

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

Department/Agency: ATO

Question: 1

Topic: Section 9 notices issued

Question:

Senator PATRICK: I might come back to ask how many section 9 notices have been issued to the ATO since the power became available. Do you know?

Mr Mills: We'd have to take that on notice.

Answer:

The requirement for the IGT to report the number of times it has used a section 9 notice in its Annual Report only came into effect on 1 May 2015, with the amendments that transferred the tax complaint function to the IGT from the Ombudsman. Prior to this date, the IGT could, at its discretion, issue the equivalent of a section 9 notice to current or former ATO staff under the IGT Act (it was in a slightly different form to what is in section 9 of the Ombudsman Act, but its practical effect was the same), but there was no requirement for this to be reported in the IGT's Annual Report.

Any information about the number of notices issued to current or former ATO staff prior to 1 May 2015 could only be reliably sourced from the IGT.

Post that date, the IGTO has issued one section 9 notice to an ATO staff member.

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

Department/Agency: ATO

Question: 2

Topic: Performance into IGT - MOU between IGT and ATO

Question:

Senator PATRICK: That leads me to the question: if the IGT needs to conduct an investigation, not normally using their coercive powers, is there an MOU that exists between the IGT and the ATO?

Mr Mills: There is a protocol.

Senator PATRICK: I'm wondering if that could be provided to the committee.

Mr Mills: Yes, and it's available on the IGT's website.

Answer:

The IGTO-ATO protocol establishes the framework for the working relationship between the two agencies. It is available on the IGTO website: <http://igt.gov.au/accountability-and-reporting/protocol-igt-and-ato/>

Sitting under the protocol are review operational and complaints handling guidelines, both of which are available on the IGTO website: <https://igt.gov.au/news-and-media-redirect/other-publications/>

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

Department/Agency: ATO

Question: 3

Topic: Specific circumstances of Mr Shamir

Question:

Senator PATRICK: You might have to take some things on notice here, because I'm really concerned about the story told this morning, where an ATO employee was issued a section 9 notice and was marched from the office while conducting a lawful direction from the IGT. I'm presuming that the IGT probably issued the section 9 notice because the section 9 notice then invokes the protection of section 39 of the IGT Act, which prohibits anyone from victimising in any way someone who is complying with that direction. Is that your understanding?

Mr Mills: Correct. That is our understanding of how it all works.

Senator PATRICK: I am now interested in the ATO's side of the story. When IGT was conducting an investigation into conduct alleged by Mr Shamir, what happened in those circumstances?

[...]

Mr Chapman: I think we can take the specific provisions on notice, as suggested, and get some further clarification on the specific circumstances for Mr Shamir. My understanding of the situation was that a notice had been provided and there was approximately close to one month of employment post the issuing of that notice to Mr Shamir and the termination of employment, but we can take that on notice to confirm the dates if required.

Senator PATRICK: What I'm asking you to do, just to be really clear—and if you have a problem with that, I'll ask the committee to issue an order for production—is provide not just the commentary but perhaps any documentation that sat around that, because it is highly relevant to the way in which the IGT conducted themselves in respect of that particular investigation. And you could imagine that most people who listened this morning would have been quite disturbed by what appears, on the face of the evidence, to have occurred.

Answer:

Over a period weeks in April and May 2015 Mr Shamir's manager had outlined his work responsibilities to him, allocated work and made attempts to establish a development plan for Mr Shamir. Mr Shamir declined to participate in meetings to discuss these and failed to provide evidence of the work he had undertaken whilst attending the workplace, or satisfactory reasons for non-completion of the work assigned to him. This highlighted a pattern of non-performance of duties by Mr Shamir.

Mr Shamir was provided with a notice from the Inspector General of Taxation (IGT) on 18 May 2015.

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE

Australian Taxation Office

OCTOBER 2019

The ATO was first advised of the existence of the notice by way of a letter from Mr Shamir's representative on 26 May 2015. In this letter Mr Shamir's representative noted that Mr Shamir could not advise the ATO what the notice was about, and suggested he be moved to a new role in new business area.

On 29 May 2015 the ATO responded to Mr Shamir's representative and offered Mr Shamir a temporary move into a different management structure while he was replying to the notice. Mr Shamir did not accept this offer.

On 9 June 2015 the IGT confirmed to the ATO that the notice had been issued and that there should be no reason why Mr Shamir could not comply with the notice and fulfil his regular duties.

On 10 June 2015 Mr Shamir was sent a notice advising that the delegate was proposing to terminate his employment on the ground of non-performance of duties.

Mr Shamir was terminated on 19 June 2015 for non-performance of his assigned duties over the period from 10 April 2013 to 5 June 2015.

Mr Shamir attended work for 10 days in the period between the notice being issued (18 May 2015) and his dismissal for non-performance 19 June 2015. During this time he could have fulfilled the requirements of the section 9 notice.

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE

Australian Taxation Office

OCTOBER 2019

Department/Agency: ATO

Question: 4

Topic: ATO policy for section 9 notices

Question:

Senator PATRICK: [...] What is the ATO's policy in respect of someone issued with a section 9 notice—noting you said they are very rare. You must have a policy in place that sets out how you handle an ATO employee who is issued with a section 9 notice.

Mr Kelly: We would expect an employee who has been given a section 9 notice to fully cooperate with the information that has been requested from the IGT. The protections you are alluding to in the other parts of the IGT Act would be a matter that we would seek to comply with. That's more around some HR policy, which my colleague, Mr Chapman, might be able to assist with.

Mr Chapman: I think we can take the specific provisions on notice, as suggested [...]

Senator PATRICK: [...] If there is any written policy or any document that shows how you might treat someone who's issued a section 9 notice, that would be appreciated as well.

[...]

I'm interested in the section 9 aspects of this, because there is a clear protection in the IGT's act, under section 39, to anyone who is carrying out those particular functions. I'm really interested in the intersection of that particular order and whether you should have simply waited until after he had complied with the lawful direction of the IGT before initiating action. What made you do it on those days as opposed to simply, after two years, waiting another couple of weeks to allow him to comply with the direction? Whatever documentation you've got on that, I'd be most interested in.

Answer:

Our corporate policy and internal guidance material relating to working with external scrutineers requires ATO staff to provide timely assistance, advice and support to external scrutineers. This requirement applies regardless of whether ATO staff are responding to information requests or the more formal process of complying with a section 9 notice.

Our policy and guidance then directs staff who have any questions about dealing with external scrutineers to contact the ATO's gateway team that manages our relationships with these scrutineers. This is set out in *Chief Executive Instruction 2014/07/01 Working with External Scrutineers*, which provides:

What are the principles for interacting with external scrutineers?

Ongoing and productive dialogue with our scrutineers is essential to improving our administration. The ATO is committed to:

Senate Economics Committee

Inquiry into the Performance of the Inspector-General of Taxation

ANSWERS TO QUESTIONS ON NOTICE

Australian Taxation Office

OCTOBER 2019

- developing and maintaining professional and constructive relationships with our external scrutineers
- assisting and supporting our external scrutineers to effectively perform their functions, by:

providing positive, timely and appropriate assistance and advice

working with them to identify areas of improvement

being cooperative and transparent to establish a ‘no surprises’ approach.

- complying with our obligations under relevant legislation

The decision by the ATO to remove Mr Shamir from the workplace was based on his failure to perform his assigned duties. Mr Shamir had ample opportunity to respond to the IGT request prior to his termination. [Please also refer to QoN 3]

Working with External Scrutineers – CEI 2014/07/01

What you need to know

- This Chief Executive Instruction (CEI) sets out your responsibilities when interacting with the ATO's external scrutineers.
- This CEI is issued for the purpose of section 13(5) of the *Public Service Act 1999* (PS Act).
- 'Your responsibilities' as detailed in this CEI are lawful directions that Australian Taxation Office (ATO) employees and contracted individuals **must** comply with. This CEI does not apply to Australian Charities and Not-for-profits Commission (ACNC) and Tax Practitioners Board (TPB) employees or contracted individuals.
- Non-conformance with your responsibilities detailed in this CEI may constitute a breach of the APS Code of Conduct or contract terms, and sanctions may be applied.

Table of contents

- > [1. What is this CEI about?](#)
- > [2. Who is covered by this CEI?](#)
- > [3. What are the principles for interacting with external scrutineers?](#)
- > [4. What are your responsibilities?](#)
- > [5. Specialist roles](#)
- > [6. What are the consequences of not complying with this CEI?](#)
- > [7. More information](#)

[Exit Preview](#)

1. What is this CEI about?

This CEI sets out your responsibilities when interacting with the ATO's external scrutineers.

Our external scrutineers are:

- Australian National Audit Office (ANAO), which conducts financial statements audits and performance audits
- Inspector-General of Taxation (IGT), which investigates tax complaints (except those related to freedom of information (FOI) matters) and particular actions by tax

official, reviews systemic issues in tax administration and makes recommendations for improvement

- Commonwealth Ombudsman, which responds non-tax elements of cross agency complaints (e.g. those that have a Child Support element), and Public Interest Disclosures. It also conducts its own investigations on systemic issues
- Office of the Australian Information Commissioner, which investigates privacy and freedom of information complaints and issues.

External scrutiny promotes good governance practices, transparency, accountability and fairness.

External scrutineers provide independent assessments of the ATO's administration of the tax and superannuation systems, the Australian Business Register and assurance of the ATO's financial reporting.

2. Who is covered by this CEI?

This CEI applies to all employees and contracted individuals (subject to the terms of the individual's contract) in the ATO including Senior Executive Service (SES) employees. This CEI does not apply to ACNC and TPB employees or contracted individuals.

3. What are the principles for interacting with external scrutineers?

Ongoing and productive dialogue with our scrutineers is essential to improving our administration. The ATO is committed to:

- developing and maintaining professional and constructive relationships with our external scrutineers
- assisting and supporting our external scrutineers to effectively perform their functions, by:
 - providing positive, timely and appropriate assistance and advice
 - working with them to identify areas of improvement
 - being cooperative and transparent to establish a 'no surprises' approach.
- complying with our obligations under relevant legislation
- providing a consistent and coordinated approach to the management of external scrutineer activities.

4. What are your responsibilities?

Prior to engaging with external scrutineers:

- Contact the External Scrutineers Unit (ATO Corporate) in relation to IGT reviews and ANAO performance audits.
- Contact the Complaints and Ombudsman Review team or the External Scrutineers Unit (both in ATO Corporate) for Commonwealth Ombudsman related matters (including specific or shared complaint matters excluding Public Interest Disclosure (PID) matters). For PID matters contact the People Helpline to be transferred to an authorised officer or email [Public Interest Disclosure](#).
- Contact [Complaints & Feedback-Support](#) (ATO Corporate) for Inspector-General of Taxation complaint referrals.
- Contact the Financial Statements & Policy Services branch (in ATO Finance) for financial statements audit matters.
- Contact General Counsel for Office of the Australian Information Commissioner matters, freedom of information requests and/or privacy complaints.

When working with an external scrutineer through an audit, review or investigation

- Provide timely assistance, advice and support to external scrutineers, including responses to information requests.
- Liaise with the External Scrutineers Unit, Financial Statements & Policy Services Branch or General Counsel, as required and ensure they are kept briefed.
- Identify and involve other key internal stakeholders.
- Comply with the requirements of the [Security CEI](#) when accessing and disseminating sensitive information.
- Ensure business line executives are appropriately briefed on any patterns or emerging issues identified in the course of a review or audit.
- Maintain records of information requests and the ATO responses to them so these can be referred to as required.
- Ensure high level implementation strategies are prepared for recommendations as responses are determined.
- Implement recommendations according to implementation plans and established timeframes.
- Provide regular updates to Internal Audit on implementation progress.
- Obtain and retain sufficient evidence to support the closure of the recommendation.

5. Specialist roles

Role	Responsibilities
------	------------------

<p>External Scrutineers Unit in ATO Corporate</p>	<ul style="list-style-type: none"> • Led by Assistant Commissioner External Engagement and Governance, the unit supports the Commissioners and senior executive in managing productive relationships with external scrutineers. • Centrally coordinates and monitors relationships with the Ombudsman, IGT and ANAO for complaints, reviews and performance audits. • Provides advice and support to recommendation owners on developing appropriate strategy and plans for implementing external scrutineer recommendations, and facilitates consultation with the scrutineers. • Monitors the status of external scrutineer recommendations, including reporting to the Audit and Risk Sub-Committee, Audit and Risk Committee, Commissioners and Group Executives. • Advises business lines on engaging and working with external scrutineers. • Ensures effective corporate processes are in place to support the relationships. • Ensures a consistent corporate position is communicated to our scrutineers.
<p>ATO Complaints and External Review, ATO Corporate</p>	<p>Is the first point of contact for Ombudsman complaint investigations and referrals.</p>
<p>Charter, Complaints & Feedback-Support, ATO Corporate</p>	<p>Is the first point of contact for Inspector-General of Taxation complaint referrals.</p>
	<ul style="list-style-type: none"> • Is the first point of contact for the ANAO financial statement audits.

<p>Financial Statements and Policy Services Branch, ATO Finance</p>	<ul style="list-style-type: none"> • Facilitates the financial statements and special purpose audit processes. • Reports to the Audit and Risk Committee on financial statement audit related matters. • Manages and coordinates the ATO ANAO financial statements liaison officer network.
<p>General Counsel</p>	<ul style="list-style-type: none"> • Is the first point of contact for all Freedom of Information (FOI) and privacy complaints and reviews of FOI decisions. • Manages the day to day interactions with the Australian Information Commissioner. • Ensures a consistent corporate position is communicated. • Keeps the External Scrutineers Unit informed of significant issues that relate to FOI and privacy complaints.
<p>Internal Audit</p>	<ul style="list-style-type: none"> • Confirms the implementation of external scrutineer recommendations in line with the agreed implementation plan, based upon the evidence supplied by the recommendation owner.

6. What are the consequences of not complying with this CEI?

Employees who breach this CEI may be in breach of the APS Code of Conduct and sanctions may apply. See [Procedures for determining whether an employee has breached the APS Code of Conduct and imposition of sanction.](#)

Contracted individuals who breach this CEI may be in breach of their contract with the ATO.

7. More information

For more information:

- refer to links on the right hand side menu for the Working with External Scrutineers [questions and answers](#) and a [short video](#) to assist with the application of the CEI.
- email the [ATO External Scrutineers Gateway](#) mailbox.

External Scrutineer	For more information
Auditor General – Australian National Audit Office	<ul style="list-style-type: none"> • Email ATO External Scrutineers Gateway for performance audits or refer to Working with the Australian National Audit Office. • Email ATOF Audit Liaison or refer to Financial Statements Audit Liaison Officer Network for financial statements audits. • Auditor-General Act 1997 - S32 Power of Auditor-General to obtain information and S33 Access to premises
Inspector-General of Taxation	<ul style="list-style-type: none"> • For matters relating to individual complaints, email Complaint Referrals • For all other matters email ATO External Scrutineers Gateway or refer to Working with the Inspector-General of Taxation • Inspector-General of Taxation Act 2003 - Part 2, Div 3 Obtaining information, documents etc. for the purposes of reviews • Protocol between the Inspector-General of Taxation and the Australian Taxation Office
Commonwealth Ombudsman	<ul style="list-style-type: none"> • For matters relating to Public Interest Disclosures email Public Interest Disclosure • For FOI matters email General Counsel Requests • For all other matters email ATO External Scrutineers Gateway or the ATO Complaints Ombudsman Referrals or refer to Working with the Commonwealth Ombudsman • Ombudsman Act 1976 - S9 Power to obtain information and documents

Australian Information Commissioner	<ul style="list-style-type: none">• Email General Counsel Requests for Freedom of Information matters or for privacy/complaint matters.• Australian Information Commissioner Act 2010• Privacy Act 1988
-------------------------------------	---

Last material update: 06 April 2016

17/09/2019 9:24 AM ■ Integrated Tax Design

Senate Economics Committee

Inquiry into the Performance of the Inspector-General of Taxation

ANSWERS TO QUESTIONS ON NOTICE

Australian Taxation Office

OCTOBER 2019

Department/Agency: ATO

Question: 5

Topic: ATO guidance on approaching the IGT

Question:

Senator PATRICK: What restrictions do you place, or guidance do you give, to your people about going to the IGT? Obviously, there's a whistleblower process inside the ATO. The next step in the whistleblower process is to go to the Ombudsman, but we've had two examples this morning of ATO people who have gone directly from a disclosure of some sort to the ATO, then to the IGT. What is the ATO's view on that?

[...]

In the interests of time and knowing the terms of reference of this enquiry, I'm interested in the specifics around how you advertise, how you guide, how you instruct people in respect of going to the IGT. You might have an instruction that says that's not the right path. Is that the case?

Mr Kelly: I might take that question. Just being clear, obviously with the tax administration matters jurisdiction of the IGT there are certain things that the IGT can't look at or investigate such as internal HR matters, so I'm just putting that to bed, putting that right up the front. We have a chief executive instruction, a policy, that staff are required to follow in terms of our engagement with the IGTO and the other external scrutineers that does require them to be fully transparent and cooperative in terms of the information that they provide.

Senator PATRICK: But this is not in circumstances where the IGT is requesting information. I'm talking about when someone in the ATO wants to go to the IGT. Does that direction cover that?

CHAIR: It's probably even before that. Correct me if I'm wrong, Senator Patrick, but it's when someone in the ATO has a problem. Where does the IGT sit in the pathway of resolution that you present to people within your organisation?

Mr Kelly: There's material that I'm aware of that actually indicates where the IGT sits in the framework of avenues that are available for our staff, and we're certainly happy to provide that material on notice.

CHAIR: So your staff are actually given active instruction that the IGTO is one of the options?

Mr Kelly: Yes, absolutely. That's my understanding, but we'll take it on notice to make sure that we provide the right information.

Answer:

The ATO has a range of policy, procedural and learning products to advise our staff how they can raise concerns (that is, make public interest disclosures) where they reasonably suspect wrongdoing, fraud or misconduct. Information for ATO staff includes:

- Security, Privacy and Fraud training – this is compulsory training for all staff to complete annually
- Chief Executive Instructions, procedures and questions and answers

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

- Animated video

Per our procedures, a staff member can make a disclosure to an ‘authorised recipient’ to consider the issue by:

- Emailing a dedicated ATO mailbox
- Raising it with a manager in their chain of command
- Raising it with the Commonwealth Ombudsman.

When an ATO staff member lodges a public interest disclosure internally within the ATO, our finalisation correspondence states that the person can approach the Commonwealth Ombudsman if they are dissatisfied with the outcome.

In addition, under the IGT Act, ATO staff can provide information to the IGTO as part of audits, reviews or investigations that are on-foot. For two recent IGTO reviews, messages were communicated to all ATO staff in all sites via our internal staff communication portal (known as myATO) to raise awareness of the reviews and advise how they could participate.

The IGTO can also issue a section 9 notice to ATO staff to compel them to provide information about specific matters. As with all lawful directions and in accordance with the APS Code of Conduct, the ATO requires staff to comply.

Where an ATO staff member approaches the IGTO outside of an active audit, review or investigation to make a disclosure, the person should be referred to the Commonwealth Ombudsman to ensure that they are protected.

The IGTO may also commence a review on their own initiative (for example, as a result of information provided to them anonymously or as a result of significant media coverage on a particular topic). The IGTO is not required to indicate their reasons for a review.

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

Department/Agency: ATO

Question: 6

Topic: Adelaide team

Question:

Senator PATRICK: I just want to switch tack here. You of course are aware of the IGT's investigation into garnishee notices. We know that the IGT visited Adelaide and found some anomalies in Adelaide. [...]

Ms Smith: The IGT did find some anomalies in the Adelaide site, not necessarily across the site but with one of the six debt teams that were operating out of that site.

[...]

Senator PATRICK: What team number was it?

Ms Smith: I don't know the correct answer to that; I'll let you know.

Senator PATRICK: Can you take it on notice?

Ms Smith: Yes, I can let you know.

[...]

Senator PATRICK: Just coming directly to the point, and noting that the IGT investigation flowed from the Four Corners report, was it Mr Boyle's team in Adelaide where the anomaly was occurring?

Ms Smith: I would need to take that question on notice, if I may, to let you know the team number and the exact team members.

Answer:

The anomaly referenced by the IGT in their report was in relation to the Adelaide Early Intervention unit which had issued a greater proportion of enduring garnishee notices to financial institutions than the other five Early Intervention unit sites.

Key miscommunications in relation to enduring garnishees occurred in Team 8.

Mr Richard Boyle was working in Team 8.

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

Department/Agency: ATO

Question: 7

Topic: Internal report post four corners program

Question:

Ms Hopley: Good morning. I'm a director at the Australian Taxation Office and I'm the nominated contact officer for the IGT review into garnishees.

We did self-identify the problem in Adelaide. Shortly after the Four Corners program we conducted our own internal debt review. That culminated in a report and we provided that report to the IGT, not at their request but at the very start of the investigation under their terms of reference.

Senator PATRICK: Can you provide the committee with a copy of that report, please?

Ms Hopley: Certainly.

Answer:

On 15 August 2017 we identified that the Adelaide Early Intervention unit was issuing proportionally more enduring garnishee notices to financial institutions than the other five Early Intervention unit sites.

On 21 August 2017 refresher garnishee training was rolled out.

On 29 August 2017, following training, an all site staff email was issued with key garnishee-related messages.

On 9 April 2018 a number of issues, predominantly relating to the ATO's interactions with small businesses, were raised on the ABC's Four Corners program.

On 20 July 2018 the ATO completed the 'Debt business process review 2018' report.

'Debt business process review 2018'



FINAL_Report_D...

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

Department/Agency: ATO

Question: 8

Topic: Levels of staff interviewed in Adelaide

Question:

Senator PATRICK: [...] The IGT came down to Adelaide and interviewed seven people.
[...]

Senator PATRICK: How many teams are down there?

Ms Hopley: Six.

Senator PATRICK: Six. This has been de-identified: are you in a position, perhaps on notice, to tell us if any of the people that were interviewed by the IGT were team leaders, assistant directors or a director?

Ms Hopley: I'm happy to take that on notice.

Answer:

The ATO is aware that, while in the Adelaide site, the IGT interviewed directors and team leaders.

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

Department/Agency: ATO

Question: 9

Topic: Adelaide staff interviewed without support

Question:

Senator PATRICK: I'll direct this to you, Mr Sorensen, you having been the point of contact with the IGT. With respect to the team down in Adelaide, the IGT has indicated by way of responses to questions on notice that seven people were interviewed, all of whom had a support person with them. Are you aware of who the support person was in terms of their level, and was it the same person for all seven people?

Ms Hopley: I was that support person offered to the staff. The staff were able to avail themselves of a support person or opt out of that. And, on occasions, there was an also an opportunity for people to speak to their IGT without a support person. The mobile number of the IGT auditor was provided.

Senator PATRICK: I understand that. That's in their submission, actually. They provided the email for that. But their evidence, by way of answers to question on notice, is that no-one in Adelaide was spoken to without a support person being present.

Ms Hopley: I'd have to take that on notice.

Answer:

The ATO is aware that, while in the Adelaide site, the IGT interviewed seven staff, six of whom availed themselves of a support person.

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

Department/Agency: ATO

Question: 10

Topic: Performance appraisals

Question:

Senator GALLACHER: Can I ask about the result of your self-identification and review of a higher level of garnishees than normal. Did you give people performance appraisals? Did you discipline people? Did you give them a note on their file? What did you do?

Ms Smith: We will have done all of those things. The first thing, once we identify something that we believe is not consistent with our intent, is that we immediately address the issue to stop it occurring.

Senator GALLACHER: I'm not looking forward to estimates if this is the type of answer we're going to get. For how many people did you place a note on file saying, 'You haven't followed procedure properly; please do so next time'?

Ms Smith: The IGT identified that no-one actually applied an enduring garnishee inconsistently.

Senator GALLACHER: So no-one got an appraisal. No-one got a note on their file.

Senator PATRICK: Hang on. The evidence you gave was that you self-identified a problem where people had sort of acted—

[...]

Senator PATRICK: Can you take it on notice—anyone that was disciplined.

Ms Smith: Of course I can. Yes, I will.

Senator PATRICK: In any way shape or form, whether they were fired, transferred, retrained or cautioned.

Answer:

Once the anomaly was identified, the appropriate course of action under ATO performance and conduct procedures was taken.

This was in the form of improved communications and refresher training for all staff in the Adelaide site undertaking garnishee work.

Additionally, clarifying communications and ongoing monitoring of work was undertaken within the team.

The proportion of enduring garnishee notices to financial institutions issued by the Adelaide Early Intervention unit returned to the levels of the other five Early Intervention unit sites.

Senate Economics Committee
Inquiry into the Performance of the Inspector-General of Taxation
ANSWERS TO QUESTIONS ON NOTICE
Australian Taxation Office
OCTOBER 2019

Department/Agency: ATO

Question: 11

Topic: Details of Adelaide staff interviewed

Question:

Senator PATRICK: On notice, I have one more question.

CHAIR: Very quickly.

Senator PATRICK: When you identify these seven people, can you just outline what teams are there, what their function is, how many people are in there and how many people were interviewed from each of those teams. Thank you.

Answer:

In 2017 the Adelaide Early Intervention unit had approximately 100 staff spread across five Operational teams and one National Technical Support team, whose role was to engage with taxpayers to resolve their debts. An overtime team was drawn from these teams and its membership varied over time.

The ATO is aware that, while in the Adelaide site, the IGT interviewed the following people:

- the director of the Adelaide Early Intervention unit
- the Team Leader of Team 8
- two Case Officers from Team 8
- one Case Officer from Team 1 who acted as Team Leader of the Overtime team
- one Technical Officer from the National Technical Support team
- the Brisbane-based director who was the ATO contact officer for the review and not part of the Early Intervention unit.