

Registry of the Competition Tribunal

2007-2008

Report on Plans and Priorities

Maxime Bernier
Minister of Industry

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SECTION I – OVERVIEW

Minister's Message



Canada's New Government is committed to fostering a strong, competitive economy that benefits Canada and all Canadians. To achieve this goal, I firmly believe that our government must create an environment that encourages and rewards people who work hard, that stimulates innovation, and that avoids unnecessary regulatory burden. By modernizing and improving Canada's marketplace frameworks, we will ensure stability and fairness while creating new opportunities and choices for businesses, consumers and all Canadians.

Over the past year, our government has taken significant steps to improve Canada's economy. Early in our mandate we presented Budget 2006, which contained measures aimed at improving our quality of life by building a strong economy that is equipped to lead in the 21st century. These measures focused on making Canada's

tax system more competitive internationally, and outlined our commitments to reduce paper burden on businesses and to continue to support science and technology in Canada.

Last fall, we presented a long-term economic plan in the Economic and Fiscal Update. *Advantage Canada: Building a Strong Economy for Canadians* focused on creating five Canadian advantages that will give incentives for people and businesses to excel and to make Canada a world leader.

One of these proposed advantages, called the "Tax Advantage," will create conditions more favourable to business in Canada by effectively establishing the lowest tax rate on new business investment in the G7. As well, the "Entrepreneurial Advantage" will ease the regulatory and paperwork burden imposed on business by ensuring that regulations meet their intended goals at the least possible cost.

Through *Advantage Canada*, our government committed to supporting science and technology in Canada, and underscored some of the elements of a science and technology strategy that will sustain research excellence in Canada and increase the competitiveness of the Canadian economy.

Canada's New Government has repeatedly demonstrated that we are committed to getting things done for all Canadians. As we move forward, we will work more closely than ever with our

The Industry Portfolio consists of:

- Business Development Bank of Canada [1]
- Canadian Space Agency
- Canadian Tourism Commission [1]
- Copyright Board Canada
- Industry Canada
- National Research Council Canada
- Natural Sciences and Engineering Research Council of Canada
- Registry of the Competition Tribunal
- Social Sciences and Humanities Research Council of Canada
- Standards Council of Canada [1]
- Statistics Canada

[1] Federal Crown corporations do not prepare Reports on Plans and Priorities.

stakeholders and the provincial and territorial governments, and we will continue to foster an environment where the marketplace functions as efficiently as possible, and keep encouraging investment in Canadian innovation and in research and development.

It gives me great pleasure to present the annual *Report on Plans and Priorities* for the Registry of the Competition Tribunal, outlining their main initiatives, priorities, and expected outcomes for the upcoming year.

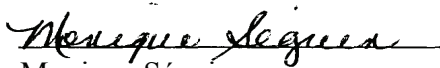
Maxime Bernier
Minister of Industry

Management Representation Statement

I submit for tabling in Parliament, the 2007-2008 Report on Plans and Priorities (RPP) for the Registry of the Competition Tribunal.

This document has been prepared based on the reporting principles contained in *Guide for the Preparation of Part III of the 2007-2008 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the TBS guidance;
- It is based on the department's strategic outcome(s) and Program Activity Architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat.



Name: Monique Séguin

Title: Deputy Head and Registrar

Summary Information

Raison d’Etre

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 have involved key players in several industries. The Tribunal has dealt with cases concerning products and services in a number of business arenas, including, among others, pharmacies; furniture stores; importers of cast iron pipes; airline computer reservation 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* provides for an administrative infrastructure in support of the Tribunal through the Registry of the Competition Tribunal (RCT). The RCT provides all requirements for the proper conduct of the Tribunal’s business, and for the Tribunal to hold hearings anywhere in Canada, as necessary. The RCT is the repository for the filing of applications and documents, as well as issuing documents and orders for all cases brought before the Tribunal. This Report on Plans and Priorities pertains to the activities of the Registry in support of the Tribunal and its deliberations, and not to Tribunal cases themselves.

Financial Resources (\$ thousands)

2007-2008	2008-2009	2009-2010
\$ 1 696	\$ 1 696	\$ 1 696

Human Resources

2007-2008	2008-2009	2009-2010
14 FTEs	14 FTEs	14 FTEs

Departmental Priorities

Name	Type
1. Efficient and effective Registry support to the Tribunal for the conduct of fair and timely hearings of cases and to issue decisions under Parts VII.1 and VIII of the <i>Competition Act</i> in accordance with the provisions of the Act.	Ongoing

Departmental Plans and Priorities

Working Environment

The Registry of the Competition Tribunal (RCT) was created to provide administrative and logistical support to the Competition Tribunal. The Competition Tribunal is a small federal organization with one business line, that is, the hearing of applications and the issuance of orders. Clients of the Tribunal are Canadian businesses and the cases it hears are complex. Conducting proceedings in a timely manner is important, and outcomes of these proceedings are felt by all Canadians. The RCT has a small budget and does its utmost to provide value-for-money and superior service to the Tribunal, its Chairperson and members, Tribunal clients and all Canadians.

The RCT has a major planning challenge in that the Tribunal has no function other than that associated with the hearing of applications and the issuance of orders; it can only react to external demands. It has no control over its workload as the number of applications brought to the Tribunal depends on the enforcement policy adopted by the Commissioner of Competition and the number of cases filed by individuals or companies under the private access provisions of the Act.

The RCT consistently looks for ways to enhance preparedness to ensure that cases are processed promptly and fairly. Litigants expect cases to be resolved quickly and at lower cost, and the past several years have been ground-breaking for the modernization of the RCT's operations. The RCT has felt increased pressure to develop and introduce more and improved electronic services and it has responded appropriately. The electronic filing and hearing process it has developed has set a standard for the legal community.

It is also a priority for the RCT to ensure implementation of all major federal public service initiatives and policies to which it is subject, such as the *Audit Policy* and the *Policy on Learning, Training and Development*.

Significant Ongoing Initiatives

Improving Client Service

The RCT will continue to provide efficient case processing and hearing services to the Tribunal and litigants in 2007-2008, while managing the Tribunal's case records efficiently and providing Canadians with timely information on the Tribunal's caseload.

In meeting its service objectives, the RCT will consistently provide access to:

1. Tribunal Rules for regulating its Practice and Procedures and case scheduling;
2. Technologies that will result in improved efficiencies in the processing of cases;
3. Improved access to case documents and information to increase service efficiencies to the Tribunal, litigants and the public for process management and hearing support; and

4. an efficient web-based application to facilitate the filing of applications directly through the Tribunal's website.

In an effort to provide timely availability of case information, the RCT has implemented and is committed to the following service standards:

1. case documents will be posted on the Competition Tribunal website (www.ct-tc.gc.ca) within two working days of filing, and
2. publication of notices will be ready for publication in the *Canada Gazette* and newspapers within ten working days of filing a notice of application.

The RCT will monitor its adherence to these standards and will report on them in the *Departmental Performance Report*. Web users are requested to complete a client satisfaction feedback questionnaire that is used to validate the effectiveness of the web-filing system and to determine areas for further improvement.

Providing Legal Support to Tribunal Processes

The legal section's primary role within the Tribunal is to provide research and drafting support to the members of the Tribunal in the performance of their adjudicative role. As an adjunct to that function, it conducts research on various issues and is responsible for the upkeep of a library designed to provide timely and relevant information on various legal issues that impact the work of the Tribunal. The legal section will continue to maintain the Competition Tribunal library as a current and specialized resource for its users.

The RCT, in collaboration with the Tribunal Bar Liaison Committee, has worked on completely redrafting the *Competition Tribunal Rules*. Prior to these Rules coming into effect, the legal section will be working with registry staff to ensure a smooth implementation of the new Rules. The legal section will be working with registry staff to ensure a smooth implementation of the new Rules. This means developing new critical paths, training the registry staff and modifying internal procedures to bring them in line with the new Rules. It also means educating clients and the public on the new Rules by posting information on the website, along with a link to the new Rules, and responding to the expected inquiries which follow any major change to practices and procedures.

Improving Management Practices

Building on the momentum and the successes achieved under the Modern Comptrollership Initiative and continuing with the implementation of the Management Accountability Framework, the RCT is committed to continuous improvement of its management practices.

The RCT will continue to work in partnership with three other small quasi-judicial agencies: the Canadian Artists and Producers Professional Relations Tribunal, the Copyright Board and the Transportation Appeal Tribunal on implementing government-wide initiatives and continuing valuable work on those initiatives already implemented.

The RCT will continue its adherence to the *Public Service Modernization Act* and will continue to work with the Small Agency Transition Support Team of the Public Service Human Resources Management Agency of Canada in this regard. Further work will continue to enhance the *Records Document Information Management System (RDIMS)* in an effort to maximize the management of government information internally.

The RCT is committed to improving the provision and quality of its services to clients. Service standards have been implemented in the finance and administration areas with respect to the processing of invoices and travel claims. These service standards are being monitored and will be reported on in the *Departmental Performance Report*.

Tightening Budgeting and Reporting Practices

Continuing with the successes of the government's move towards generally accepted accounting principles (GAAP) as well as a renewed focus on accountability, the RCT will continue to move towards full budget accounting in fiscal 2007-2008. This will help the RCT meet the government's eventual goals of quarterly financial statements as well as reinforce its budgeting and reporting abilities, both for internal and management purposes and also for central reporting.

Public Service Labour Relations Act

The RCT understands the need to foster good labour-management relations, and in an effort to meet its obligations under the *Public Service Labour Relations Act*, the RCT became a founding member of the Micro and Small Agency Labour Management Consultation Committee.

Focusing on Employee Learning and Development

The RCT has made employee learning and development a priority. With the assistance of an expert in the development and validation of competency profiles, a Competency Dictionary was developed and competency profiles for each position in the RCT were created. Focus in 2007 will be the implementation of the *Policy on Learning, Training and Development* with respect to ensuring that all staff have completed a personal learning plan and work will be undertaken on the development of internal resources to assist in career development, this may take place as a career development workshop for employees. All employees will be made aware of their responsibilities under the *Policy on Learning, Training and Development*, specifically with respect to developing a personal learning plan and being responsible for completing all required training under this policy.

A *New Employee Orientation Guide* is under development to assist employees new to the RCT in understanding the roles of the Registry and the Tribunal, to familiarize them with all internal policies of the RCT and to introduce the Competency Dictionary and the profile for their position. It is expected that this Guide will be a valuable tool for all new employees to the RCT by providing the information and resources that existing employees already have.

**SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY
STRATEGIC OUTCOME**

Analysis by Program Activity

The Plans and Priorities document reflects the unique structure of the RCT as a single service line – Registry services in support of the business of the Competition Tribunal. The plans and priorities description takes into account that the RCT is responsible for the administrative support of the Tribunal and is accountable for its voted funds. The RCT is a small organization where human resources are multi-disciplinary to serve the single business and service lines efficiently, and where financial and human resources are shared among strategic outcomes and associated activities.

Strategic Outcome:

The RCT will provide support for open, fair, transparent and expeditious hearings related to the Tribunal’s jurisdiction.

Program Activity Name:

The Tribunal hears cases and the Registry processes the materials for the cases heard by the Tribunal under Part VII.1 (Deceptive Marketing Practices) and Part VIII (Reviewable Matters) of the *Competition Act*.

Support services related to cases, and other administrative support (IT, finance, etc.).

Financial Resources:

2007-2008	2008-2009	2009-2010
\$ 1 696	\$ 1 696	\$ 1 696

Human Resources:

2007-2008	2008-2009	2009-2010
14 FTEs	14 FTEs	14 FTEs

The priority of the RCT is efficient and effective Registry support to the Tribunal for the conduct of fair and timely hearings of cases and to issue decisions under Parts VII.1 and VIII of the *Competition Act* in accordance with the provisions of the Act. Identify the priority this program activity supports and explain how it supports it.

The expected results of the strategic outcome of open, fair, transparent and expeditious hearings related to the Tribunal’s jurisdiction are:

- A Registry service that provides administrative support to Tribunal members and litigants and timely access to case records and decisions, contributing to enhanced Tribunal effectiveness and transparency; and

- Efficient case processing and hearing services to the Tribunal and litigants and efficient management of the Tribunal's case records.

In order to achieve these results, the RCT plans the constant provision of:

- Timely access to case documentation;
- Appropriate information on registry services to assist litigants and the public in better understanding case proceedings; and
- Responsiveness in the face of questions related to the new *Competition Tribunal Rules*.

Other expected results are modernized document and filing systems. These will be achieved through systems that provide:

- Improved timely access to case documents and information, and case records and decisions; and
- Ongoing client feedback and RCT response on the efficiency and effectiveness of the web-based filing application tool.

Lastly, it is expected that strengthened management practices, including ongoing development of enhanced accountability, human resources, and employee learning and development tools, will be achieved through:

- The monitoring and evaluation of existing service standards; and
- Focus on employee learning and development through the development and provision of tools to assist employees.

SECTION III – SUPPLEMENTARY INFORMATION

Organizational Information

The Tribunal is composed of not more than six 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 Chairperson 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 of the Competition Tribunal has been designated a department for the purposes of the *Financial Administration Act*, with the Minister of Industry as its minister and the Registrar of the Competition Tribunal as the deputy head. The Registry has 14 full-time employees and provides all necessary administrative support required by the Tribunal for the hearing and disposition of all applications. The Registry responds to all requests for information by the legal community, researchers and the public on the status of cases, the *Competition Tribunal Rules* and its case law.

Figure 1: Organizational Structure

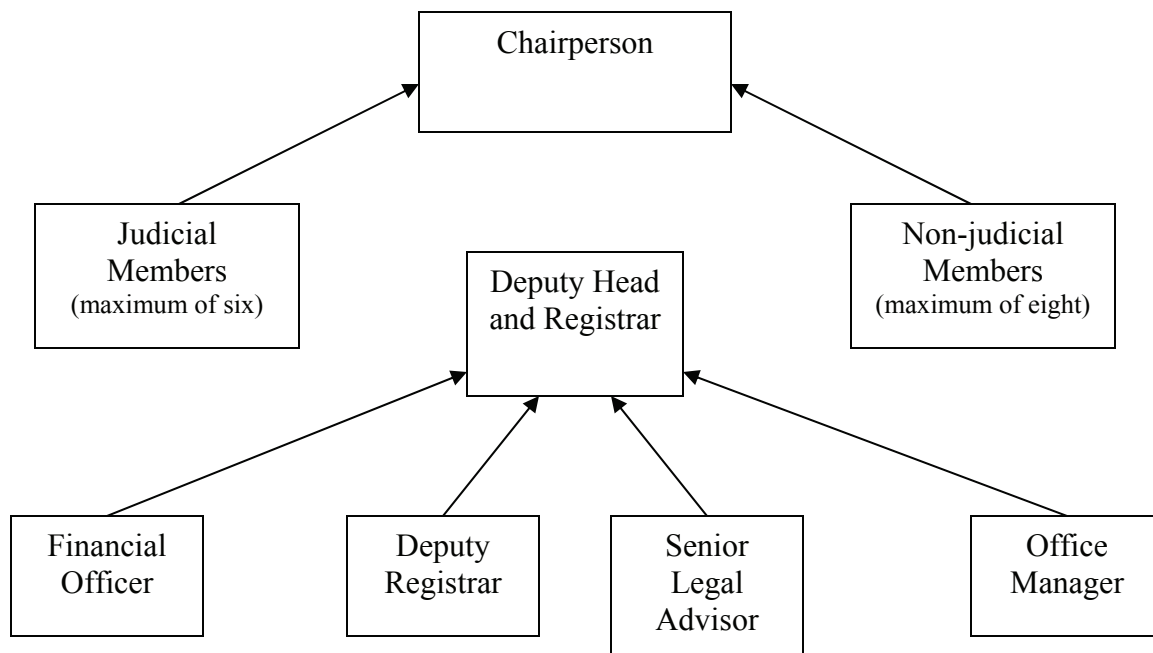


Table 1: Departmental Planned Spending Table and Full-time Equivalents

(\$ millions)	Forecast Spending 2006-2007	Planned Spending 2007-2008	Planned Spending 2008-2009	Planned Spending 2009-2010
The Tribunal hears cases and the Registry processes the materials for the cases heard by the Tribunal under Parts VII.1 and VII of the <i>Competition Act</i>; and				
Support Services related to cases, other administrative support (IT, finance, etc.)	1 524	1 536	1 536	1 536
Less: Respendable revenue	-	-	-	-
Total Main Estimates	1 524	1 536	1 536	1 536
Employee Benefit Plan (EBP)**				
	162	160	160	160
Total Adjustments				
Total Planned Spending	1 686	1 696	1 696	1 696
Total Planned Spending				
	1 686	1 696	1 696	1 696
Less: Non-respendable revenue				
Plus: Cost of services received without charge				
	630	630	630	630
Total Departmental Spending	2 316	2 326	2 326	2 326
Full-time Equivalents				
	14	14	14	14

* Note that this adjustment can only be applied to the "Forecast Spending" column.

Table 2: Voted and Statutory Items listed in Main Estimates

(in thousands of dollars)

Vote or Statutory Item	Truncated Vote or Statutory Wording	2007-2008 Main Estimates	2006-2007 Main Estimates
45	Program expenditures	1 536	1 524
(S)	Contributions to employee benefit plans	160	162
	Total Department or Agency	1 696	1 686

Table 3: Services Received Without Charge

(\$ millions)	2007-2008
Accommodation provided by Public Works and Government Services Canada	570
Contributions covering employers' share of employees' insurance premiums and expenditures paid by Treasury Board of Canada Secretariat (excluding revolving funds)	60
Total 2007-2008 Services received without charge	630

SECTION IV – OTHER ITEMS OF INTEREST

Enabling Legislation

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

For Further Information

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

Registrar: (613)957-7851
Senior Legal Advisor: (613)954-0452
Deputy Registrar: (613)954-0857
Facsimile: (613)957-3170

World Wide Web: <http://www.ct-tc.gc.ca>