

**EVIDENCE OF DEREK SINCLAIR FIRTH, COMMERCIAL BARRISTER, AUCKLAND,  
(FORMER DILWORTH TRUSTEE AND CHAIRMAN)**

**OVERARCHING STATEMENT**

**1 I bitterly regret the abuse and the impact on the victims. Everyone connected with Dilworth has been devastated by it. It was horrible. There are no adequate words to describe it.**

**2 I welcome the Inquiry. It may soften or correct much speculation and error in the minds of the victims and the public. The former trustees and Heads have maintained public silence and now rely heavily on the Royal Commission to present an objective view. The abuse was unforgivable but much else in the minds of some victims and the public is simply untrue.**

**3 The criminal actions of about 10 former staff members over a period of 40 years has unforgivably tarnished the involvement and memories of over 5,000 successful students, hundreds of committed staff and many thousands of those in the wider Dilworth community.**

**They will be yearning for some positive statements. The excellent reputation of Dilworth for over-achievement in education, sporting and cultural activities must be restored.**

**Hopefully, many victims will feel the same.**

**4 Proper financial redress is essential. I regret being slow to acknowledge this while a trustee.**

**5 There was never any cover up. I address this topic in some detail explaining exactly what happened and why.**

**6 As will be clear from the detail which follows, between 1975 and 2015 (during my trusteeship) there was only one case of known sexual contact with a student by a staff member not immediately reported to the Police. That was in the case of the Chaplain GRO-C-1 in GRO-C. Our reasons are addressed in detail and seemed valid at the time.**

**I invite the Royal Commission to compare this statement of fact with the impression wrongly conveyed regularly to the media by others.**

**7 I have regularly requested the current trustees to provide these explanations to the victims and to the public but they have refused to do so. I believe that the explanations would be understood by everyone concerned even if they do not fully agree with them. It would have been better for the victims and the public to have been given these reasons from the outset rather than let the erroneous statements which have been made go unchallenged and be allowed to fester with the obvious consequences that has had.**

Now to answer your questions and make some additional comments.

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## ROLE OF DILWORTH TRUST BOARD

- 2. Please briefly describe your role and responsibilities as Chairman of Dilworth Trust Board relating to the prevention of abuse and response to reports of abuse of students at Dilworth School.**

I was a trustee from 1975 until 2015; Chairman 1996 to 2000 and 2009 to 2015.

The whole Board had a heavy responsibility to prevent abuse and to respond to reports of abuse. The Board (and I) were constantly focusing on all risks including those relating to accomodation, fire, transport, accidents, personal safety, bullying, and anything else of a risk nature.

- 3. In relation to any responsibilities described in 2, please briefly comment on what you considered were:**
- a. your legal obligations (statutory requirements) and what they required you to do;**

These were numerous and well recorded. I have been provided with (but had to return) over 900 pages of policies over the years which recorded these obligations and what was required to be done in order to comply with them.

It must be remembered that the Teacher Registration Board (later the Teaching Council) was not established until 1989, and Police vetting was not available until the 1990s.

and

- b. your obligations under any policies or procedures and what they required you to do.**

These were clearly addressed in these policy documents. The policy documents mainly related to the obligations of staff but some to trustees.

- 4. Please briefly outline your reporting obligations (Police, State, and/or any other person, body or organisation) when allegations of abuse were made.**

The trustees had to ensure that the Heads complied with reporting obligations of every nature. Reporting to the State was required in the field of education. Reporting to the Police was required in the case of any significant crime.

- 5. Please outline your practice in relation to providing references for any Dilworth staff (including Chaplains) who have been accused of, or the subject of a complaint of, abuse.**

The trustees did not ever provide references for anyone. I had no need to provide references for the Heads because when Peter Parr resigned to go to St Peter's in Cambridge I was not the Chairman and when Dr Murray Wilton and Donald McLean retired, they did not seek any reference. In particular, no references were ever provided by the Chair or other trustees for Chaplains.

- 6. In hindsight, what reflections do you have on whether there are sufficient statutory obligations, policies, and oversight practices in place for the Dilworth Trust Board to prevent abuse at Dilworth School?**

I would have thought there were sufficient obligations, policies and oversights in place at Dilworth.

- 7. What do you consider are the biggest challenges for the Dilworth Trust Board in preventing and responding to reports of abuse of students?**

The biggest challenges for *preventing* abuse were and probably continue to be the difficulty of successfully vetting staff.

The biggest challenges in *responding* to reports of abuse are to accurately identify whether it is true and, if so, the nature of the abuse. For example, in the case of the victims of [GRO-C-1] in [GRO-C], I was directly involved in investigating with the Headmaster the details of the complaints. Without exception they all related to inappropriate touching. I specifically asked Mr Parr if there were any allegations of penetration or oral sex and he said none. However, I noticed on the "Sunday" programme broadcast on 26 June 2022 that, by then, one or more of the victims had been raped. That may be true, but it was not what was reported.

**8. What changes do you consider would make the biggest difference to the Dilworth Trust Board's ability to prevent abuse and respond to reports of abuse of students?**

I am not in a position to comment on this but I understand that the current trustees have undertaken considerable work in this area.

**RELATIONSHIP OF DILWORTH TRUST BOARD WITH THE STATE (MINISTRY OF EDUCATION, EDUCATION REVIEW OFFICE, TEACHING COUNCIL, MINISTRY OF SOCIAL DEVELOPMENT, ORANGA TAMARIKI AND THE NEW ZEALAND POLICE)**

**9. Please briefly describe the relationship between you as Chairman and all relevant State agencies in relation to preventing and responding to abuse of students at Dilworth School.**

Neither the Chairman nor any trustees had any direct relationship with any State agency about anything except in relation to the Education Review Office (established in 1989) in that the Chairman then had a direct involvement with those periodic reviews.

**RELATIONSHIP OF DILWORTH TRUST BOARD WITH THE ANGLICAN CHURCH**

**10. Please briefly describe the relationship between Dilworth Trust Board and the Anglican Church as you understood it at the time.**

The Dilworth Trust Board was totally independent of the Anglican Church. The Anglican Church had no direct or indirect control over the activities at Dilworth except the Bishop had to licence each Chaplain and that in terms of James Dilworth's Will (which was and remains the constitution for the School) the boys are obliged to be brought up as Anglicans and the Bishop of Auckland has the position of "Visitor" with limited reporting obligations.

**11. Please describe how the role of the Episcopal Visitor contributed to the safety of Dilworth students.**

Not at all.

**12. In relation to the appointment of Chaplains at Dilworth:**

**a. what was your role in such appointments, including in relation to keeping students safe?**

The trustees were directly responsible for the appointments of the Headmasters and the Chaplains. Just as was the case with all staff appointments, it was essential to ensure as best as we possibly could that the appointees were of good character. This we most certainly did try to do and in the case of the first offending Chaplain (GRO-C-1 GRO-C) he came with the support and either a written or oral reference from Bishop Pyatt who was of Christchurch. The second offending Chaplain, (Ross Browne 1980 to 2006), came with the support of the then Anglican Bishop of Auckland, Paul Reeves (later to become Sir Paul Reeves). In both cases, these Chaplains were married with a family and there was not the slightest hint of what was to come.

- b. **please outline any concerns you raised in relation to the appointment or continuing appointment of any Dilworth Chaplain and what steps you took as a result of any such concerns.**

In the case of GRO-C-1, when the allegations of inappropriate touching were made in GRO-C, he was immediately made to leave and reported to the Bishop. This would have been within about one day of the complaints being quickly investigated. In the case of Ross Browne, the position was more complicated because he was initially disciplined for inappropriate behaviour (encouraging boys to masturbate in class). We were legally advised at the time that such conduct did not constitute a crime and was not a matter for the Police. Because we were not willing to tolerate that perverse behaviour he was suspended in 2006 and resigned. It was not until years later in 2020 when he was before the Court that his more serious offending came to light.

### **DISCLOSURES OF ABUSE**

13. **Outline what you knew about the nature and extent of abuse of Dilworth students during your time as Chairman.**

We acted on a “no surprises” basis whereby, as trustees, we insisted that we were alerted to anything of a surprise nature immediately. I believe this was observed by the two Headmasters during my chairmanship, Dr Murray Wilton and Mr Donald MacLean.

For this reason I believe I was alerted to every reported sexual abuse within hours of the Heads being aware and having quickly investigated them. (I am addressing only sexual abuse because in the largest boarding school in New Zealand, of boys, it is simply not practical to apply the same tests to modest or alleged bullying. Serious bullying was different.)

I am confident that Dr Wilton and Mr MacLean informed me of all alleged sexual abuse very promptly. We then discussed what action was to be taken.

14. **Please describe how you responded to disclosures of abuse in your role as Chairman. Please include in your answer:**

- a. **whether you recorded disclosures (and if so where);**

I made no personal records and relied on the records of the school.

- b. **whether you reported disclosures (to the Anglican Church, Police or others);**

I did not personally report any disclosures to anyone other than the other trustees. I left it to the Heads to make all necessary disclosures. (In 2006 when Mr Potter was Chairman he made a direct disclosure about Ross Browne to the Bishop.)

**and**

- c. **how you responded or directed the response to students who were reporting abuse.**

This was always discussed with the Heads because it was important for the students to be reassured, and counselled. I always canvassed this on every occasion with the Head.

### **Some specific offenders**

These are addressed in Attachment 1.

15. **Please comment on whether you consider that there was a culture or practice of ignoring, tolerating or normalising abuse at Dilworth School. Please include in your answer the reasons for your view.**

There was never a culture or practice of ignoring, tolerating or normalising abuse. I am well aware of the numerous public statements by some victims to the contrary. These statements are simply not correct but reflect the impression some of them have. It would seem that some of the abuse was well known amongst the students at the time and they may have assumed it was more widely known. Once a complaint reached another staff member or the Headmaster it was immediately and thoroughly investigated. If apparently true, then it was immediately reported by the Headmaster to the Chairman of the Board at the time who immediately advised all other trustees.

I now understand from historical documents provided to me (and which I have had to return) that there seem to have been two occasions when a victim was caned for complaining. That was appalling but reflected the view of the staff at the time.

16. **Briefly outline any instances during your time as Chairman of seeking to have the name of the school suppressed where a staff member or former staff member was facing a criminal prosecution for sexual abuse and why such steps were taken.**

I think there were five occasions when name suppression orders were sought and granted.

The first was in 1994 in respect of [GRO-C-1] who was prosecuted for offences in [GRO-C]. We felt that it would be unfair to the school for publicity to occur. Quite apart from the reputation of the school, we were also very concerned about the impact of adverse publicity on former and current students and staff.

The second was [GRO-C-2] in about the mid-1990s.

The third was in 1997 in respect of Wilson.

The fourth related to Dixon in about the mid-2000s.

The fifth related to an [GRO-C] tutor [GRO-C-3] in 2012.

**17. In hindsight, do you consider that Dilworth School adequately responded to disclosures of abuse during your time as Chairman, and what are the reasons for your view?**

Yes, I believe that all responses were as prompt as they could be having regard to what we were told at the time. We acted in accordance with accepted practices at the time.

Detailed reasons are given later about specific cases.

**18. Knowing what you know now about abuse at Dilworth, what would you do differently as Chairman?**

I do not believe there is anything which I should have done differently. As for what I would have done "knowing what I know now" it is very difficult to answer differently.

Throughout the whole period, the safety of the boys from accidents or abuse was of paramount importance to all trustees, Headmasters and staff (except, obviously, for the abusers). How could it not be?

There may have been something else we could have done better but the short point is that we were conned by very clever criminals and took all possible appropriate action immediately when a reliable complaint was made.

**ADDITIONAL COMMENTS**

**Alleged cover up**

- (a) There was never any kind of cover up having the sinister connotation implied by those who have made this allegation.
- (b) Sadly, many victims have become convinced of this and while they may firmly believe what they are saying, it is not true. My best recollection of sexual abuse was the first which I encountered involving the Chaplain [GRO-C-1] in [GRO-C-1]. This is because it was my first exposure to anything of this kind and it has stuck better in my memory for that reason.
- (c) The Chairman at the time was Bill Cotter, and the Headmaster Peter Parr (both of whom have since died). I was a relatively new trustee having been appointed in 1975 but became immediately involved because I was a lawyer. (As it so happens, I had handled a number of criminal cases as counsel, many involving alleged sexual abuse.)
- (d) Immediately when these allegations were drawn to Mr Parr's attention he reported them to the Chairman who involved me. The allegations were of a general nature involving inappropriate touching and certainly not of the very serious kind recently reported.
- (e) The three of us promptly met with [GRO-C-1] in the Head's office. I took the lead. It is important to remember that at that time employment law was not as developed as it is now and what I did would have been totally unacceptable by today's standard.

- (f) I confronted Mr [GRO-C] with the allegations (as they were at that time) and he immediately denied them and said he would fight them. Our priorities were to get rid of [GRO-C-1] and provide support to the victims and their families. I was acutely aware of the devastating effect on victims and their families of not being believed by a jury beyond reasonable doubt. (I had earlier expressed this concern to Messrs Cotter and Parr privately before the meeting. Rightly or wrongly, that was of a very real concern to me.)
- (g) The statements of the young victims at the time were convincing of abuse but in no way signalled the degree of abuse which is now said to have occurred.
- (h) Bearing in mind our priority to get rid of [GRO-C-1] and to avoid the victims going through the trauma of a trial with no certain outcome, I said to [GRO-C-1] that he was to withdraw (I think it was for 15 minutes) and if he returned with a written admission he would have to leave immediately and he would not be taken to the Police Station; he would be reported to the Bishop. I emphasise that inappropriate touching (while very bad) was the abuse of which we were then aware.
- (i) He returned with a written admission (of inappropriate touching) and resigned immediately.
- (j) Mr Cotter and I requested Mr Parr to ensure the victims and their families received professional support.
- (k) Having regard to what we knew at the time, I believe this was a common sense approach in [GRO-C].
- (l) There was not at that time any suggestion of penetration or rape. It has subsequently emerged in the media that his abuse had been much more extensive and, quite rightly, complaints were made later and he was sentenced to imprisonment.
- (m) I firmly believe that this explanation should have been provided to the victims at the outset of *The Herald* publicity a few years ago and I urged the Board to do so. Whether accepted or not by the victims, it would have significantly softened the subsequent concerns of the victims and of the public. Instead, their concerns have unnecessarily remained until this day like an unlanced boil.
- (n) There were a few other early cases where matters were not referred to the Police. For example, in the case of Rex McIntosh who was made to leave in 1979 the sole complaint of which we were aware at that time was that he was showering naked with the young boys.
- (o) In the case of Leonard Cave who was made to leave in 1985, the complaint at the time from a parent was that he had encouraged the boys to drink alcohol at Waiheke and had made one or two advances. The parent who complained was adamant that the matter should not be referred to the Police.

- (p) In the case of Alister Harlow who resigned in March 1995 (and who has subsequently been convicted for serious offending), I am not aware of any complaint made about him while he was still at the school.
- (q) In respect of the Chaplain Ross Browne, there was no complaint by any student or parent between when he started in 1980 and 2005. He was made to resign in March 2006 when his only known offending at that time was permitting boys to masturbate in class.
- (r) Right until this day, the current trustees and their advisors have (wrongly, I believe) been adamant that none of the victims or the public should be informed about why things were done or not done. As a result, the assumptions of inadequate governance have been left to fester quite unnecessarily.
- (s) In no case where there was reported sexual abuse was anything ever “covered up”.
- (t) And, it is mischievously wrong to suggest that the school ever did “harbour and support known offenders” as publicly stated frequently by the spokesperson for the victims, Neil Harding. Nothing of the sort ever occurred.
- (u) Rev Bruce Owen was the Deputy Headmaster under both Dr Wilton and Donald MacLean. He was a long-term employee. The Board and Headmasters placed complete trust in him. He was a central figure in the school. He had overall responsibility for discipline and was likely to be aware of or alerted to any issues involving students. He was conscientious in carrying out his role. I cannot believe he would have known about or suspected abuse and done nothing. If he missed it, how on earth could the Board have known?
- (v) I am certain from the extensive material I have seen (but had to return) and enquiries I have made that no complaint of sexual abuse was ever made to the school doctor, a school nurse or any matron. (This goes only to the allegation of cover up. There is no doubt that extensive abuse occurred.)

#### **The public position of the current trustees**

- (a) At a very early stage the current trustees decided to sincerely apologise (which was absolutely correct) but went on to say that everything could have been handled better in the past and was being better handled now. They have steadfastly refused to refute any of the many erroneous assumptions and statements which have been presented by some victims. The effect of this has been to entrench in the minds of the victims and the public that these assumptions are correct. I have constantly encouraged the Board, from the outset, to front up to the kind of points I have made earlier in this submission because I was and remain convinced that the victims and the public would understand the action or inaction at the time on the basis of what was then known.

- (b) They have simply refused to do so. Even when, the allegations came to the fore with the public in about 2019 the trustees and their advisors refused to take statements from the two surviving former Heads and myself until December 2021 (Dr Wilton) and January 2022 (myself). This breached every rule well-known to lawyers about how essential it is to understand the correct facts before giving advice or anything else is done.
- (c) I cannot understand how the legal advisors could provide legal advice and the Dilworth Trust Board devise a strategy to handle these matters without knowing what Dr Wilton, Mr MacLean and I had to say.
- (d) As a consequence, they have knowingly (but wrongly) depicted the former Heads and the former trustees as people who knew what was going on and did nothing about it. This was absolutely not true, as they would have learned from speaking with us.

### **Former trustees and their risk management experience**

I would urge the Royal Commission to give full weight to the extensive risk management experience of the trustees throughout the relevant 40 year period. There were only 17 of them.

- Bill Cotter (1960 to 1995), Chairman (1969 to 1995), Old Boy, public accountant and trustee of the Melanesian Mission Trust Board.
- Laurie Willis (1966 to 1994), public accountant, company director and senior partner of Ernst & Young, director, Auckland City Mission, Selwyn Foundation and the Purewa Cemetery Board.
- Jack Prebble (1968 to 1975), chartered accountant and former Secretary of the Dilworth Trust Board.
- Ron Taylor, QSO (1969 to 1985), Old Boy, Chairman of the Auckland Education Board and a lifelong career in educational administration.
- John (Jack) Maltby (1970 to 1990), professional quantity surveyor and CEO of Maltby and Partners, one of the largest consultancy practices in the field of construction.
- Peter Miller (1972 to 1987), senior partner at Russell McVeagh.
- Myself (1975 to 2015), Old Boy, senior partner at Simpson Grierson and head of the Energy and Construction Law Department from 1983 to 1995. Numerous boards including the Melanesian Mission Trust Board. Then a commercial barrister specialising in construction issues.
- David Chalmers (1987 to 1995), CEO of NZI Insurance.
- John Potter (1985 to 1989 and 1993 to 2008), Old Boy, Chairman and CEO of Nestlé, (NZ).
- Jack Bennett (1989 to 1993), accountant and very experienced company director.

- Brian Maltby (1990 to 2021), quantity surveyor and CEO of Maltby and Partners (son of Jack Maltby).
- Peter Tapper (1994 to 2004), Old Boy, former executive general manager of Woodside Offshore Petroleum Pty Limited, Shell Oil.
- Sir Wilson Whineray (1995 to 2007), former Chairman and CEO of Carter Holt Harvey Limited, a director of Nestlé, the National Bank, Auckland International Airport Limited, Comalco, Sedgwick Group, Hillary Commission, trustee of the Eden Park Board of Control and a trustee of the Murray Halberg Trust.
- David Hunter (1998 to 2013), General Manager, Pulp and Paper Group, Carter Holt Harvey Limited, director Pro Care Health limited and other companies.
- Jonathan Wain (2004 to 2018), Old Boy, barrister in Queensland and in Auckland.

From here on, there was only the case of GRO-C-3 and he was immediately reported to the Police.

- Hugh Fletcher (2007 to 2019), CEO Fletcher Challenge, director of numerous other companies and Chancellor of the University of Auckland.
- Roger France (2012 to 2017), former partner in PwC, Chancellor of the University of Auckland, director of Air New Zealand, Fisher and Paykel Health Care and Southern Cross Medical Care Society and a member of the NZ Treasury Commercial Operations Advisory Board.

Even a fleeting consideration of these people will indicate that for every one of them, risk understanding and management has been front of mind throughout their professional careers. Their backgrounds are well known. How could anyone think that any of them would ever conceal or cover up anything or would even think of doing anything (alone or collectively) which was wrong. Suggestions to the contrary are just preposterous.

### **Former Heads**

The former Heads at the relevant times were Peter Parr until 1979, Dr Murray Wilton until the end of 1996, and Donald MacLean from April 1997 until December 2018.

- Mr Parr was a conscientious Headmaster who chose to leave in 1979 to go to St Peter's, Cambridge.
- Dr Wilton was a Dilworth Old Boy who had an excellent career in education ending up in Canada. We recruited him to Dilworth to replace Mr Parr. Dr Wilton was an exemplary Headmaster and strict with both staff and boys. He led the school through considerable Improvements in the fields of education, sport and culture and some thousands of boys passed through the school under his watch and most went on to very successful careers.

- Mr MacLean was an exemplary Headmaster who continued to build on the qualities of the educational, sporting and cultural outcomes. Thousands of boys were educated during his tenure and most went on to very successful careers. The only two offenders during his time seem to be Browne and GRO-C-3
- Dr Wilton and Mr MacLean (who were Heads during my chairmanship) strictly observed the “no surprises” rule and I am confident that sexual abuse of any kind was reported to me immediately they were aware of it and had had an opportunity to check it out. They would never mislead anyone or wrongly conceal anything.

### **Kristin School Board**

I was a member of this Board from 1975 until 1984 and Chairman for the last three years. It was and has remained the largest independent co-educational school in New Zealand where every obvious area of risk was front of mind for the whole time.

### **Centrepoint Community**

I had the unfortunate experience of living virtually next door to this community from the early to mid-1970s until 1989. During that time I was legal counsel for over 200 objectors to the continuing expansion of that community. We unearthed evidence of severe sexual abuse and presented it to numerous planning authorities and Courts but our evidence was not believed. Subsequently, the evidence of the same victims led to the conviction and imprisonment of Bert Potter for sexual abuse.

I mention these last two topics simply to indicate that throughout much of the same period that Dilworth was being troubled with this issue, I was focusing on all risks at another school and trying to prosecute offenders for sexual abuse at the Centrepoint Community.

## **ATTACHMENTS**

**Attachment 1 – Some specific offenders**

**Attachment 2 – Brief CV (legal only)**

## **DECLARATION** (adopting the form required by the Royal Commission)

I, **DEREK SINCLAIR FIRTH** hereby solemnly and sincerely declare that:

- (a) The information which I have provided is true and correct to the best of my knowledge and belief;
- (b) The attachments I have provided are true to the best of my knowledge and belief;

(c) My response is comprehensive and the result of all reasonable searches of information, records and other material to which I have had access in order to comply with the section 20 notice.

Declared at Auckland this 12<sup>th</sup> day of July 2022.

GRO-C

Before me

GRO-C

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R S Rabindran, Barrister, Auckland

## Attachment 1

### Some specific offenders

#### Leonard Cave

I remember very little about Cave and was not involved in the matter which was dealt with by Mr Cotter. Cave resigned in 1985.

GRO-C-2

Dr Wilton received a complaint in November 1994 of an alleged sexual assault on a student in January 1992.

He was reported to the Police and prosecuted.

We received a letter from Sonia Cooper (a lawyer acting for a complainant) dated 3 July 2006 in which she took issue with the school for reporting allegations to the Police without the complainant's consent. She made the point that a Police process is a rigorous one for any sexual abuse complainant and the outcomes are unclear.

This was very similar to the same concerns I had expressed to trustees in respect of GRO-C-1 and McIntosh in GRO-C-1 and 1979.

#### Keith Dixon

I knew nothing about his offending (in the 1970s) until I received a communication from Frances Joychild (now QC) in late 2012 or early 2013 acting on behalf of a complainant. By that time the complainant had made a complaint to the Police. Dixon was prosecuted and sentenced.

#### Rex McIntosh

He left Dilworth in September 1979 to go to the United Kingdom and returned on 27 November 1979. Complaints were first made about him while he was away on leave. My only recollection is of allegations of him being naked in the shower room with the boys. Mr Parr referred the allegations to the Chairman; Mr Cotter and he referred the matter to me because I was a lawyer. We ensured the whole Board knew.

When McIntosh returned from leave Dr Wilton (who had just taken up his appointment) and I spoke with him at his flat. He was made to resign.

As with GRO-C-1, we hoped this was an isolated case and just wanted to get it behind us.

In 2020 he was charged for indecent assault between 1972 and 1980. He died before the matters went to trial.

**Ian Wilson**

In late 1996 Dr Wilton approached me to say that an Old Boy had complained to the Police about Wilson. At that point Wilson had worked for the school for 18 years. We were devastated.

As trustees we had to await the outcome of the Police investigation which took some time despite prodding the Police.

The Police investigation had still not concluded by the time of prize giving in 1996 and we decided that we had no option but to suspend him. Dr Wilton and I and met with Wilson on 18 December 1996 and we confronted Wilson with the allegations and the fact that the Police were investigating them. Wilson indicated that he wished to resign and we accepted his resignation immediately. We were confident that the allegations against him were valid but there had not then been any outcome from the Police investigation.

Wilson was convicted in 1997 of indecency between 1979 and 1981.

**Ross Browne**

Browne was employed as the Chaplain in 1980 and resigned in March 2006 when Mr Potter was Chairman.

The only allegations of wrongdoing of which we were aware were encouraging boys to masturbate in class and this led to his suspension and resignation. His other offending did not come to our knowledge until 2020 when he was prosecuted as a result of Operation Beverley.

GRO-C-3

GRO-C-3 was employed as an GRO-C tutor in August 2011. The allegations against him were made in November 2011 and the Police were immediately informed. GRO-C-3 was charged in 2012 with unlawful sexual connection with a male and attempted sexual conduct with someone under 16. These charges, in respect of two students, led to him pleading guilty. He was sentenced to only two years imprisonment, presumably because of his young age and because he would be leaving the country at the end of his sentence.

## Attachment 2

### Derek Firth brief CV (legal only)

- From 1965 until mid-1970s** Continuous civil and criminal cases in all Courts; sometimes as junior counsel to prominent Queens Counsel and some as co-counsel with the leaders in criminal law, Peter Williams and Kevin Ryan (before they became QC).
- About 1965 to 1984** During this 20 year period I had cases where I was counsel on my own reported in virtually every year of the New Zealand Law Reports and of course there were numerous others which were unreported.
- About 1966 to mid-1980s** A considerable amount of Tribunal work before the Motor Spirits Licensing Authority (for BP), the Transport Licensing Authority, the Air Services Licensing Authority and the Licensing Authority for liquor outlets. These were all full hearings with witnesses and submissions.
- 1967** I became a partner in Grierson Jackson & Partners which amalgamated in 1983 to become Simpson Grierson.
- About mid-1970s to 2000s** I appeared a number of times in the Pacific Island Courts of Fiji, Tonga, Samoa and the Cook Islands. I also managed and attended litigation in the French jurisdiction of New Caledonia. I conducted a number of arbitrations as counsel in New Zealand, Hong Kong and Singapore.
- I managed successful appeals (or defending appeals) to the Privy Council on behalf of the Dilworth Trust Board, the Melanesian Mission Trust Board and Transpower.
- I was engaged in connection with two World Bank projects in Kiribati involving eight trips to that country to oversee the legal aspects of those projects and to decide a number of disputes which arose.
- For five years I was the New Zealand Alternate Member of the ICC Court of International Arbitration.
- From late 1980s** My appearances as counsel reduced and I “converted” to more commercial work acting as a senior advisor to BP, ECNZ, Transpower, Fletcher Construction, Western Mining, General Electric, Auckland City Council, Wellington Regional Council, Land Transport New Zealand Limited and many others.
- From 1995** I have practised as a commercial barrister.

Since 1995 I have conducted over 50 arbitrations as sole arbitrator including some international arbitrations where the Seats of the arbitrations were in Singapore, Sydney, Kuala Lumpur, Brisbane, and Auckland. (The matter where the Seat was in Singapore was under the auspicious of the ICC International Court of Arbitration and the amount involved in the dispute was USD\$510m. My rulings in this matter were supported or favourably commented upon in the Courts of Singapore and the United Kingdom.)

Since the passing of the Construction Contracts Act 2002 I have conducted over 100 adjudications as the adjudicator. Many including millions of dollars, up to \$30m on two occasions.