

From: [Andrew McCormick](#)
To: [McCormick, Andrew \(DFE\)](#)
Subject: RE: V4 RHI Assembly Debate 16 January 2017 Master QA
Date: 15 January 2017 21:19:56
Attachments: [V5 RHI Assembly Debate 16 January 2017 Master QA - tracked.docx](#)

Many thanks Claire.

I have asked the team for a clear explanation re rate of return.

I think the figure for health opportunity cost is already what you suggested but will check.

Take your point re saying too much about legal advice.

Some tidying to do in the course of the morning, but we will probably need a lot of this for the Committee at 9.30.

A

From: McCormick, Andrew (DFE) [mailto:Andrew.McCormick@economy-ni.gov.uk]
Sent: 15 January, 2017 8:42 PM
To: 'Andrew McCormick' Personal information redacted by the RHI Inquiry
Subject: Fw: V4 RHI Assembly Debate 16 January 2017 Master QA

[Sent from my BlackBerry 10 smartphone.](#)

From: Archbold, Claire <Claire.Archbold@finance-ni.gov.uk>
Sent: Sunday, 15 January 2017 19:15
To: McCormick, Andrew (DFE)
Cc: Dukelow, Victor; Marten, Lucy; Cousins, Heather; Smith, Alan; McMurray, Stephen; McGinn, Paul
Subject: V4 RHI Assembly Debate 16 January 2017 Master QA

Colleagues

A few small thoughts on the Q&A. I think it's important to shut down the breach of contract question quickly, because anyone with a mind to sue will be listening with their full attention. You'll recall that the AG said that on the documents briefed, there was no contract, and Paul McGinn's view is that this is a matter of public law rather than private law.

The speech reads well. Just a query about the section about the PWC investigation. On the one hand, you want to be transparent. But on the other hand, if more investigations are going to be carried out, I might not be so fulsome in saying exactly what the PWC inspectors are going to be looking for. Might encourage some folks to falsify records.

The other piece you will want to remind the Minister of is that if he agrees to release legal advice to one person, he could be seen to have waived privilege to others (eg on FOI, where legal privilege is a qualified, not an absolute exemption). And there is a constitutional convention, of which he'll be aware, which has been adopted in NI (we have correspondence from the AG