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**PRIA Regulatory Impact Statement - Lobbying of Government Officials
(Lobbyists Code of Conduct) Regulation 2014**

Dear General Counsel,

I am writing on behalf of the Public Relations Institute of Australia (PRIA). We welcome the opportunity for the early assessment of the operation of the NSW Lobbying of Government Officials regulation which came into effect on 1 December 2014.

PRIA is the peak body for professional communicators in Australia, with 65 years of continuously enforcing professional ethics and conduct. PRIA is a strong advocate for ethical government communication, and we have many professional members working inside ministerial offices, government organisations, non-profit groups, corporations and consultancies. Many of our NSW members are directly impacted by the Lobbying of Government Officials Regulation.

This Regulation is just one segment of a holistic preventative and detection system to preserve the integrity of NSW government decision making, including the ICAC, the Ombudsman and Auditor General. We note that some elements of lobbying are unevenly covered by legislation, regulation, codes of conduct and guidelines in place for lobbyists, elected representatives and government employees. In particular, PRIA welcomes the 2014 inclusion of all lobbying participants in the NSW Code of Conduct requirements. Past exclusion of technical advisors, employees, directors and government representatives from Conduct requirements meant that regulations was poorly targeted when aligned to the role of people actually found to be corrupt.

PRIA will make our submission on this current RIS brief, and limit it to operational issues associated with the new regulations. The PRIA has contributed extensive policy papers to various government inquiries including the recent NSW Electoral Funding Review and the original NSW ICAC investigation.

1. Awareness - all people contacting government on an issue

PRIA has been disappointed by the lack of an education and awareness program around the new Code of Conduct. This is the first time in Australia that any government has applied a code to all people lobbying government, including staff working for corporations and non-profit groups. It also applies to volunteer directors.

PRIA has offered to support an extensive professional development program using resources within our 20 accredited university partners and professional trainers. PRIA is particularly keen to ensure all our members who are impacted by this Regulation, and the wider community of communication professionals and government relations executives, understand these new requirements and the impacts on their approach to the NSW Government ministers and employees.

We have already had some preliminary discussions with the NSW Electoral Commissioner on how such awareness and education initiatives could be designed and we urge the NSW Government to partner with PRIA in their delivery.

2. Inclusion of all people who lobby

Considering that 3rd party lobbyists are a low risk category, and participate in a minority of lobbying meetings, the operation of the register to deliver transparency of client representation is currently sufficient and the administration is not overly burdensome or expensive. At the same time, a simpler online registration process would be welcome.

PRIA welcomes the application of the Code of Conduct to all types of people involved in the lobbying process. This goes some way to address concerns which Dr David Solomon, former integrity commissioner of Queensland, pointed out: that a regulatory focus solely on 3rd party lobbyists leaves unfettered access to business executives and special interest groups.

3. Publication of diaries

PRIA believes that the recording of meetings by all parliamentarians is an equitable and relatively simple method to track interactions of government office holders with all people seeking to influence government decisions.

This system does not discriminate for or against certain sub-groups of people involved in the lobbying process based on their employment status – consultant, technical advisor, full-time employee or unpaid supporter.

The publication of diaries could be extended to all members of parliament, and should be done on at least a monthly basis.

4. Guidelines and education for public office holders

PRIA was concerned that Ministers and their staff were not aware of the scope of the regulation. Late in 2014 the PRIA received reports that several NSW Ministers refused to meet with properly registered 3rd party lobbyists, while at the same time they were having discussions with a broad range of business and interests groups which were not recorded or reported. No reports have been received in 2015 and perhaps some internal awareness sessions have been conducted by NSW Government. With regular changing ministers and staff there is a constant need for education.

PRIA urges the NSW Government to develop a short training session to be completed by all elected Members of Parliament and their staff to ensure they understand and abide by the Code of Conduct.

This education package should also promote any new processes that have been put in place by the Electoral Commission for issues such as notification of breach and reporting protocols.

This education package should be able to be viewed by all members of the public. This ensures that there is transparency. This training material could also be used as source material in education programs delivered by industry and academia.

5. Administration of 3rd Party Lobbyist Register

The online system is still not smooth, and could be improved to be as simple and encouraging as the Federal Registration scheme.

6. Harmonisation of 3rd party registers and all lobbying codes

Future harmonisation of Codes of Conduct and requirements would also make compliance much simpler and more likely. At the moment there are eight state, territory and federal 3rd party lobbyist registers.

The PRIA recommends that the NSW Government works with other legislative bodies across Australia to adopt a reciprocal recognition scheme for 3rd party registers. An Australian reciprocal recognition program would be effective in achieving the required transparency of representation. Maintaining registration on up to eight government lists is a huge burden with little impact on government integrity that couldn't be gained from a central register or from reciprocal recognition.

7. Evaluation and consultation program

PRIA is concerned that consultation with external stakeholders, such as the PRIA, is not clearly structured and that evaluation systems have also not been put in place.

An evaluation program matching preventative measures to actual cases of corruption would be helpful. In addition, tracking the awareness and behavioural compliance levels of all people within the lobbying sphere of activity could also be helpful.

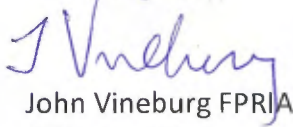
8. Clarity of NSW Government resources and support programs

We note in the RIS briefing paper that the Electoral Commission has been provided with three FTE positions to oversee the regulation, code of conduct and 3rd party register.

It could be helpful if there was slightly more transparency on the resources being applied by the NSW Government. Consultation with stakeholders may result in a more effective range of programs to build compliance and efficacy. Again, we emphasise the need for extensive education and awareness programs.

Please contact me anytime on president@pria.com.au or Annabelle Warren, immediate past president of the PRIA Registered Consultancies Group, on awarren@primary-pr.com or 02 9212 3888.

Yours sincerely,



John Vineburg FPRIA
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