

DFRDB UPDATE – JUNE 2018

After Herb posted the DFRDB [Presentation](#) on YouTube, he drew it to the attention of every MP and Senator, to which, he received just 35 responses which were not automatically generated and the majority of those stated they could do nothing because Herb did not reside in their Electorate or State.

It seems that the Government has dug in its heels and continues to consider this matter closed, with the Minister still expressing no interest in meeting with us. The Shadow Minister gives the impression that the response from Labor will not be any different and has again suggested that we stand a better chance of getting something done through legal action.

So we will now direct our efforts to that end.

At least one DFRDB recipient is already actively seeking support for a class action, despite our efforts to dissuade him. Because we have not yet established the viability of our case and because we are far from convinced that we meet the necessary criteria for a class action. Particularly, when we can only identify a small proportion of the total DFRDB recipient population. That view was reinforced during a conversation Herb had with a representative from Slater & Gordon, a well-known class action law firm.

Our view is that, when we have received advice that we have a case which stands a reasonable chance of success, any legal action should be mounted by an incorporated representative association.

Our major short term objectives now are:

1. To continue to build our case and to determine its viability.

Recently, we received advice from a superannuation specialist who has given us a better understanding of the issues, particularly those surrounding commutation. Advice has been received from the Defence Ombudsman that since our issue is related to policy rather than its administration, the Ombudsman's Office is unable to intervene. Legal advice based around the DFRDB [Presentation](#) has already been sought but we are still waiting for a reply.

2. To substantially increase the awareness of our cause.

We cannot get access to the DFRDB population's contact details from ComSuper, so we must rely on the recipients of our updates to spread the word and help us track down as many DFRDB recipients as possible. By 1:00PM on 12 June 2018, the DFRDB [Presentation](#) had been viewed just 5,223 times, after it was posted on 10 April 2018. That is less than 10% of the total DFRDB recipient population. If that is the extent of our reach and/or the level of interest, then it will be difficult to raise the necessary support and funding for any legal action.

3. To create a register of DFRDB recipients and their benefit details.

So far we have based the effect of the DFRDB legislation on a limited number of case studies. While these highlight the effect of the various provisions of concern, they are not a statistically valid sample of the overall DFRDB population. We have to better quantify and illustrate the effects of those provisions. Herb is working on that and establishing a web based register.

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Once we have established the viability of our case, we can approach appropriately qualified legal firms to determine the cost of mounting an action. After which, we have to raise the necessary funds. We will cast the net far and wide for support.

On a related note.

A number of DFRDB recipients have expressed concerns that any gains we may achieve in DFRDB will be accompanied by a corresponding loss for those who are in receipt of a Service Pension. This is not true.

[DVA Factsheet IS87 - Income Test Overview](#) provides a fairly clear explanation but the upshot is that for every dollar gained in DFRDB only fifty cents is lost from the Service Pension.

Regards,

Jim & Herb