

Mr. FLYNN: I agree, but is there not the possibility that after the minister has assessed a penalty, he might think that he could charge more. Then he has a chance to go to court—just as if a judge might have a chance to correct his own judgement.

Mr. McENTYRE: In that case the court would be aware of the penalty imposed by the minister and presumably the judge would give weight to that when passing sentence.

Mr. FLYNN: He certainly would!

Mr. NUGENT: This could be used in the way of blackmail, should a person argue too much about the assessment or the penalty. You could tell him: in addition to this, we can charge you under section 51(3), and you could use that as a threat.

Mr. FLYNN: Just as under the Income Tax Act, it seems to me to be wrong.

The CHAIRMAN: Does clause 51 carry?

Clause agreed to.

Does clause 52 carry?

Mr. BENEDICKSON: How innocent a thing is a deceptive statement? Supposing an executor makes such an error as describing somebody as a widow, assuming that the couple were married, but the relations perhaps in effect were not, or something of that kind. It is true that there is a benefit derived. Is that deceptive?

Mr. FLEMING (*Eglinton*): No. The wording connotes wilful deception.

Mr. BELL (*Carleton*): Would you not have to show intent?

Mr. FLEMING (*Eglinton*): Oh yes. There has to be mens rea in any of these cases.

The CHAIRMAN: Does clause 52 carry?

Clause agreed to.

Does clause 53 carry?

Clause agreed to.

Does Clause 54 carry?

Mr. FLEMING (*Eglinton*): This is just to apply to officers, directors or agents of the corporation the same liability which attaches to the corporation itself under the act.

The CHAIRMAN: Clause agreed to.

Does clause 55 carry?

Clause agreed to.

Does clause 56 carry?

Mr. BENEDICKSON: Both clauses 54 and 55 have to do with additional transfer of penalties under the administrative procedure, being something that we have not heretofore had in the administration of succession duty.

Mr. FLEMING (*Eglinton*): If you are speaking of clause 55, it is new. It imports the provisions of section 136 of the Income Tax Act in so far as applicable in relation to procedure, evidence and other matters that are set out therein.

These are not substantive provisions. They are provisions in relation to procedure and evidence.

Mr. BENEDICKSON: I was thinking of clause 54 as well.

Mr. FLEMING (*Eglinton*): Clause 54 contains a principle to be found both in the criminal code and in a great many other statutes. It applies to the officers, directors and agents of the corporation the same liability which attaches to the corporation for an offence wherein such an officer, director or agent directed,