



Australian Government
Defence Force Retirement &
Death Benefits Scheme



The DFRDB Authority
ANNUAL REPORT 2007-08



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Death Benefits Scheme

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Note: All contribution, benefit, membership and exit statistics are derived solely from records available to the Commissioner for Superannuation as they stood at the time these statistics were compiled. Where statistics for earlier financial years are quoted, these may vary from those previously published due to the application of retrospective adjustments. For similar reasons statistical information in this report may also vary from that presented by other agencies.

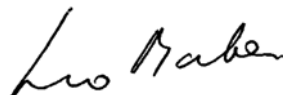
Pension references: The DFRDB and DFRB Acts refer to ongoing benefits by various names, including retirement pay and pension. For convenience, and to standardise the terminology used in the annual reports produced by ComSuper, the term 'pension' is used throughout this report.

The Hon. Warren Snowdon, MP
Minister for Defence Science and Personnel
Parliament House
Canberra ACT 2600

Dear Minister

In accordance with subsection 16(1) of the *Defence Force Retirement and Death Benefits Act 1973* (the DFRDB Act), the Defence Force Retirement and Death Benefits Authority is pleased to submit to you its annual report. The report deals with the administration of the *Defence Force Retirement and Death Benefits Act 1973* and the *Defence Forces Retirement Benefits Act 1948* for the year ended 30 June 2008.

Subsection 16(2) of the DFRDB Act requires that you shall, as soon as practicable after receiving this report, cause a copy of it to be laid before each House of the Parliament.

A handwritten signature in black ink, appearing to read "Leo Bator". The signature is written in a cursive, flowing style.

Leo Bator

Chairman
DFRDB Authority

5 September 2008

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DFRDB Authority Annual Report 2007–08

Chairman's overview





Chairman's Overview

The DFRB and DFRDB schemes have for many years been closed to new Members and as a consequence contributory membership has generally steadily declined. Unusually, however, 2007–08 saw a slight increase in contributing Members as a result of recipient Members re-entering the Australian Defence Force and choosing to rejoin the DFRDB Scheme rather than the newer Military Superannuation and Benefits Scheme (MilitarySuper). Contributing Members (some 5600), and in excess of 50,000 pensioners, rely upon the Authority's administrator, ComSuper, for proper management and delivery of their superannuation entitlements.

Increasingly, Members want to be fully informed of their entitlements and any legislative changes that might affect them. To meet this demand, the Authority approved significant ongoing enhancement of communication, seminar and counselling programs. A major upgrade was made to the DFRDB website, including the launch of improved online services, enabling Members to access information or complete many tasks without the need to contact the Schemes administrator, ComSuper, by phone or letter.

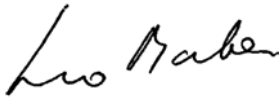
It is pleasing to report a number of activities successfully undertaken during the year. Important among these were:

- implementation of further tax changes flowing from the “*Better Super*” program
- introduction of Epass which allows for the transfer of employer information electronically
- preparation for the implementation of an automated invalidity case management system
- successful participation in a pilot project with the Australian Taxation Office allowing pension payment summary information to be pre-populated into tax returns lodged electronically by pensioners
- implementation of a program to identify and manage potential risks in compliance with Anti-Money Laundering and Counter-Terrorism Financing reforms
- development of an enhanced assurance framework addressing operational, strategic and compliance risks.

In late 2007 the Authority endorsed ComSuper's participation in an interdepartmental working group set up to examine options for aligning and streamlining the delivery of services and benefit entitlements to ADF Members and their families. Areas for improvement being examined under this whole of government initiative include increased interagency sharing of

information, listing of agency services into a single document for ease of Member reference and improved agency coordination, particularly in relation to Member medical discharges.

On behalf of all Authority members I would like to thank ComSuper staff for their continuing efforts in servicing Members of the schemes over the year. I commend my fellow Authority Members for their commitment and assistance throughout the year.



Leo Bator

Chairman
DFRDB Authority

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DFRDB Authority Annual Report 2007–08

About the DFRB and DFRDB schemes



Description of the schemes

The Defence Forces Retirement Benefits Scheme (DFRB), established in 1948 by the *Defence Forces Retirement Benefits Act 1948* (the DFRB Act), was closed to new contributors from 30 September 1972. It continues to provide for the benefit entitlements of those Members who ceased to be contributors before 1 October 1972 and for reversionary benefits to their spouses.

The Defence Force Retirement and Death Benefits Scheme (DFRDB) was established by the *Defence Force Retirement and Death Benefits Act 1973* (the DFRDB Act) and came into operation with effect from 1 October 1972. The Scheme provides occupational superannuation for Australian Defence Force (ADF) Members who became contributors on or after 1 October 1972, and for Members who were contributors to the DFRB Scheme on 30 September 1972 and were compulsorily transferred to the DFRDB Scheme on 1 October 1972.

The DFRDB Scheme is an unfunded defined benefit superannuation scheme. There is no investment fund for the DFRDB Scheme and all benefits are paid from the Consolidated Revenue Fund. With the commencement of the Military Superannuation and Benefits Scheme (MilitarySuper) on 1 October 1991, the DFRDB Scheme was closed to all new entrants. Members of the DFRDB Scheme could choose to remain in the Scheme or to transfer to MilitarySuper. All new ADF Members since 30 September 1991 have automatically become Members of MilitarySuper, with the exception of former ADF Members in receipt of a DFRDB benefit who, on re-entry to the ADF, chose to rejoin the DFRDB Scheme.

Members of the DFRDB Scheme contribute at the rate of 5.5% of highest incremental salary for rank plus Service Allowance. Contributions are paid directly to the Consolidated Revenue Fund every fortnight. Other than in respect of Members who make optional ancillary contributions to MilitarySuper, benefits payable are therefore not dependent on the earnings of an investment fund.

Other than in the case of the separate 3% Productivity and Superannuation Guarantee arrangements, Members have no entitlement to an employer element if they resign before completing twenty years service. Unlike most other defined benefit superannuation schemes, age at retirement plays only an incidental part in calculating benefit entitlements; the main factor is the length of the Member's effective service. Members who retire from the ADF after twenty years of effective service (or after fifteen years service at retirement age for rank) are entitled to a pension, based on a percentage of their annual pay on retirement. Members who are retired from the ADF on invalidity grounds may be entitled to a pension. Benefits are also payable to the surviving eligible spouse and children on the death of a Member or pensioner.

Members with less than twenty years service or who have not reached their compulsory retiring age for rank are entitled to a refund of contributions, a Superannuation Guarantee amount, a productivity benefit separately funded by the Department of Defence and, if applicable, an unfunded gratuity based on completed years of service.

The DFRDB Authority

The DFRDB Authority is responsible for the general administration of the *DFRB Act 1948* and the *DFRDB Act 1973*, subject to the direction of the Minister for Defence Science and Personnel.

The Authority is established by section 8 of the DFRDB Act. The Commissioner for Superannuation is ex-officio Chairman of the Authority, in accordance with paragraph 8(2)(a) of the DFRDB Act.

There are four other Authority Members, all of whom are appointed by the Minister. These Members are appointed for two years, in accordance with subsections 8(3) and 8(5) of the DFRDB Act, and may be reappointed at the end of their term.

The Authority is provided with administrative support by the staff of ComSuper, who assist the Commissioner for Superannuation in performing his functions as Chairman of the DFRDB Authority. ComSuper is responsible for the day-to-day administration of the DFRB and DFRDB Schemes, as well as other superannuation schemes for ADF and Commonwealth employees.

The administration of MilitarySuper is covered separately in the Military Superannuation and Benefits Board of Trustees No. 1 Annual Report 2007–08. Information about ComSuper's operations can be found in the Commissioner for Superannuation Annual Report 2007–08.



about the DFRB and DFRDB schemes

Members of the Authority at 30 June 2008 were:

Mr Leo Bator, Chairman

Mr Brian Paule, Deputy Chairman
(re-appointed from 15 February 2008)

Captain Jay Bannister, Nominee of the Chief of Navy
(appointed from 15 February 2008)

COL Scott Hicks, Nominee of the Chief of Army
(appointed 19 April 2008)

GPCAPT David Richardson, Nominee of the Chief of Air Force
(appointed 19 July 2006)



From left:
GPCAPT David Richardson
CAPT Jay Bannister
Mr Leo Bator
COL Scott Hicks
Mr Adrian Wellspring
(Deputy for Mr Paule)

The DFRDB Authority

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Section

DFRDB Authority Annual Report 2007–08



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Governance

Governance framework

Consistent with recommendations in the Review of Corporate Governance of Statutory Authorities and Office Holders (the Uhrig Report) the Authority operates as an Executive Management Agency. A comprehensive governance framework has been established by the Commissioner for Superannuation to oversee ComSuper operations and to provide fund trustees and the Authority with appropriate assurances in relation to the fulfilment of ComSuper's obligations. An important element of this framework has been the creation of a number of committees responsible for highlighting issues for determination by ComSuper's Executive Board. The Board includes an independent member while the Audit Committee includes both an independent chair and member.

Administrative agreement

Funding and administration service levels for military superannuation schemes are reviewed every two years. Parties to the discussions are the Department of Defence, the MSB Board, the Authority and ComSuper.

A new service level agreement in respect of current services to DFRDB Members is in place until June 2009. The agreement and additional funding will enable ComSuper to invest in building improved administration systems and in maintaining high service levels to Members.

ComSuper reports regularly to the Authority against all service standards. Performance data is collected monthly. ComSuper also undertakes an annual effectiveness review which is provided to the Authority. The Administrator Reports presented to the Authority also form the basis of the performance data contained in this report.

Delegations

The Authority delegates most of its powers to ComSuper staff to enable day-to-day administration. The Authority retains the power to reconsider decisions made by delegates. The Authority met seven times during the year.

Status under SIS legislation

The DFRDB is an Exempt Public Sector Scheme for the purposes of the *Superannuation Industry (Supervision) Act 1993* (the SIS Act), and is therefore deemed to be a complying superannuation fund under the *Income Tax Assessment Act 1997* and the *Superannuation Guarantee (Administration) Act 1992*.

Although the Authority endeavours to comply with the spirit of the SIS legislation, it has not been necessary for it to elect that the Scheme become a Regulated Superannuation Fund subject to the prudential requirements in the SIS Act.

Military Superannuation Communications Committee

The Military Superannuation Communications Committee (MSCC) is a combined communications committee that services both the Authority and the MSB Board. The purpose of the Committee is to ensure the effective and timely provision of quality information and education on superannuation matters to ADF Members.

The MSCC Charter includes:

- policy and planning, setting the strategic direction of communications to Members of the DFRDB Scheme and MilitarySuper
- overseeing the preparation of annual reports
- evaluation and research related to communications activities
- overseeing implementation of communications activities ensuring compliance with all legal requirements
- governance of its own activities.

The Committee met six times during the year.

Review of superannuation arrangements for ADF Members

In February 2007, the then Minister assisting the former Minister for Defence announced an independent review of the design and delivery of military superannuation arrangements. The Government called for further submissions concerning the review's findings in early 2008. The outcome is still to be determined as at 30 June 2008.

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Section

DFRDB Authority Annual Report 2007-08

Account Maintenance



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account maintenance

Collection, recording and maintenance of Member information

Maintenance of DFRDB contributor accounts is a significant function undertaken by the Authority's administrator, ComSuper, in conjunction with the Department of Defence. The process of collecting and applying data to contributor accounts is highly automated. Variations to contributions information are routinely processed within days of the relevant payday. The quality of data processed is generally high, however, any incorrect, inconsistent or missing data is investigated by ComSuper Member Account Maintenance staff in consultation with the Department of Defence and any necessary corrections or updates are carried out.

As the Authority's administrator, ComSuper:

- maintains records of Contributing Members (including those who have made or are making Ancillary Contributions), Preserved Benefit Members and Pensioners to facilitate, among other things, accurate and timely communications, the accurate and timely payment of benefits and various reporting requirements
- ensures adequate systems, procedures and controls are in place to meet the administration and reporting requirements of the DFRDB Act and associated legislation
- at the direction of the Authority, arranges for an independent audit of those systems and controls to be undertaken from time to time.

System changes

During 2007–08, the Program Management Branch within ComSuper was renamed to the Business Improvement Branch to reflect its new focus on the ComSuper Service Improvement (CSI) Program.

The CSI Program is a major change program, established during 2007–08, which will improve the way ComSuper delivers superannuation administration services. It brings the existing Administration Platform Modernisation (APM) Project, a major upgrade of the IT systems that provide superannuation administration transaction processing, into a broader program of business process improvements. Consolidation of ComSuper's multiple administrative systems is scheduled for completion by 2010-11.

Pension recipients resuming full time service

An issue of concern for the Authority continued to be the number of DFRDB pension recipients failing to make a valid scheme election prior to re-entering the ADF. Failure to make a valid election to rejoin the DFRDB results in the person becoming, often unintentionally, a member of MilitarySuper by operation of the respective scheme legislation. Overpayment of a DFRDB pension can also result. Considerable efforts were made by ComSuper and the Department of Defence to enhance Member communication on this issue. By the end of the year these measures appeared to be having some success.

Ancillary contributions

The Military Superannuation and Benefits Board of Trustees No. 1 (MSB Board) approved the introduction of an ancillary package for MilitarySuper with effect from 1 August 2005. For equity purposes, the MilitarySuper Scheme rules were amended to allow current contributors to the DFRDB Scheme to make Ancillary Contributions.

There are several types of contributions available under the ancillary package. They are:

- Government (Super) Co-contributions
- Additional Personal Contributions
- Salary Sacrifice Contributions
- Spouse Contributions
- Transfer Amounts

Ancillary Contributions accrue as a separate accumulation interest within the MilitarySuper Fund and fluctuate in line with investment returns achieved by the Fund. Ancillary Contributions are separate to Member benefits accrued under the DFRDB scheme.

Surcharge

Despite the abolishment of Surcharge from 1 July 2005, the Authority is required to continue the maintenance of surcharge debt accounts for DFRDB Members whose surchargeable contributions up to and including the financial year ended 30 June 2005 attracted the

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account maintenance

surcharge. The Authority is required to impose interest on any amount in a Member's surcharge debt account at 30 June in any year. Interest is based on the ten-year Treasury bond rate.

A DFRDB Member may choose to acquit the surcharge debt immediately, pay it off in instalments, or have it deducted from his or her benefit on exit.

In 2007–08 the ATO reported surcharge debts incurred by 79 Members totalling \$42 630. Twenty-seven Members repaid surcharge debts totalling \$83 643, while \$1 067 177 was recovered from 154 Member benefits paid during the year. Interest totalling \$547 508 was applied to Member surcharge debts that remained outstanding as at 30 June 2008.

A review conducted during the year identified longstanding surcharge system reporting errors in respect of a number of current and former Members. Remedial action has been commenced and, where appropriate, Members affected have been, or will be, notified of the need for amended contribution records and/or the issue of revised tax assessments.

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Section

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Member Communication



The Authority aims to provide Members with comprehensive information about all aspects of the DFRDB Scheme. Communication with Members can occur through the distribution channels of the Department of Defence or direct client contact with ComSuper.

At the direction of the Authority and in conjunction with the MSCC, ComSuper undertakes a communications program aimed at improving Members' knowledge and understanding of the scheme so that they are in a position to make informed decisions. This program includes the range of communications required by the SIS Act and recognises the particular needs of Members.

General communication is by means of correspondence, service newspapers, newsletters, the Internet, individual counselling and presentations given at Defence transition seminars and other seminars at ADF establishments. Presentations are also made to ex-service organisations on topics of general interest and concern to Members and their families. Information about the DFRDB Scheme is provided in response to requests from Defence establishments and individuals. Information is also provided through publications, in both hard copy and electronic format, about various aspects of the Scheme. Appendix 2 lists current publications.

Whether the contact is through the mediums of writing, telephone or electronic transmission, ComSuper continuously seeks ways to improve the effectiveness of these communications. As part of this approach, there has been increased use of focus groups and user testing of communication products, including engagement of various ex-service organisations.

Counselling and information activities

Information about the scheme is provided to Members over the telephone, in writing, by email, and through presentations at resettlement seminars at various bases and units throughout Australia. Members may also speak to a Customer Service Representative on a one-to-one basis in Canberra and at some resettlement seminars throughout Australia.

Most Member contact is by telephone, with an average of 1734 telephone calls recorded per week during 2007–08 compared with 1781 the previous year. The Interactive Voice Response (IVR) telephone service recorded receipt of 95 572 calls from Military (MilitarySuper and DFRDB) Members, an increase from last year's figure of 92 625.

ComSuper staff answered 9138 emails and responded to 4437 written enquiries from Military Members.

During the year, ComSuper provided personal counselling for 2238 Military Members.

Presentations were given at 104 seminars, attended by 5567 DFRDB Members. A further 16 seminars relating to medical discharge were presented to 52 Military Members.

Pensioner communications

The Contact Centre assists military pensioners to understand their superannuation entitlements and maintain their pension accounts in accordance with the service standards agreed between the Board and ComSuper.

Customer Service Representatives can be contacted by telephone, letter, facsimile or email. Pensioners with hearing impairments can use a special teletypewriter (TTY) facility. Customer Service Representatives are available for personal counselling at ComSuper's office. Pensioners who use the Internet can get general information from the DFRDB website.

Member Statements

Corporations law requires the distribution of annual Member statements by 31 December each year. The 2006–07 Member statements were distributed by November 2007. The statements provide DFRDB contributors with equity figures, withdrawal benefits information, surchargeable contributions information and details of any surcharge debt where applicable. Members also receive a DFRDB Update and a Member Contact Details form as part of their statement kit. Since the introduction of Ancillary Benefits, eligible Members also receive a MilitarySuper Ancillary Benefit statement and a copy of the MilitarySuper About Your Statement for Ancillary Benefits. Members are referred to the MilitarySuper website to view the MSB Annual Report to Members.

Members can now choose to view their Member statement online. For security purposes Members must obtain an access number to Member services online to choose this option. Once the Member has an access number they can also update contact details, switch investment strategies (ancillary benefit only) and calculate estimates. The Authority is encouraging Members to take advantage of the new delivery method and thus assist in contributing to a greener world.

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member communication

Website and website access

Online services have become an important component of modern business and the Authority continues to enhance and expand its range of online services designed to make access to services easier for Members.

In 2007–08 two improved online services including a new DFRDB website and Member Services Online were launched. Members' viewpoints were taken into account in design of the website and the range of online services will be broadened in the coming year.

The DFRDB website redevelopment project continues to improve access to online information and services, and update online technology to allow for future improvements.

Chart 1 shows usage of the website in 2007–08. Table 1 shows the ten most requested web pages during the year, while Table 2 illustrates website entry trends over the past five years.

Chart 1: Website usage 2007–08

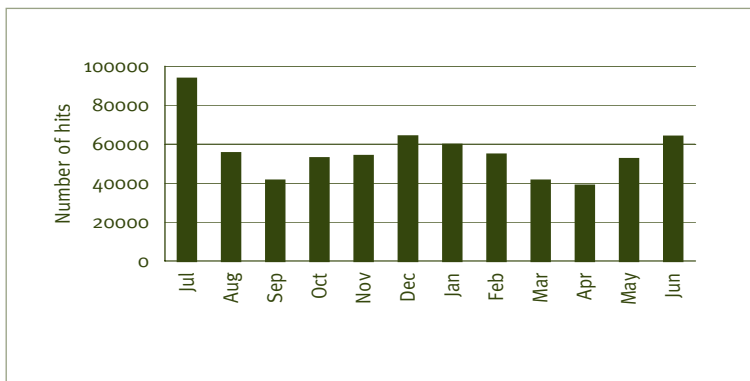


Table 1: Top ten most requested web pages 2007–08

Rank	Webpage
1	DFRDB Book
2	Pensioner News
3	SIS Act 1993
4	Form D100: Election for Former DFRDB Scheme Members Re-entering the ADF
5	Member Services Online
6	Pensioner Services Online
7	Fact Sheet: Taxation of Benefits
8	Annual Report to Parliament 2006-07
9	Pension Recipient Section
10	Form D20: Application for Retirement Pay, Commutation and Superannuation Productivity

Table 2: Website entry trends over past five years

Year	Number
2003-04	208 676
2004-05	665 973
2005-06	115 978
2006-07	952 042
2007-08	670 766

Communication focus 2007–08

In the coming year the Authority intends to:

- continue to improve the presentation and delivery of the half yearly mail out to Members (Mid-year Update). The purpose of the Mid-year Update is to inform Members of changes in scheme design or strategy which may impact on their current and future entitlements
- continue to improve the content and delivery of the Annual Member Statements (AMS). The purpose of the AMS is to inform Members of their current and future entitlements under the scheme rules
- continue to deliver, and improve on, existing communication/education programs, based on the use of audio visual technologies and drawing on the experience of previous video presentations
- promote the availability of DFRDB seminars and increased accessibility to seminars
- continue to leverage off the DFRDB website for increasing access by Members to interactive sources of information about their Scheme membership and benefit entitlements.

Member feedback

During 2007–08 ComSuper, on behalf of the Authority, again conducted client satisfaction surveys with the assistance of the Canberra-based firm, Orima Research.

The latest Quality Service Index (QSI) for military clients, introduced to measure the survey results and to enable comparison between survey periods, showed 81% satisfaction. The scores for the military schemes in each of the twenty- three survey periods since data collection began in 1997–98 show a consistent level of client satisfaction; within the 80–85% range.

The survey results are fed into ComSuper's continuous improvement process. Where necessary, action plans are derived and reported against. Ongoing changes are made to ComSuper's procedures as a result of the survey feedback.

The Authority was pleased with the positive feedback obtained from clients on the quality of services received.

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Section

DFRDB Authority Annual Report 2007–08

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Membership



6

membership

There were 5600 contributors in the DFRDB Scheme as at 30 June 2008. Chart 2 shows the number of contributors during 2007–08 and Chart 3 shows the age profile of DFRDB contributors at 30 June 2008. Table 3 shows the break-up of DFRDB contributors since 2003–2004.

Chart 2: DFRDB contributor membership 2007–08

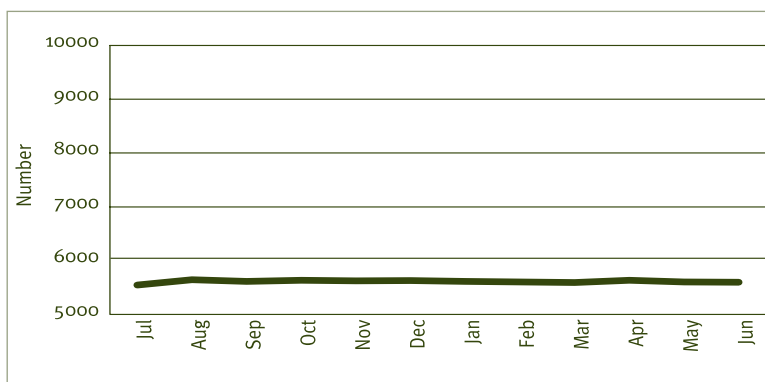


Chart 3: Age profile of contributors at 30 June 2008, by service

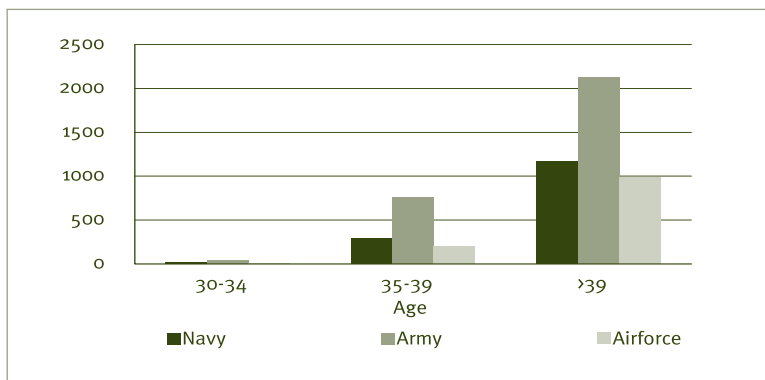


Table 3: Contributors in the past five years

	2003-04	2004-05	2005-06	2006-07	2007-08
Navy					
Male	1903	1739	1523	1386	1434
Female	83	69	61	51	48
Subtotal	1986	1808	1584	1437	1482
Army					
Male	4054	3727	3246	2831	2821
Female	181	158	129	114	101
Subtotal	4235	3885	3375	2945	2922
Air Force					
Male	1700	1507	1294	1130	1165
Female	58	52	42	36	31
Subtotal	1758	1559	1336	1166	1196
All Services					
Male	7657	6973	6063	5347	5420
Female	322	279	232	201	180
Total	7979	7252	6295	5548	5600

Contributions received

Contributions received during 2007-08 totalled \$25 311 828 (\$23 184 716 in 2006-07).

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membership

Ancillary contributions

As noted earlier, from 1 August 2005 DFRDB Members have been entitled to make a range of additional contribution types under an ancillary package. These contributions are paid into the MilitarySuper Fund and accumulate in line with investment returns achieved by that Fund. Table 4 shows the number of contributors in each category.

Table 4: Number of contributors in ancillary package type at 30 June 2008

Type	Number
Co-contributions	1744
Superannuation guarantee	18
Salary sacrifice	186
Transfer in	72
Spouse contribution	0
Total	2020

Pensioners

At 30 June 2008, 57 174 persons were receiving pensions under DFRDB and DFRB legislation. Table 5 shows pensions in force by type and Scheme as at 30 June 2008.

Table 5: Pensions in force by type and Scheme at 30 June 2008

	DFRDB	DFRB	Total
Retirement	43 394	1183	44 577
Invalidity	2396	752	3148
Reversionary			
- spouses	5692	2472	8164
- children and orphans	292	9	301
Redundancy	983	1	984
Total pensions	52 757	4417	57 174

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DFRDB Authority Annual Report 2007-08

Benefit Payments



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benefit payments

All applications for benefits from contributors and preserved benefit Members are processed in a timely manner and in accordance with relevant legislation.

There are services and performance standards relating to the payment of benefits. These apply to all benefit events such as resignation, retirement, invalidity and death.

The standards for the processing of military scheme benefit applications were monitored by the Authority throughout the year. Chart 4 shows the number of DFRDB benefit applications processed during 2007–08.

Chart 5 shows the average time to process benefits in each month of 2007–08. A comparison of the dollar value of benefits paid in 2007–08 with the previous four financial years is set out in Table 6.

Chart 4: Benefit applications processed 2007–08

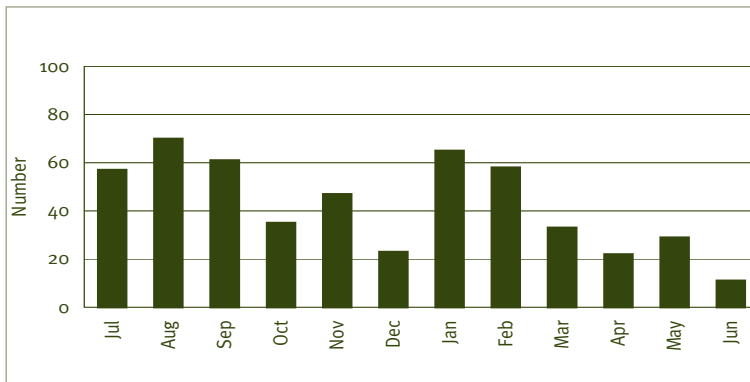


Chart 5: Average time to process benefit payments 2007–08

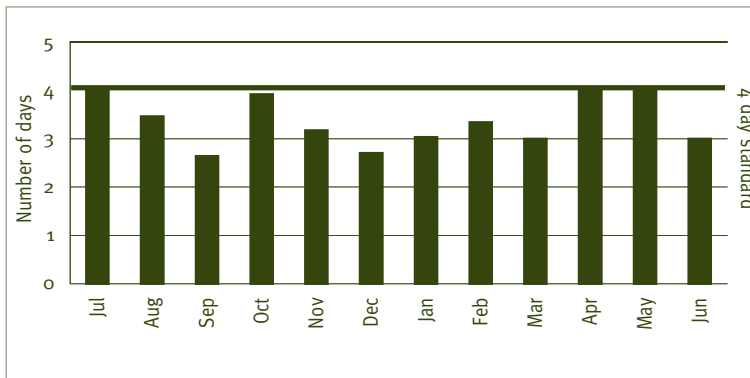


Table 6: Benefits paid in the past five years

Benefit type	2003-04	2004-05	2005-06	2006-07	2007-08
	‘000				
Pension payments	1 052 283	1 085 048	1 123 653	1 170 998	1 202 874
Lump sum payments and transfer values	231	0	0	0	0
Refunds of contributions	1877	532	669	565	462
Commutation payments	149 567	164 680	168 554	160 640	118 385
Total benefits paid	1 203 958	1 250 260	1 292 876	1 332 203	1 321 721

Gratuities

Certain Members who leave the Australian Defence Force (ADF) without an entitlement to a pension are entitled to a refund of their contributions plus a gratuity. A gratuity is a sum of money paid to some Members in the form of a one-off bonus. Although gratuities are usually only payable to other rank Members, some officers are also entitled to receive them. Once a Member becomes entitled to retirement pay or invalidity pay, he or she is not eligible to receive a gratuity.

Gratuities totalling \$977 were paid to Members who exited in 2007–08.

Commutation

Members retiring from the ADF may commute (exchange) part of their retirement pension for a lump sum. Retiring Members can receive a maximum commutation lump sum of up to five times their retirement pay. During the year, 501 Members elected to commute part of their pension.

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benefit payments

Preservation of rights

Under certain circumstances, Members who leave the Scheme without a pension entitlement can elect not to receive a refund of their contributions. Instead, they may defer their benefit or transfer it to another eligible superannuation scheme.

Members who elect to defer their benefit must enter full-time public sector employment within ninety days of their exit date. When their combined Defence Force and Government service reaches twenty years, they become entitled to a reduced DFRDB pension. Twenty-two Members elected to defer their entitlements in the Scheme in 2007–08.

Members who elect to transfer their benefit must do so to a superannuation scheme declared as eligible by the Minister for Finance and Administration. ‘Eligible’ superannuation schemes are generally linked to government employment. Once a benefit is transferred to another scheme, the Member’s benefits are determined solely by that scheme.

Reversionary benefits

All applications for reversionary benefits following the death of a pensioner (that is, eligible spouses, children and orphan pensions) are processed in a timely manner and in accordance with relevant legislation.

Spouse benefits

At 30 June 2008, 8164 spouses were receiving pensions under the provisions of the DFRB and DFRDB Acts. Included in this figure are 106 DFRB and eight DFRDB widows whose pensions, previously cancelled because of their remarriage, were restored on or after 1 January 2008 following passage of the *Superannuation Legislation Amendment Act 2007*.

Child and orphan benefits

At 30 June 2008, 301 children and orphans were receiving pensions under the provisions of the DFRB and DFRDB Acts.

Pension increase/advice

Legislative provisions exist for DFRB and DFRDB pensions to be adjusted twice yearly in line with upward movements in the Consumer Price Index (CPI) as measured by the Australian Bureau of Statistics for the six months ending 31 March and 30 September each year.

For the September 2007 period the rate was 1.9% and the rate for the March 2008 period was 2.3%.

Pensioners received a statement in July 2007 and January 2008 showing the rates of pension payable to them over the following six months. Their income tax payment summary and other relevant information was included with the July statement.

Invalidity payments

The ADF retires serving ADF members on the ground of invalidity if they do not meet the required standard of fitness. They may still be capable of employment in the civilian workforce.

In determining invalidity benefits due process is followed. Claims are processed expeditiously, legislative requirements are met and guidelines issued by the Authority are followed.

Invalidity classification

The determination of benefits payable to Members who retire from the ADF as medically unfit for further service is a major function of the Scheme's administration. Usually such persons will be eligible for invalidity benefits.

The Authority takes into account a Member's skills, qualifications and experience, and their retirement impairment in determining their incapacity for civil employment and establishing the appropriate invalidity classification. An A, B or C classification of invalidity is determined dependant upon the extent of the Member's loss of capacity to undertake appropriate civilian employment. Class A and Class B classifications denote, respectively, significant and moderate incapacity and attract different levels of pension. Class C classification reflects comparatively small incapacity and a lump sum rather than a pension is payable to the Member. In practice, the classification of a Member retired on medical grounds is a decision taken either by the Authority's Committee of Alternates or, in straightforward cases, under delegation held by officers in ComSuper.

From 1 July 2007 to 30 June 2008, 39 Members received initial invalidity classifications. Of those, 15 (12 Class A and 3 Class B) became entitled to an invalidity pension.

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benefit payments

Invalidity decision timeframe

Invalidity classifications took an average of seven days to finalise during 2007–08.

Invalidity classification review

The Authority or its delegates may, from time to time, review the classification of Class A and Class B invalidity pensioners. A Member who is, or has at any time, been an invalidity pensioner, can also initiate such a review at his or her own request.

The rate of invalidity pension payable to a recipient Member may be altered if the pensioner's degree of incapacity to undertake appropriate civilian employment deteriorates or improves.

During 2007–08, 150 cases were examined, seven of which were reviews requested by Members. As a result of these reviews 26 classifications were changed.

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DFRDB Authority Annual Report 2007–08

8

*Dispute
Resolution*



Internal review

A person affected by a primary decision of the Authority or a delegate may request the Authority to reconsider that decision. Almost any action taken in the administration of the DFRB and DFRDB Acts can be the subject of a request for reconsideration. Decisions on reconsideration are not delegated but are taken by the Authority itself.

The Authority must confirm or vary the decision and inform the person of the result in writing. The person is given a copy of the statement of the reasons for the decision and details of the evidence considered. The person is also advised about appeal rights to the Administrative Appeals Tribunal (AAT).

Forty-five requests for reconsideration were received from DFRB and DFRDB Members during the year, an increase from the 32 received in the previous year. Eighteen cases were carried over from 2006–07. Of the 30 cases finalised during the year, the Authority confirmed nine cases on reconsideration, while ten cases were varied in favour of the applicants. Another 11 cases were lapsed or withdrawn with the applicant failing to pursue the matter. Thirty-three requests remained under investigation on 30 June 2008.

The majority of requests for reconsideration concerned the amount of invalidity benefit payable, either on discharge or at subsequent reviews. Other typical matters included determination of grounds for retirement, recognition of prior service, scheme membership eligibility, overpayment recovery and spouses' entitlements.

ComSuper's Military Schemes Reconsideration Unit undertook the preliminary investigation of cases. The reconsideration process normally involves the assembly of information additional to that available to the primary decision-maker.

External appeals

The DFRDB Act provides that applications may be made to the AAT for review of decisions reconsidered by the Authority. If the Authority's decision is adverse to the applicant, information about the right to apply for review by the AAT is included in the advice of the decision.

Applications to the AAT are processed in accordance with the procedures and practices of that body, as provided for in the *Administrative Appeals Tribunal Act 1975* (the AAT Act) and the practice directions issued by the AAT President. A party to a proceeding before the AAT may appeal to the Federal Court on a question of law arising from the decision of the AAT.

Since 16 May 2005 the concurrence of the President of the AAT must be obtained before the question of law may be referred to the Federal Court.

During 2007–08, seven applications for review were lodged with the AAT in addition to the 11 matters carried over from the previous year. Of the ten applications resolved during the year, the Authority’s decision was affirmed in four matters and set aside in one matter. Two of the matters were dismissed/withdrawn by the Tribunal before proceeding to a hearing, while two of the matters were conceded prior to hearing on the basis of new medical evidence furnished by the applicant. One of the Authority’s decisions was varied by the Tribunal. There were eight matters outstanding as at 30 June 2008.

Systems are in place to facilitate the expeditious processing of matters going to the AAT, the Federal Court and other jurisdictions such as the Human Rights and Equal Opportunity Commission.

The Authority also monitors the outcome of external appeals and their implications, as shown in Table 7.

Table 7: Outcomes of external appeals to the AAT in the past five years

	2003-04	2004-05	2005-06	2006-07	2007-08
Decisions affirmed	10	6	3	2	4
Decisions varied	-	-	1	-	1
Decisions set aside	9	6	5	3	1
Decisions conceded	5	7	1	4	2
Applications dismissed	2	1	3	-	1
Applications withdrawn	10	5	-	2	1
Total	36	25	13	11	10

Federal Court of Australia

Under section 44 of the AAT Act, a party to a proceeding before the AAT may appeal to the Federal Court of Australia on a question of law arising from any decision of the AAT in that proceeding. Since 16 May 2005 section 45 (1) of that Act has required the concurrence of the President of the AAT to be obtained before a question of law may be referred to the Federal Court.

The Authority appealed two matters from the AAT to the Federal Court during 2007–08. One of these appeals was successful, while the other is still pending. In the successful appeal, the Federal Court clarified that overpayments recoverable by the Authority are gross amounts, not after-tax amounts.

Federal Magistrates Court of Australia

The Federal Magistrates Court of Australia (FMC) was established in 2000 to provide a simple and accessible forum for resolution of less complex federal law matters. One matter involving an appeal from the AAT by a Member was carried over from 2006-07. The appeal was dismissed by the FMC but the Member has now appealed the matter to the Federal Court, where it is still pending.

High Court of Australia

No matters were referred to the High Court of Australia during 2007–08.

Judicial review

The *Administrative Decisions (Judicial Review) Act 1977* (the AD(JR) Act) provides an alternative external review mechanism. The AD(JR) Act entitles a person aggrieved by an administrative decision taken under Commonwealth legislation to seek, on specified grounds, an order for review of the decision in the Federal Court. Section 13 of that Act provides that an aggrieved person may, without first applying to the Federal Court, ask that the decision-maker furnish a statement in writing, setting out the findings on material questions of fact. The statement must refer to the evidence or other material on which those findings were based, and give the reasons for the decision.

There were no orders for review and no requests for a statement of reasons under the AD(JR) Act in respect of decisions made under either the DFRB or DFRDB Acts during 2007–08.

Claims

The Authority received four claims in the 2007–08 financial year, with one claim carried over from the previous financial year. Three claims were resolved, with two claims accepted and total compensation of \$2 328.35 paid.

Complaints

ComSuper's Complaint Unit has systems in place for dealing with complaints, Ombudsman enquiries, and requests made under the *Freedom of Information Act 1982* (the FOI Act). ComSuper also prepares responses to parliamentary representations.

In 2007–08, 74 complaints, 15 parliamentary representations and three Ombudsman enquiries were received. ComSuper has internal processes to identify and resolve systemic issues and to continually improve the service provided to Members.

Ministerial Representations relating to military superannuation policy issues are received and responded to within the Department of Defence. In 2007–08 there were 243 such representations relating specifically to the DFRDB Scheme. The representations were mainly concerned with three main topics - some representations concerned more than one topic. Of the representations received 153 referred to the use of the Consumer Price Index to index pensions, 88 referred to the 1 July 2007 taxation changes and the unfunded nature of the scheme, and 68 referred to commutation and the use of life expectancy tables.

There were also 319 Ministerial Representations that related to both MilitarySuper and the DFRDB Schemes. Of these 219 referred to the method used to index military pensions, 74 referred to 1 July 2007 taxation changes, 21 referred to the Review of Military Superannuation Arrangements, and five related to general queries.

Following the dissolution of the Government on 17 October 2007 for the Federal Election, the Government assumed a caretaker role. In accordance with caretaker conventions the Department of Defence was unable to provide comments on Government policy. During this period 346 ministerials concerning military superannuation policy were received or awaiting a response. These representations received a standard caretaker response from the Coordination and Public Affairs office.

Family Law

The DFRDB legislation enables the creation of separate accounts for non-Member spouses (associates) in Family Law splitting situations. During the year 61 cases were received, with 57 new DFRDB associate pension records and four new MilitarySuper associate pension records created. The DFRDB legislation allows for a MilitarySuper associate preserved record to be created when a DFRDB contributor or deferred benefit is subject to a family law splitting court order.

Freedom of information

DFRDB Members made 50 requests for access to documents during 2007–08. Forty-one requests were granted in full and four partially. Two requests were withdrawn. Three requests were refused. The requests took an average of 14 days to process.

Enquiries relating to the documentary disclosure of information about the personal affairs of clients of the agency under the provisions of the *Freedom of Information Act 1982* should be directed to:

Freedom of Information Unit

ComSuper
PO Box 22
Belconnen ACT 2616

Facsimile: (02) 6272 9804
Telephone: 1300 033 732
TTY: (02) 6272 9827
Email: foi@dfldb.gov.au

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Section

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Accounting Services



Financial resources

Financial resources for the payment of pensions and lump sum benefits are provided from the DFRB and DFRDB special appropriation, which is held by the Department of Defence. Contributions by Members of the DFRDB Scheme are paid into revenue item 'Superannuation (DFRDB)—payments by Members received', which is also held by the Department of Defence.

Debtors

At 30 June 2008, \$1 425 012 was due to the Authority in benefits overpaid under the DFRDB and DFRB Schemes. There are two common causes of overpayment, one being late notification to the Authority that the recipient is deceased and therefore is no longer entitled to receive the benefit. The second relates to re-entered recipients to the Defence Force where delay in notification results in overpayment of pension.

Administrative processes are in place to reduce the chance of overpayments arising. Most overpaid benefits are recovered by the Authority.

During the year, debts totalling \$111 767 were written-off. Most write-offs occurred after the death of a pensioner where the bank account had been accessed by a third party for a period after the date of death or the funds had been used for funeral expenses. In some instances the debts were not legally recoverable or it had become uneconomical to pursue them.

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Appendices



Appendix 1: DFRDB in brief

	30 June 2007	30 June 2008	Increase (decrease)
Contributors			
Males	5347	5420	73
Females	201	180	(21)
Total	5548	5600	52
Pensions in force			
Retirement	43 445	43 394	(51)
Invalidity	2367	2396	29
Dependants	5801	5984	183
Redundancies	991	983	(8)
Total	52 604	52 757	153
Exits			
Retirement	1042	828	(214)
Resignation	3	1	(2)
Invalidity	44	45	1
Death	3	2	(1)
Other	28	19	(9)
Total	1120	895	(225)
Other			
	\$	\$	\$
Contributions received	23 184 716	25 311 828	21 271 112
Total benefits paid	1 332 203 000	1 321 721 000	(10 482 000)
Total pensions paid	1 170 997 868	1 133 548 899	(37 448 969)
Average annual pension	20 478	21 486	1008

Appendix 2: Publications

The Authority publishes a booklet and a series of fact sheets for the benefit of Members:

About Your Scheme is a summary of the DFRDB, containing general information about all aspects of the Scheme, but particularly its benefits. It is for the use of all Members as a general reference book.

The Authority also publishes a series of fact sheets that deal in more depth with specific topics. The fact sheets are entitled:

About to Leave the ADF?

Dependants' Benefits

Death and Estate Benefits

Dependants' Benefits

Family Law and Splitting Super (Fact sheet and Booklet)

Invalidity Benefits

Preserved Benefits

Re-entering the ADF (former DFRDB contributors who received a refund of contributions)

Re-entering the ADF (DFRDB recipients of retirement pay or people with deferred benefits return to the ADF)

Retirement Benefits

Retrenchment/Redundancy

Taxation Concessions Deductible Amounts

Taxation of Benefits

Superannuation Contributions Surcharge

Restoration of Reversionary Benefits

Definition of Marital Relationship

Additional Personal Contributions

Government Super Co-Contributions

Salary Sacrifice Contributions

Transfer Amounts

All of these publications can be obtained from Members' Pay Offices or from the DFRDB website www.dfrdb.gov.au.

Appendix 3: Legislation amendments

Defence Forces Retirement Benefits Act 1948

This Act was amended by the *Superannuation Legislation Amendment Act 2007* (No. 165, 2007) to provide for the restoration of pensions for remarried widows or widowers.

Defence Force Retirement and Death Benefits Act 1973

This Act was amended by the *Superannuation Legislation Amendment Act 2007* (No. 165, 2007) to provide for the restoration of pensions for remarried widows or widowers, to change the reversionary benefits for post-retirement marriages, and to insert a provision concerning family law superannuation splitting.

This Act was also amended by the *Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Act 2008* (No. 26, 2008) to update a legislative reference to the statutory body responsible for the *Superannuation Act 1990*.

Family Law

The *Family Law (Superannuation) Amendment Regulations 2007* (No. 1) which commenced on 1 July 2007 (ComLaw Ref: F2007L01652 (Select Legislative Instrument 2007 No. 151)) amended the *Family Law (Superannuation) Regulations 2001* to take account of the Government's 'Better Super' reforms.

The Regulations also specify that the Defence Force Retirement and Death Benefits Authority is the trustee of the superannuation scheme constituted by the Defence Force (Superannuation) (Productivity Benefit) Determination.

ComLaw

Scheme legislation is available from the ComLaw website www.comlaw.gov.au.

Appendix 4: Service Charter

ComSuper maintains a service charter for scheme Members. The current service charter is available from the ComSuper website at www.comsuper.gov.au.

Appendix 5: Glossary

AAT	Administrative Appeals Tribunal
ADF	Australian Defence Force
AD (JR) Act	<i>Administrative Decisions (Judicial Review) Act 1977</i>
commutation	conversion of a part of a pension to a lump sum
ComSuper	Commonwealth Superannuation Administration
CPI	Consumer Price Index
deferred benefit	payable, after twenty years combined ADF and government service, to Members with a refund entitlement who leave their benefit in the Scheme
DFRB	Defence Forces Retirement Benefits
DFRDB	Defence Force Retirement and Death Benefits
FOI	Freedom of Information
gratuity	a one-off bonus payment paid to some Members on resignation. It is usually only paid to ‘other rank’ Members
incapacity	the degree to which the disorder that caused a Member’s retirement affects his or her ability to perform appropriate civilian work. The basis for determining invalidity benefits
invalidity	a mode of retirement resulting from a disorder or disorders that render a Member unfit for further military service
MSB	Military Superannuation and Benefits
MSBS	Military Superannuation and Benefits Scheme
MSCC	Military Superannuation Communications Committee

no-detriment	provision that ensures that certain officers receive a DFRDB benefit at least the equal of the DFRB benefit for which they were contributing before the DFRB Scheme closed
preservation	used colloquially to refer to deferred benefits and to the transfer of benefits
productivity	a benefit component for all Members, accruing since January 1988 and funded by the Department of Defence
re-entered recipient	a contributor who has rejoined the Scheme having previously received a DFRDB pension
reversionary benefit	the benefit payable to eligible spouses and children (including orphans) of a contributor, pensioner or preserved benefit Member who dies
SIS Act	<i>Superannuation Industry (Supervision) Act 1993</i>
Superannuation Guarantee	arrangements which mean that a Member who receives a refund entitlement is entitled to an additional payment to bring the employer benefit to a minimum required amount
surcharge	<i>Superannuation Contributions Tax (Assessment and Collection) Act 1997</i> , a tax on employer-financed superannuation contributions
transfer value	an amount paid to an eligible superannuation scheme on behalf of a Member who leaves the DFRDB without a pension entitlement

Appendix 6: Compliance details

While this report is not a Departmental annual report, the Authority has endeavoured to comply with the 'Requirements for Departmental Annual Reports', where applicable. Details of ComSuper's operations are provided in the Commissioner for Superannuation Annual Report 2007–08. Annual reporting requirements met in the Commissioner for Superannuation's report are indicated below by an asterisk.

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Appendix 7: Freedom of Information

Freedom of Information Act statement

This statement is provided in accordance with section 8 of the *Freedom of Information Act 1982* (the FOI Act).

Functions of ComSuper

The general functions of ComSuper are described in the main body of this report and in the Commissioner for Superannuation Annual Report 2007–08.

Decision-making powers

The power of the DFRDB Authority to administer the provisions of the *Defence Forces Retirement Benefits Act 1948* and the *Defence Force Retirement and Death Benefits Act 1973* is set out in section 8 of the DFRDB Act. The power of the Authority to delegate its powers and functions is set out in section 15. The application of those powers is summarised in this report.

FOI internal procedures

All requests for documents are referred to ComSuper's Freedom of Information Officer. Compliance with the application fee provisions of the FOI Act are verified and the request is registered and acknowledged. The documents are then obtained and the request is considered by the Officer.

Decisions to grant access, levy charges, or refuse access are made by an officer in the Legal and Compliance Unit.

Requests for internal review of FOI decisions are also referred to the unit. They are then forwarded to the Military Reconsideration Section within ComSuper where they are investigated by a more senior officer prior to submission to the Authority for decision under section 54 of the FOI Act.

Facilities for access

Facilities for viewing documents are provided only at the ComSuper office in Canberra, as ComSuper has no regional offices. Copies of publications (for which there may be a charge) can be obtained by writing to ComSuper.

Information about facilities for access by people with disabilities can be obtained by contacting the FOI Officer at the address and telephone numbers shown below.

Consultative arrangements

Informal and ad hoc arrangements exist whereby the national, state and territory branches of the Regular Defence Force Welfare Association may make representations relating to the general administration of the scheme. Representations are also received which relate to the determination of individual benefit entitlements.

Requests for consultation and/or representations relating to policy aspects of the schemes and their underlying legislation are referred to the Military Superannuation Branch of the Department of Defence which has responsibility for advising the Minister for Defence Science and Personnel and the Minister for Veterans' Affairs on such matters.

Categories of documents

The Authority maintains no categories of documents that are open to public access as part of a public register or otherwise, in accordance with an enactment other than the FOI Act, where that access is subject to a fee or other charge.

A booklet and fact sheets that describe various aspects of the DFRDB Scheme, and annual reports, are made available to Members of Parliament, Senators and the public free of charge upon request. They are also available free of charge via the DFRDB website **www.dfrdb.gov.au**.

In the interests of timeliness and conciseness, this report has been designed to provide only fundamental information. Requests for more detailed information should be directed to:

Freedom of Information Officer

ComSuper

Postal address: PO Box 22
Belconnen ACT 2616

Street address: Unit 4
Cameron Offices
Chandler Street
Belconnen ACT 2617

Telephone: 1300 033 732

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