

**DEPARTMENT OF NORTHERN AFFAIRS
AND NATIONAL RESOURCES ACT**

**AMENDMENT TO PROVIDE FOR THE ESTABLISH-
MENT OF TWO NATIONAL MUSEUMS**

On the order:

Second reading of Bill No. 161, an act to amend the Department of Northern Affairs and National Resources Act.—The Minister of Northern Affairs and National Resources.

Mr. Donald M. Fleming (Eglinton): Mr. Speaker, I rise on a point of order. This bill, No. 161, is introduced following a resolution which was passed on February 22 and because the bill goes farther than the resolution I am taking exception to it on this point of order.

First may I draw your attention, sir, to the terms of the resolution which was passed by the house on February 22. The terms are to be found at page 176 of the *Votes and Proceedings* of the house. We read:

The following resolution was adopted:

Resolved, that it is expedient to introduce a measure to amend the Department of Northern Affairs and National Resources Act to provide for the establishment of two national museums in lieu of one, as at the present time, to be known as the Canadian museum of natural history and the Canadian museum of human history.

And the note proceeds:

Resolution to be reported.

In my submission, sir, the bill goes beyond the terms of the resolution. There are two clauses to the bill. The first one deals simply with an amendment to a definition, but in clause 2 of the bill we have the provisions corresponding to those of the resolution, but we have something more as well. I draw your attention sir, to the terms of clause 9 of the act as they would be in effect if clause 2 of the bill were to be enacted. It provides:

The minister shall establish and maintain

(a) a national museum, to be known as the Canadian museum of natural history . . . etc.; and

(b) a national museum, to be known as the Canadian museum of human history . . . etc.

And then at line 20 the clause goes on to introduce matter that is quite new. It reads:

. . . and the minister may establish and maintain such other national museums as he considers necessary or desirable for the purpose of affording knowledge and information respecting Canada and its resources.

It is quite clear as to the terms of sub-clauses (a) and (b) that they are within the terms of the resolution which the house passed on February 22, but there is no provision in the resolution of February 22 for the power that is sought on behalf of the minister in the last four lines of this clause. I ask you, Mr. Speaker, to weigh the fact that this is a very broad power. Under it the minister would be authorized to establish and maintain such other national museums as

Northern Affairs and National Resources

he considers necessary and desirable for the purpose of affording knowledge and information respecting Canada and its resources.

This bill was preceded by a resolution because it involves the expenditure of money. The power in the last four lines of this clause would certainly involve the expenditure of money. For that reason it required first of all a statement that the Governor General had already given approval to this expenditure, and secondly it required a resolution to be approved by the house. Now surely if it is conceded—as it must have been—to be necessary for the Governor General to have given his approval to the provision of the bill that there is to be a national museum to be known as the Canadian museum of natural history and a national museum to be known as the Canadian museum of human history, then all the more it must have been necessary for the Governor General to have given approval and for the house to have passed a resolution approving the omnibus power contained in the last four lines of the clause.

This power could result in very heavy charges upon the public treasury. Indeed, if this power were used it could easily result in much heavier charges on the public treasury than would be involved in the setting up of either of the two museums specifically provided for in both the bill and the resolution, although that point is not necessary to sustain the argument I am submitting to you.

I think it is quite clear that this omnibus power, as I call it, in the last four lines of the clause was not approved by the Governor General and it certainly was not approved by the house. The resolution of February 22 approves it neither in express terms nor by implication. This omnibus power to establish museums is quite separate and distinct from the specific power to establish the museum of natural history and the museum of human history. It is a distinct provision conferring a distinct power quite separate from and clearly additional to the power to establish the two named museums. And because that addition involves a charge on the public treasury I think it is quite clear that the bill has no proper resolution preceding it to authorize its introduction.

May I refer to several citations in Beuchesne, Mr. Speaker. The first is No. 439—I am referring, of course, to the third edition—and is found at page 168. It reads:

The object of the resolution—

That is to say, the resolution preceding the introduction of a money bill—

—recommended by the crown is to give the house a first opportunity to discuss the advisability of making a certain expenditure.