

**STATEMENT TO BE MADE BY THE PRESIDENT OF THE PRIVILEGES AND PROCEDURES
COMMITTEE ON 12th OCTOBER 2004**

Members will know that the Privileges and Procedures Committee has been considering the matter of the comments made by Senator E.P. Vibert about Deputy J.A. Hilton both on his website and in a private message sent to the Deputy which was subsequently forwarded to all members.

I would firstly like to make it clear that, throughout its deliberations, the PPC has been conscious that the draft Code of Conduct approved by the States last year is not yet formally in force. This was made clear in the report accompanying the draft Code which stated –

It will be necessary for appropriate amendments to be made to the Standing Orders of the States to give effect to the Code. The Privileges and Procedures Committee intends to bring forward those amendments as part of its overall review of the Standing Orders.

Nevertheless the report went on to say that *‘In the interim it is hoped that Members will regard the Code as a helpful guide to conduct albeit, at this stage, an informal one’*.

After having reviewed the case the PPC wrote to Senator E.P. Vibert on 1st October 2004 pointing out that, in the Committee’s view, some of the language used in the personal communication was highly offensive and contrary to the provisions of the draft Code of Conduct which states that *‘Members should at all times treat other members, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process’*. The PPC noted that Senator E.P. Vibert had written a letter to Deputy Hilton which had been circulated to all members on 28th September 2004. In this letter Senator Vibert apologised for the *‘tone and harshness’* of his language.

Senator Vibert has queried in the media the Committee’s competence to deal with this issue. As was made abundantly clear we have no powers at this point to compel attendance of witnesses or to enforce findings. Senator Vibert made it clear that he would not attend and, while it was clearly preferable that he should attend, the Committee felt it had sufficient information to proceed. Furthermore it was prepared to accept, in the absence of Senator Vibert, that the letter of apology met its wishes.

The issue has also been raised by Senator Vibert that the offensive words were contained in a private communication and, as such, were no business of the States. The Committee’s view was that it would be bizarre if such words, which reflected seriously on a member’s integrity and standing as a politician, could be excused simply by saying that they were in a private communication. Secondly, and as a recent debate has shown, and despite rulings from the Data Protection Registrar, e-mails written to individuals have been cited in the States when members considered there was an overriding issue of public interest at stake.

The Committee informed Senator Vibert that, while the content of his website was ‘robust’, this was legitimate political comment, although the Committee is mindful that there is a fine line to be drawn between legitimate political comment and highly offensive language.

Yesterday the PPC met Deputy Hilton to discuss the matter and to discuss a further complaint from her about additional comments posted on Senator Vibert’s website in a press release dated 2nd October 2004. The Committee believes that offensive language is not acceptable from a person holding public office and the Committee’s view is that the offending comments should be removed from the website and that there should be no more such comments.

In conclusion the Committee is aware that this episode is harming the reputation of the States and taking up precious time when it is faced with a multitude of crucial issues. The Committee therefore asks Senator Vibert to seek the leave of the Bailiff to make a personal statement to read out his letter of apology and to draw a line under this matter.