

● (11:00 a.m.)

Mr. WINCH: I was a member of the steering committee with Mr. Hales, and our decision at that time was that we wanted an absolute free hand; we wanted no direction given to the Auditor General nor were we interested. We left that responsibility to the Auditor General. I am just saying, as a member of the steering committee—and I was at that meeting when this was offered and we said, “No. This is your responsibility, you accept that. And therefore, you move on your sole responsibility. If anything happens that we get any ideas, then we will be down your neck. We want no interference with a responsibility of this nature.” That is the position that we took at that time, Mr. Leblanc.

Mr. LEBLANC (*Laurier*): That is what I wanted to figure out.

The CHAIRMAN: I would suggest we leave the matter there and think it over before the next meeting.

Mr. NOBLE: Mr. Henderson, if the opinion of your legal advice is questioned, what would be the procedure from there?

Mr. HENDERSON: It seems to me it would be a matter for this Committee to decide, Mr. Noble. You conceivably would be faced with a confrontation between the law officers of the Crown and the advice which I have received. Presumably you would ask me in answer to one of the questions if I secured legal advice on it and I would say yes, and you would ask me if the legal advice supported the position I took, to which I would reply in the affirmative. Where the Committee would go from that point, I am without experience to say at the present time.

Mr. WINCH: Then we would sit in judgment, I presume.

Mr. HENDERSON: Presumably you would be interested then in hearing both sides of the case. And it is at that point that I would have no hesitancy, if it were the wish of the Committee, to have my legal adviser with me at the meeting.

The CHAIRMAN: We would become judge and jury

Mr. HENDERSON: I have not had any experience on that point, quite frankly, and I am very much in your hands on it.

Mr. NOBLE: It could be a possibility though, could it not?

Mr. HENDERSON: Indeed, sir. That was all weighed up by this Committee at the time that this arrangement was made in 1964.

Mr. THOMAS (*Middlesex West*): Mr. Henderson, under the order giving him the authority, apparently has the right to obtain legal advice from any source. There is no point in his naming the source from whom he has obtained legal advice because he can step out and obtain legal advice from some other firm.

Mr. WINCH: Unless it is challenged, in which case he will report to the Committee that there has been a challenge and both sides will be heard. I presume then the Committee will reach its own conclusions as to what is right.