

**Date Approved: 25 October 2018**

**Effective date: 4 December 2018**

## **Purpose**

ACSQ supports the independent **National Redress Scheme** administered by the Commonwealth Government. The **National Redress Scheme** is the primary scheme for people who were sexually abused as children in the Diocese of Brisbane and its parishes, schools and other agencies that occurred before 1 July 2018. ACSQ encourages all people who were abused who can access the **National Redress Scheme** to do so by applying directly to the scheme.<sup>1</sup>

Redress under this policy is intended to apply to people who were sexually abused as children and who are unable to access the **National Redress Scheme** because they:

- a) are not, or would not be, Australian citizens or permanent residents at the time of application to the **National Redress Scheme**; or
- b) have been sentenced to imprisonment for 5 years or longer for an offence against a law of the Commonwealth, a State, a Territory or a foreign country and the Commonwealth has made a determination that they are prevented from receiving redress under the **National Redress Scheme**<sup>2</sup>;
- c) have suffered child sexual abuse occurring after 1 July 2018.

As a further acknowledgement of the impact of child sexual abuse, ACSQ offers to parents or guardians of applicants under the **National Redress Scheme** or this policy, a refund of school fees if the child sexual abuse occurred in a Diocesan School.

ACSQ operates its own adjunct scheme to ensure that all people who were abused have access to redress (as an alternative to civil litigation). The adjunct scheme is intended to mirror the **National Redress Scheme** to ensure the consistent treatment of applicants by offering funding for counselling, a redress payment, and the option of a direct personal response. This policy is intended to assist people who were abused in the process of healing, and acknowledge the wrong suffered. ACSQ recognises that **child sexual abuse** and other abuse by a Church worker is a serious crime and a betrayal of trust. This abuse often has serious long-term effects on the person.

ACSQ recognises that, while necessarily part of a holistic response to child sexual abuse and other abuse, monetary payments provide a tangible recognition of the seriousness of the hurt and injury suffered by an applicant. We aim to respond to people who were abused in a caring and sensitive way, and are committed to providing an open and transparent process.

A redress monetary payment is not the same as full compensation or damages that may be awarded by a Court. Before applying for a redress payment under this policy, we strongly encourage people who were abused to seek legal advice on whether this policy is appropriate for them. This policy includes provision of some funding to obtain initial advice.

For people seeking redress for **non-sexual abuse** (physical, psychological, emotional abuse or neglect) which occurred in the Tufnell Childrens Home or Enoggera Boys Home, please refer to the Policy – Redress – Non-Sexual Abuse - Childrens Home Abuse.

<sup>1</sup> Telephone 1800 737 377 or visit the website: <https://www.nationalredress.gov.au/>

<sup>2</sup> Please refer to section 63 of the **NRS Act**. The Royal Commission noted in its final report that there is a 'growing body of research that examines a potential relationship between child sexual abuse and subsequent criminal offending', and that while the majority of people who were abused do not commit crimes, there is a higher prevalence of offending in the group when compared with the general population. ACSQ recognises that a person's own rehabilitation may benefit from the non-monetary elements of redress i.e. counselling and a direct personal response.

## 1. Who Can Apply for Redress under this Policy?

1.1 Any person who would otherwise be eligible to apply for redress under the **National Redress Scheme** but for one of the following **exclusionary factors** applying:

- a) the applicant is not, or would not be, an Australian citizen or permanent resident at the time of application to the **National Redress Scheme**<sup>3</sup>; or
- b) has been sentenced to imprisonment for 5 years or longer for an offence against a law of the Commonwealth, a State, a Territory or a foreign country, and the Commonwealth has made a determination that they are prevented from receiving redress under the **National Redress Scheme**<sup>4</sup>; or
- c) has suffered child sexual abuse occurring after 1 July 2018.

## 2. What redress is provided?

2.1 Where an allegation of abuse is substantiated, the Diocese will provide:

- a) Funding for counselling and psychological care (up to \$5,000);
- b) A redress monetary payment (up to \$150,000);
- c) A direct personal response.

An applicant may elect to choose one, two, or all three components of redress.

2.2 A refund of school fees is also available to the parents or guardians of applicants at a **Diocesan School**<sup>5</sup>. Please refer to section 10 of this policy.

## 3. Applying for Redress under this Policy

3.1 An applicant must make an application to the Redress and Claims Co-Ordinator in writing at:

Redress and Claims Coordinator  
General Manager's Office  
373 Ann Street, Brisbane QLD 4001  
GPO Box 421, Brisbane QLD 4001  
[redress@anglicanchurchsq.org.au](mailto:redress@anglicanchurchsq.org.au)  
Phone: 1800 549 722

3.2 The application must include:

- a) The applicant's proof of identification which verifies their personal details including name, address and contact details; and
- b) Any information and documentation specifying:
  - a. The approximate date of the abuse;
  - b. Location of the abuse;
  - c. Details of abuse including the name of the abuser (if known);
  - d. Impact of the abuse on the applicant's life.

If documentation is no longer available, ACSQ may request the applicant to verify the

<sup>3</sup> Eligibility is set out in section 13 of the **NRS Act**.

<sup>4</sup> ACSQ may also make a determination that an applicant is unsuitable to receive redress under this policy. Refer to section 5 of this policy.

<sup>5</sup> Please refer to section 10 of this policy.

information included in the application by statutory declaration.

#### 4. Substantiation

- 4.1 An application will only be able to progress to an assessment process under clause 6 if the allegations are substantiated.
- 4.2 An application arising from a previously substantiated allegation may proceed to an assessment process under clause 6.
- 4.3 An allegation is substantiated if abuse has been found to have occurred by:
  - (a) court proceedings;
  - (b) a determination of a **State disciplinary body**;
  - (c) a determination of an relevant **Anglican body**.
- 4.4 In the absence of substantiation under clause 4.3, an allegation is substantiated if the applicant meets the criteria in section 13(1) of the **NRS Act**, that is there is a **reasonable likelihood** that the abuse occurred.
- 4.5 The General Manager will determine **reasonable likelihood** if the **church worker** alleged to have committed the child sexual abuse has:
  - (a) previously been convicted of a child sexual abuse offence in court proceedings;
  - (b) previously had an allegation of child sexual abuse against them substantiated by a State disciplinary body or relevant Anglican body; or
  - (c) faced one or more previous substantiated allegations of child sexual abuse which have not been found to be misleading or vexatious by a court, a State disciplinary body or an relevant Anglican body.
- 4.6 The Professional Standards Committee determines **reasonable likelihood** in all other circumstances. This may require the Committee to undertake an investigation.
- 4.7 The substantiation process outlined in this section is for the purposes of determining an applicant's entitlement to redress only. It is not intended to affect other independent processes, including fitness for office processes under ACSQ's Professional Standards Canon or disciplinary processes under the Tribunal Canon.

#### 5. When a redress offer may not be made

- 5.1 The General Manager may direct that an applicant will not receive an offer of a monetary redress payment under this policy if the General Manager determines that offering a monetary payment would not be in the public interest as it may increase the risk of harm occurring to children, the broader community or the applicant. The General Manager will give the applicant notice of such a determination.
- 5.2 To assist in making a determination under this section, the General Manager may require the applicant to provide further evidence to support their application, including medical evidence or evidence of criminal history.

#### 6. Assessment Process

- 6.1 A redress monetary payment which will be offered by the ACSQ is based on the **assessment framework** methodology adopted by the **National Redress Scheme**. The maximum payment to a survivor is \$150,000.
- 6.2 At the conclusion of the relevant application process, an offer of monetary redress and written statement of reasons will be provided to the applicant.
- 6.3 Offers made under this policy remain open for acceptance for a period of six months.
- 6.4 The applicant may make a counter-offer if they are not satisfied with an offer made.

- 6.5 If the applicant accepts an offer from ACSQ of a redress payment, they will be asked to sign a Deed of Release. The applicant is encouraged to obtain independent legal advice before signing a Deed of Release.
- 6.6 ACSQ encourages the applicant to seek professional financial advice from a professional financial adviser or counsellor both before and after accepting any offer.
- 6.7 The applicant is entitled to decline the offer by doing so in writing. The applicant may also decline the offer by not accepting the offer within six months.
- 6.8 Within three months of receiving an offer under this policy or notice of a determination that no offer will be made, the applicant may apply for a review by the Professional Standards Committee. A review is limited to the merits of any determinations made.

## 7. Initial Legal Advice

Applicants are encouraged to obtain independent legal advice before proceeding with an application for redress. ACSQ will pay up to \$1,500 towards the applicant's costs of obtaining initial advice from a lawyer of their choice.

## 8. Counselling and Psychological Care for Substantiated Allegations

- 8.1 A payment for counselling and psychological care is available to applicants with substantiated allegations. The framework is modelled on the **National Redress Scheme assessment framework**.
- 8.2 The payment for counselling and psychological care offered to a survivor will be determined on the following basis:

Category of Abuse	Payment Amount
Category 1	\$5,000
Category 2	\$2,500
Category 3	\$1,250

- 8.3 The payment for counselling and psychological care will be made at the same time as the redress monetary payment. The General Manager may make a determination to make payment earlier if counselling and psychological services are required earlier by the applicant.

## 9. Direct Personal Response

- 9.1 If abuse is substantiated, the applicant has the opportunity to meet with the Archbishop to receive an apology and/or to receive an apology in writing.
- 9.2 If the abuse occurred within a Diocesan school, and the applicant so wishes, an apology and/or meeting may be arranged for the survivor with an appropriate senior representative of that school.

## 10. Refund of School Fees to Parents/Guardians of the Applicant

- 10.1 ACSQ offers to the parents of the applicant (or to their guardian or other person who paid their school fees) a refund of school fees where child sexual abuse allegations:
  - a) Occurred within a **Diocesan school**; and
  - b) Have been substantiated under this policy or have been the subject of a successful determination under the **National Redress Scheme** and there is no new or additional evidence to the contrary.
- 10.2 If an applicant's parents or guardians are deceased, the payment will not be made.

10.3 School fee refunds are calculated:

- a) From the year that abuse first occurred until the date the applicant ceased enrolment at the school; and
- b) The refund is calculated by adjusting the fees at the time of payment to allow for consumer price index (CPI).

10.4 Parents or guardians can apply for the school fee refund directly to the Redress and Claims Coordinator at 1800 549 722, or by email at [redress@anglicanchurchsq.org.au](mailto:redress@anglicanchurchsq.org.au).

### **11. Further Assistance**

Applicants may direct any questions about making an application under this policy to the Redress and Claims Coordinator who can be contacted by phone at 1800 549 722 or by email at [redress@anglicanchurchsq.org.au](mailto:redress@anglicanchurchsq.org.au).

## Definitions

**Anglican body** includes:

- (a) the Professional Standards Board of the Anglican Diocese of Brisbane;
- (b) any other diocesan body within the Anglican Church of Australia, exercising its function under a Professional Standards Canon or equivalent; or
- (c) an Anglican Tribunal exercising jurisdiction under the Tribunal Canon, or similar instrument, in the Diocese of Brisbane, any other Diocese or the General Synod.

**Assessment framework** means the National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018.

**Child** means a person under 18 years of age.

**Child sexual abuse** means an act which exposes a child to or involves a child in sexual processes beyond his or her understanding or contrary to accepted community standards.<sup>6</sup>

**Church worker** means a person who is or who, at any relevant time, was:

- (a) a member of the clergy; or
- (b) a person employed by a Church body, including a volunteer; or
- (c) a person holding a position or performing a function with the actual or apparent authority of a Church Authority or Church body;

but excludes a bishop subject to the jurisdiction of the Special Tribunal of the Church.

**Diocese** means the Anglican Diocese of Brisbane, operating as Anglican Church Southern Queensland or ACSQ.

**Diocesan school** means schools which are wholly owned and administered by the Diocese and includes a school in the Diocese which is owned or administered by the Society of the Sacred Advent.

**Exclusionary factor** means one of the circumstances that would result in a person being ineligible to apply to the National Redress Scheme set out in clause 1.1 of this policy.

**National Redress Scheme** means the Commonwealth Government's redress scheme established under the NRS Act. The purpose of the scheme is to provide redress and justice to survivors of past institutional child sexual abuse. The scheme also enables institutions responsible for the abuse to participate and provide that redress to survivors.

**NRS Act** means the National Redress Scheme for Institutional Child Sexual Abuse Act 2018.

**Non-sexual abuse** mean physical, psychological or emotional abuse or neglect.

**Reasonable likelihood** is given the same effect as in the NRS Act: in relation to a person being eligible for redress, means the chance of the person being eligible (including that abuse occurred) is real, is not fanciful or remote and is more than merely plausible.

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<sup>6</sup> Sexually abusive behaviours can include voyeurism, exhibitionism and exposing the child or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child. The Australian Institution of Family Studies refers to child sexual abuse in an institution as being when there is any sexual behaviour between a child and an adult in a position of authority over the child.

**State Disciplinary body** includes any body established under any Federal, State or Territory Act, with the capacity to reach a determination in relation to allegations of child sexual abuse.