what are accepted as almost standard or routine appointments of judges—and this applies particularly at county and district court levels—as chairmen of boards and commissions. These boards and commissions may be standing bodies set up under provincial legislation, or extemporaneous boards of conciliation and arbitration.

The hon. gentleman has mentioned some of these bodies. He also mentioned police commissions. I think there is a very real question as to whether a county court judge should serve as chairman of a police commission. I raise that question on the basis that the county court judge is going to be called upon on a number of occasions to try cases in which the charge has been laid by members of the police force appointed by the commission of which he is chairman. I go no further than that at the present time, but I certainly think that raises a serious question.

Then there are other types of boards and commissions, and I have in mind particularly conciliation and arbitration boards in industrial disputes. I recognize fully that in some provinces particularly—and I do not pick out any one province—it has become a standard practice for judges, particularly from county or district courts, to be named as chairmen of these boards.

As I have said, I have evidence that there are some cases in which judges find almost their major occupation as chairmen of these boards, so they are in receipt of their full salaries as judges yet are in receipt of very considerable extra emoluments which they derive by way of their temporary appointments as chairmen of these boards; whereas, as I say, in other cases where perhaps the full time of the judge is involved in his judicial duties, the time or the occasion is not available for such appointments, and this creates a disparity between the incomes of judges of our courts.

There is another consideration to which I am giving study, and that is this. I recognize that in those provinces where such appointments to boards of arbitration or conciliation have become almost an accepted practice it would be a disruption of labour conciliation procedures to lay down a sudden edict or ukase that this practice should cease because, I am informed, there would be areas in which there would then suddenly be no available machinery for the settlement of industrial disputes. However strongly I may feel as Minister of Justice about the desirability or otherwise of judges serving in this capacity, I cannot ignore the fact that this is an accepted practice and that therefore I have to approach the problem steadily and on a sound common sense basis.

[Mr. Fulton.]

However, having sounded these notes of caution which I realize I must apply in my study of this problem I do say that I think it is extremely undesirable, and a contradiction in principle, that a judge who is appointed as a member of the judiciary on the basis that he is impartial as between litigants should be called upon to perform a function which is not one of adjudging as between parties but is a function of conciliation as between parties; and here I draw particularly a distinction between a board of arbitration and a board of conciliation. In a board of arbitration I think it may well be arguable that a judge is performing at least a semi-judicial function. He hears the argument advanced by both sides and he arbitrates as between them, but in a board of conciliation I think the situation is entirely different. In those boards where the function of the conciliator is to act as an intermediary between the parties I find it difficult to appreciate that there is there any semblance of the judicial function, and I therefore question very closely, and have been led to question by the course of my studies, whether it is desirable that judges should continue to act as chairmen of boards of conciliation.

Having said that, I come back to the point I made at the beginning. I recognize that if I or anybody else, or the government as a whole, is to do anything about the situation we first have to reach conclusions and then we have to approach the matter on a common sense and realistic basis and so adjust our program that our conclusions are not carried into effect in such a manner that they will disrupt the whole procedure set up for the settlement of labour disputes. It is in that spirit that we are approaching a study of the program. Perhaps I should not go any farther than that at this time.

Mr. Martin (Essex East): Has the minister given consideration to this? While it resides with the federal authority to make most judicial appointments outside of the magistracy and some judges of a certain character and status in some provinces, under the constitution are the provinces not given authority in the matter of the constitution of the courts?

Mr. Fulton: Quite so.

Mr. Martin (Essex East): Would this decision in the final analysis not really involve a decision to be made by the provincial rather than the federal authority?

Mr. Fulton: I think there is an area in which the decision when arrived at must be a joint decision. There is, I believe, constitutional authority bestowed upon the federal government to limit the occupations and