



April 5, 2007

The Honourable Robert Nicholson, P.C., M.P.
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Dear Minister Nicholson:

Re: Competition Tribunal

I write as Chair of the Canadian Bar Association National Competition Law Section. You are of course very familiar with the Canadian Bar Association and its role. The Competition Law Section comprises some 1500 members of the CBA who practice in the area of competition and antitrust law. The CBA Section has been in existence since 1991 and is active in providing commentary on developments in competition law and policy. We represent the Bar on the Competition Tribunal/Bar Liaison Committee. We meet regularly with Justice Canada, Public Prosecution Service and Competition Bureau officials to discuss matters of mutual and ongoing interest. In short, the CBA Section is the most active private sector organization focused on developments in competition law and policy in Canada.

I write to you today regarding the appointment of the Chair of the Competition Tribunal, as the term of the current Chair will soon come to an end. While the CBA does not endorse individual candidates, we would like to share our views about the qualities an effective chair of the Tribunal should possess. We hope this will be helpful to you in making a recommendation to the Governor in Council.

The *Competition Act* is important economic framework legislation with a significant impact on the performance of the Canadian economy and the economic welfare of Canadians. The Competition Tribunal, as an expert body composed of lay persons and Federal Court Judges, plays an integral role in achieving the objectives of the *Competition Act*. It is therefore important to carefully consider the optimal attributes of those appointed to the Tribunal.

The Chair of the Tribunal has the responsibility to supervise and direct its work. He or she must of course have the necessary administrative and managerial skills to ensure that the work of the Tribunal is performed efficiently and fairly in a collegial environment. In the view of the CBA Section it is also of utmost importance that the Chair be knowledgeable of and have an interest in competition law. From the time the Tribunal was created, those who have occupied the position of Chair have possessed these qualities. We hope you will maintain this tradition.

We thank you very much for your attention to this matter, and remain

Yours very truly,

(Original signed by Tamra Thomson for James Musgrove)

James Musgrove
Chair, National Competition Law Section