

see nothing in this new provision that would cause concern.

40. It is observed that the Commissioner could sit in judgement on the conduct of a federal institution, including a court. Mr. Wilson is correct as Part IX of the Bill applies to federal institutions. I understand from discussions with Mr. Newman of the Department of Justice that investigations of court proceedings have taken place and that a protocol has been developed to deal with the investigations of complaints. I agree with Mr. Wilson that this raises serious implications for judicial independence.

41. The prospect of an interference with the independence of the administration of justice by regulating the manner in which a judge conducts his court is raised. It is observed that the administration of justice is a provincial matter pursuant to s.92 of the Constitution Act, 1867. The further point is made that the Bill trenches on that provincial authority in the criminal transition provisions. I do not share this last conclusion for, as is discussed above at pp. 12-13, the federal government has the power to determine the language to be used in criminal matters pursuant to its general authority over criminal law and procedure set out in s.91(27) of the Constitution Act, 1867. The province's power over the administration of justice is limited by the federal government's authority to control criminal procedure.

42. The remedy of involving the federal court is summarized. No questions are asked.

43. It is surmised that a person aggrieved with the failure of