

A Chairde

The Commissioner's report ultimately rests upon a single proposition: that the discussion concerning the Belfast City Hall incident on 26 November 2025 constituted a "matter under consideration" by the Committee and that this, in turn, triggered an obligation upon me to declare an interest under Rule 5.

With respect, that conclusion cannot withstand scrutiny in my opinion.

For me, the most striking feature of the report is the Commissioner's express acknowledgement that he has identified no Assembly definition, guidance or authority which defines what constitutes a "matter under consideration" by a Committee. Having reached that position, one might have expected caution in the interpretation and application of a disciplinary provision. Instead, the report adopts the broadest possible interpretation of the phrase and, in doing so, effectively creates a new obligation for Members which is found neither in the Code itself nor in the accompanying Guide.

The Code does not provide that a declaration is required whenever an issue is mentioned during proceedings. It does not provide that a declaration is required whenever a Member raises a matter which falls outside the agenda. Nor does it provide that a declaration is required whenever discussion occurs on a topic which is not before the Committee for scrutiny, determination, recommendation or decision. Yet that is the practical effect of the Commissioner's interpretation.

The significance of this cannot be understated. If the Commissioner's approach is correct, the scope of Rule 5 extends far beyond Committee business and far beyond matters which a Committee is actually considering in the exercise of its functions.

It would mean that any issue raised during proceedings, however incidental, tangential or unrelated to the Committee's remit, could become a "matter under consideration" simply because discussion takes place.

Such an interpretation creates uncertainty not only in this case but for every Member serving on every Committee of the Assembly. Members are entitled to know with clarity when their obligations under the Code arise. The report offers no such clarity and instead substitutes a novel interpretation of the Commissioner's own making.

What is particularly difficult to reconcile is that the Commissioner's own findings undermine the conclusion he ultimately reaches.

The report accepts that the Committee meeting on 26 November 2025 had been convened for legislative scrutiny of the Mother and Baby Institutions Redress legislation. It accepts that the Belfast City Hall incident was not an agenda item. It accepts that the Committee was not conducting any inquiry into the incident. It accepts that the matter

did not form part of the legislative or policy scrutiny functions for which the Committee had been convened. It further accepts that I did not participate in the substantive questioning of the witness regarding the incident.

Those findings lead inexorably to the conclusion that the Belfast City Hall issue was not Committee business. Yet despite accepting each of those propositions, the Commissioner nevertheless concludes that the matter became a “matter under consideration” solely because discussion occurred and because the Chair permitted time for that discussion. The conclusion does not logically follow from the findings.

The report also produces an inconsistency between the treatment of the meeting on 23 October 2024 and the meeting on 26 November 2025.

In relation to the earlier meeting, the Commissioner concluded that no declaration was required because the Chair indicated that questions concerning the City Hall incident were not relevant to the work of the Committee. In relation to the later meeting, the decisive factor appears to be that the Chair permitted discussion to proceed for a period of time before later ruling that further questions fell outside the Committee’s purview.

With respect, the application of Rule 5 cannot depend upon the procedural management style of an individual Chairperson. Whether a declaration is required must depend upon the Code and the nature of the business before the Committee.

It cannot fluctuate depending on whether a Chair intervenes immediately, after several minutes, or not at all. Such an approach introduces an arbitrary element into the operation of the Code which is unsupported by its wording and impossible for Members to predict in advance.

The Commissioner also fails to properly engage with the objective test contained within Rule 5 itself.

The Rule is not engaged merely because an interest exists. The Rule requires consideration of whether that interest might reasonably be thought by others to influence a Member’s approach to the matter under consideration.

Yet the report identifies no conduct on my part from which such influence could reasonably be inferred.

The Commissioner expressly rejects allegations that I acted contrary to the public interest. He rejects allegations that I improperly interfered with proceedings. He rejects allegations that I sought to confer any advantage on another person. He rejects allegations of advocacy. He accepts that I did not participate in the substantive questioning of the witness concerning the incident.

Those findings are fundamentally inconsistent with the suggestion that a reasonable observer would conclude that my approach had been influenced by a personal interest.

The report identifies no act, decision, intervention or conduct capable of supporting that conclusion.

It is equally important to recognise the context in which the issue arose. Throughout the meeting there was a sustained and genuine dispute regarding whether the Belfast City Hall incident fell within the remit of the Committee at all. I consistently maintained that it did not. Other Members expressed similar concerns. Ultimately the Chair herself determined that further questioning on the issue fell outside the Committee's remit.

The report gives insufficient weight to that context. This was not a case in which a Member sought to avoid transparency regarding a matter clearly before the Committee. It was a case in which a Member consistently maintained that the matter was not Committee business and therefore did not engage the declaration requirements contained within Rule 5.

The Commissioner may disagree with that interpretation, but disagreement cannot be transformed into a disciplinary breach by adopting an expansive construction of the Code unsupported by any definition, guidance or precedent.

Finally, the findings regarding Openness and Leadership cannot stand independently of the Rule 5 finding. The Commissioner identifies no separate conduct giving rise to those conclusions. Both findings flow entirely from the determination that Rule 5 was breached. If that determination is unsustainable, the associated findings necessarily fall away.

For all of these reasons, it is submitted that the Commissioner has adopted an unwarranted and expansive interpretation of Rule 5, has characterised matters outside the Committee's business as a matter under consideration without any supporting authority for doing so, and has reached conclusions which do not logically follow from his own findings of fact.

The Committee is therefore invited to reject the finding of breach and the consequential findings relating to the principles of Openness and Leadership.