

# Frequently Asked Questions- Redress Proposal

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# Background

In 2015, the Royal Commission into Institutional Responses to Child Sexual Abuse recommended a National Redress Scheme for all institutions. Their hope was that an accessible, independent, fair, accountable, and efficient scheme would be established to allow as many survivors of child sexual abuse as possible to access redress.

In response to this recommendation, in November 2016, the Federal Government announced a scheme which is expected to begin operation on 1 July 2018 and run for 10 years.

The Anglican Church in Tasmania is committed to a National Redress Scheme and acknowledges how important it is for survivors of child sexual abuse. For further reading: [The Importance of Redress for Survivors of Sexual Abuse](#)

On 5 April 2018, the Church received advice that it has an estimated future liability of \$8 million for redress payments under the national scheme. Immediate and decisive action was necessary.

The church's governing body (Diocesan Council) endorsed a proposal for raising the funds which will be considered at the annual meeting of all parish representatives (Synod) in June.

If the Synod agrees to the proposal, parishes will have an opportunity to make a submission to Diocesan Council about the effects on their parish. The Diocesan Council will determine the outcome of these submissions in December 2018.

This information has been prepared in good faith with due care, however is not intended to be legal advice and it does not purport to contain all the information or answers you may require. It should not be relied on as statements or representations of fact. You should make your own independent enquiries to satisfy yourself regarding the accuracy, correctness and completeness of the information.

# Redress

## What is the Church's proposal to fund Redress?

The proposal that will be considered by Synod (annual meeting of all Parish representatives) is to establish a redress fund by: levying 25% from Parish and Diocesan investments; seeking direct contributions from parishes; and from levying 25% of the net proceeds of sale of properties across the Diocese.

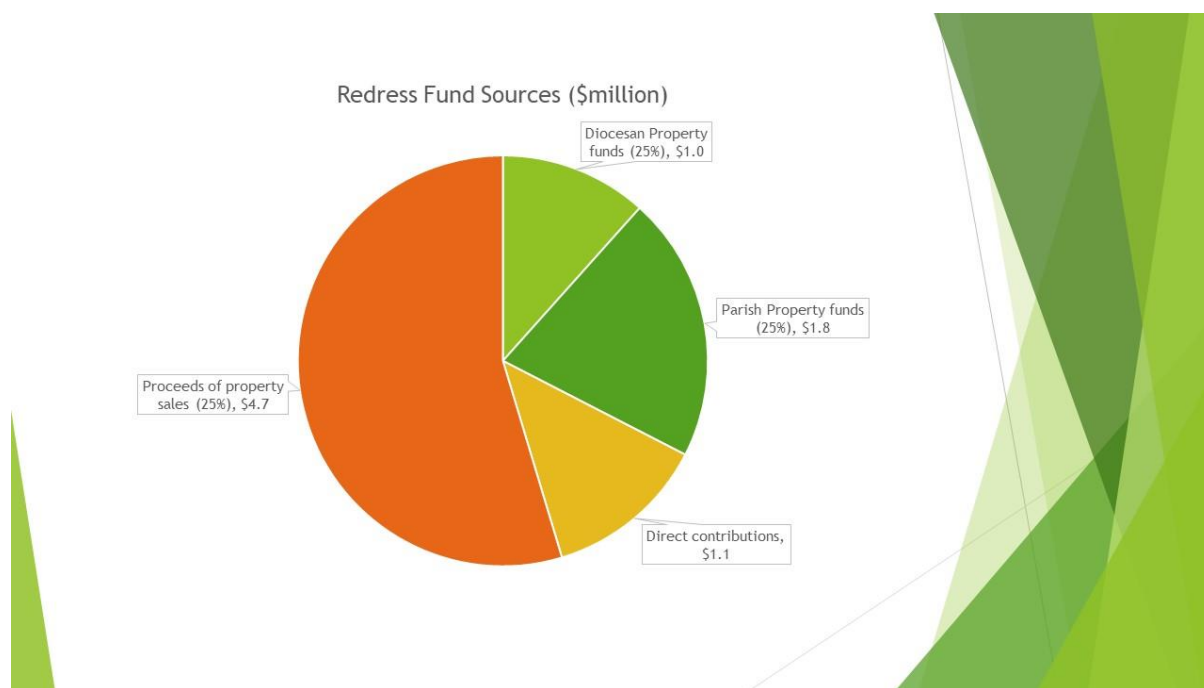
## Where will the \$8 million needed to fund Redress come from?

\$2.8 million – 25% levied from Parish and Diocesan funds

\$4.7 million - 25% of the proceeds of sale from 108 Anglican properties

\$1.1 million – Direct contributions from parishes

\$8.6 million

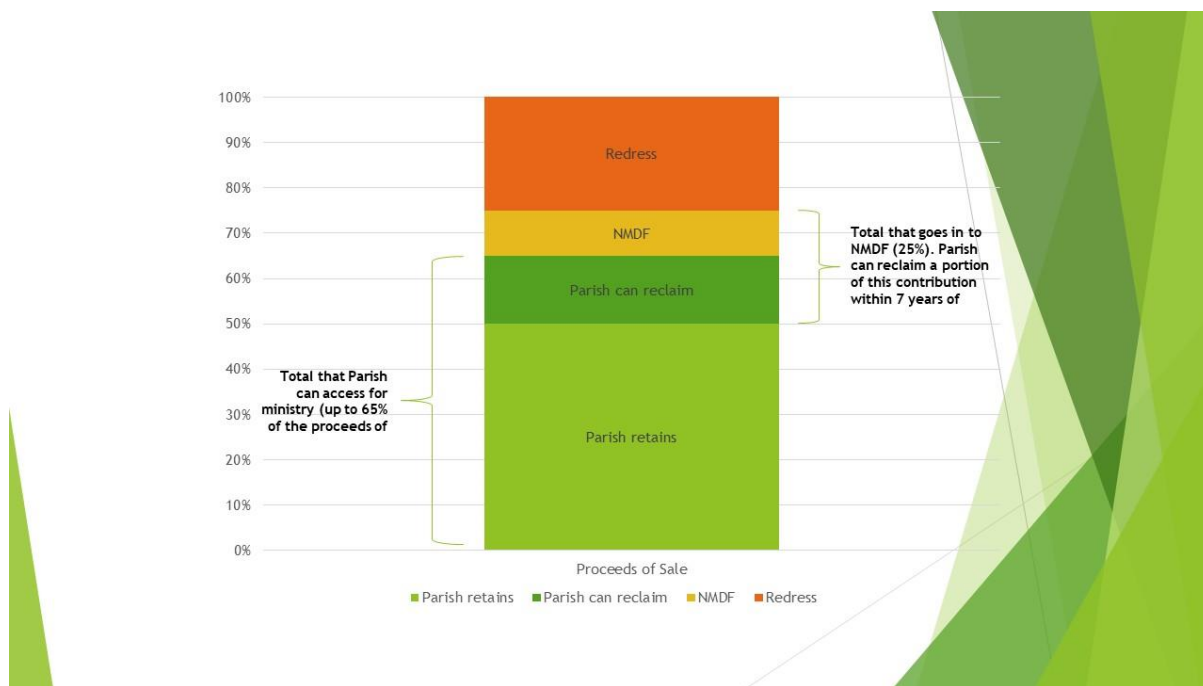


## How will the money from the sale of properties be allocated?

25% will go to the Redress Fund

25% will go to the New Ministry Development Fund (10% retained by the Diocese and 15% able to be claimed by the Parish for a new initiative)

50% of the proceeds of sale will be retained in trust for local parishes for future use. This is intended to preserve some of the proceeds of sale for local ministry.



**Why is the church not funding Redress from its existing cash reserves?**

The Trustees allow parishes and other organisations in the Diocese to pool their funds. Some of these funds often have trust or bequest conditions attached to them.

The Trustees don't distribute all their earnings every year – they keep some in reserve so that they can keep paying interest when financial conditions are bad, like during the GFC. Those earnings don't belong to the Diocese but to every parish and organisation that is part of the investment pool.

**Why is only 25% of the money from the sale of property going to Redress?**

When Anglican Church property in Tasmania is sold, 25% of the net proceeds is directed to the New Ministry Development Fund. This helps fund new ministries across Tasmania. Under certain conditions, 15% may be available to the parish. This will not change.

The balance 50% belongs to the parish and may be used locally.

The purpose is to maintain as much local ministry as possible.

**Why is the church raising more than the \$8 million needed for Redress?**

The proposal, if accepted by Synod, will raise the funds needed for redress and at the same time ensure money is available to the local parish to continue ministry in the local community.

The Diocese is concerned about the viability of ministry and the church (people) in the places where it sells property. Retaining up to 65% of the net proceeds of sale locally will provide funds for whatever happens in the future.

### **Why not just sell a few properties and take 100% of proceeds?**

Selling fewer properties and using the total proceeds of sale from those properties for redress would terminate the ministry in those places and make it very difficult for anything to happen in the future.

Diocesan Council has proposed that it is fairer that every parish share in our collective responsibility to fund redress.

### **Why should we have to pay for Redress?**

Redress payments go some way to alleviating the monetary costs of the abuse in survivor's lives. But more than that, redress gives clear acknowledgement from us that the abuse happened. It also provides a means for ongoing support through counselling.

### **What if you don't need all the money raised to fund Redress?**

The balance of money remaining at the end of the National Redress Scheme (in 10 years) will be returned to the parishes from which it was levied. Church buildings might be closed, but the people of the parish will still be within local communities. If parishes have merged, funds will be returned to the merged parish's Trustee account.

## Cemeteries

The Anglican church acknowledges that there is significant public concern about the future management of cemeteries. Church and government officials are continuing discussions in this area.

### **How are the interests of community members protected?**

Cemeteries and Burial Grounds are governed by State legislation. The *Burial and Cremation Act 2002* (and its Regulations) deal with the management and regulation of cemeteries in Tasmania. <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2002-004>

On the sale of the land which includes a cemetery, the Anglican Church requires the purchaser (as a condition of the sale) to be approved as the new cemetery manager under the Act. The Act provides for a formal process to occur in this regard - the Director of Local Government can lodge objection to the proposed new cemetery manager in certain circumstances.

The Anglican Church, when selling land that includes a cemetery, is careful to ensure that the requirements of the Act are met, and its conditions are set out in the contract of sale.

The Act sets out the responsibilities, duties and powers of cemetery managers.

The Act protects the rights of the community.

## **What assurance is there that a family member can be buried near a loved one?**

The *Burial and Cremation Act 2002* deals with exclusive rights of burial.

A person may apply to a cemetery manager for an exclusive right of burial for a specified burial plot or a specific portion of a cemetery. It will be up to the cemetery manager as to whether or not an exclusive right of burial is granted. If an exclusive right of burial is granted, then it is normally granted for a term of 25 years (which may be renewed) on such terms and conditions as may be agreed between you and the cemetery manager.

If the role of cemetery manager changes, then new cemetery manager must comply with any exclusive rights of burial that were granted by former cemetery managers.

In some circumstances it may no longer be practicable for a cemetery manager to bury human remains in accordance with an exclusive right of burial. The Act makes provision as to what is to happen if this is the case.

## **If a cemetery is sold can people still visit the grave of a loved one?**

Yes – the *Burial and Cremation Act 2002* makes provision for this.

The cemetery manager has a duty under the Act to allow access. A cemetery manager must permit any person to have access (free of charge), at any reasonable time, to visit graves in any portion of the cemetery.

## **Can the new owners of the cemetery move the grave markers?**

The *Burial and Cremation Act 2002* makes provision that a cemetery (or part of it) can be closed if it is disused. If there have been no burials in a cemetery (or part of it) for a period of 30 years or more, or burials have taken place within that timeframe, but with no vault or monument erected, then the cemetery manager may proceed to close the cemetery or a portion of it.

The cemetery manager has certain powers under the Act to deal with grave sites if the cemetery is to be closed. The cemetery manager may lay the closed cemetery out as a park or garden for use as a place of quiet recreation only - the cemetery manager must give notice of this intention to the Director of Local Government and publish that intention in a daily newspaper circulating in the municipal area.

# Collective responsibility

## **Why should the wider church community have to pay for the sins of others?**

As we share in the positive parts of our history – the buildings, memories and heritage, we also share in the negative parts of our history as well. We have a corporate responsibility to stand with those who were hurt.

Jesus is our model. He suffered for the sins he did not commit to provide forgiveness and restoration. In a small way, the sacrifice the church now faces models his sacrifice for us. It is a profoundly Christian thing to do.

For Further reading: [Collective responsibility for righting past wrongs](#)

## Consultation

The Anglican Diocese has been open and transparent advising parishes as well as the public at the very earliest.

### **How do you have a say?**

The list of properties proposed for sale will be considered at the annual meeting of all parish representatives (Synod) in June.

After Synod:

Parishes will have the opportunity to apply for properties to be exempt from sale, or for funds to be exempt from levies. **Applications must be made before 1 October 2018.** Parishes will be supplied with the details for this process.

Community groups, councils or individuals who wish to make a representation to the church's governing body (Diocesan Council), about church property proposed for sale, can address their submission to the General Manager of the Diocese at [Registry@anglicantas.org.au](mailto:Registry@anglicantas.org.au). Submissions can be made after Synod has finalised the proposed list in June. **Submissions must be made before 1 September 2018.**

The Diocesan Council will make its final decision in December. All submissions will be considered.

### **Will parishes have a say about the sale of their property?**

The Diocese cannot sell properties on its own without the approval of the Synod. The whole proposal is yet to be debated at Synod. If the Synod decides to approve the proposal parishes will then have an opportunity to seek an exemption before Diocesan Council makes its final decision in December.

### **What consultation is occurring?**

We are in the initial stages of the consultation phase.

The proposal needs to be considered at Synod. The proposal (if endorsed) will then allow for individual parishes to seek an exemption before Diocesan Council make its final decision in December.

Parishes are invited to consult with their Archdeacon in preparing the submission.

Community members are also invited to make submissions. (See previous question for details)

# General

## **Why are you selling churches?**

The church needs to find \$8 million to fund its redress obligations. The wisest way to do this and keep the church ministries operating is by selling its property assets. The costs of redress will be shared across every parish rather than borne by a few.

## **Our churches have important family connections**

We acknowledge that for many people churches hold memories of significant family events (baptisms, weddings and funerals) and history. We understand the emotional connection associated with church buildings and appreciate how difficult it is to be faced with the possibility of them no longer remaining in church hands.

Church communities need people who will regularly attend and support the church financially so that the church can grow, support a Minister, pay its bills (eg. rates, electricity, insurance etc) and physically maintain the building.

Low attendance levels and the poor state of finances in some of the churches have projected that they are not sustainable in the future.

## **Alternatives to selling?**

Parishes can make a submission to Diocesan Council if they wish to propose other financial arrangements to meet their contribution.

# Other options?

## **Surely there is a better solution than selling all these properties?**

We are committed to funding redress and considered various options. For example:

Bank loans – not a financially viable option for our Diocese.

Taking a larger proportion from funds held by the Trustees – this would have a negative financial effect on parishes who rely on income from these funds to maintain ministry.

Selling fewer properties but taking 100% of proceeds towards Redress – this would terminate ministry in some parishes and leave no funds for existing or future ministry.

The strategy we have adopted seems to be the most realistic way to proceed.