
Appendices

Appendix One

Inquiry Terms of Reference

1. **Commencement and term:** The Inquiry shall commence its work from 1 July 2022 with the aim of providing its report by 16 December 2022.
2. **The Inquiry:** The Inquiry shall be undertaken by Dame Silvia Cartwright, PCNZM, DBE, QSO, DStJ and Frances Joychild QC, with Dame Silvia as the Chair of the Inquiry.
3. **Purpose:** The purpose of the Inquiry will be to examine and make findings on:
 - a. the nature and extent of sexual and other abuse (abuse as defined in paragraph 6);
 - b. the factors that caused or contributed to the abuse;
 - c. the acts and omissions of the School, its trustees, officers and staff in responding to, or addressing, complaints of abuse;
 - d. the adequacy of the policies and procedures in place at the School today to prevent any future abuse.
4. **Scope:** The matters in scope include, but are not limited to:
 - a. the nature and extent of abuse that occurred from 1 January 1950 to the end date of the Inquiry;
 - b. the factors that may have caused, or contributed to, the occurrence of the abuse, including:
 - i. structural, systemic or cultural causes;
 - ii. the actions or omissions of the School, its trustees and staff, as well as those other persons referred to in paragraph 6 below, in committing, allowing or encouraging the abuse;
 - iii. the vetting, recruitment, training, development, performance, management, and supervision of staff and others involved in the provision of care;
 - iv. the School's policies and procedures available at the relevant times to raise concerns, or make complaints, about abuse;
 - v. the culture of the School at the relevant times, including the kinds of conduct allowed, enabled or encouraged between students of the School.

- c. the acts and omissions of the School, its trustees, officers and staff in responding to, or addressing, complaints of abuse, including:
 - i. whether those persons were aware, or should have been aware, of the abuse that occurred at the School;
 - ii. what, if anything, they did in response to any complaints of abuse;
 - iii. whether there were any attempts made to conceal or suppress knowledge or reporting of instances of abuse;
 - iv. whether the response to complaints of abuse (including pastoral care and redress) was consistent with good practice at the time the abuse occurred.
 - d. the School's current policies and procedures and whether these are fully adequate to protect the health and well-being of current and future students.
5. Matters not in scope include determining criminal or civil liability of any entity or any person or whether any act or omission by that entity or person complied or not with the law.
6. **Abuse:** For the purposes of the Inquiry, abuse means sexual and serious physical abuse (including conduct such as harassment, grooming, bullying and the like leading up to the abuse) to a student of the School, that was committed, allowed or encouraged by:
 - a. a person involved in the provision of care being a member of the Board, a member of the staff of the Board and/or the School, associates, volunteers, service providers;
 - b. student of the School;
 - c. a visitor at the School;
 - d. any other person who was in a position to interact with students at any time when they were in the care or control of the School.
7. **Inquiry procedures:** The Inquiry will determine its own processes and procedures and make such inquiries as it considers will best achieve the purposes of the Inquiry. The Inquiry will ensure, however, that its processes and procedures:
 - a. support Survivors who wish to participate in the work of the Inquiry;
 - b. provide flexibility as to how Survivors are able to share their experiences with the Inquiry (for example, through the use of statements provided in other contexts);

- c. do not retraumatise Survivors as far as is practically possible;
- d. recognise relevant cultural perspectives;
- e. are simple to understand;
- f. do not prejudice current or future criminal or civil proceedings, or other contemporaneous inquiries;
- g. treat the personal information it receives in accordance with the principles of sensitivity, confidentiality, privacy and informed consent, as well as pursuant to any existing suppression orders;
- h. allow individuals who provide written information to the Inquiry to access their information at a later date on request;
- i. inform participants of support, complaints or other processes which may be available to them;
- j. effectively manage any overlap between the Inquiry and Redress Programme to minimise stress and trauma to Survivors who engage in both processes.

8. **The Board:** The Board will:

- a. cooperate with the Inquiry to assist it to hear from people who were formerly, or are currently, associated with, or in the employment of, the Board and the School;
- b. make all its current Board members available for interviews with the Inquiry and cooperate with the Inquiry to assist it to hear from all former Board members;
- c. ensure that current senior students have confidential access to the Inquiry;
- d. enable the Inquiry to undertake its work independently and confidentially;
- e. provide to the Inquiry on request any information in its possession or control, including waiving its privilege (but not any other person's privilege) in information predating 1 January 2018, relating to matters in scope and solely for the purpose of the Inquiry;
- f. otherwise provide such assistance to the Inquiry as it requests.

9. The Inquiry will carry out its work at such place or places as it considers appropriate having regard to its purpose and the need to support and not retraumatise Survivors. An Inquiry office will be based in Auckland at a location independent from the School.
10. The Inquiry will provide and fund support services for, and the reasonable expenses of, Survivors, as required to assist them with their participation in the Inquiry process. This may include reasonable expenses for travel, accommodation and counselling; and where the Inquiry considers it necessary, legal costs associated with participation in the Inquiry. Such support may also include the continuation of support already provided as part of the Redress Programme, the Listening Service, or any other counselling the Survivor already receives.
11. In particular, where the Survivor has a support person supporting them with the Redress Programme, the Survivor will be given the option of using that same support person to assist him and his family to participate in the Inquiry, and the support person can assist in accessing any of the Survivor's information that the Survivor/ support person considers relevant for the purposes of the Inquiry.
12. Report: The Inquiry shall deliver to the Board a written report with its findings and recommendations by 16 December 2022 or such later date that the Inquiry considers necessary to complete its inquiry in accordance with these terms of reference.¹²⁴¹ The report shall be made publicly available subject to any redactions to protect the confidentiality of Survivors' identity, existing suppression orders, and information as recommended by the Inquiry.
13. The Inquiry may make any recommendations it considers appropriate, including as to what happened in the past or to ensure that the factors that allowed historical abuse to occur do not persist and are not repeated in the future.

Dated June 2022

¹²⁴¹ The completion date was later extended to 18 September 2023.

Appendix Two

Inquiry privacy statement

This privacy statement explains how the Independent Inquiry into Abuse at Dilworth School will manage the personal information it obtains, including how we will collect, use, and disclose this information to perform our functions.

The Inquiry will need to collect often sensitive personal information about abuse at Dilworth School. We are committed to managing this information in accordance with principles of sensitivity, confidentiality, and privacy. We operate independently of Dilworth School and the Dilworth Trust Board, and we will collect and use personal information only in ways that clearly support the objectives of the Inquiry.

Wherever possible, we will only disclose personal information to third parties with the consent of the individual concerned. However, there are a few situations where we may have to disclose information that identifies you so we can carry out our inquiries. These situations are set out below.

If you cannot find the information you need in this statement, or you have any questions or concerns about your personal information, please contact us at any time by emailing privacy@dilworthinquiry.org.nz.

Why are there separate privacy statements for the Inquiry and the Redress Programme?

The Inquiry and the Independent Redress Programme are separate, but related, parts of the Dilworth Response. Because the Inquiry and the Redress Programme will do different things with personal information – according to their purposes and functions – we need to address privacy notice differently for each. This privacy statement relates to the Inquiry, and you can read the privacy statement for the Redress Programme at www.dilworthredress.org.nz.

This difference also means that you may be required to sign separate consent forms for the Inquiry and the Redress Programme. We know this could cause confusion and frustration, but we believe that it is important to ensure that we, and you, are absolutely clear about what you are providing consent for and how your information will be collected, used, or shared.

In some circumstances, personal information may be shared between the Inquiry and the Redress Programme. These circumstances are set out below.

What personal information will the Inquiry collect?

Personal information means information about an identifiable person. The personal information we need is determined by our purpose and scope, which are set out in our Terms of Reference. Our purpose and scope are broad in nature, and this means we may need to collect a significant amount of personal information to ensure that we can deliver the outcomes expected of us. That said, we will take steps to ensure that we collect only the personal information we really need.

The types of personal information we may collect during the Inquiry include the following:

- Personal identifiers of participants, including names, ages, and contact details. Please note, participants may send us anonymous accounts of their time at Dilworth, but such accounts are less useful to the Inquiry.
- Information about a survivor's admission to Dilworth, including the dates of their admission and the duration of their attendance.
- Information about a survivor's experiences at Dilworth, including information about their education, discipline, and pastoral care.
- Information about the abuse a survivor is alleged to have suffered.
- Information about a survivor's experiences after Dilworth, which could include psychological or other medical assessments or documents.
- Information about a participant's current mental health, or any other risks that may impact on the ability of a participant to participate in the Inquiry.
- Information about a survivor's whānau/family, and the impact abuse has had on them.
- Information about a survivor's culture and its importance in the context of their experiences at Dilworth.
- Information about the alleged perpetrators of abuse, which may include information about Dilworth employees, board trustees, volunteers, students, or others.
- Information about Dilworth employees, board trustees, volunteers, students, or others who may have responded to abuse complaints or otherwise been involved with a survivor.
- Information about the recollections or experiences of witnesses to abuse at Dilworth.

Who will the Inquiry collect personal information from?

Wherever possible, we will collect personal information only from the individuals concerned – people who participate willingly in the Inquiry. For example, if a survivor agrees to be interviewed for the purposes of the Inquiry, we will collect personal information directly from that survivor during the interview.

However, in some cases, it will not be possible for us to collect personal information directly from the individuals concerned. For example, we may need to collect personal information that the individual concerned does not hold. We may collect personal information from the following third parties:

- **Dilworth School** – Dilworth holds historical information that will be highly relevant to the Inquiry. Where possible, we will ask for the consent of individuals identified in this information to collect it. However, we may collect personal information from Dilworth without consent in some cases, such as where the individual concerned is deceased or it would not be practicable to obtain consent in the circumstances and it would be in the public interest for us to collect it.
- **Lawyers representing survivors** – Many survivors have already engaged lawyers to manage legal proceedings relating to the abuse they have suffered. As part of this process, they may have provided personal information about their experiences that could be highly relevant to the Inquiry. We will only collect this information with the consent of the individuals concerned.
- **Healthcare providers** – In order to ensure the Wellness of participants in the Inquiry, the Dilworth Response Wellness Unit may need to collect health information from healthcare providers from time to time, such as psychological assessments. The Wellness Unit will only collect this information with the consent of the individuals concerned, and the Inquiry will only access it if necessary for the purposes of managing a person's safe participation.
- **Independent Redress Programme** – We want to ensure that survivors do not have to provide their information to the Inquiry if they have already provided it to the Independent Redress Programme, to minimise stress and trauma. The Redress Programme has made clear in its privacy statement that it will share personal information with the Inquiry.
- **Anyone else you consent to us contacting** – If you have previously provided your account to another organisation, such as the Royal Commission of Inquiry into Abuse in Care, or the Police, you can provide consent for us to collect information about you from that other organisation, to minimise stress and trauma.

How will the Inquiry use personal information?

We will use personal information **only** for the purposes of the Inquiry, as set out in our Terms of Reference. This may include using the information in the following ways:

- Considering the information for the purposes of making findings on the matters set out at clauses 3 and 4 of our Terms of Reference.
- Delivering a written report with the Inquiry's findings and recommendations, which will be made public subject to redactions and/or anonymisation to address privacy and confidentiality considerations.
- Managing the safety and Wellness of participants in the Inquiry and of Inquiry staff, including informing participants of other processes that may be available to them.
- Managing overlap between the Inquiry and Redress Programme, to minimise stress and trauma to survivors who engage in both processes (see below in relation to disclosure).

Will the Inquiry disclose personal information to third parties?

As noted above, we are collecting personal information for the purposes of considering the matters within the scope of the Inquiry, delivering a written report on our findings, and managing health and safety risks to participants and Inquiry staff. To achieve these purposes, we will only disclose personal information in the following ways:

- We will disclose personal information to our Independent Inquirers, Dame Silvia Cartwright (Inquiry Chair) and Frances Joychild QC, who will use this information to meet the first two purposes set out above.
- We may disclose personal information to the Redress Programme – via our Wellness Unit - about any risks to the health, safety or Wellness of a participant.
- We may need to disclose some personal identifiers about a participant – such as name and age – to Dilworth School in order to facilitate a request for information related to the matters that participant has brought to the Inquiry's attention (but we will never disclose detailed information about a participant in this way).
- We may need to disclose information from a witness to other witnesses in the process of investigating the issues. We will not identify witnesses during this process, unless they consent to their identity being known.
- With consent, we will disclose personal information about a participant to the Redress Programme, to minimise stress and trauma to survivors who engage in both processes.

- We will disclose personal information to other third parties in order to investigate the matters in the Terms of Reference, but only with the consent of the individual concerned.

To maintain the integrity of the Inquiry, and the trust of our participants, we will not otherwise disclose personal information to Dilworth School, the Police, or any other government agency unless we are required by law to do so. If you would like to make a complaint to the Police relating to abuse at Dilworth School, please contact the Police at Operation.Beverly@police.govt.nz or (09) 302 6624.

Survivors will not be identified in our report unless they request to be identified. For other participants there will be a general presumption of confidentiality, but this will be decided on a case by case basis by the Inquirers.

How will the Inquiry ensure personal information is protected?

We will take all reasonable steps to protect personal information from loss, unauthorised access, use or disclosure, or any other misuse, including the following:

- We store and process personal information within Microsoft Office 365, with all information stored securely on cloud servers located in Australia. We believe Microsoft can deliver industry standard security safeguards in relation to our information.
- We ensure that Inquiry staff and the Independent Inquirers access and process personal information only within our secure Microsoft 365 instance, and that people can access only the personal information they need to perform their functions.
- We protect personal information during transmission, including by encrypting emails and attachments.
- We require all Inquiry staff to use separate devices for managing Inquiry work, including laptops and mobile phones, and we take steps to ensure these devices are secure.

Can people have access to the personal information the Inquiry holds about them?

Anyone has the right to ask the Inquiry whether it holds personal information about them, and to request a copy of that information if we do. Please email your request to privacy@dilworthinquiry.org.nz. We will respond as soon as we can, and no later than 20 working days after you make your request. We will be as open as we can with you, but we may need to withhold personal information in some cases, such as where necessary to protect the privacy of other individuals.

What will happen to the personal information once the Inquiry is completed?

We will retain personal information only for as long as we have a lawful purpose to use it. This is likely to be for the duration of the Inquiry, and until we have delivered our findings. The Inquiry has yet to determine whether, after the Inquiry is completed, we will securely destroy the information or securely archive it. We will update this privacy statement once that decision has been made.

Appendix Three

Inquiry procedures

Appointment and reporting

The Inquirers were appointed in May 2022 with the Inquiry set to start on 1 July 2022 when the Inquiry's website went live. The original terms of reference set a reporting date of 31 December 2022. The Dilworth Trust Board and the Inquiry recognised that this was a pro forma date given the difficulty in assessing the number of registrations that would emerge. By October 2022, it was clear there would be a significant number and the reporting date was set for March 2023. Ongoing registrations meant the date was further extended to 31 July 2023.

Requests for extensions to respond under the natural justice process and other report production requirements resulted in the report being published in September 2023 on the Inquiry website and in hard copy.¹²⁴² The executive summary has been translated into te reo Māori, Samoan and Tongan languages.

Setting up the Inquiry

Staffing

The first staff appointment was a head of secretariat and lead investigator followed by two wellness navigators. Further staff appointments, both full time and part time, included two investigators, three lawyers, two legal assistants and a third wellness navigator. Later, a senior administrator was appointed to take over many of the head of secretariat duties, as the Inquiry's work grew. A small number of other personnel were appointed on short-term contracts at various times for specific tasks.¹²⁴³

Inquiry staff

Chair:

Dame Silvia Cartwright

Co-Inquirer:

Frances Joychild KC

Secretariat

Mike Wesley-Smith
Jennifer Locke

Legal Team

Emma Finlayson Davis

Chris Merrick

Karen Jones

Wellness Team

Rizpah Evans

Rachel Wybourne-Curtin

Jamie Leighton

Investigation Team

Mike Wesley-Smith

James Watson

Shelley Nisbet

Support to investigation team

Phillipa Mitchell

Angela Jones

¹²⁴² As provided for by clause 12 of the Terms of Reference.

¹²⁴³ Short term support to the investigation and legal teams was provided by Aja Trinder, Angela Lee and Geraldine Whiteford.

Budgeting

As the Inquiry was fully funded by the Board, the director of the Dilworth Response assisted the Inquiry in determining a budget.

To emphasise the Inquiry's independence from the Board, an intermediary was appointed to handle all financial aspects of the Inquiry, including invoicing.

Office premises

Premises for the Inquiry's use were leased in central Auckland, providing rooms for interviews and workstations for staff.

Inquiry procedures

This Inquiry has several features that distinguish it from public and government inquiries.

This Inquiry was appointed by Board as a private inquiry, and all resources, including remuneration, were met by the Board.

The Public Inquiries Act 2013, which enables Royal Commissions, public and government inquiries to be established by governmental action, gives broad discretion to inquirers to determine the procedure adopted, the manner of gathering information, the power to restrict access to information collated, as well as the power to compel witnesses to attend.

As a privately established Inquiry, the Act's provisions were not mandatory for this Inquiry to follow. So far as possible and appropriate, however, they were observed. In particular, the Inquirers and all Inquiry staff acted independently, impartially and fairly in all their work. The nature of the information gathered, its sensitivity, and the vulnerability of survivors and current and former Dilworth staff and Board members required specific procedures and personal support to be instituted.

Privacy and confidentiality measures were equally critical. At the outset, we engaged a privacy law adviser and sought his advice frequently. Throughout, we made every effort to ensure the confidentiality of the information we collated as well as of those who contacted or spoke to us, including by anonymising all references to former students in the report. Although at least one former student expressed a wish to be named, we decided against this, and explained to him that naming him might lead to the identification of others who did not wish their names to be published.

We did not have the power to appoint core participants or compel witnesses. We provided the Board and any other named people who were the subject of adverse comment with a draft copy or relevant section of the report further to our natural justice obligations. This provided those against whom allegations or adverse comments were made to have the opportunity to respond to them and to correct any factual errors or omissions. We reviewed all responses before the report was finalised and the recommendations drafted. Drafted recommendations were provided to the Board for a short period in advance of publication.

We provided online and other means of registering with the Inquiry directly. The manner in which we supported survivors wishing to provide their evidence to the Inquiry is described in chapter 2. Wellness support was a vital part of the process. It had both humane and practical purposes. We were well aware that for some former students the experience of meeting with the Inquiry and recounting the history of their abuse might be traumatising. It was important for the efficiency and effectiveness of the information-gathering process that they felt respected and well supported. We often had to reassure participants of our independence from the Board and the confidentiality of the information participants were providing to us.

Our requests for information were well received and we experienced few difficulties. We made multiple information requests of the Board, the Anglican Church and external agencies such as government departments and Scouts Aotearoa. Former students were extremely helpful as were former staff and Board members. Both groups were specifically asked by the Board to cooperate with the Inquiry. Interviews were informal, not on oath or declaration, and conducted both by Inquiry staff who were trained and experienced in this area and by the Inquirers. As we have noted, attending an interview of this nature can be challenging, and we acknowledge that some staff and Board members also found it difficult.

The Inquiry's terms of reference required that information relating to abused former students be retained so it could be accessed later, on request. As the Public Inquiries Act 2013 does not apply, there was no established process for the retention of Inquiry documents and other material. Items that Dilworth had supplied will be returned at the end of the Inquiry, but we determined that a large amount of other material could not be held by the school, including confidential information received from survivors.

We are working towards having this material archived by Archives New Zealand with an agreed embargo period.

Appendix Four

Supporting information for chapter 10

This appendix contains information supporting chapter 10 in relation to the Child Wise accreditation process and a summary of the changes introduced by the Protected Disclosures (Protection of Whistleblowers) Act 2022.

Child Wise accreditation process

To inform the application for Child Wise accreditation,¹²⁴⁴ Dilworth School was required to set out:

- evidence of its progress since its Child Wise child safety review and supporting evidence that steps have been taken such as updated documents, survey results or posters
- any contextual issues relevant for the decision making such as organisational issues, challenges or parallel accreditation processes
- any primary evidence from stakeholders that might assist the process.

The school set out this information in its final improvement plan dated 29 August 2022. This document, which runs to 432 pages, addresses each recommendation made in the child safety review that Child Wise completed at the outset of the process.

For each Child Wise accreditation standard (based on the Australian National Principles¹²⁴⁵) the criteria rating is as follows:

- Exceeded: The organisation exceeds standards in multiple areas, and there is evidence, for example previous reviews and self-assessments, that the organisation has sustained this over an extended period. All criterion indicators are judged to be in place, and multiple examples of practice that exceed minimum standards have been identified.

¹²⁴⁴ For information about the organisation, see Child Wise, www.childwise.org.au.

¹²⁴⁵ Australian Human Rights Commission, *National Principles for Child Safe Organisations An initiative of the Council of Australian Governments*, 2018, www.childsafety.gov.au. The principles reflect child safe standards recommended by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse: Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Making institutions child safe (vol 6), Commonwealth of Australia, 2017, p 13, www.childabuseroyalcommission.gov.au

- **Embedded:** The organisation demonstrates that child safety is embedded as standard practice. All criterion indicators are judged to be in place.
- **Emerging:** The organisation shows signs of emerging practice that aligns to child safety standards. Some criterion indicators are judged to be in place; however, others are not.
- **Insufficient evidence:** Most criterion indicators are assessed as not in place.

The final accreditation decision can take one of three forms: achieved with no additional recommendations, achieved with additional recommendations, or not achieved.

Finally, accreditation is given with gold, silver or bronze distinctions. Gold indicates all standards are rated as exceeded, silver indicates all standards are at least embedded, with a majority rated as exceeded, and bronze indicates standards are assessed as embedded.

Dilworth was accredited in September 2022, the first school in New Zealand to achieve accreditation.

The table below outlines the results of the school's Child Wise accreditation.

Child Wise Accreditation Standard	Decision-maker judgement
based on national principles for child safe organisations and additional Child Wise indicators and evidence requirements	emerging, embedded, exceeded, no evidence
Standard 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture.	Exceeded
Standard 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.	Exceeded
Standard 3: Families and communities are informed and involved in promoting child safety and wellbeing.	Embedded
Standard 4: Equity is upheld and diverse needs respected in policy and practice.	Embedded
Standard 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.	Embedded
Standard 6: Processes for complaints and concerns are child focused.	Embedded

Child Wise Accreditation Standard	Decision-maker judgement
based on national principles for child safe organisations and additional Child Wise indicators and evidence requirements	emerging, embedded, exceeded, no evidence
Standard 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.	Embedded
Standard 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.	Embedded
Standard 9: Implementation of standards is regularly reviewed and improved.	Embedded
Standard 10: Policies and procedures document how the organisation is safe for children and young people.	Exceeded
Accreditation decision	Achieved with additional recommendations
Gold, silver or bronze level	Bronze
Additional recommendations	<p>Build on the work to date on inclusivity, equity and diversity to ensure a comprehensive approach, for example ensuring LGBTQ+ issues are included in policies, training and practice.</p> <p>Ensure learning from exit interviews is captured to inform continuous improvement.</p> <p>Consider a 'you said, we did' model to communicate the actions taken in response to complaints.</p>

Protected Disclosures (Protection of Whistleblowers) Act 2022

In this section, we outline our analysis of the changes implemented by the Protected Disclosures (Protection of Whistleblowers) Act 2022, which repealed the Protected Disclosures Act 2000.

Definition of “serious wrongdoing” extended

The previous definition of “serious wrongdoing” was extended to include “serious risk to the health or safety of any individual”. This is an important change directly relevant to the school’s role and the context of this Inquiry.

Reporting direct to an appropriate authority

Under the 2000 Act, disclosure to an appropriate authority (an agency outside the organisation complained about) was limited to cases where reasonable grounds existed to believe the head of the organisation was or may be involved in the wrongdoing; immediate reference to another authority was justified by urgency or exceptional circumstances; or where there had been no action or recommended action within 20 working days of the date of the disclosure.

Under the 2022 Act, these limitations were removed, and a protected disclosure can be made to an appropriate authority at any time.

Schedule 2 of the 2022 Act includes examples of concerns and appropriate authorities.

Strengthened “no contracting out” provisions.

The 2022 Act makes clear the Act applies despite any agreement, contract or internal procedure. A provision in any agreement, contract or internal procedure has no effect if it apparently requires a person to do any of the following:

- not to disclose serious wrongdoing that is or could be a protected disclosure
- not to disclose information that could support or relate to a protected disclosure
- to withdraw a protected disclosure
- to abandon a protected disclosure
- to make a disclosure of serious wrongdoing in a way that is inconsistent with this Act.

Again, within the context of this Inquiry, this is an important provision. In chapter 6, we refer to the use of a non-disclosure agreement in respect of the resignation of Mr Ross Browne from his role.

Strengthened guidance on what the receiver of the complaint should do

The 2022 Act also clarified the timeframes and actions required to be taken by the receiver of the complaint.

Within 20 working days of the protected disclosure, the receiver should:

- acknowledge receipt of the protected disclosure
- consider the disclosure and whether it warrants investigation
- check with the discloser whether the disclosure has been made elsewhere (and any outcome)
- deal with the matter by investigating it, addressing any serious wrongdoing by acting or recommending action, referring the matter to an outside agency, or deciding that not action is required
- inform the discloser with reasons about what the receiver has done or is doing to deal with the disclosure.

An exception exists if those steps are not practicable within 20 working days. In those circumstances, the discloser needs to be kept informed and updated with how and when the matter will be dealt with.

Appendix Five

Timeline of instances of sexual abuse

1950–1966	
1952	9 year old student sexually abused by Dilworth associated adult in dormitory and in private residence. Occurred on several occasions
1953	10 year old student sexual abused by staff member on weekend trip. Occurred on multiple occasions
1954	11 year old student sexually abused by prefect at night. Occurred regularly over two year period
1955	12 year old student sexually abused by prefect in the dormitory. Occurred regularly over a three year period
	12 year old student sexually abused by 2 prefects in the dormitory. Occurred on 8-10 separate occasions
1965	9 year old student sexually abused by older student in dormitory. Occurred on two occasions
1967–1979	
1967	14 year old student sexually abused by other students in dormitory at night. Occurred on multiple occasions over 2 year period
	10 year old student sexually abused by prefect in the dormitory. Occurred on several occasions
1968	11 year old student sexually abused by staff member in private room in dormitory. Occurred on several occasions
1969	10 year old sexually student abused by staff member during counselling session (or in private office on school grounds). Happens on 2 occasions
	12 year old student sexually abused by tutor in dormitory

1969	13 year old student sexually abused by staff member in school buildings (private office). Occurred multiple times over two year period
	15 year old student sexually abused by staff member in school buildings (private office). Occurred multiple times over 4 month period
1970	12 year old student sexually abused by senior student on school trip
1971	8 year old student sexually abused by staff member on weekend trips. Occurred on at least 15 occasions
	12 year old student sexually abused by staff member in dormitory
	9 year old student sexually abused by staff member in dormitory
	12 year old student sexually abused by staff member in dormitory at night
	12 year old student sexually abused by staff member in dormitory at night
	15 year old student sexually abused by staff member in school building
	12 year old student sexually abused by staff member in dormitory at night. Occurred on multiple occasions
	9 year old sexually abused by staff member in dormitory
1972	9 year old student sexually abused by staff member on weekend trip
	9 year old student sexually abused by staff member camp
	9 year old student sexually abused by tutor in boarding house
	9 year old student sexually abused by tutor in dormitory on weekend
1973	10 year old student sexually abused by staff member in school buildings. Occurred multiple times over 3 year period
	14 year old student sexually abused by staff member on weekend trip. Occurred on multiple occasions
	11 year old student sexually abused by staff member in dormitory. Occurred on multiple occasions
	10 year old student sexually abused by staff member in classroom

1973	9 year old student sexually abused by staff member in dormitory on weekend. Occurred on multiple occasions
	11 year old student sexually abused by staff member in school
	10 year old student sexually abused by staff member on weekend trip
	9 year old student sexually abused by staff member in private room in dormitory
	11 year old student sexually abused by staff member in private room in dormitory. Occurred on 3 occasions over 1 month period
	11 year old student sexually abused by older students in dormitory
	14 year old student sexually abused by staff member at camp
1974	15 year old student sexually abused by staff member on weekend trip
	13 year old student sexually abused by staff member on weekend trip
	16 year old student abused by staff member on school trip
	15 year old student sexually abused by staff member on weekend trip
	10 year old student sexually abused by staff member on weekend trip
	10 year old student abused by staff member in classroom
	11 year old student sexually abused by staff member in school buildings. Occurred multiple times over 1 year period
	13 year old student sexually abused by staff member on camp. Occurred on two occasions
	12 year old student sexually abused by tutor in private room in dormitory
	12 year old student sexually abused by staff member on weekend trip
	12 year old student sexually abused by another student in same year group in dormitory and on scout camp. Occurred on multiple occasions
	13 year old student sexually abused by staff member at private residence
14 year old student sexually abused by staff member on weekend trips, at private residence, in dormitory at night. Occurred multiple times over 2 year period	

1974	10 year old student sexually abused by Dilworth associated adult on camp
	11 year old student sexually abused by staff member in private office on school grounds
1975	9 year old student sexually abused by staff member on school grounds. Occurred on multiple occasions
	14 year old student sexually abused by staff member in school building
	11 year old student sexually abused by prefect in private room in school
	12 year old student sexually abused by Dilworth associated adult at private residence
	14 year old student sexually abused by Dilworth associated adult in private residence
	10 year old student sexually abused by prefect in school building
	14 year old student sexually abused by staff member on school grounds
	14 year old student sexually abused by staff member on weekend trip
	9 year old student sexually abused by staff member in dormitory at night. Occurred on multiple occasions over 2 year period
1976	11 year old student sexually abused by prefects in dormitory. Occurred on multiple occasions
	15 year old student sexually abused by Dilworth associated adult in private residence on weekend. Occurred on multiple occasions
	15 year old student sexually abused by staff member in private residence on weekend.
	15 year old student sexually abused by staff member while on weekend trip
	11 year old student sexually abused by staff member in school building. Occurred on multiple occasions over 3 years
	11 year old student sexually abused by staff member in private residence on school grounds. Occurred on multiple occasions over 2 year period

1976	12 year old student sexually abused by staff member in private residence on school grounds. Occurred multiple times over a 6 month period
	14 year old student sexually abused by tutor in boarding house. Occurred on several occasions
	9 year old student sexually abused by staff member in private residence on school grounds and in private office on school grounds. Occurred on multiple occasions
	10 year old student sexually abused by staff member in dormitory
	9 year old student sexually abused by staff member in private room in dormitory
	14 year old student sexually abused by Dilworth associated adult at private residence
	9 year old student sexually abused by staff member in private room in dormitory
	10 year old student sexually abused by staff member in private office
1977	9 year old student sexually abused by staff member on camps and weekends away. Occurred on multiple occasions over 3 year period
	13 year old student sexually abused by staff member Occurred in staff quarters in dormitory, on camp, and weekend trips away. Occurred multiple times over 2 year period
	14 year old student sexually abused by Dilworth associated adult at private residence
	16 year old student sexually abused by Dilworth associated adult on weekend trip
	13 year old student sexually abused by staff member at staff member's residence on school grounds
	12 year old student sexually abused by Dilworth associated adult in private residence
	15 year old student sexually abused by staff member in private room in boarding house
	14 year old student sexually abused by staff member in private office
	11 year old sexually abused by staff member in private residence
	11 year old student sexually abused by staff member on weekend trip

1977	13 year old student sexually abused by staff member in private room in boarding house. Occurred on 6 occasions
	10 year old student sexually abused by staff member in private residence in dormitory
	13 year old student sexually abused by staff member in private residence on school grounds
	9 year old student sexually abused by staff member in private residence on school grounds. Occurred on multiple occasions
	9 year old student sexually student sexually abused by staff member in private residence on school grounds
	10 year old student sexually abused by staff member in dormitory at night
	12 year old student sexually abused by older student in dormitory
	14 year old student sexually abused by another student while on school camp
	14 year old student sexually abused by staff member in private residence on school grounds
	12 year old student sexually abused by staff member in private residence on school grounds
	13 year old student sexually abused by staff member on camp
1978	15 year old student sexually abused by Dilworth associated adult on camp
	9 year old student sexually abused by staff member on school grounds during weekend
	12 year old student sexually abused by staff member in private office in school building
	10 year old student sexual abused by staff member in private room in dormitory
	11 year old student sexually abused by staff member in chapel (alternatively in school building)
	11 year old student sexually abused by staff member on weekend trips. Occurred on multiple times over 2 year period

1978	11 year old student sexually abused by staff member in dormitory. Occurred on multiple occasions
	12 year old student sexually abused by staff member in private residence on school grounds during weekend
	15 year old student sexually abused by tutor on weekend trip
	11 year old student sexually abused by staff member in private residence on school grounds
	12 year old student sexually abused by staff member in school buildings. Occurred on multiple occasions.
	11 year old student sexually abused by staff member during weekend trip
	10 year old student sexually abused by staff member in private residence on school grounds. Occurred on multiple occasions
	9 year old student sexually abused by staff member in private residence on school grounds
	9 year old student sexually abused by staff member
	8 year old student sexually abused by staff member in private office in dormitory
	13 year old student sexually abused by staff member in private residence on school grounds
	14 year old student sexually abused by staff member while on weekend trip
	11 year old student sexually abused by staff member at night in dormitory. Occurred multiple times over 1 year period
	16 year old student sexually abused by staff member in private residence on school grounds. Occurred on 2 occasions
	11 year old student sexually abused by staff member in classroom
11 year old student sexually abused by staff member in staff member's residence on school grounds	

1979–1997	
1979	10 year old student sexually abused by staff member in private residence
	12 year old student sexually abused by staff member in dormitory
	12 year old student sexually abused by staff member on school grounds
	11 year old student sexually abused by staff member on weekend trip away
1980	16 year old student sexually abused by Dilworth associated adult in private residence
	11 year old student sexually abused by staff member on camp
	15 year old student sexually abused by staff member on week trip. Occurred on multiple occasions
	10 year old student sexually abused by staff member in dormitory at night. Occurred on multiple occasions over 6 month period
	11 year old student sexually abused by older students in dormitory at night. Occurred multiple times over a period of several weeks
	14 year old student sexually abused by staff member in private office
	12 year old student sexually abused by staff member in private room in dormitory
	14 year old student sexually abused by other student in dormitory
	10 year old student sexually abused by staff member in dormitory at night
	12 year old student sexually abused by staff member on school grounds. Occurred on 2 occasions
	13 year old sexually abused by Dilworth associated adult in private residence. Occurred on multiple occasions
	11 year old student sexually abused by staff member on camp
	11 year old student sexually abused by staff member in private residence on school grounds

1980	9 year old student sexually abused by staff member in private residence on school grounds, weekend trips. Occurred multiple times over 4 year period
1981	11 year old student sexually abused by senior student in school building
	12 year old student sexually abused by prefect in dormitory
	13 year old student sexually abused by staff member on weekend trip
	12 year old student sexually abused by staff member in dormitory at night. Occurred on 2 occasions
	12 year old student sexually abused by staff member on camp
1982	15 year old student sexually abused by staff member at private residence on school grounds
	12 year old student sexually abused by staff member in dormitory at night. Occurred on a number of occasions over the period of a year
	14 year old student sexually abused by staff member on weekend trip
	13 year old student sexually abused by staff member on camp
	11 year old student sexually abused by staff member in private office on school grounds. Occurred on 2 occasions
	10 year old student sexually abused by older student
	11 year old student sexually abused by staff member on weekend trip
	15 year old student sexually abused by staff member on weekend trip
	14 year old student sexually abused by staff member on weekend trip
	1983
9 year old student sexually abused by prefect in dormitory at night. Occurred multiple times	
1984	11 year old student sexually abused by staff member in private office
	13 year old student sexually abused by staff member in private office on school grounds. Occurred on 2 occasions

1984	14 year old student sexually abused by staff member on weekend trip
1985	14 year old student sexually abused by Dilworth associated adult on school grounds
	15 year old student sexually abused by staff member on school grounds
	15 year old student sexually abused by staff member in school buildings
	15 year old student sexually abused by staff member on weekend trip
	13 year old student sexually abused by senior students in dormitory on weekend
1986	12 year old student sexually abused by staff member in private office on school grounds. Occurred on multiple occasions
	13 year old student sexually abused by staff member in private residence on school grounds and dormitory. Occurred on multiple occasions
	13 year old student sexually abuse by staff member in dormitory
1987	13 year old student sexually abused by staff member in private office on school grounds
	12 year old student sexually abused by staff member in private room in dormitory
	13 year old student sexually abused by staff member on weekend trips away, camp and private residence. Occurred multiple times over 2 year period
	13 year old student sexually abused by staff member in dormitory
	13 year old student sexually abused by staff member in private office on school grounds
	11 year old student sexually abused by staff member in private office on school grounds
1988	14 year old student sexually abused by staff member on camp. Occurred on several occasions
	11 year old student sexually abused by staff member in private office in dormitory

1988	12 year old student sexually abused by staff member at private residence on weekend
	13 year old student sexually abused by staff member in private office on school grounds. Occurred on multiple occasions
	15 year old student sexually abused by staff member in private office on school grounds
	12 year old student sexually abused by staff member in private office on school grounds
	12 year old student sexually abused by staff member in private office on school grounds. Occurred on at least 3 occasions
	12 year old student sexually abused by staff member in private office on school grounds. Occurred on 2 occasions
1989	12 year old student sexually abused by staff member in private office on school grounds
1990	12 year old student sexually abused by staff member in classroom and private office. Occurred multiple times over 2 year period
	12 year old student sexually abused by staff member in private room on school grounds. Occurred on 3 occasions
	14 year old student sexually abused by staff member in private office on school grounds. Occurred on 3 occasions over 1 year period
	12 year old student sexually abused by staff member in private office on school grounds. Occurred on 5 occasions
	12 year old student sexually abused by staff member in dormitory at night and in private office on school grounds. Occurred on multiple occasions over 3 year period
	12 year old student sexually abused by staff member in dormitory. Occurred on 3 occasions
1991	12 year old student sexually abused by staff member in private office on school grounds
	13 year old student sexually abused by staff member in private room on school grounds. Occurred on multiple occasions over 3 year period

1991	16 year old student sexually abused by staff member in private office on school grounds
	13 year old student sexually abused by staff member on camp
	11 year old student sexually abused by staff member in dormitory
	13 year old student sexually abused by staff member on camp
	12 year old student sexually abused by staff member in school buildings. Occurred multiple times over 1 year period
	13 year old student sexually abused by staff member in school building
1992	14 year old student sexually abused by staff member on camp
	12 year old student sexually abused by staff member in private residence on school grounds
	13 year old student sexually abused by staff member in private office in school grounds. Occurred multiple times over 3 year period
	14 year old student sexually abused by staff member at private residence on school grounds and on weekend trips. Occurred on multiple occasions
	12 year old student sexually abused by staff member in private office on school ground and weekend trips. Occurred multiple times over 2 year period
	13 year old student sexually abused by staff member in private office on school grounds. Occurred on multiple occasions over 2 year period
	12 year old student sexually abused by staff member in classroom and private office on school grounds. Occurred on 6 occasions
	14 year old student sexually abused by staff member on camp
	13 year old student sexually abused by staff member on camp
	12 year old student sexually abused by staff member on weekend trip
	13 year old student sexually abused by staff member in private residence on school grounds
1993	10 year old student sexually abused by staff member in dormitory

1993	15 year old student sexually abused by student in same year in dormitory at night. Occurred multiple times over 9 month period
	15 year old student sexually abused by older student
	10 year old student sexually abused by staff member in private office in school grounds. Occurred multiple times over 4 year period
1994	13 year old student sexually abused by staff member in private office in school grounds. Occurred on 5 occasions
	13 year old student sexually abused by staff member in class room
	13 year old student sexually abused by staff member in private room on school grounds
	12 year old student sexually abused by staff member in classroom
	12 year old student sexually abused by staff member in classroom. Occurred on 2 occasions
	13 year old student sexually abused by prefect in dormitory and on weekend trips. Occurred multiple times over 1 year period
	10 year old student sexually abused by staff member in dormitory at night
	14 year old student sexually abused by staff member during weekend trips, at camps and at private residence during term time. Occurred on multiple occasions
	12 year old student sexually abused by staff member in classroom
	11 year old student sexually abused by senior student on school grounds and in dormitory
	13 year old student sexually abused by older student
	10 year old student sexually abused by older students. Occurred on two occasions
	13 year old student sexually abused by staff member on camp
	14 year old student sexually abused by staff member on camp

1994	14 year old student sexually abused by staff member on camp
	14 year old student sexually abused by staff member in private office on school grounds and classroom. Occurred multiple times over 6 month period
	10 year old student sexually abused by staff member in private office on school grounds. Occurred multiple times over 2 year period
1995	11 year old student sexually abused by senior student in dormitory. Occurred multiple times over 1 year period
	12 year old student sexually abused by staff member on weekend away
	13 year old student sexually abused by older student
1996	15 year old student sexually abused by staff member on weekend trip.
	14 year old student sexually abused by staff member on camp
	10 year old student sexually abused by staff member in a private office on school grounds. Occurred on at least 2 occasions
	10 year old student sexually abused by senior students on school grounds. Occurred on multiple occasions
	13 year old student sexually abused by staff member in private office. Occurred on multiple occasions
	11 year old student sexually abused by staff member in private office on school grounds
1997–2018	
1997	13 year old student sexually abused by staff member in private office on school grounds. Occurred multiple times over a 1 year period
1998	10 year old student sexually abused by another student in same class. Occurred multiple times over a 1 year period
	18 year old student sexually abused by staff member on camp. Occurred on multiple occasions over a period of several months
1999	14 year old student sexually abused by staff member in private office on school grounds. Occurred on at least 2 occasions

1999	10 year old student sexually abused by staff member in private office on school grounds. Occurred multiple times over period of 2 years
	13 year old student sexually abused by staff member in private office. Occurred on 4 occasions
	11 year old student sexually abused by staff member in class room
	11 year old student sexually abused by group of senior students
	14 year old student sexually abused by student in same year group in dormitory
	12 year old student sexually abused by senior student on camp and on weekend leave. Occurred multiple times over 1 year period
	14 year old student sexually abused by staff member on camp
	14 year old student sexually abused by staff member in private office on school grounds
2000	11 year old student sexually abused by student in same year. Occurred multiple times over a 2 year period
	15 year old student sexually abused by staff member in private residence
	12 year old student sexually abused by another student in dormitory at night
	14 year old student sexually abused by senior students in dormitory at night. Occurred on multiple occasions
	14 year old sexually abused by staff member over period of months
2001	13 year old student sexually abused by staff member in private office in school grounds
2003	14 year old student sexually abused by staff member at private residence on school grounds
	14 year old student sexually abused by staff member in private office on school grounds
	16 year old student sexually abused by another student in same year group on weekend trip

2004	13 year old student sexually abused by senior student. Occurred multiple times over 18 month period
	12 year old student sexually abused by prefect in dormitory at night and on school grounds. Occurred multiple times over the course of a year
2005	13 year old student sexually abused by two older students on school grounds
2011	11 year old student sexually abused by staff member in dormitory. Occurred on 4 occasions
	12 year old student sexually abused by staff member in private room in dormitory. Occurred on multiple occasions
2017	14 year old student sexually abused by older student
2018	17 year old student sexually abused by student in same year in dormitory
	13 year old student sexually abused by staff member

Appendix Six

Criminal charges and outcomes 1950-2023

The following table sets out the former Dilworth School staff members and volunteer who were charged and the outcomes from 1950 to 2023. All convictions follow guilty pleas except where indicated otherwise.

Offender	Outcome
Peter Taylor	<p>Convicted in 1994 for sexual offending against one former student. Sentenced to a term of 18 months' imprisonment.</p> <p>Convicted and discharged in 2000 for sexual offending against one former student.</p> <p>Died in 2012.</p>
Johnathan Stephens	<p>Convicted in 2022 for sexual offending against two former students. Sentenced to six months' home detention.</p>
Keith Dixon	<p>Convicted in 2014 for sexual offending against one former student. Sentenced to a term of two years and two months' imprisonment.</p> <p>Charged in 2021 for sexual offending against three former students. Prosecution stayed following Mr Dixon's death.</p>
Graeme Lindsay	<p>Convicted in 2021 for sexual offending against one former student. Sentenced to a term of six months and two weeks' home detention. This sentence was imposed in relation to the totality of his offending before the court, which included a non-Dilworth student.</p>
Rex McIntosh	<p>Charged in 2020 for sexual offending against five former students. Prosecution stayed following Mr McIntosh's death.</p>
Richard Galloway	<p>Charged in 2020 for sexual offending against one former student. Prosecution stayed following Mr Galloway's death.</p>
Leonard Cave	<p>Convicted in 2022 for sexual offending against four former students following jury trial. Sentenced to a term of eight years' imprisonment. This sentence was imposed in relation to the totality of his offending before the court, which included sexual offending against another non-Dilworth student and associated drug charges.</p>

Offender	Outcome
Howard Wynyard	Convicted in 2022 for sexual offending against six former students. Sentenced to a term of six years and three months' imprisonment. This sentence was imposed in relation to the totality of his offending before the court, which included two further victims who were not Dilworth students. This sentence is under appeal at the time of publication.
Alister Harlow	Convicted in 1995 for sexual offending against one former student. Sentenced to 12 months' supervision and a \$3,000 fine. Convicted in 2022 for sexual offending against four former students. Sentenced to three years and eight months' imprisonment.
Ross Browne	Convicted in 2021 for sexual offending against 14 former students. Sentenced to a term of six years and six months' imprisonment. Charged in 2022 for sexual offending against five former students.
Staff member TS	Convicted in 2012 for sexual offending against two former students. Sentenced to a term of two years' imprisonment.
Staff member RZ	Convicted in 1995 for sexual offending against one former student. Sentenced to a suspended sentence of 12 months' imprisonment, nine months' periodic detention and 12 months' supervision. Convicted in 1996 for sexual offending against one former student. Sentenced to six months' probation. Charges pending in relation to one student.
Ian Wilson	Convicted in 1997 for sexual offending against one former student. Received a \$3,500 fine. Convicted in 2021 for sexual offending against five former students. Sentenced to a term of three years and seven months' imprisonment. Convicted in 2023 for sexual offending against five former students. Sentenced to one year and seven months' imprisonment, which is to be served cumulatively on sentence imposed in 2021. The total sentence imposed in respect of both sets of charges was five years and six months' imprisonment.