Highlights

The Registry of the Competition Tribunal's Future Oriented Statement of Operations can be found on the Tribunal's website: www.ct-tc.gc.ca.

Future-oriented Condensed Statement of Operations

For the year ended March 31

(\$ thousands)

	% change	Future-oriented 2011-12	Future-oriented 2010-11
Expenses	N/A	3,168	N/A
Total Expenses			
Revenues	N/A	0	N/A
Total Revenues			
Net Cost of Operations	N/A	3,168	N/A

The Registry cannot forecast the Tribunal's workload; it can only react to and process applications as they are filed by Canadian enterprises and the Competition Bureau. The 2011-12 expenses are expected to be higher than for 2010-11 due to the impact of the increased jurisdiction of the Tribunal related to price maintenance practices. Also, Bill C-28, *Fighting Internet and Wireless Spam Act*, became law in December 2010. Therefore, the Tribunal could expect to get more cases in 2011-12 and future years.

For further information please contact:

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