

MEDIA RELEASE

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Family violence victims left waiting as promised family law superannuation reforms stall

Women's Legal Service Victoria and representatives from the super industry are calling on the Federal Government to deliver on a promised scheme that would have stopped family violence perpetrators hiding their superannuation assets when they are going through the family law courts.

The \$3.3 million Government scheme, announced in November 2018 as part of the Women's Economic Security Statement, aimed to give women a better chance of accessing their share of superannuation assets after separation, and improve their long-term financial wellbeing.

Although the life-changing scheme was due to begin on July 1 this year, the Government has not yet delivered it.

Tania Clarke, Manager of Policy and Campaigns at Women's Legal Service Victoria (WLSV), said the Government's failure to implement the scheme meant disadvantaged women going through separation – especially those experiencing family violence – continued to miss out.

“Many of our clients have been in abusive relationships and their partners are hiding their superannuation assets and getting away with it because family law judgements can only be made on visible assets. This is a real issue because superannuation is often the biggest – or only – asset of these relationships.

“The Government's scheme would have bypassed violent perpetrators and allowed the family courts to get superannuation information directly from the ATO, saving a lot of time, money and heartache.

“Deliberate non-disclosure of financial assets is a form of emotional and economic abuse and it can lead to women walking away from their entitlements or to protracted and costly legal battles.”

Since the scheme was announced, Women's Legal, along with super industry stakeholders including Women in Super (WIS), the Australian Institute of Superannuation Trustees (AIST) and HESTA have been calling on the ATO, Treasury, and ministerial staff to implement the measure.

AIST CEO Eva Scheerlinck said profit-to-member super funds recognised the urgent need to improve the visibility of super assets in family law disputes.

“The current process of uncovering non-disclosed super in a family law dispute needs an overhaul. In many cases, enquiries need to be made to a multitude of funds leading to many women simply giving up the search.

“Allowing the courts to access ATO data is a simple measure that will make the process far more efficient, fair and cost-effective both for the individuals concerned and the super industry.”

WIS CEO Sandra Buckley said the scheme would result in more just and equitable outcomes when relationships break down.

“The scheme will reduce the complexity, cost and time it takes to have full oversight of superannuation balances and prevent the deliberate stalling of court proceedings and non-disclosure of assets by former partners.”

-ENDS-

Small Claims, Large Battles report

The complexity and difficulty of splitting superannuation after couples separate was identified by Women's Legal Service Victoria in its 2018 [Small Claims, Large Battles](#) report.

The report highlighted the experiences of financially disadvantaged women seeking small family law property settlements after separation.

Two-thirds of the women assisted through the project experienced problems with superannuation non-disclosure by the other party and in 21% of cases superannuation was the only significant asset.

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