

CHAPTER 3

MANAGEMENT AND STAFF

3.1 This was an area of considerable concern to the Committee particularly given the fact that the management was aware that a review was to be done on the Tribunal's first twelve months operation. The Committee found it surprising that no mention was made of its review of the Tribunal in the Annual Report.

Delay in government appointments

3.2 Part 2 of the Act establishes the Tribunal with a full-time Chairperson, a Deputy Chairperson and between 7 and 10 other members. The Chairperson and the Deputy Chairperson are appointed by the Governor-General, and the Tribunal members by the Minister.

3.3 Mr Neil Wilkinson took up his appointment as inaugural Chairperson of the Tribunal on 5 September 1994, that is, some two months after the commencement of the operation of the Tribunal. Ms Jill Cardiff was the Acting Chairperson between 18 July 1994 and 5 September 1994. All other original members of the Tribunal were appointed in either August or September 1994.¹

3.4 The Committee considers the failure to have had appointments ready before the commencement of operation of the Tribunal on 1 July 1994, could have contributed to the slow progress the Tribunal made in establishing itself in an operational sense.

Executive staff resignations and rearrangements

3.5 Senior staff were appointed in May 1994 with other staff progressively employed from June to mid-August 1994.² There was a major staff turnover mid-way through the Tribunal's first year involving the departure 'for various reasons' of three of the four senior staff.³ They were the Executive Director, the Director of Inquiries and Conciliation and the Assistant Director of Inquiries and Conciliation. A staffing review was conducted in February and March 1995:

¹ Annual Report, p xi

² Annual Report, p 1

³ Annual Report p, 2

which resulted in a restructure to make more effective use of the available resources.⁴

3.6 Mr Wilkinson was critical of some of the staff who had left the Tribunal,⁵ but the Committee did not find a satisfactory explanation for major staff changes.

Non-executive staff

3.7 There was evidence of the inexperience of the staff handling inquiries and complaints. The Industry Superannuation Funds (ISF) noted that:

many, though not all, of the SCT [Tribunal] staff with whom they deal are apparently inexperienced in dealing with the subject matter of the complaints.⁶

3.8 The Seafarers Retirement Fund considered the Tribunal staff ‘lacked commercial experience’,⁷ while the Committee concurs with the recommendation of the Construction + Building Unions Superannuation Fund (C+BUS) that all staff appointed to fill future vacancies or new positions be required to have experience in the administration of superannuation.⁸

3.9 The Committee considers that qualities apart from experience in the administration of superannuation are appropriate for Tribunal staff. For example, skills in handling complaints and ‘first contact’ experience are at least as vital in the Tribunal’s operation.

3.10 AFCO advocated that not only should the staff appointed have expertise in the consumer complaints process, but existing staff ‘must be trained in community expectations of a consumer complaints body’.⁹ AFCO indicated it would be happy to assist with this training.

3.11 The Committee did receive positive comment in relation to the attitude of staff in their dealing with complainants, with ‘the experience of practitioners generally [being] that the Tribunal has been very helpful in the way in which it has been conducted.’¹⁰ However, the Committee was concerned at a possible lack of direction for staff. For example the ISF believed ‘that many staff did not

⁴ SCTREV Sub No 19

⁵ Evidence, p 140

⁶ SCTREV Sub No 18

⁷ SCTREV Sub No 23 (Supp)

⁸ SCTREV Sub No 12

⁹ SCTREV Sub No 26

¹⁰ Davis, Evidence, p 52

clearly understand their role' and tended to act as if they were agents for the prosecution rather than staff of an independent Tribunal.¹¹ They said:

Many SCT staff appear to operate on the basis that the lodging of a complaint by a member indicates that a prima facie case exists and that the onus is on the Fund to disprove the member's allegations. This is a very serious concern of the ISFs.¹²

Management of staff

3.12 The Committee finds staff management was inadequate. From recruiting right through to the guidance of staff on the job, the evidence suggested weaknesses.

3.13 In its Annual Report the Tribunal provided details of training undertaken by staff.¹³ However, formal training courses (all but three of which were provided internally or by the ISC) are not the full answer to equipping staff to effectively function in the operation of a new statutory Tribunal. The matters raised by the Seafarers Retirement Fund, C+BUS and ISF and outlined above should also be given attention.

¹¹ SCTREV Sub No 18

¹² SCTREV Sub No 18

¹³ Annual Report, p 49