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Graduate Business School

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100YEARS  
IN BUSINESS EDUCATION

Mr Ted McEnergy  
Clerk to the Committee  
Committee of Public Accounts  
Leinster House  
Dublin 2

22 May 2013

**Examination of the Report of the Comptroller & Auditor General  
on the Dublin Docklands Development Authority (DDDA)**

Dear Mr McEnergy,

I refer to your letter of 30<sup>th</sup> April 2013 and to the transcript of the Committee's proceedings of 2<sup>nd</sup> May 2013, supplied to me on 7<sup>th</sup> May 2013. I further refer to my three previous letters dated 31<sup>st</sup> May 2012, 3<sup>rd</sup> July 2012 and 10<sup>th</sup> April 2013.

I regret that pressure of work at this time of year has delayed my response.

I note that the Public Accounts Committee now intends inviting a number of named persons to attend before it and to give the Committee evidence in relation to the Comptroller and Auditor General's Special Report No. 77 in relation to the DDDA.

Your previous letter (27<sup>th</sup> March 2013) indicated that it was the intention to conduct hearings in the following sequence:

1. Departmental oversight,
2. My evidence,
3. "Key witnesses who were central to the decision to get involved in the Glass Bottle project".

It seems to me, however, that the proposed order of hearings is very problematic indeed.

Since the first topic which you indicated in your letter of 30<sup>th</sup> April 2013 that the Committee intended to raise with me deals with "judgment errors" relating to the Irish Glass Bottle site issue, and since you have now indicated in your letter that the Committee intends to take evidence from Mr Bradshaw and Mr Maloney in relation to the site's acquisition, it seems to me that the Committee ought in logic first seek to inquire into and establish as far as possible the primary facts of what happened before addressing the later response of the Authority to those events during my chairmanship.

This logic is referred to extensively by members of the PAC in the transcript of its meeting of 2<sup>nd</sup> May 2013, for example, *"We will not be able to complete the picture in the absence of evidence from other individuals named...Mr Maloney, Mr Bradshaw, Mr Fitzpatrick...To coin a phrase, there is no show without Punch"*.

It would be most unfair and would put me in an almost impossible position if I were asked to comment publicly on events, behaviour and "judgment errors" that occurred before my appointment when my awareness of those matters is based, at best, on secondary accounts, inferences and information, and when those in a position to give first-hand accounts to the Committee had not yet been heard.

It would not be fair to me if I were to be asked to publicly deal with issues which occurred before my appointment such as the Glass Bottle site acquisition and the North Quay Development litigation (as is now proposed), before the parties directly involved in those matters were afforded an opportunity to give the Committee a full comprehensive factual account of those events which has never been given to me. Nor would it be fair to those parties to follow such a course.

It may also be that the Committee may well wish to consider whether it wishes to hear from other persons holding executive or board positions in addition to Mr Bradshaw and Mr Maloney on those matters.

I very much believe that the Committee has a very important role in relation to the issues raised in the Special Report. It is for that reason that I am most concerned that the Committee should seek to elucidate the primary facts from the persons with first-hand knowledge of the relevant events before asking me to deal with those issues.

I cannot reasonably be asked to deal publicly with or express opinions or judgments on factual matters which still remain quite unclear and which it is proposed to clarify in evidence before the Committee only after I have given public evidence about them.

I would accordingly suggest, in reason and logic, that the Committee should now reconsider the order in which it intends to conduct its public hearings, and that it should deal next with evidence from all the persons who were actually involved in the primary factual issues.

Yours sincerely,



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Professor Niamh Brennan  
Michael MacCormac Professor of Management