Working with Women Alliance

Access to super for victims of child sexual abuse

Submission by the Working with Women Alliance (WwWA)

February 2026

Acknowledgment of Country

The Working with Women Alliance acknowledges the Traditional Custodians of the land on which we work and live.

We pay our respects to Aboriginal and Torres Strait Islander Elders past and present, and we value the enduring connection Aboriginal and Torres Strait Islander people have to this land.

We value Aboriginal and Torres Strait Islander histories, cultures, and knowledge.

About WwWA

The Working with Women Alliance (WwWA) represents two key portfolios: National Women's Safety (NWS) and National Women's Equality (NWE).

The WwWA connects the critical areas of gender-based violence prevention and the advancement of women's economic equality and leadership, bridging these important policy fields for greater impact.

We work with members and stakeholders, including the Australian Government, to provide expertise and advice on gender equality and women's safety.

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Executive Summary

While Australia continues to make progress in recognising and responding to child sexual abuse, many victim-survivors experience lifelong trauma severely impacting on their wellbeing, economic security and sense of justice. While the Alliance considers the draft legislation an important step towards perpetrator accountability, without careful consideration, the framework risks reproducing the very inequities it seeks to address.

The Working with Women Alliance (WwWA) appreciates the Treasury and Australian Tax Office integration of our 2023 recommendations on this topic - provisions for retrospectivity and the transfer of administrative responsibility from superannuation funds to an independent Commissioner. This response builds on that previous submission, drawing on ongoing engagement with our members who work directly with victim-survivors and across the family violence sector.

The evidence base of child abuse in Australia is compelling and points to an urgent need for system responses to those young people who are abused in non-institutional settings. The Australian Child Maltreatment Study found that 28.5% of Australians experienced sexual abuse in childhood, with more than one in three girls affected before age 18.[1] The 2021–22 Personal Safety Survey similarly reported that 1.1 million women were sexually abused before the age of 15, and 1.7 million experienced some form of child abuse.[2]

For those children abused in institutional settings, the National Redress Scheme provides a monetary payment of up to $150,000 to survivors to recognise the lifelong impacts of their abuse. To date, the National Redress Scheme has paid out $1.7 billion in compensation to applicants.[3] For children who are abused outside of institutional settings however, no similar system for compensation exists. The Alliance recognises that the proposal to allow perpetrator superannuation to be garnished for compensation is borne from the abundant need to ensure recognition and equity for

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[1] Mathews B, Pacella RE, Scott JG, et al, 2023, *The prevalence of child maltreatment in Australia: findings from a national survey*, The Medical Journal of Australia, https://www.mja.com.au/journal/2023/218/6/australian-child-maltreatment-study-national-prevalence-and-associated-health

[2] ABS, 2023, *Personal Safety, Australia*, https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release

[3] National Redress Scheme, 2025, *September 2025*, https://www.nationalredress.gov.au/news/september-2025

non-institutional survivors of childhood abuse, however we continue to hold concerns regarding the administration of the proposed scheme.

While WwWA supports the intent of this reform, consideration should be given to strengthening existing state and territory financial assistance schemes for victims of crime[4], rather than depending on a perpetrator's retirement planning and resourcing. Relying on a perpetrator's superannuation as a compensatory mechanism risks inequity as outcomes for victim-survivors might depend on the perpetrator's career trajectory and financial means rather than the harm suffered. In contrast, adequately funded and accessible state and territory financial assistance schemes can provide fairer, equitable and more consistent support.

In the ACT, for example, applicants to the financial assistance scheme can expect delays exceeding two years[5] highlighting the need for improved resourcing. Beyond resourcing, the eligibility criteria for current schemes needs refinement to better reflect the realities of child sexual abuse. Current time limits that require victim-survivors to apply within two or three years after turning 18[6] are restrictive and contradictory to the well-documented fact that the disclosure process for child sexual abuse takes on average almost 24 years.[7] Such constraints often prevent victim-survivors from accessing the assistance they need. Therefore, WwWA recommends that resourcing for state and territory crime compensation schemes should be prioritised.

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[4] https://www.hrc.act.gov.au/victim-support/financial-assistance; https://victimsservices.justice.nsw.gov.au/; https://nt.gov.au/law/crime/apply-for-victim-financial-help; https://www.qld.gov.au/law/crime-and-police/victim-assist-queensland; https://www.voc.sa.gov.au/after-court/compensation/state-funded-compensation; https://www.justice.tas.gov.au/victims/financial-assistance; https://www.victimsofcrime.vic.gov.au/fas; https://cict.justice.wa.gov.au/

[5] ACT Human Rights Commission, *Financial Assistance for Victims of Crime*, https://www.hrc.act.gov.au/victim-support/financial-assistance

[6] Queensland Government, *About financial assistance for victims*, https://www.qld.gov.au/law/crime-and-police/victims-and-witnesses-of-crime/financial-assistance/understanding#When_to_apply; New South Wales Government, *Financial assistance for immediate needs through the Victims Support Scheme*, https://www.nsw.gov.au/legal-and-justice/information-for-victims-of-crime/victims-support-scheme/financial-assistance-for-immediate-needs#toc-how-long-you-have-to-apply

[7] Royal Commission into Institutional Responses to Child Sexual Abuse, 2017, *Identifying and disclosing child sexual abuse*, https://www.childabuseroyalcommission.gov.au/identifying-and-disclosing-child-sexual-abuse#:~:text=Many%20victims%20do%20not%20disclose,of%20anticipated%20risks%20and%20benefits.

Limiting assumptions

The Alliance reiterates the following concern, raised in our previous 2023 submission and which remains unaddressed in the current proposal.

The proposal operates on *the misguided presumption that there will be one claimant per offender*. This assumption runs counter to existing research and has the potential to render obsolete the intention to leverage superannuation for compensation. Recidivism rates among child sex abuse offenders are estimated to be as high as 20 per cent[8] and furthermore, the *specialisation* of child sex offenders means they a likely to have multiple victims.[9]

The premise of the proposal underestimates the offending profile of child sex offenders. Given a child sex abuse offender has a theoretically limitless number of victims, relying on the superannuation resources of an offender, rather than the compensation schemes of Australian governments, is limiting and problematic. As it is currently written, the bill may limit recognisance claims to the *first* claimant, meaning redress for subsequent claimants may not be available through this proposal.

There are also concerns that the drafted legislation does not sufficiently convey the dynamics of child sexual abuse which may include other parties who were either negligent in protecting children or a willing conspirator in facilitating their abuse. It is not clear if offences under Subdivision B of the Criminal Code ACT 1995 (Cth)[10] will be captured under this legislation.

Evidentiary Burden

Alongside the assumption that each offender will have a *limited* and *known* number of victims, the proposal requires that a perpetrator be convicted or found guilty of certain offences against the applicant, for a release order to be made. This is despite low conviction rates for child sexual abuse allegations,[11] and data from Australian

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[8] Annie Cossins, 2011, *The behaviour of serial child sex offenders: implications for the prosecution of child sex offenders in joint trials*, Melbourne University Law Review, https://law.unimelb.edu.au/__data/assets/pdf_file/0011/1703477/35_3_4.pdf

[9] ibid.

[10] 273B.4 *Failing to protect child at risk of child sexual abuse offence* and 273B.5 *Failing to report child sexual abuse offence.*

[11] Bravehearts, *Convicting, treating & managing child sex offenders*, https://bravehearts.org.au/research-lobbying/stats-facts/convicting-treating-managing-child-sex-offenders/

court systems consistently showing that conviction rates of child sexual abuses are declining while matters being considered are increasing.[12]

The statistics indicate that paths to justice for victim-survivors of child sexual abuse can be retraumatising, costly and slow. The criminal evidentiary standard is extremely challenging, particularly when dealing with historical offences which are expected to be captured under this measure. The Alliance urges that the scheme, were it to be implemented, be available to include rulings from civil proceedings. Those applicants who were offended against by habitual child sex offenders, but who do not have a criminal proceeding are likely to be numerous.[13] This aligns with the Royal Commission into Institutional Responses to Child Sexual Abuse recommendation that the standard of proof to be considered for any redress schemes is one of 'reasonable likelihood'.

We encourage the Department to consider how this important reform could coexist alongside more holistic and system-wide judicial reforms that will support all survivors of sexual violence and abuse through the justice system.

Unnecessary Preconditions

These amendments require victim-survivors to obtain certain superannuation information from the Commissioner before being able to apply for a release order. We question the necessity of this dual process, as it places an additional administrative burden on victim-survivors and introduces potential delays, especially given the absence of specified time frames. It is also unclear whether this process may involve financial costs, further complicating access. We are particularly concerned with the suggestion that a two-step process enables victim-survivors to assess whether it is "worthwhile" to seek access to perpetrators super contributions. Seeking redress is inherently worthwhile as it represents both a right to compensation and an important step in the victim-survivor's healing and recovery journey. The application should instead be designed to minimise re-traumatisation and the need for legal assistance by removing the dual-application requirements and establishing clear timelines.

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[12] Brigitte Gilbert, 2025, *Attrition of sexual assaults from the New South Wales criminal justice system*, NSW Bureau of Crime Statistics and Research, https://bocsar.nsw.gov.au/documents/publications/bb/bb151-200/BB170-Report-Attrition-sexual-assaults.pdf

[13] DPP v Ridsdale, County Court of Victoria paragraph. 1 "the known victims to *69 or thereabouts'*

Addressing Risks of System Delays

The legislation provides no clear or consistent timeframes across the application process, including for when an applicant should receive information or when a perpetrator must notify the court of relevant proceedings and outcomes. This lack of certainty enables manipulation and unnecessary delay, creating further opportunities for systems abuse and re-traumatisation. It is unclear why the court itself cannot assume responsibility for notifications of a perpetrator's other proceedings and outcomes rather than relying on individual compliance, as the courts would be best placed to obtain that information.

Victim-survivors are already required to wait 12 months before becoming eligible to apply for a release order, and then may face additional, undefined waiting periods with no clarity on how much longer they will need to wait before receiving an outcome. In comparison, the National Redress Scheme process generally takes between 12 to 18 months to conclude. Introducing similar KPIs for this scheme would help prevent avoidable delays and strengthen transparency. Overall, greater emphasis is needed on preventing systems abuse and ensuring that the process prioritises the safety and wellbeing of victim-survivors, as intended.

Further considerations

WwWA commends the exclusion of any amounts paid from income tax implications, recognising that these payments are restorative rather than income-generating. However, it raises important questions about how the paid amounts will interact with income support payments, child support, and related Government assistance. If release order amounts are treated as additional income, recipients could face unexpected reductions in Government payments or tax debts. Exclusion provisions should be extended to all forms of income assessment for tax and transfer purposes.

With multiple redress schemes already operating across Australia, clarity is needed on how this proposed mechanism would operate alongside them. The National Redress Scheme provides payments to people who experienced child sexual abuse in institutional settings, while several states and territories - including Victoria, Western Australia, and Tasmania - offer redress for those abused or neglected in state care. It remains unclear whether participation in this new process would affect eligibility for other forms of redress or how the different schemes would interact. Clear guidance and coordination are essential to ensure victim-survivors are not disadvantaged or excluded from compensation they rightfully deserve.

An Alternative Approach

An alternative approach to ensure accountability and to mitigate against wilful asset-shifting is to introduce legislation requiring convicted child abuse perpetrators to forfeit a proportion of their superannuation into existing state and territory victims of crimes compensation schemes. These schemes would manage eligibility assessments and payouts, while victim-survivors would retain full rights to pursue court-ordered individual compensation alongside accessing these schemes. Modelled off existing proceeds of crime confiscation objectives, such a proposal would deliver a degree of perpetrator accountability while supplementing government investment and coordination in child sex abuse prevention and recovery. Oversight could occur through interstate coordination, incorporating transparency on offenders' 'out-of-character' contributions, bankruptcy protections, safeguards against asset-shifting, and transitional rules for historical cases.

The Alliance welcomes the opportunity to provide further advice and work with interested stakeholders on this proposal going forward.