



Uniting Church in Australia
ASSEMBLY
Assembly Standing Committee

11-13 November 2022

DOCUMENT 10A

Type of Paper (Information/Decision)	For decision
Title	UnitingWorld Board response to ASC re Croker Island
Assembly or ASC Minute	ASC 22.30.03
Consultation	UnitingWorld Board
Purpose	For discussion and decision
Rationale & Findings Summary	
Attachments	Attachment 1: A Response from the UnitingWorld Board re Croker Island
Recommendations	That the Assembly Standing Committee: <ol style="list-style-type: none">1. Review the attached paper, and consider UnitingWorld's proposal.2. Provide a response to the UnitingWorld Board, following the conversation with the National Director and Chair of UnitingWorld regarding next steps at the November ASC meeting.
Submitted by	Dr Sureka Goringe, National Director, UnitingWorld SurekaG@unitingworld.org.au Ms Lin Hatfield Dodds, Chair, UnitingWorld Board

A Response from the UnitingWorld Board re Croker Island

25 October 2022

Context

In July 2022, the Assembly Standing Committee passed the following resolution:

Note the summary of information regarding the history of the Methodist Overseas Mission with responsibility for Croker Island Mission; and agrees that the provision for redress and civil matters relating to child sexual abuse at Croker Island Mission should be apportioned equally between the Assembly Secretariat (ASM) and UnitingWorld; and request the General Secretary to inform the UnitingWorld Board of the resolutions of the Standing Committee with respect to Croker Island Mission, seeking their response.

This resolution was communicated to the UnitingWorld Board by the Assembly General Secretary.

The UnitingWorld Board considered the matter at their meeting of the 29th of September, which was adjourned and reconvened on the 13th of October specifically to continue consideration of this matter.

The UnitingWorld Board's response is presented to the ASC in this paper.

The UnitingWorld Board took into consideration the following:

1. That the UnitingWorld Board was committed to playing its part in a just and compassionate response to survivors of abuse.
2. That the ASC resolution regarding Croker Island had been framed in directive language, as distinct from that used for Mogumber which had been consultative, and consequently, that this held implications for how the UnitingWorld Board conducted itself as a governance body and would be seen by external stakeholders as doing so.
3. That UnitingWorld's Mandate and Constitution, and the regulatory frameworks and standards that it operates under means that it is imperative for the Board's decision-making process to demonstrate independence, good governance, and diligence regarding the appropriate use of funds.
4. That the UnitingWorld Board has the responsibility of trustees for all assets under their oversight.
5. That any evidence of UnitingWorld's organisational stakeholders having undue influence outside their reserve powers would come under scrutiny, and put at risk UnitingWorld's accreditation by DFAT, its compliance with the ACFID Code of Conduct, and seriously risk our operational viability.
6. That the potential financial distress of the Assembly was a material risk to UnitingWorld.
7. That in the case of redress claims arising from Mogumber Mission, the UnitingWorld Board had not sought to identify or accept legal liability but used its discretion to make available funds that were not directly linked to donor obligations, to support the Assembly.
8. That as the responsibilities and assets of Methodist Overseas Mission had been divided and distributed to multiple entities in the lead up to and in the years following union,

before the formation of UnitingWorld, the UnitingWorld Board could not accept legal liability without an independent review of the historical connections.

9. That such an independent legal review would involve significant time and cost.
10. That it was the preference of the UnitingWorld Board to discuss an alternative process by which UnitingWorld could collaborate with the ASC to address redress claims

UnitingWorld's proposal

The UnitingWorld Board requests that the ASC reframe this conversation to be similar to that which surrounded the Mogumber Mission claims. In particular

- That the ASC does not require the Board of UnitingWorld to accept legal liability
- That the ASC re-affirms UnitingWorld's Mandate and Constitution, acknowledging that the governance of UnitingWorld rests with the UnitingWorld Board, and that outside the reserve powers held by the ASC, the UnitingWorld Board has both a fiduciary duty and the authority to be the sole decision-making body regarding the use of UnitingWorld assets.

The Board of UnitingWorld seeks to ensure that it can meet its fiduciary obligations as trustees, meet the standards for independent governance required by the sector and remain a committed Uniting Church partner in ensuring just outcomes for victims.

The UnitingWorld Board would be happy to consider its capacity to support redress payments for Croker Island through the utilisation of untied funds under such an alternative framework and seeks a conversation with the ASC through its Chair and National Director.