



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 – MAY 2023

Federal Court Decision

Most are already aware that the decision in *McKenzie v Commonwealth Superannuation Corporation* [2023] FCA 396 has been handed down by Justice Perry and that the decision did not go our way.

First, on behalf of all DFRDB members I want to express our gratitude to Clinton McKenzie. His research and construction of the case was excellent and his presentation at the hearings was glaringly superior to the Commonwealth Superannuation Corporation's (CSC) barrister.

The cost of the time Clinton devoted to the case, would, from any other legal representative have been prohibitive, and the understanding may still have been inadequate as CSC's barrister demonstrated. We have already circulated Justice Perry's Decision. If you wish to read Clinton's written and oral submissions, you can do so by clicking on [Submissions](#).

Second, on Justice Perry's emphatic suggestion, CSC did not seek costs.

Third, we are not entirely satisfied with the decision and are currently considering whether there is an option to lodge an appeal to the full bench of the Federal Court. It would be a 'big' decision that only Clinton has the standing to make. Clinton would have to be represented by a barrister who would also have to certify that the appeal has prospects of success.

There are big dollars involved, as the Court would, most likely, grant an application for security for costs.

Under no circumstances will we expose Clinton to financial risk, so we are exploring our options for funding an appeal. But at this point, please do not donate any money. We will pass the hat around, if and when the need arises.

Fourth, we have already said in a recent email; ***This fight is far from over***. Because remediation requires an Act of Parliament, the main game is the political campaign.

The Political Campaign - Resetting the DFRDB Narrative

In some ways the sole focus on Commutation has been an unwanted distraction and wasted a great deal of time.

In reply to every item of correspondence containing the term DFRDB, the finding of the shambolic Ombudsman's investigation, which stemmed from the social media based DFRDB Commutation Campaign, has been thrown back at us as the be-all and end-all of the DFRDB issue.

We began to reset the DFRDB narrative in our mail-out to MPs and Senators in February and followed up last week with another mail-out. In that mail-out we circulated an article [Betrayal and Deception over Retirement Benefits for Defence Personnel](#) we hope will be published in the Australian Regiment Association's [Duty First Magazine](#).

Those last two mail-outs are now beginning to gain some traction.

Submission to the Royal Commission into Defence and Veterans Suicide

We have made a submission to the Royal Commission into Defence and Veterans Suicide (RC) and requested a private hearing with the full bench of Commissioners. Because it contains sensitive personal information, we will not make the submission public.

However, the submission also included the [Betrayal and Deception over Retirement Benefits for Defence Personnel](#) article as an attachment, which drew an immediate response and a one-hour conversation with the RC's Assistant Director, Communications and Community Engagement, who advised that the article will be passed to the RC's dedicated team which deals with benefits and entitlements.

The ADFRA Team

Jim Hislop OAM(LtCol retd)	President	Policy Team	
Herb Ellerbock (ex WO1)	Secretary	Policy Team	Analyst, Website Administration
Ron Haack (WgCdr retd)	Treasurer	Policy Team	Manager, RAAFA Publications
Max Ball (Col retd)	Committee Member	Policy Team	President, Vietnam Veterans Association of Australia
Davis Miller (LtCol retd)	Committee Member		
Peter Graham OAM (ex WO1)	Committee Member		
Clinton McKenzie (ex FltSgt)	Member	Policy Team	Lawyer
Bill Arden (WgCdr retd)	Member	Policy Team	Analyst
Steve Smith (WgCdr retd)	Member		Website Development and Maintenance

Often, it seems that ADFRA comprises just me and Secretary, Herb Ellerbock. But that is not the case. Whether it is signed by me or Herb, every ADFRA communication is a collaborative effort by our dedicated Policy Team.

Social Media Manager/Administrator

We are looking for a volunteer who is adept at creating and managing/administering a social media presence.

If you have the necessary skills and are interested in joining our team, please email admin@adfra.org with a brief outline of your experience, understanding of the DFRDB issues and reason(s) why you want the job.

Jim Hislop OAM

President