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Senator the Honourable Brian Gibson,
Chairman,
Tax Consultative Task Force,
Room S196,
Parliament House,
CANBERRA, ACT, 2600.

Dear Senator,

The ATO (including the Child Support Agency) is overstaffed by up to 3,000 officers to compensate for the unqualified officers who do not do any real work because those unqualified officers are not smart enough to handle the technical aspects of taxation, law and accounting; these unqualified officers just gum up the works.

Since the mid-1980's the ATO has been dumbed and the clueless now go right up to Assistant Commissioner level.

In the mid-1980's, the Third and Fourth Divisions in the Australian Public Service were abolished and their officers amalgamated into one "Administrative Service". Officers of the Fourth Division had lesser education and less intelligence than members of the Third Division, and Fourth Division officers were forbidden to apply for Third Division positions; this effectively limited most Fourth Division officers to a salary no more than what is today the salary of an Administrative Service Officer Class 2.

Although seniority as a factor in promotions was also abolished in theory, in practice "experience" became *de facto* seniority; non-falsifiable promotion criteria such as "commitment to teamwork" and "commitment to Equal Employment Opportunity, Occupational Health and Safety and Industrial Democracy", which could mean anything and usually did, favoured long-serving ex-Fourth Division officers instead of smarter, better educated but newer ex-Third Division Officers. Add to mixture equal employment opportunity gone mad, with its unwritten rule that women should be promoted over better qualified men, and the ignoramuses began their ascendancy in the non-tax technical division of the ATO.

I say the "non-tax technical division" because the ATO can be thought of as divided into two divisions: the non-tax technical division (areas such as Personnel, Returns Processing, [and, incredibly, Prosecutions]), and the tax technical division (areas such as Audit, Advising, Appeals & Review).

However, the rot really set in in 1988, when Commissioner Boucher made the biggest mistake of his administration: he abolished the mandatory educational requirement of an accounting or law qualification to work in the tax technical division. Commissioner Boucher's expectation that the qualified would continue to be promoted over the unqualified failed to take into account a number of things: the brain drain of qualified officers in the late 1980's, the patronage and favouritism that is rife in the ATO and the stalinist workings of the ATO. As a result, the exact opposite happened!

Unqualified officers were promoted on the basis "of their ability to acquire knowledge" and, once promoted, never bothered to acquire any! Thus, you have the crazy situation where to be the Librarian of a Branch of the ATO you have to have a mandatory educational qualification in Librarianship but to be a Team Leader of Auditors you do not need to know a debit from a credit.

Furthermore, a scam is being used by certain officers in the ATO to get around their duty statements. Every position in the Australian Public Service has a duty statement; duties in administrative law are things that *have* to be done, but that has not stopped certain officers from entering into "expectation statements" or "role statements" which mean they do not perform the duties of highest function shown on the duty statements for the positions they occupy. Let us call this scam what it is: corruption.

Case in point: I was an Administrative Service Officer (ASO) Class 4 Senior Prosecutor at ATO Box Hill before I was sacked (which is why no one else speaks up) in 1995 because I would not shut up about the incompetence and corruption of my superiors. My ASO Class 5 Team Leader was a woman, an ex-Fourth Division Officer, selected for promotion by a (not particularly good) Selection Advisory Committee that drew up selection criteria based upon the duty statement for the position. Virtually the first thing she did was to enter into an "expectation statement" with the ASO Class 6 Manager so that she did not have to do what was on her duty statement. For instance, one of the duties of highest function and one of the most time consuming (the duties of highest function are usually shown on the duty statements to be the most time consuming) was to make recommendations for prosecution; in over a year in the position, she never made one recommendation to me. According to her duty statement, she was supposed to supervise the prosecution function of the area; she knew next to nothing about prosecutions. She was cross-examined by me, as a result of my unlawful termination of employment suit, in the Federal Court of Australia in 1997 where she admitted she did not know the difference between *ratio decidendi* and *obiter dicta* and did not know the difference between *mens rea* and *actus reus*!

If you think the Team Leader was bad, my ASO Class 6 Manager was a time-server who, despite the Study Support Schemes on offer, had a Higher School Certificate education and had been *balloted out* into the position (see below). He was cross-examined by me in the Industrial Relations Court of Australia in 1996 where he admitted he did not know what *ratio decidendi* and *obiter dicta* meant; I cross-examined him again in the Federal Court of Australia in 1997: he still did not know. This was a man who was supposed to be a Manager of prosecutors and debt collectors!

Wait, there is more! The area also had an ASO Class 5 Legal Adviser; he was unqualified in law, and according to his duty statement (which I had to get under the Freedom of Information Act!) he was supposed to prosecute the more complex cases as a duty of highest function: in over two years in the position, he did not prosecute one case, not even a simple one!

Another scam is forming positions that were never needed. The above ASO Class 5 Team Leader position was formed through the patronage and favouritism of the ASO Class 6 Manager for another officer (despite several months of higher duties, that officer lost the position to the abovementioned woman); previously, the ASO Class 4 Senior Prosecutors also acted as Team Leaders.

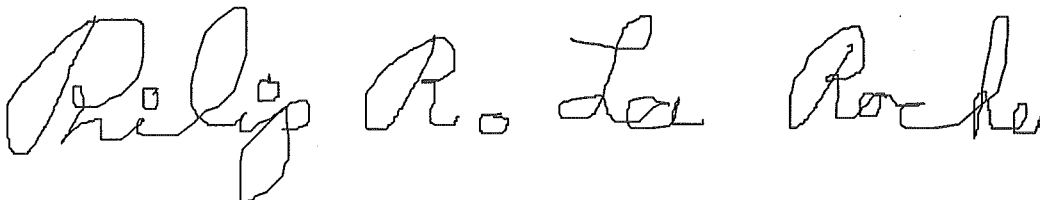
Wait, there is still more! As I mentioned above, the ASO Class 6 Manager was balloted out into his position; previously, he had had nothing to do with prosecutions. You see, when ATO Box Hill was opened in July 1992 there was literally a "joblotto" for Box Hill positions. Staff, regardless of their qualifications or experience, from ATO Melbourne, Dandenong and Moonee Ponds were balloted out into Box Hill positions of the same Class regardless of whether those positions were tax technical or not. Although I suspect that the "joblotto" was not above board, the fact remains that 25% of Box Hill staff (and there were over 700 staff when Box Hill opened) went into positions they had never done before. This is the way to run an Office of a Department of State? Joblotto? How stupid can you get?

You may think that the entirety of the ATO could not be run as badly as Box Hill. Er, no. The other branches are just as bad.

The people of Australia deserve ATO officers qualified in accounting and/or law (even if it means advertising for qualified accountants and lawyers from outside the Australian Public Service). The people of Australia also deserve an establishments review of the ATO to find out those officers ignoring or incapable of doing the duties on their duty statements; those officers must be sacked.

If you need more information, please have one of your staff telephone me.

Yours faithfully,

A handwritten signature in black ink that reads "Philip R. La Roche". The signature is written in a cursive, somewhat stylized font. The first name "Philip" is written with a large, sweeping initial 'P'. The last name "La Roche" is written with a large, sweeping initial 'L' and 'R'. There are small square marks above the 'i' in "Philip" and above the 'o' in "Roche".

(Electronic signature of Philip R. La Roche using Freeform on Windows 95; this electronic signature is used for facsimile transmission direct from computer to facsimile machine; no two electronic signatures are the same.)