
STATES OF JERSEY



INCIDENT IN THE STATES CHAMBER BETWEEN SENATORS J.L. PERCHARD AND S. SYVRET

Presented to the States on 2nd June 2009
by the Privileges and Procedures Committee

STATES GREFFE

**REPORT OF THE PRIVILEGES AND PROCEDURES COMMITTEE
CONCERNING AN INCIDENT IN THE STATES CHAMBER BETWEEN
SENATORS J.L. PERCHARD AND S. SYVRET**

On Friday 1st May 2009, the Privileges and Procedures Committee concluded its investigation under Standing Orders into an incident which occurred between 2 States members in the States Chamber on 10th March 2009.

The Committee received complaints from members of the public regarding the episode, during which Senator S. Syvret stated that Senator J.L. Perchard had made certain utterances to him. At the time, the matter was dealt with directly through the Chair, as follows –

‘The Deputy Bailiff:

One moment. This was a private matter in any event. I cannot rule on what was said and what was not because it is denied so we will leave the matter there. But quite clearly Members should as a general principle be courteous to each other, should not insult each other or use abusive language to each other. That is in Standing Orders so far as public utterances are concerned. It is in the code of conduct as I understand it so far as ordinary private interaction between Members is concerned. I urge all Members to abide by that. [Approbation] Now, Minister, I am sorry you were interrupted but perhaps you could carry on’.

The Committee considered the incident with regard to Standing Order 104(2)(b), which states –

“(2) A member of the States must not –

...

(b) use offensive or insulting language about any member of the States;”.

The Committee agreed at its meeting of 27th March 2009 to invite Senators Perchard and Syvret to discuss the matter on 1st May 2009.

Senator Syvret did not attend the meeting, and the matter was therefore determined in his absence. While the Committee acknowledged that Senator Syvret had merely repeated the alleged words of Senator Perchard, and that words spoken before the States were subject to privilege, it considered that the Senator could have found a way to draw the Chair’s attention without needing to repeat the alleged words verbatim in the Chamber.

The alleged actions of Senator Perchard were considered with regard to Standing Order 157(1) of the Standing Orders of the States of Jersey and paragraph 5 of the Code of Conduct for States Members, “Maintaining the integrity of the States,” which reads as follows –

‘Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public’s trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their

public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute.

Elected members should at all times treat other members of the States, 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.'

Senator Perchard attended the meeting of 1st May 2009 and admitted that he had sworn privately to another member on 10th March 2009. He did not however acknowledge using the precise words which Senator Syvret had reported to the President of the Assembly, and said: 'I absolutely refute telling the Senator to commit suicide'. Senator Perchard explained that he had subsequently apologised and informed the Committee that he had learned from the incident and was sorry for any embarrassment caused to members of the States. The Committee noted the personal statement made by Senator Perchard on Tuesday 24th March 2009, and his 'full and unreserved apology to States Members for using un-statesman like language in a private conversation with a member', and considered that it would not be possible to ascertain the exact words uttered by Senator Perchard during the whispered exchange with Senator Syvret, especially as Senator Syvret had declined to attend the meeting.

Following its discussions with Senator Perchard, PPC also considered whether or not Senator Perchard had misled the Assembly when he said: 'I absolutely refute that. I am just fed up with this man making up allegations against people. I just wish he would not,' then later admitted that he had sworn at Senator Syvret. The Committee decided that it did not have evidence to suggest Senator Perchard had misled the Assembly, but felt he had made the statement to highlight that he had not said those particular words.

The Committee concluded that a breach of the Code of Conduct for Elected Members had occurred in this instance. It noted that Senator Perchard had admitted responsibility for this and had issued an apology for the use of un-statesman like language. The Committee further noted that Senator Perchard had considered that he was engaged in a private exchange with Senator Syvret at the time of the incident.

The Committee finds it regrettable that a personal disagreement should overflow into the Chamber in such a way, and wishes to take this opportunity to remind all Members of their duty to treat one another with respect and courtesy **at all times**. The Committee considered that, as it would not be possible to determine the exact words used, it was unable to take any further action, other than to remind Senator Perchard of the full extend of the Code of Conduct.

Although some may feel that this matter was resolved some time ago, the Committee points out that it was obliged to follow the formal complaints procedures set out in Standing Orders so that the complaints made by members of the public could receive due consideration.