

16 April 2008

Mr Terry Moran AO
The Secretary
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

[\(lobbyistsregister@pmc.gov.au\)](mailto:lobbyistsregister@pmc.gov.au)

Dear Mr Moran

LOBBYING CODE OF CONDUCT – EXPOSURE DRAFT

Parker & Partners is pleased to have the opportunity to provide our comments on the Exposure draft of the Lobbying Code of Conduct.

As a professional services group whose range of activities include lobbying and advocacy to Government we support policies and regulation that promote transparency and provide assurance to the Government, our clientele and the public.

Please find following our comments on the current draft.

Please don't hesitate to contact me on (02) 6215 4200 if I can be of any assistance or to clarify any of the comments made in this submission.

Yours sincerely



GREG A SAM
Joint Managing Director

INTRODUCTORY COMMENTS

Parker & Partners welcomes the opportunity to provide our comments on the Draft Lobbying Code of Conduct.

About Parker & Partners

Parker & Partners is an eminent professional public affairs company established in 1998. As a part of Ogilvy PR Worldwide in Australia, our broader organisation represents the country's largest public relations and public affairs communications group.

Parker & Partners has a team of experienced consultants with expertise in policy analysis, media management, issues and crisis management, stakeholder management, community engagement and research. Services provided include specialist advice and counsel across a range of portfolio issues including sustainability and environment, health and social policy, industry and resources, infrastructure, aviation and transport.

Our clientele are drawn from non-government organisations, professional associations, industry peak bodies, national and international commercial enterprises and government agencies seeking strategic advice and counsel on engaging with their target public be they government, media, industry, professional groups or the community.

We are a professional services firm committed to the highest ethical standards within our industry.

General comments on the Draft Lobbying Code of Conduct

Parker & Partners supports the intent of the proposed Code of Conduct to assure transparency in engagement with government decision makers and influencers. We have publicly supported the need for a Code of Conduct for our industry over the past four years.

We strongly agree with the Preamble that lobbying (as part of government relations) is a legitimate activity and an important part of the democratic process.

Parker & Partners recognises the importance of public confidence in the integrity of Ministers, their staff and senior Government officials, as well as the integrity of the lobbying profession whom, on the whole, work in an ethical and transparent manner.

In introducing a Federal Register and Code of Conduct, Parker & Partners asks that the processes associated with compliance to the Register be clear and not constitute an undue burden on the professional lobbying sector and their clientele.

Definitions

Parker & Partners agrees with the proposed definition of 'Government representatives' and does not support any extension of this definition to include all parliamentarians.

We support the defined scope of 'lobbying activities' that are included and excluded from the Code.

We note that compliance with the Code is limited to 'third party' agents or agencies. We do however believe that some of the groups identified as exempt do not always act solely with self-interest, particularly where there is a broad and varied constituency, thus the assumption that their intentions in engaging with government is both implicit and apparent is incorrect and could lead to

'creative' approaches to third party lobbying via a related peak body or organisation. For example, a member of a professional service firm, lawyers or accountants are proposed to be exempt. Yet the realities of the larger legal and accountancy firms are that they have specialist units within their companies that could offer government relations as an extended service for their clientele, without being captured as "lobbyists". We believe this aspect of the Code requires further consideration.

Practical implementation of the Code

a) Registration

Parker & Partners supports the provision of required information specified in Section 5 of the Draft Code and note that in addition to reporting any changes to lobbyist details, we will also be required to report quarterly to confirm the information on the Register is accurate, and to provide annually statutory declarations for all persons employed, contracted or otherwise engaged to carry out lobbying activities on behalf of a client.

We do not support the linking of individuals within the firm to associated individual clients that are also required to be listed. This will not add to the provision of clarity in engagement with government. As a company, we attribute a collective association between the firm and the client. That is, any representation to government by any member of the company on behalf of the client would be declared at each encounter. The fact that our company undertakes lobbying activities for a particular client should be sufficient for the purposes of the Register and would remove unnecessary requirements for compliance on our behalf.

b) Access to the Register

Parker & Partners generally supports the proposal for the Register of Lobbyists to be located on the website of the Department of Prime Minister and Cabinet. However, we request adequate consultation during the development and activation of the site to enable sufficient lead time to inform clients of the structure and content of the site.

Thinking on behalf of our clients however, there is one aspect we believe requires some further consideration - the potential opportunity for industry competitors to garner commercial-in-confidence information via a publicly available register. It may be worth considering a system whereby the Register is made available on request only, perhaps similar to a Freedom of Information (FOI) request. Alternatively, the Department could publish the register on a quarterly or annual basis, similar to the requirement for Annual Reports from each agency. This would ensure that transparency was achieved, without breaching commercial sensitivities between companies.

c) Principles of engagement

Parker & Partners supports the intent of the principles of engagement with Government Representatives as defined in the Draft Code.

We seek reassurance, however, that the Offices of Government representatives (Ministerial Staff and Departmental Officers) are given comprehensive advice and instruction on the spirit and application of the Code so that legitimate engagement with government and government processes are not impeded. This is important to ensure any complaint that may be made is done so objectively and on the basis of the engagement, not the personality.

Similarly, in this regard we strongly recommend that the Code also include a process for a lobbyist to report inappropriate behaviour by a Government representative within the context of lobbying activities, particularly those activities such as requesting information, profiling or Electorate-based issues that are excluded from the Code (see below).

d) Reporting and handling of potential breaches of the Code

Further to the point above, there is insufficient detail in the Draft Code regarding the responsibilities of the Government representatives and the Department with respect to the reporting and handling of potential breaches.

Further clarification should be provided on the process for:

- determining a breach has occurred, is it a claim or complaint or will the Representatives be required to produce information or evidence of the potential breach?
- investigating the reported breach by the Department;
- how lobbyists are to respond to the claims of a breach or to appeal the decision;
- determining whether the breach applies to an individual consultant or to the registered business;
- resolving disputes via the use of an independent arbiter; and
- removing the lobby firm or individual consultant from the register and how this is recorded or reported.

We also note that if a breach of the Code is confirmed, the Draft in its present form does not specify the period of 'de-registration'.

CONCLUSION

We trust these comments are of assistance in considering the form the Code will take.

We support this initiative and look forward to further consultation on the finalisation of the Lobbying Code of Conduct.