

Special Inquiry into St Andrew's Hostel

Hearing

Held at: Courtroom 4, Level 18,
111 St Georges Terrace, Perth

Wednesday, 11 April 2012 at 10.02am
(Day 16)

Before: The Hon Peter Blaxell

1 HIS HONOUR: I will take appearances. Mr Elliott, you are
2 here today?
3
4 MR ELLIOTT: Yes, may it please you, sir. I am here again
5 for Mr Carter. I seek your leave to appear during the
6 evidence of Mr Sherlock.
7
8 HIS HONOUR: Very well, thank you very much. Yes,
9 Mr Urquhart.
10
11 MR URQUHART: Thank you very much, sir. The next witness
12 that will be called will be Peter Sherlock. It is via
13 video link. We hope everything is in working order.
14
15 HIS HONOUR: Mr Sherlock, do you have a Bible there or do
16 you wish to take an affirmation? Are you able to hear me,
17 Mr Sherlock? We have a sound problem.
18
19 UNIDENTIFIED SPEAKER: Hang on. Hello?
20
21 HIS HONOUR: This is the Inquiry in Perth.
22
23 UNIDENTIFIED SPEAKER: Can you hear us?
24
25 HIS HONOUR: Can Mr Sherlock hear me?
26
27 MR SHERLOCK: Yes, I can, and good morning.
28
29 HIS HONOUR: Mr Sherlock, do you wish to take an oath or
30 an affirmation?
31
32 MR SHERLOCK: An oath, thank you.
33
34 <PETER ANTHONY McEWAN SHERLOCK, sworn:
35
36 <EXAMINATION-IN-CHIEF BY MR URQUHART:
37
38 HIS HONOUR: Can you see Mr Urquhart?
39
40 THE WITNESS: I can.
41
42 MR URQUHART: Q. Thank you, your Honour. Fortunately I
43 can see me. Sorry Mr Sherlock, we are just trying to sort
44 out some things here. We also have not got a very good
45 line. There might be some delay in you hearing me and us
46 hearing you. Please bear with us if you can.
47 A. Yes I will, that's fine.

1
2 Q. Mr Sherlock, do you have a middle name?
3 A. Anthony.
4
5 Q. Is that spelt with an "H"?
6 A. Yes, it is. I've also got a third name, if you wish.
7
8 Q. Yes, we better get that.
9 A. Peter Anthony McEwan, M-c-E-W-A-N.
10
11 Q. Mr Sherlock, how old are you?
12 A. I'm 70 years old.
13
14 Q. Do you reside somewhere in Queensland?
15 A. In Mackay, Queensland.
16
17 Q. And how long have you lived there for?
18 A. Approximately 10 years. Well, yes, just 10 years.
19
20 Q. Are you still working?
21 A. Yes, I am.
22
23 Q. What's your occupation?
24 A. I am a personal assistant to my wife, who runs a
25 computer software training company.
26
27 Q. Now, Mr Sherlock, with respect to this matter, you
28 provided a five-page statement to the Inquiry dated
29 22 March of this year.
30 A. Yes, I have.
31
32 Q. Do you have a copy of that there with you?
33 A. Yes, I do.
34
35 Q. Do you also have copies of some material that the
36 Inquiry sent to you over the course of the last few days?
37 A. Yes, I do.
38
39 Q. We may be referring to those documents from time to
40 time, okay? ?
41 A. Yes.
42
43 Q. Now, Mr Sherlock, have you been following the evidence
44 of the Inquiry that has been given since 20 February of
45 this year?
46 A. If I may, your Honour, just say my background in all
47 this. I was contacted by Elizabeth Stroud some time in

1 February, who alerted me that the Inquiry was actually
2 happening. I then read the - I got onto the website and
3 read the transcript from the December hearings. I've,
4 since then, read the transcript of Ms Maruff's testimony
5 and also Patricia Thomson's.
6

7 Q. I was going to ask you that.

8 A. That's it.
9

10 Q. You said Ms Maruff. She is now known as "Maggie
11 Dawkins".

12 A. Yes. I'm sorry, Mr Urquhart, I actually said in my
13 submission to the Inquiry that I, for consistency, would
14 refer to her as Ms Dawkins. I have immediately failed to
15 do that. Sorry about that.
16

17 Q. That is okay. We will be referring to her as
18 Mrs Dawkins from now on.

19 A. Yes.
20

21 Q. As I understand it you haven't read or heard anything
22 about the evidence of Elizabeth Stroud that was given
23 yesterday; is that correct?

24 A. No, I have not.
25

26 Q. Did you work for the Department of Employment and
27 Training here in Western Australia in 1985?

28 A. Yes, I did.
29

30 Q. Specifically for what was called the Westrek Program?

31 A. That's correct. I don't recall the names of the
32 titles but, if you like, I was the person employed to run
33 that program; which I did for five years.
34

35 Q. So up until around 1990?

36 A. Yes.
37

38 Q. Can you give us some background as to what your
39 occupations were prior to 1985?

40 A. Yes. For I think three or four years I worked for the
41 Commonwealth Government as Officer in Charge of the
42 Community Youth Support Scheme, which was a Commonwealth
43 funded program across Western Australia. I think initially
44 there was something like 31 projects stretching from
45 Esperance to Carnavon. That was a program that attempted
46 to deal with young people who might have been at a bit of a
47 loose end, and the intention was to provide them with entry

1 training into more formalised training and job acquisition.
2
3 Q. Before that?
4 A. I worked again for that same department. It has
5 changed its name a few times so I don't recall exactly what
6 it was. But I worked for the Commonwealth Employment
7 Service, which is part of that department at the time, and
8 that would have been for, say, three or four years before
9 that.
10
11 Q. Am I right in saying that for most of your working
12 life you have been involved in the Public Service?
13 A. No, not at all. I worked for a variety of private
14 employers. I worked for, I think, four years in Western
15 Australia for a now defunct live stock company called
16 Western Live Stock. I worked for a couple of years for
17 Kodak in Annandale in Sydney. I worked for the
18 Commonwealth Bank for about five years.
19
20 Q. Approximately the number of years did you spend in the
21 Public Service up until 1985?
22 A. Approximately six.
23
24 Q. Now you've mentioned there that you spoke to Elizabeth
25 Stroud in February of this year. Have you spoken to
26 anybody else who you were involved with in the Westrek
27 Program?
28 A. Yes. One other person, and that's Peter Kenyon. A
29 brief conversation about that. Mainly he wanted to know
30 whether I knew whether there would still be any records
31 from the Westrek time.
32
33 Q. I see.
34 A. I had to answer - sorry.
35
36 Q. Yes, go on.
37 A. I had to answer I had absolutely no idea about that.
38
39 Q. When was that conversation that you had with
40 Mr Kenyon?
41 A. Subsequently Elizabeth Stroud's, I would think - a
42 couple of weeks later. I must say I didn't take any note
43 of these date.
44
45 Q. Did he ring you?
46 A. He left a message. I think he sent me an email and I
47 rang him back.

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Q. Was there any other discussions, apart from this question of whether any Westrek records existed?

A. General discussion about how I felt about this matter coming up 27 years after the events and what sorts of memories did I have. It was a very general discussion about Mrs Dawkins' time with Westrek. But my main point, and I need to say - well, I don't need to say - I'd like to say, as I've read things my memory has been jogged more and more. But certainly when I was talking to Peter I really didn't remember a great deal at all.

Q. Was this after you had read the transcript of Mrs Dawkins' evidence?

A. It was - no. It was after I read the transcript of the December hearings.

Q. When did you read the evidence of Mrs Dawkins?

A. I think it would have been toward the end of February. I'm really hazy about these dates.

Q. That's all right. Was your memory assisted by the discussions you had with Mr Kenyon?

A. Not really. I think just in a couple of areas such as the - I was going to say lack of control - that's not the word I mean - the closeness of his role to Westrek. I'm sure you will have seen in the submission that I made to the Inquiry that there were two people in the Department of Employment and Training chain above me, one was Ian Carter, to whom I was directly responsible, and then there was Peter, to whom Ian was responsible. I don't know the extent of this, but certainly Peter is, and I think still is, one of those mercurial kinds of people with lots of things that he's involved in. Certainly my memory wasn't, and we did talk about this, was that there wasn't a - he didn't have a direct involvement in the day-to-day running of Westrek.

Q. Did he say why he wanted to know if the Westrek records still existed?

A. Yeah, because he said that he'd been summonsed to give evidence at this Inquiry and he was pretty hazy about the whole thing.

Q. When he asked you how you felt about the matter what was your response to that?

A. My response was that it was actually something that I

1 hadn't enjoyed there, part of Westrek at all, and that is
2 Mrs Dawkins' involvement, and that I had actually wished
3 that I hadn't had to remember it at all. I can't give you
4 a more honest response than that.

5
6 Q. Did he agree with you when you said that to him?

7 A. Well, it wasn't the same. As I've indicated, he
8 didn't know any of the - well, he may not have - I'll
9 rephrase that. I don't think he knew any of the detail at
10 all. Certainly I don't recall ever discussing the fine
11 detail, but he would have known that - well, right at the
12 very beginning he knew that there were a number of the
13 selected initial Westrek coordinators that I thought we
14 should perhaps have brought a selection process for. Right
15 at the very beginning six people were selected --

16
17 Q. Sorry, I am going to interrupt here. Are you talking
18 about the contents of the conversation you are having with
19 Mr Kenyon this year or are you going back to 1985?

20 A. Yeah, I was going back to 1985 to explain only that --

21
22 Q. We will get to that. I just wanted to know what you
23 were discussing with Mr Kenyon.

24 A. Okay. What I was discussing was that it hasn't been
25 an easy association with Mrs Dawkins and that I think he
26 would have known that it hasn't been easy, but not the
27 reasons specifically why.

28
29 Q. I want to ask you now about your conversations with
30 Elizabeth Stroud. Did you speak to her on more than one
31 occasion?

32 A. I think on two occasions. And they were not
33 dissimilar sorts of discussions about what did I remember
34 and about what sort of discussions we might have had. My
35 response was "I don't remember a great deal about the
36 specific discussions".

37
38 Q. Did she tell you what she remembered?

39 A. She also, I think, was a bit hazy about some things.
40 For example, there was a suggestion of a visit to Bunbury
41 once Mrs Dawkins went to Bunbury, and I think Elizabeth
42 couldn't remember whether I was there or not. I certainly
43 didn't remember it either.

44
45 Q. So she said to you that she visited Mrs Dawkins in
46 Bunbury, did she?

47 A. No. I think she was asking me if I remembered

1 anything at all about it. At that stage of the Westrek
2 Program Elizabeth was the first point of contact with the
3 coordinators and then after that there was me.
4

5 Q. When you say she was the first point of contact with
6 the coordinators, are you saying she was the first point of
7 contact even at the time that Mrs Dawkins was in Bunbury?

8 A. I think for the whole of the first projects of six
9 months, that is from the time they started in 1985 until
10 the time they finished, which I think was about December,
11 my memory is that Elizabeth was the initial contact. I did
12 have quite a lot of contact with them, like if she wasn't
13 there or something like that. But initially it was
14 Elizabeth that was involved with them.
15

16 Q. Did Ms Stroud say to you why it was that she was
17 contacting you?

18 A. Initially she wanted to know if I knew about the
19 Inquiry, to which the answer was "no". And I think she
20 said that she understood that the Inquiry was keen to get
21 in touch with me.
22

23 Q. Again, with respect to recollections, can you remember
24 what she said as to what she could recall about this
25 matter?

26 A. About the matter of meeting Mrs Dawkins in Bunbury, is
27 that what you are asking?
28

29 Q. No. About the matter in general. You have already
30 mentioned about the fact whether there was this meeting in
31 Bunbury.

32 A. We did talk about the St Andrew's Hostel, only to say
33 what each of us were trying to remember about the events of
34 the initial rumour of Mrs Dawkins saying that there was -
35 that she had spoken to someone, or someone had spoken to
36 her, about McKenna's activities. I can't remember what
37 Elizabeth said, whether she said that she had contacted
38 Maggie and told her to go to the police. I thought I had a
39 strong memory of doing that. I may have done it as well.
40 I can't really that. I can't clearly remember what
41 Elizabeth said. If I could ask you to remember that this
42 is something out of the blue, that suddenly after 27 years
43 here is an actual public Inquiry that I knew nothing about,
44 and this was my first knowledge of it in this conversation.
45

46 Q. Mr Sherlock, I am asking you about what she said to
47 you, all right?

1 A. I can't remember other than what I've just said, that
2 I think we talked about the Bunbury visit, and I think we
3 talked about the events of the police involvement in
4 Katanning.
5
6 Q. Then there was a second conversation you had with her?
7 A. There was. I can't remember how much - how long after
8 that. And I think then we talked about the fact, I do
9 recall quite clearly, that when Mrs Dawkins was moved to
10 Bunbury it was not as a result of simply the St Andrew's
11 incident, but it was a result of a series of things that
12 had happened over the months. I was aware by then, quite
13 clearly, that Mrs Dawkins felt that she had been moved only
14 because McKenna had complained about her, but that was
15 absolutely not the case.
16
17 Q. So you and Ms Stroud spoke about that, did you?
18 A. Yes.
19
20 Q. Who initiated --
21 A. We talked about --
22
23 Q. Who made the contact? Who made the phone call? Did
24 you contact her or did she contact you?
25 A. The first time round she contacted me. I think the
26 second time round I might have contacted her.
27
28 Q. Was that on the basis - did the first conversation
29 finish on the basis that you were going to have a look at
30 Mrs Dawkins' evidence and then get back to Ms Stroud?
31 A. Well, the first one was that I was going to have a
32 look at the December transcription and then I think the
33 second one was that I was going to look at Mrs Dawkins'
34 transcript. I'm not sure about that.
35
36 Q. So when you had the second conversation you had
37 already read Ms Dawkins' transcript?
38 A. I think so.
39
40 Q. Was it a case of this conversation you and Ms Stroud
41 discussing what you agreed with that evidence and what you
42 disagreed with?
43 A. It was more a memory triggering thing rather than
44 agreeing or disagreeing. It was more, "Oh, yes, I'd
45 forgotten all about that" - that kind of thing. I don't
46 remember - please don't - I don't know what any of those
47 things were that I'd forgotten, but we did talk about the

1 incidence - some of the incidences, at least, that happened
2 during the course of Mrs Dawkins' time in Katanning,
3 finishing with the business of McKenna.
4

5 Q. Were you both assisting each other in jogging your
6 memories of those incidences?
7 A. Yeah. It wasn't so much - yeah. The effect was
8 assisting, but we were just recalling incidences.
9

10 Q. But was it the case that she would recall some
11 incidence that you didn't recall?
12 A. That she may have done. But in the case that I'd
13 forgotten that at that time, I don't remember her recalling
14 any - sorry.
15

16 Q. Sorry, go on?
17 A. I don't remember her recalling any that I didn't
18 remember at all.
19

20 Q. Did you have any conversations with Mr Carter?
21 A. None whatsoever.
22

23 Q. Was there a reason for that?
24 A. Yes. I emailed Ian just to see if he wanted to talk.
25 He emailed a reply, or texted a reply, to say that he'd
26 been advised not to talk to anybody. And I thought, "Well,
27 that's fair enough".
28

29 Q. Yes, but you, nevertheless, spoke to Ms Stroud?
30 A. Yes, I did.
31

32 Q. Did Mr Carter say in that email to you that that had
33 been based on legal advice that he shouldn't talk to you?
34 A. Yes, he did. Yes, he did.
35

36 Q. Did you receive that email before or after you had
37 either of these telephone calls with Ms Stroud?
38 A. After. It wasn't actually long ago - a couple of
39 weeks ago, I think.
40

41 Q. The purpose of you contacting Mr Carter?
42 A. He was a person that I liked. I just wanted to see
43 what he felt about these things. And the same sort of
44 conversation that I've had with Peter and Elizabeth.
45

46 Q. To see what he could recall about these incidences?
47 A. No. Not really. Just to see how he felt about the

1 fact that he's in a senior position with a high profile
2 organisation in Perth, and I wanted to see what he felt
3 like that his name was involved in these things.
4
5 Q. And what else?
6 A. That's all.
7
8 Q. So if he was to --
9 A. I just --
10
11 Q. You had no intention of discussing with him the same
12 things you discussed with Ms Stroud?
13 A. Well, I didn't have any intentions of anything except
14 just to make contact with him and say, "How you going?"
15 That's really it.
16
17 Q. Had you ever sent him an email before since the
18 mid-80s asking him how he's going?
19 A. No, I hadn't. No, no, I had not. But these were
20 peculiar circumstances, because he's on the public record
21 of being involved in this, and that had not happened in the
22 previous 27 years to cause me to contact him.
23
24 Q. Did you contact Mr Kenyon again?
25 A. I've contacted Mr Kenyon twice, but again on the same
26 sort of, "Well, what are you doing next?" That sort of
27 thing.
28
29 Q. Sorry, you have already told us about the first
30 conversation you had with him and he asked you about the
31 Westrek records.
32 A. What he had also said was that he had engaged a legal
33 person. And my next conversation with him was to say,
34 "How's that going? Is that working for you?" I think by
35 that time he had dismissed that person.
36
37 Q. I see. Did you talk to him at all about the Maggie
38 Dawkins matter?
39 A. No more than in the first conversation just about that
40 she had been difficult to deal with.
41
42 Q. Was that a focus of these conversations you had with
43 your ex-work colleagues?
44 A. Yes, it was.
45
46 Q. Going back to the Westrek program, I am going to ask
47 you if you could have a look at exhibit 5, which I think

1 might be one of the documents you were forwarded last week.
2 We might put that up on our screen here and get rid of my
3 picture. Mr Sherlock, have you got that document there?
4 A. I'm not sure which you mean by 5?
5
6 Q. This is the table that sets out where everybody was in
7 the hierarchy for the Westrek program. Just for the record
8 it is exhibit 5, barcode 0046. It is a table, a chart.
9 A. I don't think I've ever seen that.
10
11 Q. All right then. Maybe you haven't got that. We are
12 going to show that up on the screen in front of you.
13 Apparently we cannot get it up on the screen for you. I
14 can read it out to you. We have the chain of command from
15 Peter Kenyon down. It has Peter Kenyon as Director of the
16 Employment Division. Then immediately under him a Deputy
17 Director of Ian Carter. Underneath that the Manager or the
18 Executive Officer of the Westrek Program, yourself?
19 A. Yes.
20
21 Q. Underneath that we have two positions, one of
22 Elizabeth Stroud, being the Training Field Officer and the
23 other being the Recreation Office, a Tarquin Bowers?
24 A. Yes, that's correct.
25
26 Q. Immediately underneath that we have the male and
27 female group leaders for each of the Westrek programs?
28 A. That may have been right at that time but subsequently
29 - I guess this doesn't bother the Inquiry - they weren't
30 necessarily male and female. We subsequently ran projects
31 with either two males or two females.
32
33 Q. Apart from that --
34 A. That's correct.
35
36 Q. -- does that accord with your recollection, a
37 recollection of the hierarchy?
38 A. Yes, it does.
39
40 Q. I'll just clarify with you, your evidence from a few
41 minutes ago, your recollection is that for the first six
42 months of this program the contact person a group leader
43 would talk to if they had a problem or a question would
44 have been Elizabeth Stroud?
45 A. Yes.
46
47 Q. Did that include Mrs Dawkins?

1 A. Yes. Although I do need to say I received large
2 numbers of telephone calls from Mrs Dawkins throughout the
3 course of the program.
4

5 Q. Can you recall what they were about?

6 A. A lot of them were about her health issues. She had a
7 number of health problems, and sometimes talked to me and
8 sometimes talked to my wife, when she rang my home. I have
9 absolutely no idea about the number of those calls but
10 there were quite a few of them.
11

12 Q. Anything else?

13 A. Sometimes they were about Westrek issues. Again, I
14 can't recall precisely what they were. That might have
15 been because she couldn't get hold of Elizabeth, I don't
16 know.
17

18 Q. Mr Sherlock, if we can go back to 1985. Did you have
19 any concerns about the speed with which this program was
20 being implemented?

21 A. Yes, I did. By the time I was engaged, the first
22 group of coordinators had been already employed. I'd not
23 met them. When I did first meet them and had a chat to
24 each of them, there were two or three who I didn't really
25 think had had enough youth experience. A couple of them
26 did, and that was not an issue. I took my concerns to Mr
27 Cross, who was the executive - I'm not sure of his title -
28 the Director of the entire department about it, but I was
29 told that it did need to move on. He said that he was
30 going to air my concerns to the Minister, who was at that
31 time Mr Peter Dawkins - I'm sorry, I apologise - Mr Peter
32 Dowding, but the only one of the people I knew was
33 Mrs Dawkins, and that's because in my previous job as
34 Community Youth Support Scheme person, I'd met her several
35 times at CYSS meetings in either Victoria Park or Belmont,
36 I can't remember. She at the time was the Member for
37 Swan's Electorate Assistant. There was nothing in those
38 meetings that was negative, it was just that there was
39 nothing that showed that Mrs Dawkins had any particular
40 experience in youth work. The result of when Mr Cross got
41 back to me and said that he had been to see the Minister
42 who said that all of the appointments needed to stay and in
43 particular Mrs Dawkins, because it was a political issue,
44 and I was instructed to manage the process.
45

46 Q. On that subject matter of political issues, did you
47 believe that there were, apart from that issue, political

1 pressure in general to have this project up and running as
2 soon as possible?
3 A. Mr Urquhart, I haven't done any research as to when
4 the next State election was, but my recollection is that
5 there was a --
6
7 Q. I have. It was February 1986, so the following year.
8 A. Okay. Okay. Well, then, there was an imperative to
9 get something up. The state put something like \$650,000
10 into this program, and other resources as well. That
11 department either bought or made available the six buses
12 that were needed to cart the participants around, a
13 four-wheel drive vehicle for the recreational officer to
14 access difficult terrain - all of that sort of thing. So
15 it was - it was speedy, and there weren't any - there
16 wasn't any real time to develop procedures, and you've
17 already alluded to the document back from 1985 where I
18 issued an LPO. Now, that was certainly my fault --
19
20 Q. Okay. Well, I will --
21 A. -- but there wasn't --
22
23 Q. I will ask you something about that.
24 A. Yes.
25
26 Q. Yes. We will get to that.
27 A. Okay.
28
29 Q. I'm just asking about the - whether any political
30 factors behind the implementation and the speed in which it
31 was implemented, and I think you've answered that.
32 A. Yes.
33
34 Q. Unless you want to add anything further?
35 A. No. That - well, it was three or so people that
36 concerned me, and I named Mrs Dawkins just a minute ago,
37 because she was the one that I knew, but my memory of Mr
38 Cross said that in particular, the - Mr Dowding, because of
39 the connection with Mr Dawkins, wanted - sorry, Mr Beazley,
40 wanted Mrs Dawkins to be included in the program, and
41 managed.
42
43 Q. Now, did you subsequently find out that Ms Dawkins had
44 been assigned to the Katanning project?
45 A. I - I can't remember the way that happened. I
46 actually thought that it was a discussion that Elizabeth
47 and I had, and that I thought that it was a joint

1 discussion, because of the size of the town we thought it
2 would be, and the fact that it's not all that far away, we
3 thought it would be an appropriate placement.
4

5 Q. All right. Were you aware that there were people
6 appointed for each town that was a contact person for the
7 project? I think they've been described as community
8 liaison officers.

9 A. That sort of became the norm for whole - for the
10 subsequent projects as well; and, yes, I was aware that
11 there were people in each town.
12

13 Q. And can you recall who the community liaison officer
14 was for Katanning?

15 A. I don't recall meeting Mrs Evans, but obviously
16 reading transcripts I know that the name was Ainslie Evans.
17

18 Q. Were you aware in 1985, before you had any contact
19 with him, a person by the name of Dennis McKenna?

20 A. Yes, I was. Because some of my family come from that
21 region, and in particular the little town of Gnowangerup, I
22 rang before - before the arrangement with St Andrew's was
23 set up, I rang my cousin in Gnowangerup to say did she know
24 anything about St Andrew's Hostel. She advised me that one
25 of her children, who's my second cousin, who, through
26 various family reasons I didn't actually know - he was a
27 small child the only time I ever met him - but he was
28 actually a student there, and the first time I heard Dennis
29 McKenna's name, my cousin said that it was run by this
30 wonderful person called Dennis McKenna who had turned the
31 hostel around, and that it had been very much in the
32 doldrums, and solely because of his work it was a great
33 place for kids to be, and she was very comfortable with
34 Kim, my second cousin, being there.
35

36 Q. Right. Can I stop you there. You mentioned there --

37 A. Yes.
38

39 Q. -- because of the connection of St Andrew's Hostel.
40 What was that connection?

41 A. Sorry. The way Westrek works always was, of course,
42 we had to find community accommodation, and that
43 subsequently - that was in a whole range of different
44 places, like disused railway stations, old hotels and all
45 that. In the case of Katanning, there was some difficulty
46 of finding a place and this place was suggested, the
47 hostel, which wasn't being fully utilised, was suggested,

1 and that's when I made the phone call.
2
3 Q. And did you become aware that Dennis McKenna had some
4 involvement in arranging that accommodation?
5 A. No, I wasn't involved in that part of it. All I was
6 doing was that little check with my cousin because of that
7 relationship.
8
9 Q. Were you aware that he was on the town of Katanning's
10 Westrek Committee?
11 A. No.
12
13 Q. So was it your belief that it was St Andrew's Hostel
14 that organised the accommodation for the Westrek
15 participants, and that given that Dennis McKenna was the
16 warden of St Andrews, he would obviously have some
17 involvement in that arrangement? Would that be fair to
18 say?
19 A. That's correct, and because of what my cousin had told
20 me, I thought that was a positive thing.
21
22 Q. And you had no reason to doubt your cousin's
23 assessment of Mr McKenna's character?
24 A. None whatsoever. She's quite a lot older than me.
25 She's a person that I had quite a lot to do with all my
26 life. Yes, no, I just believed her. Well, on the grounds
27 that other things we talked about over the years had all
28 been pretty much okay, so I had no reason not to believe
29 her.
30
31 Q. Now, Mr Sherlock, I want to now put some propositions
32 to you, and ask you whether you agree with this. Is it the
33 case that you're not disputing that an ex-student from the
34 Katanning Hostel, St Andrew's Hostel, confided in
35 Mrs Dawkins about him being sexually abused by Dennis
36 McKenna.
37
38 MR ELLIOTT: Well, that doesn't help the Inquiry at all.
39
40 HIS HONOUR: Well, it does, because otherwise we've got to
41 go through a lot of questions and take up a lot of time,
42 and I don't see a problem with that. There has been a
43 statement --
44
45 MR ELLIOTT: Well, I haven't seen the statement.
46
47 HIS HONOUR: And if there's no issue this man takes, why

1 shouldn't we clear the decks on that?
2
3 MR ELLIOTT: Well, whether he takes issue or not is hardly
4 a relevant thing. He either knows about it or he doesn't.
5 If he doesn't know about it, that's what he should say. If
6 he does know about it, he should say the basis of his
7 knowledge. The question whether he disputes it or not now
8 doesn't bear upon his state of knowledge at the time, and
9 it doesn't advance, in my submission, the Inquiry one step.
10
11 MR URQUHART: I'm sorry, sir, I don't know why Mr Elliott
12 is on his feet. I didn't know he was acting for Mr
13 Sherlock, and so --
14
15 HIS HONOUR: Why do you --
16
17 MR ELLIOTT: Well, I'm making an interest - - -
18
19 HIS HONOUR: -- raise - what's your concern?
20
21 MR ELLIOTT: I'm acting in the interests of my client, on
22 the basis that this witness's acceptance of the proposition
23 today might be taken by some observers as indicating some
24 knowledge of the proposition at some prior point in time,
25 which might reflect on the Westrek program, of which my
26 client was a manager of sorts. I just struggle with the
27 concept that whether he disputes it or not now can possibly
28 be relevant.
29
30 The question, as I say, is did he know about it then;
31 was he told about the allegation then; what did he do about
32 the allegation then. His position today is hardly helpful.
33 If the witness says, "I don't accept it", does that assist
34 your Honour? If the witness says, "I do accept it" --
35
36 MR URQUHART: Can I just have a word with my friend about
37 this?
38
39 MR ELLIOTT: I'm told that these questions were asked
40 yesterday of another witness, and it's in the transcript.
41 The transcript isn't available. The witness's statement
42 isn't available. We don't know what the witness is going
43 to say. We don't know whether my learned friend is going
44 to traverse everything in the witness's statement. We're
45 at a disadvantage knowing where this is going. And as I
46 say, the question of whether the witness disputes or
47 doesn't dispute a fact today --

1
2 MR URQUHART: Well, my learned friend is just repeating
3 himself, sir.
4
5 MR ELLIOTT: -- can't assist you.
6
7 MR URQUHART: He's made the objection. So I think your
8 Honour is in a position to rule on it.
9
10 HIS HONOUR: All right. Well, I rule the question is a
11 proper one. I can inform myself as I think fit, and I'm
12 going to allow the question. Yes.
13
14 MR URQUHART: Thank you, sir.
15
16 Q. Now, Mr Sherlock, the question was, as I understand
17 it, you're not disputing that an ex-student from Katanning
18 Hostel confided in Maggie Dawkins about him being sexually
19 abused by Dennis McKenna?
20 A. I'm now --
21
22 Q. Leave aside what Mr Elliott has said --
23
24 MR ELLIOTT: Well, he shouldn't tell the witness --
25
26 HIS HONOUR: No, look --
27
28 MR ELLIOTT: -- what to take into account and what he
29 shouldn't take into account --
30
31 MR URQUHART: I just asked about --
32
33 MR ELLIOTT: -- in giving his answer.
34
35 HIS HONOUR: I'm going to allow the question. Now, we're
36 not bound by the rules of evidence in this hearing, and I'm
37 going to allow it. This Inquiry has a limited time frame.
38 We've got to cut to the chase as soon as we can.
39
40 MR ELLIOTT: I appreciate that, sir, but Mr Urquhart is
41 telling the witness how to answer the question. Let the
42 witness answer the question. He's asked it --
43
44 HIS HONOUR: Well, the witness wasn't answering.
45
46 MR ELLIOTT: -- let the witness answer.
47

1 HIS HONOUR: Now, you can continue, Mr Urquhart.
2
3 MR URQUHART: Q. Mr Sherlock, I apologise for these
4 constant interruptions. Would you like the question
5 repeated again, or are you able to answer it?
6 A. I can answer it.
7
8 Q. Thank you.
9 A. And I'm sorry for my delay. What I heard was only a
10 rumour. I did not dispute that I heard the rumour that
11 Mrs Dawkins had been told that there had been - that the
12 warden of St Andrew's had been seen in bed with a couple of
13 students. That was it.
14
15 Q. Right. You're not suggesting that Maggie Dawkins kept
16 this information to herself?
17 A. Not in the least.
18
19 Q. You're not disputing that she raised this matter with
20 Westrek staff?
21 A. She did.
22
23 Q. And you're not disputing that no one at the
24 department, to your knowledge, followed up with any other
25 authority about what was done by way of investigating this
26 allegation?
27 A. I am disputing that. I am disputing that. Maggie was
28 told, and did do so, to go and see the local police.
29
30 Q. Did someone --
31 A. That was the available authority.
32
33 Q. No, Mr Sherlock, the question was --
34
35 MR ELLIOTT: Well, he's interrupting the witness, sir.
36
37 HIS HONOUR: No, no.
38
39 MR URQUHART: No, the question wasn't being answered.
40
41 MR ELLIOTT: Well --
42
43 HIS HONOUR: No, please.
44
45 MR URQUHART: Q. No one at the department, to your
46 knowledge, followed up with any other authority, is the
47 question, about what was being done by way of investigating

1 this allegation?
2 A. No one other than Maggie followed it up with any other
3 agency.
4
5 Q. You mentioned there a rumour. Are you saying that you
6 heard a rumour that Maggie Dawkins' allegations of a sexual
7 nature against Dennis McKenna?
8 A. Yes. Well, no - sorry, at that stage she wasn't
9 making allegations. The rumour was only that she had been
10 told that he had been seen in bed with a couple of
11 students.
12
13 Q. Now, who had told you about this rumour?
14 A. I have no idea. At this stage there were a number of
15 incidents that I referred to before, over the time that
16 Maggie --
17
18 Q. I can assume we'll get to those. I just want to know
19 about this one for the moment.
20 A. Okay.
21
22 Q. I know you want to talk about those. We will get to
23 them, I can assure you. I want to know about this one?
24 A. I was just - I was - I was just trying to paint a
25 picture as to why it was received in the way it was.
26
27 Q. Who did you receive this rumour from though, this
28 rumour where --
29 A. I do not know. I do not know.
30
31 Q. Was it someone from Katanning?
32 A. I don't think so. I think it was an internal
33 conversation within the office, as far as I can recall, but
34 I have no idea about who said what.
35
36 Q. Was it Elizabeth Stroud?
37 A. It may have been. I can't swear to that.
38
39 Q. Well, let's go through who was involved in the Westrek
40 program at head office. There was you, Elizabeth Stroud --
41 A. Well --
42
43 Q. -- Ian Carter --
44 A. Look, it's not - I don't think it's able to be pinned
45 down like that, Mr Urquhart. I'm sorry. There was quite a
46 lot of cross-conversation between the coordinators with
47 other coordinators in other projects. Whether it came from

1 a conversation that we were involved in via that, I really
2 don't know.
3
4 Q. And are you sure about your recollection of what that
5 rumour was?
6 A. To the best of my knowledge, that is what the rumour
7 was.
8
9 Q. Might it have been that an ex-student had complained
10 to Maggie Dawkins about being sexually abused by Dennis
11 McKenna?
12 A. That's not as I remember it.
13
14 Q. So what was the next thing you recall about this?
15 A. Talking to Maggie and saying, "If you are concerned
16 about this, you must go and see the police".
17
18 Q. How did you come to talk to Maggie about it?
19 A. Because I'd heard the rumour and wanted to talk to her
20 about an appropriate course of action.
21
22 Q. But you're saying it was only a rumour.
23 A. Yes.
24
25 Q. Were you --
26 A. I wanted to see if she believed that it - I wanted to
27 see if she believed that the rumour had substance.
28
29 Q. And why did you want to do that?
30 A. We had young people living in the hostel. We had a
31 duty of care toward them. I wanted to know whether that
32 involved any of those particular people.
33
34 Q. That what involved - that Dennis McKenna was in bed
35 with a Westrek participant?
36 A. Well, any rumour - well, that the rumour might or
37 might not involve a Westrek participant.
38
39 Q. So let me - just go back to what your recollection of
40 this rumour was.
41 A. The recollection was that he had been seen in bed with
42 a couple of people, a couple of students.
43
44 Q. A couple of students. Was seen in bed --
45 A. So --
46
47 Q. Sorry, seen in bed by whom?

1 A. That didn't come into the rumour. It was just had
2 been seen in bed with a couple of students.
3
4 Q. Right. And this - how did you know - what did this
5 have to do with Maggie Dawkins?
6 A. Because that's where the rumour had been - she'd
7 been - the rumour was passed on through her.
8
9 Q. I see. So the rumour had been passed through her. So
10 whoever told you about this rumour, whom you now can't
11 recall --
12 A. Yes.
13
14 Q. -- they told you that this rumour had come from Maggie
15 Dawkins?
16 A. Correct.
17
18 Q. When you rang Maggie Dawkins, was it the case that you
19 had a telephone message to call her?
20 A. I can't remember that, I don't know.
21
22 Q. So I gather then, that - what, you were asking
23 Mrs Dawkins about what she heard and who she got it from
24 and things like that, had you?
25 A. I probably did. I do not recall the content of the
26 conversation. My concern was that the - what I considered
27 to be the appropriate agency to look into the matter was
28 with the police, and I suggested that she went to see them,
29 the police.
30
31 Q. Now, what was her response to that?
32 A. She agreed to do so, as I recalled. And, in fact, I
33 think did do so.
34
35 Q. She didn't tell you that she'd already done that?
36 A. I don't know that she had done that at that time. I
37 have no idea of the time sequence of these events.
38
39 Q. Did she also tell you that she'd already spoken to
40 Ainslie Evans?
41 A. No, not that I recall.
42
43 Q. Having read Mrs Dawkins' account with respect to this
44 particular matter, do you agree with me that your evidence
45 differs with hers?
46 A. I don't - I don't have that account in front of me,
47 and I don't remember it well enough to know.

1
2 Q. All right. Well, she says that she contacted
3 Elizabeth Stroud and - to ask her what she should do, and
4 she suggested --
5 A. Yes, I remember now. Suggested that she go and talk
6 to Mrs Evans.
7
8 Q. Yes. Now, have you heard anything about that at the
9 time?
10 A. Now that you are telling me that, it may well be that
11 that may well have been when I rang myself and said, "The
12 most appropriate thing is to go directly to the police".
13 My reasons for that was simply because they're the only
14 ones who have some sort of forensic duty to investigate
15 these things.
16
17 Q. Yes. And you say your concern was that Dennis McKenna
18 could be found in bed with Westrek participants?
19 A. Well, it wasn't my only concern, but it was my primary
20 concern to know if any of the Westrek people were involved
21 at all, not necessarily whether they were one of the people
22 that were seen in bed with him. But given that - if that
23 rumour was true, then other similar activities may have
24 occurred and may have involved Westrek people.
25
26 Q. Well, I gather then you asked Mr Dawkins about that?
27 A. My recollection was that she said "No", but I'm
28 really - I'm grasping here.
29
30 Q. I would expect that you would have made a file note of
31 this matter?
32 A. I would have hoped so.
33
34 Q. Well, did you?
35 A. I don't know. I really can't remember those details
36 at all.
37
38 Q. It should be a matter that you would take a file note
39 of, wouldn't it?
40 A. It's the sort of thing that I would normally have
41 taken a file note of, certainly.
42
43 Q. Excuse me one moment, Mr Sherlock. Can you put that -
44 something up on that screen other than me. Just put the
45 diagram back up again. That's fine. Sorry, Mr Sherlock,
46 we're just arranging something here. See, I want to put to
47 you what Ms Stroud says about this. Now, according to her

1 she took a message - she answered your phone and took a
2 message from Maggie Dawkins, and that she told you that
3 Mrs Dawkins said in that:

4
5 She has gone to the police and to Ainslie
6 Evans with information that a boy has been
7 sexually abused by Dennis McKenna.

8
9 And the message that Maggie wanted was for you to ring her.
10 I gather that's not your recollection?

11 A. What I said to you before about me ringing Maggie was
12 my recollection. This is the first time I've heard this
13 particular pattern, and it may well be the correct one.
14 That may have been the reason why I rang Maggie.

15
16 Q. Well, I'll say --

17 A. All - all I did recollect --

18
19 Q. So how good is your recollection about --

20 A. Sorry?

21
22 Q. How good is your recollection about this matter?

23 A. The best part of my recollection, or the only part
24 that I'm completely sure of is the phone call with McKenna,
25 and then the subsequent actions, or some of the issues.

26
27 Q. We'll get to that, don't worry about your --

28
29 HIS HONOUR: Just before you go on.

30
31 MR URQUHART: Sorry, sir.

32
33 HIS HONOUR: Q. Mr Sherlock, you said the phone call
34 with McKenna - did you mean McKenna or some other name?

35 A. Subsequent to this process I had a phone call from
36 Dennis McKenna.

37
38 HIS HONOUR: All right.

39
40 MR URQUHART: I'm going to get to that, sir.

41
42 HIS HONOUR: All right.

43
44 MR URQUHART: Q. You see, if it happened that way, that
45 Elizabeth Stroud had already told you that Maggie had been
46 to the police and to Ainslie Evans, there would be not much
47 point you telling Maggie to go to the police if she'd

1 already done so?
2 A. Yes, I don't recall that she had done so at that
3 point. I honestly could not - I cannot swear to any of
4 those sequence of events.
5
6 Q. But in any event, very shortly, is it the case after
7 that conversation you say you had with Mrs Dawkins, you
8 received a telephone call from Dennis McKenna?
9 A. I did. My recollection was on my home phone on a
10 Saturday. He was completely irate. The substance of that
11 call was that Mrs Dawkins had been to see him, had said
12 that she was unsatisfied with the way things were going,
13 and that she was going to the press. Now, his concern, and
14 he was totally furious, was that it would ruin his
15 reputation and the reputation of the hostel. He went on at
16 a fair amount - at a fair length and wanted Maggie moved -
17 wanted Mrs Dawkins moved out of there immediately. I
18 talked to him about it. I did say to him, but I'm asking
19 you to recall that I've still got this image in my mind
20 about how he was basically the saviour of the town. I did
21 ask him if there was any truth in the rumour that he was
22 involved with boys, and he denied it emphatically and sort
23 of laughed in a kind of a offhand way, as though, of course
24 it wasn't true. Yes. That's not a phone conversation that
25 I will forget.
26
27 Q. Do you accept that he may well have also said that he
28 would keep the Westrek participants out of their
29 accommodation unless Mrs Dawkins was moved?
30 A. I don't recall that precisely, but he could well have
31 said that, because that would have been in the context of
32 his rage on that particular day.
33
34 Q. Do you know how it came to be that he had your home
35 telephone number?
36 A. No, I do not. No idea.
37
38 Q. Was this the first time you spoke to him?
39 A. I think I spoke to him at the beginning of the whole
40 project, but I certainly wasn't going around handing out
41 cards with my home phone number on it.
42
43 Q. Was your home --
44 A. On the other hand, he could have just looked up the
45 telephone book.
46
47 Q. I was about to ask you that, yes. It was listed in

1 the White Pages?
2 A. Yes, it was.
3
4 Q. Mr Sherlock, did you believe him? Given the fact that
5 you had heard such glowing reports from your cousin, did
6 you believe him when he denied the allegations?
7 A. Well, there were the two factors that caused me to
8 believe him; one was that, you are quite right. The second
9 was that the police had not reacted to Mrs Dawkins' visit
10 to them, so I assumed from that - and I might pre-empt your
11 next question - I did not check directly with the police,
12 but I assume that had there been any substance they would
13 have done something about it.
14
15 Q. You see, Mr Sherlock, I am going to suggest to you
16 that you received this phone call from Dennis McKenna
17 within a very, very short space of time of the conversation
18 you say you had with Maggie Dawkins?
19 A. My memory is that it wasn't a short space of time. My
20 memory was that it was something like a week or two.
21
22 Q. A week or two?
23 A. I can't - it's very, very hazy, I'm sorry about that.
24
25 Q. So it might have been a week or two, it might have
26 been --
27 A. I haven't got any way of pinpointing that because of
28 the distance.
29
30 Q. It might well have been a day or two?
31 A. What was in my mind was that the police had had time
32 to react, which I wouldn't have probably assumed if there
33 had only been a day.
34
35 Q. How did you know whether the police had had time to
36 react if you hadn't contacted them?
37 A. Well, because that's why I thought it was a week or
38 two, because of an issue like that I would assume they
39 would be on to it straight away.
40
41 Q. So getting back to my question, did you believe him
42 when he denied the allegations?
43 A. Yes, I believed him.
44
45 Q. Again on the subject of timing and memory and what
46 have you, I gather again this would have been something
47 that you would have recorded in the file note, even though

1 it was on the Saturday?
2 A. I would think so.
3
4 Q. You don't remember doing so?
5 A. I don't. The file note that you sent me about the -
6 the Inquiry sent me, I should say, I'm sorry, about the
7 LPO, I had no recollection of whatsoever until I saw it.
8
9 Q. That was a file note that you made as a specific
10 request from a superior, wasn't it?
11 A. Yes, I accept that.
12
13 Q. Did you tell Maggie Dawkins about this telephone call
14 you had from Dennis McKenna?
15 A. My recollection is yes, I did. But I think we, the
16 group, if you like, or at least Elizabeth and I, had
17 decided to swap the Bunbury coordinator for Mrs Dawkins.
18
19 Q. Was that decision made fairly soon after you had that
20 telephone call from Mr McKenna?
21 A. I think it would have been in just the next few days.
22
23 Q. You mentioned the name "Elizabeth". Are you referring
24 to Elizabeth Stroud?
25 A. Yes. I should be more specific. Elizabeth Stroud.
26
27 Q. Did she have some input in what was going to happen
28 with Maggie Dawkins, did she?
29 A. My recollection is that we both did.
30
31 Q. I gather from that that you would have mentioned to
32 Ms Stroud about the fact that Dennis McKenna had rung you
33 on this Saturday night?
34 A. Yes, I would think so.
35
36 Q. Were there any others within the department involved
37 in that decision to move Maggie Dawkins from Katanning to
38 Bunbury, apart from you and Elizabeth Stroud?
39 A. I can't specifically recall. It's likely that I would
40 have told Ian about it, Ian Carter, but probably after the
41 event or after the decision was made, because that was my
42 role. It didn't, as far as I can recall, require that.
43 But I do not recall Ian's response.
44
45 Q. Just on this subject matter of what you told Maggie
46 Dawkins about that phone call, I'm going to suggest to you
47 that you did actually tell her that Dennis McKenna

1 threatened to withdraw the Westrek participants from that
2 accommodation unless she was moved?

3 A. I don't know. I may have done.
4

5 Q. I am going to show you now a document, sir, which is
6 exhibit 4. This is a copy of a newspaper article, or
7 rather a letter that Mrs Dawkins wrote to the Great
8 Southern Herald in June of 1991. The Inquiry has given you
9 a copy of that, haven't they?

10 A. No, I have not seen that.
11

12 Q. I saw you shifting through your papers. I thought you
13 were looking for it.

14 A. No. I thought it might have been one of those other
15 letters.
16

17 Q. Just have a look now. It is on the screen. I was
18 told that we could put on the screen here at this end an
19 article or a document that would come up at your end. It
20 is not. That is okay. I am just waiting for others here,
21 Mr Sherlock, to get a copy of this. This is a letter that
22 Mrs Dawkins wrote to the newspaper after Dennis McKenna had
23 been convicted of child sex abuse offences in 1991. Okay.
24 It is titled "Hurried Departure Explained":
25

26 It is with considerable relief that I write
27 to explain my premature departure from
28 Katanning in 1985. I was a Westrek group
29 leader for the pilot program initiated by
30 the Department of Employment and Training.
31 In 1985 a young man told me of his time at
32 the St Andrew's Hostel. I wanted the
33 claims of sexual abuse by Dennis McKenna
34 investigated by the appropriate
35 authorities. I turned to my supervisor in
36 Perth and a Katanning Shire Councillor. I
37 was told by the councillor that the young
38 man was of questionable character and that
39 such claims were ludicrous. The councillor
40 also said - the words still ring in my ears
41 - "How could a former Citizen of the Year
42 be accused of such unspeakable things?".
43 For my trouble I was literally run out of
44 town by McKenna.
45

46 This is what I would like to draw to your attention.
47

1 He telephoned my supervisor in Perth and
2 threatened to withdraw the Westrek
3 accommodation at Kartanup. This would have
4 effectively closed down the project.

5
6 Mrs Dawkins' recollection in 1991 was that Dennis McKenna
7 telephoned her supervisor in Perth and threatened to
8 withdraw the Westrek accommodation at Kartanup. Would you
9 agree with me that the only two people at Westrek who would
10 have told her about McKenna's conversation with you would
11 be yourself or Elizabeth Stroud?

12 A. Yes.

13
14 Q. Do you agree that if the Westrek accommodation had
15 been withdrawn, and given the problems that you had finding
16 accommodation there at Katanning, that it would have
17 effectively closed down the project?

18 A. I can't agree on that. I'm not there at the time and
19 I don't know what would have been available at that time as
20 opposed to what was available when the project was being
21 set up. So, no, I don't think that's necessarily the case.

22
23 Q. Would you agree it would have potentially have caused
24 some problems?

25 A. Of course.

26
27 Q. And potentially if accommodation couldn't be found
28 some image problems for the Westrek project as well?

29 A. Possibly, yes.

30
31 Q. I have asked you this before, and now that I have told
32 you what Mrs Dawkins' recollection of it was in 1991, I am
33 going to suggest to you it may well have been the case that
34 Dennis McKenna did make that threat to you?

35 A. I have already answered that and said that may well be
36 the case. I can't specifically recall. I do specifically
37 recall that he wanted Mrs Dawkins moved and that he was
38 completely incensed.

39
40 Q. And he was incensed, was he not, about allegations
41 being made of, if I can call it this, sexual misconduct by
42 him towards St Andrew's boys?

43 A. He didn't use any of those specifics, but that
44 certainly was the reason why he was incensed that should
45 become public - not that should, but the rumour of that.

46
47 Q. And that Maggie Dawkins, as far as you gathered, from

1 what he was saying to you, that Maggie Dawkins was behind
2 all of this?
3 A. She is the only person that he mentioned.
4
5 Q. Mr Sherlock, going back now to 1985, did you believe
6 that there was any substance to what Mrs Dawkins was saying
7 about Dennis McKenna's conduct?
8 A. I didn't consider whether there was or there wasn't.
9 I didn't think that was my job. I thought that was the job
10 of the police --
11
12 Q. But I'm asking you --
13 A. -- to decide whether there was any --
14
15 Q. But I'm asking you?
16 A. But I'm answering you.
17
18 Q. No, but I want to know what --
19 A. But I'm answering you.
20
21 Q. But I want to know what you --
22 A. I didn't --
23
24 Q. Did you consider that there was any substance to these
25 allegations?
26 A. I considered there was possibly substance, which is
27 why the police were hopefully involved. On the other hand,
28 I thought it might have been another of the sorts of things
29 that Mrs Dawkins had been involved in whilst at Katanning.
30
31 Q. So, therefore, you had some doubts?
32 A. I did. But, I mean, I didn't dismiss it and say,
33 "forget it". Never for a moment. But I thought it was a
34 matter for the police.
35
36 Q. You didn't think it was a matter for other
37 departments?
38 A. No. We're in a small country town and the police were
39 there. So --
40
41 Q. Department of Child Welfare?
42
43 MR ELLIOTT: Counsel is interrupting the witness. He
44 should let the witness answer, in fairness.
45
46 HIS HONOUR: I think he got his answer in.
47

1 MR ELLIOTT: We don't know. Counsel talked over the top.
2
3 MR URQUHART: Yes we do, Mr Elliott, the witness completed
4 his answer.
5
6 Q. What about the Department of Child Welfare?
7 A. Well, it didn't occur to me to go anywhere except the
8 police, because they --
9
10 Q. I am not suggesting that you should have gone
11 anywhere. You said it was the concern of the police. I am
12 asking you whether you considered it could also be the
13 concern of the Department of Child Welfare?
14 A. No, it didn't occur to me, because my focus was on the
15 police.
16
17 Q. Department of Education?
18 A. If the police had found some sort of evidence then
19 presumably all those other agencies would have been
20 involved. I didn't think it was - I thought that my duty
21 was to ensure that the police were informed. That was the
22 beginning and the end of it, as far as I was concerned.
23
24 Q. But you never followed up, did you, with Mrs Dawkins
25 as to whether she had contacted the police?
26 A. I have already said so. I have already said so.
27
28 Q. You didn't, did you?
29 A. No.
30
31 Q. So whilst Mrs Dawkins asserts that it was Dennis
32 McKenna who engineered her removal from Katanning, I gather
33 you don't agree with that?
34 A. No, I don't. The incident with --
35
36 Q. Sorry, go on.
37 A. I thought you were going to say something.
38
39 Q. No, no. I was just finding my pen.
40 A. Okay. The incident with the McKenna issue was the
41 last of a series of incidences that were typical of
42 Mrs Dawkins.
43
44 Q. Sorry, typical of Mrs Dawkins?
45 A. Yes.
46
47 Q. Well, Mrs Dawkins says that she was - hold on, put

1 that to one side. Mrs Dawkins was saying that all she was
2 doing was bringing to the attention - have we got some
3 problems? Hold on, Mr Sherlock.
4 A. I'm certainly hearing you.
5
6 Q. The problem is at this end. We can't quite see your
7 face, that's all.
8 A. Oh, okay. I haven't moved.
9
10 Q. I know that. Now, you said that this was a series of
11 incidences - the last of a series of incidences that was
12 typical of Mrs Dawkins. But all Mrs Dawkins was doing
13 here, do you agree, is trying to raise the authorities to
14 do something about allegations that she heard of sexual
15 misconduct by Dennis McKenna?
16 A. Mr Urquhart, we seem to be going around in circles.
17 The issue for me was that she was to go to the police. She
18 did that. There was no response from the police, or there
19 was no further investigation by the police. Therefore, the
20 rumour was just one of a series of similar incidences. I
21 know it is similar - sorry.
22
23 Q. They are not similar, are they?
24 A. No. They are not similar. This is of a different
25 type. Because of the series of incidences I had formed the
26 view that Mrs Dawkins was a Drama Queen, and that this was
27 not inconsistent with that view. I am not belittling the
28 enormity of the rumour. As I have said before, I felt that
29 that was addressed by her going to the police. Now, if the
30 police had made any kind of movement that would have
31 escalated it to its proper status --
32
33 Q. But you only --
34 A. And, as you know, that status --
35
36 Q. But you only inferred that the police had done
37 nothing.
38 A. No. I was told that they had - they wouldn't do
39 anything unless they got sworn statement.
40
41 Q. Who told you that?
42 A. Well, I assume Maggie did. I don't know. I don't
43 recall that at all.
44
45 Q. Hold on. Hold on.
46 A. I did check with - I checked with her later as to
47 whether she had been to the police. I did not check - and

1 I have already said this - I did not check directly with
2 the police.
3
4 Q. Mr Sherlock, you agreed with me just a moment ago that
5 you didn't follow up with Maggie Dawkins as to whether
6 she --
7 A. No, I didn't. I --
8
9 Q. Let me finish. That she had contacted the police?
10 A. Well, I think that's not correct.
11
12 Q. The transcript will show that.
13 A. I understood the question --
14
15 Q. What are you now saying? You are saying now that you
16 did follow it up with Mrs Dawkins?
17 A. Yes. And the previous question I thought was whether
18 I followed it up with the police. I did not follow it up
19 with the police. I did follow it up with Mrs Dawkins.
20
21 Q. Now we need to know what you say about following it up
22 with Mrs Dawkins. What did you do?
23 A. My memory was that it was a simple conversation,
24 something along the lines of, "Did you take that matter to
25 the police?" The answer was, "yes", and that was the end
26 of it.
27
28 Q. I am going to suggest to you that that is in fact what
29 she said to you the first time you and her spoke about
30 this?
31 A. I don't think so.
32
33 Q. Now, you were telling us that this was the last of a
34 series of incidences typical of Mrs Dawkins. I think you
35 have now clarified that it wasn't quite the same. All
36 right. Well, tell us about --
37 A. Yes.
38
39 Q. -- tell us about the other incidences? Before you do
40 that - sorry before you do that, were you assisted in your
41 recollection of these other incidences from your
42 discussions you had with Ms Stroud?
43 A. Yes, just one of them, not the others. I was about to
44 say one of them was pure hearsay. This is the particular
45 one, that at one stage the bus, the Westrek bus with Maggie
46 and the participants, was driven down the main street with
47 everybody doing something called "mooning", which is

1 sticking their bare bottoms out the windows.
2
3 Q. I think we all know what it is.
4 A. Now, this is a minor thing you might think - beg your
5 pardon?
6
7 Q. I think we all know what it means, yes.
8 A. It might sound trivial, but it seems to me that that's
9 not an appropriate way to treat participants - well, not
10 treat them, sorry, to encourage participants to do those
11 sorts of things, particularly in a small country town.
12
13 Q. You say that was a rumour, did you?
14 A. No. It was hearsay. It was told to me that it had
15 happened. I don't know by whom. But I'm not - I didn't
16 see it, so I can't swear to it.
17
18 Q. But you don't know by whom you were told about that?
19 A. I don't.
20
21 Q. Someone with Westrek?
22 A. I'm sorry, I have no idea. It really was 27 years
23 ago. That was the one that I was reminded about. I had
24 forgotten that.
25
26 Q. Who reminded you about that?
27 A. Elizabeth I think - Elizabeth Stroud when we had a
28 conversation. And it wasn't a serious --
29
30 Q. Okay. Would there have been a file note made about
31 this?
32 A. I doubt it. It was - it was just, you know, you could
33 regard it as a bit of fun in any context other than the
34 fact that Westrek participants were there to gain life and
35 work skills, and that really wasn't either of those.
36
37 Q. I gather from the way in which you received this
38 information that you didn't speak to Mrs Dawkins about this
39 prior to her removal from Katanning?
40 A. I did not speak to her about it.
41
42 Q. Or write to her?
43 A. No. Not in my recollection anyway.
44
45 Q. That takes care of that one. The others?
46 A. I think I read part of this in Mrs Dawkins' own
47 transcript, that she was sleeping with the other

1 coordinator, Ian. Now, in this case he told me directly -
2 not at the time - but at the very last function in December
3 of 1985 that what they did was, they told the participants
4 that they had been secretly married. So this was
5 apparently regarded as proprietary - was satisfied.

6
7 Q. Was there any rule against group leaders having a
8 relationship?

9 A. No. We supposedly employed mature adult people who
10 would hopefully be able to make up their own minds about
11 the appropriateness of things without rule books.

12
13 Q. Okay.

14 A. And I need to say in some subsequent projects the same
15 thing happened.

16
17 Q. Again I gather that, seeing that you only found that
18 out at the end of 1985 --

19 A. Oh, no, I'm sorry. No. I didn't say I found it out
20 at the end. It was told to me, so that I had direct
21 evidence, if you like. But it was a rumour, again, from a
22 person unknown, on the way through. And, no, I did not
23 speak to Maggie or anyone else about it.

24
25 Q. Or write to Maggie Dawkins about it?

26 A. No. No.

27
28 Q. Can you recall any other occasions?

29 A. I have already mentioned the frequent phone calls
30 about health issues, several to my house, where my wife
31 talked to Maggie about things.

32
33 Q. That wouldn't be a ground for having her moved, would
34 it?

35 A. No. But it's grounds for me considering her to be a
36 nuisance or a pest.

37
38 Q. Okay. Can I ask you --

39 A. Another one was --

40
41 Q. Before we go on to that, you described her as a
42 nuisance or a pest. Did you regard her as a nuisance or a
43 pest with her insistence that this matter be properly
44 investigated, ie, the allegation that was being made
45 against Dennis McKenna?

46
47 MR ELLIOTT: That question is unfair because he has not

1 asked the witness the question about whether she did
2 insist.
3
4 MR URQUHART: I think that --
5
6 MR ELLIOTT: Please let me make my point.
7
8 MR URQUHART: I am going to object to my learned friend
9 objecting on behalf of a witness that he does not act for.
10 He just cannot do it. He cannot do it.
11
12 MR ELLIOTT: Of course I can.
13
14 HIS HONOUR: What is your standing to make the objection?
15 What do you say is your standing?
16
17 MR ELLIOTT: The question is unfair.
18
19 MR URQUHART: Maybe we can put this on mute while we have
20 this discussion. I anticipate it is going to go for a
21 while.
22
23 (Audio to video link muted)
24
25 HIS HONOUR: On whose behalf are you making this
26 objection?
27
28 MR ELLIOTT: I am making objection because the question is
29 unfair.
30
31 HIS HONOUR: But on whose behalf are you making the
32 objection?
33
34 MR ELLIOTT: I make it on behalf of my client, because
35 such unfair questions don't assist the Commission, and I do
36 not want to see my learned friend thinking that he can ask
37 those questions and then seek to ask similar questions of
38 my client. The question just assumes a fact not yet
39 admitted by the witness. It is exactly the same as "now,
40 sir, when did you stop beating your wife?", when the
41 witness has not admitted it. That is the problem with the
42 question. It just should not be asked.
43
44 Counsel Assisting should have known better than to ask
45 questions in that form. It does this Inquiry no good at
46 all to ask a question in that form when he could very
47 easily ask the first question, get an answer and then ask

1 the second question. He is seeking to trap the witness by
2 a question that is inappropriate. It is objectionable. As
3 counsel at the bar table, I have a duty to raise it,
4 whether it be specifically in my client's interest or not,
5 it is not fair to this witness.

6
7 HIS HONOUR: Well, Mr Urquhart.

8
9 MR URQUHART: Your Honour is in the best position to judge
10 whether a question is unfair.

11
12 HIS HONOUR: You should firstly put to the witness that
13 Ms Dawkins did insist or persist, or whatever it might be,
14 and then put your question.

15
16 MR URQUHART: The witness knows where I am coming from
17 because he has read Ms Dawkins' transcript. That is all
18 right, sir, I will do it.

19
20 HIS HONOUR: We can put the mute off.

21
22 (Audio to video link unmuted).

23
24 MR URQUHART: Q. Mr Sherlock, can you hear and see me?
25 A. Yes, I can.

26
27 Q. I am going to ask you this, and I will put it in its
28 proper context. You read Mrs Dawkins' evidence. Her
29 evidence is that she, on a number of occasions, sought
30 Westrek management assistance in having this allegation
31 investigated. Do you recall that part of her evidence?
32 A. I do.

33
34 Q. I gather you disagree with that?
35 A. I don't have any recollection of it, but I cannot say
36 that she didn't raise the matter from time to time.

37
38 Q. Indeed, I would suggest to you that that description
39 you have given of her being a pest or a nuisance would
40 apply to her being insistent about having this matter
41 investigated?

42 A. If in fact she did persist, I would regard it as such
43 because it was consistent with some of the other frequent
44 phone calls, such as the health ones, for example.

45
46 Q. I interrupted you there. You were telling us about
47 the series of incidences. You mentioned the mooning on the

1 bus, the sleeping with the other group leader. Were there
2 any others?

3 A. Yes. In the neighbouring town of Gnowangerup there's
4 a huge fibre glass ram. Now the Gnowangerup cousin that
5 I've told you about rang me to say that she had been told
6 that the ram had been visited in the middle of the night by
7 a group of people who had actually painted its fibreglass
8 testicles with some other colour - red or green or
9 something or other. And she'd been told that this was the
10 Westrek group and, "Was that true?" I responded that I had
11 no idea whether it was the Westrek group; but, again, a
12 rumour confirmation came later, I do not know from whom,
13 quiet separately, and it was the sort of conversation in
14 the office like, "Hey, guess what Maggie's done now, she's
15 taken the kids over and they've painted the ram".

16

17 Q. Right.

18 A. So I'm trying to paint a picture of a series of these
19 things over a period of time. Another one - and again this
20 is a rumour and I --

21

22 Q. Okay. Mr Sherlock, I'll ask you about that, but
23 before I get to that, did you contact Mrs Dawkins while she
24 was in Katanning to speak to her about this?

25 A. No, I didn't.

26

27 Q. Did you --

28 A. -- for the same reasons that I gave before.

29

30 Q. Did you write to her?

31 A. Sorry. As far as I know, no.

32

33 Q. All right, then. Sorry, you were about to mention
34 another one?

35 A. Another one - and, again, this is also a rumour, but
36 confirmed by - after the event - by her partner, and that
37 was that on the - on one occasion where her now husband
38 visited her in Katanning about Ian the other coordinator,
39 and I don't know his surname - I'm not referring to Ian
40 Carter, I'm referring to Ian the coordinator.

41

42 Q. Johnston, I think his name may have been, Ian
43 Johnston?

44 A. What was it?

45

46 Q. Ian Johnston.

47 A. I think you might be right. Okay. Thanks.

1
2 Q. And just after - before you tell us about this, was
3 this something that you were aware of before Mrs Dawkins
4 was moved to Bunbury?
5 A. It's the same as the pretend marriage thing.
6
7 Q. Pardon?
8 A. It was a rumour which was confirmed by Ian at the
9 final function after the move.
10
11 Q. Thank you. Okay.
12 A. And that was that while the - her friend was in
13 Katanning for the weekend, he was obliged to take the
14 participants out camping to get them out of the way.
15
16 Q. I see. And, again, did you speak to Maggie Dawkins
17 about this while she was at Katanning?
18 A. No, I did not, and nor did I write a memo, as far as I
19 recall.
20
21 Q. Yes, I was going to ask you. Would there be any memos
22 or file notes written regarding these incidents?
23 A. I've answered you earlier about the one concerning
24 McKenna or the St Andrew's Hostel rumour and the visit to
25 police, and I would have thought - I can't swear that I
26 did, but I would have thought that I would have written a
27 memo about that because of the police connection.
28
29 Q. So was there anything else that you can recall
30 regarding these incidents?
31 A. No. Well, there was one - again, I did not see this,
32 and I don't remember who talked about it, but there was an
33 apparent miscarriage also while she was there. Now, that's
34 not her fault, obviously.
35
36 Q. No, hold on, hold on, hold on. That wouldn't be a
37 reason for her being removed from Katanning, would it?
38 A. No, no, it's not.
39
40 Q. Well, I think --
41 A. It's - I'm trying --
42
43 Q. -- Mr Sherlock, I think we'll avoid talking about
44 those --
45 A. We'll take that one out.
46
47 Q. -- if you could --

1 A. Okay.
2
3 Q. -- please.
4 A. Okay.
5
6 Q. You know what I was asking you about. I was asking
7 you about what were the - it was the last of a series of
8 incidents you mentioned regarding --
9 A. Yes.
10
11 Q. -- the Dennis McKenna phone call, and I asked you to
12 describe other incidents which led to her --
13 A. Yes.
14
15 Q. -- being moved from Katanning to Bunbury --
16 A. Correct.
17
18 Q. Can I ask you just to constrain yourself to that
19 question, if I --
20 A. Yes, certainly.
21
22 Q. -- if I didn't make that abundantly clear before.
23 A. I apologise.
24
25 Q. Were there any other incidents that specifically
26 related to this decision to move Mrs Dawkins from Katanning
27 to Bunbury?
28 A. Not that I can recall.
29
30 Q. Thank you. So had any - so no decision had been made
31 to move Mrs Dawkins before the phone call from Dennis
32 McKenna?
33 A. No.
34
35 Q. Mr Sherlock, I know you've read Mrs Dawkins' evidence.
36 I just want to remind you of something she said regarding
37 her confrontation with Dennis McKenna about this matter,
38 okay. It starts at page --
39 A. Yes.
40
41 Q. -- 240. And she said this:
42
43 Directly after my meeting with Mrs Evans, I
44 drove to the hostel and confronted Dennis
45 McKenna. I was beyond mad, I was furious.
46 I told him I knew what he was doing and I
47 made it clear that I would do what I could

1 to have his disgusting activities stopped.
2 Dennis never denied what I accused him of,
3 he laughed in my face. He threatened me by
4 saying that he would have me sacked. He
5 told me he had friends in high places, he
6 would crush me. I had been a tutor in
7 Fremantle and Canning Vale prisons, and I
8 told him I had friends in low places and
9 that he would meet them soon.

10

11 Given that Maggie Dawkins was moved some time shortly after
12 Dennis McKenna made that phone call to you, do you accept
13 that insofar as he was concerned, he would believe that he
14 was responsible for doing that?

15 A. I'm quite sure he did. I certainly did not discuss
16 with Mr McKenna anything else about Maggie Dawkins.

17

18 Q. Mrs Dawkins continues her evidence on that page:

19

20 I am unclear who phoned who - whether I
21 contacted Ms Elizabeth Stroud at head
22 office or she contacted me at Kartanup. I
23 am unclear whether it was later that day or
24 the next day, but I remember her directing
25 me to pack up and move to the Westrek
26 project at Bunbury. I was given 48 hours
27 to do so. Ms Stroud informed me that
28 Dennis McKenna had threatened to withdraw
29 the accommodation of Kartanup from Westrek.
30 This would have put an end to the project I
31 had worked so hard to set up.

32

33 Now, is that - I mean, I know you believe that you spoke to
34 Mrs Dawkins about her movement from Katanning to Bunbury,
35 but I want to ask you this, do you dispute her recollection
36 that she was given 48 hours to do that?

37 A. I don't remember the times, and it's possible that
38 both Elizabeth Stroud and I talked to her at the time. My
39 recollection certainly is that I did talk to her at that
40 time.

41

42 Q. Now, Mr Sherlock, I'll move on from there. I gather
43 that with respect to this Westrek project, that you would
44 regard any offence committed upon a participant at Westrek
45 as a Westrek concern?

46 A. Yes.

47

1 Q. And, similarly, any offending by a participant whilst
2 in a Westrek program would be a Westrek concern?
3 A. Yes, it would.
4
5 Q. What about offending that had nothing to do with
6 Westrek participants, either as the victim or the offender,
7 or as a witness?
8 A. Mr Urquhart, it's the same question you keep asking.
9
10 Q. Yes.
11 A. When that did occur, it was referred to the police.
12
13 Q. I'm not - I'm just talking generally.
14 A. Well, in any case, if I was aware of it I would ensure
15 that it was in - referred to the police.
16
17 Q. I just want to ask you about something else that
18 Mrs Dawkins gave evidence about, and this was after she'd
19 been transferred to Bunbury. She says that she recalls a
20 meeting with you and Ms Stroud. Now, she doesn't say it
21 was at Bunbury, she can't recall where it was now, okay.
22 And she says this at page 242, sir:
23
24 I do have a lasting --
25
26 Have you got the transcript there, have you?
27 A. No, I don't, I was looking at my own submission.
28
29 Q. Okay:
30
31 I do have a lasting impression that
32 Elizabeth Stroud and Peter Sherlock took
33 the approach that I was a politically savvy
34 person who understood the sensitivity of
35 the program.
36
37 Now, do you agree that that would have been your assessment
38 of Maggie Dawkins at the time - that she was politically
39 savvy?
40 A. I can't remember that part of the discussion. In
41 fact, I can't remember the discussion at all --
42
43 Q. No, no, Mr --
44 A. -- but she certainly was --
45
46 Q. No - yes, that's what I'm asking. I'm not - I'll get
47 to the discussion in a moment. I'm asking you now for the

1 moment --
2 A. Okay.
3
4 Q. -- whether you accept that it was your view that she
5 was politically savvy?
6 A. Very.
7
8 Q. And that she understood the sensitivity of the
9 program?
10 A. Yes.
11
12 Q. And she goes on:
13
14 When I expressed a lack of understanding
15 from their lack of support for me, I was
16 told that I put the Katanning project in
17 jeopardy by upsetting Mrs Evans and Dennis
18 McKenna.
19
20 Now, just leaving that aside, whether this conversation was
21 had or not, do you believe that the Katanning project was
22 in jeopardy given what Dennis McKenna was saying to you?
23 A. It definitely was. Whether or not he was a liar, the
24 publicity and the community support for him would have
25 damaged the project and the program.
26
27 Q. Were you aware if Mrs Ainslie Evans was upset by
28 Maggie Dawkins being team leader at the Katanning project?
29 A. No, I don't recall any - no, I'm not aware - wasn't
30 aware.
31
32 Q. And she says:
33
34 When I pressed them about how to get my
35 concerns addressed, they made it clear to
36 me that I was sticking my neck out about
37 mere suspicions of allegations made by an
38 unreliable troubled youth who refused to
39 make a police statement.
40
41 All right. I'll ask you there now: do you have any
42 recollection of this meeting?
43 A. I don't have a - I don't have a clear recollection,
44 but while you were talking, I'm remembering that she was
45 asked to come to Perth --
46
47 Q. And this might have been --

1 A. -- to talk to us about that. Sorry.
2
3 Q. Yes. She actually talks about that as well. This is
4 something she says happened just before that?
5 A. Yes, I can't recall it.
6
7 Q. In any event, well, let's go now to that meeting in
8 Perth. We'll come to that in a moment. Can you remember
9 any conversations along these lines that you had with
10 Mrs Dawkins?
11 A. No. I can recall explaining why the move was
12 necessary.
13
14 Q. Right.
15 A. And, yes, it did have all those things you said, but
16 it also had the other issues that I raised, and then if
17 Mrs Dawkins was so politically savvy, I would have expected
18 her not to have got involved in the mooning and other
19 incidents.
20
21 Q. All right. Just staying with this though, wasn't it
22 the case that you knew that the police did have - had
23 difficulties getting a statement from this youth?
24 A. Yes.
25
26 Q. Then she goes on:
27
28 It was Elizabeth Stroud who advised me to
29 put in writing what the young man had told
30 me of his allegations of sexual abuse, and
31 my concerns to have Dennis McKenna
32 investigated. I did as advised and I
33 handed Elizabeth Stroud and Peter Sherlock
34 a copy of that account.
35
36 Do you have a recollection of receiving a copy of a written
37 account?
38 A. Absolutely none whatsoever.
39
40 Q. Might that have happened, or you can categoric - I
41 know it's a long time ago, you can categorically state you
42 never got that?
43 A. I can't categorically state, but it's unlikely to have
44 happened, given that my memory of the McKenna discussion
45 with him was and is clear, I think I would have remembered
46 that as well because it's an association - as an
47 associate - associated part of the same issue.

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Q. Might this have been a way of at least placating Mrs Dawkins, and that, you know, "Go and write this account down and give it to us"?

A. I don't - I don't remember thinking of placating anybody. I would have to confess, it's possible.

Q. She continues:

I recall Peter Sherlock giving me an undertaking that even though it was very little to go on, he would try to alert the relevant authorities.

Do you have a recollection of that?

A. No, I do not. Whether it might have been seen as placatory or not, I can only go back - I'm sorry to reiterate, but the police having been told about it, and even if they couldn't get a statement, I would imagine they would have other means of investigating the issues, so I don't - I can't believe that I would have given that undertaking.

Q. But you do agree, at least, with the proposition that there was very little to go on with respect to this investigation? That was your view at least?

A. Yes, but it wasn't up to me to make that decision.

Q. No.

A. This was my opinion.

Q. But, you see, what Mrs Dawkins is stating is that you gave her an undertaking that although it wasn't much to go on, you would try to alert the relevant authorities. Well, might that --

A. No.

Q. Can you categorically state that you didn't give any such undertaking of that nature?

A. I am sorry, after this length of time I cannot categorically, but it is highly unlikely.

Q. And you say it's "highly unlikely" because it wasn't your responsibility?

A. Because my - I considered my responsibility to have been exercised by getting her to go and talk to the police in Katanning.

1
2 Q. But, Mr Sherlock, we've moved on here now. This is
3 when she was in Bunbury, she says?
4 A. Yes, but that doesn't alter the fact that my - I
5 considered my responsibility to be at an end.
6
7 Q. Well, again, was this - I'm going to suggest to you -
8 one means by which you adopted to get rid of this nuisance,
9 as it were, "Give us an account and I'll see what I can
10 do"?
11 A. It's not usually my style, I must say.
12
13 Q. Yes, but Mrs --
14 A. I know what you're saying.
15
16 Q. Well, Mrs Dawkins is --
17
18 MR ELLIOTT: Counsel's interrupting the witness again.
19
20 MR URQUHART: No, the witness had finished.
21
22 Q. Mrs Dawkins was a somewhat different work colleague,
23 wasn't she, to many others?
24 A. She was.
25
26 Q. Very persistent?
27 A. She was.
28
29 Q. Now, as I understand from what you've told us, Mr
30 Sherlock, is that when you say that Maggie Dawkins had to
31 be managed - that's what your superiors told you - was it
32 your understanding that she couldn't be, you know,
33 dismissed or fired?
34 A. That was never discussed, and I would think - and I
35 would have taken it to be the set of circumstances that if
36 being dismissed or fired was warranted, then that initial
37 instruction to manage her would have needed to have been
38 re-looked at.
39
40 Q. But do you agree if the drastic step was taken to
41 dismiss her, there might be political ramifications?
42 A. Again, it would have depended upon the reasons, and I
43 have to say to you, I couldn't have cared less if there
44 were political ramifications if the dismissal was
45 warranted.
46
47 Q. No, that might be so, but do you accept there may well

1 have been?
2 A. Yes, and they would have no doubt landed on my lap.
3
4 Q. Well, one way of having her removed from the Westrek
5 program would have been if she voluntarily resigned. Would
6 you agree with that?
7 A. If she had, yes. If she had.
8
9 Q. And wasn't it the case that that was an option that
10 was pursued after she moved to Bunbury?
11 A. I read that in the transcript.
12
13 Q. Yes.
14 A. I have absolutely no knowledge of it, and I just - no,
15 I repute the whole thing.
16
17 Q. All right. Sir. So you deny her account that she
18 went to - she was summonsed to head office for a series of
19 meetings, and there she met you, Peter Kenyon and Ian
20 Carter, and she was asked to sign a resignation letter?
21 A. I have no recollection of that whatsoever. The only
22 meeting that I recall, I think was with Elizabeth Stroud
23 and me, and talked about her reasons for the transfer.
24
25 Q. And when do you say that took place?
26 A. I've no idea. Obviously some time - well, after she'd
27 settled into Bunbury, I think.
28
29 Q. Do you ever recall Mrs Dawkins saying to you that all
30 she did with respect to the Dennis McKenna matter was
31 follow the instructions or the advice that Elizabeth Stroud
32 gave her?
33 A. No, I don't recall her telling me that.
34
35 Q. Is that something you've discussed with Ms Stroud?
36 A. No.
37
38 Q. I'll just ask you whether you agree or disagree with
39 what Mrs Dawkins said at page 244, sir, approximately line
40 13:
41
42 I do not recall who said the actual words,
43 but the view I came away with that day --
44
45 This was when she was summonsed to some meetings at head
46 office after she'd been moved to Bunbury:
47

1 -- and remain to me this day, is that the
2 sexual abuse of a former secondary school
3 student of a government hostel was not a
4 Westrek concern. This has always been the
5 major difference between me and my
6 superiors at the Department of Employment
7 and Training.

8
9 Do you agree with what she says there?

10
11 MR ELLIOTT: Well, there are a number of parts to that.

12
13 THE WITNESS: No, I can only reiterate that for my part of
14 it, the issue was passed on to the police in Katanning.

15
16 MR URQUHART: Q. You seem to think that just because
17 that was your view or your belief, that that meant that
18 Westrek management didn't have to take the matter further?

19 A. Precisely.

20
21 Q. But isn't it the case --

22 A. They were there.

23
24 Q. But isn't it the case, Mr Sherlock, that Mrs Dawkins
25 was still pursuing this with Westrek management after she
26 moved to Bunbury?

27 A. I did answer that question before about I don't
28 remember her persistence, but acknowledge that she probably
29 was persistent in this matter.

30
31 Q. Yes. And if she raised those concerns with you,
32 again, you take the view that what you had done and what
33 Westrek management had done was sufficient?

34 A. Yes.

35
36 Q. Do you recall Mrs Dawkins' evidence that you provided
37 a reference for her after she completed the Westrek
38 project?

39 A. I recall - yes, I recall the evidence, and I think
40 there was an extra word in there. I think it said
41 unsolicited evidence.

42
43 Q. Yes, unsolicited reference mentioning her leadership
44 abilities --

45 A. I have --

46
47 Q. -- her positive light and her personal integrity when

1 dealing with participants in the local community.
2 A. Look, I don't recall doing that at all. I had been,
3 for some years, a Commonwealth Public Servant. When
4 somebody left the Commonwealth Public Service they were
5 given a certificate of service, if you like, that said so
6 and so had done this, this, and this in this particular
7 time frame, without expressing any opinion. I didn't know
8 much about the State, because I'd not been there long, but
9 I can't think that I would have assumed that there was any
10 difference. I may well have issued to her and to others a
11 statement of service to say that this is what they'd been
12 doing for that length of time, and I don't --

13
14 Q. But what about mentioning her abilities or leadership
15 abilities in a positive light?

16 A. That may have been a statement within it, in terms of
17 her role as a group leader --

18
19 Q. And her --

20 A. -- but that would have been the extent of it though.

21
22 Q. And her personal integrity when dealing with
23 participants and the local community?

24 A. I can't believe that I would have included those sorts
25 of statements. I really don't recall.

26
27 Q. But you may well have?

28 A. I might have, but it is far more likely that it was
29 just a bald certificate of statement without any additions
30 at all.

31
32 Q. Because, you see, if a reference like that was
33 provided, it would be somewhat inconsistent with how you
34 say Maggie Dawkins conducted herself in Katanning?

35 A. I have never said that she actually ran a bad project
36 in terms of actually doing what she was there to do for the
37 most part, which was getting the participants involved in
38 local activities and so on. I've already said I wasn't
39 happy about some of the extracurricular activities that she
40 apparently got them involved in, but otherwise I didn't
41 have an issue, and that is supported by the press in
42 Katanning when the project closed.

43
44 Q. Sorry, that what, the - it was very positive?

45 A. That they were okay project, yes.

46
47 Q. So getting back to my question though, do you say that

1 if you provide a reference like that it would be
2 inconsistent with what you believed or how Mrs Dawkins
3 behaved in Katanning?
4 A. I think we're talking about hypotheticals here, but if
5 I had provided a reference, it would not have negatively
6 impacted upon how the project was run.
7
8 Q. Why hadn't Maggie Dawkins been transferred to
9 somewhere else before Dennis McKenna's phone call to you?
10 A. That's an easy one. The other ones that I've listed
11 were relatively trivial and did not involve somebody
12 jumping up and down, and a person with that (indistinct) at
13 that time, local reputation and very positive reputation -
14 I mean, clearly subsequently proven wrong, but at that time
15 the other instance did not involve any - any - any people
16 of that sort, or wide public exposure. This one did.
17
18 Q. All right. So it was a - if not the only reason, it
19 was a very significant reason why she was moved?
20 A. It was the straw that broke the camel's back, yes.
21
22 Q. Well, it sounds like a bale of hay to me, Mr Sherlock,
23 because --
24
25 MR ELLIOTT: That's a matter of opinion.
26
27 MR URQUHART: Q. -- because - let me finish - because
28 you said that the other matters were relatively trivial,
29 but this one was major?
30 A. The effect of it was potentially.
31
32 Q. And it was all about also protecting the Westrek
33 image, wasn't it?
34 A. Well, that was clearly part of it.
35
36 Q. A major part of it, Mr Sherlock?
37 A. A part of it.
38
39 Q. You don't agree it was a major part?
40 A. Well, it would depend on how the community reacted to
41 the press release, or whatever it was going to be in the
42 first place.
43
44 Q. You were obviously concerned enough about the press
45 release to agree with Mr McKenna that Maggie Dawkins was to
46 be moved?
47 A. I was more concerned about moving her away from any of

1 those sorts of incidences to a larger community where
2 perhaps different behaviour would be better absorbed.
3
4 Q. But the incident we are talking about which caused her
5 to be moved was publicity regarding a serious allegation
6 about what appeared to be a much respected figure in
7 Katanning?
8 A. But you've just said the incident which caused her to
9 be moved. It was not that incident alone which caused her
10 to be moved.
11
12 Q. Well --
13 A. It was, as I've tried to explain, a series of other
14 incidences. I have already said --
15
16 Q. Mr Sherlock, let me ask you this: If Dennis McKenna
17 had not made that call to you she would have remained in
18 Katanning?
19 A. Yes.
20
21 Q. Do you recall getting a phone call from Maggie Dawkins
22 in 1991?
23 A. I do.
24
25 Q. Was it at that stage you were working for a
26 Commonwealth department in Perth?
27 A. I was.
28
29 Q. Can you recall what the contents of that conversation
30 was?
31 A. Yes. I've never known how Maggie tracked me down in
32 that particular department, but I was there for a fairly
33 short time doing a contract. But she rang after McKenna
34 had been initially sentenced and she was triumphant. She
35 seemed - she didn't seem to - she took the line and she did
36 use the word "I was right"; meaning she was right and I was
37 wrong. Well, that implied that I had thought that McKenna
38 was not guilty. I never, ever, had that opinion. It
39 wasn't my business to make that sort of judgment. I am not
40 a judge. I am not a jury. I didn't even really understand
41 why she would have made the call in the first place.
42
43 Q. But she did, I'm just asking --
44 A. But that was the substance of it.
45
46 Q. Did she also say to you that as far as she was
47 concerned you didn't believe her?

1 A. Yes, that's right. That's what she was saying; I was
2 wrong and I didn't believe her.
3
4 Q. Well, who did you believe back in 1985; Mr McKenna or
5 the allegation that Mrs Dawkins had heard?
6 A. It wasn't up to me to believe anything.
7
8 Q. I know that, but who --
9 A. It was up to me --
10
11 Q. The question is not going to go away. I would suggest
12 to you that in light of the fact that after that telephone
13 call from Dennis McKenna you had Maggie Dawkins moved, and
14 given what you had heard of Mr McKenna's reputation that
15 you believed him when he denied it?
16 A. No. I didn't believe him because I wasn't a judge or
17 a jury. We've got a simple situation --
18
19 Q. We are not asking you to sit on a judge and jury,
20 Mr Sherlock. It is a question of who was it, whose account
21 did you accept more; this woman who had been causing those
22 problems before or this respectable man from Katanning,
23 Mr McKenna?
24 A. I didn't believe either of them. I got it referred to
25 the police. That's - I was neutral.
26
27 Q. You were neutral?
28 A. I heard both of them.
29
30 Q. I said to you that we are going to address this
31 matter. You have referred to it as an "LPO". What does
32 that stand for?
33 A. Yes. Local Purchase Order.
34
35 Q. Is it the case that you have been provided with some
36 documents from the Inquiry in relation to this matter?
37 A. Yes. I have them in front of me.
38
39 Q. Did this concern a matter in which you allowed a
40 Westrek participant to buy some personal items that had
41 been damaged by a fire whilst he was at the Katanning
42 program?
43 A. Yes. Can I say that until I received this material
44 just the other day, including my own memo that I am reading
45 now of 10 December 1985, that I had forgotten the entire
46 incident.
47

1 Q. Certainly. That is why we sent you the material,
2 Mr Sherlock?
3 A. Yes, no. It is good.
4
5 Q. Good. Were you familiar with LPOs at this time, given
6 the years you had spent in the Public Service?
7 A. Well, I was familiar with Commonwealth LPOs. I
8 certainly, as I explained in my letter to whoever it was in
9 the department, that I admitted - you will see in here
10 obviously - I do admit culpability, but I had no precise
11 knowledge of the limits of LPOs. As you can see, they have
12 taken me to task about it. I don't have any problems with
13 that. Since I have received this - you know all this - the
14 memory does get jogged when you read things like this.
15
16 I think that I went this path because there was a
17 young person who was severely disadvantaged, and I don't
18 know what the causes of the fire were, but in order to go
19 through any kind of insurance process would have
20 potentially taken months, even if such an option existed.
21 I think in this case I was trying to shortcut the process
22 and just simply say, "Look, let's just simply get you some
23 more gear". That's the memory this memo reminds me of.
24
25 Q. Do you accept that you did not follow correct
26 procedure in arranging that?
27 A. I did not follow correct procedure, hm. I acknowledge
28 that.
29
30 Q. Was the case for that that you thought it was
31 expedient just to simply not go through the proper
32 channels?
33 A. For the reasons I just mentioned, because here was a
34 young person without much money. He needed the goods, like
35 clothing. This was the quickest way of getting it.
36
37 Q. Had it come to your attention as a result of this that
38 his belongs had been, it seemed, set alight by a fellow
39 Westrek participant?
40 A. Hm --
41
42 Q. Just have a look at internal memo line 4 or 5.
43 A. Yes.
44
45 Q. So that was the case, to your understanding?
46 A. Yes, it is now; yes. As I said, when I read this the
47 other day that stuff came back to me.

1
2 Q. Certainly. The potential here was for the Westrek
3 program to get some negative publicity, wasn't there?
4 A. Over this incident do you mean?
5
6 Q. Yes.
7 A. Yes, I guess so. I need to say, I had not - that had
8 not occurred to me at the time.
9
10 Q. That wasn't the reason why you bypassed the usual
11 procedures in order to ensure that this young man got
12 his --
13 A. No, not at all.
14
15 Q. -- got his items replaced as quickly as possible?
16 A. The reason was he was a young man without much money,
17 like most of the kids on Westrek. He had no other way of
18 replacing those goods. That was the quickest way. I don't
19 remember any - go on.
20
21 Q. You gave him what has been described in the
22 correspondence as a "blank LPO". Do you accept that
23 description?
24 A. Oh, I thought it was "limited".
25
26 Q. If you have a look at the internal memorandum from the
27 Director of Management Services, it goes for half a page.
28 A. Right.
29
30 Q. Item 2?
31 A. Yes. I am reading it. As you see in my reply, for
32 example, with Boans, Boans had been told there was a
33 limit of \$400.
34
35 Q. But \$400 was still well above the expenditure limit
36 for an LPO?
37 A. Oh, yes, I acknowledge that now. I did acknowledge
38 that at the time.
39
40 Q. The expenditure at Boans ended up being \$574.60?
41 A. I don't think all of it was spent at Boans. I think
42 some of it was spent elsewhere. Yeah, because he could not
43 get some of the goods in Katanning, he came in and got the
44 rest at Boans.
45
46 Q. He was given a blank LPO by you and he wasn't
47 supervised, was he?

1 A. No, he wasn't.
2
3 Q. Sorry?
4 A. No, he wasn't, but there was the rider that Boans was
5 restricted to \$400. It is still wrong. I'm not backing
6 off from that at all.
7
8 Q. Did you find out as to whether a complaint had been
9 made to the police about this matter?
10 A. No.
11
12 Q. Why not?
13 A. I don't think I heard anything about it until it was
14 over, and the person who set the fire had been dismissed by
15 the coordinator.
16
17 Q. Can you recall whether any arrangement was made with
18 this man who had his property damaged that he wouldn't file
19 a complaint with the police?
20 A. I don't know anything about that at all.
21
22 Q. Again, that wouldn't look good for the image of
23 Westrek, would it, if a Westrek participant was charged
24 with damage to another's property?
25 A. I don't think that's got anything to do with Westrek,
26 the fact that both of them were actually participants on
27 the program. They're still actually human beings able to
28 behaviour in a stupid manner. I don't see that that would
29 be levelled at the project.
30
31 Q. You don't think that would be potentially damaging to
32 the project?
33 A. No.
34 MR URQUHART: Sir, I am going to move on from that area.
35 The witness has referred to a number of documents and they
36 ought to be tendered now as a bundle. That was barcode
37 0089, 0088 and 0090; 0088 being internal memorandum from
38 the Director of Management Services to the Director of
39 CEIU, dated 6 December 1985; 0089 being internal memorandum
40 to the Executive Director from the Director of Management
41 Services, 6 December 1985; and then 0090 is the internal
42 memorandum which is the handwritten account given by
43 Mr Sherlock dated 10 December 1985.
44
45 HIS HONOUR: They will be received as a bundle,
46 exhibit 45.
47

1 EXHIBIT #45 DOCUMENT BARCODED 0088, INTERNAL MEMORANDUM
2 FROM THE DIRECTOR OF MANAGEMENT SERVICES TO THE DIRECTOR OF
3 CEIU DATED 6/12/1985; DOCUMENT BARCODED 0089, INTERNAL
4 MEMORANDUM TO THE EXECUTIVE DIRECTOR FROM THE DIRECTOR OF
5 MANAGEMENT SERVICES, DATED 6/12/1985; AND DOCUMENT BARCODED
6 0090, INTERNAL MEMORANDUM, HANDWRITTEN ACCOUNT GIVEN BY
7 MR SHERLOCK DATED 10/12/1985

8
9 MR URQUHART: Q. Mr Sherlock, finally I just want to ask
10 you something about what you said in your statement that
11 you provided to the Inquiry. Have a look at your second
12 last paragraph there. Do you see that?

13 A. Yes. I do.

14
15 Q. Could you read that out to us, please?

16 A. I assume it's the one we are talking about "I note
17 that"?

18
19 Q. That's the one, yes.

20 A. Okay.

21
22 I note that Mr Elliott questioned
23 Ms Dawkins about why she didn't pursue this
24 matter with her friend Mr John Dawkins or
25 her employer, Mr Kim Beazley, perhaps two
26 of the most powerful politicians in
27 Australia at that time. Mr Dawkins was in
28 fact Minister For Trade and minister
29 assisting the Prime Minister for Youth
30 Affairs in 1985. If her apparently deeply
31 felt concern was for the students at the
32 hostel it seems remarkable that she didn't
33 seek Mr Dawkins' assistance, or at least
34 advice.

35
36 Q. Do you stand by that paragraph?

37 A. Yes, I do.

38
39 Q. How did you know in 2012 that Mr Dawkins was the
40 minister assisting the Prime Minister for Youth Affairs in
41 1985?

42 A. Well, when I read Ms Dawkins' transcript I used my
43 friend Google to look it up.

44
45 Q. Did you discuss this matter at all about why
46 Mrs Dawkins didn't raise her concerns with her political
47 friends with Ms Stroud?

1 A. No.
2
3 Q. Are you sure?
4 A. Fairly sure.
5
6 Q. I gather from what you are saying in that paragraph
7 you think approaching politicians in this instance was the
8 proper process to have child abuse allegations
9 investigated; is that right?
10 A. No. Not at all. It is just simply that if a person
11 who is so concerned about this has access to those people
12 and they weren't happy with the way they thought it should
13 be going, surely they would ask them.
14
15 Q. Two federal politicians?
16 A. Yeah.
17
18 Q. Are you saying that Mrs Dawkins wasn't that concerned
19 about this matter?
20 A. No, not at all. She's shown a great deal of concern.
21 I just wondered why that next step wasn't taken.
22
23 Q. Do you think that was a step she ought to have taken?
24 A. I'm not expressing that. She's the one with the
25 concern.
26
27 Q. No, I'm asking you?
28 A. I don't know whether she should have. But if she is
29 expressing the degree of concern that she was, that would
30 seem a logical step to me. Whether she should or shouldn't
31 is up to her.
32
33 Q. It seems to you logical for her to have a matter that
34 was of a criminal nature concerning state offences be
35 raised with federal politicians that she knows?
36 A. But the federal politicians - everybody knows
37 everybody. I don't think it is a question of jurisdiction.
38
39 Q. Mr Sherlock, finally I want to ask you this, bearing
40 in mind that with respect to this matter this young man
41 that Mrs Dawkins complained of did not want to go to the
42 police, okay.
43 A. Yep.
44
45 Q. I am going to ask you to assume for the moment that
46 she actually did do all these things. I'm going to ask you
47 if you accept she did enough with respect to this if she

1 had done all these things: raised it with the officer in
2 charge of the Katanning Police Station; raised it with
3 Ainslie Evans in her capacity as a Shire Councillor; and
4 raised it with you, Elizabeth Stroud, Peter Kenyon and Ian
5 Carter and had got a promise that efforts would be made to
6 give a written account that she'd made to the appropriate
7 authorities. Now, if she had done all of those things
8 would you accept that she had done enough?

9 A. I'm not really sure the point of the question. If she
10 had done all of those things I could only refer back to my
11 previous paragraph. If she had done all of those things in
12 her belief --

13

14 Q. No, Mr Sherlock. The point of the question is simply
15 this: Do you agree that she had done enough if she had done
16 all those things? It is either "yes" or "no"?

17 A. Yes.

18

19 MR URQUHART: Mr Sherlock, that was the point of the
20 question. Thank you, sir. That's all the questions I
21 have.

22

23 HIS HONOUR: Mr Hammond?

24

25 MR HAMMOND: Just very briefly, your Honour.

26

27 <CROSS-EXAMINATION BY MR HAMMOND:

28

29 MR HAMMOND: Q. Mr Sherlock, can you hear me?

30 A. I can. I can now see you.

31

32 Q. My name is John Hammond, Mr Sherlock. I represent
33 some of the victims. Mr Sherlock, you have confirmed with
34 Mr Urquhart that you regarded Maggie Dawkins as politically
35 savvy; that's correct, isn't it?

36 A. Yes.

37

38 Q. You told her that she should go to the police in
39 relation to McKenna's sexual misconduct?

40 A. At least for the rumour of it, yes.

41

42 Q. When that rumour was reported to you you would have
43 been shocked by it?

44 A. Correct.

45

46 Q. Because it involved the warden of a hostel in
47 Katanning in sexual misconduct with boys in that hostel; is

1 that how you understood the rumour?
2 A. Yes.
3
4 Q. So a shocking rumour?
5 A. A disturbing rumour.
6
7 Q. Disturbing to the point that you didn't know whether
8 or not the rumour had substance?
9 A. Correct.
10
11 Q. You never followed up with the police as to whether or
12 not the matter was investigated?
13 A. I didn't follow up with the police, but I followed up
14 with the person who I instructed to talk to the police
15 about it.
16
17 Q. But you had no contact with the police whatsoever
18 about the rumour?
19 A. I had no contact with the police about the rumour.
20
21 Q. So when you said to Mr Urquhart that your focus was on
22 the police, that's not entirely correct, is it?
23 A. With a focus as far as getting an appropriate agency
24 to investigate further, that's what I meant by focus.
25
26 Q. The rumour, if true, meant that Westrek participants
27 were at risk of sexual misconduct?
28 A. That would have been true, yes.
29
30 Q. That would have concerned you at the time?
31 A. That would have been my primary concern at the time,
32 yes.
33
34 Q. Again, given that Maggie Dawkins was politically
35 savvy, you would have taken this rumour on board as a
36 serious matter?
37 A. I still would have followed exactly the same course of
38 making sure that the police knew about it and had the
39 opportunity to investigate.
40
41 Q. Upon hearing the rumour, Mr Sherlock, you should have
42 gone to the police?
43 A. I wasn't there and I wasn't the person who heard the
44 rumour. Mrs Dawkins is an adult human being quite capable
45 of representing herself to the police.
46
47 Q. But given that you were superior in the government

1 hierarchy to Ms Dawkins, it is you, I suggest, that should
2 have gone to the police?
3 A. You can carry that further and take it up the line,
4 and perhaps it should have been Mr Cross, the Director of
5 the department, if you want to follow that logic. I don't
6 agree.
7
8 Q. You reported the rumour to Mr Cross?
9 A. I don't recall doing so.
10
11 Q. But the whole department would have known about the
12 rumour?
13 A. I don't know that at all.
14
15 Q. Ms Stroud knew about the rumour?
16 A. Yes.
17
18 Q. You knew about the rumour?
19 A. Yes.
20
21 Q. And you said that after you heard it your focus was on
22 the police and what they may be doing. Given the
23 seriousness of it you should have reported it to your
24 supervisor, Mr Kenyon?
25 A. It was a rumour and the police were handling it. If
26 the police had found any - or if the police had taken it
27 further at all, of course I would have done that. I may
28 have mentioned it to Mr Kenyon. I do not recall having
29 done so.
30
31 Q. You say, Mr Sherlock, that the police were handling
32 that but you had no knowledge whatsoever as to whether they
33 were or not?
34 A. I had the knowledge from Mrs Dawkins.
35
36 Q. And you believed Mrs Dawkins about that, of course?
37 A. I did. She was the one who was upset about it.
38
39 Q. You discussed the rumour with other people in the
40 department other than Mrs Stroud?
41 A. I don't recall doing so at that time.
42
43 Q. I put it to you that you would have discussed it with
44 other people in the department, given the seriousness of
45 it?
46 A. I certainly would have discussed it with Elizabeth
47 Stroud. I just need to reiterate, it was a rumour. I

1 already said I regarded Mrs Dawkins as somewhat of a drama
2 queen. And, of course, it's easy in hindsight, and
3 following convictions, to see that it is appalling, but it
4 was only a rumour in the context of other issues that
5 weren't overly important. It is subsequently obviously
6 important.

7

8 Q. But you would agree, even at the time, it was a rumour
9 that was so serious that it had to be taken seriously,
10 regardless of who was spreading it?

11 A. That's why it was referred to the police.

12

13 Q. But not by you?

14 A. No, not by me. By the person to whom the rumour was -
15 or the story was told.

16

17 MR HAMMOND: I don't have any further questions, thanks.

18

19 HIS HONOUR: Nothing for you, Mr Jenkin?

20

21 MR JENKIN: No, sir.

22

23 HIS HONOUR: Mr Elliott?

24

25 MR ELLIOTT: I wonder, sir, if it is possible for me to
26 see the witness's statement briefly before I ask questions
27 of the witness. There are a couple of areas that are
28 clearly traversed in the statement that have not been
29 traversed in evidence. Rather than airing them publicly it
30 would assist me to see what they are, so that I can make a
31 decision not to cover them or to cover them, if they are
32 relevant. It will only take a few minutes.

33

34 HIS HONOUR: The only concern I have in you seeing
35 statements which don't contain adverse material is that it
36 might, if disclosed to your client, influence your client's
37 evidence.

38

39 MR ELLIOTT: I undertake not to disclose it to my client.
40 I will look at it in the body of the hearing room and I
41 undertake to you, sir, that I will not show it to him, and
42 I will ensure that I do not allow anyone else to show it to
43 him. I appreciate the reasons why you would express that
44 concern, sir.

45

46 HIS HONOUR: Anything you want to say, Mr Urquhart?

47

1 MR URQUHART: Anything to shorten Mr Elliott's questioning
2 of this witness I can only agree with.
3
4 HIS HONOUR: I will adjourn for a short time to allow you
5 to look at the statement.
6
7 SHORT ADJOURNMENT
8
9 HIS HONOUR: Please be seated. Yes, Mr Elliott.
10
11 MR ELLIOTT: Thank you, sir, for that break, and I am sure
12 it will speed things up.
13
14 <CROSS-EXAMINATION BY MR ELLIOTT:
15
16 MR ELLIOTT: Can I begin, Mr Sherlock. I'm Elliott, and I
17 act for Mr Carter. I'd like to ask you about the Westrek
18 program, a couple of introductory questions.
19
20 Q. Are you aware whether or not there was a cabinet
21 submission in support of this program?
22 A. Look, I'm not, I'm sorry. That was before my
23 involvement, and it wasn't something that ever came to a
24 discussion afterwards.
25
26 Q. Thank you.
27 A. Obviously your client and Mr Kenyon would know more
28 about that.
29
30 Q. And were you brought in, in effect, into the project
31 by Mr Kenyon and Mr Carter?
32 A. I was asked if I would be interested, and I don't know
33 the process after that. I recall an interview with, I
34 think, Mr Kenyon and Mr Carter, and possibly another
35 person, and then I was offered the job.
36
37 Q. And had you come from the Department of Employment and
38 Industrial Relations?
39 A. I think that is what it was called then, yes.
40
41 Q. And had you been a manager there?
42 A. I had been. I managed the Community Youth Support
43 Scheme Program, which had a staff of about seven people, I
44 think. That was a program with projects, each of which had
45 a community group running it right across
46 Western Australia.
47

1 Q. And were Mr Carter and seemingly Mr Kenyon aware of
2 that background?
3 A. Yes, they were. I don't recall - no, yes, I do recall
4 where I met Mr Kenyon. I - of my own initiative - I don't
5 know if you want to hear this stuff - but I caused all of
6 the chairpeople of those community groups right across the
7 state to meet for several days for the first time, and also
8 all the project officers, so there was an awful lot of
9 people together at some place out on the coast - I don't
10 recall now - but Mr Kenyon provided the introductory
11 icebreaker activities and became very interested in the
12 project then, and that was some four or five years earlier.

13
14 Q. Thank you. And do I gather correctly that the
15 projects with Westrek were not dissimilar to what you were
16 doing with the old Department of Employment and Industrial
17 Relations?

18 A. It had the same aims, in terms of getting young people
19 back to work. I guess the CYSS project was more work
20 related, whereas Westrek was work and socialisation
21 processes.

22
23 Q. Yes. All right. And the program - was that initially
24 based at the May Holman Centre?

25 A. Yes. The offices were, yes.

26
27 Q. But later moved out to Stoneville?

28 A. Yes, to the Hillston - what used to be the reform
29 school?

30
31 Q. And after the move where were Mr Kenyon and Mr Carter
32 located?

33 A. What happened - and again you've heard me say lots
34 that my memory's hazy about these things - the State - my
35 memory was that the State funded the program for the first
36 year fully for \$650,000, plus some buses and things. The
37 second year it was less, and I suggested to the Board that
38 we should consider moving to a private foundation rather
39 than being dependent on the government. They agreed with
40 that. I resigned from being a public servant, and I think
41 it was then that the whole thing moved to Hillston, to
42 Stoneville.

43
44 Q. Okay.

45 A. So by that time Mr Kenyon and Mr Carter were - well,
46 sort of virtually out of it, I guess.

47

1 Q. All right. Thank you. Do you remember whether in mid
2 1985, Mr Carter had one of his children born?
3 A. I think I do, yes. My wife and I knew he and his then
4 wife, Wendy, socially, and I'm - yes, I think that is
5 correct.
6
7 Q. And around about this time was some of the reins taken
8 over by Mr Kenyon?
9 A. I don't remember that, but the other aspect of things
10 that I certainly haven't mentioned is that there was a
11 Board set up right from the beginning with Janet Holmes a
12 Court as Chair, a gentleman who was then running the Youth
13 Affairs Bureau, I think it was called, a Chaplain from what
14 is now Curtin University, and then a little bit later a
15 lawyer from Freehill Hollingdale & Page come into it. I
16 don't recall his name, and I'm not sure when he came in.
17 And there were a couple of other people, and I just don't
18 recall who they were, or what they represented.
19
20 Q. Was Graham Edwards --
21 A. And the Board then - sorry?
22
23 Q. Was Graham Edwards one of those?
24 A. I don't think so. Although Graham had a lot to do
25 with the project, and he came on a couple of - I remember
26 being with Graham in Wyndham when that project was running,
27 yes, but I don't think he ever actually was on the Board.
28
29 Q. And that Advisory Board had Peter Kenyon on it?
30 A. Occasionally. Basically, I think it was more left to
31 me to do the day-to-day things, and I was the main liaison
32 with the Board.
33
34 Q. Thank you. Mr Carter wasn't involved with that, was
35 he?
36 A. I can't recall him being. I think it was more the
37 occasional appearances of Peter Kenyon.
38
39 Q. All right.
40 A. I can't swear to that, I'm sorry.
41
42 Q. Now, just staying with Mr Carter, was he a man whose
43 management approach was to delegate?
44 A. Yes. He was also - and I realise that he's your
45 client, so I might be sounding a bit - what could I say -
46 I'm not saying anything because of that, he was a very
47 approachable man and a wise man - both of them were - they

1 had different sorts of skills, but each of them were easily
2 approachable and I did a lot of talking to them. Not
3 necessarily reporting to them, but discussing how to go
4 about things and stuff like that. It was Mr Kenyon, if my
5 memory is right, who introduced the idea of this program to
6 Western Australia, and copied the Katimavik program which
7 had been running for some years in Canada.

8
9 Q. Is it fair to say that Mr Carter was not a
10 micromanager?

11 A. He trusted the people who worked for him.

12
13 Q. And he --

14 A. So in the broad parameters, he let me get on with it.
15 I'm sorry, I interrupted you.

16
17 Q. That's fine, you anticipated my next question. If I
18 can deal with timeframes. Am I right in understanding that
19 the imperative to get the program going came from
20 government rather than from Messrs Carter and Kenyon?

21 A. Very much. There were a couple of people under Mr
22 Cross who were very keen to get it going - I've forgotten
23 their names. Mr Cross I found a very reasonable and
24 sensible man which, after - and I think I said - I think I
25 said before that, at the very beginning, I would rather
26 have had a broader pool of people to select the
27 coordinators from than the ones that were there. I didn't
28 do the initial selection, but I would have preferred some
29 more experienced people. I then took those concerns to Mr
30 Carter and Mr Kenyon, who said that there was, as they
31 understood it, an imperative to get the thing going. I
32 said did they mind if I went to see Mr Cross - they didn't
33 have a problem with that. And I went to see Mike Cross,
34 who listened very carefully, appeared to agree with what I
35 was saying, and then as I did say before to Mr Urquhart,
36 came back and said, "No, you have to get on with it".

37
38 Q. And is it correct to say it was a fairly tight time
39 frame, a matter of months, to get the thing off the ground
40 and running, and under way?

41 A. Yes, it was. There was a tight time frame. I have to
42 also say that my involvement was intense from day one, even
43 though it was a program that I had very little knowledge
44 of, like it was a Western Australia program, we didn't copy
45 the Katimavik model entirely, which ran over nine months
46 and had as one of its rotations three months of sort of a
47 national service. We discovered that and initially did the

1 two rotations over six months.
2
3 Q. Thank you. And the other person that was involved was
4 Elizabeth Stroud. Was she seemingly a well qualified
5 person?
6 A. My understanding here was that Elizabeth had actually
7 worked for Katimavik, and therefore was very knowledgeable
8 about how that whole process operated. I have no
9 hesitation to say I relied on Elizabeth Stroud in those
10 first couple of months at the very least as a person who
11 had been in the process at an earlier time.
12
13 Q. Not only did she have experience, but she seemed
14 competent?
15 A. Absolutely.
16
17 Q. And as you have said, trustworthy?
18 A. Yes.
19
20 Q. Any cause to question her judgment?
21 A. No. I can't recall one. We did discuss things. It
22 wasn't as though I blindly went off and did the things that
23 she suggested I should do, but that things were discussed
24 about what was the best way forward.
25
26 Q. All right.
27 A. And often mostly.
28
29 Q. You continue?
30 A. Sorry. I was going to say mostly it was a consensus
31 process.
32
33 Q. All right. Thank you, Mr Sherlock. Now, you've been
34 shown at the very end of your evidence-in-chief some
35 internal memoranda relating to some - I've forgotten what
36 it was called now - local purchase order, LPO?
37 A. Correct, yes.
38
39 Q. When did you last see those documents before seeing
40 them recently?
41 A. On the date that's on them, December 1985.
42
43 Q. Do you know where they've come from in order to come
44 into the possession of the Inquiry?
45 A. Well, I assume an investigation of the Department of
46 Employment and Training's records. I don't know how the
47 record system works at all, but I assume they're

1 accessible.
2
3 Q. You see, you were asked whether there were any
4 records - no, I'm sorry. You were asked about your
5 discussions with Mr Kenyon, asked about records and you
6 said your response was that you had no idea?
7 A. That's correct.
8
9 Q. If there were file notes made as you had alluded to,
10 where would you expect them to be?
11 A. Well, when Westrek moved from being a department - a
12 departmental organisation to the foundation, I'm fairly
13 sure that when we moved to Stoneville, the departmental
14 records stayed with the department. There was nothing that
15 came with us, unless they were possibly copies. So
16 therefore to answer your question, I would assume that they
17 would be associated with wherever these ones were retrieved
18 from.
19
20 Q. Now, the discussions that you have spoken about when
21 Mrs Dawkins came up to Perth, did they occur at Stoneville
22 or at the May Holman Centre?
23 A. They occurred at - I remember them being at May Holman
24 centre. I think we were just in the process of acquiring
25 the use of Stoneville. Stoneville is where we had the
26 final function, where all the participants and the Board
27 came, but I'm pretty sure the discussions were in May
28 Holman.
29
30 Q. And so if there were documents relating to a, if you
31 like, a forced resignation, where would you expect them to
32 be, if they ever existed?
33 A. I would expect they would be with these other ones. I
34 confess I have no idea how the department would sort its
35 records, and whether or not financial-based records are
36 required to be kept longer than non-financial things. I
37 don't have an understanding of that at all. So that may,
38 in a way, answer your question. They could either be with
39 this material that you've seen, or somewhere else.
40 Another - however, part of their documentation that was
41 provided to me - which was something that I wrote, and it's
42 concerning another matter entirely, but it's got nothing to
43 do with finance - it's actually a letter concerning another
44 coordinator that's been provided to me, so if it's - if
45 it's around, I guess any other records would be in the same
46 place as it is.
47

1 Q. Okay.
2 A. And it has a file reference on it.
3
4 Q. I don't --
5 A. Sorry.
6
7 Q. -- want you to tell me too much about what it
8 concerned, but what is the date of the document?
9 A. The date of the document is 10 October 1985.
10
11 Q. All right. And it relates to another Westrek
12 coordinator?
13 A. It relates to a Westrek leader, group leader, who
14 didn't, through no fault of her own, cope with the
15 responsibility of the job.
16
17 Q. All right.
18 A. And that was - this is a letter to the Education
19 Department where she'd come from, and requesting that - a
20 renegotiation of her time with us or with Westrek could be
21 looked at.
22
23 Q. Was that the person from Norseman --
24 A. Yes, it was.
25
26 Q. -- or someone else? All right.
27 A. It was.
28
29 Q. You've alluded to that, have you not, in your
30 submission to the Inquiry?
31 A. Yes, I did.
32
33 Q. We need touch upon it no more. Thank you, Mr
34 Sherlock. Now, it's fair to say, is it not, that you
35 acknowledge that Mrs Dawkins was moved from Katanning to
36 Bunbury?
37 A. Correct.
38
39 Q. And as I understand your evidence, you say that there
40 were a number of incidents which preceded a communication
41 from McKenna, and after the communication from McKenna, she
42 was moved?
43 A. Yes.
44
45 Q. Now, did Mr Carter play a role in the decision to move
46 her?
47 A. Not as I recall.

1
2 Q. All right.
3 A. I think that he would have been told afterwards, but I
4 really - I just don't know.
5
6 Q. And if he was told afterwards, would you have
7 indicated the reason for the move to Mr Carter?
8 A. Yes.
9
10 Q. And when you indicated that to him - well, if it was
11 indicated to him, what was he told?
12 A. He would have been told the list of reasons and the
13 fact that I thought that - and also the business about me
14 getting Ms Dawkins to talk to the police, and that the
15 police didn't pursue the matter and therefore - and I do
16 acknowledge what Mr Hammond said earlier about importance
17 and so forth, but at that time, 1985, it was on the end of
18 a run of incidents which I made the judgment should just
19 cause the move.
20
21 Q. All right. You were asked whether you had relayed any
22 complaint about those individual episodes to Mrs Dawkins,
23 and you acknowledged that you hadn't. When she was moved
24 to Bunbury, was she told the reasons for her move?
25 A. It is my recollection that she was.
26
27 Q. Was she told at that time that there were other
28 incidents which were --
29 A. Yes.
30
31 Q. -- if you like, unsatisfactory?
32 A. Yes.
33
34 Q. Can I ask was there also behaviour involving - I'm
35 just finding my note, excessive alcohol use?
36 A. I'm not - now, I will tell you this, I've just
37 remembered this. In one of the discussions with Elizabeth
38 Stroud, she reminded me that she, Elizabeth Stroud, had
39 interviewed those first six group leader applicants, and
40 that Ms Dawkins had arrived late for the interview and
41 smelling very strongly of alcohol. I don't know of other
42 incidents --
43
44 Q. And was there anything involving taking minors into
45 licensed premises?
46 A. I can't recall anything.
47

1 Q. All right. Now, you've given evidence already that
2 you'd advised Mrs Dawkins to go to the police. And you've
3 been challenged about why didn't you go to the police. Do
4 you recall both of those things, first of all?
5 A. Yes.
6
7 Q. Now, at the time when Mrs Dawkins contacted you, was
8 that in person or by telephone?
9 A. Telephone.
10
11 Q. Where were you?
12 A. Well - well, she - my memory is that I telephoned her,
13 having heard the rumour from a third party by phone. I
14 phoned her in Katanning.
15
16 Q. Okay. And where were you?
17 A. In the May Holman Centre.
18
19 Q. Okay. And did she go into precise details about the
20 rumour that she had heard?
21 A. I don't think - I don't recall her saying more than
22 that Mr McKenna had been seen in bed with a couple of
23 students.
24
25 Q. Perhaps I'll put it this way: had you taken the step
26 of going to the police with this? Did you have any names
27 to give them?
28 A. No.
29
30 Q. Any details?
31 A. No, none at all. That was why - one of the reasons I
32 wanted her to do it, because she was there on the spot.
33 Presumably that the origin of the rumour was there as well.
34
35 Q. And?
36 A. And that just seemed the appropriate thing to do.
37
38 Q. And the best location to have it investigated from was
39 seemingly where?
40 A. In Katanning.
41
42 Q. Okay. And as you've said, you weren't in Katanning?
43 A. No, I was in Perth.
44
45 Q. Ms Dawkins was?
46 A. Yes.
47

1 Q. All right. So you've indicated that you advised her
2 to take a particular course, and did it become apparent
3 later that she'd taken that course and the police weren't
4 taking it any further?
5 A. Yes.
6
7 Q. Now, when she told you that, did she express any
8 dissatisfaction to you with the course that had been taken
9 by the police?
10 A. I can't remember that.
11
12 Q. All right.
13 A. She probably did. She probably would have, but I
14 don't recall it.
15
16 Q. Did she request you in any way to take action
17 yourself?
18 A. She may have, and I think I - what I probably would
19 have said, "If there's any more action to be taken, the
20 police will take it", but I - but I can't swear to that.
21
22 Q. Sorry, if there's any more action to be taken - I
23 missed one word?
24 A. To be taken, the police will take it.
25
26 Q. All right. Now, you've been asked about a written
27 narrative that she says that she prepared. Did you ever
28 receive such a document?
29 A. No, I have no recollection of receiving it whatsoever.
30
31 Q. Had you received such a document, would you have acted
32 on it?
33 A. I would have responded to it in writing if I received
34 it in writing, but I probably would have reiterated a lot
35 of the things that I said to date.
36
37 Q. Now, in respect of such a document, were you ever
38 required, or did you ever provide it to Mr Carter?
39 A. I have no recollection of doing so. If I had received
40 it, I almost certainly would have referred to it - referred
41 it to him because it was in writing.
42
43 Q. All right. Now --
44 A. But I do not recall having --
45
46 Q. Having done so. All right. I understand that. If
47 you had received a document such as this, and if you had

1 acted on it, notwithstanding the 27 years or thereabouts
2 have now passed, would you expect to remember it if it had
3 occurred?

4 A. Because it --

5

6 MR URQUHART: The witness has said he's got no
7 recollection of receiving a written document, so it's a
8 somewhat superfluous and unnecessary question.

9

10 MR ELLIOTT: It's not, with respect.

11

12 HIS HONOUR: You can ask the question. It's a matter of
13 weight.

14

15 MR ELLIS: Q. If you had received it, given the
16 significance of it, notwithstanding the passage of
17 27 years, would you expect to remember that you'd received
18 it if, in fact, you had?

19 A. I probably would have remembered that because I would
20 have associated that with a phone call from McKenna.

21

22 Q. And the fact that you now have no recollection of
23 having received it, does that suggest to you that, in fact,
24 you never received it?

25 A. It does suggest it.

26

27 Q. All right. Now, you said that one of the issues that
28 you had with Mrs Dawkins was that you received a large
29 number of calls from her throughout the program about
30 health issues?

31 A. Yes.

32

33 Q. Now, I don't want to know what the health issues were,
34 that's none of my concern, but were these seemingly major
35 health issues or --

36

37 MR URQUHART: No, I'm going to object to this, sir. This
38 is completely irrelevant, and we established that during
39 the examination that I had of this witness - that it didn't
40 have a bearing on Mrs Dawkins' removal from Katanning, so
41 I'm going to object to it.

42

43 HIS HONOUR: All right. What do you say?

44

45 MR ELLIOTT: Well, if my learned friend would let me
46 finish the question. In here I'm asking whether these
47 issues that he was plagued, with respect major or minor --

1
2 MR URQUHART: It's irrelevant --
3
4 MR ELLIOTT: Well, it's not irrelevant.
5
6 MR URQUHART: -- whether the health issues were major or
7 minor, sir.
8
9 MR ELLIOTT: Well, it's not irrelevant. If they're minor,
10 they might have a bearing on what this man concludes about
11 her other complaints.
12
13 HIS HONOUR: I'm just going to clear up.
14
15 Q. Mr Sherlock, you said that she raised some health
16 issues with you. Did they play a role in her transfer to
17 Bunbury?
18 A. Your Honour, it's hard to answer that simply because
19 it's like a heightened awareness, a heightened irritation.
20 It certainly didn't have any clear bearing on it, but it
21 was an attitude in my mind of, "Oh, god, it's Maggie
22 again." If you like, in hindsight, your Honour, I
23 apologise for that response, but I think it's a reasonable
24 human response.
25
26 HIS HONOUR: All right. Does that deal with it?
27
28 MR ELLIOTT: It doesn't quite.
29
30 HIS HONOUR: I mean, do we need to go into what these
31 health issues were?
32
33 MR ELLIOTT: No.
34
35 HIS HONOUR: No.
36
37 MR ELLIOTT: I'm expressly avoiding what they are.
38
39 HIS HONOUR: Okay.
40
41 MR ELLIOTT: Q. Is it correct to - is it correct to
42 say --
43
44 MR URQUHART: I still object to it, any minor questioning
45 along these lines, sir, because it's simply not relevant in
46 light of the response given by the witness.
47

1 HIS HONOUR: Well, I understand you say that it was an
2 irritation, but it didn't have a bearing on her transfer to
3 Bunbury.
4

5 MR ELLIOTT: I'm not concerned about what, if any, affect
6 it had on her to Bunbury, I'm concerned where --
7

8 HIS HONOUR: What's its relevance?
9

10 MR ELLIOTT: I'm concerned about what effect these
11 complaints had on whether this man would jump and react to
12 every issue that she raised, and if she's ringing about
13 minor issues that are not his concern, that bears upon the
14 way he reacts to other issues that the witness - that
15 Dawkins raises to him at other times. That's why I'm
16 asking whether they're major or minor, because if they're
17 minor, one thing follows. If they're major, the point has
18 no substance. That's why I have to ask the question.
19

20 HIS HONOUR: I understand you to be saying they were minor
21 issues. You said, "Oh, god, here she goes again".
22

23 MR ELLIOTT: That is what I was seeking to confirm from
24 him.
25

26 HIS HONOUR: Well, that's what he said. Isn't that what
27 you want?
28

29 MR ELLIOTT: I didn't understand him to have said it as
30 explicitly as that. That was the point of my question.
31

32 HIS HONOUR: Well, I understand it that way.
33

34 MR ELLIOTT: All right.
35

36 HIS HONOUR: Yes.
37

38 MR ELLIOTT: Well, if you take it that way, thank you,
39 sir.
40

41 HIS HONOUR: Now, while we've got this pause, I'm not
42 trying to hurry you, but I am just wondering whether we
43 should break now or not?
44

45 MR ELLIOTT: Can I urge you not to, sir. I don't expect
46 to be very much longer.
47

1 HIS HONOUR: That's fine, we'll continue.
2
3 MR ELLIOTT: Q. You understand, do you not, Mr Sherlock,
4 that Mrs Dawkins suggests that after raising these matters
5 at the time to Bunbury she raised them again with you and
6 this was followed by a resignation request; do you follow
7 me there?
8 A. I do follow you.
9
10 Q. There was a question asked of you by Counsel Assisting
11 whether she was persistent in mentioning the McKenna issue.
12 Is that right?
13 A. Yes.
14
15 Q. I understood you to say that she was very persistent
16 generally?
17 A. She was.
18
19 Q. Was she persistent after her move to Bunbury in
20 seeking to canvass Dennis McKenna and the rumours about him
21 with you?
22 A. I think I can give the same answer I gave before, is
23 that I don't recall the number of incidences, but I do
24 recall mention of it.
25
26 Q. Did she mention in a way to suggest to you that you
27 should take the matter further?
28 A. I don't recall her doing so. I think I kept giving
29 the same answer that I've given all day today, that my
30 perception was that my duty had been exhausted by reference
31 to the police in Katanning.
32
33 Q. I mentioned just a moment ago the resignation letter
34 that you were asked about and I think you said you have
35 absolutely no knowledge of that and you repudiate her
36 account?
37 A. Correct.
38
39 Q. If that had occurred it too is something you would
40 remember?
41 A. I think definitely so, because going back to the
42 beginning of the whole thing where I was instructed to
43 manage her, along with the others, that would have - I've
44 lost the word - counteracted that, I suppose. So, yes, if
45 there had of been such a thing I would have remembered.
46
47 Q. If you told her that she had to resign, is it fair to

1 say that that would have caused the equivalent political
2 uproar as if you had sacked her?
3 A. I would expect it would have, yes.
4
5 Q. It is correct to say, is it not, that you don't have
6 any recollection of Mr Carter being involved in such an
7 approach?
8 A. I do not have any recollection of that at all.
9
10 Q. In the same vein, had Mr McKenna said to you
11 specifically that if you don't move Mrs Dawkins he would
12 kick Westrek out of the hostel, would you expect to
13 remember that?
14 A. I think I said in my submission that he may well have
15 said that. It was such a highly emotional conversation on
16 his part that he may well have said a whole lot of other
17 things as well. I would have thought, though, that that
18 would stick in my mind. And actually probably if I were
19 him in that circumstance I probably would have said it
20 myself. I mean, it's a logical thing to say if you are
21 threatening.
22
23 Q. Indeed. After she was removed, this is Mrs Dawkins,
24 to Bunbury, were there any other incidences of
25 inappropriate behaviour?
26 A. None at all. Well - sorry, none at all until the
27 projects were over. And then there was an incident at the
28 final function which was where Mrs Dawkins --
29
30 Q. We don't need to go into that.
31 A. Okay. That's fine.
32
33 Q. I was just concerned about the day-to-day operation of
34 the project.
35 A. Okay. Well, there were none.
36
37 Q. The final point I want to ask you about is, you saw
38 that there was a criticism by Mrs Dawkins that she was sent
39 to Katanning, she needed a B class licence and she didn't
40 have one. Do you respond to that, sir?
41 A. My recollection at the time, and I recall going into
42 it, that the difference - the requirement for licensing was
43 that if a bus, or if a vehicle that seated up to 20 people,
44 I think it was, or 18 people, could have what was then an A
45 class licence in WA and that anything other than that
46 needed a B class licence. Her vehicle was a 14 or
47 16-seater, and I did check that, incidentally, with the

1 person who wrote the LPO memo, Mr Treasure, who was
2 handling all of that stuff. And I did also check with the
3 traffic police at the time. It since occurred to me that
4 may well have been that all along she had only a licence to
5 drive an automatic vehicle. Now, that was never ever
6 brought to light at the time, but that would provide
7 substance for her opinion, if in fact that was the case.
8 But it was assumed and possibly checked that she had an A
9 class licence. If she didn't, then that might explain it.

10

11 Q. Her statement appears to argue that this is an example
12 of the ineptitude of those who were managing the program.

13 Do you agree or disagree with her claim as to ineptitude?

14 A. I disagree, and I don't at all agreed with the word
15 "ineptitude". We have talked about the speed with which
16 the program was set up, and there was certainly things that
17 could have been better, like the recruitment of those
18 initial coordinators. That's all I've got to say on that.

19

20 MR ELLIOTT: Yes, thank you, sir.

21

22 HIS HONOUR: Anything else from you?

23

24 MR URQUHART: Yes, sir. Do you want to go first?

25

26 HIS HONOUR: No. You go first.

27

28 <RE-EXAMINATION BY MR URQUHART:

29

30 MR URQUHART: Q. Mr Sherlock, just some clarifying
31 matters. What did Maggie Dawkins say to you after you
32 asked her whether she had followed the Dennis McKenna
33 matter up with the police?

34 A. My recollection is that she said she had - that they
35 required more witnesses, or words to that effect. I don't
36 remember the words.

37

38 Q. Do you recall her saying to you that the police said,
39 "I should contact my supervisor"?

40 A. No.

41

42 Q. Mr Sherlock, you keep on referring to this, Dennis
43 McKenna, as a rumour. Would you class this as a rumour,
44 that if it was the case that an ex-student of St Andrew's
45 Hostel had directly told Mrs Dawkins that he had been
46 sexually abused by Dennis McKenna; would you put that --

47 A. Well, no, that's not a rumour.

1
2 Q. No, that's not a rumour, is it?
3 A. No.
4
5 Q. You see, isn't that what you heard back in 1985?
6 A. My recollection of what I heard was that there was a
7 rumour that McKenna had been seen in bed with two boys.
8
9 Q. In all these conversations that you had with Maggie
10 Dawkins you never found out further information about that?
11 A. The substance of the rumour was not expanded.
12
13 Q. When are you saying you first became aware of what it
14 was that Maggie Dawkins had actually been told by this
15 ex-student?
16 A. I think it was when I read it in her transcript.
17
18 Q. Finally, Mr Sherlock, we know that you didn't take
19 this matter up with relevant authorities. Do you agree it
20 wouldn't reflect well on you if Maggie Dawkins had given
21 you a written account of what she knew about this matter so
22 that you could try and take it up with the relevant
23 authorities? Now, if that is what happened - I am saying
24 if that happened it wouldn't reflect well on you, would it?
25 A. You mean if I didn't respond to it?
26
27 Q. Yes.
28 A. If that was all true and I didn't respond to it, and
29 as I have already said to the other gentleman, my response
30 probably would have been the police in Katanning - if I
31 didn't respond, yes, it wouldn't have reflected well.
32
33 MR URQUHART: Thank you, Mr Sherlock. They are the
34 matters.
35
36 HIS HONOUR: Q. Mr Sherlock, if you want to you can add
37 anything you wish about the matters you have been asked
38 about. Is there anything else you think needs to be said
39 that you can testify about?
40 A. No. Thank you, your Honour. I think we have covered
41 everything.
42
43 HIS HONOUR: Thank you very much for making yourself
44 available. That completes the video link and you are free
45 to go. Thank you.
46
47 THE WITNESS: Thank you very much, your Honour.

1
2 <THE WITNESS WITHDREW
3
4 HIS HONOUR: I propose to adjourn until 2.30.
5
6 LUNCHEON ADJOURNMENT
7
8 UPON RESUMPTION:
9
10 HIS HONOUR: Please be seated. Yes, Mr Urquhart.
11
12 MR URQUHART: Thank you, sir. The second and final
13 witness for today will be Mr Ian Carter, and Mr Carter's
14 just in the hearing room behind me, so I call him now,
15 thank you, sir.
16
17 HIS HONOUR: Just come across here, Mr Carter.
18
19 <IAN LESLIE CARTER, sworn:
20
21 <EXAMINATION-IN-CHIEF BY MR URQUHART:
22
23 MR URQUHART: Q. Mr Carter, do you have any middle
24 names?
25 A. Yes, Ian Leslie, L-E-S-L-I-E.
26
27 Q. And how old are you, Mr Carter?
28 A. 57.
29
30 Q. Right. And your present occupation - do you have one?
31 A. I do. Chief Executive Officer of Anglicare WA.
32
33 Q. And do you have any qualifications?
34 A. Bachelor of Arts in Social Science from Curtin
35 University. It was WAIT when I did it, and Graduate
36 Diploma in Education from the University of WA.
37
38 Q. Thank you. Could we have a bit of a rundown of your
39 work history, if that's all right? Can you explain what
40 you did after you left university?
41 A. Yes. So provide you with that now?
42
43 Q. Yes, if you could.
44 A. I left school - I left university in 1977, and then
45 was initially appointed as a schoolteacher at Rockingham
46 Senior High School in 1978, and I served there for
47 several years before becoming a Youth Education Officer at

1 Lockridge Senior High School in, I think, 1980. And then
2 from that position, as Youth Education Officer, I left in
3 early 1984, around May, I think, of 1984 - I left to take
4 up a position in the Department of Employment and Training.
5

6 Q. Right. And how long were you there for?

7 A. I was in the department for five years all up during
8 that period, and then I was moved with the division that I
9 had at that time, in 1989, to the Department of Resource
10 and Development and the North-West, where I served on the
11 executive.
12

13 Q. How long were you there for?

14 A. I was there for - now, it gets a bit complicated
15 because we went through a series of government agencies
16 becoming amalgamated, and then split, and then amalgamated,
17 and then split - but between there and 1995 I was in
18 various iterations of the Department of State Development
19 and the Department of Commerce and Trade, and the position
20 that I broadly held was Director of Community Development.
21

22 Q. And how long did you hold that position for?

23 A. Up until April 1995; April the 18th, 1995, when I was
24 appointed Chief Executive Officer of Anglicare WA.
25

26 Q. And you've been in that position ever since?

27 A. I have.
28

29 Q. Now, Mr Carter, as you're probably well aware, I'd
30 like to ask you some questions about your time at the
31 Department of Employment and Training, specifically 1985.
32 Now, you were involved in what was called the Westrek
33 program that was initiated that year?

34 A. It was one of the programs that fell under my broad
35 responsibility, that's correct.
36

37 Q. And is it the case that with the assistance of your
38 lawyer, Mr Elliott, or maybe his instructing solicitors,
39 you prepared a table or a chart of the hierarchical - the
40 hierarchy of positions?

41 A. I did.
42

43 Q. Yes, I think --

44 A. I prepared it myself in terms of a ready reckoner for
45 me, more than anything else.
46

47 Q. Right. And this is exhibit 5, and we've seen that and

1 we've used that on a number of occasions already. There,
2 we might be getting this up on the screen, but otherwise I
3 can see there that you've got a copy in front of you.

4 A. I do.

5

6 Q. And that's your recollection, and I gather it's fairly
7 sound, of the positions that each individual held?

8 A. Yes. Although, again, I need to be clear that the -
9 the Department of Employment and Training in 1984, when it
10 was established by the incoming Labor Government, it was a
11 priority for the government because their unemployment rate
12 in that time was extremely high in Western Australia - it
13 was 8.5% and above. And we were a brand new department
14 created from the training division from the old Department
15 of Labour and Industry, and this new bit that we were
16 brought in, which was called the Community Employment
17 Initiatives Unit - and we expanded and changed rapidly over
18 the period of four years, and so I actually held - that's
19 the reason why, in that diagram, I've got Deputy Director -
20 Manager Coordinator positions, because during that period
21 responsibilities changed significantly during those times.
22 And eventually the Community Employment Initiatives Unit
23 became one of the major divisions of the Department of
24 Employment and Training. So there was a significant amount
25 of change during that time.

26

27 Q. I see. Thank you for that. Now, you can just leave
28 that to one side now. We can see there from that diagram
29 that Elizabeth Stroud was someone who was involved in the
30 Westrek program. Could I ask you, if we jump forward now
31 from 1985, is it the case that you've had some telephone
32 conversations with Ms Stroud regarding this matter that the
33 Inquiry is investigating?

34 A. I've had two conversations with Elizabeth. She rang
35 me about it, firstly, when there was some press in 'The
36 West Australian', and she rang me and said, you know, "Can
37 you believe this is happening? This isn't my recollection
38 at all", and then when the --

39

40 Q. Okay.

41 A. -- formal papers arrived from the --

42

43 Q. Hang on, could you stay there. Did she tell you what
44 her recollection was?

45 A. No, we just - we had a very broad discussion around,
46 "This wasn't my recollection of the issues" and, you know,
47 blah, blah, blah --

1
2 Q. And did you --
3 A. -- and there was - there was no --
4
5 Q. Well, I'm interested in is the "blah, blah, blah".
6 A. I'm sorry.
7
8 Q. Yes.
9 A. Well, we talked broadly about the fact that our
10 recollection of the time was not what had been published in
11 the press at that time; that we were all aware of issues
12 around child abuse being raised against Dennis McKenna, and
13 they'd been raised directly with us, and we both basically
14 confirmed to each other that wasn't our recollection of
15 what had occurred.
16
17 Q. All right. So both you and her were saying that you
18 did not have a recollection --
19 A. That's what she said to me, and what I said back to
20 her.
21
22 Q. -- of child abuse allegations being raised?
23 A. Against Dennis McKenna, with us.
24
25 Q. And is that still your recollection to this day?
26 A. It's still my recollection, that it was not raised
27 with me directly at all.
28
29 Q. What about indirectly?
30 A. Not indirectly either.
31
32 Q. So let me get this right. Are you saying that
33 throughout 1985 --
34 A. Yes.
35
36 Q. -- you were completely unaware of a matter involving
37 Maggie Dawkins making allegations that the warden of St
38 Andrew's Hostel had sexually abused a boy?
39 A. That's correct, I was not made aware of that issue.
40
41 Q. When did you first become aware of that issue?
42 A. I actually became aware of it some years later when
43 press articles appeared around the issue, after he had been
44 found guilty in a court of law, of child abuse. It wasn't
45 until that period that I became aware of that issue.
46
47 Q. Had you heard of the name Dennis McKenna in 1985?

1 A. I had - I've been searching my brain for it. I - I
2 have no recollection of Dennis McKenna's name coming up
3 directly with me. I - I may have been aware of his name,
4 but I can't remember any serious discussions about Dennis
5 McKenna or what his role was, because I wasn't involved in
6 the day-to-day running of the Westrek program. It sat
7 under Peter Sherlock and Elizabeth Stroud, and so I - I
8 didn't have any detailed understanding of who was doing
9 what in the different communities where we were running
10 Westrek. So I wouldn't have been able to have named -
11 whether it be at Wyndham, Carnarvon, Kalgoorlie or
12 somewhere else, if someone said to me, "Who were the key
13 people in the community at the Westrek projects in those
14 things?", I wouldn't have been able to name the key
15 community people, so I wasn't aware of him.

16

17 Q. So you don't have a recollection of anyone speaking to
18 you in 1985 about some allegations of a sexual nature that
19 had been made against Dennis McKenna?

20 A. No, I don't.

21

22 Q. And so you mentioned there that you became aware of
23 his name after he had been convicted --

24 A. Yes.

25

26 Q. -- of some offences. Now, he's been convicted twice -
27 once in 1991 --

28 A. Yes.

29

30 Q. -- and then last year.

31 A. Yes.

32

33 Q. Are you referring to 1991 --

34 A. Yes, '91.

35

36 Q. -- or last year?

37 A. 1991.

38

39 Q. And how was it that you made any - did you make any
40 connection between Dennis McKenna and the Westrek program?

41 A. It was the - it was the issue when the St Andrew's
42 Hostel name came up that twigged my brain back to a
43 connection with the project that we had run back there in
44 1985.

45

46 Q. So what was your understanding of the St Andrew's
47 Hostel connection with the program at Katanning?

1 A. I knew that we had used part of St Andrew's Hostel
2 premises for the Westrek project kids to be living during
3 the period of their project in Katanning. I couldn't have
4 told you where on the site they were. I don't think I even
5 visited the site. I didn't know what part of it they were
6 using or where, but I knew that they were resident at St
7 Andrew's Hostel.
8
9 Q. And would it not have been the case that you may well
10 have come across the name of the Warden of the hostel?
11 A. Well, it's possible, but it's not in my recollection
12 at all.
13
14 Q. Because the warden at that time in 1985 was Dennis
15 McKenna?
16 A. That's right.
17
18 Q. Okay. So you had this discussion with Ms Stroud, that
19 neither of you could recall being informed about this. Can
20 you tell us when that telephone conversation was?
21 A. I can't give you an exact date. It was prior to
22 Christmas.
23
24 Q. Right.
25 A. So --
26
27 Q. So before this Inquiry began as a public hearing?
28 A. That's right. That was the first occasion.
29
30 Q. And Ms Stroud rang you?
31 A. That's right.
32
33 Q. After you had - and can you recall what else there was
34 that was included in the "blah, blah, blah". You both said
35 neither of you can recall this being mentioned to you,
36 either of you?
37 A. It wasn't a very long conversation. I do - actually,
38 I do recollect that there was discussion of the fact that
39 Janet Holmes a Court had rung me about it, because she was
40 the Chairperson of the Advisory Group for the Westrek
41 program, and - and I clearly remember talking to Elizabeth
42 and saying, "Yes, I've spoken to Janet Holmes a Court who
43 also says she has no recollection of the issue being raised
44 with her".
45
46 Q. I see. And the phone call you got from Mrs Holmes a
47 Court - was that at or about the same time?

1 A. At the same time. They were all within a couple
2 of days.
3
4 Q. I see. Okay. So, Ms Stroud - you had the discussion
5 with her?
6 A. Yes.
7
8 Q. You mentioned Ms Holmes a Court?
9 A. And Peter Kenyon was the third one.
10
11 Q. Peter Kenyon was --
12 A. Also rang me.
13
14 Q. Also rang you?
15 A. Yes.
16
17 Q. All right. Let's stay with Ms Stroud for the moment.
18 So can you recall what else you discussed, apart from the
19 fact that neither of you had a recollection about these
20 allegations and you mentioned that Mrs Holmes a Court had
21 rung you. Anything else?
22 A. That was all. I'd had - all I'd mentioned with a - I
23 had a phone call with a guy from the ABC News. His name I
24 can't recollect, the journalist from ABC.
25
26 Q. Jake Sturmer?
27 A. Thank you, that was him. He rang me and asked me
28 various questions, and then he told me he was doing a story
29 for - I think it's - I think it was still 'Stateline' at
30 the time. It became '7.30 WA' somewhere around there, but
31 it was one of those two programs. He rang me and asked me
32 a series of questions, and so I - I said I would have the
33 conversation with Jake Sturmer, and then Jake Sturmer had
34 rung me on the Thursday evening and said that they weren't
35 running the story, they couldn't corroborate any of issues
36 that had been raised with me, and thank you very much for
37 my cooperation.
38
39 Q. So you answered his questions, I gather?
40 A. Yes.
41
42 Q. So what questions was he asking you?
43 A. He was asking basically the same thing - was I aware
44 of the issue, had it been fully brought to my attention,
45 was I aware of those issues. I said what I already said to
46 you, that I wasn't aware of those issues, they hadn't been
47 raised directly with me at all and I was unaware of those

1 issues.
2
3 Q. Anything else that you can recall --
4 A. No.
5
6 Q. -- discussing with Ms Stroud on this first occasion?
7 A. No, and I think essentially I was saying, "Well, look,
8 the story's not going to run in '7:30 WA'", and that was
9 basically the end of the conversation.
10
11 Q. Wasn't Maggie Dawkin's name mentioned?
12 A. Well, I think if - if it was, it was only about the
13 fact that she was the one who was raising the issues, and
14 we were saying they weren't - that she was not correct in
15 what she was saying in the media, that - sorry, that my
16 recollection was that the issue wasn't raised with me, and
17 we discussed that issue.
18
19 Q. So let me get this right - so Ms Stroud was saying to
20 you on that occasion that she had no idea about any
21 allegations that Mrs Dawkins had heard about Dennis McKenna
22 sexually abusing a student?
23 A. That's what she told me in that phone conversation,
24 yes.
25
26 Q. Did you have a subsequent telephone conversation with
27 her?
28 A. In the case of both Peter Kenyon and Elizabeth --
29
30 Q. Yes. No, if you can just answer "Yes" or "No" to
31 that, but we'll - I will explore it with you.
32 A. Yes.
33
34 Q. Okay. Right. Good. Before I get to that, I'm going
35 to ask you about the telephone conversation you had with
36 Peter Kenyon, then I'm going to ask you about whether you
37 sought some advice about --
38 A. Yes.
39
40 Q. -- this matter --
41 A. Yes.
42
43 Q. -- so don't worry --
44 A. Yes, thank you.
45
46 Q. -- we'll get there.
47 A. Good.

1
2 Q. So Peter Kenyon - he rang you after Ms Stroud had rang
3 you?
4 A. Yes.
5
6 Q. And can you recall what he was ringing you up about?
7 A. Basically very similar conversation - that he didn't
8 recollect the issue being raised, was not happy that the
9 media had reported the story on the basis that we were
10 aware of the issues. We both said to each other that, you
11 know, it was our recollection, again, that it hadn't been
12 raised with us, the issue of the allegations by Maggie
13 Dawkins about sexual abuse.
14
15 Q. So he, too --
16 A. Yes.
17
18 Q. -- was saying he hadn't known anything about it?
19 A. Wasn't raised with us. Absolutely, absolutely.
20 And --
21
22 Q. And did you say to him that, "Yes, likewise"?
23 A. Yes, yes, and then --
24
25 Q. And did you also tell him that "Ms Stroud's got the
26 same recollection"?
27 A. I can't - I can't recollect that part of the
28 conversation. It was not a serious part of the
29 conversation. My conversation with Peter Kenyon was very
30 much one between the two of us about those issues, and
31 Maggie raising the issues.
32
33 Q. All right. All right. So you were both confirming
34 with each other that if Maggie Dawkins was alleging that
35 either you or Mr Kenyon was aware of these allegations, she
36 was totally wrong?
37 A. That's right.
38
39 Q. So can we get this right. We know this is 27 years
40 ago --
41 A. Yes.
42
43 Q. -- and I accept that it's a great passage of time
44 since then. Is it the case that you are saying you don't
45 have a recollection, or can you actually say certainly that
46 this wasn't raised with you?
47 A. (Indistinct).

1
2 Q. You can see the difference, can't you?
3 A. I do.
4
5 Q. Yes.
6 A. I do. It has been - you know, since the issues have
7 been raised the last couple of months seriously with me,
8 it's one of those things where you - it has been a vexing
9 and stressful time as I tried to work my brain through
10 thinking what happened when, how did it all occur, but I
11 keep going over and over in my mind. I remember a number
12 of things that were extraordinary, that were raised with me
13 during the Westrek time.

14
15 One classic example is that we ran a Westrek project
16 in Wyndham, and the crocodiles were feeding around the
17 meatworks up at Wyndham, which were just closing down, and
18 we were doing a giant concrete crocodile in the main street
19 of Wyndham as part of the project. Some issues came up
20 that crocodiles' footprints were seen around the
21 accommodation up at Wyndham, and there were issues that we
22 then had to look to in terms of managing that risk, and we
23 spoke to the shire, spoke to locals about how that was
24 going to be managed.

25
26 I can remember that in detail, so I keep going through
27 those kind of things and think if someone had raised with
28 me that allegations of sexual abuse against someone at a
29 site where we were being located, where we were located
30 were raised with me, I would remember it. So my - my -
31 having gone through all of those processes, I have no
32 recollection of the issue being raised with me at all.

33
34 Q. You would agree with me it's a serious matter?
35 A. Absolutely.

36
37 Q. Would you agree with me if that had been raised with
38 someone below you, you would have expected to be advised of
39 that?

40 A. Yes. If someone had raised - if someone raised
41 allegations of sexual abuse that impacted on the Westrek
42 program, I would have expected it to have been raised with
43 me.

44
45 Q. And if it didn't impact on the Westrek program?

46 A. Well, that's an interesting question. I mean, I
47 think - I think there would have been, I would have

1 expected there would have been general counsel from the
2 person who it was relayed to, to say that you need to raise
3 those issues with police and with the Department For Child
4 Protection, whoever, but certainly in terms of my
5 day-to-day management responsibility, I would expect that
6 if something directly affected the Westrek program, that it
7 would have been raised with me, and I would have received a
8 briefing on it.

9
10 Q. I suppose it's a bit of a moot point because in this
11 instance you were aware that where the Westrek participants
12 were being accommodated was part of the St Andrew's Hostel?

13 A. That's right.

14
15 Q. And here is an allegation of the St Andrew's Hostel
16 warden --

17 A. Yes.

18
19 Q. -- being engaged in sexual abuse of a child?

20 A. Yes.

21
22 Q. All right. We digress there for a moment. You were
23 talking about a - your telephone conversation with Peter
24 Kenyon. Can you recall anything else about that?

25 A. Yes, look, the only other bit that I can remember from
26 the conversation with Peter was talking about the fact that
27 Maggie Dawkins was, in our memory, a group worker who had
28 created significant problems for us and for the project,
29 and our recollections were around those kind of issues, and
30 they weren't around issues being raised about sexual abuse
31 at the site. So --

32
33 Q. I will ask you about that.

34 A. We briefly discussed that issue and, again, it was a
35 relatively short conversation.

36
37 Q. All right. Now, I'll ask you about those matters in a
38 moment as well.

39 A. Yes.

40
41 Q. Presumably I'll do that as two. But now, am I right
42 in saying that after you had this conversation with Mr
43 Kenyon, you thought it might be wise to seek some legal
44 advice - not suggesting that you believed you'd done
45 anything wrong --

46 A. Yes.

47

1 Q. -- but just to seek some legal - some expert advice as
2 to how you should go about this matter. Is that what you
3 did?
4 A. No, I didn't at that stage.
5
6 Q. No?
7 A. No.
8
9 Q. But subsequent to that?
10 A. Subsequent to that.
11
12 Q. Yes.
13 A. Yes.
14
15 Q. Before that, had you spoken to anybody else who was
16 involved in the Westrek program, apart from Janet Holmes a
17 Court --
18 A. Peter Kenyon.
19
20 Q. -- Peter Kenyon --
21 A. And Elizabeth Stroud.
22
23 Q. -- and Elizabeth Stroud?
24 A. That's it.
25
26 Q. That was it?
27 A. Yes.
28
29 Q. Okay. So you sought some legal advice?
30 A. Eventually sought some legal advice, yes.
31
32 Q. You don't need to tell us about that?
33 A. Yes.
34
35 Q. But did that advice that you got have an impact on
36 what you said or didn't say when Ms Stroud contacted you
37 again?
38 A. Elizabeth contacted me just after she got the formal
39 letter from the Inquiry advising that there was adverse
40 comments. She contacted me because we hadn't spoken, for
41 then, some months.
42
43 Q. Can you just clarify that. I don't think it actually
44 said "adverse comments", it said --
45 A. Well --
46
47 Q. -- evidence that may be potentially adverse, or words

1 to that effect. Sorry, I'll just, yes --
2 A. Yes.
3
4 Q. -- clarify that. But I know --
5 A. That's fine.
6
7 Q. -- what you're talking about, yes.
8 A. Yes. And so she rang and said, you know, "I've just
9 received this". She was concerned. And I - and I said,
10 "Well, I haven't received anything from the Inquiry", and
11 at that stage I hadn't had anything from the Inquiry, and
12 it was at that stage which I told her that I was going to
13 be looking at seeking legal advice, and I would be pursuing
14 the matter.
15
16 Q. Right. And did you --
17 A. And then I did seek legal advice and got legal
18 counsel.
19
20 Q. So did you have a further conversation with her
21 regarding this matter --
22 A. No.
23
24 Q. -- that --
25 A. No, it was a very brief conversation about the fact
26 that she perceived the stuff from the Inquiry, she was very
27 concerned about it, and I said she needed to think very
28 carefully about the way she was going to respond to it. I
29 was - told her that I was considering about getting legal
30 counsel to assist me with the process if I received --
31
32 Q. I see.
33 A. -- such a letter.
34
35 Q. Now, Mr Carter, I want to ask you these series of
36 questions. Is it the case that you're not disputing that
37 an ex-student from St Andrew's Hostel spoke to Maggie
38 Dawkins about him being sexually abused by Dennis
39 McKenna --
40
41 MR ELLIOTT: I object to the question. And I object on
42 this basis - Mr Carter has no knowledge of it, his answer
43 is worthless. It's a matter for the Inquiry to find
44 whether that occurred or not. His answer as to whether
45 he's disputing it or not does not assist you, sir, in the
46 resolution of that question. It invites him, in effect, to
47 take on your role and to be an arbiter of fact as to

1 whether the allegation has substance or not, and a witness
2 should never be put in a position of having to adjudicate
3 on the merits or otherwise of someone else's claims, and I
4 simply say that the witness's answer is irrelevant.

5

6 HIS HONOUR: All right. Mr Urquhart, what is the
7 relevance of whether or not he disputes that?

8

9 MR URQUHART: Well, I'm just trying to clarify from this
10 witness whether that's the case or not, so we can move on.
11 It's the same question that I asked Mr Sherlock this
12 morning.

13

14 HIS HONOUR: Yes, but he says he had no knowledge of it,
15 and has no knowledge other than what he's read in the
16 paper.

17

18 MR URQUHART: Well, maybe I can ask it this way. I'll do
19 it this way.

20

21 Q. I gather you've read Mrs Dawkins' evidence that she
22 gave --

23 A. I have read her evidence.

24

25 Q. -- the Inquiry?

26 A. Yes.

27

28 Q. I have no doubt at all you dispute some matters?

29 A. Absolutely, that she has said.

30

31 Q. But with respect to what she says about what an
32 ex-student told her about the sexual abuse of him by Dennis
33 McKenna, do you take issue with that?

34

35 MR ELLIOTT: Well, if he has no knowledge --

36

37 MR URQUHART: Well, then, the answer to that is no, so I
38 don't know why my learned friend is so concerned.

39

40 MR HAMMOND: Well, no, that's not the answer. The answer
41 is that he has no knowledge. And if he has no knowledge,
42 then the question is improper. I mean, what if he were to
43 say, "Well, I don't know anything about it, but I do
44 dispute it." What if he were to say that? Where does that
45 take us? The converse is equally true, whether he accepts
46 that Mrs Dawkins was told that or he doesn't accept it, is
47 irrelevant to the issues that this Inquiry is examining as

1 to his conduct. And for my learned friend to be putting
2 questions as to this man's state of belief now, avoids the
3 critical time which is, "Well, what did you know back
4 then?" On so many fronts the question is objectionable --

5

6 HIS HONOUR: Right.

7

8 MR ELLIOTT: -- and I maintain my objection.

9

10 HIS HONOUR: Yes. I think I have to uphold the objection,
11 and if you're saying that he did - was aware of it at the
12 time, you should be putting that to him and so on.

13

14 MR URQUHART: What, if he was disputing it, sir, then that
15 is certainly a matter that I can inquire further of him.
16 It becomes very relevant if, in fact, he is disputing this
17 fact, and if he says, "Yes, I do dispute that", I'm
18 entitled to explore on what basis that is the case, and
19 so --

20

21 HIS HONOUR: But the issue is whether or not he was aware
22 of it at the time, and whether or not he disputes that
23 happened is irrelevant.

24

25 MR URQUHART: Well, not if he received information to
26 question whether in fact she was told that. Now, so if he
27 says that, "No, he doesn't dispute it", then that ends that
28 line of inquiry.

29

30 HIS HONOUR: The issue is whether or not he was aware at
31 the time.

32

33 MR URQUHART: Well, he said that he's not aware at the
34 time.

35

36 HIS HONOUR: That's right.

37

38 MR URQUHART: Yes, I'm now saying that he's had
39 conversations with other people, he's read the transcript
40 of the evidence, he's been following the matter carefully.
41 I'm simply asking him whether he takes issue with that or
42 not.

43

44 HIS HONOUR: But where does that - no, it doesn't matter,
45 Mr Elliott. That doesn't take us anywhere, whether he
46 disputes it or not.

47

1 MR URQUHART: Fine. Well, I did intend asking him whether
2 he disputes the fact that she'd raised this matter with
3 Westrek staff other than himself. I suppose I can ask that
4 question and see whether --
5
6 HIS HONOUR: It's a question of whether he's aware of that
7 or not.
8
9 MR URQUHART: Yes, yes.
10
11 Q. Well, are you aware whether she raised this matter
12 with other Westrek staff?
13 A. No.
14
15 HIS HONOUR: Q. Have you been told by any former Westrek
16 staff that she did raise this matter with them?
17 A. Since that time, both in evidence and in the media,
18 there has been discussion that someone raised it with her,
19 but I was not aware of the issue and wasn't aware of the
20 issue being raised with me or by anyone else. I wasn't
21 aware of that issue.
22
23 MR URQUHART: Q. But from reading her evidence you
24 became aware what she says about that?
25 A. Well, obviously.
26
27 Q. Yes.
28 A. Obviously become aware of - in reading her evidence
29 I'm aware of what she is suggesting.
30
31 Q. And does that assist in your recollection of events
32 that happened back in 1985?
33 A. No, it doesn't change my view.
34
35 Q. Mr Carter, were you involved - again, I'm assuming
36 that you read this evidence of Ms Dawkins, if you need to
37 have your memory refreshed about that, I'm more than happy
38 to do that, but you've read the evidence about her being
39 moved from Katanning project to the Bunbury project?
40 A. Yes.
41
42 Q. Were you involved in that decision to have her moved,
43 do you recall?
44 A. I remember the - I remember the issue of her being
45 moved. I remember the issues that were - the issues as
46 they were raised with me as a manager above the program,
47 were issues of inappropriate behaviour by her, and a

1 breakdown in relations with the Katanning community, and on
2 that basis a decision was made to move her from the
3 Katanning project to Bunbury.
4

5 Q. So am I right in saying that you were involved then in
6 that decision?

7 A. I was briefed on those issues, and probably would have
8 been asked - I can't remember this in detail, 27 years ago,
9 but I certainly - yes, I am aware of the issue occurring.
10 I certainly remember that the discussions were about issues
11 to do with her behaviour --
12

13 Q. Can I stop you there and ask you, can you recall who
14 these discussions were with?

15 A. They would have been with Peter Sherlock.
16

17 MR ELLIOTT: My learned friend's other question hasn't
18 been answered yet, which was the question: Were you
19 involved in the decision?
20

21 MR URQUHART: I know that.
22

23 MR ELLIOTT: I am putting that. I don't want it to be
24 forgotten.
25

26 MR URQUHART: I do not need any assistance from my learned
27 friend, thank you, sir. If I do need his assistance I will
28 be the first to ask him.
29

30 Q. Now, were you involved in the decision to have Maggie
31 Dawkins removed?

32 A. I can't remember whether I was actually involved in
33 the decision or I was briefed on it. I was certainly aware
34 of the issue. I can't remember whether I was actually
35 involved in it. It is one of those issues where in the
36 line of responsibilities a number of people may well have
37 been briefed and involved in it. Based on the fact that
38 Peter Sherlock and Elizabeth Stroud were recommending that
39 that is what happened, were talking about the issues
40 surrounding what was going on in the community and around
41 Maggie, and essentially it wasn't - I don't remember
42 getting the piece of paper and signing off on it and making
43 that deliberative decision.
44

45 Q. That's exactly what I was going to ask you. Would you
46 not be required to sign off on a decision to have a Westrek
47 group leader move from one location to another which hadn't

1 been made at their request?
2 A. Not necessarily. It wouldn't necessarily have been
3 me. So it could have been Peter Kenyon who signed off on
4 that situation. Peter Kenyon and I were often involved in
5 varying issues where he and/or I would have made decisions.
6 So it's quite possible that he may have done that. It is a
7 question you would need to ask him. I don't have a
8 recollection of formally signing off on it. I think a
9 transfer of staff member from one location to another
10 didn't necessarily require formal paperwork and sign off.
11 It is quite possible that the person could have been moved
12 as part of that process with a letter or some other
13 appropriate process.

14
15 Q. So when you say that you were briefed on it, would
16 that have been at the time when the decision was still
17 pending or after the decision had been made?

18 A. I wouldn't - I wouldn't remember that, 27 years ago.

19
20 Q. Would you expect that you would be briefed on it
21 before the decision was made?

22 A. I would have thought I probably would have been made
23 aware of it. If I was around I probably would have been
24 made aware of it.

25
26 Q. Now, I am going to suggest to you that one of the
27 reasons that was given as to the departure from Katanning
28 by Mrs Dawkins was the fact that Dennis McKenna had been
29 quite angry about allegations she was making about him. Do
30 you have any recollection of that being raised with you?

31 A. I don't. Because, as I said, the name Dennis McKenna
32 isn't a name that sprung to mind at that time. The name -
33 the only name that I remember from the Katanning community
34 at that time was Ainslie Evans.

35
36 Q. If, in fact, a major consideration of this decision to
37 move her was due to the fact of a complaint that had been
38 made by Dennis McKenna, the warden at St Andrew's, would
39 you have expected to have been briefed about that?

40 A. Yeah, I would have been expected to have been briefed
41 on it, and I have no recollection of that occurring.

42
43 Q. But you do have a recollection of other matters that
44 were told to you --

45 A. Yep.

46
47 Q. -- by, you are assuming, Mr Sherlock?

1 A. Peter Sherlock and/or Elizabeth Stroud.
2
3 Q. I see. So why --
4 A. I can't remember the exact detail of who told me what
5 exactly when. I have a broad recollection of matters that
6 occurred during that space of time.
7
8 Q. Having been briefed on those at this time, or had you
9 become aware of those matters earlier?
10 A. No. No. I mean, my broad recollection around those
11 matters was that - I always remember the issues around
12 having to - the decision was made to move Maggie from
13 Katanning to Bunbury. It was around issues to do with her
14 behaviour and a break-down with the Katanning community. I
15 was aware of those issues, and so on that basis my
16 recollection is from that in 1985.
17
18 Q. Well, you see, weren't you told that with respect to
19 the break-down with the Katanning community, weren't you
20 told that there had been a serious break-down that she had
21 had in her relationship with Dennis McKenna?
22 A. No. I don't remember that at all.
23
24 Q. Well, what did you recall, now, as to what comprised
25 these factors of the break-down that she had with the
26 Katanning community?
27 A. I remember that - I remember issues such as her taking
28 the Westrek participants to the local pub and getting drunk
29 with them and creating problems in the street. I remember
30 an issue about painting something pink in the town. I
31 can't remember what it was.
32
33 Q. I think it might have been some ram's testicles.
34 A. I can't remember. I remember something was painted
35 pink and I remember there was great concern about it in the
36 local community. This occurred and had been tied back
37 to --
38
39 Q. I should clarify not a real ram but actually a model
40 of a ram.
41 A. Yes, thank you for clarifying that.
42
43 Q. Mr Jenkin thanks me for clarifying that as well.
44
45 MR JENKIN: It was in Waygin.
46
47 MR URQUHART: It was actually in Waygin. I think Mr

1 Jenkin has visited it.
2
3 Q. All right. So there is that --
4 A. Those issues - I remember the issue of a sexual
5 relationship between the two group workers, Maggie and her
6 co-male group worker. They were the issues that I have
7 recollections of that were raised with me in terms of
8 concerns from the Katanning community. And my only
9 recollection of names raising those issues with the
10 department was Ainslie Evans. I don't remember Dennis
11 McKenna's name being in and around those issues.
12
13 Q. What could you recall about Ainslie Evans?
14 A. Well, she was a community liaison person for the
15 Westrek project and she was liaising with both Elizabeth
16 Stroud and Peter Sherlock about the running of the
17 projects. For a Westrek project, a critical part of a
18 Westrek project was not only --
19
20 Q. Sorry, can I just stop you there and just ask you, was
21 this information that had come from Ainslie Evans?
22 A. As far as I was aware that's where it had come from.
23
24 Q. Sorry, I interrupted you.
25 A. I was just saying I think the important thing about a
26 Westrek project, based on projects from overseas,
27 California Conservation Corps and the Katimavik program in
28 Canada, was the relationship with the local community
29 between the group workers and the participants was a key
30 element to the success of projects. So it was a very
31 sensitive issue to ensure that the relationship between the
32 Westrek project as they embed themselves in the local
33 community and the local community was as positive as
34 possible.
35
36 Q. It was essential that there be a positive relationship
37 between the warden of the hostel who was providing the
38 accommodation to the Westrek participants, would you agree
39 with that?
40 A. Well, that may well be the case. I am talking about
41 the broader issues of the local community, the Shire
42 Council, school - whole range of other players. There were
43 a whole range of people in the community - any community -
44 who were critical to the success of a Westrek project;
45 whoever was providing the housing - and that varied from
46 site to site around Western Australia, and they ranged from
47 every possible spectrum - certainly in a case where we were

1 located in a site at St Andrew's. But my broad
2 recollection of St Andrew's, and again because I haven't
3 been there and don't know it, is that we were located in a
4 separate building on part of the St Andrew's Hostel site.
5 I remember broadly discussing the issue that we were on the
6 site but we were in a separate building and it was a
7 separate issue.

8
9 Q. When you talk about the Katanning community you
10 mentioned Ainslie Evans, but you can't recall any other
11 names or organisations that had these problems with Maggie
12 Dawkins and brought these problems to Westrek's attention?

13 A. No. I certainly have no recollection of any names or
14 organisations.

15
16 Q. Mr Carter, we heard from Mr Sherlock this morning. I
17 will just clarify, you were actually outside the hearing
18 room during the course of his evidence?

19 A. I was, yeah. I was, yes.

20
21 Q. As I understand it, it is also the case, isn't it,
22 that you haven't looked or heard or known about the
23 evidence that was given by Ms Stroud yesterday?

24 A. No.

25
26 Q. We heard from Mr Sherlock this morning that, yes, he
27 recounted some of those factors --

28 A. Yep.

29
30 Q. -- that you have mentioned --

31 A. Yep.

32
33 Q. -- that form part of the decision to move Ms Dawkins
34 from Katanning to Bunbury. However, a major part or reason
35 for the decision to have her transferred at the time she
36 did was that he had received a very angry phone call from
37 Dennis McKenna complaining that Maggie Dawkins had been
38 spreading stories about him and his inappropriate behaviour
39 towards students at the hostel, and that he was demanding
40 that she be moved, otherwise that accommodation that the
41 Westrek participants were residing in would no longer
42 apply, they would have to move out of that accommodation.

43 A. Yep.

44
45 Q. Now, I am suggesting to you, Mr Carter, that being the
46 case, that matter must have been brought to your attention
47 in this briefing process?

1 A. Well, it may have been, but I have no recollection of
2 that being raised with me. All those other things I
3 remember, but I cannot remember that issue being -
4 certainly not the issue of accommodation threatened to be
5 withdrawn.
6

7 Q. But this is a particularly major one, do you agree?

8 A. Certainly on the basis of what you are telling me
9 Mr Sherlock advised, yes.

10

11 Q. Yes.

12 A. I think it certainly would have been a serious issue,
13 yeah.
14

15 Q. You would expect Mr Sherlock in this briefing process
16 with you to emphasise that point?

17 A. Yep. I would have thought maybe he would have, but I
18 have no recollection of that at all. And I --
19

19

20 Q. You mentioned there that you recall a sexual
21 relationship that Maggie Dawkins was having with her group
22 leader, but do you accept that that is not nearly as
23 significant as this break-down or this threat, call it
24 that, that Dennis McKenna was making to Mr Sherlock?

25 A. Well, I think there are a range of issues. All of
26 them were significant in terms of the relationship with the
27 community, because if the community was not a hundred
28 percent behind the project the capacity to get
29 participants, to get projects under way, to get materials
30 for many of them, all those kind of things clearly weren't
31 going to occur.
32

32

33 Q. I couldn't agree with you more. The community's
34 participation, cooperation, didn't really turn much on
35 whether the fact that Mrs Dawkins was having sex with a
36 fellow group leader; do you agree with that?

37 A. Well, I don't - no, I think in 1985 in rural Katanning
38 there would have been a number of people who would have
39 been concerned about that, I'm sure.
40

40

41 Q. But there would be a far greater concern, would there
42 not, if Maggie Dawkins wanted to expose the town's warden
43 of the student hostel of engaging in sexual abuse of the
44 students he was supposed to look after; that would be a far
45 greater concern for the town, wouldn't it?

46 A. Quite clearly. Quite clearly.
47

47

1 Q. I am going to suggest you to, Mr Carter, that matter
2 would be first and foremost in this decision to move Maggie
3 from Katanning to Bunbury, yes?

4 A. Well, on the face of it, yes, I agree with you.
5

6 Q. And now that I've told you what Mr Sherlock has to
7 say, does this jog your memory at all that --

8 A. No, it doesn't. No, not at all. And I'm not trying
9 to be difficult, Mr Urquhart. I am genuinely saying to
10 you, despite what you are saying, my recollection, despite
11 your prodding, is not providing me with any further
12 information out of my brain that recollects it.
13

14 Q. You see, if it was the case that Maggie Dawkins was
15 removed for behaviour that you described, there could be
16 said there can be no criticism of Westrek management for
17 deciding to do that; do you agree?

18 A. Hm.
19

20 Q. However, it may not reflect well on Westrek management
21 now, 27 years later, if it is acknowledged that the major
22 reason, or a significant reason, why she was removed was
23 because Dennis McKenna, now a convicted paedophile, had
24 threatened to close down the accommodation of Westrek
25 participants unless she was moved?
26

27 MR ELLIOTT: In fairness - sorry to interrupt - I am not
28 sure that Mr Sherlock went quite that far. Mr Sherlock was
29 asked could a threat have been made. His answer, as I
30 recall it --
31

32 HIS HONOUR: He said probably he did.
33

34 MR ELLIOTT: But he did not say that he remembered it.
35 His testimony, when he was asked, was to the effect, as I
36 recall, that he didn't remember it, that he accepted that
37 it was a possibility --
38

39 HIS HONOUR: I think a probability.
40

41 MR ELLIOTT: It was put to him as a possibility. You are
42 right, sir, he later went on to say he probably did. But
43 he still didn't say that he remembered there being one. He
44 accepted. My learned friend is putting it as a fact
45 accepted by the witness that it did happen rather than it
46 being something that is still less than certain.
47

1 MR URQUHART: I am at a loss to follow the objection that
2 was taken. In any event, Maggie Dawkins's evidence, my
3 learned friend is completely missing that. If my friend
4 wants me to preface the question on the basis "if it
5 happened" then --

6
7 MR ELLIOTT: I would prefer a question in that form.

8
9 HIS HONOUR: I do not think we should get bogged down on
10 this. Just put the question again.

11
12 MR URQUHART: This is the whole point, I have to go
13 through the whole process again.

14
15 Q. Mr Carter, I have spoken to you about the fact if all
16 the reasons why Maggie Dawkins was removed, because of the
17 ones that you remembered that was discussed in this
18 briefing session that you had is one thing, but I am saying
19 to you now that if in fact a significant reason for her
20 removal was because of a threat made by Mr McKenna that she
21 was to be moved otherwise he would close down the Westrek
22 accommodation, that would not reflect so well now on
23 yourself and Westrek management, would it?

24 A. I think if that is actually what took place, and if
25 that's what was - if that had actually occurred, then
26 clearly if we were ignoring issues around allegations of
27 sexual abuse then clearly it would be a concern. My
28 contention is that I was not made aware of those issues and
29 I acted appropriately in moving a staff member from one
30 site to another, although I can't specifically remember
31 being involved in the direction for moving her from
32 Katanning to Bunbury either.

33
34 HIS HONOUR: Q. Can I just clarify here. Mr Sherlock
35 made it clear that his predominant concern at the time was
36 the phone call from McKenna. He said that if McKenna had
37 not have made that call Maggie would not have been removed
38 to Bunbury. So that was the predominant factor in his mind
39 in his decision to remove her. Do you think it is strange
40 that he would not have discussed that with you?

41 A. Well, yeah. Well, probably. But it's - I have no
42 recollection of it being raised. I remember the other
43 issues being raised with me. I don't remember that issue
44 being raised with me at all.

45
46 MR URQUHART: Q. I am going to suggest not strange, it
47 would be virtually unbelievable?

1 A. Well, I wouldn't agree with you, clearly.
2
3 Q. You think that if he has given you a proper briefing
4 as to why this group leader had to be moved he didn't say
5 to you what his dominant consideration was behind his
6 recommendation that she moved?
7
8 MR ELLIOTT: My learned friend is ignoring the testimony
9 of Sherlock, who said that the decision was made and then
10 Mr Carter was briefed. Mr Sherlock's evidence was clear
11 that the decision was made at his level and there followed
12 a briefing. My learned friend is putting it in terms that
13 are quite different from the testimony of Mr Sherlock, and
14 much to this witness's disadvantage.
15
16 HIS HONOUR: I did not understand that.
17
18 MR ELLIOTT: I understand him to be saying that. As I
19 say, the evidence of Sherlock was clear --
20
21 MR URQUHART: I don't take issue with that, sir. I don't
22 take issue with that. I'm just talking about the briefing
23 session that Mr Sherlock had with this witness. That is
24 all.
25
26 Q. I am stating to you, it would beggar belief that he
27 would not tell you what the prominent reason was behind his
28 decision to have this woman transferred?
29 A. Look, I can't provide you with any further information
30 other than what I've already provided to you.
31
32 Q. You would agree with me it beggars belief?
33 A. Well, I suppose it - it's - it's like I said earlier
34 on, I have been racking my brain trying to remember every
35 bit out of my conversations with people during that period
36 27 years ago. I cannot recollect this issue.
37
38 Q. Mr Carter, I appreciate that.
39 A. I am not trying to hide from anything. I am simply
40 telling you the truth.
41
42 Q. Do you agree or disagree that it beggars belief?
43 A. I think certainly it would be surprising that an issue
44 that was as important as that wasn't raised with me.
45
46 Q. So, therefore, I am going to suggest that it actually
47 was raised with you?

1 A. Well, clearly I don't agree with you.
2
3 Q. Are you saying you don't recall it being raised or you
4 can categorically say it definitely wasn't raised?
5 A. No. I cannot recall it being raised with me. And --
6
7 Q. All right. Do you recall a decision being made
8 amongst Westrek management that Mrs Dawkins should maybe
9 voluntarily resign from the Westrek project?
10 A. No.
11
12 Q. You don't recall anything like that?
13 A. No.
14
15 Q. Are you aware that there was political sensitivity
16 about Maggie Dawkins' involvement in the Westrek project?
17 A. I was.
18
19 Q. And what was that political sensitivity?
20 A. Maggie Dawkins came from Kim Beazley's office, a
21 Federal member of parliament. We were certainly aware that
22 was the prime and clear - not concern - clear issue right
23 from the start, that we were aware of. And then there were
24 discussions at different stages about relationships with
25 John Dawkins. But they were the two issues that I was
26 aware of in terms of Maggie Dawkins.
27
28 Q. Were you aware of a direction from above you that she
29 was to be managed, or words to that effect?
30 A. I remember the issues being discussed at senior levels
31 within the department. I wasn't involved in those
32 discussions. I think Peter Kenyon was probably involved in
33 those discussions.
34
35 Q. I am not suggesting you were.
36 A. No.
37
38 Q. But did you hear of those?
39 A. I was aware that there was some discussions that took
40 place. I think in any government agency when you have
41 someone who has political connections as part of their
42 history and relational stuff it is clearly an issue that
43 needs to be raised, worked through.
44
45 Q. Would you agree then that in those circumstances that
46 if there was some concern amongst Westrek management of the
47 things that Mrs Dawkins was saying and doing that one way

1 of avoiding further problems would be to have her
2 voluntarily resign?
3 A. Yeah. Again my answer is no, I don't remember those
4 conversation.
5
6 Q. No. I am saying, would you consider that would be one
7 way of avoiding problems that the management was having
8 with Mrs Dawkins?
9 A. Well, quite clearly it could have been. I'm saying it
10 wasn't. In my belief it wasn't at all. I mean, Maggie
11 Dawkins was a complex person to manage because of the
12 political connections and because of some of her behaviour.
13 So quite clearly she was a complex person to manage as part
14 of the Westrek project.
15
16 Q. She was also someone outspoken, wasn't she?
17 A. Yes, she was.
18
19 Q. And that if she had a goal in mind she wasn't one who
20 would just not try and achieve that goal lightly?
21 A. No. I'm sure both Peter Sherlock and Elizabeth
22 Stroud's evidence would support that, if they indeed were
23 asked the same question.
24
25 Q. Did you have any dealings directly with Mrs Dawkins?
26 A. I may have, but it would have been negligible. I
27 wasn't around when they were recruited. I was actually on
28 leave when most of the field group workers were recruited.
29 I was only involved in the direct recruitment of Peter
30 Sherlock and his secretary, and then subsequently Elizabeth
31 Stroud. I wasn't involved in any of the other appointments
32 after that. In terms of managing the projects, I didn't
33 have a great deal to do with the projects on the ground or
34 the group workers.
35
36 Q. Do you recall - again if you don't I can help you out,
37 refreshen your memory - Mrs Dawkins' evidence about an
38 occasion when she was in Bunbury and she had been asked to
39 come to Perth for some meetings? She went to those
40 meetings, that included yourself, Peter Sherlock and Peter
41 Kenyon, and at that meeting a number of things were
42 discussed, including a fact that a letter was presented to
43 her and she was asked to sign it, and it was a letter of
44 resignation?
45 A. Hm.
46
47 Q. Do you know the evidence I am talking about?

1 A. I remember the evidence, yes. I remember there being
2 discussion about a number of people being at those meetings
3 and there was a bit of a moving feast on who was actually
4 there at the meetings.
5
6 Q. Exactly. Yes.
7 A. I am not quite clear who Maggie actually remembers
8 actually being at the meeting.
9
10 Q. Well, she says that you were - well, firstly, can
11 you remember a day such as this where she attended head
12 office and she had a number of meetings?
13 A. I think --
14
15 Q. With Westrek management, including yourself?
16 A. I think a number of group workers would come into head
17 office from time to time for varying reasons, and would
18 come in at break times when the Westrek participants were
19 off on adventure and recreation-based activities, and they
20 would come in for both training and other meetings. Those
21 meetings and training were undertaken by Peter Sherlock,
22 Elizabeth and a range of other people. At times there may
23 well have been a meeting that took place on or around that
24 time. I don't have any recollection of being involved in a
25 meeting where she was asked to resign.
26
27 Q. This is what I am getting at. It is a meeting that I
28 would suggest to you would stand out more than those other
29 meetings that you have referred to involving group leaders,
30 would you agree with that?
31 A. Absolutely, yep.
32
33 Q. So you don't have a recollection of that?
34 A. No.
35
36 Q. Again, I know with the passage of time, it is
37 something that didn't happen yesterday.
38 A. Yep.
39
40 Q. Are you discounting that there was such a meeting or
41 there may well have been a meeting but you simply don't
42 recall it now?
43 A. Look, I suppose my belief would be that there may have
44 been a meeting that took place with Maggie Dawkins. I do
45 not recollect being there, and I don't ever recollect an
46 issue where a resignation letter was put in front of her
47 that I was involved in at all.

1
2 Q. Do you recall whether at any meeting in which you were
3 involved in where she had been informed that she had caused
4 serious damage to the working relationship that Westrek had
5 with Mrs Evans?
6 A. Again, look, I have no direct recollection of that.
7 I'm sure the issue would have been raised with her in the
8 normal management roles that were undertaken. I would have
9 assumed those issues would have been taken up by Peter
10 Sherlock and Elizabeth Stroud in discussion with her around
11 her behaviour and what was expected of her in the new
12 project in Bunbury.
13
14 Q. I am just asking you whether you can recall such a
15 meeting when you were actually involved?
16 A. Not - not that I would have been involved in. I
17 wouldn't have been expected to be involved in a meeting
18 such as that.
19
20 Q. She also says - would you be expected to be involved
21 in a meeting, though, where it was intended or was hoped
22 that an employee would sign a letter of resignation? You
23 would be involved in that, wouldn't you?
24 A. Not necessarily. There could have been other staff.
25 There could have easily been human resource management
26 staff and Peter Sherlock, not me. May have also been Peter
27 Kenyon and not me who may have been involved in a meeting.
28
29 Q. What about with respect to someone like Mrs Dawkins,
30 who was probably an exception rather than the rule of
31 employees? In that instance there, a difficult to manage
32 employee, I suggest to you it might be required that there
33 would be force in numbers in management for meeting of that
34 nature?
35 A. Yeah. But that's not my management style to have a
36 whole swag of people in a room doing that kind of - I
37 mean --
38
39 Q. We have got three.
40 A. We wouldn't turn up with three or four people in a
41 meeting and then say, "Look, we are going to ask you to
42 resign and go through these processes". It is not the way
43 that I would operate if I was involved in a meeting such as
44 that.
45
46 Q. For fear that it would be offensive to the employee?
47 A. It is an inappropriate way to manage people.

1
2 Q. Because of the reaction of the employee?
3 A. Well, just in terms of a normal management process she
4 would have had two, maybe three, at absolute max, I would
5 have thought. Normally you would have talked about having
6 two people in a meeting such as that meeting with one staff
7 member and you probably would have offered them the
8 opportunity to have another person with them if they wanted
9 to, if you were going to go through such meeting.
10
11 Q. Okay. You said maybe a maximum of three. That's all
12 Mrs Dawkins was saying, that at times there were three and
13 at times there were just yourself and Mr Kenyon. In any
14 event, she also says that at this meeting it was also
15 discussed about the serious damage she had caused to the
16 working relationship with Dennis McKenna in Katanning. But
17 I gather what you would say to that is that you hadn't -
18 you had no idea in 1985 that Dennis McKenna was involved in
19 any way whatsoever in Mrs Dawkin's removal from Katanning
20 to Bunbury?
21 A. No, that's right.
22
23 Q. And so therefore she also states in that meeting,
24 again - I gather you wouldn't have been present at such a
25 meeting - in which she was told by management that Dennis
26 McKenna was still insisting that she be sacked? No.
27 A. No.
28
29 MR ELLIOTT: The witness is shaking his head, for the
30 transcript.
31
32 THE WITNESS: Sorry, sorry.
33
34 MR URQUHART: Yes, and I've also --
35
36 THE WITNESS: Sorry.
37
38 MR URQUHART: Repeated "No" as well.
39
40 THE WITNESS: Thank you. Sorry.
41
42 MR URQUHART: Thank you, Mr Elliott, for your assistance.
43
44 MR ELLIOTT: You're welcome, Mr Urquhart.
45
46 MR URQUHART: Q. You see, she also says in this meeting
47 she refused to sign this letter - sir, this is at page 244

1 of the transcript - and that she'd asked what had been done
2 to have the allegations of sexual abuse investigated. Once
3 more I gather you would say that you had no recollection of
4 that?

5 A. I do not remember being involved in a meeting where
6 such a thing took place.

7

8 Q. And she also says again - still at page 244, sir,
9 about halfway down line 23 - that she spoke to, that same
10 day, spoke to the Head of the Department, Mr Cross, asking
11 him to intervene, and then later that day she was given an
12 assurance by yourself and Mr Kenyon that they would have
13 her concerns raised with the appropriate authorities; but,
14 again, from what I understand your evidence is, your
15 recollection is that you had no idea --

16 A. No.

17

18 Q. -- about these allegations?

19 A. Absolutely, and I don't remember a meeting taking
20 place between Maggie Dawkins and Mike Cross.

21

22 Q. I'm not saying you were at that meeting. And she was
23 advised by yourself and Mr Kenyon to return to her project
24 and keep her head down.

25 A. I - I would have thought that what would have
26 happened, as I said earlier on, is that Maggie would have
27 been given clear advice when she moved to Bunbury that her
28 behaviour was expected to be good, and embedding in the
29 local community and having good relationships with the
30 local community was a key part of the role of the group
31 worker.

32

33 HIS HONOUR: Q. Just on that, there's evidence of both
34 Ms Stroud and Mr Sherlock that you've not raised
35 behavioural issues with her at the time of transfer to
36 Bunbury.

37 A. Okay.

38

39 Q. So does that seem strange to you?

40 A. It does.

41

42 MR ELLIOTT: I'm sorry. I am sure that that's Mr
43 Sherlock's evidence. Mr Sherlock's evidence was that he
44 never raised issues with her at the time that they
45 occurred, but at the time of her transfer he made it clear
46 that there were issues concerning her behaviour which were
47 involved in her move. It's my recollection of his

1 testimony this morning.
2
3 MR URQUHART: And that --
4
5 HIS HONOUR: I'm surprised at that. That's not my
6 recollection. Do you agree with that?
7
8 MR URQUHART: Well, I was going to say, sir, somewhat
9 surprisingly, my recollection is that of Mr Elliott's.
10
11 HIS HONOUR: Sorry?
12
13 MR URQUHART: My recollection is that of Mr Elliott's.
14
15 HIS HONOUR: So I'm wrong.
16
17 MR URQUHART: I won't say that, sir, but --
18
19 HIS HONOUR: Well, I must be.
20
21 MR URQUHART: Well, my recollection might be wrong as
22 well --
23
24 HIS HONOUR: All right.
25
26 MR URQUHART: -- but, yes --
27
28 HIS HONOUR: Well, the --
29
30 MR URQUHART: It was my understanding of his evidence
31 that - - -
32
33 HIS HONOUR: - - - certainly Ms Stroud said she never
34 raised these issues.
35
36 MR URQUHART: I think that's right. I think that's right.
37
38 HIS HONOUR: And I thought you asked Mr Sherlock at any
39 time up to the transfer did he ever raise these issues with
40 her.
41
42 MR URQUHART: Yes. The issues, aside from the Dennis
43 McKenna issue - no, he never raised that with her, but when
44 he had her transferred from Katanning to Bunbury, he said
45 that the issues were, and then he cited those that hadn't
46 been previously raised with her.
47

1 HIS HONOUR: He said they raised them at the time of the
2 transfer?
3
4 MR URQUHART: Yes.
5
6 HIS HONOUR: Well, I missed that. I'm sorry, yes. Well,
7 withdraw that, what I put to Mr Carter.
8
9 MR ELLIOTT: That's my recollection.
10
11 HIS HONOUR: All right.
12
13 MR ELLIOTT: That he said earlier no, but at the moment of
14 transfer that she was given an explanation of there being
15 these various things.
16
17 HIS HONOUR: Right.
18
19 MR URQUHART: But I do think, and Mr Elliott can correct
20 me if I'm wrong, that he also said that it was the Dennis
21 McKenna matter as well.
22
23 MR ELLIOTT: Yes.
24
25 MR URQUHART: Yes.
26
27 HIS HONOUR: Yes, no, I accept that.
28
29 MR URQUHART: Good. Good.
30
31 HIS HONOUR: Right.
32
33 MR URQUHART: All right. Sir, we interrupted your
34 question, yes.
35
36 HIS HONOUR: Well, I withdraw it because it was based on a
37 false premise.
38
39 MR URQUHART: Q. Now, as I said, Mr Carter, you've read
40 Mrs Dawkins' account of what she did, and who she raised
41 these matters with. Leaving aside what she says about that
42 meeting she had with you and Mr Kenyon, I think it was also
43 a series of meetings, also Mr Sherlock - leaving aside that
44 if, in fact, what she said is correct about the other
45 things, that she did, in speaking to Ms Stroud about this,
46 and Mr Sherlock, and also having a meeting with those two
47 in which she was asked to provide a written account of what

1 this student had said, and that she was told that the
2 matter would be referred or they'd try and refer the matter
3 on to the relevant authorities - now if those things had
4 happened, are you surprised that you weren't made aware of
5 any of them?

6 A. Well, yes, I am probably. I mean, certainly they're
7 serious allegations that have been raised, and I don't
8 remember those issues being raised with them, other than
9 that maybe they were in the belief that they had approached
10 various people and had done work and things hadn't been
11 corroborated, I had no idea. But certainly the issues
12 weren't raised with me.

13
14 MR URQUHART: Yes, I thank you Mr Carter. That's all the
15 questions I have, sir.

16
17 HIS HONOUR: Mr King, do you have any questions?

18
19 MR KING: No, thank you, sir.

20
21 HIS HONOUR: Nothing from you, Mr Jenkin.

22
23 MR JENKIN: Similar, thank you, sir.

24
25 HIS HONOUR: Mr Elliott

26
27 MR ELLIOTT: I have a few, thank you, sir.

28
29 HIS HONOUR: Yes.

30
31 <CROSS-EXAMINATION BY MR ELLIOTT:

32
33 MR ELLIOTT: Q. Now, just by way background, you've been
34 asked some questions by Mr Urquhart, Mr Carter. Some years
35 ago did you prepare an overview of the Westrek program in a
36 paper that was published in some national youth
37 publication?

38 A. I did.

39
40 Q. Do you have a copy of that there?

41 A. I do.

42
43 Q. Is it headed, "Westrek - A Western Australian Youth
44 Conservation Program"?

45 A. Yes.

46
47 Q. And it carried with it the cover page of the journal

1 and the index to the journal? You're nodding yes.
2 A. Yes, I am, yes.
3
4 Q. A copy has been given to counsel assisting, sir. Do
5 you have a spare copy there for tender?
6 A. I do.
7
8 Q. And does that provide information about the
9 establishment purpose and operation of this program?
10 A. It does.
11
12 Q. Thank you. I tender it sir, if I may.
13
14 EXHIBIT #46 OVERVIEW OF THE WESTREK PROGRAM, "WESTREK - A
15 WESTERN AUSTRALIAN YOUTH CONSERVATION PROGRAM"
16
17 MR ELLIOTT: Q. Now, you indicated to Mr Urquhart that
18 you come from a background in teaching; is that right?
19 A. That's correct.
20
21 Q. And then you joined the Community Employment
22 Initiatives Unit; is that so?
23 A. That's true.
24
25 Q. And was that headed up by Peter Kenyon?
26 A. It was.
27
28 Q. Okay. Now, was there - what was the size of that unit
29 initially, and what did it grow to ultimately?
30 A. The initial unit was around nine or 10 staff, and then
31 it grew substantially over the next year or two as new
32 programs were added on. So the Westrek program in its own
33 right would have had 15 or 20 staff at different occasions,
34 and then we add on Job Link programs and Job Make programs
35 and others. We would have gone up to 80 to 100 staff at
36 its peak.
37
38 Q. And was this a program that was endorsed by cabinet?
39 A. The Westrek program?
40
41 Q. Yes.
42 A. The Westrek program was endorsed by cabinet, yes, and
43 then we were given a very short time frame to get the
44 project up and running. I think it was part - we envisaged
45 that it was passed by cabinet in March or April of 1985.
46 We anticipated getting the project up by the end of the
47 year. Cabinet asked us to get it up by June/July, and so

1 we recruited and operationalised the program on very quick
2 timeframes.

3

4 Q. Who was responsible for the cabinet submission?

5 A. I prepared the cabinet submission based on work that
6 Peter Kenyon had done on an overseas trip, based on
7 visiting those projects.

8

9 Q. You've talked about recruitment. Let me ask you about
10 Peter Sherlock. Who recruited him?

11 A. Peter Kenyon and I recruited him. We'd known him
12 through other employment programs. He worked for the
13 Federal Department of Employment and Industrial Relations.
14 We knew him through community-based employment projects
15 like the Skill Share Program, the Community Youth Support
16 Scheme. He was a very credible good manager, so he was
17 certainly the person that we wanted to - in the program
18 here. He applied for the position and was successful.

19

20 Q. Established in this type of program?

21 A. Yes, he'd been involved - well, the Community Support
22 Scheme, while it wasn't residential, the Community Youth
23 Support Scheme, it was very similar in embedding in the
24 local community and understanding relationships with local
25 people and its linkage to training and employment matters.

26

27 Q. All right. And experienced, seemingly?

28 A. Yes, yes.

29

30 Q. Reliable, seemingly?

31 A. Yes, a very - I mean, yes, he was well-known and
32 regarded in the community employment sector in WA.

33

34 Q. So far as your dealings with him, was he a person in
35 whom you had faith?

36 A. He was a very good manager, yes.

37

38 Q. And trust?

39 A. Yes, absolutely.

40

41 Q. Let's move on to Elizabeth Stroud. Did you recruit
42 her?

43 A. We were aware of Elizabeth Stroud because she'd worked
44 in the Canadian Katimavik program. Peter Kenyon had become
45 aware of her, and she was connected up with our early
46 developmental work, so she was in and around the place and,
47 again, when the training officer position was advertised

1 she applied for the position and was successful. That
2 recruitment was actually undertaken by Peter Sherlock.
3
4 Q. Okay. Was she a person who was seemingly experienced?
5 A. Well, because she'd worked in the Canadian Katimavik
6 program, which is a residential-based employment and
7 training program with the adventure, recreation stuff
8 attached to it, she was well aware of that complex mix that
9 was required in being a group worker in those kind of
10 sites.
11
12 Q. Reliable?
13 A. Yes.
14
15 Q. Was she a person you trusted?
16 A. Yes, she was a - she was a good - trusted in the sense
17 that she understood the program and was someone who
18 really - you knew that she wasn't starting from scratch.
19 She had significant background in the nature of these kind
20 of programs.
21
22 Q. You mentioned at one stage in relation to the
23 presentation of resignation letters, something about your
24 management style. What was your management style
25 concerning the day-to-day operation of the project?
26 A. I think my management style then, as is now, is
27 setting broad goals and targets, ensuring people have
28 resources, and letting them manage them, and so I'm - I'm
29 not a hands-on details manager, I'm a hands-off direction
30 manager. I facilitate, encourage, empower, rather than get
31 involved in day-to-day detail. If I employ a manager, I
32 let them manage the project, particularly when you've got
33 people like Peter Sherlock, who are competent.
34
35 Q. In terms of delegation, are you a delegator or not?
36 A. I'm a significant delegator.
37
38 Q. All right. And the people who you had under you, were
39 they people who you felt were worthy of these delegations,
40 or not?
41 A. Yes, absolutely. Peter Sherlock was a competent and
42 skilled manager, and one that I had great trust in in terms
43 of operationalising this program.
44
45 Q. You say that in your early stages there were a number
46 of projects. Where were they located?
47 A. Westrek ran over a series of years after that first

1 year. It's really hard to recollect - recollect exactly
2 where they were all located, but there was a project in
3 Wyndham, there was a project in Carnarvon, one in
4 Kalgoorlie, one in Katanning, one in Bunbury, and then one
5 in Albany, I can remember, were in the very early stages.
6 Whether they were in year one or year two I can't
7 recollect, but we operated from one end of the spectrum to
8 the other in the State.

9
10 Q. One of your answers suggested that integration into
11 and cooperation with the community was essential. You're
12 nodding yes.

13 A. I'm sorry, yes.

14
15 Q. Is that - is that a role of yours, or was that a role
16 of others, and if so, whom?

17 A. It was a role of both. The group workers, in terms of
18 the day-to-day operationalising it, but the - managing it
19 from Perth was Peter Sherlock and Elizabeth Stroud's
20 responsibility to ensure that the group workers had both
21 the mandate and the backing to try and embed themselves in
22 the local community, and Elizabeth and Peter would have
23 been involved in most cases in the setting up of the
24 details around the particular community, so they would have
25 been involved in negotiating the nature of the community
26 projects which the young people undertook, as well as where
27 they would have been living, and other relationships with
28 local councils and others, because in many cases projects
29 were identified, like new boardwalks at a conservation site
30 that needed to be built. Often the materials were provided
31 by the Local Government Authority, and the young people
32 were involved in the project were involved in building it
33 and putting it in place. So that kind of relationship.

34
35 Q. What was your role in relation to those things you
36 just described?

37 A. Well, ensuring at the end of the day all of those
38 pieces were in place at each of the sites.

39
40 Q. Thank you.

41 A. So I would be meeting with Peter Sherlock and talking
42 about the nature and direction of the projects, and how he
43 was going in delivering on those kind of issues.

44
45 Q. The word that comes to mind from your answer is
46 oversight rather than hands-on?

47 A. I think that's a good word.

1
2 Q. All right. Now, there was a related question. Sorry,
3 please bear with me for a second. Yes. In connection with
4 that, I think you mentioned one of the people involved in
5 Katanning was Ainslie Evans?
6 A. Yes.
7
8 Q. Her role was?
9 A. In - in - in almost all the sites we had at least one
10 Community Liaison Officer who was a clear person identified
11 in the early stages of the project to be a key person in
12 liaising between the local community and the project on the
13 ground, and their role was to ensure that things were
14 smooth, that the relationship built up, that the resources
15 that were originally planned in the early stages of the
16 planning of the on-site project were actually being
17 delivered and were happening. And so they were a key
18 person - in some cases we would have had more than one, but
19 we would have had a minimum of one Community Liaison
20 Officer at each site.
21
22 Q. Community Liaison Officer - was that their title and
23 their role?
24 A. Yes. It wasn't a paid position, it was a relational
25 position with the project.
26
27 Q. Now, in terms of your dealings with these Community
28 Liaison Officers, was that your role?
29 A. No, it wasn't my role, it was --
30
31 Q. Whose role was that?
32 A. Fundamentally, the group workers, and then to a lesser
33 extent Elizabeth Stroud and Peter Sherlock.
34
35 Q. So would you have had any occasion in relation to the
36 happenings at Katanning, to be in contact or communication
37 with Ainslie Evans?
38 A. No, not that I remember. I remember her name, but I
39 never even - I don't even remember visiting the Katanning
40 site.
41
42 Q. Now, the events that we're talking about, as I
43 understand them to be, occurred in around 1985 some time?
44 A. That's right.
45
46 Q. Let me see if there's any more --
47 A. The projects began in mid-1985.

1
2 Q. -- any more precision about when the reporting of - do
3 you know when Mrs Dawkins moved to Bunbury? Are you able
4 put a date on that?
5 A. No, not at all.
6
7 Q. Okay. Was there anything significant happening in
8 your life in 1985, apart from, of course, this important
9 project?
10 A. Two things. My youngest son was born, so I took leave
11 during - from mid May right through to the end of June in
12 1985, and I also moved houses during that period, so I was
13 taking time off to move houses and look after a - we had
14 two children under two.
15
16 Q. Do you recall where these interruptions fit in terms
17 of the movement of Mrs Dawkins from Katanning to Bunbury?
18 A. I think most of that occurred - most of that work was
19 after I was back on deck, so I was pretty much around
20 during most of that time. What I wasn't around for was the
21 recruit, the training of the group workers, and some of the
22 related matters around those at the early stages of
23 establishing my projects.
24
25 Q. All right. Well, you obviously have a recollection of
26 things involving your family at that time?
27 A. I do.
28
29 Q. Is that something that is important in your life?
30 A. Yes, it is.
31
32 Q. All right. Now, as to the happenings you were asked
33 about, you've said, as I understand you, by and large you
34 don't recall a number of these things happening. You're
35 nodding yes. If a complaint had been relayed to you by
36 Maggie Dawkins directly, that she was aware of some - or
37 had concerns about some sexual molestation of children
38 going on, is that the sort of thing, even after 27 years,
39 that you would expect to remember if that conversation had
40 taken place?
41 A. Absolutely.
42
43 Q. The presentation of a resignation letter to Maggie
44 Dawkins - is that the sort of thing that you would expect
45 to remember if that had occurred?
46 A. Yes, I would have remembered it.
47

1 Q. And although you've accepted that it beggars belief
2 that Mr Sherlock seemingly didn't tell you about the
3 complaint from Dennis McKenna, if you had been told by
4 Peter Sherlock, "One of the reasons we need to move Maggie
5 Dawkins is she had upset the warden of the hostel at
6 Katanning, and he's threatening to pull the plug on our
7 accommodation unless she's moved", is that something that
8 would still stay in your mind if you had been told about
9 it?

10 A. Yes, it would have.

11
12 Q. If you had given Mrs Dawkins an undertaking that you
13 would follow through on investigations into child abuse or
14 molestation, would you remember that in 2012, if you were
15 told about it in 1985?

16 A. I certainly believe I would have. It's a significant
17 issue and I would have remembered.

18
19 Q. If you can bear with me, please. Now, there are a
20 number of propositions that have been put to you. If Mr
21 Sherlock was aware of this, and such like, would you expect
22 to be advised of those things. The position appears to be
23 that you say, "Well, I wasn't, and I'd remember it I was
24 "based on the answers that you've just given?"

25 A. That's correct.

26
27 Q. If you would expect to be advised, and you say you
28 weren't, can you offer any explanation as to why you
29 weren't?

30 A. The only possibility I can think of is whether I was
31 actually around when it happened, whether the advising
32 actually took place with Peter Kenyon and not with me
33 certainly is a possibility that may exist. And maybe when
34 Peter raised issues, he may have used a generic phrase
35 like, "There are some issues with the warden and we're
36 having problems with our accommodation", rather than
37 raising specific issues with me about the issues with
38 McKenna, and other issues in the relationships with Maggie
39 Dawkins on those issues.

40
41 Q. And if there had been this generic type of
42 understatement, would that have prompted inquiry from you?

43 A. Well, if - if he'd made general statements about
44 behaviour and some concerns about the relationship with the
45 community, I wouldn't have asked any more detail.

46
47 Q. Again, is that because his was an opinion you valued

1 and trusted?
2 A. Well, it was his job to manage those kind of issues,
3 to manage that relationship, to work with someone like
4 Ainslie Evans and the local community to make sure the
5 project happened.
6
7 Q. Now, I may have asked you this already, but I've got a
8 note to ask so I better ask it just to be sure. Did you
9 ever have any communication from Ainslie Evans about the
10 nature of any breakdown of relationships within the
11 community?
12 A. No, I did not.
13
14 Q. All right. And had Mrs Dawkins complained to you
15 directly and specifically about the sort of behaviour of
16 which you were seemingly now aware, would you have taken
17 action?
18 A. Quite clearly I would have. Quite clearly I would
19 have got staff involved and we would have been involved in
20 discussions with police, child abuse units and Departments
21 for Child Protection.
22
23 Q. The fact you didn't take any action - firstly, is that
24 accepted - that you didn't take any action?
25 A. Well, I wasn't advised of anything, so on that basis I
26 took no action.
27
28 MR ELLIOTT: You've anticipated and answer my next
29 question, thank you, sir.
30
31 HIS HONOUR: Right, anything for you, Mr Urquhart,
32 arising.
33
34 MR URQUHART: Yes, there is, sir.
35
36 <RE-EXAMINATION BY MR URQUHART:
37
38 MR URQUHART: Q. Mr Carter, do you agree that if Maggie
39 Dawkins was asked to voluntarily resign in the manner in
40 which she has alleged, it would now reflect poorly on those
41 who were behind that move?
42
43 MR ELLIOTT: I'm sorry, that doesn't arise.
44
45 MR URQUHART: It doesn't have to.
46
47 HIS HONOUR: I'm going to allow it, and if you want to ask

1 another question in relation to it, you can.
2
3 MR ELLIOTT: Thank you, sir.
4
5 MR URQUHART: And it does because he was asked questions
6 by my learned friend regarding this voluntary resignation.
7
8 HIS HONOUR: Anyway, ask the question.
9
10 MR URQUHART: Q. So do you agree that if Maggie Dawkins
11 was asked to voluntarily resign, that it would now, in
12 light of what's come to light - it would reflect poorly on
13 those who were behind that?
14 A. If such - if such a thing took place, I think probably
15 it wouldn't be seen as good human resource practice, no.
16
17 Q. Wouldn't - something just more than, well, good human
18 resource practice. What she is saying is that she was
19 asked to voluntarily resign because of what she was raising
20 about Dennis McKenna?
21 A. Okay, I'm sorry, I misunderstood what you were saying,
22 sorry.
23
24 Q. Yes.
25 A. Well, I think quite clearly if that - if that's the
26 case, if the supposition on which you're basing it is true,
27 yes.
28
29 Q. And do you agree, given it's a supposition - do you
30 agree that if management at Westrek was aware of these
31 child abuse allegations against Dennis McKenna and ignored
32 them, it would reflect poorly on those responsible for
33 ignoring it?
34 A. Quite clearly. I don't have any argument with you on
35 that. If the issues were raised with management, I don't
36 have any problems with those issues. They weren't raised
37 with me.
38
39 MR URQUHART: Thank you.
40
41 HIS HONOUR: Well, nothing else, Mr Elliott?
42
43 MR ELLIOTT: I have two questions arising.
44
45 HIS HONOUR: Yes, right.
46
47 MR ELLIOTT: Or really I can put it into one compound

1 question.
2
3 <FURTHER CROSS-EXAMINATION BY MR ELLIOTT:
4
5 MR ELLIOTT: Q. You've just been asked some questions
6 about whether it would reflect poorly if this course had
7 been taken. And I noticed that you seemed to have denied
8 that both of those things occurred. Let me ask you: are
9 you denying those things having occurred because it would
10 reflect poorly?
11 A. No, because I wasn't made aware of it.
12
13 MR ELLIOTT: Thank you.
14
15 HIS HONOUR: Well, that completes your evidence and you're
16 free to go.
17
18 THE WITNESS: Thank you.
19
20 <THE WITNESS WITHDREW
21
22 HIS HONOUR: We'll adjourn to Katanning tomorrow.
23
24 MR URQUHART: Yes, your Honour, we're going to adjourn.
25
26 HIS HONOUR: That's at 11: 30, is that right?
27
28 MR URQUHART: It's going to be at 12 o'clock --
29
30 HIS HONOUR: 12 o'clock, right.
31
32 MR URQUHART: -- to enable us to get there. I would
33 expect that we would have half a day's evidence in
34 Katanning, and that we will continue here in Perth on
35 Friday, the day after tomorrow, at 2.15pm.
36
37 HIS HONOUR: Very well. I will adjourn until tomorrow at
38 12 at Katanning.
39
40 AT 3.57PM THE HEARING ADJOURNED TO
41 THURSDAY, 12 APRIL 2012
42
43
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45
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47
