

# **Redress and Pastoral Care Information and Application Package**

**For Applicants of Child Sexual Abuse or  
Sexual Misconduct by a Church Worker**

**Professional Standards Unit  
Anglican Diocese of Bunbury**

**2019**

**The Anglican Diocese of Bunbury acknowledges the harm done by child sexual abuse and misconduct by Clergy and Churchworkers.**

**In recognition of that harm, we offer to those who have been abused the following options that may assist in their journey of healing.**

- 1. The National Redress Scheme (NRS)**
- 2. Options available through Common Law**
- 3. The Anglican Diocese of Bunbury Redress and Pastoral Care Process.**

**1. The National Redress Scheme (NRS)**

For any person who has been sexually abused and meets the criteria set out by the NRS and, who does not wish to engage with the Anglican Church, you may submit your application for Redress to the NRS.

Visit: [www.nationalredress.gov.au](http://www.nationalredress.gov.au) and download the application form.

Phone: 1800 737 377 (charges may apply and contact can be made between 8am and 5pm local time).

Overseas Callers should call +61 3 6222 3455.

Completed applications should be sent to:

NRS

Reply Paid 7750

CANBERRA BC ACT 2610

**To be eligible to make an application under the NRS, please take note of the following:**

**You can apply to the National Redress Scheme if:**

- a. You experienced sexual abuse when you were a child (under 18 years of age);
- b. The abuse happened before 1 July 2018, and an institution was responsible for bringing you into contact with the person who abused you;
- c. You were born before 30 June 2010;
- d. You are an Australian citizen or permanent resident.

**Your application may be processed differently if you:**

- a. Were abused in an institution that hasn't joined the National Redress Scheme;
- b. Are under 18;
- c. Have ever been sentenced to more than 5 years in jail;
- d. Have already received a payment related to the abuse.

**You cannot apply if you:**

- a) Are in jail (you can apply once you are released or in exceptional circumstances);
- b) Have already applied for redress through the National Redress Scheme;

**You cannot access redress if you:**

- a) Did not suffer sexual abuse;
- b) Have already received a court-ordered payment from the institution.

**2. Options available through Common Law**

Applicants can consult with an independent Legal Advisor.

### **3. The Anglican Diocese of Bunbury Pastoral Care Process**

The information provided in this document provides information about accessing pastoral care initiatives which include:

- 1 Counselling to the value of \$5000.00
- 2 Pastoral Care and Support by a Member of Clergy or other nominated support person
- 3 An Apology (direct personal response) by the Bishop or Diocesan Administrator
- 4 Monetary Payment of up to
- 5 \$150,000.00 which is determined independent of the Diocese and based on criteria as outlined in the Diocesan Monetary Schedule.

**There are a number of exclusions in this process which include:**

- 1 The child abuse or sexual misconduct was not perpetrated by a member of Clergy or Church Worker;
- 2 If the abuse was perpetrated by another resident or child in care and, it can be proved that problematic behaviour had been demonstrated and / or reported the claim will be assessed accordingly.
- 3 If the abuse was perpetrated by another resident in a care facility and there was a significant age difference, the claim will be assessed accordingly but may not qualify for a monetary payment;
- 4 The alleged perpetrator cannot be identified;
- 5 The child sexual abuse or sexual misconduct cannot be reasonably substantiated;
- 6 Physical, emotional, spiritual abuse and neglect are eligible for counselling and an apology but do not qualify for monetary compensation;
- 7 Families of those who have been abused will be eligible for counselling as we recognise the impact on secondary victims.
- 8 If the child sexual abuse or misconduct was perpetrated in a Church School or Church Agency of the Diocese, the Director will refer to the individual protocol of the Church School or Church Agency to determine the action taken. The applicant may be referred directly to the Church School or Church Agency. (need to ascertain who has opted in).

#### **COUNSELLING**

Counselling is made available to any person who has suffered child abuse or sexual misconduct by a Church Worker.

The Diocese will pay up to an amount of \$5000.00 per applicant.

The options for counselling are:

- 1 The Applicant's existing Psychologist or treatment practitioner;
- 2 Sexual Assault Referral Centre (SARC) – located near King Edward Memorial Hospital, Subiaco;

- 3 An independent practitioner or an approved counsellor recommended by the Director of Professional Standards.

To ensure the privacy and confidentiality of each applicant is maintained, the Treatment Provider is provided with a case reference number which is used for the purposes of accounting when invoices are received at the Diocesan office.

A report may be sought from the treatment provider that will be used in support of this application for a monetary payment.

Counselling, while recommended, is optional. Any Applicant who does not attend counselling or, who refuses to be reviewed by a Psychologist for the purpose of a report to be obtained, may be disadvantaged in the assessment process. Psychological harm is a component of the Panel's assessment and the absence of a report may prevent a fair and accurate determination being made.

### **MAKING A CLAIM**

Any person making a claim for a monetary payment must complete the application form and sign the Statutory Declaration. The Director of Professional Standards will assist any applicant as required to complete the claim form to enable a fair and accurate assessment to be made.

For this to occur, all supporting documentation including the applicant's personal statements, witness statements, hospital or medical records, psychologist / psychiatrists report, Police statements and Redress WA documentation will accompany the application form.

### **CHILD APPLICANT**

If the applicant is a child, an application for care and assistance can be made by the parents or legal guardian only after all investigations by the Police, DCPFS and the diocesan insurer are complete.

### **ASSESSMENT OF CLAIM**

The claim will be assessed by an Independent Assessment Panel ('the Panel') who operate independently of the Church and who will recommend an appropriate amount to be paid after viewing all documentation and meeting with the Applicant. However, it is not a requirement for the Applicant to address the Panel if doing so will cause them to be re-traumatised.

The Panel will make a determination based on the report and supporting documentation from the Professional Standards Committee (PSC) that, based on the balance of probabilities, the abuse did occur. In addition, this may have been substantiated by disciplinary, civil or criminal proceedings or by an admission by the perpetrator.

The Panel will determine an amount to be paid keeping with the Diocesan Monetary Schedule.

The maximum amount payable is \$150,00.00 and based on criteria as outlined in the Diocesan Monetary Schedule.

### **MONETARY PAYMENT**

When the Panel have made their determination, the following process takes place:

- 1 A report is provided to the Director outlining the amount to be paid;
- 2 The Diocesan Secretary arranges for the funds be made available to the Applicant subject to approval by the appropriate Church authorities;
- 3 A Deed of Settlement and Release is prepared and provided to the Applicant;

- 4 The Applicant may seek an independent legal opinion and the Diocese will pay reasonable costs associated with seeking that opinion;
- 5 When the Deed has been signed by the Applicant, it will be signed by the Church Authority;
- 6 The payment will be made to the Applicant by either cheque or EFT and the Applicant will need to provide all relevant banking details for an EFT transfer.
- 7 It is a requirement under Commonwealth regulations that an amount of \$175.00 is paid to the Compensation Recovery Scheme and this amount is deducted from any compensation paid.
- 8 Applicants will be required to provide their Medicare Number.

**NB – The Diocese will make every endeavour to expedite this process, however, applicants should be aware that delays can occur in the finalisation of a claim.**

### **APOLOGY OR DIRECT PERSONAL RESPONSE**

If an Applicant is seeking an apology from the Church for the harm done, the Director will arrange for this to take place.

The Applicant may choose:

1. a meeting with the Bishop or Diocesan Administrator; or
2. a personal handwritten apology;
3. both a meeting and hand written apology can be provided.

### **CONFIDENTIALITY CLAUSE**

Participating in this process or accepting monetary compensation will not prevent you from telling your story. Any deed of release will make specific reference to your continuing right to tell your story.

### **RETENTION and CONFIDENTIALITY of RECORDS**

The files of all applicants are held in secured storage in the office of the Director of Professional Standards.

Information in the files specific to child sexual abuse or sexual misconduct is provided for the following purposes:

- Assessment of a claim for a monetary payment;
- Legal reasons;
- Insurance purposes;
- Disciplinary processes.

### **DEFINITION OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT?**

**Sexual Abuse** – means sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour in relation to a child or adult, and in relation to a child includes the use of a child by another person for his or her own sexual stimulation or gratification or for that of others;

**Sexual Assault** - means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent or against a child;

**Sexual exploitation** - means any form of sexual contact or invitation to sexual contact with another person, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage;

**Sexual harassment** - means unwelcome conduct of a sexual nature, whether intended or not, in relation to a person where the person reasonably feels in all circumstances offended, belittled or threatened;

## **DEFINITION OF A CHURCH WORKER**

Church Worker – Means any person who is or who at any relevant time was:

- 1 A member of the Clergy (including the Dean of the Cathedral) whether or not holding the Bishop's licence or permission to officiate (PTO licence);
- 2 an ordination candidate;
- 3 a church warden or parish council member;
- 4 employed or engaged by a Church authority or Church entity; or
- 5 holding a position or performing a function with the actual or apparent authority of a Church authority or Church entity but excludes the Bishop.

## **CONTACT PERSON:**

Director of Professional Standards  
Professional Standards Unit  
Anglican Diocese of Bunbury  
GPO Box W2067  
BUNBURY WA 6846  
Phone: (08) 9425 7203 (direct)  
Mobile: 0419 935 889  
psu@Bunbury.anglican.org

**VERY CONFIDENTIAL**

**THE ANGLICAN CHURCH OF AUSTRALIA  
Professional Standards Unit**

---

GPO Box W2067, PERTH, WA 6846 - Ph: (08) 9425 7203 - Email: psu@perth.anglican.org

---

---

**Application for Pastoral Care & Assistance**

---

This form should be completed by any person applying for a monetary payment under the Redress and Pastoral Care Policy guidelines.

Once completed, this form should be returned directly to the Director of Professional Standards marked 'Private and Confidential'

---

**1 Personal Information**

---

Surname: ..... Date of Birth: ..... / ..... / .....

Given Names:

.....

If your name has changed, please provide your previous name:

.....

Preferred Postal Address: .....

..... Postcode: .....

Telephone Contact Details: ..... Mobile: .....

Email: .....

Medicare Number: \_\_\_\_\_

Preferred method of Payment: Cheque  EFT

Bank Account Details: BSB \_\_\_\_\_ Account Number: \_\_\_\_\_

Account Name: \_\_\_\_\_

## 2. Details of the person who abused you

Their name:.....

Did they have a nick name ?.....

Do you recall anything that could assist in identifying them (scars, beard, Clerical attire, the way they dressed, their voice, jewelry)

.....  
.....  
.....

The alleged perpetrator's role in the institution.....

Were you abused by more than one person in the institution?

Please provide their names:

.....  
.....

Did you tell anyone at the institution that you had been abused?.....

Do you remember their name?.....

---

What did they do / say?.....

## 3 Details of Abuse

The name of the institution, parish or children's home where the abuse occurred?

.....  
.....

Do you recall exactly where it occurred (dormitory, car, parish office, rectory, on a camp)

.....  
.....

---

Please list the years you were in the institution / parish / children's home.....

Your age when the abuse occurred.....

Please tick the appropriate time frame that identifies the duration of the abuse.

One off event;	
Less than 1 year;	
1 – 2 years;	
2 – 3 years;	
3 – 4 years;	
4 – 5 years;	
More than 5 years.	





To assist the Panel in their determination, please tick any of the following that best describes the impact that child sexual abuse has had on your life.

Medically diagnosed Post Traumatic Stress Disorder (PTSD),	
Anxiety or Depression or other Psychological harm;	
Attempted Suicide, Suicidal Ideology or Self Harm;	
Relationship / Family / Marriage breakdown;	
Inability to establish intimate relationships and show affection;	
Sexual Dysfunction;	
Confusion over sexuality;	
Inability to socialise and withdrawn from society.	
Compromised sense of self-worth;	
Deep feelings of guilt, shame and responsibility for the offence;	
Confusion over sexuality;	
Unable to trust;	
Feelings of betrayal;	
Drug and Alcohol Dependency / Abuse;	
Criminal History;	
Aggression, anger management issues;	
Parenting issues;	
Fear of being institutionalised in an aged care facility;	
Claustrophobia or other phobias as a consequence of being confined;	
Diagnosis of HIV / AIDS;	
Diagnosed Rectal / Abdominal / Bowel Complications;	
Compromised health due to neglect and poor hygiene (eyes, teeth, hearing);	
Poor learning skills;	
Inability to communicate effectively;	
Long periods of unemployment;	
Homelessness;	
Loss of Faith;	
Anger towards the institution.	
Other	



**WESTERN AUSTRALIA OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS  
ACT 2005**

**STATUTORY DECLARATION**

I .....

.....  
(name, address and occupation of person making declaration)

Do solemnly and sincerely declare:

- 1 I apply for a monetary payment for child abuse / sexual misconduct committed against me by a member of the Clergy or a Churchworker in the Anglican Diocese of Bunbury.
- 2 In making this application I understand and agree to the following: -
  - a The process is entered into by all parties on an informal basis and is not legally binding on anyone unless and until a separate deed of offer, acceptance and release is subsequently signed by me;
  - b A recommended amount of pastoral monetary assistance (if any) will be determined by an independent assessment panel ("the panel") whose identities will be made known to me;
  - c The panel will be provided with all documentation which I submit in support of my claim.
  - d I may be offered such an amount as may be recommended by the panel. My acceptance of any offer will involve giving appropriate releases and discontinuing any relevant civil legal proceedings against any church body or office holder;
  - e The Diocese will pay reasonable costs of independent legal advice before I sign any document that contains the releases mentioned above;
  - f If I reject the amount offered to me I note that the Diocese acknowledges that any rights that I may have to commence or continue legal proceedings are unaffected by my application under the scheme;
  - g Neither I nor any person acting on my behalf, the panel, nor the Diocese nor any person acting on behalf of the Diocese or panel will disclose to any person or rely or seek to rely in any arbitral or judicial proceeding (whether or not such proceeding relates to the subject matter of this application) on any communication, statement or information, whether oral or documentary, made or provided in the course of or in relation to the panel's records or communications or anything done or omitted to be done by the panel except:
    - (i) as required by law
    - (ii) use of documents such as statements and third party reports which exist independently of the scheme;
    - (iii) for the purpose of medical treatment;
    - (iv) for a church disciplinary proceeding
    - (v) to enable me the applicant to tell the story of the abuse which happened to me.
  - h I will not call any member of the panel as a witness or subpoena or demand the production of any records, notes or the like made by or for the panel in the course of or in relation to any action done or omitted to be done by the member;
  - i I irrevocably waive any rights that but for this provision I may have had to seek judicial review of any act or omission of the panel or to take legal action against the members of the panel.
    - i.e. I cannot go to court about any dissatisfaction that I may have with what happens, does not happen or the outcome under the scheme.
- 3 I have truthfully declared all previous payments received for child sexual abuse.
- 4 The facts and statements set out in this application and the attached papers are true to the best of my knowledge and belief.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005.

DECLARED at ..... this ..... day of ..... 20.....

**Signature of person making the declaration**

**Witness (Witness is anyone over the age of 18 years)**

**Witness Name:**.....

**Address:**.....

.....

**Occupation:**.....