

Appendix 10 - Similarities and differences between the *Competition Act*, the *Competition Tribunal Act*, and the *Telecommunications Act*

Topic	<i>Competition Act</i> (“CA”) and <i>Competition Tribunal Act</i> (“CTA”) provisions	<i>Telecommunications Act</i> provisions
General powers of tribunal	CTA 8(2): The Tribunal has, with respect to the attendance, swearing and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record.	55. The Commission has the powers of a superior court with respect to <ul style="list-style-type: none"> (a) the attendance and examination of witnesses; (b) the production and examination of any document, information or thing; (c) the enforcement of its decisions; (d) the entry on and inspection of property; and (e) the doing of anything else necessary for the exercise of its powers and the performance of its duties.
Effect of tribunal order	N/A	63. (1) A decision of the Commission may be made an order of the Federal Court or of a superior court of a province and may be enforced in the same manner as an order of that court as if it had been an order of that court on the date of the decision.
Administrative monetary penalties	CA 78(3.1) (<i>re: abuse of dominance</i>): If the Tribunal makes an order against a person under subsection (1) or (2), it may also order them to pay, in any manner that the Tribunal specifies, an administrative monetary penalty in an amount not exceeding \$10,000,000 and, for each subsequent order under either of those subsections, an	72.001 (<i>general administrative monetary penalty</i>) Every contravention of a provision of this Act, other than section 17 or 69.2, and every contravention of a regulation or decision made by the Commission under this Act, other than a prohibition or a requirement of the Commission made under section 41, constitutes a violation and the person who commits the violation is liable

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	<p>amount not exceeding \$15,000,000.</p> <p>CA 74.1 (<i>re: deceptive marketing practices</i>) (1) Where, on application by the Commissioner, a court determines that a person is engaging in or has engaged in reviewable conduct under this Part, the court may order the person ...</p> <p>(c) to pay an administrative monetary penalty, in any manner that the court specifies, in an amount not exceeding</p> <p style="padding-left: 40px;">(i) in the case of an individual, \$750,000 and, for each subsequent order, \$1,000,000, or</p> <p style="padding-left: 40px;">(ii) in the case of a corporation, \$10,000,000 and, for each subsequent order, \$15,000,000</p> <p>CA 123.1 (<i>re: completion of notifiable transaction prior to expiry of waiting period</i>) (1) If, on application by the Commissioner, the court determines that a person, without good and sufficient cause, the proof of which lies on the person, has completed or is likely to complete a proposed transaction before the end of the applicable period referred to in section 123, the court may [...]</p>	<p>(a) in the case of an individual, to an administrative monetary penalty not exceeding \$25,000 and, for a subsequent contravention, a penalty not exceeding \$50,000; or</p> <p>(b) in any other case, to an administrative monetary penalty not exceeding \$10,000,000 and, for a subsequent contravention, a penalty not exceeding \$15,000,000.</p> <p>72.01 (<i>re: unsolicited telecommunications</i>) Every contravention of a prohibition or requirement of the Commission under section 41 and every contravention of any provision of Division 1.1 of Part 16.1 of the <i>Canada Elections Act</i> constitutes a violation and the person who commits the violation is liable</p> <p style="padding-left: 40px;">(a) in the case of an individual, to an administrative monetary penalty of up to \$1,500; or</p> <p style="padding-left: 40px;">(b) in the case of a corporation, to an administrative monetary penalty of up to \$15,000.</p>

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	(d) in the case of a completed transaction, order the person to pay, in any manner that the court specifies, an administrative monetary penalty in an amount not exceeding \$10,000 for each day on which they have failed to comply with section 123, determined by the court after taking into account any evidence of the following:	
Warrantless inspection	N/A	<p>71 (4) An inspector may, subject to subsection (5), for the purposes for which the inspector was designated an inspector,</p> <p>(a) enter, at any reasonable time, any place in which they believe on reasonable grounds there is any document, information or thing relevant to the purpose of verifying compliance or preventing non-compliance with this Act, any special Act, or Division 1.1 of Part 16.1 of the Canada Elections Act, and examine the document, information or thing or remove it for examination or reproduction;</p> <p>(b) make use of, or cause to be made use of, any computer system at the place to examine any data contained in or available to the system;</p> <p>(c) reproduce any document, or cause it to be reproduced, from the data in the form of a print-out or other intelligible</p>

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		<p>output and take the print-out or other output for examination or copying; and</p> <p>(d) use any copying equipment or means of communication in the place.</p> <p>(5) An inspector may not enter a dwelling-house without the consent of the occupant or under the authority of a warrant.</p>
Privative clause	N/A	52(1) The Commission may, in exercising its powers and performing its duties under this Act or any special Act, determine any question of law or of fact, and its determination on a question of fact is binding and conclusive.
Right of appeal	<p>CTA 13 (1): Subject to subsection (2), an appeal lies to the Federal Court of Appeal from any decision or order, whether final, interlocutory or interim, of the Tribunal as if it were a judgment of the Federal Court.</p> <p>(2) An appeal on a question of fact lies under subsection (1) only with the leave of the Federal Court of Appeal.</p>	64 (1) An appeal from a decision of the Commission on any question of law or of jurisdiction may be brought in the Federal Court of Appeal with the leave of that Court.