

White, Alex

From: Annabelle Warren [mailto:annabelle@pmc.gov.au]
Sent: Thursday, 17 April 2008 4:17 PM
To: Lobbyists Register
Cc: [mailto:lobbyistsregister@pmc.gov.au]
Subject: PRIA submission Lobbyist Register
Attachments: PRIA submission - lobbyist register April 2008 Final.pdf; PRIA ethics and codes of practice.doc

David,

The National Board of the PRIA reviewed some of the key issues at their meeting last night. Thank you so much for the extra day to allow us time to ensure we had input from around the country.

Please find attached the PRIA submission along with our codes of ethics and consultancy practice.

We would welcome further opportunity to discuss these important issues.

Regards,

Annabelle Warren
Immediate Past President,
Public Relations Institute of Australia



Annabelle Warren
Primary Communication
www.primary-pr.com
Tel: +61 2 9212 3888 Fax: +61 2 9212 3990
Mob: +61 2 9212 3990

From: Lobbyists Register [mailto:lobbyistsregister@pmc.gov.au]
Sent: Wednesday, 16 April 2008 4:26 PM
To: Cathy Baker; Lobbyists Register
Cc: Lobbyists Register
Subject: RE: Register for lobbyists [SEC=UNCLASSIFIED:NO CAVEATS]

Cathy

Sorry for the confusion. We can give you until close of business tomorrow. Would you be able to provide your comments by then?

Regards

David Macgill
Assistant Secretary
Parliamentary and Government Branch

[SEC=UNCLASSIFIED:NO CAVEATS]

From: Cathy Baker [mailto:cathyb@pria.com.au]
Sent: Wednesday, 16 April 2008 4:14 PM

18/06/2008

To: Lobbyists Register
Subject: RE: Register for lobbyists [SEC=UNCLASSIFIED:NO CAVEATS]

Hello

Thank you for the email. My question was actually asking if the Public Relations Institute of Australia could have an extension. Will this be possible?

Best wishes

Cathy Baker
Executive Office
PRIA

From: Lobbyists Register [mailto:lobbyistsregister@pmc.gov.au]
Sent: Wednesday, 16 April 2008 4:10 PM
To: Cathy Baker
Cc: Lobbyists Register
Subject: RE: Register for lobbyists [SEC=UNCLASSIFIED:NO CAVEATS]

Thank you for your comments on the exposure draft of the Lobbying Code of Conduct.
You will be advised when the Code has been finalised and the Register of Lobbyists is operational.

Department of the Prime Minister and Cabinet
www.pmc.gov.au
Email: lobbyistsregister@pmc.gov.au

[SEC=UNCLASSIFIED:NO CAVEATS]

From: Cathy Baker [mailto:cathyb@pria.com.au]
Sent: Wednesday, 16 April 2008 4:06 PM
To: Lobbyists Register
Subject: FW: Register for lobbyists

16 April 2008

The Secretary
Department of Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Dear Secretary

Re: Register for lobbyists

Thank you for the opportunity to provide you with feedback on the exposure draft of the Lobbying Code of Conduct that was released early this month for public comment.

The Public Relations Institute of Australia represents some 3000 public relations professionals from across Australia, some of whom may engage in activities that may be subject to the new Code. Our industry already has in place to ensure our members represent their clients in a fair, honest and ethical manner, so we have an active interested

18/06/2008

in the proposed new Code.

The National Board of the PRIA is meeting this evening and our discussions will help to fully inform our response to the exposure draft. I am therefore seeking an extension of time to provide you with a considered response.

Please do not hesitate to contact me regarding this issue on telephone 08 8941 9169 or via email national@pria.com.au

Yours sincerely

Tracy Jones
National President
Public Relations Institute of Australia



pria
Public Relations
Institute of Australia

16 April 2008

Suite 301, 66 King Street,
Sydney NSW 2000

tel: 02 9247 2220
fax: 02 9247 6964
email: national@pria.com.au
www.pria.com.au

ABN 85 066 451 732

The Secretary
Department of Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Dear Secretary

Re: Code of conduct and register of lobbyists

Thank you for the opportunity to provide feedback on the exposure draft of the Lobbying Code of Conduct and Register that was released early this month for public comment.

The Public Relations Institute of Australia represents some 3000 public relations professionals from across Australia, many of whom engage in communication activities that may be subject to the new Code. The PRIA also accredits 23 Australian universities to offer recognised degree programs and works with international PR and communication institutes so we are vitally interested in the Code and its impact on our profession.

PRIA members are employed in commercial, government, not-for-profit as well as consultancies. In addition, over 160 consultancies are members of the PRIA Registered Consultancies Group.

The public relations and communication profession already has in place a strong code of ethics to ensure our members represent themselves, their employers and their clients in a fair, transparent, honest and ethical manner.

We would welcome a meeting with the Department of Prime Minister and Cabinet to discuss the exposure draft, and in particular the issues outlined in our comment outlined overleaf. The PRIA code of ethics and code of practice are attached to further inform our discussion.

Please do not hesitate to contact me regarding this issue on telephone 08 8941 9169 or via email national@pria.com.au

Yours sincerely

Tracy Jones
National President
Public Relations Institute of Australia

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 - c. PRIA Registered Consultancy Group by-laws
 - d. PRIA Registered Consultancy Group application form

1. Introduction and overview

The professional representation of diverse views and opinions is essential to a robust and relevant democracy. It is essential that these are presented within a clear set of ethical parameters and that transparency of representation and interests is provided to all parties.

The PRIA has circulated the draft to all seven state and territory PRIA boards and to the national Registered Consultancies Group.

It is the view of our Canberra based members, and those in other states who have worked extensively as lobbyists, that the exposure draft is a positive step forward.

While some of our members are substantively dependent on lobbying activity for their livelihood, a far greater number have contact with federal government ministers, parliamentary secretaries, ministerial staff, Australian public service employees and members of the Australian Defence force as a small part of larger community and business communication programs.

We would welcome further discussion, and to develop a cooperative partnership with the Federal Government to ensure that public communication is conducted ethically at all times.

2. Definitions

The Public Relations Institute of Australia (PRIA) strongly supports the principle that lobbyists should always identify who they are working for and the nature of the matters they wish to raise with Government representatives.

However, it suggests that there be two alterations made to definitions contained in the Exposure Draft.

(i). The PRIA asks the review panel to specifically nominate Members of PRIA within the general definition (f). The reason being that the PRIA has a very strong Code of Ethics which must be adhered to by members and by all employees of registered consultancies. Specifically the Code requires the following of all its members:

1. *Members shall be prepared to identify the source of funding of any public communication they initiate or for which they act as a conduit.*

Therefore, we ask that our members who may be working incidentally with government representatives be clearly included on the basis that they are already committed to our Code of Ethics.

We ask the committee to specifically include our members as part of the professional recognition clause as per:

Revised (f) "Members of professions, such as doctors, lawyers or accountants, and other service providers such as members of the Public Relations Institute of Australia or employees of its Registered Consultancies Group, who make occasional representations to Government on behalf of others in a way that is incidental to the provision to them of their professional or other services."

(ii). Another concern in the Exposure Draft is the broad definition of the word "Client".

Many clients of public affairs and communication consultancies, engage the firm to provide a range of activities of which lobbying is only one. To the extent a public affairs firm is engaged to undertake lobbying activities, those activities may not necessarily involve the Australian Government or any of its agencies or officials.

We accordingly request that the definition of "Client" be amended to read:

"Client", in relation to a lobbyist, means an individual, association, organisation or business who:

- (a) has engaged the lobbyist on an on-going retainer to make representations to Government representatives, or
- (b) has, in the previous three (3) months, engaged the lobbyist to make representations to Government representatives, whether paid or unpaid".

3. Broader view of definition of “Lobbyist”

- (i) The definition of “Lobbyist” in the Exposure Draft excludes employees of a company or organisation engaged to undertake lobbying activities on behalf of that company or organisation.

This restriction appears to assume that Government representatives being lobbied by employees of companies and organisations could not benefit from the information on the Register of Lobbyists in respect of the activities of those people.

In addition, the exclusion from the definition of “Lobbyist” of employees of a company or organisation engaged in lobbying activities on behalf of their employer, allows the company/organisation to place a lobbyist on staff, instead of engaging an independent public affairs firm or consultant. And the lobbyist employee may be full-time, but often could be a part-time or casual contract worker.

This presents an attractive option for large corporations but poses a considerable commercial disadvantage of independent public affairs firms. It could place independent lobby firms at a considerable commercial disadvantage.

Furthermore, although a person may be employed by a company or organisation, the commercial interests of that company or organisation may be so broad as to create confusion as to which interests the employee is representing.

There is also concern from some of our members that the proposed definitions for “lobbyist” will create the potential risk of creating a situation where charitable groups and NGOs have greater access and potentially more power to influence decision making than business and commercial enterprises.

- (ii) We support the principles of engagement with Government representatives set out in clause 8 of the Exposure Draft.

There could clearly be a situation where Government representatives could be party to lobbying activities by a lobbyist who is not on the Register of Lobbyists. However, the principles of engagement should apply beyond the narrow group of professional lobbyists who come within the definition of “Lobbyist” in the Exposure Draft.

The Government may wish to consider imposing the principles set out in clause 8 of the Exposure Draft on every person who conducts lobbying activities with Government representatives, regardless of whether those persons fit within the definition of a “Lobbyist”.

4. Process for removal from register

PRIA recommends that a process is put in place to ensure robust review, transparency and accountability in case of removal of an individual from the register. If the Minister makes a decision to strike a lobbyist off the register there should be clear process and provisions to ensure that decisions are made fairly and are appealable.

In particular Section 10.3 whereby the Secretary:

(a) must not register a lobbyist, a person who is an employee of a lobbyist or a contractor or person engaged by a lobbyist if the Cabinet Secretary, in his or her absolute discretion, directs the Secretary not to register the lobbyist or the individual, and

(b) must remove from the Register a lobbyist or a person who is an employee of a lobbyist or a contractor or person engaged by a lobbyist from the Register if the Cabinet Secretary, in his or her absolute discretion, directs the Secretary to remove the lobbyist or the individual from the Register.

In the future, it would be helpful to see a process whereby there is a requirement for the Cabinet Secretary to:

1. inform the lobbyist of why this action is being considered;
2. consider a submission from the lobbyist in response to the allegations made against them;
3. provide a statement of reasons for any decision that is made;
4. provide scope for appealing the decision.

The inability to appeal a discretionary decision is unfair and represents a very damaging blow to any professional who works in the area of government relations.

It is vital that the process of registration is fair, transparent and has appropriate appeal rights.

Maintaining High Ethical Standards

Strong ethical standards play a critical role in establishing trust and confidence in any professional discipline and Public Relations is no exception.

Like many professions, there are no laws that require public relations practitioners to be registered, licensed or accredited. Consequently there are no statutory penalties for misconduct or professional negligence as a public relations practitioner.

As the peak industry body, PRIA plays a leading and essential role in industry self-regulation, with a series of tough Codes and Standards governing members' ethical and professional practice.

Individual Code of Ethics

All PRIA members are required to make a personal, written commitment to a stringent Code of Ethics, governed by a senior group of practitioners known as the College of Fellows.

Consultancy Code of Practice

Consultancy members are also governed by the Code of Ethics. To be eligible for Registered Consultancy status, the PR agency principal must be a full professional member of the PRIA.

Consultancy members are also bound by an additional Code of Practice covering client relations, fees and income and general practice.

Complaints procedure

The PRIA has a nationally uniform procedure for dealing in a professional, rigorous and fair manner with allegations of breaches of the Code of Ethics, with requests for investigation of dubious practices, and, of course, with proven complaints.

PRIA Code of Ethics

The Public Relations Institute of Australia is a professional body serving the interests of its members. In doing so, the Institute is mindful of the responsibility which public relations professionals owe to the community as well as to their clients and employers.

The Institute requires members to adhere to the highest standards of ethical practice and professional competence. All members are duty-bound to act responsibly and to be accountable for their actions. The following Code of Ethics binds all members of the Public Relations Institute of Australia:

1. Members shall deal fairly and honestly with their employers, clients and prospective clients, with their fellow workers including superiors and subordinates, with public officials, the communications media, the general public and with fellow members of PRIA.
2. Members shall avoid conduct or practices likely to bring discredit upon themselves, the Institute, their employers or clients.
3. Members shall not knowingly disseminate false or misleading information and shall take care to avoid doing so inadvertently.
4. Members shall safeguard the confidences of both present and former employers and clients, including confidential information about employers' or clients' business affairs, technical methods or processes, except upon the order of a court of competent jurisdiction.
5. No member shall represent conflicting interests nor, without the consent of the parties concerned, represent competing interests.
6. Members shall refrain from proposing or agreeing that their consultancy fees or other remuneration be contingent entirely on the achievement of specified results.
7. Members shall inform their employers or clients if circumstances arise in which their judgment or the disinterested character of their services may be questioned by reason of personal relationships or business or financial interests.
8. Members practising as consultants shall seek payment only for services specifically commissioned.
9. Members shall be prepared to identify the source of funding of any public communication they initiate or for which they act as a conduit.
10. Members shall, in advertising and marketing their skills and services and in soliciting professional assignments, avoid false, misleading or exaggerated claims and shall refrain from comment or action that may injure the professional reputation, practice or services of a fellow member.
11. Members shall inform the Board of the Institute and/or the relevant State/Territory Council(s) of the Institute of evidence purporting to show that a member has been guilty of, or could be charged with, conduct constituting a breach of this Code.
12. No member shall intentionally injure the professional reputation or practice of another member.
13. Members shall help to improve the general body of knowledge of the profession by exchanging information and experience with fellow members.
14. Members shall act in accord with the aims of the Institute, its regulations and policies.
15. Members shall not misrepresent their status through misuse of title, grading, or the designation FPRIA, MPRIA or APRIA.

Registered Consultancy Code of Practice

In addition to the PRIA's Code of Ethics, which binds the consultancy principal and all consultants who are members of the PRIA, a **Registered Consultancy is bound by the Code of Practice.**

A public relations consultancy shall not be added to a State/Territory Register of Consultancies of the Public Relations Institute of Australia unless its principal officer in that State/Territory is a Member (MPRIA) or Fellow (FPRIA) of the Public Relations Institute of Australia. State/Territory Directories of Registered Consultancies are available on request from the PRIA and will also soon be available on this web site.

General Standards - A Registered Consultancy:

- Accepts a positive duty to observe the highest standards in its business practice and in the practice of public relations; promote the benefits of good public relations practice in all dealings; and improve the general understanding of professional public relations practice.
- Undertakes to observe this Code of Practice, and any other article or amendment which shall be incorporated into it.
- Adheres to the highest standards of accuracy and truth, avoiding extravagant claims and unfair comparisons and gives credit for ideas and words borrowed from others.

Employees - A Registered Consultancy:

- Makes compliance with this Code of Practice and the PRIA Code of Ethics a condition of employment for all its consultants.
- Understands that if it knowingly causes or permits a member of its staff to act in a manner inconsistent with this Code it is party to such action and shall itself be deemed to be in breach of it.
- Shall not directly invite any employee of a client advised by the consultancy to consider alternative employment (an advertisement in the press is not considered to be an invitation to a particular person).

Client Relations - A Registered Consultancy:

- Safeguards the confidences of both present and former clients. It shall not disclose or use these confidences to the disadvantage or prejudice of such clients or to the financial advantage of the Registered Consultancy, unless the client has released such information for public use, or has given specific permission for its disclosure, except upon the order of a court of law.
- Through its principals and staff collectively or individually, shall not misuse information regarding its clients' business for financial or other gain.
- Shall be free to represent its capabilities and services to any potential client, either on its own initiative or at the behest of the prospective client, provided that in so doing it does not seek to break any existing contract or detract from the reputation or capabilities of any consultancy already serving that client.
- Shall represent competing interests only with the consent of all parties.

Fees and Income - A Registered Consultancy:

- Shall not guarantee the achievement of results which are beyond the consultancy's direct capacity to achieve or prevent.
- Shall be free to accept fees, commissions or other valuable considerations from persons other than a client, only provided relevant arrangements are disclosed to the client.
- Shall not knowingly pay fees or give personal commissions which lead to unethical behaviour on the part of others.
- Shall be free to negotiate with clients terms that take into account factors other than hours worked and seniority of staff involved, as long as they do not conflict with the PRIA Code of Ethics. These special factors have regard to all circumstances of the specific situation and level of service required.
- Shall inform a client of any shareholding or financial interest held by the consultancy or any of its principals, shareholders or employees, in any business whose services it recommends or uses on behalf of a client.
- Shall, at its discretion, seek recompense when detailed creative pitches are required, in which instance copyright of the proposal passes to the prospective client whether or not the consultancy is retained, unless otherwise agreed.