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ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF TASMANIA

**GUIDELINES FOR APPLICATION FOR
PASTORAL SUPPORT AND ASSISTANCE SCHEME**

General

1. An Application for Pastoral Support and Assistance ("application") is to be lodged with the Registrar of the Diocese of Tasmania, GPO Box 748, Hobart, Tasmania, 7001.
2. Any questions are to be directed to the facilitator (Director of Professional Standards), who can be contacted through the Diocesan Office on telephone 6220 2020.
3. An application can only be lodged once the Tribunal or Committee has found the complained conduct occurred.
4. On the receipt of an Application by the Registrar it will be forwarded to:-
 - (a) the Director of Professional Standards who will provide it to the Independent Assessor; and
 - (b) the Church Management Group who will, if it is considered by that group to be necessary, provide medical reports or information to the Director of Professional Standards on behalf of the Diocese who will in turn provide that information to the Independent Assessor and the applicant.
5. For the purposes of the Pastoral Support and Assistance Scheme ("the Scheme") references to an injury shall be construed as including references to any impairment of bodily or mental health.

Basis of Grants of Pastoral Support and Assistance

1. Pastoral support and assistance may be granted under this Scheme where a person suffers injury as a result of sexual misconduct by a person who is subject to the Ordinance or who would have been subject to the Ordinance if the Ordinance was in force at the time the act or omission occurred.
2. The term 'sexual misconduct' is based on the definition of Information" in the *Professional Standards for the Protection of Children and Adults from Sexual Misconduct Ordinance 2005* and for the purposes of this Scheme is
 - (a) any form of unwanted sexual behaviour, whether by act or words, including sexual harassment or sexual assault;

- (b) viewing child pornography including providing it or showing it to others;
 - (c) any form of sexual behaviour involving a minor including showing or providing pornography to a minor;
 - (d) sexual behaviour by a Clerk undertaking a ministry role or position, occurring within a pastoral relationship, which is inconsistent with the standards to be observed by Clerks undertaking a ministry role or position.
3. In respect of the injury of a person the pastoral support and assistance granted under this Scheme may be granted in respect of any one or more of the following matters:-
- (a) expenses actually and reasonably incurred as a result of the injury;
 - (b) pecuniary loss to a person as a result of his total or partial incapacity for work arising from the injury; and
 - (c) the pain and suffering of the person arising from the injury.
4. Pastoral support and assistance granted under this Scheme in respect of an injury may be granted:
- (a) to or for the benefit of the applicant; and/or
 - (b) to any person responsible for the maintenance of the applicant who has suffered pecuniary loss as a result of the injury.
5. In respect of an injury, pastoral support and assistance shall not be granted under this Scheme in relation to any matter referred to in 3 and in respect of which compensation has been paid under any compensation law or is payable under the Criminal Injuries Compensation Law or the Workers Compensation Law.
6. In 5 *compensation law* means any other law of Tasmania or any law of another State, a Territory of the Commonwealth or the Commonwealth that relates to the payment of compensation.

Jurisdiction

1. Grants of pastoral support and assistance are within the discretion of the Independent Assessor and in exercising his/her discretion in any particular case he/she may have regard to any circumstances that he/she considers relevant.
2. The Independent Assessor will not be bound by the rules of evidence.
3. Once a grant of pastoral support and assistance is made it is final. Interim grants can be made, where the Independent Assessor deems it appropriate.

4. A grant may be made on and subject to such conditions as the Independent Assessor determines as to the payment of any sum paid under the grant.

Limits on Amount of Grants

1. The total amount granted by way of pastoral support and assistance to any one person in respect of an application shall not exceed \$60,000.00.
2. A grant of pastoral support and assistance will be reduced by the amount paid, at the time of assessment, by the Diocese for counselling.
3. Any claim for expenses in bringing the application is to be determined by the Independent Assessor.
4. Any grant of pastoral support and assistance will be reduced by the amount recoverable by Centrelink and/or Medicare. These entities will be reimbursed direct by the Diocese.

Procedure for Determining Applications for Pastoral Support and Assistance

1. An application shall be made to the Independent Assessor by completing Part A and Part B which are attached and by providing the details and documentation listed in those forms.
2. The application will be verified by a statutory declaration which is provided for in Part B.
3. The Church Management Group is entitled to have the applicant assessed by a registered medical practitioner or registered psychologist of its choosing.
4. The Church Management Group is entitled to submit any medical or psychologist's report or any other document or information relevant to a person's application to the Independent Assessor.
5. In consideration of an application, the Independent Assessor is entitled to inform himself/herself as he/she sees fit.
6. An applicant is entitled to appear before and be heard by the Independent Assessor either personally or be represented by a lawyer or appear with a support person.
7. The Church Management Group or a person appointed by the Group is entitled to appear before and be heard by the Independent Assessor.
8. If at a hearing before the Independent Assessor something is raised which does not appear in the application verified by statutory declaration then a further statutory declaration needs to be provided by the applicant and an opportunity given to the

Church Management Group to make representations with respect to the additional material.

9. The Independent Assessor will provide a short statement reasons with respect to the amount of pastoral support and assistance granted ("the report") to the applicant and to the Church Management Group.
10. The Church Management Group will refer the report to the Diocesan Council and once approved will arrange for an offer of the assessed sum to be given to the applicant in exchange for a written Deed of Release releasing the Diocese, its employees, officers or agents (but excluding the respondent) from any claims, demands, or actions under statute or at common law, arising out of the complaint.
11. On execution of the Deed of Release by the applicant the Director of Professional Standards will arrange for payment to be made of the assessed sum to the applicant.

Restriction of Publicity Proceedings

Proceedings before the Independent Assessor shall be conducted in private.

Affect on Other Rights and Remedies

The legal rights of an applicant are affected by the acceptance by him or her of an offer of pastoral support and assistance made by the Diocesan Council in accordance with the Independent Assessor's decision. (See Part A).

An applicant is encouraged to seek independent advice before accepting an offer of pastoral support and assistance from the Diocesan Council.

Finality of Decision of Independent Assessor

A decision of the Independent Assessor under this Scheme is final and cannot be appealed.