



**NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDERS
WOMEN'S ALLIANCE**

SUBMISSION

TO THE RESPONSE OF SUPERANNUATION

The National Aboriginal and Torres Strait Islanders Women's Alliance (NATSIWA) thank you for the opportunity to provide to you our submission.

Introduction

The National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) is the peak body for Aboriginal and Torres Strait Islander women in Australia. The leadership team of Directors are Indigenous women each representing States and Territory across Australia. NATSIWA is funded by the Australian Government to bring together the issues and voices of Aboriginal and Torres Strait Islander women's organisations and individuals across Australia.

Summary

The proposed guiding principles of the review for superannuation under 'genuine hardship' and 'fair and effective' under the financial hardship grounds for victims of crime compensation will be a welcome change especially for Aboriginal and Torres Strait Islander women.

Victims of crime compensations vary from States and Territories, whether compensation can be claimed if the offense is indictable and charged or whether there is are still charges to be laid and court proceedings are still to proceed. Regardless the victim is still a 'victims of crime' and in the case of Aboriginal and Torres Strait Islander women who are the victims of crime the perpetrator at times may not have any finance to pay for compensation or restitution.

If changes for compensation or restitution through the superannuation review are made and enforced, this should allow the victim to apply through the courts with orders made to the perpetrators elected superannuation funds to release the funds to pay the victims. Making this

change may take some of the 'weight' off government funding under their statutory compensation regime. There are currently three ways that a victim of crime can seek compensation from the perpetrator.

- State and Territory statutory compensation regimes, where the states pay compensation to a victim of crime
- Compensation or restitution orders requiring the perpetrator to pay the victim, handed down as part of the sentencing process in a criminal trial
- A victim pursuing civil action against a perpetrator or alleged perpetrator for damages (either following their conviction or in the absence of a conviction)¹

If Aboriginal and Torres Strait Islander women can seek compensation or restitution through the perpetrators superannuation this is a clear response to the intervention of a family breakdown and adequately help to address the specific needs of keeping the family together. Women who are victims of crime can be extremely traumatised and face many challenges especially if the perpetrator was the sole income provider. For Aboriginal and Torres Strait Islander women who are eligible to victims of crime compensation this will allow them to focus on stability and enable them to concentrate on the deeper issues that have affected their health and well-being.

The review guiding principle, 'fair and effective' creates an effective compensation plan that combined with a legal enforcement, victims move forward to a better future of healing. Though the original objective of having a superannuation fund was a system for retirement, it can be modified to develop an effective and efficient compensation systems for victims of crime. When compensation or restitution is delayed or denied, victims can suffer a further sense of victimisation, where perpetrators who have superannuation, and compensation is paid through this system more quickly, it can be a more effective alternative for victims.

Aboriginal and Torres Strait Islander women who are victims of crime and are suffering financial hardship can be excluded from receiving loans and they may turn to money lenders which can make their situations even worse through a cycle of high interest loans and if they fail to make payment on the due dates they can be 'blacklisted' by having a bad credit rating. By allowing the women to receive compensation or restitution through superannuation, it can increase and support them to move forward without the monetary difficulties. Find attached NATSIW's special investigation report into the issues of Aboriginal and Torres Strait Islander women into superannuation the early release and on page 10 victims of crime. ATTACHMENT 1.

At present there are tight controls to gaining early access to superannuation, and more often it can be refused instead of approved, though the victims of crimes compensations already set up, should not necessarily be the sole choice for payment for Aboriginal and Torres Strait Islander women who are victims of crime.

¹ The Australian Government – The Treasury – Early release of superannuation benefits, Under compassionate and financial hardship grounds and for victims of crime compensation

Thank you for your consideration. Please contact the interim CEO below if you have any questions or require further information.

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