

National Redress Scheme Participating Group for Churches of Christ in NSW and the ACT

(CCNA Participating Group)

Information Pack

Version 2

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CCNA Nominee Ltd
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National Redress Scheme – Information Pack

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National Redress Scheme – Information Pack

Dear Church Leaders,

Since announcing our intent back in May 2019, Churches of Christ in NSW/ACT has been steadily progressing our plans to join the National Redress Scheme as a Participating Group. Our lawyers have engaged with the Department of Social Services to affirm our Participating Agreement, and the Department has now approved these documents.

We have also contacted every church in our network, answered numerous questions, and we are most pleased that 98.5% of churches have indicated their intent to participate in the Redress Scheme. This reflects well on our movement as being compassionate towards, and supportive of, survivors of child sexual abuse.

This revised Information Pack reflects the corrected terminology and mechanism for each of our ministries to join the Redress Scheme, and answers several other questions. The general principles outlined in the original Information Pack are still reflected in this final version:

- All Churches of Christ churches and their ancillary ministries are invited to join our Participating Group (CCNA Participating Group)
- There are no upfront costs for a church in our network to join the CCNA Participating Group.
- Churches of Christ, via Conference Executive and the Property Trust, will be covering 20-50% of the Total Redress Amount for each claim related to a local church (as per Table 1 in this document)
- Churches of Christ, via Conference Executive and the Property Trust, will be covering 100% of the Total Redress Amount for each claim related to defunct churches and defunct ministries where the assets of the defunct church were not passed on to a continuing local church.
- ACOM, Fresh Hope Venues, Fresh Hope Care and Fresh Hope Engage will be covering 100% of the Total Redress Amount for each claim related to them.
- The Property Trust will be offering a ten-year, interest-free loan for any CCNA Participating Group church that requires such assistance in the event that a redress claim needs to be paid.

A letter will be sent to your church/ministry outlining the steps you must take to join the CCNA Participating Group. You will need to review the details in the Participating Agreement, sign the Deed of Accession, and return the paperwork via mail by 30 April 2020.

Sincerely on behalf of Fresh Hope



Raewyn Williams
Conference President



Dr Andrew Ball
Executive Ministry Director
Chairperson CCNA Nominee Ltd

9 March 2020

National Redress Scheme – Information Pack

What is the National Redress Scheme?

The National Redress Scheme (the **Scheme**) is an administrative scheme established by the Commonwealth under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) (**NRS Act**) in response to recommendations made by the *Royal Commission into Institutional Responses to Child Sexual Abuse* (**Royal Commission**).

The objects of the Scheme are to recognise and alleviate the impact of past institutional child sexual abuse and related abuse and to provide justice for the survivors of that abuse.

Applicants are able to make an application for redress to the Scheme relating to child sexual abuse (and related physical and emotional abuse) that occurred prior to 1 July 2018 at an institution that is participating in the Scheme.

In assessing the eligibility of claims, the Operator (The Commonwealth Department of Social Services (**DSS**)) will be guided by the standard of proof of 'reasonable likelihood', which in accordance with section 6 of the NRS Act means 'the chance of the person being eligible is real, is not fanciful or remote and is more than merely plausible'. This is lower than the standard of proof required in civil proceedings.

Applicants will need to sign an 'acceptance document' releasing the participating institution from all future civil liability in relation to the abuse in exchange for accepting redress, with a copy of the 'acceptance document' provided to the participating institution. Where the relevant participating institutions are part of a participating group, then all institutions (and their officeholders) are also released. The person identified as the abuser is not released from liability.

The Commonwealth, States and Territories, major denominations (Catholics, Anglicans, Salvation Army, Uniting Church, Baptists, Australian Christian Churches (ACC)) as well as other non-profit organisations such as YMCA and Scouts have all joined the Scheme.

What is redress?

Redress is a definitive action taken to correct, fix or remedy a situation. When we provide redress to survivors of child sexual abuse, we note that it is distinct from compensation or restoration.

Redress, within the meaning of the Scheme, involves three components:

- counselling and psychological assistance of between \$1,250 and \$5,000;
- The opportunity for a Direct Personal Response from a senior representative of the institution in which the abuse took place; and
- A monetary redress payment of between \$5,000 and \$150,000, depending on the severity of the abuse.

Who decides if a person is eligible for redress and the amount of the redress component?

DSS has appointed several [Independent Decision Makers](#) to make the decision about whether an applicant is eligible for redress. The Independent Decision Makers are to refer to the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018* (Cth) (**National Redress Scheme Assessment Framework**) in determining the amount of the redress component.

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What about false allegations or vexatious claims?

There are a number of steps in the redress application process to confirm the veracity of claims the Scheme receives. It is an offence to provide false or misleading information to the Scheme, and so there are penalties if a person was to knowingly lodge false information. 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.

What if more than one participating institution is deemed responsible for the abuse?

Where two or more participating institutions share responsibility for the same abuse they will pay redress proportionally according to their deemed level of shared responsibility. The Independent Decision Maker will determine the level of shared responsibility.

Will the participating institution and the alleged abuser be notified of the claim?

When a redress claim is first received by the Scheme, the nominated responsible participating institution will be notified of the redress claim and issued with a notice requiring they respond with relevant information (RFI). The information the institution receives under the Scheme is 'protected information' and can only be used for the purposes of:

- responding to an RFI from the Scheme;
- facilitating a claim under an insurance policy;
- making necessary reports to police or other government bodies;
- internal complaint handling; and
- providing a Direct Personal Response.

The individual accused of the offence is not notified.

How is Churches of Christ in NSW/ACT engaging with the Scheme?

Churches of Christ has created a structure that will enable Conference Ministries, Conference Churches and Conference Entities to join the Scheme as a participating group (**CCNA Participating Group**).

Churches of Christ has established a public company limited by guarantee called CCNA Nominee Limited (**CCNA Nominee**) as trustee for the CCNA Redress Trust, to act as representative of the CCNA Participating Group in the Scheme.

Churches of Christ will empower and underwrite CCNA Nominee to support the administration and processing of redress claims for survivors of abuse, and to encourage you to join the Scheme via the CCNA Participating Group.

CCNA Nominee will administer redress claims received on behalf of the CCNA Participating Group and partner with you to help respond to any genuine claim that is lodged by a survivor in relation to your institution.

Each Conference Ministry, Conference Church and Conference Entity will be invited to join the CCNA Participating Group by signing an agreement with CCNA Nominee. See 'How do we join the CCNA Participating Group?'.

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What does the Scheme cost?

In addition to the redress component (monetary payment + payment for counselling and psychological assistance (see 'What is redress?')), there are additional costs relating to the administration of the Scheme.

The administrative costs comprise an administrative charge (calculated at 7.5% of the eligible person's monetary redress payment) and legal support services contribution (\$1,000 per eligible claim). There are no administrative costs for claims that are unsuccessful or do not proceed to the applicant signing the 'acceptance document'.

Consequently, the maximum cost for any one claim under the Scheme is \$167,250. DSS have estimated an average monetary redress payment of \$75,000 per claim using the matrix for assessment against the type of claims presented at the Royal Commission.

However, members of the CCNA Participating Group will only have to contribute a percentage of these costs, see 'How will each claim be funded for members of the CCNA Participating Group?' below.

The costs for Direct Personal Response (travel and accommodation etc) are in addition to this, and will have to be met by the relevant member of the CCNA Participating Group. We advise that an expert will be required to assist with the Direct Personal Response, so as to ensure that expectations from all parties are realised and the response is delivered with a trauma-informed approach for the benefit of the survivor.

Who is eligible to join the CCNA Participating Group?

All Conference Ministries, Conference Churches and Conference Entities.

Conference Entities include entities approved by CCNA Nominee, and will include all ACT churches, churches that are affiliated or progressing, and entities affiliated with Conference Churches.

How do we join the CCNA Participating Group?

If you are eligible and willing to join the CCNA Participating Group then you will need to enter into a participation agreement with CCNA Nominee (the **Participation Agreement**).

The Participation Agreement sets out, amongst other matters, that you agree to:

- participate in the Scheme on the basis of the Participation Agreement;
- be a member of the CCNA Participating Group; and
- accept the CCNA Nominee being the Representative for the CCNA Participating Group.

The Participation Agreement also sets out the internal funding arrangements entered into by participants, including:

- that CCNA Nominee will meet what is referred to as the 'Total Redress Amount' in the first instance, and
- the participant will make a Participant Contribution in accordance with the tables at Schedule 1 of the Participant Agreement.

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See 'How will each claim be funded for members of the CCNA Participating Group?' for more information.

The majority of participants in the CCNA Participating Group will enter the Participation Agreement by signing a Deed. You will need to confirm your ABN, all current and former names associated with your ministry (both legal and trading names), as well as all current and former addresses. It is anticipated that some administrative time will be required to complete these steps.

If you have not been provided with a copy of the Participation Agreement and associated documentation such as the Deed then please contact Ross Stewart for assistance in obtaining a copy. You should consider seeking independent legal advice prior to entering into the Participation Agreement.

Can our affiliated ministries join the CCNA Participating Group?

Yes. If your church runs a childcare centre, a school, or other community organisation, via a separate entity and ABN, then that organisation can join the Scheme through the CCNA Participating Group in its own right, by completing a separate Deed.

Please contact Ross Stewart to discuss any affiliated ministries you would like to join the CCNA Participating Group. In some circumstances we may suggest the ministry be included as another name of your entity rather than a separate entity (for example, where it would more properly be considered a division of your entity rather than an entity in its own right).

How will each claim be funded for members of the CCNA Participating Group?

In the event of DSS issuing an invoice to CCNA Nominee for a successful claim (referred to as the **Total Redress Amount**), then, in accordance with the Participation Agreement:

- CCNA Nominee will facilitate payment of the Total Redress Amount directly to DSS in the first instance. The CCNA Nominee will be supported by Conference Executive and the Churches of Christ Property Trust to enable it to do so.
- Churches, agencies and ministries that are part of the CCNA Participating Group will then be required to provide a 'Participant Contribution', which is a percentage of the Total Redress Amount to the CCNA Nominee. The Participant Contribution is calculated on the basis of the tables set out in Schedule 1 of the Participation Agreement, also set out below.

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Table 1: Participant Contributions for Conference Churches

Participant Contributions for Conference Churches	
1st, 2nd & 3rd Total Redress Amounts	
Kind of sexual abuse of a person as determined by CCNA Nominee with reference to the National Redress Scheme Assessment Framework* in its sole discretion	Participant Contribution
Penetrative abuse	50%
Contact abuse	50%
Exposure abuse	70%
4th & 5th Total Redress Amounts	
Kind of sexual abuse of a person as determined by CCNA Nominee with reference to the National Redress Scheme Assessment Framework* in its sole discretion	Participant Contribution
Penetrative abuse	50%
Contact abuse	60%
Exposure abuse	80%
6th Total Redress Amount	
Kind of sexual abuse of a person as determined by CCNA Nominee with reference to the National Redress Scheme Assessment Framework* in its sole discretion	Participant Contribution
Penetrative abuse	60%
Contact abuse	70%
Exposure abuse	80%
7th & Subsequent Total Redress Amounts	
Kind of sexual abuse of a person as determined by CCNA Nominee with reference to the National Redress Scheme Assessment Framework* in its sole discretion	Participant Contribution
Penetrative abuse	70%
Contact abuse	80%
Exposure abuse	80%

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Table 2: Participant Contributions for Conference Executive, Conference Ministries and Conference Entities

Participant Contributions for Conference Executive, Conference Ministries and Conference Entities	
1 st and Subsequent Total Redress Amounts	
Kind of sexual abuse of a person as determined by CCNA Nominee with reference to the National Redress Scheme Assessment Framework* in its sole discretion.	Participant Contribution
Penetrative abuse	100% or such other percentage determined by CCNA Nominee in its sole discretion.
Contact abuse	
Exposure abuse	

The National Redress Scheme Assessment Framework sets out the payments for different kinds of abuse of the person. In general terms, Total Redress Amounts for claims of ‘Exposure abuse’ are expected to be less than Total Redress Amounts for claims of ‘Penetrative abuse’.

As indicated in the Information Pack v1 released on 1 May 2019, churches in the ACT, or that are affiliated or progressing (and therefore fall within the definition of ‘Conference Entity’ in the Participation Agreement’) will be offered the same percentages as set out in Table 1.

In accordance with the Participation Agreement, members of the CCNA Participating Group that are unable to meet their Participant Contribution may request and be offered a loan in accordance with the terms set out in the Participation Agreement.

What about a ministry or church that no longer exists?

For the purposes of the Scheme, Churches of Christ in NSW/ACT will take responsibility for the liabilities of some ministries and churches that are ‘defunct’ in circumstances where:

- the assets of that church or ministry have gone to Conference for use of Conference;
- the church or ministry held no assets at the time of closure; and
- the ministry was a former ministry of a Conference Ministry.

In circumstances where the assets of a ministry or church which no longer exists have gone to another Conference Church, then our policy position is that the successor or continuing Conference Church will be asked to take responsibility for that ministry or church. In some instances those ministries or churches that no longer exist will be classified as previous names or locations of your institution as opposed to being ‘defunct institutions’ within the meaning of the NRS Act.

For Conference Churches that have received assets that were previously held for a defunct institution, CCNA Nominee will ask that you enter into a supplementary agreement whereby you agree to contribute to claims relating to that defunct institution.

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We want to ensure that survivors are not denied access to redress under the Scheme in circumstances where the institution responsible is defunct, but a related institution that has received the assets of the defunct institution is participating in the Scheme.

Furthermore, for the purposes of calculating the Total Redress Amount (see **How will each claim be funded for members of the CCNA Participating Group?**), the tally of the number of claims will be by campus/defunct church rather than by the whole combined entity.

If you anticipate this is an issue for your church, please contact Ross Stewart.

Why should we join the Scheme?

Most institutions see joining the Scheme as a means of addressing the mistakes of the past and demonstrating their commitment to future child safety and care. They do so as an expression of their public stance regarding justice for survivors, and as a way of providing certainty if a claim does eventuate.

Our commitment to create 'safe places' for all people and to transform communities and lives with Fresh Hope, means Fresh Hope has a zero tolerance for abuse. It also means that we have a duty of care to provide just and compassionate responses to survivors who have experienced abuse within our network.

Fundamentally, the decision to participate in the Scheme is a matter of the heart – to do the right thing, and acknowledge that harm has occurred. Our desire is to partner with you to guide you and support you on this journey.

Does our church have to join the CCNA Participating Group?

No. Should you choose not to participate with us, you can join the Scheme as an individual institution, or with another eligible Participating Group. You will not be eligible for the financial assistance being offered by Churches of Christ in NSW/ACT to members of the CCNA Participating Group as set out under 'How will each claim be funded for members of the CCNA Participating Group?'.

What if we choose not to join the Scheme?

If your church chooses not to join the Scheme, existing processes for survivors will continue. Survivors will need to pursue compensation through normal legal channels or deal directly with your church.

We encourage you to be aware of the message it sends to survivors and the community to know that a church has, or has not, signed up to the Scheme and be ready to communicate the reasons behind such a decision. We cannot predict how media respond if you do not choose to partner in redress.

The Commonwealth has published a list of institutions who have not joined the Scheme (regardless of any excuses). This may result in media promoting this story and further tarnishing the reputation of the church. Currently the list refers to 'Churches of Christ in NSW and the ACT' as '*intending to join*' however it is unknown if they will name individual churches who do not join after the CCNA Participating Group has been declared as having joined the Scheme.

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Regardless of the decision to join the Scheme, we should all encourage survivors to come forward. We must support them, we must own our history, and we must take responsibility for what has happened, regardless of whether it was under the watch of our current leadership, or not. When they do come forward, your church must be prepared to respond with compassion and care.

Our church is an unincorporated association. Does that change things?

No. Unincorporated associations can join the CCNA Participating Group as outlined above. We will request that you provide us with a resolution passed by the unincorporated association that evidences agreement to enter into the Participation Agreement and that authorises a person to sign on behalf of the unincorporated association.

Further Questions?

If you have any questions in relation to the National Redress Scheme please email your enquiries to:

Ross Stewart
Safe Ministry Practices Leader
Fresh Hope Resource Centre
Ross.Stewart@freshhope.org.au

You can also download a PDF version of this document at
www.freshhope.org.au/redress