

Joint Committee on Law Enforcement
Law enforcement capabilities in relation to child exploitation
Attorney-General's Department

Hearing date: 20 February 2023

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Helen Polley asked the following question:

CHAIR: Have you got some figures in relation to how many offenders have been sentenced to 25 years in the last three years?

Ms Inverarity: I don't have those figures, no.

CHAIR: Can you take that on notice for us?

Ms Inverarity: I can take that on notice.

Mr REPACHOLI: Could you also have a look and see how many have been done for three years and above?

Ms Inverarity: I believe we have that data. Can I take that on notice and look at what we're able to assist with by way of maximum sentences that have been imposed?

Mr REPACHOLI: Yes, that's okay.

The response to the question is as follows:

The Attorney-General's Department does not hold sentencing data about total sentences in a way that makes it possible to extract reports providing the requested information. This is because the sentencing data records the sentence for each offence separately. This will often not reflect the total effective sentence given that individual offenders are often sentenced for multiple offences.

The department has consulted the Office of the Commonwealth Director of Public Prosecutions and the Australian Bureau of Statistics. Neither agency holds sentencing data in a form that would allow the requested information to be provided.

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David Shoebridge asked the following question:

Senator SHOEBRIDGE: Has there been any analysis of whether perpetrators, as identified by Ms West, when they become aware of a claim being made against them or potentially being made against them, are actually using the superannuation system to hide assets from victims and survivors—actively putting money, actively putting assets into their superannuation accounts to protect those assets from victims and survivors? Have you done any analysis of that?

Ms Inverarity: Not that I'm aware of, but I can take on notice whether any other area of the department has been involved in that type of analysis.

Senator SHOEBRIDGE: And can you take on notice whether, to your understanding, Treasury has undertaken that for the purpose of the discussion paper?

Ms Inverarity: We can consult with Treasury in preparing that response, yes.

The response to the question is as follows:

The Attorney-General's Department is aware of a number of high-profile cases of convicted offenders using superannuation to limit the quantum of funds available to victims and survivors of child sexual abuse seeking to enforce court-ordered compensation. The Treasury has advised that it is similarly aware of this issue and that the feedback it received during the recent public consultation process on the Government's 'Access to offenders' superannuation for victims and survivors of child sexual abuse' proposal has reinforced that some offenders actively seek to hide assets from their victims using the superannuation system.

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Helen Polley asked the following question:

CHAIR: I have a question from Mr Wood. It relates to RAW*, an organisation that works in Victoria by going into schools, raising awareness and education. Is there any funding available for that purpose to small groups through A-G's or another agency?

Ms Inverarity: Sorry, I think we would have to take that on notice. I'm not aware of any funding opportunities relating to that.

** The secretariat will advise Hansard that this should be transcribed as ROAR.*

The response to the question is as follows:

The Attorney-General's Department does not currently have any funding opportunities related to raising awareness and education in schools – for example, for organisations similar to ROAR Australia. Any future funding opportunities offered by the department will be advertised on GrantConnect at: <https://help.grants.gov.au/>.

The department is aware of the Online Safety Grants Program, administered by the eSafety Commissioner, which provides \$10 million (over three years from 2020-2021) to non-government organisations to develop and deliver online safety education to children, young people and their communities, or training to those who work with them. Further information, including about the successful recipients, can be found at: <https://www.esafety.gov.au/about-us/what-we-do/our-programs/online-safety-grants-program>.

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David Shoebridge asked the following question:

Senator SHOEBRIDGE: But obviously Treasury may well have a perspective about wanting to ensure people are able to self-fund their retirement, which may be directly at odds with the justice perspective that you would hope would come out of the Attorney-General's Department, being the view that victims and survivors should have fair access to compensation and the law shouldn't privilege the assets of perpetrators over survivors. Did the Attorney-General's Department contribute to that review? And if so, did they contribute with a survivor-centric proposition?

Ms Inverarity: The department was involved in the preparation of the discussion paper that was ultimately released by the Treasury. I'd have to take on notice what the substance of our contribution was.

The response to the question is as follows:

On 19 January 2023, the Treasury released a discussion paper entitled 'Access to offenders' superannuation for victims and survivors of child sexual abuse'. The discussion paper was developed by the Treasury in consultation with the Attorney-General's Department.

The Attorney-General's Department considered the proposals in the discussion paper from a victim and survivor-centric position, including in the context of the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-30*. The National Strategy includes a commitment to ensuring that its implementation prioritises the views and experiences of victims and survivors.

Advice to Government on the superannuation proposal will be led by the Treasury and will be informed by responses received during consultations on the discussion paper.