

Submission to Inquiry into superannuation claims of former and current Commonwealth Public Service employees

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I was employed as a journalist in Adelaide from May 19, 1975 to October 6 1989. During 14 years at the ABC I was employed on various grades from B grade reporter News to senior reporter 7.30 Report, cover a wide range of duties for radio and television.

Although based in Adelaide I travelled on assignments interstate and overseas, including Singapore and Malaysia.

When I joined the ABC I assumed I would be eligible to join the Commonwealth Superannuation Scheme. However, at my induction, where I was asked swear an oath of allegiance to the Queen, I was told I was not eligible to join the scheme because I was regarded as a temporary employee, even though I was employed on a permanent basis.

As a recall the first person to tell me this was [REDACTED] who was then paymaster. Later I was given the same information by the Acting News Director, [REDACTED], who was the person who appointed me.

After questioning other ABC journalists I formed the view none of us were eligible for the Commonwealth super scheme because we were not permanent public servants.

Like so many of my peers I decided to set up a private superannuation and insurance fund, opening a policy with MLC. My records show this occurred sometime in 1975. I made my own contributions without any monetary input from the ABC. I still have that policy although I have not made any contribution to it since 1993, after leaving the State Transport Authority where I was employed on a three year contract.

I can provide details of that MLC super account and its current balance to the Inquiry. I can only imagine what I would be holding in super now if the ABC had admitted me to the Commonwealth scheme in 1975.

During my years 14 years at the ABC the topic of Commonwealth superannuation was often talked about by journalists, with most of them expressing dismay at being excluded from the scheme. Double standards applied because executives, technical officers and clerks were allowed to join the scheme, but journalists in general were excluded.

During the late seventies I remember having a conversation with the newly appointed News Editor, South Australia, [REDACTED]. He remarked that after many years as an ABC reporter, including his role as senior correspondent in the United States, he was finally being admitted to the Commonwealth super scheme because he was now an executive officer.

Another journalist, [REDACTED] joined the Adelaide newsroom as Chief of Staff at around the same time. He was formerly the senior television news producer ABC Melbourne, but began his journalistic career in Adelaide, after serving a short period of time as a junior dispatch clerk.

Because of his role as "dispatch clerk" he was allowed to join the Commonwealth super scheme and remained in it throughout his employment as a journalist, until his

retirement at the age of 55 (about 18 years ago) on a very tidy sum.

■ never concealed the fact he was in the scheme.

Years later I was told a few select journalists were allowed to secretly join the scheme.

At no stage during my long period of employment was I invited to join a Commonwealth super scheme. A search of my ABC records requested on my behalf by Canberra lawyer Richard Faulks, of the legal firm Snedden, Hall and Gallop, confirms this.

At the termination of my employment with the ABC, towards the end of 1989, I was paid \$1,331.50, which was the compulsory 3 percent employer contribution which came into law the year before. It is the only superannuation money I have got from the ABC. I rolled the amount over into my MLC policy.

On reflection I am angered by the fact that some ABC employees retired comfortably because of their inclusion in the Commonwealth scheme and I am still struggling to put enough away for my retirement, because I was excluded.

The fact I joined a private scheme through MLC I feel demonstrates a genuine desire to provide for my future in retirement.

Morally it was wrong for those “unknown men in suits” somewhere in the ABC to deny many journalists the opportunity to build a “nest egg” for retirement in what was a very generous super scheme.

The move was probably illegal, but because of the different circumstances affecting individuals the matters are complex and could prove costly when argued in court.

I was surprised and elated following the High Court decision on John Griffith Cornwall, a spray painter employed by the Commonwealth, who won his case for compensation after being wrongfully excluded from the Federal super scheme from 1965.

Following that outcome I registered a claim with the Australian Government’s Department of Finance and Administration on May 12, 2007.

Comcover wrote to me of July 9, 2008 asking me for further information and was later told any claim could only be considered after I had retired.

I am aware of others were made submission but were told they did not qualify. I would like to know how many payments the department has made to date. I suspect very few, if any.

The Cornwall case in principle would support my claim. However it is my understanding because of the time lapse involved since my resignation from the ABC, my claim and those of many others fall outside the parameters of the ruling.

I have brought the Cornwall decision to the attention of other further ABC journalists and the journalists’ union, the Media Entertainment and Arts Alliance. Alliance officers have held talks with ABC heirchy to try and identify journalists who over the years were excluded from the scheme. I have also had communication with the legal firm Snedden Hall and Gallop who acted for Mr Cornwall. At one stage the legal firm Slater and Gordon indicated they would mount action on behalf of Commonwealth employees excluded from the scheme. I know of no moves so far.

I also raised the matter with the Honourable Senator Nick Xenophon and would like to thank him for his efforts in bringing this before parliament.