



Anglican News Service

The Anglican Church of Canada
General Synod

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FOR IMMEDIATE RELEASE

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RESIDENTIAL SCHOOLS AGREEMENT – Q & A

WHAT DOES “AGREEMENT IN PRINCIPLE” MEAN?

The Agreement signed by the government, plaintiffs’ legal counsel, the churches and the AFN on November 20 has been approved by the Cabinet, but the details have not yet been worked out. The parties have until January 31, 2006 to do this work. It will then be submitted to the courts for their approval. It is not expected that the provisions of this Agreement will come into effect until the fall of 2006.

WHAT DOES THIS AGREEMENT MEAN FOR FORMER STUDENTS OF THE SCHOOLS?

This is good news for all former students of the residential schools!

It means that all those who attended the schools and are still alive, will receive an individual payment, called a “common experience” payment, based on the number of years they spent at the school. The common experience payments will be made by the federal government. The churches have not been asked to contribute to these payments.

Survivors who have claims of sexual abuse or serious physical abuse will be able to apply through a revised ADR system for additional compensation. An adjudicator will hear their claim and make a decision. Once the new Agreement is approved and operational, any compensation for abuse awarded under this program will be paid fully by the government. This ensures that all victims of abuse will be compensated fully.

Former students have the choice of opting out of this arrangement, in which case they would not receive the common experience payment, could not proceed through the ADR process, and would have to rely on the courts to settle their claims. It is expected that very few, if any, will choose this route



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General Synod

ARE THERE PROVISIONS FOR FORMER STUDENTS WHO ARE ELDERLY?

We understand that the government has agreed to give advance payments of \$8,000 to those former students who are elderly. These payments will begin early in the new year, before the full agreement has been approved by the courts. They will be available to claimants 65 years and over.

WHAT DOES IT MEAN FOR OUR DIOCESES?

This is good news for all Anglican dioceses and for the General Synod!

The federal government has signed an agreement with the Roman Catholic entities that is more favourable than the agreements signed with the Anglican and Presbyterian churches. However the Anglican and Presbyterian agreements contain “most favoured nation clauses”, which mean that the benefits within the RC agreement will be applied to the Anglican and Presbyterian agreements. The federal government has confirmed its commitment to re-negotiate our agreement, and the discussions to effect these changes will begin shortly. One result of this is that the total liability of the Anglican Church of Canada may well be reduced.

WHAT IS THE TRUTH AND RECONCILIATION PROCESS THAT’S PART OF THIS DEAL?

There are four parts to this process, developed by a working group appointed by Mr. Iacobucci on which there were two Anglican church representatives. It built on work done over the past two years by a broadly based coalition that included the churches, the AFN, the BC Survivors Society, the Aboriginal Healing Foundation and the government.

1. A national truth-telling project to set the historic record straight. It will consist of seven events across the country over a two-year period, extensive research, and provision for archiving the records of the schools.
2. A local, community based truth-telling program spread over the next five years to enable survivors to tell their stories, and for those stories to be recorded as appropriate.
3. \$10M has been set aside by the government for commemoration activities, including both local and national projects yet to be determined.
4. The Aboriginal Healing Foundation will be re-mandated and funded at \$25M a year for the next five years, to continue its support for local healing programs.



Anglican News Service

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General Synod

WHAT OBLIGATIONS DO THE DIOCESES HAVE?

Until the new Agreement in Principle is approved by the courts, likely in the spring of 2006, all dioceses and the General Synod continue to be legally bound by our current Settlement Agreement. This means that our quarterly payments to the Settlement Fund are still required during this period of re-negotiation and transition. It is our strong expectation that re-negotiation will result in a lowering of our cap, but until that happens, the terms of our original Agreement are still in place. Should it be decided that we have over-paid our share, under the terms of the new Agreement, then some dioceses may receive refunds, proportionate to their share of the original total of \$25 million.

The 11 dioceses that faced litigation are bound by our current Settlement Agreement to cooperate with the government in provision of documents and information as may be required in the revised ADR process. There is no change here.

Although not a formal obligation, we hope that dioceses will continue to cooperate with the national office in sending Anglican Church representatives to ADRs and to other healing events. This is a very important ministry of 'presence', and often provides an opportunity for the person to speak in support, not of the particular claim, but of the person, and to offer apology as appropriate. This task will expand as the local truth-telling process gets underway.

WOULD CHANGES TO THE EXISTING SETTLEMENT AGREEMENT HAVE TO BE RATIFIED BY THE 30 DIOCESES IN THE ACC?

This matter is under review.

WHAT HAPPENS TO THE CLOUD CLASS ACTION?

If the Agreement in Principle is implemented in a final agreement and approved by the courts, this class action, involving the Mohawk Institute and the Diocese of Huron, which has been certified by the court, would come under the overall settlement. All students who attended the Mohawk Institute, like those who attended other schools, will receive the common experience payment, and will have access to the improved ADR process for claims of sexual abuse and serious physical abuse.

WHAT HAPPENS NOW?



Anglican News Service

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General Synod

We will enter into negotiations with the government for the actual proposals for amendment of the Settlement Agreement. These will be shared with the diocese as we progress, and will be submitted to the dioceses for approval in due course.

There is much work to be done in implementing this full package, including negotiation of a final agreement and approval through the courts of the class action lawsuits. It is not expected that the package will be fully implemented until at least the fall of 2006.

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