

## **FREQUENTLY ASKED QUESTIONS (FAQ's)**

### **Who are the Order Servants of Mary (Servites)?**

The Friar Servants of Mary first came to Australia in 1951. The Australian delegation is known as, The Order Servants of Mary (Servites) Inc.

### **What is the Servite Response?**

The Servite Response was established in response to the findings and recommendations of the Royal Commission into Institutional Response to Child Sexual Abuse. The Servite Order continues to implement strategies, safeguards and procedures to prevent any form of abuse, but in particular Sexual Abuse being perpetrated in the future.

The Servite Response offers reparation to children and vulnerable adults who, whilst in the care of the Servite Order, were subjected to Sexual Abuse. For more information see *The Servite Response download on the Servite Response webpage*.

### **What is the National Redress Scheme?**

The Australian Government set up the *National Redress Scheme* to provide redress to people who experienced institutional child sexual abuse. The offer of redress can include access to counselling, a redress payment and a direct personal response. Redress means acknowledging harm done. For further information: [www.nationalredress.gov.au](http://www.nationalredress.gov.au)

### **Can I make a claim to the National Redress Scheme and The Servite Response?**

Yes you can. However, the principle of not double dipping applies. Before you apply for either you should read about the claims process of each scheme. All redress monetary compensation needs to be declared at the commencement of the process and the amounts will be deducted.

### **Who can claim from The Servite Response?**

A person can apply for reparation under The Servite Response if:

- The Sexual Abuse occurred in Australia.
- The applicant was a Child or Vulnerable Adult at the time of the Sexual Abuse; and
- The Servite Order had responsibility for the actions of the Accused at the time of the Sexual Abuse.

### **Can I make a claim on behalf of someone who was abused but is now deceased?**

No. To make a claim, the person must still be living.

### **What happens if I need counselling/support straight away?**

The application form gives you the opportunity to seek counselling and support once you have submitted the application form. In addition, you may call the Administrator at any stage of the process, including before lodging an application and support or counselling will be arranged. Please read the *Application Form* on The Servite Response webpage.

### **Who decides a claim?**

Once a claim has been established, the claim will be assessed by an independent panel. The panel members are experienced professionals within their fields of expertise and include, psychiatrists, lawyers, clinical psychologists, clinical social workers and mediators. All panel members have experience of working with victims of child sexual abuse.

### **How long will a claim take?**

It is anticipated that a claim will be assessed and the Applicant notified of the Assessment within 16 weeks from the date on which an Application is received by the Administrator. If for any reason a delay may occur, the Administrator will advise the Applicant of this and the reasons why. More details can be found in *The Servite Response* document on the Servite Response webpage.

### **How much can I expect to get from my claim?**

Each claim is assessed on the information presented to the panel, therefore, it is very difficult to 'guesstimate' what monetary reparation will be awarded.

### **Will I have to make a complaint to the police?**

All claims of Child Sexual Abuse should be reported to police.

However, if you are an adult and the sexual abuse happened when you were a child and the offender is now deceased, it is your choice whether to report the crime to police. The Servite Response recommends all claims of sexual abuse be reported to police.

### **Will the person I accuse know it's me?**

When a person is accused, they have the right to know what the allegations against them are. They are afforded the right to a reply as anyone is within the legal systems of Australia. The accused person is not to make direct or indirect contact with the person making the complaint against them. The accused is not provided with a copy of your application.

### **What happens if the person I said did it denies they did it?**

If the accused person denies the allegation, your claim will still be assessed and a decision will be made by the panel based on all the available information.

### **The person who committed the crime against me is dead. Can I still apply?**

If it is a historical claim and the Friar, Priest or layperson is deceased, the case will still be assessed.

### **What happens if I don't agree with the offer presented to me?**

The decision made by the panel is final. There is no appeals process. However, you can withdraw from The Servite Response at any stage of the process and pursue your claim within the court system.

### **Does the taxation office need to know if I receive a sum of money as compensation?**

Whilst the lump sum ex gratia payment will not have tax deducted from it, it is a requirement of the Australian Taxation Office that all income be declared. For more information you should visit [www.ato.gov.au](http://www.ato.gov.au).

**Do I have to report any monies received to Centrelink?**

If you have ever been in receipt of a Centrelink benefit, any income or lump sum payments you received should be declared. Centrelink advice can be sort at [www.servicesaustralia.gov.au](http://www.servicesaustralia.gov.au).

**Should I inform Medicare of the settlement?**

You should obtain from Medicare 'A Notice of Past Benefits' (M0026). A Notice of Past Benefits will include all the services that Medicare has paid for on your behalf. When you receive this form, you must tick all the services you have received due to your child sexual abuse as the cost for these will be covered by The Servite Response. Once you have completed the form, you must return it to Medicare and provide a copy to The Servite Response Administrator.

If you do not inform Medicare and the Administrator of The Servite Response, the Servite Order will be legally obliged to pay to Medicare 10% of any payment made to you and you will then have to contact Medicare to recover this amount. The form can be found at <https://www.servicesaustralia.gov.au/individuals/forms/mo026>