

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

Department/Agency: ATO

Question: 2

Topic: Successful PID investigations

Question:

SENATOR GALLACHER: It's clear that you have policies, protocols and procedures in place, but can you point to any practical evidence of them being applied in the event of a PID or to a whistle-blower? [...] Have you got a practical example of where the protocol procedures have worked effectively to everybody's satisfaction?

Mr Todd: In relation to a public interest disclosure?

SENATOR GALLACHER: Yes

Mr Todd: Given the secrecy provisions around those and the criminal offenses, I would be a bit reluctant to discuss a particular case but—

SENATOR GALLACHER: You've got the policy, protocols and procedures; can you tell me where it works?

Mr Todd: [...] Yes we have had numerous ones where we've—

SENATOR GALLACHER: Numerous?

Mr Todd: Yes

SENATOR GALLACHER: In the last 3 years?

Mr Todd: We would have to take that on notice

Answer:

Since the commencement of the *Public Interest Disclosure Act 2013* the ATO has received approximately 201 allegations of disclosable conduct. Of these allegations 25 have been found to be substantiated after investigation and remedial action was taken by the ATO.

The 25 findings of disclosable conduct related to contravention of a law of the Commonwealth, state or territory (7); conduct that resulted in disciplinary action (16) and abuse of public office (2).

Action taken in response to the substantiated disclosures included APS Code of Conduct investigation and sanctions (14); internal process and policy improvements (2); processes implemented by management to address identified control issues (7) and investigations under other Commonwealth legislation (2).

The ATO is only aware of four occasions where disclosers have lodged complaints with the Commonwealth Ombudsman. All four complaints were not about the PID process but rather dissatisfaction of the outcome of our investigations. All four complaints were dismissed after an independent review by the Commonwealth Ombudsman.