

## ANNEXURE: RESPONSE TO YOORROOK'S REQUESTS FOR INFORMATION

### Preliminary matters

1. For the purposes of this response, we refer to the Uniting Church in Australia Synod of Victoria and Tasmania as the '**Synod**' or the '**Uniting Church**'. We refer to the Uniting Church in Australia Property Trust (Victoria) as '**PTV**'. We refer to the broader church as it operates throughout Australia, as the Uniting Church in Australia.
2. This response to Yoorrook's inquiries is given on behalf of the Synod in respect of the Victorian arm of the Uniting Church in Australia. Although reference is made, where relevant, to the Uniting Church in Australia, this response is given only on behalf of the Synod and must be read that way. The Synod has no express authority to respond on behalf of the Uniting Church in Australia.
3. In providing this response, the Synod acknowledges the Traditional Owners of Country throughout Australia. The Synod pays its respects to Elders past and present.
4. This response has been prepared by drawing together information from various sources available to the Synod. The Synod has attempted where possible to identify the source of the information supplied in this response. Some of the sources are secondary, such as histories of relevant events. To the best of the knowledge of the Synod, the information in this response is accurate. Necessarily, however, this response relies on some information that no member of the Synod is in a position personally to verify and must be read with that limitation in mind. The Synod acknowledges and wishes to offer a note of caution that this response may contain references to deceased persons, and were taken from primary or older secondary sources (particularly those dealing with the history of missions and reserves), at times includes language and depictions of First Peoples that may be deeply offensive and distressing to readers. This material has been extracted or summarised as part of this response because it provides a record of the practices that are being described, as well as the way those practices were later described and conceptualised in accounts of them; as such they are considered likely to assist the work of Yoorrook. However, the presence in this document of extracts or summaries from historical sources or scholarship should not be seen as an endorsement by the Synod of all the language or concepts used in that material.
5. Before responding to each request for information, the Synod offers the following preliminary remarks.
6. The Uniting Church welcomes and supports Yoorrook's objectives as set out in the Letters Patent. That support is consistent with the Uniting Church in Australia's history and its longstanding commitment to substantive justice for First Peoples, a commitment that has existed since the creation of the Uniting Church in Australia in 1977, through a union of formerly independent churches described below.<sup>1</sup>
7. The Preamble to the Uniting Church in Australia's Constitution<sup>2</sup> calls the Uniting Church in Australia to continually seek a renewal of its life as a community of First Peoples and of Second Peoples from many lands. The Preamble also recognises that many in the predecessor churches were complicit in the injustice that resulted in First Peoples being dispossessed from their land, their language, their culture and spirituality, and becoming strangers in their own land.

<sup>1</sup> In this response those churches are described as the "predecessor churches". That term describes the historical association of those churches with the Uniting Church. As explained further below, in this context the term predecessor does not mean and should not be read as suggesting they are predecessors in title in the legal sense of that term.

<sup>2</sup> [UCA.5000.0005.7467].

8. The Assembly of the Uniting Church in Australia (described below) has entered into a covenantal relationship with the Uniting Aboriginal and Islander Christian Congress (**Congress** or **UAICC**) so that all may see a destiny together, praying and working together for a fuller expression of our reconciliation in Jesus Christ.
9. Celebrating that covenantal relationship, the Preamble calls the Uniting Church in Australia to work towards reconciliation and renewal.
10. From the mid-1980s, the main focus of the Synod, and the Uniting Church in Australia, in responding to issues of justice for First Peoples has been the relationship and covenant with the Congress. The focus on the relationship with the Congress in guiding the approach to justice for First Peoples has been driven by a desire that issues of justice for First Peoples be understood through First Peoples' voices. Similarly, responses to issues of justice for First Peoples are effected through First Peoples' self-determination.
11. A Covenanting Statement<sup>3</sup> between the Uniting Church in Australia and the Congress explains the relationship between the Uniting Church in Australia and the Congress. It recognises there are many axes of injustice faced by First Peoples, from land injustice, to cultural and spiritual alienation, to disproportionate incarceration rates and deaths in custody and mistreatment by the justice system, to inequalities in housing, health, education, and employment opportunities. As will be seen in the Synod's responses below, the Uniting Church has supported and funded, and continues to support and fund, initiatives targeted at addressing these multi-faceted injustices.
12. Further, the Synod Vision<sup>4</sup> guides its strategy, ministry and mission, and operational directions:

*Following Christ, walking together as First and Second Peoples, seeking community, compassion and justice for all creation*
13. This Vision was adopted at the 2016 Synod meeting, after extensive consultation with presbyteries, Congress, and Church members throughout the geographical bounds of the Synod. The Vision guides the Synod's engagement with Congress, along with the Uniting Church in Australia's Covenanting Statement, and also guides the Synod's resourcing, staffing, and community engagement priorities.
14. The Uniting Church has, and continues to, advocate for substantive justice for First Peoples. Necessarily, it does that within the framework of its status as a Church, with responsibilities and obligations under applicable legislation and the terms of applicable property trusts.
15. The Synod looks forward to Yoorrook's final report, to any recommendations that Yoorrook may make, and to the opportunity to explore future actions and commitments in support of justice, truth telling and treaty.

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<sup>3</sup> [UCA.5000.0005.7467].

<sup>4</sup> The Synod Vision is also available here: [Vision and Mission - Uniting Church in Australia. Synod of Victoria and Tasmania \(uca.org.au\)](http://uca.org.au)

## Overview

1. Please provide a brief summary of the establishment of the Uniting Church in Australia (and its former congregations – the Methodist Church of Australasia, the Presbyterian Church of Australia and the Congregational Union of Australia), to include:
  - a. first establishment in Victoria and Australia;
  - b. the development of the Uniting Church in Australia in Victoria and its current organisational structure;
  - c. the establishment and operations of the Uniting Aboriginal and Islander Christian Congress; and
  - d. the establishment and operations of Narana.

### Response to 1.a

#### ***Establishment of the Uniting Church in Australia***

16. The Uniting Church in Australia was founded on 22 June 1977 when the predecessor churches, being congregations from the Methodist Church of Australasia, the Presbyterian Church of Australia, and churches from the Congregational Union of Australia came together by way of the Basis of Union. The Basis of Union is the foundational document for the coming together of the predecessor churches, outlining both a vision for the Uniting Church in Australia and its mission and, further, a governance structure for the Uniting Church in Australia.<sup>5</sup>
17. The foundation of the Uniting Church in Australia as a pan-Australian organisation (and as an organisation in right of the particular States and Territories) was facilitated by the passage of substantially uniform legislation in the States and Territories, establishing a series of property trusts which provided for a statutory legal person in each State and Territory (in the form of a trust) which would be capable of holding property for the Uniting Church in Australia in each such State or Territory. The property trusts established in the States and Territories, and the relevant legislation (collectively, **Uniting Church Acts**) and pinpoint provisions, are as follows:
  - (a) The Uniting Church in Australia (Australian Capital Territory) Property Trust (s 5 of *The Uniting Church in Australia Act 1977* (ACT));
  - (b) The Uniting Church in Australia Property Trust (N.S.W) (s 12 of *The Uniting Church in Australia Act 1977* (NSW));
  - (c) The Uniting Church in Australia Property Trust (N.T.) (s 5 of *The Uniting Church in Australia Act 1977* (NT));
  - (d) The Uniting Church in Australia Property Trust (Q.) (s 11 of *The Uniting Church in Australia Act 1977* (Qld));

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<sup>5</sup> [UCA.5000.0005.7467].

- (e) The Uniting Church in Australia Property Trust (S.A.) (s 11 of *The Uniting Church in Australia Act 1977* (SA));
  - (f) The Uniting Church in Australia Property Trust (Tas.) (s 10 of *The Uniting Church in Australia Act 1977* (Tas));
  - (g) The Uniting Church in Australia Property Trust (Victoria) (s 12 of *The Uniting Church in Australia Act 1977* (Vic))<sup>6</sup>; and
  - (h) The Uniting Church in Australia Property Trust (W.A.) (s 12 of *The Uniting Church in Australia Act 1976* (WA)).
18. The Synod of Victoria (as it then was), being the regional council responsible for the Uniting Church in Australia's Victorian arm, was established at the same time as the Uniting Church in Australia. The Synod of Victoria and the Synod of Tasmania merged on 22 June 2002 to become the Synod of Victoria and Tasmania as now constituted.

### ***Presbyterian Church of Australia***

19. The Presbyterian Church of Australia was not formed until 1901. We provide as a matter of background a brief overview of general Presbyterian-associated activities by groups which were forerunners to the Presbyterian Church of Australia prior to 1901.
20. The first Presbyterian Minister in Australia was Reverend Archibald Macarthur (?-1847), who arrived in Hobart in 1822.<sup>7</sup> At a welcome meeting on 3 February 1823 the Presbyterian Church in Van Dieman's Land was officially formed.<sup>8</sup> Land and partial funding was given by the government for a church in Bathurst Street which had its first service on 12 September 1824. Macarthur received a grant of 1,250 acres in Bothwell, which he sold later on.<sup>9</sup>
21. Reverend John Dunmore Lang (1799-1878), was the first Presbyterian Minister in Sydney (and the second in Australia behind Reverend Macarthur) and arrived in May 1823.<sup>10</sup> Lang had tensions with the Governor Sir Thomas Brisbane, which made sourcing private funds essential to finance the expansion of the Presbyterian Church.<sup>11</sup> Lang built the first Presbyterian Church in Sydney, Scots Church, in 1826.<sup>12</sup>
22. Lang formed the Assembly of NSW in 1837 which was not recognised within the *Church Building Act 1836* (NSW) (which was an Act providing government subsidies for clerical salaries and for new church construction). Lang formed the view that it would be cheaper for the Presbyterians to support themselves voluntarily, rather than rely on government funding dependent on taxation.<sup>13</sup> Lang went to Scotland for a time and returned with new recruits, but those recruits were not put in a position of authority with government stipends.

<sup>6</sup> [UCA.5000.0001.0578].

<sup>7</sup> Australian Dictionary of Biography, Rev Archibald Macarthur, available at <https://adb.anu.edu.au/biography/macarthur-archibald-2386>.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Australian Dictionary of Biography, Rev John Dunmore Lang, available at <https://adb.anu.edu.au/biography/lang-john-dunmore-2326>.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Breward, Ian 1993. *A History of the Australian Churches*, Sydney: Allen and Unwin, 37-38.

23. Presbyterian growth was hindered due to personal feuds in the Church triggered by Lang, or due to the influence that he was seen to wield, which led him to be perceived as a divisive character in the early formation of the Presbyterian Church.<sup>14</sup> Generous gifts to the Presbyterian Church in the early 20<sup>th</sup> century gave the Church a strong base to build from, which overcame Lang's resistance to taking government funding.<sup>15</sup> The New South Welsh Presbyterians had a turbulent element to their organisation, while the Victorian Presbyterians were seen to be cohesive.<sup>16</sup> Lang also built the Australian College in Sydney, partially using his own considerable funds inherited from his father. The Australian College opened in 1831<sup>17</sup> and went on to produce the first Australian-educated minister in 1847.<sup>18</sup>
24. The Presbyterian Church of Australia was formed in 1901 when the Presbyterian Churches of the six States federated in accordance with a Basis of Union and Articles of Agreement and the States passed substantially uniform legislation. The Victorian version of that legislation was the *Presbyterian Church of Australia Act 1900* (Vic)<sup>19</sup>. The Presbyterian Church of Australia's operations in Victoria were primarily regulated by that Act (which contains the Basis of Union and the Articles of Agreement in its Schedule), and the *Presbyterian Trusts Act 1890* (Vic)<sup>20</sup> which, by s 5, provides for the establishment of corporate trustees to hold property. Similar Trusts Acts exist in the other States. In Victoria, the Presbyterian Church of Victoria Trusts Corporation was established under the 1890 Act for the purposes of holding property. Further substantially uniform legislation was later passed, of which the *Presbyterian Church of Australia Act 1971* (Vic)<sup>21</sup> is the Victorian version.
25. In 1977, the majority of the congregations of the Presbyterian Church in Australia chose to join the Uniting Church in Australia. Some congregations, however, did not. The Presbyterian Church in Australia continues to exist, as does the Victorian arm of the Presbyterian Church in Australia, through the congregations that chose not to join the Uniting Church in Australia.
26. None of the Uniting Church Acts purported to make the Uniting Church in Australia, which is an unincorporated association, the legal successor in title to the Presbyterian Church of Australia. This is consistent with the fact that the Presbyterian Church of Australia, itself an unincorporated association, never possessed a legal personality capable of being passed on, nor was it capable of possessing property; or incurring or assuming liabilities capable of being passed on. The Uniting Church Acts did not extinguish the Presbyterian Church of Australia. Indeed, the definition of "Predecessor churches" in s 5 of *The Uniting Church in Australia Act 1977* (Vic) (**Victorian Act**)<sup>22</sup> specifically acknowledges that some congregations of the Presbyterian Church of Australia did not wish to join the Uniting Church in Australia. It defines "Predecessor churches" to mean:
- 'the Congregational Church, the Methodist Church and the Presbyterian Church save and except those congregations of the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of 25<sup>th</sup> day of July 1901 as amended within the meaning of part III of the Schedule to the Presbyterian Church of Australia Act 1971.'*
27. A similar definition exists in each of the other Uniting Church Acts.

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<sup>14</sup> Piggin, Stuart 1996, *Evangelical Christianity in Australia: Spirit, word and World*, Melbourne: Oxford University Press, 29.

<sup>15</sup> Breward, Ian 1993. *A History of the Australian Churches*, Sydney: Allen and Unwin, 224.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*, 57.

<sup>19</sup> [UCA.5000.0005.3057].

<sup>20</sup> [UCA.5000.0005.3300].

<sup>21</sup> [UCA.5000.0005.3139].

<sup>22</sup> [UCA.5000.0001.0578].

28. Thus, the Presbyterian Church of Australia was not extinguished by the formation of the Uniting Church in Australia, and continues to exist constituted by the small number of congregations which did not join the Uniting Church in Australia.

### ***Methodist Church of Australasia***

29. The Methodist Church of Australasia was not formed until 1902. We provide below a brief overview of general Methodist-associated activities by groups which were forerunners to the Methodist Church of Australasia prior to 1902.
30. The Wesleyan Methodist Mission Society in England was formed sometime between 1814-1818, and sent Samuel Leigh (1785-1852) to Australia on 10 August 1815.<sup>23</sup> He was the first Methodist missionary<sup>24</sup> in Australia, having trained at a Congregationalist seminary in England. The Society saw Australia a fertile ground for evangelism.
31. The first Methodist Chapel was built in NSW and opened in October 1817 at Castlereagh. Soon after in 1819, two more Chapels were built in Sydney.<sup>25</sup> By 1819, Leigh had established the first Methodist Circuit, which comprised of 14 preaching places<sup>26</sup>. The first Methodist mission to NSW under Leigh is deemed a failure by some historians, suffering multiple setbacks, until Rev Joseph Orton took over in 1831.<sup>27</sup> Orton worked closely with Robert Howe, a devout Wesleyan and editor of the Sydney Gazette.<sup>28</sup> The Wesleyan mission had little success with convicts, and in 1831 the society claimed 112 members and 137 students attending Sunday school, which are considered over-estimates.<sup>29</sup> The *Churches Building Act 1836* (NSW) brought major expansion to the Methodists and the Presbyterians.<sup>30</sup> A swell of Methodism, or 'a gracious revival', occurred in Sydney during the 1840s, and in Hobart during 1864 there was a 50 percent increase in Methodist membership in that year alone, followed by a ground swell of Methodism in Victoria due to the Gold Rush.<sup>31</sup> Methodism in Australia was given a boost towards the end of the 1800s when the Central Methodist Mission was given generous gifts by wealthy solicitor and philanthropist Ebenezer Vickery.<sup>32</sup> The Methodist Church of Australasia was formed in 1902 when five Methodist denominations (the Bible Christian Church, the Methodist New Connexion, the Primitive Methodists, the United Methodist Free, and the Wesleyan Methodists) came together. Substantially uniform legislation was passed in 1902 by New South Wales, New Zealand, Tasmania, and Victoria, of which the *Methodist Union Act 1902* (Vic)<sup>33</sup> was the Victorian version. Queensland, South Australia, and Western Australia already had substantially uniform legislation in place in anticipation of the union.
32. The Methodist Church in Australasia ceased in 1977 upon the formation of the Uniting Church in Australia. As the Methodist Church in Australasia was an unincorporated association, it never possessed a legal personality capable of being passed on to the Uniting Church in Australia. The Uniting Church in Australia is

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<sup>23</sup> Piggan, Stuart 1996, *Evangelical Christianity in Australia: Spirit, word and World*, Melbourne: Oxford University Press, p 8; Australian Dictionary of Biography, Samuel Leigh (1785-1852), available at: <https://adb.anu.edu.au/biography/leigh-samuel-2348>.

<sup>24</sup> While not yet a minister at the time, it appears he was on probation to become one.

<sup>25</sup> Breward, Ian 1993. *A History of the Australian Churches*, Sydney: Allen and Unwin, 16.

<sup>26</sup> Ibid.

<sup>27</sup> Piggan, Stuart 1996, *Evangelical Christianity in Australia: Spirit, word and World*, Melbourne: Oxford University Press, 19.

<sup>28</sup> Ibid, 19-20.

<sup>29</sup> Ibid, 20.

<sup>30</sup> Breward, Ian 1993. *A History of the Australian Churches*, Sydney: Allen and Unwin, 37.

<sup>31</sup> Piggan, Stuart 1996, *Evangelical Christianity in Australia: Spirit, word and World*, Melbourne: Oxford University Press, 40.

<sup>32</sup> Breward, Ian 1993. *A History of the Australian Churches*, Sydney: Allen and Unwin, 225.

<sup>33</sup> [UCA.5000.0005.7428].

not in law the successor in title to the Methodist Church in Australasia, given the latter was not itself capable of holding property nor capable of incurring or assuming legal liabilities which could be passed on.

### ***Congregational Union***

33. The Congregational Church (also called the Independents) was formed in the United Kingdom in 1788 and emphasised the autonomy of local congregations, resulting in minimal centralisation and governance.
34. The first Congregational Minister to arrive in Australia was Minister Frederick Miller (1806-1862), who landed in Hobart in 1830.<sup>34</sup> Miller built the denomination's first chapel on Brisbane Street, Hobart, which was opened on 20 April 1832.<sup>35</sup> Congregationalists, as part of their ethos, had strong criticism of government grants, and preferred self-help.<sup>36</sup> However, in 1835, Congregationalists in Hobart requested a grant or a loan of £1000, of which they received £500.<sup>37</sup> Miller believed taking aid was 'injurious to genuine Christianity' and refused a government stipend of £200<sup>38</sup> offered by Lieutenant-Governor Sir George Arthur.<sup>39</sup> His view was that compulsory contributions through taxation undermined Christian generosity by making it permissible to have an easy way to earn a living, which undermined church Independence from the State:<sup>40</sup>

*by accepting funds raised from such a source, it is conceived that the moral dignity of the Christian Churches is impaired, the prejudices of religious persons are strengthened, and the process of Divine truth seriously impeded.*
35. In 1837, the Congregational Union in Van Dieman's Land was established, and by 1847 it had 14 chapels.<sup>41</sup>
36. Congregationalists set forth their tenets in the Declaration of Congregational or Independent Church Trusts 1880 which is deposited with the Registrar-General of Victoria at Melbourne (Number 4029).
37. The Victorian churches created a Union in 1852 but internal divisions over whether their church could accept any state aid led the Union to end in 1856. The members uniformly rejecting receiving state funds towards salary of ministers, but there was division about accepting grants of land. The Union was restored in 1860 and by 1869 there were 72 churches in Victoria's Congregational Union with an average attendance of 13,100. By 1900 there were 46 churches in Victoria, and the 20th Century saw the church decline further.

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<sup>34</sup> Australian Dictionary of Biography, Fredrick Miller (1806-1862), available at: <https://adb.anu.edu.au/biography/miller-frederick-2454>.

<sup>35</sup> Ibid.

<sup>36</sup> Breward, Ian 1993. A History of the Australian Churches, Sydney: Allen and Unwin, 38.

<sup>37</sup> Ibid, 38.

<sup>38</sup> Ibid, 38.

<sup>39</sup> Australian Dictionary of Biography, Fredrick Miller (1806-1862), available at: <https://adb.anu.edu.au/biography/miller-frederick-2454>.

<sup>40</sup> Breward, Ian 1993. A History of the Australian Churches, Sydney: Allen and Unwin, 38.

<sup>41</sup> Ibid, 28.

38. The Church became a body corporate through *The Congregational Union Incorporation Act (Vic) 1922*. A national Congregational Union held its first assembly in 1892, the second to ninth assemblies met every 3 years from 1904 to 1925, and thereafter they met every two years until the 1970s.<sup>42</sup>

### **Relationship snapshot**

39. To assist Yoorrook's understanding of the relationship discussed above between the Uniting Church in Australia and its predecessor churches (the Presbyterian Church of Australia, the Methodist Church of Australasia, and the Congregational Union of Australia), we provide a snapshot of that relationship at Appendix A insofar as it relates to the Synod.

### **Response to 1.b**

40. The matters discussed in paragraphs 16 to 39 above are pertinent to understanding the organisational structure of the Uniting Church and how it operates in Victoria.
41. When the Uniting Church in Australia was formed in 1977 by the union of Presbyterian, Methodist and Congregational churches, it became the third-largest denomination in Australia, helping Australians in the search for meaning, purpose and community in life.
42. The Uniting Church in Australia (which includes the Uniting Church as its Victorian arm) is an unincorporated association. It is not a legal person and there are no legal relations between members themselves or between the members and the unincorporated association. Rather, the Uniting Church in Australia is a collective of members presently governed by the Basis of Union, Constitution & Regulations 2018.<sup>43</sup>
43. The Uniting Church in Australia is governed by four non-hierarchical, inter-related councils, each one with different responsibilities:
- (a) Assembly (the national council);
  - (b) Synod (the regional council);
  - (c) Presbyteries (the district council); and
  - (d) Congregations (the local council).<sup>44</sup>
44. The Assembly of the Uniting Church in Australia acts as a national council. It is comprised by such ministers, elders, leaders, and other members of the Uniting Church in Australia as are appointed to it, with most of those persons appointed by the Synods of each State and Territory (being a set of six regional councils) or Presbyteries (being bodies which exercise oversight as to the life and mission of particular Congregations). The Assembly has responsibility for the determination

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<sup>42</sup> Lindsay Lockley P. G. (1968) "Congregational archival material in Australia", *Archives & Manuscripts*, 3(7), pp. 8-13 (accessed at <https://publications.archivists.org.au/index.php/asa/article/view/5943>).

<sup>43</sup> [UCA.5000.0005.7467].

<sup>44</sup> Referred to in Clause 15 of the Basis of Union, which is a Schedule to each of the *Uniting Church in Australia Act 1977 (Vic)* and the *Uniting Church in Australia Act 1977 (Tas)*.



of the governance, doctrinal direction, and mission on the Uniting Church in Australia.<sup>45</sup> Pursuant to s 32(1) of the Victorian Act, the Assembly has the authority to make regulations for the control, management and administration of, and dealings with, trust property.

45. The Synod is one of the six regional councils (along with the Synods of NSW and ACT, Queensland, South Australia, Western Australia, and the Northern Synod) across the Uniting Church in Australia. The Synod consists of such ministers, elders, leaders, and other members of the Uniting Church in Australia as are appointed to it, with most of those persons being appointed by the Presbyteries. The Synod has responsibility for the general oversight, direction, and administration of the Uniting Church in Australia's worship, witness, and service in Victoria and Tasmania.<sup>46</sup> In between Synod meetings which are held every 18 months, a Synod Standing Committee acts on behalf of the Synod in respect of its responsibilities.
46. Presbyteries are district councils. They consist of such ministers, elders, leaders, and other members of the Uniting Church in Australia as are appointed to them, with most persons being appointed by the Congregations. The Presbyteries' task involves oversight of matters necessary for the life and mission of the Uniting Church in Australia in a specific area (with a particular focus on the oversight of Congregations within each Presbytery's specific bounds), except for those parts of that life and mission which are governed by agencies responsible to either the Assembly or the Synod.<sup>47</sup>
47. A Church Council is the body established in each Congregation which has oversight over the life and mission of the particular Congregation.
48. Over time, the Synod has established institutions through which to operate in effecting some elements of the vision of the Uniting Church's service to the world. The Regulations allow for the Synod to authorise the separate incorporation of any institution, or the participation of the Church in, or its association with, an incorporated institution.<sup>48</sup> Those incorporated institutions serve more general, purpose-based, functions as defined by their constitutions and are registered as charities. The members of the incorporated institutions are the PTV and The Uniting Church in Australia Property Trust (Tas.) (**PTT**). The incorporated institutions relevant to the Synod are:
  - (a) Uniting Ethical Investors Limited, which was incorporated in 2002. Its function is as an autonomous social enterprise. Its operating surplus is provided to the Synod to use for Church purposes including support for social justice and community service programs. It has two subsidiaries, UCA Cash Management Fund Limited and UCA Growth Fund Limited;
  - (b) Uniting AgeWell Limited (**UAW**) which was incorporated in 2018 to undertake aged-care services which had previously been undertaken by the unincorporated Church agency which was previously Uniting Aged Care. UAW has one subsidiary, Guardian Healthcare Services Pty Ltd which provides home care and disability support services;
  - (c) Uniting (Victoria and Tasmania) Limited (**UVT**) which was originally incorporated in 2001 (as Wesley Mission Melbourne Limited). On 24 June 2015, the Standing Committee of the Synod resolved to establish a single governance body to oversee service delivery and support functions for community services provided in Victoria and Tasmania, and that is the role presently performed by Uniting (Victoria and Tasmania) Limited (see paragraphs 246 to 249 below for further information about the formation of UVT). UVT has two subsidiaries:

<sup>45</sup> Basis of Union [UCA.5000.0005.7467], clause 15(e).

<sup>46</sup> Basis of Union [UCA.5000.0005.7467], clause 15(d).

<sup>47</sup> Basis of Union [UCA.5000.0005.7467], clause 15(c).

<sup>48</sup> Regulation 3.7.4.7(c) [UCA.5000.0005.7467].

- (i) Uniting Housing (Victoria) Limited which delivers social and affordable housing in Victoria; and
- (ii) Uniting Housing (Australia) Limited which delivers social and affordable housing, albeit with a focus on Tasmania and other States of Australia except for Victoria,

**(together Related Incorporated Institutions).**

49. The Related Incorporated Institutions are each governed by their own constitution, setting out their respective purposes and how they are to be governed. The Related Incorporated Institutions are independently operated in accordance with their constitutions, but report their activities to the Synod Standing Committee.
50. In addition to the Related Incorporated Institutions, the Uniting Church is also associated with (but does not exercise control over) the following Victorian schools and university colleges whose formal relationship with the Synod is generally limited to consultation or approval in the winding up clauses of the governing deeds of the schools or university colleges. In addition to this formal relationship there are informal networks both between the schools and with the Synod, and there are limited links between the Synod and the university colleges:
- (a) Aitken College;
  - (b) Ballarat and Clarendon College;
  - (c) Billanook College Limited;
  - (d) Cornish College;
  - (e) Kingswood College Limited;
  - (f) Penleigh and Essendon Grammar School;
  - (g) St Leonard's College;
  - (h) The Geelong College;
  - (i) The Hamilton and Alexandra College
  - (j) Wesley College Melbourne Limited;
  - (k) Ormond College Limited;
  - (l) Queens College Melbourne Limited; and
  - (m) St Hilda's College Limited.

51. PTV is the trustee of the lands of Ormond College Limited, Queens College Melbourne Limited and St Hilda's College Limited, and is the member of Queens College Melbourne Limited. The schools in Victoria are operated on land governed by various legislation and trusts.
52. PTV is a corporation established by s 12(1) of the Victorian Act,<sup>49</sup> and is the legal person through which the Uniting Church operates in Victoria and holds real and personal property (though some personal property and a very small number of real properties are held by subsidiaries who are Related Incorporated Institutions). PTV holds property on charitable trust for the Uniting Church, its incorporated institutions and its associates, either for the general purposes of the Uniting Church, or on a special trust for identified charitable purposes connected with the Uniting Church (some special trust may be subject to bequests or testamentary trusts). The holding of property is regulated by the Victorian Act, and the Constitution and the Regulations as they are set from time-to-time by the Assembly.
53. Legal ownership of property in the Uniting Church within Victoria resides with PTV. Regardless of whether PTV holds property upon general or special trust, it does not hold that property for beneficiaries. That is because charitable trusts are trusts for purposes, not persons, and PTV must hold for and interpret those purposes.
54. In relation to property held by PTV on charitable trust for the general purposes of the Uniting Church, because the Uniting Church has a decentralised structure under which management of property is distributed amongst Congregations, its incorporated institutions and its associates, Part 4 of the Regulations<sup>50</sup> provides for determination of 'Responsible Body' status in respect of the property held by PTV.
55. For internal purposes, PTV records the relevant body or entity within the Uniting Church that has the benefit of the use of particular real property held on trust by PTV by reference to such body or entity being the Responsible Body for such property. The Responsible Body that has the benefit of use of the property also has responsibility for day-to-day management and care of the property.
56. Such responsible bodies include:
- (a) a Synod Property Board, which has various property administration, advisory, and management functions regarding property matters within the boundaries of the Synod;<sup>51</sup>
  - (b) Presbytery Property Committees, each of which has various property administration, advisory, and management functions regarding property matters within the boundaries of the relevant Presbytery;<sup>52</sup> and
  - (c) Church Councils, each of which have various property administration, advisory, and management functions regarding property matters within the boundaries of the relevant Congregation.<sup>53</sup>

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<sup>49</sup> [UCA.5000.0001.0578].

<sup>50</sup> Regulation 4.1 [UCA.5000.0005.7467].

<sup>51</sup> Regulation 4.2 [UCA.5000.0005.7467].

<sup>52</sup> Regulation 4.3 [UCA.5000.0005.7467].

<sup>53</sup> Regulation 4.4 [UCA.5000.0005.7467].

## Response to 1.c

### ***Establishment of the Congress***

57. In 1982 at Crystal Creek, just north of Townsville, First Peoples Christian leaders from across Australia met together. Guided by the Spirit they discerned a vision for a National Congress – a First Peoples movement, within the Uniting Church in Australia. This was to become, in time, the Uniting Aboriginal and Islander Christian Congress (**Congress**).
58. In 1983, Norman Baxter was elected as the first Victorian representative on the Executive Committee of the Congress.<sup>54</sup>
59. In 1985, the Assembly of the Uniting Church in Australia unanimously welcomed and agreed officially to support the formation of the Congress as an expression of self-determination within the life of the Church.
60. The Congress consists of Aboriginal and Islander members of the Uniting Church in Australia and members in fellowship who may also be members of any other denomination.<sup>55</sup> The Congress' constitutive members are Aboriginal and Islander people seeking to fulfil their calling as Christians among their own people, especially in the area of holistic community development. The Congress possesses the autonomy to determine its own goals and objectives and to decide its policies and priorities. The Congress runs its own programs and institutions. The Congress aims, in collaboration with other stakeholders, to bring to an end the injustices which hold Aboriginal and Islander people at the fringes of Australian society, and to help Aboriginal and Islander people achieve spiritual, economic, social and cultural independence.
61. The Congress seeks to unite in one fellowship all Aboriginal and Islander Christians who have accepted Jesus Christ as Lord, accept the authority of the Scriptures and desire to follow and serve Christ as his disciples.
62. In 1994 the Uniting Church in Australia formally entered into a Covenant with the Congress so that together we may contribute to a more just church and nation. On behalf of the Second Peoples<sup>56</sup> of the Uniting Church in Australia, the Uniting Church in Australia's 7<sup>th</sup> President, Dr Jill Tabart, read a statement recognising the fundamental connection between First Peoples and the land of Australia, acknowledging past wrongs against and present systemic issues facing First Peoples, apologising for all wrongs done knowingly or unknowingly by the Uniting Church to First Peoples, and making a new commitment to the relationship between the Uniting Church in Australia and First Peoples. On behalf of the First Peoples of the Congress, Chairperson Pastor Bill Hollingsworth responded, acknowledging past pain and looking to the future with hope. He presented a Covenant Painting to the Uniting Church of Australia.
63. The Covenanting Statement,<sup>57</sup> which is the heart of the Uniting Church's contemporary position on harm and vision of unity as God's call to unite, was:

*We meet in the presence of God who through the life, death and resurrection of Jesus Christ has reconciled us to God and to one another in the power of the Holy Spirit. Our unity "transcends cultural, economic, national and racial boundaries". (Basis of Union, Paragraph 2). In this sharing of bread and wine we recall God's gracious covenant with us and the whole creation and anticipate the joyful celebration of the fulfilment of God's rule of love and justice*

<sup>54</sup> Extract of Report to the Synod of Victoria 1983 Meeting, S/D2.18 [UCA.5000.0005.3246].

<sup>55</sup> Regulation 3.2.1 [UCA.5000.0005.7467].

<sup>56</sup> **Second Peoples** are all those peoples who have come after the First Peoples and who are beneficiaries in some way of the invasion and dispossession of the lands of the First Peoples. Among Second Peoples within the Church are many whose racial, cultural and linguistic backgrounds, experiences and expression of Christian faith are not those originating in Western forms of thought and theological expression.

<sup>57</sup> [UCA.5000.0005.7467], 31.

*among us. In the meantime, as people who share in this covenant, we are called to carry out faithfully Christ's command to love one another and to order our life in the church in truth and justice. We who are non-aboriginal members of the Seventh Assembly, representing all members of the Church, make this covenanting statement.*

*Long before my people came to this land your people were here. You were nurtured by your traditions, by the land, and by the Mystery that surrounds us all and binds all creation together.*

*My people did not hear you when you shared your understanding and your Dreaming. In our zeal to share with you the Good News of Jesus Christ, we were closed to your spirituality and your wisdom.*

*In recent years we non-Aboriginal members of the Uniting Church in Australia have had the privilege of journeying with the Uniting Aboriginal and Islander Christian Congress and with other Aboriginal people. We have become more aware of the sad impact that in earlier times the church and our culture had on your people.*

*So, on the one hand, we give thanks with you for those of our people who have lived among your people bearing faithful witness to the Gospel of Jesus Christ which brings hope and liberation to all. We give thanks to God who has empowered and encouraged your people to stand firm and exercise moral leadership throughout these two centuries.*

*But on the other hand, we who are non-Aboriginal members of our church grieve with you, our Aboriginal and Islander brothers and sisters. We grieve that the way in which our people often brought the Gospel to your people belittled and harmed much of your culture and confused the Gospel with western ways. As a result, you and we are the poorer and the image of God in us all is twisted and blurred, and we are not what God meant us to be.*

*We lament that our people took your land from you as if it were land belonging to nobody, and often responded with great violence to the resistance of your people; our people took from you your means of livelihood, and desecrated many sacred places. Our justice system discriminated against you, and the high incarceration rate of your people and the number of Black deaths in custody show that the denial of justice continues today.*

*Your people were prevented from caring for this land as you believe God required of you, and our failure to care for the land appropriately has brought many problems for all of us.*

*We regret that our [predecessor] churches cooperated with governments in implementing racist and paternalistic policies. By providing foster-homes for Aboriginal children, our [predecessor] churches in reality lent their support to the government practice of taking children from their mothers and families, causing great suffering and loss of cultural identity. Our [predecessor] churches cooperated with governments in moving people away from their land and resettling them in other places without their agreement.*

*I apologise on behalf of the Assembly for all those wrongs done knowingly or unknowingly to your people by the Church and seek your forgiveness. I ask you to help us discover ways to make amends.*

*In 1988, the Heads of Churches called for a secure land base for dispossessed Aboriginal people, an assured place in the political process for Indigenous people and an openness to get to know one another and learn from each other's culture and values. We commit ourselves to those objectives.*

*We rejoice in the promotion of understanding and commitment to change engendered by the Reconciliation Process and the High Court's native title decision and subsequent Commonwealth legislation. In the words of the International Year of the World's Indigenous Peoples, these changes presage: 'A New Partnership'.*

*We recognise, as was declared in the Assembly's 1988 Statement to the Nation, that the Australian people and this church continue to benefit from the injustices done to your people over the past two centuries. We believe it is right for the Uniting Church to make reparations to you for land taken from your people and used by the churches which became part of this church.*

*The Church has already made transfers of property to Aboriginal people in recognition of our history. At this meeting the Assembly will determine its response to the further specific request from the Congress for the transfer of a proportion of the Church's assets to the Congress as reparation and as a means of supporting the Congress in its mission and service programs.*

*In 1988 you invited us non-Aboriginal members of this church to enter a covenant with the members of the Congress. We seek to journey together in then true spirit of Christ as we discover what it means to be bound to one another in a covenant. Christ has bound us each to himself, giving himself for us, and he has bound us to each other with his commandment 'Love one another as I have loved you'.*

*It is our desire to work in solidarity with the Uniting Aboriginal and Islander Christian Congress for the advancement of God's kingdom of justice and righteousness in this land, and we reaffirm the commitment made at the 1985 Assembly to do so. We want to bring discrimination to an end, so that your people are no longer goaled in disproportionate numbers, and so that equal housing, health, education and employment opportunities are available for your people as for ours. To that end we commit ourselves:*

- 1. to work with you towards national and state policy changes;*
- 2. to build understanding between your people and ours in every locality;*
- 3. to build relationships which respect the right of your people to self-determination in the church and in the wider society.*

*We acknowledge that no matter how great our intentions however, we will not succeed in our efforts for reconciliation without Christ's redeeming grace and the renewing power of the Holy Spirit at work in both your people and ours.*

*I pray that this covenant will unite us in a multi-racial bond of fellowship which will be a witness to God's love for us all and a constant challenge to the continuing racism which oppresses you and separates us in this land. I pray that it will thus help us all to move towards a united Australia which respects this land in which we live, values the Aboriginal and Torres Strait Islander heritage and provides justice and equity for all.*

64. The response from Pastor Bill Hollingsworth, Chairperson, Uniting Aboriginal and Islander Christian Congress, was:

*When God created the heavens and the earth, He gave humankind his habitation and placed him within his bounds. When He did this, He gave humankind stewardship over the bounds of his habitation. We are also told in the Bible that when God had finished creating it was good.*

*For many thousands of years aboriginal people moved in harmony with creation and subdued it as necessary by hunting, fishing and gathering thus respecting God's command and allowing the earth to sustain us. Our laws were developed by our relationship with the land our intricate system of inter-tribal government. Trade was established which has never been acknowledged or understood appropriately by European researchers.*

*In 1788 this relation with creation was violently disrupted by the invasion of the European which robbed us of our stewardship of the land which God gave to us.*

*Your ancestors came to us in different ways and we saw little of our caring God in them. They did not come to us as God's will would dictate, but to dispossess us, take our children, rape our women, kill our men and boys and destroy our culture, reject our values and beliefs and ultimately claim our lands as their own.*

*As a direct result of this violent dispossession, Aboriginal and Torres Strait Islander people have lived as strangers and outcasts in their own land.*

*Whilst the church attempted to stem the decimation of our people and culture by providing missions and sanctuaries, in very many instances it did not attempt to understand our ways, our laws or social and economic structures.*

*We agree with you that the church, which had a responsibility to be the conscience of the invaders, in many instances relinquished this responsibility and joined with the invaders in a great many atrocities by smoothing the pillow for what was believed to be a dying race. Many of our people look upon the church in our country as condoning what was happening and watched the church stand by as our future was slowly being shortened by westernisation, assimilation and policies of prejudice.*

*Along with the past governments of Australia, the church is held accountable in our society for the injustices/atrocities inflicted on our people.*

*Contrary to the belief of the invaders that they had a divine right to take possession of this land as their own, the God of righteousness, truth and justice has sustained us with the belief that one day we would be recognised as the true stewards of this land.*

*This has come to pass through the High Court decision which was handed down in the Mabo case.*

*It is good and right that the church should repent of any of its actions in support of a policy that violently discriminated against and oppressed God's stewards of this land.*

*The UAICC believes it is just for the Uniting Church, as a result of its enlightened understanding of the Gospel implications of creating new community, to offer a practical response to the past history of dispossession and resulting disenfranchisement of Aboriginal and Islander people from their social, economic and spiritual development of Australia, by taking action to empower the UAICC ministry by offering to share the assets of the Uniting Church. It is*

*difficult for us again, to recall the atrocities of the past and agree to walk towards you and offer forgiveness because many of our people feel your position of influence in our present society reminds us of who committed these great offences.*

*As a result of the violent dispossession and resulting isolation from economic empowerment in Australia, within a great number of our people there has developed a deep anger and resentment of European people.*

*Therefore it would be wrong to just say "I forgive", without reaching a commitment to work together to lay a new foundation upon which we may build a more just future together by ensuring that the Uniting Church plays an active role in providing adequate resources to address the present disadvantages caused by the past injustices and dispossession by the invasion of this country. Your commitment to be practical in seeking to be united in this relationship will be assessed by your decisions to resource the Congress ministry and to be actively involved in ministry alongside and with Aboriginal and Islander people to change the present disadvantage.*

*Because it is pleasing to God to love one another, and it is our commitment to do so, we invite you on behalf of Congress members to develop a new relationship by entering into the struggle of those issues that presently are the cause of continuing injustice resulting in broken relationships.*

*You seek our forgiveness because your understanding has been enlightened by the Spirit of the living God to recognise the failures and mistakes of the past and you desire to establish a new relationship based upon real recognition, justice and equality.*

*We come to this covenanting table with our gifts of Aboriginal spirituality, our culture, our Aboriginal way of loving and caring, our instinctive concern and a willingness to share and teach our history and every good aspect about being Aboriginal and Islander.*

*Our commitment to walk together with you as equals will be measured by our willingness to share with you our friendship and our love for God's creation.*

*Our people have survived on the fruits of this country and have harvested from gardens as diverse as nature can offer. We give to you our foods, drinks, the flesh of our animals, the fish of our waters and birds of the air that have sustained our people for generations gone by.*

*We pray that God will guide you together with us in developing a covenant to walk together practically so that the words of your statement may become a tangible expression of His justice and love for all creation. We ask you to remember this covenant by remembering that our land is now also sustaining your people by God's grace.*

65. The significance of the Covenanting Statement is such that it is published in the Basis of Union, Constitution & Regulations 2018, immediately following the Basis of Union and immediately prior to the Preamble to the Constitution.<sup>58</sup>

### **Operations of the Congress**

66. By 1996, Vince Ross, a Yorta-Yorta man, was the Victorian coordinator for the Congress. In early 1996, the Victorian Congress had four staff, including Ross.

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<sup>58</sup> [UCA.5000.0005.7467].



67. Two of the staff had the task of developing Narana Creations as a wholesale and retail centre for Koori crafts and artifacts, as well as educational resources.<sup>59</sup> Narana Creations has developed into the cultural hub of the Victorian arm of the Congress and is a fundamental part of that arm's operations.
68. Additionally, Aunty Judith Williams was supported by Congress as a pastoral worker in the Robinvale Parish to assist with issues faced by the First Peoples communities in the area.<sup>60</sup> She also conducted hospital ministry.<sup>61</sup>
69. By 2000, the Victorian Congress had 10 staff, of which six were at Narana Creations and two were based in Robinvale.<sup>62</sup>
70. By 2004, the Synod was unable to find sufficient First Peoples members of the Uniting Church to form the Victorian Congress Regional Committee and thus opened the Committee to Second Peoples with particular interests in the ministry of the Victorian Congress.<sup>63</sup>
71. In 2008, the Victorian Congress partnered with "Go West Tours" to provide First Peoples cultural education to tourists taking a tour of the Great Ocean Road.<sup>64</sup>
72. Rev Ken Sumner, a Ngarrindjeri man, became the Victorian Director of the Congress in 2011, replacing Vince Ross.<sup>65</sup> He resigned in late 2012 and Vince Ross returned as the Interim Victorian Director of the UAICC. Rev Sumner returned as the Victorian Director again in 2016 but had left again by 2017.<sup>66</sup>
73. In 2023, a working group was established with four First Peoples and four Second Peoples from within the Synod to explore the future direction of the Victorian Congress. The working group is moving towards resourcing the mission and ministry of the Congress Victorian Regional Committee by appointing resource and development staff. Two positions are being considered with a focus on:<sup>67</sup>
- (a) resource and development of new initiatives and partnerships with the Synod working with Presbyteries and Congregations;
  - (b) initiating and supporting collaborative local projects in Victoria that fulfill the commitment of the Synod and the Congress to a covenantal ministry by, with and for First Peoples;
  - (c) collaborating with UVT and UAW in Victoria; and
  - (d) working collaboratively with the Congress Tasmanian staff.

<sup>59</sup> Extract of Report to the Synod of Victoria 1996 Meeting, B3.30 [UCA.5003.0001.1212].

<sup>60</sup> Ibid., B3.31.

<sup>61</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2006 Meeting, C6a.4 [UCA.5003.0001.1224].

<sup>62</sup> Extract of "Commission for Mission Report" to the Synod of Victoria 2000 Meeting B2.8 [UCA.5003.0001.1120].

<sup>63</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2004 Meeting, C6a.3 [UCA.5003.0001.1205].

<sup>64</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2008 Meeting, C5a.2 [UCA.5003.0001.1222].

<sup>65</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2011 Meeting, C5a.1 [UCA.5003.0001.1123].

<sup>66</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2016 Meeting, F2.4 [UCA.5003.0001.1193].

<sup>67</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2023 Meeting, F2.4. [UCA.5007.0001.0034].

## Response to 1.d

74. Narana Creations is an unincorporated not-for-profit organisation which is a cultural hub of the Congress community in Victoria, but is a separate organisation to the Congress. Narana Creations seeks to build an understanding of First Peoples history and culture through providing for personal interactions, and via the provision in the present day of a cultural display and performance building, an art gallery, retail outlet, and café, all of which are focused and predicated upon First Peoples' culture, traditions, and history. Narana Creations encourages reconciliation and respect of culture through facilitating the creation of important dialogue around issues concerned with national reconciliation. The word "Narana" means to listen deeply and to understand, in a symbiotic process of giving and receiving.
75. Narana Creations was established by the Victorian Congress in 1993.<sup>68</sup> Initially, it was a shop front at 41 Yarra Street Geelong, designed to be an information and resource centre selling craft.<sup>69</sup> The shop front was closed on 24 January 1996 and moved to 410 Torquay Road, Grovedale. The Congress acquired the five hectare property to continue the educational and cultural work being undertaken through Narana Creations.<sup>70</sup>
76. The Congress vision for Narana Creations in 1996 was to have a home where Koori people could welcome others and provide hospitality.<sup>71</sup> Narana Creations saw itself as having an educational role for schools.<sup>72</sup>
77. By 1997, the Congress hoped that Narana Creations would be able to provide long-term opportunities for training and employment. Eight trainees were employed with government assistance.<sup>73</sup>
78. By 1998, there were three full-time staff and two casual employees.<sup>74</sup>
79. In 1999, Narana Creations won the Ansett Australia Victorian Tourism Award (Indigenous Section).<sup>75</sup>
80. By 2000, the Victorian Congress reported that thousands of school students were visiting the site.<sup>76</sup> By 2004, the Victorian Congress estimated that 300 children a week were participating in cultural education at Narana Creations.<sup>77</sup> Narana Creations was seen by the Victorian Congress as offering authentic, immersive cultural experiences to visitors.<sup>78</sup>

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<sup>68</sup> Extract of Report to the Synod of Victoria 1993 Meeting, B3.14 [UCA.5000.0005.3363].

<sup>69</sup> Extract of Report to the Synod of Victoria 1996 Meeting, B3.30 [UCA.5003.0001.1212].

<sup>70</sup> Ibid, B3.30.

<sup>71</sup> Ibid, B3.30.

<sup>72</sup> Ibid, B3.31.

<sup>73</sup> Extract of Report to the Synod of Victoria 1997 Meeting, B2.6 [UCA.5003.0001.1199]; and extract of Report to the Synod of Victoria 1998 Meeting, B2.33 [UCA.5003.0001.1200].

<sup>74</sup> Extract of Report to the Synod of Victoria 1998 Meeting, B2.33 [UCA.5003.0001.1200].

<sup>75</sup> Extract of "Commission for Mission Report" to the Synod of Victoria 1999 Meeting, B2.9 [UCA.5003.0001.1202].

<sup>76</sup> Extract of "Commission for Mission Report" to the Synod of Victoria 2000 Meeting, B2.9 [UCA.5003.0001.1120].

<sup>77</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2004 Meeting, C6a.2 [UCA.5003.0001.1205].

<sup>78</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2017 Meeting, F2.1. [UCA.5005.0001.0075]

81. In 2001, Narana Creations was given a grant of \$244,000 from the Federal Government to assist with the development of the Wurlie Work Shed, an Indigenous café and a multi-purpose space.<sup>79</sup> The Wurlie Work Shed contained a youth area and a workshop where First People youth could develop skills that might be helpful for future employment.
82. By 2004, First People youth in the Victorian Juvenile Justice system were able to spend days at Narana Creations to engage their culture.<sup>80</sup> In addition, Narana Creations opened a café on the site.<sup>81</sup>
83. In 2012, the café at Narana Creations ran a 26-week Certificate 3 Hospitality course for 35 First People.<sup>82</sup>
84. In late 2015, the Victorian Congress Regional Committee directed the management at Narana Creations to reduce expenditure to meet its budget.
85. By 2016, the Victorian Congress reported an art gallery of First People art had been established at Narana Creations.<sup>83</sup>
86. In 2017, the Victorian Congress reported that on its best weeks Narana Creations was attracting 1,000 visitors, including school students and tour groups.<sup>84</sup>
87. In 2018, Narana Creations recorded its first operating surplus after 22 years of operation. The surplus was mainly due to an unsustainable decrease in salary costs and a decrease in overall spending. The cultural education and retail store were self-sustaining, but the café ran at a considerable loss. To address the problem, Narana Creations management partnered with Aboriginal Tourism Victoria and was provided with a grant of \$15,000 to engage consultants to assess Narana Creations and create a tourism strategy for the centre.<sup>85</sup>
88. In 2022, the Wadawurrung Traditional Owners Corporation started using Narana Creations as a meeting place. Collaboration also developed with their tourism arm to develop mutually beneficial products. The Wom Gundidj Victorian Indigenous employment and community services organisation were able to use Narana Creations as a place to conduct interviews without any charge for the use of the space. The Delama Mok-Borryan homework club and “Deadly Coders” also met at Narana Creations once a week.<sup>86</sup>
89. In the 2023 report to the Synod meeting, the Victorian Congress Oversight Committee reported that in 2006 the Victorian Government created the *Aboriginal Heritage Act*. The Act recognized Traditional Owners among particular families in relation to particular areas. Narana Creations is on the lands recognised as belonging to the Wadawurrung Traditional Land Owners Corporation. During 2023, the Oversight Committee engaged in dialogue with the Wadawurrung Traditional Owners to explore possibilities for the future of Narana Creations.<sup>87</sup>

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<sup>79</sup> Extract of "Commission for Mission Report" to the Synod of Victoria 2001 Meeting, B2.24 [UCA.5003.0001.1207].

<sup>80</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2004 Meeting, C6a.2 [UCA.5003.0001.1205].

<sup>81</sup> Ibid.

<sup>82</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2013 Meeting, C5a.2 [UCA.5003.0001.1208].

<sup>83</sup> Ibid.

<sup>84</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2017 Meeting, F2.1. [UCA.5005.0001.0075].

<sup>85</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2019 Meeting, F2.5. [UCA.5005.0001.0077].

<sup>86</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2022 Meeting, F2.3. [UCA.5005.0001.0080].

<sup>87</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2023 Meeting, F2.3. [UCA.5007.0001.0034].

## Missions, Reserves & Institutions

2. Please provide a summary of the involvement of the church (or its predecessors) in Victorian missions, reserves and institutions interfacing with First Peoples, including (but not limited to):
  - a. Buntingdale Mission;
  - b. Ebenezer Mission; and
  - c. Ramahyuck Mission.

### Missions and reserves

90. The involvement of the Uniting Church or its predecessors in missions and reserves interfacing with First Peoples should be understood first and foremost in the context of what has been acknowledged in the Preamble to the Constitution and the Covenanting Statement. The Synod presents below some information about the involvement of predecessor churches or their members in missions and reserves interfacing with First Peoples. In this section, the Synod does not attempt to deal with or describe the very serious harms inflicted on First Peoples as a consequences of these practices, but those harms are certainly acknowledged.
91. Readers should note that the information provided includes:
  - (a) references to deceased persons; and
  - (b) content from primary and older secondary source historical material which uses language and depictions of First Peoples that may be deeply offensive and distressing.

The Synod does not endorse this language or these depictions, but reference to these matters was a necessary part of its response.

### Timeline

92. The following is a brief overview of the timeline relevant to the involvement of the Uniting Church's predecessors in Victorian missions and reserves:
  - (a) **1839** – Methodists established the short-lived Buntingdale Mission at Birregurra (1839-1848), 60km south-west of Geelong, out of concern for local First Peoples due to the abject neglect by the colonial administration.
  - (b) **1858** and **1860** – Select Committee of Legislative Council on the Aborigines, to enquire into state of the Aboriginal Population. The Inquiry released two reports in 1858 and 1860 which recommended the creation of reserves and missions.

- (c) **1860** – Central Board Appointed to Watch Over the Interests of Aborigines (1860-1869). It was founded to set up and oversee reserves and missions, including Ebenezer (1858-1903), Ramahyuck (1862-1903) and Coranderrk (1863-1924). Presbyterian Lay Preacher, John Green, founded Coranderrk and served as superintendent until 1874, and continued to run religious services there during his retirement.
- (d) **1869** –
  - (i) Reverend Friedrich August Hagenauer formally joined the Presbyterian Church;
  - (ii) *Aboriginal Protection Act 1869* (Vic) enacted. (Long title: ‘*An Act to provide for the Protection and Management of the Aboriginal Natives of Victoria*’.) This Act also gave the definition of an ‘Aboriginal’ as: “Every aboriginal native of Australia and every aboriginal half-caste or child of a half-caste, such half-caste or child habitually associating and living with aboriginals, shall be deemed to be an aboriginal within the meaning of this Act...”; and
  - (iii) Central Board Appointed to Watch Over the Interests of Aborigines was given statutory authority through the *Aboriginal Protection Act 1869* (Vic), and was thereafter commonly referred to as the Central Board for the Protection of Aborigines or the Board for the Protection of Aborigines.
- (e) **1877** – Royal Commission on the Aborigines: appointed to inquire into the present condition on the First Peoples of the colony, and to advise as to the best means of caring for, and dealing with, Aborigines in the future.
- (f) **1886** – *Aborigines Protection Act 1886* (Vic), amended the 1869 Act of the same name. The Act changed the definition of ‘Aboriginal’ to exclude those who were ‘half-caste’ (only one parent was Aboriginal) from receiving assistance from the Board because they were seen as ‘white’ by the government despite society not accepting them. All ‘half-castes’ were to be removed from missions and reserves, and were often placed with white families. The policy of assimilation began. The 1886 Act also created ‘Protectors of Aborigines’.
- (g) **1910** – *Aborigines Act 1910* (Vic) enacted. (Long title: *An Act to extend the powers of the Board for the Protection of the Aborigines.*) Legally re-established those who were ‘half-caste’ as Aboriginal again, granting them assistance those on the missions and reserves received.
- (h) **1920s** – The last of the Victorian missions was phased out.

93. Appendix B provides a table of the numbers of Aboriginal residents at the missions and reserves of Ramahyuck, Ebenezer, and Coranderrk from 1868 to 1886.

### ***Moravian Missionary connection to Victoria***

- 94. The Moravian Church was based in Saxony, Germany. It had global recognition in the missionary field, and was very influential on English Protestant evangelism. Charles Joseph La Trobe (1801-1875), superintendent and lieutenant-governor, was raised in the British Moravian tradition, and was instrumental in connecting the Moravian Church to the people of the Port Philip District as a colonising tool.<sup>88</sup> The civilising practices of the Moravians in Victoria were paternalistic, and normalised hierarchy through their command of the physical space, layout of the missions, and the relationships of power within domestic and religious home life.<sup>89</sup>

<sup>88</sup> Lydon, Jane, 2009. “Imagining the Moravian Mission: Space and Surveillance at the Former Ebenezer Mission, Victoria, Southeastern Australia”, *Historical Archaeology*, vol.43, no.3, 5-19.

<sup>89</sup> *Ibid*, 13.

In short, Moravians in Victoria viewed First Peoples as children to be civilised into the moral Christian, and European ways of life (though not always uncritically).<sup>90</sup> Because of the close and influential relationship the Moravian missionaries had with the Presbyterian Church in Victoria, the Moravians are discussed in detail within this response. However, while they are distinctly separate religious denominations, historical accounts of missions and missionaries in Victoria often conflate the two denominations due to their close, and sometimes overlapping association in missionary endeavours, particularly with regard to Reverend Friedrich Hagenauer.

### **Reverend Friedrich August Hagenauer (1829-1909)**

95. Reverend Friedrich Hagenauer was a Moravian missionary. He was instructed by the Moravians in 1856 to go to Victoria with fellow missionary Rev Spieseke to establish a mission at the invitation of the Central Board Appointed to Watch Over the Interests of Aborigines, which operated with the authority of the colonial government. Hagenauer and Spieseke arrived at Melbourne in May 1858, and established the Ebenezer mission by December of the same year. Hagenauer and his wife, Louise, left the Moravian mission of Ebenezer in December 1861 with the intention of establishing a Presbyterian-funded mission in Gippsland.<sup>91</sup>
96. In 1869, Hagenauer joined the Presbyterian Church and was conferred the “full status of a minister of Church”<sup>92</sup>, while still maintaining a strong commitment to the Moravian faith and church. The continuation of his close relationship with the Moravians is evident, indicated particularly by his presidency of the Moravian Australian mission work (1877-1899).<sup>93</sup>
97. He was paid a salary of over £300 by the Presbyterian Church for his missional work as Ramahyuck’s superintendent.
98. Hagenauer was asked to convene a meeting of all managers of Aboriginal stations of the colony to provide the government with advice on how to draft a new law to control the so-called ‘half-caste’ population of the colony, who were seen to be a drain on colonial resources.<sup>94</sup> He then joined the Board for the Protection of the Aborigines when it was formed in 1869 after the enactment of the *Aboriginal Protection Act 1869* (Vic). Historical records, including his own letters, confirm that Hagenauer influenced the drafting of that Act, specifically, the racial categorisation of ‘full-blood’, ‘half-castes’, ‘mixed blood’ and ‘half-whites’. These categories further enshrined racism within colonial legislation, informed by a Moravian missiology that privileged the conversion of First Peoples’ souls over their physical bodies.<sup>95</sup> Hagenauer also subscribed to the view that First Peoples were a dying race.<sup>96</sup> The introduction of racial categorisation eventually led to the disastrous *Aborigines Protection Act 1886* (Vic) that saw First Peoples of ‘mixed-descent’, under the age of 35, forced out of missions and Government stations and reserves which led to many being shut down due to low numbers.<sup>97</sup>
99. In 1871, the Church of England named Hagenauer Superintendent of the Aboriginal mission station at Lake Tyers.<sup>98</sup> This meant that Hagenauer was effectively reporting to four administrative bodies: the Presbyterians, the Anglicans, the Moravians and the Government of Victoria. Maintaining competing and overlapping interests was not an uncommon occurrence for missionaries at the time, but all superintendents and managers ultimately operated under the authority of the Board

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<sup>90</sup> Ibid, 13-14.

<sup>91</sup> Regina Ganter and Felicity Jensz, “German Missionaries in Australia”, Griffith University.

<sup>92</sup> Jensz, Felicity 2010. “German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908: Influential Strangers”, Boston: Brill Publishing, 190.

<sup>93</sup> Ibid, 240.

<sup>94</sup> Regina Ganter and Felicity Jensz, “German Missionaries in Australia”, Griffith University

<sup>95</sup> Jensz, Felicity 2010. “German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908: Influential Strangers”, Boston: Brill Publishing, 231.

<sup>96</sup> 1877 Royal Commission on the Aborigines, *Report of the Commissioners*, at 1053, 39 [UCA.5000.0001.0433]

<sup>97</sup> Jensz, Felicity 2010. “German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908: Influential Strangers”, Boston: Brill Publishing, 214-219.

<sup>98</sup> Ibid.

for the Protection of Aborigines, whose mandate was derived from colonial legislation.<sup>99</sup> Hagenauer's authoritative influence connected to other missions nationally, including Mapoon in North Queensland.<sup>100</sup> The Moravian Mission handbook claimed:<sup>101</sup>

*The Brethren ... demean themselves as loyal and obedient subjects, and strive to act in such a manner, under the difficult relations in which they are often placed, as may evince, that they have no desire to intermeddle with the politics of the country in which they labour, but are solely intent on the fulfillment of their official duties.*

100. Hagenauer was indeed an exception to the traditional Moravian approach to missionary work, according to which missionaries were expected not to seek social advancement and to stay out of politics. At the peak of his career in 1889, Hagenauer was made Secretary of the Board for the Protection of the Aborigines, and Inspector General of the Aborigines.<sup>102</sup> As a missionary and Secretary of the Board, he had great influence over the lives of First Peoples in Victoria and became feared by them. A Member of Parliament once said of him:<sup>103</sup>

*The blacks there [in Warmambool] would rather see the devil himself than old Hagenauer coming amongst them, because every visit the inspector paid them was followed by some treatment which was distressful to the blacks. Instead of his being a protector, the blacks regarded him with a pious horror.*

### **Presbyterian views on the role of missions**

101. The views of the Presbyterian Church on missions were heavily influenced by the Moravians, often prescribed by Hagenauer himself, and can be classified under three objectives.
102. First, the preaching of the Gospel.<sup>104</sup> This was routinely expressed through the holding of public services on Sunday at Ramahyuck, and at year-round daily gatherings during the week, both morning and evening, along with special classes for religious instruction.<sup>105</sup> Joint First Peoples and Second Peoples religious gatherings were encouraged, and seen to be "a good illustration of Christian fellowship in the Master's service".<sup>106</sup> Baptism, communion and marriage were also instrumental to the formation of religious community and conversation to the faith.<sup>107</sup>

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<sup>99</sup> McLisky, Claire, Russell, Lynette, and Boucher, Leigh 2015. "Managing mission life, 1869-1886. In L. Boucher, & L. Russell (Eds.), Settler colonial governance in nineteenth-century Victoria (pp. 117-138). Australian National University, 118.]

<sup>100</sup> Ganter, Regina 2018, *The Contest for Aboriginal Souls: European Missionary Agendas in Australia*, Canberra: Australian National University Press. 44-45.

<sup>101</sup> Cruickshank, Joanna 2009. 'A most lowering thing for a lady': aspiring to respectable whiteness on Ramahyuck Mission, 1885-1900, pp.85-102, in Carey Jane and McLisky, Claire 2009 'Creating White Australia', Sydney: Sydney University Press. 88.

<sup>102</sup> McLisky, Claire, Russell, Lynette, and Boucher, Leigh 2015. "Managing mission life, 1869-1886. In L. Boucher, & L. Russell (Eds.), Settler colonial governance in nineteenth-century Victoria (pp. 117-138). Australian National University, 126.

<sup>103</sup> Regina Ganter and Felicity Jensz, "German Missionaries in Australia", Griffith University.

<sup>104</sup> Presbyterian General Assembly Minutes 1878 [UCA.5003.0001.0464].

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

103. Second, secular instruction and training.<sup>108</sup> Education was both a core tenet of the Presbyterian missionary ethos, and a source of great pride at Ramahyuck with it being the first government school in the colony to have received 100 percent examination pass results.<sup>109</sup> These high results persisted throughout the life of the mission, which contributed to Ramahyuck being heralded as one of the best, if not the best,<sup>110</sup> example of a mission station according to the values of the time.
104. Third, the employment of “natives” in useful and remunerating<sup>111</sup> labour.<sup>112</sup> Work in mission life was seen as an “advance in civilisation in the right direction”, which was possible through the formation of habits of industry, cleanliness, thrift, and self-reliance.<sup>113</sup> These habits were also closely aligned with religious instruction.<sup>114</sup> The industriousness of Ramahyuck was warmly received by the Board for the Protection of the Aborigines, which further entreated the Government to supply ongoing support in order to continue the perceived success of the mission in the eyes of the colony<sup>115</sup> as the pinnacle of missionary achievement in Victoria.

### **Buntingdale Mission (1839-1848)**

**Location:** On the lands of the Gulidjan, Wathawarrung and Gadubanud people, at Birregurra on the Barwon River, 60km South-West of Geelong.  
**Oversight:** Methodist and Government.  
**Founder/s:** Reverend Francis Tuckfield (1808-1865) and Reverend Benjamin Hurst (1811-1857)  
**Landholding:** Crown land held temporarily by the Wesleyan Missions, reservation of the land cancelled by agreement

105. The Buntingdale Aboriginal Mission was established by the Wesleyan Missionary Society in 1839 on 640 acres of land at Birregurra, on the Barwon River, and was intended to offer First Peoples a safe haven from the interracial violence that threatened their lives in colonial Australia.<sup>116</sup> This endeavour was primarily the work of two key individuals: the Methodist Reverends and missionaries Francis Tuckfield and Benjamin Hurst, who at the direction of the Wesleyan Missionary Society established and operated the Mission for close to a decade.<sup>117</sup>
106. The Wesleyans were aspirational with their missionary hopes, and at a gathering of the Wesleyan Mission Society in 1837, it was emphasised that colonisation need not be harmful if “conducted on principles of honourable enterprise”.<sup>118</sup> While the Mission at Buntingdale was proposed as a safe location for First Peoples to receive support and avoid the genocidal violence taking place across the colony, the assimilationist agenda and constant imposition of western/white European and Methodist ideals, concepts and belief systems in the Mission also posed a significant threat to the cultural survival of the First Peoples of the nations that laid claim

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> It was because of the example set by mission stations like Ramahyuck that led the 1877 Royal Commission stating “Our own observation has shown us that, without comparison, stations under the missionaries are the most effective. We therefore strongly recommend that all to be placed under similar management.” (1877 Royal Commission on the Aborigines, *Report of the Commissioners*, p.xv [UCA.5000.0001.0433]).

<sup>111</sup> The *Aboriginal Protection Act 1869* (Vic) regulated detailed government expenditure on rations for each Aboriginal person, and also wages. However, the Act stipulated that individual wages should be shared amongst larger groups, which was objected to by Reverend Hagenauer pursuant to his views on the dignity of labour, where the individual should receive individual remuneration for their work. (McLisky, Claire, Russell, Lynette, and Boucher, Leigh 2015. “Managing mission life, 1869-1886. In L. Boucher, & L. Russell (Eds.), *Settler colonial governance in nineteenth-century Victoria* (pp. 117-138). Australian National University, 130.

<sup>112</sup> Presbyterian General Assembly Minutes 1878.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Heather Le Griffon, *Campfires at the Cross: An account of the Bunting Dale Aboriginal Mission at Birregurra, near Colac, Victoria 1839-1851*, (Melbourne: Australian Scholarly Publishing, 2006), ix-xi.

<sup>117</sup> Ibid.

<sup>118</sup> Mitchell, Jessie 2011, “In Good Faith? Governing Indigenous Australia through God, Charity and Empire. 1825-1855, Canberra: Australian National University Press, 40 [UCA.5000.0005.4063].



to the land on which the mission stood.<sup>119</sup> The Buntingdale Mission, unbeknownst to the missionaries, was situated on the border of Gulidjan, Wathawarrung and Gadubanud country, which saw the Mission visited by people from each of these nations, and occasional inter-nation violence as a result.<sup>120</sup>

107. The Buntingdale Mission was directly operated by Rev. Hurst, who was appointed Superintendent of the Mission in 1839, and Reverend Tuckfield as Hurst's Assistant Minister, and their two families.<sup>121</sup> Indirectly, the Wesleyan Methodist Missionary Society was responsible for the governance of the site – Hurst and Tuckfield were working at the direction of the Society and expected to provide constant reports and updates to their superiors about the progress in terms of converts and success in education, as well as maintaining cost records and journals.<sup>122</sup> The sole measure of success for the Society was the number of converts to Methodism the Mission produced.<sup>123</sup> For this reason, spiritual and theological education was the primary focus of all operations on the Mission, alongside a standard education in Western disciplines and language.<sup>124</sup>
108. In addition to directing the missionaries' work in relation to First Peoples, the Methodist Church was heavily involved in financially supporting Buntingdale, financing the establishment of the Mission equally with the New South Wales colonial government.<sup>125</sup> Government funds were withdrawn from the Mission in 1842, after Governor Gipps declared the endeavour a failure, and while the London Committee of the Methodist Church formally withdrew their financial support not long afterwards, Tuckfield retained the financial support of the local Wesleyan Meetings in Melbourne, Hobart and Sydney, and raised additional revenue to operate the Mission through the charity of local Wesleyans and the donation of livestock.<sup>126</sup>
109. The treatment of First Peoples at the Buntingdale Mission is incredibly nuanced – the intentions of the settlers personally involved in the Mission were for the most part altruistic, but the enforcement of Western and Christian culture that occurred at the direction of the Methodist Church ultimately formed part of a wider colonial and assimilationist agenda with significant, and lasting effects on First Peoples their traditions and culture.<sup>127</sup>
110. The first and most obvious harm inflicted at Buntingdale, like all First Peoples missions, was the erasure of First Nations culture and the imposition of Christian and Western culture, language and beliefs over the tribes. This intrusion of colonial culture had immediate effects, like the intertribal and interracial violence associated with the enforcement of the Western societal system, as well as long-term impacts like the loss of Indigenous languages, customs and traditions.
111. While the First Peoples that visited the Buntingdale Mission were free to come and go as they pleased, unlike in many other missions across the colonies, the missionaries attempted to limit the nations' nomadic activities.<sup>128</sup> They would incentivise the First Peoples groups with food, clothing and lodgings as a means of coercing them to adopt a more sedentary lifestyle.<sup>129</sup> The use of goods like food and clothing as leverage or bargaining material was fairly common on the Mission. The control of food was exercised as an initiative for First Peoples to work – they would receive food in exchange for the completion of farmhand tasks like

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<sup>119</sup> Ibid.

<sup>120</sup> Le Griffon, *Campfires at the Cross*, 164-5.

<sup>121</sup> Le Griffon, *Campfires at the Cross*, 21-34.

<sup>122</sup> Le Griffon, *Campfires at the Cross*, 20.

<sup>123</sup> Jean Woolmington, "Writing in the Sand: The First Missions to Aborigines in Eastern Australia", in *Aboriginal Australians and Christian Missions: Ethnographic and Historical Studies*, eds. Tony Swain and Deborah Bird Rose (Adelaide: The Australian Association for the Study of Religions, 1988), 85-87.

<sup>124</sup> Ibid.

<sup>125</sup> Le Griffon, *Campfires at the Cross*, ix.

<sup>126</sup> Le Griffon, *Campfires at the Cross*, 208.

<sup>127</sup> Le Griffon, *Campfires at the Cross*, 177.

<sup>128</sup> Woolmington, "Writing in the Sand," 85-88.

<sup>129</sup> Ibid.

chopping wood and tending to livestock, while access to housing was given on the condition that the First Peoples would renounce and cease their practice of polygamy and wife-sharing, and stick to Methodist concepts of family and matrimony.<sup>130</sup> Limiting the distribution of food was also used as punishment and employed in response to the nations' poor reception to the teachings of the missionaries. Over the decade in which Buntingdale Mission was operational, it was not uncommon for only those who listened to the missionaries' religious teachings to be fed and clothed, partially because the limited funds and resources at the missionaries' disposal would only stretch so far, and as such, the missionaries, and particularly Reverend Hurst, considered that they could not justify the expenditure of food and clothing without seeing progress in terms of conversion to Methodism and colonial ways of life.<sup>131</sup>

112. A massacre at Mt Emu Creek involving Djargurd Wurrung, or Keeray-Woorroong, or Wirngilgnad dhalinanong in October 1839 saw 35 First Peoples killed.<sup>132</sup> Evidence of the massacre was recorded by the overseer of the Buntingdale Mission, Edward Williamson, and also Hurst and Tuckerfield when survivors sought refuge at the Buntingdale Mission.<sup>133</sup>
113. The closure of the Buntingdale Mission was a very gradual process, perhaps first initiated upon the departure of Reverend Hurst in 1843.<sup>134</sup> The number of First Peoples visiting and inhabiting the Mission steadily declined, most likely due to each nation's insistence on sticking to their own lands and communities, and a desire to avoid confrontation or violence with the other nations present in the Birregurra area.<sup>135</sup> Tuckerfield finally gave into the pressure and scrutiny of Church leadership in 1848, when he was formally directed by the Superintendent of Wesleyan Missions in Australia to cease operations and withdraw from Buntingdale and turn the land back over to the Government.<sup>136</sup> While Tuckerfield succeeded in some small degree in teaching some of his First Peoples visitors the basic tenets of Methodist beliefs and theology, there was considered to be no evidence of significant comprehension nor willingness to commit to the Methodist faith and colonial way of life.<sup>137</sup>
114. Buntingdale was geographically isolated at the onset, but was large enough for farming and general industry and, with the different nations in the region refusing to live and work together on the Mission, it was impossible to implement a system of education and labour that could form a general a sense of community and purpose aligned with the missionaries' values and beliefs.<sup>138</sup> To exacerbate the inevitable decline of the early Methodist mission, squatters began encroaching on the area which brought inevitable tensions for the government administration between caring for displaced First Peoples in the area, and the overall objectives of the colony.<sup>139</sup> Charles La Trobe, an early supporter of the Mission at Buntingdale, by 1846 declared it to be a complete failure in producing the "desired change in the habits and character of the tribes of Aboriginal natives".<sup>140</sup>

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<sup>130</sup> Jessie Mitchell, "Corrupt desires and the wages of sin: Indigenous people, missionaries and male sexuality, 1830-1850", in *Transgressions: Critical Australian Indigenous Histories* vol 16 (2007), eds. Ingereth Macfarlane & Mark Hannah, 229. These are perceptions noted by the authors, not perceptions held by the Synod.

<sup>131</sup> Le Griffon, *Campfires at the Cross*, 178-9.

<sup>132</sup> Colonial Frontier Massacres in Australia, 1788-1930. 2024. The Centre for 21<sup>st</sup> Century Humanities, University of Newcastle. Available at: <https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=514>.

<sup>133</sup> *Ibid.*

<sup>134</sup> Le Griffon, *Campfires at the Cross*, 177.

<sup>135</sup> Government of Victoria, *Report of the Select Committee of the Legislative Council on the Aborigines*, published 1859, 22, [https://aiatsis.gov.au/sites/default/files/docs/digitised\\_collections/remove/92768.pdf](https://aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/92768.pdf).

<sup>136</sup> Le Griffon, *Campfires at the Cross*, 262.

<sup>137</sup> Woolmington, "Writing in the Sand", 88.

<sup>138</sup> Findlay and Holdsworth, *History of Wesleyan Methodist Missionary Society*, 154. These are views expressed by the authors, not the Synod.

<sup>139</sup> *Ibid.*

<sup>140</sup> Le Griffon, *Campfires at the Cross*, 249.

115. The final Wesleyan operations on the site at Birregurra were completed by June 1850, after which the land was divided and leased to settlers.<sup>141</sup> In February of 1851, the remaining Mission buildings at Buntingdale were burnt to the ground by a bushfire that razed thousands of acres of grazing lands and forest in the Western Districts.<sup>142</sup>

### ***Ebenezer Mission (1858-1903)***

- Location:** On the lands of the Wotjobaluk,<sup>143</sup> Western Victoria – 20 kilometers south of Lake Hindmarsh on the banks of Wimmera River. It is also a major ceremonial ground known locally as *Bunyo-budnutt*.<sup>144</sup>
- Oversight:** Moravian and Government
- Founder/s:** Reverend Johann Friedrich Wilhelm Spieseke (1820-1877) and Reverend Friedrich Hagenauer (1829-1909)
- Landholding:** Reservation of land, subsequently revoked for returned soldier resettlement

116. The Ebenezer Mission was Moravian-run and managed, with accountability going back to the Moravian headquarters in Saxony, Germany. In the Royal Commission on the Aborigines 1877 (at 1575)<sup>145</sup>, Reverend Carl Wilhem Kramer states that the Ebenezer Mission was “entirely in the hands of the Moravians; the land is held by trustees,<sup>146</sup> and I am appointed by them, i.e. by the Moravians”. Prior to taking up his appointment at Ebenezer, Reverend Kramer was the schoolmaster and assistant missionary at Ramahyuck under Reverend Friedrich Hagenauer. It is important to note that while the Presbyterian Church did not have a vested interest in the Ebenezer Mission, it did have individual relationships with Moravian missionaries.
117. Early on, while the Presbyterians were considering options for their own involvement in the missionary field, the Church resolved in 1859 to donate £50 to the Moravian mission in Wimmera (Ebenezer) Mission.<sup>147</sup> In 1868, the Presbyterian Church also agreed to explore subsidising the work at Ebenezer through any contributions gathered,<sup>148</sup> but it is unclear to what extent this occurred, or if it happened at all. However, the Church commended the work of the Mission to the wider Presbyterian Church and its ministers, and viewed the importance of its work as a blessing. Moreover, in the same year, the Presbyterian Church instructed its Committee on the Mission to the Chinese and the Aborigines to “open up a correspondence with the Moravian Board in Germany, and with the friends of the Missions in the Colony, with a view to secure full support for the Missionaries; recommend Ministers to hold annual meetings of the Congregations with a view to interest them in the Missionary work of the Church”.<sup>149</sup>

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<sup>141</sup> Le Griffon, *Campfires at the Cross*, 270.

<sup>142</sup> Le Griffon, *Campfires at the Cross*, 271.

<sup>143</sup> McLisky, Claire, Russell, Lynette, and Boucher, Leigh 2015. “Managing mission life, 1869-1886. In L. Boucher, & L. Russell (Eds.), *Settler colonial governance in nineteenth-century Victoria* (pp. 117-138). Australian National University. 126.

<sup>144</sup> Lydon, Jane, 2009. “Imagining the Moravian Mission: Space and Surveillance at the Former Ebenezer Mission, Victoria, Southeastern Australia”, *Historical Archaeology*, vol.43, no.3, 5-19.

<sup>145</sup> [UCA.5000.0001.0433].

<sup>146</sup> According to the testimony of Reverend Hagenauer on the 23<sup>rd</sup> May 1877 (1877 Royal Commission into Aborigines, *Report of the Commissioners* [UCA.5000.0001.0433]) the trustee for the land that Ebenezer Mission sat on was the Moravian Mission itself.

<sup>147</sup> Presbyterian General Assembly Minutes 1958 [5003.0001.0534].

<sup>148</sup> Presbyterian General Assembly Minutes, Deliverances on the Missions to the Chinese and Aborigines 1868 [UCA.5004.0001.0029].

<sup>149</sup> *Ibid*.

118. Criticism has been directed at Ebenezer's education practices for actively discouraging First Peoples' cultural knowledge and language from being passed inter-generationally, which was a common feature in educational settings at the time.<sup>150</sup> The prevailing practice was to turn the Traditional Owners of the land into 'useful' members of the white colonial society, which meant providing the 'necessitates to enter into a Christian society'.<sup>151</sup> This led to profound disruptions to cultural norms, like separating children based on sex which reinforced Western gender norms, which were counter to the traditional Aboriginal practice whereby children, regardless of sex, would mingle until puberty.<sup>152</sup> 'Civilizing' meant the acceptance of religion, and in co-founder of the Ebenezer Mission Reverend Spieske's own words in an 1865 letter:<sup>153</sup>

*The acceptance of the gospel has made it possible for them to become more civilized. All of the baptized, except for one, live, under the circumstance, in nicely build houses. And even this one, who has out of necessity until now lived in the camp, will soon have his house finished.*

119. In a further letter in 1867, Spieske said:<sup>154</sup>

*One often says: Civilize the Aborigines first and then make them into Christians. I suppose those who say these two things should go hand in hand. If one of the two must come first, then it must be the preaching of the gospel. Once they take that on, then civilization will follow naturally. We know this from our own experiences.*

120. The Moravians did not hold a generalised view that all aspects of 'civilization' (western) was superior. The Moravian tradition placed religion over the secular, denounced alcohol, and proclaimed moral Christianity as 'real civilization'.<sup>155</sup> Reverend Spieske's co-founder at the Ebenezer Mission, Reverend Hagenauer, followed in the same vein of privileging Christianity over civilisation. However, where Hagenauer differed in his missiology, was in not placing First Peoples and Europeans into the same context. Hagenauer said in 1863:<sup>156</sup>

*We have often come across pious Christians who confuse Europeanization with Christianization. They believe that a person who does not live a European lifestyle cannot be a true Christian! Whoever is acquainted with the lifestyle of the Aborigines and knows how they must look for their food at different places and hence from generation to generation they are used to the wandering, will easily be able to explain that it is not a small thing for them to live a European lifestyle. We Europeans cannot think good of it, suppose however, that we should all of a sudden swap our lifestyle for theirs, would just a life be easy for us?*

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<sup>150</sup> Jenz, Felicity 2010. "German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908: Influential Strangers", Boston: Brill Publishing, 177.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

<sup>153</sup> Jenz, Felicity 2010. "German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908: Influential Strangers", Boston: Brill Publishing, 179.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid, 180.

<sup>156</sup> Ibid, 181.

121. It was the perceived success of Ebenezer Mission that prompted the Presbyterian Church eventually to employ Hagenauer and establish the Ramahyuck Mission in Gippsland in partnership with the Moravians.<sup>157</sup> Hagenauer's connection to the Presbyterian Church<sup>158</sup> assisted in legitimising Hagenauer as an expert on First Peoples, offering prominence and influence within the missionary sphere, and also amongst government circles.<sup>159</sup>
122. Upon the Mission being wound up, the land that the Ebenezer Mission occupied was handed back to the Victorian Lands Department after an unsuccessful attempt to turn it into a permanent reserve. In 1968 the site was administered by a Committee of Management through the National Trust, and in 1971 the ownership of land was handed to it.<sup>160</sup> In 1991 it was sold as freehold land to the Goolum Aboriginal Co-operative.<sup>161</sup> In 2013, the remaining land managed by the National Trust was handed over to the Traditional Custodians, the Barengi Gadjin Land Council Aboriginal Corporation.<sup>162</sup>

### **Ramahyuck Mission (1862-1908)**

**Location:** On the lands of the Brayakuloong people of the Gunai Kurnai nation,<sup>163</sup> Lake Wellington in Gippsland, along the Avon River.<sup>164</sup>  
**Oversight:** Presbyterian and Government  
**Founder:** Reverend Friedrich Hagenauer<sup>165</sup> (1829-1909)  
**Landholding:** Land reserved on 9 June 1863 and handed back to government control in 1908.

123. One of the earliest references of the Presbyterian Church taking an interest in formalising missionary work to First Peoples on their own terms was in 1860, when the Committee on Mission to the Heathen was "instructed to make all necessary inquired as to the practicability of a Mission to the Aborigines of Gipps' Land".<sup>166</sup>
124. As noted above, Reverend Friedrich Hagenauer was a Moravian missionary at the Moravian-operated Ebenezer Mission at Wimmera, who was in close contact with the Presbyterian Church. From July to August 1861, he conducted an exploratory journey to Gippsland for the Presbyterian Church. He and his wife, Louise, left the Moravian mission at Wimmera in December 1861 with the intention of establishing a Presbyterian-funded mission in Gippsland.<sup>167</sup>

<sup>157</sup> Jenz 2010, 231.

<sup>158</sup> Including formally joining the Presbyterian Church in 1869.

<sup>159</sup> Ibid.

<sup>160</sup> Lydon, Jane, 2009. "Imagining the Moravian Mission: Space and Surveillance at the Former Ebenezer Mission, Victoria, Southeastern Australia", *Historical Archaeology*, vol.43, no.3, 5-19

<sup>161</sup> Deadly Stores, Ebenezer mission. Available at: [https://deadlystory.com/page/aboriginal-country-map/Community\\_Places/Ebenezer\\_Mission](https://deadlystory.com/page/aboriginal-country-map/Community_Places/Ebenezer_Mission).

<sup>162</sup> Ibid.

<sup>163</sup> McLisky, Claire, Russell, Lynette, and Boucher, Leigh 2015. "Managing mission life, 1869-1886. In L. Boucher, & L. Russell (Eds.), *Settler colonial governance in nineteenth-century Victoria* (pp. 117-138). Australian National University, 126.

<sup>164</sup> Ramahyuck was founded two miles west of a reported Aboriginal massacre site 'Boney Point', an account of its namesake gives the explanation that a large number of Aboriginal were skulls found there. Reverend Hagenauer first considered this as a site for the mission, but it soon became known to him that First Peoples of the area would not go there. The date for the massacre was between 1 October 1840 and 31 October 1840. Possible language groups: Gunnai, Tatungalung or Braiakaulung (Gardner, P 1893. 'Gippsland Massacres: The Destruction of the Kurnai Tribes', Ngarak Press, 48-49).

<sup>165</sup> While Hagenauer was the absolute authority figure in daily life at Ramahyuck, a letter from Hagenauer dated 16<sup>th</sup> October 1877 mentions Donald Cameron, married to one of five 'native' girls from Western Australia, and a "half-caste man of very superior character, fair education, pleasant manners, and considerable talents. He us here at Ramahyuck my right-hand man, and acts as overseer. He works very well in all the branches of our business at this station." (Smyth, Brough 1878. *Aborigines of Victoria: With Notes Relating to the Habits of the Natives of Other Parts of Australia and Tasmania*, 261).

<sup>166</sup> Presbyterian General Assembly Minutes 1860 [UCA.5003.0001.0072].

<sup>167</sup> Regina Ganter and Felicity Jenz, "German Missionaries in Australia", Griffith University.

125. Ramah' is Hebrew for 'home' and 'yuck' was the local Gunai word for 'our'.<sup>168</sup>
126. The Mission was started on the Avon River, but was met with opposition from neighbouring settlers so the search for more suitable land was resumed. It took until 1863 for Ramahyuck to be established on the shores of Lake Wellington next to Strathfieldsaye property. Reverend Hagenauer was joined by Moravian missionary teacher Carl Wilhelm Kramer during 1865, and for most of 1866. In March 1866, Reverend Hagenauer claimed his first convert to Christianity at Ramahyuck with the baptism of James Mathew.<sup>169</sup>
127. Hagenauer ruled Ramahyuck as a patriarch through force of personality, and told the 1877 Royal Commission that "I cannot speak about insubordination, because it never came before me".<sup>170</sup> He had perfected a regimental methodology for running daily mission life based on the tried-and-tested experience of the Moravian missiology.<sup>171</sup> An apt description of Hagenauer's approach to his relationship with the residents of Ramahyuck is that he ruled "with an iron hand in a velvet glove".<sup>172</sup>
128. The Presbyterian Church trusted Hagenauer explicitly to run the Mission on their behalf, at least with regard to religious matters which the church had remit by paying Hagenauer's wages. After the commissioners at the 1877 Royal Commission hearing on the 31<sup>st</sup> of May had noted that the Presbyterian Church Committee on Missions to the Heathens has "full power with regard to Ramahyuck",<sup>173</sup> it was asked if the Committee would, theoretically, compel Reverend Hagenauer to make changes at Ramahyuck. Reverend Murdoch Macdonald, as joint convener of the Committee, said in response "we take nothing whatever to do with the secular management of the station",<sup>174</sup> indicating that the Committee gave Reverend Hagenauer the freedom to run the Mission as Hagenauer himself deemed fit, primarily because it was believed that the secular matters of the station were the remit of the government. It was noted by Reverend Macdonald in responding to questions on Hagenauer's authority at Ramahyuck that it was his understanding that:<sup>175</sup>
- He (Rev. Hagenauer) is appointed by us to give religious instruction, and to use his influence as a Christian man to form correct habits among the people; but at the same time, he manages the station, which is the property of the Government. All the buildings upon it are property of the Government, and all raised upon it is also, I understand, the property of the Government.*
129. Macdonald went on to explain that the Church did not support First Peoples directly with wages, as that was the duty of the Board for the Protection of Aborigines. Furthermore, MacDonal said that it is generally understood that produce from mission stations went to the support of the stations themselves.<sup>176</sup> In the operation of Ramahyuck, Reverend Macdonald made it explicitly clear that it was the Church's understanding that "churches should pay for the missionaries for the religious work, and that the Government pay for the secular work".<sup>177</sup>

<sup>168</sup> Jenz, Felicity 2010. "German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908: Influential Strangers", Boston: Brill Publishing, 154.

<sup>169</sup> Regina Ganter and Felicity Jenz, "German Missionaries in Australia", Griffith University, 173.

<sup>170</sup> Broom, Richard 2005. "Aboriginal Victorians: A History Since 1800", Sydney: Allen and Unwin Publishing, 133.

<sup>171</sup> Ibid, 133-134

<sup>172</sup> Ibid, 134.

<sup>173</sup> 1877 Royal Commission on the Aborigines, *Report of the Commissioners* [UCA.5000.0001.0433], at s 1932.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid, at s 1936.

<sup>176</sup> Ibid, at s 1938

<sup>177</sup> Ibid, as s 1939

130. Reactions to Reverend Hagenauer's harsh control at Ramahyuck included women inciting walk-offs and other people preferring to live off the confines of the mission station.
131. At both Ramahyuck and Ebenezer, it was the standard practice to place married and converted First Peoples couples in positions of some authority, usually in charge of the boarding houses, and to uphold them as role models for everyone else to emulate.<sup>178</sup> Bessy Flower, a well-known First Peoples woman in the Colony of Victoria, but originally from Western Australia, is said to have initially had a convivial relationship with Reverend Hagenauer, despite him seeing her as being rebellious in nature.<sup>179</sup> Hagenauer's paternalist approach to regulating the lives of Ramahyuck inhabitants led him to problematise Bessy and in his efforts to uphold her as a female role model for other First Peoples women on the Mission, and resolved to see her married as a solution.<sup>180</sup> Given her skills and education, he gave Bessy considerable responsibilities at the Ramahyuck school. It is said Bessy believed in Hagenauer's 'civilising' promises that her compliance to his will would bring full participation in European society, promises which could never be realised, which led to her becoming deeply depressed.<sup>181</sup> Eventually, Bessy preferred to live off the Mission rather than under the control of Reverend Hagenauer.
132. Financial support to the Mission by the Presbyterian Church included authorising the collection of funds "for cleaning off the debt on the Aboriginal Chapel in Gippsland, and also to apply to some of the liberal friends of the Church to assist Reverend Hagenauer in stocking the Mission Paddock."<sup>182</sup> By 1871, the Presbyterian Church was paying a salary to Reverend Hagenauer of £262 and 10 shillings, along with £24 and 15 shillings to 'Aboriginal Teachers'. In the same year, the Ebenezer Mission appeared to receive a contribution of £19 and 19 shillings.<sup>183</sup> Hagenauer was sending regular detailed reports on Ramahyuck mission to the Presbyterian Church via the Committee on Mission to the Heathen.
133. A physical description of Ramahyuck details that "the site, on the River Avon, about fifteen miles from Sale, is well chosen; the land is of fair quality. The buildings consist of thirteen Cottages, Missionary's House, Church, Schoolhouse, and a Boarding-house for children. These are arranged so as to form three sides of a quadrangle, presenting altogether a pleasing appearance, with an air of comfort pervading the Cottages, most of which had fairly-kept garden attached."<sup>184</sup> The layout of the Mission was said to be designed for surveillance, which brought Hagenauer's patriarchal, paternalistic, and civilising view into the physical world.<sup>185</sup> The layout reflected a particular paternalistic Moravian view of mission life, that was first effectively trialled in the Victorian context with the establishment of Ebenezer Mission.<sup>186</sup> Ebenezer was a Moravian imagining of a model that was designed to reform the gender and class orders of the Aboriginal population and locate them within modern settler society.<sup>187</sup> Influence can be seen in Ramahyuck, and the other missions stations in Victoria which demonstrates the far-reaching influence of the Moravian missionary tradition of the time. At Ramahyuck, life on the Mission was heavily regulated through a system of bells that rang to separate the day into segments of work, prayer, schooling, sleep, and religious instruction.<sup>188</sup>

<sup>178</sup> Jenz, Felicity 2010. "German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908: Influential Strangers", Boston: Brill Publishing, 178.

<sup>179</sup> Regina Ganter and Felicity Jenz, "German Missionaries in Australia", Griffith University.

<sup>180</sup> *Ibid.*, 176.

<sup>181</sup> *Ibid.*

<sup>182</sup> Presbyterian General Assembly Minutes 1866 [UCA.5003.0001.0124].

<sup>183</sup> Presbyterian General Assembly Minutes 1871 [UCA.5003.0001.0150].

<sup>184</sup> Presbyterian General Assembly Minutes 1878 [UCA.5003.0001.0464].

<sup>185</sup> Broom, Richard 2005. "Aboriginal Victorians: A History Since 1800", Sydney: Allen and Unwin Publishing, 133.

<sup>186</sup> Lydon, Jane, 2009. "Imagining the Moravian Mission: Space and Surveillance at the Former Ebenezer Mission, Victoria, Southeastern Australia", *Historical Archaeology*, vol.43, no.3, pp.5-19, 5.128.

<sup>187</sup> *Ibid.*

<sup>188</sup> McLisky, Claire, Russell, Lynette, and Boucher, Leigh 2015. "Managing mission life, 1869-1886. In L. Boucher, & L. Russell (Eds.), *Settler colonial governance in nineteenth-century Victoria* (pp. 117-138). Australian National University, 128.

134. With regard to discipline, Hagenauer was a believer in the 'reformatory capacity of incarceration'.<sup>189</sup> Broom comments that one of the goals for station life under Moravian mission management was not to create concentration camps or tightly-controlled prisons, but rather disciplined communities grounded in a Christian identity.<sup>190</sup> *Noongan* (father) and *yuccan* (mother) were words used by the people of Ramahyuck to refer to Hagenauer and his wife Louise. This practice was encouraged as it reinforced the ideal environment of paternal affection and hierarchy for the Hagenauers managing the community.<sup>191</sup> However, despite allowing elements of First Peoples culture that Hagenauer considered benefited him, Hagenauer forbade corroborees at Ramahyuck.<sup>192</sup>
135. Reverend Hagenauer took issue with "pious Christians who confuse Europeanisation with Christianisation". In the Moravian missionary tradition, missionaries like Hagenauer were taught that all people were of the same blood and, in God's eyes, equal.<sup>193</sup> However, while his views on race with regard to spiritual matters were in part more egalitarian, the same cannot be said with regard to his views on culture, and on the subject of 'mixed race' as being somehow differed from 'white' or 'black'.<sup>194</sup> It was common to see First Peoples and Second Peoples students studying together at Ramahyuck, and the same attitude was reflected during worship. In Hagenauer's own words:<sup>195</sup>

*On the Lord's day, we have not only all our Black people, but likewise a great many of our white neighbours, which creates a very good feeling in the hearts of the blacks, as they thereby observe that we can worship the same God and enjoy the blessings of salvation without respect of persons or colour.*

136. Accounts of 'uninterrupted success' at the Mission were common, including an increase of people attending the church. In Reverend Hagenauer's own words:<sup>196</sup>

*It may be of importance to state here that the influence of Christianity has been so powerful among all the aborigines that their former evil habits and customs have gradually changed; that instead of their wandering lives, they have, with very few exceptions, nearly all chosen to live at the station; and that their superstitious and horrible customs of corroborees and fights among themselves, have been given up; and habits of civilized life and industry are now practiced, and are the rule of the station. Mention was made in my former report that by the religious and moral change of the lives of the natives, their former diseases had also disappeared and that their physical strength was renewed; and I am now, after the lapse of another year, again in a position to confirm my former statement, for during that time there was almost no sickness and no case of death, whilst eight healthy children were born on the station.*

<sup>189</sup> McLisky, Claire, Russell, Lynette, and Boucher, Leigh 2015. "Managing mission life, 1869-1886. In L. Boucher, & L. Russell (Eds.), *Settler colonial governance in nineteenth-century Victoria* (pp. 117-138). Australian National University, 136.

<sup>190</sup> Broom, Richard 2005. "Aboriginal Victorians: A History Since 1800", Sydney: Allen and Unwin Publishing, 129.

<sup>191</sup> Ibid.

<sup>192</sup> Regina Ganter and Felicity Jensz, "German Missionaries in Australia", Griffith University.

<sup>193</sup> Cruickshank, Joanna 2009. 'A most lowering thing for a lady': aspiring to respectable whiteness on Ramahyuck Mission, 1885-1900, pp.85-102, in Carey Jane and McLisky, Claire 2009 'Creating White Australia', Sydney: Sydney University Press, 91.

<sup>194</sup> Ibid, 93.

<sup>195</sup> Ibid.

<sup>196</sup> Rev Hagenauer recorded extensively the language, territories and customs of Gippsland's First Peoples, and had an awareness of First Peoples' Spirituality. In Brough R. Smyth's *1878 Aborigines of Victoria: With Notes Relating to the Habits of the Natives of Other Parts of Australia and Tasmania*, Hagenauer reported "that the Aborigines of Gippsland believe in the existence of a good and superior Being, whom they name *Mamengorook* (*Mamen* , father, and *gorook*, our); but they seem to regard him but little, and are unwilling to say more than that he lives at a distance from them. He is described as being white, very clean, and in *keledia* (great brightness or glory). Of evil spirits they speak fluently. One called *Ngatya* does harm to them continually, and of him they stand in dread. In all evils which befall them *Ngatya* has a part. Great fires and great floods, as well as sickness and death, have their origin in *Ngatya*. If a man dies, *Ngatya* is blamed: he has come underground in the depth of the night, and has caused their warriors to close his eyes." (465).



137. Literacy amongst the First Peoples members of the station had increased to the point where a reading room with a small library was established to meet the demand for knowledge.<sup>197</sup> Education at Ramahyuck was a valued part of its core mission, to the extent that the highest bonus available for rural schools was paid to teacher Reverend Kramer by the Board of Education following examinations by the Inspector of Common Schools in 1872.<sup>198</sup> Education at Ramahyuck was something in which the Presbyterian Church was invested, and the Church was willing to make overtures to the government to see it succeed:

*The assembly resolve that an earnest effort be made to have the School for Aborigines at Ramah Yuk recognized by the Government as a Common School, and the salaries usually allowed for such schools secured for it, and they remit it to the Education Committee to take such action for this end as may be necessary. They resolve, further, that means be devised by the Committee to provide Mr Hagenauer with an Assistant, to aid him in conducting the School, it being understood that this arrangement be carried out without increasing the expense to the Mission.*<sup>199</sup>

138. Due to the high standard of education offered at Ramahyuck, which was intentionally aligned with the Board of Education's Common School mandated programme, including daily religious instruction in the morning, the Board of Education had officially elevated the school to the status of a 'Common School' in 1871.<sup>200</sup> To further meet this new classification, and because of an increase of students living at the boarding house, a new school house was commissioned.
139. In the same year, the exemplary alignment of Ramahyuck with the colonial values of the time merited a visit by the Governor, the Hon. Sir John Henry Thomas Manners-Sutton who, following the visit, sent a cheque contributing to the building of the new school house. The new school house was built in 1872<sup>201</sup> costing £100. In the same year, two examinations by the Board of Education reported Ramahyuck as one of the only Common Schools where no failing students were recorded. By this stage, the Presbyterian Church would refer to Ramahyuck with pride as an achievement in not only the life of the Church, but also in the colony.
140. The 1872 Presbyterian General Assembly minutes make reference to the Hon. Mr Grant who, after visiting Ramahyuck earlier that year, "befriended it in a substantial way", and "Secured the land to the blackfellows as a permanent reserve".<sup>202</sup> However, it is unclear what practical impact this had on the Mission.
141. By 1873, Reverend Hagenauer was sending monthly reports to the Presbyterian Assembly's Committee of the Chinese and Aborigines Mission. Hagenauer reported on the religious life of the Mission's church as having increased membership during the year from 34 to 42, with 19 communicants.<sup>203</sup> It was also reported that the Mission's church held 750 religious services a year. Reporting on Education at the Ramahyuck, Hagenauer detailed excellent examination results with the school achieving 100 percent of passing marks, the most achieved by any school in the colony. By 1875, the Presbyterian General Assembly minutes were recording Reverend Hagenauer on a salary of £325<sup>204</sup> paid to him by the Presbyterian Church, and monies transferred for the Ramahyuck's Chapel Building Fund in the amount of £11, 10 shillings and 4 pence. In 1875, Reverend Hagenauer reported 51 baptised members in the 'native Church', and 80 residents living at the station.

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<sup>197</sup> 1872 Presbyterian General Assembly Minutes [UCA.5004.0001.0030].

<sup>198</sup> Ibid.

<sup>199</sup> 1867 Presbyterian General Assembly Minutes [UCA.5003.0001.0090].

<sup>200</sup> 1871 Presbyterian General Assembly Minutes [UCA.5003.0001.0150].

<sup>201</sup> 1872 Presbyterian General Assembly Minutes [UCA.5004.0001.0030].

<sup>202</sup> Ibid. We believe that the reference to the Hon. Mr Grant is a reference to James Macpherson Grant (1822-1885), member of the Legislative Assembly for the electorate of Avoca at the time of his visit, and President of the Board of Lands and works (19 June 1871 – 10 June 1872); see also in this regard, <https://www.parliament.vic.gov.au/members/james-grant/>, and <https://adb.anu.edu.au/biography/grant-james-macpherson-3652>.

<sup>203</sup> Hagenauer is referring to those who take communion as a baptised church member.

<sup>204</sup> For reference, the minimum stipend for ordained Ministers in the Presbyterian Church in 1870 was £300 (Presbyterian General Assembly Minutes 1876 [UCA.5003.0001.0327]).

142. By 1876<sup>205</sup>, Ramahyuck had continued to maintain steady progress in achieving the goals of the Mission, according to the colonial values of the time. 82 First Peoples lived at the station, with two deaths<sup>206</sup> and four births reported. The general health of those residing at the station was described as “very good”. The number of baptised members at the ‘native church’ had grown to 53, with reports that “the whole Aboriginal population here are now Christians”. Also in 1876, a “considerable addition” of “a number of children from the Murray, along with their mothers, and possibly some of the men” were expected that year, which prompted an expansion to the boarding house at a cost of £150, half of which was, possibly, paid for by the Board of Education, with the other half from donations.<sup>207</sup> The school at Ramahyuck continued to receive the highest results of all the State Schools in Victoria. Economically, Ramahyuck aspired to be self-supporting through the cultivation of profitable arrowroot and hops at the station, with further aspirations to plant cotton and basket willows. The Presbyterian Committee on Missions to the Chinese and Aborigines recommended a reduction in Reverend Hagenauer’s salary by £50, consented to by Hagenauer himself, that took effect 1<sup>st</sup> April 1877.
143. 1877 saw further expansion to Ramahyuck, but also six deaths which was a noticeable increase to past years. The Board of Education Inspector recorded the school examination pass rate of 93 percent. The Orphan house was enlarged with £250 from the Board for the Protection of the Aborigines.<sup>208</sup>
144. Hagenauer’s testimony at the 1877 Royal Commission provides further insight into expenditure at Ramahyuck, which shows that the government was not the primary source of funds for building expenses between 1863 and 1877, despite the government owning all buildings by default upon their being constructed. We set out, at Appendix C, a table indicating the building expenses at Ramahyuck Mission Station from 1863 to 1877.
145. The Presbyterian Church also recorded, and lamented, the death of Nathaniel Pepper (1841-1877). Pepper was a First Peoples evangelist and teacher, and considered to be the one of first First Peoples converts to Christianity, having converted in 1860. His father, Billey, was a leader of the Gromiluk group, and Wotjballuk clan of the Wegaia people.<sup>209</sup> Pepper married Rachel Warndekan, from Western Australia, in 1863 at the Ebenezer Mission, but she died in March 1869. Pepper was appointed a missionary assistant in 1865 with an annual salary of £12 and moved to Ramahyuck the same year. In 1870 he married Louise Arbuckle of the Bratowoloong people, and together they had three sons and one daughter.
146. On the subject of the control of Ramahyuck residents’ saving money at the Mission, Hagenauer’s gave the following responses to being questioned in the following terms at the 1877 Royal Commission:<sup>210</sup>

*Could you give us a statement showing how many of them have availed themselves of that encouragement, and how much?*

*—It is only small amounts. I keep for all the young people money boxes. There all their wages go on Saturday evening or on the first of the month, and from those boxes they pay small expenses that they want. That is the first step towards a savings bank. There is only now one who has an account in the savings bank. I dare say it has been up to £14 or £15—that is at the Post Office Savings Bank at Stratford. Another young man has about £30. He gives it to me, and I put it in my name in the National Bank, to prevent him drawing it out, and to get the interest. I dare say that there are on the whole about twelve or fifteen who deposit their money under my care, and they get their interest,*

<sup>205</sup> Presbyterian General Assembly Minutes 1876 [UCA.5003.0001.0327].

<sup>206</sup> Ibid.

<sup>207</sup> Presbyterian General Assembly Minutes 1876 [UCA.5003.0001.0327].

<sup>208</sup> Presbyterian General Assembly Minutes 1877 [UCA.5003.0001.0393].

<sup>209</sup> Australian Dictionary of Biography, available at: <https://adb.anu.edu.au/biography/pepper-nathaniel-13148>.

<sup>210</sup> 1877 Royal Commission on the Aborigines, *Report of the Commissioners* [UCA.5000.0001.0433], 38-39.

*Do they intelligently understand that they gain the interest—that it does not touch their capital?*

*—Yes, thoroughly*

*And you think you can get them to explain it to their fellow natives?*

*—Yes, there is no difficulty. One of them bought mining shares, and got dividends; but I believe the shares have gone down.”*

147. The 1877 Royal Commission confirmed that the First Peoples population was in decline.<sup>211</sup> By 1878 the First Peoples population was suspected of having decreased by one half of the total population since Ramahyuck was built in 1862.<sup>212</sup> In response, Reverend Hagenauer was asked by the Board for the Protection of Aborigines to undertake a missionary tour of the Murray River to relocate the “wandering and neglected tribes” to Ramahyuck and other missions.<sup>213</sup> By 1881, the true extent of the decline in the population of First Peoples was revealed through a census, recording that within 10 years the population had fallen from 1,330 to 768. Despite this, and while some accounts vary, the number of people living at Ramahyuck Station was reported to be stable at 81, including 36 adults.<sup>214</sup> 47 students were attending the school, five of whom were Hagenauer’s own children.<sup>215</sup>
148. By the 1880s, the increased number of people of ‘mixed-descent’ still captured within the scope of the *Aboriginal Protection Act 1869* (Vic) was cause for complaint by Kramer at the Ebenezer Mission and Hagenauer at Ramahyuck. The Act originally gave the definition of ‘Aboriginal’ to be:
- Every aboriginal native of Australia and every aboriginal half-caste or child of a half-caste, such half-caste or child habitually associating and living with aboriginals, shall be deemed to be an aboriginal within the meaning of this Act...*
149. Over time, the number of people the Act provided for as being the responsibility of the government was putting fiscal pressure on the administration, which was noticed by the general public who protested the cost of supporting the First Peoples population in Victoria.<sup>216</sup> This led to a drastic, and catastrophic change to government management of First Peoples’ welfare in the colony with the introduction of the ‘Half-Caste’ Act at the end of 1886, in respect of which Hagenauer’s influential hand still had obvious reach, carried over from his involvement in assisting with the drafting of the 1869 Act.<sup>217</sup> The 1886 Act saw a profound shift to a policy of assimilation, facilitating forced displacement of First Peoples from the missions and reserves, and the breaking up of families. The Act changed the definition of ‘Aboriginal’ to exclude those who were ‘half-caste’ (only one parent was of First Peoples descent),<sup>218</sup> and such persons stopped receiving assistance from the Board for the Protection of Aborigines, now being seen as ‘white’ by the government administration despite society not accepting them. All ‘half-castes’ were to be removed from missions and reserves, and often placed with white families if they were young enough, which aligned with the new policy of assimilation to absorb and disappear First Peoples into the wider community.<sup>219</sup>

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<sup>211</sup> Ibid, vii.

<sup>212</sup> Presbyterian General Assembly Minutes 1878 [UCA.5003.0001.0464].

<sup>213</sup> Ibid.

<sup>214</sup> Presbyterian General Assembly Minutes 1881 [UCA.5003.0001.0001].

<sup>215</sup> Ganter, Regina 2018, *The Contest for Aboriginal Souls: European Missionary Agendas in Australia*, Canberra: Australian National University Press, 159.

<sup>216</sup> Jenz, Felicity 2010. “German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908: Influential Strangers”, Boston: Brill Publishing, 210.

<sup>217</sup> Ibid.

<sup>218</sup> Broom, Richard 2005. “Aboriginal Victorians: A History Since 1800”, Sydney: Allen and Unwin Publishing, 185-186.

<sup>219</sup> Ibid.

150. With missions and reserves no longer serving to provide for First Peoples of 'mixed-descent', Ramahyuck was eventually closed in 1908 with some of remaining residents moving to Lake Tyers.<sup>220</sup> The land Ramahyuck occupied returned to government control despite some effort to turn it into a reserve for First Peoples, and the school and orphanage were dismantled before the land was eventually opened up for purchase.<sup>221</sup>

#### **Coranderrk Station Reserve (1863-1924)**

**Location:** On Wurundjeri Country, Healesville, Victoria,

**Oversight:** Government

**Founder/s:** Mr John Green (1830-1908) and Mrs Mary Smith Benton Green (1835-1919)

**Landholding:** Land reserved in June 1863, with around half reclaimed by the government in 1893 and fully reclaimed in 1924

151. Coranderrk was a reserve established in 1863 under the Board for the Protection of Aborigines. It was not a Christian mission by mandate, despite religious care being provided for, and encouraged in the daily operation of the station.
152. The founder of Coranderrk, Mr John Green<sup>222</sup> was appointed as an inspector to all six of Victoria's missions for the Board for the Protection of Aborigines, a role which he served in for 14 years, and was appointed superintendent of Coranderrk.<sup>223</sup> Green was a Presbyterian Lay Preacher, but conducted his 'bush ministry' without the backing of a missionary society or support through government funds.<sup>224</sup> His Presbyterian faith strongly guided his work, which led to his friendship with esteemed Woiwurrung leader William Barak (Beruk) through his conversion to Christianity by Green.<sup>225</sup> As a superintendent, Green's approach was to 'work with and not over Aboriginal people'.<sup>226</sup> While simply being in the role of superintendent of a reserve is indicative of prevailing paternalistic attitudes, he was exceptional in the execution of his duties in that he did not believe or enforce notions of racial or biological ideology.<sup>227</sup>
153. Green was dismissed as superintendent in 1874, and despite being forbidden by the Board for the Protection of Aborigines from running religious services at Coranderrk during his retirement, he continued to do so. This was much to the perturbation of the new Anglican station manager Reverend Strickland, as the Kulin preferred Green's Presbyterian sermons, along with his company.<sup>228</sup> Green's dismissal was contentious and orchestrated by the Board for the Protection of Aborigines, as he had stubbornly resisted attempts to break up and move Coranderrk, fearing how it would disrupt the lives the Aboriginal residents.<sup>229</sup> Coranderrk residents protested Green's removal to no avail, and it fell to his friend William Barak<sup>230</sup> to lead the resistance to prevent further attempts to break up the reserve.<sup>231</sup>

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<sup>220</sup> Broom, Richard 2005. "Aboriginal Victorians: A History Since 1800", Sydney: Allen and Unwin Publishing, 195.

<sup>221</sup> Ibid.

<sup>222</sup> Along with his wife Mary, who was also instrumental in the formation and management of Coranderrk.

<sup>223</sup> Nanni, Giordano and James, Andrea 2013. Coranderrk: We will show the country. Canberra: Aboriginal Studies press, 161.

<sup>224</sup> Ibid.

<sup>225</sup> Ibid. The historical materials from which the response to Request 2 is sourced also indicates, as noted in paragraph 101, that the views of the Presbyterian Church on missions were heavily influenced by the Moravians.

<sup>226</sup> Ibid 163.

<sup>227</sup> Ibid.

<sup>228</sup> Ibid, 164.

<sup>229</sup> Ibid.

<sup>230</sup> Barak was considered *Ngurungaeta*, the acknowledged spokesperson for the land upon which Coranderrk was located.

<sup>231</sup> Ibid, 172.

154. The Presbyterian Church, at least in part, did see itself as being connected to Coranderrk. In the Presbyterian General Assembly minutes 1876 Report on the Missions to the Heathen, in reference to the then sitting Royal Commission on the Aborigines, it stated:

*In regard to Coranderrk, this Aboriginal Station has never been formally recognized by the Government Board as under the care of the Presbyterian Church; at the same time, it has been substantially so.*

155. Given the context of this report to the Presbyterian General Assembly, Presbyterian 'care' at Coranderrk was limited to responsibilities of religious care at Coranderrk through church ministry in the area. The Presbyterian Church was also concerned at the state of Coranderrk which was being revealed through the 1877 Royal Commission proceedings underway at the time. While some senior Coranderrk government employees<sup>232</sup> occupying positions of authority were also members of the Presbyterian Church, giving religious instruction according to Presbyterian tradition, they were accountable to Victorian Government for the administration of Coranderrk, and not under the discipline of the Church.

156. In the same 1876 Presbyterian General Assembly minutes, the report goes on to say:

*During a period of about sixteen years it was under the spiritual superintendence of a Presbyterian Evangelist, who was also a member under the Government Board, and one of your Conveners (Rev. R. Hamilton) Your Convener, during that period, maintained constant correspondence with the Evangelist in the interest of the Presbyterian Church – visiting the Station personally from year to year regularly, and doing a large amount of ministerial work among the members of the settlement. Twenty-nine marriages were celebrated by your Convener, and, in a great many cases, both of young and old, baptism was administered. No other Minister did duties like these. The Aborigines were trained in all the Presbyterian forms of worship. A few years ago the Presbyterian Evangelist was removed. A Moravian Missionary succeeded for a few months. The Station has ceased since then to be a missionary station, and if the report laid before Parliament in 1876, and current reports besides, are to be believed, the change on the moral and spiritual condition of the Aborigines has been very disastrous.*

157. The report goes on to encourage the Presbyterian Committee to appoint a missionary to Coranderrk permanently.

158. Unsurprisingly, given the above, the Board for the Protection of Aborigines and the Presbyterian Church had conflicting accounts on what extent the Presbyterian Church, or any church, should play officially in the life of Government-run reserves. However, an 1882 review into Coranderrk, at paragraph 15, offers some clarity with regard to the aforementioned Reverend Hamilton:<sup>233</sup>

*The Board would be pleased to see ministers of religion visit the station, as recommended in par. 15, but it must be on the understanding that they have no pecuniary claim on the Board for their services, unless specially engaged. Experience has taught the Board the necessity for making this proviso, two years ago, the Rev. Robert Hamilton having made a claim on the Board for £200 for services rendered between the years 1865-1875*

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<sup>232</sup> Mr Green, the inspector, was said by Hagenauer to have been a member of the Presbyterian Church who conducted religious services at Coranderrk twice on Sundays, and public worship twice every day during the week. (Presbyterian General Assembly Minutes 1873 [UCA.5003.0001.0277]).

<sup>233</sup> Coranderrk Aboriginal Station 1882: Remarks of the Board for the Protection of the Aborigines on the Report of the Board Appointed to Enquire into and Report on the Condition and Management of the Coranderrk Aboriginal Station. Available: [https://aiatsis.gov.au/sites/default/files/docs/digitised\\_collections/remove/92919.pdf](https://aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/92919.pdf).

159. Reverend Alex Mackie (1839-1892), the Presbyterian Minister at Lilydale (1871-1892), with some medical knowledge,<sup>234</sup> gave religious service and pastoral care at Coranderk at the encouragement of the Church.<sup>235</sup> However, it was lamented by the Church that due to the appointment of a new manager at Coranderk by the Board for the Protection of Aborigines managing the station, Reverend Mackie was excluded from carrying out these duties as he was no longer needed. The account of this incident seemed to indicate that the Presbyterian Church felt partially slighted by not being included in the decision-making process in the appointment of the new manager which, given it was a Government-run mission, the Board was not obliged to do.<sup>236</sup> It was not uncommon for such misalignments of priorities between Church and Government in the functioning of reserves to occur, as the missionaries tended to have their own agenda of 'Christianity first'.<sup>237</sup>

## Institutions

160. Yoorrook's solicitors have clarified that the reference to 'institutions' in this question is a reference to boys' and girls' homes, orphanages and training facilities. This part of the response reflects that clarification.
161. Prior to the Union in 1977, the predecessor churches operated various institutions on land purchased by those Churches and not given through Crown land grants. The Uniting Church continued to operate some of those homes after its establishment.
162. Our records in relation to persons housed at such institutions generally do not indicate that a particular person was a First Peoples child and, so, it is impossible for the Synod to identify precisely the institutions operated by the Uniting Church or its predecessors which interfaced with First Peoples, nor the numbers of First Peoples children who were housed in such homes. We now understand that First Peoples children lived at these boys' and girls' homes (except perhaps Dhurringile, as noted below) because First Peoples come to us for records and tell us about their heritage. Often their First Nations status is not recorded at all in our records.
163. For the purposes of this response, and having regard to the time available, we have focused on providing a summary of the involvement of the Uniting Church or the predecessor churches interfacing with First Peoples that operated substantial facilities. Therefore, this response does not cover all the smaller facilities such as more recent residential units, and family groups homes, nor does this response cover smaller hostels that closed prior to the Union in 1977, and any individual houses where mothers and babies lived. If required by Yoorrook, we could provide a summary in respect of these smaller facilities. That task would take approximately four to six weeks.
164. We provide the following information about the involvement of the Uniting Church or its predecessors in substantial institutions interfacing with First Peoples:
- (a) **Methodist Babies Home at 12 Copelen Street, South Yarra:** The Methodist Babies' Home was established in 1929 to care for neglected babies and to provide for their adoption into Christian families. By the 1950's physical neglect was less common but babies whose families were in crisis were accepted on a temporary basis. In 1959 the Methodist Babies' Home merged with the Boards of the Methodist Homes for Children to form the Methodist Department of Childcare, which subsequently merged with the Presbyterian Church's Department of Social Services to carry out the placement of babies and children.

<sup>234</sup> *The Argus*, 1982, Monday 13<sup>th</sup> June, "The Death of the Rev A. Mackie", available at <https://trove.nla.gov.au/newspaper/article/8429325>.

<sup>235</sup> Presbyterian General Assembly Minutes 1878 [UCA.5003.0001.0464].

<sup>236</sup> *Ibid.*

<sup>237</sup> Mitchell, Jessie 2011, "In Good Faith? Governing Indigenous Australia through God, Charity and Empire. 1825-1855, Canberra: Australian National University Press, 43 [UCA.5000.0005.4063].

The home became Copelen, Copelen Family Centre, and Copelen Child Care Service. In due course, it moved to new physical premises, and the buildings from which it had operated were sold in approximately the mid-1990s.<sup>238</sup>

- (b) **Presbyterian Babies Home at Lansdowne Street, East Melbourne and 19 Canterbury Road Camberwell:** This was retained after it ceased being a Babies Home and in the late 1970's was known as Canterbury Family Centre. The Presbyterian Babies' Home opened in 1928 in East Melbourne. In around 1933, the home relocated to Camberwell. It housed babies and children up to the age of four. In 1977, it became the Canterbury Family Centre.<sup>239</sup> In 2000, the family centre program was closed. , The land is now owned and has been built upon by Baptcare which operates an aged care facility.
- (c) **Kildonan:** At some point this facility was purchased by the Sisters of Mercy who operated a women's refuge known as Regina Coeli. We are not aware who currently owns this building. Kildonan moved to 70 Elgar Road in 1937 and this site was sold to the Victorian Government in 1960 and became Allambie Reception Centre. It is now the site of Deakin University. Kildonan was taken over by the State of Victoria on or around 1977.
- (i) Kildonan (also known as Scots Church Neglected Children's Aid society) was a children's home at 149 Flemington Road, North Melbourne, established in 1890, and run by the Presbyterian Church. It usually housed children waiting to be 'boarded out' in the country, but some children were housed for longer periods. In 1937, the children were transferred from North Melbourne to a new Kildonan Home in Burwood,<sup>240</sup> accommodating boys and girls, aged between 2 and 15;
- (ii) the Burwood site was sold to the Victorian Government in 1960 and the government-run Allambie Reception Centre opened on it in 1961.<sup>241</sup> It is now the site of Deakin University;
- (iii) Kildonan Homes for Children came into being in around 1960, following the sale of Kildonan Home in Burwood, and from the early 1960s, Kildonan ran family group homes in Melbourne's eastern suburbs as well as a foster care program. From 1982, Kildonan operated residential units solely in Melbourne's inner northern suburbs. In 1993, the organisation became known as Kildonan Child and Family Services;<sup>242</sup>
- (iv) in 2003, Kildonan Child and Family Services ceased to provide residential care, and in 2007, it changed its name to Kildonan UnitingCare.<sup>243</sup> At its establishment, its emphasis was on intensive family support, early intervention and prevention. Kildonan UnitingCare's predecessor agencies have been providing services to children since 1881, when the Scots' Church Neglected Children's Aid Society was established by two stalwarts of the Presbyterian Church, Miss Selina Sutherland and Mrs Maria Lord Armour. In 2017, Kildonan UnitingCare became part of a new organisation called Uniting (Victoria and Tasmania) Limited.<sup>244</sup>

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<sup>238</sup> [Methodist Babies' Home - CLAN.](#)

<sup>239</sup> [Presbyterian Babies' Home - Summary | Find & Connect \(findandconnect.gov.au\).](#)

<sup>240</sup> [Kildonan, North Melbourne - Summary | Find & Connect \(findandconnect.gov.au\).](#)

<sup>241</sup> [Kildonan, Burwood - Summary | Find & Connect \(findandconnect.gov.au\).](#)

<sup>242</sup> [Kildonan Homes for Children - Summary | Find & Connect \(findandconnect.gov.au\).](#)

<sup>243</sup> [Kildonan Child and Family Services - Summary | Find & Connect \(findandconnect.gov.au\).](#)

<sup>244</sup> [Kildonan UnitingCare - Summary | Find & Connect \(findandconnect.gov.au\).](#)

(v) Uniting (Victoria and Tasmania) Limited was formed in July 2017 and, as noted above, is the community services organisation of the Uniting Church of Australia in Victoria and Tasmania. At its establishment Uniting brought together 24 founding agencies, including 21 UnitingCare agencies and Wesley Mission Victoria.<sup>245</sup>

- (d) **Methodist Homes for Children:** The Methodist Homes for Children in Cheltenham was established in 1891. It was formerly known as Livingstone Home (which took its name from a Methodist children's home which was situated in Carlton). It accommodated boys and girls, aged between 4 and 14. From 1952, the children were transferred to Orana, the Peace Memorial Homes for Children, Burwood. This occurred after most of the buildings were sold to the St John of God Brothers, who operated a Training Centre there until 1967. Today, the site is home to the Westfield (Southland) Shopping Centre.<sup>246</sup>
- (e) **Kilmany Park Farm Home for Boys:** The Kilmany Park Farm Home for Boys in Sale, Gippsland, was purchased by the Presbyterian Church in 1923, and from February 1924 it was operated as a farm for boys. It catered to Protestant boys, with a capacity of 45 beds. There was a strong connection between Kilmany Park and Kildonan, in that large numbers of boys were sent from Kildonan to Kilmany Park upon attaining 11 years of age. The Home closed in 1978 and, since 2005, has been operated, privately and independently of the Church, as a bed and breakfast.<sup>247</sup>
- (f) **Dhurringile Rural Training Farm:** As noted above, this facility was the least likely to have First Nations children as residents. The Farm was established in 1951 by the Presbyterian Church and was purchased for the purpose of accommodating child migrant boys aged 8 to 14 sent from the United Kingdom by the Church of Scotland. Additionally, Dhurringile took in some young people. Dhurringile closed in 1964.<sup>248</sup>
- (g) **Tally Ho Boys' Training Farm:** This training farm opened in 1903 under the auspices of the Wesleyan Central Mission and was founded for the purpose of housing boys 'rescued' from city slums and educating them in farm work. The site of the training farm was bounded by Springvale Road, Highbury Road and Burwood Highway. The operation was originally known as Tally Ho Boys' Training Farm and later as Tally Ho Village. Some First Peoples children were residents at Tally Ho during the 1950s, being boys who were sent to Tally Ho under a scholarship scheme of the Northern Territory Administration. Harry Giese, the Director of Welfare in the Northern Territory Administration from 1954 was responsible for organising a series of placements of First Peoples children at Tally Ho. The Farm accepted girls from March 1978, at which point it came to be known as Tally Ho Village.<sup>249</sup> Tally Ho closed in 1986 and was sold. It currently has mixed use. There is industry, the headquarters of World Vision and a church, much private housing and corporate buildings. There is some open land.

165. The Tally Ho and Methodist Homes for Children and Orana had a particular interest in First Peoples children. Several First Peoples children went to Tally Ho from the Northern Territory under the Harry Giese Scheme,<sup>250</sup> and a few were sent to Orana from Coker Island.

<sup>245</sup> [Uniting \(Victoria and Tasmania\) Limited - Summary | Find & Connect \(findandconnect.gov.au\)](#).

<sup>246</sup> [Methodist Homes for Children - Summary | Find & Connect \(findandconnect.gov.au\)](#).

<sup>247</sup> [Kilmany Park Farm Home for Boys - Summary | Find & Connect \(findandconnect.gov.au\)](#).

<sup>248</sup> [Dhurringile Rural Training Farm - Summary | Find & Connect \(findandconnect.gov.au\)](#).

<sup>249</sup> [Tally Ho Boys' Training Farm - Summary | Find & Connect \(findandconnect.gov.au\)](#).

<sup>250</sup> [The Harry Giese Centre - Summary | Find & Connect \(findandconnect.gov.au\)](#).



3. Please provide a summary of any previous acknowledgement(s) by the church of the harms inflicted on Victorian First Peoples through the institutions in (2) above.

166. While this request refers only to the 'institutions' referred to in Request 2, the Synod has assumed for the purposes of this response, that the request is also directed to the missions and reserves referred to in Request 2.
167. As noted above, the Uniting Church in Australia, and the Synod, are not in law successors in title to the predecessor churches. Nevertheless, the Uniting Church in Australia, and the Synod acknowledge that they derive their heritage from the predecessor churches and have sought to recognise wrongs which have been perpetrated against First Peoples including by the predecessor churches.
168. That acknowledgement principally finds its expression through statements published by both the Uniting Church in Australia and the Synod regarding harms inflicted against First Peoples inhabiting church and government institutions. The Uniting Church has not made statements publicly acknowledging harms which were inflicted on First Peoples at particular institutions, missions, and reserves which are the subject matter of our response to Request 2, and has treated the broad statements that acknowledge generally the harm inflicted on First Peoples as encompassing events at particular institutions, missions, and reserves.
169. While not naming particular institutions, some statements are quite specific. For example, in the 1994 Covenanting Statement (extracted in full at 63 above),<sup>251</sup> acknowledged the harms inflicted against First Peoples in relation to predecessor churches' operation of foster-homes:
- We regret that our [predecessor] churches cooperated with governments in implementing racist and paternalistic policies. By providing foster-homes for Aboriginal children, our [predecessor] churches in reality lent their support to the government practice of taking children from their mothers and families, causing great suffering and loss of cultural identity. Our [predecessor] churches cooperated with governments in moving people away from their land and resettling them in other places without their agreement.*
- I apologise on behalf of the Assembly for all those wrongs done knowingly or unknowingly to your people by the Church and seek your forgiveness. I ask you to help us discover ways to make amends.*
170. In 2009, the Assembly of the Uniting Church in Australia passed an historic resolution to revise the Preamble to the Uniting Church in Australia Constitution,<sup>252</sup> which provides, at clause 5, a specific acknowledgement of the complicity of the predecessor churches in alienating First Peoples from their land generally and causing First Peoples spiritual and cultural harm. Further, the Preamble at clause 6 highlights the predecessor churches' participation in the system of European colonialism responsible for generating an unsustainable narrative regarding the dispossession of First Peoples from their land, cultures, and traditions. We set out the Preamble in full at paragraph 285 below. That document describes the Uniting Church in Australia's position regarding First Peoples, their significance, and the injustices inflicted upon them by the European colonial system and specifically by many within the predecessor churches. The solemnity with which the Uniting Church in Australia takes the matters outlined in the Preamble is indicated by the fact that its text appears as the introduction to its foundational document. The Preamble relevantly reads:

<sup>251</sup> [UCA.5000.0005.7467], 31.

<sup>252</sup> [UCA.5000.0005.7467], 40.

*As the Church believes God guided it into union so it believes that God is calling it to continually seek a renewal of its life as a community of First Peoples and of Second Peoples from many lands, and as part of that to*

**RECOGNISE THAT**

...

5. *Many in the uniting churches [i.e. predecessor churches], however, shared the values and relationships of the emerging colonial society including paternalism and racism towards the First Peoples. They were complicit in the injustice that resulted in many of the First Peoples being dispossessed from their land, their language, their culture and spirituality, becoming strangers in their own land.*
6. *The uniting churches [i.e. predecessor churches] were largely silent as the dominant culture of Australia constructed and propagated a distorted version of history that denied this land was occupied, utilised, cultivated and harvested by these First Peoples who also had complex systems of trade and inter-relationships. As a result of this denial, relationships were broken and the very integrity of the Gospel proclaimed by the churches was diminished.*

...

171. Further, in the Uniting Church in Australia's "Statement to the Nation" delivered in 1988,<sup>253</sup> being the Bicentennial year of European colonisation, the Assembly declared:

*[T]hose of us who have migrated to Australia in the last two centuries or are the descendants of migrants, confess that all of us are beneficiaries of the injustices that have been inflicted on those of us who were Aboriginal people. In varying degrees, we all contribute to, and perpetuate those injustices. We recognise the violence which has been done to the Aboriginal people in the colonisation of this continent and the injustices by which Aborigines have been deprived of the land. We recognise the continuing Aboriginal experience of violence and injustice.*

172. In 1987, the Synod made broad and solemn reference to the role of its missions in a resolution:

*That the theme for the 1988 Synod, including the Bible Studies, take seriously the history of Australian Aboriginal people, look penitently at the role of the missions of our Church in that history and enable the Church to move towards a more just and equal society.<sup>254</sup>*

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<sup>253</sup> [UCA.5004.0001.0027].

<sup>254</sup> Synod of Victoria 1987 Resolution 87.4.2.1 [UCA.5005.0001.0061].

## Church / parishes (and associated land holdings) within Victoria historically & currently

4. Please provide a summary of the number of churches / parishes (and associated land holdings) within Victoria:
- at present;
  - throughout the course of the 20th century (noting a high-level summary will suffice, e.g. providing an estimate at the start of each decade etc); and
  - (to the extent available) through the 19th century.

### Introductory matters

173. In paragraphs 52 to 56 the governance structure of the Synod and the structures by which it holds property, are described and summarised. Those paragraphs discuss the significance of a Responsible Body in relation to church property. This part of the response relates to the real property in Victoria for which the Synod, the Presbyteries and Congregations are the Responsible Body under the governance documents that apply to that property.

### Response to 4.a

174. The Uniting Church's use of the term 'parish' ceased in the 1990s. Prior to that the term parish was defined in the Uniting Church in Australia's 1990 Regulations<sup>255</sup> to mean *'one or more Congregations which by decision of the Presbytery is or are to be recognised as one pastoral and administrative unit'*. Despite this, some Congregations continue to co-operate together with shared ministry in a way that reflects the 'parish' concept. At present, the Uniting Church's Regulations define the embodiment of the church as Congregation – rather than a 'parish' – and it is Congregations that have responsibility for any church building they operate. Thus, for the purposes of this response, and consistent with the Uniting Church's organisational structure, we interpret 'parishes' to mean 'Congregations', and understand the request to be directed to all of the Synod's land holdings within Victoria.
175. Church land holdings associated with a Congregation typically encompass a church site, and sometimes a church building, hall and car park. Often there is accommodation for a minister either on site or upon a separate title generally located relatively proximate to the church site. The associated land holdings of Congregations include sites other than churches, such as community centres and opportunity shops.
176. At present, the Uniting Church has 504 church buildings in Victoria with an additional 1,041 land holdings including significant holdings such as aged care homes operated by its incorporated institution, UAW, as well as small easements with their own titles.

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<sup>255</sup> [UCA.5000.0005.4975].

#### Response to 4.b and 4.c

177. Having regard to the matters discussed in paragraph 178 to 182 below, because of the way its records are held, the Synod is unable to provide a decade by decade breakdown of the number of its churches / Congregations (and associated landholdings) within Victoria throughout the course of the 20<sup>th</sup> century, nor a summary of the number of churches / Congregations (and associated landholdings) within Victoria through the 19<sup>th</sup> century.
178. Synod databases deal with contemporary holdings and some partial historical information. Re-creating the requested information would require manual examination of original titles and other historical records belonging to the Uniting Church, the Methodist Church and Presbyterian Church. Further, we are unable to locate the relevant records for the Congregational Union and some of the smaller churches that united to form the Methodist and Presbyterian Churches.
179. Doing what we reasonably can within the time available for this response to provide as much useful and relevant information as possible, we have prepared the table in Appendix D to provide some figures for two significant years in the history of the Uniting Church.
180. The first year selected is 1977 – which was the year the Uniting Church was formed from the Methodist Church in Victoria, the Congregational Union of Victoria (**CUV**) and three-quarters of the Presbyterian Church in Victoria. In that regard:
- (a) the Methodist Church records held by the Uniting Church are quite good for recording churches, manses (houses for ministers) and other buildings<sup>256</sup> ;
  - (b) the Presbyterian Church records held by the Uniting Church are good for a number of churches; and
  - (c) the CUV did not leave many records behind them and were never a large Church. Their peak was around 1870 with 90 churches, by 1900 they held 46 churches.
181. The second year selected is 1902 – because two of the Uniting Church's predecessor churches had large amalgamations in 1901, and their reports from 1902<sup>257</sup> reflect the size of the newly-formed churches. The Methodist Church was formed in 1901 from five earlier churches.<sup>258</sup> The Presbyterian Church of Victoria (which was created in 1859 through the merger of three churches)<sup>259</sup> merged with the national church body in 1901 from three earlier churches. We also have data from the CUV from 1902.<sup>260</sup>
182. The Uniting Church does not hold records for any of the pre-1902 churches and would need to rely upon public records to provide any response dating from that period. That response would likely take a considerable period to collate.
183. Based on the abovementioned records, we have prepared a summary of churches / Congregations (and associated land holdings) within Victoria of the Uniting Church or its predecessors as at 1902, 1977 and 2024. The summary is at Appendix D to this response. That summary shows that the number of landholdings was 2,500 properties 120 years ago, 2,000 properties in 1977, and 1,500 in 2024. In part the reduced landholding over time is explained by the fact that it was

<sup>256</sup> 1977 Methodist Assembly Minutes [UCA.5003.0001.0910].

<sup>257</sup> Extract from the Proceedings of the General Assembly of the Presbyterian Church of Victoria, 11 November 1902, 11-14 [UCA.5000.0005.3424]; and extract from the Minutes of the First Victoria & Tasmania Annual Conference of the Methodist Church of Australasia, 25 February 1902, 156-171 [UCA.5001.0001.0040].

<sup>258</sup> *The Sydney Morning Herald*, "The Methodist Church in Australia: the Union Consummated", 1 January 1902 [UCA.5001.0001.0035].

<sup>259</sup> *The Ballarat Star*, "Presbyterian Church of Victoria: Union Proceedings", 9 April 1859 [UCA.5005.0001.0023].

<sup>260</sup> The Victorian Congregational Year Book and Almanac for 1903 [UCA. 5008.0001.0005].

common for predecessor churches to hold land in close geographic proximity to each other. Overtime, the need for multiple church holdings in the one area has been reviewed, Uniting Church activities have been consolidated, and surplus land has been deployed for other purposes or realised with the proceeds being used to further the objects of the Uniting Church.

5. Please provide the total size (hectares) and financial value (from rates statements) of those land holdings (and if not available, a best estimate):
- a. at present; and
  - b. as at the start of each decade (i.e. 2010, 2000, 1990, 1980, 1970 etc). through back to the start of the 20th century.

#### **Total size (hectares) of churches / Congregations (and associated) land holdings**

184. The response to question 4 above, explains the concepts of parish and congregation as they apply to the Uniting Church in Australia, and how that question has been interpreted in light of that. This question refers to “those land holdings”, which are taken to be the land holdings identified in response to question 4. We note for clarity, that the Synod’s response has deliberately excluded that part of the property held by PTV for which the Synod, the Presbyteries and Congregations are not the Responsible Body. The property excluded on this basis includes property for which a Related Incorporated Institution is the Responsible Body.
185. The Synod is unable within the time available for this response to calculate the total area of property holdings comprising the Uniting Church's present churches (and associated land holdings). Records identifying that information are not kept, or not kept in a way that would make that information convenient to collate.
186. As at 31 December 2022, the Uniting Church had 1,979 land identifier records in Victoria according to the State Revenue Office's (**SRO**) records<sup>261</sup>. However, not every one of these records will be a title to land held by PTV, as the SRO can assign multiple identifiers on the one title. Quite commonly, halls and churches may be on a single or separate title, as also are manses. Conversely, many church buildings are built across title boundary lines, which further makes the specific determination of property areas a tedious, painstaking and site by site, title by title task. Further analysis would also be required to identify those properties for which the Synod, Presbyteries and Congregations are the Responsible Body. Once the relevant land records were identified, this would enable the Uniting Church to commence the significant logistical task, that it is estimated would take several weeks (and possibly significantly longer) to complete, of calculating the total area of its land holdings.
187. Calculating the financial value of all land holdings for which the Synod, the Presbyteries and Congregations are the Responsible Body would be a considerably more complex exercise. Even assuming that land area had been identified, given the variability of land values across Victoria, and the fact that numerous land holdings are in regional areas, calculating land values would not be straightforward. Added to that would be difficulties associated with valuing any buildings or improvements on the site. Finally, a basis of valuation would need to be identified; for example, land that is not subject to any sort of planning or heritage control, sold on the “open market” would likely have a very different value to land sold subject to those types of restriction, and different restrictions are likely to apply to different holdings. Similarly, as noted, all relevant land is held on trust and that would likely affect the position.

<sup>261</sup> SRO Land Tax 2023 properties spreadsheet [UCA.5000.0005.7805]. This document is subject to the Synod's claim for a non-publication order made in the covering letter to this response.

188. The Synod database records the area for 1,046 of the 1,367 properties of the Uniting Church meeting the criteria above (i.e. excluding inter alia institutions and colleges where PTV acts as trustee for the land). The records for which we have land area represent 76.5% of the Uniting Church's present land holdings. The total aggregate land area of those holdings is 304.9 hectares.
189. To obtain the area for the remaining properties would require individual examination of original titles as described above. The Synod is unable to complete this exercise in the time provided for this response. It typically requires a person to go through around 1,500 discrete property records, tracking back to the original title for dimensions, conversion of old metrics and collation one by one. The Synod may not have the old title dimensions in its records, which would mean inquiry to the LTO, delay and cost. Allowing 15 minutes per title (and assuming the Synod has the dimensions), the exercise would take 10 weeks to complete. Without conducting such an exercise, the Synod cannot provide a reliable estimate of the total size of those land holdings.
190. Noting the matters discussed at paragraphs 177 to 182 above, the Synod is unable within the time available to provide a decade by decade breakdown back to the start of the 20<sup>th</sup> century of the total land size of the Uniting Church's (and its predecessor churches') churches / Congregations (and associated land holdings) within Victoria, nor is that possible for every such decade based on the limited records available to it.
191. If Yoorrook believes the total size of the Uniting Church's present church and associated land holdings is an important piece of information, we can conduct the required exercise. We are otherwise happy to discuss exactly what the land area is expected to assist with, to see if there is another pathway via which the understanding Yoorrook seeks might be satisfied.

#### **Financial value of churches / Congregations (and associated land holdings)**

192. The Uniting Church holds very limited information about land or capital improved values of its churches / Congregations (and associated land holdings) whether at present or historically, for a range of reasons as discussed below.
193. Firstly, historically much land has been acquired or otherwise come into current or past Uniting Church ownership by Congregations that were parts of the predecessor churches, pre-Union in 1977. Accordingly, we have limited records of any historic cost held in our systems of today.
194. Secondly, whilst legal ownership of real property resides in PTV, as a Not for Profit organisation, we have rarely ascribed any value to real property, as it is held on charitable trust by PTV for the purposes of the Uniting Church. In accounting terms, the property has been accounted for by the Congregation or other church entity or body for whose benefit PTV holds the real property.<sup>262</sup> The Synod's 2022 signed statutory accounts set out on page 12 with respect the question of control, what is accounted for in the financial accounts.<sup>263</sup>
195. Thirdly, real property which is recorded in the consolidated annual financial statements of the Synod, is recognised at cost in accordance with the election allowed under AASB 16 Property, Plant & Equipment, paragraph 29 of which states:

*An entity shall choose either the cost model in paragraph 30 or the revaluation model in paragraph 31 as its accounting policy and shall apply that policy to an entire class of property, plant and equipment.*

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<sup>262</sup> In accordance with Australian Accounting Standards Board's (AASB) Conceptual Framework, paragraph 4.20.

<sup>263</sup> [UCA.5000.0001.0690], 12.

196. The Synod therefore does not have access to any consolidated accounting source that would identify the value of Uniting Church churches (and associated land holdings), nor the value of land holdings for which the Synod, the Presbyteries and Congregations are the Responsible Body.
197. Fourthly, Congregations having the benefit of use of real property typically do not record a value against it in the accounts they lodge with the Australian Charities and Not-for-profits Commission (**ACNC**), and if they do it is often a historic cost. As Congregations respond and lodge their accounts separately to those prepared by the Synod, the Synod does not typically see these accounts. However, the Synod understands that many Congregations do not ascribe a value to churches or other assets used by the Congregation, given the legal ownership resides with PTV.
198. Any values for churches / Congregations (and associated land holdings) in Congregational accounts, if they appear, are therefore unlikely to represent the market or current value, may represent historical cost, or may be zero.
199. Fifthly, as the large majority of the Uniting Church's Congregations fall within the ACNC's definition of "Small Charities", there is no requirement for them to lodge annual reports with the ACNC. Congregational accounts that are lodged with the ACNC are therefore not a full and complete representation of the value of churches (and associated land holdings) held by PTV for the benefit of use by all Congregations of the Uniting Church in Victoria. The combined effect of the matters discussed in this paragraph and paragraphs 193 to 198 above is that little meaningful information on financial value is to be obtained from Congregational accounts, as they are not mandatory for all Congregations, and reflect a range of accounting treatments in respect of the value of real property.
200. Sixthly, rates notices do not provide a ready path to assessment of financial value. This is because:
- (a) the Responsible Bodies have day to day management of the properties held by PTV for the benefit of their use of them, so that the Synod does not receive at any consolidated point in the Uniting Church rates notice for all properties as these are generally sent to the Responsible Body that pays them e.g. a Congregation. The Synod considers it both impracticable and unworkable in a logistical or availability sense to request copies of rates notices going back many years (indeed decades) from Congregations, especially when many Congregations no longer exist;
  - (b) most Uniting Church uses of land qualify for exemption from general council rates and land tax, and many council rates notice in the past, especially prior to the Victorian State Government's introduction of the Fire Services Property Levy (**FSL**) in 2013, did not display assigned values to properties for which rates notices were issued. Since 2013, council issued rates notices have progressively moved to contain site and improved value information because the FSL comprises a fixed component and a variable component which is calculated via a rate in the dollar upon the capital improved value which includes the land value for the property.
201. Consequently, there will be limited historical financial value information to be obtained from rates notices for rate or land tax exempt properties, which comprise the vast majority of the Uniting Church's real property holdings.
202. Finally, the Uniting Church does not have any capacity to provide the financial value of churches / Congregations (and associated land holdings), nor any best estimate, as at the start of each decade back through to the start of the 20<sup>th</sup> century because:
- (a) as discussed above, we do not have centralised records that cover all properties for which the Synod, Congregation and Presbyteries are the Responsible Body detailing value at the times specified. Synod financial accounts lodged with the ACNC reflect very little real property as the Synod itself is the Responsible Body for only a very small number of properties, and for some properties, only in a transitory capacity. Any real property is recorded at historical cost;

- (b) insurance valuations and schedules relate to improvements on site – not land or market value – so this is not a viable information source on financial value;
- (c) we do not have an *en globo* property valuation for the Uniting Church's current real property holdings for the reasons outlined earlier – thus any reversionary calculation from today's value would be of limited value;
- (d) many properties were acquired by predecessor churches prior to Union in 1977 and to identify specifically acquisition values would involve a site by site analysis of up to almost 2000 properties and would need to extend to property records (if available, and many are not) from the predecessor churches; and
- (e) many properties have not had a land value ascribed or recorded - either by the Uniting Church or by external regulatory bodies as explained earlier.

203. Despite the limitations identified above, to the extent Request 5 concerns the financial value of the Uniting Church's present churches / Congregations (and associated land holdings), the Synod is preparing a list detailing all parcels of PTV's church and associated land holdings assessed by the SRO as at 31 December 2022, whether exempt or liable for land tax, and for those where any land or capital improved value held by the statutory body such as council or the SRO is displayed. That list can be provided to Yoorrook by 12 April 2024, and the Synod requests a Notice to Produce that list. That list will be the subject of a claim by the Synod for a non-publication order.

6. Please provide a summary of all land sales over the past 10 years of Uniting church in Australia church / parish land in Victoria.

204. The Synod has prepared a list of all sales of its church / Congregation land in Victoria over the past 10 years which is produced to Yoorrook with this response.<sup>264</sup> That list is subject to a claim by the Synod for a non-publication order made in the covering letter to this response.

7. Please clarify whether it is church policy to notify and/ or consult with Traditional Owners in respect of sales of church/ parish land.

205. It is not current Uniting Church practice to notify and / or consult with Traditional Owners in respect of sales of church / Congregation land, nor does the Uniting Church have any formal policy to sell land generally. While sales occur, PTV is a perpetual charitable trust which has implications for any potential sale or alienation of its property.

8. Please provide an overview of any programs to:

- a. return surplus church / parish land to Traditional Owners; or
- b. use monies collected through land sales to support Victorian First Peoples.

<sup>264</sup> [UCA.5010.0001.0001].



206. The Uniting Church has had and maintains ongoing programs to provide funding, including from monies collected through land sales, to support Victorian First Peoples as outlined below. The information supplied necessarily relates in part to programs that support First Peoples, where some of the funding for those programs is not directly related to return or sales of land. However, as land sales comprise an element of the funding of all Synod activities, all programs supporting First Peoples have been included, even where their connection to lands sales is indirect.

### **Narana Creations**

207. In 1996, the Narana Creations cultural centre was opened just south of Geelong, as part of the Uniting Church's commitment to enhancing the voice of First Peoples and facilitating increased understanding by all peoples of First Peoples issues. The site for Narana Creations had been purchased partially from the proceeds of Uniting Church property sales, as discussed in more detail at paragraph 227 below. In line with the broad vision of the Synod in respect of reparatory measures discussed above, Reverend John Rickard, Executive Director of Synod Commission for Mission, stated at the time of the opening of Narana Creations that:

*It's the beginning for us white folks. We are starting to pay the rent, but it's more than money that we are involved in with our Aboriginal brothers and sisters. This is about commitment and understanding.*<sup>265</sup>

208. Narana Creations seeks to build an understanding of First Peoples history and culture through providing for personal interactions, and via the provision of a cultural display and performance building, an art gallery, retail outlet, and café, all of which are focused and predicated upon First Peoples' culture, traditions, and history. Narana Creations encourages reconciliation and respect of culture through facilitating the creation of important dialogue around issues concerned with national reconciliation. We refer to the discussion (at paragraphs 74 to 89 above) of Narana Creations, its operations, and its facilitation of empowering First Peoples connection to their culture, traditions, and history, as well as educating the general public in relation to those same matters.
209. We say more about the Synod's funding of the Congress and its initiatives below.

### **Transfers of real properties and funds (including funds derived from real property sales) to First Peoples bodies (including to the Congress)**

210. In 1981, in response to the National Assembly Meeting resolution 79.45, the Presbyteries in the Synod were "requested to discover what property and resources are currently owned or controlled by local Aboriginal communities, and whether any Church property is at the disposal of Aboriginal communities."<sup>266</sup> The then Synod Division of Resources issued guidelines in relation to land grants to the Presbyteries:<sup>267</sup>
- a) *The land grant of whatever kind is the responsibility of the whole Synod and not necessarily of one parish or presbytery. This, however, does not preclude presbytery or parish grants of land.*
  - b) *The grant of land should not be seen as a token gesture but as part of the ongoing dialogue with, and commitment to, the Aboriginal people of Victoria.*

<sup>265</sup> *Crosslight* August 1996 [UCA.5000.0001.0135], 1.

<sup>266</sup> Extract of Synod of Victoria 1982 Meeting Minutes, D2.5 [UCA.5000.0005.3198].

<sup>267</sup> *Ibid.*

- c) *The grant would be to an established Aboriginal group; e.g. to an incorporated Aboriginal Co-operative; or such a body as the Aboriginal Evangelical Fellowship (AEF).*
  - d) *The grants are to all Aboriginal people not only those who have Church affiliation. Many Aboriginal people have no Church connections because the Churches have not been willing to receive them. Aboriginal people with Church connections should be advised of the possibility of such grants.*
211. In late 1981, a consultation process was approved for the Synod Aboriginal Affairs Committee to ascertain the views of Uniting Church members in Victoria in response to Synod resolution 81.5.8 about providing land and resources to First Peoples.<sup>268</sup> The Committee was involved with 30 consultation meetings between April and May 1982 that had 777 Uniting Church members from 210 Congregations attend.<sup>269</sup>
212. Following the consultation meetings, a letter was sent to the Secretary of each Parish Council (as was then the relevant person), together with 50 copies of a sheet that contained a background briefing, full details of the Assembly's resolution 79.45 and the Synod's resolution 81.5.8, plus a questionnaire to enable Congregations to express their views.<sup>270</sup>
213. Of the 285 parishes in the Synod at the time, 179 responded by the cut-off date of 15 July 1982. Of the responses:<sup>271</sup>
- (a) 126 parishes supported a programme of transferring assets and property to First Peoples groups and 51 opposed. The support was strongest amongst parishes in metropolitan areas;
  - (b) 106 parishes supported setting a target for the transfers to cover the period 1983 to 1985, while 56 opposed setting a target;
  - (c) 40 parishes supported a transfer target of \$500,000 (ie property worth that amount), four supported a target of between \$500,000 and \$1 million, 33 supported a target of \$1 million and one supported a target greater than \$1 million;
  - (d) 154 parishes supported educating the wider community about the transfer programme and 23 opposed; and
  - (e) 159 parishes indicated that they would welcome contact with a First Peoples group in their area while six indicated that they were not open to such contact.
214. The property transfer or purchase programme was established with a target of \$750,000 worth of property transfers or purchases between 1983 and 1985. By 1987 there had been six transfers or purchases of property for the benefit of First Peoples organisations. The total value of the transfers was estimated to have been approximately \$500,000.<sup>272</sup>
215. The transfers made were as follows:

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<sup>268</sup> Ibid, D2.4.

<sup>269</sup> Ibid.

<sup>270</sup> Ibid, D2.5.

<sup>271</sup> Ibid, D2.5 – D2.8.

<sup>272</sup> Malcolm Campbell, Executive Secretary of the Synod Division of Ecumenical Mission correspondence to Barry Prior, Commission for Mission, 27 November 1987 [UCA.5000.0005.3771], 2.

- (a) **A house at 94 Hare Street in Echuca:** This was transferred from the Victorian Synod Resources Commission to the Echuca Aboriginal Co-operative for use as a Day Care Centre for children in 1985, on the land of the Yorta Yorta People.
- (b) **The Child Care Program of the Echuca Aboriginal Co-operative:** This was opened on Sunday 8 June 1986. It now operates as the Berrimba Childcare Centre under the Njernda Aboriginal Corporation. They state their history as:<sup>273</sup>

*In 1983 a group of young Aboriginal mums and Aunty Melva Johnson along with Aunty Val Mitchell got together and decided to form their own playgroup. This playgroup was run once a week in the Church of Christ hall. One mum cooked lunch for the children and the other mums set up and participated in activities with the children. Resources for the playgroup came from the Op Shop.*

*The playgroup then moved to the co-op in High Street because it became too expensive to use the hall. In 1985 the Uniting Church donated the current facility to the Aboriginal community for our child care centre.*

*In order to better improve the children's service, Aunty Melva and the late Kerry Johnson attended a meeting in Swan Hill and fought for funding from Canberra to set up a Multifunctional Aboriginal Child Care Centre, which includes an after school program and holiday program. This is termed a MACS centre.*

*In April 1990 Berrimba Child Care Centre was officially opened as a 25 place facility which operates under the regulations of the Department of Human Services and the DEEWR.*

The purchase price of the property was \$80,000, including work by an architect for the child care centre. The property was purchased by the Church and then transferred once the co-operative found a site. The Synod Aboriginal Affairs Committee at the time worked with the Echuca Aboriginal Co-operative to find something that was fit for purpose to buy.

Mrs Walda Blow, Aboriginal Liaison Officer to the Parish Council Secretary, Synod Division of Ecumenical Mission, said on 27 April 1984, "It is hoped that the Uniting Church action in this regard will provide the necessary encouragement for these Aboriginal People to develop programs relevant to them. Hence be able to better participate in wider community life."

- (c) **A property at 29 Edward St in Shepparton:** This was transferred to the Yotta-Yotta Advancement Group Association Incorporated for use as a Community House for Aboriginal Youth in 1986. The Shepparton City Council formally objected to this as such a centre would be a 'nuisance', which delayed the process. The property was purchased for \$83,000.

The original contact by the Synod was through a group called 'Rumbalara Co-operative' in 1984. The Yotta-Yotta Advancement Group Association was incorporated in 1985, which is the body to whom the property was transferred. This entity was incorporated in anticipation of the property transfer.

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<sup>273</sup> <https://www.njernda.com.au/services/berrimba-childcare-centre/>

- (d) **A manse in Burnley:** This was transferred to the Aboriginal Evangelical Fellowship. The manse was a gift from the Collingwood, Richmond, East Melbourne Parish.<sup>274</sup>
- (e) **A house in Bairnsdale:** Half the value (\$38,000) of this house was provided to the East Gippsland Aboriginal Co-operative for a family group home in October 1986. The arrangement was negotiated with the involvement of the Synod Aboriginal Advisory Council, the then Synod Division of Community Services, Kilmany Family Care and the Presbytery of Gippsland.<sup>275</sup>
- (f) **A house in Grovedale, 137 Heyers Street:** This was transferred to Geelong Aboriginal Co-operative (now the Wathaurong Aboriginal Co-operative) on an understanding that it was to be operated as a hostel for students (known as 'Warren House'). The transfer was negotiated with the Geelong Aboriginal Co-operative by the Synod Aboriginal Advisory Council and the Presbytery of Barwon.<sup>276</sup> The sale price of the property was \$121,000 with an additional \$4,000 used by the Presbytery to "paint, renovate, and equip the property before it is occupied." Vince Ross was the Chairman of the Wathaurong Aboriginal Co-operative and Warren House committee. Aboriginal Hostels Ltd (55 Smith Street, Fitzroy), funded the upkeep of the building after it was transferred. The opening of Warren House at 137 Heyers Street, and handing over of keys, was on 14 May 1987. Prior to moving to 137 Heyers Road, Warren House had operated as a hostel at 34 McKillop Street, Geelong.
- (g) **The Zion church on the corner of Beverin and Walker Streets in Sebastopol:** This was transferred to the Ballarat and District Aboriginal Co-operative on an understanding that it was to be operated as a 'Keeping Place' (namely, as a museum and educational facility to comply with residential zoning requirements in order to make the transfer possible). The transfer was negotiated with the Ballarat and District Aboriginal Co-operative by the Synod Aboriginal Advisory Council and the Presbytery of Grampians.<sup>277</sup> The church was originally a Welsh Independent Church established in 1861. The decision to transfer the property was made on 13 October 1986 by the Synod Aboriginal Advisory Council. The Synod reimbursed the Ballarat South Parish \$56,260, which was 75% of the \$75,000 value of the property.
216. In 1987 the Synod Commission for Mission, in consultation with the Synod Resources Commission, was tasked with reviewing the transfers of property to First People groups.<sup>278</sup> The review found it had not been possible to arrange the transfer of the targeted \$750,000 in the planned timeframe. The review found that First People organisations wanted to make sure that the transfers worked in their best interests. Further, the Synod had underestimated the complexity of the relationships involved and the time needed for decision-making.<sup>279</sup> The review also stated that the programme had built relationships of significance, as well as giving First People organisations some significant resources.<sup>280</sup> However, it was recommended that the programme be wound up due to changed circumstances, which were not explained. At the time, negotiations were underway with the Central Gippsland Aboriginal Co-operative to purchase a house for rehabilitation and training of First Peoples with alcohol and other drug problems.<sup>281</sup> The review committed to honouring the transfer if the Co-operative decided that they wished to proceed. However, the program was wound up in accordance with the recommendation. The Synod has not discovered in the records reviewed or from the

<sup>274</sup> Malcolm Campbell, Executive Secretary of the Synod Division of Ecumenical Mission correspondence to Barry Prior, Commission for Mission, 27 November 1987, 2 [UCA.5000.0005.3771].

<sup>275</sup> Ibid, 2.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid, 1.

<sup>279</sup> Ibid, 2.

<sup>280</sup> Ibid.

<sup>281</sup> Ibid.

persons consulted, in the preparation of this response, information about what constituted the “changed circumstances” that led to the recommendation to wind up this program.

217. It appears that most of the properties transferred to First People organisations as part of the 1983 to 1987 programme of the Synod have subsequently been sold by those organisations and the proceeds used for other purposes in the last 40 years.
218. Since that further support has been provided to First Peoples organisations, albeit no longer under the auspices of a structured program. Most of this was effected via the Congress.
219. In 1994, the Uniting Church National Assembly requested information from all Synods on the financial support and assets transferred from Synods to the Congress and other First Peoples’ bodies. The Synod of Victoria reported that it had provided \$2,702,380 in payments to the Congress and other First Peoples’ bodies between 1989 and 1994. The amount included:
- (a) \$785,000 to Shalom College;
  - (b) \$34,579 to Nungalinya College;
  - (c) \$14,155 to the Werrimul Horticultural Training project;
  - (d) \$40,000 to the Narana Koori Information Synod, under the UAICC;
  - (e) \$6,161 to the National Aboriginal and Islander Health Organisation;
  - (f) \$1,000 to the Mawanjoin Aboriginal Project;
  - (g) \$5,000 to the Mowanjum Aboriginal Mechanics Training Project;
  - (h) \$10,766 to the Gordon Symon Centre; and
  - (i) \$12,750 in legal aid to First People’s families.
220. Of the above funding, the Uniting Church National Assembly assessed that \$75,370 was to non-Congress First Peoples organisations.<sup>282</sup>
221. In 1996, the Synod allocated to the Congress:<sup>283</sup>

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<sup>282</sup> Dean Eland, Director of Mission and Strategy, Commission for Mission, Synod of Victoria and Tasmania, “Notice of Meeting”, 9 March 1995 [UCA.5004.0001.0003].

<sup>282</sup> Ibid.

<sup>283</sup> Extract of “Commission for Mission Supplementary Report” to the Synod of Victoria 1996 Meeting, S/B3.86. [UCA.5003.0001.1218].

- (a) \$325,000 to acquire a property at **Minajalku** (Thornbury) for an ecumenical centre in Northcote (the transfer of this property from the Yarra Yarra parish to the Congress for nil consideration was funded by the Synod); and,
  - (b) \$481,000 to support the appointment of a Victorian State Congress co-ordinator for three years, appoint and train First People leaders in the Synods in Victorian and the Northern Territory, and assist Nungalinga College, Darwin, with education for ministry and leadership.
222. In 1996, with Government assistance, the Victorian Congress sponsored a number of training programs including developing a native garden and art and craft.<sup>284</sup>
223. In 1997, the Minajalku Centre in Thornbury, via the Congress, employed First People from a transitional program following prison sentences or long-term unemployment to establish an indigenous garden.<sup>285</sup> By 2003, a drug and alcohol program was being run from the facility.<sup>286</sup> The property was subsequently sold by the Victorian Congress in 2023 for \$3.6m. The Congress retained all the net sale proceeds, which are now generating income to support their programs.
224. In 1997, the Synod set up a State Covenanting Committee to further assist Congregations to understand First Peoples history and culture and to further reconciliation in the wider community.<sup>287</sup> The report to the Synod meeting in 2001 stated that covenanting and reconciliation activities were widespread across Congregations in Victoria.<sup>288</sup>
225. In the same year, the Synod of Victoria acted as the secretariat for the Defenders of Native Title in Victoria.<sup>289</sup> The Defenders of Native Title in Victoria became “ANTAR” – an organisation campaigning for justice and fairness for First Peoples in Victoria.<sup>290</sup> Dr Peter Lewis, a social justice officer for the Synod in the 1990s is now the President of ANTAR.
226. In 1997 the Synod allocated \$500,000 to the Victorian Congress styled as a “Congress Capital Fund”. In addition, from approximately this date, 10% of income from unearmarked bequests in 1996 to 1998 were transferred to the Congress Capital Fund, and 10% of Synod unearmarked funds were transferred to the Congress Capital Fund.<sup>291</sup> The Synod has not, in the time available for this response, been able to identify whether the latter unearmarked funds were of capital or income.
227. The Synod also resolved in 1997 to allocate 10% of the capital from former property sale proceeds (\$15.8 million at the time) to the Congress Capital Fund. Any future property sales resulting in unearmarked net capital income would have 10% percent allocated to the Congress Capital Fund.<sup>292</sup> The Congress Capital Fund was used to purchase the Narana Creations site in Grovedale.<sup>293</sup>

<sup>284</sup> Extract of Report to the Synod of Victoria 1996 Meeting, B3.30 [UCA.5003.0001.1212].

<sup>285</sup> Extract of Report to the Synod of Victoria 1997 Meeting, B2.6 [UCA.5003.0001.1199].

<sup>286</sup> "Uniting Aboriginal and Islander Congress Report" to the Synod of Victoria and Tasmania 2003 Meeting, C7.1 [UCA.5003.0001.1213].

<sup>287</sup> Extract of Report to the Synod of Victoria 1997 Meeting, B2.7 [UCA.5003.0001.1214]; and extract of Report to the Synod of Victoria 1998 Meeting, B2.16 [UCA.5003.0001.1215].

<sup>288</sup> Extract of Report to the Synod of Victoria 2001 Meeting, B2.7 [UCA.5003.0001.1216].

<sup>289</sup> Extract of Report to the Synod of Victoria 1997 Meeting, B2.7 [UCA.5003.0001.1214].

<sup>290</sup> <https://antarvictoria.org.au/aboriginal-and-torres-strait-islander-consultation-principles>

<sup>291</sup> Extract of Report to the Synod of Victoria 1997 Meeting, S/B3.25 [UCA.5005.0001.0071].

<sup>292</sup> Ibid, M21 - M22.

<sup>293</sup> Dean Eland, Convenor Task Group, Commission for Mission, Synod of Victoria, correspondence to Reverend Gregor Henderson, General Secretary, Uniting Church National Assembly, 19 August 1996 [UCA.5004.0001.0001].

228. In 1999, the Victorian Congress purchased a house in Robinvale to be used as a meeting place for First Peoples “to share in fellowship”.<sup>294</sup>
229. The 2008 Synod meeting resolved (in consultation with the Congress) a new formula for the sharing of property sales, which came into force from 1 January 2011.<sup>295</sup> Following this resolution, the allocation of funds from the sale of properties to the Victorian and Tasmanian Congress was as follows:
- (a) 5% for property proceeds up to \$200,000;
  - (b) 6% for property proceeds between \$200,001 and \$2 million; and
  - (c) 8.25% for property sale proceeds that exceeded \$2 million.
230. In 2013, there was discussion between the Victorian and Tasmanian divisions of the Congress and the Synod Board of Mission and Resourcing about providing secure funding. The existing arrangements at the time set a minimum amount of funding for the two Congress bodies, relying on the proportion allocated from property sales, topped up if necessary from other Synod sources.<sup>296</sup> By 2014, it was agreed between the Synod and the two Congress bodies that \$800,000 annually with annual CPI increases was to be funded by the Synod and divided between them.<sup>297</sup> Following negotiations between the Synod and the two Congress bodies, from 1 January 2023 to 31 December 2025 the annual budgeted amount is \$500,000.<sup>298</sup> This reduction was suggested by the Victorian Congress, and supported by the Tasmanian Congress, to assist the Synod as a whole with its budgeting priorities. In 2027, funding is expected to return to at least 2022 levels.
231. In the same year it was decided that, where a Congregation was selling property to build a new worship complex, the share of property sales to the wider Synod was reduced. Because the Congress took a share of Synod funds from these transfers, this impacted the share that went to the Congress via these sales. After this change, the Victorian Congress would receive:<sup>299</sup>
- (a) no funding from property sales less than \$1 million;
  - (b) 6% of the proceeds of property sales between \$1 million and \$2 million; and
  - (c) 8.25% for proceeds of property sales over \$2 million.
232. From 2001 to 2023, the Synod provided \$9,070,382 as grant payments to the Victorian Congress. The Synod has no records of payments to First People organisations other than the Victorian Congress during these years, and is not aware of any such payments made by the Synod. However, the Victorian Congress spent some of their funding in joint projects with other First People organisations as outlined below. In addition, relatively small contributions may also have been made by local Congregations, which would not be recorded by the central Synod office.

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<sup>294</sup> Extract of Report to the Synod of Victoria 1998 Meeting, B2.33 [UCA.5003.0001.1200]

<sup>295</sup> Extract of "Board of Mission and Resourcing Report" to the Synod of Victoria and Tasmania 2011 Meeting, B3.2 – B3.3 [UCA.5003.0001.1217].

<sup>296</sup> Extract of "Board of Mission and Resourcing Report" to the Synod of Victoria and Tasmania 2013 Meeting, B3.2 [UCA.5003.0001.1219].

<sup>297</sup> Extract of "Board of Mission and Resourcing Report" to the Synod of Victoria and Tasmania 2014 Meeting, B1.3 [UCA.5003.0001.1220].

<sup>298</sup> Extract from draft Synod of Victoria and Tasmania 2023 Meeting Minutes (Synod Meeting 2023 Book C1.6 – UAICC funding arrangements 2023 -2025 (DRAFT)) [UCA.5009.0001.0010].

<sup>299</sup> Extract of "Board of Mission and Resourcing Report" to the Synod of Victoria and Tasmania 2014 Meeting, B1.5 [UCA.5003.0001.1220].

233. In 2022, the UAICC Victorian Oversight Committee decided to sell the Minajalku Centre in Thornbury and put the proceeds towards Congress Mission and Ministry projects in Victoria.<sup>300</sup>

234. As noted in paragraph 18 above, the Synod was originally two discrete Synods (one for Victoria and one for Tasmania) until their amalgamation on 22 June 2002. Since that time, the Synod has made payments totalling \$5,950,956 to the Tasmanian Congress.

*Whitelion, the Maya Living Free Healing Association, and initiatives relating to First Peoples juvenile detention*

235. In 2004, the Victorian UAICC employed an elder to visit First Peoples youth in detention in the juvenile justice system and to assist them before Koori Court.<sup>301</sup> In 2006, the initiative was expanded through the development of a partnership with Whitelion and Maya Living Free Healing Association.<sup>302</sup>

236. Whitelion was a privately-funded organisation that is also involved with Indigenous young people in the juvenile justice system. Whitelion's aims were to:

- (a) engage young people through sport and business opportunities;
- (b) reconnect these young people with their family and community; and
- (c) inspire them to have a go themselves.

Whitelion offered a mentoring program in order to achieve its goals.

237. In 2008, the Victorian Department of Justice provided funding for the Victorian Congress to employ a community development worker to offer personal support to First People youth in danger of entering the juvenile justice system and to link them back into their support networks, including their schools.<sup>303</sup>

238. By 2014, there were three workers employed in the joint program between the Victorian Congress and Whitelion.<sup>304</sup>

239. Maya Living Free Healing Association occupied the Congress 'Minajalku Centre' property in Thornbury after it ceased being for that purpose. The association provided rehabilitation to people trying to escape drug or alcohol abuse. It worked with a wide range of people including many young Indigenous people.

240. By 2011, the Victorian Congress was running *Gnarrawarra Doon* (which in Wathourong means 'Learning Circle') for First People youth in contact with the juvenile justice system or at risk of coming into contact with it. It averaged four to five youth attending one night a week with their support person from the Victorian Department of Human Services and Juvenile Justice. The youth were instructed in Indigenous art, painting, didgeridoo making and contemporary music. The program was partly funded by the UCA Port Phillip West Presbytery.<sup>305</sup>

<sup>300</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2022 Meeting, F2.1 [UCA.5005.0001.0080].

<sup>301</sup> Extract of "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2008 Meeting, C5a.1 [UCA.5003.0001.1222].

<sup>302</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2006 Meeting, C6a.2 [UCA.5003.0001.1224].

<sup>303</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2010 Meeting, C5a.3 [UCA.5003.0001.1226].

<sup>304</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2014 Meeting, F2.3 [UCA.5005.0001.0083].

<sup>305</sup> "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2011 Meeting, C5a.3 [UCA.5003.0001.1123].



## Indigenous Hospitality House

241. Indigenous Hospitality House in Carlton is a project of the Uniting Church Carlton Church of All Nations Community Support and the property is owned by the Synod (via PTV). The project was proposed in 2001. The house was for First Peoples families to stay at when visiting relatives who are staying for hospital treatment in Melbourne. By 2003, the house had been established and saw 124 guests stay a total of 121 nights. Guests were mainly from regional Victoria, but also came from the Northern Territory, New South Wales and Western Australia. A second unit was added in 2003. Volunteers live at the house to provide support to the guests. The house is supported by funding from Uniting Church Congregations and Collin Street Baptist Church. Currently, there are six residents that live at the house. Each weekday, one of the residents is designated as the “Daily House Person” to be attentive to general guest needs, as well as liaising with Aboriginal Liaison Officers from various health and wellbeing services. Aboriginal Liaison Officers refer guests to the house. The Liaison Officers provide advice on the running of the house and the residents of the house that provide support to the guests are accountable to the Liaison Officers.
242. The table below summarises the activity of the house in the last six years.

**Table. Number of guests and guest nights at the Indigenous Hospitality House between 2018 and 2023.**

Year	Number of Guests	Number of nights guests stayed
2018	121	373
2019	100	406
2020	23	57
2021	8	39
2022	19	55
2023	72	298

243. The programs supporting First Peoples described below relate less specifically to the return of land, or the direct use of its process. They are included for the reason identified above.

### AboutFACE (About Faith And Cultural Exchange) program

244. AboutFACE (About Faith And Cultural Exchange) was a nationally-run program that exposed Uniting Church members to living in First People communities or in communities with churches in developing countries in a stay of two weeks.<sup>306</sup> It was established in 1984 and ran in partnership with the UAICC. The main target of the program were younger members of the Uniting Church. From 2008, the Synod took the lead in organising and running the program, as declining staff numbers

<sup>306</sup> Deb Bennett, “The Face of Friendship”, *Crosslight*, 2017, <https://crosslight.org.au/2017/03/19/the-face-of-friendship/> accessed 25 March 2024.

at the National Assembly office meant they no longer had the resources to run it. The program ended with the COVID-19 pandemic meaning it was not feasible to run at that time. The last few AboutFACE placements were with First People communities keen to host the participants. The placement in 2010 had 14 participants, the one in 2013 had 12 participants and the one in 2015 had 17 participants.<sup>307</sup> The last placement was run in 2017.

### **Closing the Gap statement**

245. Consistent with its social advocacy activities directed to substantive justice for First Peoples, in 2008, the Synod Moderator signed the Closing the Gap statement to close the gap between health outcomes for First and Second Peoples.<sup>308</sup>

### **Uniting (Victoria and Tasmania) Limited**

246. UVT (that is, Uniting (Victoria and Tasmania) Limited - one of the Related Incorporated Associations) is the community services organisation of the Uniting Church. UVT was formed in 2017 when the Uniting Church set a new strategic direction for more than 20 UnitingCare, Wesley Mission and other community service organisations in both Victoria and Tasmania. Many of UVT's founding organisations had strong partnerships with Aboriginal communities and had developed Reconciliation Action Plans. UVT's services reach to Albury-Wodonga in the north, Mallacoota in East Gippsland, to the Wimmera region and Warrnambool in the west, and across Tasmania. Over 3,700 employees and 2,400 volunteers provide more than 600 programs and services helping individuals, families and communities thrive.
247. UVT's vision for reconciliation is all people standing together to create socially just and culturally safe relationships with, and opportunities for, Aboriginal and Torres Strait Islander peoples. As an organisation, UVT acknowledges the great suffering caused to Aboriginal and Torres Strait Islander peoples by colonisation and discrimination, and acknowledges those impacts are ongoing.
248. 20 UVT employees identify as Aboriginal and/ or Torres Strait Islander. In a 2023 workplace psychosocial safety survey, this cohort had an average Wellbeing score 6 points higher than UVT's workforce overall. In a 2022 Consumer Experience Pulse Survey (n=1080), 6% of UVT's consumers/clients who responded to the survey identified as Aboriginal and/or Torres Strait Islander.
249. UVT holds records for people who were removed from parents and families as children and placed in the care of UVT and its founding agencies. Through its Heritage Service, UVT enables people and their families to learn more of their story and obtain justice by providing access to their childhood records. UVT is committed to continuing to work with Aboriginal organisations to review its records with a view to identifying photographs of Stolen Generations' members and enabling access by them and their family members and descendants to photographs and other personal information.

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<sup>307</sup> Extract of "Commission for Mission Report" to the Synod of Victoria and Tasmania 2010 Meeting, B2a.25 [UCA.5005.0001.0085]; Extract of "Commission for Mission Report" to Synod of Victoria and Tasmania 2013 Meeting, B2.25 [UCA.5005.0001.0088]; and "Uniting Aboriginal and Islander Christian Congress Victoria Report" to the Synod of Victoria and Tasmania 2016 Meeting, F2.1 [UCA.5003.0001.1193].

<sup>308</sup> Extract of "Commission for Mission Report" to the Synod of Victoria and Tasmania 2010 Meeting, B2a.21. [UCA.5005.0001.0091].

### **Congregational partnerships**

250. As part of its response to the injustices and harms caused by the racist colonial era, entities under the Synod have sought to partner with, support or be in relationship with First People organisations. Such interactions are not centrally registered. In the limited time that has been available to prepare this response, the Synod has identified the following examples:
- (a) the Dareton Congregation, which is a combined Congregation with the Church of Christ, has a caring programme for First People youth in Dareton;
  - (b) Brunswick Uniting Church has been engaging with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation Council on a Statement of Commitment from the Congregation to the Council since 2021;
  - (c) the Uniting Church Village Church in Mt Eliza have a relationship and hold Associate Membership with Willum Warrain in Hastings; and
  - (d) Tecoma Uniting Church partner in an annual Survival Day event and have a strong relationship with the local Walking Together group.

### **Synod Social Justice Unit**

251. The Synod Social Justice Unit has campaigned on issues of social justice that impact First Peoples. Sometimes the campaigning is in partnership with First Peoples organisations. Almost always, it is with the approval of the Congress or other First Peoples organisations. The approach fits with the view that reparations for the racist colonial past requires building a socially just society and that Second Peoples must be active participants in such activity and not pass the obligation only to First Peoples. The campaigning has not been limited to seeking reforms in Victoria, but has addressed questions of injustice nationally, including in the Northern Territory, Tasmania and Western Australia.
252. In 1990, the Synod and the Anglican Church funded the employment of a research and advocacy support worker for the Victorian Inter-Church Aboriginal Affairs Consultative Group that campaigned for justice for Victorian First Peoples.<sup>309</sup>
253. The number of supporters in the social justice network currently stands at around 4,500, who can be invited to take actions in support of reforms. The social justice actions that have been relevant to Victorian First Peoples included:
- (a) promotion of National Reconciliation Week, with a kit being prepared for Congregations for 2024;
  - (b) mounting a campaign in 2009, including a letter-writing campaign, asking the Victorian Government to reinstate funding for Reconciliation Victoria and to establish a Commissioner for Aboriginal Social Justice;
  - (c) in 2010, a fact sheet was provided for Congregations to raise questions with candidates for the Victorian election on housing for First Peoples, self-determination, funding for Reconciliation Victoria and the establishment of a Commissioner for Aboriginal Social Justice;

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<sup>309</sup> Extract of Report to the Synod of Victoria 1990 Meeting, B4.17 [UCA.5000.0005.3244].

- (d) following the death in custody of Tanya Day, the Synod issued two letter-writing actions (one in April and one in October) to our supporters urging them to ask the Victorian Government to decriminalise public drunkenness. The Synod also invited them to sign onto an online petition on the same issue;
- (e) in October 2019, the Synod issued a letter-writing action to supporters asking them to write to the Victorian Government to introduce a spent conviction scheme for the benefit of First Peoples particularly;
- (f) in 2020, the Synod was part of campaigning efforts with public health organisations seeking to have easily understandable warning labels on alcoholic beverages about the risks of Foetal Alcohol Spectrum Disorders, which disproportionately impact First Peoples communities;
- (g) in 2020, the Synod joined the coalition of organisations that are campaigning for the Victorian Government to raise the age of criminal responsibility to 14 years;
- (h) in October 2021, the Synod issued a letter-writing action to our supporters urging them to write letters to the Victorian Government asking that the government implement the recommendations of the 'Our Youth, Our Way' report to reform the impact of the criminal justice system on First Peoples children and young people; and
- (i) the Uniting Church continues to be part of the campaign for police accountability in Victoria, supporting the creation of an independent police ombudsman particularly to address over-policing of First Peoples communities in Victoria and cases of racist behaviour towards First Peoples by members of the Victorian Police Force. The Synod issued a postcard campaign involving our supporters addressing the case of 18 year old Tommy Lovett who was assaulted by police officers after being mistakenly identified as a suspect police were seeking to arrest. In March 2022, the Synod issued a letter-writing action on the case of Korey Penny, who was alleged assaulted by Victorian police officers on his way to work in 2020.

254. The Synod's theological education facility, Pilgrim Theological College, gives priority to ensuring that candidates for ministry are committed to listening and learning from the Congress to ensure that they are aware of the racist colonial past and to address that in their future ministries with Synod Congregations.

### Acknowledgment of the Church's role as a beneficiary of free / undervalue land grants

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|----|---|
| 9. | Please list the land grants provided to the Uniting Church in Australia for little to no financial consideration under: <ul style="list-style-type: none"> <li>a. the <i>State Aid to Religion Abolition Act 1871</i> (Vic); or</li> <li>b. any other grants from the State of Victoria.</li> </ul> |
|----|---|

255. The Uniting Church in Australia was created in 1977. Since 1977, the Uniting Church has not received any land grant for little or no financial consideration. All of its property acquisitions since 1977 have been made at market value, or were donations from church members (through living trusts or deceased estates).

256. Land grants by way of State aid to religion were a practice of the colonial government(s) prior to 31 December 1870. The colonial governments of New South Wales (prior to July 1851) and Victoria (1851-1870) made grants of land to various churches. These were either temporary or permanent reserves.
257. Prior to 1859 the following seven Churches associated with the Uniting Church in Australia may have received land grants:
- (a) Wesleyan Methodist;
  - (b) Bible Christian Church;
  - (c) Primitive Methodists;
  - (d) Methodist New Connexion;
  - (e) United Methodist Free;
  - (f) Church of Scotland (Established Church); and
  - (g) United Presbyterian Church.
258. A further two Churches associated with the Uniting Church – Free Church (Presbyterian) and the Congregational Church (also called the Independents) – had official positions of rejecting any State aid (such as land grants) from 1846-1859, and 1860 onwards, respectively.
259. In 1859 the Church of Scotland (Established Church), United Presbyterian Church and Free Church (Presbyterian) merged to form the Presbyterian Church of Victoria.
260. The Uniting Church does not have any register or index listing all land grants made to the above-named churches between 1836 and 1870. Identification of all land grants made to these entities would require an issue-by-issue examination of the Government Gazette along with property-by-property review of multiple historic titles associated with each site.
261. The Uniting Church typically reviews the history of a property only when starting the sale process for real property – in order to identify encumbrances or special trusts that may apply to the title. A recent review into the origins of 120 properties held by a Uniting Church institution took over four months for two to three staff to complete, with disbursements of over \$10,000. The research required to identify all land granted to the eight churches listed above would be far more complicated, and require double to triple, if not more, of the effort described. Given the timing required for this response, it has not been possible to undertake a complete review.

10. Please list the applications made by the Uniting Church in Australia (or its predecessors) under the *State Aid to Religion Abolition Act 1871 (Vic)* for leave to dispose of public land reserved for religious purposes and to use the proceeds for the purposes of that church.

262. The Synod does not have records of applications made by the Uniting Church or its predecessor churches prior to January 1990 under the *State Aid to Religion Abolition Act* for leave to dispose of public land reserved for religious purposes and to use the proceeds for the purposes of the Uniting Church or the predecessor churches. Applications of this type are recorded in the Government Gazette and could be identified given sufficient time and resources. The Synod is unable to conduct this search in the time available for this response.
263. Having completed inspections of the Government Gazettes from 1990 to 2024, the Synod confirms that the Uniting Church has in that time made 75 applications under the *State Aid to Religion Abolition Act* for leave to dispose of public land reserved for religious purposes and to use the proceeds for the purposes of the Uniting Church.<sup>310</sup> Those applications are listed in Appendix E to this response. Some of the activity during this period appears to have been associated with the Titles Office move to electronic versions of titles around 1998.

11. Please summarise any acknowledgement or statement previously made (and provide reference to the supporting documents) by the Uniting Church in Australia acknowledging its role as a beneficiary of that land.

264. We understand that the reference to "that land" in Request 11 is a reference to the land the subject of Requests 9 and 10. Our response to Request 11 proceeds upon this basis.
265. We have not provided any specific acknowledgement or statement regarding being a beneficiary in respect of the particular land the subject of Request 11. However, the Uniting Church has made statements about Second Peoples as beneficiaries of the colonial system, and about the dispossession of First Peoples of their land generally.
266. In the "Statement to the Nation" delivered in 1988,<sup>311</sup> the Assembly declared:
- [T]hose of us who have migrated to Australia in the last two centuries or are the descendants of migrants, confess that all of us are beneficiaries of the injustices that have been inflicted on those of us who were Aboriginal people. In varying degrees, we all contribute to, and perpetuate those injustices. We recognise the violence which has been done to the Aboriginal people in the colonisation of this continent and the injustices by which Aborigines have been deprived of the land. We recognise the continuing Aboriginal experience of violence and injustice.*
267. As noted above, the definition of "Second Peoples" in the Uniting Church in Australia's Constitution [UCA.5000.0005.7467], reflects the Church's broad acknowledgement of Second Peoples as beneficiaries of the colonial system:

<sup>310</sup> Those inspections show that there were no applications made after 2009. Copies of the Government Gazette Schedule 1 advertisements in respect of the applications made from 1990 to 1997 are at [UCA.5004.0001.0054] and those for 1998 to 2009 are at [UCA.5003.0001.1126].

<sup>311</sup> [UCA.5004.0001.0027].

**Second Peoples** are all those peoples who have come after the First Peoples and who are beneficiaries in some way of the invasion and dispossession of the lands of the First Peoples. Among Second Peoples within the Church are many whose racial, cultural and linguistic backgrounds, experiences and expression of Christian faith are not those originating in Western forms of thought and theological expression.

268. Further, the national Assembly as early as 1979 resolved that it [UCA.5001.0001.0075]:

- (a) *Recognize the injustice done to Aboriginal people through the dispossession of their lands, the importance of ties with their land for the maintenance by Aboriginals of their culture, and the economic importance of land; and affirm its support for Aboriginal groups seeking to obtain freehold title to traditional lands or land to be used for housing and economic support, and compensation for land which has been expropriated.*
- (b) *Recommend to Synods, Presbyteries and parishes and members that they enter into dialogue with local groups of Aborigines to ascertain whether suitable properties owned by the Church may be made available to them in perpetuity so as to meet some of their needs for housing and land;*
- (c) *Acknowledge that, by such action, they will acknowledge the injustice that has been done to Aboriginal people and the complicity of the Churches in it;*
- (d) *Encourage further consultation and dialogue with Aboriginal groups which may be needed to determine whether additional assistance is required to ensure that they can use the land they wish;*
- (e) *Acknowledge that such an action will challenge the acquisitiveness, covetness, and materialism of our society which made the dispossession possible and has for so long delayed compensation, thus setting an example of the willingness to dialogue with local Aboriginal groups, and to make the sort of sacrifice required of the white Australian community in natural justice.*

269. Finally, the Preamble to the Uniting Church in Australia's Constitution, as relevantly extracted at 170 above, acknowledges both the complicity of many of the predecessor churches in "injustice that resulted in many of the First Peoples being dispossessed from their land" (clause 5).

## Acknowledgment of systemic racism

12. Please summarise the Uniting Church in Australia's position on systemic racism toward First Peoples in Victoria; referencing any public positions or announcements previously made on this topic.

270. The Synod laments the systemic and structural racism suffered by First Peoples.

271. As early as 1981, the Uniting Church was actively concerned with the systemic inequalities faced by First Peoples and was part of a commitment by the then Australian Council of Churches not to take part in the Bicentennial celebrations if sufficient progress had not been made towards meeting “the just claims of Aboriginal people for Land Rights, freedom to rebuild their society, and financial compensation.”<sup>312</sup> As a result in 1981, the Synod Aboriginal Affairs Committee participated in three consultations arranged by the Aboriginal Advancement League and the Victorian Council of Churches, in which First Peoples and organisations and the churches explored their relationship and entered into a listening process.<sup>313</sup>
272. In 1982, public statements as to systemic racism suffered by First Peoples in Australia, including those in Victoria, were made by the Uniting Church in Australia, whose Assembly resolved to:<sup>314</sup>
- (a) *Express deep appreciation for our fellowship within the World Council of Churches, and give thanks to God for the members of the WCC team who responded to the invitation from this and other churches to come and assess the situation of Aboriginal Australians, who listened with love and concern to Aboriginal people around Australia, and who left us with the prayer that ‘their visit may call us all to deeper commitment to combat the evil of racism, so that God’s will may be done on earth’.*
  - (b) *Note the enthusiastic involvement of Aboriginal people in the team visit, and the endorsement of the report entitled ‘Justice for Aboriginal Australians’ by many Aboriginal people, communities and organizations.*
  - (c) *Note the report’s challenge to our councils, agencies and congregations to persevere in efforts towards*
    - (i) *Combating racism in Australia;*
    - (ii) *Pursuing the intent of resolution 79.45 of the Second Assembly which recognizes the injustice done to Aboriginal people by the dispossession of their land and asks the white Australian community to make the sacrifices required by natural justice;*
    - (iii) *Acting on our conviction that all people must be free to make the critical decisions of their own lives and, therefore, supporting the Aboriginal people and organizations who seek control of their own lives; who act to provide their community with the services it needs; who exercise their initiative in attempting new enterprises; who struggle to bring new hope and a new age for Aboriginal Australians;*
    - (iv) *Encouraging Aboriginal congregations and ministers to develop a theology which is related to their own culture and which arises from within Aboriginal people’s experience of the Gospel;*
    - (v) *Supporting Aboriginal people and organizations who share the WCC team’s concern over those mining activities which seek to utilize resources located on land which Aboriginal Australians know to be essential to the survival of their community life.*

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<sup>312</sup> Extract of Report to the Synod of Victoria 1981 Meeting, D2.4 [UCA.5000.0005.3367].

<sup>313</sup> Ibid, D2.4.

<sup>314</sup> [UCA.5001.0001.0078].



- (d) *Acknowledge the serious institutional disadvantages Aboriginal people suffer in health, housing, education, employment and the legal system which have been high-lighted in the report and:*
  - (i) *Offer its support and encouragement to those Aboriginal people seeking greater involvement and closer control of the education of their children;*
  - (ii) *Request the Commission on Social Responsibility and the Commission for World Mission to prepare well researched material on each major area of disadvantage to provide a basis for action by the councils, agencies and members of the Church, and provide immediately notated information about existing material.*
- (e) *Endorse the action of the Australian Council of Churches in establishing a combined churches committee to advise and encourage the churches in their response to the report; and commend the Synods for the steps they have already taken to study and act on its recommendations.*

273. In the Uniting Church in Australia's 1994 Covenanting Statement<sup>315</sup> (extracted in full at 63 above), systemic racism against First Peoples was a central theme:

*We lament that our people took your land from you as if it were land belonging to nobody, and often responded with great violence to the resistance of your people; our people took from you your means of livelihood, and desecrated many sacred places. Our justice system discriminated against you, and the high incarceration rate of your people and the number of Black deaths in custody show that the denial of justice continues today.*

...

*We regret that our [predecessor] churches cooperated with governments in implementing racist and paternalistic policies. By providing foster-homes for Aboriginal children, our [predecessor] churches in reality lent their support to the government practice of taking children from their mothers and families, causing great suffering and loss of cultural identity. Our [predecessor] churches cooperated with governments in moving people away from their land and resettling them in other places without their agreement.*

274. Additionally, the Covenanting Statement spoke to the structural inequalities faced by First Peoples and expressed a desire to combat the effects of systemic discrimination on First Peoples:

*It is our desire to work in solidarity with the Uniting Aboriginal and Islander Christian Congress for the advancement of God's kingdom of justice and righteousness in this land, and we reaffirm the commitment made at the 1985 Assembly to do so. We want to bring discrimination to an end, so that your people are no longer goaled in disproportionate numbers, and so that equal housing, health, education and employment opportunities are available for your people as for ours. To that end we commit ourselves:*

1. *to work with you towards national and state policy changes;*
2. *to build understanding between your people and ours in every locality;*

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<sup>315</sup> [UCA.5000.0005.7467], 31.

3 to build relationships which respect the right of your people to self-determination in the church and in the wider society.

275. An acknowledgement of systemic racism against First Peoples appears in the Preamble to the Uniting Church in Australia's Constitution<sup>316</sup> (extracted in full at paragraph 285 below) at clauses 5 to 6:

5. *Many in the uniting churches [i.e. predecessor churches], however, shared the values and relationships of the emerging colonial society including paternalism and racism towards the First Peoples. They were complicit in the injustice that resulted in many of the First Peoples being dispossessed from their land, their language, their culture and spirituality, becoming strangers in their own land.*
6. *The uniting churches [i.e. predecessor churches] were largely silent as the dominant culture of Australia constructed and propagated a distorted version of history that denied this land was occupied, utilised, cultivated and harvested by these First Peoples who also had complex systems of trade and inter-relationships. As a result of this denial, relationships were broken and the very integrity of the Gospel proclaimed by the churches was diminished.*

...

276. Otherwise, the Synod and the Assembly have made various resolutions addressing matters generally intertwined with the topic of systemic racism suffered by First Peoples and, in this regard, we refer to the resolutions extracted at Annexures G and H to this response.
277. The Uniting Church has, through its social justice advocacy work, taken a public stance against system racism toward First Peoples in Victoria, as demonstrated by its support for the Voice to Parliament discussed at paragraph 309 below, the 1984 Submission to the Victorian Parliamentary Inquiry on "Compensation to Victorian Aborigines for Dispossession and Dispersal",<sup>317</sup> and the Synod's 2019 resolution<sup>318</sup> to support the Uluru Statement from the Heart.
278. Beyond advocacy, the Uniting Church's programs described in response to Request 8 seek to work towards reconciliation and renewal as called for by the Preamble to the Constitution of the Uniting Church in Australia,<sup>319</sup> and to bringing to an end discrimination so that First Peoples are no longer gaoled in disproportionate numbers, and so that equal housing, health, education and employment opportunities are available for First Peoples in the same way as for Second Peoples, as envisioned by the Covenanting Statement.

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<sup>316</sup> [UCA.5000.0005.7467], 40.

<sup>317</sup> [UCA.5000.0005.4322].

<sup>318</sup> [UCA.5003.0001.1031].

<sup>319</sup> [UCA.5000.0005.7467].

## Support for Truth, Treaty and reconciliation with First Nations communities

13. Please provide an overview of the Uniting Church in Australia's position on Truth, Treaty and reconciliation with First Peoples.

### Overview

279. The Synod, and the Uniting Church in Australia, are committed to supporting Truth-telling, Treaty, and reconciliation, and have held a position to this effect since at least the 1980s. The European colonial system has disenfranchised and dispossessed First Peoples in a way that does not align with the Synod's and the Uniting Church in Australia's vision of equality as to the dignity of all creation. As the Preamble to the Uniting Church in Australia's Constitution<sup>320</sup> concludes, the Church eagerly anticipates "that coming reconciliation and renewal which is the end in view for the whole creation". Truth-telling and Treaty are essential components to any just future order and true reconciliation.

280. In this regard, the Synod welcomes Yoorrook's inquiry and establishment of a public record into the ways in which colonisation has obstructed and harmed the connection of First peoples to their cultures, languages, traditions, and land. The Synod hopes, and is optimistic, that the reports that will be published by Yoorrook will contribute significantly to public discourse around, and understanding of, distributive and historical injustice faced by First Peoples and, thereby, will facilitate Truth-telling, advancement of Treaty, and, ultimately, substantive reconciliation.

281. As far back as 1987, the Synod resolved that:

*[T]he Australian Government be requested to establish in 1988 effective processes involving Aboriginal people which are designed to lead to a treaty which recognizes prior Aboriginal ownership of Australian land, and which will begin to address the continued dispossession and needs of Australian Aboriginal people.*<sup>321</sup>

282. Further, as early as 1988, in the Statement to the Nation, the Assembly stated that:

*The integrity of our nation requires truth; the history of Australia, as it is taught in educational institutions or popularised in the media, must cease to conceal the reality and nature of Aboriginal society before invasion, what was done to them in colonisation, and what has been the fate and status of Aborigines within the Australian nation.*<sup>322</sup>

283. As recently as 2019, the Synod resolved:

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<sup>320</sup> [UCA.5000.0005.7467].

<sup>321</sup> Extract of Synod of Victoria 1987 Meeting Minutes [UCA.5004.0001.0080].

<sup>322</sup> [UCA.5004.0001.0027].

- (a) *To support the 2017 Statement from the Heart made at Uluru as a consensus position of 250 Aboriginal and Torres Strait Islander leaders from across Australia as the preferred pathway towards reconciliation, and urge the Commonwealth Government to implement:*
  - (i) *The establishment of a First Nations Voice enshrined in the Constitution so that First Peoples have a greater say in policy and legislation which governs their affairs and, in so doing, improve their autonomy and prosperity;*
  - (ii) *The establishment of a Makarrata Commission to supervise a process of agreement-making between governments and First Nations, and provide a means for truth-telling about the history of Australia's First Peoples.*
- (b) *To commend the Statement from the Heart to congregations, presbyteries and agencies for prayerful engagement and discussion;*
- (c) *To advise the Prime Minister and the Leader of the Opposition of this Synod's resolution.*<sup>323</sup>

284. The Synod, and the Uniting Church in Australia, both strongly support Truth-telling, Treaty, and reconciliation with First Peoples. An overview of the Uniting Church's commitment to these matters is provided by way of reference to the following sources of public statements (whether in foundational documents or in resolutions) made by the Church at both a Synod and a national level, and by reference to the following public initiatives in which the Church has advocated in favour of broad reconciliation for First Peoples.

***The Preamble to the Uniting Church in Australia Constitution***

285. The Preamble to the Uniting Church in Australia's Constitution<sup>324</sup> was adopted in 2009. We extract the Preamble in full here because of its central importance to the subject matter of this request:

*The Uniting Church in Australia was formed on 22 June, 1977 by the union of the Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia after the approval of "The Basis of Union" by the Councils and Courts of those three churches, guided by the belief that they had been called by God into this union.*

*The Church in accordance with the Basis of Union accepts that the responsibility for government in the Church belongs to the people of God by virtue of the gifts and tasks which God has laid upon them and so organises its life that locally, regionally and nationally, government is entrusted to representatives, men and women, bearing gifts and graces, with which God has endowed them for the building up of God's Church and that therefore the Church shall be governed by a series of inter-related councils, each of which has its tasks and responsibilities in relation to the Church and the world.*

*The Church in accordance with the Basis of Union acknowledges that the demand of the Gospel, the response of the Church to the Gospel and the discipline which it requires are partly expressed in the formulation by the Church of its law, the aim of which is to confess God's will for the life of Christ's Church.*

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<sup>323</sup> [UCA.5003.0001.1031].

<sup>324</sup> [UCA.5000.0005.7467].

*As the Church believes God guided it into union so it believes that God is calling it to continually seek a renewal of its life as a community of First Peoples and of Second Peoples from many lands, and as part of that to*

**RECOGNISE THAT**

1. *When the churches that formed the Uniting Church arrived in Australia as part of the process of colonisation they entered a land that had been created and sustained by the Triune God they knew in Jesus Christ.*
2. *Through this land God had nurtured and sustained the First Peoples of this country, the Aboriginal and Islander peoples, who continue to understand themselves to be the traditional owners and custodians (meaning 'sovereign' in the languages of the First Peoples) of these lands and waters since time immemorial.*
3. *The First Peoples had already encountered the Creator God before the arrival of the colonisers; the Spirit was already in the land revealing God to the people through law, custom and ceremony. The same love and grace that was finally and fully revealed in Jesus Christ sustained the First Peoples and gave them particular insights into God's ways.*
4. *Some members of the uniting churches [predecessor churches] approached the First Peoples with good intentions, standing with them in the name of justice; considering their well being, culture and language as the churches proclaimed the reconciling purpose of the Triune God found in the good news about Jesus Christ.*
5. *Many in the uniting churches [predecessor churches], however, shared the values and relationships of the emerging colonial society including paternalism and racism towards the First Peoples. They were complicit in the injustice that resulted in many of the First Peoples being dispossessed from their land, their language, their culture and spirituality, becoming strangers in their own land.*
6. *The uniting churches [predecessor churches] were largely silent as the dominant culture of Australia constructed and propagated a distorted version of history that denied this land was occupied, utilised, cultivated and harvested by these First Peoples who also had complex systems of trade and inter-relationships. As a result of this denial, relationships were broken and the very integrity of the Gospel proclaimed by the churches was diminished.*
7. *From the beginning of colonisation the First Peoples challenged their dispossession and the denial of their proper place in this land. In time this was taken up in the community, in the courts, in the parliaments, in the way history was recorded and told, and in the Uniting Church in Australia.*
8. *In 1985 Aboriginal and Torres Strait Islander members of the Uniting Church in Australia formed the Uniting Aboriginal and Islander Christian Congress.*
9. *In 1988 the Uniting Aboriginal and Islander Christian Congress invited the other members of the Church to join in a solemn act of covenanting before God.*

10. *After much struggle and debate, in 1994 the Assembly of the Uniting Church in Australia discovered God's call, accepted this invitation and entered into an ever deepening covenantal relationship with the Uniting Aboriginal and Islander Christian Congress. This was so that all may see a destiny together, praying and working together for a fuller expression of our reconciliation in Jesus Christ.*

*AND THUS the Church celebrates this Covenantal relationship as a foretaste of that coming reconciliation and renewal which is the end in view for the whole creation.*

286. The Constitution was also amended to include the following definitions:

**Covenantal relationship** is the relationship which exists between the Uniting Aboriginal and Islander Christian Congress and the Assembly, which began in the invitation of 1988 and response of 1994, in which both groups commit themselves to developing more just, inclusive and equal relationships in the Church that recognise the place of First Peoples, the difficult history of this nation since invasion, and the particular responsibility of the Uniting Aboriginal and Islander Christian Congress for ministry with and among Aboriginal and Islander peoples.

...

**First Peoples** are the Aboriginal and Islander peoples of Australia who are the indigenous peoples of this land. These peoples are a diverse group with many languages and communal identities.

...

**Second Peoples** are all those peoples who have come after the First Peoples and who are beneficiaries in some way of the invasion and dispossession of the lands of the First Peoples. Among Second Peoples within the Church are many whose racial, cultural and linguistic backgrounds, experiences and expression of Christian faith are not those originating in Western forms of thought and theological expression.

287. Thus, the very Preamble to, and the substance of, the Uniting Church's foundational document, acknowledges the significance and history shared between First Peoples and the land, the systemic and historical oppression and injustice faced by First Peoples as a result of colonisation, and the role of many members of our predecessor churches as complicit in that system. Further, the Preamble and the Constitution in which the Covenanting Statement is enshrined seeks to empower Truth-telling by First Peoples' voices through the Congress.

### **The Covenanting Statement and the Congress**

288. The Covenanting Statement, extracted in full at 63 above, includes an acknowledgement on the behalf of the Assembly for the "wrongs done knowingly or unknowingly" to First Peoples by the Church, and seeks the forgiveness of First Peoples, as part of an act of Truth-telling by way of acknowledgment and apology.

289. The establishment of a solemn relationship with the Congress is part of the commitment of the Uniting Church to allow for Truth-telling and self-determination by First Peoples.

***The 1988 Statement to the Nation***<sup>325</sup>

290. The Statement to the Nation expressed the necessity of Truth-telling and the need for reconciliatory action as extracted at paragraph 282 above.

***Synod Resolutions***

291. Various resolutions have been made by the Synod in relation to the matters involving land injustice in terms of First Peoples, the need for reconciliation with First Peoples, the significance of Truth-telling and Treaty being achieved in respect of First Peoples, and the Synod's commitment to the aforementioned matters. Relevant resolutions are extracted at Appendix F to this response.

***Relevant National Uniting Church Resolutions***

292. In addition to the resolutions of the Synod that are relevant to First Nations People and land justice, there are also resolutions of the Assembly meetings. The Assembly, as explained at 44 above, is made up of Uniting Church in Australia delegates from across Australia, including Victoria and, as further explained above, the Assembly sets policy positions that are held by the Synod.

293. The relevant resolutions of the Assembly are extracted at Appendix G to this response.

***Submission to 1984 Victorian Parliamentary Inquiry into Compensation for First Peoples***

294. In March 1984, the Aboriginal Affairs Committee of the Synod and the Working Group on Aboriginal Matters, Province of Victoria, Anglican Church of Australia, made a joint submission to the Victorian Parliamentary Social Development Committee to the Committee's inquiry into "Compensation to Victorian Aborigines for Dispossession and Dispersal". The submission opened with the statement:<sup>326</sup>

*The Churches believe that the Aboriginal peoples' struggle for land rights and compensation is not only fundamental to their identity but a question of justice which confronts the whole Australian community. We wish to endorse and encourage the process of implementation of policies which recognise Aboriginal land rights, compensate for dispossession, and satisfy claims for self-determination and self-management. Our submission aims to encourage significant parties to the process: the State Parliament and Government, the Victorian Aboriginal Community and the Victorian Churches, to establish clear agreement about the fundamental moral principles and policies upon which the more detailed issues of compensation may be marked out.*

295. The submission stated that:<sup>327</sup>

*The case for compensation is grounded in the social and historical fact that the Victorian Aboriginal population has continued to exist and express its livelihood in unique cultural forms in spite of the effects of European custom and Government policy and practice.*

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<sup>325</sup> [UCA.5004.0001.0027].

<sup>326</sup> Working Group on Aboriginal Matters, Anglican Province of Victoria and Aboriginal Affairs Committee, Uniting Church in Australia, Synod of Victoria, "The Demands of Justice", March 1984, i. [UCA.5000.0005.4322]

<sup>327</sup> Ibid, ii.

296. The Churches' submission argued that the First Peoples' struggle for land rights and compensation, "is an issue which will test the moral maturity and political fortitude of the nation's governing bodies."<sup>328</sup>

297. Further:<sup>329</sup>

*Claims for land rights and compensation should account for this diversity; for the interests expressed may be specific to particular families and geographical areas when connected to former government reserves, stations and depots – whether alienated or still Crown land.*

298. In supporting the case for compensation for First Peoples, the submission stated:<sup>330</sup>

*Claims for compensation to Aboriginal people are based on two fundamental and distinct principles: land rights and self-determination:*

*C.1 The case or recognising land rights in some appropriate form, if need be by compensation for dispossession and dispersal, rests primarily on the traditional and profoundly spiritual relationship between Aborigines and the land.*

*C.2 The case for recognising a measure of self-determination for Aborigines finds support in evolving international law. This submission, though acknowledging its difficulties, is committed to the recognition of self-determination, while also accepting that arguments concerning 'sovereignty' may continue to be raised.*

*C.3 In Section 3.3.4.2 it is argued that the Federal and State Governments of this land should at least seek to develop a Legislative and Administrative Programme which would include the following:*

*(i) The return of land to Aboriginal groups and communities with secure freehold Title.*

*(ii) The support of strong independent Aboriginal organisations.*

*(iii) The ensuring of autonomy of Aboriginal people through their organisations to make the decisions affecting their own lives.*

*(iv) The provision of training to Aboriginal people in the skills necessary to run their own organisations and to live autonomous lives.*

*(v) The encouragement of enterprises and initiatives developed by Aboriginal people to meet the complex social issues confronting them.*

*(vi) The provision of programmes that are just, having regard to the particular needs of Aboriginals and the particular obligation of the whole community, in (a) Housing; (b) Employment; (c) Education; (d) Health Care; (e) Legal Aid.*

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<sup>328</sup> Ibid, 2.

<sup>329</sup> Ibid, ii.

<sup>330</sup> Ibid, iii – iv.



299. Through the submission, the Synod and the Victorian Anglican Church recognised that addressing the injustice of the racist colonial past needed to be material and not just symbolic.<sup>331</sup>

*The churches value framework provides the bases for our support of key aspects of Aboriginal claims for compensation:*

- D.1 *A recognition of the Churches roles in the historical situation which led to the destruction of much Aboriginal culture based on a social practice and theology which often uncritically accepted European domination.*
- D.2 *A desire to re-emphasise our identity as the servant people of God, following the way of Christ the Servant King, thus leading to a critical perspective on European culture, whilst maintaining a creative tension with respect to all cultures.*
- D.3 *A recognition of the need to respond positively in ways that both acknowledge and compensate for past errors but more importantly provide encouragement for the future development of Aboriginal identity within the context of a democratic, pluralist and multicultural society.*

**Other activities related to Truth-telling, Treaty, and reconciliation**

300. In 1980, the Warrnambool and Allansford Uniting Church Congregations publicly supported a land rights claim by Traditional Owners for land around Framlingham.<sup>332</sup>
301. In 2002, the Synod organised a two-day public conference on the 10<sup>th</sup> anniversary of the High Court's Mabo decision under the title of "Unfinished Business". The aims of the conference included to:<sup>333</sup>
- (a) provide an opportunity for community-wide discussion and thought on the future shape of Australia's cultural identity in relation to First Peoples and Second Peoples;
  - (b) provide a forum where First People could address the nation;
  - (c) bring together Australians from a variety of community, political and social settings to investigate and stimulate the public exploration of issues of identity and race in our nation;
  - (d) promote an understanding that the "unfinished business" of justice for First Peoples is an issue for all Australians, not just First Peoples; and
  - (e) acknowledge the true historical journey of Australia and the place that race and skin colour has played in access to power and resources.

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<sup>331</sup> Ibid, v.

<sup>332</sup> Rev H. J. Herbert, *Uniting Church in Australia Information Kit on Aboriginal Land Rights Claim Framlingham, Victoria*, 1980.

<sup>333</sup> Extract of Report to the Synod of Victoria and Tasmania 2002 Meeting, B2.1-B2.2 [UCA.5009.0001.0009].

302. The conference was organised around four themes:
- (a) land and sea justice;
  - (b) talking Treaty;
  - (c) race, identity and power; and
  - (d) the journey of healing.
303. Each of these themes was led through a process involving:<sup>334</sup>
- (a) a 30-minute lead paper from a First Person;
  - (b) a 20-minute response from a Second Person;
  - (c) a panel discussion, made up of both First and Second People; and
  - (d) a group discussion with the conference broken up into “areas of influence”.
304. The then leader of the Federal Opposition, Simon Crean, addressed the conference. The government of the day declined the invitation to provide a speaker at the conference.<sup>335</sup>
305. The proceedings of the conference were published as a book in June 2002.<sup>336</sup>
306. In 2016, the Synod Social Justice Unit organised an ecumenical forum on Christian perspectives on treaty, sovereignty and constitutional recognition that was held at the Wesley Uniting Church in Lonsdale Street. Over 350 people attended. Speakers were a mix of First People leaders and Second People church leaders.<sup>337</sup>
307. In 2020, the Synod Social Justice Unit released a study guide endorsing the Uluru Statement from the Heart to Congregations and members.<sup>338</sup>
308. In 2021, the Synod worked with the Uniting Church National Assembly and other Synods to publicly issue its vision for a socially just Australia and world. The vision included Treaty with Australia’s First Peoples.<sup>339</sup>

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<sup>334</sup> Ibid, B2.2.

<sup>335</sup> Ibid, B2.2.

<sup>336</sup> John Rickard and Vince Ross (eds.), *Unfinished Business*, (Thornbury: DESBOOKS, 2002).

<sup>337</sup> "Renewing the Covenant Task Group Report" to the Synod of Victoria and Tasmania 2017 Meeting, D5.1 [UCA.5003.0001.1228]

<sup>338</sup> <https://justact.org.au/first-people/actions/>

<sup>339</sup> The Synod Vision is also available here: [Vision and Mission - Uniting Church in Australia. Synod of Victoria and Tasmania \(uca.org.au\)](https://www.uca.org.au/vision-and-mission)

### **Support for the Voice to Parliament**

309. The Synod actively campaigned for a Voice to Parliament to be enshrined in the Commonwealth Constitution. Staff from the Synod Social Justice Unit attended numerous forums with Presbyteries and Congregations across the Synod. They also resourced Congregations with materials for the 'Yes' campaign when requested ahead of the 2023 Referendum.
310. In February 2024, the Moderator wrote to the Leader of the Opposition in Victoria on behalf of the Synod to express disappointment at the Opposition's withdrawal of support for developing a treaty in Victoria and seeking a meeting to put the case for a treaty.

14. Please outline any current or planned redress or reconciliation initiatives for Victorian First Nations communities.

311. The Uniting Church's theory of reconciliation and redress revolves around a commitment to substantive justice to be achieved through the lens of First Peoples' self-determination.
312. The relationship between the Uniting Church and the Congress is enshrined in the Covenanting Statement and in the Preamble to the Constitution and the substance of the Constitution itself. The Uniting Church is therefore linked with First Peoples at a foundational level and will necessarily continue to operate by actively engaging with, and being guided by, the Congress in terms of issues of First Peoples' justice. The Uniting Church's approach to reconciliation is therefore guided at its essence by the covenanting relationship.
313. The Synod will continue to fund and support the Victorian Congress and its activities supporting reconciliation and respect of First Peoples' culture, history and traditions, as it has with Narana Creations.
314. The Synod Social Justice Unit will continue its dialogue with the Congress and seek to advocate on First Peoples' social justice issues (including land justice), seeking reforms in both Victoria and nationally and supporting causes such as those outlined at paragraph 253 above.
315. The Synod will also continue to provide support and social services to First Peoples through its Related Incorporated Institutions, such as UVT, and through other local initiatives like the response to healthcare inequalities at the Indigenous Hospitality House in Carlton.
316. The organisational and landholding structure of the Uniting Church (being subject to settled charitable trusts and certain legislative requirements) means that any proposal for redress that would see the Uniting Church alienate its trust property would need to be considered in the light of limitations created by the relevant trusts and legislation.
317. Consistent with the call made by the Preamble to the Constitution of the Uniting Church in Australia and the Synod Vision of *'following Christ, walking together as First and Second Peoples, seeking community, compassion and justice for all creation'*, the Synod looks forward to the recommendations on redress and reconciliation which may be suggested by Yoorrook and to working cooperatively towards a more just future for First Peoples in the treaty process to come.

**Dated: 4 April 2024**