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The only crime is getting caught.

Inquiry into Management and Assurance of Integrity by Consulting Services (Consulting Services)

A SUBMISSION TO THE SENATE FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE

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Introduction

1. The authors thank members of the Committee for extending an invitation to make a submission to this inquiry, particularly after the closing date for submissions.
2. This submission proceeds from the point of departure that PwC's conduct undermines the public good; and that unless tangible consequences attach to this conduct, **similar conduct will re-occur in future.**
3. As such this Inquiry is presented with both a challenge and an opportunity: to **ensure that PwC is adequately held to account, and to create sufficient deterrence to deter other firms from similar conduct in future.**
4. In this submission we will provide an analysis of PwC's actions **since this misconduct became publicised**, and the implications that that has for the **sufficiency and credibility of the course of action that PwC proposes** taking as a result.
5. Finally, the submission will provide recommendations.
6. In preparing this submission the authors have endeavoured to draft a submission which is brief, and not excessively dense. Requests for further details on any of the points raised would be welcomed.

Author's expertise

7. The first author is an Australian academic, specialising in regulator efficacy; regulatory enforcement; combatting misconduct in retail financial markets; financial system regulation; the 'Twin Peaks' financial system regulatory model; the UK's *Treating Customers Fairly* framework (located within the UK's Twin Peaks regime); and financial regulatory theory. The author has written and published widely on ASIC.
8. The first author has provided advice on these topics to governments (South African National Treasury; New Zealand FMA; UK House of Commons House of Lords APPG; CGAP/World Bank; EU Parliament; South Korean Parliament etc) and, by invitation, to Australian Inquiries (FSRC; Senate Committees; Australian Law Reform Commission; Financial Regulator Assessment Authority).
9. The second author is an Australian academic with expertise in accounting regulation and regulatory theory, specialising in extractive industries reporting, carbon accounting, and the evolution of accounting and reporting practice. The author has also published on diversity in Australia's corporate sector, as well as welfare regimes and vulnerable populations.

It's only a crime if you get caught

10. PwC's leadership has stated:

"Maintaining absolute confidentiality and trust is a core value of this firm. We have made it clear that the behaviour displayed was unacceptable, and a matter that we deeply regret.

*Today's release of emails by a Senate Committee again shows that this matter was unacceptable. As the CEO, and on behalf of all of you, I want to assure you and all of our stakeholders that we take our accountability and responsibility extremely seriously. Those found to be directly involved in the breach of confidentiality arrangements in this matter have left the firm."*¹

*"We are committed to learning from our mistakes and ensuring that we embrace the high standards of governance, culture and accountability that our people, clients and external stakeholders rightly expect. ..."*²

11. These assertions are untenable. The facts are:

11.1. PwC was aware of these failures in November 2022, when partner Peter Collins was banned by the Tax Practitioners Board (TPB).

11.2. It was only in May 2023, when this scandal became widely reported, that PwC began to acknowledge the extent of the problem within the firm and address the problem.

11.3. Initially, the extent of PwC's acknowledgement was the concession that **only Peter Collins** had been involved.³

11.4. When that concession was **contradicted by the TPB**, PwC CEO Tom Seymour described the problem as one of "perceptions".⁴

11.5. Mr Seymour further rebutted the assertion that as many as 30 partners were involved in this misconduct.⁵

11.6. It later transpired that as many as 53 partners were involved in the leak of this information, **including CEO, Tom Seymour**.⁶

¹ Tadros, Edmund and Chenoweth, Neil, "Those 'directly involved' in tax leak have left firm: PwC CEO," *Australian Financial Review*, 3 May, 2023, available at <<https://www.afr.com/companies/professional-services/those-directly-involved-in-tax-leak-have-left-firm-pwc-ceo-20230503-p5d5e4>>.

² "Ziggy Switkowski AO to lead independent review of PwC Australia", *PWC Media*, 15 May, 2023, available at <<https://www.pwc.com.au/media/2023/ziggy-switkowski-leads-pwc-independent-review.html>>.

³ Aston, Joe, "Tom Seymour conducts PwC's cluster-fiasco," in 'Rear Window', *Australian Financial Review*, 7 May, 2023, available at <<https://www.afr.com/rear-window/tom-seymour-conducts-pwc-s-cluster-fiasco-20230507-p5d6g4>>.

⁴ Tax Practitioners Board, "PriceWaterhouseCoopers," Code Breach Notification, accessed: 16 May, 2023, at § 3, available at <<https://www.tpb.gov.au/tax-practitioner/tax-agent/16226000>>.

⁵ Tadros, Edmund and Chenoweth, Neil, "PwC has a 'perception' problem over tax leak: CEO," *Australian Financial Review*, 9 March, 2023, available at <<https://www.afr.com/companies/professional-services/pwc-has-a-perception-problem-over-tax-leak-ceo-20230308-p5cqh5>>.

⁶ Aston, fn 3, above; Tadros, Edmund and Chenoweth, Neil, "PwC chief: 'I am one of the partners' in tax leak emails," *Australian Financial Review*, 5 May, 2023, available at <<https://www.afr.com/companies/professional-services/pwc-partners-to-attend-emergency-meeting-over-tax-leak-20230505-p5d5vx>>.



11.7. The TPB completed its investigation into Peter Collins on 16 November, 2022.⁷ Collins' registration with the TPB was cancelled for two years, and his employment with PwC was terminated. **It took six months** for PwC to issue the following statement:

*"We are committed to learning from our mistakes and ensuring that we embrace the high standards of governance, culture and accountability that our people, clients and external stakeholders rightly expect. ..."*⁸

12. As such, and to date, PwC does not appear to be responding to misconduct or a catastrophic failure in culture and governance. Instead, PwC's statement appears to be a response that is timed to accord with **bad publicity, and associated threats to firm revenue**.

Slowly perambulating towards the exit

13. In the event that PwC was sincere in its desire to *clean house*, all of the partners involved in this misconduct would have been terminated immediately. Instead, and after protracted bad publicity, the CEO, Tom Seymour, announced only in this past week that he would step down as CEO.⁹ Again, this comes six months after he became aware that the TPB had banned Peter Collins, with his full awareness that **he had himself received leaked information** by email.

14. As recently as two days ago (16 May, 2023), Mr Seymour announced that he will retire from the firm by the end of September.¹⁰ **Perambulating towards the exit over four months**, and eleven months after Peter Collins was disqualified by the TPB, hardly bespeaks a sense of urgency, much less an immediate termination.

15. This too speaks to PwC's intentions. Specifically, that this is an exercise in damage control and **impression management**.¹¹ It is not an exercise in addressing, with urgency and resolve, the rot that has become pervasive in its tax practice.

⁷ Tax Practitioners Board, "Peter-John Collins. Terminated," Termination Breach Notification, available at <<https://www.tpb.gov.au/tax-practitioner/tax-agent/39805002>>.

⁸ Fn 2, above.

⁹ Ziffer, Daniel, "PwC Australia CEO Tom Seymour steps down after tax documents leak scandal," *ABC News*, 9 May, 2023, available at <<https://www.abc.net.au/news/2023-05-09/pwc-australia-ceo-steps-down-after-tax-documents-leak-scandal/102323102>>.

¹⁰ Tadros, Edmund and Chenoweth, Neil, "Financial penalty' looms over PwC as ex-CEO announces exit," *Australian Financial Review*, 15 May, 2023, available at <<https://www.afr.com/companies/professional-services/pwc-s-tom-seymour-to-exit-switkowski-to-run-tax-leaks-inquiry-20230515-p5d8i4>>.

¹¹ For an examination of how Big Four auditors impression-manage on a "frontstage", see: Dunne, Neil J., Niamh M. Brennan, Collette E. Kirwan, "Impression management and Big Four auditors: Scrutiny at a public inquiry," *Accounting, Organizations and Society*, (2021) 88, 101170, ISSN 0361-3682, <https://doi.org/10.1016/j.aos.2020.101170>, (<https://www.sciencedirect.com/science/article/pii/S0361368218300588>).

Tax Practitioners bored?

16. To date the Tax Practitioners Board has **disqualified only Peter Collins**. This is an example of a **feckless regulator**.
- 16.1. Why have the **other partners** who received this confidential information not also been disqualified?
- 16.2. In attempting to monetise this information, there is evidence that the wider tax practice colluded with Peter Collins. Indeed, according to the TPB's CEO Secretary, Michael O'Neill, between **20 and 30 partners** were involved.¹²
- 16.3. This included overt attempts at subterfuge ("As usual, pls treat as rumour"; "Awesome for our MAAL defence work") which not only **gives the lie** to the notion that other partners in the firm were unaware that this was a dishonest course of conduct, but also belies an attempt at a **conspiracy** within the tax practice at PwC to defraud the Commonwealth.¹³
- 16.4. Moreover, TPB CEO Secretary O'Neill indicated in his testimony to this Committee that the TPB's disciplinary sub-committee had limited the duration of Peter Collins' disqualification, because they had been moved by the **positive referee reports** he had provided.¹⁴
- 16.5. Anyone, facing punishment for misconduct and possible criminal conduct, can find someone to provide a positive reference. In the face of a possible loss to the Commonwealth of approximately \$100 million in tax revenue, the TPB should have afforded positive references minimal weight. Combined with PwC tax practice's malice of forethought in pursuing this course of conduct, their efforts to conceal their misconduct, the TPB's failure to disqualify other members of PwC's tax practice, and the light sentence imposed on Peter Collins, the **TPB's weakness in this regard is an outrage to public expectations**.
17. The TPB's CEO Secretary's testimony before this Committee reinforces the perception of a weak regulator, captured by the profession. In his testimony Mr O'Neill stated:

*"The board's decision I think **should help us and PwC be more confident in dealing round those issues to do with integrity**. And conflicts and confidential information... But we will be monitoring this closely over the next two years. And we will be in **negotiations and discussions** with all the large firms in relation to their practices." [Emphasis added].¹⁵*

These ought not to be regarded as matters that give rise to *a teaching moment*. Nor should they be the subject of negotiations and discussions. **Not defrauding the Commonwealth should not be something to negotiate or socialise.**

¹² Tadros, Edmund and Chenoweth, Neil, "PwC leaks scandal widens," *Australian Financial Review*, 16 February, 2023, available at <<https://www.afr.com/companies/financial-services/pwc-leaks-scandal-widens-20230215-p5ckv>>.

¹³ Tadros, Edmund and Chenoweth, Neil, "'For your eyes only': How PwC leaks helped global clients dodge tax," *Australian Financial Review*, 3 May, 2023, available at <<https://www.afr.com/companies/financial-services/for-your-eyes-only-how-pwc-leaks-helped-global-clients-dodge-tax-20230501-p5d4rf>>.

¹⁴ Fn 12, above.

¹⁵ Fn 12, above.



17.1. Together, this smacks of a **profession protecting their own**.

18. The **composition of the TPB also warrants examination**. In addition to CEO Secretary O'Neill, there are eight Board members. Three of these eight members are former partners of PwC, another is a former partner of KPMG and another a former partner of BDO.¹⁶ It is not unreasonable to assume that an element of shared interest or understanding may have **influenced the TPB to the extent that the public interest was not prioritised**.

18.1. It is unclear from the information which the TPB makes available which of their Board members are members of the disciplinary sub-committee. It would be useful to know whether any of the members of the TPB Board who are former PwC partners were on that sub-committee, and if so, whether they were the members who advocated for a lighter sentence for Peter Collins, and/or whether they declared a conflict of interest?

19. We note that the Chair of the Board of the TPB was changed overnight (17 May, 2023),¹⁷ and that the previous Chair was a former partner at Coopers & Lybrand, the precursor to PwC. The incoming Chair is a former partner at KPMG. This is not to imply that this change in leadership is an attempt to conceal links between the previous Chair and PwC. It may well be a routine rotation of the Chair. However, what is important is the perception that this may create in the minds of the public. Consequently, it is important that the **TPB's independence from the major audit firms be enhanced, and with that its credibility in the minds of the public**.

20. The Committee should, therefore, **give serious consideration to recommending an overhaul of the leadership of the TPB**, such that the TPB will henceforth be led by, inter alia, tax practitioners who understand the **paramount importance of upholding the public good**. However, this will not be sufficient to ensure a robust, arms-length and independent assessment by the TPB of the conduct of practitioners, nor an inviolable level of credibility in the minds of the public.

20.1. For that the Committee should give serious consideration to recommending that henceforth the TPB Board be comprised of **individuals at arms-length** to the industry, the large audit firms, or indeed even the profession. One such solution would be to recommend that **academics specialising in corporate governance and/or ethics** be appointed to the Board of the TPB. This would comport with the current position at, for example, the Australian Accounting Standards Board (AASB), which is comprised of at least three academic members.

Rainbows and Unicorns (and Rainbow Unicorns)

21. Acting PwC CEO Kristin Stubbins has undertaken to conduct an **"independent" review** of the firm.

¹⁶ Tax Practitioners Board, "Our Board and CEO," 17 May, 2023, available at <https://www.tpb.gov.au/our-board-and-ceo>.

¹⁷ Available at <https://web.archive.org/web/20230508095640/https://www.tpb.gov.au/our-board-and-ceo>.

- 21.1. In this respect she has appointed former Telstra CEO Dr Ziggy Switkowski to lead the review.
- 21.2. Dr Switkowski, we are assured, will examine all aspects of PwC's governance, accountability and culture, and report back to PwC by September.¹⁸
22. The notion that a review, **initiated by PwC, funded by PwC, with its terms of reference set by PwC, and answerable to PwC, is somehow independent, is absurd.**
23. Questions have been raised about whether Dr Switkowski is a "tame" appointment; one which gives PwC comfort that he will not *go hard*.¹⁹ In respect of his appointment to lead a panel to investigate Westpac Bank's Board's complicity in a money-laundering compliance scandal, which cost Westpac \$1.3 billion in fines, it was reported that:
- "the panel adopted an extremely sympathetic, even indulgent attitude in evaluating the board's responsibility" and that "the advisory panel largely exonerates the Westpac board from any responsibility in the sorry saga".*
- The report stood in stark contrast to a review commissioned by the prudential regulator APRA into the Commonwealth Bank in 2018 slamming the board and senior management and culture, citing its widespread complacency, overconfidence, excessive complexity and insularity.*²⁰
24. Moreover, and crucially, PwC has **not undertaken to make the review's findings public**. They have undertaken only to make public a "**summary**" of the findings. This is a completely **untenable proposition** if set against an undertaking to be transparent. It is PR-spin and impression-management writ large.
- 24.1. Releasing a summary, by implication, involves **PwC interpreting what in the report is significant**. That alone negates independence.
- 24.2. This requires a leap of faith in PwC's *bona fides*. In its current state – one in which PwC has demonstrated inadequate corporate governance, a deficient corporate culture, a lack of ethics and integrity, and bankrupt corporate morality – expecting the public to take such a leap of faith in the firm demonstrates that PwC still *doesn't get it*.
- 24.3. We note reports that PwC has recently raided the Victorian public service²¹ of one of its most senior bureaucrats. This is an old playbook known in the scholarly literature as the "revolving door".²² It is a method by which commercial enterprises undermine the public

¹⁸ Fn 10, above.

¹⁹ Knight, Elizabeth, "Does Switkowski have the mongrel needed to deal with PwC?" in 'Opinion', *Sydney Morning Herald*, 16 May, 2023, available at <<https://www.smh.com.au/business/companies/does-switkowski-have-the-mongrel-needed-to-deal-with-pwc-20230516-p5d8sq.html>>.

²⁰ Ibid.

²¹ Hutchinson, Samantha and Edmund Tadros, "PwC taps top Victorian public servant for partner role," *Australian Financial Review*, 16 May, 2023, available at <<https://www.afr.com/politics/pwc-taps-top-vic-public-servant-for-partner-20230516-p5d8tw>>.

²² See further: Andrew Schmulow, Karen Fairweather & John Tarrant, "Restoring Confidence in Consumer Financial Protection Regulation in Australia: A Sisyphean Task?", *Federal Law Review*, Vol. 47, no. 1 (1 February, 2019); Andy Schmulow, Karen Fairweather & John Tarrant, "Twin Peaks 2.0: reforming Australia's financial regulatory regime in light



good and good government. It not only acts as a means by which commercial enterprises can gain preferential access to government in the future (*ex post*), it also serves the interests of commercial firms and undermines good government pre-emptively (*ex ante*). United States Senator Elizabeth Warren has described this phenomenon as a “pre-bribe”.²³

25. PwC brings with it the full gamut of insights into “independent” reports, and how those can be undermined. As revealed recently before the Royal Commission into the Robodebt Scheme, PwC acquiesced to DHS wishes that they bury their report, in what the Royal Commissioner described as a “nod and a wink”.²⁴ This bespeaks a **malleable and expeditious attitude to the role of assurance via independent reports**.

26. Moreover, former CEO Tom Seymour stated in an email dated 3 May, 2023,²⁵ as follows:

“[the firm has taken steps to ensure these breaches cannot be repeated, including creating a] central register of confidentiality agreements [and introducing a] comprehensive education program around [the firm’s] conflict and confidentiality policies.

*[He stated that the firm had conducted an] **independent review** [of its] governance and internal control framework [within its tax business]. This review **made a series of recommendations which we have implemented.**”²⁶ [Emphasis added].*

27. Given that Mr Seymour claims that PwC has already conducted an “independent review” of governance and control frameworks, the **usefulness and purpose of another independent report**, albeit under the leadership of Dr Switkowski, **must be questioned**. The alternative answers that arise from that question, are as follows:

- 27.1. the first independent review was **neither independent nor effective**. In which case why should the public **be expected to believe** that a second report will be any different; or
- 27.2. the first report was independent and effective, and the course of action already determined. In which case a **second report becomes “window-dressing”**.

28. In either of the scenarios at §§ 27.1 and 27.2, above, PwC cannot assert that it should be given **another chance** to commission an “independent” report. Nor should the **public be expected to put its faith into a continuous cycle of “independent” reports**.

of failings exposed by the Banking Royal Commission”, *Law and Financial Markets Review*, Vol. 12, no. 4 (30 November, 2018); Andrew Schmulow, Paul Mazzola & Daniel de Zilva, “Twin Peaks 2.0: Avoiding Influence Over an Australian Financial Regulator Assessment Authority”, *Federal Law Review*, Vol. 49, no. 4 (25 September, 2021).

²³ MSNBC, “Warren One-One-One,” in ‘The Beat with Ari’, 9 March, 2019, available at <<https://www.msnbc.com/the-beat-with-ari/watch/sen-warren-on-big-tech-manafort-trump-admin-s-pre-bribe-1454814275847>>.

²⁴ Jones, Ciara, “Taxpayer-funded review that found ‘flaws’ in Robodebt scheme was discontinued by Department of Human Services, royal commission told,” *ABC News*, 3 February, 2023, available at <<https://www.abc.net.au/news/2023-02-03/qld-robodebt-scheme-government-royal-commission-review-pwc/101900514>>.

²⁵ Kruger, Colin, “‘Don’t circulate beyond us’: How PwC execs tried to fight tax crackdown,” *Australian Financial Review*, 3 May 2023, available at <<https://www.smh.com.au/business/companies/don-t-circulate-beyond-us-how-pwc-execs-trying-to-fight-tax-crackdown-20230503-p5d556.html>>.

²⁶ Fn 1, above.

29. **A mechanism must be deployed to conduct a truly independent report into the culture and governance of PwC.** This should be conducted by the Accounting Professional and Ethical Standards Board (APESB) in terms of both *APES 110 Code of Ethics for Professional Accountants*, and *APES 220 Taxation Services*, and/or by the TPB in terms of the *Code of Professional Conduct* in the *Tax Agent Services Act 2009* (TASA).
- 29.1. The Committee should give serious consideration to recommending that the **APESB delegate its authority to investigate PwC's breaches to a panel of academic experts**, not captured by the audit firms or the TPB, to prepare a truly independent report.
- 29.1.1. If such delegation of authority by the APESB is not possible, then to recommend to the APESB that it appoint, internally, on an ad hoc basis, such a panel, to investigate PwC's conduct, and prepare a truly independent report.
- 29.2. Both or either of such investigations, as contemplated in § 29 above, should be **reviewed by this Committee**.
30. However, left where it stands, PwC's assurances of an "independent" report are something akin to rainbows and Unicorns (and Rainbow Unicorns).
31. Combined with other instances indicating insincerity and a preoccupation with impression management, PwC cannot – and must not – be **left to police themselves**.

The Terminator

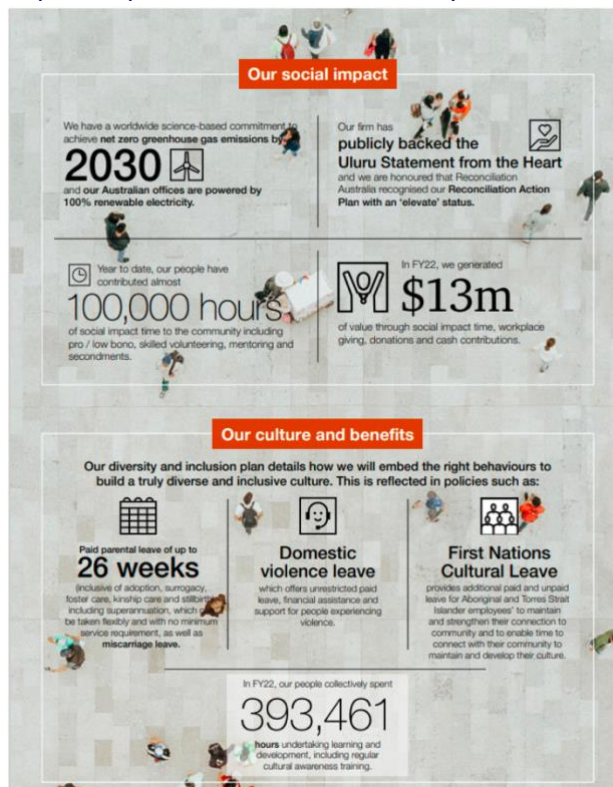
32. PwC should be **prohibited from contracting with the Commonwealth government for future consulting contracts**. PwC has **breached trust, breached confidentiality agreements, engaged in a conspiracy to defraud the Commonwealth, and potentially disclosed information** covered by the *Criminal Code Act 1995* (Cth) (which provides penalties for the unauthorised release of confidential Commonwealth Information). Moreover, PwC has, by its own admission, **failed in respect of adequacy of internal controls, mitigation of conflicts of interest, or the maintenance of a sufficiently robust framework of corporate governance**. All these attributes are needed to perform consulting services for the Commonwealth government, where those consulting services **would involve access to information that is sensitive, secret, commercial-in confidence, or market sensitive**.
33. This **extends to all and any Commonwealth government** work that entails sensitive information, and is **not confined only to tax advice**.
34. But in addition to being automatically disqualified to provide future consulting services – by their own admission – they are **also unqualified to complete current Commonwealth government work** if it entails **access to information that is sensitive, secret, commercial-in confidence, or market sensitive**. **As such, current Commonwealth government contracts with PwC should be terminated** on the basis that PwC is not capable of offering a service fit for purpose.



A Janus-faced firm

35. PwC, in its submission to this Inquiry,²⁷ seeks to create a **disingenuous perception of its role in Australian society**. In its attempt to manage its public persona, PwC ticks every box on the calendar of **virtue signalling**. This includes:

- 35.1. offices powered by renewable energy;
- 35.2. its public support for the Uluru Statement from the Heart;
- 35.3. the 100,000 hours its staff have spent volunteering;
- 35.4. the \$13 million they raised at work; and
- 35.5. the almost 400,000 hours they spent undertaking learning and development in the workplace.



36. Despite its **impression management campaign**, PwC agents at the highest levels conducted themselves in a manner that was **unethical, dishonest, deceptive and possibly criminal**. They did so knowingly, to obtain highly sensitive information from the Treasury, about what Australia's tax regime would entail. They practiced this deception, despite strict confidentiality, and then offered this information to **multinationals, notorious for their ability and willingness to evade tax in Australia**.²⁸

37. Then, speaking from both sides of the same head, while PwC was actively contributing to the creation of these tax structures, it was also **attempting to monetise this information** by offering it to multinationals which, despite decades of operations in Australia and billions of dollars of revenue earned, **pay little or no tax**.

38. This demonstrates a culture at PwC that speaks out of both sides of one mouth. That in turn should further **mitigate against placing in PwC any trust or jurisdiction to investigate itself**.

39. An investigation into PwC's actions must, therefore, be **truly independent** if it is to add value and provide answers that serve the public interest.

²⁷ PwC, "Senate Standing Committees on Finance and Public Administration," April 2023, Submission 14, at 17, available at <<https://www.aph.gov.au/DocumentStore.ashx?id=74ad9c79-b10d-4639-8f48-76442e31c1ac&subId=740426>>.

²⁸ Kruger, Colin, "The 'dirty 34' and PwC's global tax dodge," *Sydney Morning Herald*, 7 May, 2023, available at <<https://www.smh.com.au/business/the-economy/the-dirty-34-and-pwc-s-global-tax-dodge-20230503-p5d5b6.html>>.

Recommendations

40. Ensure that PwC is adequately **held to account**, and that similar conduct is forcefully **deterred**.
41. **Enhance the TPB's independence** from the major audit firms.
42. **Overhaul the leadership of the TPB.**
 - 42.1. Henceforth the TPB Board be comprised of **individuals at arms-length** to the industry, the large audit firms, or the profession.
 - 42.2. Recommend that **academics** specialising in corporate governance and/or ethics be **appointed to the Board** of the TPB.
43. **Reject PwC's** proposal to police themselves by way of a so-called **independent report**.
44. Construct a **mechanism to conduct a truly independent report** into the culture and governance of PwC.
 - 44.1. Either by the Accounting Professional and Ethical Standards Board (APESB) and/or by the TPB.
 - 44.1.1. Recommend that the APESB delegate its authority to investigate PwC's breaches to a panel of academic experts.
 - 44.1.2. Or recommend that the APESB appoint, internally, on an ad hoc basis, such a panel.
45. Both or either of such investigations, as contemplated in § 44 above, be **reviewed by this Committee**.
46. **Prohibit PwC from contracting with the Commonwealth** government for future consulting contracts.
47. **Extend** this to all Commonwealth government work that entails sensitive information, and **not confined only to tax advice**.
48. **Current Commonwealth government contracts** with PwC should be **terminated** on the basis that PwC is not capable of offering a service fit for purpose.

