

The DFRDB Authority

ANNUAL REPORT 2008-09

The DFRDB Authority Annual Report

2008–09

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Street address:	ComSuper Unit 4, Cameron Offices, Chandler Street Belconnen, ACT 2617
Postal address:	PO Box 22 Belconnen, ACT 2616
Telephone:	1300 001 677
Facsimile:	(02) 6272 9616
TTY:	(02) 6272 9827
Annual report enquiries:	Member Communications Section, ComSuper
Telephone:	(02) 6272 9272
Internet:	www.dfrdb.gov.au
Annual report:	www.dfrdb.gov.au/aboutus/annualreports.htm
DFRDB Authority ABN:	39 798 362 763
SPIN:	CMS0102AU

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. Greg Combet AM MP
Minister for Defence Personnel, Materiel and Science
Minister Assisting the Minister for Climate Change
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 2009.

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', with a stylized, cursive script.

Leo Bator

Chairman
DFRDB Authority

21 September 2009

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Chairman's Overview

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SECTION ONE



The Defence Forces Retirement Benefits (DFRB) and Defence Force Retirement and Death Benefits (DFRDB) schemes have for many years been closed to new Members and, as a consequence, contributory membership has steadily declined although there was a small increase in contributors in 2007–08 as a result of recipient Members re-entering the Australian Defence Force (ADF). Some 4600 contributing Members and in excess of 57 000 pensioners now rely upon the Authority's administrator, ComSuper, for the management and delivery of their superannuation entitlements.

During 2008–09 ComSuper focussed on improving its performance against key deliverables, specifically paying correct and timely benefits to members, sending correct and timely statements to members and improving service delivery. I am pleased to report that the performance against each of these areas has improved during the past year.

The Authority has continued to seek improvements in communications with Members including an increase in online communication. The year saw additional functions introduced to the DFRDB Scheme website. Members are now able to change their details online, download their statements and view transactions and investments online. Pensioners are now able to change their bank details online and download payment summaries for the previous financial year. Members may now access an increased number of online information seminars.

With the support of the Authority, ComSuper has continued to participate in the Inter Departmental Working Group for current and former ADF members and their families which has resulted in enhanced and streamlined invalidity assessment processes.

On 31 October 2008, the Government announced that they would be consolidating the trustee boards that currently manage the main Australian Government superannuation schemes. As a result, on 1 July 2010 the DFRDB Authority will merge with the MilitarySuper Board of Trustees and ARIA (the Trustee of the civilian schemes - PSSap, PSS and CSS) to form a single trustee board. The Authority and ComSuper will continue to work to ensure a smooth transition to these new arrangements.

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.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Leo Bator', with a stylized, cursive script.

Leo Bator
Chairman
DFRDB Authority

18 August 2009

About the DFRB and DFRDB Schemes

DFRDB Authority Annual Report 2008–09



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SECTION TWO

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 Scheme) 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 DFRDB 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 Governments' 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 were given the choice 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 Scheme benefit who, on re-entry to the ADF, chose to rejoin the DFRDB Scheme.

Members of 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 not dependent on the earnings of an investment fund.

Apart from 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 and the DFRDB Act, subject to the direction of the Minister for Defence Personnel, Materiel and Science.

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 re-appointed 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 2008–09. Information about ComSuper's operations can be found in the Commissioner for Superannuation Annual Report 2008–09.

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About the DFRB and DFRDB Schemes

Members of the Authority at 30 June 2009 were:

Mr Leo Bator, ex-officio Chairman and Commissioner for Superannuation

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

Captain Jay Bannister, RAN, 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 (re-appointed 20 July 2008)

Standing from left:
CAPT Jay Bannister RAN
SQNLDR Andre Bobets (deputy
to GPCAPT Richardson)
COL Scott Hicks

Seated from left
Mr Leo Bator
Mr Brian Paule



The DFRDB Authority

Governance

DFRDB Authority Annual Report 2008–09

SECTION THREE



Governance framework

The Authority currently operates as an executive management agency. A comprehensive governance framework has been established by the Commissioner for Superannuation to oversee ComSuper's operations and to provide fund trustees and the Authority with appropriate assurances in relation to the fulfilment of their obligations.

On 30 October 2008, the Government announced that they would be consolidating the trustee boards that currently manage the main Australian Government superannuation schemes. This decision aims to simplify the administrative and governance arrangements surrounding government superannuation, and deliver more efficient and effective outcomes for Australian Government superannuation scheme members. On 1 July 2010, ARIA (the Trustee of the PSSap, PSS and CSS), the MilitarySuper Board of Trustees and the DFRDB Authority will merge to form a single trustee board.

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 MilitarySuper Board of Trustees, the Authority and ComSuper.

The current service level and pricing agreement in respect of services to DFRDB Scheme Members was agreed to in 2007 and expired on 30 June 2009. Negotiations for a replacement agreement are nearing completion.

ComSuper reports regularly to the Authority against all service standards contained in the agreement. Performance data is collected monthly. ComSuper 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 publication.

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 Scheme is an Exempt Public Sector Superannuation 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.

MSCC's role is to:

- ensure smooth liaison between each of the Scheme's stakeholders
- provide advice on communication matters to the Authority
- monitor the quality and effectiveness of the Authority's communication products
- review existing communication products and methods
- monitor, review and make recommendations on the implementation of a superannuation communication strategy for the ADF.

The Committee met five 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 2009.

Account maintenance

DFRDB Authority Annual Report 2008–09

SECTION FOUR



Collection, recording and maintenance of Member information

Maintenance of DFRDB Scheme 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.

System changes

On 31 October 2008 the Minister for Finance and Deregulation and the Minister for Superannuation and Corporate Law announced the Government's decision to review the administrative arrangements of its superannuation schemes, and as a consequence of this decision, directed that the Administration Platform Modernisation (APM) Project's Request for Tender process be cancelled. ComSuper was, at this time, in the early stages of the tender evaluation process for the APM Project.

ComSuper staff and tenderers were notified of the Government's decision on 31 October 2008. In November 2008, all tenderers were provided with a debrief on the Government's decision as well as provided with verbal feedback on the overall quality of tender submissions and specific feedback on their own submission. The general feedback provided by tenderers was positive.

The project was decommissioned according to PRINCE2 standards, ComSuper's project methodology. All activities associated with the wind-up have now been completed including a Lessons Learnt and Project Closure Report. All APM staff were transitioned to other ComSuper business areas shortly after its termination.

While the Government undertakes the review of its superannuation administration arrangements, ComSuper is undertaking a number of activities to maintain stability of the existing IT systems over the next 12 to 18 months.

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.

From 1 July 2008 all employers in Australia have been required to use ordinary time earnings (OTE) as the earnings base for Superannuation Guarantee (SG) purposes. Prior to that time, SG compliance for the Military Superannuation and Benefits Scheme (MilitarySuper) and Defence Force Retirement and Death Benefits Scheme (DFRDB) was determined using salary for superannuation purposes. SG-Top Up (OTE) contributions now form part of the ancillary contribution package.

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 abolition of a surcharge from 1 July 2005, the Authority is required to continue the maintenance of surcharge debt accounts for DFRDB Scheme Members whose surchargeable contributions up to and including the financial year ended 30 June 2005 attracted the 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 Scheme Member may choose to pay the surcharge debt immediately, pay it off in instalments, or have it deducted from his or her benefit on exit.

In 2008–09 the ATO reported surcharge debts totalling \$62 027. One hundred and sixty four Members repaid surcharge debts totalling \$1 682 205. Interest totalling \$551 176 was applied to Member surcharge debts that remained outstanding as at 30 June 2009.

Member communication

DFRDB Authority Annual Report 2008–09

SECTION FIVE



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 through direct client contact with ComSuper.

At the direction of the Authority and in conjunction with the Military Superannuation Communications Committee (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, ADF 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 DFRDB Scheme. Appendix 2 lists the current publications.

Whether the contact is through the media 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 an increased use of focus groups and user testing of communication products, including the 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 1715 telephone calls recorded per week during 2008–09 compared with 1734 the previous year. The Interactive Voice Response telephone service recorded receipt of 89 205 calls from Military (MilitarySuper and DFRDB) Members.

In 2008–09 ComSuper staff answered 8454 emails and responded to 3856 written enquiries from Military Members.

During the year, ComSuper presented 38 seminars to a total of 1283 DFRDB Scheme Members and provided personal counselling for 76 DFRDB Scheme Members. The seminars were primarily conducted in conjunction with transition seminars. A further 15 seminars relating to medical discharge were presented to 123 military (DFRDB and MilitarySuper) Members.

Pensioner communications

The Customer Service 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 Scheme website.

Member statements

Corporations law requires the distribution of annual Member statements by 31 December each year. The 2007–08 Member statements were distributed by November 2008. The statements provide DFRDB Scheme 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 are now able to choose to receive an electronic notification that their Member statement is available online. For security purposes Members must obtain an access number via Member Services Online to be able to choose an online statement. Once the Member has an access number they can also update their contact details and calculate estimates. The Authority is encouraging Members to take advantage of the new delivery method and assist in contributing to a greener world.

Website and website access

The DFRDB Authority has continued to increase its emphasis on improving online services during 2008–09. These services are an important component of our business and the DFRDB Authority continues to enhance and expand its range for Members.

In 2008–09 the DFRDB Authority committed to further upgrades to Member Services Online (MSO) and Pensioner Services Online (PSO). These services are now available and provide the functionality to:

- view and update your personal information
- view and update your banking details
- view your pension payments
- view and print your Consumer Price Index (CPI) letter
- view and print your payment summary
- view contact details of the scheme
- calculate benefits and
- view annual statements online.

To make it as easy as possible for Members to gain control of their superannuation access numbers are available over the phone once the Member's identity has been confirmed.

Chart 1 shows usage of the website in 2008–09. Table 1 shows the ten most requested web pages during the year, while Table 2 illustrates website usage trends over the past five years.

Chart 1: Website usage 2008–09

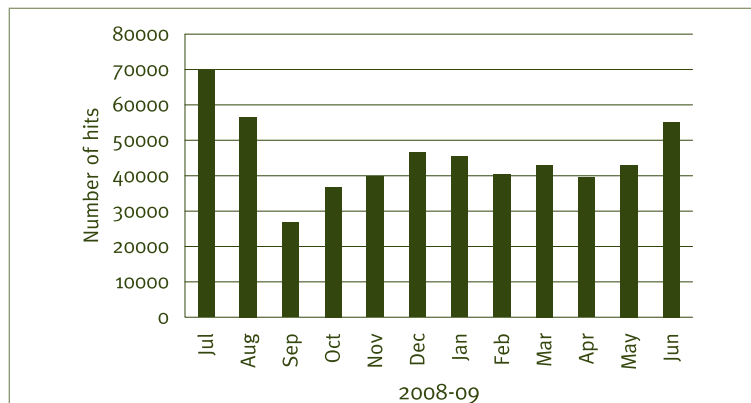


Table 1: Top ten most requested web pages 2008–09

Rank	Webpage
1	DFRDB Book
2	Pensioner Services Online
3	Member Services Online
4	SIS Act 1993
5	Fact Sheet: Taxation of Benefits
6	Form D20: Application for Retirement Pay, Commutation and Superannuation Productivity
7	Pension Recipient Section
8	Pensioner News
9	Annual Report to Parliament 2007-08
10	DFRDB Family Law Booklet

Table 2: Total website usage since 2004 to 2009

Year	Number
2004–05	665 973
2005–06	115 978
2006–07	952 042
2007–08	670 766
2008–09	542 561

Communication focus

In the coming year the Authority intends to:

- continue to improve the content and delivery of the Annual Member Statements (AMS). The purpose of the AMS are 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 presentations

- promote the availability of DFRDB Scheme seminars and accessibility to seminars
- continue to leverage off the DFRDB Scheme website for increasing access by Members to interactive sources of information about their scheme membership and benefit entitlements.

Member feedback

During 2008–09 ComSuper, on behalf of the Authority, again conducted client satisfaction surveys with the assistance of the Canberra-based firm, Orima Research.

The Quality Service Index (QSI) for military clients was introduced to measure the survey results and enable comparisons between survey periods. Military members rated their satisfaction with their administration services as 80.4%. The scores for the military schemes in each of the twenty four survey periods since data collection began in 1997–98 show a consistent level of client satisfaction within the 80–85% range.

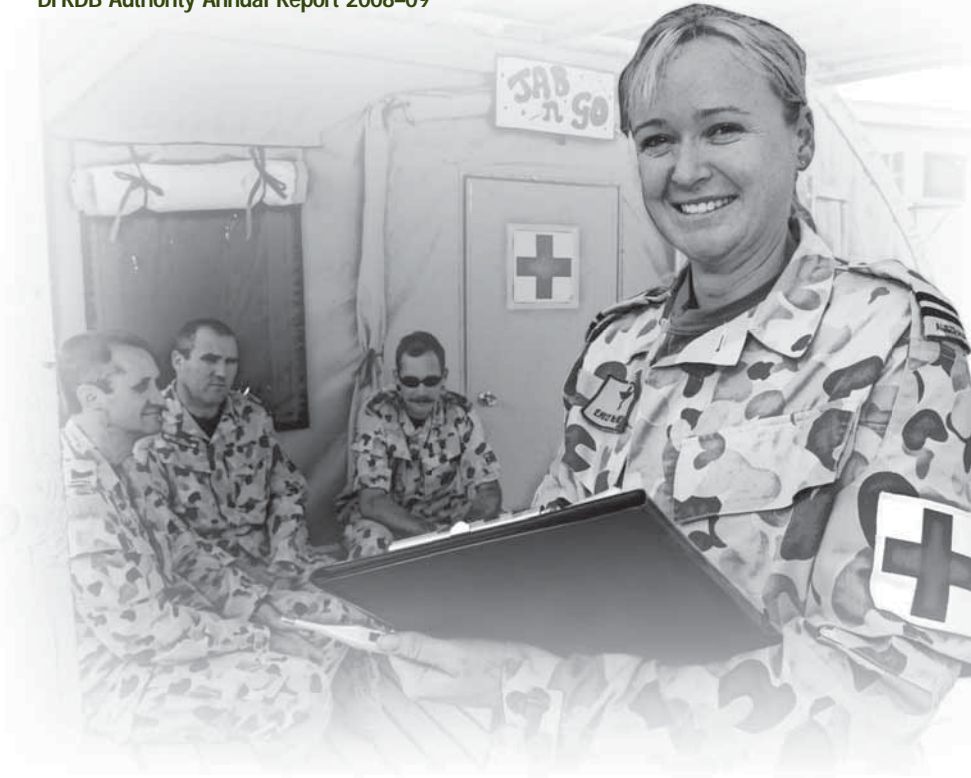
DFRDB Scheme Members showed a significant increase in satisfaction with email enquiries, seminars and MSO.

The survey results are fed into ComSuper's continuous improvement process. Where necessary, action plans are created and reported against.

The members of the Authority were pleased with the positive feedback obtained from clients and Members satisfaction with services.

Membership

DFRDB Authority Annual Report 2008–09



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SECTION SIX

6

Membership

There were 4630 contributors in the DFRDB Scheme as at 30 June 2009. Chart 2 shows the number of contributors during 2008–09 and Chart 3 shows the age profile of DFRDB contributors at 30 June 2009. Table 3 shows the break-up of DFRDB contributors since 2004–05.

Contributors

Chart 2: DFRDB Scheme contributor membership 2008–09

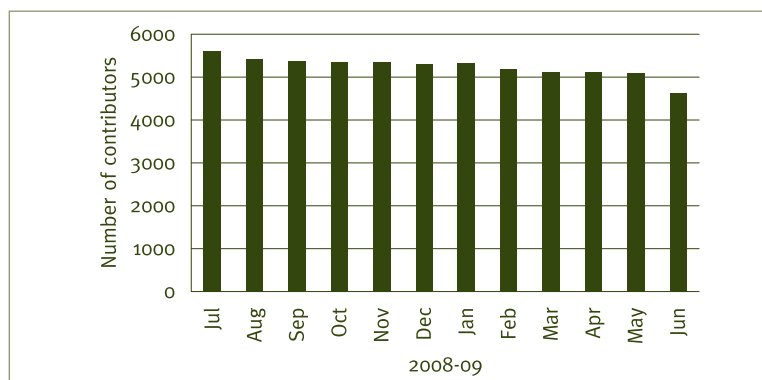


Chart 3: Age profile of DFRDB Scheme contributors at 30 June 2009, by service

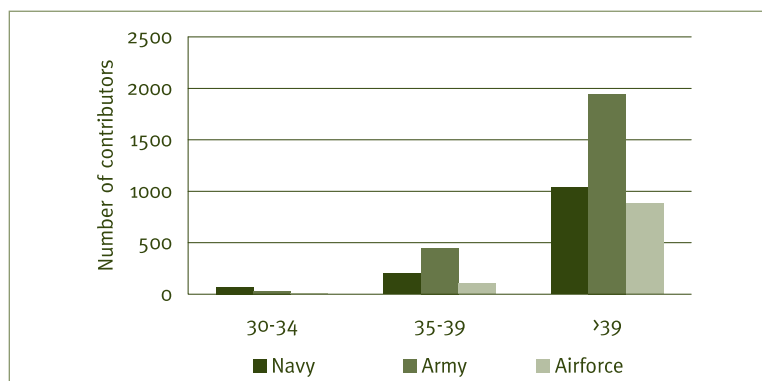


Table 3: DFRDB Scheme contributors in the past five years

	2004-05	2005-06	2006-07	2007-08	2008-09
Navy					
Male	1739	1523	1386	1434	1201
Female	69	61	51	48	44
Subtotal	1808	1584	1437	1482	1245
Army					
Male	3727	3246	2831	2821	2317
Female	158	129	114	101	83
Subtotal	3885	3375	2945	2922	2400
Air Force					
Male	1507	1294	1130	1165	956
Female	52	42	36	31	29
Subtotal	1559	1336	1166	1196	985
All Services					
Male	6973	6063	5347	5420	4474
Female	279	232	201	180	156
Total	7252	6295	5548	5600	4630

Contributions received

Contributions received during 2008-09 totalled \$24 769 662 (\$25 311 828 in 2007-08).

Ancillary contributions

From 1 August 2005 DFRDB Scheme 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 2009

Type	Number
Additional personal contribution	22
Co-contributions	1879
Superannuation guarantee	3678
Salary sacrifice	224
Transfer in	91
Spouse contribution	0
Total	5894

Pensioners

At 30 June 2009 57 164 persons were receiving pensions under DFRDB and DFRB legislation. Table 5 shows pensions in force by type and Scheme as at 30 June 2009.

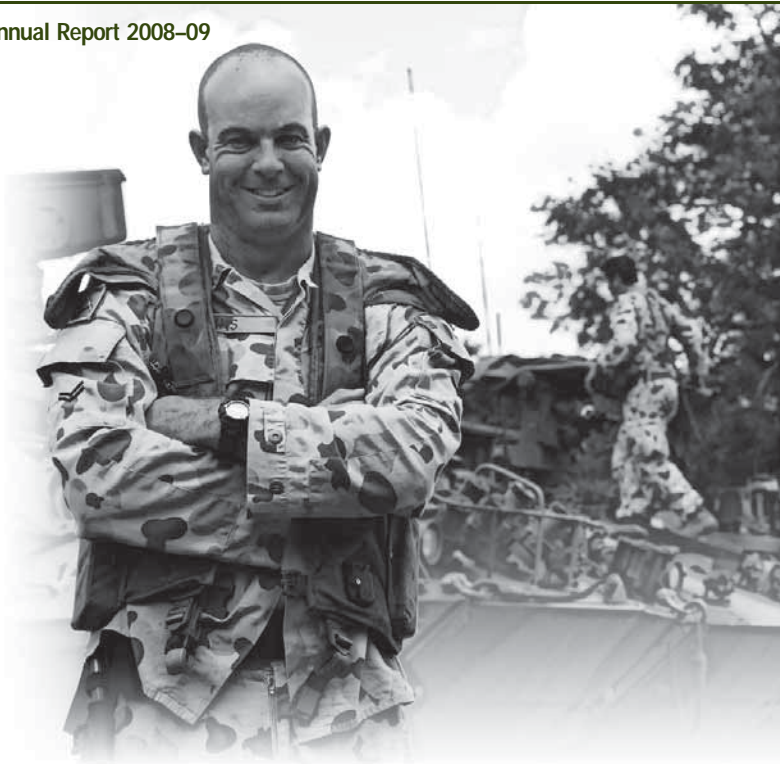
Table 5: Pensions in force by type and Scheme at 30 June 2009

	DFRDB	DFRB	Total
Retirement	43 372	1060	44 432
Invalidity	2428	726	3154
Reversionary			
- spouses	5904	2396	8300
- children and orphans	282	7	289
Redundancy	988	1	989
Total pensions	52 974	4190	57 164

Benefit payments

DFRDB Authority Annual Report 2008–09

SECTION SEVEN



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

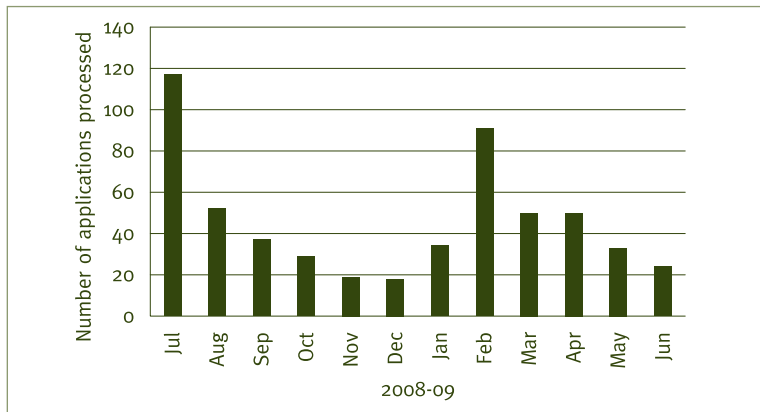
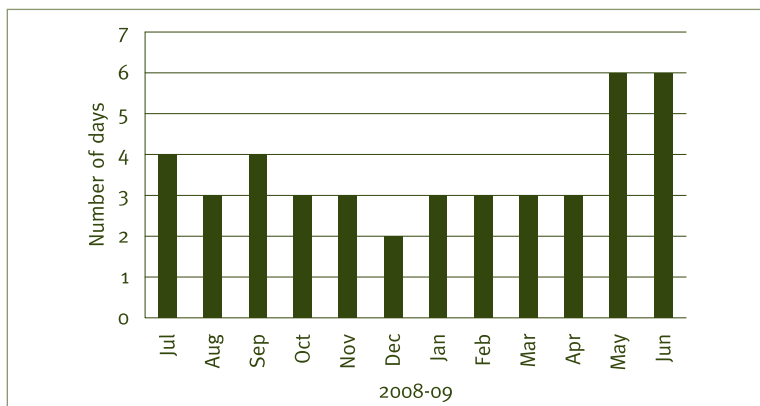
There are services and performance standards relating to the payment of benefits. These apply to all benefit events such as resignation, retirement, invalidity and death.

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 Scheme benefit applications processed during 2008–09.

Chart 5 shows the average time to process benefits in each month of 2008–09. A comparison of the dollar value of benefits paid in 2008–09 with the previous four financial years is set out in Table 6.

Table 6: Benefits paid in the past five years

Benefit type	2004-05	2005-06	2006-07	2007-08	2008-09
	'000				
Pension payments	1 085 048	1 123 653	1 170 998	1 202 874	1 260 072
Refunds of contributions	532	669	565	462	0
Commutation payments	164 680	168 554	160 640	118 385	155 905
Total benefits paid	1 250 260	1 292 876	1 332 203	1 321 721	1 415 977

Chart 4: Benefit applications processed 2008–09*Chart 5: Average time to process benefit payments 2008–09*

Gratuities

Certain Members who leave the 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 or invalidity pay, he or she is not eligible to receive a gratuity.

Gratuities totalling \$4 320 were paid to Members who exited in 2008–09.

Commutation

Members retiring from the ADF are entitled to the early payment of part of their retirement pension in the form of a lump sum (commute). If they do so, their retirement pension is permanently reduced irrespective of how long they live. Retiring Members can receive a maximum commutation lump sum of up to five times their retirement pay. During the year, 532 Members elected to commute part of their pension.

Preservation of rights

Under certain circumstances, Members who leave the DFRDB 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 transfer their benefit must do so to a superannuation scheme declared as eligible by the Minister for Finance and Deregulation. '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.

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 Scheme pension. No Members elected to defer their entitlements in the DFRDB Scheme in 2008–09.

Reversionary benefits

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

Spouse benefits

At 30 June 2009, 8300 spouses were receiving pensions under the provisions of the DFRB and DFRDB Acts.

Child and orphan benefits

At 30 June 2009, 289 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 July 2008 increase the rate was 2.3% and the rate for the January 2009 increase was 2.7%.

Pensioners received a statement in July 2008 and January 2009 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 DFRDB 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 dependent 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 a 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 2008 to 30 June 2009, 48 Members received initial invalidity classifications. Of those, 20 (17 Class A and 3 Class B) became entitled to an invalidity pension.

Invalidity decision timeframe

Invalidity classifications took an average of 1.52 days to finalise during 2008–09.

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 2008–09, 94 cases were examined, eight of which were reviews requested by Members. As a result of these reviews 16 classifications were changed.

Dispute resolution

DFRDB Authority Annual Report 2008–09



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SECTION EIGHT

Internal review

A person affected by a primary decision of the Authority or from 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).

Thirty-five requests for reconsideration were received from DFRB and DFRDB Scheme Members during the year, a decrease from the 45 received in the previous year. Thirty-three cases were carried over from 2007–08. Of the 50 cases finalised during the year, the Authority confirmed 26 cases on reconsideration, while 16 cases were varied in favour of the applicants. Another eight cases were lapsed or withdrawn with the applicant failing to pursue the matter. Eighteen requests remained under investigation on 30 June 2009.

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, 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 with 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 2008–09, 14 applications for review were lodged with the AAT in addition to the eight matters carried over from the previous year. Of the 11 applications resolved during the year, the Authority's decision was affirmed in three matters and set aside in one matter. Three 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, while one decision was settled. There were 11 matters outstanding as at 30 June 2009.

Systems are in place to fast-track the 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

	2004-05	2005-06	2006-07	2007-08	2008-09
Decisions affirmed	6	3	2	4	3
Decisions varied	-	1	-	1	2
Decisions set aside	6	5	3	1	1
Decisions conceded	7	1	4	2	2
Applications dismissed	1	3	-	1	3
Applications withdrawn	5	-	2	1	-
Total	25	13	11	10	11

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 2008–09. One of these appeals was successful, while the other is still pending. One decision of the AAT to dismiss the matter before proceeding to a hearing was appealed by the member to the Federal Court; the appeal is pending. One decision of the Federal Magistrates Court was appealed to the Federal Court by a member. The matter is pending.

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. There were no FMC matters in 2008–09.

High Court of Australia

No matters were referred to the High Court of Australia during 2008–09.

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 2008–09.

Claims

The Authority received two claims in the 2008–09 financial year. One claim was accepted and compensation of \$923.25 paid. The other claim was unresolved at the end of the financial year.

Complaints

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

In 2008–09, 86 complaints, 14 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.

Family law

The DFRDB legislation enables the creation of separate accounts for non-Member spouses (associates) in family law splitting situations. During the year 85 cases were received, with 61 new DFRDB Scheme associate pension records and 24 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 Scheme Members made 41 requests for access to documents during 2008–09. Thirty-three requests were granted in full and six partially. One request was withdrawn and one request was refused.

Accounting services

DFRDB Authority Annual Report 2008–09

SECTION NINE



Financial resources

Financial resources for the payment of pensions and lump sums are paid out of the Consolidated Revenue Fund (CRF). Department of Defence has a special appropriation which reimburses the CRF with the productivity component of the benefit. Contributions are paid to the CRF every fortnight.

Debtors

At 30 June 2009, approximately \$1.5m 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. The second relates to re-entered recipients to the Defence Force where delays in notification results in overpayment of a pension.

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

During the year, over \$62 000 in debts 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.

Appendices

DFRDB Authority Annual Report 2008–09

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SECTION TEN



Appendix 1: DFRDB in brief

	30 June 2008	30 June 2009	Increase (decrease)
Contributors			
Males	5420	4474	(946)
Females	180	156	(24)
Total	5600	4630	(970)
Pensions in force			
Retirement	43 394	43 372	(22)
Invalidity	2396	2428	32
Dependants	5984	6186	202
Redundancies	983	988	5
Total	52 757	52 974	217
Exits			
Retirement	828	1143	315
Resignation	1	1	-
Invalidity	45	44	(1)
Death	2	7	5
Other	19	37	18
Total	895	1232	337
Other			
	\$	\$	
Contributions received	25 311 828	24 769 662	(542 166)
Total benefits paid	1 321 721 000	1 415 977 085	94 256 085
Total pensions paid	1 133 548 899	1 260 071 732	(126 522 833)
Average annual pension	21 486	22 092	606

Appendix 2: Publications

The Authority publishes two booklets and a series of fact sheets for the benefit of Members.

About Your Scheme is a summary of the DFRDB Scheme, 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 *Family Law and Splitting Super: how it's done and what happens next* booklet.

The fact sheets deal in more depth with specific topics. The fact sheets are:

About to Leave the ADF?

Additional Personal Contributions

Appeal Rights

Death and Estate Benefits

Definition of Marital Relationship

Dependants' Benefits

Government (Super) Co-Contributions

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 returning to the ADF)

Retirement Benefits

Restoration of Reversionary Pensions

Retrenchment/Redundancy

Salary Sacrifice Contributions

Spouse Contributions

Superannuation Contributions Surcharge

Taxation concessions for pensions

Taxation of Benefits

Transfer Amounts

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

Appendix 3: Legislation amendments

Defence Forces Retirement Benefits Act 1948

This Act was amended by the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Act 2008* (No. 134, 2008) [ComLaw ref: C2008A00134] – to provide for the equal treatment of same-sex relationships under the Act.

Defence Force Retirement and Death Benefits Act 1973

This Act was amended by the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Act 2008* (No. 134, 2008) [ComLaw ref: C2008A00134] – to provide for the equal treatment of same-sex relationships under the Act.

Defence Force (Superannuation) (Productivity Benefit) Determination 1988

This Determination was amended by:

- Defence Force (Superannuation) (Productivity Benefit) Determination (Amendment) (No. 1 of 2008) [ComLaw ref: F2008L03617] – to provide a factor to be used for the calculation of notional interest for the 2008 calendar year.
- Defence Force (Superannuation) (Productivity Benefit) Determination (Amendment) (No. 1 of 2009) [ComLaw ref: F2009L01472] – to reflect the appropriate calculation of any surcharge reduction amount, to more adequately reflect the operation of the Superannuation Industry Supervision Regulations and to provide a factor to be used for the calculation of notional interest for the 2009 calendar year.

Family Law

The *Family Law Act 1975* was amended by:

- *Statute Law Revision Act 2008* (No. 73, 2008) [ComLaw ref: C2008A00073] – to make various amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes.
- *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008* (No. 115, 2008) [ComLaw ref: C2008A00115] – to bring de facto relationships within the scope of the Act, and for related purposes.

- *Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008* (No. 144, 2008) [ComLaw ref: C2008A00144] – to address discrimination against same-sex couples and their children in Commonwealth laws, and for other purposes.

The Family Law (Superannuation) Regulations 2001 were amended by the Family Law (Superannuation) Amendment Regulations 2009 (No. 1) [ComLaw Ref: F2009L00263] (Select Legislative Instrument 2009 No. 19) – to provide for the new financial settlement regime for de facto couples included in the *Family Law Act 1975* by the *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008*.

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	the early payment of part of a retirement pension in the form of 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

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 Scheme 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 Scheme 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 2008–09. Mandatory annual reporting requirements that are 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 2008–09.

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.

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 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 Directorate of Superannuation Policy in Defence which has responsibility for advising the Minister for Defence Personnel, Materiel and Science, 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 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

Facsimile: (02) 6272 9804

TTY: (02) 6272 9827

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Street Address:
ComSuper
Unit 4, Cameron Offices
Chandler St
Belconnen ACT 2617

Postal address:
PO Box 22,
Belconnen ACT 2616

Telephone:
1300 000 177

Facsimile:
(02) 6272 9001

TTY
(02) 6272 9827

Annual report enquiries:
(02) 6272 9272

Internet:
www.dfrdb.gov.au

Annual report:
[www.dfrdb.gov.au/aboutus/annual reports.htm](http://www.dfrdb.gov.au/aboutus/annual%20reports.htm)

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