



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 - OCTOBER 2020

Introduction

Being Victorians, Herb's and my movements are still somewhat constrained, but there is still activity behind the scenes.

CDDA Application

Herb has yet to receive a decision on his CDDA claim. The reason is apparent in this excerpt from a recent email from his case officer:

If you have seen other decisions, you will appreciate there is a sameness about them, which is not surprising because many of them are in response to claims based on the same template. But your argument about the actions of officials prior to the enactment of the DFRDB Act is new and needs research and time for quiet contemplation, which has been in short supply in 2020.

Herb's argument is not new. He submitted his claim seven months ago. So, to try and gauge why time has been in short supply, we have submitted an FOI requesting the number of CDDA claims submitted following the Ombudsman's report.

Legal Action

We believe our case is ready to take to the Administrative Appeals Tribunal, but before proceeding have asked a barrister to it look over.

Herb's research come across a statement in a 2001 Senate inquiry report which says:

The DFRDB is an Exempt Public Sector Scheme for the purposes of the Superannuation Industry (Supervision) Act 1993 (SIS Act), and so is a complying fund under the Income Tax Assessment Act and Superannuation Guarantee (Administration) Act.

So, we have also asked if that means that the Department of Defence, which funds the DFRDB scheme, is the 'Trustee' with commensurate fiduciary obligations. If that is the case, it is significant to our case.

Meeting with the Shadow Minister

Last week, Herb and I had a 20-minute conversation with Shayne Neumann, the Shadow Minister for Defence Personnel and Veterans' Affairs after this [Email to Shayne Neumann MP](#). Attached to that email was this [Rebuttal of the Ombudsman's Report](#). We said we wanted a Senate Inquiry and he said he was prepared to raise it with Anthony Albanese and the Shadow Cabinet. To that end, he wants us to put forward a proposal for Terms of Reference, which we are in the process of finalising.

Jim Hislop OAM

President