

45. The spectre of one member of the Federal Court Trial Division making a remedial order against another member of the same court is raised. In my opinion, this could not occur because the Federal Court has only limited jurisdiction pursuant to s.75 of the Bill which provides:

75(1) Any person who has made a complaint to the Commissioner in respect of a right or duty under sections 4 to 7, sections 9 to 12 or Part IV or V may apply to the Court for a remedy under this Part.

None of these sections involve the administration of justice and, therefore no complaint could be made concerning the failure of a court to comply with the requirements of Part III. There might be complaints involving court services or the employment of court personnel but not concerning the administration of justice per se.

46. It is noted that the Bill would allow the award of costs. No question is asked.

47. It is noted that s.115 of the Criminal Code is not applicable in respect of any contravention of the Bill. No questions are asked.

48. Section 115 of the Criminal Code is set out. No questions are asked.

49. Section 84 of the Bill is set out. No questions are asked.

50. The possible confusion created by the conflict between the judicial immunities set out in s.84 and the investigative powers of the Commissioner are raised. I think that Mr. Wilson has a good point here and that the powers of the Commissioner ought to