



# Australian Defence Force Retirees Association Inc.

No. A0108026R

We represent the interests of Defence Force Retirees regarding their Superannuation

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## DFRDB UPDATE – JANUARY 2022

### Federal Court Hearing

In our September 2021 Update, we advised that we were working with Clinton McKenzie to take the matter of the interpretation of the Commutation provision in the DFRDB Act, by the Commonwealth Superannuation Corporation, to the Federal Court of Australia.

In our November 2021 Update, we advised that the Court has set 31 January 2022 as the date for the hearing.

The presiding judge will be Justice, The Hon Melissa Anne Perry, who was appointed to the Federal Court on 23 September 2013. Justice Perry also serves as an additional Judge of the Supreme Court of the Australian Capital Territory, is a member of the Defence Force Discipline Appeal Tribunal, and a Deputy President of the Administrative Appeals Tribunal. To view Justice Perry's biography, click <https://www.fedcourt.gov.au/about/judges/current-judges-appointment/current-judges/perry-j>

Due to COVID, the hearing will be conducted by videoconference and members of the public may ask to observe the hearing electronically, or listen by phone, by sending an email to [associate.perryj@fedcourt.gov.au](mailto:associate.perryj@fedcourt.gov.au), titled "NSD670/2021", **after** 4:30pm Australian Eastern Daylight Time (AEST) on Friday 28 January 2022 and **before** 8:30am (AEST) on Monday 31 January 2022.

The email request should be worded as follows:

Dear Associate,

*(if requesting to observe via the internet)*

I wish to observe the hearing in matter NSD670/2021.

I will ensure that my computer device's camera remains switched off and its microphone remains on mute.

*(Or, if requesting to listen by phone)*

I wish to listen by phone to the hearing in matter NSD670/2021.

I will ensure that my phone's microphone remains on 'mute'.

Respectfully,

[Insert your name]

The email response will contain the web link (for observers) and telephone number (for listeners), and will include:

**Warning!**

The Court has issued Orders prohibiting interruptions by members of the public observing electronically. Recording of proceedings is also prohibited. Breach of those Orders can constitute contempt of Court. Turn off your computer's camera and mute the microphone if observing by computer, and keep them that way. Mute your phone's microphone if listening by phone, and keep it that way. Do not record proceedings.

The listed starting time for the hearing can be seen by clicking on <https://www.fedcourt.gov.au/court-calendar/daily-court-lists/nsw>, after 4:30pm (AEST) on Fri 28 Jan 2022.

For further enquiries, the Federal Court Registry may be contacted on 1300 720 980.

I congratulate Clinton and the members of our team on preparing an excellent case, which we believe, is based on strong arguments supported by solid precedent.

I encourage you to watch or listen to the hearing, on 31 January.

***.Jim Hislop OAM***

President