

# Chapter Five

## 1979–1997

Headmaster Murray Wilton and Board chairs Donald (Bill) Cotter (1979–1996) and Derek Firth (1996–1997)

### Introduction

- 5.1 Between 1979 and 1997, 1,579 students attended Dilworth School.<sup>343</sup> One hundred and eight former students who attended school during this period provided information about their experiences to the Inquiry.
- 5.2 Sixty-four reported that they were sexually abused while at school, and the Inquiry is aware of a further 25 sexual abuse survivors from this era. Sixteen survivors were sexually abused by other students, and some of this abuse was in addition to abuse by a staff member. Seventy-five reported serious physical abuse. Forty-six reported both sexual abuse and serious physical abuse. Many reported a school environment characterised by fear, bullying, and intimidation and where rumours of staff sexually abusing students in the school were pervasive and ongoing.
- 5.3 We also interviewed 35 former staff members, including teaching and boarding house staff, administrative staff and headmaster Dr Murray Wilton. The Inquiry interviewed two trustees of this era, Mr Derek Firth and Mr John Potter.

### Murray Wilton as headmaster

- 5.4 Dr Wilton was 43 when he began as Dilworth’s headmaster. He had been a student at the school from 1944 to 1954<sup>344</sup> and returned to Dilworth in 1961 as a teacher and housemaster for six years. He then moved to Canada where he taught at independent schools and spent time as a university lecturer and research associate at Simon Fraser University in Vancouver and the University of Victoria in British Columbia. He completed a doctorate in French linguistics at Simon Fraser University.<sup>345</sup>

343 Dilworth provided the Inquiry with school roll data. The Inquiry has not independently verified this data.

344 Dr Wilton’s introduction to Dilworth was as a 7-year-old in 1944. He describes the time he was a student as “grim”. He recalls regular air raid drills, the windows of the classroom where he did prep blacked out and the main school building sandbagged. Severe rationing was in place, and food was basic and repetitive. He recalls an austere climate with draconian rules and severe punishment (caning) visited on offenders for often very trivial offences: Murray Wilton statement for the faith-based institutions’ response, Abuse in Care Royal Commission of Inquiry, July 2022.

345 Murray Wilton submission to the Inquiry.

5.5 In 1978, while teaching in Canada, Dr Wilton was approached by the Dilworth Trust Board through Mr Cotter, and asked if he would be interested in applying for the headmastership of Dilworth. Dr Wilton said:

There were no other candidates. It transpired that the Chairman, who knew me well, had convinced his fellow Trustees that the school needed me as a trouble-shooter and problem-solver at this very difficult time in its history.<sup>346</sup>

5.6 After retiring, Dr Wilton authored *The Dilworth Legacy*,<sup>347</sup> which recorded a detailed, inevitably subjective, history of the school for its first 100 years. He is fiercely loyal to the school and considers that his close connection with it for nearly six decades means he “knows the school better than any other living person”.<sup>348</sup> His relationship with the school has continued beyond his retirement, including an involvement with the Board and the Dilworth Old Boys’ Association.<sup>349</sup> At Inquiry interviews, he found it difficult and almost impossible to believe so many former students or teaching and support staff could have been abused or abusers.

5.7 Dr Wilton’s statements that directly address the matters within this Inquiry’s terms of reference include:

- a draft statement prepared by a lawyer acting on behalf of the Board, undated
- a statement for the Abuse in Care Royal Commission of Inquiry, 18 July 2022
- a joint statement with Mr Firth for the Royal Commission, 10 October 2022
- a submission to this Inquiry, 24 September 2022
- *The Dilworth Legacy, 2007.*

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<sup>346</sup> Murray Wilton statement for the faith-based institutions response, Abuse in Care Royal Commission of Inquiry.

<sup>347</sup> M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007.

<sup>348</sup> Murray Wilton submission to the Inquiry.

<sup>349</sup> Murray Wilton submission to the Inquiry.

- 5.8 We interviewed Dr Wilton on two occasions, and he gave evidence at the faith-based institutions response hearing for the Royal Commission on 19 October 2022. That evidence was recorded and is publicly available.
- 5.9 All of the items in paragraphs 5.7 and 5.8 have been useful resources for collating Dr Wilton's recollections and experiences of his time at Dilworth.

## Murray Wilton's challenges on taking up the role

- 5.10 Dr Wilton advised that when he began as headmaster in 1979, the parlous state of the school, was key to his appointment, and the actions he took.<sup>350</sup>
- 5.11 He considered he was hired to return the school "to its heyday" (the period up to the 1960s) and he was determined to fulfil that commitment. He believes he succeeded and retired in 1997 having "achieved most of what I set out to do". Dr Wilton has much pride in his role and actions in returning the school to its "true status".<sup>351</sup>
- 5.12 He said when he arrived Dilworth was "out of control", dominated by a hard core of extremely difficult, adolescent boys who seemed intent on destroying the school. The school was in a phase of negativity, poor performance, bad behaviour of boys and misconduct of staff.<sup>352</sup>
- 5.13 He describes spending the first three to four years weeding out and replacing bad boys with good ones, a process he considered vital to the overall health of the school. In his view, the school in the 1970s was the result of a "perfect storm", the four main ingredients of which were as follows<sup>353</sup> :
- The abrupt change in leadership between Mr John Conolly and Mr Peter Parr. Dr Wilton describes the change of "draconian iron-fist management" to "liberal inclusiveness" as being too abrupt for the times and concluded that "flawed characters" took advantage of the new "free and easy atmosphere".
  - The Board's selection policy, resulting in a preponderance of boys from disrupted and often dysfunctional families who had serious behavioural, relationship and or learning problems. The Board failed to put in place the infrastructure necessary to deal with those issues, such as counselling or psychological expertise.

350 Dr Wilton wrote reports to the Board, and our conclusions are drawn from the reports (that we have seen) and from comments he made in *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007.

351 Murray Wilton statement for the faith based institutions response, Abuse in Care Royal Commission of Inquiry.

352 Murray Wilton submission to the Inquiry.

353 Murray Wilton submission to the Inquiry.

- The Board was dealing with serious liquidity problems.
  - The decriminalising of consensual homosexual acts between adults aged over 16. Dr Wilton believed that because homosexual and bisexual men felt a greater level of confidence in forming relationships, even if some were inappropriate, it “does not take much intellectual reckoning to deduce that those with paedophilic tendencies also felt emboldened to pursue their evil intent in school and places where there were vulnerable children”.
- 5.14 Several months into his tenure, Dr Wilton flagged to the Board concerns about boarding house structure and supervision. After meeting with boarding house staff, he identified that the number of students in each house was “excessive and overcrowding had produced unruly behaviour and vandalism” and that too much reliance was placed on “young and inexperienced house tutors who are responsible for about 70% of total supervision”.<sup>354</sup>
- 5.15 Dr Wilton revisited this issue, as well as others, in his report to the Board in December 1979.<sup>355</sup> Those concerns can be summarised as:
- the boys – and the quality of the selection process
  - the staff – the quality of and overburdening of staff leading to burnout and inadequate supervision
  - boarding house limitations, including of space.
- 5.16 The report also included a brief outline of a master plan for the 1980s that would see preparation for a junior school, building modifications and a written policy on:
- the kind of boy who is eligible for entry and the kind of school it is intended that Dilworth should be; coupled with this should be a statement as to the kind of staff required to achieve these aims and the methods to be used in attracting and retaining them.<sup>356</sup>

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354 Headmaster’s report to the Dilworth Trust Board, 15 October 1979.

355 M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, 17 December 1979.

356 Wilton, Analysis of Dilworth School 1979.

- 5.17 The Board, in its minutes, noted its agreement with Dr Wilton’s statement that “the choice, to put it in a nutshell, is between a school which attempts to salvage human shipwrecks (with doubtful success) and a school which provides fertile soil for good boys who would not otherwise have such an opportunity to realise their potential”.<sup>357</sup>
- 5.18 Dr Wilton told the Inquiry he was unaware of the extent of the abuse committed by the former chaplain, Mr Peter Taylor, when taking up the position of headmaster at the school. He was not fully briefed on this, and he made no enquiries concerning it.
- 5.19 However, Staff Member UJ told the Inquiry that when Mr Ross Browne was appointed as the new chaplain, one of the first things Dr Wilton asked him to do was follow-up counselling with known victims of Mr Taylor. UJ understood that Mr Browne identified around 18 students Mr Taylor had sexually abused.<sup>358</sup>
- 5.20 Dr Wilton described his leadership as “hands-on” and “inclusive and co-operative”, believing himself to be “primus inter pares” (a first among equals) always involving his senior management team in any decision made, in all interviews for staff appointments and in every submission made to the Board. He considered he had an “open door” policy and that anyone could consult him at any time, and did.<sup>359</sup>
- 5.21 This view was not one always shared by colleagues. He was sometimes described as disinterested in the day-to-day running of the school and difficult to approach.<sup>360</sup> One staff member said he would choose carefully when to raise certain topics with him.<sup>361</sup> Others said Dr Wilton was dedicated to his job and had a clear desire to improve the school.<sup>362</sup> Dr Wilton pointed out it was impossible as a leader to be liked by everyone and as headmaster.

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357 Response to Dr Wilton’s Analysis of Dilworth School 1979, Dilworth Trust Board minutes, 17 December 1979.

358 Staff Member UJ statement to the Inquiry. Dr Wilton did not recall that number of victims being made known to him. He believes he was aware of one or two victims: Murray Wilton correspondence with the Inquiry, 29 June 2023.

359 Murray Wilton statement for the faith-based institutions response, Abuse in Care Royal Commission of Inquiry, July 2022.

360 For example, Staff Member RE, Staff Member QC, Staff Member QF, Staff Member QA, and Staff Member RF statements to the Inquiry. Dr Wilton strongly refuted this suggestion pointing out he was constantly present at the school and chaired every educational and hostel meeting and, in particular, took a keen interest in the running of the boarding houses. He was also in the dining room for every lunch and sometimes breakfasts and dinner.

361 For example, Staff Member QR statement to the Inquiry.

362 For example, Staff Member RL and Staff Member QD statements to the Inquiry.

## School roll growth

- 5.22 At the beginning of 1979, the school roll was 314, with 52 new students admitted that year and an age range of 8 to 18.<sup>363</sup> The school roll remained steady, at around 300, until 1993 when the new junior school was opened.<sup>364</sup>

## Student selection

- 5.23 Early on, Dr Wilton recommended the Board exercise considerable caution with respect to student background and potential difficulties. He proposed a change in the student selection criteria and the manner in which the Board went about ensuring a careful selection of boys so that the “reasonable balance” of boys was achieved from relatively stable backgrounds.<sup>365</sup> Arguably, his approach cut across Mr James Dilworth’s criteria for selection; namely, healthy boys of any race who were orphaned or from families of good character and of straitened circumstances.<sup>366</sup>
- 5.24 Dr Wilton, like Mr Parr, was concerned at “problem boys” being admitted and the effect of their disturbed behaviour on other boys who “might otherwise have been good and worthy members of the school community”.<sup>367</sup> He also wanted to admit boys aged over 12. The Board accepted his advice.
- 5.25 All applications for admission in 1980 were reviewed, and all students who showed signs of bad behaviour, negative attitudes, potential problems and poor scholastic achievement were removed from the process.<sup>368</sup> In that same year, Board policy was revised and “boys beyond the age of 12 years who have good academic potential and otherwise meet the requirements of the Trust Deed ‘criteria for consideration’ are being admitted to maintain the roll level of the Upper School”.<sup>369</sup>

363 From 1984, the age range of students was 9 to 18 as the school removed the standard 3 (now year 5) year.

364 Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

365 M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, 17 December 1979; Dilworth Trust Board minutes, October 1979, November 1979 and December 1979.

366 We note that Dr Wilton does not accept this characterisation of the approach taken. He told the Inquiry that all that was being proposed was that there needed to be a balance in the make-up of the school population. He noted that the trustees are perfectly entitled, in terms of the Trust Deed, to select the best boys from the pool of applicants: Murray Wilton correspondence with the Inquiry, 29 June 2023.

367 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 678.

368 Wilton, *The Dilworth Legacy*, p 679; headmaster’s report to the Dilworth Trust Board, November 1979.

369 Dilworth Trust Board annual report, 1980.

- 5.26 In his first year, as instructed by the Board, Dr Wilton also reviewed the progress, achievement and behaviour of every student in the school with a view to removing any who were considered not to be making the best use of the Board's resources. As a result, the Board accepted the recommendation that 15 students be returned to the care of their families.<sup>370</sup>
- 5.27 We found no discussion in Board minutes, headmaster's reports or other material, of the detrimental impact that Mr Taylor's offending had on the students of this era. The damage, which played out in their behaviour, was attributed to the poor-quality selection criteria and the over-liberal policies of the Parr era.
- 5.28 Dr Wilton also lobbied the Board for an expanded interpretation of the term "straitened circumstances" to include boys from families who were not impoverished, but rather had fallen on hard times due to the economic environment as he considered those boys would be a far better "investment" for the Board.<sup>371</sup> In 1985, the Board agreed with Dr Wilton's proposals to adopt a more generous attitude to the admission of boys from "complete families" in order to achieve a "better balance" in roll composition. A wider interpretation of "straitened circumstances" also saw financial position take a back seat and more attention given to social background, ambitions and family expectations.<sup>372</sup>
- 5.29 It was also Dr Wilton's position that the academic success experienced during his era was the result of the change in selection criteria and process.<sup>373</sup>
- 5.30 The changes in the selection process coincided with a change in the location of Dilworth families. By 1985, only 35 boys came from outside the Auckland urban area and, of those, 25 were "country boys"<sup>374</sup> and the number of students coming from the Waikato, the Bay of Plenty and Gisborne had fallen dramatically, while the number from Northland had increased.<sup>375</sup>

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370 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 679; headmaster's report to the Dilworth Trust Board, November 1979.

371 Wilton, *The Dilworth Legacy*, p 725. Also the memorandum from the secretary-manager to the Dilworth Trust Board chair re applications for entry (advertising campaign), 12 June 1985.

372 Wilton, *The Dilworth Legacy*, p 725.

373 Murray Wilton submission to the Inquiry.

374 "Country boys" lived far enough from Dilworth that they could not commute regularly, so would stay at the school in weekends.

375 Headmaster's report to the Dilworth Trust Board, July 1985.

## Development of the concept of ‘scholarship’ to Dilworth

- 5.31 At the beginning of his appointment, Dr Wilton communicated his concern to the Board that some parents looked on Dilworth as an extension of the welfare system, and he wanted to reverse this view and impress on students and parents that tenure was not guaranteed but had to be earned.<sup>376</sup> Therefore, boys needed to “win” a scholarship, “for that is how it is now described owing to my own influence, and it is therefore highly valued and jealously guarded. If things go wrong, it is well known that a scholarship can be withdrawn”.<sup>377</sup> The concept that a student’s career at Dilworth was not guaranteed was developed and emphasised.<sup>378</sup> Students’ performance would be reviewed periodically (before moving to the senior school or before entering form 6<sup>379</sup>). Students were often warned that their behaviour meant they were at risk of not having their scholarship renewed. We sighted many letters where parents were informed, variously, that their son was welcome the next year or he was being accepted with the caveat that his behaviour and/or academic achievements must improve. Some letters advised parents their son would not be offered a place the following year.
- 5.32 In 1988, this process was further refined so that sixth formers had to complete an application and submit to an interview process to determine who would be awarded the scholarship for seventh form study.<sup>380</sup> The withdrawal of a scholarship had the advantage to the school that it did not have to go through the steps required before suspending or expelling a student.
- 5.33 A consistent complaint to the Inquiry by former students was that the Board’s right to withdraw a scholarship was held over students’ heads like the “sword of Damocles” and provided a basis for staff to bully students by threatening it.<sup>381</sup> Dr Wilton drew the Inquiry’s attention to the fact a decision to withdraw a scholarship could be made only by the Board, not the staff. While that is true, it is clear students were not aware of that distinction, and some staff took advantage of that. Mr Donald MacLean confirmed he needed to address staff threatening the withdrawal of scholarships when he first arrived at the school.<sup>382</sup>

376 M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, 17 December 1979.

377 Murray Wilton submission to the Inquiry. Given the numbers of applicants, and the significantly smaller numbers accepted, Dr Wilton believed that the achievement of securing a scholarship went a long way to dispel the notion that the students were “charity cases”, which had previously led to teasing from outsiders. It is noted, however, that the Inquiry did not hear any reports of teasing on this basis.

378 This was not a complete innovation. In Mr James Dilworth’s will, trustees had the power to “remove or discharge any boy who is a pupil ... to return him to his parents or guardians, or the place from whence he came, if in their opinion it is advisable in the interests of the boy ... so to do, and to pay out of the trust funds all costs and expenses necessarily expended in so returning him”. This provision was amended in 1999 to allow the trustees, in their discretion, to review at any time any boy’s continuing eligibility to be a pupil and to review a boy’s eligibility to graduate from the junior to the senior campus.

379 Now, year 12.

380 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 754.

381 For example, Student GO, Student GV and Student BK statements to the Inquiry.

382 Donald MacLean Inquiry interview; supported by Staff Member PX statement to the Inquiry.



## Unsuitability and inadequate supervision of boarding houses

- 5.34 One of Dr Wilton's first duties was to investigate the boarding system. He reported to the Board that it was not functioning efficiently. Only one of the four housemasters was suitable, and the day-to-day operations of the houses "were in the hands of inexperienced young tutors, and this needed to change".<sup>383</sup>
- 5.35 Dr Wilton also reported that bullying, vandalism and unsatisfactory behaviour were worsening, in his opinion because of the overcrowded facilities. He urged the Board to address the situation. Housemasters had up to 80 boys in their care, 15–20 more than the threshold for comfort.<sup>384</sup> There could be 70–80 students with only two adults on duty at a time. Boys of all age groups were mixed in houses, and the senior houses did not have adequate study facilities. He reported that historically each time there had been overcrowding, outbreaks of antisocial behaviour and episodes of staff burn-out had occurred.<sup>385</sup>
- 5.36 He proposed a wide-ranging update of the boarding houses, including:<sup>386</sup>
- separating age groups in the school by opening a junior campus
  - introducing additional boarding houses to reduce the age span in each house
  - improving staff levels for afterschool care.
- 5.37 While the proposal as a whole was not accepted immediately,<sup>387</sup> Dr Wilton's suggestion that senior students needed to be housed in more individualised accommodation was adopted and a hostel in Mount St John Avenue was converted into a senior hostel known as Gibson House.
- 5.38 In 1983, the Board decided to drop the standard 3 intake for the following year to alleviate overcrowding but took little other immediate action.<sup>388</sup> It was not until 1986 that the Board agreed to upgrade the existing houses (completed in 1989).<sup>389</sup> When the junior school opened in 1993, it included an additional four boarding houses for students in standard 3 to form 2.<sup>390</sup> A fourth house was not added to the senior school until 1995.

383 M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, 17 December 1979.

384 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 700. See also, for example, headmaster's reports to the Dilworth Trust Board, May 1983 and February 1983.

385 Wilton, *The Dilworth Legacy*, p 726; see also headmaster's report to the Dilworth Trust Board, December 1984.

386 Murray Wilton submission to the Inquiry; M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, October 1979; headmaster's report to the Dilworth Trust Board, July 1980.

387 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 680.

388 Dr Wilton noted that the inaction was due to the Board's lack of financial resources: Murray Wilton correspondence with the Inquiry, 29 June 2023.

389 The process of upgrading the houses required them to be completely vacated, resulting in a number of students commuting as "day pupils": M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 753.

390 Now, years 5–8.

## Corporal punishment

- 5.39 Dr Wilton stated several times that he was opposed to the use of the cane and when he became headmaster set about abolishing it as a punishment.<sup>391</sup> Our review of the documentary records revealed an inconsistent picture.
- 5.40 The 1980 issue of the Dilworth House Staff Manual directed that “the cane [is] for more serious or persistent offences. The use of the cane should be respected. It is not acceptable to conduct duty with cane in hand”.<sup>392</sup>
- 5.41 However, in a 1980 exchange that began just 20 days after the issue of that policy on caning, Dr Wilton can be seen explaining a different reality from that policy, when a mother, JP, upset to find caning was still happening at Dilworth writes to him:<sup>393</sup>

28 February 1980

Dear Dr Wilton,

I write as a concerned parent regarding your school’s policy on corporal punishment. I do not wish to be presumptuous and would hope that my expression of concern would not affect my son’s position in your school. We were proud to be chosen as new members of the Dilworth community.

I am of the view that Education is a community concern and I take my responsibilities to that end seriously. We took the opportunity to apply for Dilworth because of the educational opportunities that it had to offer. *At my interview with [named staff member] he assured me that Dilworth was not a Reform School for disturbed boys and that the cane was only used for serious misconduct. My son’s talk of the school would suggest the latter to be incorrect.*

I am well aware of the difficulties faced in controlling groups of children having been a teacher myself for some years. Then and now I have failed to find evidence anywhere to suggest that corporal punishment ever benefited any educational system. In my experience it either dampens a healthy spirit or promotes open defiance and bravado. Frankly, the thought of grown men and women beating children with sticks is positively barbaric. [Emphasis added]

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391 For example, Murray Wilton submission to the Inquiry.

392 Dilworth School, House Staff Manual, 8 February 1980.

393 Letter from Family Member JP to Murray Wilton, 28 February 1980.

5.42 On 6 March 1980, Wilton replied:

Dear [JP],

*... While it would be true to say that our current policy tends to limit the use of corporal punishment, it is certainly incorrect for [named staff member] to have told you that the cane is "only used for serious misconduct", it is just one of a variety of punishments administered as circumstances and individual preferences dictate.*

It has, however, come to my notice that one of our new teachers is making rather excessive use of the cane for minor offences and he has been told to reduce this and find suitable alternatives for things like lateness to class.

I do not share any of your views on corporal punishment. Unlike you, my experience proves to me that a short, sharp infliction of pain (observable, moreover, in the animal kingdom) is soon forgotten and generally causes less resentment than a long-lasting punishment. Do you not see any correlation between the general abandonment by most parents and many schools of any form of discipline and the enormous increase in unruly behaviour, violent crime and the total lack of concern by so many people for the rights of individuals?

At this School we refuse to be associated with the permissive society. We believe in firm but kindly control, and if you find this totally contrary to your philosophy of child-rearing and believe that you were misinformed about the School's policy you should perhaps decide whether this is the right place for [Student AF].  
[Emphasis added]

- 5.43 In his statement to the Abuse in Care Royal Commission of Inquiry, Dr Wilton said that after 1982 caning was used rarely and only with senior management approval, and it was abolished by 1987.<sup>394</sup> This was consistent with a response provided by Dr Wilton in 1985 to a University of Auckland research project that required him to advise how often corporal punishment was used at Dilworth. His response was that it was “used extremely rarely (once or twice a year)”.<sup>395</sup> However, we reviewed two punishment books, indicating the continuation of caning until 1989 and that it was given at times for seemingly minor misbehaviour.<sup>396</sup>
- 5.44 It appears to us, on reviewing the letter, school punishment books, and students’ and staff statements, that Dr Wilton’s assertion that he was opposed to the use of the cane and set about abolishing its use on taking up his position, probably reflects a view formed in hindsight, rather than a reflection of his views and practice at the time. In his interview with the Inquiry, he said he regretted sending the 1980 letter referred to above.
- 5.45 The limited information in the punishment books does however suggest a reduction in the use of the cane under Dr Wilton compared with when Mr Parr and Mr Conolly were at the helm.
- 5.46 However, the “short sharp infliction of pain” referred to by Dr Wilton was not the reality for a number of students we spoke to, and it was not soon forgotten, as the accounts below illustrate.

## Dilworth Trust Board

- 5.47 Of the 12 Board members who served during Dr Wilton’s time, 11 were in the professions or business,<sup>397</sup> one had experience in educational administration,<sup>398</sup> all were male and Pākehā, and, as in all other eras, none had children at the school. Consequently, all lacked the close interest in day-to-day school life that parent board members in other schools frequently have. Five members were old boys, including the two chairs.<sup>399</sup> Ten served for more than 10 years on the Board.<sup>400</sup>

394 Murray Wilton submission to the Inquiry.

395 Response contained in the questionnaire sent to Dr Wilton by a postgraduate student at the University of Auckland in July 1985. The letter explains that the student is conducting a pilot study on the use of punishment in schools.

396 Deputy Headmaster’s Punishment Book (relevant years) 1979–1987; Dilworth punishment book 1988 to 1989.

397 Mr Donald Cotter, public accountant (1960–1995); Mr Laurie Willis, public accountant (1966–1994); Mr John Maltby, chief executive of his quantity surveyor business (1970–1990); Mr Peter Miller, solicitor (1972–1987); Mr Derek Firth, solicitor (1975–2015); Mr John Potter, chief executive of Nestlé (NZ) Ltd (1985–1989 and 1993–2008); Mr David Chalmers, chief executive of New Zealand Insurance (1987–1995); Mr Jack Bennett, accountant (1989–1993); Mr Brian Maltby, chief executive of a quantity surveyor business (1990–2021); Mr Peter Tapper, executive general manager in petroleum companies (1994–2004); and Sir Wilson Whineray, chief executive of Carter Holt Harvey (1995–2007).

398 Mr Ronald Taylor, chair of the Auckland Education Board, served on the Board 1969–1985 (16 years’ service).

399 The old boys were Mr Cotter, Mr Taylor, Mr Firth, Mr Potter and Mr Tapper.

400 They served for 10, 12, 15, 16, 19, 20, 28, 31, 35 and 40 years.

## In the former students' words

### School environment

- 5.48 Most of the students who spoke to the Inquiry from this era were critical of the school, although some noted that despite their challenging experiences, Dilworth had provided them with educational and sporting opportunities that might otherwise not have been available to them.<sup>401</sup> They were grateful for this.
- 5.49 Most students continued to describe Dilworth as a cold and harsh environment with little emotional or pastoral support.<sup>402</sup> Some said that, while excited initially to attend the school, once there, they experienced fear and trepidation as the warmth of the open day did not continue into the day-to-day life at the school.<sup>403</sup> Many described the school as rigid, punitive and controlling. Some expressed feeling humiliated and inferior due to the constant threat of losing their scholarship, and staff continually reinforced this.<sup>404</sup>
- 5.50 The legislative abolition of corporal punishment happened during Dr Wilton's tenure. Many students complained of the increased reliance on "gatings" as a disciplinary measure and the additional stress placed on them of not being able to go home.<sup>405</sup>
- 5.51 Students described Board members and Dr Wilton as unapproachable. No student described having any real connection with Dr Wilton. Many students described seeing Dr Wilton only at an assembly or chapel.<sup>406</sup>

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401 For example, Student BZ, Student EW and Student GQ statements to the Inquiry.

402 For example, Student BK, Student EF, Student GV and Student GO statements to the Inquiry; Student GJ statement to external agency; Student HU statement to the Inquiry. We note also that students spoke about particular staff members who were kind to them or provided support and they expressed their gratitude towards these staff members for showing care and compassion.

403 For example, Student BK statement to the Inquiry.

404 For example, Student FX, Student GV, Student EW and Student GQ statements to the Inquiry.

405 For example, Student DJ, Student EY, Student DA and Student CC statements to the Inquiry.

406 For example, Student EY, Student FC, Student EW, Student EX and Student EG statements to the Inquiry.

## Serious physical abuse

### Extreme caning by staff

- 5.52 Former students reported that harsh discipline and punishments were imposed, often for minor offences or when no offence had occurred at all.<sup>407</sup> While the school's policy on caning was reportedly for the "most serious or persistent offences, and was to be respected" in 1980,<sup>408</sup> was to be "regarded as a last resort" in 1986–1987, and was delivered within the framework of "firm control, yet at the same time sympathetic,"<sup>409</sup> the reported experiences indicate the policy was not observed.
- 5.53 Student CI said that on one occasion after being caned by his housemaster, TW, he sat in a cold bath in his school uniform and the water turned red from the bleeding caused by caning. Sometimes he would be left with a centimetre deep indentation where he had been caned, "sometimes on your butt-cheeks, sometimes on your lower leg that would turn dark purple". Student FB said he was caned by Staff Member TM and then required to get into a cold bath.

I remember the water turning pink from the blood. [TM] stood in the bathroom the whole time, tapping the cane on his leg while I was in the bath. I was in the bath for about 10 minutes, then when I got out of the bath, he caned me again ... I was still naked and wet.

- 5.54 Student FB recalled that sometimes the cane would wrap right around and get the student in the groin, other times the caner would misjudge and the cane would get the student on the spine. Student ET, a student in the mid-1980s, said a cane aimed at his backside missed and "it split my leg open and was bleeding really badly. I had to go to the sick bay and the matrons cleaned me up and put butterfly strips on my leg".
- 5.55 Student CQ (who was caned in 1990) said, "Through my senior years I got caned a couple of times at the top school and a few times in the house. When I was a house prefect, I got 'six of the best' from [Staff Member SV]". Student EO (who attended between 1982 and 1988) said, "Overall, I think I got caned almost 80 times during my time at the school. It was pretty vicious. The caning would leave two blood blisters on our legs or backsides. Some boys would be sitting down begging not to be caned".

407 For example, Student AF, Student AP, Student HN, Student CI, Student CQ statements to the Inquiry; Student GJ statement to external agency.

408 Dilworth School, House Staff Manual 1980.

409 Dilworth School Staff Manual, 1986-1987.

5.56 Student GJ said:

During my time ... there was lots of canings for unnecessary things. The [deputy headmaster] used to make you place your hands on his desk and he would put a chair over the top of your head so that if you stood up when you were hit, you'd strike your head underneath the chair.<sup>410</sup>

5.57 Student GJ also spoke of standing on the science block fire escape, which was around three storeys high and exposed. While there, another student grabbed him and pushed him over the side of the rail. The housemaster caned both students. Student GJ "felt it was completely unjust but that's just the way the school worked".<sup>411</sup>

5.58 Student CM said caning would be with pants up or down, and Staff Member UE was known for caning with the student's pants down. Students also described being "paddy-whacked", which was when (usually) Staff Member SV placed the student across his knee and hit the student with his hand across the buttocks up to 30 times. The accounts of paddy whacks continued until 1990, and some students said SV would require them to pull down their pants, so he was smacking their bare skin.<sup>412</sup>

5.59 Students told us that caning was sometimes used for minor offending such as not brushing teeth or not folding physical education gear.<sup>413</sup>

5.60 When asked about the incidents of caning outlined above, Dr Wilton told the Inquiry none were brought to his attention, and if they had been he would have taken action against the staff member. He noted that the 1989–1990 punishment book had not been signed off by him and he was unaware of caning happening to this point in time.<sup>414</sup>

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410 Student GJ statement to external agency.

411 Student GJ statement to external agency.

412 For example, Student DJ, Student EH and Student DG statements to the Inquiry.

413 For example, Student HN, Student HR, Student IU and Student FG statements to the Inquiry.

414 Murray Wilton Inquiry interview.

- 5.61 **Staff statements:** Staff confirmed that caning continued into the late 1980s.<sup>415</sup> Staff Member QC, who was employed at the school in 1989, recalled caning still being used. Some staff members described their reluctance to cane but felt that some of the senior members of staff, such as Mr John Burnett, treated it as a job requirement for all staff members.<sup>416</sup>
- 5.62 Consistent with the former students' recollections, in this era staff members said tutors did not cane; rather caning was done by housemasters, teachers and deputy headmasters.
- 5.63 Staff recollections as to when and why caning was administered were inconsistent and contradictory. Some said caning was rarely used and only in consultation with the headmaster and only for the most serious of offences. However, several described caning being inconsistently administered for minor offences and recalled lines of boys outside the housemaster's office waiting to be caned. The latter is consistent with the student recollections.
- 5.64 One staff member says he caned only for bullying or gross disobedience and used the cane sparingly. However, a colleague told of an incident where a whiteboard had been damaged and no student would own up, and that staff member lined up all 24 students and caned them all.
- 5.65 Only one staff member, PI, reflected on his use of the cane and expressed remorse.
- 5.66 Staff Member QR noted that once caning was removed, the students' behaviour improved overall.
- 5.67 **Impact of caning on students:** Caning and other punishment handed out, sometimes without reason, for minor infractions or arbitrarily had a significantly negative impact on students. Student HN stated:

I learnt to keep a low profile as a result. It was really frightening and very unstable not knowing when things were going to turn negative and who you could trust ... I basically lived in fear and did not learn much at all.

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415 For example, Staff Member PI, Staff Member PZ and Staff Member QD statements to the Inquiry.

416 Staff Member QR and Staff Member PI statements to the Inquiry.



## Other physical abuse by staff members

- 5.68 While former students reported some kind and caring teachers, tutors and housemasters, we also heard about physical violence from two staff.
- 5.69 Student AO told the Inquiry that one housemaster was known for hanging students upside down by their ankles from a landing over two flights of stairs.
- 5.70 Several former students spoke of physical abuse by a particular staff member:

I was often hit by a flying object such as a whiteboard marker or duster that [was thrown] at me for not writing fast enough.<sup>417</sup>

The smallest infraction of doing what [we were] told would result in triggered outbursts of anger which could mean throwing things, yelling, and banging on desks and walls.<sup>418</sup>

- 5.71 Several former students described physical attacks and acts of cruelty by the same teacher on different students. In one case, the teacher thrust a pen into the shoulder of a student with enough force to draw blood. In another, the teacher refused a student permission to leave the classroom to use the toilet, resulting in him wetting his pants and having to sit in a puddle of urine for the rest of the afternoon.<sup>419</sup>

## Violent bullying

- 5.72 During this era, the tradition of hierarchy and authority vested in senior students continued. The 1994 school handbook said that “prefects have authority over all boys at all times”.<sup>420</sup> Prefects were told that, “your authority is equivalent to that of a staff member in that boys are expected to obey reasonable instructions during the course of your duties”.<sup>421</sup> Students were encouraged to exercise only power and authority that was reasonable and not to verbally abuse or hit any other student.
- 5.73 The role of senior students in bullying and abusing others was often emphasised by those who were at the school during this era. This was not specific to prefects. It was said that staff set the example for bullying and then senior students did it to younger students.

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417 Student CH statement to the Inquiry.

418 Student FN statement to the Inquiry. The Inquiry notes this staff member was eventually disciplined and later resigned in 1994.

419 Several students reported these two incidents, for example, Student GK and Student DO statements to the Inquiry.

420 Dilworth School, Dilworth Secondary School Handbook 1994.

421 Dilworth School, Dilworth Secondary School Handbook 1994.

- 5.74 The Inquiry heard many accounts of sixth formers bullying younger students while supervising them and there being no supervision of the sixth formers. Examples are set out below.
- 5.75 **Death mat:** Several students and at least two housemasters gave accounts of what was known as the “death mat”, a practice started during headmaster Parr’s era, which continued in the 1980s. Senior students used this practice in a variety of different ways to torment juniors, including making junior students crawl on the mat spike side up while the older students sat on their backs,<sup>422</sup> or rolling younger students up in the mat so the spikes punctured their skin,<sup>423</sup> or making junior students kneel on top of the spikes with their arms outstretched, which they then loaded with encyclopaedias.<sup>424</sup>
- 5.76 **Hot pipes and towel rails:** Students also recalled hot pipes and heated towel rails being used to inflict violence usually by the senior students forcing a junior student’s hands against the pipes, which were scalding hot<sup>425</sup> or by waking younger students in the middle of the night and forcing them into a bath of cold water before then making the younger student sit on the hot pipe.<sup>426</sup> One student recalls the shattering screams from a another student being jammed in the middle of the hot pipes by a senior student.<sup>427</sup>
- 5.77 **Night beatings:** Another common theme was that night-time was not a safe time for students, particularly junior students, with senior students inflicting physical violence while junior students tried to sleep, dawn raids where junior students were whacked with school shoes in a pillow case,<sup>428</sup> junior students being hit and then wrapped up in bed clothes and thrown in an elevator,<sup>429</sup> or mattresses loaded with drawing pins.<sup>430</sup> A former student said he continues to sleep in defensive positions because of the night attacks.<sup>431</sup> Another described the abuse suffered at night causing them anxiety, stopping them from using the toilet at night, and resulting in life-long bowel problems.<sup>432</sup>

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422 Student IU and Student ET statements to the Inquiry.

423 Student FP and Student EH statements to the Inquiry.

424 Student ES statement to the Inquiry.

425 For example, Student FB statement to the Inquiry and statement to external agency.

426 Student ES statement to the Inquiry.

427 Student CI statement to the Inquiry.

428 Student EY statement to the Inquiry.

429 Student BK statement to the Inquiry.

430 Student CI statement to the Inquiry.

431 Student CI statement to the Inquiry.

432 Student HU statement to the Inquiry.

## Serious injuries suffered as a result of bullying and violence

- 5.78 Students described the injuries they suffered because of bullying or violence from other students. These injuries ranged from relatively minor and temporary injuries (such as cuts or a “dead” arm or leg) to far more serious injuries requiring medical intervention.
- 5.79 When he was 11 years old, Student BK split a tendon in his arm trying to protect himself from an attack by another student. He is aware that despite the school knowing how the injury occurred and taking him to hospital for treatment, the other student was not punished.
- 5.80 Student HN had his teeth knocked out when he was kicked from behind by another student in what he believed to be bullying because he was or was perceived to be, homosexual. He landed face down on the concrete and required pins in his front teeth to support implants.
- 5.81 When Student ET was in form 3,<sup>433</sup> he was beaten up by senior students, who punched him in the face and stomach and kicked him while he was on the ground. They put his head through a door. He was in the sick bay for several days recovering from his injuries and missed the school dance. In another assault, he lost both of his front teeth and as they were never fixed properly, he does not like to smile now.<sup>434</sup>
- 5.82 Student CS told the Inquiry that when he was around nine years old, he had his head repeatedly bashed against the concrete of the school pavilion by another student. He hid in the changing rooms for three or four hours afterwards until the bleeding stopped and swelling reduced. He has a permanent scar above and within his right eyebrow.

## Random violence

- 5.83 Several students described being on the receiving end of random acts of “casual violence”. Each of these accounts was given by more than one student unless otherwise noted:
- being whipped with guitar strings that had washers attached or a wire coat hanger or being burnt with heated metal coat hangers
  - being made to stand facing a wall while having pool balls thrown at their backs, having pool balls dropped on their feet or having pool balls thrown at them while in the shower (with the balls ricocheting off the tiles)
  - being pushed down flights of stairs

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433 Now, year 9.

434 Student ET statement to external agency.

- having cricket balls thrown at them, being hit with cricket or baseball bats, or having darts thrown at them as target practice
- experiencing games of human ‘pinball’ where students were made to run a corridor lined with senior students who would kick, punch, push and beat the students as they made their way down the corridor
- being held underwater for prolonged periods, so the student would panic and get out of breath or being forced to drink water until the student threw up
- being electrocuted on the nipples or toes using wires and a car battery
- being forced to do push-ups on their knuckles over a sharp crack or kneel on metal mesh stairs
- being hit with pillow cases filled with shoes
- having to do “Chinese squats” (squats while arms were outstretched holding heavy books such as encyclopaedias) for extended periods
- being held over a motorway barrier above moving traffic (a single account)<sup>435</sup> and over outside stair-railings above a concrete pad (a single account).<sup>436</sup>

### Psychological bullying

5.84 The Inquiry heard from former students who experienced verbal and psychological bullying. A common theme from students was that any difference would be picked on. Asian students would be referred to as “chink”, “nip” or “gook”.<sup>437</sup> Other students would be taunted for physical characteristics such as being overweight or having a scar.<sup>438</sup> Students who suffered this bullying said it was relentless and humiliating. Student CR said:

Most of the bullying was verbal, always verbal and very homophobic and homosexually toned. Any minor indiscretion meant you were gay or a bum-bandit or YAG (gay backwards) but once you were tarred with that brush – it never ended.

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435 Student ED statement to the Inquiry.

436 Student FP statement to the Inquiry.

437 Student EX statement to the Inquiry.

438 For example, Student DA, Student BK, Student DA and Student FN statements to the Inquiry.

## Impact of bullying on students

- 5.85 Students described that they never felt safe, as the bullying was not just physical, but also psychological, with students taunted for differences in physique, called racial slurs or taunted for being perceived as homosexual. The boarding environment meant there was no reprieve from the bullying.<sup>439</sup> This had a significant impact on their ability to study and achieve. Student CH stated,

I was teased about my looks, my poor sports and academic performance, my clothes, my taste in music, my friends. Literally every part of who I was, was torn to bits by bullies.

- 5.86 Student CJ succinctly described his experience as,

The bullying was mostly psychological and emotional. It really got into my spirit. I was in hell basically. I was alone.

- 5.87 Other students took physical steps to protect themselves. Student BC told us:

I do remember that at one stage – probably in my early teens – I was very scared of being bullied and used to carry a sheath knife around with me (concealed) as a form of protection. I don't recall ever using it.

- 5.88 While some students determined never to bully when they became responsible for younger students, others said that because of what they had experienced they became bullies when they got older – it was a learned and accepted behaviour and, in a “kill or be killed world”, a coping mechanism.<sup>440</sup>

- 5.89 Some former students also describe how this cycle of bullying – being bullied as a student and then being able to bully as a senior – created a culture of abuse and encouraged the secrecy and false loyalty that prevented many from speaking up about abuse.<sup>441</sup>

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439 For example, Student BK, Student CI, Student ES and Student EU statements to the Inquiry.

440 For example, Student IU statement to the Inquiry.

441 For example, Student CJ statement to external agency.

- 5.90 Some of the former students acknowledge that, towards the late 1980s, the school made some effort to try to prevent bullying, “The change in the bullying culture was not something that was overtly talked about but rather something I just noticed in my later years. It was my observation”.<sup>442</sup> Students also mentioned that the formal practice of “fagging”<sup>443</sup> was stamped out from the mid-1980s but noted this did not mean fagging strictly came to an end nor did it completely stop the abuse by senior students of junior students.<sup>444</sup>

### Lack of intervention by staff

- 5.91 Many students recounted situations where staff were aware of bullying and did nothing. Student CH stated:

I found out in my later years that boys had stolen my music recordings and played them in other dorms making fun of me. I still don’t blame the boys but rather the teachers for allowing this to happen. Adults needed to step up and stop the behaviour.

- 5.92 Student EX described a staff member looking on as he was punched in the side of the head by another student. Student AP said even when he told the housemaster what was happening to him, no steps were taken to curb the offending behaviour; rather, the severity of the abuse was simply dismissed. Student EY told the Inquiry:

Our tutors who had been to the boarding school themselves and who were 18 or 19 just accepted that bullying was part of the life at Dilworth. They did nothing to prevent it.

- 5.93 We heard consistently from former students that bullying was not really addressed by the staff, it was underestimated in its seriousness, and viewed as part and parcel of a boarding school. While it may not have been accepted by some staff, it was not rigorously dealt with either.<sup>445</sup>

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442 Student IU statement to the Inquiry. See also Student HN statement to the Inquiry.

443 Fagging is a practice whereby younger pupils are required to act as personal servants to older boys.

444 For example, Student FN and Student CG statements to the Inquiry.

445 For example, Student CR statement to the Inquiry.

- 5.94 Within the Dilworth archives, the Inquiry found a folder of over 30 original written accounts from students, dated June 1984, outlining bullying and sexual abuse they had experienced in the Watling boarding house at the hands of other students. Many of the accounts are in the form of a letter to the student's mother. One of the accounts is signed off "your bashed son". The folder included a typed memo summarising the allegations students had made. Staff member UO said these letters were written in an attempt to flush out bullies and it was thought the students would be more "open" if the letter was addressed to their mother, rather than the staff member.
- 5.95 Whilst there is no evidence that individual complainants' parents were informed of these disclosures, in a newsletter to parents dated 26 June 1984, Dr Wilton advised that, despite the school's "code of silence", enough boys had come forward to disclose bullying that the school was able to take action. He advised that a sixth form student<sup>446</sup> was asked to leave the school as a result of bullying, and other students who were involved to a lesser degree were warned and their parents informed. Dr Wilton concluded the message with a statement that "bullying will not be tolerated in the school".<sup>447</sup>

### Staff recollections of bullying

- 5.96 We interviewed 32 boarding or teacher staff members from the Wilton era. A few staff members from this era said they did not notice bullying nor did they recall a student complaining to them about bullying.<sup>448</sup>
- 5.97 Some staff acknowledged that bullying did occur and had varying recollections of the extent of the bullying and whether it was or was not addressed. Staff member PI described the bullying and harassment as "a closely kept secret". Staff member UX, also a former student, said that while bullying was still happening in the 1980s, he thought it was better than when he was a student. Staff Member UO said he came to realise there was a lot of surreptitious bullying.
- 5.98 Staff recalled verbal bullying and name-calling as being commonplace.<sup>449</sup> A housemaster attributed this to the students living with each for so long they became well aware of each other's faults.<sup>450</sup> In a house diary entry from June 1984, housemasters were asked to stop students acting in a "quite merciless" way, in relation to their name calling directed at a particular student. The note writer, however, signed off his request with an air of resignation, "have to put up with it?".<sup>451</sup>

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446 Now, a year 12.

447 Newsletter to parents and guardians, 26 June 1984.

448 For example, Staff Member RF statement to the Inquiry.

449 For example, Staff Member RE statement to the Inquiry.

450 Staff Member PF statement to the Inquiry.

451 Dilworth house diary, 14 June 1984.

- 5.99 Several teachers were alert to the possibility the staff were not aware of the full extent of the bullying problem both due to it happening when staff were not around and the “no narking” culture.<sup>452</sup> Tutors from this era who spoke to the Inquiry also advised that while they were aware there was bullying,<sup>453</sup> they suspected the worst bullying was done away from staff due to the “code of silence”.<sup>454</sup>
- 5.100 Staff recalled the school making changes to address some of the bullying issues. Staff member PR observed that when the school changed the mix of younger and older students in class, instead arranging classes along primary and intermediate lines, it also assisted with reducing bullying from more senior students toward junior students. Dr Wilton made an effort to increase staff numbers in the boarding houses. The opening of the junior campus in 1993, so younger students were more separated from seniors, also assisted with reducing senior students bullying of younger students.<sup>455</sup> Staff Member PH said, consistently with the students. “The big issue about bullying at Dilworth is that boys cannot easily escape it because they live onsite”.
- 5.101 The limited records we have seen from the 1980s show some bullies were caned or given other punishments. During this period, records indicated 28 students were caned for bullying while another eight students were caned for fighting.<sup>456</sup>
- 5.102 Staff member QB, who had come from a state school, noted the stark difference in culture, and said that state school “had a much closer integration between student families and the school, so better and more accessible pathways to mediation and behaviour management”.<sup>457</sup>

### Bullying or harassment by teachers and staff members

- 5.103 Some former students describe being bullied or ridiculed by staff members for being fat. These comments were made in front of other students and left them feeling embarrassed, depressed and isolated.<sup>458</sup>
- 5.104 Students were also taunted for being homesick or showing anything perceived as weakness.<sup>459</sup> Students would also be taunted by staff members during shower time, having comments made about their penis size or physique or if a student had an erection.<sup>460</sup>

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452 For example, Staff Member PH, Staff Member PF and Staff Member PI statements to the Inquiry.

453 For example, Staff Member RE statement to the Inquiry.

454 For example, Staff Member QA statement to the Inquiry.

455 Murray Wilton statement for the faith-based institutions response, Abuse in Care Royal Commission of Inquiry; Staff Member PH statement to the Inquiry.

456 The Inquiry could locate only two punishment books that covered Dr Wilton's tenure as headmaster. The first book was the Deputy Headmaster's punishment book and covered the relevant period August 1979 to 1987 and the second book is titled Dilworth Punishment Book and is for the period 1988 to 1989.

457 Staff Member QB statement to the Inquiry.

458 For example, Student BA, Student CR and Student GF statements to the Inquiry.

459 For example, Student HU and Student CB statements to the Inquiry.

460 For example, Student BK statement to the Inquiry; Student CB statement to external agency.



- 5.105 Students stated it was obvious certain staff members disliked particular students.<sup>461</sup> Teachers were said to play favourites, manipulate students and cause students to “seek respite” or protection from them.<sup>462</sup>
- 5.106 Student DO described being verbally abused by a teacher, largely because of a speech impediment he had, recounting, “I can’t tell you how many times [I was told] I would amount to nothing”. Several former students recalled the same teacher subjecting students to daily verbal attacks and personal insults or mocking for simple mistakes in homework. The Inquiry was told the teacher would pick on students, particularly Māori students, “telling them they were stupid. [The teacher] made up derogatory nicknames for boys and would use them instead of their actual names ... and was telling the brown kids they wouldn’t last”.<sup>463</sup>
- 5.107 Student GF was repeatedly called stupid by a teacher, a label that was adopted by his peers.
- 5.108 Student CR said that one night Staff Member TL, who did not like him, required the student to unblock a toilet in the boarding house with his bare hands and a coat hanger as punishment for talking after lights out. It took him two hours, and afterwards he wasn’t allowed to shower but had to just wash his hands and go straight to bed.

## Sexual abuse

- 5.109 The next paragraphs contain examples of sexual abuse from the many the Inquiry heard. **These accounts are graphic and may be distressing.**
- 5.110 The accounts of former students about sexual abuse in this era have the same themes as those under headmaster Parr’s era:
- sexual predation by staff (housemasters, chaplain, tutors and teachers) on students, particularly younger students
  - sexual predation by older students on younger students
  - an inability to have sexual predation stopped despite attempts to do so
  - punishment for complaining of sexual abuse.

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461 For example, Student AK statement to the Inquiry.

462 Student DG statement to the Inquiry; Student CB statement to external agency.

463 Student FN statement to the Inquiry; also Student GK statement to the Inquiry.

## Sexual abuse by housemaster or tutor in boarding houses

- 5.111 At least three housemasters during Dr Wilton's era abused students in their boarding houses: Mr Howard Wynyard, Mr Alister Harlow and Staff Member SV. Two of the three are now convicted offenders.
- 5.112 **Howard Wynyard:** Mr Wynyard was appointed housemaster when Mr Rex McIntosh left Dilworth in 1979<sup>464</sup> and remained in that position until his 'resignation' in 1983. When he took over as housemaster, he used his new position to gain access to students at night in dormitories.
- 5.113 Multiple former students said he was always present when students were naked or showering. The Inquiry heard from four of the six against whom Mr Wynyard offended that resulted in convictions. Mr Wynyard's abuse of students aged 9–12 included:
- creeping into dorms at night to touch a student's penis and masturbate students<sup>465</sup>
  - putting his hands up a student's shorts and fondling his testicles when the student went up a ladder at Mr Wynyard's request<sup>466</sup>
  - Mr Wynyard standing directly behind the student, reaching around and rubbing his hands all over the front of the student's body, from his chest to just above his groin, stroking the student's body with both hands from the top of the student's chest to the top of his pants.<sup>467</sup>
- 5.114 Student ET, who had just turned 12, described the impact of Mr Wynyard's abuse on him:

At the time I had no idea what had happened [when Mr Wynyard masturbated him] I had no knowledge of sex, I had never read a dirty magazine or anything. I hadn't even hit puberty. I was shaking, in shock. I don't think I went to sleep that night. I stayed awake all night. I wanted to run away, but there was nowhere to run to ... I felt so embarrassed and humiliated. I couldn't tell any kids at school because I would have been ridiculed and teased ... And when an authoritative figure does this to you, it doesn't make you want to go and tell an authoritative figure. So, I told no one. I was in a really dark place.<sup>468</sup>

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464 Howard Wynyard statement to the Inquiry.

465 Staff member PR investigation notes for investigation undertaken for Dilworth; Student ET statement to external agency.

466 Student EE statement to external agency.

467 Student HS statement to external agency.

468 Student ET statement to external agency.

- 5.115 **Alister Harlow:** Mr Harlow climbed into Student HG's bed while he was sleeping.<sup>469</sup> He also massaged student's shoulders and neck without their consent and in a way that student's described as "creepy".<sup>470</sup>
- 5.116 **Staff Member SV:** Two students described being sexually abused by Staff Member SV in the late 1980s.
- 5.117 Staff Member SV offered Student DC, who was 11 years old, an opportunity to avoid caning by performing fellatio on him. Student DC gave a detailed account of the event and said the image of SV's penis was now an unpleasant image always in his head. He also recalled being in tears when the ordeal was over, and he went to the bathroom to wash his face, forehead and hairline, trying to remove the semen from his hair.<sup>471</sup>
- 5.118 Student HU also described sexual abuse involving punishment received when he was 12 years old. He was given the choice of a caning or "spanking". He realised in hindsight he should have chosen the cane as:

Spanking required me to lay across his knee with bare buttocks. He placed his hands on my buttocks and stroked them. He also casually brushed his hands across my genitals as well. He enjoyed himself and then tried to hug me and tell me we were still special friends. This happened in the MacMurray House Duty Room. There was a separate office with a lockable door where he disciplined boys.

### Sexual abuse outside of boarding houses

- 5.119 As in previous eras, students were abused by housemasters and staff often during an outdoor event such as camping or tramping. Examples are set out below.
- 5.120 Staff Member UE touched Student GN, who was about 11 years old, on the bare groin while lying in bed sick at camp.<sup>472</sup> On a trip away, Staff Member UE exposed his penis to Student FG, who was 11 years old. On another trip away he tried to shower naked with Student GM, aged about 12.

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469 Mr Harlow also abused students, although this abuse largely took place outside of the boarding houses and is described below.

470 For example, Student GO statement to external agency.

471 Student DC statement to the Inquiry.

472 Student GN statement to external agency.

- 5.121 Staff member TM abused students while on school camp. On one occasion he massaged a 13 year old student who had suffered an injury, that massage led to Staff Member TM masturbating the student. On a separate camp, Staff Member TM sat on the bed of a 14 year old student who had opted out of the camp activity. While alone, Staff Member TM touched the student's body and masturbated the student. Student DO recalled, also when he was about 12, at a school camp during a "group hug", being spooned by TM, who had an erection, "I remember it pressing against my bum as he adjusted himself ... As we 'snuggled' into a trusting embrace his [penis] was distinctly erect behind my school shorts".
- 5.122 From age 13, Student CM recalls often being alone in a room with Staff Member TM often and having conversations that were "creepy", and he was always scared. He described how on many occasions TM held him with his erect penis rubbing against him. Although TM knew the student's primary caregiver had died by suspected suicide, TM threatened to kill himself if CM ever told anyone what was happening.
- 5.123 **Grooming, spooning and touching of genitals while on weekends away:** The following accounts are all of offending by the Mr Harlow, who was a boarding house staff member and who also had a role in Scouts. Mr Harlow was another staff member who frequently walked into the shower room and looked around, ostensibly to monitor behaviour.
- 5.124 Mr Harlow would offer students pocket money for doing jobs at his home. There he would encourage students to stay the night where he would cuddle them on the couch. When he was around 11 years old, Student AP, who was from a poor family, needed the money, so went. Mr Harlow also offered shoulder massages to students. Student GK said that when he was around 13 years old, while receiving a shoulder massage, Mr Harlow suggested "he [Harlow] could go further".
- 5.125 Mr Harlow regularly took students away to Whangārei for camping or other scouting activities. While on these trips he molested or attempted to molest students by massaging them and sleeping next to them in a tent and "spooning" them. Several students described how the grooming went further. Two examples are as follows:
- Mr Harlow put his hands down Student EW's pants and touched the student's penis.<sup>473</sup>
  - Student EO described Mr Harlow taking him away for weekends and special trips during which, on several different occasions, he tried to massage him, put his arm around him and spoon him if they were sleeping in a tent. This progressed until eventually Mr Harlow regularly touched EO's genitals and tried to insert a finger in his anus.<sup>474</sup>

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473 Student EW statement to the Inquiry and statement to external agency.

474 Student EO statement to the Inquiry and statements to external agency.

## Sexual abuse by school contractor associated with Dilworth

- 5.126 Student ED described an attempted assault by a contractor in the bathrooms when he was form 3.<sup>475</sup> The contractor held him down and tried to force the student to touch him. The student became aware that this happened to a peer, and both students approached Dr Wilton with a complaint.

## Sexual abuse by teachers

- 5.127 Former students gave accounts of abuse by several teachers.
- 5.128 **Leonard Cave:** The Inquiry received statements from four students describing sexual abuse by Mr Leonard Cave during 1979 to 1985 and from several students describing grooming.
- 5.129 Student AF described Mr Cave coercing him to be photographed naked after being supplied alcohol when he was around 15 years old. Student EE also told the Inquiry that Mr Cave also coerced him into being photographed naked when he was around 15 years old.
- 5.130 Three former students described separate instances when Mr Cave invited them each to his bach on Waiheke Island, plied them with alcohol to the point of passing out and sexually abused each student.<sup>476</sup> Each account of sexual abuse included the student's clothes being removed and Mr Cave performing oral sex on the student or forcing the student to perform oral sex on him. One student said, "I felt like I had to do it as, from the relationship that had formed between him and I over time, I felt subservient to him ... This was my first sexual experience ... I was a naive young 14-year-old boy".<sup>477</sup>
- 5.131 **Staff Member RZ:** Staff Member RZ worked at the school from the late 1980s. The Inquiry received statements from six former students who said they were abused by RZ and was made aware of four further students who complained of abuse by him at Dilworth.<sup>478</sup> RZ would use his position as a teacher to groom students, providing them with one-on-one tutoring, inviting them to his house and bonding with them through a shared interest. After he groomed a student, he progressively became more daring and would rub the student over his torso and genitalia. Student GK said when he was 12 or 13 years old RZ lifted him into an embrace and pressed his lips against his neck.

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475 Now, year 9.

476 Student AF statement to the Inquiry and statement to external agency; Student HR statement to the Inquiry and statement to external agency; Student DP statement to the Inquiry and statement to external agency.

477 Student DP statement to external agency.

478 Dilworth School: Response to Notice to Produce No 2, Schedule A(2)(a), 25 May 2020; and RZ staff file.

- 5.132 Staff Member RZ would encourage students to sit on his lap so he could rub the student's torso under their clothes, rubbing their nipples. He would push his genitals up against a student's neck or head. During private tutoring, RZ would press up against a student's back so the student could feel RZ's erection. He would put his hand under the student's shirt and rub his chest, nipples and stomach. Sometimes RZ would put his hand in the waistband of the student's underwear and just rest it there.<sup>479</sup>
- 5.133 Student FH said, when he was around 13 years old, Staff Member RZ would force him to masturbate RZ, while rubbing his back and reassuring him everything would be ok. RZ would masturbate FH, before then going on to masturbate himself. FH recalled, "[RZ] laughed afterwards and wiped some of his sperm across my mouth".<sup>480</sup> Student CG said, when he was around 12 years old, RZ made him sit on RZ's knee during a private lesson. RZ got an erection and then forced CG to perform oral sex on him. This happened on two further occasions, and on the third occasion CG had to wipe up the sperm from the floor and his face.
- 5.134 The Inquiry was told Staff Member RZ would use opportunities such as pretending to assist a student remove their choir robes or pretending to comfort a student to touch a student's genitals.
- 5.135 Staff Member RZ would visit students' homes or take them away on holidays where the offending would take place. Student CH said, when he was around 14 years old, he and RZ would often share a bed and RZ would express his love for CH.
- 5.136 **Ian Wilson:** The abuse Mr Ian Wilson has been convicted of spanned two eras, Parr's and Wilton's. During Dr Wilton's era, former students' accounts of abuse by Mr Wilson arose from his connection with Scouts and his roles as housemaster and teacher.
- 5.137 Much of the offending took place when Mr Wilson had taken the student away for a weekend or in Mr Wilson's house, which was initially on school grounds and later a flat in Remuera. Examples of some of the abuse the Inquiry was told about follow.
- 5.138 The Inquiry was told of a scouts-related trip to hot pools one weekend. Mr Wilson, his brother Mr Ken Wilson and Mr Richard Galloway<sup>481</sup> hired a private hot pool, and Student HR said encouraged the students to get into the pool naked. Mr Ian Wilson (and the other adults) then stood behind each of the students to "crack" their backs.<sup>482</sup>

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479 For example, Student HT statement to the Inquiry and statement to external agency; Student CH, Student FH and Student CX statements to the Inquiry.

480 Student FH statement to the Inquiry and statements to external agency.

481 As described in chapter 4, Mr Galloway was a scoutmaster of a Dilworth troupe and lived in a rented house on Dilworth grounds.

482 Student HR statement to the Inquiry.

- 5.139 Mr Ian Wilson invited students to his house for dinner, which Student HR described as being a “perk” of belonging to Scouts.<sup>483</sup> HR told us he believed he was drugged at the dinner:

I had a memory lapse of many of the events that occurred that night. What I do remember is that at one stage I was standing in my underwear and then Wilson was standing behind me and put his hand down my chest and down the front of my underwear to the top of my genitals.

- 5.140 Student HR has no further recollection of the night. This has caused great distress as he often wonders what else Mr Wilson did to him.

- 5.141 Student DA was around 12 years old when he was invited to Mr Wilson’s house for dinner and recalls:

We hugged and tickled each other, joked around and then he started rubbing my tummy and legs and moved closer to my genitals. He said it was our special time and had to be secret. I felt dirty, like I’d done something wrong, so I ran away and said nothing to anyone as who would believe a child?<sup>484</sup>

- 5.142 Student DG, when he was around 15 years old, attended a Group Life Laboratory (GLL) camp with Mr Wilson, and at the end of an activity involving personal disclosures, the students were made to hug everyone, including the staff. Mr Wilson sucked on the student’s ear and said “oh, it’s just a little love bite”.<sup>485</sup>

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483 Student HR statement to external agency.

484 Student DA statement to the Inquiry.

485 Student DG statement to the Inquiry.

## Sexual abuse by chaplain

- 5.143 Mr Browne was appointed the school chaplain, replacing Mr Taylor, on 1 February 1980, a position he held for 25 years. During his tenure, besides general chaplain duties, Mr Browne was responsible for introducing the GLL camps, establishing informal groups known as “the Crypt” or the “Coffee Club”, and running the school’s sex education programme.
- 5.144 Mr Browne was described as a large man. Many interviewees said he possessed a “wonderful voice”, was a good storyteller and was charismatic and charming.
- 5.145 Mr Browne has been convicted of historic sexual offending between 1987 and 2002 against 14 former students. He is facing further charges of offending against four former students between 1986 and 1996 and one former student between 1999 and 2001. The Inquiry heard from a significant number of former students about grooming and abuse by Mr Browne during the Wilton era. Abuse happened in a variety of physical locations, including camps, Browne’s office (also known as the “Crypt”), a small anteroom off his office (which contained a massage table), the classroom and his residence. Examples of the abuse are detailed below. The Inquiry has only included detail of abuse that has been investigated by police and is not the subject of current charges before the court.
- 5.146 **Grooming:** Former students and their whānau described how Mr Browne used the cloak of religion to both enable his abuse and avoid detection. Student HU described it in this way:

I think the boys found Father Browne friendly, like a jolly green giant. He was trusted because he dressed up in fancy frocks, threw about incense and lectured us about religion, dispensing wafers and dressed in satin finery. He couldn’t possibly interfere with boys. Father Browne was like Pope Benedict – he liked all the bells and whistles and the finery of making the Church look like a cathedral. He bathed himself in the trappings of religion.

- 5.147 Mothers described their discomfort at the way Mr Browne hugged and interacted with the students at the Sunday chapel service but felt there was nothing they could do or no one they could speak to about it, because he was the school chaplain.



- 5.148 Students told of the many different forms of grooming used by Mr Browne. One method was to invite students to be part of groups where their attendance set them apart from others and membership was contingent on following rules of secrecy. Membership also gave them access to special treats. Coffee Club was one group where participants could stay out late in the evenings, eat chocolate biscuits and drink communion wine. An even more select group went on to Mr Browne's residence afterwards, where they would be encouraged to masturbate while Mr Browne watched and gave instructions.
- 5.149 Student DA told the Inquiry that, "He [Mr Browne] would tell us when we left that whatever happened there was our secret time, and not to tell others as they would feel left out. He said if they found out, they would want to come and we would lose our spot".
- 5.150 Normalising the public display of sexual activity was a significant part of Mr Browne's grooming and abuse. The Inquiry heard numerous accounts of how he would encourage students to masturbate in front of each other and Mr Browne, both in more private settings as described above as well as in the sex education classes he ran.
- 5.151 Mr Browne also used his position of trust in the school to set up and run Relationship Awareness Workshops, or GLL camps as they came to be known, which provided Mr Wilson and Mr Browne with opportunities to identify vulnerabilities of participants and undertake further grooming (see further analysis from 5.155).
- 5.152 Perhaps the most significant demonstration of Mr Browne's institutional grooming was that, despite not having any qualifications or professional experience, his giving massages to students appears to have been tolerated by the headmaster as an acceptable activity for a chaplain to undertake. Dr Wilton told us:

There were occasional remarks made to me informally about the degree of intimacy involved in "massage" sessions. I took this up with Ross Browne and was assured that these were always sessions involving several boys and that they never occurred when only one boy was present.<sup>486</sup>

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486 Murray Wilton submission to the Inquiry.

- 5.153 The fact these kinds of remarks did not raise immediate alarm bells and a prohibition of Mr Browne’s massage sessions, indicates the effectiveness of his institutional grooming. Not only does it appear Mr Browne was able to justify their continuation, but his assertion as to the way they were carried out was simply taken at face value. The Inquiry was told by many former students that massages were frequently given to students on their own in a closed-door room, and that Mr Browne used these sessions to facilitate his sexual offending against students. It did not occur to the headmaster that for the chaplain to be giving massages to students was an odd and suspicious activity.
- 5.154 Deputy headmaster Mr Bruce Owen took a different view. In 1989 or 1990, Mr Owen discovered Mr Browne was massaging boys on a table he had in his room. Mr Owen said he told him to get rid of it and stop massaging boys because it was “unprofessional”. Months later he found that Mr Browne had ignored his instruction and still had the table. Mr Owen asked Mr Browne again to remove the table but did not ask if he was continuing to massage boys and did not notify Dr Wilton about Mr Browne’s massage table.<sup>487</sup>
- 5.155 **Group Life Laboratory:** Soon after starting at Dilworth, Mr Browne, although an unqualified teacher or therapist, developed a programme that took small groups of students out of school to provide them with a safe space away from school to discuss challenges or issues they were facing. In 1982, the first “retreat”, as it was initially called, took place. The events were held in Huia, West Auckland, and thereafter called Relational Awareness Workshops, before being called GLL camps.
- 5.156 Mr Browne developed the content of the workshops or camps and wrote the manual for them.<sup>488</sup> The manual stated that personal growth and interpersonal growth were the two main goals of the GLL. Browne considered the best part about these camps was that it was “essentially students healing students”.<sup>489</sup> He told the Inquiry that the methodology rose out of the human potential movement of the 1960s and referred to the use of the same methodology at Centrepoin.<sup>490</sup>
- 5.157 Mr Browne facilitated over 55 four-day GLL camps in all.<sup>491</sup> Mr Ian Wilson regularly attended at the camps to help facilitate them. Mr Browne and Mr Wilson are now convicted sexual offenders.

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487 Bruce Owen statement to the Inquiry.

488 Ross Browne Inquiry interview.

489 Ross Browne Inquiry interview.

490 Ross Browne Inquiry interview. Centrepoin was a commune in Albany, founded in 1977 by Mr Herbert (Bert) Thomas Potter and others. In 1990, Mr Potter was convicted on drug charges and in 1992 of multiple charges of indecently assaulting five girls between 1979 and 1984. Six other male leaders were also convicted of other sexual assaults.

491 Ross Browne, curriculum vitae, April 2008, provided in support of Anglican ministry application.

- 5.158 Ensuring senior leadership saw the value of these camps was key to their lengthy duration. Mr Owen attended once or twice a year. Dr Wilton would regularly attend for one of the days of the camp and was a strong supporter of them. He still maintains their utility and benefit to students today.<sup>492</sup> In 2006, he wrote:

A novel approach taken by Ross Browne as part of his pastoral care duties was the establishment of the Group Life Laboratories. The strategy of establishing an atmosphere of trust in small groups away from the school campus was highly successful. Boys with serious relationship problems, at home and at school, were able to talk through their difficulties with a sympathetic audience and find ways of handling them. Topics ranged from questions about sexuality, to improving self-worth and dealing with death and grief. The camps armed boys with strategies for responding to matters which hitherto went unresolved. I know there are literally hundreds of boys who turned their lives around as a result of attendance at the camps, and Ross Browne's part in this cannot be underestimated.<sup>493</sup>

- 5.159 Endorsement of the camps also came by their inclusion in the pastoral care provisions of the Dilworth Secondary School Staff Handbook 1994. In the section on pastoral care, it is emphasised that it was Mr Browne, in his role as chaplain, who effectively co-ordinated all pastoral care. GLL was described as follows:

Once a term a group of twenty boys from the secondary school, with three or four staff members attend the Group Life Lab. This experience is designed to do a number of things. It helps to build self-esteem and self-confidence. It allows trust to be built up among a small group and from that trust to be able to share any problems and difficulties. It also encourages better awareness of the feelings of others.

The Group Life Lab experience has been one of the school's success stories and over the years has helped and encouraged quite a large number of boys. The Group Life Lab team are always looking for new input and encourage any staff member who feels that they would like to participate to have a talk to the Chaplain.<sup>494</sup>

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492 Murray Wilton Inquiry interview.

493 Memorandum from Murray Wilton to the Dilworth Trust Board, undated, provided during Mr Browne's disciplinary process in 2006.

494 Dilworth Secondary School Staff Handbook 1994.

- 5.160 Some students disclosed sexual abuse that had occurred or was occurring, including by other students and staff. The disclosure was said by Mr Browne to be confidential unless the student took responsibility and made a complaint about it. Hence, known abuse of students at the school, disclosed to the school at the camps, was not investigated. None of the facilitators had the appropriate professional qualifications or training to respond to disclosures of abuse. In addition, the promise of confidentiality, which encouraged the disclosures, was unattainable in the circumstances of student participation. Several students spoke of their disclosures becoming rumours around the school the following week and the basis of harassment and taunting.
- 5.161 **Opportunities for grooming, physical contact and sex abuse at Group Life Laboratory camps:** The camps involved the participants both staff and students, hugging, giving massages and spooning. Former students told the Inquiry that students regularly sat on Mr Browne's lap during the camps, which Dr Wilton and Mr Owen also observed and accepted.<sup>495</sup> We note however, that Dr Wilton and Mr Owen both told the Inquiry they did not observe spooning or massages while they were present at camps. Mr Browne accepted there was lots of hugging, which he claimed was very much part of 1980s thinking. He conceded that by the 1990s it was clear that the "technology was no longer fit for purpose".<sup>496</sup>
- 5.162 There were several accounts from students about abuse at such camps. Several students told us that during a hug from Mr Browne while at camp, Mr Browne would move his hands down to their buttocks and grope them. One example is from Student BA, who told the Inquiry that Mr Browne tried to grope him at camp and pushed his finger into BA's anus (BA was wearing underwear) while giving BA a "bear hug". Mr Browne also invited BA to his room, an invitation BA declined.<sup>497</sup>
- 5.163 Mr Browne also massaged students while on camp. One example was given by Student EU who received several massages at a GLL camp when he was around 13. EU said Browne's hands moved over his body and legs and with each massage Mr Browne would move his hands close to EU's genitals. One night, Mr Browne moved his hand up into EU's shorts and fondled EU's penis. Other students were subjected to abuse by Mr Wilson at GLL camps.

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495 Murray Wilton Inquiry Interview. Bruce Owen statement to the Inquiry.

496 Ross Browne Inquiry interview.

497 Student BA statement to the Inquiry and statement to external agency.

5.164 **In the classroom:** The Inquiry received several reports from students who were encouraged by Mr Browne to masturbate during Christian Living classes. These students each gave cogent and similar accounts of pressure and encouragement from Mr Browne to masturbate during these sessions. Examples of such accounts include, Student EY who said that as Mr Browne was a man of god, he felt reassured that it was ok and that normalised the practise of masturbating during the class. Students CR and BK each told the Inquiry how they engaged in masturbation in front of the class due to the pressure they felt from Mr Browne and his assurances that “it was normal for boys to masturbate openly in class”.

During Christian living class we were sitting spaced out in the multi-tiered room on plastic chairs and we're talking about sex ... Father Browne professed that it was normal for boys to masturbate openly in his class and that if we felt like doing so then we should. He looked at [my classmate] and myself who was sitting next to each other, and again repeated that if we were comfortable then he had no problem with that. He was such a warm and genuine man, very fatherly and we trusted him<sup>498</sup>

During these classes he [Mr Browne] actively encouraged you to masturbate in front of everyone. He would stand in front of the class and just watch. And if you weren't doing it, he would encourage you more, which then created a subgroup of the cool boys who called themselves the renegades and would go to the pool house in the junior school and masturbate in there too<sup>499</sup>

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498 Student CR statement to the Inquiry.

499 Student BK statement to the Inquiry.

- 5.165 The Inquiry was told that under the guise of sex education, Mr Browne took a small group of students aside into the audio-visual media suite, talked to the students about puberty and sexual urges, told them it was natural to masturbate and instructed the students to masturbate in front of him there and then. Student EY, who was around 11 years old, said the students complied with the direction:

I remember being unsure of what was going on, but I knew a couple of things. I knew he had the power to get me, so I didn't want that, but he also baptised all students as well and he was the voice of God. I didn't know what God meant but I sure as hell knew that I didn't want to get on God's bad side, so here this man of God was telling me to do something, that I shouldn't question it or think twice about it.

- 5.166 The Inquiry was told that during class Mr Browne would read aloud students' accounts about masturbating. Student GV recalled during class Mr Browne would put students in the middle of the room and make them answer questions from their classmates that could be sexual in nature. During Christian Living class, Student EY told the Inquiry Mr Browne also invited students to come up to the front of the class to touch his beard hair and pubic hair.
- 5.167 Several students described situations where, as a result of Mr Browne's encouragement, and following on from sex education class, groups of students would masturbate together.
- 5.168 **One-on-one abuse:** Some abuse led on from the sex education classes. Students approached Mr Browne to discuss a topic or question arising from the sex education class. This then led to Mr Browne "inspecting" the student's penis or coaching him to masturbate. Mr Browne conducted "penis checks" on students, calling them into his office and "inspecting" their genitals. Mr Browne would touch the student's penis and sometimes would encourage the student to masturbate in front of Mr Browne as part of the "inspection". One example was given by Student HG, who was around 10 years old, "Browne would ask me to pull my pants down, and he asked me is there any problems ... then he grabbed it and played with it for a bit".<sup>500</sup>

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500 Student HG statement to external agency.

- 5.169 Other abuse took place when a student had been sent to Mr Browne for counselling, usually because of actual or perceived misbehaviour in the classroom or because Mr Browne had become aware of some family hardship. Several students told us they were approached for one-on-one counselling. Mr Browne would use these opportunities to talk to students about masturbation and erections with assurances that such discussions were normal and natural. Students said it would lead to Mr Browne giving the student a massage.<sup>501</sup> Several students described sitting on Mr Browne's knee or lap and feeling his penis against them<sup>502</sup> or Mr Browne touching the students' genitals or, sometimes, Mr Browne would place the student's hand on Mr Browne's genitals. Student CQ said he was around 14 years old and was sitting on Mr Browne's knee when Mr Browne started playing a "game" with him:

I was sitting on his knee, and he put his hand(s) down my shorts. He was walking his hand down and touched me on my genitals. I didn't touch him, but he wanted me to. He tried to get me to walk my hands down him, over his clothes.<sup>503</sup>

- 5.170 Some would push him away, others didn't know what was happening and let it happen, and others froze in fear. Student BA told us:

He started to touch and massage my penis through my school shorts trying to give me an erection. At the same time, he would be telling me about how it's okay to masturbate and that boys do these sorts of things and it's okay to help each other.

Every time we met for these sessions; things would go a step further ... He would always be trying to touch me, in a sexual way, moving his hands up towards my penis ... All I wanted was for someone to be my friend. I wanted to be good at school and go home on the weekends.

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501 For example, Student EY statement to the Inquiry.

502 We note that Mr Browne vehemently denied any allegation that a student could feel his erection due to his obesity: R Browne Inquiry interview.

503 Student CQ statement to the Inquiry and statement to external agency.

- 5.171 Student ED said that after a sex education class in form 2<sup>504</sup> he was in Mr Browne's office for an unrelated matter. Mr Browne put him on his knee, started talking about sex and demonstrated how to masturbate using a banana.
- 5.172 Student CB said that before being baptised, when he was around nine years old, students were called in one by one to talk with the priest, "When my turn came, he sat me down on his knee. I recall his hand going up my shorts and sort of fondling with my privates while we talked about the baptism".<sup>505</sup>
- 5.173 Student AV reported how, lacking a father figure and being lonely and homesick, he sought out Mr Browne, who he trusted because he was the chaplain. The student told Mr Browne he had been abused by his father. Mr Browne was the first person to whom he had disclosed the abuse and he recalled receiving cuddles and hugs from Mr Browne. This progressed to sexual abuse by Mr Browne. AV was around 13 years old. As an adult he realises that as a child he saw nothing unusual about the behaviour, as he was used to similar abuse from his father.
- 5.174 **Abuse during massage:** The Inquiry received several accounts from students about Mr Browne encouraging students to have a massage as a means of "calming down" or releasing stress or to address a sports injury.
- 5.175 Several students told us that during the massage, Mr Browne's hands would start to stray under their clothing and touch their genitals. Student CC was massaged by Mr Browne after telling Mr Browne he had a sore back. During the massage, Mr Browne moved his hands under CC's underpants and touched his buttocks, anus and genitals. Student CQ told the Inquiry that during a massage, Mr Browne's hand had crept under his underwear and touched CQ's genitals three or four times. Some students recalled being almost naked during the massage. The Inquiry is also aware that, on several occasions, during a massage Mr Browne inserted his finger in a student's anus.

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504 Now, year 8.

505 Student CB statement to the Inquiry and statement to external agency.



- 5.176 Student DV described feeling uncomfortable during the massages but “still happy for the attention Browne gave”. Student CG described receiving massages from Mr Browne and it feeling strange and unusual but “it was alright because he was the priest”.<sup>506</sup>
- 5.177 **Crypt:** Browne’s office was located on the bottom floor of one of the school buildings. He set up a drop-in centre in a room opposite his office with couches and had tea, coffee and milo readily available to any students who wanted to “hang out” there. This was known as the “Crypt” or “Coffee Club”.
- 5.178 Mr Browne told the Inquiry that the original purpose of the drop-in centre was to provide those who had attended a GLL camp with post-camp support.<sup>507</sup> Former students described it as a safe space for students who were vulnerable or identified as gay.
- 5.179 The Inquiry heard that Mr Browne would encourage students to sit on his lap or lie on top of him, “Looking back, I think he deliberately chose kids who wouldn’t be able to resist him physically if that became necessary. He was held in high esteem and had massive credibility”.<sup>508</sup>
- 5.180 Students told us Mr Browne would be present in the room after school hours and would initiate conversations with the students about sexual topics, including masturbation. Mr Browne would encourage students to discuss and explore their sexuality. Many students said but for Browne encouraging them they would never have participated in the sexual experimentation.<sup>509</sup>

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506 For example, Student CG statement to external agency.

507 Ross Browne Inquiry interview.

508 Student BK statement to the Inquiry.

509 For example, Student DG statement to the Inquiry.

## Sexual abuse by other students

5.181 Several students recalled being sexually abused or attacked by other students.

- “One time there was an older kid lying behind me and he took his penis out and rubbed it on my back.”<sup>510</sup>
- Student FB recalls that to avoid being reported to the housemaster, he opted for punishment by the prefect. “I was taken into the broom cupboard, I didn’t know he was going to get so violent with me”. He was forced to his knees by the older student and made to perform oral sex on him.<sup>511</sup>
- Other students recalled:

Boys started picking on me, I recall a time when they took me into the bushes ... and proceeded to do sexual things to me. They bent me over and put their penis into my bum ... [When the first one] had finished then the other boy took a turn to do the same thing.<sup>512</sup>

One of the worst things that happened to me that I remember was when I first arrived I was taken by a group of older boys to a corner of the field. They made me lie down on the field and they all started putting their hands down my pants, on my buttocks. I was just giggling because it tickled. I was so naive I didn’t know what was happening.<sup>513</sup>

‘While I was sleeping [student] would pull back the covers, grab me underneath my pyjamas and start grabbing my penis.... he would masturbate me or force me to masturbate him.... he would force oral sex.... it happened on multiple occasions for months and months... I felt powerless to stop him.’<sup>514</sup>

- Student GV described that when he was a junior student, a senior student put his hands down his pants while he was sleeping. GV woke up, which stopped the abuse. This happened on several occasions.

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510 Student HR statement to the Inquiry.

511 Student FB statement to the Inquiry and statements to external agency.

512 Student CB statement to external agency.

513 Student EU statement to the Inquiry. Student EU was around 12 years old at the time of this incident.

514 Student CX, statement to the Inquiry.

## Immediate impact on students who were subject to severe bullying and sexual abuse

- 5.182 The Inquiry heard detailed accounts of the long-term and life-changing impacts suffered by students as a result of the bullying and sexual abuse they experienced. Those are detailed in chapter 7.
- 5.183 Many former students told the Inquiry that because they did not feel able to report abuse and bullying or reported and nothing changed, they tried to get “expelled” (or asked to leave) by engaging in behaviour at school they knew would not be tolerated, usually stealing, drinking alcohol or leaving school premises.
- 5.184 Student AO said:

During one incident [named staff member] really badly abused me. He was physical and I was bleeding so bad that I ran away from Dilworth. I was 13 years old. I walked through Newmarket bleeding, at night, into town. Mum made me return back to Dilworth. That was the breaking point for me. I had run away, gone to my mum, she hadn't cared and instead sent me back. I realised then I needed to get out of Dilworth for good. I just became destructive in every way. I stopped doing work. I disrupted the class, all in an effort to get myself expelled. Once you misbehaved at Dilworth for like 3–4 five months it gets to the point where they say you've got to go. All through this, the abuse by [named staff member] was still ongoing ... [but] I was asked to leave.

- 5.185 Student EO told the Inquiry that to escape abuse he decided to flee the country, intent on killing himself. To fund the trip, he took the extreme action of robbing a bank.<sup>515</sup>

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<sup>515</sup> That he did this is confirmed in school records.

- 5.186 Several students reported how, as a result of Mr Browne's abuse, they were confused about their sexuality, found it hard to trust people and did not feel safe in relationships, especially as Mr Browne positioned himself as a trusted father figure to students who often lacked this role model in their lives. Student BP said that because the abuse happened at the time he was approaching puberty it had a significant impact. Student CS said:

I will forever feel the shame, embarrassment, and menacing of that big fat man who emotionally, physically and sexually took advantage of me. Breaching my trust and my innocence and taking away so many of the things that a young boy should be true to himself.

- 5.187 Some were bullied as a result of their participation in masturbation in the sex education classes, Student CR said, "This started years of torment, bullying, harassment and a campaign of fear from other students proclaiming the other student and myself as gay, homosexual and 'Bum Bandits'."
- 5.188 Another student was placed in psychiatric care as a result of the bullying he suffered after attending GLL and making a disclosure there.

## No one to complain to

- 5.189 Students repeatedly said they felt there was no one for them to raise any concerns with or complain to.<sup>516</sup>
- 5.190 Students also said they believed that the school was attempting to cover things up. Former students spoke of knowing other students who were being abused, or suspecting they were being abused. Students reported not wanting to report abuse because they would not be believed or because no action would be taken to stop the abuse even once reported.<sup>517</sup>

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516 For example, Student HR statement to the Inquiry; Student CB statement to the Inquiry and statement to external agency; Student CM, Student DD, Student EH, and Student FH statements to the Inquiry. Dr Wilton told us he considered that Mr Owen and Mr Tony Ross were both staff members who were available and receptive to hearing complaints from Students: Murray Wilton correspondence with the Inquiry.

517 For example Students EH, FD and HU statement to the Inquiry

## School policies and procedures, 1979–1997

### Introduction

- 5.191 Having set out the nature and scope of the abuse during this period, we highlight the extent of policy development during this period. Where relevant in other sections in this chapter, we have also referred directly to relevant policy under that subject heading.<sup>518</sup>
- 5.192 Between 1979 and 1994, the school started developing more comprehensive policies than previously. This culminated in the Dilworth Secondary School Handbook 1994.
- 5.193 Our review of available policy documents during this period showed that the school did not have a formal policy for handling complaints of abuse made by students.

### Relevant policy documents during this period

- 5.194 The policy documentation we reviewed during this period includes:
- Dilworth School Staff Handbook, 1980
  - Tutors Handbook, 1980
  - Dilworth School Staff Manual: House Routines and Policy, 1986–87
  - Dilworth School Resident Staff Handbook, 1992
  - Dilworth School Secondary Staff Handbook, 1994.
- 5.195 By 1992, we note that corporal punishment had been removed as an option from Dilworth policy.<sup>519</sup> Gating became the most serious form of punishment, which required a student to stay in his dormitory for short periods or be refused weekend leave.
- 5.196 The closest the school came to developing a policy to deal with staff misconduct against students and complaints against staff, was in 1995 as a result of legal advice the school received.

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<sup>518</sup> See heading Corporal Punishment and School Response to complaints made.

<sup>519</sup> Dilworth School Resident Staff Handbook, 1992.

- 5.197 In the school's response to the Abuse in Care Royal Commission notice to produce information under the Inquiries Act 2019, it categorised this legal advice and subsequent Board minutes as school policy but noted that a copy of the policy document was not able to be located.<sup>520</sup> As a result of our inquiries with parties who were a part of this process, we have learned that no formal policy addressing this issue was developed or communicated to staff, students, or parents and guardians.<sup>521</sup> We discuss this issue in the section below dealing with how the school responded to complaints of abuse.
- 5.198 The Dilworth Secondary School Staff Handbook 1994 introduced new aspects to school policy. For the first time, in the documentation we saw, a discipline policy that included policies and procedures for the suspension and expulsion of students was included.<sup>522</sup> The 1994 expulsion policy notes that expulsion is the last resort following a previous suspension or as a result of the student committing a serious offence. Examples of a serious offence include one that is illegal, such as possession of drugs, use or possession of alcohol, physical assault on another person, or other criminal activity. Although we have found no instances of this policy being implemented, at least until the early part of the 21st century, a step-by-step process for suspension and expulsion is provided in the policy.<sup>523</sup> The procedure in 1994 was as follows:<sup>524</sup>
- The headmaster will advise the parent of the likelihood of expulsion. In the meantime, the pupil is suspended.
  - An opportunity will be available for the parent or guardian to discuss the situation with the headmaster.
  - The chair of the Board will be consulted.
  - The trustees will review the case and confirm (or otherwise) the expulsion.
  - The parent or guardian will have the right to an appeal to the trustees.
  - The school will assist with the placement of the boy in another school.
  - The Ministry of Education will be notified as required under the Education Act.
  - A register of expulsions will be kept by the headmaster.

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520 Dilworth School: Response to Notice to Produce No 2, Schedule A(1)(a), (b) and (c), 25 May 2020.

521 Inquiry interviews with Dr Wilton and Mr Firth.

522 Dilworth Secondary School Staff Handbook, 1994.

523 We note also that this policy did not apply where school withdrew the scholarship, particularly during one of the milestone reviews (such as at the end of the student's first year, the end of form 2, and the end of form 6).

524 Dilworth Secondary School Staff Handbook, 1994.

- 5.199 Another innovation to policy was the recording of a counselling network at the school. This is discussed alongside the GLL, which we outlined above when discussing the offending of Mr Browne. What is clear from this policy is that Mr Browne, as chaplain at the time, was the central figure in the school's counselling arrangements. The policy noted that "the chaplain co-ordinates the counselling network" and "the usual procedure for matters of concern would be to refer social and home problems to the Chaplain" and "matters concerning behaviour and discipline to the housemasters, or deputy headmaster".<sup>525</sup>

## School response to complaints made

### Serious physical abuse complaints

#### Staff Member SZ, 1994

- 5.200 The school received complaints of physical abuse by a teacher, Staff Member SZ, in September and October 1994 from four students (including one student who witnessed the physical assault of another).
- 5.201 Two students complained that Staff Member SZ had grabbed their hair and slammed or pushed their heads firmly into a desk. A third student told Dr Wilton SZ had kicked him.
- 5.202 Staff Member SZ was suspended on 12 October 1994 pending investigation and the Board was informed. Boys from this class were interviewed by Mr Browne and a pattern of belittling and threatening students and, in some cases, physical assaults was reported.<sup>526</sup> Mr Browne observed in his report to the headmaster that what was being reported was "consonant with what we have been told of [SZ's] treatment of pupils over many years, and is corroborated and vouched for by so large a group of boys as to be unlikely to be inaccurate except in some of the finer details and interpretations." The findings of this report were corroborated by statements of fellow staff members as to their observations of SZ's interactions with students.<sup>527</sup> Earlier examples in this chapter also include abuse by this teacher.
- 5.203 Despite stating there was "sufficient evidence to justify dismissal", on 1 November 1994, the Board lifted the suspension due to the length of the teacher's service at Dilworth. A warning was given that any further instance of physical mishandling of a student would lead to instant dismissal and verbal abuse would be treated in the same way.<sup>528</sup> Two days later, on 3 November, Staff Member SZ resigned,<sup>529</sup> signed a confidentiality agreement, and received positive references from Dr Wilton and Staff Member PR.<sup>530</sup>

525 Dilworth Secondary School Staff Handbook, 1994.

526 A memorandum from Ross Browne to the headmaster, 13 October 1994, detailed other physical assaults by Staff Member SZ.

527 Documents on Staff Member SZ's personnel file.

528 Letter from the Dilworth Trust Board secretary manager to Staff Member SZ, 1 November 1994.

529 Dilworth Trust Board minutes, November 1994.

530 References located on Staff Member SZ's personnel file. The one prepared by Dr Wilton is dated 3 November 1994, and the one by Staff

## Complaints about student bullying

- 5.204 Student BK told the Inquiry he faced years of significant physical and psychological bullying at school. In May 1996, he was subjected to a serious incident of physical bullying, which he described as follows:

I was walking down the hallway. Both sides were lined with kids waiting to go to class. As I walked between the rows of boys, it turned into this massive pinball game with boys beating me all away along, pushing, punching and kicking me. It was a gauntlet, but it was called pinball and you would get annihilated.

- 5.205 An incident memo was prepared, and the school recorded that the matron had found the student in pain.<sup>531</sup> The school responded by gating one of the students involved in the assault (of the whole fourth form, which was recorded as being involved) and holding a school assembly to talk about bullying. Student BK told his teacher he would face more problems after the assembly, and he did, right up until the end of his schooling. He told the Inquiry he was provided with no support from the school in respect of the bullying and was just expected to deal with it on his own.

## Sexual abuse complaints

### Rex McIntosh, 1979

- 5.206 An earlier complaint about Mr McIntosh's sexual abuse had been made to headmaster Parr in 1976. This complaint was dismissed.
- 5.207 It was not until the final term of 1979 that a complaint against Mr McIntosh was actioned, by Dr Wilton, only months into his new role as headmaster. This occurred while Mr McIntosh was overseas on sabbatical leave.<sup>532</sup>

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Member PR is marked "draft" and dated 14 November 1994.

531 Incident memorandum, 8 May 1996. This memorandum was found on the file of the student who was gated in response to the incident. No record of the incident was found on Student BK's student file.

532 Mr McIntosh's sabbatical leave was from September to December 1979.



- 5.208 Dr Wilton told the Inquiry that Staff Member QU informed him that Mr McIntosh had been showering naked with students. Dr Wilton, with the Board chair, Mr Cotter, and Board member, Mr Firth, confronted Mr McIntosh with that allegation when he returned to New Zealand.<sup>533</sup> Mr McIntosh did not deny or confirm the allegation and was asked to resign. The school did not report the matter to the police. Dr Wilton said the Newmarket police told him the conduct was likely not criminal and he should deal with it internally. He also said he sought counsel from a headmaster at another independent school, who advised him to “get rid of the man as soon as possible”.<sup>534</sup>
- 5.209 Two staff members told the Inquiry they reported concerns about Mr McIntosh to Dr Wilton at this time. Staff member UJ, a housemaster, said he became aware Mr McIntosh was inviting boys to shower with him in his home. His recollection is that Mr McIntosh’s wife had made a comment among staff wives, wondering aloud whether it was “normal” for her husband to be showering with the boys. When this came to UJ’s attention, he raised it with Dr Wilton. He believes it was this allegation that ultimately led to Mr McIntosh being moved on from the school in late 1979.<sup>535</sup>
- 5.210 Another staff member, QU, told the Inquiry the information he provided to Dr Wilton was that Mr McIntosh had engaged and was continuing to engage in the “serious abuse of boys that was sexual in nature”. He told Dr Wilton he learned this over a period of some weeks in a Friday afternoon class designed to enable the boys to talk about what was on their minds. While it was described in vague terms, it was clear inappropriate sexual contact was occurring. At times, the students would act out how Mr McIntosh would fondle students.
- 5.211 Staff Member QU recalls two brief meetings with Dr Wilton in which few questions were asked of him. He formed the impression that the disclosure did not come as a surprise to Dr Wilton. What he found notable was the speed with which Dr Wilton acted to remove Mr McIntosh from the school.

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533 Murray Wilton statement to the Abuse in Care Royal Commission of Inquiry; Murray Wilton statement to the Inquiry, and Inquiry interview.

534 Murray Wilton submission to the Inquiry.

535 Staff Member UJ statement to the Inquiry. Dr Wilton recalls receiving only one report of showering with boys, which came from Staff Member QU.

## Headmaster's knowledge of full extent of Rex McIntosh's offending

- 5.212 Staff Member QU does not recall knowing of allegations that Mr McIntosh was showering with students. He is sure that before Mr McIntosh was dismissed, he communicated to Dr Wilton his belief that Mr McIntosh's abuse was serious and sexual. Dr Wilton vehemently denies this was so. It is unnecessary for us to find which recollection is the more reliable, but three sources of information support QU's account.
- 5.213 First, in 1986, seven years after Mr McIntosh's removal, in a reference he wrote for a former student who had been part of the group that complained to Staff Member QU, Dr Wilton wrote that the student "had been instrumental in assisting the staff in identifying a teacher who was involved in *criminal activities* and eventually removed [emphasis added]".<sup>536</sup> Mr McIntosh was the only teacher who was removed during this student's time at Dilworth but Dr Wilton says this was a reference to Mr Taylor and he used the word "teacher" rather than "chaplain" in it to avoid Mr Taylor being publicly identified.<sup>537</sup>
- 5.214 Secondly, when another former student's uncle contacted the school in 1994 to report his nephew had recently disclosed sexual abuse by Mr McIntosh of himself and another student, the uncle was advised that his nephew was probably telling the truth about being sexually abused by Mr McIntosh. This was advice given by Mr Firth to the Board secretary who received the complaint.<sup>538</sup>
- 5.215 Finally, in 2020 in a report for the current principal, Mr Dan Reddiex, covering historical abuse at the school, Dr Wilton noted in relation to Mr McIntosh, "multiple complaints of serious sexual abuse ... Accusations were made much earlier but not followed up by school management of the time".<sup>539</sup> He described the offending as "assaults".
- 5.216 When the Inquiry asked Dr Wilton about the 2020 report, he said he had not written it with care and the knowledge he conveyed to Mr Reddiex was acquired only after Mr McIntosh's departure.
- 5.217 No written record of the school's response to the 1979 complaint exists. As with the entry made of Mr Taylor's departure, the only formal record of the response is in the Board minutes, "The Chairman reported on the circumstances of Mr McIntosh's resignation and the Headmaster recommended the appointment of Mr H Wynyard as his replacement at MacMurray House".<sup>540</sup>

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536 Reference prepared by Murray Wilton, 7 February 1986.

537 Murray Wilton correspondence with the Inquiry.

538 Handwritten file note of TH, 30 August 1994.

539 Murray Wilton confidential report to the headmaster (Dan Reddiex), June 2020.

540 Dilworth Trust Board minutes, undated.

## Board knowledge of full extent of Rex McIntosh's offending

- 5.218 We are unclear how much the Board knew of the full extent of the complaints made against Mr McIntosh. It is also unclear whether the Board was involved in the preliminary decision-making as to the approach taken in confronting Mr McIntosh. Without a formal record outlining the nature of the allegation or allegations and the school's response, we cannot assess the adequacy of the Board's decision-making.
- 5.219 Dr Wilton confirmed there was no further investigation into Mr McIntosh's conduct at the school. He accepted that "if a full investigation been carried out at the time, it is highly probable that further revelations (Cave, Wilson, and perhaps Wynyard) would have come to light".<sup>541</sup>
- 5.220 Viewed in the best light, that the Board's knowledge was limited to Mr McIntosh showering naked with students, it remained a significant failure of the trustees, whose responsibilities were to act in the best interest of the trust's beneficiaries, including the health and wellbeing of the students, that no investigation was undertaken and no attempts were made to identify those students affected by Mr McIntosh's actions.
- 5.221 As affected students were not identified, parents could not be informed and were given incorrect information about the reasons he left. The school community was told in *The Dilworthian* in 1979 that Mr McIntosh resigned in December to take up a non-teaching profession.<sup>542</sup>
- 5.222 Mr McIntosh left the school and went on to teach, however, at several schools after Dilworth.<sup>543</sup> In September 2020, he was charged with sexual offending in respect of five former students. He died before the charges could be determined.

## Complaints of sexual abuse about staff to headmaster that did not make it to the Board, 1979–1983

- 5.223 The Inquiry was told of three complaints or investigations undertaken in respect of members of staff that do not appear to have been reported to the Board.
- 5.224 **SW, 1979:** In 1979, SW was a retired Dilworth teacher who was still involved with Scouts. Student EQ recalls spending time with him outside school on scout activities. On several occasions, SW placed his hand on the student's bare thigh while they were driving. EQ told his mother, and she went to see Dr Wilton. He recalled his mother telling him that Dr Wilton told her she was misreading things. This response led to EQ leaving the school.<sup>544</sup>

541 Murray Wilton submission to the Inquiry.

542 *The Dilworthian*, 1979, p 16.

543 Bruce Owen statement to the Inquiry; Correspondence from the Ministry of Education to the Inquiry, 12 April 2023, appendix A.

544 Student EQ statement to external agency.

- 5.225 **Staff Member UE, 1981:** Staff Member UE was employed as a teacher from 1980 to 1988.<sup>545</sup> UE was also a housemaster and took on other roles related to the school. Mr Ian Wilson, housemaster at the time, told us that acting on complaints from a group of form 2 students in his house, he investigated UE's conduct. This conduct related to taking students on his own to his bach and his behaviour towards them while there, including going into the showers with them.<sup>546</sup> An undated handwritten note on UE's file confirms an investigation but no record of the outcome. Mr Wilson did not recall anything coming of it, and UE appears to have left the school for an unrelated reason.
- 5.226 Another staff member recalled that Staff Member UE had been censured following his behaviour at the bach and that was general knowledge around the school. This staff member also recalls observing inappropriate behaviour by UE towards a student at school, which they raised directly with UE.<sup>547</sup>
- 5.227 **Staff Member TI, 1983:** Staff Member TI was a tutor in the Parr era. The Inquiry was told he sexually offended against a nine-year-old student, HH, on two occasions in his room. The student complained first to Mr Taylor, who tried to take the opportunity to perpetrate his own abuse on the student. A subsequent attempt to disclose to Mr Browne, the chaplain, three to four years later led to the student being told by Mr Browne that he was making up the allegation to get attention.<sup>548</sup>
- 5.228 His third and final attempt to disclose was to Dr Wilton in 1983 when he was called to Dr Wilton's office in relation to his deteriorating behaviour and told he was not welcome back at the school the following year. He says he told Dr Wilton the reason for his behaviour was that as a 9-year-old he had been abused by Staff Member TI and his attempts to complain twice afterwards had been unsuccessful. He recalls Dr Wilton saying nothing in response and that there was no further response to his complaint by the school. His complaint was ignored, and he did not return to school.
- 5.229 No record was kept, either on the student's or perpetrator's file, if one was made at all, of Student HH's complaint to Dr Wilton or indeed of the two earlier complaints to staff members.

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545 Memorandum by headmaster on staff file confirms Staff Member UE's last day. We have not included it to maintain the anonymity of this staff member.

546 The Inquiry dates this investigation to 1981 based on the school's documentary records, including *The Dilworthian*.

547 Inquiry communication with Staff Member UQ.

548 Student HH Inquiry interview.

- 5.230 The Inquiry asked Dr Wilton about these complaints. He recalled the complaint about SW,<sup>549</sup> but was adamant the complaint about Staff Member TI was not made to him. He recalled an investigation by Staff Member PR into Staff Member UE's conduct but that no complaints were made. He did not recall PR's recorded suggestion to him that UE should be asked to resign.<sup>550</sup> Certainly, this advice was not heeded as UE remained teaching in some capacity at the school for a further seven years.
- 5.231 Another student told the Inquiry he was sexually assaulted in 1981 or 1982, on two occasions, by two different people.<sup>551</sup> He recalled making a complaint to a tutor at the time, but he cannot now recall in relation to which incident his complaint related. The tutor told him he had reported it to Dr Wilton, but the student heard nothing further from either the tutor or Dr Wilton about the complaint. No record of the complaint is in his student file.

### Howard Wynyard, 1983

- 5.232 Mr Wynyard's abuse first came to light in 1980 or 1981. Student HY told his guardian about Mr Wynyard coming into the dormitory at night when the students were sleeping and touching his penis under his bed clothes while HY pretended to be asleep. His guardian said that she and HY met with Dr Wilton and their complaint was summarily dismissed. Dr Wilton told her he had not received any other complaints about Mr Wynyard, that he was a qualified teacher and a family man, and that pursuing this complaint any further would destroy Mr Wynyard's reputation and career.<sup>552</sup> She was given the impression there would be no further investigation into her complaint nor would it be passed on to the police for investigation.
- 5.233 In 1983, Staff Member PR was tasked with looking further into this complaint. It is not clear why this occurred several years after the initial complaint. He interviewed Student HY at his home and spoke to others in his dorm. He provided the following assessment to Dr Wilton, "My thoughts are, that the boy is telling me, and convincingly, what he actually went through. I do not, in my opinion, think he's telling lies".<sup>553</sup>
- 5.234 Staff Member PR went on to question whether it was possible that student HY's abuse was carried out by another person, but goes on to discredit that theory, noting, "Wynyard's announcement in the staff room that there had been a prowler on MacMurray House roof was in my opinion, a smoke screen".<sup>554</sup>

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549 In relation to this complaint, Dr Wilton noted that SW had at that stage 50 years in teaching and scouting without complaint. He recalled telling the student's mother that SW was an "affectionate old man" and the gesture may have been misinterpreted.

550 This suggestion was made in correspondence created during PR's investigation into the complaint against Mr Wynyard, set out below.

551 One was a senior student and the other was an adult not connected to Dilworth: Student FB statement to the Inquiry.

552 Family Member KO statement to external agency.

553 Staff Member PR notes of investigation into abuse complaint against Howard Wynyard, 1983.

554 Staff Member PR notes of investigation into abuse complaint against Howard Wynyard, 1983.

- 5.235 On 19 June 1983, Staff Member PR wrote to Dr Wilton advising the need for swift action and that Mr Wynyard must relinquish his position, reminding Dr Wilton “our first responsibilities are to our charges, a fact we would be reminded of if we are called to account”.<sup>555</sup> PR recorded his views that Mr Wynyard’s behaviour towards two students was “totally unprofessional”<sup>556</sup> and strongly recommended that Dr Wilton dissuade Mr Wynyard from seeking another teaching position and the Department of Education be made aware of this recommendation.<sup>557</sup>
- 5.236 Two days after this letter, on 21 June 1983, Mr Wynyard resigned from Dilworth on the basis of ill health. The only document held by the school in relation to Mr Wynyard’s departure is an undated document that records he “formed an unhealthy infatuation with a small boy, refused to desist and was dismissed/resigned. No evidence that this was a sexual encounter”.<sup>558</sup> Other school records confirm the identity of the “small boy” referred to was not Student HY, but another student.
- 5.237 Dr Wilton did not heed the second part of Staff Member PR’s advice and did not attempt to dissuade Mr Wynyard from another teaching position or inform the Department of Education. Instead, Dr Wilton provided a reference for Mr Wynyard where he recorded his respect “for his ability as a teacher” and that in his tenure as housemaster he brought a “strong sense of duty and responsibility” finishing with:

It was a great disappointment to me and the school at large when ill health forced his resignation last term. I commend Mr Wynyard to prospective employers as a highly competent teacher who will give valuable service and be an asset in any school.<sup>559</sup>

### Board knowledge of complaint against Howard Wynyard

- 5.238 It is not clear what the Board was told as the Board minutes for June 1983 simply record that the headmaster “reported on the situation” of Mr Wynyard. The minutes go on to record that Mr Wynyard’s resignation was to be effective from the expiry date of his sick leave or “on the date of taking up another teaching position”, whichever came first. It appears from this record that the Board was not given the benefit of Staff Member PR’s assessment and advice.

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555 Staff member PR notes of investigation into abuse complaint against Howard Wynyard, 1983.

556 Student HY is referred to as one of the students.

557 Typed record of handwritten letter from Staff Member PR to Murray Wilton, 19 June 1983.

558 Note on Mr Wynyard’s file prepared by the Dilworth Trust Board’s general manager in November 2003, undated.

559 Reference from Murray Wilton for Howard Wynyard, 14 September 1983.

- 5.239 In assessing the school's response to this complaint, we note that as of April 1983, an 'inquiry constable' from the Newmarket police was assigned to Dilworth. As Dr Wilton notified the staff by memorandum, the purpose of this role was to provide a person who they could contact directly "on any matter requiring police assistance".<sup>560</sup> We have not found any record of assistance being sought by the school in respect of the Wynyard complaint or any other that followed.
- 5.240 At the end of 1983, Dr Wilton wrote to Student HY's guardian advising her that HY was at risk of losing his place at Dilworth due to his low standards of behaviour. In a handwritten note made in February 1984 on the letter, Dr Wilton summarised a conversation he had with HY's guardian and notes they discussed background factors, including "his experience in Mac House (RHW)".<sup>561</sup>
- 5.241 When the Inquiry asked Dr Wilton about this complaint process, he told us he did not recall receiving the allegation from Student HY and his guardian and asserted that, if he had, it is something he would have reacted to. Yet, when asked about the note above, Dr Wilton properly accepted it demonstrated his knowledge of HY's allegations against Mr Wynyard.<sup>562</sup>
- 5.242 Dr Wilton was unable to explain why he ignored Staff Member PR's advice and, in relation to the preparation of a reference in these circumstances, he said Mr Wynyard was a highly competent teacher and he had expected to be contacted by any school where the reference was submitted, but was not. He now accepts it was not an appropriate reference to have written.<sup>563</sup>
- 5.243 As a result of Operation Beverly, Mr Wynyard was charged in 2020 in respect of offending against six former students, one of whom he continued to offend against after both he and the student left Dilworth.

### Student-on-student sexual abuse

- 5.244 **Sexual assault by senior student, 1980 or 1981:** Student GF told the Inquiry that one or two weeks after a senior student had raped him, he told Mr Browne about it. Despite feeling intimidated by the senior student, GF knew he had to tell someone what had happened.
- 5.245 He recalled Mr Browne not being troubled or worried by the disclosure saying "these things happen".<sup>564</sup> When he saw Mr Browne, Student GF still had a facial injury from the assault. No medical assistance was sought for him.

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560 Memorandum from Murray Wilton to all resident staff, 21 April 1983.

561 Letter from Murray Wilton to Student HY's guardian, 30 November 1983. Robert Howard Wynyard was his legal name: Police statement of Howard Wynyard in 2000 prosecution of Peter Taylor.

562 Murray Wilton Inquiry interview.

563 Murray Wilton Inquiry interview.

564 Student GF statement to the Inquiry.

- 5.246 It appears Mr Browne told Mr Burnett because the next thing Student GF recalled was being threatened by Mr Burnett with the cane for talking about what had happened. He was told that he was making it up. GF told the Inquiry his mother received a call from the school to inform her that her son was a troublemaker and attention seeking.<sup>565</sup>
- 5.247 Student GF also described his attempts to complain about a staff member who fondled him at night while he was in his bed. This offending had started soon after he started in Dilworth in 1980. He recalled a boarding house meeting when the issue of someone prowling around the dormitory at night was raised. GF told the assistant house manager that he was being visited by someone at night and touched by them. He was given the message that the assistant housemaster would deal with it, but the abuse didn't stop. He raised it again with the assistant housemaster and on another occasion with Mr Browne. He recalled being told they would sort it out but also to stop talking about it and creating trouble.<sup>566</sup> The abuse stopped only when he swapped beds with someone else in the dorm.
- 5.248 **Abuse by house prefect, 1983:** Student CS told the Inquiry that halfway through term 1 in 1983, his sexual abuse by a house prefect started. He was nine years old. The abuse occurred at night when he would be woken up and taken to the bathroom. On one of these occasions, a housemaster walked into the bathroom. CS recalled the housemaster turning on the light, seeing the two of them, turning off the light and walking out again. The school did not intervene, and the abuse continued.<sup>567</sup>
- 5.249 **Group assault, 1984:** A senior student, along with others, carried out a sexual assault on a younger student, Student AV, using a carved soap phallus. The assault was investigated, and the identified senior student asked to leave the school. The matter was not referred to the police. It is not clear what the Board was told about this incident as the Board minutes simply record, "the headmaster reported on events leading up to this boy's suspension". The minutes go on to record the Board's agreement that the student be withdrawn from the school.<sup>568</sup> The next reference to the matter is in the July 1984 headmaster's report and associated Board minutes that record that the student had left and the name of his new school.
- 5.250 Student AV said staff told him when he complained of the assault that the perpetrator would apologise at assembly for bad or inappropriate behaviour, without naming him.<sup>569</sup> No support was provided to the student, nor was he asked if he wanted to go to the police.

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565 Dr Wilton has told the Inquiry he had no knowledge of this assault. Had he known it is "very likely that the senior student would have been expelled": M Wilton correspondence with the Inquiry 29 June 2023.

566 Student GF statement to the Inquiry.

567 Student CS statement to the Inquiry.

568 Dilworth Trust Board minutes, June 1984.

569 Student AV statement to the Inquiry. He is unsure whether an apology took place.



- 5.251 Also, no record exists of Student AV's mother being told about the assault.<sup>570</sup> Instead, the correspondence on AV's file between his mother and Dr Wilton refers to the problems they were having with her son and his unhappiness. She was left with the impression that the reason her son wasn't able to "make it" at Dilworth was due to his inability to settle in. In response to her final letter advising of her disappointment at having to withdraw her son, Dr Wilton asked her if she would be inclined to write about what her son had gained from his time at Dilworth so it could be shown to the Board.<sup>571</sup>
- 5.252 Dr Wilton told the Inquiry that this incident would have been reported to the Board in detail as only the Board had authority to determine the outcome for the student, and the Board would not have agreed to the student's withdrawal without it. He observed that the decision whether to report the matter to the police was also a Board decision.<sup>572</sup> He accepted that his request for a favourable letter from the mother of the victim was inappropriate in the circumstances.<sup>573</sup>

### Department of Education guidance

- 5.253 The timing in 1984 of the sexual assault described above and the school response coincided with the Department of Education issuing guidance about the handling of the sexual abuse of children and adolescents.<sup>574</sup> The guidelines, while not binding on private schools such as Dilworth, advised on the current understanding of best practice.
- 5.254 The guidelines started by observing the "irrefutable evidence available to indicate that significant numbers of children and adolescents are victims of some form of sexual abuse". The guidelines note the uncontroversial proposition that "principals and teachers have an unequivocal responsibility to safeguard the welfare of their pupils".<sup>575</sup>

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570 Student AV believes his mother was not told about the assault based on conversations he had with her in the wake of Operation Beverly.

571 Letter from Murray Wilton to Student AV's mother, 12 April 1985.

572 Correspondence with the Inquiry, 27 July 2023.

573 Murray Wilton Inquiry interview.

574 Department of Education, *The Sexual Abuse of Children and Adolescents*, circular 1984/48, 20 July 1984.

575 Department of Education, *The Sexual Abuse of Children and Adolescents*.

- 5.255 In terms of specific advice, schools were informed that all staff should be advised to bring all cases of suspected sexual abuse to the attention of the principal and, if there was clear evidence as to the truth of allegations of sexual abuse, the principal should report the allegation to the parents *and* to the police and/or the Department of Social Welfare (if relevant). The circular noted that informing the parents should be “without undue delay”. As outlined earlier, the process of reporting to the police was made easier for Dilworth by the assignment to the school of a dedicated police officer in Newmarket to assist with any inquiries.<sup>576</sup> The circular went on to note that if the person responsible for the sexual abuse was a member of school staff, the principal may need to discuss possible actions with the district senior inspector or controlling authority.
- 5.256 Further, the guidelines stated that the “welfare of the pupil concerned is of prime importance”,<sup>577</sup> noting that this may require getting guidance and assistance from the Psychological Service, guidance counsellor or an accredited group or agency, and confirmed that the school “has a responsibility to provide on-going support for the pupil”. Principals were told to “keep well informed of any ensuing action”.<sup>578</sup>
- 5.257 Subsequent iterations of these guidelines reflected developing societal understanding of sexual abuse. Notably, a 1989 Department of Education circular records that its purpose is to “assist schools to develop policies which are appropriate for dealing with situations where there is cause to believe that a student is the subject of sexual abuse”. It goes on to state:

The best interests of the child or young person are paramount. The effects on those who suffer sexual abuse may well be more damaging and long-term than is immediately apparent and it is therefore important to break the pattern of abuse and begin support for the victim as soon as possible.<sup>579</sup>

- 5.258 The 1989 circular details schools’ ethical and professional responsibilities, which included having staff who were able to recognise signs that may indicate possible abuse and know how to seek help from appropriate agencies. An associated paper, *Sexual Abuse and the School*, was provided to educate staff.<sup>580</sup> Other responsibilities included the school establishing straightforward procedures for dealing with suspected sexual abuse of students, which needed to be clearly stated as part of school policy, as well as a policy statement on professional conduct expected of staff. The circular notes the requirement that abuse prevention programmes are delivered to students so they can learn how to keep themselves safe.<sup>581</sup>

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576 Memorandum from Murray Wilton to all resident staff, 21 April 1983.

577 Department of Education, *The Sexual Abuse of Children and Adolescents*, circular 1984/48, 20 July 1984.

578 Department of Education, *The Sexual Abuse of Children and Adolescents*.

579 Department of Education, *The Sexual Abuse of Children and Young People*, circular 1989/5, 1989.

580 Department of Education, *Sexual Abuse and the School*, 1989. This paper supported Department of Education circular 1989/5 and the Keeping Ourselves Safe programme developed by New Zealand Police and the Department of Education.

581 The circular advised that the programme for primary school was called Keeping Ourselves Safe.

- 5.259 The circular's guiding principles for reporting abuse made clear the importance of reporting to an agency with statutory responsibilities to act, handling disclosures of abuse carefully and responsively to needs of the student, letting parents or caregivers know without undue delay, and keeping accurate records. The guidelines covered associated matters such as establishing procedures for how a child should be interviewed by external agencies, having a designated staff member to co-ordinate the school's response and the extra steps required when a staff member is the subject of the allegation.
- 5.260 Dr Wilton told us Dilworth did not receive any guidance issued by the Department of Education in relation to sexual abuse. The Inquiry asked the Ministry of Education whether circulars in respect of sexual abuse and health and wellbeing responsibilities for students were routinely provided to private schools. It was unable to advise. The Inquiry has, however, found other circulars and manuals from the Department of Education (and its subsequent iteration, the Ministry of Education) in the Dilworth records.<sup>582</sup>
- 5.261 Dr Wilton told the Inquiry that Dilworth did not ordinarily receive information from the Department of Education and the school relied on trustee Mr Ron Taylor, as chair of the Auckland Education Board, to advise the Board and headmaster. He said that Mr Taylor had not alerted him or the Board to Department of Education materials on sexual abuse within schools.<sup>583</sup>

### Complaint about an external contractor, 1985

- 5.262 As described earlier, Student ED and a friend discovered they had both experienced a similar sexual assault from a contractor working in the bathrooms of Hobson House. They both visited the dentist immediately afterwards and told the dentist what had happened. The dentist took them back to school, and they told Dr Wilton.<sup>584</sup> ED does not recall the outcome but does recall his mother being unhappy with it.
- 5.263 No record of this complaint is on Student ED's student file.

### Leonard Cave, 1985

- 5.264 Mr Cave's abuse was brought back to the school's attention in 1985.
- 5.265 Any record of the school's response, in what we have found to be a consistent theme, no longer exists. Therefore, we have drawn from the accounts Student AF and his mother provided.

582 For example, Department of Education, *Staff Not to Be Employed, circulars, 1980 and 1981*; Department of Education, *1971 Secondary Schools Manual*; Department of Education, *1981 Administration Manual*; Department of Education, *1985 Education Authorities Manual*.

583 Dr Wilton also told the Inquiry he was a member of the Association of the Heads of the Independent Schools and regularly attended meetings and conferences at which Board members were also present. He does not recall the issue of staff abuse of children being raised or discussed.

584 Dr Wilton denies this complaint was referred to him. He has no knowledge of it and told the Inquiry he would have recalled this type of complaint involving an external person.

- 5.266 As described earlier, Student AF told the Inquiry that he had visited Mr Cave at his Waiheke Island bach, at Mr Cave's invitation, and was abused. He ran from the house and called for help from family friends who escorted him home on the ferry and called his mother. Although his mother knew something untoward had happened, a complaint was not initially made. However, not long after this incident, AF ran away from school. At this stage, his mother made a complaint to the school about the abuse by Mr Cave.
- 5.267 Both Student AF and his mother recall Mr Browne coming to the house to speak with AF. AF told Mr Browne about the sexual abuse. Mr Browne told the Inquiry Dr Wilton had tasked him with investigating the matter and was adamant he prepared a report,<sup>585</sup> but no report was found on AF's student file or on Mr Cave's staff file. Mr Browne did not recall the specifics of what he was told but formed the impression AF was telling the truth.<sup>586</sup>
- 5.268 The records disclose that, at some point, Mr Cave met with Dr Wilton and Mr Cotter and resigned on 10 May 1985 with immediate effect.<sup>587</sup> There is no record of what was discussed at this meeting.
- 5.269 Mr Cave's resignation came before the Board on 13 May 1985. The Board minutes echo the same approach taken for each previous staff member leaving under similar circumstances. The record provides:
- The Chairman reported in detail on discussions held with the Headmaster and a subsequent meeting with Mr Cave at which Mr Cave had submitted his immediate resignation. The headmaster reported on matter which had been brought to light and his subsequent investigations. The matter was discussed at length by the Trustees.<sup>588</sup>
- 5.270 The Board also approved payment of Mr Cave's salary for a further two months (to 31 July 1985).

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585 Mr Browne told the Inquiry he had seen a copy of his report through the police disclosure process. Attempts to locate this report have not been successful.

586 Ross Browne Inquiry interview.

587 Resignation letter from Leonard Cave, 10 May 1985.

588 Dilworth Trust Board minutes, 13 May 1985.

- 5.271 At some point after Mr Cave's departure, Student AF's mother was invited to attend a meeting at school with Mr Cotter and Dr Wilton. She recalls Mr Cotter being abrupt and Dr Wilton silent during the meeting. Mr Cotter advised her that Mr Cave had left the school and of the difficulties this caused for the school in terms of finding a replacement. She felt she was being blamed for the difficulties the complaint had put the school in. Immediately following the meeting, although Dr Wilton denies this, AF's mother said Dr Wilton rang to apologise for not doing or saying more during the meeting and for the way in which Mr Cotter had spoken to her.<sup>589</sup>
- 5.272 Dr Wilton told the Inquiry that "at the specific and insistent request of the mother and her son no report was made to the police".<sup>590</sup> However, both Student AF, who was 16 at the time, and his mother said Dr Wilton did not discuss an option of going to the police with them.
- 5.273 No offer of support for Student AF was made at any point after the disclosure of the abuse. AF recalls that later that year he went to Dr Wilton seeking guidance as he was feeling disillusioned and thinking about leaving school. In response, Dr Wilton pulled out from his drawer, a pre-written reference for him, giving him the clear impression that he intended Student AF to leave the school and that this was because of what happened with Mr Cave.
- 5.274 The only documentary acknowledgement from the school of what Student AF went through is in the form of a hand-scribbled note on a form requesting a reference from the school. A teacher noted, "He was improving steadily both academically and in general reliability. We need to remember he had a traumatic experience in Term 1 that would have taken its toll on him".<sup>591</sup>
- 5.275 Dr Wilton does not accept Student AF's or his mother's account of either of their meetings with him and said it was not his way to prepare references for students in advance.
- 5.276 Dr Wilton's reference for Mr Cave concluded with:

He will be sorely missed at this school, but I fully recognize that, having spent almost his entire career at Dilworth, he is due for a change and new challenge. I wish him well in his search for a new position and commend him enthusiastically to prospective employers.<sup>592</sup>

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589 Family Member JP statement to external agency.

590 Murray Wilton submission to the Inquiry.

591 Student AF school file.

592 Reference from Murray Wilton for Leonard Cave, 28 May 1985.

- 5.277 Mr Cave went to teach at Pukekohe High School and then at St Paul's Collegiate. Following Operation Beverly, he was convicted of sexual offending against five former students as well as a student from another school following his time at Dilworth.
- 5.278 The school response again failed to meet the Department of Education best practice guidelines. There was no police referral and no support provided to the victim. Mr Cave, however, was supported, in the form of a glowing reference to use in obtaining his next teaching role. The parent did learn of the abuse, but this was because of her son's disclosure to her, not the school's advice to her.

### Ross Browne – concerns first raised in 1988 or 1989

- 5.279 While Mr Browne's tenure did not come to an end until 2006 (outlined in chapter 6), from early on his behaviour raised concern with staff members, outside visitors and parents. It was common knowledge in the school community that students, many of their parents, and staff were wary of him.<sup>593</sup>
- 5.280 Staff Member PR recalled that when he was housemaster for Prep House in 1983, Mr Browne, and sometimes Mr Ian Wilson, would visit the students at shower time. Mr Browne would access the back door of Prep House, which led to the shower facility. PR was uneasy about Mr Browne's behaviour, which he considered unusual given there were better times to visit the students. In response, he told the matron that visitors should report to her and ensured the back door was locked. He did not see the need to take it any further at the time.<sup>594</sup>
- 5.281 A different teacher told the Inquiry:

Mr Wilson and Mr Browne were very close with each other, and invariably they had lots of little boys following in their wake. They were like Pied Pipers, always surrounded by numerous younger boys. I felt this was unhealthy, as did others. It was sometimes remarked on in idle exchanges between colleagues, but there was never anything tangible or concrete to act on.<sup>595</sup>

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593 For example, Staff Member RZ statement to the Inquiry. Staff Member RZ describes a senior student, in front of others, telling him that Mr Browne was "very dodgy", that he "liked boys" and described how they would stay away from him. Family member KA describes him as creepy: KA statement to the Inquiry.

594 Staff Member PR statement to the Inquiry.

595 Staff Member QB statement to the Inquiry.

- 5.282 A housemaster recalled complaining about Browne having students sit on his knee when he visited the boarding house during pastoral visits. He felt uncomfortable about it but recalled being told it was part of Browne's role to be "father of the sheep of the flock".<sup>596</sup> He counselled the tutors and matron to be cautious about Browne.<sup>597</sup>
- 5.283 Sexual offending against students in Browne's care had started by 1987,<sup>598</sup> if not earlier. The first known complaint in respect of his sexual offending was made by a former student in 1989. The student told his housemaster, Wilson, that while receiving a massage from Browne, Browne had inserted his finger into the student's anus. It had happened twice. While no record exists of what Wilson did with the complaint, or who he informed, he appears to have told Browne as the student's invitation to attend Coffee Club was revoked by Browne after this.
- 5.284 At about this time, in 1988 or 1989, Staff Member RL, recalled observing Mr Browne and a student coming out of his office or a nearby room, both in a dishevelled state. RL confronted Mr Browne, who claimed he was giving the student a massage. RL described going straight to Dr Wilton and telling him what he had witnessed. Dr Wilton told him, "Leave it to me, I will look after it".<sup>599</sup> RL said he also mentioned it to Mr Owen and was told to "leave it alone".<sup>600</sup> Mr Owen did not recall this conversation or the incident RL described, but told the Inquiry that the likely explanation for his response to RL was that Mr Owen believed Dr Wilton was dealing with the matter.<sup>601</sup> Dr Wilton did recall RL raising Mr Browne's conduct with him. He told us he spoke to Mr Browne about this incident and gave him a verbal warning.<sup>602</sup> Another teacher told the Inquiry he reported to Dr Wilton that Mr Browne was giving massages to boys in their underwear.<sup>603</sup>
- 5.285 In 1992, a mother, JV, approached the school with concerns she held about Browne and another teacher. She recalls being told by the headmaster (Dr Wilton) that she had a "big imagination". JV later withdrew her son due to abuse. When JV threatened to go to the police, she said the principal informed her, "Dilworth has deep pockets, and no one will listen to you as a single mum".<sup>604</sup> We asked Dr Wilton about this interaction and he was adamant it did not occur.<sup>605</sup>

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596 Staff Member QD statement to the Inquiry.

597 Staff Member QD statement to the Inquiry.

598 Court documents relating to Mr Browne's first prosecution.

599 Staff Member RL statement to the Inquiry.

600 Staff Member RL statement to the Inquiry.

601 It is unclear whether this conversation preceded Mr Owen's discovery of the massage table in Mr Browne's room.

602 Murray Wilton Inquiry interview.

603 Staff Member RZ statement to the Inquiry.

604 Family Member JV statement to the Inquiry.

605 Correspondence with the Inquiry, 29 June 2023.

- 5.286 The first recorded concern about the content of Mr Browne’s sex education classes, was expressed by a teacher to the head of the junior campus in 1994. At that stage, the concern was that the content deviated from the health curriculum and was inappropriate for the age of the students. Unbeknownst to the teacher raising this concern, Mr Browne was using these classes to encourage students to masturbate in class.
- 5.287 In 1994, another complaint was made about Mr Browne’s sexual abuse of a student. Student BP told a matron that Mr Browne had “hurt him in the bum”.<sup>606</sup> He told the Inquiry that in response she slapped him and told him he was nasty and disgusting and not to make up stories.<sup>607</sup> The student is not sure what other staff members were told about his complaint, but he does recall speaking to Staff Member PI and being told he had to go see a psychologist.
- 5.288 He also recalls he did not have any more individual sessions with Mr Browne after making his disclosure. His mother was informed by letter about the referral to the psychologist. The school did not refer to the student’s complaint when referring him to the psychologist, pointing only to his poor behaviour. He was taken to and from the psychologist’s appointments on his own in a taxi. No member of staff checked on him or supported him with this process. The student recalls he started to play up, running away and soiling his sheets. He attended six sessions and at the end of the sessions his mother was sent a bill for half of the sessions.
- 5.289 In 1995, the Board determined that the student should not be permitted to return the following year. Dr Wilton wrote to his parents, “As you are well aware, the school has done its best with [Student BP] even to the point of involving outside agencies to assist him with his problems”.<sup>608</sup> The letter goes on to acknowledge that the student “had so many abilities” and “enormous potential”. No evidence exists that any enquiry was made into why a student with enormous potential was struggling so much at Dilworth.
- 5.290 While it would take 10 years for the school to require Mr Browne’s resignation for his encouragement of masturbation in his classes, the school leadership had been told about it as early as 1996. In an interview before he left Dilworth, Student BA told Dr Wilton that Mr Browne asked boys to masturbate in class and that Mr Browne had touched his legs and tried to touch his penis. Dr Wilton told the student he was a liar and that no one would believe him. BA recalled Dr Wilton saying, “Father Browne was a well-respected member of the staff and that he had worked at the school for so many years and I was the only boy that had ever said these things about Father Browne to him”.<sup>609</sup>

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606 Student BP statement to external agency.

607 Student BP statement to external agency.

608 Letter from M Wilton to Student BP’s parents. Further detail omitted to prevent identification.

609 Student BA statement to the Inquiry.



- 5.291 That same year, Student IC had a very similar experience when he and his mother told Dr Wilton about abuse by Mr Browne. Dr Wilton told the student and his mother that he was a “naughty kid” and a “liar”.<sup>610</sup> The student’s mother was told in a subsequent meeting with Dr Wilton that what her son was saying was slander, and the school would defend it using legal services.
- 5.292 The Inquiry asked Dr Wilton about these complaints by Student BA and Student IC (and his mother), and he was adamant these conversations did not occur in the way outlined. He said if he had received such complaints, he would have acted on them. He told the Inquiry that the first he knew of Mr Browne’s conduct encouraging masturbation in class was after Mr Browne resigned in 2006.<sup>611</sup> He also told the Inquiry he was not made aware of the complaints raised with Mr Ian Wilson or the house matron about Mr Browne.
- 5.293 Mr Firth told the Inquiry that neither he nor the Board was told about any of the above complaints. No documentary evidence exists of the Board being told.<sup>612</sup>

### Senior student grooming and abuse, 1994

- 5.294 Student GV told the Inquiry that over a long period he was groomed by a senior student before being sexually abused by him on two occasions in 1994. The grooming included the senior student going to GV’s boarding house, from his own, in the evening and lying with him in bed. GV’s mother, concerned by the amount of attention her son was receiving from the senior student, including time spent out of school during school hours, raised her concerns first with Dr Wilton. She recalled Dr Wilton telling her that it was her son’s fault if he had broken the rules about being outside of school. The mother tried to raise her concerns again with Mr Browne. She described Mr Browne as dismissive. He told her Dilworth actively encouraged older students to spend time with junior students.

### School not taking legal advice to develop policy to protect students from staff abuse

- 5.295 In July 1994, the Board and senior leadership missed taking a significant step to develop a policy to protect students from abuse by staff. The background to this was as follows.
- 5.296 Several years earlier, Student HZ had contacted Board chair Mr Cotter, seeking an apology from the school for the abuse he suffered from Mr Peter Taylor. He told a friend, Mr Cotter had brushed him off and threatened him with legal action.<sup>613</sup>

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610 Student IC statement to external agency.

611 Murray Wilton Inquiry interview.

612 Mr Firth chaired the Board at this time.

613 Student AW Inquiry interview notes.

- 5.297 In December 1993, Student HZ went to the police, and this led to Mr Taylor's first prosecution in 1994 for sexual offending carried out at Dilworth. The school instructed its counsel to file an application for permanent suppression of Mr Taylor's name and the school's.
- 5.298 On 22 July 1994, the school's lawyer wrote to the Board secretary, reporting on the outcome of Mr Taylor's prosecution. The Board has waived any legal privilege held over that advice, so we outline the main aspects of that advice below. It was reported that the court granted the Board's application and made an order suppressing the offender's and school's names.
- 5.299 In his reporting letter, Dilworth's counsel shed further light on the circumstances of the victim in the Taylor prosecution, and comments made by Mr Taylor himself:

The victim impact report was evidently couched in emotive language and basically detailed the severe psychiatric and emotional disturbance suffered by the boy over the intervening 17 years. He blamed not only the defendant but the school, commenting that when the incident had first occurred he had reported the matter to a tutor or house master who had been unsympathetic and had caned him for making such an outrageous suggestion. It was readily apparent that [he] harbours considerable bitterness to the school and Taylor, both of whom are blamed for what has apparently been something of an unfortunate life in the meantime.

Taylor had clearly told the probation officer, and his counsel repeated in submission, that he bitterly regretted having accepted the opportunity to resign from the school rather than have the matter determined by the Police at that time. Effectively he was saying that his propensity for homosexual activity with young boys could have been curtailed had he been dealt with summarily by the Police and the courts at that time, and the leniency provided by the school and which he had at that stage gladly accepted had simply left him with an unblemished record and in circumstances where the risk of reoffending in the future was always apparent. Furthermore he has lived for the last 16 years with the possibility that one of the boys against whom he had offended could bring the very complaint that he faced on this occasion, and his past offending was variously described as a Sword of Damocles or a ticking time-bomb which had taken its toll on him personally, upon his wife, and his family relationships generally. The matter was put to the Court on the basis that he actually welcomed the fact that everything had come into the open and that having admitted his guilt he could now face the future with greater freedom.<sup>614</sup>

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614 Letter from Dilworth's lawyer to the Dilworth Trust Board secretary, 22 July 1994.

- 5.300 In a victim impact statement prepared for Mr Taylor's sentencing, which we have sighted, Student HZ referred to being told by police that the school was uncooperative while they were investigating his complaint.
- 5.301 The Inquiry asked the officer in charge of the prosecution about this observation, and he recalled that, although he had requested this, the school had not provided him with the names of other victims or any information that would assist in identifying them. Mr Taylor admitted to police that he had offended against Student HZ, as well as "several others".<sup>615</sup> HZ had similarly informed the police and the court that there had been other victims. The officer's recollection is that he tried to find out who the other victims were from the school but was unable to.
- 5.302 Returning to the legal advice, one final important aspect comes in the recommendation that there are lessons to be learned as far as future school procedures and Board policy are concerned:

We would however recommend that the Board consider carefully the procedures which are adopted by the School for recording and dealing with any indication or complaint of conduct of this nature, no matter how trivial, and the Board's policy in the unhappy event that a repetition of such an incident as this should occur in the future. Honourable and charitable intention evidenced by the way in which the Chaplain was treated had potentially unfortunate consequences for the Board if it had been suggested or found that the Board had tried to brush this unsavoury incident under the carpet. There is the further and very delicate question of how far the School should go in endeavouring to ascertain whether all boys who might have been subject to abuse, no matter how minor, have been identified and received the appropriate assistance and treatment. Matters such as this require as little publicity as possible, but against that must be balanced the risk of a victim remaining undetected.

The other matter which the Board could perhaps consider is its policy on the retention and secure storage of all documentary records relating to matters of this kind. The extreme length of time between commission of offence and prosecution in this case may serve to highlight the need for long-term storage arrangements for sensitive material of this nature.<sup>616</sup>

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<sup>615</sup> Court document, Peter Taylor's prosecution, 1994.

<sup>616</sup> Letter from Dilworth Lawyer to Dilworth Trust Board secretary, 22 July 1994.

- 5.303 Notwithstanding the recommendations the school's lawyer provided, no formal policy was developed. While the Dilworth Secondary Staff Handbook 1994 does not have a specific date of issue, it was issued in the same period and was a significant policy development, but failed to include the advice provided by legal counsel in July 1994 to develop a complaints policy.

## Further advice to the school, 1994

- 5.304 During this period, the school sought further external assistance on the issue of responding to child abuse. Dr Wilton tasked Mr Browne with obtaining advice from the Scouts Association of New Zealand. In October 1994, Dr Wilton reported to the Board, attaching Mr Browne's memorandum that outlined oral advice Mr Browne had received from the Scouts, as well as the Scouts duty of care document that was provided to all new leaders.<sup>617</sup> Dr Wilton noted that "it may be useful for us to consider this in light of incidents which occurred here in the past".
- 5.305 Mr Browne's memorandum observed that the Scouts had consulted with the Department of Social Welfare and Department of Education<sup>618</sup> in formulating their position, which he outlined as follows:

The word of a young person laying a complaint is always to be accepted in the first instance.

1. The police are to be informed – they have a "social services group" which apparently deals with such matters, now.
2. The Adult member is immediately to be suspended from duty, pending the outcome of the enquiry.
3. The parents of the young person are to be informed. (NOTE: The police are usually informed before the parents are.)
4. All of the above actions are to be carefully and fully documented.
5. Counselling is to be provided for the Adult who "blew the whistle" – that is, the person to whom the original complaint was made, and who decided to act upon it.

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<sup>617</sup> Scouts Association, For the attention of all adults in the Scout movement: Duty of care, attached as appendix B in the headmaster's report to the Dilworth Trust Board, 31 October 1994.

<sup>618</sup> The Scouts Association had also sought legal advice.

5.306 Mr Browne goes on to note:

In the final analysis, these statements mark a major and radical review of the old position, which was to keep things quiet and, to some extent “under the table”. The effect of that was to help the victim by avoiding publicity, but also had the undesirable spinoff that it helped the perpetrator by keeping his identity secret, and thereby making possible future abuse.

5.307 The duty of care document illustrates the contemporary knowledge held by an organisation, which, like Dilworth, had responsibility for the care and welfare of young people.<sup>619</sup> The document begins by acknowledging the duty of care owed by the Scouts to protect youth members from physical and emotional harm, and that a youth’s safety and protection must be the primary consideration over any “deference to an adult’s rights”. The document covers appropriate physical contact between an adult and a child, and reminds adults that they are never to be alone in any kind of situation with a youth member. It goes on to set out the “basic principles” for responding to suspected child abuse, which included the premise that a child is to be believed, and emphasised the need to take appropriate action in response by reporting to the necessary agency. Scout leaders were cautioned to act on their concerns, “do not leave it to someone else or hope that it will not happen again”. The Scouts document ends with the final set of instructions:

Do not engage, or let others engage, in any of the following:

- Invading the privacy of children when they are showering or toileting (sic).
- Photographing undressed children.
- Rough, physical, hurtful or sexually provocative games.
- Making sexually suggestive comments about, or to a young person.
- Inappropriate and intrusive touching, hugging, cuddling and kissing, regularly scapegoating, ridiculing, rejecting, isolating or taking the ‘mickey’ out of a child.

Whereas many of these may not be abusive in legal terms, they do not belong in Scouting. They are hurtful, intrusive, set a bad example and do not promote safety. Child abuse is not a media invention.

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619 Scouts Association, For the attention of all adults in the Scout movement: Duty of care, attached as appendix B in the headmaster’s report to the Dilworth Trust Board, 31 October 1994. It is a detailed articulation of the responsibilities of a scout leader.

5.308 In 1995, the issue of how best to implement the lawyer’s recommendations was still being discussed. At the invitation of the Board, the Board’s lawyer attended the March 1995 meeting. He recommended that the Board should adopt a policy to discourage misconduct of staff with boys by instituting the following procedures:

Inform staff that any instances of such misconduct would invariably be referred to the Police.

Counselling the boys should be initiated with boys being given the name of a staff member who should then report such instances of misconduct to the Board. It should be ensured that the persons to whom the boys are nominated to report to should have no illusions that when instances of misconduct were reported to them that they could not consider any such matters as being confidential between them and the boy.

The parents should be notified that where boys reported any such instances to them that they should report the matter to the school.<sup>620</sup>

5.309 The Board minutes refer to the need for the headmaster to consider how best to implement the recommendations “as soon as possible”,<sup>621</sup> noting the matter was urgent and the chair and vice-chair were given power to act.

5.310 Board minutes from the May 1995 meeting show that the issue was discussed again at the April meeting, and that since then the chair and vice-chair had liaised with the headmaster on the matter. We found no further record of action taken by the Board or headmaster in respect of these recommendations.

5.311 The Inquiry spoke to the then Dilworth lawyer who gave the advice. He said his role was to provide the initial advice and that it was given due to both his legal background and the circumstances of the case and his knowledge of and experience in school governance. He had held two roles in school governance, one with a large state school.<sup>622</sup> To his knowledge, the matter was left with the school, and he was unsure whether any policy document was drafted.

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620 Dilworth Trust Board minutes, March 1995.

621 Dilworth Trust Board minutes, March 1995.

622 Former Dilworth lawyer Inquiry interview .

- 5.312 Dr Wilton confirmed to the Inquiry that no formal policy document was developed following this last Board meeting, so there was nothing to communicate widely to the staff, students or parents.<sup>623</sup> Mr Firth thought a policy had been drafted but also referred the Inquiry to the fact school employment contracts from about this time had attached to them a document entitled Disciplinary Rules and Procedures.<sup>624</sup> This document listed sexual misconduct or sexual harassment of a student as serious misconduct, meaning “it will almost certainly result in an employee’s summary dismissal”.<sup>625</sup>
- 5.313 Mr Aaron Snodgrass, the current Board chair, confirmed the school recently tried to find evidence of a written policy but had been unable to.<sup>626</sup>
- 5.314 We find that, by that stage, responsible and competent governance and leadership should have taken steps to review the issue comprehensively and incorporate policy into the 1994 staff handbook. While it is clear discussion occurred at Board level about how to implement the advice of the school’s lawyer and that this action was accorded urgency, no formal policy outlining the processes for responding to complaints of staff misconduct was developed. Advising new staff, through their employment agreements, what might happen in the case of serious misconduct, does not address the recommendations the Board received.
- 5.315 No apparent effort was made to ascertain whether there were undetected victims in the current student body or community of former students, as recommended in the July 1994 legal advice.

### Rex McIntosh, 1994

- 5.316 As outlined in the earlier section on Mr McIntosh, in August 1994, a further complaint was made to the school about his abuse by the uncle of a former student. The uncle also mentioned the name of another student he understood had been abused by Mr McIntosh. Significantly, the school was informed of the psychiatrist’s opinion that if the allegation were true, it would likely be the cause of the former student’s “manic depression”.

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623 Murray Wilton Inquiry interview. In his draft “Will Say” statement, at para 74, he also notes, “it would be fair to say that if a matter is not covered in the handbook, then there was no written ‘policy’ as such in relation to it in the 1980s and 1990s”.

624 Derek Firth Inquiry interview.

625 The Inquiry cited an example of a staff members contract, date 16 November 1995.

626 Aaron Snodgrass Inquiry interview.

5.317 The Board secretary, sought advice from Dr Wilton, Mr Firth and Mr Cotter, before he informed the uncle that his nephew was probably telling the truth about being sexually abused by Mr McIntosh.<sup>627</sup> Despite this admission, and the knowledge they now had as to the likely impact of the abuse, the record does not contain any reference to support being offered to the former student or his uncle in looking after him; nor did it appear to generate any discussion as to whether they needed to undertake further enquiries to identify other victims and notify the police.

#### Staff Member RZ, 1994

5.318 On 9 November 1994, Dr Wilton advised the Board secretary, TH, he had received an allegation detailing Staff Member RZ's abuse of Student ID.<sup>628</sup> A meeting with the Board was held that same day. It was agreed Dr Wilton and TH would confront RZ with the allegation and he would be suspended while the matter was being "cleaned up".<sup>629</sup>

5.319 The following day, 10 November 1994, Dr Wilton and TH met with Staff Member RZ, and he admitted to the incident that took place at his family member's house. RZ told them it was an isolated incident and no other boys were involved.<sup>630</sup>

5.320 At this time, TH recorded advising Staff Member RZ:

...in situations like this it would have to be assumed that other boys would be involved *and that a major inquiry amongst the boys would have to follow*. I indicated that if he made a full and frank statement in writing this could perhaps be avoided. I told him that the Board had not yet decided whether or not to go to the Police and that if he made such a statement and the Board decided to go to the Police the statement would be submitted to them. [Emphasis added]<sup>631</sup>

5.321 Staff Member RZ agreed to provide a statement, which he duly prepared. The statement covered his account of his relationship with Student ID only. It did not disclose any abuse in respect of other students.

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627 Handwritten file note of TH, 30 August 1994.

628 The Inquiry's description of the school response to ID's complaint is based solely on Dilworth's records.

629 Handwritten notes about Staff Member RZ, 1 December 1994.

630 Staff Member RZ prepared a written account, dated 10 November 1994, which he provided to the Board and headmaster.

631 TH notes about the allegation against Staff Member RZ, 1 December 1994.



- 5.322 The Board decided to report the matter to police and did so on 11 November 1994. Two days later, on 13 November 1994, Staff Member RZ resigned.<sup>632</sup>
- 5.323 Over the next four months, complaints against Staff Member RZ in respect of three more students emerged.<sup>633</sup> Despite TH's prescient observation that there were likely to be other students (and a major inquiry might need to follow), when the school knew there were at least three more students harmed by RZ, no inquiry eventuated.
- 5.324 One positive change did occur in respect of the handling of these complaints as the school referred students and their families to the police.
- 5.325 One of the disclosures was elicited at a GLL camp. Student FH told the Inquiry that, in March 1995, he attended a GLL camp and wrote anonymously on a card about a teacher who did something inappropriate to him. The card was read out to the group, and the person who had written it was encouraged to come forward. Student FH described feeling lots of pressure to reveal himself. He didn't but went to see Mr Browne privately after the session and told him that he had written the card but he did not want to talk about it or anything further to happen. Despite his express view, Mr Browne went back to the group and identified the student as the author. Student FH recalled Mr Browne telling the other students that the purpose of the camp was to discuss things that do not go any further.
- 5.326 Mr Browne gave a similar account to the police, albeit on his account it was the student's decision to disclose to the group. He describes the student's demeanour when it was being discussed by the group as very uncomfortable.
- 5.327 Once back at school, a referral was made to the police. The school organised counselling for the student in the city. Reflecting on this, Student FH describes how "it was a little weird to send a child who had been abused, on his own, to see a man he didn't know".<sup>634</sup> Besides this referral no other pastoral support was provided to the student at school.
- 5.328 The relevant Board minutes simply record a reference to another student having "also been molested" by Staff Member RZ and that the matter was with the police.<sup>635</sup>

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632 It is not clear from the school file whether his resignation was accepted or whether he was dismissed.

633 The first is made at the end of November 1994, (Student TJ). The second came from Student CG's mother who wrote to Dr Wilton on 8 February 1995. Her son had been abused by Staff Member RZ in his final year in 1993. After taking advice from its lawyer, the school advises CG's mother of the earlier complaint and police investigation and that it is passing her letter on to the police. The third is detailed below (Student FH).

634 Student FH statement to the Inquiry.

635 Dilworth Trust Board minutes (heavily redacted), undated.

- 5.329 In Dr Wilton's written account to the Inquiry in relation to Staff Member RZ, he wrote, "in our investigations at the time it became apparent there was an element of consensual activity and a 'lovers tiff' in this matter".<sup>636</sup> In an earlier statement, he had described it as effectively a "homosexual affair".<sup>637</sup>
- 5.330 These statements are alarming for two reasons. First, the student to whom he is referring was aged between 12 and 13 when the offending occurred and it cannot be inferred that he had capacity to consent. Secondly, no reference is made to the three other students who alerted the school, within six months of the original student's complaint, to abuse they had suffered from Staff Member RZ. RZ, in fact, faced criminal charges in respect of one of these students.
- 5.331 As he had for Mr Wynyard and Mr Cave, Dr Wilton penned a lengthy and effusive reference in support of Staff Member RZ. It was given to him after his resignation and after the school's referral to the police. Dr Wilton wrote:

In the seven years that [RZ] has been on the staff at this school, he has made an invaluable contribution both professionally and personally. His qualities of reliability, enthusiasm and dedication to the school's philosophical aims are a vital asset and make him a valued acquisition, as he would be in any educational establishment. When [RZ] announced to me that he planned to leave in 1995 to pursue a career in professional musical composition and recording I was naturally disappointed, from a selfish perspective, but delighted for him because the time had come for him to seek further professional advancement. He has given unselfishly of his time and energy to promote the cause of music in this school and we are very grateful to him. I therefore commend him warmly to any educational or musical organisations who may contemplate using his positive personal qualities and his outstanding musical talents when eventually he looks for further challenges.

- 5.332 In 1995, Staff Member RZ was convicted of three charges of sexual offending in respect of in respect of Student ID. In 1996, he was convicted of offending against Student FH.

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636 Murray Wilton submission to the Inquiry, which repeated a similar account provided to Mr Reddiex in 2020.

637 Murray Wilton confidential report to the headmaster (Dan Reddiex), June 2020.

5.333 The Teacher Registration Board cancelled Staff Member RZ's registration as a teacher in 1995 on the grounds he was no longer of good character and no longer fit to be a teacher. The school did not notify the Teacher Registration Board.<sup>638</sup> Cancellation occurred following notification from the Auckland District Court.<sup>639</sup>

### Alister Harlow, 1995

5.334 Mr Harlow first started employment at the school in January 1980 as a house tutor. Soon after, he became involved with the school's scout troupe. He left for two years from 1983, returning as an assistant housemaster in 1985. He resigned again in 1995.

5.335 As outlined earlier, Mr Harlow took students away for the weekend to a property he owned near Whangārei. It was during these visits that sexual abuse occurred.

5.336 The first recorded concern in relation to his out-of-school trips was in November 1994. Staff Member PI wrote a memorandum expressing his concerns to the head teacher of the junior campus. He noted that this practice started when Mr Harlow became PI's boarding house assistant. PI recorded in his memorandum that he had first raised his concerns with the head teacher in early 1993 and, on several occasions, they had discussed the concerns. PI named specific students whose behaviour had noticeably changed after going away for a weekend with Mr Harlow. The memo also mentioned that Mr Harlow had been observed teaching massage techniques to students.

5.337 In 1994, another note raising concern was authored by a student in Mr Harlow's boarding house.<sup>640</sup> The student told the matron that Mr Harlow had woken him from sleep for a "cuddle". The matron asked the student to record the details in writing and gave the report to Staff Member PI.

5.338 It is not clear from Mr Harlow's file whether he was ever spoken to about the concerns raised but it seems he continued to receive approval to take students away. The head teacher told the Inquiry he recalls Mr Harlow asking for his permission to take students home for the weekend and refusing it. He told Mr Harlow to raise the matter with Dr Wilton. The Inquiry has sighted examples of weekend requests by Mr Harlow that were forwarded to Dr Wilton. In relation to the November 1994 memo written to him by Staff Member PI, the head teacher said it is likely he did show that to Dr Wilton but believed it would have been dismissed as the issues raised were not dissimilar to what occurred at the GLL camps, which Dr Wilton endorsed.<sup>641</sup>

638 Dr Wilton's recollection is that the school did notify the Teacher Registration Board but did not receive a response. There is no record of such notification on the staff file.

639 Teaching Council of Aotearoa correspondence with the Inquiry, 23 May and 7 June 2023.

640 The note is not dated. However, the only year in which Staff Member PI, the named matron, Mr Harlow and the student are in the same boarding house was 1994.

641 Head teacher of the junior campus statement to the Inquiry.

- 5.339 Dr Wilton told the Inquiry he recalls discussing the issue of Harlow taking students away for the weekend,<sup>642</sup> but he does not recall seeing the documents outlined above that raised serious concern about abuse occurring.
- 5.340 In March 1995,<sup>643</sup> a psychologist treating a former student, TK, phoned Mr Owen to advise that in 1991, her client had been abused by Mr Harlow while away with him at a rural property Mr Harlow owned in Whangārei.<sup>644</sup> At that stage, Student TK had made a police complaint. The Inquiry understands Mr Harlow was subsequently convicted in relation to this offending in 1995.
- 5.341 The Inquiry has seen a list dated 16 March 1995 of six students who had visited Mr Harlow's home that the matron collated, presumably in response to the complaint Mr Owen received. No evidence exists to suggest any of the named students were spoken to by the school to ascertain their experiences.
- 5.342 When we showed Mr Owen the list, he could not recall it or asking for it be prepared. He accepted the school should have investigated whether the named students were abused by Mr Harlow.<sup>645</sup>
- 5.343 On 20 March 1995, four days after the matron's list had been prepared, Mr Harlow submitted his resignation. The Board was advised that Mr Harlow's resignation followed "notification to us that he is the subject of a police investigation regarding his conduct with a former pupil".<sup>646</sup> Dr Wilton noted in his report that there had not "been a whisper of possible misconduct" about Mr Harlow before this and that full details would be presented at the Board meeting. We are unable to see what, if any, discussions were had about the reasons for Mr Harlow's resignation at the Board meeting, as the corresponding minutes for the March meeting do not record any reference to it.
- 5.344 During this period, it was also discovered that Student TK had disclosed the offending by Mr Harlow initially to Mr Browne at a GLL camp.<sup>647</sup> Mr Browne failed to raise the issue with the school's leadership, and Mr Harlow remained on staff following that disclosure.

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642 Dr Wilton told the Inquiry permission would have been granted only if parents had first been advised and the school was satisfied more than one student would be present: Murray Wilton correspondence with Inquiry, 29 June 2023.

643 This date is taken from "Summary of file relating to Alister Harlow (as at 27 May 2020)" provided by Dilworth.

644 Bruce Owen file note, Alister Harlow staff file.

645 Bruce Owen statement to the Inquiry.

646 Headmaster's report to the Dilworth Trust Board, 27 March 1995.

647 Letter from Ross Browne to Murray Wilton, 30 April 1995.

- 5.345 This earlier disclosure of abuse by Student TK to Mr Browne was discussed by the Board on 27 March 1995.<sup>648</sup> The issue was of such concern to the Board that it sought written legal advice<sup>649</sup> and an opinion from the chancellor of the Anglican Diocese of Auckland, which was given to Dilworth’s lawyer and the school.<sup>650</sup>
- 5.346 Dr Wilton gave Mr Browne a copy of the legal advice and the chancellor’s opinion. In a carefully worded response dated 30 April 1995, Mr Browne outlined his reasoning for failing to pass on the disclosure any more widely. In maintaining his position that the disclosure was made as part of a “confession”, thereby bringing it within the confidentiality of the confessional, he stated:<sup>651</sup>
1. The pupil, in common with many young persons to whom sexual abuse has occurred, *“did not at the time he spoke to me perceive any wrongdoing on the part of the offender”*. He was “confessing” if you like, his own allowing of such an event to transpire.
  2. There is no doubt in my mind whatsoever, that he would have made no such “confession” had he thought that anything might have happened either to him, or to the offender, as a result of his telling me.
  3. There was a double bind involved. In the first place, the “confession” was made at a Group Life Laboratory, the very essence and credibility of which depends upon confidentiality, as you know. In the second place, he was very particular in placing the information he was going to impart “under the seal” of the confessional. At the time – as I have previously mentioned – he perceived the event as his own transgression.
  4. He informed the group in a general way that a number of things had occurred in his life, of which this was an unimportant one, and despite the best efforts of people at that time, and of myself subsequently, refused to divulge specific information to the Group, or to allow any breach of his confidentiality by me. As you are aware, he left the school shortly thereafter. [Emphasis in original]
- 5.347 Mr Browne’s letter of reply was provided by Dr Wilton to the Board for its May meeting.<sup>652</sup>

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648 Dilworth Trust Board minutes, 27 March 1995.

649 Letter from Dilworth School lawyer to Dilworth Trust Board general manager, 6 April 1995.

650 Memorandum from the chancellor of the Anglican Diocese of Auckland to Dilworth School lawyer, 5 April 1995.

651 Memorandum from Ross Browne to Murray Wilton, 30 April 1995.

652 Appendix C to Dr Wilton’s report to the Dilworth Trust Board, May 1995.

- 5.348 The May Board minutes show the Board considered its lawyer's report on the confidentiality issue raised by Mr Browne. The headmaster is reported to have discussed the matter with Mr Browne, who assured him there were no other cases Mr Browne was treating as confidential. Once again, Mr Browne's response was accepted without question.
- 5.349 Despite knowing the reason for Mr Harlow's resignation, and the fact of a student's earlier disclosure to Mr Browne about abuse by Mr Harlow, we have seen no evidence that this prompted any further enquiry on the part of the school or Board to identify other possible victims.

### Complaint following Alister Harlow's departure

- 5.350 After Mr Harlow's departure, the school was informed of another student he had abused. In January 1996, Student AP's stepfather spoke to Mr Owen. This student's behaviour had deteriorated in his fourth form year, and he was told not to return the following year. AP's stepfather advised Mr Owen that AP had been abused by Mr Harlow and approached by the police to make a statement after another student had gone to the police. The stepfather asked whether there was a chance AP could return to school for his sixth form year as his stepson was living remotely.
- 5.351 Mr Owen's memorandum outlining possible options in response reveals an insight previously unseen in the school records. He notes, "on reflection I feel that we have some moral responsibility to help. The abuse occurred in our care and he was a country boy where we have some responsibility for what happens at the weekend".<sup>653</sup> Further on, he noted, "in hindsight he was showing all the characteristics of a sexually abused person".<sup>654</sup>
- 5.352 Dr Wilton, in forwarding Mr Owen's memorandum to Mr Firth, recorded his view that Student AP should not be permitted to return to Dilworth, but re-iterated the reference to a "moral obligation to the boy and his family", which he thought could be met by assisting with boarding fees at a new school.<sup>655</sup> The Inquiry was told the family understood from the school that AP would be entitled to receive the tertiary package, comprising financial assistance usually made available to those who left the school as a sixth or seventh former.
- 5.353 In 1998, Student AP returned to the school to ask for this financial assistance.<sup>656</sup> The Board determined there would be a one-off payment of \$1,000 to go towards apprenticeship costs. The Board made no apology or any offer of support.

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653 Bruce Owen, file note, 27 January 1996.

654 Bruce Owen, file note, 27 January 1996.

655 Memorandum from Murray Wilton to Derek Firth, 30 January 1996.

656 Student AP statement to external agency.

## Student-on-student sexual assaults, 1995

- 5.354 In April 1995, a complaint was made about Student IE in relation to sexual assaults on younger students. It is not clear from his file who made the complaint. There is no record of the abuse alleged on either IE's file or the file of any of the students who had complained of abuse.
- 5.355 Student IE's file does contain a record made seven years earlier of concerns about sexualised behaviour, yet no enquiry was made of him about what might be causing that behaviour. In an interview with the associate chaplain in 1988, it is recorded, "he says he is the victim of other people's physical attention".<sup>657</sup> Yet there does not appear to have been any follow up to that comment then or over the intervening years.
- 5.356 A meeting was held with Student IE and his mother, and, at the end of May, Dr Wilton advised the Board that he had "persuaded" IE's mother to withdraw him so the school would not have to expel him.<sup>658</sup> In a letter to the current headmaster, IE's mother recalled the school meeting she attended with her son, Dr Wilton and Mr Browne. She wrote that Dr Wilton and Mr Browne had made up their minds from the outset and showed no concern for her son.<sup>659</sup>
- 5.357 In his report to the Board in May 1995, Dr Wilton advised that he could not get the "approval" of the two students who had been abused by Student IE to advise their parents of the incidents. The minutes recorded the Board's agreement that "it was very important that the parents should be contacted and made aware of the problem and how it had been resolved in order that repercussion from the incidents did not become problems in the future".<sup>660</sup> The following month's Board minutes referred to three students having been abused and that they were being counselled to agree to their guardians being advised, although a reference is made to the headmaster's belief that the students had a strong case for non-disclosure.<sup>661</sup> The Board determined it would obtain legal advice on this issue.

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657 Associate chaplain's counselling report, 8 August 1988.

658 Headmaster's report to the Dilworth Trust Board, 29 May 1995.

659 Letter from Student IE's mother to Dan Reddiex. Further details omitted to prevent identification.

660 Dilworth Trust Board minutes, May 1995.

661 Headmaster's report to the Dilworth Trust Board, 26 June 1995 and corresponding Dilworth Trust Board minutes, June 1995.

- 5.358 No record exists of any legal advice, if obtained, or any further action taken by the school. The next event recorded is that the three students concerned are referred to an external psychologist in October and November that year, and all attend one session.
- 5.359 No record exists that the parents of the three students were ever told about their complaints of abuse and what, if any, additional support was provided to the students. It is noted that on two of the three victims' files, the Inquiry found letters recording the school's concern about the students' subsequent behaviour, and in respect of one student his parents are threatened with his expulsion.

### Another complaint of historical sexual abuse by Peter Taylor, April 1996

- 5.360 In April 1996, a former student, IF, wrote to the school to advise it that when he was nine years old, Mr Peter Taylor abused him. He described the abuse as having caused his life "to be nothing short of hell" and that he wanted to know if there was "any way that the school can help in my recovery".<sup>662</sup> The Board's secretary sought advice from Mr Firth and the school's lawyer. In a cover note to a first draft of the letter in response, TH noted that the lawyer had advised the school should "admit nothing" and that "ACC [Accident Compensation Corporation] claims will no longer be accepted but that perhaps they would agree to pay some counselling costs".<sup>663</sup> The Inquiry asked the school's lawyer about this advice. He did not recollect the specific case but considered it likely he would have given verbal advice consistent with what is recorded, with the exception of the counselling suggestion as that would have been outside his brief.

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662 Letter from Student IF to the principal/school, undated, but received by the school on 1 April 1996. Documents were found in Student IF's school file.

663 Fax coversheet from TH to Derek Firth, 1 April 1996; letter from TH, sent by fax to Derek Firth:

We did our best to identify those concerned at the time – indeed the Chaplain provided a list to assist us in that regard. All the boys of whom we were aware were carefully counselled and this may have included you.

You will appreciate that if the Chaplain did not include a victim's name on his list, and that boy did not come forward then the school was not in a position to do anything.

We are very sorry indeed to hear that you were one of his victims and also sorry to learn, if you were one of the boys that came forward and was counselled, that that appears not to have been satisfactory in your case. If you were not identified at the time (when you would have known along with the rest of the school what was going on, yet did not come forward) then it is very difficult to pick up the threads twenty years later.



- 5.361 The letter was revised and the version sent to the former student made evident that the school accepted no responsibility for the reported state the former student was in:

Unfortunately we have no records of any incident concerning yourself and the Reverend Peter Taylor going back nineteen years and cannot assist you in confirming any further complaint you may wish to make to the Police. While the recent Court case may help you (and us) to feel that justice has finally been done you may still require some assistance to as you state “deal with the consequence of what that man has done to my self esteem”. I suggest you first discuss this with your General Practitioner who can then refer you to an appropriate Government agency to organise professional counselling advice.<sup>664</sup>

### Ian Wilson, July–December 1996

- 5.362 The first record of Mr Ian Wilson’s abuse of students came to the school leadership’s attention in 1996. Former student, CJ, who had been abused by Mr Wilson, came across him in the community by chance and subsequently discovered he was still working at Dilworth. Concerned that other students remained at risk, in July 1996 CJ contacted Dr Wilton and advised him he was going to be making a police complaint about Mr Wilson’s abuse of him and another student. During his initial conversation with Dr Wilton, CJ remained anonymous.
- 5.363 The accounts of this process differ between Dr Wilton and Student CJ. CJ told the Inquiry Dr Wilton tried to dissuade him from going to the police, instead encouraging him to come to the school to talk about it further. CJ recalls Dr Wilton’s approach as being one of minimisation, telling him it was not that bad and referring to other abuse by staff.<sup>665</sup> Shortly after his conversation with Dr Wilton, CJ said he received a call from a former student, SB, who introduced himself as Dr Wilton’s friend. SB begged CJ not to go to the police, pleading with him to let the school sort it out.<sup>666</sup>

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664 Letter from TH to Student IF, 1 April 1996. It is unclear whether the letter was sent, as the copy on the file is unsigned.

665 Student CJ statement to the Inquiry.

666 Student CJ statement to the Inquiry.

- 5.364 Dr Wilton's account is that over a period of some weeks and several conversations, it was Student CJ's idea that it would be helpful to speak to the president of the Dilworth Old Boys' Association. Dr Wilton understood that the president of the association then met with both CJ and the other student.<sup>667</sup> Further, Dr Wilton's recollection is that he urged CJ to go to the police.
- 5.365 What is most significant about Dr Wilton's contemporaneous account is that he said he told Student CJ that Mr Wilson was "cured".<sup>668</sup> The only available inference from this is that CJ's disclosure was not new information to him. The Inquiry asked Dr Wilton about this, and he said he did not remember saying that.
- 5.366 Student CJ first contacted Dr Wilton about Mr Wilson's abuse in July 1996, but Dr Wilton did not inform the Board of the allegation until 20 October 1996.<sup>669</sup> This was a month after CJ had gone to the police. According to Dilworth records, Dr Wilton is said to have reported the complaint to the police. If he did, it was after CJ had made his complaint. The police process unfolded slowly, and the Board sought legal advice. It wanted to see whether the police would start an investigation before acting. In late November, it instructed its lawyer to write to the police to find out what was happening, noting the Board's "onerous responsibilities" to act "in loco parentis to all of the boys during the course of the School year".<sup>670</sup> In response, the police pointed out the earlier assurance given by the school that Mr Wilson was unlikely to be in a position of spending unsupervised time with students.
- 5.367 There is no record to suggest that between July and December 1996, any protective restrictions were put in place in respect of Mr Wilson's contact with students. It appears he was permitted to undertake his ordinary activities, including taking students away (with other adults present) to an overnight marae visit for three days in September. Both he and the school community were unaware of the processes going on in the background.
- 5.368 On 16 December 1996, the Board met and decided that due to the police delay in progressing the complaint, the chair, Mr Firth, and the headmaster would interview Mr Wilson.<sup>671</sup> This interview occurred on 18 December 1996, when Mr Wilson was confronted with the allegations of sexual offending against two students and advised he would be put on paid leave while it was investigated further. He did not deny or admit the allegations.

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667 Murray Wilton, file note, 22 October 1996.

668 Murray Wilton, file note, 22 October 1996.

669 Dr Wilton advised the Inquiry that he wished the process could have been speedier but at the early stages of this complaint it was anonymous, of a historical nature and the first one of its kind against Wilson. He believed it was not appropriate to take action against an employee in these circumstances.

670 Letter from Dilworth's lawyer to Newmarket police, 29 November 1996.

671 Minutes of the confidential meeting of the trustees, 16 December 1996.

- 5.369 In a follow-up meeting with Dr Wilton two days later, Mr Wilson indicated he intended to resign.<sup>672</sup> Mr Wilson told Dr Wilton this was driven in part by his desire to protect the reputation of the school and lessen the impact of bad publicity.<sup>673</sup>
- 5.370 Mr Wilson asked Dr Wilton to provide a reference, which was agreed. It was decided the school community would be told an “official version”, namely “of retirement for Mrs Wilson and resignation to take a different career path for Mr Wilson”.<sup>674</sup> This was conveyed in a headmaster’s message to the school community that noted “with regret” the Wilsons’ resignations.<sup>675</sup>
- 5.371 As he did for Mr Wynyard, Mr Cave and Staff Member RZ, Dr Wilton wrote a reference for Mr Wilson that presented a picture of an exemplary employee. Running to three pages in length, it extolled Mr Wilson’s contribution to all aspects of life at the school. Dr Wilton concluded:

In the almost 25 years that Mr Wilson has been on the staff at this school, he has made an invaluable contribution both professionally and personally. His qualities of reliability, enthusiasm and dedication to the school’s philosophical aims are a vital asset and make him a valued acquisition, as he would be in any educational establishment or other enterprise. I therefore commend him confidently to any organisations who may contemplate using his positive attributes and considerable abilities. He will be a significant loss to this school but he is ready for further challenges and new directions and his need to fulfil his destiny has my unreserved support and encouragement.

- 5.372 The Inquiry asked Dr Wilton why he gave these glowing references for staff after he had found out about the complaints against them.<sup>676</sup> He said in relation to Staff Member RZ and Mr Wilson, they were prepared before he knew of complaints against them. However, both RZ and Mr Wilson were clear they received their references at the time of their departure from Dilworth. The Inquiry also learned that after Mr Wilson left Dilworth, Dr Wilton assisted him to gain employment at an organisation that arranged “gap years” for school leavers.<sup>677</sup> In relation to Mr Cave, Dr Wilton told us that at the time, he thought it was a low-level complaint and it was agreed with the victim and his mother that Mr Cave’s life should not be ruined. Dr Wilton also told the Inquiry he expected that any future employer would ring him to discuss the references provided, thereby placing responsibility for finding any adverse comment on future employers.

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672 Notes on a meeting between Ian Wilson and the headmaster, 20 December 1996.

673 Notes on a meeting between Ian Wilson and the headmaster, 20 December 1996.

674 Notes on a meeting between Ian Wilson and the headmaster, 20 December 1996. Mr Wilson’s wife worked at the school.

675 Mr Ian Wilson’s school file.

676 Murray Wilton Inquiry interview.

677 Audio recording of Murray Wilton speaking with Ross Browne, undated. It has also been publicly reported that Mr Wilson was employed at this organisation: E Gay, Dilworth School: Convicted sex offender carried on teaching for almost 20 years, Stuff, 21 December 2021.

- 5.373 Mr Firth recommended to the Board that they accept Mr Wilson's resignation and make him an ex-gratia payment of three months' salary to recognise his long service to the school, noting the alternative could be having him on paid leave for several months while they investigated. Mr Firth observed that "there is no question that Ian is doing us something of a favour by adopting his proposed attitude".<sup>678</sup> While ultimately agreeing with this course of action, one Board member raised a concern that the Board might look "foolish" if Mr Wilson were found guilty and the Board had paid him three months' salary, and suggested they watch the accuracy of reasons given for Mr Wilson's departure as "the truth will likely come out".<sup>679</sup> The member cautioned, "least said best I think".<sup>680</sup>
- 5.374 Once again, the school took no steps to ascertain whether there were any other victims, either from the 1970s or up to 1996. Mr Wilson has subsequently pleaded guilty to offending against 10 further students. In Mr Firth's correspondence with Board members, he acknowledges ignorance as to the extent of Mr Wilson's offending, noting "we do not know the depth of the problem".<sup>681</sup> Significantly, that acknowledgment does not generate any attempt by the Board to rectify this by initiating an inquiry.
- 5.375 Mr Wilson was charged in January 1997 and pleaded guilty the following month. *A New Zealand Herald* article covering Mr Wilson's sentencing included the following quote by Dr Wilton, "it was a long time ago and a relatively minor assault".<sup>682</sup>
- 5.376 In September 1996, the Education Amendment Act 1996 was passed, although it did not come into force until 1 January 1997. It amended the Education Act 1989 by requiring notification in certain circumstances to the Teacher Registration Board. When an employee was dismissed from a teaching position, a report to the registration board was required within 28 days. Mandatory reporting was also required in circumstances where an employee had resigned, but within the previous 12 months the school had given the employee written notice that it was dissatisfied with or intended to examine or investigate any aspect of the employee's behaviour or performance.<sup>683</sup> The Act also provided for voluntary notification to the registration board of any aspect of the behaviour or performance of any former employee of the body or person that the body or person thought might be relevant to the registration board's performance of its duties.<sup>684</sup>

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678 Memorandum from Derek Firth to Dilworth Trust Board, 20 December 1996.

679 Annotated comments of a Dilworth Trust Board member on Derek Firth's letter of 20 December 1996.

680 Annotated comments of a Dilworth Trust Board member on Derek Firth's letter of 20 December 1996.

681 Letter from D Firth to the trustees, 20 December 1996.

682 "\$3000 for sex victim", *New Zealand Herald*, 28 February 1997.

683 Education Act 1989, section 138B(2).

684 Education Act 1989, section 138B(5).

- 5.377 The above changes to legislation were mere weeks away from coming into force when Mr Wilson resigned. Mandatory reporting would not have applied as Mr Wilson was permitted to resign, and the school had not provided written notice of its intention to examine or investigate his behaviour or performance. We can find no evidence that the school leadership or Board considered making a voluntary notification in respect of Mr Wilson or in fact of Mr McIntosh, Mr Wynyard or Mr Cave. While Dr Wilton told the Inquiry he did recollect the school making a notification about Mr Wilson, we observe the inconsistency of making a notification with the issuing of an employment reference where his value in an education setting was emphasised.
- 5.378 It was not until May 1998 that Mr MacLean, the headmaster who succeeded Dr Wilton, followed up with the Teacher Registration Board. Mr MacLean had received a new list of currently registered teachers and discovered Mr Wilson was still listed as a teacher with a current practising certificate. He wrote to the registration board informing it of Mr Wilson's criminal conviction the year before and advised it to contact the court.<sup>685</sup>

## Inquirers' assessment of the nature and extent of abuse

### Former students' statements

- 5.379 We find the former students' accounts compelling and credible. Independently, separate students often described the same event, each recollecting it slightly differently but with the same substance.
- 5.380 While some of the students made police complaints or were involved in the Abuse in Care Royal Commission of Inquiry, some had not previously described their experiences to anyone.
- 5.381 Some of the former students who had not been physically or sexually abused themselves confirmed they had been aware of other students being abused, and for this they carried guilt.
- 5.382 From among those who spoke with the Inquiry, there remains deep anger at the school, specifically the headmaster and the Board. This anger was especially strong where a student had made a complaint about an abuser and nothing had been done.

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<sup>685</sup> Letter from D MacLean to the Teacher Registration Board, 27 May 1998.

5.383 Although Dr Wilton challenges this,<sup>686</sup> many students reported they were still being referred to by number during this era.<sup>687</sup> As he was not involved in the day-to-day life of the boarding houses, due to the infrastructure projects that required his attention,<sup>688</sup> he relied on the housemasters to report to him. It may be that he was not aware the practice was continuing but we find on balance that the students' accounts are accurate. The use of numbers was mentioned in staff accounts and school records (where they exist) as well as by the many students who commented on being called by a number.

## Serious physical abuse

### Caning

5.384 From the incomplete records available to the Inquiry, while caning was still regularly used, it appears that its frequency lessened compared with in the Parr era. We find, however, that caning continued right up until 1990, it continued to be administered for minor infringements, and many instances of caning crossed the threshold into serious physical abuse. The contemporaneous school records together with staff and student recollections are in stark contrast to the memory Dr Wilton has of caning use during his time as headmaster, and is an example of how his recollection of his time at and leadership of Dilworth is not always reliable.

### Bullying

5.385 We find serious violent bullying occurred throughout this period but more concerted efforts were being made by school to reduce its frequency.

## Sexual abuse

5.386 Sexual offending remained frequent during Dr Wilton's era as evidenced by the number of subsequent prosecutions and complaints made. There were more complaints of sexual abuse in this era than in any other. Staff abused students in the dormitories, in boarding areas, in private lessons, in chaplain counselling sessions, in the crypt, on school camps, at scouting events and during weekends away.

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686 Dr Wilton told the Inquiry that students were not called by a number. All students had, and still have, an assigned number that was for the identification of their school and personal property to avoid confusion between students with similar names. This system is common in boarding and day pupil schools. A boarding hostel could not function without it, especially when it comes to the laundering of clothing. No one was ever addressed by their number in the time he was either a teacher in the 1960s or headmaster from 1979 to 1997: Murray Wilton correspondence with the Inquiry, 29 June 2023.

687 For example, Student BC, Student EP, Student HN, Student FB and Student ED statements to the Inquiry

688 Murray Wilton statement for the faith-based institutions response, Abuse in Care Royal Commission of Inquiry.

- 5.387 We find that Mr Browne was an offender who groomed students, their families, and staff and senior leadership and utilised this technique to great effect. No other staff member had as many complaints and concerns raised about their conduct. On each occasion a complaint was made or a concern raised, after limited enquiry it was not actioned further, due, according to Dr Wilton's explanation, that Mr Browne was extremely manipulative.<sup>689</sup>
- 5.388 We are satisfied that the reality of the GLL camps for many students was the opposite of what it was intended they would be.<sup>690</sup> Students were made more vulnerable and suffered additional harm by being isolated from safe adults and put under pressure to share personal information in a group setting.<sup>691</sup> They also provided another venue for the grooming and sexual abuse of participants by Mr Wilson and Mr Browne.
- 5.389 **Seven charged so far:** Seven men (six staff and one person in a Dilworth-authorized position of authority over students) have been charged with sexual offences committed in this era. All offended against multiple students. Five were convicted after pleading guilty, one died before trial, and one was convicted after being found guilty at trial.
- 5.390 **Schoolboy abuse of other schoolboys:** The Inquiry is aware of 16 students reporting abuse by other students. As with abuse by staff this abuse had had serious consequences for the victims. Schoolboy abusers were themselves immature and possibly victims of grooming or sexual abuse by adults at the school.

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689 We note that Dr Wilton does not accept that complaints were ignored or shelved. He emphasises that the grooming undertaken by Mr Browne was such that he succeeded in deceiving them all.

690 Dr Wilton refutes this characterisation of the GLL camps. He maintains it was a worthwhile experience for many boys and that he received constant positive feedback about them from participants and their families.

691 In the words of Student AF, "I went to two of these camps ... There would often be crying and highly emotional discussions, sometimes with abuse disclosures, and discussions about difficult backgrounds. There would always be a group hug. It was not a safe space for young people".

## Murray Wilton's response

5.391 During the course of the Inquiry, we interviewed Dr Wilton in depth, and he also provided us with written material in response to the many matters we raised with him. He has asked that we record his views now that he has had the chance to consider all the material the Inquiry has collated and read the former students' accounts. His statement expresses his remorse:

Dr Wilton appreciates that the buck stops with him and the Trust Board. He was the head person on the ground at the School on a day to day basis. The fact that any boy was abused at Dilworth during his tenure causes him great anguish. He is genuinely sorry that it happened at all and regrets immensely that the manner in which abuse cases were handled by him and the Trust Board may have contributed to an environment where abuse was permitted to happen.

In particular, Dr Wilton recognises and acknowledges that the School and Trust Board ought to have had, at a much earlier stage, promulgated and communicated to students, staff and parents a clear policy and procedure for the safe and effective reporting of physical and sexual abuse and operated according to that policy and procedure so as to engender confidence in it.

He considers that he and the Trustees ought to have done more to investigate the instances of abuse of which he was made aware, especially to ensure whether there were other instances of abuse by the same abuser. In that way also, it may well have been that abuse by others would have emerged.

Dr Wilton also unreservedly apologises for providing and/or failing to retract positive references for four of the abusers.



## Inquirers' assessment of the school response – position by 1996

### Board and school knowledge of scale of sexual abuse of students by staff

- 5.392 We find that the cumulative effect of complaints made between 1994 and 1996 should have marked a watershed moment in the Board's and school's knowledge and understanding of the issues it faced regarding sexual offending by the staff against the students.
- 5.393 By 1996, viewed in the most favourable light, the senior leadership of the school and Board knew they were not dealing with an isolated issue or that it was limited to one or two "bad apples" on the staff. They knew of the sexual abuse of multiple students by six staff, some of whose departure was very recent: Mr Taylor, Mr McIntosh, Mr Cave, Staff Member RZ, Mr Harlow and Mr Wilson.

### School leadership not passing on complaints to the Board

- 5.394 We found no evidence that the Board was notified of the sexual abuse by Mr Wynyard, but the school leadership certainly knew. Further, individual complaints seem often not to have been passed on to the Board. On many occasions during his interview, Dr Wilton could not recall or denied receiving complaints about abuse perpetrated by staff against students. He responded to at least five complaints in this way. We consider his age and the lapse of time since he was headmaster of Dilworth may be factors in his response. Nevertheless, in the light of the varied and often independently verified complaints made to him, we cannot accept he had no knowledge of them at the time.
- 5.395 We are sustained in this conclusion by Dr Wilton's extraordinary and repeated actions in providing glowing and lengthy testimonials for staff who to his knowledge had admitted abuse or were being investigated for it. These are indicative of both a desire to hide or be rid of the problem as soon as possible and a concerning lack of appreciation or care about the severe damage that such behaviour inflicts on students. We note that Dr Wilton unreservedly apologises for providing and/or failing to retract positive references for four of the abusers.
- 5.396 In addition to knowledge of previous staff members' abuse, Dr Wilton should have known that Mr Browne's behaviour required serious investigation on the basis of no fewer than five complaints he had received by this stage from staff members, students and mothers.

## Lack of referral to police and inadequate provision of care

5.397 On each occasion where a complaint was made, the inadequacy of the response for the times is marked. New Zealand schools were on notice from 1984 about the need to report abuse complaints to a statutory agency, either the New Zealand Police or Child, Youth and Family Services, to inform parents and to provide appropriate pastoral care to victims. It was not until 1994 that a complaint was referred to the police, but in no case did the Board or headmaster investigate for other victims. In only a few cases did it send students for counselling. In no case did it provide other pastoral care to the affected student. In one case where the allegation was against a member of the senior management team the headmaster put pressure on the student not to go to the police.

## Failure to implement Department of Education policy or legal advice

- 5.398 Against the background of ongoing abuse complaints that preceded the May 1995 Board meeting, and advice received in 1994 from both its lawyer and the Scouts Association, the development of a new school staff handbook,<sup>692</sup> which did not establish a complaints policy or address providing pastoral care to abused students, is a remarkable failing by the school's Board and headmaster.
- 5.399 The significance of the failure is highlighted by the fact that obligations for handling such complaints had been in existence in the state sector for 10 years.
- 5.400 Dr Wilton says the school did not receive Department of Education circulars but relied on the then Board member who was chair of the Auckland Education Board to advise it of departmental guidance. As this person is now dead, his response and whether he had any access to departmental guidelines to schools in the course of his employment, cannot be ascertained. Regardless, such an indirect way of obtaining guidance as to contemporaneous best practice is extraordinarily inefficient and unreliable. The school could and should have ensured it stayed informed of developments in educational thinking and approach. The easiest and most obvious way to do this was to ensure it received circulars from the department that provided guidelines on new policies to implement.

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692 1994 Dilworth Secondary School Staff Handbook.

## Systemic failings in accountability mechanisms

- 5.401 The above actions and inactions are all indicative of a wider systemic failure. The school did not put in place the mechanisms other New Zealand schools (both private and state) had to keep them accountable and compliant with current policy and practice.
- 5.402 The Board had not put in place an external, objective system of monitoring that could identify when the school leadership and Board were failing to comply with contemporary practice and obligations to manage abuse complaints and other concerns.

## Prioritisation of the school's reputation

- 5.403 In contrast to the lack of action to develop policies and processes and conduct an investigation into the breadth of the problem of sexual abuse at the school, the Board took firm action in 1994 when its former chaplain, Mr Taylor, was charged with criminal offending. It sought a suppression order for the names of the school and the offender.
- 5.404 We conclude there was evidence of an intention to prioritise reputational damage control over the wellbeing of past and present students. This failure to act has led to incalculable damage and suffering for Dilworth students.

## Further failings in Board responsibilities

- 5.405 The Board's failure to brief Dr Wilton fully on Mr Taylor's abuse of students, to instruct him from the outset of his headmastership to establish systems to prevent future incidents, to ascertain the full extent of the problem in the school, and to put in place appropriate care for the students is indicative of governance failure. Dr Wilton's failure to address the impact of Mr Taylor's sexual abuse on the students was also a significant factor that contributed to the poor performance and behaviour of many students and enabled sexual abuse to continue. These were serious missed opportunities. Had steps been taken to assist these students, change the environment and send a message to abusers, further sexual offending would have been curtailed, and the serious sexual abuses that occurred during Dr Wilton's time as headmaster averted.
- 5.406 By the end of 1996, the Board was armed with sufficient knowledge to have initiated a thorough internal investigation of the extent and consequences of sexual abuse in the school. It should also, at least by 1996, have set policies and provided resources to discharge its governance responsibility to protect the children entrusted to the care of the school.

- 5.407 The Board failed in its governance duties to guide and monitor senior leadership's actions, including Dr Wilton's, when it became aware of allegations of sexual abuse.
- 5.408 The Board failed to keep parents properly informed of abuse suffered by their children and endorsed or abdicated to Dr Wilton decisions concerning the removal of students whose behaviour deteriorated even when it was known, or should have been suspected, they had been abused.
- 5.409 Even if financial constraints meant the Board was unable to act immediately on Dr Wilton's list of concerns about the limitations (including space) of the boarding houses and the poor quality of and overburdened staff by expending money on building projects or more staff, just as in the Parr era, there were many other ways to improve the safety and welfare of students in its care. One possible measure was to limit new admissions until the financial situation improved. The Board's inaction in responding to the concerns raised was a failure that had a direct impact on the welfare of the students in its care and may have enabled both physical and sexual abuse to continue.