



Submission to Senate Enquiry into Performance of the Inspector-General of Taxation

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Introduction

This submission deals with this author's review of the Inspector-General of Taxation report [Review into the Australian Taxation Office's use of garnishee notices Tax administration management report](#) which was published on 13 March 2019 (the Report).

[REDACTED]

[REDACTED]

This submission principally considers "how the IGT conducts its investigations into the Australian Taxation Office"¹ as outlined in the terms of reference in the Senate Economics Legislation Committee's investigation into the performance of the Inspector-General of Taxation.

It undertakes to do this fundamentally by comparing two documents:

- the evidence contained in this author's *Complaint* (and other supporting documents); and
- the Inspector-General of Taxation's findings contained in their *Review into the Australian Taxation Office's use of garnishee notices Tax administration management report*.²

The author of this submission is the whistleblower who appeared in the [ABC's Four Corners episode 'Mongrel Bunch of Bastards'](#) on Monday, 9 April 2018, and associated [Nine \(Formerly Fairfax\)](#) and [ABC online](#) investigations:

- [REDACTED]

This author was invited to attend the offices of the Inspector-General of Taxation to give evidence to assist in their enquiry into the ATO's use of garnishee notices as outlined in the media investigation. This author took that opportunity and attended Inspector-General of Taxation offices in Sydney on Thursday, 21 June 2018 with their legal representative.

Despite this author's voluminous information provided to the Inspector-General of Taxation in their *Complaint*, and in the above meeting on 21 June 2018, it is the author's intention to establish

¹ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Inspector-GeneralofTax

² Inspector-General of Taxation & Taxation Ombudsman, *Review into the Australian Taxation Office's use of garnishee notices Tax administration management report* <https://cdn.tspace.gov.au/uploads/sites/16/2019/03/190313-Review-into-the-ATOs-use-of-Garnishee-Notices-FINAL.pdf> (2019).

in this submission that the Inspector-General of Taxation has not conducted an open, transparent or satisfactory investigation into the Australian Taxation Office use of garnishee notices.

Public Interest Disclosure & Complaint to Inspector-General of Taxation

This author initially submitted a *public interest disclosure* directly to the Australian Taxation Office (ATO) under the protections of the [Commonwealth Public Interest Disclosure Act 2013](#) (*PID Act*) on Thursday 12 October 2017.

The reason for this author's *public interest disclosure* under the *PID Act* was due to an unethical directive (the *Directive*) given by senior leaders in the Debt Business Line of the ATO in early June 2017 (See definition below in **Directive to issue enduring garnishees on point in time garnishee cases**).

The author's *public interest disclosure* under the *PID Act* was rejected by the ATO on Friday, 27 October 2017.

The author then redacted their *public interest disclosure* of any information not relevant to an enquiry by the Inspector-General of Taxation (IGT) and submitted it to the IGT via this author's legal representative rebranded as the *Complaint*.

As indicated above in the **Introduction**, this *Complaint* was sent to the IGT on 21 November 2017.

Definition and comparison of PIT and enduring garnishees

To understand the *Directive*, an understanding of the two different types of garnishees used by the ATO is critical. Below is an explanation of the difference between point in time (PIT) garnishees and enduring (or standard) garnishees.

This is outlined in Appendix 2 of the *Inspector-General of Taxation & Taxation Ombudsman, Review into the Australian Taxation Office's use of garnishee notices Tax administration management report*:

A2.9 There are two common garnishee types, a point in time (PIT) and enduring garnishee.

A2.10 A PIT garnishee seeks a one-off payment from the third party. It can only be issued to a financial institution, and cannot be withdrawn or revoked. A PIT allows the taxpayer to continue to operate their bank account in a normal manner, rather than having the account 'frozen' by the financial institution until the garnishee is withdrawn or revoked.

A2.11 An enduring garnishee notice, or sometimes known as a standard garnishee, requires the third party to pay to the Commissioner a specified amount, or a specified percentage, of each amount of the available money for over a certain period of time, until the debt is satisfied. Enduring garnishees typically do not expire unless they are issued to a financial institution which has a three-month expiry date. Compared to a PIT garnishee notice, it can be applied to a broader range of sources, including the proceeds of sales of assets, trade debtors and dividends.³

³ Inspector-General of Taxation & Taxation Ombudsman, *Review into the Australian Taxation Office's use of garnishee notices Tax administration management report*

Directive to issue enduring garnishees on point in time garnishee cases

Throughout this submission this author will refer to their definition of the *Directive* as they defined it in their *Complaint*:

We were directed in our weekly team meeting on Thursday, 8 June 2017 that we were to issue Standard Garnishees on all taxpayers and bank accounts, including trading accounts, and to skip the less powerful compliance action of issuing a Point in Time (PIT) Garnishees first.⁴ (emphasis was included in this author's *Complaint*)

This *Directive* by senior executives in the Debt Business Line within the ATO during the week of June 2017 was a clear breach of the Public Service Act 2019.

Whether the *Directive* can be defined as a 'cash grab'; whether there were KPIs indicating performance was measured on revenue collection; whether staff who were given the *Directive* adhered to the ATO's garnishee notice policies and procedures; are incidental to the *Directive* itself.

The *Directive* was incontrovertible, and categorical.

Why this Directive was a serious breach of the APS Code of Conduct

This *Directive* was to act in this manner on ***all*** cases that were delivered to debt staff for a period of approximately three months.

This *Directive* was abhorrent for reasons of the grave risk it posed to shut down and incapacitate small businesses' trading bank account for a period of three months. This *Directive* breached many elements of the APS Values and the APS Code of Conduct contained in the [Public Service Act 1999](#).

In addition to the unethical nature, and the potentially severe damage to the small businesses involved, it also posed a significant risk to the health and safety of individual persons who make up the taxpayers in the Australian community: human beings who are mothers and fathers, directors and other members of the community.

Further, this author in his *pubic interest disclosure* to the ATO and *Complaint* to the IGT clearly elucidated that despite this author, and other more experienced staff members' vehement and vocal concerns, the *Directive* was also directed at brand-new staff who had not yet completed even the most basic of debt collection work in the ATO.

These actions guaranteed that the *Directive*:

- *Unfairly placed some taxpayers under extraordinary and unnecessary stress*
- *Put taxpayer's lives at risk, as I and other colleagues have documented*

<https://cdn.tspace.gov.au/uploads/sites/16/2019/03/190313-Review-into-the-ATOs-use-of-Garnishee-Notices-FINAL.pdf> (2019), 101.

⁴ Richard D Boyle, *Complaint to the Office of the Inspector-General of Taxation - Debt directives given to staff in June 2017 contradict agreements made by the Australian Taxation Office and Inspector-General of Taxation in their report: Inspector-General of Taxation: DEBT COLLECTION - A report to the Assistant Treasurer, July 2015*, (2017), 5.

- *Shut down businesses that should have been allowed to continue to trade*
- *Pushed individual taxpayers to the point of despair and suicide as I have documented.*⁵

Terms of reference of IGT Review into Garnishees

It appears evident that the most basic principal of establishing adequate terms of reference for the IGT's Review has failed to take into account evidence clearly provided to their investigation.

Despite this author providing repeated statements and evidence in their *Complaint* that the *Directive* was given by [REDACTED], the IGT's terms of reference instead focused on:

3. *Mechanisms to ensure staff adherence to its garnishee notice policies and procedures.*⁶

Nowhere in the terms of reference does the IGT indicate they had a willingness to consider, or evidence of any investigation that, the *Directive* had in fact been intentionally, deliberately and systematically delivered to large numbers of debt collection officers by senior executives in the Debt Business Line in the ATO.

Instead, the investigation focuses on words used in the media reporting of the author and not this author's exhaustive effort to document the extremely concerning *Directive* in their *Complaint* (a report totalling 10, 348 words).

The IGT's *Report* instead focuses on the issue of whether the *Directive* could be considered a "cash-grab", rather than whether the actual *Directive* to replace PIT garnishees with enduring garnishees occurred.

Background to Debt work in the Australian Taxation Office

Debt recovery work in the Australian Taxation Office is an extremely skilled role requiring dedication, intelligence, many years of experience, and financial experience.

This is a view that this author has maintained for many years, and was documented in their *Complaint*, along with a large amount of explanatory material provided to identify the complexity and intricacy of this role:

*Debt work in the Australian Taxation Office is a highly skilled and privileged role, and it is an honour for the most skilled Debt staff to be delegated the responsibility to make such important decisions.*⁷

⁵ Ibid, 11.

⁶ Inspector-General of Taxation & Taxation Ombudsman, *Review into the Australian Taxation Office's use of garnishee notices Tax administration management report*
<https://cdn.tspace.gov.au/uploads/sites/16/2019/03/190313-Review-into-the-ATOs-use-of-Garnishee-Notices-FINAL.pdf> (2019), 98.

⁷ Richard D Boyle, *Complaint to the Office of the Inspector-General of Taxation - Debt directives given to staff in June 2017 contradict agreements made by the Australian Taxation Office and Inspector-General*

In addition to practical and technical skills, a debt officer must also possess a willingness and capability to engage with the wide range of life experiences taxpayers go through, which an ATO employee will undoubtedly come across in their role as they progress in their experience over many years of training:

*These staff striving for such outcomes recognise that expressing empathy and compassion when a taxpayer shares a description of what has occurred in their reality, can on occasion have the power to change someone's life.*⁸

However, the above information should not be interpreted to indicate that this author believes that firm and powerful recovery actions such as enduring garnishees should never be taken against recalcitrant taxpayers.

On the contrary, it is the firm belief of this author that there are serious deficiencies in administration of the debt recovery processes currently within the ATO. As stated in their *Complaint*, this author believes that debt processes in the ATO should in fact ensure that:

*Only those clients with the most serious non-compliant behaviour had this most powerful compliance tool of a Standard (enduring) Garnishee against a trading bank account used against them.*⁹

And again, this author notes their demonstrated outcomes of:

*Ensuring that directors of companies on the more non-compliant end of taxpayer behaviour, and other entities, are under no illusion **that we are aware of their poor compliance behaviour, and that we will issue Standard Garnishees or stronger recovery action if they do not improve their behaviour.***¹⁰ (emphasis added)

In relation to the skills mentioned above that the author considers critical to administration of the tax system, i.e. a “willingness and capability to engage with the wide range of life experiences taxpayers go through”, the author also notes in their *Complaint* that debt officers who possess these skills are also usually uniquely placed to correctly wield powerful compliance tools such as enduring garnishees in a proper and targeted manner:

*Not surprisingly, it is often these (same) Debt Collection Officers who also have the best communication and negotiating skills when enforcing compliance, with the ability to effectively deal with the most recalcitrant non-complying taxpayers.*¹¹

The author repeated these views in the ABC Four Corners episode in response to a question by reporter Adele Ferguson: “What was so abhorrent to you about issuing garnishees, why was it unethical?”

of Taxation in their report: *Inspector-General of Taxation: DEBT COLLECTION - A report to the Assistant Treasurer, July 2015, (2017), 5.*

⁸ Richard D Boyle, *Complaint to the Office of the Inspector-General of Taxation - Debt directives given to staff in June 2017 contradict agreements made by the Australian Taxation Office and Inspector-General of Taxation in their report: Inspector-General of Taxation: DEBT COLLECTION - A report to the Assistant Treasurer, July 2015, (2017), 15.*

⁹ Ibid, 12.

¹⁰ Ibid, 19.

¹¹ Ibid, 15.

This author responded:

*“That meant, and I stated, that we may be shutting down the wrong businesses and causing great distress to the community, and possibly even pushing people towards suicide that needed our compassion, **as opposed to the people that we should rightly be targeting with standard garnishees.**”*¹² (emphasis added)

IGT Admission confirms brand new staff issued enduring garnishees

The admission by the IGT in their *Report* that some staff “*had not exercised such power previously*” (i.e. issuing enduring, or indeed any garnishees), confirms this author’s disclosures to the IGT in their *Complaint*, and should be of great concern to the public, small businesses, and this Senate Enquiry:

*2.282 There were risks, however, in conducting a seven-week focus on the exercise of coercive recovery powers, including that the 200 staff in 33 sites (**some of whom had not exercised such power previously**) exercise such power consistently and appropriately.*¹³ (emphasis added)

This author stated in their *Complaint* that significant numbers of staff were issuing standard garnishees and the reasons why this was so disturbing. I also advised the *Directive* was targeted not only towards experienced Debt staff, but also alarmingly, towards:

*Large numbers of **completely new staff who had not yet completed basic training, including phone handling training**, and being forced against their better judgement to issue Standard Garnishees, without having adequate experience or skills in how to effectively determine taxpayers’ compliance behaviour.*¹⁴ (emphasis added)

And again:

*This directive was targeted towards experienced Debt staff, as well as **brand new Debt staff in Adelaide, who had not yet completed basic debt training**. These **brand-new staff were extraordinarily unqualified to make an accurate determination of taxpayers’ compliance behaviour and history, which is necessary before taking such a harsh and blunt compliance approach such as a Standard Garnishee.***¹⁵ (emphasis added)

Understanding and effectively and ethically wielding the ATO’s debt collection tools against small businesses or individuals, takes years of establishing the prior necessary skills to do so.

Debt staff learn process and procedures over many years before they are capable of successfully wielding such serious debt recovery actions such as garnishees carefully and prudently to ensure that small businesses and individuals are not damaged or destroyed during these processes.

¹³ Inspector-General of Taxation, Review into the Australian Taxation Office’s use of garnishee notices Tax administration management report <https://cdn.tspace.gov.au/uploads/sites/16/2019/03/190313-Review-into-the-ATOs-use-of-Garnishee-Notices-FINAL.pdf> (2019), 71.

¹⁴ Richard D Boyle, *Complaint to the Office of the Inspector-General of Taxation - Debt directives given to staff in June 2017 contradict agreements made by the Australian Taxation Office and Inspector-General of Taxation in their report: [Inspector-General of Taxation: Debt Collection - A report to the Assistant Treasurer, July 2015](#)*, (2017), 4.

¹⁵ *Ibid*, 10.

The fact that some staff were issuing enduring garnishees “*some of whom had not exercised such power previously*”, supports the voluminous and concise detail this author included in their *Complaint* that substantiated the concerning and highly unethical *Directive* did in fact occur, contrary to the IGT’s conclusions.

Instead the IGT appears to confuse and baffle any reader with language such as:

2.303 For new or less experienced staff, however, the different practical implications of issuing PIT and enduring garnishees on bank accounts may not have been fully appreciated. They also may not have drawn the link between such practical implications and the requirements of the ATO-endorsed procedures and policies for staff to have the “client at the forefront of [their] thinking” and to have regard to a business’ financial viability.¹⁶ (emphasis added)

Quite understandably, new or less experienced staff may well not have fully appreciated “*the different practical implications of issuing PIT and enduring garnishees*”.

Nevertheless, these brand-new staff were categorically instructed to do so by the senior executives in the Debt Business Line of the ATO, much to the astonishment and disbelief of many debt staff.

One may even consider the possibility that evidence that the *Directive* was given in Adelaide, was *because* of the fact of the many brand-new staff present there who did not fully appreciate the difference in practical difference, not *despite* their presence.

Again, the disclosure and confirmation by the IGT in their *Report* of brand-new staff issuing standard garnishees, only further calls into question the veracity and reliability of their examination into these matters.

These facts necessitate reflection on whether the IGT does in fact have the ability to conduct an investigation into such a serious allegation of the behaviour of the Australian Taxation Office such as this one in question.

No phone contact conducted by brand new staff

It is evident by the above section that the IGT confirms brand new staff were issuing the devastatingly powerful tool of standard garnishees during the period of the *Directive*, with little to no prior experience of how to conduct Debt work in the ATO whatsoever.

This fact alone is a reprehensible example of the ATO’s behaviour during this period.

It is highly concerning that the Inspector-General of Taxation did not comment on this author’s evidence contained in their *Complaint* on elements of the *Directive* that indicate brand new staff were also issuing these enduring garnishees en masse with no phone contact:

¹⁶ Inspector-General of Taxation, Review into the Australian Taxation Office’s use of garnishee notices Tax administration management report <https://cdn.tspace.gov.au/uploads/sites/16/2019/03/190313-Review-into-the-ATOs-use-of-Garnishee-Notices-FINAL.pdf> (2019), 75.

*The Directive caught up brand new staff in Adelaide **who had not yet completed basic training, including phone handling training**, and who did not have adequate experience or skills in how to effectively determine taxpayers' compliance behaviour.*¹⁷ (emphasis added)

This author witnessed a significant number of these brand-new staff reviewing cases with the assistance of coaches walking the floor, in what could only be described as an inadequate and insufficient attempt to ensure correct decisions were being made.

No phone contact was made by these brand-new staff before issuing enduring garnishees.

The ATO has stated in their submission to the Australian Small Business and Family Enterprise Ombudsman (ASBFEO)'s report: *Australian Taxation Office – enforcement of debt recovery*, that:

*The requirement to make **every reasonable effort to contact the client** directly gives us the opportunity to determine the financial situation of the client. **It is through these discussions** that clients are made aware of their obligations and the consequences of failing to meet these obligations. **These conversations** also allow clients to provide insights to their current financial position.*¹⁸ (emphasis added)

This clearly did not occur during the period in question, as outlined at length in this author's *Complaint*.

This is not the first time the IGT has investigated and pointed out the inadequacy of the ATO's failure initiating phone contact immediately before issuing garnishees.

The below recommendation by the IGT in their previous report in 2015 clearly outlines, and the ATO agreed to, undertake that phone contact is initiated before finally issuing a garnishee notice:

These Debt directives contradict agreements made by the Australian Taxation Office to Recommendations, as well as many observations, made by the Inspector General of Taxation in their report [DEBT COLLECTION A report to the Assistant Treasurer, July 2015](#) (IGT Report)

The directive specifically contradicts Recommendation 4.1:

- c. *reviewing its officers' adherence to policy of making every effort to telephone taxpayers, particularly lower risk taxpayers*¹⁹

¹⁷ Richard D Boyle, *Complaint to the Office of the Inspector-General of Taxation - Debt directives given to staff in June 2017 contradict agreements made by the Australian Taxation Office and Inspector-General of Taxation in their report: [Inspector-General of Taxation: Debt Collection - A report to the Assistant Treasurer, July 2015](#)*, (2017), 21.

¹⁸ ASBFEO report: Appendix A: Australian Taxation Office Submission: review on early debt recovery action on a small business disputing a debt at the AAT, 6. (contained within Australian Small Business and Family Enterprise Ombudsman (ASBFEO)'s report: Australian Taxation Office – enforcement of debt recovery <https://www.asbfeo.gov.au/sites/default/files/documents/ASBFEO-report-ATO-disputed-debts-AAT.pdf>)

¹⁹ Richard D Boyle, *Complaint to the Office of the Inspector-General of Taxation - Debt directives given to staff in June 2017 contradict agreements made by the Australian Taxation Office and Inspector-General of Taxation in their report: [Inspector-General of Taxation: Debt Collection - A report to the Assistant Treasurer, July 2015](#)*, (2017), 21.

This author has gone to great length, both in their *Complaint*, and continues here in this submission, to explain that an intelligent use of behavioural economics, simple conversations with key contacts, and targeted voice messages, can result in contact with virtually every taxpayer or director to ensure all other compliance options are explored:

Using my own proven behavioural economics techniques to quickly get into contact with practically every director of a company, and all other entity types through targeted conversations with their tax agents, other staff in the entity, and targeted voice messages

Analysis of time taken to issue Garnishees misinterpreted by IGT

One of the more perplexing elements of the IGT's *Review* that they used to support their conclusion that no such *Directive* existed, was their attempt at analysing how long they estimated it takes to issue a garnishee notice.²⁰

*2.329 The comment made in the 20 May 2017 email sent by the local team leader to 12 local EI unit frontline staff during the last hour of overtime, was conveyed as ironic in style. In the IGTO's view, the facts and evidence indicate that this could not have been intended literally. It would take a local Adelaide EI unit staff member, on average, 25 hours of scheduled work to issue 5 such notices if all such notices were to financial institution accounts.*²¹
(emphasis added)

This conclusion of the IGT is patently incorrect and inconsistent with the observations or capacity of this author, and their former colleagues, to issue enduring garnishees at speed.

During the period in question from June to August 2017, it was not uncommon for the author to observe debt staff in Adelaide who outright obeyed the *Directive* collect a significant pile of garnishees they had issued on a particular business day.

[REDACTED]

For any staff member who obeyed the *Directive*, the number of these garnishee notices could easily approach ten in a standard business working day.

Furthermore, on overtime when the expectation that the work ethic that should be exhibited by staff was more akin to a sprint, rather than a marathon (a fair expectation considering the significant increase in pay on a Saturday overtime), the number of garnishees that could, and was issued by staff members in one standard business working day could approach fifteen such notices.

²⁰ N.B. This author deems that there is no practicable difference in time taken to issue a PIT garnishee or standard garnishee. The paperwork and analysis for an experienced Debt Officer is, for all intents and purposes, identical.

²¹ Inspector-General of Taxation, *Review into the Australian Taxation Office's use of garnishee notices* Tax administration management report <https://cdn.tspace.gov.au/uploads/sites/16/2019/03/190313-Review-into-the-ATOs-use-of-Garnishee-Notices-FINAL.pdf> (2019), 75.

This author directly observed this behaviour. This may have been through fear of repercussion if they didn't, or any other motivation to do so.

This author could also issue 10 garnishee notices in a day if they blindly obeyed the *Directive*.

It is confounding that the IGT has sought to use a misrepresentation of analysis of the time taken to issue garnishees on average, to form a view that the *Directive* did not occur.

This author's *Complaint* that was in IGT's possession for the course of their investigation, clearly indicates that:

*Older serving more experienced and skilled Debt Collection Officers have stated almost unanimously that they disobeyed this directive to issue Standard Garnishees on all cases.*²²

It is this author's opinion that it is a deeply illogical leap for the IGT to make. Again, this author indicated that:

*More skilled and experienced colleagues advised me extensively that they ignored the directive, and dealt with taxpayers on a case by case basis to achieve what they believed to be the right outcome, after attempted discussions with these taxpayers to determine their current circumstances and business viability.*²³

Logically, the average time taken to issue garnishee notices from the raw statistics would not reflect an accurate time taken to issue an enduring garnishee notice.

Nevertheless, there were some experienced Debt staff who were issuing qarnishees in line with the Directive due to fear of repercussions if they did not comply.

As outlined above, the remaining brand-new Debt staff who were (astonishingly) issuing standard garnishees, were doing so with only a discussion with coaches, and no phone contact made to the taxpayer as outlined above.

This was a slow process for these brand-new staff. Naturally, the average time taken was nowhere near what it took for one qualified and experienced Debt staff member to issue such a notice (as was occurring during overtime for example).

²² Richard D Boyle, *Complaint to the Office of the Inspector-General of Taxation - Debt directives given to staff in June 2017 contradict agreements made by the Australian Taxation Office and Inspector-General of Taxation in their report: Inspector-General of Taxation: DEBT COLLECTION - A report to the Assistant Treasurer, July 2015, (2017), 12.*

²³ *Ibid*, 12.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Inspector-General of Taxation failed to seek my contemporaneous notes

In addition to this failure, another key piece of evidence this author was anticipating the IGT might require to assist in their investigations was their personal notes made when the *Directive* was given.

During their meeting with IGT, this author advised specifically that they had taken extensive contemporaneous notes during the meeting on Thursday, 8 June 2017 when the *Directive* was given to their team.

This was also noted in the ABC Four Corners episode, when this author stated:

*"We were essentially ordered and directed to start doing standard garnishees on every case, and I was absolutely shocked. I **started taking copious minutes** because I was really concerned that taxpayers were going to be adversely affected by what I could only say is an unethical decision of the Australian Taxation Office."*²⁵

The IGT never contacted this author to seek a copy of these contemporaneous notes.

Analysis

To complete this submission this author conducted a broad review of the Inspector-General of Taxation and Taxation Ombudsman's [Review into the Australian Taxation Office's use of Garnishee Notices](#), and compared it to their own *Complaint* made to that same organisation.

The following areas of the IGT's Review show significant deficiency, and either:

1. Do not coincide with the information contained in this author's Complaint;
2. Show a lack of investigation into these areas which this author believes is critical, or
3. Show a failure by the IGT to conduct an adequate investigation of their allegations of the *Directive*.

These areas are outlined below, but are not limited to:

- Irrelevant focus of IGT on whether the *Directive* could be considered a 'cash grab'.
- Irrelevant focus of IGT on whether KPIs indicating performance was measured on revenue collection.

- Inadequate terms of reference of IGT *Review* into Garnishees to investigate origin of the *Directive* (i.e. senior executive in Debt Business Line).
- Whether staff adhered to the ATO's garnishee notice policies and procedures, as opposed to whether they were simply obeying the *Directive* from these senior executives, and feared repercussions to their employment if they did not comply.
- Brand new staff issuing enduring garnishees contradicts ATO that their use is judicious and only after lengthy negotiations.
- ATO's admission from their own internal review finalised on 22 July 2018 that these powerful and potentially devastating compliance tools should in the future only be used by "*Debt's specialised case work teams which deal with sensitive, high value, organised crime, serious financial crime, and other complex work.*"²⁶
- No phone contact conducted by brand new staff before issuing enduring garnishees.
- Analysis of time taken to issue Garnishees misinterpreted.
- [REDACTED]
- IGT failed to seek my contemporaneous notes which are key evidence of documentation that the *Directive* did in fact occur.

Strangely, the IGT explains away the *Directive* this author at pains documented in their *Complaint*, as simply staff members' misunderstanding of communications from management and their executive, or staff not following ATO processes and procedures.

In reality what actually occurred, was mainly new staff obeying a *Directive* which was clearly a breach of the Public Service Act 1999, and which was disobeyed by the many more experienced and senior debt staff.

*Older serving more experienced and skilled Debt Collection Officers have stated almost unanimously that they disobeyed this directive to issue Standard Garnishees on all cases*²⁷

*More skilled and experienced colleagues advised me extensively that they ignored the directive, and dealt with taxpayers on a case by case basis to achieve what they believed to be the right outcome, after attempted discussions with these taxpayers to determine their current circumstances and business viability*²⁸

After this analysis, it is this author's assessment that the IGT's *Review* and its conclusions are of such a significant distortion of the facts that they are either intolerably unsatisfactory, or more concerningly, may indicate an unwillingness of the IGT to form an independent, open and transparent analysis of facts provided to them.

[REDACTED]

²⁶ Inspector-General of Taxation, Review into the Australian Taxation Office's use of garnishee notices Tax administration management report <https://cdn.tspace.gov.au/uploads/sites/16/2019/03/190313-Review-into-the-ATOs-use-of-Garnishee-Notices-FINAL.pdf> (2019), 67.

²⁷ Richard D Boyle, *Complaint to the Office of the Inspector-General of Taxation - Debt directives given to staff in June 2017 contradict agreements made by the Australian Taxation Office and Inspector-General of Taxation in their report: Inspector-General of Taxation: DEBT COLLECTION - A report to the Assistant Treasurer, July 2015*, (2017), 5.

²⁸ *Ibid*, 12.

Finally, as outlined by the reporting of [Nine \(formerly Fairfax\)](#) in their reporting of this garnishee Directive:

We were instructed quite clearly and categorically to start issuing standard garnishees on every case.

Conclusion

The many examples cited above in this submission represent either a serious inadequacy of the Inspector-General of Taxation to conduct reviews of such a serious nature into the Australian Taxation Office, or worse, may indicate a deliberate obfuscation, complication or muddying of the facts which this author finds difficult to explain.

There is sufficient evidence of the existence of the *Directive* even in the Inspector-General of Taxation's *Review* which appears to have been weaved into a narrative pointing to a misinterpreting of events in June to August 2017 in the Debt Business Line in the Australian Taxation Office.

The evidence this author included in excruciating detail in their *Complaint to the Inspector-General of Taxation*, was an attempt to prevent any such dilution of the facts occurring:

*A couple of us spoke out quite clearly that this was astounding that they could on the one hand, give a clear directive to make decisions that I thought were unethical, and then two months later, to make up what was almost a concocted story about how they'd made an apparent mistake, it was not a mistake.*²⁹

It does not escape this author's awareness that the *Directive* was given in Adelaide (although there is evidence of it being delivered elsewhere in the country) where it is not *despite* the presence of a significant number of staff who did not question the Directive, but possibly *because* of the presence of these staff, who then ploughed ahead with issuing large numbers of enduring garnishees.

This is stated in the author's comparison that most of the experienced staff vehemently disobeyed the *Directive* to issue enduring garnishees on cases that had been delivered for the much less severe treatment of PIT garnishees:

*Older serving more experienced and skilled Debt Collection Officers have stated almost unanimously that they disobeyed this directive to issue Standard Garnishees on all cases.*³⁰

*More skilled and experienced colleagues advised me extensively that they ignored the directive, and dealt with taxpayers on a case by case basis to achieve what they believed to be the right outcome, after attempted discussions with these taxpayers to determine their current circumstances and business viability.*³¹

²⁹ <https://www.abc.net.au/4corners/mongrel-bunch-of-bastards/9635026>

³⁰ Richard D Boyle, *Complaint to the Office of the Inspector-General of Taxation - Debt directives given to staff in June 2017 contradict agreements made by the Australian Taxation Office and Inspector-General of Taxation in their report: Inspector-General of Taxation: DEBT COLLECTION - A report to the Assistant Treasurer, July 2015, (2017), 5.*

³¹ *Ibid*, 12.

For the Inspector-General of Taxation, as the institution tasked as being the main check and balance to any potential untoward or inappropriate behaviour of the Australian Taxation Office, to form this view despite being provided with extensive and exhaustive list of facts and information, is exceedingly disconcerting.