

MELBOURNE ANGLICAN REDRESS SCHEME

ISSUES ADDRESSED

Reference is made to the Terms of Reference of the Diocese of Melbourne approved 15 December 2016 under which the following issues arise for discussion:

1. What conduct should give rise to redress – *child sexual abuse or related serious physical abuse*: see the definition of ‘abuse’ in clause 91.
2. What perpetrators are covered by the Scheme – Not limited to a Church worker: see the governing criteria in clause 8.
3. Should interim redress be available? Yes, see clause 13.
4. Which persons should be eligible to apply for redress – *any person who has suffered harm as a result of alleged abuse and satisfies the governing criteria in clause 7...*: see clause 6 of the Scheme.
5. What should be the governing criteria for the grant of redress?
 - (a) *a perpetrator (whether or not identified) committed the alleged abuse;*
 - (b) *there is a relevant connection between that abuse and the respondent institution; and*
 - (c) *as a result of that abuse, the applicant has suffered loss or harm.*
6. What should be the required nexus with the Diocese? Three alternative circumstances are prescribed: see clause 8(2).
7. What should be the governing conditions for the grant of redress? See clause 9.
8. Should a release be required? See clause 9(b), 12(1) and 52.
9. If redress has previously been given, can the survivor apply again? Yes, subject to clauses 9(e) and 26.
10. What should be the burden of proof? *Reasonable likelihood*: see clause 44.
11. What if there is a professional standards or discipline proceeding on foot against the alleged perpetrator? Redress Manager may defer the referral of the application for final redress to the Board: see clause 20(3).

12. Should the alleged perpetrator be party to any redress proceeding? No, see clauses 20(2), 22 and 45.
13. Should there be a maximum amount if any payable under the Scheme and otherwise should there be a tariff of benefits? Yes, see the schedule.
14. What rights of appeal should be given? Limited to whether governing criteria made out: see clause 27.
15. Who should be notified of a determination of the Assessment Board? See clause 51.

7 March 2017