



**Northern Ireland
Assembly**

PUBLIC ACCOUNTS COMMITTEE

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20 May 2021

Dear Mr Smyth

**Re: Inquiry into Generating Electricity from Renewable Energy –
Evidence session 22 April 2021**

Thank you for your letter of 6 May, which the Committee considered at its meeting on 13 May. The Committee expressed deep disappointment that you viewed the evidence session of 22 April as ‘a platform for slander’ by the other witness and that you had not had sight of Professor’s Hughes submission in advance of the evidence session. I would like to address these points before commenting on the rest of your letter.

Firstly, I would like to highlight that under Section 50 of the Northern Ireland Act 1998, for the purposes of the law of defamation, absolute privilege applies to statements made to or in the report of a committee of the Assembly. This privilege covers all evidence given by a witness to a committee whether in oral or in written form. Publications by or under authority of the committee also benefit from privilege (s.50(1)(b) of the 1998 Act). It means that no action may lie in defamation against a witness in respect of such statements and therefore affords protection to witnesses.

It therefore follows it would not be usual for submissions to be shared between witnesses in advance of the committee having first considered the evidence. It is however normal for the Committee to seek permission to publish evidence after the Inquiry has concluded, as part of its report.

Both sets of witnesses, i.e. Renewable NI/KPMG and Professor Hughes were invited to present evidence, that was relevant to the Inquiry. The Committee

would have expected both parties to be aware of the others work, given that much of it is already in the public domain.

However, as a matter of courtesy, an invitation was extended to Renewable NI to remain after Prof Hughes had presented his evidence to the Committee, to provide an opportunity for a 'right of reply.' That invitation was accepted by Mr Agnew. Unfortunately, as I recall, you and the other witnesses were unable to remain.

With regard to the more detailed comments you have made in relation to the methodology adopted, and Prof Hughes' submission, the Committee agreed that should you wish to attend a follow-up evidence session to clarify any further points, this would be accommodated by the Committee. Alternatively, if there is anything else you wish to add in written format, that would also be acceptable to the Committee.

Finally, I referred to the intention of the Committee to publish its evidence, including correspondence from witnesses, at the conclusion of the inquiry. This is published at the same time as the report. In view of this, I would like to seek your views on whether there is any aspect of your correspondence that you wish not be to be published or indeed redacted.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'William J. Humphrey'. The signature is written in a cursive style with a large, looping flourish at the end.

William Humphrey MBE MLA
Chairperson
Public Accounts Committee