



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

NSW & ACT BAPTIST CHURCHES AND OPTING IN – UPDATE AND INFORMATION FOR ASSEMBLY ON 15 SEPTEMBER 2018

This update should be read in conjunction with the Information Sheet on the Redress Scheme that was circulated to churches on 1 August 2018. Unless noted in this update, the information contained in the original Information Sheet is still current.

Since the information sheet was produced on 1 August, clarity has been gained with the Commonwealth Government about how the scheme can operate for our Baptist movement.

Provided it is agreed at Assembly, the NSW & ACT Baptist Association will opt in to the scheme as the Representative of a Participating Group. The Participating Group will include the Association plus the churches, fellowships, church plants and simple churches who indicate their intention to opt in as part of the Group. Other associated entities may be included with the approval of the Association Assembly Council. The Association will also include as part of the group churches which are now closed.

The Commonwealth Government will accept a motion passed at the 15 September Assembly as evidence of our decision to opt in as a participating group, and the Assembly Council will finalise the list of participating churches subsequent to Assembly.

At its meeting on 14 August the Assembly Council unanimously resolved to recommend the following motions to our Assembly on 15 September:

1. *That the Baptist Union of NSW (currently known as the Baptist Association of NSW & ACT) together with participating churches, fellowships, church plants, simple churches, defunct institutions and other entities*
 - a. *agrees to participate in the National Redress Scheme for Institutional Child Sexual Abuse;*
 - b. *in a participating group with the affiliated churches, fellowships, Newstart church plants, simple churches, defunct institutions and other entities, as will be determined by the Assembly Council of the Union*
 - c. *with the Baptist Union of NSW as the representative for the group; and*

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- d. declares that each member is willing to and capable of discharging any obligation to provide a direct personal response to a person who accepts an offer of redress (otherwise these obligations will be discharged by the representative identified above).*
- 2. That the Assembly Council finalises the list of all the entities who will be opting in as part of the Baptist Union of NSW participating group. This list will comprise those churches, fellowships, Newstart church plants, simple churches, defunct institutions and other entities which have confirmed in writing their intention to be part of the group.*
- 3. That a Redress Support Pool will be created and managed by the Assembly Council in line with the document presented to the Assembly.*

Provided the Assembly on 15 September agrees to opt in to the Redress Scheme, churches will receive an information document including an Opt In Declaration and notice of initial redress support pool contributions by approximately the end of September.

30 November 2018 is the deadline for Affiliated Churches, Fellowships, Newstart Church Plants and Simple Churches to return their Opt In Declaration and initial levy payment if they want to have access to the Redress Support Pool in the event of a claim. This 30 November deadline is required to enable our participating group to opt in by mid December.

The Declaration must be made by a person authorised to do so on behalf of the church. Churches are strongly encouraged to engage whatever internal governance processes are appropriate for them to be able to decide to opt in to the scheme and sign the declaration. We note that some churches have already scheduled a church members meeting sometime in October or November to consider this matter.

In early December Assembly Council will finalise the list of churches and other entities who have opted in as part of our Participating Group and the Association will prepare our application to opt in to the Scheme.

Churches who opt in to the Scheme and join the participating group with the Association may opt out of the group at any time. However they will still be liable for redress claims that were lodged with the Scheme up until the date of their opting out.

Churches who choose not to opt in by 30 November 2018 may opt in and become part of the Association's Participating Group at any time after this date. However they will not be eligible to access the Redress Support Pool in the event of a claim. They will not be charged the Redress Support Pool Levy.

The Appendix to this document contains further details about the operation of the Redress Support Pool and replaces the Appendix provided in the Information Sheet on 1 August.

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APPENDIX

Funding Redress claims and the operation of the Redress Support Pool (UPDATED 22/8/18)

1. An annual levy 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. (This would usually only be available for claims of abuse after 1990, 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.

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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 NSWACT Association will fully fund any claims made against itself directly.
10. Churches who wish to be part of the Support Pool must complete the relevant written Declaration and have paid the initial levy to the Association by 30 November 2018.
11. The Association is setting aside very significant funds to commit as needed to the support pool.
12. The Redress Scheme will operate for 10 years from 1 July 2018. Once the Scheme has closed and all liabilities are finalised, if the Support Pool stills has funds remaining in it (not including funds from the Association) these will be returned to the churches in proportion to their levy contributions to the Pool.

