



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

Australian Catholic Redress Limited (ACRL)

Question 1 – Hansard record

Chair: To go back to your first response, that would be very valuable data **around the number of applications that have been resolved and those that are still outstanding**. The question is about **the quantum of funds that the church has provided to survivors of the National Redress Scheme at a macro level**, not an individual level. Perhaps you can take that on notice.

Answer 1.1

<i>Number of applications</i>		
		<i>Per centage</i>
<i>In Progress (1)</i>	275	5%
<i>Outstanding (2)</i>	2,200	39%
<i>Resolved (3)</i>	3,200	56%
<i>All</i>	5,675	100%

1 – Requests for information in progress with Australian Catholic Redress Limited

2 – Awaiting a determination with the Department of Social Services

3 – With a determination

Answer 1.2

Quantum of funds provided to survivors: Dioceses participating under ACRL have paid in the order of \$100 million since the inception of the National Redress Scheme.

Question 2 – Hansard record

Senator Dowling: Just quickly, are you proposing to change the evidentiary standard, or is your submission that the reasonable likelihood test is just not being applied correctly? It was a bit unclear, because in your submission you also mentioned the balance of probabilities, which is used in civil cases.

Mr O'Brien: It's the latter. We're saying that it's not being properly applied.

Senator Dowling: Right. ***This might be something to take on notice, but it's a bit hard for us to assess that unless you have some specific examples*** so that we can see if that's happening systemically or if there are just some isolated cases.

Answer 2

In terms of examples demonstrating the inconsistent use of the evidentiary standard reasonable likelihood by Independent Decision Makers (IDM), ACRL's role within the National Redress Scheme is limited to facilitating the flow of information between the Department of Social Services and the relevant dioceses. As survivor data is protected

information, ACRL does not investigate applications, nor does it hold records concerning survivors.

However, feedback from the dioceses indicates they are regularly provided with submissions that are extremely limited in detail, which does not afford a reasonable opportunity to conduct internal investigations or assess the veracity of the claims. Despite this lack of detail, there is concern that the IDMs may nevertheless make determinations upholding abuse, even where the evidence is limited.

A further concern raised by dioceses relates to claim stacking. From the determinations provided to the dioceses, IDMs have relied upon the existence or prevalence of earlier allegations against an individual to infer the validity of subsequent claims, rather than each application being assessed strictly on its own merits. ACRL members consider that only criminal convictions or findings arising from contested civil proceedings should be relied upon as evidence of tendency.

While ACRL is not in a position to assess the consistency of determinations made by IDMs, three broad examples are provided below.

<i>Application status</i>	<i>Institution</i>	<i>Outcome</i>
Upheld	School	<p>The institution holds records in relation to the survivor's attendance at the school between 1980-1985.</p> <p>No records could be located of the student who is alleged to have abused the claimant at the school.</p>
Upheld	Church	<p>In its response to a request for information, a diocese was able to demonstrate with evidence that the alleged abuser was more likely an Anglican Priest serving in the community during the relevant period than a Catholic Priest.</p> <p>The applicant was able to name the alleged abuser.</p> <p>While no Catholic Priests with that name have served in that Catholic Diocese, an Anglican Priest with the same name could be located.</p> <p>Further, the Diocese provided evidence to the IDM that an Anglican priest of this name was charged with historical child sexual abuse that occurred around the same period the applicant identified they were at the Catholic Church.</p> <p>This Anglican Priest was also the subject of a case study at the Royal Commission into Institutional Responses to Child Sexual Abuse.</p> <p>Diocesan records indicate that while the survivor had a brief association with the Catholic Diocese, they were never inducted into the Catholic Church as alleged in their application.</p> <p>The description of the building by the applicant had no similarities with the Catholic parish but is very similar to an Anglican church the named Anglican Priest served with.</p> <p>In making the determination, the IDM considered that there is no record of the named abuser being appointed to the Diocese. However, the IDM was satisfied that it is likely that the abuser was a Catholic Priest, noting that it is likely that the applicant was unable to accurately recall the name of the abuser due to her age at the time of the alleged abuse and the impact of trauma on their memory.</p>
Upheld	School	<p>The Diocese raised concerns regarding the accuracy of the survivors account of abuse, which the IDM acknowledged.</p> <p>However, in making the determination, the IDM relied upon the fact that the Diocese advised the Scheme in its application that it was aware of other related complaints of abuse regarding the abuser at the school. None of the other related complaints had received a finding.</p>
