

Supply—National Revenue

minister smiling, after his demonstration of patience. I am glad to see him smiling because I want to have him in good humour when I ask this question. I have a man in my riding who pays income tax. He has had a boy in hospital for three years. He did not put down the cost of this boy in the hospital and therefore he overpaid his income tax on an average of \$45 per year for three years. The head office for his district is in Belleville now, and the matter seems to be out of their jurisdiction. They do not like to go back over a period of four years and bring it up to date or give him credit for it. He has overpaid his income tax on an average of \$45 for three years. Is it possible for him to get that money back on this year's income tax?

Mr. McCann: According to the law with reference to refunds, section 52 of the act, an application for a refund has to be made within twelve months, but if the hon. member will be good enough to give me the particular details of the case I shall be glad to look into it personally.

Mr. Hodgson: I shall give them to you tomorrow morning.

Item agreed to.

Income tax appeal board—

301. Administration expenses, \$71,220.

Mr. Knowles: If the income tax appeal board gives a ruling against the department and it is therefore clear that the law was not worded in such a way as to mean what the government intended it to mean, does the minister recommend to the Minister of Finance that the law be changed?

Mr. McCann: The answer is that the minister does not necessarily recommend to the Minister of Finance what he should do. We draw the matter to his attention. The Minister of Finance is the one who is responsible for the law. We administer it and if we find, by reason of a decision on an appeal to the income tax appeal board, that the law is faulty and we think it should be changed, the matter is brought to his attention.

Mr. Knowles: I am glad to hear that. On the basis of that answer may I remind the minister that some time ago the income tax appeal board ruled against the minister in the case of a lawyer who had sought to claim as deductible his expense incurred in attending a convention of the bar association. Since the department disallowed this lawyer's claim in the first place, I gather that the department took the view that it had not been intended to allow a lawyer's convention

expenses as deductible. The income tax appeal board was not laying down policy; it was merely making a finding as to the meaning of the law as it was worded. The income tax appeal board ruled that the lawyer had that right under the law as it stood. Did the minister draw that to the attention of the Minister of Finance as a hole that should be plugged?

Mr. McCann: I cannot answer definitely, but in that type of case it was considered to be a necessary expense and was allowed. I know what the hon. member is referring to, the matter of expense in the form of the lawyer's yearly fee which he has to pay in order to belong to the organization.

Mr. Knowles: No. We have gone over all that ground before. I am not talking about the yearly fees. They are allowed under another heading. I am talking now about a lawyer's expenses in attending an annual convention of the Canadian Bar Association. That is quite a different matter. When the lawyer in question sought to claim his expenses as a deduction the department disallowed his claim. He appealed to the income tax appeal board and they allowed his appeal.

Mr. McCann: He would be reassessed. It would be allowed and the decision of the income tax appeal board would come before the Minister of Finance as well as the Minister of National Revenue.

Mr. Knowles: I will ask my question again. Since this is a hole that should be plugged, has the Minister of Finance been asked to plug it?

Mr. McCann: Yes.

Item agreed to.

Canadian Broadcasting Corporation—

54. Maintenance and operation including authority to credit to the appropriation revenue from rental of facilities in Radio Canada building to an amount of \$160,000 and to re-expend it for the purposes of the international service, \$1,982,050.

Mr. Fleming: Mr. Chairman, there is a group of items relating to the Canadian Broadcasting Corporation, Nos. 54, 55, 540, 657 and 648. Perhaps it would meet the convenience of the committee to discuss the group of items together. That has been done in other years and I think it will facilitate matters.

The Deputy Chairman: Is it agreed?

Some hon. Members: Agreed.

Mr. Fleming: I think we are all conscious of the need of expediting discussions as far