

Special Inquiry into St Andrew's Hostel

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

Monday, 16 April 2012 at 11.04am
(Day 19)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Please be seated. Yes, Mr Dobson.
2
3 MR DOBSON: Yes, your Honour. We are ready to commence
4 proceedings this morning and the first witness to be called
5 will be Murray John Gatti.
6
7 HIS HONOUR: Very good. If Mr Gatti could come forward
8 over here, thank you.
9
10 MR DOBSON: Just for the transcript, your Honour, "Gatti"
11 is G-A-T-T-I.
12
13 HIS HONOUR: Thank you.
14
15 MR DOBSON: Thank you.
16
17 <MURRAY JOHN GATTI, sworn:
18
19 <EXAMINATION-IN-CHIEF BY MR DOBSON:
20
21 Q. Your full name is Murray John Gatti?
22 A. Yes.
23
24 Q. And I understand that you are a retired District
25 Superintendent in the Education Department?
26 A. Yes.
27
28 Q. Or you rose higher than that?
29 A. I did not rise higher than that.
30
31 Q. And you live at an address that's known to the Inquiry
32 A. That's correct.
33
34 Q. And how old are you, please, sir?
35 A. 70 years.
36
37 Q. What I would like to do is ask you in relation to your
38 time at the Albany district. You were the District
39 Superintendent there?
40 A. Yes, I was.
41
42 Q. And that was with the Education Department?
43 A. Yes. It was called the Ministry of Education in those
44 days.
45
46 Q. And what year did you go there, please?
47 A. The beginning of 1988 and I retired - I retired at the

1 end of August 1996.
2
3 Q. All right, so some eight years, seven or eight years?
4 A. 8.67 years.
5
6 Q. Now, 1988, you were the District Superintendent at
7 Albany. Did you have responsibility for all - I will call
8 it the Education Department if you like - Education
9 Department schools or simply high schools. How does it
10 work?
11 A. It was a new system that came into being as a result
12 of a Better Schools Report that came out in 1987, I think
13 it was January, and the State was divided up into 29
14 districts and the schools were apportioned to those
15 districts. In the Albany education district there were,
16 during the period I was the District Superintendent,
17 between 28 and 30 schools and they ranged from pre-schools,
18 even Aboriginal pre-schools, right through to senior high
19 schools. There were four senior high schools in the
20 district: Katanning, Albany Senior High School, North
21 Albany Senior High School, and Mt Barker Senior High
22 School.
23
24 Q. And within Katanning there was also, I understand, the
25 Katanning Primary School?
26 A. That's correct, and Braeside Primary School.
27
28 Q. Braeside was another primary school which fell under
29 the Education Department?
30 A. Yes, basically, yes.
31
32 Q. The State system?
33 A. Yes.
34
35 Q. All right, and I understand there was a Catholic
36 primary school there but that wasn't under your control?
37 A. No, but there were two pre-schools which were - one
38 was at Conroy Street, if I recall correctly, and the other
39 one was at Cliff Street.
40
41 Q. In 1988, was Ian Murray the principal of the Katanning
42 high school?
43 A. He was.
44
45 Q. And did you also know Dennis McKenna?
46 A. Yes, I did.
47

1 Q. When did you first meet Dennis McKenna, please?
2 A. It would have been in 1988. I knew of his reputation
3 beforehand. It was --
4
5 Q. I will just stop you there, if I could, please. Can
6 you tell us how you knew of his reputation?
7 A. Yes, well, I worked in the Planning Branch of the
8 Education Department for some 17 years and each year the
9 Planning Branch did a spatial distribution of students who
10 attended or were resident in the hostels, and this was done
11 for the Country High School Hostels Authority. So each
12 year - and on occasions I had cause to ring different
13 wardens of hostels to clarify the addresses of students and
14 I'm sure at some stage I would have actually spoken to
15 Dennis McKenna on the phone, but I had no - other than
16 that, no contact with him before 1988.
17
18 Q. Then, in 1988, you met him. Do you recall when?
19 A. Would have been early in the year, early in 1988.
20
21 Q. Can you explain where you met him and how that came
22 about, please?
23 A. That would have been at the hostel. In 1988 and 1989
24 I visited the hostel on several occasions, always in the
25 company of Ian Murray and mostly at lunchtime, where I was
26 able to, say, have lunch with the students. It was very -
27 it was normal practice that I - myself and Ian Murray split
28 up and have lunch with a different group of students. We
29 had already possibly spent the whole morning together so we
30 were quite keen to give each other a bit of a break. I
31 certainly did meet Dennis McKenna on some of those
32 occasions. He was not always there when I went to the
33 hostel.
34
35 Q. Just to make it clear, you say always with Ian Murray
36 but it seems to me that means you are saying you went there
37 with him?
38 A. Yes.
39
40 Q. But you didn't stay with him necessarily --
41 A. No.
42
43 Q. -- while you were at the hostel?
44 A. No, didn't stay with him but we would be in the same
45 - in the dining hall for lunch.
46
47 Q. And that's the large dining hall used by both the male

1 and female hostel boarders?
2 A. Yes, yes. I was only aware of one dining room at the
3 main - at the hostel.
4
5 Q. So you visit together and split up and sometimes have
6 lunch with the students?
7 A. Always with the students.
8
9 Q. Would you talk about different things?
10 A. With the students?
11
12 Q. Yes?
13 A. Most certainly, yes. My background is that I came
14 from a - from Norseman and I went to a boarding school for
15 my years 11 and 12 at New Norcia. I had an affinity with
16 the students who were in the boarding hostel from that
17 point of view. A lot of them were there, say, for the year
18 11 and 12 and I was pretty keen to speak to them about
19 their experiences, what they wanted to do in life and also
20 to give them some sort of encouragement that they could
21 make anything of their life that they wanted to.
22
23 Q. Now, I think you mentioned that before you met
24 Mr McKenna in 1988 you had heard something of him and you
25 had heard of his reputation?
26 A. I'd heard of his reputation of running a very, very -
27 a good hostel and my experience if - I don't know how many
28 times I would have spoken to him on the phone before '88
29 but certainly he was business-like and you got the
30 information that you required from him.
31
32 Q. When you say "reputation", before you met him did you
33 get feedback from others as to how he behaved or how he
34 went about his business at the hostel?
35 A. Well, he was known as the best warden of the hostel
36 system in the hostel system. That was his reputation.
37
38 Q. Can you recall anyone in particular or how you came to
39 hear that?
40 A. I don't recall, though the information that I provided
41 on these translucent sheets of paper showing the
42 distribution of the hostel students was actually given to a
43 senior officer within our own department who was I think on
44 the hostel Authority but I don't recall who it was.
45
46 Q. You say that he had a reputation as running - was it
47 the best hostel or one of the best hostels?

1 A. I think it was the best.
2
3 Q. And in saying he had that reputation, how would you
4 describe it. Was it a widely held view, was it something
5 that was debated or was it accepted?
6 A. I think it would be the latter; be accepted.
7
8 Q. Accepted within, what, the Education Department?
9 A. I can't speak for --
10
11 Q. -- for everyone?
12 A. -- for everybody, but the people who actually spoke
13 about him spoke in high terms.
14
15 Q. And you mentioned, I think while you were in the
16 Training Branch, you had a contact with the Country High
17 School Hostels Authority?
18 A. No, the Planning Branch actually, sir.
19
20 Q. Sorry, the Planning Branch. You were at the Planning
21 Branch?
22 A. Yes, for 17 years.
23
24 Q. And you had contact with the Hostel Authority?
25 A. I can't be quite certain that that was the case. It
26 was certainly that we did the work on behalf of the Hostel
27 Authority. There was an administrative officer. The guy
28 in '88 was - had a double-barrelled name. I'm struggling
29 to remember his name but I don't think I actually did it on
30 behalf of him, it was done through the senior echelons of
31 the Education Department, the work they did.
32
33 Q. The double-barrelled name that you dealt with, would
34 that be Bachelard-Lammas?
35 A. I think that's the name.
36
37 Q. Something like that?
38 A. Yes, yes.
39
40 Q. Peter?
41 A. Peter, yes.
42
43 Q. So you dealt with him and had he spoken to you about
44 Mr Dennis McKenna?
45 A. I don't recall.
46
47 Q. Do you recall anybody in particular speaking with you

1 about Dennis McKenna?
2 A. No.
3
4 Q. Did you have any contact with Mr Philpott during your
5 time in that role?
6 A. I don't think I ever met Mr Philpott. I don't think I
7 spoke to him on the phone.
8
9 Q. So by the time you get to actually meet Dennis McKenna
10 in person, how would you describe the view you formed of
11 him before you met him?
12 A. Well, he was running the best hostel in Western
13 Australia. That was essentially the view that was out
14 there.
15
16 Q. You say you went there with Ian Murray. Before you
17 went there and met him on the first occasion, did you
18 discuss Dennis McKenna with Ian Murray?
19 A. I can't recall.
20
21 Q. How would you describe your relationship with
22 Mr Murray, your professional relationship with Ian Murray
23 in 1988, before you met McKenna, Dennis McKenna?
24 A. Well I'd known - I knew Ian Murray. He had actually
25 worked in the resurgent Planning Branch when he came back
26 from an exchange program in England. He came back in the
27 middle of the year and was - worked in the Planning Branch
28 or the resurgent Planning Branch for the six months. So I
29 certainly knew Ian Murray beforehand.
30
31 Q. So can you tell me, if you can recall, whose idea it
32 was to jointly visit St Andrew's?
33 A. His idea, yes.
34
35 Q. Did he tell you why he wanted to do that?
36 A. Well he wanted to show me the hostel and for me to
37 meet Dennis McKenna.
38
39 Q. In setting that up, did he say to you any sort of
40 opinion about McKenna as to why he wanted you to meet him?
41 A. Well again - maybe an explanation. The hostels were
42 very, very important. There were two hostels in the Albany
43 district, one in Albany and one in Katanning. They were
44 very, very important adjuncts to both the senior high
45 schools in Albany and also in Katanning, particularly for
46 the students attracted in to do years 11 and 12. They were
47 very, very important in terms of getting the numbers so

1 that they could offer wide choices, the widest possible
2 choice. The more students you had the better choice of
3 upper secondary subjects you got, and it was important from
4 that point of view and both the high school principals,
5 Mrs Lynch in Albany and Ian Murray in Katanning, were great
6 supporters of their hostels.

7

8 Q. Was that something they communicated to you personally
9 or did you take it by implication that they valued the
10 presence of the hostels for those reasons?

11 A. Well of course, yes.

12

13 Q. Which is it; they told you or you just worked it out?

14 A. I think self-evident.

15

16 Q. So the summary of that would be simply the larger the
17 high school the more subjects that might be available and,
18 of course, that gives a student a better opportunity
19 perhaps in life?

20 A. That's correct, yes.

21

22 Q. And then, if the hostel is able to draw in from a
23 greater number of areas because it's got a wonderful
24 reputation, it follows that you've got more students at the
25 high school?

26 A. Yes, more students, in particular in the upper school
27 you have the student to offer more courses.

28

29 HIS HONOUR: Q. So the hostel didn't just benefit. The
30 students staying at the hostel also indirectly benefited
31 from all the other students as well?

32 A. That's correct. It was a district thing, a thing that
33 was very, very important to - to the - to the school and to
34 the community and, well, the students, the school and the
35 community.

36

37 MR DOBSON: Q. When you say important to the community,
38 are you saying to the outlying communities where the
39 children come from. I think that would be a given, that it
40 is important to those communities to have something good on
41 offer?

42 A. Most certainly, yes.

43

44 Q. Was it also something that was ever communicated to
45 you, that the presence of the hostel and the numbers in the
46 hostel was good for Katanning for the economic aspect of
47 Katanning?

1 A. I don't think that was ever, ever raised. Of course,
2 if you think about it, it follows. It follows.

3

4 Q. Yes. Did you ever turn your mind to that. I don't
5 necessarily mean directly, but was it something that you
6 just thought again was a given?

7 A. Be a given, yes.

8

9 Q. During your time in 1988, did you have anything to do
10 with the council, the Katanning Shire, in relation to any
11 matters to do with the hostel or school. Can you recall?

12 A. Don't recall. A matter of fact, the only time I was
13 involved with the Katanning Shire Council was that they had
14 a meeting about development and the rest of that and that
15 was some time later than '88. It was in the early 90s. So
16 it was involving that. But the answer to the question is
17 no.

18

19 Q. Is there anything else you want to say about your
20 observations. You said that you went there on several
21 occasions. When I say "there", you went to St Andrew's on
22 several occasions?

23 A. St Andrew's, yes.

24

25 Q. Are you able to put a number on that now?

26

27 HIS HONOUR: Perhaps dealing with what period might be --

28

29 MR DOBSON: Sorry, your Honour.

30

31 MR DOBSON: Q. 1988 initially?

32 A. 1988, I would have visited Katanning Senior High
33 School on about eight occasions, at the most.

34

35 Q. Again, that's always with Mr Ian Murray but when you
36 get there you are in the dining room, you split up and you
37 sit and chat with the students --

38 A. That's correct.

39

40 Q. Lunchtime?

41 A. Have lunch with the students.

42

43 Q. Did you go there at any other times of the day. Do
44 you recall?

45 A. There was an annex up at the old S Rita's Convent and
46 I went there once or twice in the evening-time again with
47 Ian Murray.

1
2 Q. And that's something that I think it also gets called
3 "Kartanup House" and its "Reidy House" as well. Is that
4 the same place?
5 A. I think they refer to it - I knew it as Reidy House
6 and I knew it was the old Saint Rita's Convent.
7
8 Q. Yes, it was a convent?
9 A. Yes.
10
11 Q. Sorry, I missed that. What time of the day did you
12 visit there. Do you recall?
13 A. That day, both I think in the evening time.
14
15 Q. Were students actually staying at that. Was it being
16 used as the annex to the hostel then?
17 A. I think it was, because the student numbers were
18 around about - certainly over 100.
19
20 Q. There comes a point where basically St Andrew's is not
21 big enough to house the number of boarders?
22 A. Well that's correct, because the purpose of the - of
23 that exercise that the Planning Branch did annually was to
24 look at the possibility of building another hostel to the
25 east of the great southern line and the favoured location
26 for that, and the pressure was coming on, for the hostel to
27 be established at Lake Grace.
28
29 Q. Without getting off track too much, I assume that
30 would have involved some considerable expense to build a
31 brand new hostel?
32 A. Well I don't think it was something that the
33 government or any government would take lightly, just from
34 the expense point of view. They'd have to upgrade the
35 school and also provide the hostel facilities.
36
37 Q. Then, do you recall any visits to St Andrew's in
38 subsequent years?
39 A. Yes.
40
41 Q. So 1989, who would you have visited with?
42 A. Still with Ian Murray.
43
44 Q. In the same manner, was it daytime visits, lunch,
45 split up?
46 A. Same. Same thing, yes.
47

1 Q. And I think you mentioned earlier Mr Dennis McKenna
2 didn't necessarily hang around, did he?
3 A. No. On occasions he wasn't there.
4
5 Q. Did you ever, in '88 or '89, have any personal - and
6 when I say "personal", aside from Mr Murray being present -
7 any personal conversations with Mr McKenna about anything
8 at all to do with his life, his attitude to running the
9 hostel, anything like that?
10 A. I don't believe I did, no. No.
11
12 Q. Did you ever have any one on one conversations with
13 him where you discussed the running of the hostel?
14 A. Without Ian Murray being there, no.
15
16 Q. So would it follow then that you never asked him about
17 his life or his antecedents, where he lived and had been
18 brought up or nothing?
19 A. Well the answer to that is no.
20
21 Q. There comes a point where, after Mr McKenna gets
22 charged - I should ask you initially, you became aware of
23 Dennis McKenna being charged in 1998?
24 A. Yes.
25
26 Q. What was your reaction to that, please?
27 A. I was surprised.
28
29 Q. And then you were subsequently asked to give character
30 evidence?
31 A. To give evidence, yes.
32
33 Q. Who asked you to give evidence on behalf of
34 Mr McKenna?
35 A. My recall of that is that I received a phone call from
36 Ian Murray. My initial response was that I didn't know
37 Ian - I didn't know Dennis McKenna well enough to give him
38 a character reference, but I left it at that, and my recall
39 is that I was then contacted by the lawyer or somebody from
40 the lawyer's office who asked me why I wouldn't give any -
41 a character reference and I indicated to him that I didn't
42 know Dennis McKenna well enough to give him a character
43 reference and he suggested - he asked me a few questions
44 and the end - the upshot of that was that I agreed to give
45 evidence on what I actually saw when I went to the hostel,
46 and I think if you read my evidence I don't actually say
47 anything other than what I observed or had in discussions

1 and those discussions would have been with Dennis McKenna
2 and Ian Murray.

3
4 Q. Do you recall describing the St Andrew's Hostel as a
5 "very wholesome" environment?

6 A. Yes. That's what I saw and that's what I got from the
7 discussions from the students. These students I selected
8 at random. They weren't selected for me.

9
10 Q. You I spoke about pastoral care when you gave
11 evidence, and that was in June 1991 you gave evidence, and
12 then you were asked what "pastoral care" meant. I think
13 you said that it was talking about the overall support for
14 students but in the hostel it became that the people
15 running the hostel took the place of the parents of the
16 students. Do you recall saying things like that?

17 A. Yes, I've actually read the evidence that I gave.

18
19 Q. That was the next thing I was going to ask you,
20 Mr Gatti, if you had refreshed your memory about your
21 evidence?

22 A. Yes, I had on that aspect, yes.

23
24 Q. I won't labour the point about the character evidence
25 but you are now aware, of course - well, I assume you are
26 aware that basically Dennis McKenna operated, it was a
27 climate of fair-divide and conquer and other ways of
28 dealing with the students to stop them telling their
29 stories. Are you now aware of that?

30 A. I'm certainly aware of a lot of the evidence that has
31 been given to this hearing and might I add that before I
32 organised to give my evidence or to - with the lawyer who
33 met me on a Sunday morning, a place in Lower King Road,
34 Lower King, I believe I saw Dennis McKenna and I asked him
35 how he was and he said "There're out to get me, it's all
36 made up" or words to that effect.

37
38 Q. Well, we certainly know now that people were out to
39 get him but we also know that it wasn't made up, don't we?

40 A. We certainly know that and what I'm trying to say is
41 that Dennis McKenna was an A-class liar, he lied to
42 everybody and he also lied to himself. He - the first
43 moment that he actually abused a student, all the good that
44 he did and had done in the hostel was obliterated and had
45 no substance.

46
47 Q. Before I move on from the character evidence, would it

1 be fair to summarise it and say that with the benefit of
2 hindsight you probably wished you had stuck to your
3 original answer, that you weren't to give character
4 evidence for me?
5 A. Hindsight always has 20/20 vision.
6
7 Q. Hindsight is a wonderful thing?
8 A. It is, a very wonderful thing, but I might add that I
9 didn't give evidence in his second trial.
10
11 Q. Having had that now put to you though, do you agree
12 with me that you would rather not have given evidence on
13 the first occasion?
14 A. Most certainly, knowing what I know now.
15
16 Q. If we move on to the evidence of a lady named Nikola
17 MacLennan, she gave evidence here to the Inquiry on 27
18 February of this year. Have you had an opportunity to read
19 Ms MacLennan's evidence?
20 A. I have, yes.
21
22 Q. And I think you have also been spoken to by
23 investigators from the Inquiry?
24 A. No.
25
26 Q. I'm sorry, I apologise. I'm confusing you with
27 another chap. All right. Do you have any idea what she
28 spoke about when she gave evidence?
29 A. She talked about her failure to be given permanency.
30
31 Q. And events leading up to the decision where she wasn't
32 given permanency?
33 A. Well, some of those events I was aware of. There are
34 other events that I wasn't aware of.
35
36 MR DOBSON: Actually, your Honour, sorry, I should have
37 asked if I could tender, please - it is barcoded 009 and it
38 is the transcript of proceedings at Albany on Monday, 17
39 June 1991. It is the character evidence of Mr Gatti.
40 Whether Mr Gatti wants to have a quick look at the
41 document, your Honour, if you are satisfied that it's in
42 order.
43
44 THE WITNESS: Thank you.
45
46 HIS HONOUR: Yes, I'm just checking the exhibit number.
47

1 EXHIBIT #53 TRANSCRIPT OF PROCEEDINGS OF CHARACTER EVIDENCE
2 OF MR GATTI GIVEN AT ALBANY ON MONDAY 17/06/1991, BARCODED
3 009.
4

5 THE WITNESS: That evidence has been emailed to me and it
6 conforms with what I've said obviously.
7

8 MR DOBSON: Your Honour, I just wonder if Madam Associate
9 would be able to show Mr Gatti a document. I have got it
10 barcoded as 0034, exhibit 6.1, and it was identified by
11 Ms MacLennan during her evidence. It is a Ministry of
12 Education Personal Appraisal document.
13

14 Q. If you could just have a look at each page of that
15 document, please?

16 A. Well, I haven't seen the document before so --
17

18 Q. If you have a look at each page --

19 A. Yes.
20

21 Q. -- and then I will ask you some questions about it?

22 A. Yes.
23

24 Q. Now, there is a scoring system, if I could put it that
25 way?

26 A. Yes.
27

28 Q. It starts with the best mark being a "5", that's
29 outstanding. It works it's way down. "4" is highly
30 satisfactory, "3" is satisfactory, "2" there are areas of
31 weakness, and "1", a personal professional development is
32 being assessed as being unsatisfactory. Is that correct?

33 A. That's correct, yes.
34

35 Q. Then moving over to the next page, there seems to be a
36 skill area referred to as "Consultant Skills" and then
37 there has been some marks attributed to the person and it
38 moves on to "Communication Skills". Over the page there is
39 an intervention plan. It talks about professional
40 characteristics and then there is also an induction plan.
41 Now, if I can, I will just ask you, whilst you haven't seen
42 this document before, is this, though, an accurate or the
43 correct document in terms of personal appraisal of people
44 employed by the Ministry of Education, teachers and
45 guidance officers and so on?

46 A. Certainly not the same for teachers. Teachers would
47 have been different.

1
2 Q. Different. So this is for a guidance officer?
3 A. This is for a guidance officer.
4
5 Q. It says that at the top, in the heading. And that's
6 for Term 4 of 1987, and mentions Narrogin District Office
7 and, of course, that's not Albany?
8 A. Correct.
9
10 Q. It speaks about Ms MacLennan, and the person
11 appraising. So is it your recollection that that is the
12 document that would have been used for a guidance officer
13 in late 1987?
14 A. I wouldn't know --
15
16 Q. Okay.
17 A. -- because I was working in head office at that stage.
18
19 Q. All right.
20 A. So --
21
22 Q. Thank you for that. If you could just return that,
23 please, to Madam Associate.
24 A. Thank you.
25
26 Q. I move on now. It's barcoded document 0295, your
27 Honour, exhibit 6.2. Perhaps if that could be shown to Mr
28 Gatti, please.
29 A. Thank you.
30
31 Q. Now, this document is in a slightly different format
32 to the last one, Mr Gatti, but it seems to have exactly the
33 same criteria and standards. Why don't you just have a
34 look through that document, please. All right. You've got
35 the last page there, I think, which --
36 A. Yes, I notice my signature on there on 20 June '88.
37
38 Q. It talks about an induction plan, and there should be
39 three points?
40 A. Yes.
41
42 Q. All right. And you already said that's your signature
43 down the very bottom of the page as the District
44 Superintendent, and you've dated it 20 June 1988?
45 A. That's correct, yes.
46
47 Q. And up above that, "District Superintendent's

1 comment". Is that your handwriting?
2 A. Yes, "Report noted", yes.
3
4 Q. "Report noted". And up above that it looks to be the
5 signature of Ian Murray?
6 A. Yes.
7
8 Q. And someone else alongside Ian Murray, and it's dated
9 16 June '88?
10 A. That would have to have been Larry Hamilton.
11
12 Q. All right. And then above that Ms MacLennan's
13 signature?
14 A. Ms MacLennan's signature, yes.
15
16 Q. The same day?
17 A. Yes.
18
19 Q. All right. Now, when you receive a report like this,
20 I assume it's in the mail and you receive it at Albany?
21 A. That's correct.
22
23 Q. Do you - just as a general question - do you or did
24 you - was it a habit of yours to ring up and ask the
25 principal what had led to a report like this, or anything
26 like that, before you'd say, "Report Noted", or do you just
27 take it on the document itself?
28 A. What happened in this particular case was that Ian
29 Murray, from the outset, was concerned with the performance
30 of Mrs MacLennan, and the report that I got concerned me
31 because Mrs MacLennan did not appear to be making any
32 effort to involve herself with the process, the induction
33 process, the process for her to get her permanency.
34
35 Q. Well, from what you have just said, it sounds that
36 you've already had some communication from Mr Ian Murray
37 about Mrs MacLennan before you received this document?
38 A. Yes.
39
40 Q. Do you recall how long before, Mr Gatti?
41 A. Well, no, I don't, but I recall that he - that Ian
42 Murray was concerned about Mrs MacLennan's performance.
43
44 Q. Did Mr Murray ever mention to you an issue that arose
45 regarding Mrs MacLennan and a boy from St Andrew's Hostel?
46 A. Never, no.
47

1 Q. And when I say "ever", I'm talking about before June
2 1988, but obviously in that school year, because that's the
3 year that you're there?
4 A. I have no - I have no recall of that; no, never.
5
6 Q. Aside from Mr Murray telling you about it, do you know
7 anything about Ms MacLennan having an issue arising out of
8 a boy approaching her, a boy from the hostel?
9 A. The first time I was aware of that was when I read her
10 evidence, her statement.
11
12 Q. So you fully understand the issue that I'm talking
13 about?
14 A. Yes.
15
16 Q. To put it in a nutshell, a Year 8 boy approached her
17 very, very distressed, and wanted to phone his mother. Are
18 you talking about the same --
19 A. Yes, that's - that's what I read in Mrs MacLennan's
20 evidence.
21
22 Q. So prior to writing on that document before you
23 "Report Noted", and signing it, you had no knowledge about
24 Mrs MacLennan's contact with this Year 8 boy?
25 A. No.
26
27 Q. And it should follow then that you had no knowledge
28 about conversations that she had with Mr Murray about that
29 boy --
30 A. No.
31
32 Q. -- and a visit to her by Dennis McKenna?
33 A. Again, no.
34
35 Q. Did you read that evidence?
36 A. Yes, I've read the evidence, yes.
37
38 Q. And it seems that, again, the gist of what
39 Mrs MacLennan was saying was that Mr Dennis Murray - Dennis
40 McKenna walked into her office unannounced, sat himself
41 down and told her, "This is how it's going to be. You
42 won't be dealing with or counselling children from the
43 hostel." Is that how you understand her evidence?
44 A. Yes, her evidence. She said that, yes.
45
46 Q. Yes, all right. And you had no knowledge of that
47 before signing this document?

1 A. No.
2
3 Q. When is the first time you - you say the first time
4 you learnt of that was when you read her transcript?
5 A. That's correct.
6
7 Q. How long after - she gave evidence on 27 February this
8 year. Do you recall how long after she gave evidence that
9 you actually read her transcript, or read --
10 A. I read her evidence - I was in Sydney, and I would
11 have got it the following Monday.
12
13 Q. So you got it in hard copy form --
14 A. No.
15
16 Q. -- or you went online?
17 A. Down - downloaded it online.
18
19 Q. Okay. You downloaded it. All right. If you could
20 return that, please, and perhaps at the same time - perhaps
21 if - it's barcoded 0016, your Honour, exhibit 6.3. Again,
22 if you could have a look at all the pages of this document,
23 please. Actually I should say to you, finish reading that,
24 and if I return to the previous document, I'm sorry. Now,
25 not necessarily the document itself, but following on
26 from - we've got three signatures on 16 June - Ms
27 MacLennan, Mr Murray and Mr Hamilton. Do you recall there
28 being a meeting between those three people and Ms MacLennan
29 expressing that she wasn't happy with the assessment, the
30 written assessment that had been made of it?
31 A. The meeting between whom?
32
33 Q. Between those three, those three sitting down and
34 having a meeting?
35 A. I haven't.
36
37 Q. Do you have any knowledge of that meeting?
38 A. No.
39
40 Q. Did you have any meetings - after you noted that
41 report, did you have any meetings with Ms MacLennan, can
42 you recall?
43 A. I recall a couple of occasions when I met with
44 Mrs MacLennan. The first occasion was - I can't remember
45 the timing of it, when she was down in Albany. I would -
46 they would have been having some professional development.
47 The school psychologists saw guidance officers, and she -

1 and I had a conversation in my office and that concentrated
2 on her performance, and the - the lack of a (indistinct)
3 progress - development.
4

5 Q. That meeting - was that after the next appraisal that
6 I've handed you, the one that I've --
7 A. I've got no depth in my memory with respect to this.
8

9 Q. Okay. All right.
10 A. I'm sorry about that.
11

12 Q. But, sir, in relation to that document that you've
13 just been returned, the one that's signed in June, it seems
14 that you're saying you didn't have any meetings with her at
15 around that time, or you can't recall?
16 A. I don't know. I don't know.
17

18 Q. Or you can't recall them?
19 A. I don't know. I don't know.
20

21 Q. You don't know. Okay.
22 A. But I do recall that there was one meeting that I had
23 with her in my office, and the other was when I went to
24 visit the school in 1989.
25

26 Q. Perhaps if you can return the document you've got in
27 your hand, please, then we'll speak about the next one.
28 A. Now, again, we've got the assessment criteria on the
29 front page, and then consultant skills, and it says:
30

31 Nikki works hard and has a caring concerned
32 approach to her work. She has developed a
33 clearer understanding of information
34 needed, particularly in high school work.
35 Two aspects of her performance limit her
36 success in the consultancy area. Her
37 skills in community effectively with a
38 variety of people, and her initiative in
39 taking a more dynamic and positive role in
40 consultancy work.
41

42 And she been given a variety of marks there. Now, when you
43 read something like that, as the District Superintendent,
44 in relation to - let's start firstly with this document.
45 Is that something you follow-up on personally, or you just
46 rely on the principal to deal with?
47 A. Well, not only have we got the principal there, we've

1 got a clearer signature of Larry Hamilton there, for
2 certain. He's signed and dated it.
3
4 Q. Yes.
5 A. The people doing the actual appraisal are the people
6 who are responsible to it. My role was to oversee that an
7 appropriate process was undertaken, and in terms of me
8 making judgments about Mrs MacLennan, that was not my role.
9 My role was to make certain that there was an appropriate
10 process in train to ensure that Mrs MacLennan actually
11 became permanent.
12
13 Q. Some sort of action plan where she could develop her
14 skills?
15 A. Well, this is it. You know, it's the - so in other
16 words, I was not making any personal assessment --
17
18 Q. Assessment?
19 A. -- there.
20
21 Q. That's what I'm saying, you were relying on Mr Murray,
22 he's responsible?
23 A. And Mr Hamilton.
24
25 Q. And Mr Hamilton. Now, if you have a look at the last
26 page, please, Mr Gatti. Again, you've mentioned now that
27 you're clear about Mr Hamilton's signature. So we've got
28 Ms MacLennan, or Mrs MacLennan, Mr Murray, Mr Hamilton -
29 their signatures appear to be on the same date, 20 October.
30 Now, then, the next area down, is that your writing,
31 please?
32 A. That's correct, yes.
33
34 Q. Can you read - I think I can read your writing - is
35 it, "Report noted and" --
36 A. :
37
38 -- and discussed with Mr Ian Murray,
39 Principal at Katanning Senior High School,
40 Ms MacLennan and Mr L Hamilton, Student
41 Services Team, Albany District Education
42 Office.
43
44 And signed and dated on 27 October.
45
46 Q. So now having read that, would this be the report that
47 brought about you having a discussion with Mrs MacLennan?

1 A. Yes, I had the discussion with Mrs MacLennan. I don't
2 know whether it was actually on the phone or in person.
3
4 Q. I was about to ask you a couple of questions about
5 that. So you can't recall or not whether it was in company
6 with those other people, or did you seek their input before
7 you went to Mrs MacLennan?
8 A. I had their input. I had their report.
9
10 Q. Well, that's the thing I'm wondering about. This
11 doesn't refer to a report. "Report noted" means you've
12 read the report; is that correct?
13 A. No, that's this.
14
15 Q. Yes.
16 A. Yes.
17
18 Q. And then it goes on to say, "And discussed with Mr
19 Murray"?
20 A. Yes.
21
22 Q. So what I'm saying is did you discuss it in a
23 round-table conference-type setup, or did you ring him on
24 the telephone or --
25 A. No. Well, my - I don't have an absolute recall of it,
26 but I would have - I would have used the telephone, I
27 should imagine.
28
29 Q. All right. And you've also spoken with Mr Hamilton
30 and with Mrs MacLennan?
31 A. No, that would have possibly been face to face because
32 he worked in the same office.
33
34 Q. He was in your office. And Mrs MacLennan?
35 A. Most likely on the phone.
36
37 Q. And you've signed off on that on 22 October 1988, a
38 week after those other people signed the report; is that
39 correct?
40 A. No, that's correct, yes.
41
42 Q. Aside from what you read in the transcript, I'm
43 assuming you remembered this, but aside from that, do you
44 have any recollection, any knowledge, of Mr Hamilton on 20
45 October '88 saying to Mrs MacLennan that she was not ever
46 going to get permanency in Katanning, but would offer you a
47 job in Albany. Do you recall that?

1 A. I wasn't present, I wouldn't know.
2
3 Q. No, but what I'm saying is Mr Hamilton may well have
4 driven back from Katanning and said - could be something
5 like, "She doesn't get on with Ian Murray at all, but she's
6 not a bad lady, we'll just move her out, we'll give her a
7 job in Albany." Anything like that?
8 A. No. Well, what I do recall was that she was given an
9 extension to her permanency past the two year limit for
10 another six months, but the aim of the exercise was to
11 actually see whether or not there would be a difference
12 with her in different schools, in a different school
13 setting from Katanning.
14
15 Q. Right. Perhaps if you return that, please. So you've
16 led into the next part that I want to ask you about. So at
17 the end of her two years at Katanning, she wasn't offered
18 permanency?
19 A. She was given an extension of six months, my recall
20 is, and there were two reasons why she didn't go down in
21 the southern part of the district. One was that she
22 resided in Wagin, and the second reason was we had school
23 psychologists or guidance officers who were employed and
24 lived locally in Albany. So there was the difficulty of
25 that aspect.
26
27 Q. All right. Now, the evidence you've just given, is
28 that your recollection or is it because of you reading the
29 transcript, or a bit of both?
30 A. I would suggest that it would be a bit of both.
31
32 Q. So did you have an independent recollection before you
33 read the transcript, about the difficulty with travel
34 because she lived in Wagin?
35 A. I had a difficulty in recollection for the whole lot
36 of it.
37
38 Q. All right.
39 A. Really, because what happened is - well, what has
40 happened is that my memory lacks a depth in - I was there
41 for eight and a half. It was eight and two thirds years.
42
43 Q. I'll just stop you there. You need to make clear what
44 areas are clear to you and what areas where you might be
45 relying on the transcript, because your evidence is
46 important. We're going to rely on your evidence. All
47 right.

1 A. I understand that.
2
3 Q. Okay. In any event, she was given an extension, and
4 the purpose of that - is it a combination of further
5 development opportunities and another assessment?
6 A. That's correct.
7
8 Q. All right. Your Honour, barcode 0296, exhibit 6.4, if
9 Mr Gatti could be shown that, please.
10 A. Thank you.
11
12 Q. Could you just have a look at each page of this
13 document, please, your Honour. My learned friends are just
14 getting theirs now. All right. If we go to the front page
15 of that document, Ministry of Education, top of
16 (indistinct) and so on. It's the same cover sheet as the
17 previous three, the same format, but we've got a notation
18 on the front written by Malcolm McLean, Principal Braeside
19 School, on "Induction team since 1989". Now, do you
20 recognise who that is, do you recall?
21 A. Well, Ian McLean was the Principal of Braeside Primary
22 School during most of the time I was Superintendent of
23 Education in Albany.
24
25 Q. All right. And did you have an opportunity to read?
26 A. Well, I've had a quick look, and the difficulty with
27 this particular assessment was that he was a member of part
28 of the induction team. What I required from the induction
29 team was actually a consolidated report, not one from each
30 of the individual people, a new District Superintendent
31 made up their mind, because that was not my role. My role
32 was to actually see that the process was run correctly.
33
34 Q. All right.
35 A. Can I make one comment about the difference people
36 Katanning Senior High School and Braeside Primary School?
37 Braeside Primary School was a - at that stage, a newer
38 primary school. It was in the north-eastern section of
39 Katanning. It had a very tightly controlled boundary. It
40 drew from the - what I would call a leafy suburb of
41 Katanning. As a matter of fact, I think it was called
42 Carinya Gardens, and the student population there were the
43 highest socioeconomic group within the Katanning area. If
44 I was to rate the difficulty of operating in Katanning, in
45 Braeside Primary School to Katanning Senior High School,
46 I'd rate Katanning Senior High School as a difficulty of
47 7.5 out of 10, and I'd rate Braeside Primary School as 2.5

1 out of 10.
2
3 Q. 10 being the hardest and zero being a walk in the
4 park?
5 A. Yes, a walk in the park. And the - that school
6 actually provided the primary education for a Beazley
7 Medallist.
8
9 Q. When you say "that school"?
10 A. I'm talking about --
11
12 Q. Braeside?
13 A. Braeside Primary School provided the primary education
14 for a Beazley Medallist in the mid 1990s, maybe late - no,
15 it would have been the mid 1990s, and we had a gifted and
16 talented program that operated in the Albany Education
17 District, and that particular student, together with some
18 of his classmates, were absolutely brilliant, not only in
19 their - say, in the academic sides of it, but also in the
20 creative, cultural areas as well. So Katanning Senior High
21 School, 7.5 out of 10 in terms of difficulty. Braeside
22 Primary School 2.5 out of 10; had a stable start, and a
23 very committed start. Mr McLean was a very, very good
24 principal, an excellent principal, but the fact of the
25 matter is I didn't require a - an independent report from
26 him. I required actually a report from the induction team.
27
28 HIS HONOUR: Q. How many are on the induction team?
29 A. To my knowledge there were - thinking back, he was on
30 it only in 1989, together with Mr Murray.
31
32 HIS HONOUR: I see.
33
34 MR DOBSON: I was about to get to that.
35
36 Q. I think you've got them signing off as - initially as
37 the person being assessed, so Mrs MacLennan, and then Mr
38 Hamilton and Mr Murray, and then Mr McLean comes on board?
39 A. That's correct, yes.
40
41 Q. All right. Of course, there is another difference
42 between Katanning Senior High School and Braeside.
43 Braeside never got fed students by the hostel, did it?
44 A. No, the hostel catered for simply students
45 exclusively.
46
47 Q. All right. So this gets presented to you. It doesn't

1 have the required signatures of the people who were part of
2 a process, part of a recognised method of assessing her, so
3 you didn't sign off on it; is that the reason?
4 A. I don't know whether I saw it. I might have seen it,
5 but --
6
7 Q. All right.
8 A. -- certainly I wouldn't accept it as a report from
9 the - from the induction team, the group.
10
11 Q. So having a look at it now, you can't recall if you
12 saw it or not?
13 A. I would suggest I have a memory of actually receiving
14 it, and of me having to say to the - to Ian Murray and to
15 Malcolm McLean that they needed to actually put their heads
16 together and give me an appropriate report --
17
18 Q. Okay. And --
19 A. -- from --
20
21 Q. -- in any event, you didn't sign it because it's not
22 in the appropriate format?
23 A. It's in the appropriate format, but it wasn't actually
24 from the induction --
25
26 Q. No, it was probably (indistinct).
27 A. -- the induction team. It wasn't a both Mr Murray and
28 McLean's views on Mrs MacLennan.
29
30 Q. Yes, understood. Perhaps if that could go back,
31 please. I'm just moving along. Do we know if there was an
32 induction team report?
33 A. Yes. The induction team in '88, your Honour, was Ian
34 Murray and Larry Hamilton.
35
36 Q. I'm referring to after this individual report from
37 McLean - was there a further report from the induction team
38 as a whole?
39 A. Well, I would have seen one, I am sure.
40
41 MR DOBSON: There's another report I'm about to refer to,
42 your Honour.
43
44 HIS HONOUR: Right.
45
46 MR DOBSON: That the previous - 6.3 was the last one,
47 October 1988, I think it was. All right. Perhaps if Mr

1 Gatti could be shown the document - it's barcoded 049,
2 exhibit 7.1, dated 16 May.
3
4 THE WITNESS: Thank you.
5
6 MR DOBSON: Q. If you could just have a look at that, Mr
7 Gatti.
8
9 Q. Do you recognise the signature two-thirds of the way
10 down?
11 A. Yes, it is my signature.
12
13 Q. Can you tell us what that document is, please?
14 A. It's a document - a report on - on a teacher, it's
15 actually got up there, whose probation has been extended,
16 but in this case it was actually the position of guidance
17 officer, school psychologist.
18
19 Q. All right. And the boxes where it says:
20
21 Recommendation Number 2 - a satisfactory
22 standard of professional development has
23 not been displayed. Permanency is not
24 recommended and probation should be
25 cancelled.
26
27 A. That's correct, I ticked that box.
28
29 Q. And it says, "Report Attached", but you don't have one
30 there. Do you recall the report?
31 A. If it says "Report Attached", I would have attached a
32 report.
33
34 Q. Or rather than you attaching a report, would there
35 have been one arrive with this document? How would it
36 normally work? Again, would it be a report of that
37 induction team you're referring to, or would it be
38 something differently?
39 A. I did actually go to Katanning to talk to
40 Mrs MacLennan. Again, I don't know when it was, but it
41 would have certainly been before I signed off on this --
42
43 Q. All right.
44 A. -- because --
45
46 Q. I was going to get to that with you in a minute, about
47 you having a meeting with her. All right. Perhaps if you

1 could return that one, and if Mr Gatti could have the
2 following document at the same time, please. It's 7.2,
3 your Honour, barcoded 0052, letter signed "Consent to
4 Mrs MacLennan"?
5 A. This is referred to in Mrs MacLennan's evidence.
6
7 Q. Will you just have a read of that to refresh your
8 memory, please. And do you recognise that document?
9 A. Yes, it's obviously one that's been written by me and
10 signed by me.
11
12 Q. Signed by you, dated 26 July 1989?
13 A. That's correct, yes.
14
15 Q. All right.
16 A. That would be at the beginning of the second semester
17 in 1990 - 1989.
18
19 Q. Can you please tell us what was this in response to.
20 You say there, "I refer to your letter of 24 July 1989".
21 So did Mr McLean write to you?
22 A. Obviously he had, yes.
23
24 Q. All right.
25 A. If I - excuse me, if I received correspondence, I
26 generally responded with correspondence.
27
28 Q. And do you recall other than it saying there the
29 possible re-employment, was there anything else in the
30 letter that you can recall?
31 A. I can't recall the letter.
32
33 Q. All right. Does it assist you if I say that Mr McLean
34 wanted to employ Mrs MacLennan?
35 A. My response is to request --
36
37 Q. Can you address that?
38 A. -- that he wanted Mrs MacLennan to work in the primary
39 schools because she had shown some competency in those
40 areas.
41
42 Q. So clearly you address his specific request. I'm
43 saying to you can you recall anything else in his letter?
44 A. No.
45
46 Q. Then you have gone on to give him some reasons why?
47 A. Well the reason is, is if you've got somebody who's

1 been - hasn't been given permanency, you can't then turn
2 around and employ them again but in a temporary capacity.
3
4 Q. You have mentioned having a meeting with
5 Mrs MacLennan. Where would you place that meeting. Was it
6 before those letters were signed?
7 A. Most certainly, yes.
8
9 Q. And at that meeting what took place?
10 A. Well I've got no - no recall.
11
12 Q. Was a lady, Mrs Stephanie Bennett, present at that
13 meeting?
14 A. Yes, I do recall that. She was the relieving in
15 charge of the Student Services in the district office and
16 to ensure a just process for Mrs MacLennan, she could have
17 chosen anybody to be present while I talked to her and she
18 chose Mrs Bennett.
19
20 Q. Now, at that meeting, did you convey to Mrs MacLennan
21 that she wasn't to be employed, that she wasn't suitable,
22 she wasn't going to be employed?
23 A. I would have done that because to have actually gone
24 away from that meeting without telling her would have been
25 not the proper thing to do.
26
27 Q. Do you recall Mrs Bennett having any or putting
28 forward any views about employment about Mrs MacLennan's
29 employment?
30 A. At that time?
31
32 Q. During that meeting?
33 A. No, Mrs Bennett wasn't actually there in a role to
34 interfere with the process. She was there --
35
36 Q. People sometimes step outside of their roles. So do
37 you recall --
38 A. I don't recall.
39
40 Q. So it could have happened, may not have happened, you
41 simply don't recall?
42 A. I certainly can't recall, no.
43
44 Q. My understanding is that Mrs MacLennan is saying that
45 Mrs Bennett put forward a view that Mrs MacLennan should,
46 in fact, be offered permanency. Do you have any
47 recollection of that?

1 A. No, I don't know on what basis Mrs Bennett could
2 actually make that call. Because the appropriate process
3 had been followed. There was an induction team in 1988.
4 That induction team changed slightly in 1989 when
5 Mrs MacLennan's probation was extended for six months, but
6 certainly Mrs Bennett - and I can't recall when Mr Hamilton
7 left the district office and Mrs Bennett took over, but
8 certainly Mrs MacLennan - sorry, Mrs Bennett had no right
9 to actually suggest that or interfere with the process.
10
11 Q. All right, so if she had done that it wasn't her
12 place, she was stepping outside of her role?
13 A. I would suggest so, yes, but I don't remember it
14 happening.
15
16 Q. Do you recall if that meeting, being between the three
17 of you - was that at Albany?
18 A. No, it wasn't a meeting between the three of us. It
19 was a meeting between myself and Mrs MacLennan with
20 Mrs Bennett being there as a support person for
21 Mrs MacLennan - well, actually not --
22
23 Q. There is three people present?
24 A. There is three people present, but actually, the
25 meeting was between myself and Mrs MacLennan. Mrs Bennett
26 was there to actually support and to make certain that I
27 dealt with Mrs MacLennan respectfully, professionally and
28 didn't step over any lines in those particular regards.
29
30 Q. All right. The question I was trying to ask you was:
31 do you recall if this took place in Albany or Katanning?
32 A. No, it took place in Katanning Senior High School.
33
34 Q. Aside from that one, that meeting between you and
35 Mrs MacLennan, did you have any other meetings prior to
36 that. Do you recall? Was there one?
37 A. I mentioned the one before, right.
38
39 Q. Yes.
40 A. They are the two, but I would have seen Mrs MacLennan
41 when I visited Katanning Senior High School and would have
42 spoken to her and asked her how she was getting along.
43
44 Q. Is it correct that at the time she wasn't offered
45 permanency she - "she" being Mrs MacLennan - was deemed not
46 suitable for guidance work. Is that correct?
47 A. That's correct, yes.

1
2 Q. And was she actually deemed suitable for a position as
3 an Educational Support Officer. Do you know?
4 A. I don't understand the question. What's an
5 Educational Support Officer; a teacher?
6
7 Q. If I said to you that in October 1989 Mrs MacLennan
8 took up employment at Narrogin teaching and she remained
9 there for two and a half years with the Education
10 Department, what would you say about that?
11 A. As a teacher?
12
13 Q. Yes.
14 A. Well she had been on the permanent staff as a teacher
15 before and she still - to get on the permanent staff, she
16 would have had to go through an induction process in that
17 position if she was aiming to get on the permanent staff.
18 She could be as a temporary teacher, yes.
19
20 Q. And she was there for two and a half years. Do you
21 have any knowledge of that?
22 A. No.
23
24 Q. Would you expect that a teacher at Narrogin would have
25 to communicate with at least some of the following:
26 parents. That would be a given, wouldn't it?
27 A. Well, naturally, yes.
28
29 Q. Other teachers, administrators, students.
30 Mrs MacLennan would have to do all that, wouldn't she?
31 A. That's correct, yes.
32
33 Q. And then Mrs MacLennan left there and went on to a
34 position as a Graduate Welfare Officer with the Department
35 of Child Protection. Are you aware of that?
36 A. No, no.
37
38 Q. And then when she left that line of employment - this
39 is all pretty much continuous - and she was employed by the
40 Independent Schools Psychology Services for four years
41 primarily with the Catholic education system. Are you
42 aware about that?
43 A. Yes, I think at some stage she - yes, I was aware of
44 that but --
45
46 Q. So we are through to about 2002, and then for the last
47 10 years she has been with the Department of Education and

1 Training as a school psychologist. Are you aware of that?
2 A. From her evidence, yes.
3
4 Q. I think you would be aware of the point that is about
5 to be put to you: that for someone who was deemed
6 unsuitable to work in guidance work with Katanning Senior
7 High School, she has had a fairly continuous run of
8 employment in similar or, in fact, the same positions for
9 at least the last 14 years. Would you agree?
10 A. Yes, but can I say about the situation at Katanning
11 Senior High School, it's my belief that Mrs MacLennan did
12 not engage with the process. I don't know what was
13 happening in Mrs MacLennan's personal life. I make no
14 judgment about that but she did not endeavour to engage
15 with the process.
16
17 Q. Is that something from Mr Ian Murray?
18 A. Well it's coming from the induction team.
19
20 Q. Well there's the problem. Because one of the
21 induction team were happy with her at the end, one in the
22 induction team works in Albany and the other one works as
23 the principal at Katanning Senior High School, didn't he?
24 A. Well, you are asking me if Ian Murray was the
25 principal of Albany - of Katanning Senior High School.
26
27 Q. Yes.
28 A. Definitely, yes.
29
30 Q. But he is also the person on that panel that anyone
31 having an objective look would be inclined to form the view
32 that he would have the most input; correct?
33 A. Well, she was working there 60 per cent of her time.
34 She was three days a week at Katanning Senior High School.
35 In my knowledge, she didn't actually have any experience in
36 working in guidance work in senior high schools.
37
38 Q. All right, so who is it that has given you most input
39 leading up to you forming all of your views about
40 Mrs MacLennan?
41 A. Ian Murray, Larry Hamilton and also Malcolm McLean,
42 and I've explained the reason and how easy it would have
43 been and easier for Mrs MacLennan to actually operate in
44 the Braeside Primary School setting and primary school
45 settings.
46
47 Q. We got that loud and clear.

1 A. Okay.
2
3 Q. You pointed out that that was the difference between
4 Braeside and the high school but it is not the only
5 difference. The other difference is, the high school had
6 Ian Murray and the high school had the hostel, didn't it.
7 Correct?
8 A. They are givens. He was the principal of the school.
9 The hostel fed students to Katanning Senior High School.
10
11 Q. And the hostel was important to the school system, the
12 numbers and the town, wasn't it?
13 A. Yes.
14
15 Q. And you are aware that Ian Murray had a very high
16 regard for Dennis McKenna?
17 A. Yes.
18
19 Q. What about this. It is almost a hypothetical view
20 because you say you have no knowledge of the boy. A boy
21 comes along incredibly distressed. Mrs MacLennan, Guidance
22 Officer, offers support and lets him ring mum. Mr McKenna,
23 who we now know operated using secrecy, divide and conquer,
24 threats, all sorts of horrible methods - Mr McKenna can't
25 have someone from outside the hostel being seen that you
26 can approach. McKenna stopped it and it wasn't enough to
27 stop it, he had to move, make sure that Mrs MacLennan was
28 moved on.
29
30 HIS HONOUR: I thought it was Murray who stopped it.
31
32 MR DOBSON: Sorry.
33
34 HIS HONOUR: I thought it was Murray who stopped it.
35
36 MR DOBSON: No, what I was meaning to say, your Honour,
37 was that McKenna would have been employing his usual tactic
38 to get others to get rid of a threat.
39
40 HIS HONOUR: In the end, McKenna was instructed by Murray.
41
42 MR DOBSON: Yes, in the end. Thank you, your Honour.
43
44 Q. I was about to say to you, Mr Gatti, we have heard
45 evidence that Ian Murray told Mrs MacLennan that she wasn't
46 to have any contact with children from the hostel, no
47 support, no guidance, no counselling, nothing. Do you have

1 any knowledge of that?
2 A. Not at all. No knowledge.
3
4 HIS HONOUR: Q. Can I just ask you, assuming that
5 happened, and we are still to hear from Mr Murray, but if
6 he did give that instruction, would that be a proper
7 instruction in your view?
8 A. The - it's a difficult one because I know that at the
9 Albany hostel that there was close relationships between
10 the principal of the school, Mr Josephine Lynch, and the
11 hostel warden, Mr Barry Christy, and that would have gone
12 to, you know, counselling students and the rest of that but
13 I wasn't aware that there was any embargo there. I was
14 surprised that there would be an embargo --
15
16 Q. Do you think it is an appropriate instruction to deny
17 hostel students access to a guidance officer?
18 A. It is not an instruction I would have given.
19
20 Q. All right. And do you think there is anything wrong,
21 and if turns out these are my findings, that Mrs MacLennan
22 gave a distressed student the opportunity to phone home.
23 Do you see any wrong in her doing that?
24 A. Not really, no.
25
26 Q. Do you think it would warrant any instruction not to
27 have anything to do with the hostel?
28 A. As I said, it wouldn't have been an instruction I
29 would have given.
30
31 MR DOBSON: Thank you, your Honour.
32
33 Q. Mr Gatti, you paused there when his Honour asked you a
34 question about the appropriateness of this and you also
35 said "not really". Is that just a term of phrase or are
36 you in any doubt about the appropriateness of a direction
37 like that to --
38 A. Well, as I said, you know, it wouldn't have been
39 something I would have done.
40
41 Q. What would you have done had you found out that
42 Mrs MacLennan - and when I say "found out", you had reached
43 a position where you were able to make a decision and you
44 accepted that Mrs MacLennan had been given a direction from
45 Mr Ian Murray not to counsel hostel students, what would
46 you have done had you found that out?
47 A. That's a good hypothetical question but again, I'd

1 want to know the context.
2
3 Q. I've just said to you, you have reached a position
4 where you have accepted as a matter of fact that
5 Mrs MacLennan was given a direction from Mr Murray not to
6 counsel hostel students?
7 A. Well that's according to Mrs MacLennan.
8
9 Q. No, it's a hypothetical.
10 A. Yes.
11
12 Q. You said it was a good one. Give me a good answer,
13 please?
14 A. What - would you like to ask your question again,
15 please?
16
17 Q. Take it as given that Mrs MacLennan received a
18 direction from Ian Murray not to counsel hostel students
19 just for the purpose of this exercise. No-one from the
20 Inquiry has made their mind up but for the purpose of you
21 giving us an answer, what would you have done had you
22 become aware of that?
23 A. Obviously I would have had something to say, that that
24 was not appropriate, that the students - I can't understand
25 how Mrs MacLennan can't be counselling hostel students
26 because they are a subset of the students of the school.
27
28 Q. Exactly.
29 A. And I can't see how she would have said "Well, righto,
30 before I can speak to you, Sunny", or Jill or somebody or
31 other, "Are you at the hostel or are you at the senior high
32 school". How does she know?
33
34 Q. Well, I was just about to ask you. I was just about to
35 ask you. When the hostel students walk across the road
36 from St Andrew's and go onto Education Department property,
37 whose responsibility are they?
38 A. Education Department.
39
40 Q. Without doubt?
41 A. Yes.
42
43 Q. There is no issue there?
44 A. No.
45
46 Q. Given that she works there, whether she knows where
47 they are from or not is one thing, but I can tell you they

1 all wore uniforms. Do you remember that when you went with
2 them?
3 A. Yes, they wore uniforms, particularly the ones from
4 the hostel.
5
6 Q. They stood out like the proverbial because they wore
7 uniforms. Correct?
8 A. And most of the other students in the school did too.
9
10 Q. Not the same uniform, it wasn't, and not the same
11 immaculate way they presented to the world, we are told?
12 A. I don't recall it being any difference. I couldn't
13 tell if a student was from the hostel or from the school if
14 I was walking through the school yard.
15
16 Q. When you sit there and you say you have got no idea
17 how Mrs MacLennan would do this, let me suggest to you that
18 if someone was on probation and they are looking for
19 permanency and they have got their school principal, Mr Ian
20 Murray, who is on the surface very, very tight with
21 Mrs Dennis McKenna, and again we have got the hypothetical,
22 that Mr Ian Murray gave that direction, with the benefit of
23 hindsight can you see how Mrs MacLennan might have decided
24 to do things differently to how she perhaps should?
25 A. As I said, I didn't know what motivated Mrs MacLennan
26 and, as I also said to you, I don't believe that she
27 actually engaged in the process and --
28
29 Q. But that's coming from Mr Murray?
30 A. No, it's coming from my discussions with
31 Mrs MacLennan.
32
33 HIS HONOUR: Q. Can you be more specific as to how she
34 didn't engage?
35 A. Well, it came through - I will put it to you this way.
36 She had been on the permanent staff, right, as a teacher.
37 She had left the permanent staff and - for family reasons
38 and she came back to operate in - as a School Guidance
39 Officer, right. I don't know how many years after that
40 was. There was a process that she had to go through to
41 become permanent and it's my belief she didn't go through
42 that process because she thought that she should have had
43 it because she had been permanent as a teacher. They are
44 two entirely different roles.
45
46 Q. What is it she specifically failed to do in that
47 process. In what way didn't she engage?

1 A. Well, she didn't show improvement. She certainly
2 wasn't a very good communicator. She was certainly not a
3 very good communicator. Now, whether that changed over
4 time, I've got no - I can't make any judgment about that.

5

6 MR DOBSON: Q. In fairness to you, that was the reason
7 why I pointed out her subsequent work history, which seems
8 to have been continuous. From the time that she was deemed
9 to be unsuitable by you as a result of a report, she seems
10 to have been in continuous work in education and in the
11 education environment, both with the State department and
12 with the Catholic system. So that was why I made that
13 point to you?

14 A. I understand why you made the point, yes.

15

16 Q. So it would seem that in 1988/89, would you agree that
17 the one person who had the greatest difficulty with her is
18 Mr Ian Murray?

19 A. And also Mr Hamilton.

20

21 Q. But again, how does Mr Hamilton have the great
22 difficulty when he works in Albany. Can you explain that,
23 please?

24 A. Well, he was part of her induction process.

25

26 Q. Yes, but doesn't Mr Hamilton also get fed the
27 information by Mr Murray

28 A. No, he would have visited and carried out his own
29 assessments.

30

31 Q. That's where again it's difficult to comprehend
32 because we have got Mr McLean who is with her two days a
33 week?

34 A. No, he would have had a share of the two days.
35 Mrs MacLennan went to the Woodanilling Primary School to
36 the Catholic school because at that stage we had an
37 agreement with the Catholic system. Went to Katanning
38 Primary School and also Broomehill Primary School and would
39 have gone to the pre-schools as well for those two days of
40 the week or 40 per cent of the time that she was actually
41 working in the primary sector.

42

43 Q. So out of all those people that she deals with - put
44 aside Mr Hamilton, he works in Albany - the one principal
45 she has difficulty with is Mr Ian Murray?

46 A. Well --

47

1 Q. Correct?
2 A. I beg your pardon?
3
4 Q. Correct?
5 A. Well, also Mr Hamilton.
6
7 Q. I'm sorry, I said put him aside, please. He is not --
8 A. Mr Hamilton was on Mrs MacLennan's induction team in
9 1988.
10
11 Q. I'm not asking you to sit there and criticise him for
12 having believed Mr Ian Murray?
13 A. I'm not suggesting that he believed Mr Ian Murray.
14
15 Q. I'm simply saying, of all the principals that
16 Mrs MacLennan dealt with, would you agree with me that the
17 one and the only one that she had difficulty with was
18 Mr Ian Murray. Correct?
19 A. I suppose so, yes.
20
21 Q. And Ian Murray took a great interest in the hostel,
22 didn't he?
23 A. Well yes, as I pointed out why.
24
25 Q. And he was very close to Mr McKenna, wasn't he?
26 A. Well, he was a friend of McKenna, yes.
27
28 Q. Finally, subject to Mr Urquhart's views, your Honour,
29 I just wonder, at the time that the decision was made not
30 to offer permanency full-time, could Mrs MacLennan have
31 been offered permanency on the basis that she worked out in
32 primary schools?
33 A. No.
34
35 Q. Why not. It seems that she could cope in primary
36 schools?
37 A. Well the position is actually a position that required
38 the person to work across the primary and secondary
39 sectors.
40
41 Q. As a result of Mrs MacLennan not being offered
42 permanency, was it at least a couple of months that the
43 high school didn't have a guidance officer?
44 A. There was a period of time, yes.
45
46 Q. Were there some complaints about that?
47 A. Well, the complaints were - well, from the primary

1 sector, yes. Malcolm McLean wrote the letter asking that
2 Mrs MacLennan be allowed to work point four in the primary
3 schools in the northern part of the district.
4

5 HIS HONOUR: Q. I wonder if I could just ask something,
6 something I didn't quite understand. You say that
7 Mrs MacLennan failed to engage in the induction process.
8 As I understand it, you say that the reason you say that is
9 because she was a poor communicator. Is that right?

10 A. Well, that was part of it but I think that she
11 actually had deep down that "I've been there, I've done it.
12 I've been a permanent teacher so, therefore, I can become a
13 permanent guidance officer. I should be able to have it".
14

15 Q. But what did she actually have to do that she failed
16 to do. What was it. There must have been something in the
17 process?

18 A. It's in the reports. There is a series of reports,
19 your Honour, which specify the areas of weakness.
20

21 Q. These areas of weakness, it would be something
22 inherent to her as an individual, I would have thought --

23 A. Correct.
24

25 Q. -- if it is poor communication and the like?

26 A. Yes.
27

28 Q. And I just don't quite understand why you describe
29 those flaws as being a failure to engage in a process.
30 That's what I'm not understanding?

31 A. No, no, well, she didn't engage in the process, in my
32 view, and I don't know why, except the only reason that I
33 can think of is the fact that she had been involved in the
34 education area before, been on the permanent staff, and she
35 didn't see the reason why she had to engage through the
36 process again for permanency.
37

38 HIS HONOUR: All right, is there anything else?
39

40 MR DOBSON: There are just a couple of other matters, your
41 Honour. I realise there are a couple of other things I
42 should put in fairness.
43

44 Q. You spoke earlier about the character evidence and in
45 hindsight, a wonderful thing, you wish you hadn't have done
46 it?

47 A. That's correct, yes.

1
2 Q. And you said that basically Mr McKenna was able to
3 look you in the eye and lie. Correct?
4 A. Yes.
5
6 Q. Now, I'm not for one minute suggesting that Mr Murray
7 is a liar or that he has lied to you but it may have been,
8 in his own circumstances where, because of him not getting
9 along with Mrs MacLennan, you were getting fed information
10 that you took at face value from Mr Murray. Is that
11 possible?
12 A. That is possible with any report or any information
13 that you receive from anybody.
14
15 Q. That's what I was wondering. Because these
16 communication issues that you speak about, they may well
17 have only been with Mr Murray. You would have no way of
18 knowing the background to the reports you were getting.
19 Correct?
20 A. From my own experience, I found that Mrs MacLennan was
21 not a good communicator.
22
23 Q. At Katanning or with you?
24 A. With me.
25
26 Q. Did she associate with you with these reports, these
27 negative reports about her?
28 A. I wouldn't have any idea what was going on with
29 Mrs MacLennan.
30
31 Q. It seems that that's most of your contact with her
32 though; the negative reports coming to you?
33 A. I saw her on other occasions and spoke to her.
34
35 MR DOBSON: All right, I have nothing further.
36
37 <CROSS-EXAMINATION BY MR HAMMOND:
38
39 Q. Mr Gatti, in terms of your relationship with
40 Mr McKenna, you had met him at the hostel and, according to
41 the evidence you gave in 1991, you had in-depth
42 conversations with him. Did you understand that his family
43 was also involved in running the hostel?
44 A. I was aware that his brother was there.
45
46 Q. Which brother was that; Neil McKenna?
47 A. I think it was Neil, yes.

1
2 Q. In what capacity did you understand Neil was there?
3 A. I understood that he was a supervisor.
4
5 Q. Did you understand that Wayne McKenna was also there?
6 A. I don't know the name, don't know the person, never
7 heard of the person.
8
9 Q. Did you understand that there were other McKennas
10 there
11 A. I understand that there were other --
12
13 Q. And you understood that at the time?
14 A. No, no.
15
16 Q. But you understood Neil McKenna was there at the time?
17 A. Yes, yes, yes, I did.
18
19 Q. It didn't concern you that two brothers were involved
20 in the running of a hostel?
21 A. That's a good question because I was the deputy
22 principal of a school and my brother was the principal so
23 you are talking about --
24
25 Q. I'm talking about a hostel?
26 A. No, well a school.
27
28 Q. Hostels are --
29 A. I wasn't - I wasn't - that didn't cross my mind and,
30 from my understanding, it was not uncommon for husband and
31 wife to be employed in supervision of students at hostels.
32 I think that Mr Colin Burrow who was at Albany hostel and
33 then later at the Katanning hostel, his wife I think was
34 Karen and they both operated as supervisors. So the answer
35 is no.
36
37 Q. And did the Education Department set to exercise
38 control over the hostels in the way that they were run?
39 A. The Education Department - I had no line
40 responsibility with Dennis McKenna. The hostels were
41 administered by the Country High School Hostels Authority,
42 under that particular Act, and at that period of time, they
43 hived off into the Education Services Division. I think
44 they go by the name of - what's his name - Brian Easton was
45 in charge of that area, so you had Education Service which
46 - where the hodge-podge of things that didn't fit readily
47 into the - into the Education Ministry as it was set up.

1 TAFE went off, right.
2
3 Q. Okay. Mr Gatti, Mr Murray had told you that he had a
4 very high opinion of Dennis McKenna, didn't he?
5 A. That's correct, yes.
6
7 Q. And he told you that on numerous occasions?
8 A. He would have, yes.
9
10 Q. And you shared that very high opinion that Ian Murray
11 had of Dennis McKenna?
12 A. Well, what actually happened in discussions with
13 Dennis McKenna --
14
15 Q. But you shared that opinion, didn't you, Mr Gatti?
16 A. Yes, yes, yes.
17
18 Q. And you shared that opinion as a result of discussions
19 that you had with Dennis McKenna at St Andrew's Hostel?
20 A. And also with the observations that I had at the
21 hostel. There was nothing at the hostel that I could pick
22 that showed any undercurrents; no student spoke to me in -
23 other than - other than in terms of being happy and content
24 with the situation.
25
26 Q. But you said in your character evidence about Dennis
27 McKenna, that he conveyed to you his attitude to the
28 pastoral care of the students, and the welfare of the
29 students. What exactly did he say to you that impressed
30 you?
31 A. Well, I can't remember exactly.
32
33 Q. You can't remember anything that he told you that
34 impressed you about his pastoral care of students?
35 A. At this stage, no, no.
36
37 Q. Not one thing?
38 A. Well, he told - he described the things that he was
39 doing in the hostel.
40
41 Q. But can you remember one thing that Dennis McKenna
42 told you?
43 A. No, I can't remember it. It's 20-plus years ago.
44
45 Q. But in your evidence you said that you had indepth
46 discussions with Dennis McKenna and Ian Murray about the
47 pastoral care of the students?

1 A. And that was the statement I made, was in 1991, and
2 that was - well, I was talking about 1998 and 1999.
3
4 Q. Sir, do you remember your visits to the hostel?
5 A. Yes.
6
7 Q. Do you remember separating from Mr Murray and sitting
8 at separate tables?
9 A. Yes.
10
11 Q. But you don't remember one thing that Dennis McKenna
12 told you that impressed you about what he did at the
13 hostel?
14 A. Well, he talked about what he done in terms of
15 building things --
16
17 Q. Okay.
18 A. -- and the like.
19
20 Q. So you do now remember that he told you about building
21 things?
22 A. Well, yes.
23
24 Q. What, did he tell you he built?
25 A. Well, I think there was a nursery or something or
26 other, and there was - there was a building shed there or
27 something or other. He had pictures of (indistinct).
28
29 Q. And that didn't impact on the pastoral care of the
30 students, did it, building a nursery?
31 A. Well, it did from the point of view that it kept them
32 occupied and gave them a purpose outside of school, outside
33 of the school time.
34
35 Q. So he told you about this nursery occupying the
36 students' time?
37 A. Well, I'm using that as an example --
38
39 Q. -- and giving them a purpose.
40 A. -- because I --
41
42 Q. Well, did he or did he not tell you that?
43 A. I can't remember.
44
45 Q. And do you remember anything else that Dennis McKenna
46 told you that he did to improve the pastoral care of the
47 students at St Andrew's Hostel?

1 A. No, I can't.
2
3 Q. Because you said in your character evidence:
4
5 I was in no doubt in, say, my visits to the
6 hostel and in my discussions with Dennis
7 McKenna, that we had a first-rate
8 institution associated with the school I
9 was associated with in Katanning.
10
11 So you were in no doubt after your discussions with Dennis
12 McKenna that --
13 A. I made that statement in 1991.
14
15 Q. It's a very strong statement, Mr Gatti?
16 A. I know it's a strong statement, your Honour, but I
17 just don't - I don't have the recall.
18
19 Q. But essentially your evidence to the Inquiry today -
20 and I accept that it's 20 years later, is you can only
21 remember one thing that Dennis McKenna told you that
22 improved the pastoral care of the students?
23 A. No, I can't.
24
25 Q. When a teacher or an employer of the Department in the
26 Albany area is employed by the Department, how often are
27 the reviews of the teachers conducted?
28 A. I don't understand you?
29
30 Q. How often would a person or appraisal such as this,
31 the one that you've been taken to --
32 A. That was particularly tied up with teachers or other
33 people who are on probation.
34
35 Q. So a probationary teacher would have how many of these
36 done a year?
37 A. At least two or three - two.
38
39 Q. And did they occur at specific parts of the year, or
40 could they happen at any time?
41 A. They generally operated by semester, half of the year.
42
43 Q. And good practice, would be educational practice on
44 your part, would it be that when you received one of these,
45 and before signing off, you would have looked at the last
46 one to see - make a comparison as to how the probationary
47 students --

1 A. I would have done that, I should imagine.
2
3 Q. Yes, because --
4 A. I can't remember doing it.
5
6 Q. But you would have done it --
7 A. Yes.
8
9 Q. -- because that's good practice. And if you look at
10 the first one in 15 December 1987, when I look at the back
11 of the one that you didn't sign, but it's signed by Mr
12 Kilkenny - I just take you to the induction plan:
13
14 Ms MacLennan has completed an excellent
15 first year in guidance. The posting in
16 1998 as to Katanning shall extend her
17 activities with senior high school work.
18 At Katanning she will also be placed in a
19 position of greater independence and
20 responsibility. Supervision to be
21 undertaken by the Albany guidance staff.
22 This will mean exposure to different styles
23 of operation.
24
25 When one goes through this report, Mr Gatti, there's lots
26 of "4"s and "5"s, and "5"s are outstanding, and "4"s are
27 highly satisfactory. I think there's one "3", which is in
28 relation to "Approach to Counselling". Now, that would
29 suggest, that report, would it not, that in December 1987
30 you had before you what was an exceptional probationary
31 employee?
32 A. I didn't have that report. I didn't see that report.
33 That's not signed by me.
34
35 Q. I know it's not signed by you.
36 A. It's done in another district.
37
38 Q. You just told the Inquiry that ordinarily you would
39 look at the previous report of the probationary employee.
40 Is that not the case?
41 A. The previous report that I had received wasn't on my
42 filing system, sir.
43
44 Q. You can remember that in 1987, this report wasn't on
45 your filing system?
46 A. Had no knowledge of it.
47

1 Q. Was it on your filing system or wasn't it on your
2 filing system in 1987?
3 A. I would suggest it wasn't on my filing system - on the
4 filing system.
5
6 Q. But, Mr Gatti, are you - I'll ask you the question
7 again. Did - ordinarily you would refer to the previous
8 report of a probationary employee, match them up and see
9 how that employee's going?
10 A. As I said, yes, but I didn't have that particular
11 report. I'd never seen it.
12
13 Q. So you're telling the Inquirer now, without
14 equivocation, that you had not seen the December 1987
15 report?
16 A. That's correct.
17
18 Q. And that would have been unusual for you, wouldn't it?
19 A. No.
20
21 Q. Not to look at the earlier report?
22 A. Well, unusual from the point of view it has to be
23 available for you to look at.
24
25 Q. Well, if it wasn't there, did you ask to see the
26 earlier report?
27 A. No, I didn't.
28
29 Q. But you should have asked to see the earlier report,
30 shouldn't you? Would you agree with that?
31 A. Well --
32
33 Q. Because good practice demands that you look at the
34 earlier report?
35 A. Well, I didn't.
36
37 Q. Because if you'd looked at the earlier report, you'd
38 agree - you've seen it, haven't you, the earlier report?
39 A. Yes, I saw it earlier, yes.
40
41 Q. That this is an outstanding probationary employee in
42 the Albany area?
43 A. What you've got is you've got a --
44
45 Q. Mr Gatti, would you agree that looking at this
46 report - and I'll hand it to the witness - is someone that
47 is an outstanding probationary employee?

1
2 HIS HONOUR: It's exhibit 6.1.
3
4 MR HAMMOND: Exhibit 6.1, your Honour.
5
6 THE WITNESS: This report was completed in Narrogin.
7
8 MR HAMMOND: Q. Mr Gatti, it's not the question I'm
9 asking you.
10 A. Well, it is a good report.
11
12 Q. If you look at that report you will agree that that
13 person is an outstanding probationary employee?
14 A. The answer's yes.
15
16 Q. Could you please return the report. If the witness
17 could be shown exhibit 6.2. Before going through that - I
18 mean, you've seen that report, haven't you, Mr Gatti --
19 A. Yes, I've signed it.
20
21 Q. -- because you've signed on it?
22 A. Yes.
23
24 Q. And you signed it on 20 June 1988?
25 A. That's correct.
26
27 Q. Now, looking at this report, what you would have here
28 is an employee on the verge of being dismissed because it's
29 an appalling report. You would agree it's appalling?
30 A. It's not a good report, no.
31
32 Q. It's not only not good, but it's bad, isn't it?
33 A. Well, there are certainly areas for improvement.
34
35 Q. Well, there is a "1" in here. "1" stands for
36 "Unsatisfactory - intensive help needed"?
37 A. Yes.
38
39 Q. Now, if you see a probationary employee with a "1"
40 next to any of those boxes, you would be alarmed, would you
41 not?
42 A. Most certainly, and I would have communicated that to
43 the principal of the school, and to Murray Hamilton, who
44 was the other person on the induction team.
45
46 Q. But it would be more than a communication, wouldn't
47 it, because your office is being told that a teacher in one

1 area of her skills needs intensive help?
2 A. That's correct, yes.
3
4 Q. And what does the Department then do if a teacher
5 needs intensive help?
6 A. Well, the help is provided.
7
8 Q. Does the Department note on the back, as you've done,
9 "Report Noted"?
10 A. Rightio - well, to be worked out by the appraisers and
11 the applicant in consultation in the induction plan.
12
13 Q. Your comment, Mr Gatti, after seeing a "1" next to a
14 skill of the employee is "Report Noted"?
15 A. Well --
16
17 Q. This is a report that demands urgent action, isn't it?
18 A. And it got urgent action from the - from the induction
19 team.
20
21 Q. But what I don't understand, Mr Gatti - and maybe you
22 can assist me - is when you look under the heading
23 Section B, "Communication Skills" Mrs MacLennan, who was
24 formally an excellent communicator, is now told:
25
26 Her rapport with teachers and
27 administrators - she interacts positively
28 with teachers and administrators, mutual
29 respect is evident.
30
31 But she's given a "1" and she needs intensive help. That
32 doesn't make any sense, does it?
33 A. I think it does, yes.
34
35 Q. She gets a "1"?
36 A. If you read the --
37
38 Q. No, no, let's just read the comment next to "1":
39
40 Rapport with teachers and administrators -
41 interacts positively with classroom
42 teachers and administrators. Mutual
43 respect is evident.
44
45 And she's given a "1". Does that make sense?
46 A. Well, it makes sense, yes. It wasn't given to her by
47 me, it was given to her by Ian Murray and Larry Hamilton.

1
2 Q. So mutual respect is evident and she interacts
3 positively. She's someone that needs intensive help to
4 improve that skill?
5 A. Is that a question or a comment?
6
7 Q. Well, I'm asking you, if you've got a "1" next to a
8 box, that suggests, according to the criteria on the front,
9 that you need intensive help, but the comment doesn't
10 suggest that at all, does it?
11 A. The fact that I noted it?
12
13 Q. No, no, I'm saying you read this report, she receives
14 a "1", but the commentary next to the "1" doesn't fit the
15 number, does it?
16 A. And I don't understand what you're saying doesn't fit.
17 What - which comment?
18
19 Q. Section B, "Communication Skills"?
20 A. I've got that, yes.
21
22 Q. The first number is a "2", the second is a "3" --
23 A. Yes, "3", "2", "1".
24
25 Q. -- the second is a "2" --
26 A. Yes.
27
28 Q. -- and the final one is a "1"?
29 A. That's correct.
30
31 Q. So "Rapport with teachers and administrators", she's
32 given a "1", which means "Unsatisfactory - intensive help
33 needed". Do you agree with that, that's what the "1"
34 means?
35 A. Yes.
36
37 Q. Do you agree with that?
38 A. Yes.
39
40 Q. But there's no commentary either alongside the "1" or
41 in that box where it says:
42
43 Nikki demonstrates sound skills in written
44 communication.
45
46 A. Yes.
47

1 Q. :
2
3 Nikki needs to be more aware of the
4 informal communication structures in
5 schools.
6
7 There's nothing to say there that she needs intensive help,
8 is there, or that it's grossly unsatisfactory?
9 A. What it does say is:
10
11 Nikki needs to be more aware of the
12 informal communication structures in
13 schools and how they can be utilised to
14 best advantage. The benefits of building a
15 rapport through day-to-day school
16 activities are important to understand.
17
18 Q. But there's nothing there that says Nikki is doing it
19 wrong, and it goes on to say - you've forgotten to read the
20 last sentence:
21
22 More recently Nikki has shown encouraging
23 improvements in these areas.
24
25 What I'm putting to you is the "1" which indicates
26 "Unsatisfactory - intensive help needed", does not fit what
27 is there?
28 A. What you've actually done is just grabbed one
29 section of the report --
30
31 Q. No, no, and I've deliberately done that, Mr Gatti.
32 I'm putting it to you, and I want you to stay on that
33 number 1, and tell me what is there to say that she needs
34 intensive help?
35 A. That's one of the --
36
37 Q. No, no, please stay with that one.
38 A. -- sections.
39
40 Q. What is there under "Communication Skills" that
41 suggest that Nikki MacLennan needs intensive help?
42 A. Under the "Comments" - is that what she was talking
43 about?
44
45 Q. Yes, under "Communication Skills"?
46 A. :
47

1 Her interaction with others in the
2 face-to-face situation is often limited by
3 poor rapport.
4
5 Q. Anything else?
6 A. No.
7
8 Q. And it goes on to say:
9
10 More recently Nikki has shown encouraging
11 improvements in these areas.
12
13 Any comment along those lines, I put it to you, wouldn't
14 warrant a "1", would it?
15 A. I didn't write the report.
16
17 Q. No, no, but you read it, you reviewed it and you
18 signed off on it, and I'm saying to you it wouldn't warrant
19 a "1", would it?
20 A. I would have no idea.
21
22 Q. You can't get out of it that easily, Mr Gatti?
23 A. Well --
24
25 Q. It would not warrant a "1", would it?
26 A. As I said, I didn't write the report.
27
28 Q. You didn't write the report and you have no idea. Is
29 that your evidence to the Inquiry about this report?
30 A. I don't make the evidence, sir, or suggest that I had
31 no idea.
32
33 Q. Is that your evidence, that you have no idea?
34 A. No.
35
36 Q. If it's not your evidence, what is your evidence about
37 this report?
38 A. My evidence is that I read the report, I signed the
39 report, and I took the report in toto, in total.
40
41 Q. And if we go to professional characteristics,
42 section D, "Involvement":
43
44 This is an area of weakness for her -
45 further help needed.
46
47 Reaction to advice - further help needed.

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Reaction to others - further help needed.

Self-Evaluation - further help needed.

It's pretty desultory, isn't it, this report?

A. It's not a good report; correct.

Q. I put it to you that it is an appalling report. Do you agree with that?

A. A report that indicated that she was having difficulties, yes.

Q. Serious difficulties?

A. Yes, yes.

Q. And I put it to you again it's an appalling report?

A. I wouldn't call it appalling, myself.

Q. Yet, again, I put it to you the comments on section D do not match the scores that have been allocated to Ms MacLennan:

In recent times Nikki has shown dramatic development in these aspects of her work. This change has, in this evaluation, been overshadowed by earlier circumstances, yet continued development will see a continued improvement in the safety given.

Just doesn't add to further help needed, does it, because she's dramatically improving? I'll put it simply, Mr Gatti, there is contradictions in this report when you look at section D and section B. Do you agree with that?

A. Yes.

Q. And if we go to section C, "Intervention Plan", there's a "2" there, several "2"s, in terms of assisting the classroom teachers and/or others in implementing intervention plan, but when you look at the commentary again:

Nikki chose sound professional use of tests and other data gathering techniques in utilising the data thus gathered to develop a plan which is ultimately successful. Nikki has not had many opportunities to

1 demonstrate skills. Where these skills
2 have been observable, the ultimate success
3 or implementation of the plan has not been
4 clear.
5
6 But she's still awarded two "2"s and still requires further
7 help.
8 A. :
9
10 Where these skills have been observable,
11 the ultimate success or implementation of
12 the plan has not been clear.
13
14 Q. If it hasn't been clear, why then does she need
15 further help?
16 A. Where does it say she needs further help?
17
18 Q. Well, on two of the boxes under Section C, she's
19 got two "2"s.
20 A. Yes, yes, yes, and that should have been and would
21 have been provided by Mr Hamilton.
22
23 Q. But this report doesn't spell out why she needs
24 further help in those areas, does it?
25 A. No.
26
27 Q. And it should do that, shouldn't it?
28 A. Well, as you can see from the reports --
29
30 Q. Mr Gatti, it should do that, shouldn't it?
31 A. It should, yes. And the induction plan is supposed to
32 be done.
33
34 Q. So the report not only has contradictions, but it's
35 defective, isn't it?
36 A. It has contradictions.
37
38 Q. And it is defective, isn't it?
39 A. I don't think so.
40
41 Q. Well, you just pointed to one defect, which is the two
42 "2"s under section C?
43 A. Okay, one defect makes it defective.
44
45 Q. And I want to take you to what I put to you is the
46 most glaring defect - that your comment is "Report Noted".
47 What does that mean?

1 A. I noted the report.
2
3 Q. But it suggests --
4 A. I would have had discussions.
5
6 Q. It suggests to anyone reading it that you were going
7 to take no further action?
8 A. I didn't - I - it wasn't that I wasn't going to take
9 no further action, it was because it was a report that had
10 a - an induction plan on it, I agreed with the induction
11 plan and it was something that I would have followed up
12 with Ian Murray, and also with Larry Hamilton.
13
14 Q. It was something that you would have followed up, but
15 I put it to you you didn't follow it up with Ian Murray?
16 A. I did. I discussed it with him. We discussed it --
17
18 Q. So you went to Ian Murray and --
19 A. I would have discussed it with Larry Hamilton as well.
20
21 Q. It's also defective in that, isn't it - that you
22 didn't observe best practice and have regard to the earlier
23 report where you have an outstanding probationary employee?
24 A. It wasn't available to me.
25
26 Q. Do you know that as a matter of fact now?
27 A. Beg your pardon?
28
29 Q. Do you know that as a matter of fact now?
30 A. Well, it wasn't available in the Albany District
31 Education Office.
32
33 Q. And you're saying that without equivocation now?
34 A. As far as I was aware.
35
36 Q. You can't have it - Mr Gatti, you said to the Inquiry
37 - you've given some very firm words that this earlier
38 report was not available to you. I'll give you another
39 opportunity to answer the question.
40 A. The answer that I'm giving you is no, no knowledge of
41 the report.
42
43 Q. So you can say now with absolute 100% certainty that
44 the earlier report, where she's described as an outstanding
45 employee, was not available to you?
46 A. As I understand it and remember it, no.
47

1 Q. Could I have the report dated 27 October 1998,
2 exhibit 6.3.
3 A. Thank you.
4
5 Q. If you turn to the back of that report, Mr Gatti, not
6 only do you say "Report Noted", but you go on to say.
7 "Report discussed with" - is it Mr Murray?
8 A. "With I Murray".
9
10 Q. "With I Murray, Ms MacLennan and Larry Hamilton".
11 A. That's correct.
12
13 Q. Why didn't you use those words on the earlier report?
14 A. What was the date of the earlier report?
15
16 Q. 20 June.
17 A. Yes.
18
19 Q. Because you didn't discuss the other report with Ms
20 MacLennan, did you, the really bad one I've just taken you
21 to?
22 A. I would have discussed with her.
23
24 Q. You would have?
25 A. Well, I said there was a meeting that I had with Ms
26 MacLennan in the District Office. I don't know exactly
27 when that was, but it's part of the process.
28
29 Q. But isn't the practice when you discuss it with
30 someone, to actually note that under your comment?
31 A. Well, I wouldn't have necessarily had that particular
32 report in front of me.
33
34 Q. No, no, what I'm saying, Mr Gatti, is when you discuss
35 one of these reports with an employee or a principal, it's
36 practice to note that where your comments are?
37 A. If I happened to have the report there at the time.
38
39 Q. That's still not what I'm asking you. If you sign off
40 on one of these reports, isn't it practice for you to
41 discuss the report with the teacher, and if you do that, to
42 note it?
43 A. If I had of discussed it, I would have noted it as
44 such, yes.
45
46 Q. So we can assume that in relation to the report, 6.2 -
47 exhibit 6.2 - you didn't discuss that with Ms MacLennan?

1 A. It would have been discussed with her after that at
2 some stage.

3

4 Q. In relation to her "Communication Skills" in
5 exhibit number 6.3, it's noted in the commentary:

6

7 The result of this has been that in some
8 circumstances she appears brisk and
9 confused. Several incidents have occurred
10 where her communication with others was
11 misconstrued.

12

13 Can you - you did not inquire about those incidents, did
14 you?

15 A. I said that I discussed the report with her, but I
16 can't remember exactly how detailed that discussion was.

17

18 Q. But after discussing them with Ms MacLennan, she
19 provided you with a satisfactory answer as to those two
20 incidents?

21 A. What was that?

22

23 Q. I'm telling you, did she provide you with a
24 satisfactory answer?

25 A. No, I can't remember.

26

27 Q. Is it "No" or you can't remember?

28 A. I can't remember.

29

30 Q. So it may have been the case that she did adequately
31 explain what those incidents were?

32 A. Yes, yes.

33

34 Q. Given that you've now seen two reports, exhibits 6.2
35 and 6.3, about Ms MacLennan, you would have been very
36 concerned?

37 A. Yes, most certainly.

38

39 Q. And you saw, as you told Mr Dobson, exhibit 6.4, did
40 you not - if the witness could be shown that.

41 A. That's the one from Mr McLean.

42

43 Q. Yes.

44 A. I believe I did see that, yes.

45

46 Q. See, the problem with this, Mr Gatti is when Mr McLean
47 signs off on this, our probationary employee becomes

1 excellent again - would you not agree?
2 A. Well, that's the report there.
3
4 Q. Would you not agree that that is an excellent report?
5 A. It's a very good report, yes. I wouldn't say
6 excellent.
7
8 Q. She's got an abundance of "4"s, highly satisfactory.
9 You'd agree she's got an abundance of "4"s?
10 A. Highly satisfactory, yes.
11
12 Q. In relation to ethics she is outstanding. Do you
13 agree with that?
14 A. I would hope so.
15
16 Q. That's what the report says.
17 A. I would hope so, too, that every school psychologist
18 would have outstanding.
19
20 Q. Well, the ethics improved since - seemed to have
21 improved from previous reports. "Identification of the
22 Concerns", that's another excellent, but everything's
23 improved dramatically, hasn't it, since the two reports
24 that --
25 A. This is actually the report of Malcolm McLean.
26
27 Q. Yes.
28 A. And I explain the parameters throughout of his
29 particular school. Be a very, very easy school in which to
30 operate.
31
32 Q. But you saw McLean's report shortly after he signed
33 off on it?
34 A. I should imagine I did.
35
36 Q. And you would have been very happy to see the dramatic
37 improvement in Ms MacLennan?
38 A. What I actually required was actually the report from
39 the induction team, not from one member of the induction
40 team.
41
42 Q. But you trusted Malcolm McLean?
43 A. Malcolm McLean is entitled to his professional
44 judgment.
45
46 Q. Did you trust Malcolm McLean?
47 A. As I said, he is trusted by me and he is entitled to

1 his professional assessment.
2
3 Q. And you rated him as competent?
4 A. Yes.
5
6 Q. And you have no reason to doubt his report?
7 A. Again --
8
9 Q. You have no reason to doubt his report?
10 A. As I said, I wanted a report that came from the
11 induction team, not from individual members. It is not
12 very helpful for me to try and work out the difference, to
13 work it through, and my job was to actually have a look at
14 the process, not to actually do the --
15
16 Q. Yes, and the process, Mr Gatti, is you have got an
17 outstanding employee who has dramatically plummeted and now
18 seems to be going up hill get?
19 A. In a different context.
20
21 Q. But nevertheless --
22 A. Operating in different context.
23
24 Q. But nevertheless, doing extremely well in a very short
25 period of time?
26 A. Well the report is there in front of her - in front of
27 me.
28
29 Q. After seeing that report of McLean's, you must have
30 been concerned about what Murray was sending to you in
31 terms of reports?
32 A. I was actually concerned that I'd received that report
33 and wondered where the report --
34
35 Q. Which report sorry, which report?
36 A. That particular report there, which is 6.4, because
37 what I was expecting was a report from the induction group.
38
39 Q. That's not the question I asked you. I will ask it
40 again. After seeing 6.4, you must have started to form a
41 concern about what Mr Murray was sending to you or what
42 Mr McLean was signing off on?
43 A. In the different contexts of the schools?
44
45 Q. Well, we are witnessing what almost appears to be two
46 different people, if you look at the reports?
47 A. Well again, I don't know where the other report is.

1 It would have come in, the consolidated report. It doesn't
2 appear to be with the --
3
4 Q. I'm not asking you about any other reports, I'm asking
5 you about exhibits 6.1, 6.2, 6.3 and 6.4, and in a very
6 short period of time you've got to face an employee doing
7 extremely well, going downhill dramatically fast and then
8 doing very well. You must have been concerned?
9 A. I was concerned about what was the real issue.
10
11 Q. But you must have also been concerned about the people
12 combining the data that was sending it to you at Albany
13 District Education Office?
14 A. Not really.
15
16 HIS HONOUR: Q. There is just something I want to ask.
17 You say the report, exhibit 6.4, from Murray McLean --
18 A. Malcolm McLean.
19
20 Q. Sorry, Malcolm, was it?
21 A. Yes.
22
23 Q. Beg your pardon, Malcolm McLean - wasn't in the right
24 format because it is only signed by him individually?
25 A. That's correct, it wasn't - the - what I was expecting
26 was a report.
27
28 Q. What I'm asking is, we don't have that collected
29 report. Do you know it definitely would have been received
30 by you at the time or not?
31 A. Well yes, I --
32
33 Q. Sorry?
34 A. Yes is the answer.
35
36 Q. So you must have received a report from the whole
37 induction panel?
38 A. I must have received a report, yes, yes.
39
40 Q. Now, presumably that report from the whole induction
41 panel must have been a very negative one, would you agree,
42 given that you --
43 A. It was one that it would have been negative, yes.
44
45 Q. Because it was only on 26 May this report from McLean
46 was on --
47 A. The 2nd of the 3rd.

1
2 Q. 2 March?
3 A. Yes.
4
5 Q. And only two and a half months later you signed
6 exhibit 7.1, indicating:
7
8 A satisfactory standard of professional
9 development has not been displayed.
10
11 A. That's correct, your Honour.
12
13 Q. So presumably, the report from the induction panel as
14 a whole must have been a negative one?
15 A. It was, yes.
16
17 Q. Do you remember that, do you?
18 A. Well, the processes that followed wouldn't have
19 occurred if it hadn't have been.
20
21 Q. What I want to ask you is this: given that McLean
22 obviously had a very high opinion of Ms MacLennan and her
23 abilities, and one must assume that Hamilton and Murray
24 must have had a different opinion, in those circumstances,
25 how do you resolve those differences or how would you have
26 resolved those differences?
27 A. I asked for a consolidated report.
28
29 Q. How do you get a consolidated report where there is --
30 A. Again --
31
32 Q. -- a great difference of opinion amongst the members
33 of the panel?
34 A. That was up to the individual people who made up her
35 induction group to sort out.
36
37 Q. And where you get a vast difference in the opinion of
38 the members of the panel, was it your role to try and
39 resolve that difference of opinion in some way?
40 A. Yes and no, but I'll say yes, it was in terms of me
41 making sure the process was done correctly.
42
43 Q. Would it have been unusual to get that difference of
44 opinion?
45 A. Well it was unusual to get a report that wasn't
46 actually from the induction group and was from one member
47 of the induction group. That was very unusual.

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Q. I will obviously be correct in inferring there must have been a difference of opinion between Mr McLean on the one hand and Murray and Hamilton on the other?

A. Yes.

Q. And it was obviously a huge difference of opinion?

A. A huge difference and I think I might have --

Q. What I'm asking you is, in that situation, would you have been involved in trying to resolve that difference of opinion

A. No, that was up to them.

HIS HONOUR: All right, yes, Mr Hammond.

MR HAMMOND: Q. I will now take you to exhibit 7.1, Mr Gatti. What did you base your recommendation on when you signed off on exhibit 7.1?

A. As I have already said, there would have been a consolidated report from --

Q. Can you say that definitively?

A. I've got no recall of the report but --

Q. So there may, Mr Gatti, and this is what I am going to ask you to tell the Inquiry if it is true - there may have been no consolidated report that you read prior to ticking box number 2?

A. There was certainly an interview that I carried out with Ms MacLennan in the presence of Mrs Stephanie Bennett.

Q. That is not the question I'm asking. I'm putting to you that there may have been no consolidated report.

MR DOBSON: Your Honour, I don't wish to interrupt Mr Hammond unnecessarily but in fairness, even Mrs MacLennan said that there was a final report, she doesn't know where it is, and I think on the front of that particular document it does say "Report attached".

THE WITNESS: Yes, it does, yes, your Honour.

MR DOBSON: It has just somehow or other disappeared, if we could put it that way, your Honour, it would seem.

MR HAMMOND: The word "report" falls into a very broad

1 rubric and it could mean any sort of report. We are
2 talking about this gentleman having obtained a consolidated
3 report. I don't know what he means by that. Maybe that
4 needs to be fleshed out a bit.
5
6 THE WITNESS: Could I suggest it could be a report in this
7 type of format?
8
9 MR HAMMOND: Q. So it would have looked like something
10 like 6.3 or 6.4?
11 A. Yes.
12
13 Q. Who would have prepared that?
14 A. That would have been prepared by the induction team.
15
16 Q. But regardless of what Ms MacLennan says, your
17 evidence is you cannot recall whether there was a
18 consolidated report or not?
19 A. That's correct, I can't recall.
20
21 Q. So it may have ticked off on box number 2 after just a
22 meeting with Ms MacLennan and the support person?
23 A. I doubt that greatly.
24
25 HIS HONOUR: Q. Before you continue, I am concerned
26 about the time. I'm not trying to hurry you up but how
27 much longer do you think you will be?
28
29 MR HAMMOND: I've only got about five more minutes.
30
31 HIS HONOUR: All right, we will keep going, yes.
32
33 MR HAMMOND: I will try and stick to that undertaking.
34
35 Q. It is a radical step, isn't it, in the department, to
36 sign box number 2?
37 A. It is, yes. That's not something that I did easily.
38
39 Q. And you signed box number 2 because Dennis McKenna
40 wanted you to sign box number 2?
41 A. Dennis McKenna? He had nothing to do with the
42 process.
43
44 Q. Ian Murray wanted you to sign box number 2, didn't he?
45 A. No.
46
47 Q. He didn't?

1 A. Ian Murray gave his report but then I signed the box -
2 the consolidated report, which included Mr Murray, the
3 induction group.
4
5 Q. Ian Murray would have been on the phone to you
6 discussing this very poor employee?
7 A. Yes, particularly in 1998 - '88, sorry.
8
9 Q. And saying "She has to go"?
10 A. I doubt that, no.
11
12 Q. But Ian Murray wanted her out if he is giving reports
13 of the type he has given to you, surely?
14 A. He was concerned about her performance in his school.
15
16 Q. So he wanted her out?
17 A. He was concerned about her performance or lack of
18 performance in his school.
19
20 Q. And he told you that?
21 A. He certainly told me of his concerns, yes.
22
23 Q. And on many occasions?
24 A. It was more than one occasion, yes.
25
26 Q. I take you to exhibit 7.2, which is your letter to
27 Mr MacLennan?
28 A. To Mr McLean.
29
30 Q. McLean, sorry?
31 A. Yes.
32
33 Q. Mr McLean wanted Ms MacLennan employed as a temporary
34 teacher, didn't he, at Braeside?
35 A. No, at the - he says:
36
37 To service the schools in the Katanning
38 area.
39
40 And that would have been primary schools and pre-primary
41 schools.
42
43 Q. Again, he held, even in 1989, a very different view to
44 Mr Murray, didn't he. It's implicit from this letter?
45 A. Yes, yes, yes.
46
47 Q. And you held a very strong view that she was

1 unsatisfactory even in July 1989?
2 A. Yes, she had actually been refused her permanency with
3 the Education Department. Would have been highly irregular
4 for the Education Department to employment that person in a
5 guidance officer or a school psychologist position if she
6 had been adjudged throughout her probationary period as not
7 being satisfactory for the role.
8
9 Q. Okay. So you tell Mr McLean that she was terminated
10 from the end of semester 1, 1989 and you go on to say:
11
12 You are well aware that her services were
13 discontinued because of unsatisfactory
14 communication skills with parents and
15 teachers.
16
17 That just wasn't right, was it? Did you have any
18 complaints from a parent on your desk?
19 A. None.
20
21 Q. Did you have any complaints from a teacher on your
22 desk?
23 A. None, but I --
24
25 Q. Wait a minute, Mr Gatti. And why do you say then:
26
27 You are well aware that her services were
28 discontinued because of unsatisfactory
29 communication skills with parents and
30 teachers.
31
32 A. That would have been part of the report, the one that
33 is missing. It would have certainly been part of the
34 report.
35
36 Q. But there is nothing in any report I put to you today
37 which suggests a problem with a parent, is there?
38 A. No.
39
40 Q. Then you go on to say - you don't stop there:
41
42 I fail to see how these serious
43 shortcomings for a guidance officer could
44 be overcome by a change of status from
45 "permanent on probation" to "temporary".
46
47 I put it to you you are determined to iron her out by the

1 time you said that?
2 A. I would put it back to you, sir --
3
4 Q. No, no, you are not asking me the questions, Mr Gatti.
5 I am putting to you that you are determined to iron this
6 lady out --
7 A. No.
8
9 Q. -- once you have written that statement?
10 A. No.
11
12 Q. Well, do you see that statement as beneficial to her
13 career?
14 A. Well, at that stage of the game she had no prospect of
15 returning to being employed in the Education Department as
16 a guidance officer.
17
18 Q. And you made sure of that?
19 A. No.
20
21 Q. Well don't you believe that you will ever make sure of
22 that as long as you are district superintendent
23 A. No, no, I certainly didn't employ staff. The staff
24 were employed by the central office for the Education
25 Department. They prescribe the induction processes and --
26
27 Q. So you are saying she could have gone back to another
28 school in the Albany area?
29 A. She could have gone back as a teacher, yes, but not as
30 a guidance officer.
31
32 Q. Because you ruled her out as being a guidance officer
33 in any school --
34 A. No, the process --
35
36 Q. -- in the Albany district?
37 A. The process had ruled her out.
38
39 Q. The process had?
40 A. Yes.
41
42 Q. Because you went on to say, in the last two sentences:
43
44 I do not support the reemployment of
45 Mrs MacLennan in a guidance officer
46 capacity in schools.
47

1 That's schools in Western Australia, I assume?
2 A. That's correct, and that would have been the
3 situation.
4
5 Q. And you made it very clear to Mr Murray that that was
6 your position and was always going to be your position?
7 A. No, it was Mr McLean I'm writing to.
8
9 Q. Yes, I know, but you made it clear to Mr Murray,
10 didn't you?
11 A. I made clear to Mr Murray what?
12
13 Q. That it was always your position that MacLennan would
14 never return to schools in the Albany area as a guidance
15 officer?
16 A. No.
17
18 Q. You didn't tell him that?
19 A. No. I've got no control over Mrs MacLennan's future
20 employment.
21
22 Q. Did you see her as a troublemaker; Mrs MacLennan?
23 A. No.
24
25 Q. Did you see her as a bad guidance officer?
26 A. Yes, not a good guidance officer.
27
28 Q. Because of what Murray had told you?
29 A. No. I was mainly guided by the information I received
30 from Larry Hamilton.
31
32 MR HAMMOND: I don't have any further questions.
33
34 HIS HONOUR: Mr Jenkin, nothing from you?
35
36 MR JENKIN: No, thank you.
37
38 HIS HONOUR: Anything from you, Mr Dobson?
39
40 MR DOBSON: There are some matters arising.
41
42 HIS HONOUR: Will it take long?
43
44 MR DOBSON: 10 minutes maximum. Perhaps rather than have
45 Mr Gatti come back --
46
47 HIS HONOUR: Would you rather take a break now? It's been

1 a long time.
2
3 THE WITNESS: No, I'm prepared to continue on. Thank you,
4 your Honour.
5
6 HIS HONOUR: Very well, we will press on.
7
8 <RE-EXAMINATION BY MR DOBSON:
9
10 MR DOBSON: The first is, in fairness to Mr Gatti, your
11 Honour, the exhibit 6.1, perhaps if Mr Gatti doesn't have
12 that in front of him, perhaps if he could have a look at
13 the cover sheet, please?
14 A. Is that the Narrogin district education --
15
16 HIS HONOUR: The Narrogin report, yes.
17
18 MR DOBSON: Q. The Narrogin report, can you see the
19 location?
20 A. Narrogin District Office, yes.
21
22 Q. In relation to that report being prepared by someone
23 in the Narrogin District Office and a subsequent report,
24 are there any observations you wish to make?
25 A. In the different context.
26
27 MR HAMMOND: Do these questions arise out of what I have
28 just said, your Honour? I just don't know.
29
30 HIS HONOUR: I presume so. Mr Dobson knows the rules so I
31 presume so.
32
33 MR DOBSON: Q. Is it the case that at Narrogin
34 Mrs MacLennan may have had more strict supervision, being a
35 district office?
36 A. Most certainly, yes
37
38 MR DOBSON: That's that point, thank you, your Honour.
39
40 Q. Now, with exhibit 6.2 and 6.3, they are the subsequent
41 reports?
42 A. Yes, they are the ones that --
43
44 Q. They were prepared while Mrs MacLennan is working at
45 Katanning --
46 A. Senior high school, yes.
47

1 Q. -- 60 per cent and 40 per cent elsewhere, is that
2 right?
3 A. That's correct, yes.
4
5 Q. On both those reports there seems to be no signature
6 or no naming of a primary school teacher. Is that your
7 reading of them as well?
8 A. Which primary school teacher are we talking about?
9
10 Q. Any primary school teacher?
11 A. No, the panel was made up in those instances, Ian
12 Murray and Larry Hamilton. As I said before, Mrs MacLennan
13 spent 60 per cent of the time at Katanning Senior High
14 School, was located there. That was where her office was
15 and Larry Hamilton was the in charge of Student Services or
16 the guidance officers at the Albany district education
17 office.
18
19 Q. That goes back to the point I was asking you about
20 earlier. It seems that the only effective input you had in
21 those two reports, from a teacher, was from Mr Ian Murray?
22 A. He would have consulted with the primary school
23 principals.
24
25 Q. You don't know that, do you?
26 A. They used to have meetings in the northern part of the
27 district but I don't know that, you are correct.
28
29 HIS HONOUR: Q. So it was part of the system. Was he
30 expected to consult with the primary school?
31 A. Yes, yes.
32
33 MR DOBSON: Q. Exhibit 6.1, which is the "Wogin"
34 district office report?
35 A. Yes, the one that I said I hadn't seen.
36
37 Q. Yes, you said to Mr Hammond that it was not available
38 to you?
39 A. That's correct, yes.
40
41 Q. And then clearly, after Mr Hammond's examination of
42 you, you received the report 20 June 1998?
43 A. Yes.
44
45 Q. Exhibit 6.2?
46 A. Yes.
47

1 Q. A significantly different report?
2 A. Yes, I can see that, yes.
3
4 Q. Had you accessed the "Wogin" report at that time,
5 would you have personally --
6
7 HIS HONOUR: The Narrogin report.
8
9 MR DOBSON: Yes.
10
11 Q. Had you accessed the "Wogin" report upon reading --
12
13 HIS HONOUR: Narrogin.
14
15 MR DOBSON: Sorry, your Honour, Narrogin. I keep on
16 getting all those towns mixed up. Thank you, your Honour,
17 yes.
18
19 Q. Had you accessed the Narrogin report, which is 6.1, at
20 the time you read 6.2 dated 20 June 1988, would you have
21 made some more direct and deeper inquiries of your own?
22 A. I believe so, yes.
23
24 Q. Noting that there is a significant difference. You
25 agree with Mr Hammond there?
26 A. Yes.
27
28 Q. Those reports, it seems clear that they are the basis
29 upon which decisions are made about, in this case,
30 Ms MacLennan's employment?
31 A. Yes.
32
33 Q. Again with the benefit of hindsight, would it be fair
34 to say that had the system been different, her reports
35 should have followed her around the districts?
36 A. I'd say so, yes. Yes, yes, we should have had access
37 to that report.
38
39 HIS HONOUR: Q. But, in hindsight, do you think it's
40 been so unfair to Ms MacLennan in view of the fact that
41 that report was not before you?
42 A. I suppose so, yes.
43
44 MR DOBSON: Q. As to the - I will call it "the missing
45 report" - we have got the final decision has been made in
46 1989. You have mentioned that on the basis of that report
47 you would have made your decision not to offer the

1 permanency. Correct?
2 A. Correct, in my interview with Mrs MacLennan.
3
4 Q. Does it follow that the fact that you took the time to
5 then write to Mr McLean to explain your decision, does it
6 follow that he was dissenting, he was a dissenting party
7 and didn't sign the group report?
8 A. No.
9
10 Q. Well, it would be difficult for him, given that he
11 wanted to employ her, to sign a report that would
12 effectively result in her termination. Do you agree?
13 A. I don't know.
14
15 Q. Well, just deal with it logically?
16 A. Yes.
17
18 Q. Given that he actually wanted to employ her, how would
19 he take part effectively in the group process and sign off
20 on getting her dismissed or certainly not offered
21 permanency?
22 A. Well that had occurred before he wrote to the district
23 office asking whether it was possible to have her employed
24 as a temporary guidance officer.
25
26 Q. This Inquiry was announced in late last year?
27 A. Yes, yes.
28
29 Q. Have you spoken with Mr Ian Murray since the Inquiry
30 was announced?
31 A. I have spoken to nobody involved in the whole issue.
32 I did talk to one of the ladies, I think it was Mrs or Ms -
33 the executive officer --
34
35 HIS HONOUR: Q. Of the Inquiry?
36 A. Yes, and I asked her about who was likely to be called
37 and she said "That information is not available and
38 wouldn't be made available to you". From that discussion
39 and also a discussion I had with my daughter-in-law, the
40 lawyer in the eastern States, I was advised not to have any
41 contact with anybody else who was a possible witness
42 because there would likely be a contamination of my
43 evidence and what I recalled and the rest of that. So Ian
44 Murray, Larry Hamilton, both of those people, and also
45 Nicky MacLennan, I had not seen since I retired at the end
46 of August 1996. I have had no contact in the form of
47 letters, telephone calls, emails or any other contact with

1 any of the people
2
3 MR DOBSON: Q. So in particular, to be clear, Ian
4 Murray, you've had no contact with him?
5 A. That is correct, no contact.
6
7 MR DOBSON: Those are the questions I have. Thank you,
8 your Honour.
9
10 HIS HONOUR: All right.
11
12 Q. Well that completes your evidence. I accept that. Is
13 there anything you want to add, anything as a result of
14 what you have been asked or anything else you want to say
15 that you think is relevant?
16 A. Not really. I think that I've been asked as much as I
17 got.
18
19 Q. All right, so that's it then, all right?
20 A. Yes, yes.
21
22 HIS HONOUR: Thank you for coming along. You are free to
23 go now. We will adjourn until 2.30.
24
25 <THE WITNESS WITHDREW
26
27 LUNCHEON ADJOURNMENT
28
29 UPON RESUMPTION:
30
31 HIS HONOUR: Please, take a seat. Yes, Mr Dobson?
32
33 MR DOBSON: Sir, we call Ronald Harvey Byrne.
34
35 HIS HONOUR: All right.
36
37 MR DOBSON: I believe he's here waiting. Come around
38 here, please.
39
40 HIS HONOUR: Take a seat here, thanks, Mr Byrne.
41
42 <RONALD HARVEY BYRNE, sworn:
43
44 <EXAMINATION-IN-CHIEF BY MR DOBSON:
45
46 MR DOBSON: Q. Your full name is Ronald Harvey Byrne?
47 A. Yes.

1
2 Q. And for the transcript, that's spent B-Y-R-N-E?
3 A. Correct.
4
5 Q. And how old are you, please?
6 A. I'll be 75 in about four months.
7
8 Q. And you live at an address known to the Inquiry?
9 A. Yes.
10
11 Q. And are you retired now?
12 A. I have been for 15 years.
13
14 Q. And previously a principal at primary schools?
15 A. You mean which ones?
16
17 Q. No, you were a principal though --
18 A. Yes, yes.
19
20 Q. -- within the State education --
21 A. Yes.
22
23 Q. -- system? All right. Mr Byrne, if I can take you
24 back to your service at Katanning Primary School. You
25 recall being a principal there?
26 A. Yes.
27
28 Q. When did you arrive there, please?
29 A. '84, I think.
30
31 Q. So is it the start of 1984?
32 A. Yes.
33
34 Q. And how long were you there for?
35 A. '84 and '85.
36
37 Q. All right. Now, you previously had been interviewed
38 by some of the Inquiry investigators; is that correct?
39 A. Yes.
40
41 Q. So you were aware that we have an interest in
42 examining you regarding the evidence of a person who's
43 previously been here at the Inquiry?
44 A. Yes.
45
46 Q. And you're aware - are you aware that was Mr Ken
47 Perris?

1 A. Yes.
2
3 Q. Have you read Mr Perris' transcript of evidence?
4 A. I have.
5
6 Q. All right then. You've also been interviewed and
7 given an explanation as to his recollection of events; is
8 that correct? You've been interviewed by your
9 investigators and --
10 A. Yes, yes.
11
12 Q. -- given your account of that. All right. And is it
13 fair to say in summary that you've told the investigators
14 that conversation that Mr Perris has recounted didn't occur
15 with you, didn't take place with you?
16 A. I have no memory of it at all.
17
18 Q. All right. So if we can be clear then, you simply
19 cannot recall it. You're not saying that it didn't happen
20 or it did happen, you can't recall it happening?
21 A. I can't recall it happening, and also after reading
22 the transcript, I put my mind through the mental hurdles, I
23 guess, trying to think of situations where it may have
24 happened, and I couldn't recall any, and on the basis of
25 that, I came to the conclusion, well, as far as I'm
26 concerned, I don't recall the meeting at all, apart from
27 what was written in the transcript.
28
29 Q. All right. Now, in 1985 - that's your second year at
30 Katanning Primary?
31 A. Yes.
32
33 Q. And Mr Perris - that was his first year?
34 A. Yes.
35
36 Q. So do you actually recall Ken Perris working there in
37 1985?
38 A. Yes.
39
40 Q. And what do you recall of him - put aside the
41 transcript, please, totally, and just now your recollection
42 of Mr Perris in 1985?
43 A. Young, young keen sort of guy who was out to do as
44 best he could; involved himself in the school - he had a
45 genuine interest in the children.
46
47 Q. And his work habits?

1 A. Well, I saw him on occasions when I was sort of
2 wandering around the school and so on; he would be taking
3 the children for physical education, and they were
4 participating with plenty of enthusiasm.
5
6 Q. And any issue with punctuality and things like that?
7 A. None at all.
8
9 Q. Any other issues with Mr Perris, that you can recall?
10 A. No, only positive, from memories.
11
12 Q. All right. Now, again, put aside the transcript
13 please, if you can. Do you recall his living arrangements
14 when he first arrived at Katanning?
15 A. No whatsoever.
16
17 Q. No recollection?
18 A. I have a policy - I have a policy for myself, and I
19 didn't pry into individual's personal details about where
20 they lived, what they did outside of school, any of that
21 kind of thing. All I knew was he was a member of staff,
22 and that's where it started and ended.
23
24 Q. I wasn't suggesting you were prying, more if you had
25 heard of anything?
26 A. Not at all.
27
28 Q. For instance, a young teacher starting out having
29 difficulty obtaining accommodation. Did you hear anything
30 like that?
31 A. No, I didn't.
32
33 Q. All right. No, that's why I said no suggestion that
34 you were prying, more that it might have come to your
35 notice simply because he might have come to you and said,
36 "Look, boss, I'm having trouble with this"?
37 A. No, I don't recall any of that at all.
38
39 Q. Okay. Now, how many days a week - do you recall
40 anything about his work day routine?
41 A. I think he came to us three days a week. That's from
42 the transcript, I remember. I must say my memory's on the
43 way out, but I'm pretty sure he came on three days a week,
44 and what was the other part of the question, sorry?
45
46 Q. His work routine - how many days and so forth?
47 A. Three days, and two days at Braeside.

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Q. All right. I'm glad you clarified, the transcript may have helped you then, because it's important that we know what's your recollection and where you might have been assisted?

A. Well, if I can say so, your Honour, the - I was at - 17 years ago, was it, that I left Katanning?

Q. It's coming up the end of the year, that would be about right.

A. I retired in '97, so that's 15 years of retirement, and I have the unfortunate part of having a very ill wife, so I've turned my mind to meeting her needs. I decided when I retired that I was finished with schools - I switched off. I enjoyed my time while I was teaching and as a principal, but because of my circumstances, my attitude to life is going to be different, it's going to be focussed on my wife and myself.

Q. I did read in your interview - I did read that she's very ill, and obviously we are sorry that you've - you and she have gone through that, but if we can just return to Katanning?

A. Yes.

Q. In reading the transcript, are you aware of the basic substance of what Mr Perris said about the conversation with you?

A. I'm aware of the content, but I'm not too sure about the order in which it happened because, as I said earlier, I wasn't in the habit of asking people what they did in their private life, and from transcript, I discovered that he'd been tutoring children, and he had lived in Kartanup House or something, yes; so that was contrary to the way I dealt with - with people's personal concerns or whatever they pursued outside of school.

Q. Were you aware that he would go to Perth - and again put aside the transcript. Were you aware that he would return to Perth, go away and play cricket on the weekend, and then come - return to Katanning?

A. I remember when he first came it came to my attention that he enjoyed cricket and he was playing Pennant Cricket in Perth, so I guess I wasn't aware that he sort of left on a Friday and came back on a Sunday as such, but I can understand it being the case.

1 Q. All right. In relation to the conversation that he's
2 recounted, he's given evidence that you initiated the
3 conversation, and it was in regard to him having moved out
4 of Kartanup House?
5 A. No, that's wrong, definitely wrong.
6
7 Q. And are you confident of that from your own memory?
8 A. Yes.
9
10 Q. All right. He's also said that during the
11 conversation - and it seems to boil down to he had concerns
12 about his privacy in Kartanup House. He said that he
13 expressed to you that he had concerns about his privacy,
14 and also that beds had been moved within those premises
15 while he was away. Did that conversation ever take place?
16 A. No, not to my knowledge. The first I've heard about
17 that, or knew about that was when I read the transcript.
18
19 Q. All right. And he's also said that he expressed some
20 concern saying that - saying to you, I should say, that he
21 had seen boys in Dennis McKenna's flat, in the lounge room
22 part of that flat; some, on occasion, laying across his lap
23 with his - their head in his lap, and that they would also
24 lounge around on the lounge suite and on an arrangement
25 above the lounge suite. Do you recall anything like that
26 being said?
27 A. Only from relying on the transcript.
28
29 Q. Can you say it was never said or, "I can't recall",
30 or --
31 A. No memory whatsoever of it.
32
33 Q. All right. Did you keep a diary on those days in
34 1985, please, Mr Byrne?
35 A. I had a desk diary.
36
37 Q. All right. What about a journal?
38 A. In school - all schools have a journal.
39
40 Q. All right. And do you recall how long the journals
41 had been in existence, from about what year were you aware
42 of them being at schools?
43 A. Probably when I first became a principal - I don't
44 know how many years ago that was - probably - yes, I would
45 be guessing. Probably in the - around about the late '60s
46 or thereabouts. I don't know, it might have been - my
47 first appointment to a school as a principal, a relieving

1 principal, was to Mt Walker, and I'm just trying to think
2 how old my children were at the time. They were about
3 five, and they're now 48 or whatever - so 43 years ago.
4

5 HIS HONOUR: Q. So that's a practice, you commenced to
6 keep a journal, was it? Is that what you're saying?

7 A. Pardon?

8

9 Q. It was a practice you yourself commenced to keep a
10 journal?

11 A. No, a departmental.

12

13 Q. Departmental practice?

14 A. Yes. As far as I know anyway.

15

16 Q. And the journal has the names of the schools where you
17 go, presumably?

18 A. Yes, yes.

19

20 MR DOBSON: Yes, your Honour, that was my understanding as
21 well.

22

23 Q. And what about the diary - was that a private issue,
24 you would take that with you?

25 A. Yes, that's what - I just had it throughout the year,
26 and then I'd get another one for the following year, and
27 when I finished with it, I'd just destroy it.

28

29 Q. I was about to ask: are you in the habit of keeping
30 diaries?

31 A. No.

32

33 Q. No. All right. Now, moving on, and I appreciate that
34 you have said - well, the way I'm taking it, you're saying
35 that conversation didn't happen, Mr Perris didn't tell you
36 these things?

37 A. I have no recollection at all.

38

39 Q. No recollection. What about you saying to him that
40 this fellow he's talking about, Dennis McKenna, was Citizen
41 of the Year. Did that happen?

42 A. I don't recall that at all.

43

44 Q. Did you ever have a conversation with Mr Perris where
45 you pointed out that Dennis McKenna was Citizen of the
46 Year?

47 A. I don't recall that at all, other than in the first

1 letter that I received from Imogene, whatever, you know,
2 from the executive officer.

3

4 Q. Yes.

5 A. She outlined it briefly there. That's the first I
6 knew about it.

7

8 Q. All right. And you say that since you've received
9 notification of this issue, our interest in this issue,
10 you've turned your mind to it?

11 A. Yes, I've read through it trying to bring myself up to
12 speed with other things as well because, as I say, I
13 switched off completely and there's a lot of gaps in my
14 memory about Katanning.

15

16 Q. Can I ask you, you say you thought about "other things
17 as well". What other things in relation to Katanning?

18 A. Sorry?

19

20 Q. What other things? You said you've turned your mind
21 to "other things as well"?

22 A. Just things like when the two officers came out to
23 interview me at home, they were asking questions about
24 monitoring teachers, children, so on and so forth, and I
25 felt embarrassed I could remember so little, but since then
26 I've sort of put my mind to it and thought about the
27 various things I used to do, yes.

28

29 Q. All right. In 1985 do you recall who was on your
30 staff at Katanning Primary School?

31 A. In 19 --

32

33 Q. '85?

34 A. I can remember some of them.

35

36 Q. Yes. Can you name them?

37 A. There's a lady called Judy someone; there's someone
38 called Christine, Helen - Helen - Helen Watson - not
39 Helen --

40

41 Q. Geraldine?

42 A. Geraldine Watson, Andrew Pritchard, I had - I'm not
43 too sure if I had a deputy that year or not, deputy - at
44 the moment - he left at the end of the first year, and I
45 think they had an acting deputy in the second year I was
46 there.

47

1 Q. Was that a fellow named Enrico Cavoli?
2 A. He was the librarian, yes, Enrico, and my wife was a
3 member of the staff. She taught the special needs
4 children. That's about all I can remember in terms of
5 staff.
6
7 Q. All right. Are you aware that --
8 A. There was a Jan Perris, I think - a friend of his came
9 down to the staff. I just - I've been trying to work out
10 how she slotted into the system, but I have a vague
11 recollection she came down one year and worked on the - at
12 the school for either part or all of the year. I can't
13 remember exactly.
14
15 Q. All right. What about Ruth Hickey?
16 A. She was his female deputy. She's one of the people
17 I've been trying to remember her name, yes.
18
19 Q. Okay. All right. Now, if I just take you to some of
20 Mr Perris's evidence. Are you aware of the - I'll say the
21 kind words he said about you in his evidence.
22 A. Yes, I was flattered by them.
23
24 Q. All right. This is --
25 A. In fact, I - yes, I seen it.
26
27 Q. Page 489 of the transcript, your Honour. Mr Perris
28 was asked:
29
30 Q. Was Mr Byrne the principal of the
31 Katanning Primary School in 1986?
32 A. No, only during my time in 1985.
33
34 Q. Can you tell us, please, what you
35 thought of Mr Byrne, your primary school
36 principal?
37 A. I held Mr Byrne in the highest regard.
38 He was thorough, he was professional and he
39 took a deep interest in my personal
40 interests, my sporting interests, but also
41 equally in my development as a teacher.
42
43 Now, as I said, those are very kind words, but is that the
44 way you approached your job as a principal in relation to
45 your dealing with your employees - your staff, I should
46 say?
47 A. I think it was my hallmark.

1
2 Q. Across the board you treated all of them in a similar
3 manner?
4 A. Yes, irrespective of race, colour or whatever.
5
6 Q. All right. And then he's gone on to explain the, over
7 the page, that this came about because you asked him about
8 him changing his residential address, but you said you have
9 no recollection of that?
10 A. No, no.
11
12 Q. All right. So to be clear again, you're not saying
13 that these things didn't happen, it's just that you have no
14 recollection?
15 A. Exactly.
16
17 Q. In fairness to you then - and I'm mainly focussing on
18 this bit, Mr Byrne - where Mr Perris has said that he told
19 you about Dennis McKenna having boys in his flat in the
20 lounge room, laying across his body, heads in laps, laying
21 across his legs, heads in his lap, and lounging around on
22 the lounge and something above the lounge, concentrating on
23 that hypothetically, if Mr Perris or another one of your
24 people had come to you and told you that that's what's
25 occurring, what would you have done?
26 A. I would have said to him something like this, "What
27 you saw, how would you define? Was it a departmental
28 issue, a police matter?", and I think you'd have to come to
29 the conclusion that it was a criminal-type issue, and I
30 would have said, "Look, it's in your time, it's what you've
31 done outside of school, why don't you go down to the
32 police, report it, get a copy of the report and then ring
33 up the District Office and tell them what you've done?",
34 and probably I also would suggest to him that we let the
35 high school know as well, the high school principal.
36
37 Q. All right. Well, you pretty well covered the field
38 there, but given that it was 1985, the departmental
39 guidelines weren't in place at that stage. I think there's
40 some guidelines that came in in 1987 that actually spell
41 out exactly what you just said, but it should be the
42 principal doing that, but as I said, this is 1985.
43 A. Yes.
44
45 Q. All right. So you're saying that you would have urged
46 him to take some action?
47 A. In that hypothetical case you're talking about?

1
2 Q. Yes, hypothetical.
3 A. Yes. If it came to me like that, then it was done
4 in - occurred in his own time, I would suggest that that
5 was one way around it, not that I was an authority on it.
6
7 Q. All right. And other than that, in your time at
8 Katanning, did you ever hear anything adverse about Mr
9 McKenna, Dennis McKenna?
10 A. I never heard of the person's name, to be quite
11 honest.
12
13 Q. All right. When you - I'll ask first: in 1990 when he
14 was charged, was that something you became aware of in that
15 year?
16 A. I'm not too sure if it was 1990 or when, because I
17 remember there was a session on the ABC where it was
18 mentioned, and my wife and I were sitting in the lounge
19 room and I said to her, "This can't be right, I don't
20 remember any of this happening", and that was it, and then
21 it came up again in about the last two years or 18 months
22 or whatever.
23
24 Q. All right. Now, are you aware that - well, from
25 reading the transcript, are you aware that Mr Perris has
26 said that you didn't - this is assuming he said what he
27 said, all right - that you didn't challenge him, you didn't
28 in any way tell him he was wrong or similar, you seemed to
29 accept what he was saying. Does that assist you at all in
30 trying to recall this whole conversation?
31 A. The one about Mr McKenna and the children's head?
32
33 Q. Yes.
34 A. I think I said that I didn't know anything about it at
35 all, and then you gave me the hypothetical and I told you
36 what I'd try and do with the hypothetical.
37
38 Q. That's correct. No, we're clear it was a
39 hypothetical, but he's also - Mr - you said you can't
40 recall, and I'm saying we'll proceed on the basis that it
41 was said. You're saying, "I can't recall". I accept that.
42 Mr Perris has also said that in no way did you demean him,
43 you didn't challenge him and say that he was making it up
44 or anything similar like that. Does that assist you at
45 all?
46 A. In what way?
47

1 Q. In trying to recall this conversation.
2 A. No. What I read in the transcript, I thought that's
3 the sort of thing he'd say about me, because as he said,
4 when the question was put to him, what sort of a principal
5 was I, it seemed to concur with that.
6
7 Q. All right. And you're saying he also is basically
8 saying that you gave him a fair hearing?
9 A. Well, as I say --
10
11 Q. You say you can't recall?
12 A. No.
13
14 Q. All right. The one thing he does say is in relation
15 to Dennis McKenna, you made the comment about Citizen of
16 the Year, but you're saying you can't recall that
17 happening?
18 A. No.
19
20 Q. Were you aware that Dennis McKenna was Citizen of the
21 Year that year?
22 A. No.
23
24 Q. Or around that time?
25 A. No. Only through the transcript and what I'd seen on
26 TV.
27
28 Q. Now, you said you weren't aware of the name, but if I
29 said to you that a lot of people have referred to him as
30 being the "Golden Boy of Katanning", did that help you?
31 A. No.
32
33 Q. You didn't know him in 1985?
34 A. No.
35
36 Q. I saw a reference in your interview with our
37 investigators, that you would more often than not return to
38 Perth on the weekends?
39 A. Yes.
40
41 Q. Is that correct?
42 A. Yes, I had two - we had two children who were
43 attending university, and we wanted to make their job or
44 their study schedules as convenient as possible by going
45 and helping them at the weekends, organising things.
46
47 Q. All right. And I hope you don't take this as a

1 criticism - it's not intended that way - would it be that
2 you didn't actively engage in the Katanning town, that you
3 may not have heard about McKenna being Citizen of the Year?
4 A. No, that would be pretty true. I mean, I don't tend
5 to even buy the local newspaper, even though I started up a
6 newspaper at Hyden, 34 years ago, and it's still going, and
7 I still receive complimentary copies.
8
9 Q. All right. Are there any other comments you wish to
10 make about Mr Perris's evidence?
11
12 MR HAMMOND: He won't be able to be heard if the
13 microphone is still like that.
14
15 MR DOBSON: Well, I think he can still be heard, and I
16 didn't want to pull Mr Byrne up.
17
18 THE WITNESS: Sorry. I was pushing the cord down. Sorry.
19
20 MR DOBSON: I saw what you were doing --
21
22 THE WITNESS: Yes.
23
24 MR DOBSON: -- and I didn't want to pull you up.
25
26 THE WITNESS: Sorry.
27
28 MR HAMMOND: As long as we can hear you.
29
30 MR DOBSON: Mr Hammond is a bit concerned, that's all.
31
32 THE WITNESS: All right.
33
34 MR DOBSON: Q. Sir, is there anything else you wish to
35 say about Mr Perris' evidence?
36 A. I can't think of anything. I don't have it in front
37 of me, so - as I say, I don't have as vested memories.
38
39 MR DOBSON: All right. I have nothing further.
40
41 HIS HONOUR: Mr Hammond.
42
43 MR HAMMOND: No, sir.
44
45 MR DOBSON: Sorry, your Honour.
46
47 HIS HONOUR: You've got something else, have we?

1
2 MR DOBSON: Just something which I'll have to try and see.
3
4 Q. Were Mr Perris, in this whole scenario of
5 hypotheticals, to say to you that he wasn't going to follow
6 it through - follow through a report that is - what would
7 you do?
8 A. The hypothetical case you're talking about?
9
10 Q. Yes, the hypothetical where you would have suggested
11 he go to the police --
12 A. Yes.
13
14 Q. -- or some other authority, you said, "All right, if
15 this happened that's what I would have done". Were Mr
16 Perris to say, "No, I'm not confident of doing that, what
17 would you have done"?
18 A. I don't know, to be quite truthful. I mean, it's
19 something that happened in his private life, and I just
20 gave him a bit of advice that I thought might be helpful.
21 Beyond that, I don't know what I would have done, yes. I
22 mean, it happened outside of school time.
23
24 Q. All right. Would you have followed this matter up
25 with Mr Perris at all to actually say to him later on -
26 we're talking hypothetically --
27 A. After he declined to go to the police and tell them?
28
29 Q. Yes. Just say, "Did you go to the police, and if so,
30 how did you get on, what are they doing, what's happened?"
31 A. I don't really know, to be quite truthful. I mean, I
32 would have left it to him, and that was it. I had enough
33 things to worry about myself, and the fact that it happened
34 in his time outside of school time.
35
36 Q. Well, it's, with respect, neither here nor there that
37 it's outside of school time, because it's to do with
38 schoolchildren?
39 A. It's to do with what?
40
41 Q. What we're looking at - this is to do with
42 schoolchildren?
43 A. High school children.
44
45 Q. Yes, but it's important because they're children.
46 Now, as long as - you know, we're not just looking at
47 attributing wrongdoing, we're trying to perhaps come up

1 with systems where these things may never occur again.
2 A. Fair enough.
3
4 Q. So that's why we're saying, given your experience as a
5 principal, how would you have dealt with things, on a
6 hypothetical basis - if you were confronted with this type
7 of problem - junior teacher coming to you, "I've got
8 suspicions". When you hear it, the average person would
9 think, "Jeepers, this bloke's up to no good with kids".
10 A. Yes. This is a different hypothetical, isn't it?
11
12 Q. It's the same hypothetical. If you were to be
13 confronted with this, would you - do you think you would
14 have followed up with Mr Perris to say, "What did you do
15 about that? Did you actually go to the police? Have they
16 responded?"
17 A. As far as I can say, right or wrong, I would have left
18 it at that. I mean, I made a suggestion as a private
19 citizen. As far as I was concerned what he did in his time
20 about it - that was up to him, whether he came back and
21 said to me, "Look, I'm not going to take it any further" or
22 whatever.
23
24 Q. All right. Last thing from me, Mr Byrne. Do you
25 recall who took over from you as principal in 1986?
26 A. I think a lady called - I think surname was Johnson.
27
28 Q. So it was Mrs Johnson, June Johnson?
29 A. Sounds familiar.
30
31 Q. All right. And the other thing - at the time with
32 that journal - when I say "that journal", the principal's
33 journal - again, hypothetically, had Mr Perris come to you,
34 is that something you would have entered into the school
35 journal?
36 A. I'm not too sure because he said he didn't actually
37 see the children being sexually assaulted and so on, and
38 rather than take the risk of being sued for putting
39 defamatory-type things in the journal, I think I would have
40 just made a note of it in my desk diary.
41
42 Q. Your personal diary?
43 A. Yes.
44
45 MR DOBSON: All right. Nothing further, thank you, your
46 Honour. Thank you, Mr Byrne.
47

1 THE WITNESS: Thank you.
2
3 HIS HONOUR: Still nothing from you.
4
5 MR HAMMOND: No, thank you, sir.
6
7 HIS HONOUR: Nothing for you, Mr Jenkin?
8
9 MR JENKIN: No, thank you, sir.
10
11 HIS HONOUR: Right. Well, thanks, Mr Byrne. That
12 completes your evidence. Thank you for coming along.
13 You're free to go.
14
15 THE WITNESS: Thanks very much.
16
17 <THE WITNESS WITHDREW
18
19 MR DOBSON: That completes the evidence for today, your
20 Honour. Mr Urquhart and I wish to address you about
21 proceedings for tomorrow. I'm not sure if there's any
22 developments.
23
24 MR URQUHART: We'll just adjourn to 10 o'clock tomorrow,
25 sir.
26
27 HIS HONOUR: 10 o'clock tomorrow. All right. I'll
28 adjourn until 10 tomorrow.
29
30
31 AT 3PM THE HEARING ADJOURNED TO TUESDAY,
32 17 APRIL 2012
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