



## National Redress Scheme Frequently Asked Questions

- 1. The National Redress Scheme Information Sheet 2 indicates that a church will need to contribute a levy of \$400 plus 0.01% of insured assets each year for ten years to the Redress Support Pool. How much would a typical church need to contribute?**

The required levy will be affected by whether the church owns property and the value of buildings on church owned land. For churches with no property the expected levy would only be \$400/year. Whereas some churches with significant property assets will be asked to contribute each year \$400 plus \$100 for every million in insured assets. For example, if a church has insured assets of \$3 million they would commit to a levy of \$400 + \$300 each year.

- 2. Given that participation in the redress scheme opens the possibility of the church having to fund an initial contribution of between \$25,000 to \$45,000 if a Redress Claim is made against the church, should churches set aside this money through their budget processes?**

None of us can know with any certainty which local congregations might face one, or perhaps more, redress claims. However, it would be wise financial management to recognise this potential liability, and to at least think through a plan as to how this could be funded if the need arose. If local church leaders are already aware of potential historic incidents that may give rise to a redress claim, then this would be prudent to actually plan for this possibility.

- 3. Can a Baptist church choose to opt in to the National Redress Scheme separately without being part of the participating group formed by BCSA?**

The Commonwealth Government has advised that non-incorporated institutions cannot opt in to the National Redress Scheme alone, and must do so as part of a participating group. If a church is an Incorporated Association, then they may choose to opt in as a lone institution however they would then not have access to the benefits of the Redress Support Pool and the support resources offered by BCSA in the event of a claim being made against the church.

- 4. It appears that the church contributions may not provide sufficient funds to fully fund all of the redress claims that we expect we will receive across BCSA and associated churches. Will local church congregations have to make up a funding shortfall for any redress claims they receive?**

BCSA is committed to ensuring that the Redress Support Pool will have adequate funds to fully cover any liability above the \$25k-\$45k initial contribution if needed. No participating church will be faced with a shortfall if they request the support of the Pool, but will only be required to pay the initial contribution requested (between \$25k-\$45k).

BCSA will be setting aside very substantial funds from its own resources to add to the support pool as required, so the expected number of claims can be funded.

None of us know with clarity how many redress claims we will be faced with across SA Baptist churches. Therefore, there is a possibility that the levies and contributions from churches may be adjusted either up or down as required over the 10 year duration of the scheme.

**5. What happens to the money contributed to the Redress Support Pool after 10 years if there is any surplus?**

The annual levy to the Redress Support Pool may be adjusted over time to minimise the likelihood of surplus funds remaining at the end of the 10 year scheme. If there are surplus funds in the Redress Support Pool once all Redress liabilities have been paid and the Scheme has closed, these funds will be returned to the participating churches in proportion to the contributions they have made.

**6. Who will manage the Direct Personal Response to survivors?**

The Redress Operator will communicate with staff at BCSA who will then liaise with local church leaders in the relevant congregation.

**7. How will local churches communicate to BCSA that they intend to opt out to the redress scheme?**

If the proposed motion for BCSA to opt in to the redress scheme is passed at the Assembly meeting on 17 November, then each local church will be given until the end of January 2019 to notify BCSA in writing of their decision to opt out.

**8. What date will we officially join the National Redress Scheme?**

Given that the various requirements of the opting in process will take some time, we expect that it will be likely that we won't formally be included in the National Redress Scheme until early 2019.

**9. If a local church chooses to opt out can they change their mind in future?**

Yes, as per question 3 above, noting that the Scheme deadline for opt in is 30 June 2020. Any request to join the BCSA Group in the future will be considered by the Assembly Board on a case by case basis.

**10. I understand that if a church who is a part of the BCSA Group receives a redress claim then they are required to pay an initial contribution according to their capacity to pay. Who makes the determination about this capacity to pay amount?**

There will be a minimum contribution required of between \$25000 and \$45000 (see the Redress Scheme Information Sheet 2 which explains how this works). Then if your church determines they can pay more they are free to do so, however the remainder of the financial liability will be picked up by the Redress Support Pool.

**11. Are non-church Baptist entities able to opt in to the BCSA Participating Group and Redress Support Pool?**

BCSA's Participating Group is designed for local churches – both incorporated and unincorporated. Incorporated organisations such as schools, child care centres, OSHC centres and community service ministries can choose to opt into the Redress Scheme as separate entities if they wish to do so. If they are not separately incorporated and exist only as part of the local church, then they would be included if the local church chooses to opt in. Those that are separately incorporated would not become part of the BCSA Participating Group and would not have access to the Redress Support Pool. The Redress Support Pool is only for claims made against local Baptist congregations.

**12. Who decides if a Redress claim should be accepted and the amount of redress payment?**

One of the significant benefits of the National Redress Scheme is that the Commonwealth Government Redress Scheme Operator will appoint an Independent Decision Maker to make the decision about whether a redress claim meets the burden of proof at “reasonable likelihood” and will therefore be accepted. The National Redress Scheme has developed detailed policy to guide the Independent Decision Maker in this process.

**13. What is the likelihood for false allegations or vexatious claims?**

There is some potential for false allegations to be made and the Scheme Operator has a number of steps in the redress application process to confirm the veracity of claims they receive. It is also important to note that the experience of other denominations who have administered their own internal redress schemes for some years, as well as experts who work in this field, is that in the past the number of false allegations has been very low.

**14. If a local church receives multiple redress claims how is the initial minimum church contribution calculated?**

If a local church receives multiple redress claims, then they would be expected to pay the same minimum initial contribution (between \$25000 and \$45000) for each redress claim received.

**15. If a redress claim is received, are the relevant institution and the individual accused of the offence notified of the accusations?**

When a redress claim is first received the relevant institution is notified of the redress claim and given an opportunity to respond with relevant details. The individual accused of the offence is not notified. After a redress claim determination has been made then the relevant institution will be advised of relevant information so that they can consider whether risk management responses are required. The Redress Scheme Operator may also make a report to the Police to consider possible criminal charges. The individual accused of the offence will only be notified if the institution is required to consider implementing risk management measures, or if the Police choose to investigate. In both of these cases the individual accused will be given an opportunity to respond to the allegations and will not be considered to have committed the alleged offences unless a formal process of investigation substantiates the allegations.

## Some additional FAQs provided by the Commonwealth Government

### Q. Why would we join the Redress Scheme?

A. Institutions have joined the Redress Scheme for many reasons. Most institutions see joining the Scheme as a means of addressing the mistakes of the past and demonstrating a commitment to future child safety. Many institutions have also seen the benefit of planning for the future, with some awareness of the amount of resources they will have to outlay to cover child sexual abuse claims.

### Q. Can we still join the Redress Scheme if we do not have any claims made against us?

A. Yes, many other institutions have contacted the Scheme without any claims made against them and in the belief that they will not receive any in the future.

### Q. What upfront costs are there?

A. There are no upfront costs to joining, though it will take some staffing/administration time for your institution to engage with the Scheme and provide information about your structure. An institution will only make a payment under the Scheme if an application for redress is made against it and the applicant receives and accepts the offer of redress.

### Q. Who decides a claim?

A. Independent Decision Makers are employed by the Scheme to make eligibility, monetary payment and counselling entitlement decisions. Applications must meet the test of reasonable likelihood. The Scheme seeks appropriate relevant information from the institution to verify the application.

### Q. Can we dispute a claim?

A. There is no opportunity for an external merits review. Your institution cannot challenge or seek a review of the decisions.

### Q. What if abuse happened in more than one institution?

A. Where two or more participating institutions share responsibility for the same instance of abuse they will pay redress according to their deemed level of shared responsibility. Where there is abuse in more than one institution, the responsible participating institutions will pay a proportionate share of redress.

### Q. Are there criteria for applicants to make claims?

A. Yes. To be eligible for redress, a person must

- have been sexually abused when they were a child (under the age of 18)
- the abuse occurred before 1 July 2018, and
- be an Australian citizen or permanent resident at the time of their application.

A person will not be able to make an application if they were born after 30 June 2010 or have applied for redress through the Scheme before. There is also a restriction for people who are incarcerated or apply in the last 12 months of the Scheme, unless special circumstances apply. Applicants with serious criminal convictions are also subject to a special assessment process. Applications for redress may only be made by living people that experienced abuse, not by family members, or the legal representatives of a deceased person. The institution that is responsible for their abuse must also be participating in the Scheme.

**Q. Who makes decisions on applications?**

A. Independent Decision Makers are employed by the Scheme to make eligibility, monetary payment and counselling entitlement decisions. Applications must meet the test of reasonable likelihood. The Scheme seeks appropriate relevant information from the institution to verify the application.

**Q. How do you check the veracity of an application?**

A. Applications go through a variety of checks, including; requiring applicants to sign a legally binding statutory declaration; a rigorous proof of identity process; and comments are sought from the responsible institutions about information in applications. There are penalties for providing false information and the Scheme is subject to a civil and criminal penalty regime, to deter fraudulent claims. If a redress payment is made based on the applicant providing false or misleading information then the Commonwealth can seek to recover these amounts. Furthermore, the key assessment document used in determining a redress decision (the assessment framework) is not publically available in order to minimise the risk of fraudulent claims and maintain the integrity of the Scheme.

**Q. What if the person has already received a payment related to the abuse?**

A. Where a person has received an earlier payment related to the abuse, for example, payments from other redress, victims of crimes schemes and out of court settlements, this will be deducted from the redress payment at today's value, using an annual inflation rate of 1.9%.

**Who can I talk to?**

Contact the Baptist Churches of South Australia to speak to Mike Mills (State Executive Minister).

Email: [redress@sabaptist.asn.au](mailto:redress@sabaptist.asn.au)

Phone: (08) 8357 1755

*This is general information only for Baptist Churches of South Australia, and is not a substitute for legal advice.*