

GPO Box 1797 MELBOURNE VIC 3001



**Australian Government**  
**Australian Taxation Office**

Our Reference: 1-7UQCLQ1  
Contact officer: Julie Galeotti  
Telephone: 03 928 51810  
Email: julie.galeotti@ato.gov.au  
Issue date: 29 April 2016

Mr James Smith

Via email: [foi+request-1770-6bc0e99f@righttoknow.org.au](mailto:foi+request-1770-6bc0e99f@righttoknow.org.au)

Dear Mr Smith,

### **Decision regarding your Freedom of Information request**

I refer to your email of 30 March 2016 requesting information under the *Freedom of Information Act 1982 (Cth) (FOI Act)*.

I am an officer authorised under s 23 of the FOI Act to make decisions regarding access to documents.

You have requested:-

*'Any relevant document(s) which summarise misconduct by ATO staff. In particular, matters concerning unauthorised access to taxpayer records and misuse of Commonwealth resources.*

*I would like to see the broad spectrum of offences committed, and what the resulting consequences were for staff generally, in addition to the types of offences, and the number of occurrences of each offence.*

*If such a document exists which covers any, or all, of these matters for a recent, full financial year period (e.g. 2014-15), that will be sufficient for my purposes.'*

### **Decision**

I have decided to grant access to the material requested in full. Two documents containing the information are enclosed and have been released in full.

### **Background**

We asked the ATO People and the Fraud Prevention and Internal Investigations areas of the office to undertake searches for the relevant information.

ATO People have provided details of matters investigated to determine whether an employee has breached the Australian Public Service Code of Conduct for the 2014/2015 year.

Fraud Prevention and Internal Investigations have provided a summary of the allegations of fraud, serious misconduct and other criminal activity referred to them and the results of substantiated allegations for the 2014/15 year.

The data is held electronically so we have produced two written documents containing the information in accordance with section 17 of the FOI Act.

A copy of the two documents (one page each) is attached. The documents have been released in full.

### **Your rights of review**

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

### **Internal review**

Under section 54 of the FOI Act, you may apply in writing to the ATO for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, quoting our reference number at the top of this letter, and be lodged in one of the following ways:

- email: **FOI@ato.gov.au**;
- Post: Australian Taxation Office, General Counsel, GPO Box 4889, Sydney NSW 2001.

Where possible please attach reasons why you believe review of the decision is necessary.

The internal review will be carried out by another officer within 30 days. If you have not been informed of the outcome of the review within that time, you may apply to the Australian Information Commissioner under section 54L of the FOI Act.

### **Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Office of the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

- online: **<https://forms.business.gov.au/aba/oaic/foi-review-/>**;
- email: **enquiries@oaic.gov.au**;
- post: GPO Box 5218, Sydney NSW 2001;
- in person: Level 3, 175 Pitt Street, Sydney NSW.

Your application must include a copy of this letter (and any attachments), an address where notices can be sent to you (eg your email address) and particulars of the basis on which you dispute the decision.

Visit the Australian Information Commissioner website, **[www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews)**, for more information about Information Commissioner review.

## Complaints

Any complaint about the processing of your FOI request can be directed to the Commonwealth Ombudsman. The complaint should set out the action you consider should be investigated. Complaints may be lodged in one of the following ways:

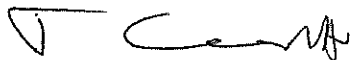
- online: [www.ombudsman.gov.au/pages/making-a-complaint/](http://www.ombudsman.gov.au/pages/making-a-complaint/);
- post: GPO Box 442 Canberra ACT 2601;
- phone: 1300 362 072;
- Indigenous Line phone number: 1800 060 789.

Visit [www.ombudsman.gov.au](http://www.ombudsman.gov.au) for further details.

### For more information

If you have any questions, please phone **13 28 69** between 8.00am and 5.00pm, Monday to Friday, and ask for Julie Galeotti on extension **51810**.

Yours sincerely



Julie Galeotti  
Senior FOI Adviser  
General Counsel  
Australian Taxation Office