

*Government Organization*

duties of the Minister of Forestry these duties can be transferred under the Transfer of Duties Act from one department to another without involving any additional expenditure of money. It seems to me there was on the order paper at one time an order setting up a department of forestry and rural development and that it was not proceeded with because parliament was prorogued.

In this legislation a department of Indian affairs and northern development is described; yet there is not one single duty listed as being the responsibility of this department which was not formerly the responsibility of another department. Therefore all the duties of the new minister are duties which were listed and performed as responsibilities of a minister of another department. In spite of that fact, why was this department mentioned in the resolution?

The point taken by the hon. member for Peace River, that we should not rush ahead and discuss this bill and put it into law without being sure as to its legality, is a good one. In future the courts of this country, including the Supreme Court of Canada, may decide that we were not competent to deal with this matter because we failed to deal adequately with a money resolution and make it legal. In that event we would all look kind of silly.

● (5:50 p.m.)

I hope that in your consideration of this matter, Mr. Speaker, the two points I have raised will be kept in mind. First, was there a resolution on the order paper in a previous parliament setting up a department of forestry and rural development and, if so, for what reason? The second is the question I have just raised about the department of Indian affairs and northern development. What duties does the new department have that were not included in those of the previous department? Also, if it was necessary to mention the department of Indian affairs and northern development in the resolution, was it not necessary to mention the department of forestry and rural development? Those are the two points I wish to raise.

**Mr. Baldwin:** Mr. Speaker, may I just say one thing more to make certain that my points are quite clear. Under clause 26 of the bill we will in effect be repealing those sections of the Forestry Act which created the Minister of Forestry and gave him his title. He ceases to exist when this bill is passed. It is then essential for us to create a

[Mr. Hamilton.]

new minister with the title of minister of forestry and rural development. It may be that there is a certain similarity in the titles but there is no doubt that there is here a completely additional function. When we create this new minister we must provide for his salary and to provide for his salary I submit that we must have a money resolution.

[Translation]

**Hon. Guy Favreau (President of the Privy Council):** Mr. Speaker, I think that we must ask ourselves what part of this bill concerns the Department of Forestry.

What we are faced with here is simply a deliberate battle of words about an amendment to the Department of Forestry Act which is neither of a fundamental nor of an essential character.

That is so true that if you refer to clause 26, paragraph 1, it will be obvious that the objective is to change the long title as well as the short title of the department to that of Department of Forestry Development and Research. As far as clause 35 is concerned, it is true that it repeals or seems to repeal sections 4 and 5 of the Salaries Act. But, it must be kept in mind that this legislation does not create any additional department, such as a federal department which entails an expenditure for a possible additional salary, if there is a minister outside that department, and which will also entail the required expenditure for a deputy minister's salary, if this legislation, I repeat, did not create any additional department, but dealt only with the amendment to the Forestry Department Act, clause 35 would not have been included.

Clause 35 is there not to create a salary for a man who is now Minister of Forestry and whose title will change, but only to include that salary in the list which includes the salaries of new ministers.

Consequently, I think that the criterion is this: if the amendment to the Forestry Department Act was not included in this bill and was introduced in the house through a separate bill, there would have been no need, when this bill was introduced, for an amendment through a resolution.

I think that, under the circumstances, even if the procedure is different, we are in fact dealing only with an amendment to the title and possibly to a certain definition of the responsibilities, but without any additional expenditure already provided for by an act of parliament.