



**Super
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23 July 2025

Rob Thomson
Assistant Commissioner
Individuals and Intermediaries
Australian Taxation Office
Vulnerabilityconsultation@ato.gov.au

Dear Assistant Commissioner,

RE: ATO Vulnerability Framework consultation

Mob Strong Debt Help and Super Consumers Australia appreciates the invitation to provide feedback on the ATO's draft Vulnerability Framework (the Framework). We welcome this important step in recognising and supporting the varying and complex nature of vulnerability that individuals face engaging with the tax system. While the guiding principles and focus areas offer high-level direction on the ATO's approach to supporting people experiencing vulnerability, we recommend more specific and measurable commitments on what the framework will deliver, what changes will be made within the ATO and the associated timeframes. The background and details of our recommendations are outlined below.

Mob Strong Debt Help is a free nationwide legal advice and financial counselling service for Aboriginal and Torres Strait Islander people. The service specialises in consumer finance, banking, debt recovery, insurance and superannuation. Super Consumers Australia (SCA) is the people's advocate in the superannuation sector, founded in 2013. Super Consumers Australia advances and protects the interests of people on low and middle incomes in Australia's superannuation system.

Background

SCA recently commissioned research on First Nations peoples' experiences in the superannuation system, in partnership with Mob Strong Debt Help and Impact Economics and Policy. The research involved 99 First Nations consumers and 19 financial counsellors and caseworkers who support First Nations clients nationwide navigate superannuation issues. Research participants consistently identified engaging with the ATO as a major challenge that negatively impacted First Nations peoples' access and entitlements to their super or a deceased loved one's super.

The report was released today, showing that the super system is failing too many First Nations Australians. Super is meant to be a retirement safety net for all Australians, however many First Nations peoples are shut out of the system and unable to access their own money. Key issues include:

- First Nations peoples being denied access to super even in retirement or financial hardship.
- Customer service failures that disengage consumers, driving some to abandon their rights.
- First Nations peoples face enormous barriers to accessing death benefits, with benefits taking significant longer to payout.

While First Nations peoples are more significantly impacted, these barriers can also affect older Australians and people living in remote locations, experiencing vulnerability or have language barriers. Mob Strong's data also shows that in the last six months (up to June 2025), services to consumers requiring support to engage with the ATO has doubled, compared to the previous six months period. This is an alarming and unsustainable trend.

Our submission draws on this research and associated recommendations, together with Mob Strong and SCA's engagement with consumers on superannuation issues. Our submission also aligns with and supports the principles in the Financial Counselling Australia (FCA) submission on this consultation.

Recommendations

While we support the intent of the Framework, we recommend the following changes to strengthen the Framework and better meet the needs of First Nations peoples and people experiencing vulnerability.

1. **Acknowledge the ATO's role to serve the public interest.** The ATO interacts with virtually every adult living in Australia. How the ATO engages with diverse groups and supports Australians experiencing vulnerability can have profound impacts on people's lives and those of their families and communities. Acknowledging this role as critical to fulfilling the ATO's mandate and should be made explicit in the Framework.

Application to super: greater flexibility in identity (ID) verification through improved policies and processes to support people with alternate forms of ID, particularly First Nations peoples. Other groups that would benefit include refugees and recent migrants and people living in remote locations, or affected recently by disasters.

2. **Commit to embedding a culture of people over process and to trauma-informed service delivery.** The Framework should emphasise an ATO culture grounded in compassion, empathy and flexibility, while staying true to the law. The ATO has significant discretion to treat people according to their circumstances. Its culture should focus on recognising individuals' circumstances (rather than consistency of process) and commit to trauma-informed service delivery to ensure engagement does not re-traumatise or cause further harm to individuals.

Application to super: our research highlighted consistent challenges by consumers and financial counsellors in engaging with the ATO. This was particularly distressing for many as it was during a period of grieving and trying to access a deceased loved one's superannuation death benefits. Our research recommends the ATO work with First Nations organisations and communities to reduce barriers for informing the next of kin where a deceased's super is held.

3. Take a systems approach to vulnerability, including recognising the ATO's contributions and address this in an agency-wide manner. The framework should acknowledge the legislation, policy and process in the tax system can contribute to or exacerbate an individual's vulnerability. Policy and practice should also be grounded in a systems understanding of what contributes to non-compliance and vulnerability, rather than an assumption of system misuse or personal failure (e.g. being informed by [AFSA's bell curve model](#)). Actively preventing, identifying and appropriately helping people experiencing vulnerability needs to be an agency-wide responsibility, not just those engaging directly with individuals. While staff training and support is paramount, collecting and analysing data to understand the drivers of vulnerability for different groups (as it relates to the tax system and ATO's scope) would be valuable in informing ATO decision-making and demonstrating a systems approach.

Application to super: the ATO previously collected data on lost / unclaimed super by postcode. SCA and CHOICE relied on this data to shine a light on the prevalence of this issue among First Nations communities.¹ The data was invaluable in alerting consumers to how to claim money owed, but also addressing the policy issues that were leading to elevated rates of lost super. However, this data is no longer made public.

4. Embed accountability and transparency. The Framework should include SMART objectives under each focus area, with commitments to develop a publicly-available action plan for change. This should include a process to review and refine the Framework within three years. Evaluation should assess impact, identify unintended consequences and focus on the voices of people experiencing vulnerability. This would clarify what changes and service standards the public can expect from the ATO.

Application to super: Treasury is developing mandatory customer service standards for super funds that articulates consumer expectations and creates accountability and transparency for the industry. The Framework should establish a similar mechanism so that consumers in the super system have consistent experiences whether engaging with a fund or the ATO.

Yours sincerely,

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Mob Strong Debt Help

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Super Consumers Australia

Attachments:

1. Building Futures Not Barriers: Superannuation that works - Full Report
2. Building Futures Not Barriers - Report Summary

¹ CHOICE, 2023, 'First Nations people missing tens of millions in super', <https://www.choice.com.au/money/financial-planning-and-investing/superannuation/articles/first-nations-lost-super>