

on considerations of language proficiency rather than merit.

36. It is noted that the Bill provides for the appointment of a Commissioner of Official Languages and that this office is carried forward from the Official Languages Act [Tab 17]. No questions are asked.

37. The powers of the Commissioner to carry out investigations pursuant to s.57 is summarized. No questions are asked.

38. The procedure to be followed by the Commissioner in carrying out investigations is noted and the power to conduct investigations in "private" is queried. In my opinion there is nothing inherently illegal or unconstitutional about this requirement and the following subsection which specifies the procedure to be used would probably comply with the administrative law duty of fairness and the constitutional requirement for procedural fundamental justice in s.7 of the Charter. It should also be noted that s.59 of the Bill is identical to s.28 of the Official Languages Act [Tab 17].

39. The procedure for initiating an investigation and for dealing with the results of an investigation is summarized. No questions are asked. It should be pointed out that the procedures set out in ss.60, 61, 62, and 63 of Bill C-72 are identical to the provisions in ss. 29, 30, 31 and 32 of the Official Languages Act [Tab 17]. The only difference is between s.64 of the Bill and s.33 of the Official Languages Act. Under the Bill the Commissioner has the option of referring a recommendation to the Governor General in Council before referring it to Parliament. I