



Recovery of costs relating to redress and civil litigation from child sexual abuse

Frequently asked questions

What was the outcome of the consultation earlier this year?

Earlier in 2018 wide consultation across the life of the Uniting Church in Australia, Queensland Synod was undertaken to identify how the church may best provide for payments associated with redress and civil litigation relating to historical instances of child sexual abuse.

We appreciate the substantial and thoughtful responses that came from many parts of our Church.

Through the responses we heard

- A deep compassion for the survivors of sexual abuse and a commitment to respond.
- Concern about the impact that any financial response will have on the church.
- Anxiety about the open-ended nature of what redress and civil litigation could cost.
- Lack of understanding of the practice of redress.

There was mixed responses to the 4 options presented. More responses favoured a combined levy on the whole church combined with the entity where the abuse occurred making a lump sum payment. This option was not supported by the Synod Standing Committee (SSC).

The SSC has reflected on this, in the light of the Basis of Union, and our commitment as a church to bear witness to the gospel. We will not hide from the truth, however painful that may be, and we will seek, with compassion and humility, to address whatever issues and challenges may emerge for us. We will say "sorry" to anyone who was sexually abused while in our care and, in consultation with those so affected, actively seek ways to make amends for what happened in the past and identify how we can best offer support into the future.

This is an integral part of our life and witness to the gospel. There are also societal and legal expectations that underpin the church's commitment. As a result, Synod Standing Committee has given consideration to how best the church may provision itself to make financial redress. In doing so, it has determined that the Synod office will continue to meet the total costs for claims of historical abuse, and those costs will be funded by a Synod wide recovery of costs scheme.

What is Redress?

Interim Redress is a tangible expression of regret, recognising the wrong that survivors have suffered. Until 30 June 2018 the Queensland Synod offered its own Interim Redress Scheme. The Uniting Church in Australia has made a commitment to participate in the National Redress Scheme.



What is civil litigation for child sexual abuse?

The Church respects the rights of survivors to control how they deal with the outcomes of the harm they suffered. Some survivors may wish to pursue formal legal avenues seeking monetary compensation in recognition of those harms. In those circumstances, the Queensland Synod's Interim Redress Scheme does not apply.

Why must the Uniting Church make these payments?

There is an expectation of society and in the church's response to the Royal Commission that the Church will do all it can to provide fair, consistent and compassionate redress for people who were sexually abused as children in our care.

What types of payments are covered by the Recovery of Costs Scheme?

The Recovery of Costs Scheme will include all payments relating to redress and civil litigation. These payments will include, but not be limited to:

- lump sum payouts;
- legal fees;
- administration and finance expenses; and
- counselling payments for survivors

Does this align with the Basis of Union?

The Basis of Union envisages first and foremost one Uniting Church bearing witness to the unity which is Christ's gift and will for the whole church. Within this unified whole the church is organised through a series of inter related councils. These councils exist to further the work and unity of the church. The recovery of costs scheme gives expression to a whole of church response to past practices.

Why should parts of the Church who did not inflict abuse on children, have to pay now?

Simply put, survivors are looking to the church to make a response. A monetary response is consistent with community expectations. The survivors were in the care of the church, as either residents in homes, students at schools or participants in church activities. Consistent with the notion that the church is many parts of the one body, this is considered the fairest solution. We all must share the pain of past injustices.

Will the payment of the Recovery of Costs Scheme adversely impact the future growth of the church, to pay for the past?

The recovery of costs scheme will cause responsible bodies to reallocate money away from existing priorities. How this is managed will determine whether it affects the future growth of the church. At the same time, as we respond to a deep pain and brokenness, caused by past practices of sexual abuse, Individuals, the church and our society will experience healing and renewal. These are fundamental principles of the mission of God. Jesus asks us what it does to gain the world but lose our souls?



Why aren't we selling property that is not used for mission, or accessing the Mission Development Funds (MDF)?

The SSC considered the sale of property or access to MDF. However, it was considered that this would not be consistent with a whole of church response to redress and civil litigation for child sexual abuse. The sale of property or access to MDF would disproportionately affect some parts of the church. The recovery of costs scheme acknowledges that all parts of the church bear some responsibility for past injustices of abuse.

Are ministers, who are not employees of the Church, treated differently to employees when deciding how to pay?

The focus of redress is on the survivor and whether they were abused whilst in the care of the church. There is no consideration given to whether the alleged perpetrator was a minister or not.

In his interview with the ABC, the moderator states that no levy will be imposed on a parishioner. Are we to assume that if this is the case, the only solution here is the realisation of assets for a congregation?

There will be no levy imposed on any individual parishioner. The recovery of costs scheme requires the component bodies of the church congregations, presbyteries, UCQ, WMQ, schools, Synod office to contribute. It is acknowledged that the income of these bodies comes from members and clients, however, no individual will be compelled to contribute.

Has there been any consideration on how the recovery of costs for a congregation might be calculated?

A Sensitive Matters reserve has been established within the Synod office.

All costs associated with redress and civil litigation will be allocated to this reserve, thus creating a negative balance. At the end of each financial year (commencing 30 June 2019) costs incurred will be recouped from congregations, presbyteries, UnitingCare Queensland, Wesley Mission Queensland, Property Trust Schools and the Synod office, these are referred to as responsible bodies. Administrative arrangements will enable recovery of cost amounts to be paid monthly, across the following financial year.

The contribution will be calculated by applying a recovery of costs calculation on the average of total revenue and the insured value of total property (building and contents excluding motor vehicles).



Example of a possible calculation outcome

To assist congregations and schools calculate an indicative amount that could be budgeted for 2019, a ready reckoner/calculator will be available for use on the Synod Website (<https://ucaqld.com.au/synod-services/finance/recovery-scheme-calculator/>). The inputs required to drive the ready reckoner/calculator are:

- Whether you are a school or congregation (drop down box)
- The annual gross revenue your church body generated (use most recent figures)
- The annual building and contents insurable value (use most recent figures)

The online ready reckoner/calculator will provide an estimate of the annual amount payable based on a number of assumptions.

The example below is illustrative only. The figures are based on 2018 figures. The 2019 recovery of costs amounts will be based on 2019 figures. These tables have been included to show splits (at a total level).

Assume the balance of the Sensitive Matters reserve bank account at 30 June 2019 is overdraft of \$5,000,000

Assume the percentage splits have been determined as per the following table

Responsible Body	% Contribution to Sensitive Matters
Congregation	7.67%
Synod Office	1.69%
Schools/Colleges	3.26%
UnitingCare Queensland	77.38%
Wesley Mission Queensland	10.01%
Grand Total	100.00%

The recoveries would be as per the table below, to be invoiced in July 2019

Category of Responsible Body	Allocation of cost
Congregation	\$383,266.77
Synod Office	\$84,307.66
Schools/Colleges	\$162,954.34
UnitingCare Queensland	\$3,869,134.58
Wesley Mission Queensland	\$500,336.65
Grand Total	\$5,000,000.00

How long will this recovery of costs scheme operate?

The national redress scheme will operate from 30 June 2018. The recovery scheme will continue to operate for as long as the Church needs to provision itself for these types of expenses.

What is the process for determining a redress application?

THIS DOCUMENT IS UNCONTROLLED WHEN PRINTED.



All applications for redress with the Uniting Church in Australia, Queensland Synod must be made through the National Redress Scheme.

An Independent Decision Maker will consider the application for redress, which may take some time. Further information is available at <https://www.nationalredress.gov.au/applying/what-happens-next>.

Is there any insurance cover for these matters?

Our insurance team continue to ensure that all options for insurance recovery are explored.

Is there going to be another increase in the Public Liability Insurance this year to contribute towards the Redress Scheme?

Any increases to the Public Liability Insurance premium allocation will not be a result of the Interim Redress Scheme. The recovery of costs scheme is a separate arrangement from the group insurance program.

Revisions

Document number		POL-XXX-XX			
Version	Approval date	Approved by	Effective date	Document owner	Document contact
X.X	22.11.2018	ED Strategic Resources	22.11.2018	ED strategic Resources	Manager, Finance
Next scheduled review		DD.MM.YYYY			