



Northern Ireland  
Assembly

**Committee on Standards and Privileges**

# Report on a complaint against Mr Mark Durkan MLA and Ms Cara Hunter MLA

Ordered by the Committee on Standards and Privileges to be published on 29 April  
2026

This report is embargoed until noon on Friday 1 May 2026

Report: NIA 155 22-27 Committee on Standards and Privileges.

# Contents

Powers and Membership ..... 3

Membership ..... 3

List of Abbreviations and Acronyms used in this Report ..... 5

Introduction ..... 6

Role of the Committee ..... 6

Background ..... 7

The relevant rules in the Members’ Code of Conduct ..... 8

The Commissioner’s reasoned decision ..... 8

The Committee’s consideration and conclusion ..... 9

Recommendations ..... 12

Links to Appendices ..... 13

    Appendix 1: The Commissioner for Standards report on a complaint against  
    Mr Mark Durkan MLA and Ms Cara Hunter MLA ..... 13

    Appendix 2: Minutes of Proceedings ..... 13

# **Powers and Membership**

## **Powers**

The Committee on Standards and Privileges is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Orders 51 and 57. Further provisions on the Committee's functions are also included in Standing Orders 69, 69A, 69B, 69C and 70.

The Committee has the power:

- To consider specific matters relating to privilege referred to it by the Assembly;
- To oversee the work of the Assembly Clerk of Standards;
- To examine the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and any other register of interests established by the Assembly, and to review from time to time the form and content of those registers;
- To consider any specific complaints made in relation to the registering of declaring of interests referred to it;
- To consider any matter relating to the conduct of members; and
- To recommend any modification to any Assembly code of conduct as may from time to time appear to be necessary.

The Committee is appointed at the start of every Assembly, and has the power to send for persons papers and records that are relevant to its inquiries.

## **Membership**

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Cathy Mason MLA (Chairperson)<sup>1</sup>
- Connie Egan MLA (Deputy Chairperson)<sup>2</sup>
- Keith Buchanan MLA<sup>3</sup>
- Trevor Clarke MLA<sup>4</sup>
- Stewart Dickson MLA
- Mark Durkan MLA<sup>5</sup>
- Paul Frew MLA
- Declan McAleer MLA<sup>6</sup>
- Emma Sheerin MLA<sup>7</sup>

---

<sup>1</sup> From 3 February 2025 Cathy Mason replace Carál Ní Chuilín as Chairperson.

<sup>2</sup> From 8 November 2024 Connie Egan replaced Stewart Dickson as Deputy Chairperson.

<sup>3</sup> From 3 March 2026 Keith Buchanan replaced Harry Harvey as a member of the Committee.

<sup>4</sup> From 3 March 2026 Trevor Clarke replaced Brian Kingston as a member of the Committee.

<sup>5</sup> From 8 September 2025 Mark Durkan replaced Colin McGrath as a member of the Committee.

<sup>6</sup> From 10 February 2025 Declan McAleer replaced Carál Ní Chuilín as a member of the Committee.

<sup>7</sup> From 24 November 2025 Emma Sheerin replaced Jemma Dolan as a member of the Committee.

# List of Abbreviations and Acronyms used in this Report

MLA:	Member of the Legislative Assembly
NIAO:	Northern Ireland Audit Office
PAC:	Public Accounts Committee
The Assembly:	Northern Ireland Assembly
The Code:	The Members' Code of Conduct
The Commissioner:	Assembly Commissioner for Standards
The Committee:	Committee on Standards and Privileges

# Introduction

1. The Committee on Standards and Privileges ('the Committee') has considered a report from the Assembly Commissioner for Standards ('the Commissioner'), Mr Stephen Wright, on his investigation into a complaint against Mr Mark Durkan MLA and Ms Cara Hunter MLA ('the respondents') of an alleged breach of the Assembly Members' Code of Conduct ('the Code').<sup>8</sup>
2. A link to the Commissioner's investigation report, which includes a copy of the complaint correspondence, together with the evidence gathered during the investigation, is included at **Appendix 1** (a limited amount of information has been redacted from the Commissioner's report to accord with legal obligations). The link to the applicable minutes of proceedings of the Committee is included at **Appendix 2**.

## Role of the Committee

3. The arrangements for regulating the standards of conduct of MLAs include: the role of the independent Commissioner in investigating complaints of alleged breaches of the Code; the role of the Committee in considering the Commissioner's investigation reports and adjudicating in light of the Commissioner's findings and any other evidence or information obtained; and the role of the Assembly in plenary in deciding upon sanctions recommended by the Committee, where applicable.
4. It is the Committee which ultimately decides on whether any breach of the Code is established, on the basis of the evidence, the facts and the legal position in respect of each allegation. If it decides that a breach has occurred, the Committee may: decide that a sanction is not merited; seek to resolve the

---

<sup>8</sup> <https://www.niassembly.gov.uk/your-mlas/code-of-conduct/the-code-of-conduct-and-the-guide-to-the-rules-as-amended-on-23-march-2021/>

matter and then report the resolution to the Assembly; or recommend to the Assembly that a sanction be imposed under Standing Order 69B.<sup>9</sup>

5. At the outset, the Committee would also highlight that, while he is a member of the Committee, Mr Durkan recused himself from all its considerations relating to this complaint.

## Background

6. On 23 October 2025, the Commissioner received a complaint from Ms Diane Forsythe MLA ('the complainant') alleging that the respondents had breached Rule 12 of the Code of Conduct through the publication of a plenary motion in their names which referenced the findings of an inquiry by the Public Accounts Committee (PAC), whilst the relevant report was under embargo.
7. The Commissioner considered the complaint and decided it was admissible, before then commencing his investigation on 10 December 2025. On 4 March 2026, the Commissioner forwarded his investigation report to the Committee for consideration.
8. Prior to the Committee commencing its adjudication, and in accordance with its established disclosure procedure, the Committee Clerk sent the Commissioner's full investigation report to the respondents for written comment in respect of any matter raised within the report. Where applicable, any written comments received from the respondents in such complaint cases are provided to the Committee at the same time as it receives the Commissioner's investigation report. The respondents were also offered the opportunity to appear before the Committee to make any comments in person and to answer any questions that members may have.

---

<sup>9</sup> A range of sanctions are provided for in Standing Order 69B  
<https://www.niassembly.gov.uk/globalassets/documents/standing-orders/sos-at-1-july-2025.pdf>

9. Neither Mr Durkan nor Ms Hunter took up the opportunity to make a written response, nor did they indicate that they wished to avail of an oral hearing.

## The relevant rules in the Members' Code of Conduct

10. The relevant rule considered by the Commissioner in the complaint against Mr Durkan and Ms Hunter is as follows:

**Rule 12:** You shall disclose confidential or protectively marked information only when you are authorised to do so.

## The Commissioner's reasoned decision

11. In the 'Reasoned Decision' section of his report, the Commissioner explains why he considers from his analysis of the facts and evidence, on the balance of probabilities, that it is not possible to conclude that either Mr Durkan or Ms Hunter knowingly disclosed confidential or protectively marked information.
12. The following extracts from the investigation report outline the Commissioner's reasoning in relation to why he does not consider that Rule 12 of the Code was breached:

*"Confidentiality is fundamental to preserving the integrity and trust necessary for the effective functioning of the Northern Ireland Assembly. The MLA Code of Conduct is therefore clear at Rule 12 of the requirement to maintain such confidentiality.*

*In this case it appears that the requirements of the Public Accounts Committee Report embargo were not adhered to. Whilst only limited content from the report was disclosed in the motion, the requirement for confidentiality was nevertheless breached. The embargo did not allow for*

*any individual interpretation as to what material could be disclosed in advance of the embargo date.*

*The purpose of the investigation however has been to establish whether Mr Durkan or Ms Hunter breached Rule 12 by virtue of the publication of the motion.*

*In interview Ms Hunter stated that the motion was prepared by Party Staff and not by herself. Mr Durkan stated that he had been involved in the drafting of the motion and was aware of its contents prior to publication. He further stated that the motion referred to the ongoing Inquiry by the Public Accounts Committee, which he had been following, and not the report which published its findings. Ms Hunter similarly stated that her understanding was that the motion referred to the ongoing inquiry and not specifically the report. Both parties acknowledged that the wording of the motion may have led to the issue under consideration. Neither had read the Public Accounts Committee Report nor were they aware of the embargo requirement.*

*In this case therefore it is not possible to conclude to the required standard of proof that either Mr Durkan or Ms Hunter knowingly disclosed confidential or protectively marked information.”*

## **The Committee’s consideration and conclusion**

13. At its meeting on 18 March 2026, the Committee received an oral briefing from the Commissioner on his investigation report. Following the Commissioner's oral briefing the Committee deliberated and considered the allegation, together with the evidence, findings of facts and reasoned decision of the Commissioner, as set out in his investigation report.
14. The Committee noted that, while the Commissioner has not found that either respondent breached Rule 12, he stated in his investigation report that there

has nevertheless been an arguable breach of confidentiality. That said, during the briefing by the Commissioner on the investigation report, the Committee also noted that:

- the plenary motion referred to in the complaint used the word ‘Inquiry’ and not ‘Report’;
- both respondents stated, under oath/affirmation, that they had not read the PAC report and that their understanding was that the motion referred to the inquiry and not to the report by PAC;
- the references in the motion could possibly have derived from publicly available online sources, including from the Northern Ireland Audit Office (NIAO) report on [\*Managing the Schools Estate\*](#), published in November 2024 and which was the subject of the PAC inquiry, as well as from applicable open-session meetings of the PAC; and
- under existing procedural practice, once embargoed Assembly committee reports are laid in the Business Office, as in the instant case, they are available to (and generally circulated separately to) all MLAs.

In light of these considerations and the other findings from the Commissioner’s investigation, the Committee concluded that it was not possible to determine, on the balance of probabilities, that a breach of confidentiality or of the report’s embargo requirement was established or, even if a breach was established, who was responsible.

15. On a separate point, the Committee also considered the circumstances of the case against the requirements of Rule 19, which states:

‘You shall take reasonable care to ensure that your staff, when acting on your behalf, uphold these rules of conduct.’

Following deliberation, however, the Committee concluded that this rule of conduct was not directly applicable because the evidence from the investigation

report indicated that the staff involved in drafting the plenary motion were SDLP policy staff, rather than staff employed by the respondents. Moreover, it was not established that the party policy staff had read the PAC report in any case.

16. The Committee also discussed the existing 'embargo' arrangements for Assembly committee reports, and noted that these relate to the timing of information being made public rather than to confidentiality specifically – i.e. the purpose of an embargo is to ensure that information intended for future release is not disclosed prematurely. In light of the instant case, the Committee agreed that greater clarity and awareness of the requirements on Members is needed, in terms of the definition, purpose and application of the 'embargo' marking when used on Assembly committee reports, in order to safeguard compliance with Rule 12.
17. Finally, as part of its deliberations, the Committee considered the reference in the investigation report to the Commissioner not being able to conclude to the required standard of proof that either respondent "knowingly" disclosed confidential or protectively marked information. The Committee noted during the briefing by the Commissioner that the use of the term "knowingly" was simply to reflect the Commissioner's view that there was no evidence of a conscious or deliberate intent on the part of the respondents to disclose confidential or protectively-marked information in this case. Therefore, the Committee wishes to make clear that use of the term "knowingly" in the Commissioner's conclusion does not introduce a new point to prove or higher standard in relation to the application of Rule 12 going forward.
18. Arising from its deliberations, **the Committee agreed with the Commissioner's conclusions and associated reasoning that it is not possible to conclude that either Mr Durkan or Ms Hunter breached Rule 12 by disclosing confidential or protectively-marked information. The complaint was therefore not upheld and the Committee concluded that the respondents had not breached the Code.**

## Recommendations

19. The Committee noted the wider observations and recommendations in the Commissioner's investigation report regarding the need for steps to be taken to prevent breaches of confidentiality in the future, in order to maintain confidence in the integrity of Assembly processes. As per the Commissioner's recommendation, **the Committee reminds all Members of their responsibilities regarding matters published or progressed in their names, to take such steps as are necessary to protect and maintain confidentiality requirements.** In that regard, **the Committee calls on all Members to ensure that they and staff acting on their behalf are mindful of the applicable rules of the Code, including rules 12 and 19** (as well as Rule 17<sup>10</sup>).
20. In terms of the use of the 'embargo' marking on Assembly committee reports as applicable, **the Committee recommends that the Chairpersons' Liaison Group issues guidance to all MLAs, Members' staff and party staff on the meaning and purpose of the marking, including the basis on which such reports are made available to all MLAs via the Business Office and electronically.**

---

<sup>10</sup> Rule 17 state: 'You shall not disclose details in relation to such an investigation except when authorised by law or by the investigatory authority.'

## **Links to Appendices**

### **Appendix 1: The Commissioner for Standards report on a complaint against Mr Mark Durkan MLA and Ms Cara Hunter MLA**

[View the Report by the Assembly Commissioner for Standards on Complaint made against Mr Mark Durkan MLA and Ms Cara Hunter MLA](#)

### **Appendix 2: Minutes of Proceedings**

[View Minutes of Proceedings of Committee meetings related to the report](#)

You may re-use this publication (not including images or logos) free of charge in any format or medium, under the terms of the Open Northern Ireland Assembly Licence.

[Find out more about the Open Northern Ireland Assembly Licence.](#)

This Report can be made available in a range of formats including large print, Braille etc. For more information please contact:

Committee on Standards and Privileges

Shane McAteer, Committee Clerk

Northern Ireland Assembly

Parliament Buildings

Ballymiscaw

Stormont

Belfast BT4 3XX

Telephone: 028 90 521843

Email: [committee.standardsprivileges@niassembly.gov.uk](mailto:committee.standardsprivileges@niassembly.gov.uk)