

Super Members Council welcomes Parliament's call to stop abusers inheriting their victim's super

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A unanimous multi-partisan call from a Parliamentary inquiry to end abusers being able to inherit their victim's super brings vital momentum for urgent legal reform.

In a [detailed report, a Parliamentary Joint Inquiry into Financial Abuse](#) has recommended law changes that would stop abusers from receiving their victim's super.

The Super Members Council [advocated strongly](#) for this recommendation in [its submission](#) and in joint testimony alongside Women in Super and the Association of Superannuation Funds of Australia.

The reform call has strong cross-sector support, with the sector appalled that perpetrators of family violence may profit from their abuse.

Under existing laws, an abuser can receive a victim's superannuation death benefit unless they are the direct cause of that person's death.

This applies even if the perpetrator has been convicted of family violence offences, or in cases when there was systemic abuse which indirectly contributed to the cause of the victim's death.

If the abuser is the beneficiary, the super fund making the payment has no discretion under the law.

Super Members Council CEO Misha Schubert thanked all committee members for pursuing this much-needed reform - led by Chair Senator Deborah O'Neill and Deputy Chair Alex Hawke MP.

"A perpetrator getting their victim's super death benefit is an extension of the abuse, and we thank Senators for hearing key evidence from the sector and advocates recommending this crucial reform."

"The sector is united in calling for reform and sending a clear message that abuse is not tolerated in any form. We strongly support Government and Parliament moving to close this legal loophole and protect victims of family violence and financial abuse."

The Inquiry called for changes to super's death benefit law so there is a mechanism to deem a beneficiary invalid if they are a perpetrator of domestic and family abuse against the deceased.

The Super Members Council, ASFA and Women in Super also wrote to Assistant Treasurer Stephen Jones and other key Ministers asking them to reform super's death benefit laws.

The sector's proposed reforms include:

- expanding the Forfeiture Rule to family violence-related crimes. This law prevents murderers from inheriting their victim's super.
- investigate legislative reforms that would allow super funds to withhold death benefits in substantiated cases of family violence. Clear and robust evidence standards, judged by an independent body such as a court, would ensure procedural fairness and due process.

SMC also welcomes the recommendations for a review of the COVID early release of super scheme and victim/survivors coerced into withdrawing money, and to consider a scheme to restore balances to those who were coerced.