



RENEWABLE HEAT
INCENTIVE INQUIRY

WIT-162501

RHI Inquiry

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Carál Ní Chuilín MLA
Sinn Féin
Connolly House
147 Andersonstown Road
BELFAST
BT11 9BW

By email to: caral.nichuilin@mla.niassembly.gov.uk

13 November 2018

Dear Madam,

Re: The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme
Provision of a Section 21 Notice requiring the provision of evidence in the form of a written statement

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I enclose a copy of the RHI Inquiry's Terms of Reference for your information.

As you may be aware, the Inquiry continues to seek some further written evidence from witnesses and participants, particularly where issues have arisen in evidence recently provided in respect of which it is necessary, or appropriate, to provide an opportunity for further response. The Inquiry Chairman also retains the right to require witnesses to attend to provide (further) oral evidence, and consideration will be given to whether that is necessary in light of additional written evidence which is received.

In the circumstances, please find enclosed with this letter a Section 21 Notice requiring you to provide evidence to the RHI Inquiry Panel in the form of a written statement addressing the matters identified in the Schedule to the Section 21 Notice.

As the text of the Section 21 Notice explains, you are required by law to comply with it.

It is vital that the witness statement you provide to the Inquiry is your own evidence, absent the influence of others; that it is comprehensive; and that it fully explains your involvement in the matters about which you have been asked.

In the event that you require or desire access to some documentation, not already in your possession, in order to assist you in preparing your statement, please revert to me.

Receipt of this correspondence and its enclosures places you under a duty of confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice with your legal representative(s) but neither you nor they may show, communicate the contents of, or provide this correspondence or the Notice to any other person or organisation without the express permission of the RHI Inquiry. Any breach of this duty of confidentiality is actionable at the suit of the Inquiry Chairman.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice. In particular, you are asked to provide your evidence in the form of the template witness statement which is also enclosed with this correspondence.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for

compliance in the Notice itself.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to Patrick.Butler@rhiinquiry.org.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink that reads "Patrick Butler". The signature is written in a cursive style with a long horizontal stroke at the end.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE**[No 212 of 2018]***The employment of Aidan McAteer during 2016 and 2017*

1. Documents made available to the Inquiry on 12 October 2018 by Aidan McAteer (IND-41001 to 41019) suggest that, from 6 May 2016, he was employed as an 'Administration and Research Manager' by you in your capacity as an MLA. His main duties are summarised at IND-41012 and include, *inter alia*, 'to oversee the work of the MLA research team, contributing to the support and expertise and team management necessary for the effective running of the Sinn Fein Assembly operation' as well as 'primary responsibility for management of the internal assembly communications including the collation and distribution of appropriate reports/briefings to Sinn Fein MLA's [sic]'. He appears to have held a similar position ('Researcher Manager' – IND-41013) with similar duties (IND-41019) in the period from 20 February 2014 to 6 May 2016, albeit that the relevant contract records his employer as Sinn Fein rather than you or any other MLA (IND-41013). In a witness statement dated 31 August 2018 (WIT-161001 to 161063), Mr McAteer described his role from March 2014 onwards in the following terms:

- a. **WIT-161023 – 1st paragraph**

In March 2014 I returned to work for Sinn Fein in the assembly team as the Administration and Research Manager, acting in support of the deputy First Minister. My specific duties included co-ordinating the Sinn Fein ministerial team, including the Special Advisers under the direction of the deputy First Minister. I was employed to do this by Sinn Fein and was not therefore employed as a Special Adviser from that point forward but as directed by the dFM, I worked to the same rules as those that applied to Special Advisers.

- b. **WIT-161024 – paragraph b**

As stated above my role was to support the dFM by co-ordinating the work of the Sinn Fein Executive team made up of Ministers, their advisers and key Sinn Fein Assembly policy advisers. I took my instructions and direction from the dFM

c. WIT-161024 – paragraph c

I co-ordinated and managed on a day to day basis the work of the advisers and wider SF Executive team under the authority and direction of the dFM through meetings, emails and phone calls as necessary,

Arising out of the above, please address the following issues:

- i. Clarify whether, during the period from 6 May 2016, Aidan McAteer's salary was met directly or indirectly, and either in whole or in part, from public funds (such as, for example, public funds available to you as an MLA), providing full details of the public funding (if applicable);
- ii. If no part of Mr McAteer's salary during the said period was met either directly or indirectly from public funds, clarify the actual source of his salary;
- iii. Explain why, although employed by you as an Administration and Research Manager (pages **IND-41001 to 41012** refer), Mr McAteer's day to day role in fact appears to have involved the management and coordination of the Sinn Fein advisers and Ministers under the direction of the Deputy First Minister, (including in your answer details of whether you were aware of the apparent difference between Mr McAteer's job description and his actual duties and whether you, in fact, played any role in the day to day employment, management, supervision, direction or instruction of Mr McAteer);

- iv. Provide any other evidence concerning Mr McAteer's employment which you believe is relevant to the issues being investigated by the Inquiry under its Terms of Reference.

NOTE:

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged. A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.



INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice 212 of 2018

DATE:

Witness Statement of:

I, Carál Ni Chuilin , will say as follows: -

The employment of Aidan McAteer during 2016 and 2017

1. Documents made available to the Inquiry on 12 October 2018 by Aidan McAteer (**IND-41001 to 41019**) suggest that, from 6 May 2016, he was employed as an 'Administration and Research Manager' by you in your capacity as an MLA. His main duties are summarised at **IND-41012** and include, *inter alia*, 'to oversee the work of the MLA research team, contributing to the support and expertise and team management necessary for the effective running of the Sinn Fein Assembly operation' as well as 'primary responsibility for management of the internal assembly communications including the collation and distribution of appropriate reports/briefings to Sinn Fein MLA's [sic]'. He appears to have held a similar position ('Researcher Manager' – **IND-41013**) with similar duties (**IND-41019**) in the period from 20 February 2014 to 6 May 2016, albeit that the relevant contract records his employer as Sinn Fein rather than you or any other MLA (**IND-41013**). In a witness statement dated 31 August 2018 (**WIT-161001 to 161063**), Mr McAteer described his role from March 2014 onwards in the following terms:

- a. **WIT-161023 – 1st paragraph**

In March 2014 I returned to work for Sinn Fein in the assembly team as the Administration and Research Manager, acting in support of the deputy First Minister. My specific duties included co-

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ordinating the Sinn Fein ministerial team, including the Special Advisers under the direction of the deputy First Minister. I was employed to do this by Sinn Fein and was not therefore employed as a Special Adviser from that point forward but as directed by the dFM, I worked to the same rules as those that applied to Special Advisers.

b. WIT-161024 – paragraph b

As stated above my role was to support the dFM by co-ordinating the work of the Sinn Fein Executive team made up of Ministers, their advisers and key Sinn Fein Assembly policy advisers. I took my instructions and direction from the dFM

c. WIT-161024 – paragraph c

I co-ordinated and managed on a day to day basis the work of the advisers and wider SF Executive team under the authority and direction of the dFM through meetings, emails and phone calls as necessary,

Arising out of the above, please address the following issues:

- i. Clarify whether, during the period from 6 May 2016, Aidan McAteer's salary was met directly or indirectly, and either in whole or in part, from public funds (such as, for example, public funds available to you as an MLA), providing full details of the public funding (if applicable);

Aidan McAteer's salary was paid through public funds, specifically the FAPP (Financial Assistance for Political Parties) Scheme to carry out work related to the Assembly and to work with myself as chief whip

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alongside carrying out other duties identified by the Deputy First Minister and authorised by myself.

- ii. If no part of Mr McAteer's salary during the said period was met either directly or indirectly from public funds, clarify the actual source of his salary;

N/A

Explain why, although employed by you as an Administration and Research Manager (pages **IND-41001 to 41012** refer), Mr McAteer's day to day role in fact appears to have involved the management and coordination of the Sinn Fein advisers and Ministers under the direction of the Deputy First Minister, (including in your answer details of whether you were aware of the apparent difference between Mr McAteer's job description and his actual duties and whether you, in fact, played any role in the day to day employment, management, supervision, direction or instruction of Mr McAteer);

the

I was appointed to the role of Chief Whip and Group Leader of Sinn Féin MLA team at the Assembly by the late Mr Martin Mc Guinness in May 2016. On the 6th of May, as Chief Whip I employed Mr Aidan Mc Ateer under the FAPP scheme to oversee the Admin and Research teams within the Assembly alongside other duties identified by the Deputy First Minister and authorised by me.



- iv. Provide any other evidence concerning Mr McAteer's employment which you believe is relevant to the issues being investigated by the Inquiry under its Terms of Reference.

N/A

NOTE:

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged. A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: CARAL NI CHUILIN

Dated: 21st NOVEMBER 2018