



## **Harold MacKay, O.C., S.O.M., Q.C. (Counsel)**

Commercial Dispute Resolution | Corporate Governance | Natural Resources  
Regina | Ph: 306.347.8417 | Email: hmackay@mlt.com

Harold MacKay is a former Managing Partner and Chairman of MLT. His principal practice focus is on commercial dispute resolution, corporate governance and natural resources law. Harold has acted as sole arbitrator and mediator, and as a member and Chair of Panels adjudicating significant commercial disputes, including contract matters involving liability, *force majeure* and damages issues, the determination of commodity pricing and royalties under long term agreements, and the resolution of accounting and other complex financial disputes. Harold has chaired and advised boards and board committees on governance, related party transactions and risk management and has served as a director of public companies and Crown corporations in the forestry, banking, insurance and mining sectors.

### **Academic & Professional Qualifications**

- Saskatchewan Bar (1964)
- LL.B. (Dalhousie, 1963)
- B.A. with Great Distinction (Saskatchewan, 1960)

### **Representative Work – Commercial Dispute Resolution**

- Member and Chair of panels adjudicating disputes under Alberta Power Purchase Arrangements.
- Chair of a tribunal in a gas pricing dispute between Canadian producers and United States electrical utilities, including issues of contract interpretation and establishing a new pricing formula.
- Chair of a panel in final offer commercial arbitrations between multi-national energy companies involving liability and damages issues arising out of energy trading joint venture agreements in Canada and the United States.
- Chair of a panel to determine the manner in which a mineral royalty should be calculated where escalation indices in the agreement had been discontinued.
- Member of a panel in a dispute involving the right of a supplier of materials to terminate a long-term supply contract with a manufacturer, requiring determinations of complex accounting issues.
- Chair of a panel in a dispute involving payment and financial issues under an offshore oil and gas joint venture operating agreement.
- Sole arbitrator in disputes involving force majeure claims under a commodity supply agreement and a pipeline joint venture project agreement.
- Member of a Panel in final offer UNCITRAL proceedings to settle the terms of an offshore oil processing agreement.
- Chair of a panel to adjudicate a heavy oil royalty dispute.
- Chair of a panel to establish a replacement pricing mechanism under an agreement for the sale of Nova Scotia gas.

### **Representative Work – Corporate Governance and Board Experience**

- Advisor to public and private for-profit companies, industry associations, governments and government-owned corporations and not-for-profit bodies.
- The Toronto-Dominion Bank (NYSE, TSE) – Director; Risk Committee; Corporate Governance Committee
- Domtar Corporation (NYSE) – non-executive Chairman (2007-2014)
- The Mosaic Company (NYSE) – Director (2004-2013)
- Canada Life Financial Corporation (TSE) – Director (2000-2002)
- Bank of Canada – Lead Director (1999-2002); Director (1995-1997)
- IPSCO Inc. (TSX, NASDAQ, NYSE) – Vice President (1976-1977); Director (1993-1999)
- Federal Business Development Bank – Chair (1981–1985); Director (1975-1985)

### **Community & Professional Leadership**

- Western Canada Commercial Arbitration Society – Member and Director
- Saskatchewan Institute of Public Policy – Chair (2001-2005)
- Department of Finance (Canada) – Clifford Clark Visiting Economist (2002-2004)
- Task Force on the Future of the Canadian Financial Services Sector – Chair (1997-1998)
- Saskatchewan Post Secondary Education – Special Representative of the Minister (1996)
- Council for Canadian Unity – Past Governor
- Provincial Action Committee on the Saskatchewan Economy – Founding Co-Chair
- Ranch Ehrlo Society – Former President
- Donner Canadian Foundation – Former Governor
- Canadian Tax Foundation – Former Governor
- Canadian Bar Association, Saskatchewan Branch – Former President

### **Awards & Distinctions**

- Named one of Canada's Leading Lawyers in *The Canadian Lexpert Legal Directory* – International Commercial Arbitration (since 2003)
- Peter Lougheed Award for Leadership in Public Policy (2013)
- Fellow of the Institute of Corporate Directors (2013)
- Member of the Dalhousie University Bertha Wilson Honour Society (2012)
- One of *Benchmark Canada's* "Canada Litigation Stars" – Arbitration (since 2013)
- Selected as one of the *Best Lawyers in Canada* – Corporate Governance, Alternative Dispute Resolution (since 2012)
- *Lexis-Nexis / Martindale-Hubbell* – "AV" Peer Review Rated
- Saskatchewan Order of Merit (2009)
- Canadian Bar Association Distinguished Service Award (Saskatchewan Branch, 2006)
- Saskatchewan Centennial Medal (2005)
- Officer of the Order of Canada (2002)
- Doctor of Laws (*honoris causa*) (Regina, 2002)
- University of Saskatchewan Alumni Award of Achievement (2000)
- Queen's Counsel (1980)

