



Women's Legal Services Australia

Submission to the Australian Government  
Treasury Review of Early Release of Super  
Benefits under Compassionate and Financial  
Hardship Grounds and for Victims of Crime  
Compensation

Prepared by:  
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## **About WLSA**

Women's Legal Services Australia (WLSA) is a national network of community legal centres specialising in women's legal issues, which work to support, represent and advocate for women to achieve justice in the legal system. We seek to promote a legal system that is safe, supportive, non-discriminatory and responsive to the needs of women, particularly those who have lived with domestic and family violence. Some of our centres have operated for over 30 years.

Our members provide free and confidential legal information, advice, referral and representation to women across Australia in relation to legal issues arising from relationship breakdown and violence against women. Our legal services are directed to vulnerable and disadvantaged women, most of whom have experienced family violence. Therefore, our primary concern when considering any proposed legal amendments is whether they will make the legal system fairer and safer for our clients – vulnerable women.

Our members' principal areas of legal service work are family violence (family violence intervention orders), family law, child protection and crimes compensation. Our members also deliver training programs and educational workshops to share our expertise regarding effective responses to violence and relationship breakdown.

Both WLSA and its individual member services work to contribute to policy and law reform discussions, primarily focused on family violence, to ensure that the law does not unfairly impact on women experiencing violence and relationship breakdowns. We are informed by a feminist framework that recognises the rights of women as central.

## **RECOMMENDATIONS**

### **Recommendation 1: Extend compassionate grounds to family violence victims**

The *Superannuation Industry (Supervision) Regulations 1994* (Cth) should be amended to provide for a new ground for early release of superannuation for victims of family violence on compassionate grounds.

### **Recommendation 2: Objective criteria and evidence**

Early access to superannuation should be a last resort. The proposed new compassionate ground should be governed by the following criteria:

- the applicant has experienced family violence and is experiencing financial incapacity; and
- all reasonable financial assistance avenues have been exhausted, at both the state and federal levels. *Reasonable* includes timely and effective; and
- the release of funds will result in the victim receiving the necessary financial support to re-establish her (and her children's) lives following family violence.

The types of supporting evidence that may assist in assessing an application are discussed later in this submission.

### **Recommendation 3: Family violence guidelines**

The ATO should work with the Australian Institute of Superannuation Trustees, the Association of Superannuation Funds of Australia, WLSA, Economic Abuse Reference Group (EARG), Financial Counselling Australia and other relevant bodies, including experts in family violence and representatives of Aboriginal and Torres Strait Islander groups and culturally and linguistically diverse women, to develop guidance material in relation to the early release of superannuation on the grounds of family violence.

### **Recommendation 4: Family violence training for assessors**

ATO staff involved in assessing applications for early release of superannuation should receive training to enable them to appropriately assess applications and make referrals where required. This should include training in family violence issues, including understanding perpetrator behaviour to protect victims from early access as a result of coercion.

### **Recommendation 5: Tax concessions for family violence victims accessing super early**

The Australian Government should provide for tax relief for family violence victims who need to access their superannuation entitlements early.

### **Recommendation 6: Adequate funding**

There must be adequate funding of specialist women's and sexual assault and domestic and family violence services, specialist homelessness services and other services; adequate financial support/payments through victims of crime compensation/financial support schemes; and adequate social security payments to assist victims of family violence.

**Recommendation 7: Assessing a perpetrator's superannuation for compensation**

WLSA does not support the proposal to provide access to a perpetrator's superannuation fund for compensation.

**Recommendation 8: Improving access to small property entitlements in the family law system**

Reforms should be introduced aimed at:

- the early resolution of small property disputes involving access to a perpetrator's superannuation fund, through a streamlined case management process available upon application to the court, with simplified procedural and evidentiary requirements;
- the strengthening of mandatory financial disclosure of superannuation fund information;
- the development of an administrative mechanism to enable swift identification of superannuation assets by parties to family law proceedings, leveraging information held by the Australian Taxation Office; and
- reducing the procedural and substantive complexity associated with superannuation splitting orders;
- reducing the procedural and substantive complexity associated with superannuation splitting orders, including by simplifying forms required to be submitted to superannuation funds.

## Introduction

1. WLSA welcomes the opportunity to participate in this review. This submission considers two key issues:
  - whether access to superannuation benefits should be available to assist victims of domestic/family violence (**Questions 1.21 – 1.22**) and
  - whether the superannuation accounts of a perpetrator of family violence should be able to be accessed for compensation purposes (**Question 3.1 and following**).
2. WLSA notes that family violence has a huge impact on both the short and long term financial independence and security of women. Relationship breakdown is well recognised as a common contributing cause of poverty in Australia, and women are most at risk of post-separation financial hardship.<sup>1</sup> In addition, research has demonstrated that family violence “*significantly contributes to poverty, financial risk and financial insecurity for women, sometimes long after they have left the relationship*”.<sup>2</sup> Research conducted by ANROWS in 2016 suggested that in cases where a woman was subjected to family violence over an extended period (i.e. at multiple points over the three year study) she was more likely to experience adverse economic outcomes, including a decreased likelihood of being in paid employment.<sup>3</sup>
3. WLSA acknowledges the problem of the gender super gap, the ongoing work of the Australian Human Rights Commission in this area and more recently the Women in Super’s *Make Super Fair* campaign launch. Statistics from the launch of the campaign in September 2017 highlighted that:
  - Women still retire with 47 per cent less super than men
  - Roughly 40 per cent of single women are retiring below the poverty line
  - Women are more dependent than men on the age pension.
  - The fastest growing cohort of homeless people is single, older women.<sup>4</sup>
4. Any approach to early release of superannuation in circumstances of family violence must therefore balance the competing concerns of women’s financial recovery from family violence and addressing the superannuation gap for women and the increasingly prevalent issue of women’s poverty in later life. For this reason, WLSA supports the early release of

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<sup>1</sup> Pru Goward, Human Rights and Equal Opportunity Commission and Sex Discrimination Unit, *Striking the Balance: Women, Men, Work and Family : Discussion Paper 2005* (Sex Discrimination Unit, Human Rights and Equal Opportunity Commission, 2005) 54; Rosalie McLachlan et al, *Deep and Persistent Disadvantage in Australia: Productivity Commission Staff Working Paper* (Productivity Commission, 2013) 141.

<sup>2</sup> Rochelle Braaf and Barrett Meyering, 'Seeking Security: promoting women's economic wellbeing following domestic violence (2011), Sydney : Australian Domestic and Family Violence Clearinghouse <website?> , 3; See also Amanda George and Bridget Harris, 'Landscapes of Violence: Women Surviving Family Violence in Regional and Rural Victoria' (Report, Centre for Rural Regional Law and Justice, Deakin University School of Law, 2014) 35; Emma Smallwood, 'Stepping Stones: Legal Barriers to Economic Equality after Family Violence' (Report, Women’s Legal Service Victoria, 2015), 6; National Council to Reduce Violence Against Women and Their Children (Australia), *Background Paper to Time for Action: The National Council’s Plan for Australia to Reduce Violence against Women and Their Children, 2009-2021* (Dept. of Families, Housing, Community Services and Indigenous Affairs, 2009) 44; Ilsa Evans, *Battle-Scars: Long-Term Effects of Prior Domestic Violence* (Centre for Women’s Studies and Gender Research, Monash University, 2007) 24.

<sup>3</sup> Natasha Cortis and Jane Bullen, *Domestic Violence and Women’s Economic Security Building Australia’s Capacity for Prevention and Redress: Final Report* (ANROWS, 2016) 13  
<<http://anrows.org.au/publications/horizons/domestic-violence-and-womens-economic-security-buildingaustralia%E2%80%99s-capacity>>, 46.

<sup>4</sup> See <http://www.womeninsuper.com.au/content/the-facts-about-women-and-super/gjumzs>

superannuation for family violence only in circumstances of last resort, as discussed in more detail below.

5. WLSA also emphasises the ongoing responsibility of state and federal governments to meet the needs of women and children escaping family violence through the provision of adequate housing, health, social security, legal and other services. Under international human rights law, States are required to act with due diligence to prevent, protect, investigate, prosecute, punish and provide reparations for human rights obligations. States may be held responsible for private acts, such as family violence, if they fail to act with due diligence.<sup>5</sup>
6. Any change to allow early access to superannuation on the grounds of family violence must not allow government to escape its responsibilities to provide financial support and other critical services to women and children escaping family violence.
7. The inadequacy of funding for specialist women's and sexual assault and domestic and family violence services, and the inadequacy of social security benefits (which fall far short of meeting the financial needs of victim-survivors of domestic violence<sup>6</sup>), are contributing to women's economic insecurity in the context of family violence. The inadequacy of financial support/payments through victims of crime support schemes is another contributing factor, particularly for victims-survivors of family violence and sexual assault.<sup>7</sup> WLSA members, including Women's Legal Service NSW and Women's Legal Service Vic (WLSV), have been advocating for reforms to state crime compensation/victims support schemes to make them more accessible and effective for family violence victims, so that they can receive the necessary financial support for recovery.
8. WLSA notes that early access to superannuation should also not be considered in isolation from property entitlements under the family law system, as it could further diminish the small amount of property many women in violent relationships walk away with. Improved access to property settlements for family violence victims is also required. Women's Legal Service Victoria (WLSV) is currently working on a project, *Small Claims, Large Battles*, to strengthen the evidence base for reforms to property settlements for family violence victims in the family law system (discussed in more detail at the end of this submission).

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<sup>5</sup> Convention on the Elimination of all forms of Discrimination against Women (CEDAW) *General Comment 19: Violence against Women*, as contained in UN Doc A/47/38 (1992) at paragraph 9. In addition, CEDAW *General Recommendation Number 35* recommends State parties provide "effective reparations to victims/survivors of gender-based violence against women" that are "adequate, promptly attributed, holistic and proportionate to the gravity of the harm suffered" (see Committee on the Elimination of Discrimination against Women, CEDAW – General recommendation No 35 on gender-based violence against women, updating general recommendation No 19, CEDAW/C/GC/35, 26 July 2017). It is accepted that family violence is a form of gender-based violence.

<sup>6</sup> Crisis payment amounting to just one week's rate of a primary income support payment (usually around \$200-\$400), must be claimed within 7 days and can only be accessed up to a maximum of four times per year. Single parents are moved from Parenting Payment to Newstart Allowance, a much lower rate of payment, once their child turns eight. Additionally, women who are victims-survivors of domestic violence are typically classified as "members of a couple" and have their applications for payment rejected or paid at reduced rates due to partner income. There is limited scope for consideration of domestic violence in determining whether someone is a member of a couple, and the existence of even very severe domestic violence in a relationship will rarely undermine a finding that the victim is a member of a couple.

<sup>7</sup> See, for example, Community Legal Centres NSW submission to the Department of Justice NSW, Statutory review of the Victims Rights and Support Act NSW, July 2016, which outlines restrictive eligibility criteria – including strict time limits and stringent documentary evidence requirements as well as inadequate forms of payment if eligibility criteria are met. See <http://www.wlsnsw.org.au/wp-content/uploads/CLCNSW-Review-of-VSRA-sub-12-month-sub-fa.pdf>.

### **WLSA response to the principles underpinning early release**

9. WLSA agrees with the four proposed principles outlined on page vi of the Consultation Paper, particularly the principles of preservation of superannuation and the principle of last resort.
10. WLSA reiterates that the responsibility for supporting victims-survivors of family violence lies with state and federal governments through adequate funding of services to meet the health, housing, justice and legal needs of all women and families and high risk communities impacted by violence, including specialist women's and sexual assault and domestic and family violence services; state and territory funded financial assistance packages and victims of crime compensation/support schemes; and adequate social security benefits. WLSA endorses AWAVA's submission to this review which states:

*The principle of the state's responsibility to create safety for all residents, and more specifically to provide adequate services and support to victims/survivors of violence requires a more comprehensive, universal and human-rights-based approach to meeting the needs of women and children in situations of hardship. This includes extending income support and other public services to meet the needs of women who do not currently have access, particularly women without permanent visa status and without income.*

11. However, WLSA considers that in circumstances where a family violence victim needs to access their superannuation benefit as a last resort, the benefits of early access to superannuation will exceed the benefits of preserving balances until retirement. The appropriateness of early access to superannuation will depend on individual circumstances. In particular, if a woman is at risk of ongoing poverty and is unlikely to have access to significant paid employment (often because of continuing trauma and effects of family violence) or to effective and timely financial assistance or compensation, then early release of superannuation can be an important aide to her immediate recovery. WLSA proposes that an objective assessment be included so that the principle of preservation can be balanced with need on a fair and transparent basis.<sup>8</sup>

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<sup>8</sup> In relation to preservation of superannuation, one of the policy aims of superannuation – to provide for self-sufficiency in retirement rather than reliance on the age pension – will not be achievable for all. Many women will be largely or wholly reliant on the age pension, irrespective of whether they access some of their superannuation early. While early release, for example, of up to \$10,000 for a victim-survivor of family violence with a relatively small amount of superannuation may make a significant difference in helping them to re-establish themselves when they need it, it is likely to have little impact on their capacity to support themselves through superannuation upon retirement.

12. The following real life case study illustrates the circumstances in which early release of super can be of great benefit in making a significant difference to the lives of victims-survivors of family violence.

M and her children had suffered physical, emotional and economic abuse at the hands of her husband over many years. Her husband took the equity from the family home, and when the property was sold there was nothing left. The only funds M was able to receive were \$30,000 from his superannuation, which was transferred to a super account in her name. This was all she possessed in financial assets or cash. She was not able to access a flexible support package or victims of crime compensation through the relevant state funded scheme.

While M had been able to obtain assistance to re-establish housing, it was in an area with very little infrastructure. To assist in their recovery, the children were attending activities and M was trying to commence study to improve her English and chances of increased employment. However, the lack of a car severely limited her ability to care for her children and meet her own needs. M wanted to access the superannuation that she received in her property settlement in order to buy a car. M was seeing a financial counsellor, who was based in a family violence service. As a means of last resort, her financial counsellor applied on M's behalf to the superannuation fund for early release of funds, having concluded that having access to a vehicle would be of enormous benefit to M's long term recovery, both financially and for her children.

Unfortunately M did not fit the current criteria and her application was rejected.

13. WLSA notes that in 2011 the Australian Law Reform Commission (ALRC) review of *Family Violence and Commonwealth Laws* did not recommend creating a new ground for early release based on family violence.<sup>9</sup> However, since that review, family violence policy at all levels has developed a sophisticated understanding of the impact that family violence on women's financial independence and economic security. An examination of family violence has taken centre stage in many reviews including through the Victorian Royal Commission into Family Violence, various state reviews and parliamentary committee Inquiries. Further and ongoing work is underway on the implementation of the National Plan to Reduce Violence against Women and their Children 2010 – 2022. The release of the Women's Legal Service Victoria widely published *Stepping stones* report in 2015<sup>10</sup> also served to highlight the legal barriers to economic equality after family violence.

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<sup>9</sup> ALRC *Family Violence and Commonwealth Laws—Improving Legal Frameworks* (ALRC Report 117), Chapter 19.

<sup>10</sup> Emma Smallwood, *Stepping Stones: Legal Barriers to Economic Equality After Family Violence*, Women's Legal Service Victoria, 2015.

### **A new ground of early release for family violence - suggested criteria for early release**

14. As outlined above, WLSA submits that victims of family violence should be able to access their superannuation funds early under compassionate grounds as a last resort. To ensure that early release is used only as a last resort, WLSA proposes the following objective eligibility criteria for early release for family violence victims:

- the applicant has experienced family violence and is experiencing financial incapacity; and
- all reasonable financial assistance avenues have been exhausted, at both the state and federal levels. *Reasonable* includes timely and effective and does not require instituting legal proceedings which are unlikely to be timely or effective; and
- the release of funds will result in the victim receiving the necessary financial support to recover from the family violence.

### **Evidence to support an application**

15. As the ALRC noted in its examination of these issues, if a decision is made to allow early release of superannuation on the basis of family violence, there must be careful consideration of the types of information applicants might reasonably be required to provide in support of their application, and any evidentiary requirements introduced should take into account the difficulties that victims may have in disclosing this fact and the types of evidence that might realistically be available to them.<sup>11</sup>

16. In the limited time available to prepare this submission, WLSA member organisations have not been able to reach a concluded view on the types of evidence that should or could be provided to support an application for early release. However, such evidence might include the following:

- a family violence intervention order or family violence Safety Notice (FVSN)
- a letter from a specialist family violence service or women's legal service that has been assisting the applicant
- a letter from a financial counsellor who has been assisting the applicant.

17. WLSA urges the Government to consult further on the appropriate types of evidence to support an application and the guidelines to assist decision makers in assessing applications. WLSA suggests the ATO should work with the Australian Institute of Superannuation Trustees, the Association of Superannuation Funds of Australia, WLSA, Economic Abuse Reference Group (EARG), Financial Counselling Australia and other relevant bodies, including experts in family violence and representatives of Aboriginal and Torres Strait Islander groups and culturally and linguistically diverse women, to develop guidance material in relation to the early release of superannuation on the grounds of family violence (Recommendation 3).

### **Types of expenses**

18. WLSA submits that if early release is granted, the types of expenses should not be strictly prescribed and should be based on need in the applicant's particular circumstances. The needs of family violence victims vary and can change over time. Family violence victims require both urgent short term and longer term assistance when dealing with family violence, including counselling and childcare, relocation costs and replacement of essentials (clothing, personal belongings), and bond and rent in advance. Longer term assistance concerns often include

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<sup>11</sup> ALRC report 117, op cit, para 19.106.

establishing financial independence and wellbeing by way of securing new or maintaining existing accommodation, paying bills, buying a car, personal and/or professional development courses and further counselling. The Royal Commission into Family Violence stated that the 'three pillars' of recovery — secure and affordable housing, financial security, and health and wellbeing — are essential to survivors of family violence.<sup>12</sup>

19. Depending on the circumstances, and subject to ensuring protection from coercion (discussed below), applicants should also be given the option where appropriate of either receiving funds as lump sum payments or through the direct payment of expenses/liabilities.
20. What expenses may need to be covered will also be affected by the access to financial assistance in the particular jurisdiction, as this varies from state to state. For instance, family violence victims in Victoria can apply for flexible support packages of up to \$10,000 to pay for such things as rental or relocation costs, furnishings, clothing and books for children or security measures to improve safety at home. The packages allow women and children affected by family violence to get the support when they need it, with the agency having discretion to adopt this or a lesser amount. Victims also have the option of applying for compensation through the victims of crime compensation tribunal. In the ACT, the ACT Financial Assistance Scheme<sup>13</sup> allows for a range of immediate need payments, including for measures for personal security of a victim (maximum \$4000); relocation for personal security of a victim (maximum \$4000); and emergency medical costs and related services that would contribute to a victim's recovery (maximum \$10,000, only available if the applicant does not have the financial ability to pay for the treatment or service).
21. In the Northern Territory, although the victims of crime compensation scheme does allow for some immediate assistance, it is not usually paid in advance, which is often what is needed. The Central Australian Women's Legal Service (CAWLS) has advised that while provisions do allow for removal of a violent perpetrator from the home, the practicalities are difficult and often time consuming, and women often have to flee the town to stay safe. This can mean flying to Darwin or Adelaide and, due to the high cost of flights, this is an expense that is difficult for women to cover. If a woman is not eligible for immediate assistance, the current average processing time for a victims of crime compensation application is over three years.
22. In NSW victims of crime can access up to \$5,000 for immediate needs under the NSW Victims Support scheme.<sup>14</sup> However, there are strict time limits and delays in processing applications.
23. WLSA reiterates our position that any scheme for early access to superannuation should not come in the place of adequate and appropriate funding for services and supports for women and children experiencing family violence. Where assistance is available and access is timely and effective, a victim will not require early access to superannuation funds that should otherwise be preserved for retirement.

#### **Protecting victims of family violence from coercion**

24. WLSA considers it very important that safeguards are in place to prevent superannuation being accessed in situations of coercion, for example, where a perpetrator exercises control over the funds that a victim-survivor may receive, or where other family members, including adult children and extended family, place pressure on a woman to seek early access to her superannuation in order to meet their own needs. These are very real issues for many clients,

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<sup>12</sup> The Royal Commission into Family Violence, Victoria, *Summary and recommendations*, March 2016, p.29.

<sup>13</sup> Under the *Victims of Crime (Financial Assistance) Act 2016* (ACT).

<sup>14</sup> *Victims Rights and Support Act 2013* (NSW), section 26(1)(b); *Victims Rights and Support Act Regulation 2013* (NSW), clause 8(1).

and one of our member organisations, the Central Australian Women's Legal Service (CAWLS), suggested that a requirement to undergo financial counselling and have a specific plan for how the money is going to be spent may be appropriate in their particular situation. This is a complex and significant issue, and further consideration and discussion with appropriate groups would be necessary if early release were to be implemented.

25. There are some existing legislative provisions that may provide a basis for further policy development in this area. For example, the *Victims Rights and Support Act 2013* (NSW) provides (s 46(2)):

In making a decision as to whom the victims support should be made payable, the Commissioner must have regard to the likelihood that a person by whom an act of violence was allegedly committed may receive the benefit of the victims support or any part of it.

26. The Northern Territory's Victims of Crime Assistance Act provides that an award of compensation may be reduced if the offender is likely to benefit from the award (s 41), and must be reduced if the applicant and offender likely colluded in the making of the application (s 42).
27. This issue also highlights the need for proper assessment guidelines and training of ATO staff in the nature and dynamics of family violence.

#### **Training for ATO assessors**

28. WLSA recommends that ATO staff involved in assessing applications for early release of superannuation receive training to enable them to appropriately assess applications and make referrals where required. This should include training in family violence issues, including understanding perpetrator behaviour to protect victims from early access as a result of coercion (Recommendation 4).
29. WLSA believes it is important in relation to such sensitive issues that an appropriate appeal mechanism be provided where an application is refused, for example, by appeal to the Administrative Appeals Tribunal. This would be appropriate for appeals in all categories of early release of superannuation if this is not already occurring.

#### **Tax relief**

30. Given the circumstances and the impact on family violence on women's financial security and future earning capacity, WLSA submits that family violence victims who need to access their superannuation entitlements early should not be disadvantaged through the application of taxation provisions and that the Australian Government should provide for tax relief in these circumstances (Recommendation 5).

#### **Victims of crime compensation (Part 3 Consultation Paper)**

31. WLSA members have been advocating for reform in victims of crime compensation/victim support schemes in various states.<sup>15</sup> Campaigns for reform are challenging the inadequacy of eligibility requirements, such as strict time limits and stringent documentary evidence requirements; the inadequacy of financial support/payments; expenses that can be claimed; and

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<sup>15</sup> See for example, Community Legal Centres NSW submission to the Department of Justice NSW, Statutory review of the Victims Rights and Support Act NSW, July 2016, at footnote 8 above.

perpetrator notification provisions, which lead to the re-traumatisation of family violence victims navigating their way through the claims process.

32. As noted above, WLSA emphasises that it is the responsibility of the state to provide victims of crime with reparation. WLSA does not support the proposal to provide for access to a perpetrator's superannuation fund for compensation purposes (Recommendation 7). We believe this raises complex policy issues and that there are too many possible unintended consequences. WLSA is able to provide further feedback on this issue as needed.

### **Other matters – family law**

33. As noted above at paragraph 8, WLSA submits that early access to superannuation should not be considered in isolation from the operation of the family law system, and that reforms are needed to make it easier for family violence victims to quickly and easily access their property entitlements after relationship breakdown. In particular, women often find it very difficult to obtain a share of their former partner's superannuation after separation. Women's Legal Service Victoria (WLSV) has been conducting a strategic litigation and research project called *Small Claims, Large Battles*. The project was developed to investigate the intersection of women's post-separation financial hardship and the family law system.

34. The project aims to provide an evidence base of the barriers to fair financial outcomes for women in the family law system, particularly where they have experienced family violence, including economic abuse, and the asset pool is small. The project is funded by a grant from the Legal Services Board and supported by pro bono assistance from Lander & Rogers and Herbert Smith Freehills. The evidence and final report, to be launched in March this year, will reveal the barriers that family violence victims, on low incomes, face in the family law system to access small financial and property entitlements after relationship breakdown. It will also include detailed recommendations for reform.

35. Preliminary data from the project has revealed that:

- The main obstacle that clients experience is lack of access to financial information needed to claim entitlements. Current provisions in the Family Law Act that mandate the disclosure of financial information are ineffective.
- In many cases, the only property a victim can claim is from the perpetrator's superannuation account. The law currently works to allow a perpetrator to hide superannuation fund details from the victim and also the courts.
- The system is too complex and costly for small claims. Clients who are financially disadvantaged cannot access the system without legal assistance. Legal costs and delays work to cancel out small claims.
- Family violence leads to financial vulnerability which hinders recovery after separation. Despite legal precedent (the *Kennon* decision), judicial decision makers are not taking family violence into account when deciding property matters.

36. WLSA's supplementary submission to the 2017 House of Representatives parliamentary committee inquiry into a better family law system to support and protect those affected by family violence<sup>16</sup> presented the preliminary findings from the *Small Claims, Large Battles*

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<sup>16</sup> House of Representatives Standing Committee on Social Policy and Legal Affairs, *A better family law system to support and protect those affected by family violence: Recommendations for an accessible, equitable and responsive family law system which better prioritises safety of those affected by family violence*, December 2017, available at:

project. WLSA recommended reforms to provide an administrative mechanism for finding information about superannuation of a former spouse, and to simplify the process for obtaining super splitting orders.<sup>17</sup> This would close a loophole which allows people to hide their assets and would provide the most fulsome picture of a party's super interests. The Committee unanimously supported WLSA's recommendations in its December 2017 report.<sup>18</sup>

37. Recommendation 8 of this submission includes recommendations that will be included in the *Small Claims, Large Battles* report. WLSA will provide Treasury with a copy of the report once it is released.

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[https://www.aph.gov.au/Parliamentary\\_Business/Committees/House/Social\\_Policy\\_and\\_Legal\\_Affairs/FVla\\_wreform/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/FVla_wreform/Report)

<sup>17</sup> The WLSA submission and supplementary submission are available at:

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/House/Social\\_Policy\\_and\\_Legal\\_Affairs/FVla\\_wreform/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/FVla_wreform/Submissions).

<sup>18</sup> See the Committee's report at Recommendation 15.