Human Rights Law Centre

Griffith UNIVERSITY

TRANSPARENCY INTERNATIONAL AUSTRALIA

Protecting Australia's Whistleblowers in Aged Care and Beyond

Submission to the Senate Community Affairs Legislation Committee

Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia. In 2023, we launched the Whistleblower Project, Australia's first dedicated legal service to protect and empower whistleblowers who want to speak up about wrongdoing. We provide legal advice and representation to whistleblowers, as well as continuing our longstanding tradition of advocating for stronger legal protections and an end to the prosecution of whistleblowers. We are also a member of the Whistleblowing International Network. We advise and act for client under relevant state and commonwealth public interest disclosure legislation and sector-specific protections. This includes advising on safe disclosure pathways and whistleblower protections under the *Aged Care Act 1997* (Cth).

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We acknowledge the lands on which we work and live, including the lands of the Wurundjeri, Bunurong, Gadigal, Ngunnawal, Darug and Wadawurrung people. We pay our respect to Elders of those lands, both past and present. We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded. We acknowledge the role of the colonial legal system in establishing, entrenching, and continuing the oppression and injustice experienced by First Nations peoples and that we have a responsibility to work in solidarity with Aboriginal and Torres Strait Islander people to undo this.

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1. Summary

Whistleblowers make Australia a better place by speaking out to expose misconduct, fraud, abuses of human rights, and other wrongdoing across the public and private sectors. Whistleblower protection are a crucial tool for ensuring people in aged care a treated with respect and dignity, and increasing accountability and transparency in the aged care system. We strongly echo the sentiment of the Royal Commission into Aged Care Quality and Safety (**the Royal Commission**) that robust whistleblower protections are required for those in the sector. In our work, we frequently see the way that piecemeal, out-of-date protections are silencing would-be whistleblowers.

We welcome reform to provide stronger, comprehensive and accessible protections for the aged care sector. Regrettably, the proposed protections in Chapter 7, Part 5 of the *Aged Care Bill 2024* (**the Bill**) fall significantly short. We acknowledge that stakeholder input has been considered and partially incorporated from prior draft iterations of the Bill, including through removing a good faith threshold for whistleblowing, permitting anonymous whistleblowing and adding non-employment impacts to the outline of detriment in the Bill's Explanatory Memorandum. However, the Bill still falls short of aligning with existing robust whistleblower protections under federal law, such as those for private sector whistleblowers in the *Corporations Act 2001* (Cth) (***Corporations Act***). This means that aged care whistleblowers will enjoy worse protections than their corporate or public sector counterparts, with no legitimate basis for this distinction.

More fundamentally, the whistleblowing provisions in this Bill will continue the fragmentation of the whistleblowing landscape, with inconsistent and inaccessible protections. The problems with sector-specific legislation, as pursued through this Bill, are compounded by overlapping coverage. Many in the aged care sector work for private sector providers that are already covered by the *Corporations Act* whistleblower protections. Others might be Commonwealth contracted service providers who may be covered by the *Public Interest Disclosure Act 2013* (Cth) (***PID Act***). There is little to be gained by duplicating regimes further. Prospective whistleblowers will continue to be deterred from raising their concerns or making complaints due to fears of retribution or reprisal,[1] and organisations and entities will continue to face the administrative burden of overlapping and inconsistent regimes. Instead, we recommend comprehensive, holistic reform to ensure those existing regimes adequately cover aged care, and other sectors, and any gaps are addressed through inclusive rather than duplicatory reform. Establishing a parallel regime in the *Aged Care Act* will also risk limited oversight and support for whistleblowers.

The present review of the *PID Act* by the Attorney-General's Department, and the recently-commenced statutory review of the private sector whistleblowing regime led by Treasury, provide a prime opportunity for holistic, comprehensive and maximally-aligned whistleblower protections across all parts of the Australian economy. We urge the Committee to recommend that this opportunity be seized, rather than the Government continuing down the path of fragmented, overlapping and inconsistent whistleblowing regimes.

> **Recommendation 0A**: The proposed whistleblower protections in this Bill should be removed, and instead aged care whistleblowers should be protected through the enactment of a consistent, harmonised federal whistleblower protections framework.
>
> **Recommendation 0B**: Treasury include whistleblower protection in the aged care sector, and other existing sector-specific protections, in the Terms of Reference for the recently-commenced review of private sector whistleblower protections, to ensure a harmonised, consistent approach.

Notwithstanding our comments above, if whistleblower protections are to be included into the Act, they should be consistent with best practice by implementing our recommendations, consistent with our

[1] Royal Commission into Aged Care Quality and Safety (Royal Commission) *Final Report*, [14.4.8], 520.

prior submissions to department consultations. Further, Government needs to announce clear policy directions on:

(a) How these duplicatory provisions are to be kept consistent in the future;
(b) How the implications and inconsistencies arising from entities being subject to multiple regimes are going to be managed and resolved; and
(c) How the enforcement will be mandated and coordinated across the multiple regimes, and whether they can all be enforced by one Whistleblower Protection Authority.

On this basis, we make the following recommendations for reform to the Bill to bring the Aged Care whistleblower framework in line with other federal whistleblowing laws:

> **Recommendation 1a**: The proposed section 547(c) should be changed to expand the scope of disclosable conduct in the Act, to include misconduct that may not otherwise be a specific breach of the Act.
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> **Recommendation 1b:** Disclosures about matters that involve solely workplace grievances should be expressly excluded from the application of the Act.
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> **Recommendation 2:** Relevant sections should be included in the Act to allow for whistleblowers to make protected disclosures to support persons, including trade union officials, independent professional advocates, medical practitioners, and legal practitioners, for the purposes of seeking support and advice in relation to their disclosure.
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> **Recommendation 3:** An external disclosure pathway should be included in the Bill to allow a whistleblower who has made a protected disclosure internally and no action has been taken, to make a disclosure to media or a parliamentarian and be protected, in line with the public interest.
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> **Recommendation 4:** Section 548 be amended to expressly provide that the immunity applying to makers of protected disclosures extends to their prior acts that are reasonably necessary for the making of the disclosure.
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> **Recommendation 5**: The proposed section 551 should be amended to explicitly state who aside from the whistleblower is offered protection under the Act. Alternatively, the proposed provisions Explanatory Memorandum should outline guidance of who "*another individual*" may entail under certain circumstances.
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> **Recommendation 6:** Include in the Bill a positive duty for workplaces and other regulated entities to protect whistleblowers who raise their concerns.
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> **Recommendation 7:** Include a provision in the Bill to clarify the procedure for taking a claim for breaches to protections under the Act.
>
> **Recommendation 8:** Amend the proposed ss 551(1) and 551(2) of the Bill to reverse the onus of proof, such that, when a whistleblower establishes a claim for detrimental action, the onus is on the respondent to show that the detrimental action was <u>not</u> taken on the basis that the whistleblower made a protected disclosure.

2. Context – the continued fragmentation of whistleblower protection laws

This submission draws upon our previous submissions to the Department of Health and Aged Care (**Department**) on the Aged Care Bill 2023 exposure draft and *Consultation paper No. 1 – Disclosure protections for whistleblowers*, dated 17 February 2024[2] and 21 September 2023[3] respectively. It also draws on our report, *Protecting Australia's Whistleblowers: The Federal Roadmap*,[4] co-published in 2022, which highlighted the incomplete and out-of-date patchwork of whistleblower laws and proposed a series of recommendations to address the main shortfalls of the federal whistleblowing framework.

In our previous submissions to the Department, we noted the concerning findings of the Royal Commission in its Final Report; 'Care, Dignity and Respect', including fundamental failings in the sector with respect to lack of transparency and accountability. These concerns underscore the urgent need for greater whistleblower protections in aged care.

The Royal Commission recommended comprehensive whistleblower protections to be included in the new *Aged Care Act 2024*.[5] However, enhancing protections for whistleblowers in aged care would be most effective with comprehensive legislative reform alongside the establishment of an independent body in the form of a Whistleblower Protection Authority with wide-ranging oversight and enforcement powers to support and protect whistleblowers, and to fill existing gaps in the regulatory landscape.

There is presently at least nine different federal legislative regimes containing some form of whistleblower protections, many of which are out of date. Given the inconsistent and overlapping regimes that exist at present, there is a risk of inconsistencies being amplified if a piecemeal approach to reform continues. The urgent need for enhanced whistleblowing protections in the aged care sector and beyond reinforces the need for a holistic, simplified, consistent (as and when necessary), and seamless approach to protections between the public and private sectors, including suppliers of services to the Department (and other federal government entities) and on behalf of the Commonwealth Government, and other relevant areas.

We strongly recommend that the best way to protect whistleblowers in the aged care sector is to include the sector in a reformed, state-of-the-art whistleblower protection law which covers all non-government employers and entities under Commonwealth legislation or subject to Commonwealth regulation. This is consistent with the 2017 recommendation of the Parliamentary Joint Committee on Corporations & Financial Services (**Parliamentary Joint Committee**) for a single *Whistleblower Protection Act*.[6] We note the ongoing reform process for the *PID Act* and the recently-commenced Treasury review into the *Corporations Act 2001*, and urge the Government to consider that now is the time to pursue comprehensive, consistent reform to bring strengthened whistleblower protections across the private and public sector. While we acknowledge that the aged care context may require some sector-specific consideration, in our view this does not preclude its inclusion in a comprehensive whistleblowing framework.

> **Recommendation 0A**: The proposed whistleblower protections in this Bill should be removed, and instead aged care whistleblowers should be protected through the enactment of a consistent, harmonised federal whistleblower protections framework.

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[2] Human Rights Law Centre, Transparency International Australia and Griffith University, 'Protecting Australia's Whistleblowers in Aged Care and Beyond', *Submission to the Australian Government Department of Health and Aged Care Consultation on the exposure draft of the Aged Care Bill 2023* (February 2024).
[3] Human Rights Law Centre, Transparency International Australia and Griffith University, 'Ensuring a Consistent and Efficient Approach: Protecting Whistleblowers in Aged Care and Beyond', *Submission to the Australian Government Department of Health and Aged Care Consultation on 'Foundations of a New Aged Care Act'* (September 2023).
[4] AJ Brown and Kieran Pender, Protecting Australia's Whistleblowers: The Federal Roadmap (updated January 2023).
[5] Royal Commission Final Report, Recommendation 99.
[6] Parliamentary Joint Committee on Corporations and Financial Services, *Whistleblower Protections* (Final Report, September 2017), Recommendation 3.1.

Recommendation 0B: Treasury include whistleblower protection in the aged care sector, and other existing sector-specific protections, in the Terms of Reference for the recently-commenced review of private sector whistleblower protections, to ensure a harmonised, consistent approach.

3. Recommendations for reform of the Bill

Subject to the above commentary, we support expanded aged care disclosure protections for whistleblowers that align more closely with best practice principles. We particularly welcome changes made since the prior consultation for the exposure draft of the *Aged Care Bill 2023* and make the following recommendations on those crucial aspects of the aged care whistleblower framework which are lagging behind best practice.

A. The scope for whistleblower disclosures to qualify for protections

The scope of disclosable conduct

The current scope of 'disclosable conduct' – or conduct that can be the subject of a whistleblower disclosure under the Act - is not broad enough to sufficiently capture all kind of serious wrongdoing that could cause harm to individuals within the aged care system, or impact on the effectiveness of aged care service. We recommend expanding the scope beyond contraventions of the Act, and explicitly excluding workplace grievances as disclosable conduct.

Section 547(c) of the Bill requires that the discloser 'has reasonable grounds to suspect that the information indicates that an entity may have contravened a provision of this Act.' This is one of the narrowest scopes for disclosable conduct across whistleblowing laws, in comparison to the *Corporations Act* for example, which covers "misconduct or an improper state of affairs" or the *PID Act,* which includes conduct that contravenes any law of the Commonwealth, among other categories.

Whistleblower protections should be broad enough to cover all kinds of misconduct and improper conduct that could have a systemic or public interest nature. This requirement for a contravention of the Act may unduly limit the scope of the protections, and will particularly pose an issue where a discloser may not have an alternative disclosure pathway available under another whistleblowing law; this is something we see frequently within our work. Further, the search for specific breaches of particular provisions of the Act may be unduly legalistic for individuals seeking to access the protections. We encourage the Committee to consider adopting a drafting approach similar to the *Corporations Act* s 1317AA(4), for example that the discloser has 'reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances', including where the information indicates conduct that may be in breach of the Act.

The 2016 Moss Review of the *PID Act* recommended that the scope of 'disclosable conduct' no longer include allegations of maladministration or unlawful conduct which are 'solely about personal employment-related grievances, except when the disclosure indicates systemic wrongdoing or reprisal'.[7] In 2023, the *PID* Act was updated to reflect this recommendation, and the *Corporations* Act adopts a similar approach. This reform would ensure the whistleblowing regime does not become bogged down through its attempted use to resolve workplace grievances – for which it was not designed, and for which other processes exist. However, any employment carve-out must be framed with care to ensure that legitimate whistleblowing does not fall through the cracks.

Recommendation 1a: The proposed section 547(c) should be changed to expand the scope of disclosable conduct in the Act, to include misconduct that may not otherwise be a specific breach of the Act.

[7] Philip Moss (2016) Review of the Public Interest Disclosure Act 2013: An independent statutory review. Commonwealth of Australia, [67].

Recommendation 1b: Disclosures about matters that involve solely workplace grievances should be expressly excluded from the application of the Act.

The categories of eligible recipients

The proposed recipients of a whistleblower disclosure in the Act are not currently broad enough to encourage whistleblowers to access support when making a disclosure.

Aged care whistleblowers should be permitted to make protected disclosures to trade union officials and independent professional advocates, as logical places for seeking support. Consideration should also be given to other categories of support, such as medical practitioners or psychologists, consistently with recent changes for tax whistleblowing enacted through the *Treasury Laws Amendment (Tax Accountability and Fairness) Act 2024* (Cth) (***Tax (Accountability and Fairness) Act***).

Disclosers should also be permitted to make protected disclosures to lawyers for the purposes of seeking legal advice and representation in relation to the protections. Protections for disclosures to legal practitioners are a best practice measure reflected in the *Corporations Act* protections, the *Tax Administration Act* protections, and the various federal, state and territory public interest disclosure legislation.

Recommendation 2: Relevant sections should be included in the Act to allow for whistleblowers to make protected disclosures to support persons, including trade union officials, independent professional advocates, medical practitioners, and legal practitioners, for the purposes of seeking support and advice in relation to their disclosure.

Pathways for external disclosure where appropriate

Under the *Corporations Act* and the *PID Act*, amongst other whistleblowing laws, a whistleblower who has made protected disclosures to the correct recipients and not received an adequate response, can, where it would be in the public interest, make a disclosure to other people outside of the Department or organisation (often referred to as an external or public disclosure).

External disclosures are a crucial aspect of the whistleblowing regime, underpinning the essential purpose of whistleblowing to bring information about serious wrongdoing to the public attention, and aligns with the public's right to know. In particular, the abuse and mistreatment of people in aged care, or wrongdoing that results in the neglect of persons in aged care often tends to be perpetrated in private.

We recommend that an external disclosure pathway be included to the Bill, similar to that found in the *Corporations Act*, where a person who has made an internal disclosure of wrongdoing in the correct way may be empowered to give the information to a journalist or parliamentarian, where it is reasonable to do so. This reform would be consistent with the public interest in ensuring transparency of the aged care sector and bringing the Act in line with the *Corporations Act* and the *PID Act*.

Recommendation 3: An external disclosure pathway should be included in the Bill to allow a whistleblower who has made a protected disclosure internally and no action has been taken, to make a disclosure to media or a parliamentarian and be protected, in line with the public interest.

B. The scope of the protections under the Act

Protections for preparatory acts

Preparatory acts with the requisite nexus to the disclosure should receive whistleblowing protection. In practical terms, it is difficult, if not impossible, for whistleblowers to make a disclosure which is otherwise protected without taking any reasonably necessary preparatory steps in order to make the disclosure. Given the uncertainty created by the judgment in *Boyle v Commonwealth Director of Public*

Prosecutions,[8] we consider that it is necessary and appropriate for the broader scope of the immunity advanced in our submissions to be clarified and placed beyond doubt. We note the Attorney-General's Department is currently considering such reform for the *PID Act* as indicated through its November 2023 discussion paper.

We recommend that the proposed section 548 be amended to expressly provide that the immunity protects the making of the disclosure and prior acts that are reasonably necessary for the making of the disclosure. Such an amendment to widen the scope of the immunity will provide whistleblowers with greater access to effective and appropriate protections, with the appropriate safeguard of requiring that the preparatory acts be 'reasonably necessary' to the making of a disclosure.

> **Recommendation 4:** Section 548 be amended to expressly provide that the immunity applying to makers of protected disclosures extends to their prior acts that are reasonably necessary for the making of the disclosure.

The application of the protections to individuals who are not the whistleblower

Whistleblowers in the aged care are often in a unique situation, where they are making a disclosure about the treatment or rights of someone else. Often, the whistleblower may be someone who is speaking up about harm being perpetrated against a recipient of aged care (who may not have the ability to make the disclosure themselves).

Accordingly, the protections should expressly apply to any person that suffers detriment or reprisal on the basis that someone has made a protected disclosure. For example, it is important that aged care residents are protected from reprisals even where the whistleblower was a family member, friend, or advocate. In our work, it is not uncommon to see detrimental action taken against a person who was not the discloser, where another person (often a family member) has made a disclosure about wrongdoing that has been perpetrated against that person. In the context of care facilities, people who are living in aged care may be more vulnerable to detrimental action being taken against them when someone else has raised concerns.

While we acknowledge that the proposed section 551 is sufficiently broadly drafted such as not to exclude the circumstances we are referring to, extending the definition of detriment to expressly include conduct directed at a third person would be beneficial. We note that the Explanatory Memorandum to the Bill does not provide any guidance on who "another individual" may be.

> **Recommendation 5**: The proposed section 551 should be amended to explicitly state who aside from the whistleblower is offered protection under the Act. Alternatively, the proposed provisions Explanatory Memorandum should outline guidance of who "*another individual*" may entail under certain circumstances.

Positive duty to protect whistleblowers

Currently, the burden of raising concerns about detrimental action or reprisal under the Aged Care whistleblowing scheme rests on whistleblowers, who are already carrying the burden of speaking up about the wrongdoing. In 2016, Australia was the first country to make civil remedies available if a whistleblower suffers damage due to someone's failure, in part or whole, to fulfil a duty to '*prevent, refrain from, or take reasonable steps to ensure other persons… prevented or refrained from, any act or omission*' likely to be detrimental.[9]

In 2019, this was extended to all corporate whistleblowers in a narrower form, with remedies available against a company if a third person (e.g. their employee) is shown to have engaged in a detrimental act

[8] *Boyle v Commonwealth Director of Public Prosecutions* [2023] SADC 27. An ATO whistleblower made a public interest disclosure and subsequently faced criminal charges of unlawfully accessing and recording information, as part of their preparatory conduct to gather evidence. The Court held that preparatory conduct of using their mobile phone to take photographs of taxpayer information and covertly record conversations with ATO colleagues was not subject to statutory immunity under the *PID Act*.

[9] *Fair Work (Registered Organisations) Act 2009* (Cth) s 337BB(3)(b).

or omission, and the body failed to fulfil '*a duty to prevent the third person engaging in the detrimental conduct'* or take '*reasonable steps'* to ensure the third person did not do so.[10]

These provisions recognise that whistleblower protection relies on organisations implementing measures to adequately recognise their responsibility to support whistleblowers and prevent or limit any damage in the first place. We propose that a similar provision be inserted into the Bill to clearly recognise an enforceable organisational duty to protect whistleblowers from preventable indirect and collateral damage, and not simply direct reprisals. This would help encourage whistleblowers to speak up, and also encourage organisations to take positive steps to recognise the role of whistleblowers in assuring wrongdoing is brought to their attention.

> **Recommendation 6:** Include in the Bill a positive duty for workplaces and other regulated entities to protect whistleblowers who raise their concerns.

C. Procedural considerations in claiming the protections under the Act

Our *Cost of Courage* report, published in 2023[11] compiled every whistleblower protection case to proceed to judgement across all Australian jurisdictions, concluding that whistleblower protections are drastically underutilised, despite the fact that as many as 8 in 10 whistleblowers suffer detriment when they speak up.[12] One of the reasons for this is that the risk and costs associated with taking a legal action are high, and whistleblowers are often overwhelmed with their experience and unable to access legal assistance.

We note at the outset that generally, one of the key issues is that individuals seeking to pursue a claim for protections under most federal whistleblowing laws must do so in the Federal Court. This means strict rules of evidence, expensive filing fees, limited scope to self-represent, and other issues with accessibility that prevent individuals from enforcing protections. Broadly, we recommend that the Government look to pursuing more accessible pathways for individuals to seek whistleblower protections across federal whistleblowing laws.

The process for resolving claims for protections

Currently, a number of federal whistleblowing laws, including the *Corporations Act* and the proposed regime in this Bill, do not specify the process for a court resolving a claim for protection under the regime. The *Taxation Administration Act 1953* (Cth) was recently amended by the *Tax (Accountability and Fairness) Act* to include s 14ZZXA, which provides direction on civil and criminal proceedings for a claim for protection. This section includes a requirement that the court must deal with a claim for protection in separate proceedings, amongst other procedural matters. We note that a similar provision is found in s 23 of the *PID Act*. A similar provision should be included in the Bill to resolve some of the ambiguity around how protected can be relied upon under the Act.

> **Recommendation 7:** Include a provision in the Bill to clarify the procedure for relying on protection under the Act.

Proof requirements for remedies and compensation

A fundamental purpose of whistleblower protections is to ensure that if a whistleblower suffers unjust detriment, this can be remedied through civil or administrative orders, employment remedies like reinstatement or financial compensation for impacts on their career, current and future earnings, personal life or mental health.

This requires free-standing rights to remedies for injustice, irrespective of whether individuals knowingly or recklessly intended any harmful actions – which is the subject of separate criminal 'reprisal' or 'victimisation' offences. However, Australia's federal proof requirements for accessing civil

[10] *Corporations Act* s 1317AD(2A).
[11] Kieran Pender, Human Rights Law Centre, The Cost of Courage: Fixing Australia's Whistleblower Protections (August 2023).
[12] Ibid, 4.

remedies have fallen behind international standards, as well as many state ones. While there are positive aspects to some recent federal laws, such as the reverse onus found in the *Corporations Act*, these are undermined by the fundamental barrier to remedies unless an individual can be shown to have knowingly undertaken harmful conduct for the 'reason' that the person made a disclosure.

Currently, the proposed sections 551(1) (*actually causing detriment*) and 551(2) (*threatening to cause detriment*) are particularly restrictive in requiring that a respondent's conscious 'belief or suspicion' of a disclosure must be a positive 'reason' for the detrimental conduct before remedies can flow to the whistleblower.[13] We propose that the Bill be amended to align with international best practice so the onus of proof in proposed sections 551(1) and 551(2) are reversed.

For example, following principles set out by the Organisation for Economic Co-operation and Development since 2011, the European Union's 2019 *Whistleblower Protection Directive*, provides that once a whistleblower has shown prima facie that they suffered, the employer can only escape responsibility for compensation by proving its actions were 'based on duly justified grounds'. The burden shifts to those allegedly responsible, to prove that the detrimental acts or omissions were 'not linked in any way' to the act of whistleblowing.

> **Recommendation 8:** Amend the proposed ss 551(1) and 551(2) of the Bill to reverse the onus of proof, such that, when a whistleblower establishes a claim for detrimental action, the onus is on the respondent to show that the detrimental action was <u>not</u> taken on the basis that the whistleblower made a protected disclosure.

4. Conclusion

We commend the steps taken to date to include improved whistleblower protections in the Bill, recognising the role that whistleblowing plays in ensuring that the aged care sector is safe, transparent and accountable. We urge the Committee to consider the broader context of piecemeal and inconsistent whistleblower protections at the federal level in Australia, and consider the current unique opportunity that the Government has to pursue comprehensive and holistic reform.

Notwithstanding our views on the need for one comprehensive whistleblower protection law for the private sector, we emphasise to the Committee that the recommendations discussed in this submission are all crucial to ensuring that the aged care whistleblower protections remain up to date with other federal whistleblowing laws. In particular, this reform provides the opportunity for the Committee to ensure that the whistleblower protections for people in the aged care sector are able to best realise the rights of persons in aged care, and we hope that the Committee will not look over the opportunity to bring the Bill in line with other federal whistleblower protections.

We encourage the Committee to consider these recommendations, and we would welcome any opportunity to expand on our submission by providing further information, should the Committee wish to consult with us on any proposed changes to the Bill.

[13] The restrictive requirement is mirrored in the *PID Act* s 13.