

28 March 2011



ABC
Australian Broadcasting Corporation
**People
& Learning**

Christine McDonald
Secretary
Standing Committee on
Finance and Public Administration

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**Re: Inquiry into superannuation claims of former
and current Commonwealth Public Service
employees**

Dear Ms McDonald

I am writing on behalf of Managing Director, Mark Scott in response to your letter to him of 24 March in relation to the Inquiry into superannuation claims of former and current Commonwealth Public Service employees.

Thank you for the opportunity to respond to this invitation to provide a written submission addressing issues that may be of relevance to the ABC.

Following advice of the High Court Decision in *Commonwealth of Australia V John Griffith Cornwell [2007]HCA 16* (Cornwell) issued on 20 April 2007, the issue of journalists, employed by the ABC during the 1970s (up to 1993) as temporary employees, not being informed of their eligibility to join Commonwealth Superannuation Schemes (the CSS and after 1990 the PSS) came to notice.

The Media, Entertainment and Arts Alliance (MEAA) raised this issue with the ABC in late 2009 and there had been some discussions with them about the scope of the issues. Senator Nick Xenophon has also raised this issue with the ABC and there was a meeting between the ABC's Managing Director and Senator Xenophon in September 2010. The MEAA raised with the ABC in October last year a request to circulate advice to ABC staff on potential superannuation claims arising from the Cornwell Decision. The ABC has undertaken to cooperate with the MEAA and the Department of Finance and Deregulation to inform staff of the potential for a Cornwell type claim regarding superannuation. Accordingly an all staff advice (copy attached) was sent to staff on 25 February 2011. It alerts staff to the Cornwell decision and advises that if they think they may have a claim to go to the Department of Finance and Deregulation web page.

It is not known at this stage how many potential claims there could be from ABC staff. Given the timeframes dating from mid 1970s to about 1992/93 (when the employment status and superannuation eligibility of temporary staff/journalists was settled) staff effected would be approaching retirement age. The potential financial impact for staff who are able to substantiate a claim would be significant.

The Department of Finance and Deregulation advised the ABC in a discussion on this issue in late 2010 that some 15 ABC employees had lodged Cornwell claims with the Department (who have the responsibility to consider and determine claims). The issue may also apply to non-journalists who were employed as temporary staff during the period 1970 to 1993.

Kind regards

Ursula Groves
Director People and Learning