



Uniting Church in Australia
ASSEMBLY
Assembly Standing Committee

10-12 March 2023

DOCUMENT 5C

Title	Redress Matters
Type of Paper (Information/Decision)	For Information and Decision
Assembly or ASC Minute	<p>1. 22.30.02 request the General Secretary to report to the November 2022 meeting of the Assembly Standing Committee regarding ongoing conversations with the Northern Synod regarding the liability for redress and civil matters relating to child sexual abuse at Croker Island Mission from 1969-1972;</p> <p>2. It was resolved to: 22.67.01 note the response from the UnitingWorld Board to the Standing Committee regarding Croker Island Mission matters; 22.67.02 note that following resolutions of the Standing Committee, the General Secretary has provided a briefing to the UnitingWorld Board to explain the history of Croker Island including UnitingWorld’s historic connection; as well as explaining the current status of redress and civil claims; and That given the historical links that can be traced between the Methodist Overseas Mission and UnitingWorld, recognising UnitingWorld’s acceptance of that historical link and obligation; request the UnitingWorld Board to share equally with the Assembly the funding of such redress and civil claims utilising funds and other assets to the extent that these can legitimately and appropriately be used for this purpose.</p>
Consultation	<p>1. For Croker Island Mission matters relating to period 1969-1972 , the General Secretary (Interim) and the Administration Officer – Redress and Civil of the Northern Synod.</p> <p>2. For Croker Island Mission matters relating to UnitingWorld, the Chair of the UnitingWorld Board</p>
Purpose	<p>1. To provide updated information to the Standing Committee in relation to the obligation for redress for the period 1969-1972, and proposed way forward.</p> <p>2. To provide updated information to the Standing Committee in relation to the resolutions regarding UnitingWorld made in November 2022 and communicated to the UnitingWorld Board following.</p>
Rationale & Findings Summary	<p>For the issues relating to ASC minute 22.30.02, see the report and Attachment 1.</p> <p>For the response from the UnitingWorld Board, see the letter from the Chair of the UnitingWorld Board, Steve Bevis at Attachment 2.</p>
Attachments	Attachment 1: Croker Island Mission_Somerville Homes 1969-1972

	Attachment 2: Letter from Chair, UnitingWorld Board in response to ASC resolution 22.67.02.
Proposal/s	<p>That the Assembly Standing Committee:</p> <ol style="list-style-type: none"> 1. Note the information regarding the history of the Methodist Overseas Mission with responsibility for Croker Island Mission and the subsequent incorporation of Somerville Homes with responsibility for continuing services from 22 July 1971; and accept the liability for redress and civil matters relating to child sexual abuse at Croker Island Mission from 1969 to 22 July 1971. 2. That where it is not possible to determine exact dates of abuse and where it is agreed that they most likely occurred over a period that spanned both before and after 22 July 1971, it is proposed that Somerville and the Assembly accept joint responsibility for those claims in equal measure with each bearing 50% of associated costs. 3. Note the response from the Chair, UnitingWorld Board in response to ASC resolution 22.67.02.
Submitted by	<p>Colleen Geyer Assembly General Secretary colleeng@nat.uca.org.au; 0411 333 167</p>

REDRESS MATTERS

Liability for redress and civil matters relating to child sexual abuse at Croker Island Mission from 1969-1972

The Standing Committee requested the General Secretary to have further conversations with the Northern Synod regarding the liability for redress and civil matters relating to child sexual abuse at Croker Island Mission from 1969-1972.

In February 2023, the General Secretary met with the General Secretary (interim) and the Administration Officer – Redress and Civil Claims from the Northern Synod to discuss these matters.

A summary of matters relating to Croker Island Mission and the subsequent Somerville Homes was compiled and is provided to Standing Committee Members at Attachment 1. This outlines the history and background to the transition of the care of children from Croker Island Mission to Somerville Homes and then to Somerville Community Services In. It also indicates the continued connection with Methodist Overseas Mission in the governance area when the services were transferred from Croker Island to Darwin until the incorporation of Somerville Homes.

In addition, for the period 1969-1972 which does not currently fall under the agreement reached with the Assembly, the current understanding between the Northern Synod and Somerville regarding both redress and civil claims was reached in December 2021 that:

- **Payment of Redress Claims under the National Redress Scheme**
Somerville will accept responsibility for claims relating to services it provided from the date of inception in 1971.
Where there is ambiguity regarding exact dates for incidents of abuse then it is proposed that Somerville and the Northern Synod work in co-operation to agree an understanding on the information available to us. There are three scenarios of how cost apportionment might be determined:
 1. Where it is agreed that the incidents of abuse were most likely to have occurred within Somerville's service after inception, then Somerville would accept responsibility for those claims;
 2. Where it is agreed that the incidents of abuse were most likely to have occurred prior to inception, it is proposed it is most appropriate for the Northern Synod to accept responsibility for those claims;
 3. Where it is not possible to determine exact dates of abuse and where it is agreed that they most likely occurred over a period that spanned both before and after inception, it is proposed that Somerville and the Northern Synod accept joint responsibility for those claims in equal measure with each bearing 50% of associated costs.
- **Common Law Claims**
It is anticipated that a similar in-principle approach (as above for Redress claims) would be applied.

It is therefore proposed that following ASC resolution 29.09.03(a), *that it accept the liability for redress and civil matters relating to child sexual abuse at Croker Island Mission from 1941-1968 on behalf of the Assembly Secretariat and other relevant Assembly Agencies*; that that liability be extended to the date of incorporation of Somerville Homes (22 July 1971), and that for abuse where dates likely occurred over a period both before and after this, that the agreement held by the Northern Synod and Somerville be now held by the Assembly and Somerville.

CROKER ISLAND MISSION_SOMERVILLE HOMES 1969-1972

COMPILED FOR ASSEMBLY GENERAL SECRETARY

February 2023

1964

The title 'Somerville Homes' was adopted in 1964 in recognition of Miss Margaret Somerville who had worked on Croker Island for twenty-three years.

Minutes of the Methodist Church of Australasia Department of Overseas Missions North Australia District, Annual District Synod held in July 1964 (pages 29 -33) record that a "statement was received and is recommended to the Board as a statement of policy" [on Child Care].¹

The statement lays out the policy for Child Care under various headings including:

- Aims; Location; Administration; Standards of Staffing; Discipline;

The Administration was to be "administered by the Child Care Council of the North Australia Annual District Synod; which will be responsible to the Synod for the implementation of MOM Board policy....."

1965

Minutes of the Annual District Synod, July 1965, record the names of members of the Somerville Homes Council

1966

Article in the Missionary Review (October 1966, p.18) state " Building of the Child Care Homes has at last commenced...."

It is understood that funding for the construction of the cottages was provided by the Commonwealth. Supervision of the building of the cottages in Darwin was undertaken by MOM staff member, Graham White.²

1967

Transfer of children from Croker Island Mission to Darwin was effected on 16th December 1967.

1968

The work of caring for children at Croker Island moved to Darwin under the auspices of Somerville

¹ It is presumed that the District Synod received the statement; and that it was recommended to the MOM Board

² "I Surrender All" – the biography of Graham & Ruth White Book 2 1960 – 1964 © 2022 White Family, Denis White SA

Homes.

the children relocated to Darwin in December 1967.

“The transfer of the Child Care work from Croker Island to Darwin was a policy decision of both Mission and Government”³

Minutes of the Annual Synod 1968, contain a report on work in Darwin indicating that “*complete integration of our Methodist Mission work with the United Church in North Australia draws closer*”⁴

These 1968 Minutes also contain a copy of the Child Care Statement of Policy which is an updated version from the 1964 statement.

1970

The report on Croker Island Property to the 1970 MOM North Australia District Synod, indicates that the residences and service buildings, which had been the mission/child care buildings, were repurposed for use in the continuing work of the Aboriginal Station – now referred to as Minjilang.

The Annual District Synod in September 1970 received the draft ‘Rules of Somerville Homes (Inc.)’ with an amendment to the paragraph on Property. The amendment was to emphasise “*that all property is vested in the MOM Trust Association for the time being and that any change shall take place with the express approval of the MOM Trust Association.*”⁵

1971/1972

Minutes of the Somerville Homes Council dated 8 February 1971, indicate that the “*proposed Incorporation of Somerville Homes has been considered by the Board of Methodist Overseas Missions, who have passed it on to their solicitors for comment*”.

According to historians Peter and Sheila Forrest, Somerville Homes was incorporated from 22 July 1971.⁶ The Advisory Council (appointed by the MOM North Australia District Synod) became the Board with direct powers to manage the affairs of Somerville Homes, subject always to the policies of the MOM Board and the Methodist Church Synod.

The First General Meeting of the Board of Somerville Homes Inc. was held on 22nd November 1971.

Elections and appointments were made; signatories to bank account were confirmed; a financial report was received as well as the report from the Superintendent.

Integration of MOM work with the United Church in North Australia. There was an agreed set of “Principles of Co-operation” (essentially the By-Laws for the UCNA).

³ The Missionary Review, Vol 76, No.4, July-August 1968 p.3 (An Arnhem Land Epistle)

⁴ Annual Synod Minutes, October 1968, Darwin Station Report, page 24

⁵ Minutes of MOM North Australia District, September 1970, pg 39, Q. 17

⁶ Crossing the Divide, The Story of Somerville Community Services in the Northern Territory, Peter and Sheila Forrest, © Somerville Community Services 2015

Principle 31 covers Property: *Properties acquired by Congregations or Institutions shall be vested in Trustees established by Trust Deed who shall hold property on behalf of the Congregational, Methodist and Presbyterian Churches for the United Church in North Australia, or under such other Trust Deeds or, in the case of the denomination making the capital outlay, by denominational Trusts as the United Church Board shall approve.*⁷

Following integration, the rules of Somerville Homes provided that “...Somerville Homes shall in the conduct of its affairs carry out the policy of the United Church of North Australia Board’ and should report and account to the Conference of that body.”⁸

1972 - 1977

Somerville continued its work with oversight of the Board of Management whose members were appointed by the UCNA Synod meeting.

1977

Minutes of the Meeting of the Standing Committee held 4/5 June 1977 (in conjunction with the Kimberley Provisional Presbytery) 766.2.3 NT Enabling Legislation:

....provides for the establishment of the Northern Synod Property Trust to which all properties presently held in various Trusts “on behalf of U.C.N.A.” will automatically transfer on 22 June [1977].

The first meeting of the Uniting Church in Australia Property Trust (N.T.) was held on 16 September 1977.

Properties were held under various leases (Darwin Town Area Lease; Town Lands Lease; Special Purposes Lease; Church Land Lease).

The Property Officer and Synod lawyers were requested to effect vesting of Trust property (as per Part III of the Act)

Minutes of Special Meeting of the Trust 20 December 1977 listed a number of properties which leases were now vested. MOM Headquarters at Lot 2280 Town of Darwin had been freeholded prior to Union and was vested into the Trust. (See Minute 77.12).

1981

From 1 January 1981, as a consequence of the Crown Lands Amendment Act No. 3, those properties held under D.T.A.L., C.L.L. & T.L.L. ‘had been automatically converted to freehold titles’. These properties included the properties operating as Somerville homes.

(Minutes of the Meeting of the Synod Property Board 25 March 1981)

⁷ Principles of Co-operation, Minutes of the UCNA Conference, 31 August – 4 September 1971

⁸ Crossing the Divide, Forrest Peter & Shirley, © Somerville Community Services 2015

Records indicate that while Somerville Homes managed the cottages, they were subject to the direction of the Property Board and relevant Synod By-Laws. The Minutes indicate some tension between the Property Board and the Somerville Board over property matters.

In July 1981, the Somerville Homes Board wrote to the Synod Standing Committee seeking changes to its Constitution.⁹ The changes included: change of name to Somerville Community Services Inc.; new clause detailing Aims and Objectives; deletion of wording of Clause 17 on Property and insertion of *“The real property of the Association shall be vested in the appropriate trusts of the Uniting Church in Australia.”*

1985

Minutes of the Synod Property Board meeting held 24 April 1985 indicate that the Somerville properties continued to be beneficially owned. Somerville Community Services Board was advised that *“if it wishes to have autonomy in relation to beneficially properties....a submission should be forwarded to the Synod advocating the transfer of the various properties to the agency.”* (Minute 85.26)

Minutes of Synod Property Board meeting 6 November 1985

Item 85.68.1 Transfer of Property to Somerville Community Services

- indicates that property purchases in the future will be vested in SCS and not subject to a decision of the Property Board or Trust.

The second part 85.58.1.c.b indicates that vesting of properties in SCS is being undertaken.1986

Property Board Minutes 17 September 1986

Item 86.104 5 Luxton Street – SCS has resolved to sell the property; approval is given by the Property Board and recommends that the sale proceeds go to Somerville Community Service.

Subsequently, the sale was completed on 26 September 1986.

1987

Minutes of Property Board 19th August 1987

7 x 5 Committee¹⁰ has made recommendations regarding the beneficial ownership of property provided originally for Aboriginal mission purposes.

1988

Minutes of Property Board 20 January 1988

Item 88.30 Transfer of Beneficial Ownership of Properties to the UAICC – lists the properties transferred to UAICC on 1 January 1988

⁹ Minutes of the Standing Committee July 1981, item 12.3, pg 11

(a copy of the Constitution prior to and following these changes is not currently available)

¹⁰ The 7 x 5 Committee consisted of 7 Aboriginal members and 5 non-Aboriginal members and its job was to “advise Synod about anything to do with Finance, property and the relationship of Congress with Synod....so that [Aboriginal people] do have full control of mission and ministry to their people.” *Letter dated 27 April 1987 to members of the committee chosen by the Synod Standing Committee or the Moderator, Rev Djiniyini Gondarra.*

Item 88.31 Consideration of further transfers of property to the Congress – lists further properties but excluding Parish properties.

(Note: In June 1988, the Synod Property Officer provided to the 7 x 5 Committee a comprehensive list of property on the Synod Property Register. This list included the then beneficial owners. The Property Officer gave recommendation regarding the land and/or buildings that should not transfer to Congress. This included all Somerville properties.

Minutes of Property Board 25 May 1988

Item 88.120 Sale of 46 Chapman Road by Somerville Community Services

Point 1 states that “Somerville has the right to own its own properties”. The property at 46 Chapman Road was to be sold to the Government in return for considerable government assistance in its work. The Property Trust signed the contract and the proceeds of sale were transferred to Somerville.

Minutes of Property Board between August 1987 and November 1989

Minutes indicate that six properties were transferred from the Property Trust (N.T.) to Somerville Community Services at nil cost.

Somerville Report to 1992 Synod

The report states, inter alia:

Point 4: Six properties substantially constitute the existing asset base of the agency.

However, the report points out that due to the “specialised nature of three of the properties”, these were not ‘realisable assets’.

CONCLUSION

- At Union in 1977, all properties held in various Trusts “on behalf of U.C.N.A.” automatically transferred on 22 June [1977] to the Uniting Church in Australian Property Trust (N.T.)
- Properties beneficially owned by Somerville were vested in the Property Trust (N.T.) and were subject to the decisions of the Synod Property Board.
- Transfer of properties was not made to Somerville until the late 1980’s
- Somerville either sold or leased properties used for residential care facilities to the NT Government in return for government assistance to support its work.

Stuart McMillan

General Secretary (Interim)

Judy Orme

Administration Officer – Redress & Civil

Uniting Church Northern Synod

21 February 2023