



Baptist Churches  
of NSW & ACT



## The National Redress Scheme for Survivors of Childhood Sexual Abuse in Institutional Settings

### NSW & ACT BAPTIST CHURCHES AND 'OPTING IN' – INFORMATION SHEET

Our mission as an Association of Baptist Churches in NSW & ACT is to *Advance the Gospel of Jesus in word, sign and deed, together*. Part of our gospel witness and our commitment to building healthy churches is to endeavour to ensure our churches are safe places, and also to ensure we respond appropriately when people have been harmed.

The National Redress Scheme is designed to give survivors of childhood sexual abuse within institutional contexts an opportunity to receive redress for wrongs perpetrated against them without needing to resort to legal action.

### Background

#### What is Redress?

Redress is an action taken to correct, fix or remedy a situation. In the context of redress for abuse, it is important to note that it is distinct from compensation or restoration. What was 'stolen' from those who have been abused cannot be fully restored by money, however action can be taken to 're-dress' the wounds and help with what is often long term, ongoing healing. Any redress schemes or processes should be survivor focussed, and assessed with appropriate regard to the needs of particularly vulnerable survivors.

#### What options does a survivor of abuse have available to them?

When a person has been abused there are various avenues of action they may wish to take:

- **A response.** They may want someone to hear what happened to them, to believe them, to offer an apology, and to take appropriate action.
- **Redress.** Whilst redress would include all elements of a response, it also includes monetary payment, and ongoing support. The standard of proof for Redress is 'reasonable likelihood'.
- **A Civil Claim.** A person can initiate civil litigation in courts. There is now no statute of limitations limiting civil action for historic sexual abuse. The standard of proof for civil action is 'balance of probabilities'.
- **Criminal prosecution of the abuser.** The police may bring criminal charges against the perpetrator. The standard of proof for criminal charges is 'beyond reasonable doubt.'

## What is the National Redress Scheme?

Throughout the Royal Commission into Institutional Responses to Child Sexual Abuse, it became apparent that many survivors did speak up and report to the institutional abuser, but were sadly dismissed, ignored or mistreated. In 2015 the Royal Commission issued a *'Redress and Civil Litigation'* report which included recommendations for the establishment of a National Redress Scheme. The aim of the National Redress Scheme is to provide justice for victims:

*"A process for redress must provide equal access and equal treatment for survivors – regardless of the location, operator, type, continued existence or assets of the institution in which they were abused – if it is to be regarded by survivors as being capable of delivering justice."*

The Federal government has been empowered by the State governments to administer a National Redress Scheme (the scheme) to allow survivors of institutional child sexual abuse to seek redress. The scheme began on 1 July 2018, and will operate for 10 years. The Federal Government, State Governments, major denominations (Catholics, Anglicans, Salvation Army, Uniting Church) as well as other non-profit organisations such as YMCA and Scouts have all announced they are opting in to the scheme.

The 3 main strands of Redress available to applicants through the scheme will include:

1. Payment for counselling and psychological assistance for the survivor – up to \$5,000,
2. The opportunity for a Direct Personal Response (apology) from a senior representative of the institution in which the abuse took place, and
3. A monetary redress payment of between \$10,000 and \$150,000, depending on the severity of the abuse.

When a person accepts a payment as a result of a claim to the redress scheme, they are extinguishing their right to bring a civil claim against the institution in regard to the abuse in the future. The redress outcome provides a sense of closure of the matter (at a financial level) for both the survivor and the institution.

## What does it mean to 'opt-in'?

To 'opt-in' is to become a participant in the Scheme. This would enable survivors to make an application for redress through the National Redress Scheme. The Scheme will then assess the claim, liaising between the survivor and the institution to enable redress to occur.

## A Baptist Response

The Royal Commission listed 40 individual people who told their stories of abuse in private sessions, making allegations about 30 Baptist entities across Australia. There is a strong expectation that the final number of claims for Redress may be anywhere between three and six times these numbers.

While preparing to engage with the National Redress Scheme may thus far not have occupied much of our attention in our local churches, significant thinking, discussion and interaction

**CONTINUED...**



with government has already gone on about it in the state Association and national Baptist context. As we have reflected on the concept of the National Scheme, the model, our Baptist context and our societal context, the ABM National Council, at its meeting of 16 May agreed that Australian Baptists should opt in to the scheme. It resolved:

*“That the model for the National Redress Scheme be that each state, territory and affiliated agency opt in individually. The National Council urges each state, territory and affiliated agency to undertake all steps necessary through their own governance processes to opt in the National Redress Scheme.”*

Because the way forward is for each State and Territory Association to opt in to the scheme, this matter will need to be put before each state assembly.

### **What does ‘opting in’ look like for NSW & ACT Baptist Churches?**

The matter of our involvement in the Redress Scheme has been under discussion by our Assembly Council for some time. The Assembly Council strongly supports the objective of finding a non-legal mechanism to provide redress for those who have been subject as children to sexual abuse historically in Baptist contexts. The Redress Scheme is not a perfect solution (even the government acknowledges this) and yet it is probably the best chance of providing measured redress in the most compassionate way possible.

The above resolution of Australian Baptist Ministries was considered by the Assembly Council at its meeting on 12 June and it unanimously resolved to “recommend to our Assembly that the NSW & ACT Baptist Association opt in to the National Redress Scheme.” A resolution will be presented for discussion and endorsement at our Assembly on 15 September 2018. The exact form of this motion is still being considered as we are continuing in discussions with the Commonwealth Government regarding some aspects of its operation in a Baptist context. We will circulate this to churches prior to assembly, as soon as it is available.

It is understood that if a motion is approved by Assembly, the NSW & ACT Baptist Association would then make an application to participate in the National Redress Scheme to form a participating group which would allow inclusion of Affiliated Churches, Fellowships, approved Newstart church plants and approved Simple Church Network churches. The Association would then become jointly liable with each local church to cover the cost of payments that would arise under the scheme from that local church. A mechanism will need to be put in place to share the burden of these costs across the churches and the Association.

This is one of those occasions where we will be drawing equally on two of our Foundational Values, those of

- i. the autonomy of the local church and
- ii. the place and importance of association. That is to say that we are committed to “being in this together”.

**CONTINUED...**



## What does that mean for the local church?

We encourage every church leadership team to read this documentation and participate in the briefing and information sessions, either in person or online. We recognise the tightness of the timetable in the leadup to our September assembly, however it is important to see this in the context of all of our state Associations needing to process through whatever Assembly they have between now and the end of the year, so that we may be able to respond in a timely way across our national movement. It is also fair to say that details of how the scheme would operate in a Baptist context are only now being able to be discussed with the Commonwealth government.

Should Assembly make the decision to 'opt in', the local church will be part of the Baptist Association of NSW & ACT group. Survivors will be able to see your church listed as a participant in the National Redress Scheme.

## How will claims be funded?

The responsibility and liability for redress for abuse occurring in local churches does belong with the local church – both morally and financially. It is anticipated that payments will range from \$10,000 to \$150,000, plus scheme and administrative costs. The average payment, including oncosts, is estimated to be \$85,200. In most cases there is unlikely to be any insurance cover available to pay for redress claims.

It should be noted that these amounts are significantly lower than what would be expected under civil action claims for the same type of abuse, and without the legal costs involved in such claims.

A Redress Support Pool is being planned to assist local churches in each state and territory. The details of how the Pool will be administered are still being finalised, but much progress has been made and this Information Sheet and its Appendix (see page 6) outline what we know so far.

We believe that having a Redress Support Pool is an outworking of our Baptist values:

- **Mission and Witness:** for our response to be a gospel response that underlines God's love and grace; and the important of restitution and apology where we have wronged others.
- **Association and collaboration:** we are better when we work interdependently together in matters such as this which require a whole of movement response.
- **Autonomy of the local church:** empowering, enabling and supporting each local church to fulfil its responsibilities in a supportive and consistent way.

Contributions to the Redress Support Pool will be through a levy, payable annually over the 10 year life of the Scheme at the same time as church insurance renewals. The annual levy for each church will initially be a flat amount of \$400 + 0.01% of the church's insured asset value. The levy will be reassessed throughout the life of the Support Pool as the extent of claims becomes clearer.

*CONTINUED...*



In addition to the funds raised by the levies from churches, the Association is setting aside very significant funds to commit as needed to the support pool.

When a claim is accepted by the Redress Scheme and a payment made, the Association will be advised and an invoice sent. The local church will need to make an initial contribution based on the capacity of the church to pay, and will be a minimum payment of \$25,000. Once the church contribution has been calculated, any balance of the payment would then be made from the Support Pool.

Further details about the funding of claims and the operation of the pool is available in the Appendix attached to this Information Sheet.

### **Who makes the apology?**

If a person has accessed the National Redress Scheme, after settlement, they can request a Direct Personal Response. A Survivor Liaison Officer will be appointed to work with the survivor, Association staff and, where appropriate, the local church, to facilitate an appropriate apology on behalf of the church. The apology is likely to be given on behalf of the local church through the Association. Specialist training will be required for both the Survivor Liaison Officer and the person representing the Association.

### **Who do I talk to?**

If you have any questions in relation to the National Redress Scheme please email your enquiries to Jonathan Bradford, Ministry Standards Manager, at the Baptist Ministry Centre on [jbradford@nswactbaptists.org.au](mailto:jbradford@nswactbaptists.org.au)



## APPENDIX

# Funding Redress claims and the operation of the Redress Support Pool

At the time of writing, details are still being finalised and churches will be kept up to date before the September Assembly regarding significant changes to these financial arrangements.

1. An annual levy (collected with BIS insurance premiums) of \$400 per church + 0.01% of church's insured asset value, each year over the 10 years of the scheme. At the 18-24 month mark there will be a review of the funding model in the light of the claims received to date, to see if any adjustment needs to be made (either upwards or downwards) to the levy.
2. When a claim arises for a church:
  - a. In the first instance an attempt is made to secure insurance coverage on a case by case basis. (This would usually only be available for claims of abuse after 1992, and even for more recent abuse claims access to insurance coverage for redress claims is unlikely).
  - b. The church is invited to cover as much of the cost as it can, or else apply to the Redress Support Pool. If it applies to the pool, it would pay the first \$25,000 of the claim, plus an amount related to its 'capacity to pay'. The total church contribution would be as per the following table:

| INSURED ASSET VALUE | ANNUAL INCOME    |               |             |
|---------------------|------------------|---------------|-------------|
|                     | Less than \$200K | \$200K-\$500K | Over \$500K |
| Less than \$2m      | \$25,000         | \$30,000      | \$35,000    |
| \$2m-\$5m           | \$30,000         | \$35,000      | \$40,000    |
| Over \$5m           | \$35,000         | \$40,000      | \$45,000    |

The Redress Support Pool will then cover the rest of the payment.

3. Any church unable to immediately fund its share of the redress payment could be provided with a loan from Baptist Financial Services. If BFS cannot provide the loan due to the church not satisfying lending criteria, the Association would assist by entering into a payment arrangement with the church.
4. Churches existing prior to 1 July 2018 who affiliate with the Association after 1 July 2018 will not be eligible to access the Support Pool. They will not be charged the redress levy and will not be included in the list of churches that are part of the Association's group with the National Redress Scheme.
5. The Association will supply and keep updated with the National Redress Scheme Operator the list of churches covered by the scheme. The list will include currently affiliated churches, churches proceeding to affiliation and approved fellowships who have opted in by making contributions to the Redress Support Pool. Approved Newstart church plants will also be included, but will not be charged the levy until they take responsibility for their own insurance premiums. Approved Simple Church Network churches will not be charged the levy.

**CONTINUED...**

6. Churches who are still existing but no longer affiliated with the Association will not be included in the list supplied to the National Redress Scheme Operator and thus will not have access to the pool, even if the abuse took place at a time when they were previously affiliated.
7. The Association will fund the church contribution (as calculated in point 2 above) in cases of redress payments for abuse in churches that were previously affiliated but now no longer exist. However, where the assets of the closed church have since been transferred to another affiliated church, the recipient church will be responsible for this contribution.
8. The Redress Support Pool is not available for other organisations that may be associated with Baptist churches but are separately incorporated – for example schools, childcare centres, sports centres, care organisations, and other legally separate entities. The pool is designed for access by our churches only.
9. The Association will fully fund any claims made against itself directly.

