

Mr Shane McAteer
Clerk to the Standards and Privileges Committee
Northern Ireland Assembly
Parliament Buildings
Stormont
Belfast
BT4 3XX

25th May 2021

Dear Shane,

I refer to your letter dated 18th May 2021 and the attached report from the Commissioner for Standards, which I understand your committee will be consider on 26th of May. I have the following comments to make on this matter.

Oral evidence to the committee.

I can confirm that given the importance of the issues raised in the Commissioner's report for the future of the scrutiny role of Assembly committees I would like to take the opportunity to present my case at a full meeting of the committee.

Reference to age related issues.

I was shocked and appalled to read paragraphs 56 to 60 of the Commissioner's report, which refer to light hearted banter about age related issues. Throughout that exchange both the Commissioner and I were smiling as we exchanged humorous comments about each other's age. No reasonable person could have interpreted my comments as offensive and the Commissioner's reaction to these clearly indicated that she enjoyed the exchange in what was otherwise a long and serious interview.

I am alarmed that the Commissioner is trying to blacken my name in the way she is reporting that brief exchange and this may colour your committee's view on the substantive complaint. I therefore must ask that these paragraphs are deleted from the report or the committee is given a chance to view the comments on video. The latter will clearly show the nature of our exchange and refute the Commissioner's interpretation of it.

The context of the hearing.

The Finance Committee hearing on 17th June 2020 was taking evidence on Jim Allister's Private Member's Bill which sought to introduce legislation to control the appointment, pay and conduct of Special Advisors. Mr Allister firmly believed that legislation was required whilst the Minister was of the view that controls could be achieved through codes of conduct. Ultimately Mr Allister's opinion on this very important issue prevailed and the Assembly subsequently passed his Bill by a substantial majority.

It was my view that this was an extremely serious matter as the behaviour of the Special Advisors was a crucial factor in the collapse of the Assembly in January 2017 when the RHI issue became public. Throughout the hearings on the Bill the Minister (Conor Murphy), his senior officials and the three Sinn Fein MLAs on the Finance Committee held firm to the view that legislation was not required and it was evident that they were working together to provide a united front on this matter. The Minister was clearly very unhappy that the Committee was not prepared to reject Mr Allister's Bill.

The June 17th hearing.

I have been a member of the Assembly for 27 years and during that lengthy period I have served on almost every committee. I have always used the same forthright style of questioning and this is the first occasion that any witness has complained about my conduct. I have also appeared before a committee when I was Minister of Health.

It is my strongly held view that every MLA must have the freedom to ask difficult, searching and inconvenient questions of any Minister or senior official. The conduct of the MLA must only be constrained by Standing Orders and the rulings of the Chair. It is almost impossible for an MLA to hold a department to account without a witness occasionally feeling that he or she has not shown respect.

Throughout the evidence session on 17th June 2020 Mr Pauley did not show the slightest indication that he was uncomfortable with the nature of my questioning. If he had any concerns he could have raised these with the Chair and I would have accepted his ruling immediately. I do note that Mr Pauley seems to have pre-empted this point by also lodging a complaint against the Chairman – Steve Aiken MLA.

Mr Pauley was cool and collected throughout the hearing and seemed to take quite a long time to lodge his complaint. The comments of Maoliosa McHugh MLA at the committee's meeting on 24th

June seem relevant as a reasonable person could assume that the Minister was very unhappy with the committee's stance on the Bill and officials and MLAs were being encouraged to restrain it activities by submitting complaints about its members. I simply cannot accept that my conduct at the hearing represented 'an unreasonable and aggressive personal attack'.

If an MLA ever feels that they cannot pursue a certain line of questioning because they fear that their conduct will be reported to the Commissioner for Complaint then the whole basis of the vital scrutiny role of the Assembly committee's will be undermined.

The 'phone a friend' comment.

I totally accept that the 'phone a friend' comment should not have been made. It was an attempt to introduce an element of humour into the proceedings which failed badly. The Chairman spotted this and asked me to withdraw the comment, which I did immediately.

The Commissioner has shown me the video clip of this exchange and I accept that it is far from clear from this that Mr Pauley could have heard either the Chair's ruling on the comment or my withdrawal of it. I made it very clear to the Commissioner that I did withdraw the comment and I understand that Mr Pauley is now aware of this. I would be happy to write to Mr Pauley to confirm that I did withdraw the comment.

I trust that these comments will be useful as your committee considers Mr Pauley's complaint and I look forward to giving evidence to it next month.

Yours Sincerely,

Jim Wells MLA



COMMITTEE ON STANDARDS AND PRIVILEGES

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Mr Jim Wells MLA
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11 May 2021

Dear Mr Wells

Please find enclosed a copy of the report from the Northern Ireland Assembly Commissioner for Standards on her investigation into your conduct. The Committee on Standards and Privileges will consider this report at a later meeting.

It is the Committee's position that reports to it from the Commissioner for Standards should be provided in advance to the Member whose conduct has been investigated. After having read the report you may, if you wish, provide the Committee with your comments in respect of any matter raised within the report. If you do wish to do so you should provide your comments in writing to me **by 12 noon on Tuesday 25 May 2021**. Any such comments would be provided to the Committee at the same time as it receives the Assembly Commissioner's report.

You may also choose to appear before the Committee on Standards and Privileges to make your comments in person and to answer any questions that members may have. Please let me know if you wish to appear before the Committee. Please note that, regardless of your choice, the Committee may decide to invite you to appear before it.

The Assembly Commissioner's report is classified as **Assembly confidential**. This means you must not disclose or discuss the contents of the report until such time as the

Committee on Standards and Privileges has published its own report on this issue. The Commissioner's report must not be copied and must be stored securely by you.

Please note that the report document is password protected. If you call me on the above mobile number, I will provide you with the password to access the document.

Should you have any questions about anything in this letter, please contact me.

Yours sincerely,

Shane McAteer
Clerk of Standards