



Competition Tribunal

Performance Report

For the period ending
March 31, 1999

Canada

Improved Reporting to Parliament Pilot Document

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 82 Departmental Performance Reports and the government's report *Managing for Results - Volumes 1 and 2*.

This *Departmental Performance Report*, covering the period ending March 31, 1999, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's pilot *Report on Plans and Priorities* for 1998-99. The key result commitments for all departments and agencies are also included in Volume 2 of *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government.

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site:
<http://www.tbs-sct.gc.ca/tb/key.html>

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Competition Tribunal

Performance Report

For the period ending
March 31, 1999

John Manley
Minister of Industry

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Section I: Minister's Portfolio Message

At the dawn of the new millennium, Canada, with its strong and dynamic economy, is well positioned to take a lead role in the global knowledge-based economy and to realize its benefits for all Canadians. The new global economy is fundamentally different from the one we have known for most of this century: its key building blocks are knowledge, information, innovation and technology, and it is changing at an unprecedented pace. Today, it is important for businesses and individuals to be connected to the Information Highway, but tomorrow it will be essential. Electronic communications are breaking the barriers of time and distance, and the effects are being felt everywhere in Canada, from the largest cities to remote areas where the Information Highway is the only highway.

To keep Canada in the vanguard of this global economy, the government is investing heavily in knowledge, innovation, and connectedness, in order to generate well-paying jobs and a higher standard of living for Canadians. As Minister of Industry, I am responsible for a Portfolio which brings together most of the federal departments and agencies responsible for promoting innovation through science and technology and advancing knowledge. With over 40% of federal spending on S&T, a wide range of programs to help businesses -- especially small- and medium-sized businesses -- in every region of the country, a world-leading electronic commerce framework, and flexible support for exporters, the Industry Portfolio represents a powerful toolkit to help Canada make the transition to the knowledge-based economy and society of the 21st century.

The Industry Portfolio is ...

Atlantic Canada Opportunities Agency
Business Development Bank of Canada*
Canadian Space Agency
Competition Tribunal
Copyright Board Canada
Canada Economic Development for Quebec Regions
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

**Not required to submit Performance Reports*

The trend towards globalization also poses other challenges to Canada, which has one of the most open economies in the world. The Industry Portfolio is working with partners in the public and private sector and in academia to help Canadian companies respond and adapt to these challenges, so they can become and remain competitive in the global market. The government's agenda is based on seizing the opportunities presented by the global economy to create jobs and wealth for Canadians, and the Industry Portfolio has a key role in delivering this agenda.

I am pleased to present this Performance Report for the Competition Tribunal. This report shows the contribution that the Competition Tribunal is making to the government's agenda by setting out the commitments that it has made and measuring its success in meeting these commitments over the 1998-1999 fiscal year.

During the last year the Competition Tribunal undertook to review and simplify its rules of practice and procedure. The changes which were developed in consultation with the legal community and others will simplify proceedings, will provide for improved case management and will expedite the processing of cases. For cases before the Tribunal, fast-track scheduling and active case management ensured that once the hearing date was established the cases proceeded without postponement. The Registry modernized its informatics environment and developed contingency plans to meet the challenges of the new millennium.

I am proud of the contribution the Industry Portfolio makes toward the government's priorities of building a stronger Canada, creating opportunities for Canadians, and investing in knowledge and innovation.

The Honourable John Manley

Section II: Departmental Overview

Mandate

The mandate of the Tribunal is strictly adjudicative; it has no function other than that associated with the hearing of applications and issuance of orders. It exercises its adjudicative functions at arm's length from government and its departments.

The Competition Tribunal ("Tribunal") is a quasi-judicial tribunal created in 1986 by the *Competition Tribunal Act* to hear applications and issue orders with respect to the civil reviewable matters set out in Part VIII of the *Competition Act* as informally and expeditiously as circumstances and considerations of fairness permit. Part VIII deals with mergers, abuse of dominant position, specialization agreements, delivered pricing, restrictive trade practices (refusal to supply, consignment selling, exclusive dealing, tied selling and market restriction), foreign judgments, laws and directives that have certain adverse effects on economic activity in Canada, and refusals to supply foreign suppliers.

The Tribunal's jurisdiction has been extended to misleading advertising and deceptive marketing practices with the coming into force of Bill C-20, *An Act to amend the Competition Act and to make consequential and related amendments to other Acts*.

**Bill C-20 received Royal Assent and
came into force on March 11, 1999.**

The *Competition Tribunal Act* also provides for a Registry to provide the administrative infrastructure for the Tribunal to hold its hearings anywhere in Canada as is necessary or desirable for the proper conduct of the Tribunal's business.

Mission

At the Competition Tribunal we are committed to providing an efficient and expeditious adjudicative process before an independent forum to litigants involved in civil reviewable

matters under Parts VII.1 and VIII of the *Competition Act*. We strive to improve the disposition of cases by adapting to new approaches and technologies.

Objectives

- ❑ The Tribunal's objective is to provide a court of record to hear and determine all applications under Parts VII.1 and VIII of the *Competition Act* as informally and expeditiously as circumstances and considerations of fairness permit.
- ❑ The Registry's objectives are to provide efficient and effective registry, research and administrative assistance to the Tribunal for the timely and expeditious conduct of pre-hearing procedures, hearings, issue of decisions; and to use and develop technologies to improve the efficiency and effectiveness of the Tribunal's operations and services.

Organization Composition

The Tribunal is composed of not more than four judicial members and not more than eight lay members. The judicial members are appointed, on the recommendation of the Minister of Justice, by the Governor in Council from among the judges of the Federal Court, Trial Division. The Governor in Council designates one of the judicial members as Chairman of the Tribunal. The lay members are appointed by the Governor in Council on the recommendation of the Minister of Industry. Appointments are for a fixed term not exceeding seven years; members may be re-appointed. Two judicial members were appointed in 1993, a third judicial member in 1998 and another in 1999. There are presently one full-time economist lay member and three part-time lay members.

The Chairman directs the work of the Tribunal and, in particular, allocates case work to the members. The Tribunal must hear applications in panels of three or five members. A judicial member must preside and there must be at least one lay member on a panel. Although the Tribunal holds most of its hearings at its headquarters in Ottawa, a hearing may be held elsewhere in Canada if required by the circumstances of a particular application. Decisions of the Tribunal may be appealed to the Federal Court of Appeal.

The Registry provides registry, research and administrative support services to the Tribunal. The Registry has been designated a department for the purposes of the *Financial Administration Act*, the Minister of Industry as the appropriate minister, and the Registrar as deputy head. All employees of the Registry are appointed in accordance with the *Public Service Employment Act*. The senior staff of the Registry are the Registrar, Deputy Registrar, Legal Advisor, and Corporate Services Officer. (Organizational Chart provided at page 17.)

Operating Context

The program consists of one business line, the Competition Tribunal, and one service line, its Registry. Although the Tribunal does not receive advance notice of applications, it must be ready to respond in a timely manner to ensure expeditious proceedings in matters that invariably involve significant financial stakes and can have an impact on private enterprise and industry. As a rule, applications involve multiple litigants represented by counsel. Fast-track scheduling and active case management are priorities of the Tribunal. Once the hearing date has been established, the Tribunal does not allow postponement except in the most unusual circumstances.

To provide a framework for informal and expeditious proceedings consistent with the requirements of a fair and impartial hearing, the Tribunal has developed and keeps under review the set of rules that regulates its practice and procedure. The rules aim for simplicity and clarity, leaving the Tribunal flexibility to direct proceedings to avoid undue delay.

Although the time limits set by the rules for contested applications contemplate that the hearing should commence within six months of filing, a wide range of variables come into play that are not under the Tribunal's control, such as scope and complexity, number of parties and interveners, and interlocutory appeals.

The Registry's non-discretionary workload focuses on the documentary, procedural, hearing and research activities required until final disposition of applications. Voluminous documentation, usually including confidential commercial information, is typical. A fully automated case management system enables the Registry to process, track and monitor cases efficiently.

Proceedings may be in either or both official languages. In the latter instance, all notices, directives, decisions, orders and reasons must be issued simultaneously in both official languages. Since they are usually of national interest, final reasons and orders are as a rule issued simultaneously in both official languages. Given the scope and complexity of the cases and precedential significance of the decisions, these documents are lengthy and detailed; technical accuracy and timely preparation of texts are imperative. Editing of all documents in both official languages is done in-house.

The Registry responds to requests for information by the legal community, researchers, the media and public on the status of cases, the Tribunal's rules of practice and procedure and its case law.

Section III: Departmental Performance

Summary of Performance Expectations

The following table illustrates the key performance information measures.

Competition Tribunal		
will provide Canadians with:	to be demonstrated by:	achievement reported in:
A court of record to hear and determine all applications under Parts VII.1 and VIII of the <i>Competition Act</i> .	<ul style="list-style-type: none"> Rules of practice and procedure provide for timely disposition of applications. 	DPR, pages 3, 5, 6 and 8
	<ul style="list-style-type: none"> Case management that avoids unwarranted delay. 	DPR, pages 5, 7 and 8
	<ul style="list-style-type: none"> Information technology such as electronic filing and video conferencing which accelerate case processing and management. 	DPR, pages 9 and 10
	<ul style="list-style-type: none"> Public access to information on the Tribunal's rules of practice and procedure, case records and decisions. 	DPR, pages 5 and 9

Performance Accomplishments

- Hearings:** During 1998-99, the Tribunal heard and decided on an application that proceeded under the new procedural code for consent proceedings in *Director of Investigation and Research v. Canadian Waste Services Inc. and Capital Environmental Resource Inc.* ("Canadian Waste/Capital"); decided on a request for extension of time for divestiture in *Director of Investigation and Research v. ADM Agri-Industries, Ltd.* ("ADM Agri-Industries"); heard and decided on an application filed to vary an order previously handed down in *Southam Inc. v. Director of*

Investigation and Research ("Southam"); heard and decided on the first application filed pursuant to section 100 of the *Competition Act* in *Commissioner of Competition v. Superior Propane Inc. ("Superior Propane")*; received a contested application in *Superior Propane* under section 92 together with an application for a consent interim order under section 104 for a "hold separate".

- ❑ **Competition Tribunal Rules:** *Canadian Waste/Capital* was one of the first consent order applications to proceed on expedited basis under the streamlined regime of the revised consent order rules. The scheduling consultations for this proceeding was held within seven days of the filing of the application and the consent order was approved and released within 48 days.

To address concerns expressed by the Commissioner of Competition regarding the extensive procedural motions in proceedings before the Tribunal, the Tribunal/Bar Liaison Committee is in the process of finalizing amendments to the Tribunal's rules of practice and procedures to contested reviewable practices other than mergers.

Following the passage of Bill C-20 in March of 1999 the Tribunal/Bar Liaison Committee developed rules of practice and procedure for Part VII.1 of the *Competition Act*. The new rules will be published in the *Canada Gazette* in the summer of 1999.

- ❑ **Service to Public:** Case related information i.e. new applications, related documents and decisions issued by the Tribunal, were made available to litigants, counsel, the media and the public within 24 hours, on the Competition Tribunal's Website.

Presentation of Financial Information

Competition Tribunal	
Planned Spending	\$ 1,253,000
<i>Total Authorities</i>	<i>\$ 1,353,373</i>
1998-99 Actuals	\$ 1,117,569

Explanation: The variance between Total Authorities and Actual Spending is explained in Section V, *Financial Performance Overview*, at page 12.

Performance Measurement

The *Competition Tribunal Rules* set the framework for informal and expeditious proceedings, allowing the Tribunal to actively manage the progress of pre-hearing procedures towards a hearing date with the flexibility to respond to the wide range of variables that affect expediency and considerations of fairness in a particular case. However, the extent to which the Tribunal meets the objective of providing an expeditious adjudicative process for the civil reviewable matters under Parts VII.1 and VIII of the *Competition Act* cannot be measured in quantifiable terms. The Tribunal is still a relatively new institution working with complex economic legislation; trends in recourse to the Tribunal and its caseload are still evolving. It does however use aggressive case management to ensure matters are heard within six months of filing.

Debate on the role of the Tribunal and comments by the stakeholders on the efficacy of the rules of practice and procedure provide some means of assessment. Such comments are provided at Annual Competition Law Conferences organized by the Canadian Bar Association. These conferences usually devote a session on the role of the Tribunal in the competition policy process. Articles in publications such as the Competition Policy Record as well as committee structures such as the Tribunal/Bar Liaison Committee also provide feedback on the Tribunal.

Since the creation of the Tribunal in June 1986, the Commissioner of Competition has filed a total of 29 applications. Also, in 14 instances after final orders had been issued, proceedings were reopened to modify, rescind, interpret or enforce orders. A list of the cases filed during the period 1986-99 is shown in Section VI, *Cases Filed 1986-99*.

Details by Business and Service Line

Proceedings before the Tribunal and the *Competition Tribunal Rules*

- *Canadian Waste Services Inc. and Capital Environmental Resource Inc. ("Canadian Waste/Capital")*: On April 23, 1998, the Tribunal issued the consent order agreed to by the parties and submitted to the Tribunal for approval on March 6, 1998. The consent order arose from the acquisition in 1997 by Canadian Waste Services Inc. of non-hazardous solid waste assets from WMI Waste Management of Canada, Inc. which the Director of Investigation and Research found it resulted in a substantial lessening of competition in the Greater Vancouver, Edmonton, Calgary and Barrie markets. Canadian Waste agreed to a voluntary restructuring and sold commercial collection assets in these markets to Capital Environmental Resource Inc. However, a competition issue remained in Edmonton

where the Director found that Canadian Waste still remained in a dominant position in waste disposal. As a result of the acquisition of the West Edmonton landfill site, Canadian Waste had operating control of two (West Edmonton and Ryley) of the three primary landfill sites in the Edmonton market.

The Director and Canadian Waste agreed on the terms of the consent order which offered cost-based access at the Ryley landfill to Capital Environmental Resource Inc. This access arrangement, coupled with the divestiture of certain related assets, ensured that there was no substantial lessening of competition in the Edmonton commercial collection sector.

- ❑ ***ADM Agri-Industries, Ltd. ("ADM Agri-Industries")***: On August 31, 1998 a notice of motion was filed by ADM Agri-Industries requesting an extension for the date of completion of the divestiture of the Oak Street mill as provided for in the May 8, 1997 Consent Order. On the same day, the Tribunal ordered that the 15-month period provided for in the Consent Order issued on May 8, 1997 to allow ADM Agri-Industries to complete the divestiture of the Oak Street mill be further extended to October 31, 1998.
- ❑ ***Southam Inc. ("Southam")***: On October 16, 1998, the Competition Tribunal issued a consent order agreed on by the parties and submitted to the Tribunal for approval, as well as brief reasons, to vary the Order Regarding Divestiture dated March 8, 1993, and varied on January 13, 1998. Pursuant to the consent order, Southam and its affiliates ("Southam") were to acquire the interest of Madison Venture Corporation in Lower Mainland Publishing Ltd. and Madison Venture Corporation was to divest its interest in Lower Mainland Publishing Ltd. to Southam. Southam was to divest the North Shore edition of the Real Estate Weekly and the other newspaper properties listed in the divestiture agreement to Madison Venture Corporation pursuant to the divestiture agreement.

The parties presented the Tribunal with a revised consent divestiture order which they submitted had been motivated by an intention to provide an effective remedy focussed on the relevant geographic and product markets. The Tribunal was satisfied that the Revised Divestiture Order was acceptable in meeting the concerns expressed by it in its Reasons and Order Regarding Application to Vary dated January 8, 1998.

- ❑ ***Superior Propane Inc. ("Superior")***: On December 1, 1998, the Commissioner of Competition filed an application pursuant to section 100 of the *Competition Act* for an interim order that the respondents not do any acts or things constituting or directed toward the completion or implementation of the merger between the respondents Superior and ICG Propane Inc. ("ICG") until further order of the Tribunal, or a period ending not more than 21 days following the grant of the order. The hearing of this matter was held on December 4-6, 1998 and the Tribunal dismissed the application on December 6, 1998.

On December 7, 1998, the Commissioner filed an application under section 92 relating to the acquisition of ICG by Superior. The Commissioner seeks an order or orders against the respondents dissolving the acquisition of ICG by Superior or such other remedial orders as may appear just including the disposition of assets or shares under section 92 as the circumstances may appear.

On December 10, 1998, the Commissioner filed an application for an interim order pursuant to section 104 to preserve the ICG enterprise as an independent, viable, ongoing and competitive business in order to preserve competition in the market and the Tribunal's ability to order appropriate relief pending final disposition by the Tribunal of the application pursuant to section 92. The Tribunal issued the interim order on December 11, 1998.

Pursuant to the Order Regarding Scheduling issued by the Tribunal on February 16, 1999, the hearing of the application is to commence in Calgary on September 22, 1999.

- ❑ **Competition Tribunal Rules:** In August 1997, the Chairman of the Competition Law Section of the Canadian Bar Association wrote to the Chairman of the Tribunal suggesting that a permanent liaison committee be established to provide a forum for discussion of procedural and other matters of mutual interest. The first meeting of the Tribunal/Bar Liaison Committee was held June 19, 1998. At that meeting the protocol and guidelines of the committee were discussed and approved.

Since then four other meetings were held. The rules of practice and procedure for misleading advertising and deceptive marketing practices were developed and will be published in the *Canada Gazette* in the summer of 1999. In February of 1999, the Committee launched a consultation process with members of the National Competition Law Section of the Canadian Bar Association and other members of the Bar and the Competition Bureau regarding a proposal for revised procedures before the Competition Tribunal. The discussion paper suggests amendments to the rules of practice and procedure related to contested reviewable practice other than mergers. The completion of this exercise is scheduled for the end of December 1999.

Registry

- ❑ **Case Processing and Hearing Management:** During 1998-99, the Registry provided the following support services to the Tribunal and litigants for the following cases: support for pre-hearing conferences and hearings, publication of notices in the *Canada Gazette* and newspapers, the preparation of directions, notices and orders as well as research services for members. *Canadian Waste/Capital* proceeded expeditiously: scheduling consultations were held within the first seven days, notices in the *Canada*

Gazette and newspapers were published and the consent order for this proceeding was approved and released within 48 days in both official languages.

The hearing in *ADM Agri-Industries* was held on August 31, 1998 and an order was issued the same day. The notice of application to vary, filed by *Southam*, was heard on October 16, 1999 and the order was issued in both official languages.

The *Superior* case filed at the beginning of December 1998 was the first application filed with the Tribunal under section 100 of the *Competition Act*; the hearing of this matter was held on December 4-6, 1998 and the order was issued in both official languages. Subsequently a contested application was filed with a notice of application for a consent interim order. The Registry prepared and issued notices to the provincial Attorneys General as well as notices in the *Canada Gazette* and in newspapers. The Order Regarding Scheduling issued on consent on February 16, 1999 provides for discovery to commence in April 1999 and to continue until the end of June. Discovery was extended to the middle of August due to the numerous undertakings and thousands of documents requiring review by counsel. There were four pre-hearing conferences scheduled leading up to the hearing in Calgary which is expected to have a duration of six to eight weeks. The Registry has made the logistical arrangements in Calgary for the necessary facilities, hearing and other support services for the members as well as litigants.

- ❑ **Service to the Public:** The memorandum of agreement with Public Works and Government Services Canada was renewed to continue a fax-on-demand service whereby litigants, counsel, the media and the public can obtain case documents at their cost via their facsimile machines. In light of technological advancements and the greater use of electronic mail and websites, the Registry eliminated its faxline service at the end of the fiscal year and initiated a project to improve the functionality and access to key information concerning the Tribunal on its website. The intent is to better serve clients in meeting their needs in a more complete and expeditious manner. The revitalized website will provide for client feedback in order that ongoing improvements can be made.

To expedite the hearing process and at the same time reduce costs associated with travel, the Registry has made arrangements with other government departments/agencies to use their video conferencing facilities for hearings of short duration such as pre-hearing conferences or matters related to false or misleading advertising.

- ❑ **Sharing Common Services:** To realize efficiencies and savings, the Registry has continued to actively promote sharing common services with other departments and agencies. A memorandum of understanding with the Office of the Commissioner for Federal Judicial Affairs for corporate services, implemented in April 1998, allowed the Registry to receive support services related to expertise in financial administration, and pay and benefits functions. As well, a memorandum of understanding with the

Canadian International Trade Tribunal, implemented in April 1998, provided for some information technology services.

Active promotion of optimum use of the Tribunal's hearing room facilities by other departments and agencies continued during 1998-99. The Canadian Secretariat, located in the same building, has first call as alternative user of the Tribunal's hearing room facilities. Reservations of the hearing room by four other federal/provincial departments and agencies ranged from periods of one day to eight weeks. To avoid the high cost of commercial facilities, use of hearing room facilities for pre-hearing conferences and hearings outside Ottawa were negotiated with regional offices of other federal agencies.

Section IV: Consolidating Reporting

Year 2000 Readiness

The Registry's informatics environment is Year 2000 compliant and will continue to serve clients into the new century. During 1998-99, informatics professionals from the Canadian International Trade Tribunal together with staff of the Registry tested and verified all software and hardware for compliance. The results of their review was documented and the necessary steps were taken to ensure completion of all corrective actions. In December 1998, a private consulting firm was hired to assess Year 2000 compliance when installing new desktops, a new server and applications for the Registry's LAN. In their documentation and report submitted in February 1999, they confirmed compliance.

The Registry's Contingency/Business Resumption Plan was one of the first plans to be approved by the National Contingency Planning Group.

Section V: Financial Performance

Financial Performance Overview

During the 1998-99 fiscal year, the Tribunal's spending was less than had been forecasted due to various factors. The resources spent during the fiscal year totalled \$ 1.1 million although planned spending had been estimated at \$ 1.3 million. The savings are a result of a number of factors.

Firstly, fewer hearings were conducted than had been anticipated. The volume of applications that had been expected did not materialize during the fiscal year. Hearings for the applications received were heard in Ottawa and were of short duration. The hearing costs fluctuate each fiscal year as they are determined by the number of applications filed. However, due to the lower than anticipated number of hearings, expenditures that are directly related to hearings, such as remuneration for part-time members, travel expenses and fees for translation services and court reporters were below expectations.

Secondly, savings occurred on the human resource side due to change of personnel and to retirements. For example the full-time economist lay member position was staffed in late September 1998 and the Tribunal's legal advisor position was staffed in January 1999.

Lastly, the Tribunal continued its approach to prudent administration of public funds by obtaining common administrative support services at lower than anticipated costs from the Office of the Commissioner for Federal Judicial Affairs and the Canadian International Trade Tribunal.

The Tribunal has and will continue to implement measures to ensure the effective utilization of resources. For example some of the savings were used to better support the Tribunal's mission statement of "striving to improve the disposition of cases" by purchasing a much needed server, a document scanner, and modernizing its case management system. Savings were also used to support registry staff with training in website development, and video conference technologies. An amount of 70,000 dollars were directly related to ensure Year 2000 readiness.

Financial Summary

The following tables are applicable to the Competition Tribunal:

Table 1: Summary of Voted Appropriations;

Table 2: Comparison of Total Planned Spending to Actual Spending;

Table 3: Historical Comparison of Total Planned Spending to Actual Spending.

Financial Table 1: Summary of Voted Appropriations

Financial Requirements by Authority (\$ millions)				
Vote		1998-99		
		Planned Spending	Total Authorities	Actual
45 (L)	Competition Tribunal			
	Operating expenditures	1.132	1.232	0.996
	Contributions to employee benefit plans	0.121	0.121	0.121
	Total Department	1.253	1.353	1.118
Total Authorities are Main Estimates plus Supplementary Estimates.				

Financial Table 2: Comparison of Total Planned Spending to Actual Spending

Departmental Planned versus Actual Spending by Business Line (\$ millions)			
Business Lines	1998-99		
	Planned	Total Authorities	Actual
FTEs	12	12	12
Operating ¹	1.253	1.353	1.118
Capital	0.0	0.0	0.0
Voted Grants & Contributions	-	-	-
Subtotal: Gross Voted Expenditures	<u>1.253</u>	<u>1.353</u>	<u>1.118</u>
Total Gross Expenditures	1.253	1.353	1.118
Less:			
Risk Respendable Revenues	<u>-</u>	<u>-</u>	<u>-</u>
Total Net Expenditures	1.253	1.353²	1.118
Other Revenues and Expenditures			
Non-Respendable Revenues	-	-	-
Cost of services provided by other departments	<u>0.421</u>	<u>0.421</u>	<u>0.421³</u>
Net Cost of the Program	1.657	1.758	1.527
<p>Note: <i>Numbers in italics</i> denote Total Authorities for 1998-99 (Main and Supplementary Estimates). Bolded numbers denote actual expenditures in 1998-99 (Shown in the Public Accounts). Due to rounding, figures may not add to totals shown.</p>			

1. Operating includes contributions to employee benefit plans.
2. This amount includes the 5% carry forward of \$ 58,000 from the budget of 1997-98 and \$ 42,373 for collective bargaining compensation.
3. Includes accommodation provided by Public Works and employee benefits covering the employer's share of insurance premiums and costs paid by Treasury Board Secretariat.

Financial Table 3: Historical Comparison of Total Planned Spending to Actual Spending

Departmental Planned versus Actual Spending by Business Line (\$ millions)					
Business Line	Actual 1996-97	Actual 1997-98	1998-99		
			Planned Spending	Total Authorities	Actual
Competition Tribunal	1.034	1.124	1.253	1.353	1.118
Total	1.034	1.124	1.253	1.353	1.118
Total Authorities are Main Estimates.					

Section VI: Other Information

Enabling Legislation

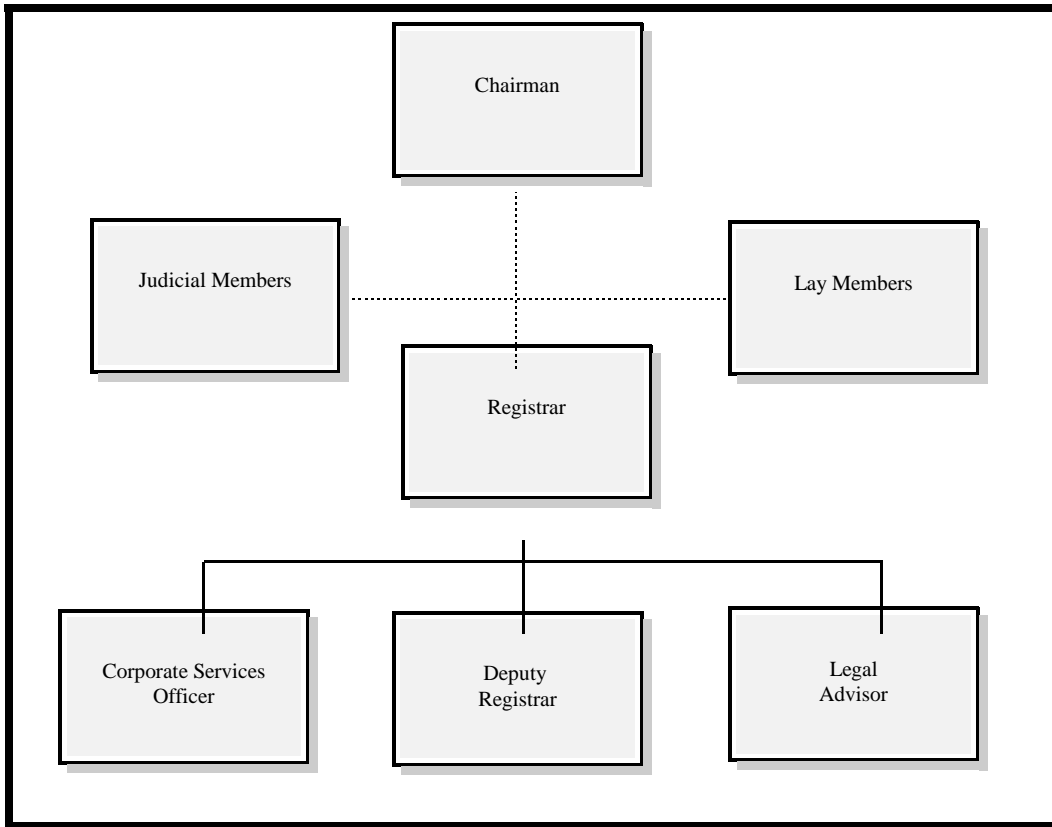
Competition Tribunal Act, R.S.C. 1985, c. 19 (2nd Supp.)
Part VII.1, *Competition Act*, R.S.C. 1985, c. C-34
Part VIII, *Competition Act*, R.S.C. 1985, c. C-34

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Organizational Chart



Cases Filed 1986-99*

	Name	Year Filed	Year Decided
1	Palm Dairies Limited (Merger)	1986/1987	1986/1987
2	Sanimal Industries Inc. (Merger)	1987/1988	1992/1993**
3	Air Canada (Merger)	1987/1988	1989/1990
4	Institut Mérieux S.A. (Merger)	1988/1989	1988/1989**
5	Pepsi-Cola Canada Ltd. (Merger)	1988/1989	1988/1989**
6	Chrysler Canada Ltd. (Refusal to supply)	1988/1989	1989/1990
7	Asea Brown Boveri Inc. (Merger)	1989/1990	1989/1990
8	The NutraSweet Company (Abuse of dominance, exclusive dealing, tied selling)	1989/1990	1990/1991
9	Imperial Oil Limited (Merger)	1989/1990	1989/1990
10	Xerox Canada Inc. (Refusal to supply)	1989/1990	1990/1991
11	Southam Inc. (Merger)	1990/1991	1992/1993
12	Hillsdown Holdings (Canada) Limited (Merger)	1990/1991	1991/1992
13	Laidlaw Waste Systems Ltd. (Abuse of dominant position)	1990/1991	1991/1992
14	Air Canada (Merger - Variation)	1992/1993	1993/1994
15	The D & B Companies of Canada Ltd. (Abuse of dominant position)	1994/1995	1995/1996
16	AGT Directory Limited (Joint dominance)	1994/1995	1994/1995
17	Tele-Direct (Publications) Inc. (Abuse of dominant position; tied-selling; refusal to supply)	1994/1995	1996/1997
18	Quebecor Printing Inc. (Merger)	1994/1995	1994/1995
19	Bank of Montreal (Joint dominance)	1995/1996	1996/1997
20	Dennis Washington (Merger)	1995/1996	1996/1997
21	Canadian Pacific Limited (Merger)	1996/1997	1997/1998
22	Canadian Waste Services Inc. (Merger)	1996/1997	1997/1998
23	ADM Agri-Industries Ltd. (Merger)	1996/1997	1997/1998
24	Warner Music Canada Ltd. (Abuse of dominance)	1997/1998	1997/1998
25	Southam Inc. (Merger - Variation)	1997/1998	1997/1998
26	Canadian Waste Services Inc. and Capital Environmental Resource Inc. (Merger)	1997/1998	1998/1999
27	Southam Inc. (Merger - Variation)	1997/1998	1998/1999
28	Superior Propane Inc. (Merger)	1998/1999	ongoing
29	British American Tobacco p.l.c. (Merger)	1999/2000	ongoing

* March 31, 1999

** Withdrawn