

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
FAITH-BASED INSTITUTIONAL RESPONSE HEARING**

Under The Inquiries Act 2013

In the matter of The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

Royal Commission: Judge Coral Shaw (Chair)
Dr Anaru Erueti
Ali'imua Sandra Alofivae
Paul Gibson

Counsel: Mr Simon Mount QC, Ms Kerryn Beaton QC, Ms Katherine Anderson, Ms Tania Sharkey, Mr Michael Thomas, Ms Kathy Basire and Ms Alisha Castle for the Royal Commission

Ms Rachael Schmidt-McCleave and Ms Julia White for the Crown

Ms Sally McKechnie and Ms Brooke Clifford for Te Rōpū Tautoko, the Catholic Bishops and Congregational Leaders

Ms India Shores for the Anglican Church

Ms Maria Dew, Ms Kiri Harkess and Mr Lourenzo Fernandez for the Methodist Church and Wesley Faith.

Mr Brian Henry, Mr Chris Shannon and Ms Sykes for Gloriavale

Venue: Level 2
Abuse in Care Royal Commission of Inquiry
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TRANSCRIPT OF PROCEEDINGS

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13 So that's all I wanted to say on that point and now might I say -- how are we going
14 to refer to all our witnesses today, will they want to be called by their first names?

15 **MS McKECHNIE:** Yes ma'am, Tim.

16 **CHAIR:** Father Tim, thank you very much for joining us via the AVL and sitting patiently
17 through the beginning. We appreciate your attendance from the other side of the world. So
18 thank you so much and I'm going to leave you now once I've taken the oath.

19 **FATHER TIMOTHY DUCKWORTH (Affirmed)**

20 **QUESTIONING BY MS McKECHNIE:** Tim, this is the second time that you have appeared to
21 give evidence in the Royal Commission and you prepared a brief of evidence for this. Do
22 you have a copy of it in front of you?

23 **FATHER DUCKWORTH:** I do. I also have a shortened form of it.

24 **MS McKECHNIE:** We'll get to that momentarily Tim. Before we do, can you just confirm that
25 the content of your witness statement is true to the best of your knowledge?

26 **FATHER DUCKWORTH:** It is.

27 **MS McKECHNIE:** Thank you. Now ma'am, given that Tim is in Rome as part of a long
28 meeting, rather than leading evidence-in-chief he has prepared a short summary of his
29 evidence to introduce himself to you again and to those watching, and to summarise his
30 evidence. So Tim, I'd ask that you read that now. Ma'am, we do have a copy of it but it
31 will be read into the record so if --

32 **CHAIR:** So he's going to -- you're just going to read that shortened version, is that right?

33 **MS McKECHNIE:** Yes, he is.

1 **CHAIR:** Thank you, that's very convenient, thank you.

2 **MS McKECHNIE:** If you could start please, Tim, that would be great.

3 **FATHER DUCKWORTH:** Tēnā koutou katoa, my name's Tim Duckworth, I'm a white-haired
4 Pākehā who's above retirement age. I think people would say I was pink complected, that
5 comes from having red hair in the past. I'm reasonably deaf in my left ear and I wear
6 glasses. I'm wearing a striped blue shirt.

7 I've been Provincial of the Society of Mary New Zealand since 1 February 2020.
8 I entered the Society in 1973 and was a seminarian until I was ordained a priest in 1982. So
9 I've been a priest for 40 years and served the Church and the Society in a range of
10 Ministries and apostolates, including in education.

11 I've previously given evidence to the Commission in the redress hearing. I reiterate
12 the sentiments and acknowledgements I made then that more should have been done to
13 prevent the pain and suffering of all those who should have been kept safe in our care,
14 including at St Patrick's College Silverstream and other schools.

15 What happened does not reflect what the Society of Mary stands for, and it doesn't
16 reflect why we provide education in Aotearoa New Zealand. The Society has a long
17 association with education in New Zealand. The Society has a large focus on education,
18 evangelising and developing young people to reach their potential through education and
19 formation has been, and still is, an important aim of the Society.

20 The Marist traditions continue to inform the core values of Society's schools,
21 including St Patrick's College Silverstream. Marist traditions and our charism are reflected
22 in the special character of the Society's schools. While the charism remains, expressions of
23 it and our values change over time and adapt to the circumstances that occur in society and
24 in the world.

25 The Society previously staffed a number of New Zealand schools. These were
26 mainly diocesan schools, meaning they were owned by the diocesan Bishop, and these
27 schools we provided teaching staff and ran the schools for the Diocese and the Bishop, but
28 we did not own the schools. In all of these schools the Marist presence gradually declined
29 over time, especially after integration. Today we have beneficial ownership of three
30 secondary schools. From the beginning the society has owned the land and buildings of
31 these schools, St Patrick's Wellington, St Bede's College Christchurch and St Patrick's
32 Silverstream.

33 Both Silverstream and St Bede's have boarding houses. Only one member of the

1 Society remains teaching in New Zealand; he teaches at St Patrick's College Wellington.
2 Three others provide part-time chaplaincy or ministry at these schools. One of them
3 provides ministry or chaplaincy at St Patrick's College Silverstream.

4 I taught briefly myself at St Patrick's Silverstream in the years '78 and '79. I was a
5 seminarian at the time, so I had not yet been ordained. I have not held any other role since
6 then at the College. My time at Silverstream began my extensive career in education and
7 youth development working in various Catholic secondary schools and boarding schools.
8 I've held positions on Catholic School Boards and providers, School Boards and as a Dean
9 of boarding.

10 I have limited personal knowledge of the day-to-day governance and management
11 of St Patrick's Silverstream at the present day. This is because the Society has what I
12 would call an appropriate arm's-length relationship with the Board of Proprietors for the
13 College.

14 The Society, as the founder and owner of the College, assures the Catholic
15 community that the College is well-run and successfully so as a Catholic school and the
16 Society supports it on that basis. But we do not determine how the College operates at a
17 day-to-day level.

18 I will summarise my understanding of the governance entities and relationships of
19 the College, where the Society has fitted into these relationships over time. I understand
20 after me you will hear from the current Chairs of the Board of Proprietors and School
21 Board and the Rector of the College who are much more able to speak to the current
22 governance and management arrangements at the College than I am. I will defer questions
23 to them where appropriate. As Ms McKechnie said, Dr Kevin Shore is there too to answer
24 general questions, specific questions about how the Catholic system works.

25 I'll now take you through my understanding of the governance of the College from
26 its beginnings through integration into the State system to today. Prior to integration, the
27 Rector was also the superior, the leader of the Marist community who was appointed by the
28 Superior General of the Society in Rome. The Rector had complete day-to-day
29 management of the school. The responsibility for such appointments was transferred to the
30 New Zealand Provincial in 1971 and he held this responsibility until integration. From then
31 on under integration the appointment of the Rector became the responsibility of the School
32 Board.

33 In 1966 prior to integration the Society set up Silverstream Board of Proprietors,

1 previously known as the Silverstream College Trust Board -- that makes it even more
2 confusing when the word "trust" is used, but they are both in fact trusts -- to hold the real
3 and personal property of the College, including the land and buildings, in trust for the
4 Society.

5 The Provincial of the Society appoints people to the Board of Proprietors. In 1975
6 the Private Schools Conditional Integration Act was passed and the head of the school's
7 integration, the purpose of the Trust Board was changed and extended in 1980 to include
8 acting as the Proprietor of the College. But the College itself wasn't integrated until 1983.

9 As a result of integration of the College, the Silverstream Board of Proprietors
10 became, and still is, responsible for governance and oversight of the boarding component of
11 the College. It develops policies and procedures and the Rector and boarding school
12 managers, such as the Director of Boarding, are responsible to them. The boarding hostel
13 was not integrated under the integration agreement. But there are government regulations
14 that are used in the boarding hostels.

15 The Board of Proprietors is also responsible under the trust deed and the
16 Silverstream integration agreement for the College land and buildings and for safeguarding
17 the special character of the College. However, the special character of the College is the
18 shared responsibility of several bodies and individuals. Each board and several people,
19 including the School Board, the Rector, the Director of Religious Studies and others take
20 their part in this.

21 At integration, Silverstream,- which is often what the school is just called, just
22 called Silverstream,- became a State school with a special Catholic character. Like all
23 State schools the school came under the governance of the Board of Governors, later called
24 the Board of Trustees and more recently known as the School Board-.

25 Since 2014 the Society has established a senate which has overall oversight of the
26 Boards of Proprietors at Society owned schools, the three schools I mentioned earlier. The
27 senate, on behalf of the Provincial and Council of the Society, is tasked with making sure
28 that all elements of proprietorship are cared for by the Boards of Proprietors and to provide
29 support and liaison with the boards. This includes advice on boarding facilities, land and
30 buildings and special character.

31 The Provincial does not typically participate in meetings with the senate but expects
32 to be kept ahead or abreast of any matters that may require the Provincial to make a
33 decision or are just important for him to know.

1 I will now move to my thoughts about the prevention and response to reports of
2 abuse that I understand will be canvassed at this hearing. It's terrible and very distressing
3 that there have been a number of historical incidents or instances of abuse at Silverstream.
4 From 2002 I was significantly involved with meetings with the men who reported abuse
5 from their time at Silverstream and who went through the Society's redress processes.

6 All of these instances of abuse related to members of the Society and therefore
7 come under the responsibility of the Society. I'm not aware that there have been serious
8 incidents of harm involving children, young people or adults since the mid-1980s. One of
9 the offenders was convicted for his crimes in 2004. As I have done before, I encourage
10 anyone who has suffered harm at the hands of our priests in Silverstream, and elsewhere –
11 anywhere in fact – to approach the Society. We want to assist you.

12 I have limited personal knowledge of events that took place at St Patrick's
13 Silverstream prior to 2002, as I was not there other than in 1978 and 1979. I was not
14 involved in any decisions about priests against whom allegations of abuse were made from
15 the 1950s to the 1980s.

16 It's very apparent to me that the steps taken in responding to the allegations of abuse
17 at the time of the offending were inadequate. It's quite unusual that there were reports and
18 allegations of abuse at the time of offending and I'll come to that in a little bit more.

19 The response that occurred at the time I believe lacked compassion and it lacked
20 insight and it failed to respond adequately to the needs of those that were harmed. For a
21 young person to come forward in the 1980s and report abuse was remarkably courageous.
22 That requires a strength that most of us would not have had. I'm deeply saddened that those
23 who spoke up were not helped in any significant way as they should have been.

24 Adults can be inadequate and can act very inadequately when faced with
25 information disclosed to them. Adults often see the need to protect reputations and
26 possibly even themselves when they should see first to the needs of the young people in
27 front of them and the real need to report such behaviour to parents, to caregivers, and to the
28 Police immediately.

29 One thing I hope that comes out of the Commission would be the recommendation
30 that mandatory reporting by all adults who care for children and young people is made law
31 in Aotearoa New Zealand. Documentary records showed that there was a heavy reliance on
32 the opinions and assessment of professional psychiatrists in determining the ability of the
33 alleged offender to rehabilitate and the suitability of them to continue working in certain

1 areas or in ministry. This resulted in instances where alleged offenders were transferred to
2 other areas of ministry where re-offending occurred. This is extremely regrettable. It's
3 awful. It's certainly not how the Society would deal with alleged offenders today.

4 **MS McKECHNIE:** Tim, if I can just stop you there. I understand that Michael's going to ask you
5 a number of questions about the redress process which you cover in the next part of your
6 summary.

7 **FATHER DUCKWORTH:** Okay, so just leave it alone.

8 **MS McKECHNIE:** It's perhaps not as brief as I think the Commissioners may have asked, so I'll
9 pause you there because that's the period of time we've been given, and then Michael's
10 going to ask you some questions.

11 **FATHER DUCKWORTH:** I'm very happy.

12 **CHAIR:** All right, thank you very much for that summary, Tim, that's extremely helpful to us.
13 I'm now going to hand over to Mr Thomas to ask you some questions.

14 **QUESTIONING BY MR THOMAS:** Thank you Madam Chair. Mōrena Tim. Can you hear me
15 okay, first of all?

16 **FATHER DUCKWORTH:** I can, yes.

17 **MR THOMAS:** Thank you. I'm going to start with some questions about some well-known
18 abusers at Silverstream College in the period pre-integration, that is pre 1983 when the
19 Society of Mary staffed the college. I appreciate that you weren't the Provincial at that
20 time, but as the representative of the Society today I'll be asking for your comment as best
21 you can on some of these events.

22 Starting with Alan Woodcock, and I'm going to call up a document on the screen so
23 that the Commissioners can follow it. This is CTH0004888.

24 **CHAIR:** Just for those in the hearing room, you will not see these, as explained at the beginning
25 of the hearing, because of the names mentioned, there's some privacy matters, there's a
26 whole lot of things and it was not possible to get them up in a clean source, so you won't
27 see them, but counsel will read out the relevant parts so that you can hear what is being
28 referred to. Thank you.

29 **MR THOMAS:** Thank you, Madam Chair.

30 Tim, do you have a copy of this document?

31 **FATHER DUCKWORTH:** I do have it, yes thanks.

32 **MR THOMAS:** Thank you. So this is a document provided to the Royal Commission by the
33 Catholic Church summarising information held about Alan Woodcock. On page 2 of that

1 document we see a note --

2 **MS McKECHNIE:** Can we just clarify, this was a document prepared for the Police. If you
3 could just take Tim to the first page and just explain what it is, Michael.

4 **MR THOMAS:** I understand this is a document prepared for the Police, but provided to the
5 Commission and prepared by the Catholic Church or the Society of Mary. My friend will
6 correct me if I'm wrong.

7 **FATHER DUCKWORTH:** Yes.

8 **MR THOMAS:** So on page 2 we see a note there recording that Alan Woodcock -- this is setting
9 out a chronology of some of the main events -- we see a note that he was convicted in 1979
10 of sexually assaulting a male -- I understand from other documents filed, a 17-year-old -- in
11 Christchurch and he received a suspended sentence. He was referred for psychiatric
12 treatment and appointed in 1980 to a parish role as an assistant priest.

13 Do you have any comment on why Alan Woodcock was appointed to another role
14 following a criminal conviction for a sexual offence?

15 **FATHER DUCKWORTH:** The page that you refer to in fact says what was there. He was sent
16 to a well-known psychiatrist who examined him at the time and it was his opinion that the
17 treatment that he received was such that he could be rehabilitated both medically and
18 psychologically. I don't think a psychiatrist would say that nowadays. The world was a lot
19 more naive in those years, I think.

20 **MR THOMAS:** Three years after that criminal conviction, so in 1982, he was appointed to a
21 teaching position at Silverstream College by the then Provincial. Why was a convicted
22 sexual offender appointed to a teaching position by the Society of Mary?

23 **FATHER DUCKWORTH:** I would say that he believed that the psychiatrist said to him that he
24 would be rehabilitated after his treatment. I wouldn't do that, I don't think anybody would
25 do that nowadays. The nature of sexual offending is such that people that do these things
26 generally are recidivists. I don't think that was well known then, I don't think the Society
27 understood that and I don't think the society in general understood that either.

28 **CHAIR:** Can I just ask a question in here.

29 Tim, did and does the Society of Mary have a policy about what happens when any
30 of its members is convicted of any offence? So, for example, had a person who was a priest
31 been convicted, say, of, I don't know, embezzlement, fraud, theft, would that person be
32 acceptable to the Society of Mary -- let's give it a real example. If somebody was convicted
33 of theft of monies from the Society of Mary, a breach of trust and a criminal act. Would

1 that person have been, back then in the '80s, kept on as a priest and allowed to continue his
2 representation of the Society of Mary?

3 **FATHER DUCKWORTH:** I guess they would have made a judgement at the time based on what
4 they were told. In fact we don't have anybody that had any cases other than cases of this
5 type. There are no other, that I know of, convictions at all for anything other than these
6 ones here and some others that happened about the same time.

7 **CHAIR:** Do you accept that there's a similarity -- I really accept it's a hypothetical, it's difficult --
8 but do you see a deep breach of trust, breaches the trust of the Society of Mary, stole
9 money, for example, I would imagine the Society of Mary would take that very seriously
10 and look sideways at anybody.

11 **FATHER DUCKWORTH:** Yeah, we would, absolutely, absolutely we would take it very
12 seriously. And I don't think, you know -- it's like a lot of things. Where people are likely to
13 re-offend and/or they've done something serious, then I think there have to be serious
14 consequences.

15 **CHAIR:** Thank you.

16 **COMMISSIONER ALOFIVAE:** Can I just ask a question in here as well, Tim, it's Sandra
17 Alofivae here. So at that time, obviously the theology was the overriding principle when it
18 came to looking at matters of offending, so you're saying that there were only offences of
19 this nature that were coming to the attention of the Society of Mary. I'm just wanting to
20 understand the context and at what point that might have changed in latter years.

21 **FATHER DUCKWORTH:** Sandra, I'm not sure I understand your question. I think I said that
22 there were some convictions, both these ones and some others from another school, I think
23 two other members of the Society have been convicted, and all of them are for sexual
24 abuse.

25 **COMMISSIONER ALOFIVAE:** Yes, that's right.

26 **FATHER DUCKWORTH:** There are no other convictions that I know of. I imagine people
27 have had speeding tickets and things like that.

28 **COMMISSIONER ALOFIVAE:** Thank you, I think you've answered it actually, thank you.

29 **COMMISSIONER ERUETI:** May I just quickly, Tim, it's Anaru Erueti here. I see from your
30 brief of evidence that much is made of knowledge of the day and naivete and even
31 ignorance I think you describe about knowledge of these offenders and perpetrators.
32 I saw -- when reading your evidence, it made me think, when exercising this judgement
33 these are intelligent people, they may not be fully apprised of, might not have the benefit of

1 science that we have on the behaviour of predators today, but still, when you talk about
2 naivete and ignorance about re-appointing an offender to a position of responsibility over
3 vulnerable people, I wonder how far you can push that judgement.

4 **FATHER DUCKWORTH:** And I can understand what you're saying. The reality is, you know,
5 what you and I both now know we wouldn't do that. I'm not sure that guys who were in
6 authority in our outfit had much knowledge at all of sexual abuse and things like that. The
7 other thing, I think, is there's a sort of framework that works within religion that works on,
8 you know, you say you won't do it again, you know, you have what I've heard people say, a
9 purpose of amendment, you know, I won't do that again, I'll pray more, I'll do things like
10 that. I mean, you and I would think that was incredibly naive. But I think that people at
11 times wanted to believe what they were told.

12 **COMMISSIONER ERUETI:** Thank you. I pass it back to counsel.

13 **MR THOMAS:** Thank you, Commissioners.

14 Tim, do you accept that Woodcock's appointment to Silverstream three years after
15 his criminal conviction did place students at the college at risk of harm?

16 **FATHER DUCKWORTH:** I think I'd say yes to that now. I think the trouble is that this well-
17 known psychiatrist said he'd rehabilitated them. A psychiatrist wouldn't say that now. I
18 think that they got the best of advice they could get at the time.

19 **MR THOMAS:** Thank you. We know that the first report of abuse against Alan Woodcock came
20 in that very same year that he was appointed to Silverstream, in 1982. Six other individuals
21 have subsequently reported abuse by him relating to the 1980s period. Would you accept
22 that the Society has failed these individuals by placing Woodcock at the college following
23 that criminal conviction?

24 **FATHER DUCKWORTH:** I just repeat what I just said, I think. I wouldn't have placed him
25 there.

26 **MR THOMAS:** Do you accept, then, on behalf of the Society that there was a failing by placing
27 him there?

28 **FATHER DUCKWORTH:** Well, no -- later on perhaps I would accept it, but in this particular
29 instance I think they sought the best advice that was available, and that was the advice that
30 they were given, that it was okay, he would be -- he would be and was rehabilitated by the
31 treatment he was given.

32 Now, you and I think that's incredibly naive that they believed that. At the time I
33 think this guy, this doctor that did it said that he would be and -- could be and would be

1 both medically and psychologically rehabilitated by the treatment.

2 **MR THOMAS:** I'm just going to refer now to another page number on the same document at
3 page 11. There's a -- I'll give you a minute. This is a letter from the then Rector of the
4 college to the head of -- the then head of the Society of Mary about Alan Woodcock. Do
5 you have that in front of you?

6 **CHAIR:** For the record, if you could just give us the date, please.

7 **MR THOMAS:** Yes, it's a little hard to read on my screen but I think it's 22nd of August 1982.
8 Do you have that, Tim?

9 **FATHER DUCKWORTH:** Yes.

10 **MR THOMAS:** I'm going to ask you about this, I appreciate you were not the author or recipient.
11 The letter states at paragraph 1, in relation to Woodcock that "clearly there had been, to say
12 the very least, grave indiscretions." The letter then states:

13 "These indiscretions placed the name, the reputation, the future of the school in
14 serious jeopardy."

15 So there was clearly a concern expressed there for the school's reputation. My
16 question is, is there concern anywhere expressed here for the well-being of the survivor or
17 victims of those indiscretions?

18 **FATHER DUCKWORTH:** I think that's exactly what I said in my opening brief, that that
19 significant lack is apparent to me. I would have said that the most important thing was the
20 young people in the school at the time. Much rather than what people might think about it.

21 **MR THOMAS:** Thank you. The letter goes on at paragraph 2 to state that:

22 "Certain precautions must be taken" -- this is in relation to Woodcock's ongoing
23 work, if you like -- "including leaving his door open if a boy comes to see him unless the
24 visit is of a confessional nature or a private matter."

25 Thinking about that, do you think that was an effective method for protecting
26 students?

27 **FATHER DUCKWORTH:** No.

28 **MR THOMAS:** At paragraph 3 the letter goes on to state:

29 "Finally, I suggest that to cover any possible eventuality he should make immediate
30 moves to acquire a passport."

31 Do you know what he would need a passport for?

32 **FATHER DUCKWORTH:** Well, this very man who wrote this letter was asked that by the
33 Police, and what he said to the Police was that he knew that people who were treated for

1 serious issues of this nature were in fact sent to courses either in Australia or perhaps
2 England or elsewhere. That's what he gives as his answer. I mean, who am I to say that's
3 not the reason why he did it. I don't know any other reason. That's what he said his reason
4 for saying it was.

5 **MR THOMAS:** Sending offenders for treatment, I think you'd accept was a common approach by
6 the Society at that time?

7 **FATHER DUCKWORTH:** No, no, it wasn't a *common* thing at the time, but it would have
8 happened before I'm sure.

9 **MR THOMAS:** So just to clarify that, it wasn't a practice of the Society to send offenders for
10 treatment?

11 **FATHER DUCKWORTH:** When I use the word -- when you use the word "offenders", you
12 know, it's something of a joke in television world and movies and things like that that
13 priests can be alcoholics and things like that. "Offenders" might be the wrong word, but we
14 would have sent people who may have had problems like that for treatment overseas as
15 well.

16 **MR THOMAS:** Thank you. But by late 1982 the decision had been made to move Woodcock
17 elsewhere, hadn't it?

18 **FATHER DUCKWORTH:** Yes.

19 **MR THOMAS:** He started a new role in 1983 at a novitiate where priests are trained, is that
20 right?

21 **FATHER DUCKWORTH:** Yes.

22 **MR THOMAS:** Would you agree there's a risk that sending a convicted member to a training
23 centre for priests may contribute or perpetuate the spread of abuse within the Society?

24 **FATHER DUCKWORTH:** I think what we're talking about here is a man who had serious
25 problems. It seems to me that anywhere and everywhere he went he was tempted by the
26 forces within him to act in ways that were against the law. And so I think it would be fair
27 to say that wherever he was he would have.

28 **MR THOMAS:** In 1986 he was sent to Sydney for treatment, as I think you've mentioned, and we
29 see that at pages 3 to 4 of that summary document, and then later to Ireland for further
30 treatment. He was removed from ministry in 1988. The Commission has a statement from
31 a survivor of Alan Woodcock's abuse and I'm just going to talk about in summary what that
32 survivor said and then ask you a question.

33 **FATHER DUCKWORTH:** Sure.

1 **MR THOMAS:** The survivor attended Silverstream from 1981 to 1985. For the record this is
2 witness number 0003001. Woodcock was his music teacher there at Silverstream. After
3 attending at age 18 he was travelling and staying with relatives in Australia. Woodcock
4 had been sent to Sydney for treatment then and was working as a parish priest there at the
5 time. The survivor met Woodcock there and Woodcock sexually assaulted him by pinning
6 him to a bed at his accommodation. The survivor had to physically defend himself from
7 the attack.

8 Do you have any comment on the conduct reported by that survivor?

9 **FATHER DUCKWORTH:** It was obviously a sexual assault. What sort of comment would you
10 like me to make about it?

11 **MR THOMAS:** That's fine, thank you. Woodcock was prosecuted again, wasn't he?

12 **FATHER DUCKWORTH:** Well, not for that incident I don't think.

13 **MR THOMAS:** No, in relation to other complaints.

14 **FATHER DUCKWORTH:** Woodcock was prosecuted for several complaints where people
15 came forward, yes, yes.

16 **MR THOMAS:** Yes. In 2004 he was convicted of 21 charges against 11 boys for the period 1978
17 to 1987, and I understand --

18 **FATHER DUCKWORTH:** Yes, that was what -- that first document you showed me was the
19 stuff that we prepared to assist the Police with that, yes.

20 **MR THOMAS:** Thank you. Some of those charges, as I understand, related to students at the
21 college but the victims, of course, have name suppression. He was sentenced to seven
22 years imprisonment.

23 I'm going to move to another member of the Society now, Father Durning,
24 deceased.

25 **FATHER DUCKWORTH:** Yes.

26 **MR THOMAS:** And ask you some questions in a similar way in relation to him. He was the
27 Rector of Silverstream from 1950 to 1956 and I'm going to call up the same sort of
28 summary document, CTH0004726. I'll give you a moment to get that.

29 **FATHER DUCKWORTH:** I've got that, thanks, I've got quite a small desk here and just a little
30 laptop, I've got stuff spread around here so I have to keep finding it, thank you.

31 **MR THOMAS:** Thank you. And feel free to let me know if you need a moment. We see -- on
32 page 1 of this document we see a reference in the chronology to his appointment, this is
33 Father Frank Durning, to Silverstream, on page 1, 1950 to 1956.

1 **FATHER DUCKWORTH:** Yes.

2 **MR THOMAS:** You might recall that we heard from a survivor, Mr F, this is witness 0025001, at
3 the faith-based redress hearing in December 2020. I'm going to just talk about what he said
4 and another survivor and then ask you a question.

5 Mr F said that he suffered abuse by this Society member, Father Durning, at the
6 college's boarding school in 1953 when he was 14 years old. He gave evidence about the
7 lifelong impacts that this abuse had on him. He expressed a concern that the member had
8 been moved to other places where he had access to children.

9 Another survivor, witness 0113001, whose evidence was given by a family member
10 at that hearing, stated that --

11 **FATHER DUCKWORTH:** Yes.

12 **MR THOMAS:** -- he suffered abuse, sexual abuse in 1951 as a 13-year-old boarding student at
13 the college, perpetrated over four years by Durning and one other SM, Society of Mary
14 member. Do you have any comment to make on those survivor statements and what their
15 experience was?

16 **FATHER DUCKWORTH:** I believe them completely. I'm sure that they were sexually abused
17 by Durning.

18 **MR THOMAS:** After Silverstream, Durning was placed at St Patrick's College in Wellington as
19 Vice Rector from 1956 to 1964, and we see that in the chronology on that document. We
20 have a survivor who told us about abuse he suffered at that college, St Patrick's College in
21 Wellington, by Durning in 1961 as a teenager when he was indecently assaulted following
22 a service. That is witness 0459001, for the record.

23 That survivor believes Durning targeted not only vulnerable boys but others who
24 did not come from difficult backgrounds, such was his confidence in his status that he could
25 overcome any complaint against him. Do you have any comment on that last statement?

26 **FATHER DUCKWORTH:** Sadly I think it's true that Durning was a man who was -- who took
27 power to the wrong extreme. I think he was a bad man who joined us. I don't know what
28 was the aetiology of his problem, but he seems to have gone from place to place doing
29 exactly the same sort of thing again and again, and ruining the lives of young people. A
30 terrible man.

31 **MR THOMAS:** After finishing at St Patrick's College, Wellington, in 1964 he was appointed to
32 part-time lecturing positions at the university, wasn't he, we can see that on the chronology.

33 **FATHER DUCKWORTH:** He was. I'm not sure whether he was lecturing at the university, I

1 think he was running a university hostel and maybe giving some freelance lectures, but I
2 don't think he actually worked for the university.

3 **MR THOMAS:** Okay, it's recorded on that chronology, I see about middle of the page, "Assistant
4 lecturer, philosophy, Assistant lecturer, history", but whatever the case, we'll leave, I don't
5 think it's --

6 **FATHER DUCKWORTH:** You may well be right, yeah, I don't think I knew that. You're
7 probably right.

8 **MR THOMAS:** Thank you. In any event, in 1965 as a hall warden and chaplain at a
9 New Zealand University, a confidential letter was received by the then Society Provincial
10 about Durning prying into boys' sex lives in confessional matters. The Provincial's
11 response was to appoint someone else to Durning's position. Was that an adequate
12 response to the confidential complaint?

13 **FATHER DUCKWORTH:** I can't really say. I mean, this gentleman that complained was
14 obviously a very skilful man and he's made a fairly accurate statement of what happened,
15 so I just think that, you know, if we're to go through everything that Durning did, we're just
16 going to find time and time again that he offended in this way. The only thing is, this here,
17 is the first time that I'm aware anyway, of a complaint actually receiving -- being received
18 by the Provincial. The earlier ones that you spoke of, they didn't actually inform the
19 Society until after Durning's death. This guy is informing the Society about him prying
20 into their things, not actually about sexual abuse, if you know what I mean.

21 I'm not trying to justify what he was doing, I'm just saying he's not reporting sexual
22 abuse, he's reporting nosiness and prying into their private lives, which I also find
23 abhorrent, but it isn't sexual abuse, I don't think.

24 **MR THOMAS:** Durning remained in these university lecturing positions or assistant positions
25 after that complaint until he left for Rome in 1972. Is that correct?

26 **FATHER DUCKWORTH:** 1972? Yes.

27 **MR THOMAS:** Thank you. He then returns to New Zealand after 1972 to other postings by the
28 Society between 1976 and 1991 -- we see that in the chronology -- including teaching
29 positions. Significantly, those teaching appointments came after a further concerning
30 report made in 1977 by a lecturer, a concern reported to the Provincial in relation to a
31 student at a seminary about Durning wanting to look at a blemish on the student's backside.

32 **FATHER DUCKWORTH:** I actually think it's the other way around. He wanted the student to
33 look at a blemish on Durning's backside.

1 **MR THOMAS:** I see. From 2002, five individuals reported abuse by Durning for the period
2 1951 to 1962 when Durning was at Silverstream and St Patrick's College, Wellington.
3 Reflecting on these reports of abuse and the survivor evidence that I've summarised, do you
4 think enough was done by the Society to protect students from Durning?

5 **FATHER DUCKWORTH:** In hindsight the answer to that is obviously "no". But at the time
6 these things were not reported. What, even from the seminary here, I don't think he's
7 actually talking -- they're not actually describing sexual abuse, they're describing, I would
8 say, behaviour that's abhorrent but it's not sexual abuse, I don't think. I'm not trying to
9 justify it, I just don't think that what's being described is sexual abuse.

10 **MR THOMAS:** I'm going to move on, Tim, in the interest of time, to talk briefly, more briefly
11 about another member of the Society who I'll refer to as Father X who was allowed to
12 return to Silverstream in the 1970s, two years after having been removed from the school
13 due to at least two complaints of abuse.

14 Do you accept that that Father's re-appointment was inappropriate and placed
15 students at risk?

16 **FATHER DUCKWORTH:** Yes, I think so, yeah. I think that it was -- what was reported was
17 about somebody -- people weren't certain who had done it, and he vehemently denied that
18 he had. I'm sure you've got the document where in fact I interviewed him many years later
19 and he actually admitted to doing it, but at the time he said he didn't do it, and he was lying,
20 yeah.

21 **MR THOMAS:** Thank you. And he was sent for treatment, I understand, as well. Does the
22 Society still send offenders to treatment?

23 **FATHER DUCKWORTH:** We would but we haven't had any in recent years, so the answer to
24 that is really "no".

25 **MR THOMAS:** Was that member, Father X, reported by the Society to Police to your
26 knowledge?

27 **FATHER DUCKWORTH:** Yes, yes, I did it personally.

28 **MR THOMAS:** When was that?

29 **FATHER DUCKWORTH:** Well, it's certainly since 2002. I spoke to the Police about him, gave
30 details of where I thought he was and that sort of thing. I don't have any personal contact
31 with this Father X, as you call him, but I cooperated with the Police in trying to help them
32 to locate where he might be.

33 **MR THOMAS:** What about, was he reported to Police, I guess, at this earlier time, around these

1 reports of abuse?

2 **FATHER DUCKWORTH:** I don't think so. But as I say, he denied it to the people that were
3 investigating it at the school, and I think the individuals themselves, and I'm not trying to
4 defend it at all, but it happened in the dark after lights out, as it were, and they were not
5 certain of who it was that had actually abused them. And they couldn't offer proof positive
6 that that was who -- that was their suspicion, I believe, but I don't think that they could say
7 with any certitude that it was him.

8 Not that I think it's acceptable or reasonable or anything, but you know, people tend
9 towards believing people when they say, "No, it wasn't me." I didn't and when I asked him
10 he agreed that it was lies.

11 **CHAIR:** Can I just ask a question on that, Tim. A complaint was made, he denied it, there was
12 some equivocation about the evidence, whether he could be identified, but he was sent for
13 treatment. Do you know when he was sent for treatment in relation to all of that?

14 **FATHER DUCKWORTH:** Yes, after I'd got -- after I had got the truth out of him.

15 **CHAIR:** Ah, it was after you got the truth?

16 **FATHER DUCKWORTH:** Yes, it was.

17 **CHAIR:** Okay, thank you.

18 **MR THOMAS:** Thank you, Tim, I'm just going to ask a final question to conclude this section
19 then I've got two or three broader questions based on your statement and then I think we'll
20 conclude there. Are you going okay for time at your end?

21 **FATHER DUCKWORTH:** Yes, it's fine, it's only 20 past 11 at night.

22 **MR THOMAS:** Thank you.

23 **FATHER DUCKWORTH:** I'm a night owl so I'm fine, it's absolutely fine.

24 **MR THOMAS:** Thank you, it won't be much longer.

25 In total the documents filed by the Church's solicitors state that abuse allegations
26 have been made against nine Society members relating to 26 reports of alleged abuse at
27 Silverstream College for the period 1951 to 1985. I just want to ask, do you have any
28 comment on those overall numbers?

29 **FATHER DUCKWORTH:** I guess the thing I would say is this: some of the worst offenders that
30 we've had were at this school and so I don't think this represents what happens in every
31 Catholic school. I'm absolutely sure that you've chosen this school because it's not a good
32 example, or it is a very good example of what shouldn't happen. But some of these people,
33 you know, Alan Woodcock and Frank Durning were two of our worst abusers.

1 **MR THOMAS:** Yes.

2 **FATHER DUCKWORTH:** So it's a very high number, I think it's awful. And I think the
3 families at Silverstream must wonder what on earth went on.

4 **MR THOMAS:** Thank you. Moving now to a couple of questions on your witness statement that
5 you've provided, so this is your written statement. I'm going to refer you to paragraph 39
6 and I'll, again, summarise that. This is your witness statement, for the record, 0253004, and
7 at paragraph 39 you note that you were not aware of any formal policies or procedures in
8 place pre-1989 to deal with prevention and responding to reports of abuse, and the Society
9 and wider Church didn't establish such policies until the mid-1990s.

10 My question is, given that even in a few of the examples we've looked at here today,
11 there were complaints, some of which went back to the 1960s and '70s, was the Society too
12 slow to act to put processes in place?

13 **FATHER DUCKWORTH:** I've been trying to locate the document that you've mentioned, and I
14 can't locate it. Were we too slow to act when -- and put policies in place?

15 **MR THOMAS:** Yes.

16 **FATHER DUCKWORTH:** Look, I think all sexual abuse is dreadful, but I can't say about all
17 cases, but I do think that the Church in general was slow to act when these things were
18 occurring. One of the big problems, and I'm not trying to be smart or anything like that, is
19 that a lot of sexual abuse is reported years later. One of the cases in Silverstream was
20 reported at the time and I would have thought that would have been enough to make people
21 think that more should have been done, to be honest.

22 **MR THOMAS:** Referring to your statement again, this time at paragraph 54, I'll give you a
23 moment to get that reference.

24 **FATHER DUCKWORTH:** For some reason or other that document I put out of my range and I
25 can't find it, but sorry, carry on, I'll be fine with you just reading it to me.

26 **MR THOMAS:** Thank you, I'll paraphrase what you've said and I'm sure my friend will let me
27 know if there's any issues.

28 So you state there that the process in the earlier days of the school when a complaint
29 was received about abusive behaviour, the Rector would inform the Provincial and ask for
30 the offender to be removed from the school. The Provincial would arrange for clinical
31 intervention, assessment and treatment.

32 My question is, you don't mention there what was done for survivors.

33 **FATHER DUCKWORTH:** Yeah, that's what I think is disgusting. I think that -- you would

1 think that the very first thing that you would do would be to look at how you help
2 survivors, to be honest.

3 **MR THOMAS:** You do make some -- sorry-- go ahead.

4 **FATHER DUCKWORTH:** People that offend need treatment, sure, and possibly, you know, to
5 be incarcerated so that society is safe, but I would have thought as a Congregation, as we
6 are, that one of our key sort of things would be mercy and compassion and that then the
7 needs of people that were abused should have been paramount, in my mind anyway. I think
8 it's terrible that it wasn't.

9 **MR THOMAS:** You do make some acknowledgements around pages 24 to 25 of your statement.
10 I appreciate you can't find that right now, but I'll again paraphrase in relation to past
11 practices of the Society. Just paraphrasing your paragraphs 78 and 80, for example, you
12 talk about less than satisfactory responses to reports of abuse, overreliance on
13 psychological advice, and little assistance given to victims.

14 My question is, what do you put that down to, the key reasons for these failings?

15 **FATHER DUCKWORTH:** If you go back to what I said at the beginning, that people were
16 frightened of the consequences of the information getting out in public, and that shouldn't
17 have been their first concern. Their first concern should have been for anybody that was
18 hurt. That's what I believe anyway.

19 **MR THOMAS:** When reflecting on these failings, I want to ask you a final question. Do you
20 think that too much weight was put on protecting members of the Society and the
21 reputation of the Society over the well-being of survivors?

22 **FATHER DUCKWORTH:** I don't know it was so much about members of the Society as the
23 reputation of the school. I think that would have been, that would have been the paramount
24 thought of it. But, you know, I mean, I can't say with any certitude, I'm sure it was a
25 mixture of all of those. People that find themselves in hot water often are most concerned
26 with themselves and their perspective of the events. I think I've seen that time and time
27 again in society. We see it all the time in governments and things like that too.

28 **MR THOMAS:** Yes. In responding to those people though, do you accept, or what do you think
29 about the Society's approach as a whole? Do you think it was too protective of the school
30 or the Society rather than looking at the well-being of survivors?

31 **FATHER DUCKWORTH:** Well, if I go to the one person that came forward and say, you know,
32 what has happened to him, I don't know that he wasn't helped. You know, I would like to
33 find out whether he was helped or not. I know that his name was given to Police. Whether

1 he was one of the people that went to court to see the man that abused him convicted, I
2 don't know because the names are not available to me nor to you. So I can't ask him
3 whether he was helped at all, whether he was given counselling, whether he was -- his
4 parents were helped and told, I just don't know, to be honest, what was the -- what was
5 done to help him. I would live in hope that something was done to help him, but I just don't
6 know.

7 **MR THOMAS:** Thank you. That brings me to the end of my questions, Tim. Thank you for
8 staying up late at your end. I'll leave you to my friend Ms McKechnie and the
9 Commissioners to see if there's any final matters.

10 **CHAIR:** I think -- were you wishing to ask any questions? I'd like to give the Commissioners an
11 opportunity to ask.

12 **MS McKECHNIE:** I was just going to clarify, Commissioners, there is an appendix that was
13 prepared, which is confidential, which details some of the responses so if the
14 Commissioners are looking for more information about some of the matters that Tim was
15 talking about, that information is there with all the primary document references.

16 **CHAIR:** Thank you. I'm just going to check with Commissioners if they have any questions.

17 **COMMISSIONER GIBSON:** Thank you, Tim. You said at some point in relation to Father X
18 that people tend to believe people if they say they didn't do something. Looking at what
19 lessons were learned in reflection, in balance, who should be believed when you hear
20 alleged perpetrators, when you hear stories from survivors? How do people in your role
21 reflect on these things today?

22 **FATHER DUCKWORTH:** Look, I've seen a number of people that have been abused, not only
23 through the Society but through other things, but also just in ordinary life. Most people that
24 abuse, you know, and it's very simple, people say it's about power rather than sex and
25 things like that, but they are often powerful people and their ability to speak and to sort of
26 put out a bow wave of not my, you know, that couldn't possibly have happened, I was so
27 and so, you know, I think that all of that militates against the believing of, say, a young boy
28 that came forward at Silverstream. You know, he must be very proud of himself that he did
29 come forward. He was believed. I hesitate to say that, you know, even after he was sent to
30 Alan Woodcock again to say go and face it in front of him again, he came back to the
31 Rector at the time and said yes, he brought two mates with him, he wasn't slow, he came
32 back and said yes, that did really happen and I'm telling you it did happen. That really is
33 the only isolated incident of where something was reported at the time, that's why I made

1 specific reference to it in my document.

2 But that in itself should have been the cause of immediate action for the sake of the
3 young man.

4 **COMMISSIONER GIBSON:** And you acknowledge that there seemed to be -- almost the
5 primary concern was the reputation of the school and perhaps that -- there was a
6 compromise in the thinking of what had happened. Today is there the degree of openness
7 and honesty about what has happened that would put the interests of survivors, the interests
8 of students first? How does that go into balance to --

9 **FATHER DUCKWORTH:** I would say absolutely that the change would be immense from one
10 to the other. The very first thing I would expect nowadays would be for Mr Ferreira there,
11 and I'm sure that's what he'd tell you, my very first thing that he would do would say, "I
12 will ring the Police", and that is exactly what I would expect, and I'd expect that of any
13 teacher at any school, and that's why I mentioned in my evidence my desire that the
14 recommendation of your Commission would be that mandatory reporting by all teachers
15 and adults looking after young people or children would be forced to mandatory report.

16 But also, you know, to give full wrap-around care for the person. It's a terrible thing
17 and these people are hurt badly and they need a lot of care I think, and I'd have to say,
18 I spoke to Mr Ferreira and his wife recently, it's the first time I'd met them, and the
19 goodness of the couple was really apparent to me that their care for the children in this
20 school who would be hurt would be immense, I would say. I would have to say I was very
21 impressed by them, both by Mr Ferreira and his wife, that both of them have that as a very
22 strong concern of theirs.

23 I must say I came away feeling very happy that Mr Ferreira had already, in the short
24 time he had been there, put in place things to look after particular groups, and I won't name
25 them, he may, that were maybe a bit more vulnerable in the college. So I was really
26 pleased with that.

27 **COMMISSIONER GIBSON:** Thank you.

28 **COMMISSIONER ALOFIVAE:** Talofa, Tim, thank you for your responses and the evidence
29 that's been filed, I've been able to follow it reasonably well. I'd just like to actually
30 understand the genesis, because I know that the Marist Brothers was established back in
31 1836 so I hear your responses in the current context. But I just want to go back to the heart
32 of when the Marist -- or the Society of Mary -- actually begun and the whole understanding
33 around sexual abuse and whether or not your view that it was an issue right from the start.

1 I guess what I'm trying to understand here, for the broader context is, we understand today
2 that it's a criminal offence but we've understood that for a number of years, but I just want
3 to take it right back to the heart of how -- and I know you traverse this in your first set of
4 evidence, but around the teachings of the Church around abuse and sexual abuse in
5 particular.

6 **FATHER DUCKWORTH:** Okay. Can I just be clear that we're not the Marist Brothers, they're
7 a different Congregation.

8 **COMMISSIONER ALOFIVAE:** Yes, I appreciate that.

9 **FATHER DUCKWORTH:** I know it's a very easy slip of the tongue.

10 **COMMISSIONER ALOFIVAE:** My apologies for that.

11 **FATHER DUCKWORTH:** But I know the Marist Brothers. No worries, no worries. My
12 apologies to them that they're tarred with our brush. I think that the Church -- this is my
13 opinion, others may have different opinions. I think that the Church has been prudish and
14 restrictive as regards sex and sexuality over my lifetime anyway. I don't know -- no, no, I
15 do know a little bit about the 1830s. I'm sure it was even worse then, you know, I think the
16 overemphasis on sexuality and sinfulness and things like that would lead me to believe that
17 that wasn't a healthy and happy climate.

18 I don't know that the world has changed completely, but I do think that, you know, a
19 recent statement by the bishops about how they saw young people in schools who were a
20 particularly vulnerable group such as those that were, shall I say, uncertain of their own
21 sexuality and things like that, I thought their compassionate statement was at least helpful.

22 One of the things I spoke to Mr Ferreira about was, you know, how would he cope
23 with young people like that and he showed to me a very compassionate response to young
24 people who were, say, more vulnerable because of those issues.

25 I think, though, that society has got all sorts of difficulties in it and the Church is
26 part of that.

27 One of the things I'd like to have said was the ubiquitous nature of pornography is
28 not something that I think is helpful to young people in society nowadays. But, you know,
29 I remember years ago when a particular woman for the Catholic Church said that it was a
30 blight on society, she was decried to the nth degree because we wanted to be liberal. You
31 know, so I think there is sort of a balance, a healthy balance between an acceptance of sex
32 and sexuality and the precious nature of that gift for each individual and the sort of
33 heaviness of an overriding sort of, you know, it must be feared, it must be spoken of in

1 hushed tones and all those things.

2 I think we've got better at that and in some ways we've got worse at that. I don't
3 know that the Church has that on its own, I think that, you know, people of Pasifika origin,
4 and I'm not aiming this at you at all, but have quite a Christian background which makes
5 them a little bit repressed too in these regards and, you know, we've got to be respectful of
6 culture, but people need to gradually understand that there's a healthy and helpful way of
7 seeing sex and sexuality today.

8 **COMMISSIONER ALOFIVAE:** Thank you for your comments and I did note that Father
9 Durning was in the Pacific quite a bit in his career as well.

10 **FATHER DUCKWORTH:** Yeah, he was.

11 **COMMISSIONER ALOFIVAE:** Can I also just apologise to the Marist Brothers, that was a slip
12 of the tongue and I did not intend any disrespect when I was asking Tim Duckworth that
13 question. Thank you very much.

14 **FATHER DUCKWORTH:** Sandra, I'm absolutely sure that they knew you didn't mean any
15 disrespect like that, they wouldn't have thought that.

16 **COMMISSIONER ERUETI:** Tēnā koe Tim, kia ora anō, it's Anaru here. My question is
17 about - counsel talked about whether the Society of Mary could have adopted more policies
18 earlier on, you mentioned about, as we know, about the delays typically between
19 experiencing abuse and reporting. It made me think during this period that given the
20 nature, given the extent of the abuse within the schools about, it's difficult to understand
21 how there wasn't more knowledge within the -staff, the clergy, the Religious that were
22 working in these schools about the abuse.

23 **FATHER DUCKWORTH:** And I agree with you that it's difficult to understand that they didn't
24 know, but from what I've seen and heard from others, they didn't know. You talk about
25 policies, you know, policies are a relatively modern invention, you know, I don't think there
26 were -- when I was at school, and I know I'm old, but when I was at school I don't think
27 anybody had a policy and I think that there's a coincidence that, you know, private schools
28 going into the State system, but the development of policies happened even after that. So it
29 wasn't just because we went into the State system that policies were developed, I remember
30 10 or 15 years after integration the Government mandated schools to provide policies.
31 Before that policies didn't exist in schools, not just in our schools, they didn't exist in any
32 schools.

33 **COMMISSIONER ERUETI:** Thank you, Tim. My question is more about the extent of

1 knowledge within the schools by those who were working side by side with the abusers,
2 that's -- I accept the point about the need for policies to be developed, but it is a puzzle that,
3 given the extent of the abuse that happened within these schools, that other Religious,
4 including the leaders within the Society of Mary, were not aware of what happened and
5 therefore acted and therefore policies and procedures came into place.

6 **FATHER DUCKWORTH:** All I can rely on is the two things, one that most of it was reported
7 much later, and the fact that abuse happens in quiet places, you know, and it hides in
8 corridors in the dark, if you understand my metaphor there, and I think that often people
9 didn't know what was happening right under their eyes, if you know what I mean.

10 **COMMISSIONER ERUETI:** Okay. And Tim, I want to move to your recommendation about
11 mandatory reporting and it's something that has arisen a lot in our hearings. I recall when
12 we first had our contextual hearing there was discussion about some concern, I think it
13 might have been the Australian Bishops, about mandatory reporting and the impact that
14 might have on the confessional. So I wonder whether you've had time to reflect on that
15 about how the Society of Mary would view mandatory reporting to include disclosures that
16 would be made within the confessional?

17 **FATHER DUCKWORTH:** It's an interesting question. Honestly, I can honestly say that I have
18 never, ever, ever in my 40 years had any disclosures of sexual abuse in the confessional.

19 Now, I don't think that people who are recidivist offenders confess these things. I
20 don't think that people who are offended against need to confess these things. So, you
21 know, I don't think it's actually a big issue. I don't think it hides behind the confessional, if
22 you know what I mean.

23 **COMMISSIONER ERUETI:** Okay, that's interesting, because I remember reading media reports
24 in different Australian states saying the bishops were quite opposed to it, but it is good to
25 get your opinion on that.

26 **FATHER DUCKWORTH:** And I am sure when you speak to the Cardinal and the others that
27 their opinion would be similar to mine, I think, that I don't think it hides behind the
28 confessional, I really don't.

29 **COMMISSIONER ERUETI:** Good to know. My other question is about the arm's length
30 relationship between you and the --

31 **FATHER DUCKWORTH:** The Board of Proprietors?

32 **COMMISSIONER ERUETI:** -- it is a bit confusing, to be honest with you. Yeah, it seems
33 hierarchical, and it just seems there's the proprietorship and then there's appointments made

1 by you to them, and then again with the Board of Trustees, there seems to be representation
2 there. It seems like in a formal sense that there is a connection between the trustees through
3 the Proprietorship Board or Board of Trustees, or whatever they are called, and the
4 Provincial. Is that fair to say? To some degree.

5 **FATHER DUCKWORTH:** Yes, I think you have to understand it this way, you know, the law as
6 I understand it of setting up a trust is that people hold this task in trust for somebody, and,
7 you know, the proprietors' boards, they were called the trust boards. Now, we stopped
8 using that term because of the confusion with the Boards of Trustees. But the Boards of
9 Proprietors are trustees of the beneficial owner of the Society of Mary. So we entrust this
10 task to a group of lay people to run the proprietorship of the school, in our schools.

11 I appoint those people on the advice of the senate. But I don't, you know what
12 I mean, you give somebody a job to do, trusted, respected, highly intelligent and highly
13 qualified people the task, you don't then tell them how to do it, if you know what I mean.

14 Now, the Private Schools Conditional Integration Agreement, you know, it's -- the
15 funny thing about it is the word "conditional" there doesn't mean it was a conditional
16 integration, it means that there was an integration with conditions. The Government put
17 conditions on the schools and the schools themselves put conditions on the Government
18 saying, you know, we want to have some say in the running of the school, even though the
19 school is run by a Government quango, as it were, what's nowadays called a School Board,
20 we want to have some representation on that. And so the Proprietor, in the case of the
21 diocesan schools it would be the Bishop, in our schools it's the Board of Proprietors, has the
22 right to appoint up to four appointees to the School Board, but they are appointees, they are
23 not representatives. So they don't represent to the School Board, the Proprietor, they are
24 just appointees.

25 These four people are and understand what a Catholic school is and so sitting on the
26 Board with all of the concerns of the thing, including the Catholic character of the school,
27 they bring that to the table as well, just to make sure that it's there, in the same way as the
28 principal sits there, the pupil sits there, a staff member sits there, it's just some sort of, you
29 know, mixture of people to bring the right blend of those that care about the school
30 together.

31 **COMMISSIONER ERUETI:** Thank you, Tim, thanks for elaborating on that. Just a final
32 question about representation within the Order in terms of Māori but also Pasifika and other
33 minorities. I know that within your Congregation, the membership, there's been a large

1 Māori base at the schools, and still large numbers of Māori and Pasifika at Silverstream.
2 But it doesn't seem from what I've read so far to have been reflected in the leadership and
3 appointments of governance roles. So I just will put this question to all the witnesses today
4 about why is that the case; do you think that's a fair reflection and, secondly, why is that the
5 case, do you think?

6 **FATHER DUCKWORTH:** I do think that it's -- that there's quite a Māori representation, in fact
7 more so at Silverstream than any other school, any other school that I know of personally.
8 For example, when Mr Ferreira came, their full welcome was in taha Māori style and quite
9 appropriately he was welcomed on to the marae of the school and was greeted in that way,
10 but at the time the Board of Trustees Chair, the School Board Chair was in fact Māori
11 herself. That might have been part of it.

12 I know that there are others that I've appointed in more recent times to the Board to
13 be part of that and that person who's Māori is also on the Board of -- School Board.

14 I go back to early years at Silverstream. We did not have many Māori members, a
15 few but not many, and so, you know, we were not able to - why did we run these schools?
16 Basically because we were free labour, and, you know, we worked in these schools without
17 being paid, and Catholic schools were started in New Zealand because people thought that
18 Catholics didn't get a fair deal out of the Government and, you know, there was quite a lot
19 of anti-Catholic feeling in New Zealand in earlier years, and so the starting of these schools
20 was to bring, sort of, Catholics into their own. And, in some ways, they've probably been
21 too successful in doing that.

22 **COMMISSIONER ERUETI:** Thank you, Tim.

23 **FATHER DUCKWORTH:** The one thing I would say, however, is that I was very proud when
24 looking at the early years of Silverstream to say look at the prefects photo, say of 15 or 20
25 prefects, there were eight that were Māori or Pasifika, you know, and I Googled similar
26 State schools up and down the country and there were none. So I was proud of that.

27 **COMMISSIONER ERUETI:** It's good to see that representation within the kura, it's just being
28 sure that it is being reflected in the governance of -- the Order and down through --

29 **FATHER DUCKWORTH:** I'm sure it is.

30 **COMMISSIONER ERUETI:** Thank you for your evidence, Tim, thank you.

31 **CHAIR:** Father Tim, I'm conscious of your time and of ours, but I've just got -- I have about
32 1,000 questions but I'm going to confine it to one and I'm going to ask you to look to the
33 now and the future. You just said to us that when the school was integrated that there were

1 some conditions placed by the Society of Mary and that was that you wanted some
2 representation in the hierarchy, if you like, of what was to follow and you achieved that.

3 I want to put that alongside this notion of the special character of the school,
4 because I think those two are linked, aren't they, that you wanted, or the Order wanted, the
5 special character of the school to be preserved and you could do that by having people
6 directly involved in the governance and the running of the school.

7 **FATHER DUCKWORTH:** Yes.

8 **CHAIR:** Why I'm raising this is that your counsel has told us in her opening submissions that
9 after a school is integrated any harm or incidents relating to staff and volunteers in the
10 school are the responsibility of the School Board and in the hostel any incidents are
11 responded to by the Proprietor of the hostel. And I took it from that, and maybe I'm wrong,
12 that that means that the Society of Mary is, if you like, insulated, insulated from those
13 matters.--

14 **FATHER DUCKWORTH:** Absolutely not, absolutely not, ma'am.

15 **CHAIR:** That's why I wanted to give you an opportunity, please, to comment on that, because it
16 really is important, isn't it, for who ultimately holds the responsibility for the special
17 character of the school and what is that special character and, yeah, who holds
18 responsibility for it.

19 **FATHER DUCKWORTH:** Okay, so the special character is really, you know, to cut it to the
20 bare, bare basics is that it is a Catholic school, that's what we mean by the special character.
21 And it actually came about at the time of integration by one of the negotiators saying,
22 "Well, it's a school that's sort of got a, what would I call it, a special character." And that's
23 how that term arrived.

24 But, you know, if there were Marists working in those schools, and as I said earlier
25 there's one, that person would be, if they were working in the boarding hostel, and there are
26 none working in the boarding hostel, but if they were teaching in the school they would be
27 as responsible as any other to the management of the school and the school's Board.
28 They're not separated from that. We are just as ruled by the School Board and that sort of
29 thing.

30 I imagine if there were Marists teaching and they misbehaved that they would be
31 reported to the Police just the same way as anybody else would be.

32 **CHAIR:** Can I cut to the chase here, Tim, for reasons of time, and really just so that you can get
33 to the nub of the question. Yes, we understand about the legal structures, the trusts, the

1 Boards, the representation, all of that, that's the hierarchical, organisational level and we get
2 that.

3 What I'm really referring to here is another dimension. It is the moral, the ethical
4 and the spiritual responsibility of the Society of Mary for what goes on in that school. Is
5 there to any extent an acceptance of responsibility for the values, the standards, and the way
6 the school itself conducts and presents itself to its students and to the public and to its
7 congregations, who put money in the plate, you know, every Sunday, loyally, you know?
8 What do we say to those people about where the Society of Mary stands in relation to these
9 matters of values, spirituality, ethics, morality?

10 **FATHER DUCKWORTH:** I think that people would understand that, flawed and all as we have
11 been in our past, that the vast majority of us are trying to inculcate values which are good
12 and honest and spiritual values that the Catholic Church tries to make part of the ethos of
13 every school. And while I'm ashamed to say that we didn't always do that, that doesn't
14 mean that the vast majority of us didn't try to do that and in good measure in every one of
15 our schools, as all Catholic teachers do in Catholic schools and all teachers do.

16 I have worked alongside, in Catholic schools, teachers who were not Catholic who
17 understood the values and upheld them too. It is important to us, too, to say that what we
18 are on about is a school which develops young people and gives them the chance, the best
19 chance that they can have in life to be good citizens, to be, hopefully from our perspective,
20 to be good Christians and to take their place in society and in their families with the values
21 we hope to give them.

22 **CHAIR:** And to be free of abuse.

23 **FATHER DUCKWORTH:** Absolutely, absolutely, and any other abomination really.

24 **CHAIR:** So that is something that the Society of Mary holds dear, as I think you've made plain,
25 and really it's a question of the Society, whether the Society keeps an overview and just
26 wants to make sure that that is happening, regardless of the, as I say, the organisational,
27 hierarchical matters, is that something that the Society is committed to seeing?

28 **FATHER DUCKWORTH:** Absolutely, and that's why I mentioned I had a, you know, a few
29 hours' meeting with Mr Ferreira and his wife and that formed a large part of what we talked
30 about, and that was before we knew we were coming to see you, to be honest.

31 **CHAIR:** We'll leave it at that point, we've now stolen so much time.

32 **MR THOMAS:** Yes, Madam Chair, I think we're running a bit behind time. I guess the options,
33 as I see it, are we take a --

