



12th September 2008

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❖ NOTICE ❖

TO: ALL ALAEA MEMBERS

RE: CORNWELL SUPERANNUATION CASE

HIGH COURT VICTORY COULD PROVIDE ADDITIONAL SUPER PAYOUTS FOR WORKERS

A recent decision delivered by the High Court could potentially pave the way for some ALAEA members to seek additional superannuation payments they may not have thought they were previously entitled to. Such members may include those who worked for the Commonwealth government or an instrumentality of the Commonwealth at some time (for example TAA – now Qantas) and were wrongfully denied access to a Commonwealth superannuation scheme.

What Could This Decision Mean?

The ACTU and unions including the Association have been actively investigating this issue on behalf of its members. As a result of this decision, the Union, in consultation with Slater & Gordon, have formed the view that there may be an entitlement for some ALAEA members who missed out on the benefits provided by the *Commonwealth Superannuation Scheme* or the *Public Sector Superannuation Scheme* or only joined these schemes later than they otherwise would have.

Do I fit the criteria to potentially make a claim for additional super entitlements?

You may have a case if you:

- Worked for the Commonwealth, the public service of a Territory or for an instrumentality of the Commonwealth or a Territory;
- You retired and sought to access your superannuation benefits less than 6 years ago;

"To undertake supervise and certify for the safety of all who fly."

- You sought admission into the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme; and
- You were denied entry into that scheme, either by inaction, incompetence or incorrect advice by your employer.

If you want to make further enquiries about your rights or whether you may have a potential claim, members ought contact Andrew Rich at Slater & Gordon on (07) 3220 2555 to make an appointment to discuss your rights. The appointment will be free of charge and completely confidential.

About the Case

John Cornwall was employed by the Commonwealth as a spray painter in 1962. He sought to join the Commonwealth Superannuation Scheme at that time but was knocked back on the basis that he was a temporary employee. As a result, when Mr Cornwall retired he received a much smaller superannuation benefit than what we would have received had he been able to gain admission into the Commonwealth Super Scheme in the mid 1960s.

The information Mr Cornwall was given about his eligibility to enter the CSS back in the mid 1960s was wrong, and his lawyers argued that it amounted to a negligent misrepresentation. Mr Cornwall initially won his case but the Commonwealth appealed the decision to the High Court.

The main thrust of the Commonwealth's argument was that Mr Cornwall had run out of time to bring a claim because the issues he complained about occurred more than 30 years ago. The Commonwealth lost the argument.



Noel Speers
Industrial Officer