

Mr. CLARK: Mr. Chairman, I have here a list of the directors of the crown corporations that come under the Department of Defence Production. We have not been able to get the others as yet. Would those of the Department of Defence Production be of use?

The CHAIRMAN: I would think that tonight or tomorrow when the minister is here would be the time to bring up questions about that matter. If we finish this Bill now we will have him tonight. We are now on part IX, civil liability and offences, section 89:

89. (1) Whenever the Minister has reason to believe that any person
- (a) has received money for His Majesty and has not duly paid it over,
 - (b) has received money for which he is accountable to His Majesty and has not duly accounted for it, or
 - (c) has in his hands any public money applicable to any purpose and has not duly applied it,

the Minister may cause a notice to be served on such person, or on his representative in case of his death, requiring him within such time from the service of the notice as may be named therein, duly to pay over, account for, or apply such money, as the case may be, and to transmit to the Minister proper vouchers that he has done so.

(2) Where a person has failed to comply with a notice served on him under subsection one within the time stated therein, the Minister shall state an account between such person and His Majesty, showing the amount of the money not duly paid over, accounted for or applied, as the case may be, and, in the discretion of the Minister, charging interest on the whole or any part thereof at the rate of five per cent per annum from such date as the Minister may determine, and in any proceedings for the recovery of such money a copy of the account stated by the Minister, certified by him, shall be *prima facie* evidence that the amount stated therein, together with interest, is due and payable to His Majesty, without proof of the signature of the Minister or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to His Majesty.

Mr. FULTON: I would like to ask Mr. Henry just as a matter of curiosity whether clause 89 is wide enough to cover the procedure for the recovery of arrears of taxes or whether this only applies to other types of debts to the crown?

Mr. HENRY: No, sir, section 89 is not intended to be a tax collecting provision. It is intended to provide recourse to the crown for the purpose of recovery of money that is accountable to the crown, that has been paid to somebody to be paid to the crown; in other words, it is to cover the case where an officer of the crown or some other person on behalf of the crown has received money which has not been paid over. In the case outlined—

Mr. FULTON: It does not cover taxes?

Mr. HENRY: No, taxes that have not been paid by the taxpayer are not yet moneys that belong to the crown.

Mr. FULTON: I notice here that clause (b) says: "has received money for which he is accountable to His Majesty and has not duly accounted for it, or—" I was wondering—

Mr. HENRY: Unfortunately, I do not think we can say that there is any recourse under this section against such persons.

The CHAIRMAN: Order, gentlemen. How do you expect the reporter to be able to take down our proceedings with all this noise.