

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

2015 - 2016

Department/Agency: Australian Taxation Office

Question: AET 2881-2882

Topic: Departmental staff misconduct

Reference: written - 19 February 2016

Senator: Ludwig, Joe

Question:

Since the change of Prime Minister on 14 September, 2015:

2881. Please provide a copy of the departmental staff code of conduct.

2882. Have there been any identified breaches of this code of conduct by departmental staff?

- a) If yes, list the breaches identified, broken by staffing classification level.
- b) If yes, what remedy was put in place to manage the breach? If no remedy has been put in place, why not?
- c) If yes, when was the breach identified? By whom? When was the Minister made aware?
- d) If yes, were there any legal ramifications for the department or staff member? Please detail.

Answer:

2881. All ATO employees are required to adhere to the [APS Code of Conduct](#) (Section 13, *Public Service Act 1999*).

2882. Yes. From 14 September 2015 to 31 January 2016:

(Key to reference numbers in table - refer to [APS Code of Conduct](#))

2882 a) Breaches identified	2882 a) Classification level	2882 b) Remedy/ Sanction/s*	2882 c) When identified (determined to be a breach)	2882 d) Legal ramifications
13(5), 13(7), 13(8) and 13(10)	APS5	Reduction in salary (5% for 12 months) and reprimand	14 September 2015	None
13(1), 13(7), 13(9) and 13(11)	APS3	Left organisation before sanction could be imposed.	25 September 2015	None
13(2), 13(3), 13(5) and 13(11)	APS3	Reduction in salary (3.5% for 12 months) and reprimand	22 October 2015	None
13(1), 13(9) and 13(11)	APS3	Reduction in salary (3.5% for 12 months) and reprimand	22 October 2015	None
13(5), 13(7) and 13(8)	APS2	Reduction in salary (5% for 12 months) and reprimand	17 November 2015	None

13(5), 13(7) and 13(8)	APS3	Termination of employment	17 November 2015	None
13(5), 13(7) and 13(8)	APS4	Reduction in salary (5% for 12 months) and reprimand	17 November 2015	None
13(1)	APS5	Deduction in salary by way of 2% fine and reprimand	26 November 2015	None
13(5), 13(7) and 13(8)	APS3	Reduction in salary (5% for 12 months) and reprimand	3 December 2015	None
13(5), 13(7) and 13(8)	APS4	Reduction in salary (8% over 12 months) and reprimand	30 November 2015	None
13(3) and 13(11)	APS3	Termination of employment	8 December 2015	Unfair dismissal application was lodged with Fair Work Commission – Matter settled prior to hearing
13(5)	APS3	Reduction in classification – (from APS 3.4 to APS 2.3)	14 December 2015	None
13(5), 13(7) and 13(8)	APS 4	Deduction in salary by way of 1.5% fine and reprimand	14 December 2015	None
13(5), 13(7) and 13(8)	APS1	Termination of employment	21 December 2015	None
13(5), 13(7) and 13(8)	APS4	Termination of employment	23 December 2015	None
13(3) and 13(5)	APS3	Reprimand	18 January 2016	None
13(3), 13(5) and 13(8)	APS3	Sanction to be imposed	25 January 2016	None

*Breaches of Code of Conduct - [Sanctions](#) that may be imposed – Section 15 *Public Service Act 1999*

2882.

- (c) All Code of Conduct matters were determined by investigation officers. Of the 17 matters listed above, the matters were referred by the following means:
- Fraud Prevention and Internal Investigations (11)
 - Manager (5)
 - Security incident notification (1)

The ATO does not as a matter of course advise the Minister of the outcomes of individual Code of Conduct matters. However, the ATO provides this information in the annual Australian Public Service Commission [State of the Service Report](#).