

## Comment on the Planning Institute of Australia Professional Code of Conduct, August 2002

Roger Brewster July 2007

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It concerns me that the PIA Professional Code of Conduct is inadequate, bereft of any detailed guidance on ethical issues and generally geared mainly to the members of the profession working in Local Government. The essential code of conduct is expressed in Section 3 of only two pages of text.

In reading the Code, I was left with the impression that it is a very "thin" document, relying on generalised statements of "catch-all principles".

There appears to be two distinct aspects to any code of conduct/ethics –

- The general ethical and discriminatory considerations of working in any organisation or employer-employee relationship – which have a common core set of doctrines and procedures to all professions [that could be an appendix – for example to include Guy's 10 core values or the UK Public Service 7 principles in section 3 of notes];
- The ethical considerations related to the specific professional activities – in this case land-use and environmental planning [and associated disciplines], which need to be set out much more clearly and in greater detail than in the PIA Code. [This suggests the SA style of presentation]

The PIA Code simply reinvents the wheel for the first aspect, albeit by tacking onto general statements, references related e.g. to "planning authority" or "planning profession". E.g. s3.1 (1-3, 6-7), 3.2 (8-12), 3.3 (14), 3.5 (16), 3.6 (17-18) 3.7 (19-21). Section 3 draws closely from the RTPI Code, but in my opinion the RTPI clauses 4 and 5 on conflicts of interest are more clearly written than 3.2.8-9. Clause 9 does not prevent unethical practice after public disclosure.

The PIA Code is scant on specific *planning related* ethical issues, which need more depth and practical guidance. E.g. s3.1 (4-5), 3.4 (15), 3.7 (22). In respect of ss3.5(16) on professional competence, PIA currently gives little "advice" on *ethics issues* to members in its publications or e-news.

The tricky issues raised in this course for discussion could be useful to flesh out practical advice and should be incorporated into the PIA Code. The SA Public Sector model would be a good start for guidance on ethical decision making.

The membership of the PIA is a broad spectrum of disciplines, accommodated in discrete Chapters of professional expertise. Several types of employment include:

- Planning consultants [like myself], who largely act as agents for and advise private developers (whether individuals or corporations)
- Planning consultants, who act for and give advice on planning matters to all levels of government- but mainly Local Authorities – sometimes as contractors
- Planners directly employed by all levels of government- but mainly Local Authorities, for whom the PIA Code of Conduct seems to be mainly directed
- Planners and related disciplines involved in academia, journalism, etc, who are largely unfettered by normal controls on conduct, but for whom planning ethics are quite important especially in terms of the wider public interest test.

I submit that the current PIA Code of Conduct has little relevance to planning consultants in the first category [apart from 3.2.10 on conflict], and gives little practical guidance to members in the other categories. This belies its roots in the RTPI Code, where in UK most planners are in public employment. I would have

to submit that consultants tend to put the interests of developer clients before the public interest in obtaining development permits. Project confidentiality is problematic, because it limits the "openness" required by s3.1.4 and is a threat to ethical practice.

There is also the consideration of planning itself as somewhat subjective "science", in which there are often several right answers, or at least less-wrong answers to many issues. It is not like accounting or engineering, which are based on mathematical principles and where a wrong answer is more obvious and can have serious consequences. It is more like architecture, where a subjective outcome is the norm; or like the law which is largely based on interpretation of legislation and is open to debate, or advocacy for any particular strongly held view. This subjectivity is disguised in the PIA Code preamble as a reference to "a pluralist society with a multiplicity of values ... because planning is not an exact science... and different sections of the community have often conflicting goals to pursue" Planning, like the profession of architecture is "a unique discipline, combining elements of art, science, commerce and law" [RAIA Code of Conduct 2006]. I am surprised no reference has been made to the 2006 RAIA Code in the Ethics Course.

Hence the ethical considerations often cannot be addressed in black-white terms, but various shades of grey. This implies to me that the utilitarianism model, where the ethical alternative is the one that maximises good consequences over bad consequences, or adopts "the greatest net benefit for the greatest number of people over the long term" is often the most appropriate one, tempered by the issues of "rights" and "justice" as necessary to good decision/policy making.

Another aspect glossed over in the PIA Code is that in Local Government in particular, planning advice or recommendations are made to a committee of laypersons [the Council], who can and do disregard them, or act in unethical ways. [This is neatly represented in Section 6 case study on the ABC interview with the Cairns Mayor]. Loyalty and respect is a two way street!

If the PIA decides to retain this simplistic format for its Code of Conduct, I recommend that like the RAIA, we should publish Practice Advisory Notes or Cautionary Notes to provide mutual support and advice in practice matters.

Roger Brewster

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#### References:

- PIA August 2002, *Code of Professional Conduct*
- Guy, M, 1990 *Ethical decision making in everyday work situations*, Quorum Books NY
- Royal Australian Institute of Architects, 31 January 2006, *Code of Professional Conduct*, RAIA
- South Australian Government, *Code of Conduct for South Australian Public Sector Employees*
- UK Committee on Standards in Public Life, 1997, *Seven Principles of Public Life*.