

## **DISCHARGE AND RELEASE**

**IN CONSIDERATION** of the payment set out in the schedule made to me or on my behalf by the Attorney-General for the State of South Australia in full satisfaction and discharge of all actions, proceedings, claims, demands, costs and expenses, which I, the claimant described in the schedule or any person claiming through or under me may now have or may hereafter have against the State of South Australia as described in the schedule (“the State”) in respect of or arising directly or indirectly out of or in any way connected with the incident described in the schedule (“the Incident”), **I HEREBY RELEASE AND DISCHARGE** the State from all actions, proceedings, claims, demands, costs and expenses (whether under statute, at common law or otherwise) in respect of or arising directly or indirectly out of or in any way connected with the Incident, whether known or anticipated or not, **AND I HEREBY AGREE:**

- a) to indemnify and hold harmless the State against all actions, proceedings, claims, demands, costs and expenses (whether under statute, at common law or otherwise) in respect of or arising directly or indirectly out of or in any way connected with the Incident.
- b) to discontinue any legal proceedings against the State relating to the Incident within 7 days after receipt of the payment set out in the Schedule.
- c) that the State may plead this discharge and release in bar absolute to all actions, proceedings, claims, demands, costs and expenses (whether under statute, at common law or otherwise) in respect of or arising directly or indirectly out of or in any way connected with the Incident.
- d) that the payment made by the State is made with a denial of liability and is not to be used in any way as an admission.

.....  
Signature of Claimant

.....  
Signature of Witness

e) that in the event I receive any other compensation or damages from some person or entity other than the State in respect of or arising directly or indirectly out of or in any way connected with the Incident, the State shall be entitled to recover as a debt from me such compensation or damages received by me up to the amount of the payment set out in the schedule (less legal costs and disbursements).

**SCHEDULE**

**CLAIMANT:**

**ADDRESS:**

**PAYMENT:**

*Ex gratia* payment by the Attorney-General under the *Victims of Crime Act 2001* in the sum of **ZERO DOLLARS (\$0.00)**, which is inclusive of any statutory repayment, plus legal costs and disbursements to be agreed by the parties, but in any event not exceeding SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00) plus GST.

This payment shall be made as follows:-

1. The sum of **\$0.00** to the claimant by registered mail to the above address.
2. Any agreed sum for legal costs and disbursements to solicitors nominated by the claimant upon production of a Tax Invoice from those solicitors.

**THE STATE OF SOUTH AUSTRALIA (the State):**

The Crown in right of the State of South Australia, the Attorney-General, all Ministers, all officers of the Crown, all persons appointed to public office under Statute, all departments, instrumentalities and agencies of the Crown, including any statutory corporations or any public corporations within the meaning of the *Public Corporations Act 1993* as amended; including any servants, employees or agents of the Crown, the Attorney-General or any such Minister, Officer, person, department, instrumentality, agency, statutory corporation or public corporation.

.....  
Signature of Claimant

.....  
Signature of Witness

**THE INCIDENT:**

Alleged physical, verbal and sexual assaults or abuse and any other loss, damage, injury and or neglect sustained by the claimant at any time arising in the course of or in any way from the claimant being formally or informally under the care of the State or of any Minister of the Crown or of any persons, organisations or agencies under whose care the claimant was placed by the State or any Minister of the Crown or under the care of any other person or organisation, or in any way resulting from any act, decision or omission on the part of the State prior to the claimant reaching the age of 18 years and including, without in any way limiting the foregoing, all allegations raised in the claimant's application for *ex gratia* compensation dated day month year.

DATED the

day of

2014

SIGNATURE OF CLAIMANT:

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SIGNATURE OF WITNESS:

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NAME OF WITNESS:

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ADDRESS OF WITNESS:

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OCCUPATION:

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