

**ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE**

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**WITNESS STATEMENT OF FR TIMOTHY DUCKWORTH  
PROVINCIAL OF THE SOCIETY OF MARY**

**FILED ON BEHALF OF  
THE BISHOPS AND CONGREGATIONAL LEADERS OF THE CATHOLIC CHURCH  
IN AOTEAROA NEW ZEALAND**

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*Notice to Produce No. 517: Paragraphs [9] – [19]*

## Introduction

1. My full name is Timothy Duckworth. I am the Provincial of the New Zealand Province of the Society of Mary (**Society**). I have held this role since 1 February 2020.
2. I entered the Society in 1973. I was ordained a priest of the Society in 1982. I have been a priest for 40 years and have served the Society and the Church in a wide range of ministries and apostolates. I refer to my previous statement dated 23 September 2020 which details my background in the Society.
3. Members of the Society are often referred to as **Marists**, and schools owned by the Society as **Marist Schools**. The Society includes priests and brothers (non-ordained) members and those in formation. The Society is distinct from other **Marist** orders and congregations such as the **Marist Brothers**. The schools run by these congregations are often also called **Marist schools**, to add to the complexity.

### *My involvement in Catholic secondary education and St Patrick's College Silverstream*

4. I have a long history working in Catholic secondary schools and boarding hostels. In my early years as a member of the Society, I was a teacher at St Patrick's College Silverstream (the **College** or **Silverstream**) for two years, in 1978 and 1979. I held this position as a **Marist** seminarian before I was ordained as a priest. I have not held any other roles in relation to the College.
5. I refer to my evidence dated 19 July 2022 in response to Notice 497, which details my history working in Catholic education. In summary, my experience covers positions on Catholic school Boards of Proprietors, School Boards and as Dean of school boarding facilities.

## General statement

6. I understand that my evidence relates to a wider inquiry into allegations of harm at faith-based institutions, and specifically to the Faith-Based Institutional Hearing scheduled to be held in October 2022.

7. On behalf of the Society, I again acknowledge the immense courage of survivors and their advocates in coming forward and sharing their personal stories with the Commission and the wider New Zealand community. I recognise how incredibly hard this can be. More should have been done to prevent the pain and suffering of vulnerable people who should have been kept safe in our care, including at schools.
8. We will continue to listen and learn from survivors and their whānau to ensure future prevention of harm is achieved for all those in the care of the Society and the Catholic Church as a whole.

#### **What my evidence covers**

9. This evidence responds to Notice 517 (the **Notice**), issued on 31 August 2022 by the Royal Commission of Inquiry into Abuse in Care (the **Inquiry**) under s 20 of the Inquiries Act 2013. The Notice requests evidence from the Society in relation to St Patrick's College, Silverstream. To the extent I am able, I address in this evidence:
  - (a) my personal knowledge of the College;
  - (b) the relationships and interactions between the governance entities of the College and the Society, including in relation to oversight and funding, and how these have changed over time;
  - (c) my understanding of the extent and nature of reported abuse at the College and why this is, including certain barriers to disclosure;
  - (d) my understanding of the obligations of various entities in relation to preventing and responding to reports of abuse; and
  - (e) my personal reflections on improvements and change in response to the questions in the Notice.

**Limited personal knowledge of St Patrick's College, Silverstream between 1950 to present**

10. I have limited personal knowledge of events that took place at St Patrick's Silverstream between the years in question. As I state above, the first time I became involved with the College was in 1978, when I held a teaching position at the College, as mentioned above. I had no further direct involvement in the College after that.
11. I have limited personal knowledge of the day-to-day governance and management of the College in the present day.
12. My evidence represents my best attempt to answer the questions that have been asked in the Notice. In doing so, I note that the Society is an independent congregation. I do not have control over and cannot speak for dioceses or other entities. Where there are questions relating to the actions of bishops and other entities, I can only provide my personal view regarding these, and those questions are best directed at the specific dioceses and entities mentioned.
13. I am aware that a Briefing Paper and appendices has also been requested by the Inquiry and is being prepared by Te Rōpū Tautoko (TRT) in response to the Notice. These documents are being prepared largely from records held by the Society. I have reviewed the records relied on. This material will accompany my evidence at a later date. Given the difference in timing of the provision of this material, I have not had a chance to review them in their final form. However, I am aware of what has been asked and of what is being provided in those documents.

14. A number of questions in the Notice relate, in part, to evidence that I have previously given or has been given by other Catholic witnesses (or provided in other forms, such as briefing papers). Where appropriate, I refer the Inquiry to this evidence. I also refer to Dr Kevin Shore's evidence, dated 18 July 2022, which provided a detailed account of the governance structure of state integrated Catholic schools and the role and responsibilities of the proprietor in such schools.

## **Role of the Society of Mary and the Provincial in Catholic schools, including Silverstream**

15. The Society presently has “beneficial ownership” of three secondary schools. These are St Patrick’s College Wellington, St Bede’s College Christchurch and Silverstream. Silverstream and St Bede’s College have boarding houses. There remains only one Society member teaching in one of our three secondary schools. This is at St Patrick’s College Wellington. Three others provide part-time chaplaincy at our schools. There is currently one Marist priest who provides part-time chaplaincy services at Silverstream. The priest does not live onsite, but nearby to the College. The Marist community that lived onsite left the College at the end of the school year in 2000.

### *Silverstream Board of Proprietors*

16. Governance and oversight of boarding is provided by the Silverstream Board of Proprietors, which develops policies and procedures, and directs the Rector and boarding school managers to undertake their roles, and to which they are responsible. The Board of Proprietors is also responsible, under the Trust Deed and the Silverstream integration agreement, for the College land and buildings, and the safeguarding of the special character of the College. However, I consider that the special character of the College is the responsibility of several people, including the School Board, the Rector, and the Director of Religious Studies.
17. The Society set up the Silverstream Board of Proprietors (previously known as the Silverstream College Trust Board) in 1966. The Provincial of the Society appoints people to the Board of Proprietors. In practice, I would usually receive recommendations or nominations from the Society of Mary New Zealand Colleges’ Senate (**Senate**) about who might be best to appoint. It is, however, my prerogative to decide whether to act upon those recommendations. In deciding who to appoint to the Board of Proprietors, I would usually ask for a CV and a summary of the person’s relevant experience.

18. Presently, the Society has what I would call an “arm’s length” relationship with the Board of Proprietors. The Society is interested, as the founder and owner of the College, to see that the College is well run and successful. We may support the College with funding and other initiatives, but we do not determine how the College operates at a day-to-day level. Accordingly, I, and by extension, the Society, have limited knowledge of the day-to-day governance of the College currently.

#### *The Rector*

19. Prior to integration of the College, the Rector, who was the superior of the community, was appointed by the Superior General of the Society in Rome. As the Rector was also the superior of the community, the appointment was also to the rectorship of the College. This responsibility for appointments was then transferred to the New Zealand Provincial in 1971, which remained the case until 1989. From then on, the appointment of the Rector became the responsibility of the Board of Trustees (now known as the School Board). Every Marist who wished to have a position on the College staff had to apply and go through the formal employment process. The Provincial no longer made recommendations or appointments. The last Marist Rector of the College left in 1993, and a lay Rector was employed from September of that year.
20. It is my understanding that presently, the Rector has an employment relationship with both the School Board and the Board of Proprietors, the latter of which involves oversight of the management of the boarding hostel.

#### *The School Board*

21. In a State school, which all Catholic schools are, it is my understanding that a School Board will be comprised of parent or parent nominated representatives, a staff representative, a student representative and the Principal/Rector. School Boards can have co-opted members.

22. In state-integrated schools, the Proprietor also appoints people to the board. It is the responsibility of the Proprietor, in the case of Silverstream – the Board of Proprietors – to choose who will be the Proprietor’s appointees on the School Board.
23. I don’t have any involvement in that process for Silverstream. I understand that the Proprietor’s appointees are not representatives of the Proprietor, but rather, they are *appointees*. This means they are not there to do the bidding of the proprietor, but are there to ensure aspects, such as the special character, are being appropriately considered and cared for in school-related decision-making.
24. I refer to the Briefing Paper, which details the establishment of the Silverstream Board of Proprietors and the School Board, and their roles and responsibilities for the College over time. I also refer to the evidence of Dr Kevin Shore, dated 18 July 2022, who explains the role and responsibilities of proprietors of Catholic schools more generally.

*Role of the Archdiocese and wider Church*

25. In regards to more general Church involvement in the College, there are two Catholic associated organisations, the New Zealand Catholic Education Office (**NZCEO**) and the Archdiocesan Catholic Schools Education Services (**CSES**), which supports the delivery of quality Catholic education. I refer to Dr Shore’s evidence for an explanation of the role of the NZCEO.
26. I understand that the CSES conduct special character reviews of Catholic schools within the Archdiocese. These are done on behalf of and for the Proprietor of each school. Other internal reviews of the special character, property and boarding hostel may also be done by the Board of Proprietors. The Briefing Paper details this review process.



### *The Senate*

27. In January 2014, the Society established the Senate, which has overall oversight of the Boards of Proprietors at Society owned schools. The Senate is comparable to a Vicar for Education in a Catholic diocese who works on behalf of and represents their bishop.
28. The Senate is tasked with making sure that all elements of proprietorship are cared for by the Boards of Proprietors, and to provide support and direction to the Boards. This includes advice on boarding facilities, land and buildings of the school, and special character. The Senate liaises with the Boards of Proprietors on behalf of the Provincial Council of the Society and ensures practical and oversight level support of Marist colleges is provided on behalf of the Society. The functions of the Senate are listed on the Society's website.<sup>1</sup> The Senate is like the "middle man" between the College Board of Proprietors and the Society.
29. The Provincial appoints members of the Senate. The Senate currently comprises one priest and three lay people, who have relevant experience, such as a Marist education background or Board of Proprietors' experience. The Senate is there to ask the right questions of the three Marist school's Boards of Proprietors on behalf of the Provincial, and to assist with the coordination of project management plans for the schools. An example of this might be to assist with or advise on a building project plan and ensure the Board of Proprietors is aware of their obligations under the integration agreement in relation to such plans.
30. The Senate meets once a month. I, as Provincial, do not attend those meetings. The Chair of the Senate may send me minutes or a summary of what was discussed at the meeting, which I would review to determine whether there is anything of particular interest that I should be aware of. However, this is not a requirement. Twice a year, Senate meetings are extended to include time with the Chairs of the Boards of Proprietors of the three Marist schools.

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<sup>1</sup> At <https://www.sm.org.nz/about/youth-and-education/marist-schools-senate/>.

31. The Senate visits Society owned schools, typically on an annual basis. The purpose of this visit, in my understanding, is to view the College property, be appraised of property plans and needs, and meet with the Rector, the Board of Proprietors' Chair and the senior management. I have visited the College in my capacity as Provincial of the Society on one occasion. This was recently, on 21 September 2022.

#### *Funding for the College*

32. The College receives a few significant donations, and these are primarily for supporting pupils with certain needs, rather than for building works.
33. Proprietors also receive funds to support their legal obligations to meet any debts, mortgages, liens, or other charges associated with the land and the buildings that constitute the premises of the state integrated school, as well as the ongoing maintenance of the school through a combination of parent attendance dues and government Policy one funds. I refer to the Briefing Paper, which provides further detail on attendance dues.
34. Unfortunately, there is usually a fairly large discrepancy between what the College is allowed to charge for attendance dues and how much funding is actually required to carry out the necessary building works. The Society provides some funding to its schools' Board of Proprietors for this purpose. This funding would generally be in the form of loans, which would be repaid by from attendance dues if, and when, possible. The College would also fundraise at the same time, such as through, for example, the St Patrick's College, Silverstream Foundation Trust.

## Questions from the Notice

35. I address below the specific questions I have been asked by the Notice.

### Prevention and response to reports of abuse (1950 – present)

**9. Describe how the Society of Mary understood its role in relation to the prevention of abuse and responding to reports of abuse at St Patrick's College and its boarding facility in the period 1950 to the present day, including:**

**a. Legal obligations (statutory requirements) including those relating to safeguarding and what they required you to do (including under canon law).**

36. I believe the Society had an obligation to supply members for positions within the College, such as the Rector, who the Society considered would benefit the College, its pupils and its staff, and should not have appointed anyone who would not meet those standards.

37. It is my understanding that since integration of the College, the legal obligation and responsibility has rested with those who have governance of the College. With regard to hostel staff at the College, they are the responsibility of the Board of Proprietors as the employing body. For school staff, the School Board is the employer, and thus has oversight and responsibility for any incidents concerning school staff. The general responsibilities and changes over time to those governance entities are set out above and in the Briefing Paper, which I do not repeat here.

38. Other evidence provided to the Inquiry sets out what the legal obligations generally are, and would have been.

(a) The legal obligations relating to the operation of the College are set out in the *Regulatory Context 1950-present* section of the Briefing Paper.

(b) A summary of the legal obligations of the Church, applying to both

diocesan and religious clergy, under canon law is set out at [136] – [155] of Cardinal John Dew’s first witness statement, dated 23 September 2020.

- (c) A summary of obligations under canon law are described more fully in the evidence of Monsignor Brendan Daly, including those that related to the administration of schools by religious superiors and bishops under the 1917 Code, at [22]-[38], and procedures for dealing with sexual abuse by clergy and non-ordained members of religious institutes under the 1983 Code, at [53]-[75].

***b. Obligations under policies or procedures in place at St Patrick’s College and what they required you to do (including reporting to other church authority or state agency).***

39. I am not aware of any formal policies or procedures that were in place at the College between 1931 and 1989. However, I refer to the evidence of the Chair of the Silverstream Board of Proprietors, Chair of the School Board, and the College Rector, who set out the policies and procedures currently in place at the College for dealing with reports of abuse and responses to those reports at the College.
40. As a general statement, in reality, it would have been very unlikely that any schools (including State schools) had formal policies or procedures in place to deal with the prevention of and responding to reports of abuse prior to integration, and even after that. As I state below, the Society and the wider Church, did not establish and implement policies or practices for responding to reports of abuse until the early to mid-1990s.

***c. Obligations under any relevant Catholic Church protocols.***

41. I set out the obligations on the Society regarding responses to allegations of abuse under Church protocols in my first statement to the Inquiry, dated 23 September 2020. To summarise, prior to 1993, the Society did not have a formal protocol or practice for dealing with reports of abuse. Nor did there exist

national centralised Church protocols. Accordingly, as stated at [35] to [36] of my previous statement, any responses to allegations of abuse by the Society prior to 1993 would have been dealt with on an *ad hoc* basis.

42. Guidelines in New Zealand started to be developed from 1993, when the New Zealand Catholic Bishops Conference developed the *Catholic Church Guidelines on Sexual Misconduct by Clerics, Religious and Church Employees* (sometimes referred to as the 'Provisional Protocol'). By 1998, the national protocol document, Te Houhanga Rongo – A Path to Healing (**APTH**) was introduced and adopted by the Society. This was a significant step towards a coordinated response to reports of abuse by the Church. In previous evidence, Cardinal John Dew and I provide a history of the development of APTH and the processes and practices developed and implemented by the Society thereafter.

**10. Describe the Society of Mary's understanding of the roles and obligations of the Archbishop, the Silverstream College Trust Board later renamed the Silverstream College Board of Proprietors, the Board of Governors, the Board of Trustees and the principal in relation to the prevention of abuse and responding to reports of abuse at St Patrick's College. Please include in your response how this has changed over time, and any distinctions between the school and the boarding facilities.**

43. I cannot speak directly to what the Society would have understood these roles to have been from 1931 to the late 1980s. I refer the Inquiry to the Briefing Paper, prepared from a range of sources by TRT.
44. Under the 1983 code of canon law, religious working at schools within a diocese have obligations and are accountable to, their religious superior, and are subject to the authority of the diocesan Bishop in certain matters such as Catholic teaching and liturgical practices. I refer the Inquiry to [55]-[63] of Monsignor Brendan Daly's evidence for a description of this requirement. These obligations are additional to any obligations as employees and work hand in hand.
45. In any school today, roles and obligations of all staff and students would be clearly set out in school policies and procedures. I believe that during the early years of the College's existence, schools in New Zealand would not have had clearly stated policies and procedures specifying who had responsibility for what. Those gaps would be obvious today. I refer to the evidence of the College Board of Proprietors, School Board and Rector for a detailed account of the policies and procedures in place today.
46. In my understanding, from the time of integration, if a member of the Society applied for a position at the College as Rector, responsibility for the Rector's actions in their capacity as Rector, became the ultimate responsibility of the College's governance bodies. After integration of the College in 1983, this would have been the Board of Governors, and then the School Board following the Tomorrow's Schools reforms in 1989. In respect to the Rector's interaction with the College boarding hostel and boarders, where these matters were the

responsibility of the Board of Proprietors, the Rector would also be accountable to them.

47. Roles and obligations were also likely influenced by who received a complaint, and who the complaint related to. For example, an allegation relating to a priest or brother of the Society may have been provided to the Society for response, alongside the responses of any other state authorities, including the School Board or the Police, or the Board of Proprietors.
48. The Society has always taken the view that any complaint against a member of the Society requires a response from the Society. The Society endeavours to assist the complainant pastorally, and such complaints have therefore been dealt with in accordance with the Society's processes and policies in place at the time. Many complainants express a strong desire to engage with the Society and we respond accordingly.

**11. Outline what steps, if any, have been taken by the Society of Mary over time to prevent abuse at St Patrick's College.**

49. The focus in the foundational years of the College, was to provide an all-round education for students. This involved teaching the Catholic faith, building character and helping students to achieve excellence in their studies, and providing care for the boarders that lived at the College. In those early years, the College would have also focussed on assisting students to manage and overcome the challenges of the Great Depression and the Second World War. It is my understanding that the prevention of abuse at the College was not something that would have been considered (at least formally) during those times in the way we consider it today, nor any steps would have been taken to prevent it.
50. Up until the mid to late 1980s, the subject of abuse, and sexuality generally, was not talked about in society, and at the College there would have been no clear strategy to prevent abuse, as we describe it today. This understanding is supported by a lack of records held by the College and the Society addressing any steps or strategies to preventing abuse during those times.
51. Over time, it was recognised and considered that the all-male environment of the College would benefit from more female presence at the College and the boarding hostel. The Blue and White College magazines that I have reviewed indicate that sometimes there was a daily presence of a local doctor and a resident female matron/nurse at the College. Then, in the years immediately prior to and post integration, the gradual introduction of more female staff in both the school and boarding hostel, and the employment of school counsellors.
52. The College also intentionally adopted the strategy to employ more lay staff at the College, and to move away from Marist priests running all aspects of the College. This had become more possible with government funding as a consequence of integration. Where priests had not previously had a salary, integration of schools into the state system meant the government funded the school, including salaries for all teachers and other staff.



53. While it was assumed that after 7 to 8 years of professional training, priests and religious would behave to the highest possible standards, sadly this was not always true. Over time, the formation of priests was significantly changed, as the curriculum for training of Society members altered with the development of new knowledge and the importance of it understood. It included courses in ethics, morality, pastoral care, anthropology, psychology, sociology, social justice, Māori studies, and communication, with an emphasis on respect for the rights of persons. It would be fair to say that School leaders relied on members of the Society to behave in a proper, professional and mature manner. It was assumed, by all involved, that the more all-rounded human and professional formation provided to the members of the Society would underpin and assist the way Marists undertake their work in various contexts, including schools.
54. As I state above, policies or procedures that document what we call 'safeguarding' practices today in the context of sexual abuse, were not formally developed and documented from the time of establishment of the College to until relatively recently. In the earlier days of the College, when a complaint was received about abusive behaviour by an individual and it was believed that abuse had occurred, the Rector would inform the Provincial of the Society and ask for the offender to be removed from the College. Typically, the Provincial would arrange for clinical intervention, assessment and treatment. The intention was to mitigate against reoffending.

## Response to reports of abuse

*For the period 1950 to the present day, please:*

### **12. Outline your understanding of the nature and extent of abuse at St Patrick's College and its boarding houses, and your position on the reasons for that.**

55. As summarised in Appendix A to the Briefing Paper, there have been reports and complaints of abuse made against members of College staff. These allegations are historic and against Society priests. Most of those complaints were made from 2002, as a result in part of increased publicity, both internationally and domestically, about abuse by priests. During that time, the Catholic Church in Aotearoa New Zealand invited members of the public who had been abused to come forward and make contact, and offered them assistance.
56. Domestically, there was publicity about the case of Alan Woodcock (**Woodcock**), a former Marist priest, who returned from Europe to face charges in relation to abuse from when he had been a staff member at Silverstream in 1982. Woodcock was removed from the College at the end of that year.<sup>2</sup> The records suggest that this occurred on the basis of allegations made to the Rector during the year.<sup>3</sup>
57. In the 1990s, one survivor made a report of abuse by Woodcock to the Society relating to events in the 1980s. Other survivors came forward from 2002 through the Society's Abuse Helpline reporting abuse relating to the 1980s. These further reports of abuse indicate that, though Woodcock was never again appointed to a school, he reoffended after leaving Silverstream in 1982. Woodcock was convicted for these offences in 2004.
58. It is unclear if complainants involved in the criminal prosecution of Woodcock also made complaints to the Society or other Church entities. The complainants have name suppression as a result of the criminal process. The Society can't say definitively if these complainants approached the

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<sup>2</sup> 017.R638.0063

<sup>3</sup> 017.R638.0099

Society unless the complainants themselves inform the Society. All complainants who approached the Society were encouraged to go to the Police and were provided with the Detective Sergeant's contact details.

59. In the 1970s, a boarder at Silverstream is reported to have informed the then acting Rector that he had been abused by a Marist priest.<sup>4</sup> The priest actively denied the allegation.<sup>5</sup> From the records I have seen, it appears that the priest was not initially removed from the College at that time.<sup>6</sup> The records indicate that a short time later, further allegations were made against the same priest to the Rector.<sup>7</sup> The Rector believed the allegations and the Provincial of the Society during that time was notified. The priest was subsequently removed from the College.<sup>8</sup> Other reports of abuse by the priest from around that same time were received by the Society from 2002 to 2005.
60. Other reports of abuse were made to the Society from 2002 onwards. It is unclear from the records whether the complainants in these cases had previously reported abuse to the Society or to the Police. Complaint records held by the Society demonstrate that the alleged abuse occurred in the College boarding hostel at the College, and in the day school.
61. I set out below my personal views of the reasons for the extent and nature of abuse at the College.

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**13. Explain how the Society of Mary has responded to reports of abuse at St Patrick's College, and to the extent responses have changed over time, describe the changes and the reasons for such changes.**

62. The Society's responses to reports of abuse have undergone significant change over the years. I explain these changes in greater detail in my previous statement, dated 23 September 2020. These changes reflect a greater understanding of abuse and trauma, and a recognition of the needs of survivors and the gravity of consequences for survivors. This was commensurate with a growing understanding of the Society's responsibility of care for survivors. New knowledge and research also assisted the Society to realise the probability of recidivist behaviours and reoffending.
63. Prior to the greater awareness of sexual offending, and the development of procedures and policies in all sectors of society, processes other than those in Canon Law, around how to respond to abuse were mostly non-existent. The establishment of APTH in the late 1990s was a significant step forward to Catholic entities knowing how to respond to reports of abuse. APTH provided more detailed protocols for responding to reports of abuse and, significantly, outlined procedures designed to respond to the needs of survivors. As I state above and in my previous statement dated 23 September 2020, the Society adopted APTH in 1998.

**14. Describe your understanding of the barriers to disclosing abuse at St Patrick's College.**

64. While I have little personal knowledge of the particular barriers to disclosing abuse at Silverstream in the period in question, I am aware that there are multiple barriers to disclosing abuse at secondary boarding schools and more generally, and I believe these were much greater in the early years of the College than they are today. From the time of the College's establishment to the 1980s, matters relating to sexuality were not openly spoken of in New Zealand society generally, and particularly not in the Catholic Church and other Church environments.
65. Barriers to disclosing abuse may include feelings of shame, a sense that the person abused was to blame in some way and had taken part in what might have been described as 'bad' or 'dirty'. There may also be an element of not understanding what had happened, difficulties with communicating, or feelings of failing or disappointing family.
66. Another barrier to disclosing abuse may be the trauma that a victim experiences which can lead to denial, confusion and doubt about what was done to them. An adolescent often does not have the self-belief or strength to voice what was done to them.
67. Other barriers concerning Silverstream specifically, may be the culture of respect for the College, including the priests, the teachers and the old boys of the College, which was characteristic of the Silverstream community. In the early years of the College, it is likely that the authority of teachers and parents was never seriously questioned both in the College and in society. Students therefore often did not report serious matters to their parents as this may have resulted in further shame or punishment, or they felt they simply could not due to the authority the College and its staff had in the community.
68. Since its inception, I understand that the College has been a source of pride, loyalty, bonding, brotherhood and identity for its students. Sadly, the persons committing the harm had the role of caring for the boys. It is possible that

confusion around this pride prevented disclosure because the abuser was the person whom the victim may have expected to turn to for support, and the victim may have thought they would not be believed.

69. Barriers may have also included a fear of retribution or mocking from their peers. A student who had left home for the first time in their life to move into a boarding school, may also experience a sense of powerlessness and isolation at being in a situation where they did not have access to whānau and other trusted adults that they could confide in. A younger student may also have been given unhelpful or even damaging suggestions by older students.
70. Additionally, from my experience at Catholic boys' boarding schools, I observed that the students often have a code of not reporting the actions of others or "narking", which may have led to a reluctance on the part of those who might have disclosed abuse. In boys' secondary schools, chief influencers are often the boys themselves and their 'peer code' and hegemony can be a significant barrier.
71. Other barriers concerning secondary school students more generally, may be an unawareness of their developing sexuality and fear or confusion about the distinction between sexual identity and sexual abuse. It was not until 1986 that the Homosexual Law Reform Act was passed, and not until 1993 that the Human Rights Act made it illegal to discriminate on the grounds of sexual orientation. Prior to then, it would have been challenging for some boys to understand all these aspects of sexuality, especially in an all-male environment. At the same time, some may have been sexually active, or discovering who they were in terms of identity, which is a normal process for adolescents.

**15. Comment on whether you consider that there was a culture or practice within the Church, the Society of Mary or lay members of staff of ignoring, tolerating or normalising abuse at St Patrick's College. Please include in your answer the reasons for your view, and any changes over time.**

72. To the extent of my personal knowledge, I do not think there was a culture of tolerating or normalising abuse at Silverstream. That is not a culture the Society has ever stood for or condoned.
73. However, in relation to physical abuse or bullying, I understand that Silverstream in its earlier years of operation, like most single-sex boys' schools at the time, operated in a militaristic and overly masculine fashion. This style of education in a male-dominated environment traditionally emphasised uniformity, strength and toughness. It was quintessential of a disciplinary framework, rather than a pastoral framework. The presence of Cadets at Silverstream (a government scheme) would have emphasised drill, parades, barracks, discipline and outdoor education. It would not surprise me that corporal punishment, abolished in 1990 by the Education Act 1989, would have been used by staff at the College, further contributing to a macho culture.
74. This is not the approach I took when I worked and managed boarding hostels at Catholic secondary schools, and one I would not tolerate today.

**16. With the benefit of hindsight, what do you think were the biggest mistakes made by the Church, the Society of Mary, any school governance entity or any relevant State agency in responding to disclosures of abuse at St Patrick's College?**

75. Mistakes were certainly made, often stemming from an ignorance about predatory behaviour, especially in regard to sexual offending. The majority of complaints of abuse relating to Silverstream concerned sexual abuse. My personal opinions noted below therefore relate to mistakes made in regards to disclosures of sexual abuse.
76. Those in leadership at the College would have had very limited experience, knowledge and understanding of the cause of abuse, its effects, and possible treatment. Staff and parents were generally unknowledgeable and unaware of the existence or prevalence of abuse, of the indicators of someone abusing, or of the signs of someone being abused or sexually harmed. Thus, the Society was not well informed enough to provide adequate, focussed support to victims when a disclosure of abuse was made.
77. Additionally, the practices in leadership in the College's early existence were based on a hierarchical model. Decisions were "sent upstairs" to a higher authority whom it was believed had the necessary knowledge and power to make informed decisions when this would not always have been the case. This hierarchal separation resulted in delays to act and inappropriate responses. However, such structures of authority and responsibility are not the common practice of today. I refer to the evidence of the Board of Proprietors, the School Board and the Rector about the policies and procedures Silverstream currently have in place to deal with such matters



78. I have reviewed a number of documents from the earlier period of the College's history, when the Society was staffing the school. From these documents, it is sadly apparent that reports of abuse by some priests were responded to less than satisfactorily. In at least one case, the documents suggest that too much reliance was placed on professional psychological advice.<sup>9</sup>
79. The recidivist nature of sexual offending at that time was poorly understood, and offenders often did not accept responsibility for their actions. During the 1950s to around the 1980s, society (in general) did not understand sexual offending, and did not have the knowledge, ability or treatment options to deal with it. I reiterate that this is not the case now. It is also not the way that society, helping professionals or the Church would approach these matters today.
80. In the two cases at Silverstream where abuse was reported at the time of the offending, as I note above, there is little recorded to indicate that appropriate assistance was given to the victims of the abuser. It would seem that where parents were informed, care for the victim was left up to them. There are no records to indicate that professional therapeutic care was offered to the students by the College or the Society. However, I cannot exclude that there may have been guidance and support given to a victim/s by other members of the College staff, such as the form teacher, or the Spiritual Director. At the time of these offences, Silverstream did not have a counsellor on staff.
81. Tragically, at Silverstream there existed factors that enabled abuse to occur between 1950 and the 1980s. The Society had members with a previously unknown predisposition to sexual abuse. The College staff and community would have been unaware of the nature and effects of grooming, sexual abuse and safeguarding. The Society leadership was naïve, unaware and inexperienced in relation to sexual abuse and the disposition and behaviours of sexual predators. Government policies and procedures relating to responding to abuse also likely would not have considered the nature, causes and multi-dimensional effects of sexual abuse. Sector independence, a silo mentality, and an emphasis on isolated rather than consultative decision making were also indicative of the time period in which abuse occurred at

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Silverstream.

82. Regarding complaints of abuse made to the Society since 2002 in relation to Silverstream, the Society has attempted to respond to these in a manner that is, from what we know now, based on trauma informed care and sensitivity to the wellbeing, culture and needs of all involved. The Society continues to respond in this fair and compassionate manner. As mentioned above, the early 2000s is the time when a number of allegations began being made, and our response to reports of abuse became more systematic. I was involved from that period and have previously outlined the Society's general response to reports of abuse in my earlier statement, dated 23 September 2020.

**17. In hindsight, do you consider that the Society of Mary and the Church adequately responded to disclosures of abuse, and what are the reasons for your view?**

83. As I have previously stated in my evidence to the Inquiry in relation to the Society's dealing with reports of abuse, I consider that we have done our best to respond to reports of abuse with compassion and respect, especially in the period since 2002. I think we have improved our processes and practices over time, and we continue to do so. Each person is unique, and we acknowledge that in the way we respond. Getting the right processes and attending to the pastoral, legal, cultural, human and relational aspects are complex and require skill, and at times this causes further complications. In this, there is no "one size fits all." It needs to be recognised that we attempt to provide a pastoral response to a complainant, and we always advise them that they can, as well, approach a lawyer and the Police.
84. The response we would make today is of course informed by what we now know. This includes a response based on trauma informed care and sensitivity to the wellbeing and needs of all involved in the process. People, including complainants, have their own expectations and hopes. Sometimes meeting those hopes is not simple, even impossible. Some people want atonement, some want peace, some want to be heard. Many want to be assured that what happened to them could not and would not happen to others today. Some people feel a need for someone to be punished and where the respondent is dead that is very frustrating for them. As I explain above and at [36] of my previous statement, dated 23 September 2020, earlier imperfect responses to complaints of abuse reflects the Church's, and the wider society's, lack of understanding of the nature of recidivism for sexual offending at that time.
85. I would say, however, that for some survivors of abuse, nothing will be an adequate response to the harm and damage that has happened to them. This is where, as set out in my previous evidence, I believe a pastoral approach focussed on the overall wellbeing and individual needs of the complainant and their whānau and all affected, and ensuring the process is fair and compassionate, is best.

86. I also note that the Society and the College have received requests for the portraits of past Marists accused of abuse to be taken down at the College. I refer to my previous statement dated 2 February 2021, which addresses the issue of removal of portraits. In my view, this can be a difficult decision and due process is important. Some people make demands of the College for immediate removal of a portrait, when in fact no complaint has been received. However, I reiterate that this is an operational decision for the governing bodies of the College to make.

**18. What do you think are the most important changes that need to be made by the Church, the Society of Mary, or any school governance entity or any relevant State agency to protect children attending schools like St Patrick's College?**

**19. What do you think are the most important changes that need to be made by relevant State agencies to protect children attending schools like St Patrick's College from abuse, and to improve the response to reports of abuse?**

87. I address these two questions together. Many changes have already been made to better protect children attending schools as a result of increased understanding and knowledge about the nature, prevention and treatment of sexual abuse, and the well-being of children and young persons. Legislation like the Harassment Act 1997, Victims' Rights Act 2002, Children's Act 2014, Health and Safety at Work Act 2015 and the Harmful Digital Communications Act 2015, have all played a part in our greater awareness of the need and means to better protect children.

88. The enactment of the Children, Young Persons, and Their Families Act 1989 (**CYPF Act**), while it did not create mandatory reporting, activated a greater awareness of and movement to develop processes in relation to protecting children and young people from abuse in all environments. Since then, improvements have been made by the Church, the Society, schools, governance entities, and state agencies. Schools are required to have an effective child protection policy under the Children's Act 2014, which clearly records how to identify and respond to suspected abuse and neglect. The Teachers' Council have also developed very clear protocols regarding responding to and preventing abuse in schools. In my view, mandatory reporting would assist in preventing abuse and violence against children and young persons.

89. I consider that this is an ongoing improvement process, as we learn more and adapt our practices accordingly.

90. I believe that the Church's stance on some aspects of sexuality need to change. We need to consider deeply and reflect on the emerging

understandings of human existence so that we can develop a revised theology of sexuality. This change is set out as a necessity by the laity and Church in the recent process called a synod that the Catholic Church in Aotearoa New Zealand and worldwide has sought input on.<sup>10</sup> I consider that the Church needs to be guided by those with theological and pastoral experience to provide a positive Church response and approach to sexuality, life and healthy relationships.

91. Ongoing training is required for Church ministers, both ordained and lay, and for Society and school staff, on how to sensitively and professionally respond to disclosures of abuse from students, and how to refer students or members of the community to appropriate support resources. In relation to schools, I think that the provision of education in this area needs to be culturally inclusive, robust and tie in with the special character of the school and the religious education syllabus to alleviate shame and guilt that students might feel in coming forward about abuse.
92. I consider that awareness of and accessibility to reporting systems and support avenues at schools should be clearly communicated and promoted to parents and caregivers, students, staff and the wider school community. All sectors who work with children and young people need to have clear and transparent policies, processes and procedures that are known and easily accessible. I again refer to the evidence of the Board of Proprietors, the School Board and the Rector about the policies and procedures Silverstream currently have in place to deal with such matters.
93. I note, in relation to Silverstream, that the Society has no day-to-day governance responsibility for the College. However, Dr Shore has provided evidence about state-integrated Catholic schools and the required changes to ensure the protection of children at schools generally. I refer the Inquiry to that evidence.
94. I also understand that the State provided evidence about their processes and measures concerning the protection of children at schools, in the State

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<sup>10</sup> See <https://www.catholic.org.nz/news/media-releases/nz-synod-synthesis/> and <https://www.catholic.org.nz/news/media-releases/diocesan-synthesis/>.

Institutional Response Hearing in August. I accordingly refer the Inquiry to that evidence relating to changes made by the State.

**STATEMENT OF TRUTH**

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

**Signed:**

GRO-C

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Timothy Duckworth

**Dated:** 30 September 2022