

II. LEGISLATION

A. The Basic Act

The Department was created by the Department of External Affairs Act of 1909, a short piece of legislation of which the following are the operative paragraphs:

2. There shall be a department of the Government of Canada called the Department of External Affairs over which a minister of the Crown to be known as the Secretary of State for External Affairs, hereafter referred to as the "Minister", shall preside. R.S. c. 68, s. 2.
3. The Governor in Council may appoint an officer called the Under-Secretary of State for External Affairs to be the deputy head of the Department and to hold office during pleasure. R.S., c. 68, s. 3.
4. The Minister, as head of the Department, has the conduct of all official communications between the Government of Canada and the government of any other country in connection with the external affairs of Canada, and is charged with such other duties as may be assigned to the Department by order of the Governor in Council in relation to such external affairs, or to the conduct and management of international negotiations so far as they may appertain to the Government of Canada. R.S., c. 68. s. 4.
5. The administration of all matters relating to the foreign consular service in Canada shall be transferred to the Department of External Affairs. R.S., c. 68, s. 5.
6. The Minister shall annually lay before Parliament, within ten days after the meeting thereof, a report of the proceedings, transactions and affairs of the Department during the year then next preceding. R.S., c. 68, s. 6."

Sir Wilfrid Laurier explained succinctly the reason for creating the Department as follows in the debate on the Bill in 1909:

"All governments have found it necessary to have a department whose only business shall be to deal with relations with foreign countries, and in our judgment Canada has reached a period in her history when we should follow the example of other countries in that respect."

The Act has been amended twice: in 1912, to place the Department under the Prime Minister instead of the Secretary of State; and in 1946, to provide for a separate minister, the Secretary of State for External Affairs.