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## **CODE OF CONDUCT**

### **COMPLAINT AGAINST DEPUTY R GRAHAM**

### **FINDINGS OF THE INVESTIGATION PANEL**

Deputy Richard Graham is a Member of the States of Deliberation and sits as a Deputy for the Castel.

On 22<sup>nd</sup> September 2020, Mr Brendan Murphy and Mrs Pamela Murphy lodged a complaint with the States Members' Code of Conduct Panel about the content and tone of an article published in the Guernsey Press on Monday 21<sup>st</sup> September 2020 which commented upon the actions and performance of the Committee *for* Economic Development and its members and also other Members during the 2016 to 2020 States' term. Their complaint was that by writing it Deputy Richard Graham had breached sections 8 and 9 of the Code of Conduct for States' Members.

Section 8 is in the following terms:

*Members shall 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 Deliberation and never undertake any action which would bring the States, or its Members generally, into disrepute.*

Section 9 is in the following terms:

*Members shall at all times treat other Members, civil servants 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 Chairman reviewed the complaint and determined that prima facie evidence had been submitted to support it. An Investigation Panel to consider the case was therefore established and Deputy Graham was asked to respond to the complaint.

The Investigation Panel was convened and comprised The Very Rev'd J Guille as Chairman, Advocate Russell Clark and Mr Stephen Trevor.

The complaint was received on the 22<sup>nd</sup> September, with a further letter to support their complaint sent on the 24<sup>th</sup> September. The Chairman was conscious that the matter needed to be resolved speedily while Deputy Graham was still subject to the terms of the Code of Conduct. However, following issues over Panel composition raised by Mr and Mrs Murphy, there was a slight delay to ensure that the proposed membership of the Investigation Panel was accepted by the two parties, which it was.

Deputy Graham provided a full written response to the complaint and was afforded, in accordance with the rules, the opportunity to present his case in person to the Investigation Panel, which he did. Mr and Mrs Murphy were also afforded the opportunity to speak in person about their complaint, which they did.

The complainants and Deputy Graham appeared before the Panel separately and each explained clearly how they saw the matter and the context in which the article and its contents should be considered. Mr and Mrs Murphy also provided additional information to support their complaint and had researched their complaint thoroughly.

Mr and Mrs Murphy read through a statement expanding on the reasons for having lodged the complaint. They thought that the tenor and words in the article were inappropriate. They did not feel that it should have been published during the election period and had complained to the Editor of the Guernsey Press about it. They felt that people reading the article would take it at face value and it could harm the chances in the General Election of those named.

They asserted that Deputy Trott had been misrepresented in the article as having suggested that the States should waste £400,000 on a report on future sea links and his integrity put in doubt.

They felt that words written about the departure from the Committee *for* Economic Development of the late Deputy Kuttelwascher and Deputy Merrett were demeaning. They felt that the words written about the election of Deputies de Lisle and Tindall to the Committee were discourteous and disrespectful. They were also inaccurate as then Alderney Representative Jean had also been proposed.

Mr and Mrs Murphy questioned on what factual basis Deputy Graham could assert that the States Meeting was nearly rendered inquorate because so many Members left it when Deputy Parkinson began to speak about the Economic Development Strategy on the 27<sup>th</sup> June 2018.

They believed that the article would not be read as light-hearted but would be treated as a factual assessment of events because Deputy Graham was a States Member and eye witness. It was not appropriate for one Member to issue judgment on his colleagues. While politicians in other countries might use such language about each other they felt it inappropriate in the local context which they considered should be more consensus-based.

Mr and Mrs Murphy asserted that by what he had said in all the sections of the article which they had highlighted Deputy Graham had breached sections 8 and 9 of the Code.

Deputy Graham explained that he had been commissioned by the Guernsey Press to write the articles and been asked to make them light-hearted rather than a bland recap of events. He had not been paid for them. He accepted that he had erred in saying that Deputies de Lisle and Tindall were the only candidates for vacant seats on the Committee in January 2018 because then Alderney Representative Jean had also been proposed.

He had commented about numerous Members leaving the Chamber when Deputy Parkinson spoke to make the point that while Members were happy to spend plenty of time debating social issues they were less interested in talking about the economy.

We considered carefully all the material provided to us and the comments made by the complainants, Mr and Mrs Murphy, and Deputy Graham when they met us.

In respect of Mr and Mrs Murphy's allegations against Deputy Graham we came to the following conclusions.

We noted that Deputy Graham had accepted that Deputy Trott had not actually said the words that he wanted the States to waste money. Deputy Graham had written them to make the point that the Policy & Resources Committee had differing views on whether consultants reports should be commissioned between the one others sought regarding a runway extension and their wish for one on sea links.

Mr and Mrs Murphy expected the article to be both written and read as a factual review of the matters commented on. We considered this was to misunderstand the intentions of the Editor and Deputy Graham and the standards which sections 8 and 9 of the Code impose on States Members. Those sections do not prevent a States Member commenting on other Members or on Committees so long as there is no breach of the provisions of those sections, for example relating to the public's trust and confidence in the integrity of the States, to bringing the States or its Members generally into disrepute, or to treating Members and others with respect and courtesy and without malice.

Having discussed this with Mr and Mrs Murphy we understand that they genuinely consider that some of Deputy Graham's comments were inappropriate, could bring the States and Members into disrepute and involved discourtesy. It appeared to us that they consider it is inherently inappropriate and, beyond that, a breach of the Code, for a States Member to criticise another Member, particularly in the run up to an election. However, we consider that Deputy Graham's critical comments in the article were simply a normal part of the democratic political process and he had the right to freedom of speech. The article was not exclusively negative and we were satisfied there was no malicious intent. It was clearly a subjective viewpoint and we agree with Mr and Mrs Murphy's own comment to us that everyone would make their own judgment on it.

We agree that the level of personal political animosity in other jurisdictions should not be used to determine what is acceptable in Guernsey. However, the particular words in the article which Mr and Mrs Murphy complained of are nowhere near conduct which might merit censure under the Code of Conduct. We do not accept the assertion that the article (in part or in whole) would bring the States or its Members into disrepute either locally or internationally.

Therefore, we find that the complaint was not proven and Deputy Graham did not breach any part of the Code of Conduct for States' Members. We therefore decided to dismiss the complaint in its entirety.

**Mr S. Trevor**

**Advocate R. Clark**

**The Very Rev'd J. Guille**

**Dated 12<sup>th</sup> October, 2020**