

Our Ref: SPB:JM

20 February 2026

The Treasury
Australian Government

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Dear Treasury,

Treasury Laws Amendment (Victims of Crime) Bill 2026 **– exposure draft**

Knowmore broadly supports the exposure draft of the *Treasury Laws Amendment (Victims of Crime) Bill 2026* (the draft bill).

As a nation-wide community legal centre assisting victims and survivors of child sexual abuse, we have a strong interest in laws to improve the redress and justice-making options available to victims and survivors. We have attached more information about our service.

We are grateful for the insights of Financial Counselling Victoria, which informed this submission. The views expressed in this submission are our own. We have no concerns about our submission being published.

Knowmore's comments on the draft bill

Knowmore does not provide advice about civil compensation or superannuation. We refer clients to private lawyers for this advice. However, we have many clients who receive advice from private lawyers that their prospects of receiving adequate civil compensation are poor because the

perpetrator does not have enough assets to pay, including in cases where the perpetrator is likely to have significant assets in superannuation. In our experience, relatively few victims and survivors of child sexual abuse receive a criminal compensation order.

It is completely unacceptable that perpetrators of child sexual abuse are able to hide their assets in superannuation to deny victims and survivors the compensation to which they are legally entitled. Reforms to address this problem are essential for holding perpetrators accountable for abuse, and helping to ensure that victims and survivors can access their compensation in full.

The draft bill is an important first step towards addressing this problem. We do note, however, that the draft bill is very limited in scope and likely to only benefit a very small number of victims and survivors. We particularly note that:

- Victims and survivors who have received a compensation order will only be able to access to a perpetrator's superannuation where the perpetrator has been convicted or found guilty of the offence.¹
- Victims and survivors will only be able to access a perpetrator's additional superannuation contributions, not their total account balance.²

To ensure the best possible outcomes for victims and survivors within the broad framework contemplated by the draft bill, Knowmore considers that the following survivor-focused principles should underpin reform:

1. As many victims and survivors as possible should be able to access their perpetrator's superannuation to satisfy unpaid compensation orders.
2. Eligible victims and survivors should be able to derive the maximum possible benefit from the perpetrator's superannuation.

¹ *Taxation Administration Act*, proposed section 139-45(1)(a).

² *Access to superannuation for victims of child sexual abuse crimes: exposure draft explanatory materials*, paragraphs 1.28-1.29.

3. The process for accessing a perpetrator's superannuation should be as simple as possible for survivors to navigate and should minimise their exposure to any additional costs.

Based on these principles, we make some comments below about specific elements of the draft bill.

The requirement for the perpetrator to be convicted or found guilty

For compensation orders made in civil proceedings, Knowmore opposes the requirement in the draft bill for the perpetrator to also be convicted or found guilty of the offence in separate criminal proceedings.³ We consider that this requirement significantly and inappropriately limits the number of victims and survivors who will be able to seek access to their perpetrator's superannuation. We are particularly concerned that this requirement:

- fails to recognise that most perpetrators of child sexual abuse are never convicted⁴
- means that survivors who have only obtained a civil compensation order for the abuse perpetrated against them do not receive any benefit from the draft bill
- fails to recognise that victims and survivors who have received a civil compensation order have already proved the perpetrator's conduct through a rigorous court process

³ *Taxation Administration Act*, proposed section 139–45(1)(a).

⁴ For example, the NSW Bureau of Crime Statistics and Research found that only 7–8% of child sexual assault incidents reported to NSW Police in 2018 resulted in a conviction. There is also a low rate of reporting for child sexual abuse. See NSW Bureau of Crime and Statistics Research, *Attrition of sexual assaults from the New South Wales criminal justice system*, January 2025, p 1, <bocsar.nsw.gov.au/documents/publications/bb/bb151-200/BB170-Report-Attrition-sexual-assaults.pdf>; Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal justice report: executive summary and parts I–II*, August 2017, p 397, <www.childabuseroyalcommission.gov.au/sites/default/files/file-list/final-report_-_criminal_justice_report_-_executive_summary_and_parts_i_to_ii.pdf>.

- fails to recognise the significant barriers that prevent many victims and survivors from pursuing a criminal legal response to the abuse perpetrated against them⁵
- may lead victims and survivors to seek a criminal legal response when they do not otherwise want to, including in circumstances where this would be retraumatising.

In Knowmore's view, where a perpetrator's liability for child sexual abuse has been proved to the civil standard, this should be enough to enable a survivor to access the perpetrator's superannuation to satisfy a related, unpaid compensation order. We note that the civil standard of proof is used for various orders in Commonwealth proceeds of crime matters, including forfeiture orders (which may cover superannuation).⁶

Retrospective application

Knowmore supports the draft bill applying retrospectively. We agree with the following comments from the explanatory materials:

*This possible retrospective application is appropriate given the policy objective of preventing perpetrators from misusing superannuation to shield assets from compensation and providing recourse to victims where a perpetrator has already done so. This is further justified given the nature of the relevant offences, which involve children, and in many cases, may have involved conduct from many years back.*⁷

We particularly support the draft bill applying to additional contributions to the perpetrator's superannuation 'from the day the victim alleges the

⁵ Knowmore, *Submission to the Australian Law Reform Commission's inquiry into justice responses to sexual violence*, June 2024, pp 29–31, <knowmore.org.au/wp-content/uploads/2024/06/submission-justice-responses-to-sexual-violence-cth.pdf>.

⁶ *Proceeds of Crime Act 2002* (Cth), sections 47 and 317(2); *Access to superannuation for victims of child sexual abuse crimes: exposure draft explanatory materials*, paragraph 1.64.

⁷ *Access to superannuation for victims of child sexual abuse crimes: exposure draft explanatory materials*, paragraphs 1.35.

conduct constituting the eligible offence first occurred',⁸ as opposed to a later date, noting that the draft bill provides a process for the perpetrator to correct an error in the date.⁹ We can envisage many situations in which a perpetrator of child sexual abuse would be on notice as to their potential future liability, and therefore motivated to hide assets in their superannuation, well before any legal proceedings begin. This is especially significant in light of the time needed to disclose child sexual abuse. The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) found that it takes victims and survivors almost 24 years on average to disclose to another person that they have experienced child sexual abuse,¹⁰ let alone to report the matter to the police or start legal proceedings. Knowmore particularly welcomes the recognition in the explanatory materials that 'uncertainty about dates is not uncommon, particularly where the victim was a child at the time'.¹¹

Access to a perpetrator's superannuation information

Under the process proposed by the draft bill, victims and survivors cannot seek access to a perpetrator's superannuation information until after a compensation order has been made.¹² This is a late stage in the process. Victims and survivors who are considering a civil claim need access to information about the perpetrator's superannuation at a preliminary stage in the process in order to make an informed decision about whether to seek civil compensation.

While a civil claim is an important option for victims and survivors, it is often costly, time-consuming and distressing. Victims and survivors should not have to go through a civil trial before they know if the perpetrator has

⁸ *Access to superannuation for victims of child sexual abuse crimes: exposure draft explanatory materials*, paragraph 1.31. See also *Taxation Administration Act*, proposed section 139-30(2)(a).

⁹ *Taxation Administration Act*, proposed section 139-55(1)(c).

¹⁰ Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, December 2017, p 30,

<https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_4_identifying_and_disclosing_child_sexual_abuse.pdf>.

¹¹ *Access to superannuation for victims of child sexual abuse crimes: exposure draft explanatory materials*, paragraph 1.31.

¹² *Taxation Administration Act*, proposed section 139-20(d).

enough assets (including in superannuation) to pay a compensation order.

It is also important to ensure that the process for survivors to access a perpetrator's superannuation information is trauma-informed and does not cause further harm to survivors. Peak bodies for the financial counselling sector 'have observed many examples of the ATO failing to provide a trauma-informed response'.¹³ In Knowmore's view, survivors' requests for access to a perpetrator's superannuation information should be managed by a specific team, who are trained and supported to work in a trauma-informed way with victims and survivors.

Protection from exploitation

In response to the findings and recommendations of the Royal Commission, all Australian jurisdictions have implemented significant reforms to redress and civil claim processes for victims and survivors of child sexual abuse.¹⁴ While these reforms have greatly increased survivors' access to justice, we have also seen some businesses and law firms engaging in exploitative practices targeting victims and survivors.

We are particularly concerned about claim farming – an exploitative business practice that involves someone contacting a survivor without their permission and selling their information to a law firm, which then sends the survivor a costs agreement that includes fees to be paid to the claim farmer.¹⁵ Only New South Wales and Queensland have laws that are currently in effect to address claim farming in relation to civil claims for

¹³ Financial Counselling Australia, *Joint submission from the financial counselling sector on the ATO Vulnerability Framework*, July 2025, pp 11-12, <www.financialcounsellingaustralia.org.au/fca-content/uploads/2025/07/Joint-financial-counselling-sector-submission-ATO-Vulnerability-Framework.pdf>.

¹⁴ See Royal Commission, *Redress and civil litigation report*, September 2015, <www.childabuseroyalcommission.gov.au/redress-and-civil-litigation>; Knowmore, *Royal Commission reflections: access to justice for victims and survivors (week 3)*, 24 October 2022, <knowmore.org.au/royal-commission-reflections-access-to-justice-for-victims-and-survivors-week-3/>.

¹⁵ For more information about claim farming, see Knowmore, *Submission on the draft Claim Farming Practices Prohibition Bill*, February 2025, pp 9-16, <knowmore.org.au/wp-content/uploads/2025/03/submission-draft-claim-farming-practices-prohibition-bill-2025-nsw.pdf>.

child sexual abuse.¹⁶ South Australia has passed a law of this nature,¹⁷ but it has not yet come into effect.

In implementing the draft bill, it will be important for the Australian Government to consider how claim farming businesses may seek to exploit the availability of a new avenue to access funds to meet unpaid compensation orders. In this context, it is particularly important that the Australian Government leads the implementation of a comprehensive, nation-wide response to claim farming and related practices. This must include ensuring that victims and survivors have access to free and independent legal and multidisciplinary support to assist them in navigating their redress and compensation options.

The importance of redress and justice-making options

We note that, even under the reforms proposed by the draft bill, some eligible victims and survivors would be unable to access their compensation in full because the perpetrator's additional superannuation contributions would not be enough to satisfy the relevant compensation order. This highlights the importance of the Australian Government ensuring that victims and survivors have access to a range of meaningful redress and justice-making options.

At present, the National Redress Scheme (NRS) is an important option for victims and survivors of institutional child sexual abuse. However, the deadline for applications to the NRS is less than 18 months away, on 30 June 2027.¹⁸ We do not know what planning, if any, the Australian Government has done to ensure that victims and survivors have access to a range of meaningful redress and justice-making options beyond the end of the NRS. We anticipate increased pressure on the civil claims system, for which the Australian Government must be prepared.

¹⁶ *Claim Farming Practices Prohibition Act 2025* (NSW); *Personal Injuries Proceedings Act 2002* (Qld), chapter 3, part 2.

¹⁷ *Statutes Amendment (Claim Farming) Act 2025* (SA).

¹⁸ *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), sections 20(1)(e) and 193(1).

Should we be able to provide any further information, please do not hesitate to contact me on (03) 8663 7400 or at jackie.mead@knowmore.org.au.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Jackie'.

JACKIE MEAD

Chief Executive Officer

ENCL.

- About Knowmore

About Knowmore

Our service

Knowmore legal service (Knowmore) is a nation-wide, free and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our aim is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse.

From 2013 to 2018, our service assisted people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). From 1 July 2018, Knowmore has delivered legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme (NRS). Knowmore also delivers financial counselling services to people participating in the NRS, and works with other services in the NRS support network to support and build their capability. Since 2022, Knowmore has also been assisting survivors who experienced child sexual abuse in non-institutional settings, and providing legal and financial counselling support to people engaging with the Territories Stolen Generations Redress Scheme (Territories Redress Scheme).

Knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. Knowmore has offices in Sydney, Melbourne, Brisbane, Perth, Adelaide and Darwin. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

Knowmore is funded by the Commonwealth Government, represented by the Departments of Attorney-General and Social Services and the National Indigenous Australians Agency.

Our clients

In our Royal Commission-related work, from July 2013 to the end of March 2018, Knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse. Almost a quarter (24%) of the clients assisted during our Royal Commission work identified as Aboriginal and/or Torres Strait Islander peoples.

Since the commencement of the National Redress Scheme for survivors of institutional child sexual abuse on 1 July 2018 to 31 December 2025, Knowmore has received 240,405 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 25,055 clients. About 2 in 5 clients (39%) identify as Aboriginal and/or Torres Strait Islander peoples. About 1 in 10 clients (10%) are classified as priority clients due to advanced age and/or immediate and serious health concerns including terminal cancer or other life-limiting illness.