necessary, but I think it is a useful section to have and it was put in at the suggestion of the department to facilitate the setting up of a code of which all those interested could be advised, under which they might derogate from the strict rule of the best evidence.

Mr. HAZEN: I was going to move that it be deleted, but if it could stand—

Mr. ABBOTT: Perhaps we had better let that section stand, and I will get an opinion from the Department of Justice as to whether it could be extended in the way my hon. friend suggests.

Mr. FLEMING: If the minister is going to let that clause stand, does he wish to hear any further representations on it? It is objectionable from another point of view.

Mr. ABBOTT: I have no objection to additional representations on it, if hon. members want to make them.

Mr. FLEMING: The hon. member for St. John-Albert has dealt with the first sub-section. It seems to me that sub-section 3 (b) may likewise go farther than is strictly necessary. We may be including here, in the class of persons who may be required to make information available, people who have no present liability under the act to make returns. I am quite sure the minister will tell us it is not his intention; nevertheless we are not legislating in those terms; we are legislating in terms of the language of the act and the powers it may give; and this conceivably could be used to enable the minister to conduct inquisitions in the case of persons who are not under obligation to make returns.

Mr. ABBOTT: I can give consideration to that, too.

Mr. MACDONNELL (Muskoka-Ontario): Might not the minister reconsider both sub-sections for the reasons given and perhaps make an alternative suggestion tomorrow?

Mr. ABBOTT: Yes, I shall be very glad to reconsider them. I do not want to ask for any powers that are unreasonable. All we are trying to do is get a section which will provide reasonable flexibility and more efficient administration of the act. As I said before, if there is any question of paragraph (a) in particular going to the extent suggested by the hon. member for St. John-Albert I would drop it like a shot. I do not think it does go that far, but we can

let the whole section stand and I will look at both (a) and (b) and see how far they go.

Mr. FRASER: How far back can the department go when they ask for evidence? Is there any regulation? I could not see any in that regard.

Mr. ABBOTT: Evidence of what?

Mr. FRASER: Evidence that a tax has or has not been paid, or that funds have been received for which a return has not been made?

Mr. ABBOTT: There is no limit in law. I do not think they very often go back once the return has been assessed and the notice of assessment issued. I do not believe cases are often reopened unless there is some allegation of fraud or concealment, or something like that; and of course fraud is never outlawed.

Section stands.

On section 11—Refunds.

Mr. MACDONNELL (Muskoka-Ontario): In sub-section 2 of section 11 there is a definite time limit, in these words:

> . . . the minister may, upon an application made on or before the thirty-first day of December, nineteen hundred and forty-eight . . .

Is there any escape clause at all, or is that adamant?

Mr. ABBOTT: The section provides that they have until the end of December, 1948, to get in their application for refund. That is an additional relaxation. Then they will be subject to the general rule.

Mr. CARDIFF: Is it necessary for a person who has paid more income tax than he is liable to pay to apply in writing before that extra money will be refunded?

Mr. ABBOTT: If he has filed an income tax return, no; because that of itself constitutes a request for a refund. If he has not filed an income tax return, then the onus is upon him to notify the tax department that he claims to have paid more tax than he should have paid, and ask for a refund.

Mr. CARDIFF: What length of time does he have to wait before he gets back that money?

Mr. ABBOTT: He can make application as soon as the year is over. He would have to wait until the end of the year; if it were the calendar year 1947, for example, he would have to wait until the end of 1947. Then he would