

Fair Trading Commission (FTC) Symposium Opening Remarks

David Miller, Executive Director
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Our esteemed panel comprising the Hon. B. St. Michael Hylton, our Chairman, Dr. Derrick McKoy, and Commissioner Dr. Peter-John Gordon, and of course past Executive Director of the FTC, and now Executive Director of the CARICOM Competition Commission, Mrs. Barbara Lee, who will serve as our moderator for this morning's event. Welcome.

Commissioner of the Fair Trading Commission, Mr. Jasper Burnett; the Hon. Mr. Justice Francis Cumberbatch, of the Eastern Caribbean Supreme Court. Welcome.

Members of the Jamaican Bar Association, representatives of the business community, other Government Ministries and Agencies, the Staff of the FTC, colleagues, friends – Good Morning and Welcome to our Symposium - *“Facilitating competition through effective adjudication and enforcement”*.

Since the 2001 Court of Appeal decision in the matter of the Jamaica Stock Exchange v Fair Trading Commission, we at the FTC have been discussing ways to address the issues raised in the Judgement, specifically, the most appropriate structure not only for the FTC but also for other bodies which have adjudicating functions. Of note too is that the Barbados Fair Trading Commission and the CARICOM Competition Commission have similar structures to that of the FTC and the competition legislations of Trinidad & Tobago and Guyana provide for the same structure.

We intend this morning therefore to look at several of the considerations involved in determining the optimal structure for such bodies, and the merits and demerits of each of the three possible adjudicative avenues, namely, the Court; a specialized independent Tribunal; and the Commissioners, sitting as a quasi-judicial body. By considerations I refer not only to judicial considerations but also to administrative and financial issues associated with the implementation of any new structure.

At the end of this exercise we will create a comprehensive document that reflects the various contending views that we will shortly hear from our presenters, and which will also incorporate the discussions from the floor and the comments of our Moderator. This document will be made available for the purpose of informing policymakers and other entities which may face similar challenges. And of course, it will be posted on our website so that interested persons may review and submit their comments.

Again, Welcome All! We would like for this to be participatory in nature, and we look forward to hearing from you in the Discussion session. I now turn to Mrs. Barbara Lee who will introduce the speakers and take us through the programme. Thank you.