

Special Inquiry into St Andrew's Hostel

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

Tuesday, 17 April 2012 at 11.04am
(Day 20)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Please be seated. Yes, Mr Dobson.
2
3 MR DOBSON: Morning, your Honour. The plan for today is
4 that I will take over the first witness and then
5 Mr Urquhart will take I think it is three more to follow.
6
7 HIS HONOUR: Very good.
8
9 MR DOBSON: And so if it pleases, we will call Robert
10 Leslie Hendry. For the transcript, your Honour, that's
11 H-E-N-D-R-Y.
12
13 <ROBERT LESLIE HENDRY, sworn:
14
15 <EXAMINATION-IN-CHIEF BY MR DOBSON:
16
17 MR DOBSON: Your Honour, I will just begin with the
18 formalities and then address another separate issue.
19
20 Q. Your full name is Robert Leslie Hendry?
21 A. Yes.
22
23 Q. And you live at an address known to the Inquiry?
24 A. As?
25
26 Q. You live at an address known to the Inquiry. You
27 previously provided us with your home address?
28 A. Yes.
29
30 Q. Thank you. And you were born 13 November 1947. Is
31 that correct?
32 A. That's correct.
33
34 Q. Being a lawyer, my maths is never any good so how old
35 does that make you?
36 A. 64.
37
38 MR DOBSON: All right, before I take this any further,
39 your Honour, there has been a previous interview with
40 Mr Hendry and there has been some talk about whether
41 Mr Hendry would engage counsel. I'm not sure whether
42 Mr Hendry has turned his mind to that.
43
44 Q. So given some of the matters I put to you during the
45 interview, have you made any firm decision, are you going
46 to be represented by a lawyer?
47 A. No, but I've spoken to one.

1
2 Q. All right. In speaking to that lawyer, I don't
3 necessarily want to know what the lawyer said to you,
4 please don't tell me that, but did you show the lawyer any
5 of the material sent to you by Ms Blair under cover of her
6 letter dated 11 April 2012?
7 A. Yes.
8
9 Q. So you showed the lawyer that material?
10 A. Yes.
11
12 Q. And you made a decision to come here unrepresented?
13 A. Yes
14
15 MR DOBSON: All right, your Honour.
16
17 HIS HONOUR: I don't see a problem with that.
18
19 MR DOBSON: I was going to say, subject to your view, I
20 will proceed. Thank you, your Honour.
21
22 Q. You are aware that you are here today to do with
23 events regarding the St Andrew's Hostel board at Katanning,
24 or the hostel itself. Correct?
25 A. Yes, yes.
26
27 Q. In fact, you were a board member?
28 A. Yes, I was.
29
30 Q. And do you recall the dates of your service on the
31 board?
32 A. Yes, I rang - is it Imogene Blair and she told me it
33 was from 16 March '86 until February '90, I think it was.
34
35 Q. If I actually said it was from 19 March 1986 through
36 to 22 February 1990, how does that sound?
37 A. That's near enough, yes.
38
39 Q. How did you come to be on the board, please?
40 A. I was either - I was either asked by Dennis McKenna or
41 sent a letter by the board. I can't remember.
42
43 Q. And where were you living at the time?
44 A. At Jerramungup.
45
46 Q. And what occupation were you in then?
47 A. A farmer.

1
2 Q. You were farming. And I understand that you were
3 married?
4 A. Yes.
5
6 Q. And did you have children that boarded during that
7 time?
8 A. Yes.
9
10 Q. Was that one reason or was that a reason for your
11 involvement?
12 A. That was the only reason.
13
14 Q. Coming from Jerramungup, was it the case that you were
15 seen as a representative of the area. Was that your
16 understanding?
17 A. My understanding that I was like a delegate, if you
18 like, for that area.
19
20 Q. And other parents in the area who had children at the
21 hostel, would they speak to you about their children from
22 time to time?
23 A. Yes.
24
25 Q. And if they had any concerns you could take them to
26 the board and have them addressed?
27 A. Yes.
28
29 Q. Was that part of your role?
30 A. Yes, but I think - can I just say, the discussions
31 were more - usually more in a general nature about the
32 hostel rather than about their children as such.
33
34 Q. Now, as to joining the board, did you receive any
35 training?
36 A. No.
37
38 Q. Had you previously been on a board of any type?
39 A. No.
40
41 Q. Other than working managing a farm, did you have any
42 other formal training of any type, for instance, had you
43 been to university or completed any courses that might have
44 assisted you on the board?
45 A. I did a 12-month management course with Co-operative
46 Bulk Handling.
47

1 Q. And was that in relation to your farming work?
2 A. No, it was relating to - Co-operative Bulk Handling
3 was before I became a farmer. It was a management course
4 to train for management within Co-operative Bulk Handling.
5
6 Q. So you start on the board and you said that you
7 haven't received any training?
8 A. Yes.
9
10 Q. Were you aware or were you made aware of any books or
11 guidelines as to your role on the board?
12 A. No.
13
14 Q. At the time, did you understand that the Country High
15 School Hostels Authority was responsible for the hostel
16 itself?
17 A. Yes, they were over the top of us.
18
19 Q. Were you made aware of any guidelines or books from
20 the hostel?
21 A. No.
22
23 Q. Were you made aware of any - if I use the word
24 "powers" - that were delegated to board members from the
25 Hostel Authority. Were you explicitly made aware of
26 anything that they had delegated to you?
27 A. No. You arrived at the board and it was similar to
28 being on the golf club committee or any other committee.
29 You arrived on the board and you learnt as you went along.
30
31 Q. In your case, do you recall who the first chairman was
32 during your service?
33 A. Well --
34
35 Q. On the board?
36 A. See, I know now because I've read that but I wouldn't
37 have - if you had asked me, I would have said Mr Addis but
38 now I find that it's Mr Parks. Mr Addis must have come
39 after him.
40
41 Q. In fact, I can probably help refresh your memory. It
42 was actually Mr Wilkinson in 1986?
43 A. Right, well, I didn't realise he was the chairman
44 perhaps, yes.
45
46 Q. And it seems that Mr Addis was also on the board in
47 '86 along with you?

1 A. Yes.
2
3 Q. And Mr Dennis McKenna?
4 A. Yes.
5
6 Q. And then in '87, Mr Wilkinson was still on the board.
7 So with that in mind, can you say who you learnt off. You
8 say you learnt as you go. Who did you learn off?
9 A. Well, by - just by association.
10
11 Q. What particular responsibilities did anyone tell you
12 that the board had a responsibility to oversee. For
13 example, hiring and firing, was that ever said to you that
14 the board were responsible for that or not responsible?
15 A. No, I think the hiring and firing of staff was done by
16 the warden.
17
18 Q. During your time on the board, do you recall on
19 different occasions there being a large number of his
20 family employed and working in the hostel?
21 A. I wouldn't have said a large number. I knew that Neil
22 McKenna either arrived while I was there or I think had
23 been there, left and come back. I read in the transcript
24 other things, but no. At the time I have since heard that
25 another brother was there but I couldn't say that I ever
26 met him or saw him there.
27
28 Q. Putting aside what you read in the transcript, please,
29 at the time you serviced on the board, did you take any
30 specific note of the number of family members?
31 A. No, no.
32
33 Q. Thank you for that. Did you take any role personally
34 in hiring any family members?
35 A. No.
36
37 Q. Are you aware of any board members who took a role,
38 any sort of role, in hiring --
39 A. No.
40
41 Q. What about financial matters. Did the board take
42 responsibility for the finances of the hostel?
43 A. Yes.
44
45 Q. To what extent. Can you recall?
46 A. The budgeting. We - it seemed to me that our major
47 problem, if you like, was the budgeting.

1
2 Q. When you say "major problem", can you explain what
3 that means, please, Mr Hendry?
4 A. Well, in the early time on the board, when I arrived
5 on the board we were having a lot of trouble with parents
6 who weren't able to get their Isolated Children's Funds so
7 the board would run at a deficit while we were waiting for
8 the money to arrive so that we could - otherwise we were
9 sort of in deficit all the time. So we were trying to
10 figure out ways of getting our money quicker so that the
11 board could function, budgetary-wise.
12
13 Q. We heard some evidence in relation to the hostel's
14 finances, that it resulted in overdraft?
15 A. I would imagine, yes.
16
17 Q. Aside from imagining, do you recall anything specific
18 about that though?
19 A. Like I said, we were generally in overdraft, we felt,
20 because - particularly early in the years, because a lot of
21 people, being isolated, had trouble getting their first
22 term payment and often the first term payment wouldn't
23 arrive to third term, something like that.
24
25 Q. Do you recall there ever being any difficulties with
26 Dennis McKenna making purchases or similar, whether it be
27 carpets, food, anything, of his own volition and not
28 speaking with board members, not getting authority?
29 A. Yes.
30
31 Q. Can you give us any details of your recollections,
32 please?
33 A. I can't recall exactly what the items might have been.
34 I suspect the school bus. I think he'd almost - he made
35 all the arrangements and had almost bought the school bus
36 before we heard about it, if you like, and then we had to
37 figure on - or the hostel bus, on paying for that.
38
39 Q. What came out of that. What steps were taken?
40 A. I don't know. Don't know that any steps were taken.
41
42 Q. The reason why I ask that is that, on the way you have
43 explained it, Dennis McKenna has done something of his own
44 volition. It sounds like the board weren't happy with it
45 so I'm asking, can you recall what was done. Did the
46 purchase go ahead, was it stopped, was McKenna counselled?
47 A. No, the purchase went ahead.

1
2 Q. It went ahead?
3 A. Mm.
4
5 Q. And do you know if McKenna was spoken to. When I say
6 "McKenna", we are talking about Dennis McKenna. Was he
7 spoken to about doing this?
8 A. Possibly or probably but only ever at a meeting level
9 and we would have been, you know, just said "Don't do it
10 again" or something, I guess.
11
12 Q. Do you recall when that was in relation to purchasing
13 the bus?
14 A. No, I don't.
15
16 Q. So we have spoken about hiring, firing, finances. Is
17 there anything else that you recall the board being
18 responsible for?
19 A. We had occasion when kids might come before the board
20 or something might be reported to us and we were - you
21 know, we would try and solve that.
22
23 Q. I think sometimes Dennis McKenna would - he always
24 submitted warden's reports but sometimes there would be
25 mention of children being either suspended or expelled?
26 A. Yes, yes.
27
28 Q. Were there occasions when children were expelled
29 before the board knew about it?
30 A. I don't - I honestly don't know.
31
32 Q. Do you recall any?
33 A. No, no.
34
35 Q. Do you recall children being expelled?
36 A. Yes.
37
38 Q. And how would that happen. Was there a general
39 procedure for that?
40 A. The one that I can recall, those children were brought
41 before the - children were not doing required of them and
42 they were brought before the board. We counselled them at
43 the board, encouraged them to change their ways, and that
44 didn't happen, so we had no alternative but to ask them to
45 leave.
46
47 Q. I understand from the interview you did with the

1 Inquiry investigators that that was to do with a young male
2 and a young female?
3 A. Mm.
4
5 Q. And Dennis McKenna complained to the board that he
6 suspected they were in a relationship?
7 A. Yes.
8
9 Q. And it was his view that that was not acceptable?
10 A. Yes.
11
12 Q. And you are saying the board brought the two young
13 people before them and told them not to do it?
14 A. Yes.
15
16 Q. And that, subsequently, you received information that
17 they continued seeing each other?
18 A. Yes.
19
20 Q. Who did that subsequent information come from?
21 A. All - all the information about those two came from
22 Dennis McKenna.
23
24 Q. When you received the subsequent information that they
25 were continuing to see each other, was that accepted on
26 face value?
27 A. Yes.
28
29 Q. So did you make any inquiries of your own about that
30 information?
31 A. I - seeing myself as a delegate for our area, we were
32 friends with her - the girl's parents. I spoke with them
33 and I'm pretty sure someone was - somebody else from the
34 boy's area was asked to speak with them, with him.
35
36 Q. My understanding was you were uncomfortable about them
37 being expelled and you spoke with the girl's parents after
38 she was expelled?
39 A. Yes, because - I spoke with them previous to - and
40 they were trying to stop the relationship going on. They
41 were advising their girl. I assume the boy was being
42 advised by his parents and from all the information we
43 received from Dennis McKenna, was nothing - no notice was
44 being taken. After they were asked to leave, I then
45 volunteered to go and see - either volunteered or did it on
46 my own "volition", was the word or something, on my - I
47 took it on my own back to go and speak with the parents.

1
2 HIS HONOUR: Q. Can I just ask, from your understanding,
3 was there anything more than just simply seeing each other.
4 Was there any suggestion of a sexual relationship or
5 anything like that?
6 A. Not that I - no, I don't think sex came into it. With
7 that --
8
9 Q. So they were just simply young teens in a
10 boyfriend/girlfriend relationship --
11 A. Yes.
12
13 Q. -- without anything else going on?
14 A. Yes, kept --
15
16 Q. And what was wrong with that from the board's point of
17 view?
18 A. Well from the board's point of view that - to my point
19 of view that would be normal, but the rule - that rule is
20 sort of - whether it is in writing or not, that rule was in
21 place when I arrived at the hostel, that there would be no
22 relationship between boys and girls in a co-ed hostel, and
23 at the time that seemed to be a perfectly understandable
24 rule when you are trying to manage a reasonable number of
25 boys and girls.
26
27 MR DOBSON: Thank you, your Honour.
28
29 Q. Just to be clear, McKenna provides the information
30 that they are girlfriend and boyfriend. The couple are
31 brought before the board, they are told to stop and then
32 you receive the subsequent information. I just want to be
33 clear, once you got the subsequent information, did you
34 make inquiries - is it then that you made inquiries of your
35 own with the girl's parents?
36 A. No, no, it was before that. The inquiries --
37
38 Q. That's what I'm trying to clarify. When Dennis
39 McKenna comes back to the board and says "They haven't
40 listened, they are continuing to see each other", is it the
41 case that the board accepted Dennis McKenna's word and
42 proceeded to expel them, on that basis?
43 A. No, it's just a little bit out of order.
44
45 Q. I am just trying to make sure we get this --
46 A. The order would have been that Dennis McKenna came to
47 the board and then we would have advised him to go back and

1 try and - or we did advise him to go back and try and get
2 these kids to tow the line, if you like, and explain to
3 them the errors of their ways and it was against the school
4 rules and that. Then he came back. This went - this went
5 on for a reasonable amount of time, more than one meeting.
6 So I would say he has come back a couple of times, we have
7 sent him back and then, when there was no other
8 alternative, we brought them before the board and we said
9 "Look, you guys, you've got to" - I think it was about two
10 months, both intelligent kids, both with good prospects and
11 we said to them "Just cool it" until they left school.
12

13 Q. So then they go away?

14 A. Then they go and they don't cool it and they - and -
15 and in Dennis McKenna's next report to us was that they
16 were just flaunting it, it got out of hand - this is only
17 what he has told us - so we acted on that.
18

19 Q. That's what I'm making certain of. So based on his
20 subsequent report, that they were, in your terms,
21 "flaunting it", they were then expelled?

22 A. Yes.
23

24 Q. Without further inquiry by you?

25 A. Only - only discussion with her parents by me.
26

27 Q. That's what I'm saying to you. We are trying to
28 clarify. You had that discussion with them after she was
29 expelled. Is that correct?

30 A. No, I - we had - well before she was expelled I had
31 more than one discussion.
32

33 Q. Don't worry about before. When McKenna comes back to
34 you and says "They are flaunting it", between that moment
35 and the expulsion, did you make any personal inquiries?

36 A. I don't know. I would say no.
37

38 Q. Do you know of any board member who made any personal
39 inquiries?

40 A. No, I don't.
41

42 Q. And is it correct that the basic effect of an
43 expulsion from the hostel for one of these country children
44 is that they are effectively expelled from the school as
45 well, unless they can get private accommodation?

46 A. Unless they can get private accommodation, yes.
47

1 Q. With the benefit of hindsight, does it seem a little
2 ironical now that, knowing McKenna's vial activities with
3 the boys, does it seem a little ironical that a young
4 couple were expelled for being girlfriend and boyfriend?
5 A. Probably one of the worst things I've done.
6
7 Q. Thank you for your honesty. Mr Hendry, you had a son
8 there, I think it is your first child, named Brendan?
9 A. Yes.
10
11 Q. Do you recall when he started, please?
12 A. '85/'86.
13
14 Q. And he was a boarder?
15 A. Yes.
16
17 Q. Did you have another lad go there?
18 A. Yes
19
20 Q. Mr D?
21 A. Yes.
22
23 Q. Do you recall when he started?
24 A. Three years later then.
25
26 Q. Did Dennis McKenna actually invite you onto the board.
27 Do you recall?
28 A. I don't know if it was him that invited me on or
29 whether I got a letter from the board.
30
31 Q. You have referred to going back to your area. Because
32 I think you had a property near Bremer Bay or in Bremer
33 Bay?
34 A. Yes, we moved to Bremer Bay.
35
36 Q. Right, and were you representing the Ongerup people,
37 Gnowangerup, Jerramungup. Is that the area you are
38 referring to?
39 A. Well, I guess so. We were representing everybody from
40 all areas but I came from Jerramungup/Bremer Bay but we
41 associated with Ongerup people a fair bit. So yes.
42
43 Q. Now, when you were on the board --
44 A. Yes.
45
46 Q. -- when you started, I have spoke about documents and
47 so on but did you have any contact from anyone from the

1 Country High School Hostels Authority. Did anyone from
2 that Authority sit down with you and say "This is what we
3 expect of you as an individual"?

4 A. No.

5

6 Q. Does it follow then that no-one sat down with you and
7 said "This is what we expect of you working as a team on
8 the board", there was nothing like that?

9 A. To my recollection, I - I would be surprised if we
10 were visited by the board at all, not by the Hostels
11 Authority.

12

13 Q. If I said to you, just while we are on that, just in
14 fairness to you, there are some minutes of meetings where a
15 fellow who sometimes is called "Mr Lammas" and other times
16 he is called "Mr Bachelard-Lammas", that he attended some
17 board meetings where you were present. He is from the
18 Authority?

19 A. His name rings a bell.

20

21 Q. Right, he is from the Authority. So does that name
22 ring a bell?

23 A. It rings a bell, yes.

24

25 Q. Putting that aside though, it seems that there was no
26 contact, personal or otherwise, from anyone on the board,
27 upon you joining the board?

28 A. No.

29

30 Q. None at all?

31 A. No.

32

33 Q. Can you recall now thinking anything of that at the
34 time?

35 A. No, I don't, no.

36

37 Q. I am just moving through my notes, Mr Hendry. Do you
38 recall a board meeting, this is in 1986, and I can show you
39 the minutes shortly - do you recall a board meeting where
40 there was discussion about a letter received from parents.
41 People were critical of Dennis McKenna and subsequent steps
42 were taken and solicitors were engaged and a letter was
43 sent out warning people about defamation and seeking an
44 apology?

45 A. I wouldn't have recalled it other than I - the first I
46 remember about it is getting those documents in the mail
47 the other day.

1
2 MR DOBSON: If it pleases, your Honour, if Mr Hendry could
3 be shown - it is barcoded 0348, St Andrew's Hostel Minutes
4 of Board Meeting held on 22 October 1986.
5
6 THE WITNESS: Yes, this is the letter I received the other
7 day.
8
9 MR DOBSON: Q. Now, if we just move down, there is
10 "Apologies" and then "Present". You can see that you were
11 present, Dennis McKenna is present. Correct?
12 A. Yes.
13
14 Q. Now, the minutes of the previous meeting were read?
15 A. Yes.
16
17 Q. That was normal procedure?
18 A. Yes.
19
20 Q. And then "Correspondence in" is dealt with?
21 A. Yes.
22
23 Q. And if you follow down from that, E - there is A, B,
24 C, D and E?
25 A. Yes.
26
27 Q. And then E says "Trezise"?
28 A. Yes.
29
30 Q. :
31
32 Discussion followed by the motion. Moved
33 by B Hendry.
34
35 Now, is that you?
36 A. Yes, yes.
37
38 Q. Because you are normally known as "Bob", that is --
39 A. Yes, yes
40
41 Q. Thank you, and:
42
43 Seconded by J Ireland.
44
45 And then there is a dash, quotation marks:
46
47 Board endorses action taken by the chairman

1 and warden in recent correspondence
2 concerning Trezises.
3
4 A. Yes.
5
6 Q. And then it says "Carried". So it has been moved by
7 you?
8 A. Yes.
9
10 Q. Seconded by Mr Ireland and then it has been carried by
11 the board?
12 A. Yes.
13
14 Q. And this may be difficult given the passage of time
15 but was that unanimous. Do you recall if that was
16 unanimously carried?
17 A. I would not have a clue.
18
19 Q. But, in any event, it probably goes without saying but
20 we can make it clear, given that you moved it, I suspect
21 you voted in favour of it?
22 A. Yes.
23
24 Q. Without looking at anything, do you recall what that
25 was about?
26 A. It was about a nonpayment of fees from - I think - I
27 think about - only having - because I saw those letters,
28 just, you know, a couple of days ago, from a time ago when
29 they hadn't paid their fees.
30
31 Q. It was also in relation to another matter though,
32 wasn't it?
33 A. It appears in the minutes that it was.
34
35 Q. There was also a letter sent out by the lawyers
36 though. That's what I'm saying. Do you recall that?
37 A. No.
38
39 Q. :
40
41 Discussion followed by the motion.
42
43 Moved by you. Do you recall what the discussion was?
44 A. No, I don't.
45
46 Q. :
47

1 Board endorses action taken by the chairman
2 and warden in recent correspondence
3 concerning Trezises.
4
5 A. Yes.
6
7 Q. Do you recall what the action was taken by the
8 chairman and the warden?
9 A. Well, the action would have been that they send the
10 letter to the - that they contacted the lawyers, who -
11 because the lawyer's actions is done before our meeting.
12
13 Q. All right, perhaps if you could just return that
14 document, please.
15
16 MR DOBSON: I seek to tender that.
17
18 EXHIBIT #54 ST ANDREW'S HOSTEL MINUTES OF BOARD MEETING
19 HELD ON 22/10/1986, BARCODED 0348
20
21 MR DOBSON: Your Honour, this following document is
22 already an exhibit. It has a barcode 0254, exhibit 11.3.
23 It was tendered on 28 February this year by counsel
24 assisting, Mr Urquhart.
25
26 HIS HONOUR: Thank you.
27
28 MR DOBSON: Q. If you could just have a look at that
29 document, please, you will see in the top left-hand corner
30 the name of a legal firm?
31 A. Yes.
32
33 Q. Based in Katanning at the time?
34 A. Yes.
35
36 Q. And it is addressed to Mr and Mrs DL Trezise?
37 A. Yes, it is.
38
39 Q. "Dear Sir/Madam", it begins "Re St Andrew's Hostel".
40 Correct?
41 A. Yes, yes.
42
43 Q. All right, can you take a moment to read that to
44 yourself, please?
45 A. I've read it.
46
47 Q. You've read it?

1 A. Yes.
2
3 Q. All right. It begins:
4
5 The legal firm instructed by the St
6 Andrew's Hostel board.
7
8 A. Yes.
9
10 Q. And the letter is dated 8 October 1986?
11 A. Yes.
12
13 Q. And were you on the board at that time?
14 A. Yes.
15
16 Q. And this letter is dated some two weeks before the
17 meeting I have just referred you to?
18 A. That's right.
19
20 Q. So based on that, would you accept that this letter
21 would be part of the action referred to by the Board. The
22 Board endorses the action taken by the chairman.
23 A. Yes.
24
25 Q. All right. So there is --
26
27 HIS HONOUR: And the Chairman then was Mr Wilkinson, we
28 were told; is that right?
29
30 MR DOBSON: Yes, it was, your Honour. The Chairman was Mr
31 Wilkinson for Mr Hendry's first two years, your Honour,
32 thank you. All right.
33
34 Q. Now, moving down, because you are correct, the first
35 paragraph deals with a sum of money said to be owed in
36 respect of Mr and Mrs Trezise's daughter; correct?
37 A. Yes.
38
39 Q. But then they move down to another issue, don't they -
40 the legal firm?
41 A. Yes.
42
43 Q. And it's to do with a letter sent by Mrs Trezise to
44 the Country High Schools Hostel Authority, and that was 22
45 August 1985. So in fairness to you, this issue began
46 before you were on the Board; would you agree?
47 A. Yes.

1
2
3
4
5
6
7
8
9
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Q. But it bubbled along for some time until you were on the Board; correct?

A. Yes.

Q. Now, the letter that Mrs Trezise sent, you can clearly see in the legal firm's letter that letter contains the following words:

The children were removed because they both complained of suspicious suggestions made to them by the housemaster, one Dennis McKenna.

And the legal firm go on to say:

This statement is libelous. By you publishing this statement you're a party to the defamation.

And it goes on. And they've also provided a document which they wanted Mrs Trezise to sign; correct?

A. Mm-hmm.

Q. Now, having read that, or having had the benefit of seeing that document and listening to me now, what's your recollection of this issue at that Board meeting?

A. Well, I don't recollect it at that Board meeting, and I have no answer for that. I don't know that - I don't know that we knew that, you know. I think --

Q. Well, I'll just stop you there if I can, please. Clearly you are a person that moved a motion that the Board endorses the action?

A. Yes, I am, I was, but I don't know that I endorsed that. I think - I think that we were of the opinion, perhaps, that this - that these - that this was tacked on to that letter, or that the lawyer - sorry. It didn't seem like an unreasonable letter for the lawyer to send out, considering that the people didn't want to - were arguing about payment, and had been over a long period of time.

Q. Certainly. No issue with that, Mr Hendry, if they owed money - and I don't know that they did, but if they owed money, you're entitled to take steps to recover it. However, I'm interested in that part that I read out, "the children were removed." Now, for you to actually be the

1 person moving the motion, would you accept that you must
2 have had before you some material to rely on, to actually
3 be the person responsible for making the first step to move
4 the motion?
5 A. If you mean before me, I wouldn't have it physically
6 in front of me, it would have been read to me. It could
7 have been read at the meeting.
8
9 Q. So was this letter read to you at the meeting?
10 A. I don't know.
11
12 Q. Something was read to you at the meeting?
13 A. It may have been. It may have been just said that we
14 got in touch with Taylor & Nott and the problem's been
15 resolved, I don't know.
16
17 Q. And are you saying on that basis you would move a
18 motion to endorse the action taken by Mr Wilkinson and Mr
19 Dennis McKenna in recent correspondence concerning the
20 Trezises?
21 A. If the money was received back and everything was
22 fixed up, you would imagine, yes.
23
24 Q. But given - and you can see there that your motion
25 refers to recent correspondence; correct?
26 A. Mm-hmm.
27
28 Q. Wouldn't you have asked to see the correspondence
29 before moving a motion to endorse action?
30 A. No.
31
32 Q. Are you saying now that you would actually make a
33 motion - you would be responsible to approve a letter sent
34 out without having seen it?
35 A. The letter - the letter had come back to us and had
36 been read out.
37
38 Q. So you can recall that, and you can recall the letter
39 being read out?
40 A. No, I can't.
41
42 Q. Well, why did you just say the letter came back to us
43 and was read out?
44 A. Well, how otherwise would I endorse their action?
45
46 Q. Exactly. So what I'm saying now is those words:
47

1 The children were removed because they both
2 complained of suspicious suggestions made
3 to them by the housemaster, one Dennis
4 McKenna.
5
6 Sitting here now, can you recall those words?
7 A. No, I can't.
8
9 Q. Now, if that letter was read out and you heard that,
10 those words - this is probably a hypothetical - hearing
11 those words, what would you have done? What would you do?
12 A. I would have asked why these people would make that
13 report, what was the circumstances in which the kids were
14 claiming he'd said what he said.
15
16 Q. All right. It would seem then that given that you've
17 endorsed the action of this letter being sent out, and you
18 didn't ask that question - I'm not - I'm not trying to trap
19 you, but --
20 A. No, but the letter had been sent out. I was endorsing
21 it afterwards. We may have never heard that section of
22 that letter.
23
24 Q. So if the correspondence in - and I'm assuming it
25 would have to be read to everyone?
26 A. You'd think so, yes.
27
28 Q. Are you suggesting now that someone left that
29 paragraph out and the issue of it being libelous?
30 A. Could have.
31
32 Q. Pardon?
33 A. Could have.
34
35 Q. Could have?
36 A. Mm. I haven't endorsed the letter, I've endorsed the
37 action --
38
39 Q. Well, the letter --
40 A. -- so --
41
42 Q. Sorry, but - this is not splitting hairs though --
43 A. No.
44
45 Q. -- the action is the letter. Sending - the previous
46 meeting whenever, to send this letter, to authorise the
47 lawyers to send it, was the action:

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Board endorses action taken by the Chairman
and warden in recent correspondence
concerning the Trezises.

Correct?

A. Can I ask a question?

HIS HONOUR: Yes.

Q. What would you like to say?

A. I would like to ask if at the previous meeting that
they were asked to send the letter to the lawyer?

MR DOBSON: Beg your pardon, sorry.

HIS HONOUR: The question was, was there any reference to
this letter at the previous meeting?

MR DOBSON: I don't have that meeting minute in front of
me, your Honour. I'm purely dealing with this letter.

THE WITNESS: Well, what I'm saying is I believe that they
did this without authorisation, so I would have no
knowledge of the letter going out.

HIS HONOUR: Q. No, you wouldn't have had knowledge of
the letter going out at the time, and clearly the motion is
retrospectively approving what was done. And the issue
you're being questioned about is whether you were aware of
what you were approving. And the letter that went out from
the lawyers said:

We are instructed by the St Andrew's Hostel
Board --

So the letter was sent on behalf of the Board, and it was
said that your motion, which was passed, was the Board
approving what had been done --

A. Yes.

Q. -- on the Board's behalf?

A. Yes, and I'm happy with that because it may have been
that we didn't have that letter on that day. It may have
been that they just came back and said the warden and the
Chairman had got in touch with Taylor & Nott and a letter
has been sent out and the problem has been resolved.

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MR DOBSON: Q. All right. So the letter that I have shown you in exhibit 11.3, do you have any recollection now of that letter being read to you at the Board meeting before you made that motion?

A. I have no recollection of - the reason I have no recollection is because if something came up about the children were - were being - what's the word - suspicious suggestions and that, I would certainly remember that.

Q. Yes. And that's what I'm wondering is that now, sitting here now, is it the case that you're wishing you'd done something. If that was read out?

A. If it was read out I'm wishing I'd done something, but I would - I would have.

Q. All right. In your role on the Board, was it your normal practice to endorse action, particularly when it says "in recent correspondence", to actually endorse the action of someone else without seeing the correspondence? Is that something you did often?

A. It's something I - it's something I would - would do if it was put to me the problem was gone, it was all fixed up - depending on the way it was put.

Q. All right. Again, this is with the benefit of hindsight. Given that Mrs Trezise was asked for an apology, and I believe that wasn't ever given by her, but given the nature of this letter, with the benefit of hindsight, if you're saying you made that motion without having read the letter, do you now wish you had?

A. Yes.

Q. Because clearly it accuses her of libelous conduct on the basis of her sticking up for her child; correct?

A. Yes.

MR DOBSON: All right. Now, in fairness to Mr Hendry, your Honour - and I'm grateful to Mr Urquhart and others for so quickly obtaining this. In fairness to Mr Henry, it wasn't made at the particular - at the previous meeting, which was 17 September 1986. It was certainly not recorded. So we may move on, your Honour, though - although I'll give Mr Hendry the opportunity.

Q. Aside from my questions, is there anything you wish to say about the matter we've just dealt with?

1 A. In hindsight I think we've had our wool pulled over
2 our eyes on more than one occasion.
3
4 Q. And it's probably obvious to everyone sitting and
5 everyone listening, but we may as well deal with it. Who
6 do you think pulled the wool over your eyes?
7 A. Dennis McKenna.
8
9 Q. And why do you say that?
10 A. Well, because just things that have happened that I've
11 read about since and - and because when I was on the Board
12 I always felt he was a liar, and --
13
14 HIS HONOUR: Q. You always felt he was a liar?
15 A. Yes.
16
17 Q. Why did you think that?
18
19 MR DOBSON: Thank you, your Honour.
20
21 THE WITNESS: Because at the Board meeting, particularly
22 in finance, my - my best recollection of meetings was how
23 boring they were and how much it was to do with finance and
24 - which is not (indistinct) and still not really my field;
25 but when we questioned things like who would do our
26 budgets, and we would allocate a certain number of money,
27 and we were always getting information back from the Hostel
28 Authority that we were spending too much money on food, was
29 the main issue. They seemed to have a thing about food,
30 and Dennis always had a way of - I don't think he's stolen
31 money. I don't - I'm not suggesting that, I never suggest
32 that - I question that he did that, but he misappropriated
33 money, like starting to buy a bus or whatever.
34
35 HIS HONOUR: Q. So when you say "misappropriated"?
36 A. He shifted it to another area.
37
38 Q. So you're saying he did dodgy things with the
39 finances?
40 A. Yes. He might have organised a trip that we hadn't
41 budgeted for and --
42
43 Q. So you said you always thought he was a liar. Did you
44 think he used to tell lies to you on those matters?
45 A. Yes, he told lies.
46
47 HIS HONOUR: Yes, Mr Dobson.

1
2 MR DOBSON: Thank you, your Honour. I'm obliged. I was
3 about to ask as to that line of questioning. I just wonder
4 if I can have Madam Associate, Madam Associate could please
5 show Mr Hendry exhibit 8. It's barcoded 029 at the moment.
6 For the transcript, it's a handwritten letter dated 22
7 August 1985 addressed, "To whom it may concern". It's
8 simply signed "Yours faithfully". I think it's Mr
9 McPharlin and Ms Flanigan.

10
11 Q. You've just have a look at that document, Mr Hendry?

12 A. Yes, yes.

13
14 Q. Have you seen that document before?

15 A. Yes. I had it for a week, nearly a week.

16
17 Q. So it's been sent to you by the Inquiry?

18 A. Yes, yes.

19
20 Q. Did you see that while you were a Board member?

21 A. No, never seen it before.

22
23 Q. All right. Perhaps if you could just return that,
24 please. Just leave it there, we may refer to it. Just so
25 Madam Associate is not up and down unnecessarily. If
26 exhibit 9, barcoded 0256, could be shown, please, to Mr
27 Hendry. And, sir, this is another legal letter from the
28 same law firm, dated 8 October 1986. I'm sorry, your
29 Honour, this was - no, no, I'll keep moving along with
30 this. Right. Have you had a look at that?

31 A. Yes.

32
33 Q. That was sent out to you?

34 A. No.

35
36 Q. By us?

37 A. Yes, yes.

38
39 Q. All right. Now, again, it's addressed to Mr B
40 McPharlin and Mrs G Flanigan, from the law firm, dated 8
41 October 1986.

42 A. Yes.

43
44 Q. :

45
46 Dear Sir and Madam,

47

1 Re St Andrew's Hostel.

2

3 We act for the Hostel Board and the
4 hostel's warden, Dennis McKenna. We
5 enclose a copy of a letter dated 22 August
6 1985, apparently signed by you.

7

8 And then it goes on:

9

10 It was attached to a letter written by
11 Mrs Coral Trezise to the Chairman of the
12 Country High Schools Hostel Authority.

13

14 And it says:

15

16 The last sentence in your letter is
17 libelous towards Mr McKenna.

18

19 Now, if we look at that last letter, it says that:

20

21 The children were removed because they both
22 complained of suspicious suggestions made
23 to them by their housemaster, one Dennis
24 McKenna.

25

26 That's the handwritten letter that I asked you to keep;
27 correct?

28

A. Yes, yes.

29

30 Q. All right. Now, the typed document from the law
31 firm - did you ever see that?

32

A. Yes.

33

34 Q. I'll be more precise. While you were on the Board in
35 October 1986.

36

A. It may have been read out. I didn't see it.

37

38 Q. All right. Why do you say it may have been read out?
39 Do you have some recollection of that?

40

A. No, I don't.

41

42 Q. It may have been read out. Would that be simply
43 because you would expect that at the Board meeting?

44

A. That was the procedure.

45

46 Q. All right. I suppose, apart from anything else, the
47 Board are actually paying the lawyer's fees, aren't they?

1 A. Mm.
2
3 Q. And if they are typical lawyers, the fees wouldn't
4 necessarily be something to sneeze at so --
5 A. That's why I haven't got one.
6
7 Q. Yes. And in addition you mention that the Board was
8 always concerned about funds?
9 A. Yes.
10
11 Q. So I'm wondering on that level then, that you would
12 actually - I suspect you would take care in relation to
13 what the lawyers were doing on behalf of the Board; is that
14 fair?
15 A. I guess so, yes.
16
17 Q. All right. So you can't recall now, sitting here now,
18 seeing this letter?
19 A. No, I can't.
20
21 Q. Hypothetically, had you seen it at some time in late
22 1986, what would you have done?
23 A. Well, if I had seen it, the bit about the suspicious
24 circumstances - suggestions would have come up. If I heard
25 about it or seen it, we would have - one of the Board
26 members, certainly myself, would have asked what was it
27 about.
28
29 Q. 1986, Mr Wilkinson was the Chair; is that correct?
30 A. I think so.
31
32 Q. And Mr Garth Addis - do you recall - I should say, Mr
33 Peacock was Deputy Chairman. Does that accord with your
34 memory?
35 A. I don't remember Mr Peacock at all.
36
37 Q. Okay. So we've now got two letters referring to - two
38 legal letters referring to suspicious conduct by Mr
39 McKenna, and you can't recall having acted on them, and on
40 that basis are you saying that it's more likely than not
41 that they weren't read to you, you weren't aware of it?
42 A. I was not aware of them, no.
43
44 Q. It's something that had these things happened and you
45 acted on them, it's not something that you would forget is
46 it?
47 A. No, not at all.

1
2 Q. All right. Had you known about these letters, who
3 would you ask? What system was in place for you to
4 actually make inquiries?
5 A. I don't know that there was a system. In hindsight, I
6 don't think the warden should have been at Board meetings.
7
8 Q. That was going to be my next question, yes, but just
9 deal firstly with systems, please, Mr Hendry.
10 A. I don't think there was a system in place, so I would
11 have had to look outside the hostel and possibly ring a
12 policeman I knew or a - someone to say, "What do you do
13 when you find yourself in this situation or if you have
14 suspicions, where do you go?"
15
16 Q. I was about to ask you. It seems to follow from your
17 earlier evidence, but you'd had no training as an
18 investigator?
19 A. No.
20
21 Q. And given that you've said the Board - sorry, the
22 Hostel Authority - no one ever gave you any form of
23 induction, the Hostel Authority did nothing to equip you to
24 deal with anything like this?
25 A. Not that - no, no.
26
27 Q. All right. And you mentioned --
28
29 HIS HONOUR: In fairness to you, the lawyer's letter said
30 that the letter that was libelous was sent to the Country
31 High School Hostels Authority, so if you'd been told about
32 it, you would have been told the Authority had already seen
33 that letter. Now, I don't know if that has any bearing on
34 anything --.
35
36 MR DOBSON: Yes.
37
38 THE WITNESS: No.
39
40 HIS HONOUR: Very well.
41
42 MR DOBSON: Yes. Sorry, your Honour, I should have made
43 that clear as well.
44
45 Q. It was the legal letter that I was concerned about you
46 having direct knowledge of, because you do understand, as
47 his Honour has said, the handwritten letter was sent

1 elsewhere?
2 A. To the Hostels Authority, yes.
3
4 Q. Okay. All right. Now, you spoke about Dennis McKenna
5 being on the Board - sorry, at the meetings?
6 A. At the meetings.
7
8 Q. If matters like this were raised, the legal letters
9 and so forth, and if they were to be read out in full, then
10 obviously McKenna would hear them, wouldn't he?
11 A. He would, yes.
12
13 Q. In those circumstances, how would you be able - how
14 would you deal with it properly?
15 A. We'd have to ask him to leave, if you were going to do
16 something about it, or you quiz him on what was said, or
17 his recollection of what was said.
18
19 Q. And in those circumstances you would be quizzing him
20 without first having the benefit of speaking with either
21 the parents or the children concerned. Can you think of
22 any other way that you would go about it - and I'm not
23 testing you --
24 A. No.
25
26 Q. -- we're just interested in how you would deal with
27 something like this?
28 A. I'm not - I'm not sure. You would - Board members
29 would perhaps talk to each other outside later on about
30 something they were unhappy about, or - but we generally
31 just dispersed and left. I don't know how you would handle
32 it.
33
34 Q. All right.
35 A. As I said, perhaps a policeman.
36
37 Q. It seems that you're saying there was a policeman that
38 you knew that you relied on?
39 A. I didn't rely on him, but he was a friend, he was a
40 policeman.
41
42 Q. All right. Yes. When I say "rely" - you say you felt
43 at least comfortable that you could go to someone you
44 trust?
45 A. Yes.
46
47 Q. All right. Did you ever do that?

1 A. Not over the hostel, no.
2
3 Q. About McKenna --
4 A. No, no.
5
6 Q. -- Dennis McKenna. Do you recall the name of the
7 policeman?
8 A. Bernard, John Bernard.
9
10 Q. And where was he based?
11 A. Albany.
12
13 Q. During your time in that area, did you ever deal with
14 a policeman named Todd, Bill Todd?
15 A. Where at?
16
17 Q. Anywhere?
18 A. I can't - no, I don't, no.
19
20 Q. All right. Your Honour, I just wonder if this
21 document, 0164 - sorry, that's the barcode - it's a
22 handwritten letter, could be shown to Mr Hendry, and if
23 those other documents could be handed back to Madam
24 Associate, please. Have you seen this document?
25 A. No.
26
27 Q. Sorry, when I say "have you seen" it, was it sent out
28 to you or is this --
29 A. I don't remember the name of the people, but the
30 recollection of Northern Territory - sort of rings a bell.
31
32 Q. All right. And you can see there that is undated, but
33 it's addressed to "St Andrew's Hostel, Katanning WA 6317",
34 "Dear Sir". Whilst the handwritten letter itself is
35 undated, it does refer to earlier correspondence, it seems:
36
37 In reply to your correspondence, 20 July
38 1988, we will not be paying the account.
39
40 Then it goes on - and can you read the rest to yourself,
41 please?
42 A. Yes.
43
44 Q. All right. Now, you can see the part there:
45
46 The real reason is because of the
47 embarrassment caused to "C" and her

1 relations of the actions of you and your
2 house mistress.
3
4 Do you see that there?
5 A. Yes.
6
7 Q. Now, you say because it came from Northern Territory -
8 and it looks like it's Jabiru - there's an apology from the
9 school mentioned. Do you recall anything about the subject
10 matter of this letter, please?
11 A. No, I don't, but the Northern Territory rings a bell
12 that - no, I don't recall it, anything happening over it.
13
14 Q. And it looks like the family name is Warham?
15 A. Yes, I've never heard of them, no.
16
17 Q. Never heard of them?
18 A. No.
19
20 Q. So it's not familiar to you?
21 A. No.
22
23 Q. Was it the case that before meetings did you receive a
24 copy of the Warden's Report, or was that done at the
25 meeting?
26 A. At the meeting.
27
28 Q. And was there ever an agenda circulated before the
29 meetings, Mr Hendry?
30 A. No.
31
32 Q. At the meetings was it the case - did you receive
33 copies of incoming correspondence individually, like were
34 you given a folder or anything, so it follows then incoming
35 correspondence would be read out?
36 A. The meeting - the meetings of the hostel were run
37 exactly the same as any of these sports clubs that I had
38 been involved with, and that was you'd arrive at the
39 meeting, you would hear the minutes of the last meeting,
40 they'd be read out and past by someone who was at the
41 previous meeting, and then it would go on to incoming
42 correspondence, outgoing correspondence, and then the
43 financial statement, it was all done by that, you weren't
44 given anything in writing.
45
46 Q. No, but does it follow though, am I correct - incoming
47 correspondence is read out?

1 A. Read out, yes.
2
3 Q. All right. You can't recall this name?
4 A. No, no.
5
6 MR DOBSON: I'd seek to tender that.
7
8 EXHIBIT #55 UNDATED HANDWRITTEN LETTER FROM JABIRU,
9 NORTHERN TERRITORY, FROM THE WARHEM FAMILY
10
11 MR DOBSON: The next document I would like Madam Associate
12 to hand - it's already in as exhibit 10, your Honour. Just
13 for safety's sake, barcoded 0300, exhibit 10, tendered by
14 Mr Urquhart on 28 February 2012.
15
16 Q. Right from the outset let me say, in fairness to you,
17 Mr Hendry, top right-hand corner, Pingrup, 20 August 1985 -
18 so clearly before your time on the Board. If you can read
19 that there.
20 A. Yes.
21
22 Q. Now have a look down the bottom. I don't want you to
23 say the name, but it starts with "N". Do you recognise
24 that name?
25 A. No.
26
27 Q. The family name?
28 A. No, I don't.
29
30 Q. All right. That locality, Pingrup?
31 A. Yes.
32
33 Q. I'm not too good down there, to the extent I think I
34 get "Wagin" and - I can't even think of the other place. I
35 get those two places confused, but all of these "ups" -
36 Pingrup and so forth, Tambellup, Ongerup. Where's Pingrup
37 in relation to your locality?
38 A. Pingrup's north, quite a bit north, and I guess
39 Pingrup was more to do with the Lake Grace area than to do
40 with our area.
41
42 Q. So how far from your farming property?
43 A. Pingrup?
44
45 Q. Yes. Just roughly?
46 A. 150km.
47

1 Q. All right. Now, aside from the letter, do you recall
2 anything about the subject matter?
3 A. No, I don't.
4
5 Q. All right. Let's just be clear. The mother, Elise,
6 says removes her daughter from St Andrew's Hostel, did so
7 without giving a term's notice because the daughter was
8 said to be on the verge of a nervous breakdown. Now, do
9 you remember anything like that during your time?
10 A. No, I don't.
11
12 Q. Do you remember any subsequent legal letters. We have
13 seen the other legal letters?
14 A. No, no.
15
16 Q. Why I'm interested in these legal letters, this is
17 with the benefit of hindsight, does it concern you now,
18 sitting there, that it is possible that every time an
19 allegation was raised against Dennis McKenna that might
20 usually warrant some further investigation, the board
21 approved a legal letter to go out to --
22 A. Well yes.
23
24 Q. -- the complainant family?
25 A. Up until 1986 it certainly does, yes.
26
27 Q. And in fairness to you, you are saying that with the
28 benefit of hindsight --
29 A. Yes.
30
31 Q. -- a parent complains about Dennis McKenna and
32 straightaway they get threatened with defamation?
33 A. I mean, you've only got to read the other transcripts.
34 It is standard procedure.
35
36 Q. Have you been following the Inquiry via the
37 transcripts?
38 A. No, because I don't have a computer but I did read
39 some last night at my son's place.
40
41 Q. Which ones did you read, please?
42 A. The initial - it would have been the initial Inquiry
43 day, a couple of Inquiry days by boys who were, you know,
44 witnesses to having been interfered with.
45
46 Q. I think I can say some of the names with some safety
47 because they have agreed that their names be made public.

1 Is that the evidence of the lad with the first name Kerry?
2 A. Perkins.
3
4 Q. Stephens?
5 A. Stephens, yes. He's - well, I guess so. If he's the
6 first one on the list it would have been.
7
8 MR DOBSON: Madam Associate, could you please show bar
9 code 0165 to Mr Hendry, please? This is a letterhead "St
10 Andrew's Hostel". Perhaps that other document, when you
11 are finished, please, can go back.
12
13 Q. Could you have a look at that, please, Mr Hendry?
14 A. Yes, I've read it.
15
16 Q. That's addressed to you?
17 A. Yes.
18
19 Q. Post office Bremer Bay, and it says "Re Mr D"?
20 A. Yes.
21
22 Q. And it's signed off by Mr Ian Murray?
23 A. Yes.
24
25 Q. And dated 14 December 1989?
26 A. Mmm.
27
28 Q. Is that correct?
29 A. Yes.
30
31 Q. And were you on the board at the time?
32 A. Yes.
33
34 Q. Now, that refers to Ian Murray as being the Secretary
35 of the board of St Andrew's?
36 A. Yes.
37
38 Q. And he was also the principal at the Katanning High
39 School, is that correct?
40 A. Mmm.
41
42 Q. At the time of receiving this letter, December 1989,
43 do you recall how long Mr Murray had been at Katanning?
44 A. No, I don't, no.
45
46 Q. Can you describe your relationship with him, please?
47 A. I don't think I had any relationship with him.

1
2 Q. When I say "relationship", you knew him through the
3 board, or did you know him through the school or anything
4 else?
5 A. I hadn't had any contact with him other than at the
6 board and I honestly can't remember the bloke.
7
8 Q. What I wanted to ask you, you have said you can't
9 remember the bloke but I wanted to ask you if you had any
10 recollection of him and his manner, his dealings, his
11 relationship with Dennis McKenna?
12 A. No, I have none, no.
13
14 Q. Are you saying that even though he was on the board,
15 you have no recollection of him?
16 A. No, I don't.
17
18 Q. If I said to you he was also on the board with you for
19 a full year in 1988, does that help?
20 A. No, no.
21
22 HIS HONOUR: Q. You realise he was the high school
23 principal there?
24 A. Yes.
25
26 MR DOBSON: Q. He was the Secretary in his second year,
27 1989, but a board member in 1988?
28 A. I don't - I don't --
29
30 Q. That doesn't help you?
31 A. No, I don't have a memory.
32
33 Q. And as his Honour has said, the fact that he was the
34 principal of the Katanning Senior High School, you don't
35 recall him?
36 A. I - I only met the headmaster of the Katanning Senior
37 High School, who I think's name was Johnson, and that would
38 have been in the first year that my eldest son went to
39 school, high school at Katanning. I had no reason to meet
40 the headmaster.
41
42 Q. I previously named the son that is the subject of this
43 letter?
44 A. Yes, Mr D.
45
46 Q. I was about to say, we won't name him then. I should
47 have just used his initial but hopefully no-one else will

1 know. It is fair to say that in general this letter is
2 about bullying?
3 A. Yes.
4
5 Q. So nothing extremely serious, in fairness to your son?
6 A. The letter is serious, yes.
7
8 Q. Yes, but just in fairness to your son, it is not off
9 the scale serious?
10 A. Yes, it is.
11
12 Q. In your view?
13 A. Yes.
14
15 Q. Okay. With that in mind, did you follow up with the
16 author about the subject of the letter?
17 A. Firstly, we never received this letter, all right. We
18 have - the wife and I have talked about this. We never
19 received this letter. The wife got a phone call from
20 Dennis to say that Mr D - that he was disappointed, and
21 Mr D had no bullying.
22
23 Q. Dennis McKenna?
24 A. Yes.
25
26 Q. Does the timing, December 1989, accord with your
27 memory?
28 A. Yes, yes.
29
30 Q. It flows on into the New Year, the next year. This
31 refers to wanting to start off 1990 in a more positive
32 manner, on a good footing?
33 A. Yes.
34
35 Q. Did the son, "D", actually start at Reidy House?
36 A. No, he didn't start at the hostel.
37
38 Q. Beg your pardon?
39 A. He didn't start at the hostel.
40
41 HIS HONOUR: Q. In that year, you mean? In that year,
42 you mean?
43 A. In that year.
44
45 HIS HONOUR: I see.
46
47 MR DOBSON: Q. So in 1990, this is the year that went

1 into the year he didn't actually go back to school?
2 A. No, no.
3
4 Q. And to be clear, you haven't seen this document?
5 A. No.
6
7 MR DOBSON: All right, I still seek to tender that.
8
9 HIS HONOUR: Q. All right, and today is the first time
10 you have seen that, is it?
11 A. No, it was sent to me a couple of days ago.
12
13 HIS HONOUR: I see, all right.
14
15 MR DOBSON: Sorry, your Honour, it seems that Mr Hendry
16 has also discussed it with his wife.
17
18 Q. Is that correct?
19 A. Yes
20
21 Q. This year?
22 A. Yes.
23
24 Q. Because we sent it to you. All right.
25
26 MR DOBSON: Sorry, your Honour. I might well have cut
27 Mr Hendry, off.
28
29 Q. Sorry, were you going to say something?
30 A. I have a theory about this letter. Can I have a
31 theory about a letter?
32
33 Q. Certainly.
34
35 HIS HONOUR: Yes.
36
37 THE WITNESS: My wife had gone to Katanning to pick up
38 Mr D for the end of season - end of year after year 10,
39 right. Now, the intention was for him to finish year 12 at
40 Katanning and at the end of year 10 - now, this theory has
41 only come off all the Inquiry or hearing about Dennis
42 McKenna, right. At the time I wouldn't have thought any
43 other of it. Now, at the time, when the wife went to pick
44 him up, our mail arrived on the farm. I opened the mail
45 and it was Mr D's report for that year, which was pretty
46 dismal, and also with the report was his subjects for year
47 11 and 12. Now, having had a dismal report for year 10 and

1 the subjects that were allocated for year 11 and 12, he was
2 going to fail, there was no doubt about that. I actually
3 rang, without discussing it with the wife - I actually rang
4 the deputy principal, and I think her name was Pat Pringle,
5 I think, and I said - and I knew her from the board because
6 at that time she was on the board. I said to her "Pat,
7 I've got Mr D's marks here" and she said "Yes", "I said -
8 she said "Hang on, I'll go and get them" so she went and
9 got her copy and I said to her "What's his chance of
10 passing year 11 and 12 with these subjects?". She said
11 "None". I said "What is he doing them for?" and she said
12 "It fits the grid". Now, I don't know what she meant by
13 "It fits the grid" but it's the school grid I think that
14 they - so without discussing it with my wife or Mr D, I
15 rang Denmark and booked him in for the next year. They
16 only had one place. I said "I'll book him in now" and when
17 I got home I got in a power of trouble but I did it. I
18 think that Dennis McKenna, knowing what I know now - I
19 think that Dennis McKenna knew or thought - no, not knew,
20 he thought that Mr D had seen something or he thought we
21 had taken Mr D out for reasons other than his education
22 and I reckon he bashed that out and put it in the file
23 because we --

24

25 MR DOBSON: Q. All right.

26 A. He rang Anne about Mr D supposedly beating these
27 kids up. We quizzed Mr D about it then and we have
28 quizzed him about it yesterday and his - what he said
29 happened with these young kids, he was year 10, these kids
30 were coming in. It was an induction weekend. These kids
31 had a couple of little plastic pipes they were playing with
32 playing Star Wars. They kept mucking around with him and a
33 few other kids, then he took it off them, he give them a
34 couple of quilts with it as they went out the door and he
35 didn't hear any more about this until the following week
36 when Dennis dragged him up to the office and told him he
37 had beat them up, and he swears blind it was just a
38 nothing.

39

40 HIS HONOUR: Q. So your belief is that this was a false
41 complaint?

42 A. I believe it was a complaint so that if - if - if we
43 had have come up with something like we said Dennis was
44 interfering with our boy, he would have said "Yes, got
45 this, look what he has done" and they are just trying to
46 slander him because that had become - now I see all the
47 transcripts and read the paper, it's pretty much - it's

1 pretty much, to me, just what he did.
2
3 Q. Besides which, you say you never received the letter?
4 A. Never received the letter, not ever. No.
5
6 HIS HONOUR: So this, presumably, has been produced from
7 the hostel files, I understand it. Is that right,
8 Mr Dobson?
9
10 MR DOBSON: Yes, your Honour. It is material which has
11 come into possession of the Inquiry.
12
13 HIS HONOUR: So a copy of the letter which was on the
14 hostel file --
15
16 MR DOBSON: Yes.
17
18 HIS HONOUR: -- which Mr Hendry says was never received
19 and which Mr Hendry believes to have contained a false
20 complaint as to bullying by his son.
21
22 THE WITNESS: Yes. No, false - he was mucking around with
23 the kids, he did hit him with the pipe, but not to that
24 degree, and - I mean, neither of my boys bully anybody and
25 wouldn't want to.
26
27 MR DOBSON: In fairness to Mr Hendry, your Honour, the
28 letter is unsigned, or certainly the copy we have is
29 unsigned and it has been sent to a post office.
30
31 Q. Now, was that your normal way of receiving mail, at
32 the post office?
33 A. No.
34
35 Q. Or did you have a roadside mailbox
36 A. We had a roadside mail box at Bremer Bay, yes.
37
38 Q. Which was the normal, to get it --
39 A. Roadside mailbox.
40
41 Q. You cannot recall ever receiving this letter?
42 A. No, we didn't.
43
44 Q. Nor can your wife?
45 A. No, no.
46
47 Q. Are you suggesting, and his Honour may have touched on

1 this, part of your theory, has Dennis McKenna, in your
2 view, falsified that letter?
3 A. He's - he's expanded it, you know. It is just a lot
4 worse than it was.

5
6 Q. So are you saying, had you received that, would you
7 have gone back to whoever authored it to query them about
8 it?

9 A. I would have gone first to my son and I would have
10 queried him, and by the time I finished querying him I
11 would have known exactly what happened and then I would
12 have gone to Ian Murray. Probably Dennis first. Probably
13 would have gone to Dennis first.

14
15 Q. I know that you said you would have gone to your son
16 first. It is correct that when you were interviewed by our
17 investigators you did make the point that any parent
18 hearing something from their child should take it initially
19 as being the truth --

20 A. Yes, yes.

21
22 Q. -- and proceed on that basis. You are nodding your
23 head so just for the transcript, yes?

24 A. Yes.

25
26 Q. And make inquiries with the child?

27 A. Yes.

28
29 Q. And then any other inquiries that were deemed to be
30 necessary?

31 A. Yes.

32
33 Q. To try and get to the bottom of that?

34 A. Yes.

35
36 HIS HONOUR: That is exhibit 56.

37
38 EXHIBIT #56 LETTER FROM ST ANDREW'S HOSTEL, BARCODED 0165

39
40 MR DOBSON: Q. We can move on now. You have been spoken
41 to about this before, spoken to by Inquiry investigators
42 before about evidence that Mr Tom Fisher gave in a public
43 hearing on 2 March of this year. Now, putting aside what
44 you told the investigators, just your recollection today,
45 any conversation that you can recall with Mr Fisher about
46 Dennis McKenna?

47 A. Not specifically. We had lots of conversations.

1
2 Q. Mr Fisher is a person known to you?
3 A. Yes.
4
5 Q. How do you know him?
6 A. Through - we played for different tennis clubs. He
7 was in Ongerup, I was in Jerramungup and then Bremer Bay.
8
9 Q. Sorry, just slow it down a bit. All the Ups. He was
10 with Ongerup?
11 A. Yes.
12
13 Q. You are Jerramungup?
14 A. Yes.
15
16 Q. That's tennis?
17 A. Yes.
18
19 Q. How long had you known him. Let's say you were on the
20 board in 1986. How long had you known Tom Fisher for at
21 that time?
22 A. Probably since '74 or '5 or '3; '73, '4, '5, somewhere
23 around there.
24
25 Q. And how did you get to know him initially?
26 A. Our tennis club used to visit theirs or theirs would
27 visit us, and Tom played tennis for Ongerup, I played
28 tennis for Jerramungup.
29
30 Q. And afterwards, socialising?
31 A. Yes.
32
33 Q. Beer and barbie?
34 A. Yes, yes, sit on the rug, eat dinner, yes.
35
36 Q. And everyone would swap a yarn?
37 A. Yes, yes, yes.
38
39 Q. And in doing that, did you chat about whether it would
40 be --
41 A. Anything.
42
43 Q. Farming?
44 A. Anything, music.
45
46 Q. Footy, cricket, whatever. All right. And amongst
47 some of those people that you played tennis with, would

1 there be some that gossiped more than others?
2 A. Yes, yes.
3
4 Q. And you had the ones, people like to spread malicious
5 stuff?
6 A. Yes.
7
8 Q. I think that is probably fair in any circles. All
9 right. What about golf. Did you also play golf with
10 Mr Fisher?
11 A. I don't know if Tom played. I played golf.
12
13 Q. You played golf
14 A. Yes.
15
16 Q. You don't know about --
17 A. No.
18
19 Q. But in any event, you played tennis with him?
20 A. Yes.
21
22 Q. In his evidence, Mr Fisher - and I am giving a
23 summary, I am not reading from his transcript, all right -
24 he stated words to the effect that he had approached you
25 and it was at a tennis tournament and it was either
26 November 1986 or 1987. Now, I appreciate that is a long
27 time ago. Can you recall, in the context of what we are
28 talking about, of Dennis McKenna, any specific approach
29 from Mr Fisher to you?
30 A. No.
31
32 Q. I will move on, keep going with what he said. He
33 stated that he approached you at a tennis tournament and he
34 relayed to you allegations that Noel Parkin had been
35 making. Can you remember that?
36 A. Yes. No, I can't remember that.
37
38 Q. I was going to say, keep separate the transcript that
39 you may have read. So don't say "Yes, I remember in the
40 transcript". We are talking about your recollection of
41 whether this occurred or not. All right, so you can't
42 recall that. What about Noel Parkin. Did you actually
43 know Noel Parkin?
44 A. Yes.
45
46 Q. Again putting aside the transcript, anything like that
47 and the interview, just your recollection today, when did

1 you meet Noel Parkin?
2 A. I couldn't say exactly. I knew of Noel Parkin for a
3 long time before I actually met him.
4
5 Q. What is your first recollection of knowing of him?
6 A. I haven't got a first recollection of when I knew of
7 him.
8
9 Q. When did you first meet him, please?
10 A. I don't know.
11
12 Q. All right, well in relation to you being on the board,
13 you started on the board in '86. Did you meet Noel Parkin
14 before that?
15 A. Certainly.
16
17 Q. How long before did you meet him, even if it is
18 about - is it five years, one year, 10 years?
19 A. Well, I arrived in Jerramungup in '73 so call it '75
20 or '6, I guess.
21
22 Q. You had actually played footy. That's when you met
23 him?
24 A. Probably footy probably, yes.
25
26 Q. In about '75 or '76?
27 A. So perhaps nearer '73.
28
29 Q. All right, so by the time were you on the board, you
30 had known Noel Parkin for 13-odd years?
31 A. Known of him.
32
33 Q. Known of him?
34 A. Yes.
35
36 Q. Right, okay. So around about '73 you haven't met him
37 but you are becoming aware of who he is?
38 A. Well, when you say I'd known him, I'd probably met him
39 but I can't say that I knew him.
40
41 Q. And you played footy against him?
42 A. Yes.
43
44 Q. Was he playing for Ongerup and you were playing for
45 Jerramungup?
46 A. Yes.
47

1 Q. Again with the footy, you finished playing and you
2 have a beer afterwards?
3 A. Yes, yes.
4
5 Q. And you mingle with the opposition players as well as
6 your own crew?
7 A. Yes, yes.
8
9 Q. And again chat about anything. All right.
10 A. (No audible answer).
11
12 Q. Moving back to Tom Fisher, he says that he spoke to
13 you about Noel Parkin and allegations that Noel Parkin had
14 been making. You are saying you don't remember that?
15 A. No.
16
17 Q. Tom Fisher is saying that Noel Parkin said that Dennis
18 McKenna had been interfering with boys. Anything like that
19 ever said to you?
20 A. No.
21
22 Q. And not necessarily using the word "pedophile" but
23 just interfering with boys?
24 A. No.
25
26 Q. Any conversation at all with Tom Fisher where Tom
27 Fisher is relaying allegations about Dennis McKenna made by
28 Noel Parkin. Can you recall anything?
29 A. No.
30
31 Q. Are you able to sit there and say that such a
32 conversation never happened?
33 A. About regarding Dennis McKenna and the hostel?
34
35 Q. Yes.
36
37 HIS HONOUR: Be more specific. No doubt about interfering
38 with boys.
39
40 THE WITNESS: Definitely not about interfering with boys.
41
42 MR DOBSON: Q. All right, just be careful about your
43 recollection now as opposed to the interview, but there did
44 become a point, during the interview with our
45 investigators, where you agreed with the suggestion that at
46 some time, at that particular time in the interview, you
47 had a recollection that Mr Fisher had approached you at a

1 tournament and he discussed something with you about Parkin
2 and McKenna?

3 A. No, I didn't say that in an interview.

4
5 Q. You didn't, all right.

6
7 MR DOBSON: The transcript, your Honour, if I may, it is
8 from Friday. In an interview on Friday, 6 April 2012
9 between Ms Forrest and Ms Phillips of the Inquiry, and
10 Mr Robert Hendry, on page 26, just to give some context for
11 Mr Hendry as it leads into this, it begins:

12
13 Um, any - any dispute or anything they
14 might be having with - with the hostel, um,
15 because, um, I think you should believe
16 your kids first before everyone else and
17 then figure it out.

18
19 And the investigator has responded, "Mm". And then at line
20 9, Mr Hendry:

21
22 Rather than not believe them and just - and
23 that would have - that relies - that
24 applies to anything that come, your kids
25 come home from school with. First up, you
26 believe your kids, keep in mind you are a
27 kid yourself and then quiz them until you
28 get - you go to the truth, but I wouldn't,
29 um, believe somebody else first, mmm.

30
31 Investigator Forrest:

32
33 Okay, so just to make sure I've understood
34 it right, it's possible that Mr Fisher did
35 approach you at a tournament and discuss
36 something with you.

37
38 And at line 22, your Honour, on page 26, Mr Hendry:

39
40 Yeah, yeah.

41
42 And Ms Forrest says:

43
44 And you've given that kind of advice but
45 you don't recall it ever having anything to
46 do with Dennis McKenna sexually abusing --

47

1 And then Mr Hendry's cut off the investigator saying:
2
3 No, definitely.
4
5 And then the investigator has finished saying:
6
7 -- his children or anyone else's children
8 at the hostel.
9
10 Mr Hendry:
11
12 Definitely not. I would remember that. I
13 would remember that. I would have acted on
14 it.
15
16 MR DOBSON: Q. So after having heard that, do you agree
17 that there was a time when Mr Fisher approached you at a
18 tournament and discussed something with you, obviously on
19 point, something in this area?
20 A. No, he didn't.
21
22 Q. Not at all?
23 A. If - he may have.
24
25 Q. See, what I am going to suggest to you is that he may
26 not have come out and bluntly used the words "sexually
27 interfering", "sexual abuse", he may not have used those
28 terms which are common today and he may not have even
29 called Mr McKenna any names, but did Mr Fisher approach you
30 at a tournament and say - repeat that Noel Parkin is
31 running around saying things about Dennis McKenna. Did
32 anything like that happen?
33 A. Definitely not.
34
35 Q. Do you get on all right at this time, in the mid
36 1980s. Did you get on all right with Tom Fisher?
37 A. Tom Fisher is a very nice guy.
38
39 Q. And that was your view there?
40 A. Yes, yes.
41
42 Q. It is still your view?
43 A. It is still my view.
44
45 Q. Have you ever had a blue with him?
46 A. No.
47

1 Q. When I say "blue", I don't mean physical but you don't
2 disagree.
3 A. (No audible answer).
4
5 Q. Other than Tom Fisher then, did anyone else approach
6 you and speak about any concerns - and let's just drop it
7 down to any concerns. So we are not saying that they used
8 those, you know, "sexual abuse", "sexual interfering",
9 anything, any concerns about Dennis McKenna and his conduct
10 with boys at the hostel?
11 A. No, not at all.
12
13 Q. Just in relation to Noel Parkin, this goes back to
14 your time well before you've been on the board. Do you
15 have any recollection that in the mid to late 80s, so from
16 June onwards in 1980 - sorry, not the mid to late 80s, the
17 actual year, 1980, the middle of that year through going
18 towards the end of the year, Noel Parkin making a lot of
19 noise in his views about Dennis McKenna and Dennis
20 McKenna's conduct with boys?
21 A. No, I don't.
22
23 Q. Pretty much I don't want to overstate it but Noel
24 Parkin was complaining to just about anyone that he could
25 get the ear of and, in fact, he has given these words in
26 evidence. It is not the words I would normally use but he
27 was referring quite openly to Dennis McKenna as being a
28 poofter. Do you recall anything like that, "pedophile"?
29 A. In the 80s I wasn't thinking about Dennis McKenna.
30
31 Q. No, I'm saying you living in the area, playing tennis,
32 golf, footy, socialising with everyone, did this ever come
33 up. Did you ever have anyone, even in a social context --
34 A. No.
35
36 Q. -- just say "That bloke Noel Parkin" --
37 A. No.
38
39 Q. -- "He just can't shut up about Dennis McKenna"?
40 A. No.
41
42 Q. Nothing like that?
43 A. No.
44
45 Q. Did anyone else - I'm not saying while you were on the
46 board but just earlier on in a social context - repeat
47 anything to you about Dennis McKenna and "boys"?

1 A. No.
2
3 Q. I understand that, is it correct, that you and your
4 wife - I will deal with you, sorry. Just dealing with you,
5 did you actually recommend the hostel to other people?
6 A. Yes, to my regret.
7
8 Q. Yes, that's with the benefit of looking back, and it
9 seems that you are saying your only concern was that
10 McKenna was a liar. At the time you felt that he was a
11 liar. Did you ever have a discussion with him about that,
12 that if there was specific things that came to mind. Did
13 you ever say to him "You are trying to pull the wool over
14 my eyes", to use your earlier phrase?
15 A. I think he knew because I caught him out a few times
16 and I think he knew. He - he was concerned about another
17 parent because he couldn't get a handle on him and he
18 mentioned it to me when the wife was with me, I was sitting
19 in his office, and he said "You know, I don't have a - re
20 this bloke, I don't know how to take him and I don't know
21 if I upset him or not" and I sort of flippantly said to him
22 "You'll know when you've upset me, I'll take the doors off
23 when I come in", but other than that, I had no conversation
24 about his lying.
25
26 Q. I think while you were on the board, is it correct
27 that there was an occasion when Dennis McKenna tried to
28 play you and your wife off against another couple?
29 A. Not my wife, just me.
30
31 Q. Just you?
32 A. Yes.
33
34 Q. And another couple, but in particular the other side
35 of it, the wife?
36 A. Yes.
37
38 Q. Was the result of that that you and her husband were
39 able to discuss it and sort it out between you?
40 A. Yes, now I recall, I did have words with Dennis over
41 that.
42
43 Q. And that was a fellow named Pin?
44 A. Pinny, yes.
45
46 Q. Is it correct that when you sorted it out between you
47 and Pinny, that he actually wanted to go and meet with

1 Dennis McKenna and give him a hiding?
2 A. Yes, at about 11.30 at night.
3
4 Q. And how did you deal with that?
5 A. Well, I said to him "You can't do it, you can't do
6 things like that", you know.
7
8 Q. This would be one occasion where I don't ask you to
9 comment with hindsight, I think. So you managed to sort
10 that out and you said you actually spoke with Dennis
11 McKenna?
12 A. Yes.
13
14 Q. What did you say to him. Do you recall?
15 A. Just told him he was making trouble.
16
17 Q. And how did he deal with that?
18 A. How did he?
19
20 Q. Yes.
21 A. Like he always did. You know, pulled his chin, pulled
22 his collar, you know, typical backpedalling. He always did
23 a - I don't know if you guys have noticed but if you pin
24 him in a corner like with the money, he'd start - he'd
25 start - he'd start this, you know.
26
27 Q. Is that your personal experience of him?
28 A. Yes.
29
30 Q. I was just about to say, so you have just used your
31 right hand and you are rubbing your chin with your fingers
32 and then you are also tugging at your --
33 A. Collar.
34
35 Q. -- up the right side of your shirt just below the
36 collar, the start of the collar?
37 A. I don't know that he used his right hand though.
38
39 Q. No, I'm just describing what you did, and you say
40 that - you said it was pretty typical, and that's what he
41 did, so you're basing that on your personal observations?
42 A. Mm.
43
44 Q. All right. And it sounds to me, but you can correct
45 me, was it your view that it was like a physical reaction,
46 his body language giving away he's lying?
47 A. Yes.

1
2 Q. And you'd spoken to him previously about financial
3 issues?
4 A. Yes.
5
6 Q. And you felt he'd lied to you?
7 A. Yes.
8
9 Q. Did you take that up with any other Board members at
10 all?
11 A. That was in the Board.
12
13 Q. In --
14 A. That was in the Board.
15
16 Q. Okay. Right. Did you ever pull him on - did you ever
17 have a crack at him in private about - it was always the
18 Board.
19 A. No.
20
21 Q. Okay. How did - can you tell me, please, how did you
22 come to decide to send your children to the hostel?
23 A. I don't know. I think we heard about the hostel, and
24 then we would have - we probably went over and had an
25 interview and looked the place over and asked other people
26 whose kids were in the hostel and probably - that's
27 probably how we came about doing it.
28
29 Q. If I said to you that McKenna, Dennis McKenna, was on
30 a recruiting drive, does that jog your memory? Did you
31 speak to him --
32 A. He may have - he certainly went to Jerramungup and
33 Bremer Bay after I was on the Board.
34
35 Q. Okay.
36 A. Whether he went there previous?
37
38 Q. Now, those recruiting drives - that was to get the
39 numbers up for the Board?
40 A. Yes, yes.
41
42 Q. And was that something that everyone agreed to?
43 A. Yes.
44
45 Q. And you've said you don't know Mr Murray's name, but
46 do you ever remember the high school principals at Board
47 meetings encouraging people to get the numbers up at the

1 hostel? Did that ever come up?
2 A. Not specifically, no, I don't think.
3
4 Q. All right. Now, is there something you raised, or
5 there was something you raised during the interview about a
6 boy who, after leaving the hostel, recommended and spoke
7 highly of it?
8 A. Yes.
9
10 Q. And you subsequently found out though, that he was, in
11 fact, a victim of --
12 A. Yes.
13
14 Q. All right. Do you recall that boy's name?
15 A. "ES".
16
17 Q. And when was this conversation, please; do you recall?
18 A. With him?
19
20 MR DOBSON: Sorry, your Honour, we're just seeing how we
21 can deal with the fact that I didn't realise the name was
22 going to be said so quickly.
23
24 HIS HONOUR: Well, I think I should direct that the
25 transcript should just give letters "ES" --
26
27 MR DOBSON: "ES".
28
29 HIS HONOUR: -- instead of the full name of the person
30 who's just been named, out of respect for the person that
31 might not want to be named.
32
33 MR DOBSON: Yes. And given the undertaking of the media
34 previously, one would think that they won't --
35
36 HIS HONOUR: Given the transcript goes on the website and
37 anyone can read it, I think the transcript should simply
38 state "ES" instead of the name that was mentioned.
39
40 MR DOBSON: Transcript will reflect "ES".
41
42 HIS HONOUR: Yes.
43
44 MR DOBSON: And that's obviously my mistake, your Honour,
45 so I apologise to anyone who may be affected by that. So
46 "ES".
47

1 Q. So "ES" - when you say he'd spoken to you, can you
2 describe where, when?
3 A. We were - we were farming at Jerramungup and he was a
4 trainee stock rep for Elders, and he used to call in on us
5 and buy and sell sheep for us, that sort of thing.
6
7 Q. About how old was he at this time? Do you recall?
8 A. He turned 21 not long after, so he was probably 20,
9 perhaps 19, and he was just a terrific guy, and he - at the
10 time I think our eldest son was already in the hostel, and
11 he just said - he was always - "He'll love it, it was a
12 good place to be. He never - I've never been able to
13 understand those things since I heard about it."
14
15 Q. All right. And in what context was this conversation?
16 Was it in the social context or working --
17 A. Social.
18
19 Q. Social?
20 A. We were having a cup of tea at the table.
21
22 Q. And where was this at?
23 A. At our farm at Jerramungup.
24
25 Q. So he called in on account of his work?
26 A. Yes.
27
28 Q. And you were just sitting around chatting. Now,
29 during your interview with our investigators, you mentioned
30 that you and your wife have got a good relationship with
31 your sons, and you speak openly.
32 A. Yes.
33
34 Q. And you made a comment about a Catholic priest
35 speaking with you and saying that obviously that was a good
36 thing, and being able to converse so openly and so on. Are
37 you Catholic?
38 A. No, no.
39
40 Q. Are your boys Catholic?
41 A. No.
42
43 Q. All right. In what context did you have contact with
44 a Catholic priest? How did that come about - unless it's
45 purely private?
46 A. I --
47

1 Q. I appreciate this is probably an area without notice
2 --
3 A. Yes.
4
5 Q. -- saying something that's recently --
6 A. I can only imagine he was the first priest to Bremer
7 Bay when the new church was built, and he had approached me
8 to play in the church - I play trumpet - with another guy,
9 and for the opening of the church. So I can only imagine
10 that we were there making arrangements or something, and as
11 happens when you're talking to priests, they get onto your
12 kids and how you're living and --
13
14 Q. So just a passing conversation?
15 A. Yes.
16
17 Q. All right. Thank you for that. Again, not something
18 that was sent out to you, but did you ever have any
19 conversations with Dennis McKenna about priests or
20 Catholicism? Do you recall anything ever being brought up?
21 A. Only that he had told us that he had - had been
22 training to be a Catholic priest, and changed his mind.
23
24 Q. All right. Sorry, your Honour, I'm just flipping back
25 and forward through my notes. Now, I believe this was - an
26 extract of the evidence of Mr Alan Parks was sent to you?
27 A. Yes.
28
29 Q. Evidence he gave on 10 April 2012. And he spoke about
30 a particular family, some boys?
31 A. I read that.
32
33 Q. Twin boys?
34 A. I've read that.
35
36 Q. All right. And that family name started with "P"?
37 A. Yes, yes.
38
39 Q. Right. So you know the twin boys I'm talking about?
40 A. Yes.
41
42 Q. He says this was in 1986, he was pretty sure, towards
43 the end of 1986, that something came up about those boys,
44 that he heard something. So that was - that was in the
45 transcript that we sent out to you?
46 A. Yes.
47

1 Q. Put aside the transcript. I only wanted to mention
2 that to give you some context of where we are at. At
3 around that time, did you hear anything about those twin
4 boys?
5 A. One of the those boys was involved with that girl.
6
7 Q. All right.
8 A. The other boy wasn't there.
9
10 Q. All right. And at what stage of that year was that
11 boy expelled on account of having a girlfriend?
12 A. It would have been - I know they didn't have very long
13 to go until the exams, so it must been October, November, I
14 guess.
15
16 Q. Right. And do you know what year he was in?
17 A. He was in Year 12. Year 12, yes.
18
19 Q. Do you know if he actually got to sit his exams
20 anywhere? Did you ever follow up on that?
21 A. No, no.
22
23 Q. But you're confident that it's the boy - one of the
24 twins --
25 A. Yes.
26
27 Q. -- surname "P" --
28 A. Yes.
29
30 Q. -- with the girl --
31 A. Yes.
32
33 Q. -- expelled at the end of the year, but before he does
34 exams?
35 A. Yes.
36
37 Q. All right. Did anyone - you mentioned that no one
38 made their own inquiries when Dennis McKenna came back and
39 said, "It's still going on", but did it come up at the
40 Board meeting to say, "If we expel this young fella,
41 there's a good chance he's not going to sit his final year
42 exams." Did that --
43 A. I am sure it were, and the girl - I mean, we were
44 all - as I said, it's the worst thing I've ever been
45 involved in, or one of the worst things, but it was - it
46 appeared to us at the time - and in hindsight we were
47 completely blindsided - but it appeared to us that they

1 were just not prepared to make any - any concessions.
2
3 Q. I suppose they might have been in love.
4 A. Well, they could have been, I was about that age once,
5 I think.
6
7 Q. All right. In relation to the expulsions, can you
8 recall during your time on the Board - so it was about
9 four years or so - do you recall children - hostel students
10 being expelled for allegations of stealing?
11 A. I can't recall any other expulsion through the Board,
12 other than that one. That's the only one that I believe
13 that I was involved in.
14
15 Q. All right. If I may, your Honour, I'll just quickly
16 have a look at those notes again. The last - this should
17 be the last thing. 1990, Mr McKenna gets charged. Did you
18 become aware of the charges at the time, or later?
19 A. I think the newspaper - the first time it hit the
20 newspaper we heard about it, or somebody - a friend who had
21 a kid there or something rung us, but we certainly heard
22 about it right at the time, yes.
23
24 Q. Not your feeling now, but can you recall your feeling
25 at the time you learnt that he had been charged with these
26 things?
27 A. I didn't believe it.
28
29 Q. Didn't believe it, for what reason?
30 A. Because as much as I felt he told lies, and as much as
31 I thought he tried to control parents and kids and that
32 sort of thing, I just - I just did not believe that he was
33 a paedophile.
34
35 Q. All right. Was it - was there also perhaps a feeling
36 underlaying your disbelief that if it was true, it must
37 have been going on under your nose as a Board member for at
38 least four years?
39 A. Yes, yes.
40
41 Q. And you'd be thinking, "How on earth can I miss" --
42 A. Still thinking.
43
44 MR DOBSON: All right. I'll just check with Mr Urquhart,
45 your Honour. I have nothing further of this witness, thank
46 you, your Honour.
47

1 HIS HONOUR: Thank you.
2
3 MR DOBSON: Thank you, Mr Hendry. These gentlemen --
4
5 HIS HONOUR: Mr Hammond?
6
7 MR HAMMOND: Yes, thank you.
8
9 <CROSS-EXAMINATION BY MR HAMMOND:
10
11 MR HAMMOND: Q. Mr Hendry --
12 A. Yes.
13
14 Q. -- my name's John Hammond, I act for some of the
15 victims of Dennis McKenna. Do you agree that if the Board
16 had been more vigilant in acting as a Board, then Mr
17 McKenna would not have got away with what he did, in terms
18 of the sexual abuse?
19 A. I think that if - that if the - I don't think it had
20 anything to do with our vigilance, I think that if the
21 system had of been different, if there were more things in
22 place, in the Hostels Authority or whoever runs these
23 things, that there would be more checks and balances than
24 there ever were.
25
26 Q. The reason I ask you that question is you indicated to
27 the Inquiry that you viewed Mr McKenna as a liar. Now, if
28 you had confronted Mr McKenna about his lies in a vigorous
29 manner, do you think he would have been torn open more
30 quickly?
31 A. He probably would have threatened to sue me, I - I -
32 yes, perhaps, yes.
33
34 Q. And if we go more specifically to what the Board was
35 doing during the time that you were on the Board, was it
36 the case that McKenna had access or was able to sign
37 cheques on behalf of the Board?
38 A. I wouldn't know.
39
40 Q. He was able to purchase a bus on behalf of the Board?
41 A. I don't think he actually paid for the bus, he just
42 arranged it.
43
44 Q. You can't recall then who were the signatories to
45 Board funds?
46 A. No. It would have to be the - you would think it
47 would have to be the Chairman and one other.

1
2 Q. Do you recall signing any cheques yourself, on behalf
3 of the Board?
4 A. I don't think so, no.
5
6 Q. In one of the letters that was put to you from Taylor
7 Nott & Murray, there's reference to one student being
8 indebted for one term's fees in the sum of \$950. Given
9 that there were approximately 100 students at the hostel,
10 you would agree with that? That would represent a turnover
11 of nearly \$3 million a year for the Board. Is that your
12 understanding of the figures, that had a turnover of around
13 2.5 to \$3 million a year?
14 A. No.
15
16 Q. You don't recall what sort of turnover the Board had?
17 A. No, I don't.
18
19 Q. But you do recall that the Board was constantly under
20 pressure --
21 A. Yes.
22
23 Q. -- because it seemed to have a shortfall of funds?
24 A. Yes, constantly.
25
26 Q. Do you recollect - did you investigate that shortfall?
27 A. I didn't investigate the shortfall. What I did do was
28 suggest that we needed - we needed more experienced people
29 like accountants and bank managers on the Board, rather
30 than just a whole lot of - well, I was going to - I don't
31 mean it in a derogatory way, I'm a farmer meself, but we
32 were all farmers, and I found the budgeting tedious, and I
33 think - and a bit outside my expertise at times, and I
34 didn't - and then we also - I found a method for people to
35 get their money quicker --
36
37 HIS HONOUR: Mr Hammond, I think your figures of
38 \$3 million might be wrong. I think it might be \$300,000.
39
40 MR HAMMOND: That may be my maths, sir. I'm prepared to
41 accept that from you.
42
43 HIS HONOUR: Right.
44
45 MR HAMMOND: Q. If I can take you, Mr Hendry, to
46 exhibit 11.3.
47 A. Yes.

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Q. This is something you have already been shown, Mr Hendry, but if you look at the third paragraph, which starts off:

We are aware of your opposition to this claim, but we're also aware that the basis of the claim has been well investigated.

Now, what was your understanding of the Opposition to the claim by the family?

A. I don't know. I don't know. It's --

Q. I mean, it even went to the Ombudsman, didn't it, to be investigated?

A. Well, I didn't think - I thought they should have gone to the Ombudsman, not us, when I read the letter, but I don't know what it would have to do with the Ombudsman, but it's - no, I don't know.

Q. And your evidence quite clearly to Mr - the Inquirer and to Mr Dobson was had you seen that paragraph about the children being removed because of suspicious suggestions, you would have done something?

A. I certainly would have asked what the suggestions were.

Q. But it's your evidence to the Inquiry that you were not aware of that complaint or that aspect of the complaint?

A. No, no, otherwise I would have asked.

Q. Which suggests that you never saw the letter from Taylor Nott & Murray, which went to the Trezises?

A. No, possibly not. No, I wouldn't have seen it, because it would have been just read out at the meeting. If it was read out at the meeting.

Q. I put to you it was never read out because had you been aware of that allegation, you say you would have done something?

A. I reckon I would have, yes.

Q. And you wouldn't have been scared of doing anything either?

A. No, no.

1 Q. In relation to the expulsion of one of the twins that
2 you had discussed earlier in your evidence-in-chief, you
3 indicated that there was a rule at the hostel that there
4 wasn't to be any relationships between boys and girls.
5 Now, did that extend to boys and girls at the hostel stamp
6 collecting or playing chess? Was it that Draconian?
7 A. No, no, I don't believe so. It was to do with - it
8 was to do with boyfriends and girlfriends as such, you
9 know.
10
11 Q. But there's never - there wasn't any suggestion in
12 this particular case that there was a sexual
13 relationship --
14 A. No.
15
16 Q. -- between the two?
17 A. No, no.
18
19 Q. With hindsight, do you see it now as wrong that that
20 was a rule?
21 A. No, I don't. I think there's got to - you try to
22 handle a school - a hostel, not a school, a hostel where
23 kids are sleeping 20 yards away.
24
25 Q. But if there's nothing sexual going on, Mr Hendry, is
26 there anything wrong with a boy having a girlfriend?
27 A. No, but then it becomes sexual.
28
29 Q. But it wasn't in this case?
30 A. No, it wasn't in this case that we know of, no.
31
32 Q. And that's why you said to Mr Dobson, that it didn't
33 justify the expulsion?
34 A. In hindsight - in hindsight, no, but it wasn't because
35 of that, it was because, I think - I think that we were
36 just - we were fed a whole lot of misinformation.
37
38 Q. Because that expulsion was based on what Mr McKenna
39 had said about those individuals?
40 A. And the fact that we'd counselled them, and according
41 to Mr McKenna they'd taken no notice.
42
43 Q. Did you ever attend at the hostel during the day that
44 it was operating?
45 A. Yes.
46
47 Q. And did you have occasion to observe Mr McKenna during

1 the day?
2 A. Yes.
3
4 MR HAMMOND: I don't have any further questions, sir.
5
6 HIS HONOUR: Anything for you, Mr Jenkin? Nothing to --
7
8 MR JENKIN: Nothing arising, thank you, your Honour.
9
10 HIS HONOUR: All right. Well, thank you Mr Hendry, that
11 completes your evidence, you're free to go.
12
13 THE WITNESS: Thank you.
14
15 HIS HONOUR: Thank you.
16
17 <THE WITNESS WITHDREW
18
19 MR DOBSON: Would now be a convenient time for a short
20 break, your Honour?
21
22 HIS HONOUR: We'll have a short break. I'll adjourn for
23 about five minutes.
24
25 MR DOBSON: Thank you, your Honour.
26
27 SHORT ADJOURNMENT
28
29 HIS HONOUR: Please be seated. Yes, Mr Urquhart.
30
31 MR URQUHART: Thank you. The witness now will be Andrew
32 James Bourke. Mr Bourke is in the back of the hearing
33 room. Mr Bourke will have the affirmation.
34
35 <ANDREW JAMES BOURKE, affirmed:
36
37 <EXAMINATION-IN-CHIEF BY MR URQUHART:
38
39 Q. Mr Bourke, your full name is Andrew James Bourke?
40 A. Yes.
41
42 Q. And how old are you, sir?
43 A. 54, I think, at last count.
44
45 Q. And you reside here in the Perth metropolitan area?
46 A. Yes.
47

1 Q. And you are a maths teacher?
2 A. Yes.
3
4 Q. And the school you are currently at?
5 A. Duncraig Senior High School.
6
7 Q. And when did you complete your teaching degree?
8 A. Completed a Diploma of Teaching in I think the end of
9 '79.
10
11 Q. And from there were you based at various schools?
12 A. I did Churchlands for one year.
13
14 Q. That's 1980, yes?
15 A. Then went to Norseman for two years?
16
17 Q. '81/'82.
18 A. And then from there to Katanning for five years.
19
20 Q. That was from 1983 to 1987.
21 A. Yes.
22
23 Q. And then, just for the sake of completeness,
24 thereafter where?
25 A. Swanbourne I think for eight years and then, after
26 that, I've been at Duncraig.
27
28 Q. And that would be for some considerable time now?
29 A. Yes, over 30 years, I think.
30
31 Q. Have you always taught maths?
32 A. Yes.
33
34 Q. Pretty much?
35 A. I think I taught a couple of science classes at
36 Katanning in my final year but that was - other than that,
37 it's always been maths, and a little bit of computing.
38
39 Q. In high school generally?
40 A. Yes.
41
42 Q. Or exclusively?
43 A. Exclusively, yes.
44
45 Q. Mr Bourke, it is the case that you have already been
46 interviewed by investigators?
47 A. Yes, twice.

1
2 Q. You agreed to be interviewed and that was on 31
3 January of this year?
4 A. Yes.
5
6 Q. And then again more recently on 3 April?
7 A. Yes.
8
9 Q. Concentrating now on Katanning from 1983 to 1987, I
10 understand other teachers that were there that you have
11 come to know quite well, one in particular is Ian Lockhart?
12 A. Yes.
13
14 Q. Is that right?
15 A. Yes.
16
17 Q. Did you become friends with him whilst you both taught
18 at Katanning?
19 A. Yes.
20
21 Q. Was it the case that you both started there in the
22 same year, 1983, is that your recollection?
23 A. I think it was, yes.
24
25 Q. And what did he teach there?
26 A. Phys. ed.
27
28 Q. And at some stage there you actually lived with him or
29 shared accommodation whilst you were at Katanning?
30 A. Yes.
31
32 Q. And you are still friends to this day?
33 A. Yes.
34
35 Q. Very close friends?
36 A. Yes, he was the best man at my wedding.
37
38 Q. And vice versa or --
39 A. No, no.
40
41 Q. Okay?
42 A. He was married.
43
44 Q. Sorry?
45 A. He was married before, then I married.
46
47 Q. Stuart Jones?

1 A. Yes.
2
3 Q. Another teacher that was there at the school?
4 A. Yes.
5
6 Q. And again, somebody else that you shared accommodation
7 with --
8 A. That's correct.
9
10 Q. -- whilst you were both in Katanning. And once more,
11 was the relationship at the school one that could be
12 described as friends?
13 A. Yes.
14
15 Q. What about since, since then?
16 A. I've really had no contact with Stuart other than a
17 chance meeting last year at the Perth airport, but with
18 Ian, yes, we would be in regular contact.
19
20 Q. And indeed staying with Mr Lockhart for the moment,
21 have you been in contact regarding this particular matter?
22 A. Yes.
23
24 Q. And you have spoken about the matter with each other?
25 A. A little bit, yes.
26
27 Q. All right, can you just tell us what that has been
28 about?
29 A. Basically the very first interview I had, Don Barratt
30 said to me "Please don't tell anyone" so I didn't until Ian
31 rang me and asked how did the interview go and I sort of
32 told him what's been happening, what's going to happen. We
33 both I think agreed that we couldn't remember anything. We
34 haven't discussed questions or answers to anything.
35
36 Q. You mentioned that Don Barratt --
37 A. Yes.
38
39 Q. -- suggested you not talk to anyone?
40 A. Try not to.
41
42 Q. Or try not to. That was one of the investigators to
43 the Inquiry?
44 A. Yes, yes.
45
46 Q. So then Mr Lockhart rang you?
47 A. Yes.

1
2 Q. Did he know you were going to be interviewed, did he?
3 A. Yes.
4
5 Q. And you weren't bound by whatever Mr Barratt suggested
6 to you but you did decide to speak to Mr Lockhart about it?
7 A. Yes, yes, because the way that our relationship is
8 and - yes, the thing was, with that first interview, I
9 thought I was going to be given some detail - giving detail
10 to the Inquiry and about halfway through the Inquiry I
11 found out there was an allegation against me, which sort of
12 was quite, you know, a shock to me.
13
14 Q. That might be a fairly strong word for what has been
15 suggested. We will get to that in a moment?
16 A. Yes.
17
18 Q. And how many conversations did you have with
19 Mr Lockhart regarding this matter?
20 A. Four or five just brief - just really - I think a
21 couple of them were to do with legal representation and I
22 think the State solicitors office, because I met with them,
23 and I think Mr Jones sort of was advised to contact us to
24 see if we wanted to share legal representation and so a
25 couple of the conversations were about that.
26
27 Q. And have you discussed with each other what you were
28 asked in your interview more recently on 3 April?
29 A. No, no.
30
31 Q. Have you spoken to him, Mr Lockhart, since 3 April?
32 A. Yes, I think once, about once.
33
34 Q. About this matter?
35 A. Just about what we were going to do today in terms of
36 being here but that's, yes, again, nothing about the
37 evidence or what was said.
38
39 Q. Mr Jones, Stuart Jones --
40 A. Yes.
41
42 Q. -- have you discussed the matter with him?
43 A. I got a very interesting phone call from him I think
44 it was on the - when he first found out about it. He was
45 quite distressed when he sort of rung up, and then I think
46 one more phone call to do with legal representation and
47 then I rang him last week to see if he had been called up

1 as well, and that's about it with him.
2
3 Q. And did you discuss there the subject matter or the
4 circumstances in which your names had been mentioned by
5 other witnesses?
6 A. No, no.
7
8 Q. Any reason for that?
9 A. We just wanted to sort of keep it as simple as
10 possible, I would say.
11
12 Q. Right, but you nevertheless spoke to Mr Lockhart about
13 it. I gather that is because of the friendship which you
14 had?
15 A. Yes, yes and - yes, we wanted to keep - we wanted to
16 make you guys aware that we were friends and, you know, the
17 thing was going to come up between us, and also, at the
18 same time, we wanted to be clear that we weren't trying to
19 collude or make answers up or whatever.
20
21 Q. You have said that Mr Lockhart, when he has spoken to
22 you, he doesn't have any recollection --
23 A. No.
24
25 Q. -- of what has been said by others was said to you and
26 him. Are you aware that Mr Jones has a similar position or
27 not?
28 A. Yes.
29
30 Q. You are aware that he has?
31 A. Yes.
32
33 Q. How did you find out --
34 A. The very first phone call.
35
36 Q. With Mr Jones?
37 A. Yes.
38
39 Q. He said likewise, he doesn't --
40 A. Can't remember a thing, yes.
41
42 Q. Mr Bourke, just going back now for the sake of
43 completeness about the school at Katanning between '83 and
44 '87, was it the case that your wife also worked at the
45 school?
46 A. Yes, Helen, yes.
47

1 Q. What years were they?
2 A. Helen arrived in '85; '85, '86, '87.
3
4 Q. Were you married at that stage?
5 A. No.
6
7 Q. In what capacity was she at the school?
8 A. Maths teacher as well. Romantically we met in the
9 maths department.
10
11 Q. That sounds very nice, okay. Can I ask you something
12 about the principals now at the school, if you can recall.
13 Can you recall who the principal was when you first started
14 in 1983?
15 A. Mr Johnston.
16
17 Q. Is that Charles Johnston?
18 A. Yes.
19
20 Q. Can you recall how many years he was there whilst you
21 were there?
22 A. I think two, '83 and '84, I think.
23
24 Q. Can you recall the principal then who took over from
25 him in 1985
26 A. Mr Marriott, yes.
27
28 Q. Do you know his first name?
29 A. Gerry.
30
31 Q. Gerry Marriott. Was he at the school prior to that or
32 did he come to the school as the principal?
33 A. No, he came to the school, I think.
34
35 Q. When we are talking about principals, I am talking
36 about principals of the senior high school?
37 A. Yes.
38
39 Q. Mr Marriott, what can you say about your experience of
40 him as a principal in those two years?
41 A. I think in my teaching career I've had 10 or 11
42 principals. I would rate Mr Marriott in the top two
43 principals that I've ever had. He was a great guy.
44
45 Q. Why would you rate him so highly?
46 A. Very approachable. He was younger than Mr Johnston
47 was before. He would listen. You could go to him with any

1 matters if you needed to. He was - yes, just a very nice
2 principal.
3
4 Q. Did you ever notice something about his
5 record-keeping?
6 A. Yes, he walked around with a diary and that was the
7 one thing that sort of stood out to me as a good listener.
8 He would write things down.
9
10 Q. So he actually made a note of things?
11 A. Yes.
12
13 Q. So your observations were that he was quite meticulous
14 in keeping records of things?
15 A. Yes.
16
17 Q. I think I might have pre-empted it, but he was the
18 principal there for two years, 1985 and 1986?
19 A. Yes.
20
21 Q. Can you recall who followed him?
22 A. I think it was Mr Graham Young
23
24 Q. And this was your final year at Katanning?
25 A. That's right.
26
27 Q. And what sort of principal was he?
28 A. I'm not sure how I would describe him. He was
29 different. Any camp or excursion or Country Week he would
30 be on. He was just - you know, different sort of person
31 to what Gerry was.
32
33 Q. Okay, different in a better way or --
34 A. Less approachable, I suppose.
35
36 Q. Less approachable?
37 A. Yes. Sort of a - I don't know, seemed to be a bit of
38 a go-getter or something like that. I'm not sure what
39 would be a good way to describe him.
40
41 Q. I was going to ask you what do you mean by "go-getter"
42 because I'm not quite sure?
43 A. Yes, I don't know if that's the right terminology that
44 I should use. He just - yes, I had less to do with him
45 than I had to do with Gerry and probably was a bit less
46 approachable. As I said, he would sort of - he would go on
47 excursions and, you know, anything that the school had that

1 was special, the camps away, he would be on those.
2
3 Q. So he would often be away from the school grounds?
4 A. I think so, yes, yes.
5
6 Q. So would it be fair to say he had less of a hands-on
7 approach than Mr Marriott?
8 A. Probably, yes.
9
10 Q. And you wouldn't rank him in your top 1 or 2?
11 A. Probably not, but I was only there for a year with
12 him.
13
14 Q. I gather from what you are saying then, is that as far
15 as Mr Marriott was concerned, did you see the sort of
16 relationship he had with the students?
17 A. I think he had a great relationship with the students
18 as far as I could tell. He would participate in things. I
19 can remember we played in a netball game against the
20 students. Go to lunchtime, he was - I think the kids liked
21 him, from what I remember.
22
23 Q. And how did that compare with Mr Young?
24 A. Again I have less memories of what Mr Young was like
25 because - I would say that there was no problems with
26 Mr Young and the students. Maybe he was less visible
27 around the school. I don't know, yes.
28
29 Q. Was he older than Mr Marriott?
30 A. I think they were about the same age, yes.
31
32 Q. Another person I would like to ask you about,
33 Mr Bourke, is Dennis McKenna?
34 A. Yes.
35
36 Q. I gather you knew or got to know him shortly after you
37 arrived at the school?
38 A. Yes.
39
40 Q. Did you get on okay with him?
41 A. Yes, yes, I did.
42
43 Q. How would you describe your relationship in that
44 regard?
45 A. I was thinking about this yesterday. I don't think I
46 had that many interactions with him over the time that I
47 was there but in all the interactions that I had with him

1 he was fine, you know, I had no problems with. I thought
2 he was doing a good job.
3
4 Q. Did you ever do any tutoring at the hostel?
5 A. Yes, I did.
6
7 Q. How often did you do that?
8 A. I think I - I don't know dates but I think I was there
9 for the first two or three years but probably less in the
10 last couple of years or not at all.
11
12 Q. And how long would you go to the hostel for that job?
13 A. I think it was at least once a week or once a night,
14 or one night a week or something like that.
15
16 Q. And I think we can safely say you did do it for the
17 pay?
18 A. That's right.
19
20 Q. Is that what you are saying?
21 A. That's right, yes.
22
23 Q. Staying with Dennis McKenna now for the moment, after
24 you had been there a little while, did you find out about
25 the reputation that he had generally?
26 A. No. I think it would have been a few years before we
27 could see that he was a bit of a bully.
28
29 Q. A bully towards whom?
30 A. Probably towards some of the hostel students.
31
32 Q. And how were you able to notice that?
33 A. The only - I think there might have been other
34 situations but the only one that I can sort of pin that on
35 is David and Michelle Atkins coming to school I think one
36 morning a little bit upset, and these two kids were
37 fantastic kids and for them to be upset, then something
38 must have happened, and it's no different, I don't think,
39 to maybe, like, a kid coming to school from a parent who
40 was a bit tough or, you know, like a football coach who
41 would yell at any of his players sometimes, that sort of
42 approach.
43
44 Q. Did you ask either of those Atkins kids what was
45 wrong?
46 A. No. I didn't feel it was my place to do that.
47

1 Q. So you heard that he was a bully. Was that a common
2 view held by the teachers or was it one that was held just
3 by you?

4 A. I think over time we sort of - there was some
5 agreeance that he was a bit of a bully towards some of the
6 students, yes.

7
8 Q. You mentioned the Atkins kids. Was there anything
9 else or something that comes to your mind as to what made
10 you form that view?

11 A. No, not that I can recollect, no.

12
13 Q. Did you observe anything or hear anything about
14 whether he treated the hostel students on an equal basis or
15 not?

16 A. No, I couldn't. I couldn't sort of say.

17
18 Q. Did you ever hear a student at the hostel or have a
19 student at the hostel speak to you about any preferential
20 treatment that they had received?

21 A. I think I can recall one incident in a class with I
22 think one of the students that was mentioned earlier, one
23 of the twins.

24
25 Q. All right then, yes. All right, well in this instance
26 I am going to ask you if you can recall the surname?

27 A. Yes, it starts with a "P", yes.

28
29 Q. Right, okay then.

30 A. I think I can remember him talking about he was able
31 to see movies in Dennis's room or something like that and
32 that was about the extent of it.

33
34 Q. Is it the case that you have actually provided the
35 investigators, in your interview, with that student's
36 surname that begins with "P"?

37 A. I think I mentioned it to Don Barratt.

38
39 Q. In your first interview?

40 A. I think so. Yes.

41
42 Q. Can you recall the christian name of that particular
43 twin?

44 A. No, it's a guess, yes. One or the other.

45
46 Q. They were identical, were they?

47 A. As far as I was concerned, yes.

1
2 Q. Did you form a view, during your years there, as to
3 the things that didn't appear quite right at the hostel.
4 I'm using a phrase that you used in one of your interviews
5 there?
6 A. (No audible answer).
7
8 Q. I'm not talking about the allegations that have since
9 come to mind --
10 A. Yes
11
12 Q. -- I'm talking about whether it was in another area?
13 A. No really. I can't recall, really, what I - what you
14 are referring to, other than we just thought he was a bit
15 of a bully and that he would change - sometimes he would
16 change on a whim sort of thing.
17
18 Q. Okay, well, I will put it in the context in which you
19 said those?
20 A. Yes.
21
22 MR URQUHART: It is page 4, sir, of Mr Bourke's 31 January
23 interview of this year:
24
25 I thought from what I saw, I thought he was
26 on the out - on the outside doing a good
27 job and I know there were, you know, things
28 that weren't sort of quite right with how
29 he did things in terms of persecution and
30 so on of certain kids and that, but I
31 didn't know about --
32
33 And then Mr Barratt actually finishes for you:
34
35 The other stuff.
36
37 Q. Obviously "the other stuff", we are referring to the
38 sexual abuse that has come to light since 1990?
39 A. Yes.
40
41 Q. But do you recall saying that to Mr Barratt, that you
42 didn't think things were sort of quite right in terms of
43 persecution --
44 A. I think so, yes.
45
46 Q. -- and so on of certain kids?
47 A. Yes.

1
2 Q. Did you make that comment?
3 A. From my recollection, I can sort of - like the Atkins
4 kids, can picture some kids were upset with how things, you
5 know, with what had happened to them at the hostel but
6 that's about the only recollection, and possibly it was
7 clear sometimes - well, not clear, but I think it was
8 evident to me that sometimes the kids would come across
9 from the hostel and they had been given a message to avoid
10 the town kids or to watch out for certain kids. So it was
11 sort of like you could see there was a great influence over
12 these kids from time to time.
13
14 Q. And what sort of influence. How would you describe
15 that influence that he appeared to have over the hostel
16 children?
17 A. Like a psychological or a - maybe a threatening thing.
18 I don't know, but yes, there was a lot of good kids and it
19 appeared that, you know, they were under the thumb or
20 something like that sometimes.
21
22 Q. Would you describe him as someone who was a powerful
23 figure?
24 A. To my way of thinking, yes.
25
26 Q. And would you agree with this proposition: that if you
27 went against him you would do so at your own peril?
28 A. Most likely back then.
29
30 Q. I am talking about the time that you were there, yes?
31 A. Yes, yes.
32
33 Q. Would that be the case for students?
34 A. I would say so, yes.
35
36 Q. And also the case for the teachers?
37 A. I would think so.
38
39 Q. Particularly junior teachers?
40 A. Yes, definitely.
41
42 Q. Like yourself?
43 A. Yes. As I sort of said in one of my statements, I
44 think when you first go there you get these fantastic kids
45 come from the hostel and you've got this person running it
46 and he seems to sort of be in control and everything. So
47 you don't sort of think to sort of go against him for any

1 particular thing, you sort of - you know, you suddenly
2 realise later that you've actually sort of - you are on his
3 side, sort of thing, for what he is doing. So back then I
4 wouldn't have thought of any reasons to go against him but
5 I could see if - from reading some of the transcripts, that
6 some people had quite a difficult time when they challenged
7 him.

8
9 Q. Yes, but your knowledge of him in his reputation was
10 that if you were to challenge him it could be a difficult
11 exercise?

12 A. Quite possibly, yes. I can think of - I can
13 remember - Mr Lockhart will probably confirm this, but the
14 phys. ed. department for the school, they would often use
15 buses and they could get them from the hostel and I think
16 they were told, you know, "Don't sort of upset him because
17 he might change his mind" or something like that.

18
19 Q. I think you mentioned a moment ago, before I cut you
20 off, you went on to something else, that you were going to
21 give an example of how he could change his mind or words to
22 that effect, was it?

23 A. That would be it, yes.

24
25 Q. Did you have any personal experiences of that?

26 A. Not that I can recall, no, no.

27
28 Q. Insofar as his reputation was concerned, again we are
29 staying between 1983 and 1987 --

30 A. Yes.

31
32 Q. -- was it your impression that, yes, he ruled I
33 suppose with a iron fist but he generally, within the
34 community, had a good reputation. Is that something that
35 you observed?

36 A. Yes, I didn't go around asking a lot of people in the
37 community and I mixed in sporting fields, golf, basketball,
38 tennis areas and I don't think the hostel really came up in
39 those sort of circles that I mixed in.

40
41 Q. Were you aware that during your time at Katanning he
42 was named Citizen of Year. I am talking about when you
43 were there?

44 A. I think so. I honestly can't remember back at the
45 time but I think so.

46
47 Q. Did you form any views whilst you were there about his

1 sexuality?
2 A. I think there was a number of us, teachers-wise, who
3 thought he was gay or batting for the other side or
4 whatever you like to call the terminology.
5
6 Q. Why did you form that view?
7 A. Just his mannerisms, the way he spoke, very neat
8 dresser, very good dancer. I suppose they are views that
9 you might - a male - males might have had back in that
10 time.
11
12 Q. Yes, well we are talking about the 1980s. There might
13 have been a certain degree of --
14 A. At one stage he had a hair transplant done, I think,
15 and had this gunk on his head like he had fallen into
16 Peanut Butter jar to sort of try and keep that going. So
17 yes, he was - I think he was aware of his appearance.
18
19 Q. Mr Bourke, I want to ask you something about an
20 observation you made when you walked past Dennis McKenna's
21 office at the hostel?
22 A. Yes.
23
24 Q. Are you aware of that situation I'm talking about?
25 A. Yes.
26
27 Q. I am going to ask you that you don't mention the
28 student's name. It was a male?
29 A. Yes.
30
31 Q. But can I just confirm with you that you have advised
32 Inquiry investigators in your interviews about that
33 person's name?
34 A. Yes.
35
36 Q. So if we can make sure we do it that way. Can you
37 recall when you saw this incident which I will get you to
38 describe in a moment, what year this boy was in at school?
39 A. I can't recall the year, no.
40
41 Q. Not the calendar year but can you recall what year he
42 was in the school?
43 A. I was - when I first did the interview I thought year
44 11 but it - to be honest, it could be year 10 or year 12 as
45 well. The reason I say that is because he was pretty tall.
46
47 Q. So it would be either year 10, year 11 or year 12?

1 A. Yes.
2
3 Q. And can you recall approximately the calendar year or
4 not?
5 A. No.
6
7 Q. All right then, so it will have to be some time in --
8 A. '85, '86, '87.
9
10 Q. '85, '86, '87. Can you recall he was in Dennis
11 McKenna's office?
12 A. Yes.
13
14 Q. Who else was there?
15 A. I think obviously Dennis was there and I think there
16 were about three other students sitting in the office as
17 well and I --
18
19 Q. Did you notice anything about this particular boy, the
20 tall one?
21 A. He was sitting on Dennis's knee, I think his right
22 knee, and I think it was after school when I walked over to
23 the hostel. I don't know why I was going over there, and
24 it was in the office right at the front of the school or
25 the hostel and it has got glass windows, I think.
26
27 Q. And you walked past there?
28 A. I walked past there.
29
30 Q. That's the area which has been called, I think, "a
31 breezeway" by some --
32 A. Possibly something like that, yes, and he was sitting
33 on his knee and I think there were two or three other
34 students in the room as well and it looked like they were
35 sharing a bit of a joke.
36
37 Q. What was your reaction at the time when you saw that?
38 A. I thought "That looks unusual", and the reason I
39 thought that was because you have got a very large boy
40 sitting on someone's knee. I didn't - to me it didn't look
41 sinister at the time.
42
43 Q. Would you agree with me that it didn't look right?
44 A. I used that - I used that phrase, "It didn't look
45 right", but for the reason that - you know, normally when
46 you see somebody sitting on a knee they are pretty small
47 and --

1
2 Q. Yes?
3 A. -- and this didn't look right for that reason.
4
5 Q. Because the --
6 A. Person was tall.
7
8 Q. And older, not a small child?
9 A. And older, yes.
10
11 Q. And he was a male sitting on another male's lap?
12 A. Yes. Yes, sort of sideways on his knee.
13
14 Q. And there was a student and warden relationship?
15 A. Yes.
16
17 Q. So given those circumstances, didn't it look, at the
18 least, somewhat suspicious?
19 A. As far as I can recollect, not to me at the time.
20
21 Q. I am going to ask you, Mr Bourke, have you ever seen a
22 similar situation as a school teacher; of a boy that age
23 sitting on the lap of an adult staff member?
24 A. No. No, I haven't.
25
26 Q. Do you accept you are probably unlikely to ever see
27 that sort of thing again?
28 A. I would hope.
29
30 Q. Do you know whether you raised what you saw with
31 anyone?
32 A. Possibly talked with my friends briefly about it but I
33 didn't raise it officially with anybody.
34
35 Q. When you say your friends, friends of the school?
36 A. Well, people that I lived with or teachers that I
37 knocked around with.
38
39 Q. Do you have a recollection of names?
40 A. No, I don't.
41
42 Q. So in all likelihood, you probably didn't?
43 A. Yes, I couldn't say.
44
45 Q. Now, whether you thought that the hostel staff member
46 was homosexual or not, but given the fact that you thought,
47 amongst others, that Dennis McKenna was gay and given that

1 this was a less enlightened age that we have today
2 regarding homosexuality, wouldn't that have caused your
3 suspicions to have been aroused any further?
4 A. No.
5
6 Q. No?
7 A. No. Just it never occurred to me what was really
8 happening, and in talking with my wife about it we sort of
9 would, you know, say that as teachers we never discussed
10 any sexual abuse happening. It just never came up.
11
12 Q. Are you talking about back then?
13 A. Yes, back then, yes.
14
15 Q. Sorry, were you with your wife at this stage?
16 A. Yes, we got to know each other, yes.
17
18 Q. All right, and do you recall speaking to her about it
19 back then or was this you and her talking about it more
20 recently?
21 A. It is us talking about it more recently, yes.
22
23 Q. Do you remember if you raised it with your wife as one
24 of those --
25 A. Back then?
26
27 Q. Yes?
28 A. No, just to my recollection discussing sexual abuse
29 with about - you know, in relation to the hostel, and that
30 just never came up in any sort of conversations.
31
32 Q. But you didn't actually see any sexual abuse taking
33 place --
34 A. No.
35
36 Q. -- with this incident?
37 A. No.
38
39 Q. It's just something that's - well --
40 A. Looked harmless, but unusual.
41
42 Q. Yes.
43 A. Yes.
44
45 Q. And somewhat peculiar?
46 A. And in hindsight maybe it was different.
47

1 Q. Yes. Now, wasn't it the case that you taught that boy
2 who was sitting on his lap?
3 A. Yes.
4
5 Q. Right. And wasn't it the case you had a good student
6 teacher relationship with him?
7 A. As far as - yes, as far as I know, yes.
8
9 Q. Did you think to discuss it with him?
10 A. No.
11
12 Q. Any reason for that?
13 A. Again, probably not my business. As I said, I wasn't
14 concerned about his welfare. Just, to me, it was just
15 something that I saw.
16
17 Q. Can you recall what sort of boy he was?
18 A. Yes, he - very nice boy, quite bright. I think to my
19 way of thinking he was a leader, and that probably would
20 have been perfect for Dennis, to use him as a leader.
21
22 Q. Are you talking about at the time, or now with the
23 advantage of hindsight?
24 A. No, at the time.
25
26 Q. At the time, right?
27 A. Yes, he - I think he also - he's the type of kid that
28 just loves to please, and he'd love to demonstrate that he
29 could lead and be responsible; so, yes, he was a great kid.
30
31 Q. Was he outspoken at all, or was he --
32 A. No.
33
34 Q. -- tended to be a bit more shy and reserved?
35 A. He - I've got a vision of him, I think, telling a joke
36 in class one day, just one vision, but he - he wasn't shy;
37 but, you know, he wasn't overly outspoken either, he was
38 just a nice kid.
39
40 Q. And do you think that with - that you could have well
41 raised it with him?
42 A. If I thought something as serious was happening, yes,
43 I probably could have.
44
45 Q. On the subject matter of students back then - I know
46 it's a long time ago - but do you remember a young girl by
47 the name of Jodie Haddow, who's now Jodie Brown?

1 A. Yes.
2
3 Q. Yes. And, indeed, was she a particular student that
4 stood out in your memory back - going back to these days?
5 A. As far as I can remember, she was a great kid, lovely
6 to teach. I would have spoken - talked with her many
7 times, but today I can't remember any of those
8 conversations.
9
10 Q. Sure. Did you teach her Maths 2 and 3 --
11 A. Yes.
12
13 Q. -- when she was in years 11 and 12?
14 A. Yes.
15
16 Q. And that was just a small class --
17 A. Yes.
18
19 Q. -- was it not --
20 A. Yes.
21
22 Q. -- back when you taught it?
23 A. Yes.
24
25 Q. And she was in that class --
26 A. Yes.
27
28 Q. -- with about half-a-dozen --
29 A. Yes.
30
31 Q. -- half-a-dozen students? And the boy who was sitting
32 on Dennis McKenna's lap - am I right in saying that he was
33 in the same year as Jodie?
34 A. I think in the same class.
35
36 Q. In the same class, yes. So the same year and also the
37 same Maths 2 and 3 class?
38 A. Yes.
39
40 Q. You got on well with Jodie?
41 A. Yes.
42
43 Q. And you wouldn't say that your relationship with her -
44 and, again, it's strictly a student/teacher relationship -
45 was such that it would be odd if she was to confide in you
46 about a matter?
47 A. I don't think so.

1
2 Q. Now, I gather, Mr Bourke, you have read her evidence?
3 A. Yes.
4
5 Q. And probably also the evidence of another student that
6 was there by the name of Rhonda Moore now, but Rhonda Goode
7 back then?
8 A. Yes.
9
10 Q. I know you've read it, but I'm just going to read some
11 portions of her evidence to you again, but you've already
12 said this, but is it the case that with respect to those
13 conversations she says she had with you and on occasions
14 some other teachers as well, you've got absolutely no
15 recollection --
16 A. No.
17
18 Q. -- of that? Do you recall having conversations with
19 her?
20 A. No, I don't recall --
21
22 Q. No. Do you recall having conversations with her, but
23 not about this particular subject matter?
24 A. I don't recall any conversations - yet I know that I
25 would have.
26
27 Q. Yes, would have, okay.
28 A. But, no, I don't recall this one either.
29
30 Q. Okay. Well, she was - just put in the context - she
31 was in years 8 through to 12 at Katanning High School from
32 1983 to 1987 --
33 A. Yes.
34
35 Q. -- which coincidentally was the same years that you
36 were there?
37 A. That's right.
38
39 Q. And she says that the first discussion she had
40 regarding this subject matter was towards the end of 1986
41 when she was in Year 11, and she recalls Rhonda Goode, or
42 Rhonda Moore - do you mind if I just refer to them by their
43 first names --
44 A. Yes, that's fine.
45
46 Q. -- Jodie and Rhonda - you know who I'm talking about.
47 And she says that this conversation that they were both

1 involved in happened in the phys ed office, and she's 100%
2 certain that Mr Lockhart and Mr Bourke were there, but
3 she's not 100% sure if Mr Jones was there. Now, she says
4 that her recollection is that she and Rhonda would have
5 requested this meeting. Before we go anything further, do
6 you have something to say about that, whether --

7 A. I find - again, this is just speculating --

8
9 Q. Yes, certainly.

10 A. -- but I find it would be very unusual for two
11 students to request a meeting and, in particular, two
12 students to request a meeting with three male teachers in a
13 phys ed office. I think it would be more a meeting by
14 chance rather than by organisation.

15
16 Q. All right. Do you know - I gather you knew where the
17 phys ed office was?

18 A. Yes.

19
20 Q. And would you be there from time to time?

21 A. Yes.

22
23 Q. For example, visiting Mr Lockhart and Mr Jones?

24 A. Yes.

25
26 Q. Yes.

27 A. Yes.

28
29 Q. And, sir, this is at page 390 of the transcript from
30 24 February. And, Mr Bourke, I asked:

31
32 Q. Can you recall who spoke out of you
33 and Rhonda?

34 A. Knowing both of us, we probably spoke
35 over the top of each other. Knowing both
36 of us we probably did that. We said that
37 we were very concerned that Dennis was
38 sexually interfering with boys at the
39 hostel and that something needed to be done
40 and "What do we do?" "Where do we go?"
41 "Can you help us?"

42
43 Q. Can you recall whether there was a
44 response to that?

45 A. I can recall them not being surprised
46 at our allegations. I can recall them not
47 being shocked at our allegations. They

1 didn't shut us up. They didn't say, you
2 know, "You're being stupid. Go home." I
3 can't say who said it, but they went, "We
4 know something is happening but we" -
5 yeah - "we don't know what to do", or
6 "yeah, we know something is happening, but
7 we need proof".

8
9 Now, there were other things which I'll come to in a
10 moment; but, again, that doesn't refresh your memory at
11 all?

12 A. No, no. I thought about this since 31 January, and,
13 no.

14
15 Q. I can understand that. They - she makes it quite
16 clear that you didn't - none of you dismissed what she was
17 suggesting out of hand or anything like that. Again, I
18 know it's a hypothetical, but if this had been said to you,
19 I gather that would not have been your response, "No,
20 that's ridiculous, go home, you're being stupid". You
21 wouldn't have said anything like that?

22 A. No.

23
24 Q. Then she also says that one of you, she doesn't know
25 who said, "We know something is happening, but we don't
26 know what to do." Again, hypothetically, if this was said
27 to you, do you think that could well have been a response
28 by you, bearing in mind what you had been noticing at the
29 hostel, or, like, for example, the bullying, and more
30 relevantly if this was after what you'd seen in the office
31 of that boy sitting on Dennis McKenna's lap?

32 A. I think if I was told in clear terms that there was
33 sexual abuse taking place, then I would have gone straight
34 to Gerry Marriott with my concerns.

35
36 Q. Did you - again, I know we are speaking
37 hypothetically --

38 A. Hypothetically.

39
40 Q. -- what we have here is a hearsay account from --

41 A. A student.

42
43 Q. -- a female student saying, "This is what's happening
44 to the boys", so it's not actually an alleged victim coming
45 forward --

46 A. Yes.

47

1 Q. -- it's what some other person has said --
2 A. Yes.
3
4 Q. -- that they believe is happening. Do you think you
5 would have gone - gone to the principal just based on that
6 information?
7 A. If we'd been told - to me I never heard the term
8 "sexually abused" or "sexual interference", so if I had
9 heard those terms, I would have liked to have thought that
10 I would have gone to the principal with it, much like I
11 would do right now - and I think I indicated an experience
12 I had about 12 years ago where I did do that.
13
14 Q. Yes.
15 A. Yes.
16
17 Q. But, of course, since the mid '80s there are clearer
18 guidelines in place for teachers, for what teachers are to
19 do in these circumstances?
20 A. Yes, there is now, in the last four or five years,
21 yes.
22
23 Q. Yes. Okay. So she continues:
24
25 Q. Did they say anything further about
26 what that proof would require?
27 A. They did, because we were - I was a
28 very indignant young lady at that stage. I
29 went, "What sort of proof do you want?"
30 Like, "You've got to be joking! What proof
31 do you want?" They said, "Until the boys
32 come to us and tell us that something is
33 happening we can't do anything."
34
35 Now, I know this doesn't help jog your memory about this,
36 but once more - again, hypothetically speaking - bearing in
37 mind this is sometime in the mid 1980s, would you consider
38 that to be a reasonable response given the fact that this
39 was 27 years ago, that the boys - the alleged victims would
40 have to come forward?
41 A. I think regardless of whether it's 26 years ago or
42 five years ago or one year ago, a victim really needs to
43 come forward before anything serious can be done. I think
44 hypothetically if we were told about sexual interference
45 and sexual abuse, then hopefully our response would have
46 been different, and the fact that you had not just one
47 person told, but three people told who are hopefully

1 reasonably competent teachers with commonsense, if one of
2 us was a dill, then at least one of the others would have
3 come forward and sort of raised the matter somewhere else.
4 That's what I feel would have, you know, happened. To my
5 way of thinking we didn't hear those terms, and for a
6 girl - a young female student 26 years ago to sort of bring
7 these taboo subjects up with male teachers, that's a pretty
8 courageous thing to do.
9

10 Q. Yes, I wouldn't argue with that. So just on that -
11 and do you have a view as to how many - if this
12 conversation did take place, whether she might not have
13 necessarily been that explicit about her description of
14 what was happening?

15 A. That would be my guess.
16

17 Q. Okay.

18 A. And the reason I say that is because I don't think
19 Jodie would be a person to make things up. I can't recall
20 what was said. And so to my way of thinking is - a
21 possible scenario is that we heard about bullying, but the
22 terms of sexual bullying and that weren't used.
23

24 Q. I see. And I'm now on to page 391, sir, and I'll
25 just - halfway down that page, at line 24 - and I asked her
26 this:
27

28 Q. Now, if you can just answer "yes" or
29 "no" to this. Did you give the names of
30 any one to them?

31 A. I gave them names of people we were
32 concerned about.
33

34 Then his Honour asked:
35

36 Q. How many names were there?

37 A. I gave four names that I'm willing to lay my life
38 on.
39

40 And she goes on to say:
41

42 -- there was a possible list of 50, but
43 there were four people that I was very
44 concerned about.
45

46 And I asked her then:
47

1 Q. You hadn't seen, though, anything by
2 way of sexual interference of --

3 A. I had seen nothing by way of sexual
4 interference.

5

6 And then she goes on to explain about her relationship that
7 she had with these boys, and this one I just want to draw
8 to your attention now, if I can, please, Mr Bourke, is
9 this - at the bottom of page 391 - she said:

10

11 -- I saw one particular boy disintegrate
12 before my eyes. And he was in my maths
13 class which was, you know, ties back to the
14 maths teacher.

15

16 That's earlier on when she gave a description of why it was
17 that she had spoken to you three teachers, and you
18 mentioned that there was three male teachers?

19

A. Yes.

20

21 Q. But she said Mr Lockhart was her year coordinator,
22 that's why she went to him. She, I think, from
23 recollection - you might be able to correct me if I'm right
24 or wrong, but she went to you because she had a good
25 relationship with you --

26

A. Yes.

27

28 Q. Does that sound about right?

29

A. Yes.

30

31 Q. And then finally with Mr Jones, she says he was just a
32 recent teacher, and therefore she might - it's not her
33 words - but he might not have been tainted by the glow that
34 surrounded Dennis McKenna?

35

A. Yes.

36

37 Q. Okay. So she says, yes:

38

39 -- I saw one particular boy disintegrate
40 before my eyes. And he was in my maths
41 class which was, you know, ties back to the
42 maths teacher.

43

44 Now, like what we've done with you, you've provided the
45 name of that boy who was - who you saw sitting on Dennis
46 McKenna's lap. This boy that she names or identifies as
47 the boy disintegrating before her eyes and being in her

1 maths class is, in fact, that same boy. She's provided
2 that name - the same boy you saw on Dennis McKenna's lap.
3 Yes. So - and then there were another three we don't need
4 to go into, but there's that - there's that coincidence.
5 As she says, her recollection is clearly four names, and
6 that's one name. So you might not have identified the
7 importance of that at the time you read that transcript.
8 A. No.
9
10 Q. No. So, again, does that help at all with your
11 memory, because I'm just thinking if she had - I'm only
12 saying if - I'm not saying she did - if she had mentioned
13 the name of that same boy that you were, either before this
14 conversation with her or afterwards, you might have been
15 able to put two and two together?
16 A. No. The names - to me, the first shock I got in those
17 names being revealed to me was when I got the letter to say
18 that, you know, there may be adverse findings against me.
19 That was the first time I saw those names, to my
20 recollection.
21
22 Q. When you're saying "those names", you're referring to
23 what --
24 A. The four boys.
25
26 Q. -- the four boys?
27 A. Yes.
28
29 Q. So you received a letter in which they were named?
30 A. Yes, and I didn't know - the boy she's talking about,
31 I didn't know that he had been interfered with until I saw
32 his name on that letter.
33
34 Q. When you got the letter though, did you have though,
35 recollection of seeing that boy in Dennis McKenna's office
36 all those years earlier?
37 A. Well, no, I had that recollection earlier, because the
38 letter came after my first interview.
39
40 Q. I see. Sorry, yes.
41 A. Yes.
42
43 Q. You're quite right.
44 A. Yes, okay.
45
46 Q. Yes. So - and I suppose, just before we break for
47 lunch - I won't be able to finish with your evidence prior

1 to the lunchbreak, and I apologise for that, Mr Bourke, but
2 would it be the case that had these two girls said
3 something to you along these lines, because of the subject
4 matter of the conversation, you would have expected to have
5 remembered it?

6 A. Yes.

7

8 Q. Even though it was 27 years or so later?

9 A. Yes. I would hope that if it was a very serious
10 matter, that I wouldn't have forgotten, yes, because I - as
11 I said, 12 years ago I can remember an incident where I
12 dealt with that.

13

14 Q. And with respect to that particular incident, we don't
15 need names or schools or anything like that, but was it the
16 case that that complaint came from the alleged victim?

17 A. A girl said she was going to bring someone to me
18 tomorrow to talk to me, and she did, and I went straight to
19 the principal.

20

21 Q. Right. And in that instance it was a clear case of
22 sexual abuse, from what - the description that was given to
23 you?

24 A. Yes, and that was before the guidelines were in place,
25 too.

26

27 Q. Right. And the guidelines you are talking about are
28 those ones that have been introduced --

29 A. Mandatory.

30

31 Q. Sorry?

32 A. The mandatory guidelines that have been introduced,
33 yes.

34

35 Q. The last four - I think it might be five years or
36 so --

37 A. Five, yes.

38

39 Q. Does that sound about right? Yes.

40 A. Yes.

41

42 MR URQUHART: I can see the time. I don't know whether
43 I'll be able to finish Mr Bourke in the next 10 minutes or
44 so, and I gather there might be some questions of him, so
45 it might be an appropriate time to break now.

46

47 HIS HONOUR: I think we'll adjourn until two. We'll

1 adjourn until 2 o'clock.

2

3 LUNCHEON ADJOURNMENT

4

5 UPON RESUMPTION:

6

7 HIS HONOUR: Yes, Mr Urquhart.

8

9 MR URQUHART: Q. Now, Mr Bourke, before lunch I'd been
10 going through that conversation that Jodie said she had
11 with you and Mr Lockhart and Mr Jones in the phys ed
12 office. I was going to move on to another area now, but
13 did you want to say anything else regarding that particular
14 matter, or that particular conversation?

15 A. I don't think so.

16

17 Q. Okay.

18 A. No.

19

20 Q. Now, she also - and I gather again you would have read
21 this in her evidence, that when she was in Year 12, which
22 was 1987 - and this, sir, appears at page 393 and 394 in
23 the transcript - that there were - I'm paraphrasing here
24 now, giving a summary, but there were two or three times
25 informally that she raised this, and she says:

26

27 -- probably only with one or two
28 teachers...either a Mr Bourke or a Mr
29 Jones. Not necessarily with Mr Lockhart.

30

31 So she does put you into that possible group of one or two
32 teachers, and she's not 100% clear on this one, but she
33 says it would have been along the lines of:

34

35 Remember what we said before? Are you
36 watching out for?

37

38 And she says that there were answers like - and again she
39 couldn't attribute answers to one teacher or the other:

40

41 We are onto it. Don't worry about it. We
42 are doing the best we can...they're waiting
43 for the boys to come forward.

44

45 Now, again, is it the case that you don't have a
46 recollection of those types of conversations in 1987?

47

A. Yes - no, I don't.

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Q. And then she recalls an occasion - sir, this is at page - regarding a graduation party that the Years 12s had at the end of 1987. I'm assuming - well, first I'll ask you this - can you recall whether there were graduation parties that teachers attended for those students who had finished or were finishing Year 12?

A. I can remember the graduation ceremony, because I think I was the emcee.

Q. Sorry, for that year, for 1987, or another year?

A. Yes, for 1987.

Q. So for your last year there?

A. Yes. I can remember the school ball. I can remember, sort of, maybe chatting with kids at the school ball, but I can't recall a graduation party as such.

Q. Okay. Can you recall whether there were such events on, that teachers went to --

A. I couldn't --

Q. -- or were invited to?

A. I couldn't say. I - I wouldn't know. There possibly was, but I can't recall.

Q. It would appear that this is a different event to the Year 12 ball?

A. Yes.

Q. Yes.

A. Yes.

Q. In any event, she says the three teachers were there - that's yourself, Mr Lockhart and Mr Jones, herself and Rhonda - and I should say to you that Rhonda doesn't give any evidence about this occasion, but she recalls that she and Rhonda had discussions with the three of you where it was said that one of the girls said:

This is still happening, what are we doing?

And, again, she says that the teachers expressed their sympathy and concern, but said there was not much they could do until they have cold, hard evidence - was the phrase she used, and it was added that you teachers needed someone to own up to it. So, again, it's a similar vein.

1 Once more, obviously, you don't have any recollection --
2 A. No.
3
4 Q. -- of that?
5 A. No, no.
6
7 Q. Would you accept that that possibly might have
8 happened or --
9 A. It's quite possible, yes, but I can't confirm or deny,
10 I just can't remember.
11
12 Q. And can I say whether it's possible that the other
13 accounts that she gives there in 1987, and the one in 1986
14 in the phys ed office, may well have happened, could
15 possibly have happened, but you just, you just can't?
16 A. Yes, it could have possibly happened; but, again, I
17 feel strongly that I didn't hear things mentioned in terms
18 of sexual abuse.
19
20 Q. Yes.
21 A. Yes.
22
23 Q. Okay. Well, just on that, there could well be a
24 strong argument that certainly the word paedophilia or
25 paedophile may not have had such common usage as it has
26 nowadays. What if a word would have been used that was
27 more colloquial, like fiddling, "Dennis McKenna fiddling
28 with the boys"?
29 A. No, it just doesn't - doesn't ring a bell to me and it
30 just - I feel like it - yes, it wasn't known to me back
31 then.
32
33 Q. Right. So when you say it wasn't known to you back
34 then, what do you mean by that?
35 A. Well, that Dennis was sexually abusing kids and we
36 were told about it.
37
38 Q. Now, just with respect to Rhonda - Rhonda Goode back
39 then, Rhonda Moore no - I wish to make it abundantly clear
40 that in her account regarding a conversation she had with
41 one teacher, maybe two in the phys ed office - she says
42 when she was in either Year 10 or Year 11 - she was in the
43 same year as Jodie, so that would be 1985 or 1986. So I
44 just want to put this to you about what she said, even
45 though I stress she doesn't mention you as being in the
46 phys ed office. I think you realise that, don't you?
47 A. Yes.

1
2 Q. She identifies Mr Lockhart, and she feels someone else
3 was there. That's as far as she goes, apart from Mr
4 Lockhart, herself and she thinks 80% certain Jodie was with
5 her - sir, this is page 420. Now, her account though, is
6 that she - she says she was quite exact with what she said,
7 and although she said she can't recall the absolute
8 specific conversation, she says she would have said:

9
10 Dennis was abusing the boys, and that we
11 should be doing something to protect them.
12

13 Now, again, just on that, if the word "abuse" was used, do
14 you think that might have been an ambiguous term?

15 A. Back then I think I would have taken it to be physical
16 and not sexual --
17

18 Q. Right.

19 A. -- based on, you know, not really knowing what was
20 going on, but also I wouldn't have sort of thought that
21 something sexual was happening. If I'd heard the word
22 "abuse", I would have just thought physical abuse.
23

24 Q. And if that was thought again, accepting that this
25 happened, would it have been more likely then that you
26 would have said something along the lines which these two
27 girls say were the response - that is that, "Well, we
28 need" --

29 A. It sounds feasible.
30

31 Q. Yes, "We need some more cold hard evidence, we need
32 the boys to come forward."

33 A. Yes. To me that sort of sounds what our response
34 would have been if we were told about bullying, that we
35 needed someone to come forward.
36

37 Q. Or abuse?

38 A. Or abuse, yes, but not sexual abuse.
39

40 Q. Yes. Okay. Thank you for clarifying that. Rhonda
41 though, goes on to say this, "I am sure I would have said
42 he got the boys to masturbate them because one of the boys
43 had said that to me." So, once more, if that was actually
44 said, that would be a clear example of sexual abuse?

45 A. That would have rung a bell, yes.
46

47 Q. And she also says that there was mention of how he was

1 treating the girls - not in a sexual way, but more
2 psychological, yes.
3 A. Mm-hmm.
4
5 Q. Again, no recollection of a complaint or concern by
6 either of these two girls about a psychological abuse of
7 girls by Dennis McKenna?
8 A. Not that I can recall. No.
9
10 Q. Okay. Would it be fair to say that your assessment of
11 Dennis McKenna's reputation in those five years you were at
12 the Katanning school, is that he was much revered in many
13 quarters?
14 A. Probably, yes.
15
16 Q. But also feared?
17 A. Yes.
18
19 Q. And would you agree with the description that he would
20 not be a good enemy to have?
21 A. Yes.
22
23 Q. And I think you already admitted that it would require
24 that - your term was - a courageous act to question him
25 back in the '80s, particularly with an allegation of this
26 nature?
27 A. Absolutely.
28
29 Q. Particularly if you were a 16-year-old female staying
30 at the hostel?
31 A. Yes. Just to talk in those terms, yes.
32
33 Q. But I know you were saying talking in those terms to
34 male teachers, but to make those sort of allegations to
35 someone in authority --
36 A. Yes.
37
38 Q. -- at the school?
39 A. Yes.
40
41 Q. Do you agree with that --
42 A. Absolutely.
43
44 Q. -- male or female?
45 A. Yes. For back then, yes.
46
47 Q. And, again, I've touched on this before lunch, but I

1 just want to see if you agree with this, Mr Bourke, that as
2 a young teacher though, what would have taking on Dennis
3 McKenna meant?
4 A. Probably back then I wouldn't have thought of taking
5 him on for anything, but if - if I had to, it would have
6 meant you'd have to have clear evidence and then approach
7 the appropriate people to sort of deal with it.
8
9 Q. Yes, that was going to be my next point. I gather,
10 yes, you would be more inclined to take him on if you can
11 make sure your side of the argument was compelling?
12 A. Yes.
13
14 Q. And a compelling argument in this instance, if, in
15 fact, sexual abuse allegations were being made - again
16 saying "if" - the compelling argument would require the
17 boys who were being sexually abused to actually come
18 forward?
19 A. A victim to come forward, yes, because otherwise
20 you're hearing secondhand information.
21
22 Q. Yes. That's what us lawyers call hearsay accounts.
23 A. Yes.
24
25 Q. So would it be the case then that if - I emphasise
26 "if" - you were told by Jodie Haddow and Rhonda that they
27 believed Dennis McKenna was sexually interfering with boys
28 and they actually conveyed that to you, that you would have
29 felt that wasn't going to be enough evidence?
30 A. Again, I can't recall, but if you want me to
31 speculate --
32
33 Q. Yes, I do.
34 A. -- I think I most likely would have said that someone
35 needs to come forward just to confirm it.
36
37 Q. And, again, can I just confirm that it is your
38 evidence that you hadn't received any training as to what
39 to do in this situation?
40 A. No.
41
42 Q. I'm talking about --
43 A. Yes.
44
45 Q. -- mid '80s?
46 A. Hopefully commonsense would have prevailed, but there
47 was no formal training. I think first aid was about the

1 only training we got.
2
3 Q. You can't recall whether you'd been provided with any
4 written guidelines as to what to do in this instance?
5 A. No, no.
6
7 Q. Can you recall, Mr Bourke, when it was, when would it
8 have been the first time that you received some training in
9 this area, either by way of a lecture or a seminar or
10 written material. I know it's probably testing your
11 memory, but --
12 A. Yes - no, I can't remember whether it would have been
13 at Swanbourne. Definitely at Duncraig we received - and I
14 was at Duncraig from about '96 onwards.
15
16 Q. Okay. So --
17 A. So at least from that point onwards there would have
18 been some guidelines and training come into play at some
19 stage. I can't say - I can't remember whether it was at
20 Swanbourne, and I was there from '88 to '95. I think it
21 was.
22
23 Q. You can't recall anything - receiving anything there?
24 A. I can't recall. There may have been, but I can't
25 recall.
26
27 Q. And finally, Mr Bourke, I want to ask you do you
28 recall what your recollection - firstly, I should ask you
29 this: do you recall being told about the fact that Dennis
30 McKenna had been charged?
31 A. I wasn't told, I think I read it in the paper.
32
33 Q. Read it in the paper?
34 A. Yes.
35
36 Q. I'm thinking this might have been around 1990?
37 A. Yes, I can say.
38
39 Q. Can you recall what your reaction was when you --
40 A. Yes.
41
42 Q. And what was that?
43 A. "Wow. This was what's - what's happening while we
44 were down there", and I think I even rang Ian Lockhart.
45
46 Q. Right. Because you became aware from the newspaper
47 report that it was between --

1 A. Yes.
2
3 Q. -- some of the time frame was whilst you were there?
4 A. Yes, yes.
5
6 Q. And was that at the time when he was charged or when
7 he was convicted?
8 A. I think it was when he was charged.
9
10 Q. Okay.
11 A. I think it made the paper. I think I can remember
12 seeing some vision of court proceedings at Albany, I think
13 it was.
14
15 Q. Yes. That may well have been the trial --
16 A. Yes.
17
18 Q. -- in the following year, June 1991.
19 A. All right.
20
21 Q. And when you said your reaction was, "Wow" --
22 A. Yes, shock.
23
24 Q. Yes. Well, shock in the sense - did you believe it?
25 Did you believe the allegations - this is before he was
26 convicted. When you first found out that he was charged,
27 did you believe there would be any truth to these
28 allegations?
29 A. I think I did.
30
31 Q. And why was that?
32 A. I don't know. I can't really say. Maybe because of
33 some of the observations that we made while we were there.
34 Now, I can't say I ever saw, you know, wrong things
35 happening; but, yes, it just - I was in shock as to the -
36 as to the announcement that he got arrested and thought,
37 "Maybe there was more going on than we knew".
38
39 Q. So some of you mentioned some of those observations --
40 A. Yes.
41
42 Q. Obviously one would be, am I right, the boy that was
43 in your maths class --
44 A. Yes.
45
46 Q. -- sitting on his lap?
47 A. Probably, yes.

1
2 Q. Any others?
3 A. Not that I can recall, no.
4
5 Q. What about anything that you were told --
6 A. No.
7
8 Q. -- about his behaviour?
9 A. No.
10
11 Q. Certainly?
12 A. No.
13
14 Q. So there wasn't a memory, which I think we already
15 discussed this - there wasn't any memory jolt about what
16 two girls --
17 A. No, definitely - definitely not.
18
19 Q. -- who were in Year 11 and 12 might have said to you?
20 A. No, definitely not with that, no.
21
22 MR URQUHART: Yes, thank you, Mr Bourke, they are the
23 questions I have.
24
25 HIS HONOUR: Mr Hammond.
26
27 MR HAMMOND: Thank you, sir
28
29 <CROSS-EXAMINATION BY MR HAMMOND:
30
31 MR HAMMOND: Q. Mr Bourke, in relation to the telephone
32 discussions that you had with Mr Lockhart prior to coming
33 today --
34 A. Yes.
35
36 Q. -- I think you indicated to Mr Urquhart that there'd
37 been about four or five?
38 A. Yes, maybe more.
39
40 Q. Right. How long ago was the first of those
41 conversations with Mr Lockhart?
42 A. It was, I think, eight days after I'd been
43 interviewed, so some time in February.
44
45 Q. And that's interviewed by the investigators for this
46 Inquiry?
47 A. Don Barratt, yes.

1
2 Q. And you told Mr Lockhart what had taken place in the
3 interview with Mr Barratt?
4 A. I told him that there'd been an allegation made
5 against us, the three of us.
6
7 Q. And what did you tell him that allegation was?
8 A. That we'd been disclosed information and we hadn't
9 acted on it.
10
11 Q. And what information had you been told? What was the
12 nature of information that you hadn't acted on, as far as
13 you understood from the Inquiry?
14 A. That we were told that Dennis had been sexually
15 abusing kids.
16
17 Q. And that you'd been told that in 1986 in a meeting?
18 A. Supposedly, yes.
19
20 Q. And you'd been told the people, by the investigator,
21 that allegedly disclosed it to you - Rhonda and Jodie
22 Haddow?
23 A. No.
24
25 Q. They didn't give you the names?
26 A. No, not back then I don't think they did.
27
28 Q. And were you also told about the follow-up allegation
29 where you were asked whether or not this was being followed
30 up, and that you allegedly said back to the girls that it
31 was all under control. Did the interviewer ask you about
32 that?
33 A. I can't recall. He might have. I can't recall for
34 the moment.
35
36 Q. And were you also asked about the ball, the
37 allegations at the ball, when the girls spoke to you?
38 A. The ball or the graduation?
39
40 Q. The graduation?
41 A. The graduation - no, I don't think so, no. I think I
42 was only aware of that --
43
44 Q. I'm going back to the first conversation with Mr
45 Lockhart after the interview with the investigators. You
46 reported back to him essentially what was being said about
47 your role, Lockhart's role, and the other gentleman's role?

1 A. Well, he was under the impression that I was giving
2 some information and --
3
4 Q. Who's "he"?
5 A. Ian was.
6
7 Q. Yes.
8 A. And I said to him, "Look, this is what sort of
9 happened", and I told him that with - the three of us have
10 been - we've had it in not acting on information that was
11 disclosed to us, so --
12
13 Q. And what did he say to you about that?
14 A. He was in shock pretty much, taken aback.
15
16 Q. Yes, but did he say anything?
17 A. I can't recall exactly what he said, but - well, his
18 immediate reaction was that he couldn't remember anything,
19 as was mine.
20
21 Q. His immediate reaction was that he couldn't remember
22 anything?
23 A. Couldn't remember --
24
25 Q. Wait a minute. Let's just pause there, please.
26 A. Yes.
27
28 Q. His immediate reaction, that of Mr Lockhart's to you,
29 was that he couldn't remember anything and you agree with
30 that reaction?
31 A. Yes, I couldn't remember either.
32
33 Q. Do you understand the subtle difference between, or
34 what is a very big difference, actually, not a subtle
35 difference, between not remembering and the actions
36 actually having occurred. Do you understand that?
37 A. I'm not quite sure what you are getting at.
38
39 Q. Well, you are putting to Mr Lockhart that certain
40 allegations have been made about you and Mr Lockhart?
41 A. Yes.
42
43 Q. His immediate response to you is "I can't remember
44 anything" and you say to him "I agree, I can't either".
45 That's right, isn't?
46 A. Yes.
47

1 Q. Your immediate reaction, isn't it, to say "It didn't
2 happen"?

3 A. No.

4

5 Q. That wasn't your immediate reaction, was it?

6 A. No.

7

8 Q. Because back when you had the conversation with
9 Mr Lockhart, were you both of the view that possibly it did
10 happen?

11 A. Well, that's our - our views today. We just cannot
12 remember.

13

14 Q. No, when you had the conversation with Mr Lockhart, it
15 was a possibility that what Jodie said and what Rhonda said
16 did actually happen?

17 A. It is a possibility, yes.

18

19 Q. So it is a possibility that Jodie and Rhonda said to
20 you, in that room, "Mr McKenna is interfering with the
21 boys"?

22 A. It is a possibility, yes.

23

24 Q. Thank you. And again when they came to you in 1987,
25 it is a possibility - and I put a very distinct
26 possibility - that you said to them "We're onto it". Isn't
27 that right?

28 A. Again, it is a possibility but I can't recall.

29

30 Q. So your evidence to this Inquiry, under oath, to
31 Mr Blaxell, is that this may have happened but you can't
32 recall it?

33 A. Yes.

34

35 Q. So it may have been, back then, that you were fully
36 aware that sexual misconduct was taking place at
37 St Andrew's Hostel?

38 A. I feel - yes, that is no, I don't feel that I knew
39 about the sexual misconduct.

40

41 Q. But you do accept it was a possibility you were told
42 about sexual misconduct at St Andrew's --

43 A. I do accept that it is a possibility I was told, yes.

44

45 Q. About sexual misconduct?

46 A. But to me it doesn't ring a bell.

47

1 Q. No, no, but there is a possibility that you were told
2 about sexual misconduct, wasn't it?
3 A. There is a possibility, yes.
4
5 Q. Mr McKenna, he appeared to you to be overtly
6 homosexual?
7 A. He appeared to be homosexual, yes.
8
9 Q. And he appeared to you, from your observations, to be
10 someone that would engage in persecution?
11 A. I would say, from what I saw, yes, most likely.
12
13 Q. And he appeared to you to be someone that would engage
14 in bullying of students?
15 A. Yes.
16
17 Q. You didn't take those concerns anywhere, did you?
18 A. No.
19
20 Q. And with hindsight, do you wish you had have?
21 A. In the bullying aspect, to me, it would be no
22 different to tough parents on a kid.
23
24 Q. But the word "persecution", and you as a teacher would
25 understand, this is a very strong word, isn't it?
26 A. Yes.
27
28 Q. When you combine the fact that you thought he engaged
29 in the persecution of students and in bullying and you
30 believe he was camp and you also see a boy sitting on his
31 knee, that would be a cause for concern, wouldn't it?
32 A. Most likely, yes.
33
34 Q. And it was a cause for concern for you when you saw
35 that in St Andrew's Hostel?
36 A. It didn't all happen all like that in one hit. It was
37 sort of like spreading - my opinions had been formed over,
38 you know, five years or so and if it had all happened
39 within a short period of time, then yes, it would have been
40 concerning.
41
42 Q. Because when Dennis McKenna was charged, you weren't
43 surprised because you remembered his bullying nature and
44 the fact that he did persecute. That's probably why you
45 weren't surprised?
46 A. Possibly.
47

1 Q. And you weren't surprised because of the possibility
2 that you had been told about his sexual misconduct back in
3 the time that you were a teacher?
4 A. Well again, I don't recall ever hearing about the
5 sexual misconduct so --
6
7 Q. Do you accept it's a possibility --
8 A. It is a possibility.
9
10 Q. And I put to you that that's why you weren't
11 surprised, when you heard he was charged with offences
12 relating to sexual misconduct?
13 A. No, not the case.
14
15 Q. Can you see that the question I'm putting to you
16 logically follows --
17 A. Yes, I can, I can see what you're --
18
19 Q. -- that if you were told about the sexual misconduct
20 then you wouldn't have been surprised --
21 A. Yes, but --
22
23 Q. -- to hear that he had been charged with sexual
24 misconduct?
25 A. To me, the two things just don't relate.
26
27 Q. You also spoke to Mr Jones in a telephone
28 conversation?
29 A. Two or three times very briefly.
30
31 Q. And you put to him the allegations that were being put
32 to you by the Inquiry?
33 A. No.
34
35 Q. So you had no conversation with Mr Jones about what
36 the inquirers said to you?
37 A. Mr Jones rang me, I think it was on the Friday the
38 week before Jodie gave her evidence, because he had just
39 found out that he was - he had got a letter and he was
40 quite stressed when he talked to me and his words were "I
41 can't - I can't remember a thing" so I didn't actually say
42 anything to him, I don't think, about that.
43
44 Q. He said to you "I can't recall a thing" and the three
45 of you decided it would be appropriate - and this is not a
46 criticism - to come to the Inquiry and all say "We can't
47 recall anything"?

1 A. No, we haven't - we haven't colluded in any way.
2
3 Q. I'm not saying you have but you had all discussed the
4 fact that neither of you could recall anything?
5 A. That's all, yes.
6
7 Q. And you all knew that you would come to this Inquiry,
8 each of you, and say "We can't recall whether this happened
9 or not"?
10 A. All most likely, yes.
11
12 MR HAMMOND: I don't have any further questions, sir.
13
14 HIS HONOUR: Right, anything arising?
15
16 MR URQUHART: I was rather hoping I could quickly, in
17 receipt of a document that I wanted to show the witness.
18 It concerns the letter that was sent to him by the Inquiry.
19
20 HIS HONOUR: Perhaps you can put that, what you believe to
21 be the case, and get it confirmed later, do you think?
22
23 MR URQUHART: Well, that's one way of doing it. Okay,
24 right, I will settle it this way.
25
26 <RE-EXAMINATION BY MR URQUHART:
27
28 Q. Mr Bourke, were you asked some questions by Mr Hammond
29 regarding the contents of that letter that you received
30 advising you potentially --
31 A. Adverse finding, yes.
32
33 Q. -- of evidence that might be of an adverse nature
34 against you and I think you answered one question from
35 Mr Hammond, but that letter didn't specify who it was that
36 the witnesses were going to say potentially the adverse
37 evidence was and I suggest to you that at the time you were
38 there - can I just ask you to have a look at that letter,
39 please. It is dated 13 February 2012. Just have a look at
40 that letter. Can you recognise that?
41 A. Yes.
42
43 Q. Do you recognise that as a letter that was sent to you
44 advising you that you may be the subject of adverse
45 evidence during the course of these hearings?
46 A. Yes.
47

1 Q. That:
2
3 The Inquiry will make no determination on
4 the merits of this evidence until it has
5 heard all the evidence to be given at its
6 hearings and it has concluded all its
7 investigations into the matter.
8
9 Do you see that in the second paragraph?
10 A. Yes.
11
12
13 Q. The witnesses may give evidence adverse to yourself
14 or:
15
16 The witness may give evidence adverse to
17 yourself.
18
19 And it actually identifies Jodie Brown?
20 A. Yes.
21
22 Q. And it gives a time or a date on which you will be
23 giving evidence. Having looked at that letter and
24 refreshing memory --
25 A. Yes.
26
27 Q. -- you can now say that, of course, the witness was
28 identified?
29 A. Yes, that was the first time I had seen her name,
30 yes.
31
32 MR URQUHART: Thank you, you can hand that back now.
33 That's the only matter I need to clear up, sir.
34
35 HIS HONOUR: All right, well that completes your evidence,
36 Mr Bourke. You are free to go.
37
38 THE WITNESS: Thank you.
39
40 <THE WITNESS WITHDREW
41
42 MR URQUHART: I don't require tendering that, sir.
43
44 HIS HONOUR: No.
45
46 MR URQUHART: The next witness is Ian Robert Lockhart.
47 Mr Lockhart will be outside the hearing room, sir, so he

1 may have to be called.
2
3 <IAN ROBERT LOCKHART, affirmed:
4
5 <EXAMINATION-IN-CHIEF BY MR URQUHART:
6
7 Q. Mr Lockhart, your full name is Ian Robert Lockhart?
8 A. It is, Mr Urquhart.
9
10 Q. And how old are you
11 A. 52.
12
13 Q. Do you reside in the South West somewhere?
14 A. I do.
15
16 Q. Are you the head of health and physical education at a
17 senior high school in the South West?
18 A. I am.
19
20 Q. You have a teaching degree?
21 A. I do.
22
23 Q. When was it that you completed that qualification?
24 A. In 1981.
25
26 Q. And from then did you commence teaching the year after
27 that?
28 A. I did.
29
30 Q. And your first year of teaching, can you recall where
31 that was?
32 A. Craigie Senior High School.
33
34 Q. Were you there just for one year?
35 A. Yes.
36
37 Q. And in 1983 did you go to Katanning Senior High
38 School?
39 A. Yes.
40
41 Q. And how was it that you got transferred there. Can
42 you recall?
43 A. I think my number just came up to go to the country.
44 It did in those days.
45
46 Q. Was it the case, back then, that young teachers had
47 to --

1 A. Do country service. I think I was pretty lucky in my
2 first year that I escaped country service as it sort of was
3 viewed at that time, but then, yes.
4
5 Q. And were there a number of years you had to complete
6 in the country before you could return?
7 A. I think there was. You sort of - you didn't have your
8 permanency first up when you went and started teaching and
9 I think you had to do two or three or so years before you
10 could get your permanency in a country location, something
11 like that.
12
13 Q. Was it the case that you actually were at the
14 Katanning Senior High School for five years, until 1987?
15 A. Correct.
16
17 Q. So when you went there in 1983, that was the year you
18 turned 23. Would that be right?
19 A. Yes, I would have been 22 when I arrived.
20
21 Q. So upon leaving Katanning in 1987, can you just give a
22 quick thumbnail sketch of what you did after that?
23 A. Went from Katanning to Perth Modern School. Then I
24 had a stint in the central office of the Education
25 Department and then I won a substantive promotion to Newton
26 Moore Senior High School in Bunbury and I was there for a
27 number of years before moving to Bunbury Senior High.
28
29 Q. And that's where you are presently?
30 A. Currently, yes.
31
32 Q. Was it the case, Mr Lockhart, that you agreed to be
33 interviewed by investigators for this Inquiry and you had
34 an interview with them on 3 April of this year. Does that
35 sound about right?
36 A. Two weeks ago, yes. I have just received a copy of
37 the transcript today.
38
39 Q. Have you had an opportunity of reading it?
40 A. Yes. Well, yes. Looking over it, yes.
41
42 Q. I am going to ask you about whether you have formed
43 any friendships with fellow teachers whilst were you at the
44 Katanning Senior High School. Am I right in saying one of
45 those in particular was Mr Andrew Bourke?
46 A. Yes, that's certainly documented, so yes.
47

1 Q. And Mr Bourke has just completed giving his evidence
2 now?
3 A. Yes.
4
5 Q. And I will just clarify for the transcript, that you
6 remained outside the hearing room whilst he gave his
7 evidence?
8 A. It seemed the most appropriate thing to do.
9
10 Q. Thank you. Now, he was a friend of yours during your
11 years at Katanning. Is that right?
12 A. We formed a friendship together. I think we shared a
13 house in our first year for a while and then we have
14 remained friends ever since.
15
16 Q. So you are friends up until this day?
17 A. Yes.
18
19 Q. Would you agree with the description that you are very
20 close friends?
21 A. Yes, best mates.
22
23 Q. Is it the case that you have spoken about the subject
24 matter of this Inquiry and how it relates to you and him?
25 A. Yes, a number of times, yes.
26
27 Q. And can you recall when the first time was?
28 A. Well - I'm trying - I can't remember the date of it
29 but Andrew had, I think, been approached by Donald Barratt
30 from the Inquiry and Donald had said to him that there had
31 been some reports made we had been, you know, involved in a
32 disclosure or something, you know, words to that effect.
33
34 Q. Yes.
35 A. And then about a week later I had a phone message from
36 Phillip - from Donald Barratt to say that he was from the
37 St Andrew's Inquiry and, you know, could I call him back or
38 he would call back later on, and I phoned Andrew to find
39 out - I knew that Andrew was having an interview with the
40 Inquiry the week before or something and I phoned him to
41 say, you know, what sort of things is he likely to ask. I
42 was thinking at that stage that he was going to be just
43 asking for background stuff about what Katanning was like
44 at the time because I had been told from a colleague in the
45 Education Department that my name had been given as someone
46 who had been around the high school for a number of years
47 and that they were interested in finding out what the

1 scenario was at the school, you know, what the lie of the
2 lands was, and I thought it was to do with that. So that
3 was the sort of first instance when I phoned Andrew and
4 then later that day I spoke with Don Barratt.

5

6 Q. Do you remember the name of the colleague from the
7 Education Department?

8 A. Ken Perris.

9

10 Q. Was he also a fellow teacher at Katanning at the time?

11 A. Yes, but not - yes, but not at the school, and Ken has
12 a position in the department and I think it was the
13 department's investigators had spoken with him to get some
14 information early on, I think, about, you know, what
15 Katanning was like and Ken had said to them - you know, I
16 think they had asked him who else could they speak with
17 that might know something about, you know, what it was like
18 so.

19

20 Q. But wasn't he a teacher at the school at the same time
21 that you were?

22 A. Not at high school, no. He was a primary school
23 teacher.

24

25 Q. So getting back to the telephone conversations you had
26 with Mr Bourke, how many can you recall having with him
27 regarding the subject matter of this Inquiry?

28 A. Well, we have spoken quite a bit over the last - I've
29 been dealing with a bit of a health issue. We have
30 probably talked more over the last six or nine months than
31 we have in a while.

32

33 Q. I don't want to know anything about other issues, I
34 just want to know about the Inquiry?

35 A. Yes, half a dozen, give or take.

36

37 Q. And what have you spoken about?

38 A. I suppose fairly general things, you know, our shock
39 at receiving the information that we have been alleged to
40 have been involved in discussions about this situation.

41

42 Q. What did you say to Mr Bourke about your recollection
43 of those discussions or alleged discussions?

44 A. That I had no recollection of them at all.

45

46 Q. And can you recall what he had to say about his
47 recollection of those discussions?

1 A. Same.
2
3 Q. The same. Can you remember - it might be testing your
4 memory - who it was who first said they didn't have any
5 recollection of those discussions?
6 A. No, I can't.
7
8 Q. Have any of your discussions gone beyond those alleged
9 conversations that you had with a couple of students?
10 A. Along the way, I guess, we have touched on a few of
11 the - some of the information that's come out in
12 transcripts, just general things.
13
14 Q. Again, have you been reading the transcripts yourself?
15 A. Some of them, not all of them but some of them. I
16 think we have been pretty judicious in not actually dealing
17 in specific details. Andrew's had - I think he had - he
18 made a statement early on which I hadn't made a statement
19 or wasn't invited to make a statement, but we didn't talk
20 about the specifics of that and he had - he made a
21 statement prior to me making a statement recently. We
22 didn't talk about the specific of those, of that, and I
23 haven't talked with him about the specifics of my
24 statement. I don't know whether we were explicit about it
25 but I think we both probably felt that it wasn't
26 necessarily appropriate to do that.
27
28 Q. Can you recall whether he said to you early on, one of
29 the first occasions you spoke to him about this matter,
30 that the investigator that had interviewed him had
31 suggested that he shouldn't --
32 A. Yes, I do.
33
34 Q. -- talk to either yourself or indeed Stuart Jones?
35 A. Yes, I don't know about the Stuart Jones bit but he
36 said that he shouldn't speak to me, yes, and then when -
37 that was, if you go back to what I said earlier, when I
38 phoned Andrew to find out what sort of things that Donald
39 Barratt was likely to talk about, we ended up talking about
40 this situation.
41
42 Q. Okay, so that was when you asked about what Don
43 Barratt had spoken about, he had already told you --
44 A. Yes.
45
46 Q. -- that Mr Barratt had said not to speak to others.
47 So can you just tell the Inquiry why it was that you did

1 proceed to talk to him about that or why you then started
2 to talk about the matter?
3 A. Andrew had been told - Andrew understood that he had
4 been told by Don Barratt that he shouldn't discuss it with
5 me. There was about a week's lapse I think and then I
6 phoned Andrew to find out what was - you know, what was
7 likely to be - we were going to be talking about, and you
8 know, he --
9
10 Q. So why did you do that in light of the fact that he --
11 A. Because I had a phone message. I had no idea that
12 Andrew had been given this information by Don Barratt. As
13 far as I knew, Andrew was due to have an interview with
14 Donald Barratt or with an investigator - or not even an
15 investigator, someone who was gathering information, I
16 thought, at that stage about a week before. No, I hadn't
17 spoken with Andrew. I just thought it was a matter, an
18 information-gathering situation. When I got a phone
19 message from Donald Barratt to say that he was from the
20 St Andrew's Inquiry and that he wanted to speak with me, I
21 simply phoned Andrew to find out what sort of things would
22 we be talking about, not - I had no concern that there was
23 an issue, I thought he was just gathering information.
24
25 Q. When was it that Andrew said to you that "Mr Barratt
26 has advised me that I shouldn't talk to anybody else about
27 this"?
28 A. Yes, that was at that phone call.
29
30 Q. That phone call?
31 A. That phone call.
32
33 Q. And did he tell you that early on in the phone call?
34 A. No, it was later on in the phone call. I think he was
35 sort of feeling a bit compromised. Look, I can't exactly
36 remember when but I think he was feeling a bit compromised
37 and I think it sort of came down to "Look, I think there's
38 been an allegation against us. I've been told not to talk
39 with you". That's about as much as I can say, and then
40 when I spoke with Donald Barratt that same day, probably
41 half an hour later, it was the first thing I said to him.
42 You know, I said "Look, I've had - I've just spoken with
43 Andrew Bourke. I understand something's a bit untoward
44 here. I just want you to know that straight off the bat",
45 to which he responded "I hadn't instructed Andrew not to
46 speak with you. I'm not in a position to be able to do
47 that". I - you know, I'm not sure exactly how that"- what

1 was happening there.
2
3 Q. Have you subsequently spoken to Andrew again about the
4 matter since that conversation in which he told you what
5 Mr Barratt had said to him?
6 A. Yes.
7
8 Q. And in particular about the allegations that have been
9 made?
10 A. Yes, in terms of we can't remember anything, yes. But
11 I mean I'm of the belief that it was okay to talk about it
12 because Donald Barratt had told me that he is not in a
13 position to tell anyone not to talk about it. So I
14 didn't - I'm hoping that that's okay.
15
16 Q. But you can see the reasons why that advice might well
17 be good advice?
18 A. Yes.
19
20 Q. Yes?
21 A. Yes.
22
23 Q. And why do you think that is good advice now?
24 A. Look, I suppose there could be the impression that we
25 would collude on evidence or something like that.
26
27 Q. Because you now both say you can't recall these
28 conversations?
29 A. Yes.
30
31 Q. And indeed with Stuart Jones, isn't it the case that
32 you have also spoken to him?
33 A. Stuart phoned me the day he received a letter from the
34 Inquiry saying that he - his name had been given up as
35 well, and that's the first time I had spoken with - you
36 know, he phoned to say "What the hell is going on" kind of
37 thing, and that's the first time I had spoken with Stuart
38 in 25 years or something and I haven't spoken with him
39 again until today.
40
41 Q. But with respect to that, you only had one phone call
42 with him?
43 A. That's it.
44
45 Q. And in that telephone conversation, again did you
46 convey to him that you don't have any recollection --
47 A. I did.

1
2 Q. -- of these conversations?
3 A. I did.
4
5 Q. And what was his response to that. Did he also tell
6 you what he could recall?
7 A. Yes.
8
9 Q. And did he say the same thing?
10 A. Yes.
11
12 Q. So you can see there why it might have been good
13 reason why you didn't all speak to each other about the
14 matter?
15 A. I suppose, yes. I mean along the way too, I mean I
16 hope you can appreciate this has been pretty uncomfortable
17 for us because --
18
19 Q. I appreciate that, yes.
20 A. Yes.
21
22 Q. But we have got an Inquiry to undertake.
23 A. Yes.
24
25 Q. And we have heard evidence from two students or two
26 ex-students about what they say they said to teachers. We
27 have to hear that evidence and then give you, the teachers,
28 the opportunity to respond?
29 A. Sure.
30
31 Q. Mr Lockhart, before I go into those conversations, if
32 I can just ask you some of the background questions, and
33 that is, can you recall the principals of the high school
34 that were there or the principal that was there when you
35 first started?
36 A. Yes, I was asked that by the people who did my
37 interview, the other people. Johnston, someone Johnston in
38 the first year.
39
40 Q. Do you have any recollection of how he ran the school?
41 A. He was an older man. I have a vague recollection -
42 look, in terms of running the school, no, I can't really
43 remember. He - he was an elderly gentleman when he arrived
44 at the school, yes, certainly --
45
46 Q. Do you remember the principal then who replaced him?
47 A. Yes, that was Gerry Marriott.

1
2 Q. What was your opinion of Mr Marriott as a high school
3 principal?
4 A. Yes, good operator. Good operator. Professional and
5 organised and, you know, school-focussed, yes.
6
7 Q. Dedicated to his job?
8 A. Absolutely, yes.
9
10 Q. When you say "well focussed"?
11 A. School-focussed.
12
13 Q. School-focussed, sorry, yes, and very dedicated to his
14 job?
15 A. Just very professional I think, yes.
16
17 Q. Any criticism of the way he operated or managed the
18 school and dealt with staff?
19 A. None that I recall and I would be, you know - unlikely
20 to be.
21
22 Q. With respect to the way in which he operated as the
23 principal, can you recall that he was very particular about
24 note-taking. Is that something you remember?
25 A. Gerry always carried a file of facts and he wrote lots
26 of things down, yes.
27
28 Q. And you know what they were, those things he would
29 write down?
30 A. No, not specifically.
31
32 Q. Did he ever make a note, write in his file of facts
33 when he would speak to you?
34 A. I can't recall if he did. I mean, look, I was
35 probably - I mean I carry a diary myself but it tends to be
36 reminders of things that I have to do but, I mean, look, I
37 couldn't speculate. I never saw inside his file of facts.
38 I really couldn't speculate on what he wrote in it.
39
40 Q. You knew he carried that around?
41 A. Absolutely. It was attached to him, yes.
42
43 Q. You would often see him jot things down?
44 A. Jotting things down, yes.
45
46 Q. I can tell you that Mr Marriott was principal of the
47 school in 1985 and 1986. Can you recall who the principal

1 was for your final year at Katanning?
2 A. I - yes, I can now. Graham Young.
3
4 Q. Yes. What was your opinion of him as a --
5 A. I cannot remember Graham Young at all.
6
7 Q. Can you offer some explanation for that?
8 A. No, not really. I just - no, I really don't - I can't
9 picture him. No, I don't know.
10
11 Q. Might that be because you didn't see him that often?
12 A. Could have been.
13
14 Q. Didn't have much to do with him?
15 A. You know, I probably would have thought I would but
16 maybe I didn't. I don't know, I just really don't have --
17
18 Q. So nothing stands out in the way he managed the
19 school?
20 A. No.
21
22 Q. You can't give any indication then of how he dealt
23 with the students or the relationship he had with the
24 students?
25 A. Graham Young?
26
27 Q. Yes?
28 A. No.
29
30 Q. What about Mr Marriott?
31 A. Ran the school or dealing with students?
32
33 Q. Dealing with students, the relationship he had with
34 the students?
35 A. I would have thought, you know, he was a personable
36 man and - look, honestly, I can't remember specifics but,
37 you know, I would have thought that he would have had a
38 positive professional working relationship with students
39 just because he was that sort of a guy.
40
41 Q. Was he a little bit younger than Mr Johnston?
42 A. Much younger, yes. I think it may have been - I don't
43 know but it may have been Gerry's first promotional
44 position to principal at the time.
45
46 Q. Might well be right with that, yes. You were the year
47 coordinator for those students who were finishing year 12

1 in your last year at the school. That's is 1987?
2 A. Yes.
3
4 Q. Was it the case, in fact, that you were the year
5 coordinator for those particular students for four years
6 running?
7 A. Yes.
8
9 Q. So it wouldn't have been five years from Year - Year
10 8?
11 A. No, I commenced as a year coordinator in my second
12 year, and the students were in the - the group of students
13 who I picked up were in Year 9 --
14
15 Q. 9?
16 A. -- at that stage.
17
18 Q. So you remained the coordinator for the same group of
19 students all the way through?
20 A. Yes.
21
22 Q. Can you just tell us what the role of a year
23 coordinator was?
24 A. Pastoral care largely, and I've often described it as
25 sort of a father-figure, I guess, for the kids. So, you
26 know, if there's any issues with the kids, behavioural
27 things, emotional things --
28
29 Q. They'd come and see you?
30 A. Well, I was there - you know, I was a port of call.
31
32 Q. Yes.
33 A. Yes.
34
35 Q. Fine. And was there only one year coordinator for
36 each year, can you remember? If you can't remember, that's
37 fine.
38 A. No, I can't remember. I suspect so. I think this was
39 something that, you know, trying to remember back to it - I
40 think when I got to - when it got to Year 11 and 12, there
41 was one person for Year 11 and 12, one year coordinator,
42 rather than a Year 11 Coordinator, and a Year 12
43 Coordinator, but I'm not totally confident about that.
44
45 Q. All right. So you might have been the coordinator for
46 two years then, are you saying - for Year 11 and 12?
47 A. For two year groups possibly.

1
2 Q. Two?
3 A. Yes.
4
5 Q. Right.
6 A. Possibly.
7
8 Q. Okay. I'm going to ask you now some things about
9 Dennis McKenna. You obviously - did you meet him at some
10 point in time?
11 A. Yes.
12
13 Q. Did you do any tutoring at the hostel?
14 A. No.
15
16 Q. So your - can you recall your first impressions of
17 him?
18 A. This is something I - I guess I've had cause to think
19 about. I don't know if my impressions about Dennis were
20 formed before I even met Dennis. I wonder now whether it
21 was a part of an unofficial induction that you probably got
22 from your colleagues about the way that the hostel ran, and
23 the way that Dennis ran the hostel, and his, I guess,
24 relationship with the school, but I certainly early on knew
25 that he ran a very tight ship over at the hostel, or
26 appeared to from the outside; and that he wasn't really
27 someone that you wanted to mess with, I guess, for want of
28 a better term.
29
30 Q. Okay. And did you find that out through personal
31 experiences, or just the - the stories that went around, or
32 a combination of both?
33 A. Yes. Look, I didn't really have very much to do with
34 the hostel or with Dennis specifically. Probably my main
35 interaction, I suppose, was that the hostel had a bus that
36 we used in the school at times for various things - you
37 know, moving kids around to venues and things.
38 Particularly being a phys ed teacher, you would like to be
39 able to rely on that, and there was this sort of
40 arrangement, I think, that the school - you know, it was
41 there before I arrived - that the school could use the bus
42 at points of need. It tended to be though, sometimes at
43 Dennis' whim, and that was a sort of a frustrating sort of
44 a scenario. You know, there were times that it was
45 available and times when I seem to remember that it wasn't
46 available - seemed to be more to do with it didn't suit
47 him, rather than it was unavailable, if that makes sense.

1
2 Q. Yes. You might have mentioned this in your interview,
3 there was a power thing?
4 A. Yes, I think. I think, yes.
5
6 Q. Is that right?
7 A. Yes, yes.
8
9 Q. Is that how you make an assessment of it?
10 A. Yes, yes.
11
12 Q. Is that the assessment you made at the time or with
13 hindsight?
14 A. No, that was the assessment I made at the time, and I
15 still believe, you know, that that's part of it, and I
16 think that's the view that I have.
17
18 Q. So this would be an example then of trying to ensure
19 you remained in his good books, I suppose?
20 A. Yes, exactly. I think that was something - if it was
21 important to us, I think you've - I guess you were careful.
22
23 Q. And if you did happen to annoy him, what could the
24 repercussions be?
25 A. I don't think I ever saw that first hand, Phillip,
26 but - no, I don't really know, but - am I allowed to say
27 that?
28
29 Q. That's all right.
30 A. Yes.
31
32 Q. Maybe I should have said to you, you --
33 A. Sorry.
34
35 Q. -- Mr Urquhart will be fine.
36 A. Mr Urquhart sorry, sorry.
37
38 Q. Yes.
39 A. But I don't know if I saw that first hand, but I
40 guess.
41
42 Q. What about not firsthand, what about secondhand or
43 stories that you heard about that, people getting him
44 annoyed?
45 A. I don't know that I saw evidence of any people getting
46 annoyed. I think it's --
47

1 Q. I didn't say saw, I'm actually having hearing, hearing
2 accounts of that?
3 A. I don't know that I did, no.
4
5 Q. All right. Well, you might have well said in your
6 interview in rather colloquial terms that if you stuffed
7 him around or pissed him off, he had the capacity to make
8 life difficult for you. Do you agree that that's what you
9 said in your interview?
10 A. Yes, yes, that's it, yes.
11
12 Q. So what did you base that on?
13 A. Well, I suppose my example with the bus scenario is
14 probably the best one that I have. Yes, I don't know that
15 I can add to that.
16
17 Q. Okay. How would you regard, or what did you see or
18 hear about the management he had of the hostel?
19 A. From where - I saw it looked to run really
20 efficiently. The students were always very well turned
21 out. They were always very well behaved. They attended
22 school, from best that I can recall, consistently, yes; so
23 the management of it looked to be done very well.
24
25 Q. Yes. And the management - did you hear accounts of
26 how he managed the hostel, whether he was laidback or
27 otherwise?
28 A. Certainly not laidback. You know, I would have
29 thought he was - you know, his style appeared to be more
30 dictatorial than laidback - authoritative, you know.
31
32 Q. Did you hear any stories or accounts of bullying - I'm
33 not saying you necessarily saw that personally, but whether
34 you heard of those --
35 A. No.
36
37 Q. -- accounts.
38
39 Q. Never?
40 A. No.
41
42 Q. -- bullying of students?
43 A. Not that I'm aware of no, or not that I can recall.
44
45 Q. Did you ever see yourself or hear accounts of hostel
46 students coming to school in a distressed or upset state?
47 A. No.

1
2 Q. Did you ever hear accounts of him having favourites,
3 students - favourites - groups of students more than
4 others?
5 A. Look, that strikes a cord with me, but I couldn't give
6 you any specific example of it, but that sort of rings a
7 bell.
8
9 Q. Well, general examples will do?
10 A. I don't even have general examples, it's just
11 somewhere back here that sort of - okay, that - that sounds
12 about right.
13
14 Q. So can you - can you pull anything from the back of
15 your head there and tell us about?
16 A. No.
17
18 Q. No?
19 A. Sorry, no.
20
21 Q. Did you make any observations about his sexuality?
22 A. Yes. I - I guess I always wondered whether Dennis was
23 gay. He - he wasn't openly gay, but I guess there was some
24 mannerisms that suggested that he might be. You know, I
25 feel sort of almost guilty saying it now because it sounds
26 a bit juvenile; but, yes, it's probably what I observed.
27
28 Q. Was that a subject matter of discussion amongst
29 teachers?
30 A. Yes, it was a bit.
31
32 Q. Yes.
33 A. Mm-hmm.
34
35 Q. You don't recall ever having a discussion amongst
36 teachers regarding any difficulties that students had at
37 the hostel?
38 A. Among teachers?
39
40 Q. Yes.
41 A. I don't remember a specific conversation about that,
42 no; but, look, I mean that - we're talking 25 years ago.
43 There quite possibly were a number of conversations, but I
44 can't recall a conversation.
45
46 Q. All right. I accept it's a long time ago. I gather
47 you've read the evidence of Jodie Haddow, who is now known

1 as Jodie Brown, and also the evidence of Rhonda Goode, who
2 is now known as Rhonda Moore; is that right?
3 A. Yes.
4
5 Q. Do you recall those - those two girls as students of
6 Katanning?
7 A. When I first heard their names, I struggled a bit.
8 You know, again they registered with me, I suppose. I
9 suppose over the last couple of months I've thought of them
10 a bit more. I can sort of vaguely remember them.
11
12 Q. Vaguely remember them --
13 A. Yes.
14
15 Q. Okay. Well, what can you vaguely remember about Jodie
16 - and I'll use their first names if that's okay?
17 A. Yes.
18
19 Q. What do you vaguely remember about Jodie?
20 A. Blond hair.
21
22 Q. Right.
23 A. Hostel student.
24
25 Q. Yes.
26 A. That's about what I can remember.
27
28 Q. Do you remember anything about whether she was a good
29 student to teach, or anything like that?
30 A. I don't know if I ever taught Jodie.
31
32 Q. You don't know. Phys ed?
33 A. Typically I wouldn't have, because she would have been
34 in a girls' class.
35
36 Q. I see. Rhonda - Rhonda Goode?
37 A. Tall, dark hair.
38
39 Q. Yes.
40 A. Hostel student. Don't - quite possibly didn't teach
41 Rhonda either.
42
43 Q. Okay.
44 A. I mean, I may have, but I don't remember.
45
46 Q. What about your capacity though as a coordinator.
47 Might there be situations there where you would have had

1 conversations with either of those two girls?
2 A. Yes. I - I don't doubt that I would have had
3 conversations with them, you know, over any number of
4 things along the way. Hostel students didn't tend to
5 interact very much with the Main school population. They
6 were at the hostel until basically the start of the school
7 day, and then they - you know, arrived at school, went to
8 classes. They when back to the hostel for recess and then
9 back to the hostel for lunch and then back to the hostel
10 after school, so it was sort of - you know, typically these
11 kids were in classes, but nothing else. So as a year
12 coordinator, I really didn't have much to do with them in
13 that role and as, you know, the Inquiry is aware from what
14 I've seen in the transcripts, lots of those issues that you
15 probably dealt with as a year coordinator with the town
16 students were managed at the hostel by hostel staff.

17
18 Q. But you're not saying they wouldn't have had the
19 opportunity of speaking to you about something if they
20 wanted to?

21 A. No, no, no, no, no, not saying that at all, yes.

22
23 Q. Just on the subject matter of hostel staff - did you
24 know the names of other hostel staff apart from Dennis
25 McKenna?

26 A. Look, I was aware at some point along the way that
27 there was other McKennas involved at the hostel, but I knew
28 none of those. I really had nothing to do with the hostel.
29 I had - as I said earlier, I didn't do tutoring or anything
30 over there, so I really didn't have much to do with the
31 hostel.

32
33 Q. Can you recall if there were ever any discussions
34 amongst teachers about the fact that there seemed to be so
35 many McKennas at the hostel?

36 A. No, I can't recall that.

37
38 Q. Okay. I take you now - I know you've said, Mr
39 Lockhart, that you don't have a recollection of these
40 conversations that Jodie and Rhonda say they had, but I am
41 going put it into context with you and ask you some
42 questions regarding it, okay. Now, the - dealing first
43 with Jodie's account, she was in Year 8 through Year 12, in
44 the same years that you were teaching there, 1983 through
45 1987, and she recalls the first discussion was towards the
46 end of 1986, which is Year 11, and that she was with
47 Rhonda, and this conversation took place in the phys ed

1 office, and she says they both would have requested it, and
2 she says she's 100% certain that you were there and Mr
3 Bourke was there - she's 100% sure about that. That's how
4 she's described it in her evidence. And she's not 100%
5 though whether Mr Jones - Stuart Jones was there. Okay.
6 Now, just with that background - sir, again I'm reading out
7 from page 390 of the transcript from 24 February this
8 year - I asked her, Mr Lockhart:

9
10 Q. Can you recall who spoke out of you
11 and Rhonda?

12 A. Knowing both of us, we probably spoke
13 over the top of each other. Knowing both
14 of us we probably did that. We said that
15 we were very concerned that Dennis was
16 sexually interfering with boys at the
17 hostel and that something needed to be done
18 and, "What do we do?" "Where do we go?"
19 "Can you help us?"

20
21 Q. Can you recall whether there was a
22 response to that?

23 A. I can recall them not being surprised
24 at our allegations. I can recall them not
25 being shocked at our allegations. They
26 didn't shut us up. They didn't say, you
27 know, "You're being stupid. Go home." I
28 can't say who said it, but they went, "We
29 know something is happening but we" -
30 yeah - "we don't know what to do", or
31 "yeah, we know something is happening but
32 we need proof".

33
34 Now, I gather that that doesn't jog your memory as to a
35 conversation along these lines?

36 A. No, it doesn't.

37
38 Q. And I gather what you're also saying is that you can't
39 even recall speaking to either of these two girls in your
40 capacity as the year coordinator?

41 A. I can't remember a specific situation where I spoke to
42 these girls in my capacity as a year coordinator.

43
44 Q. She talks about a very small phys ed office. Does
45 that ring a bell as to the office that you had at
46 Katanning, at least initially?

47 A. Yes; yes, that --

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Q. Did you actually move offices, can you recall?

A. There was a gymnasium built in my last year at the school, like a gymnasium facility, and there was a new office as part of that. I don't think we were in there until the latter part of the year, but the phys ed office used to be in the main school. I wouldn't have thought it was a small office particularly, in light of some of the offices I've been in, but that's up for interpretation, I guess.

Q. Okay. Now, assume then that this was said to you, am I right in saying that you wouldn't have, upon hearing an allegation like that, something like that, that you would have said, "Don't be stupid. Get out, go home"?

A. I'm pretty confident that if something like that had of been said, I wouldn't have said, "You're stupid, get out, go home."

Q. She also says that the response, she doesn't know which one it was, "We know something is happening, but we need proof." Now, once again, are you saying that you can't recall, apart from a dictatorial-type management, you can't recall anything else that would be of concern? I'm not talking about sexual, but just general concern about the way he managed the hostel?

A. No.

Q. No.

A. No, look, I think - you know, I think he appeared to be pretty tough on the kids; like, you know, they were - I don't know, it was just - you know, he obviously didn't run it loosely, I suppose. I mean, you could see that from a distance, that this thing was obviously run very precisely just in the nature of the way the kids presented themselves and behaved and so on.

Q. All right. So you're saying there that's an indication that he was tough?

A. I would have thought he was - he would have erred on the side, as I said before, as a - you know, maybe a more military-style leader than a laidback sort of a leader --

Q. Right. Okay.

A. -- at the other end of the continuum.

Q. And you don't recall any occasion, all the years that

1 you were a year coordinator, a hostel student just saying
2 something disparaging or about Dennis McKenna - not of a
3 sexual nature --

4 A. Yes.

5

6 Q. -- but just of his --

7 A. Yes, I understand.

8

9 Q. -- bullying tactics --

10 A. Yes, I understand what you're saying.

11

12 Q. -- or his discipline or anything like that?

13 A. I cannot remember one single incident of that
14 occurring. Maybe it did, I don't know, but I can't
15 remember a conversation - a student, a comment.

16

17 Q. Okay. I'll just continue now. This the bottom of
18 page 390, sir. I asked:

19

20 Q. Did they say anything further about
21 what that proof would require?

22 A. They did, because we were - I was a
23 very indignant young lady at that stage. I
24 went, "What sort of proof do you want?"
25 Like, "You've got to be joking! What proof
26 do you want?" They said, "Until the boys
27 come to us and tell us that something is
28 happening, we can't do anything."

29

30 Now, once more, if - I emphasise "if" - if this complaint -
31 if you had this conversation with these two girls, and they
32 were stating that Dennis McKenna was sexually interfering -
33 they were concerned that Dennis McKenna was sexually
34 interfering with boys, do you think - bearing mind this is
35 the mid 1980s - that that would be a reasonable response
36 that, "We can't do anything unless the boys come forward"?

37 A. I think over the last couple of months since this
38 stuff's come to light, I've tried to second-guess myself
39 1,000 times about what would be an appropriate response
40 back in the mid 1980s, and what wouldn't be. Would that be
41 an appropriate response back then - possibly, possibly.
42 You know, maybe you felt that you would need some -
43 something more concrete to go on. I can't really be
44 certain. Today, you know, in the early 2010s, it's pretty
45 straightforward - you know, there's mandatory reporting and
46 I would go straight to my principal and dump it on his or
47 her desk as quickly as possible, and pretty much as a

1 teacher or a - you know, even an administrator role that
2 I'm in at the moment, that's your job done in relation to
3 dealing with these sort of matters. Back then there wasn't
4 such a process that at least I'm aware of, so difficult to
5 know how you would have dealt with it. I'd like to think
6 if you had something of that magnitude put to you, you
7 would have - I would have pursued it and, you know, not
8 necessarily asked for evidence, but certainly would have
9 led to some further discussions with people in a position
10 of influence, more influence than I had in the school.

11

12 Q. You say you'd like to think that?

13 A. I would like to think. I mean, you ask me to
14 speculate, hypothesise. I would speculate that, you know,
15 that's how I would like to think I would have acted.

16

17 Q. Do you think you would have gone that far though,
18 bearing in mind the fact that there wasn't an actual
19 alleged victim that's speaking to you, it's only two girls
20 saying they think, and bearing in mind the reputation that
21 Dennis McKenna had at the time?

22 A. Look, I can - I can only hypothesise. Would Dennis
23 McKenna's reputation have got in the way with me sort of
24 having a conversation with a deputy or a principal or some
25 sort of line of management - no, I don't - I don't think it
26 would have.

27

28 Q. But why do you say that?

29 A. Well, I just think - I would like to think that if I
30 thought it was the right thing to do, I would have just
31 done it.

32

33 Q. All right.

34 A. But by the same token, would it have been reasonable
35 in the mid '80s to say, "This is hearsay, we need something
36 more to go on" and I - try and cast yourself back into that
37 scenario, maybe that's not unreasonable. I'm really not -
38 I guess someone else has got to pass judgments on that.

39

40 Q. And I'm going to suggest something else as well, the
41 fact that the three of you - if, in fact, the three of you
42 were there, or even if the two of you were there, out of
43 those three you all were relatively junior.

44 A. Absolutely.

45

46 Q. Do you agree with that?

47 A. Absolutely. Probably thought more of my ability back

1 in those days, but looking back now I was pretty fresh.
2
3 Q. Now, Mr Lockhart, Jodie refers to some times when she
4 was in Year 12 where she raises matters informally, but she
5 doesn't name you as being one of the - or two of the
6 teachers who she raised matters informally with, and she's
7 not very clear about that, or she says she's not 100%
8 clear, but she does recall an occasion at the 1987
9 graduation party. I know this is going a while back, but
10 can you recall whether the Katanning leaving students had a
11 graduation party?
12 A. Yes, probably.
13
14 Q. Yes. And the teachers would be invited too?
15 A. Yes.
16
17 Q. Does that ring a vague bell?
18 A. Yes.
19
20 Q. Okay. Well, this is at page 395, and I will just -
21 this essentially is what she says --
22 A. Yes.
23
24 Q. She says "those three teachers were there again" - she
25 says yourself, Mr Bourke and Mr Jones - that she was there
26 with Rhonda, and the two girls raised this matter again to
27 the three of you, and she says that they said words to the
28 effect of:
29
30 This is still happening? What are we
31 doing.
32
33 And she recalls that the teachers expressed sympathy and
34 concern, but not much you could do until you have - and the
35 phrase she used was "cold, hard evidence" - that is, there
36 needed to be someone to own up. So, again, a similar vein
37 to what she says had been said to her and Rhonda the
38 previous year. Again, does that jog your memory at all?
39 A. Sorry, no.
40
41 Q. Now, I gather you're not saying these
42 conversations - I was never a part of these types of
43 conversations?
44 A. Mr Urquhart, I think if I was to say that - I don't
45 imagine that these two ladies, women as they are now, would
46 have come forward to the Inquiry and said that they've had
47 some conversations with us if there hadn't of been some

1 sort of conversation with someone at some point in relation
2 to matters regarding the hostel. I guess there's a lack of
3 clarity around when some of these things occur, who was
4 there, what was said, who said it and who responded in a
5 particular way. It's very difficult to be certain about
6 anything, but if these conversations occurred, I suspect
7 maybe they didn't carry with them the magnitude that -
8 certainly I didn't take away the magnitude of the situation
9 that it was obviously intended to carry. I mean, that's
10 the only thing I can kind of add to it, hypothesise,
11 speculate, I suppose.
12

13 Q. All right. So I think my original question was you
14 can't say categorically these conversations never happened?

15 A. No.

16
17 Q. But you're saying the one explanation might well be,
18 is that it wasn't - these girls clearly expressed
19 themselves or there might have been - it might have been
20 open to some ambiguity?

21 A. I think you put it better than I probably put it.
22 That's exactly what I'm trying to say. I feel that if this
23 information had of been conveyed in the way that it was
24 intended to be, or has been reported to be, it just seems
25 so unlikely that I or any of the teachers that have been
26 named wouldn't have done something about it, or at least
27 talked amongst ourselves or any of those kind of things
28 that may have seen this move further along, but clearly it
29 would seem to me - well, it would seem to me that the
30 magnitude of the situation wasn't clear. If - you know, if
31 the conversations occurred.
32

33 Q. Mr Lockhart, is it the case that you've actually
34 discussed precisely that with Mr Bourke?

35 A. Yes, in effect, I suppose.
36

37 Q. Because I was going to suggest that you're probably
38 at - in fact, you would have --

39 A. Yes, yes.
40

41 Q. -- is that right, because Mr Bourke has given a
42 similar --

43 A. Yes.
44

45 Q. -- possibility?

46 A. Yes.
47

1 HIS HONOUR: He even used the word "magnitude" too.
2
3 THE WITNESS: Yes.
4
5 MR URQUHART: Q. Is that just a coincidence?
6 A. Well, look, I can't - I can't speak for Andrew, but I
7 think that's a view that, you know, we've --
8
9 Q. Well, you can't speak for him --
10 A. No, no.
11
12 Q. -- but you've spoken to him --
13 A. Absolutely yes.
14
15 Q. -- about precisely this possible explanation?
16 A. We've tried to get some understandings of, you know,
17 what's occurred or what might have occurred and so on; so,
18 yes.
19
20 Q. All right. It's interesting you should raise that as
21 a possibility, as an explanation as to why you can't recall
22 this, but before I go on to what I want to ask you about
23 concerning Rhonda's account, is this - am I right in saying
24 that if it was clear that these two girls were talking
25 about Dennis McKenna sexually abusing boys, then this is
26 something you would have expected to recall, even with this
27 passage of time?
28 A. Yes, I would think. Almost certainly, you would
29 think.
30
31 Q. Now, because this is what Rhonda said about it, and
32 you're quite right, the girls' accounts, or the two ladies'
33 accounts, are not entirely consistent because she says
34 she - and she thinks she's 80% certain it was Jodie
35 Haddow - this is page 420, sir - that she and Jodie Haddow
36 - 80% sure it was Jodie Haddow - went and saw their year
37 coordinator that she named as you, Mr Lockhart - which
38 would be correct in Year 10 or Year 11, which was 1985 or
39 1986, and that she believed it was in the phys ed office,
40 and she feels that someone else was there. That's as far
41 as she says, and she certainly doesn't say there were three
42 others - three teachers there or three others there apart
43 from herself and Jodie. And she says she can't recall the
44 absolute specific conversation. She said they would have
45 said that Dennis was abusing the boys and we should be
46 doing something to protect them. But she also says this,
47 she says:

1
2 Sure I would have said he got the boys to
3 masturbate them because one of the boys had
4 said that to me.
5
6 So if, in fact, she had said that in those clear terms,
7 that that would, I would expect, be something that you
8 would remember?
9 A. I would think so.
10
11 Q. Yes. She also adds and --
12 A. And not only remember, I think that would have set off
13 some pretty serious alarm bells, you know, if it was that
14 blunt.
15
16 Q. Yes. She might not have used the word "masturbate",
17 she might have used a colloquial term for it, but --
18 A. Same, same.
19
20 Q. Now, she also mentions - she also believes - this is
21 not something that Jodie says - she also mentioned that the
22 girls mentioned how Dennis McKenna treated the girls, not
23 in a way like sexual abuse, but psychological. Do you
24 recall any complaints about - from girls or any students
25 regarding the psychological abuse?
26 A. No, I don't.
27
28 Q. Yes. And I'll ask you to comment about this, I feel
29 it's relevant. She also said that she had a feeling, no
30 higher than that, that you said that you would speak to
31 your wife about it. She says, "I think she may have been a
32 Social Worker." Now, is it the case - firstly, were you
33 married at that time, 1985 --
34 A. Yes.
35
36 Q. -- or '86? Is it the case that your wife wasn't a
37 Social Worker?
38 A. That's correct.
39
40 Q. What --
41 A. Teacher.
42
43 Q. She was a teacher?
44 A. Mm-hmm.
45
46 Q. At the school?
47 A. No, primary school.

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Q. I see. Primary school in Katanning?

A. Mm-hmm.

Q. And she also said:

I recall him saying he'd have to think about it and get back to us.

So nothing about that?

A. No.

Q. And, again, that's the only occasion where she mentioned having a conversation with you, and she doesn't give an account of something happening at a graduation party. Do you agree with me though, that these two girls, if they had come forward with these sorts of allegations, it would have been - it would have required a lot of courage?

A. I think, Mr Urquhart, in my statement I said to you I have already made that comment that I think it would have been very brave of these kids, as they were then, to speak out against the hostel if, you know, that's what they were doing. It was a very tight ship, and you know as - like people have gone on record as saying Dennis was someone who was somewhat feared in the community, so to come out and speak against the hostel or Dennis specifically would have taken a lot of courage, I think.

Q. Yes. And a lot of thoughts about the potential consequences?

A. Well, you know, we're talking young kids. Sometimes they don't necessarily think through the consequences, but I am sure that if they came out and spoke against the hostel, then that would have been, you know, an act of courage, I think. And in support of their peer, you know, if that was the case.

Q. Do you agree with me this would be precisely the sort of subject matter that a student would take up with their coordinator?

A. Precisely. Or certainly that would be one option anyway, yes.

Q. So in fairness to you - I should have asked you this - if - I emphasise "if" - if this had happened, what do you believe you would have done? I know it's difficult for you

1 to cast your mind back 27 years, bearing in mind --
2 A. Yes.
3
4 Q. -- the changes in what's required now with mandatory
5 reporting, are you able to help us, or would you like to
6 say what you believe you would have done if this had
7 happened?
8 A. I believe I would have moved the decision about what
9 to do further up the line of management. I probably would
10 have spoken with my Senior Master or a Deputy or the
11 Principal in those days, to say, "Look, this is what's been
12 reported to me. Not sure what to do with it, but this is
13 it; you know, this is the information that I have."
14
15 Q. Can I ask you this - would it have been something you
16 would have necessarily believed?
17 A. That's hard to say. I mean, we've got so much
18 hindsight now. Look, one thing that is apparent to me in
19 the information that I've seen about the evidence, I guess,
20 that the Inquiry has gathered, we were completely in the
21 dark about any of this sort of stuff. I mean, it seems
22 that there were some people in the community who had some
23 knowledge or suspicions or prior experiences of things that
24 may have given them cause to be suspicious. I don't -
25 again, I can't speak on behalf of the teaching staff, but I
26 certainly had no suspicions that there were - it wasn't
27 like there was a hair trigger on any of these sort of
28 issues, so would I have been surprised, yes, I probably
29 would have been really surprised. Yes.
30
31 Q. What if you had seen a senior high school student in
32 years 10, 11 or 12 - what if you'd seen a boy sitting on
33 Dennis McKenna's lap? What would you have done in that
34 circumstance?
35 A. I suppose it would probably be, you know, in context -
36 I'd probably have to look at it in context. I don't know.
37 I mean.
38
39 Q. In his office.
40 A. I don't know. It's --
41
42 Q. With other boys present?
43 A. That's an odd scenario; but, yeah, he was kind of -
44 the way I see it, you know, he coached kids in footy; you
45 know, he's kind of a father figure, I suppose, I mean - or
46 appeared to be.
47

1 Q. This isn't a training school though?
2 A. No, no, no, fair call. But I'm not sure how I would
3 have handled that.
4
5 Q. Have you heard another teacher mention that to you at
6 around this time when you were at Katanning, that that is
7 what they had seen in Dennis McKenna's office?
8 A. Not that I can recall.
9
10 Q. Can you think hard about that? Is it something that
11 Andrew Bourke mentioned to you either back then?
12 A. I don't know that he mentioned it to me back then, but
13 I am aware that that's something that was observed, yes.
14
15 Q. I was going to say, has he told you about that more
16 recently?
17 A. Yes.
18
19 Q. And just like it would require an act of the courage
20 for a student to come forward and make these allegations,
21 do you also agree with me it would require a fair amount of
22 courage for a teacher who's told about it to do something
23 about it, given who the alleged offender is, and his
24 standing in the community at the time?
25 A. Not especially. I mean, it's not that it wouldn't -
26 no, go back a bit. Really, I think in passing on
27 information to a higher authority within the school, I
28 don't think that would take courage, I just think that's
29 procedural.
30
31 Q. Do you think though, that more evidence would be
32 required before you did that, given the fact that if -
33 again, saying if these two girls had told you that, would
34 you believe that you'd require something more substantial
35 before you did that - bearing in mind it's what they think
36 is happening to the boys at the hostel?
37 A. Yes. Again, I go back to what I said before. Is it
38 reasonable back in those days to say that you need more
39 evidence - maybe, maybe not. Would I like to have thought
40 that - I mean, do I like to think that if I had that
41 information I would have simply gone and consulted with
42 someone - yes, I do; you know, independent of any further
43 evidence.
44
45 Q. Mr Lockhart, can I ask you - I know I mentioned we've
46 raised this already, but what sort of contact did you have
47 with Dennis McKenna. I know you spoke about you'd have to

1 arrange with him about the hostel buses to be used by the
2 school.

3 A. I don't think that involved any sort of personal
4 interaction though. I'm not exactly sure how that worked,
5 from memory. Look, I had very little to do with Dennis
6 McKenna. I mean, like I said, he coached footy and I was
7 coaching footy and, you know, he would be in the school at
8 various times; but, you know, I wouldn't have had a handful
9 of one-to-one interactions with him probably over the time.

10

11 Q. Did you always try and, though, stay in his good
12 books?

13 A. Pretty much, yes, but that would - that would equate
14 to making sure that if I had a class that used the hostel
15 bus, that the bus was swept at the end of - you know, when
16 it was used, and it was put back in the right spot and, you
17 know, that sort of thing.

18

19 Q. But if you felt that a student was being unfairly
20 treated by him, I gather that would override your attempts
21 to try and stay in his good books?

22 A. It's bigger than a bus.

23

24 Q. Yes. Now, with respect to Mr Marriott - just going
25 back there briefly - you've told us about your assessment
26 of how he ran the school and what a good principal he was.
27 I gather then if he asked you to do something in your
28 capacity as a teacher, and provided it wasn't unreasonable,
29 you would do it?

30 A. Absolutely. He's the boss at the end of the day.

31

32 Q. Yes. Do you remember a student by the name of Diane
33 Pascoe?

34 A. No.

35

36 Q. No? She was a student at the school, and she was in
37 Year 11 in 1987?

38 A. I think I know - I mean, I think from the media and so
39 on I recognise the name.

40

41 Q. Right. Right. When you heard the name - I do know
42 her surname is now Renton, her married name is Renton,
43 Diane Pascoe. Does that ring a bell?

44 A. Was she there in my time? I --

45

46 Q. Yes.

47 A. Yes.

1
2 Q. She was in Year 11 in 1987?
3 A. No, I don't remember her.
4
5 Q. All right. She gives an account of ringing Dennis
6 McKenna up whilst he was at the hostel during the Christmas
7 school holidays of 1986/1987, and she asked him if she
8 could come and board at the hostel for that year, 1987, and
9 he said that she could. Does this - do you recall anything
10 like that? Do you recall that she began staying at the
11 hostel at the start of the school year in 1987?
12 A. No.
13
14 Q. No?
15 A. No.
16
17 Q. Do you recall after school had began, and she only
18 stayed at the hostel for several weeks, some time after she
19 moved out of the hostel and moved back home, that you spoke
20 to her about the fact that - of her ringing up Dennis
21 McKenna and asking if she could stay at his hostel, and you
22 were speaking to her about that because you said to her you
23 were actually in Dennis McKenna's office when he took the
24 call from her?
25 A. Sorry, I've got absolutely no recollection of that
26 whatsoever. I'm not even sure I've - I had ever been in
27 Dennis McKenna's office.
28
29 Q. That was going to be my next question. No?
30 A. No, I'm sorry, I --
31
32 Q. Ever been in his office, or can't recall being in his
33 office?
34 A. Look, I can't recall being in his office. No. I
35 possibly did; but, no, I certainly don't - I don't remember
36 the student, the situation, the --
37
38 Q. No?
39 A. -- the phone call, no.
40
41 Q. She says - I suggest to you that you had a laugh about
42 it with her because of the fact that she asked to go to the
43 hostel, but she only ended up lasting a matter of weeks?
44 A. Sorry?
45
46 Q. No. Now, are you certain that no hostel student ever
47 came to speak to you in your position as a year coordinator

1 about problems they were having at the hostel?
2 A. I'm not certain that that's the case, no.
3
4 Q. Do you recall ever advising any students that because
5 of what was happening at the hostel, that they should leave
6 it?
7 A. No.
8
9 Q. No?
10 A. I'm - I'm feeling like I should remember something,
11 but I - I mean, with your line of questioning, but I don't
12 know, no.
13
14 Q. Don't assume anything, Mr Lockhart. Do you recall
15 twin boys at the school who were in Year 12 in 1986?
16 A. Yes, I do --
17
18 Q. Okay.
19 A. -- because that sort of came back to me in the earlier
20 discussions today.
21
22 Q. When you were listening to the evidence of Mr Hendry?
23 A. Yes.
24
25 Q. Yes. So you know the twin boys we are talking
26 about --
27 A. Yes.
28
29 Q. -- whose surname begins with "P"?
30 A. "P", yes.
31
32 Q. Yes. I would like to show you something, and it's a
33 page, a photocopy of a page from Mr Marriott's Filofax from
34 1986, all right. This is 0117. Now, we're going to do
35 what we did with Mr Hendry, not refer to this boy's name.
36 Madam Clerk, can you first hand the copies to Mr Jenkin and
37 Mr Hammond. I am sure his Honour has one first, before you
38 hand it to Mr Lockhart. Now, Mr Lockhart, to put this into
39 context, this is a page from Mr Marriott's Filofax from
40 1986, okay. And it's - the date is 29 July that I would
41 like you to look at. So give that now to Mr Lockhart.
42 Thank you. And if we can get the edited copy up on the
43 screen. And whilst that's happening I will just ask you,
44 Mr Lockhart to look at the - halfway down. See:
45
46 29/4/7 - DMCK would like to see I Lockhart
47 re advice to STDS --

1
2 A. Students.
3
4 Q. :
5
6 -- students to leave hostel etc.
7 (Specific):
8 And we can see two surnames there - I don't want you to say
9 them. Can you see that?
10 A. Yes.
11
12 Q. All right. And one beginning with "P", one beginning
13 with "S". Then in square brackets underneath that:
14
15 [I asked Lock to see him]
16
17 A. Mm-hmm.
18
19 Q. Now, does that jog your memory about, firstly,
20 providing some advice to, it seems specifically two
21 students, to leave the hostel?
22 A. I'm afraid it doesn't jog my memory at all, and I - I
23 mean, I don't know what the context was.
24
25 Q. Well, I can --
26 A. -- if there was one.
27
28 Q. I can enlighten you a little bit there. Those two
29 surnames we see in brackets, you can recognise the first
30 one, don't you, beginning with "P"?
31 A. Yes.
32
33 Q. And then the second one beginning with "S". Do you
34 recognise that surname at all?
35 A. No.
36
37 Q. It's a female student?
38 A. That was referred to earlier?
39
40 Q. Exactly right.
41 A. Okay.
42
43 Q. Yes, it's the female student referred to earlier in Mr
44 Hendry's evidence, regarding two students who appear to
45 just simply be a boyfriend/girlfriend relationship, nothing
46 more than that.
47 A. Mm-hmm. I'm sorry, I - it doesn't ring a bell at all.

1
2 Q. What about - remember I asked you before about whether
3 you would follow a reasonable instruction from Mr Marriott?
4 A. Yes, I do.
5
6 Q. Well, you find that amusing do you?
7 A. No, I just feel that - anyway, no, I mean it's just
8 the way - no, no.
9
10 Q. All right. Well, can you remember seeing Mr McKenna?
11 A. No, I can't.
12
13 Q. Well, from the evidence you've heard of Mr Hendry this
14 morning, this is obviously a subject matter now that I've
15 given you the context, that Mr McKenna seemed to be quite
16 emphatic about. Do you agree with that?
17 A. Yes.
18
19 Q. All right. So given the fact that you rarely had any
20 interaction with Mr McKenna, I'm going to suggest to you
21 that might be a matter that would stand out to you.
22 A. Look, if Gerry asked me to go and see these people, go
23 and see Dennis in relation to this matter, I probably would
24 have, I think, but as far as the matter goes, it didn't
25 strike a chord with me when it was brought up this morning,
26 it still doesn't strike a chord with me. I don't remember
27 having any conversation with students about leaving the
28 hostel, and I don't remember going to speak with Dennis
29 about this matter.
30
31 Q. Well, Mr Lockhart, if I could ask you this --
32 A. Yes.
33
34 Q. -- say a boy and a girl come to see you, or maybe just
35 one of them. They come to see you to say, "Look, we're in
36 a relationship, we're nearly adults, we're in Year 12.
37 Dennis McKenna is saying to us just because we are students
38 of the hostel we're not allowed to have this relationship."
39 Wouldn't it be the case that your advice could well be,
40 "Well, the solution to your problem would be to leave the
41 hostel"?
42 A. I'm not sure that would be my advice. But - look, it
43 could be that I - there's a whole range of things that you
44 would go through, I would think, before you get to that
45 point. You'd be - I think - I don't know, I wasn't aware,
46 or if I was I've forgotten that there was a rule about
47 relationships at the hostel until I heard the evidence that

1 was given this morning. I mean I think that would need to
2 be considered, what the rules were, but --

3

4 Q. Well we know what the rules were?

5 A. Yes.

6

7 Q. Seemed to be absolutely no relationships, even if it
8 was nonsexual, which Mr Hendry has emphasised, "There was
9 no suggestion that this was a sexual relationship"?

10 A. I'm not surely - are you asking me to comment on
11 whether this is a valid rule to have in a hostel?

12

13 Q. I'm just asking you what your response may well have
14 been if these two students had come to you seeking your
15 advice as their coordinator?

16 A. I would like to think that I would have given them a
17 range of options to consider if people came to me and asked
18 for me - asked for my advice on pretty much anything.

19

20 Q. Do you think that, knowing the man, if this was 1986,
21 knowing about Mr McKenna and the way he ran the hostel and
22 sees it, would you agree with me that he was the one that
23 was to make all the decisions regarding the hostel?

24 A. Yes.

25

26 Q. Including who could stay and who could leave?

27 A. That didn't seem to be something that the school
28 bought into, no.

29

30 Q. Well this instance here, if Mr Marriott's note is
31 correct, it is that he'd advise these students to leave the
32 hostel and it has got "Et cetera" in there and for some
33 reason Mr McKenna wanted to see you?

34 A. Mmm.

35

36 Q. I suggest, Mr Lockhart, it may not have been a
37 particularly cordial meeting, if in fact it took place?

38 A. That could have been the case. I don't remember the
39 meeting or I don't remember having a - an uncomfortable
40 meeting with Dennis at any point. So I don't remember
41 having a meeting with him so I'm not sure how to respond.

42

43 Q. Would that be something you would expect to recall,
44 that if, in fact, there was a meeting which Mr McKenna gave
45 you some forceful words --

46 A. I would think that is something that I would remember
47 but I don't remember it. I mean I spoke - who knows. I

1 mean that could have been - it could have been a throwaway
2 line, it could have been anything. I mean I just really
3 have no idea what that relates to, you know, like if - if
4 it was ever said, how it was said. Just because it was
5 implied that I had said something, doesn't mean that I
6 actually did say something. I mean who knows.
7
8 Q. It doesn't seem Mr McKenna has regarded it as a
9 throwaway line because he actually wanted to see you?
10 A. No, yes, yes.
11
12 Q. Do you remember that?
13 A. Yes, yes, yes.
14
15 Q. Do you agree with me that, from what you know of
16 Mr McKenna, he seemed to effectively know a lot of things
17 about a lot of people?
18 A. You mean kids or students?
19
20 Q. And adults?
21 A. I don't know if I could agree with you on that but --
22
23 Q. You don't know whether you agree with me on that?
24 A. No.
25
26 Q. It also seems that he had a habit, an effective habit
27 of making threats to people. Were you aware of that either
28 back in the 1980s or reading the evidence as you read at
29 the Inquiry?
30 A. Reading the evidence I have, yes, yes.
31
32 Q. And it would seem that more often than not those
33 threats were just made up. Yes?
34 A. Yes.
35
36 Q. Do you agree with that, it would seem from the
37 evidence?
38 A. Yes, yes.
39
40 Q. Were you ever the unfortunate recipient of something
41 like that from Mr McKenna?
42 A. No.
43
44 Q. Would that be something you would remember, if that
45 was the case?
46 A. I would have thought so.
47

1 Q. I'm not suggesting at all for a moment that anything
2 he would say like this would be true?

3 A. No, no.

4
5 Q. It was just the very nature of the threat?
6 A. Yes.

7
8 Q. That seemed to be his modus operandi?
9 A. Yes.

10
11 Q. You can recall anything like that happening to you
12 personally?

13 A. No.

14
15 Q. Do you have any recollection of the boy who has been
16 identified there with the surname "P" actually leaving the
17 school before he could complete his TAE exams?

18 A. No, not until it was mentioned today.

19
20 MR URQUHART: Thank you, Mr Lockhart. I might now tender,
21 sir, that file of facts note.

22
23 EXHIBIT #57 FILE OF FACTS NOTE

24
25 <CROSS-EXAMINATION BY MR HAMMOND:

26
27 Q. Mr Lockhart, in relation to the discussions you had
28 with Andrew Bourke before being interviewed by the
29 Inquiry's officers, how many are you saying actually took
30 place before you were interviewed?

31 A. I think I said half a dozen or so probably.

32
33 Q. And by the time you had got to your interview with the
34 Inquiry, you would have had a fair idea of what was going
35 to be asked because of the conversations that you had with
36 Mr Bourke?

37 A. I don't think we really spoke about specifics of
38 questioning. So - look, I don't think there was - it was
39 ever a secret what we were going to be asked about once we
40 received the letter that said that this is - you know,
41 broadly this is what has been said and then from that point
42 we had the copies of the transcripts of the students who
43 had spoken to the Inquiry. So I mean I think it was pretty
44 clear what sort of things we were going to be asked about.

45
46 Q. And obviously you were worried about the fact that you
47 were being called up to the Inquiry?

1 A. It is just an uncertain time, yes.
2
3 Q. And in those half a dozen conversations, did you go
4 over the various possibilities that may have occurred back
5 then in relation to what happened with these two young
6 ladies?
7 A. Yes, to an extent I guess we did, you know. We
8 probably brainstormed, you know, a bit of --
9
10 Q. When you brainstormed this idea, this, you know, what
11 may have happened with Andrew Bourke, obviously there was
12 one scenario that "Maybe they did come to us and report
13 sexual misconduct on the part of Dennis McKenna". Was that
14 one option that was canvassed?
15 A. I don't think we ever canvassed that option, frankly.
16
17 Q. You didn't canvass it?
18 A. Look, I --
19
20 Q. I'd like you to think very hard about that,
21 Mr Lockhart, because it is very important the way in which
22 you answer that. You did canvass that option, didn't you?
23 A. Well, when I say, you know, we didn't canvass that
24 option, I - look, I can speak for me, and that is, I just
25 have no recollection of that occurring, you know, of any
26 conversations occurring. So realistically, the fact that
27 this conversation - these conversations occurred and that
28 we have no memory of them just doesn't seem to gel, I
29 suppose.
30
31 Q. And the reason you are telling the Inquiry now that
32 you think they didn't happen is because you have no memory
33 of them?
34 A. Correct, but at the same time, too, I mean, we are
35 talking some pretty significant stuff here and you would
36 think --
37
38 Q. I understand that, Mr Lockhart, but I reiterate the
39 question. The reason you are saying the conversations
40 regarding Dennis McKenna didn't happen is because you have
41 no memory of them?
42 A. Yes, I suppose. I have no --
43
44 Q. And you also spoke to Andrew Bourke about whether he
45 had a memory of the conversations regarding Dennis McKenna?
46 A. Yes.
47

1 Q. And he told you he had no memory?
2 A. Yes.
3
4 Q. And you both agreed, didn't you, that that would be
5 the position that each of you would take before the
6 Inquiry; that you had no memory of the conversations with
7 these two girls about Dennis McKenna?
8 A. Yes, and that's - because that's the truth. I mean
9 that's - that's --
10
11 Q. You agreed that before coming to the Inquiry?
12 A. I think that's an independent issue but --
13
14 Q. Could you please answer that question. You agreed
15 before coming to the Inquiry that you both had no
16 recollection of what happened back in the mid 1980s?
17 A. Correct.
18
19 Q. Even though there was a possibility that these two
20 girls did raise allegations of sexual misconduct on the
21 part of Dennis McKenna?
22 A. I've already mentioned that I don't feel that things
23 have been made - that these ladies have made up that they
24 came and spoke to us about something.
25
26 Q. Given that, Mr Lockhart, given your belief that they
27 haven't made any of this up --
28 A. Yes
29
30 Q. -- it's highly possible, isn't it, that they came to
31 you with sexual allegations of sexual misconduct on the
32 part of Dennis McKenna?
33 A. No, I don't believe that to be the case because had
34 they have done that, I feel that there would have been
35 another course of action - I mean we would have taken a
36 different course of action.
37
38 Q. I'm not asking about the course of action?
39 A. Well I think that's the check point.
40
41 Q. No, no?
42 A. I think the check point for if there was clarity about
43 what was said, then we would have done something different
44 to what we have done.
45
46 Q. But you don't dispute anything those two girls are
47 saying, do you. You don't believe that what they are

1 saying is improbable?
2 A. I don't believe that what they are saying was the way
3 it was conveyed to us.
4
5 Q. But it may have been conveyed to you in such a way as
6 to make it clear that Dennis McKenna was involved in
7 inappropriate sexual misconduct?
8 A. I believe that had that have been what was conveyed to
9 us, the check point, if you like, looking back, would have
10 been that we would have acted differently. So no, I don't
11 believe that what has been purported to have been said was,
12 in fact, what was said.
13
14 Q. So it is your position before this Inquiry, is that
15 there is no possibility of these two girls having come to
16 you with complaints of sexual misconduct?
17 A. I - you know, I think it is highly probable that that
18 didn't occur in the way that it's been reported as
19 occurring.
20
21 Q. But you are not prepared to rule it out entirely?
22 A. I don't think I can. I can't remember very much about
23 things that happened 25 or more years ago. So to
24 completely rule it out would be foolish, I think, but all
25 the I guess evidence in my mind points to the fact that if
26 something was said to me or to us that explained the
27 gravity of the situation, then we, I, would have taken a
28 course of action different to what were reported as having
29 taken.
30
31 Q. Why aren't you prepared to rule it out --
32
33 MR URQUHART: I don't know, sir, that my learned friend
34 really can take it much further now.
35
36 MR HAMMOND: I believe I can, with respect, sir.
37
38 HIS HONOUR: Just give it one more go, yes.
39
40 MR HAMMOND: Q. Mr Lockhart, why aren't you prepared to
41 rule this out entirely, that they came to you with
42 allegations of sexual misconduct on the part of Dennis
43 McKenna?
44
45 MR URQUHART: Well, sir, he has clearly answered that a
46 number of times now.
47

1 MR HAMMOND: No he hasn't, with respect. I put that
2 question differently.
3
4 HIS HONOUR: Q. Just answer that question as best you
5 can?
6 A. Sorry, could you ask me again?
7
8 MR HAMMOND: Q. Why aren't you prepared to rule out
9 entirely, to discount entirely that the two girls came to
10 you with allegations of conduct by Dennis McKenna. Why
11 aren't you prepared to rule that possibility out entirely?
12 A. I just - I just don't have 100 per cent certainty. I
13 mean, I feel like I have 98 per cent certainty but I don't
14 feel like I have 100 per cent certainty. I mean I could
15 sit here and I could, you know, make up a story and go,
16 like, "100 per cent, they absolutely didn't come to see me
17 about this stuff, I'm absolutely definitive on it" but I
18 don't feel very definitive about anything, to be frank with
19 you. So, you know, maybe --
20
21 Q. But you agree --
22
23 MR URQUHART: No really --
24
25 MR HAMMOND: Mr Urquhart hasn't even heard the question
26 I'm about to ask, sir. You haven't even heard the question
27 I'm about to ask.
28
29 MR URQUHART: If my learned friend is going to ask about
30 the same subject --
31
32 MR HAMMOND: I'm not asking about the same question. You
33 haven't even heard the question, Mr Urquhart.
34
35 MR URQUHART: If you are going to move on, I'll sit down.
36 If he is going to move on to something else, I'll sit down,
37 otherwise I'm going to maintain my objection.
38
39 MR HAMMOND: To what?
40
41 HIS HONOUR: What's your next question?
42
43 MR HAMMOND: That's the point
44
45 HIS HONOUR: If you could ask it, yes.
46
47 MR HAMMOND: Q. Mr Lockhart, you would agree that

1 allegations of sexual misconduct by any student are
2 probably the most serious thing that can be put to a
3 teacher?
4 A. Yes.
5
6 Q. And in your time as a teacher, has that happened,
7 other than this --
8 A. No, not that I can recall, no.
9
10 Q. Did you know the date of Andrew Bourke's interview
11 with the investigators. Did he tell you when that was
12 going to take place?
13 A. Which interview with the investigators because I
14 understand you have --
15
16 Q. Did Andrew Bourke tell you the dates when he was
17 meeting with the investigators?
18 A. Yes.
19
20 Q. And did you correspond by email in relation to the
21 interviews?
22 A. Well, we email quite regularly so --
23
24 Q. And those emails were the subject of discussions about
25 the interviews?
26 A. No.
27
28 Q. None whatsoever?
29 A. Not that I can recall specifics. I mean general stuff
30 like where it was and who it was and --
31
32 Q. Do you have a copy of those emails?
33 A. I may do.
34
35 Q. Can you make them available to the Inquiry, please?
36 A. Yes.
37
38 Q. And how many would you say there are?
39 A. I don't know, two or three possibly.
40
41 Q. And when were those emails written. This year
42 sometime?
43 A. This year sometime.
44
45 MR HAMMOND: Sir, could the witness be asked to make those
46 emails available to the Inquiry?
47

1 HIS HONOUR: Q. So are you willing to do that?
2 A. Yes.
3
4 Q. All right, yes. When can you do that? Perhaps if you
5 just copy them to the Inquiry's email address?
6 A. Yes, sure.
7
8 MR HAMMOND: Q. Did you have telephone conversations
9 with Mr Bourke today about today's hearing?
10 A. Today about today's hearing?
11
12 Q. Yes?
13 A. No.
14
15 Q. You don't know?
16 A. No, no.
17
18 Q. No?
19 A. No.
20
21 Q. And did you have conversations with any other persons,
22 today, regarding this hearing, what you were about to say
23 today. Have you spoken to any of the other teachers that
24 were at Katanning?
25 A. There's only Stuart, and we've very much avoided - I
26 mean we sat out there sort of out of respect for the
27 process and I mean we talked about everything but this
28 Inquiry. Like I said, I mean I had one phone call from
29 Stuart a month or two ago and that's the only communication
30 we've had until today.
31
32 Q. And you don't rule out, do you, that there was a
33 conversation at a graduation party in 1987 with Jodie?
34 A. I don't rule it out, no, but I can't remember a
35 conversation.
36
37 Q. And you don't rule at that that that may have again
38 concerned allegations about sexual misconduct involving
39 McKenna?
40 A. No. Same as before. I mean --
41
42 Q. You don't rule it out entirely?
43 A. No, I don't remember it but what can I say?
44
45 Q. Finally, you don't rule out that a complaint was made
46 about psychological abuse of the women at St Andrew's
47 Hostel?

1 A. What was that in relation to?
2
3 Q. Do you recall a complaint regarding students being
4 psychologically abused at St Andrew's Hostel?
5 A. No. I'm uncertain of the - has that been raised?
6
7 Q. No, do you ever recall that whilst you were a teacher
8 at Katanning?
9 A. No.
10
11 MR HAMMOND: I don't have any further questions, sir.
12
13 HIS HONOUR: Mr Urquhart?
14
15 MR URQUHART: No, there is no re-examination.
16
17 HIS HONOUR: All right, that completes your evidence,
18 Mr Lockhart. You are free to go.
19
20 THE WITNESS: Yes, thank you.
21
22 <THE WITNESS WITHDREW
23
24 MR URQUHART: I do think we ought to continue.
25
26 HIS HONOUR: Well, I'm happy to.
27
28 MR URQUHART: I don't expect to be as long with Mr Jones
29 as I have been with the other two witnesses.
30
31 HIS HONOUR: We will have to stop by five.
32
33 MR URQUHART: Stop by five, yes. Stuart Michael Jones,
34 please. Mr Jones will be outside the room.
35
36 <STUART MICHAEL JONES, sworn:
37
38 <EXAMINATION-IN-CHIEF BY MR URQUHART:
39
40 Q. Mr Jones, your full name is Stuart Michael Jones?
41 A. That's correct.
42
43 Q. Yes, and how old are you, sir?
44 A. 56, 57 - 56.
45
46 Q. Do you reside in the metropolitan area somewhere?
47 A. I do, yes.

1
2 Q. Are you currently a deputy principal?
3 A. I am.
4
5 Q. Would you like to name the school? If you don't want
6 to you don't have to?
7 A. Probably for the school's sake, I'd rather not.
8
9 Q. When did you complete your teacher's degree?
10 A. I completed it in 1980.
11
12 Q. And then did you subsequently have postings after
13 that?
14 A. I did some - yes, I did some relief work for most of
15 '81 and then I had postings in '82.
16
17 Q. And then through to 1986, did you have regular
18 postings?
19 A. Yes. Yes, yes.
20
21 Q. And in 1986, is it the case that you were posted to
22 Katanning Senior High School?
23 A. That's correct, yes.
24
25 Q. And were you there for the period 1986 and also 1987?
26 A. That's correct.
27
28 Q. And have you worked in teaching positions since that
29 time?
30 A. Absolutely, yes.
31
32 Q. Do you have a specialty, that area that you teach,
33 Mr Jones?
34 A. I teach Economics and Society and Environment. It
35 used to be Social Studies in those days.
36
37 Q. So you were teaching Social Studies, were you, at
38 Katanning?
39 A. Yes.
40
41 Q. Now, I understand that you became friends with a
42 number of teachers whilst you were at Katanning but in
43 particular I want to concentrate on Ian Lockhart. Was he
44 one person that you became friends with?
45 A. Yes, yes.
46
47 Q. And also Andrew Bourke?

1 A. Yes.
2
3 Q. As I understand it, you went to Mr Lockhart's wedding?
4 A. No, I went to Andrew's wedding.
5
6 Q. Sorry, you went to Andrew's wedding. Was that some
7 time in the 80s, was it?
8 A. That would have been '80 - 1988, I think.
9
10 Q. Did you maintain contact with those two men after you
11 left Katanning in 1987?
12 A. No, sadly, no. After the wedding, really haven't.
13
14 Q. And it would appear that all three of you left at the
15 end of 1987. Is that right?
16 A. Yes, I think so, yes.
17
18 Q. However, have you had cause to have contact with
19 either of those men in more recent times as a result of
20 this Inquiry?
21 A. Yes, I have.
22
23 Q. Can we deal first then with Mr Bourke?
24 A. Yes.
25
26 Q. When was it that you made first contact with him with
27 respect to this matter?
28 A. I think I rang Andrew about a week after we got a
29 letter saying that there may be adverse evidence given
30 against us or whatever the wording was.
31
32 Q. Yes, and the reason for ringing him?
33 A. I was going to ask him whether he was going to get
34 legal advice. Some of the advice I had had was that we
35 could maybe share the cost of legal advice and to see him -
36 talk to him about whether he was considering legal advice
37 or not, and also just to see how he was going.
38
39 Q. And also something else, to find out what he had to
40 say or --
41 A. No, no.
42
43 Q. Did you have any conversations with him regarding this
44 potential or this evidence that might be --
45 A. We did - we did talk about this but we didn't actually
46 talk about - we actually said we weren't meant to be
47 talking about our evidence.

1
2 Q. How did you know that?
3 A. I - the advice I got was from the State Solicitor I
4 think it was, who was on the letter, and he said "Look, you
5 can contact to talk about legal advice but you are not
6 supposed to talk about the evidence". I think we - we may
7 have, like, started to say something but we said "Look, we
8 really shouldn't be talking about this".
9
10 Q. Do you recall what you said, though, about it?
11 A. Something about not being able to remember or --
12
13 Q. Yes. It was the case, wasn't it --
14 A. Yes, yes.
15
16 Q. -- that you both said to each other --
17 A. I can't remember.
18
19 Q. -- you can't recall these conversations --
20 A. That's right.
21
22 Q. -- that was set out in each of your letters?
23 A. Yes.
24
25 Q. Is that fair to say?
26 A. Yes, absolutely, yes.
27
28 Q. And did you have any other contact with Mr Bourke
29 again after that?
30 A. I spoke to Andrew again I think the night before the
31 evidence was going to be given because we had found out
32 that day that - that the rules had changed basically and
33 our names may be mentioned.
34
35 Q. I see, yes.
36 A. And I rang him again to see, you know, how he felt
37 about that and how he was going and that sort of thing.
38
39 Q. Again that was in reference to the evidence that was
40 going to be given by - I am referring to their first names
41 for ease?
42 A. Yes.
43
44 Q. That's Jodie and Rhonda?
45 A. Yes.
46
47 Q. Any other calls or meetings or emails with Mr Bourke?

1 A. Andrew sent me an email saying that he had sought some
2 advice from the union because we also did discuss whether
3 we would contact the union to get any support from them and
4 he sent me an email sometime in those two weeks saying that
5 he had contacted the union, it had taken a while to get
6 back to them and I think he had passed the email on to me
7 and that sort of thing.
8
9 Q. I gather you read the evidence of Jodie and Rhonda --
10 A. Yes.
11
12 Q. -- which was given back on 24 February this year?
13 A. Yes.
14
15 Q. Did you speak to Andrew about that evidence after 24
16 February?
17 A. No, Andrew rang me I think earlier this week about the
18 appearance today but we haven't really talked about the
19 evidence that the two young ladies gave.
20
21 Q. You haven't really, you have mentioned it?
22 A. Well no, no - well no, no.
23
24 Q. Mr Lockhart, have you spoken to him --
25 A. Yes, I did.
26
27 Q. And again this has been --
28 A. That was after I spoke to Andrew the first time and he
29 actually informed me that Ian had been unwell, which I
30 didn't know about, and so I rang Ian to talk about that.
31
32 Q. Yes, we don't need to go into those details. That's
33 fine, yes, but did you also --
34 A. And again, the same thing happened. We both said we
35 can't remember anything but we really shouldn't be
36 discussing it.
37
38 Q. Was there much more else to discuss after you both
39 said that?
40 A. Probably not really.
41
42 Q. I mean that really is it, isn't it?
43 A. Yes, yes, yes.
44
45 Q. Mr Jones, if I can take you now to the time you spent
46 in Katanning in 1986 and 1987. Can I ask you if you can
47 recall who the high school principal was in your first year

1 there, 1986?
2 A. I think it was Gerry Marriott was the principal that
3 year.
4
5 Q. Are you able to give us an assessment of what sort of
6 principal he was?
7 A. I think everyone seemed to have a fair bit of respect
8 for him. I certainly did. You know, he was great to me as
9 a new teacher to the school and I had a fair bit of respect
10 for him, yes.
11
12 Q. Did you make any observations about the relationship
13 he had with the students?
14 A. He seemed to have, from what I observed, a good
15 relationship with the students but I didn't see him
16 interact enormously with them but when I did it seemed to
17 be --
18
19 Q. It is fair to say you would rate him very highly as a
20 principal?
21 A. Yes, yes, yes.
22
23 Q. Can you recall the principal you had your last year
24 you were there, your second year?
25 A. I think that was Ian Murray the second year.
26
27 Q. Graham Young?
28 A. Graham Young, yes, back then, yes. I sort of got them
29 confused, yes.
30
31 Q. Yes, I don't think Ian Murray was a principal there
32 whilst you were there?
33 A. Okay, yes. Yes.
34
35 Q. So Graham Young, can you recall --
36 A. Well no, obviously I don't have the same strong
37 memories about Graham.
38
39 Q. I should have realised that?
40 A. Obviously I mean I said my memory of Gerry quite
41 strongly, I had a lot of regard for him. Graham is a bit
42 more of a blank tin, yes.
43
44 Q. I see. No criticism of Mr Young with this question
45 but he doesn't stand out to you as much?
46 A. Sorry, yes.
47

1 Q. Yes, he doesn't stand out as much to you --
2 A. No, no.
3
4 Q. -- as does Mr Marriott?
5 A. No, no.
6
7 Q. Is that fair to say?
8 A. Absolutely, absolutely.
9
10 Q. Dennis McKenna, I gather you would anticipate I was
11 going to ask you about him?
12 A. Yes.
13
14 Q. Did you have any contact with him the two years that
15 you were there that you can recall?
16 A. Not a huge amount. I did do some tutoring at the
17 hostel and I played in an indoor cricket team that was at
18 the hostel but - and I think when you first arrived as a
19 teacher he usually - all the teachers were invited over at
20 the start of the year for a meal over at the hostel but as
21 a day-to-day teacher, I didn't have a huge amount of
22 contact with him, no.
23
24 Q. Nevertheless, did you come to learn of his reputation
25 at all?
26 A. In --
27
28 Q. The two years that you were there. For example, how
29 he ran the hostel?
30 A. Look, people said to you when you first arrived it was
31 a really well-known hostel and he ran a pretty tight ship
32 and it was well run. That was what you got told when you
33 arrived.
34
35 Q. Did you notice that at the times that you went there,
36 albeit sporadically, so the tutoring or that first meal you
37 had?
38 A. Certainly - that was certainly the impression that was
39 given, yes.
40
41 Q. Yes. Can you recall anything - I'm talking about the
42 '80s now. Not maybe what you've read in transcripts or
43 read in the newspapers since, but were you aware of his
44 standing within the community when you were there?
45 A. And that's where it does become difficult, because
46 you've got to separate what you've read --
47

1 Q. I appreciate that.
2 A. -- to memories from 25 years ago. As I said, when you
3 arrived, you were told that, you know, he'd done a great
4 job at the hostel, and he ran a really good hostel, so you
5 got the impression that he was pretty highly regarded in
6 the community --
7
8 Q. Right.
9 A. -- you know, but that's all I can recall.
10
11 Q. Okay. You mentioned there that he ran a tight ship -
12 I think is the phrase that you used?
13 A. Well, yes. I might be paraphrasing people; but, yes.
14
15 Q. Yes, certainly; but, again, this is either from
16 personal observations that you made or what people told
17 you. Did you come to know as to whether or not he was a
18 bit of a disciplinarian or not?
19 A. Yes, I think, you know, that was the situation; that,
20 you know, the kids were - were pretty well kept in line, is
21 what we were - is the impression at the time. Now,
22 obviously what we've read since then is a vastly different
23 story, and sadly so, but I guess a disciplinarian might be
24 what you describe it as, yes.
25
26 Q. Did you hear any stories about any bullying tactics
27 that he would employ on students? Again, I'm going back to
28 1986 and 1987.
29 A. I can't recall any particular incidents, no, no.
30
31 Q. Again, anything you heard about whether he would have
32 preferences over students or with students?
33 A. No, I can't recall that so --
34
35 Q. Did you ever hear any concerns expressed by teachers
36 about his interference with --
37 A. Yes, there were occasions.
38
39 Q. -- the teaching?
40 A. Sorry.
41
42 Q. Yes. Yes, I'd nearly finished, yes.
43 A. There were occasions when teachers would make comments
44 that if the kids complained about their class, he seemed to
45 have some influence, or became involved in that.
46
47 Q. Okay. So kids complained about --

1 A. What's happening in their classroom --
2
3 Q. Right.
4 A. -- with the teacher or with behaviour or with what
5 they were being taught or how the class was being run, and
6 however you want to describe it, but if they had complaint,
7 then I do recall people saying, you know, Dennis McKenna
8 would become involved in that.
9
10 Q. Did you know how it was he became involved? I know
11 you're not - you're saying from hearing this thirdhand.
12 A. Not specifically. It never occurred in my particular
13 case. Just that, you know, basically, I think, would
14 become involved probably - I don't know whether he talked
15 to the teacher or what he did, but I can't recall the
16 actual details of it.
17
18 Q. And on these occasions were there some resentment
19 amongst your fellow teachers about him doing that?
20 A. I don't think they were happy with it, no.
21
22 Q. Yes.
23 A. Yes.
24
25 Q. Do you think that's the role of a warden?
26 A. I think it's probably a grey area to be honest,
27 because in some cases they would be acting as the parent,
28 and if I - if a student of mine went and complained to
29 their parent, I would expect the parent to contact me,
30 but - and then I would have - I would engage with the
31 parent. So it's a grey area. In some cases he would
32 perhaps be taking that role, but how influential that role
33 might be, might be a bit different. Now, do you understand
34 what I mean?
35
36 Q. Yes, that's fine, yes. Did you come to make any
37 assessments from the time that you were there, about his
38 sexuality?
39 A. No, not - no.
40
41 Q. No?
42 A. No.
43
44 Q. Did you hear of what other people had to say?
45 A. Look, I can't --
46
47 Q. No?

1 A. I never felt that particular comfortable with him, and
2 he wasn't a person that I felt comfortable with, but I
3 couldn't - and that's from memory now, but I couldn't
4 actually pinpoint what that was about it and, again, I'm
5 having trouble separating what I've read since --
6
7 Q. Yes, certainly.
8 A. -- with what I knew, what I was seeing at the time or
9 heard at the time, or knew at the time or however you want
10 to put it, about his way of conducting himself.
11
12 Q. Yes. So your experiences with him - did you find him
13 as intimidating at all, or anything like that?
14 A. I didn't have a lot of contact with him. I think he
15 had - seemed to have a fair bit of influence, but I didn't
16 personally have a lot of contact with him in that way.
17
18 Q. The question was whether you ever felt intimidated by
19 him, or by his presence or anything like that?
20 A. No, not personally, no, no.
21
22 Q. Are you aware if others where?
23 A. Well, I think going back to those classroom
24 situations, I think people felt intimidated in those
25 situations, yes.
26
27 Q. Can you recall if that ever was taken further --
28 A. No, I can't.
29
30 Q. -- by anyone?
31 A. I can't, sorry.
32
33 Q. I'm going to ask you about a couple of students who no
34 doubt whose names you are familiar with, and you expect me
35 to ask you questions about. The first is Jodie Hadow --
36 A. Yes.
37
38 Q. -- who's now known as Jodie Brown, and also Rhonda
39 Goode, now known as Rhonda Moore, but for the sake of these
40 I'll just refer to them by their first names. I know
41 you've read their transcript, obviously, the evidence they
42 gave on 24 February. Are you able to picture these two
43 ex-students in your mind?
44 A. The picture I have of them now is the picture I see of
45 them on TV.
46
47 Q. Yes.

1 A. I can't picture what they were like in 1986/'87.
2
3 Q. Can you say whether you taught either of them?
4 A. I think I taught - I may have taught both of them,
5 yes.
6
7 Q. You may have taught both of them?
8 A. Yes. I'm not sure, but the names - when I saw the
9 names in print, I recognised them.
10
11 Q. But no recollection of the type of student they were,
12 or anything like that?
13 A. Not particularly, other than - and this is
14 assumptions; but, I mean, you teach a lot of students over
15 30-odd years.
16
17 Q. Yes, certainly.
18 A. And you tend to remember the ones that give you a lot
19 of trouble. That's what we like to call the challenging
20 students. And you tend to perhaps remember some that are
21 absolutely outstanding, and unfortunately a lot of the
22 other students who are fantastic students in the middle,
23 tend to become a bit of a blur, and I would - I would
24 suspect that these two students fell into that category,
25 because I don't have any strong memories of them --
26
27 Q. Yes, okay.
28 A. -- which means they were probably nice, well-behaved
29 kids.
30
31 Q. That makes perfect sense. Okay. Now, I am going to
32 go through - even though you've read them - I am going to
33 go through what they say; but, again, I gather from your
34 evidence that you've already given about what you've said
35 to Mr Bourke and Mr Lockhart, is that you don't have any
36 recollection about these conversations. Is that fair to
37 say?
38 A. Mm-hmm.
39
40 Q. Now, I'm just going to refer to Jodie's evidence
41 first, and just to put it into context, she was in Year 8
42 through to Year 12, 1983 to 1987. So she's in years 11 and
43 12 --
44 A. In '86/'87.
45
46 Q. -- in '86/'87, that's right.
47 A. Yes, yes.

1
2
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Q. She recalls that there was first discussion she describes as towards the end of 1986, so it would be towards the end of your first year at Katanning, and that she's in Year 11. She was with Rhonda, and that there was a meeting in the phys ed office at the school, and that she's 100% certain that Mr Lockhart and Mr Bourke were there. She's not 100% sure that you were there. Okay?

A. Mm-hmm.

Q. And she also says that it would have been a meeting that they would have requested. Okay?

A. Okay.

Q. And whilst we are dealing with it, in fairness to you, Rhonda Goode recalls believing that she had a meeting in the phys ed office. She's 80% certain it was with Jodie - she knows she went with another female student. She's 80% certain it was Jodie, and they saw their year coordinator, which was Mr Lockhart - it was either in Year 10 or Year 11, 1985 or 1986, because they were both in the same year at school, and she feels that somebody else was there, but she can place it no higher than that.

A. Mm-hmm.

Q. Okay. Now, before I go to what Rhonda says, I'll deal with Jodie first. Sir, page 390, the passages that I've been citing to the two previous witnesses. I asked her:

Q. Can you recall who spoke out of you and Rhonda?

A. Knowing both of us, we probably spoke over the top of each other. Knowing both of us we probably did that. We said that we were very concerned that Dennis was sexually interfering with boys at the hostel and that something needed to be done and, "What do we do?" "Where do we go?" "Can you hep us?"

Q. Can you recall whether there was a response to that?

A. I can recall them not being surprised at our allegations. I can recall them not being shocked at our allegations. They didn't shut us up. They didn't say, you know, "You're being stupid. Go home." I

1 can't say who said it, but they went, "We
2 know something is happening but we" -
3 yeah - "we don't know what to do", or
4 "yeah, we know something is happening but
5 we need proof".
6
7 Okay. I'll just stop there. Again, I gather that reading
8 that out to you doesn't jog your memory at all?
9 A. No, no.
10
11 Q. I gather if - I'll just put this question to you. If,
12 in fact, two students were asserting to you that there was
13 sexual interference amongst the boys at the hostel by the
14 warden, that if it was said as clearly as that, that even
15 now, 27 years later, it would be something that you would
16 certainly recall?
17 A. I would think so.
18
19 Q. Was that a fair thing to say?
20 A. I think so. I think that's a fair comment, yes.
21
22 Q. And by the same token, when you say you can't recall
23 it, you're not saying that this definitely did not happen?
24 A. I just cannot recall that at all.
25
26 Q. If it happened, I gather you don't believe you would
27 have said something along the lines of, you know,
28 dismissing it out of hand and saying, "Look, you're being
29 stupid, this is untrue. Go home", words to that effect. I
30 gather you wouldn't have said that?
31 A. Again, you're looking 25 years back. And I certainly
32 know that my work history since then is that I would not do
33 that, and I would be very surprised even then if I would
34 have done it.
35
36 Q. And, of course, they are not asserting that that was
37 done at all.
38 A. Yes, yes.
39
40 Q. They don't actually say --
41 A. I think that would be inappropriate to do that.
42
43 Q. Now, I'll just continue with what she says. I then
44 asked - again, sir, still at page 390:
45
46 Q. Did they say anything further about
47 what that proof would require?

1
2 Bearing in mind that she was saying that it was said that
3 some - "We know something's happened, we need proof." And
4 the response that she says was given:

5
6 They did, because we were - I was a very
7 indignant young lady at that stage. I
8 went, "What sort of proof do you want?"
9 Like, "You've got to be joking! What proof
10 do you want?"

11
12 And on to page 391:

13
14 They said, "Until the boys come to us and
15 tell us something is happening we can't do
16 anything."

17
18 Again, once more, I gather that doesn't jog your memory at
19 all?

20 A. No, it doesn't.

21
22 Q. Now, bearing in mind - as I understand it you hadn't -
23 you would not have received any training regarding how to
24 deal with a situation like this; is that right?

25 A. I'm not even sure there was a policy for this sort of
26 thing at that stage, and we certainly received no training
27 when we did our degrees, or any training with the
28 department on how to manage these situations.

29
30 Q. Bearing in mind if this happened there's two girls
31 saying, "We believe or we think the warden is sexually
32 interfering with boys", and not hearing that account
33 firsthand from the victims, what do you say about the
34 reasonableness of a response if it was given, "Look, until
35 these boys actually come and tell us what's happened,
36 there's nothing much - we really can't do anything"?

37 A. I can actually see the logic in a teacher saying that,
38 and especially in the environment that people were working
39 there with, wasn't training, there wasn't - I mean, not
40 like now, where there's a very set and specific policy, and
41 you're trained in it, and you know what you're meant to do
42 at each stage. I can actually see teachers making that
43 comment in terms of, "Look, I need some first-hand
44 information".

45
46 Q. Yes. You say you can see teachers making that
47 comment?

1 A. Yes.
2
3 Q. Would you include - I'm not suggesting by you agreeing
4 to this that you were saying, "Yes, I had this conversation
5 with them", but would you place yourself in that group of
6 teachers if - I say "if" - something along those lines was
7 said to you?
8 A. As I say, I can't recall it, but if it was, it would
9 be possible, but I would also like to think I wouldn't
10 leave it at that --
11
12 Q. Right.
13 A. -- that I would still pass on the allegation. And,
14 again, I know that's what I do now. If there's - and I do
15 in my role now occasionally have to do - nothing of this
16 type, but still abuse of students, and I always make sure
17 that my principal knows that a report has been made to me,
18 and where I'm at with managing that, and it may be that he
19 deals with it from that point on. So that's --
20
21 Q. But that's now though?
22 A. That's now. I would like to think I would have done
23 something similar back then, but I'm going back 26 - 25,
24 26 years, if that allegation was made to me.
25
26 Q. I see. You'd like to think that, but you might not
27 necessarily have done that until such time, say, a boy or
28 boys do come forward?
29 A. Well, I can't say what I would have done, because I
30 still can't remember the incident --
31
32 Q. Yes, I know that.
33 A. -- do you know what I mean? It's --
34
35 Q. That's why I'm prefacing it by saying "if" --
36 A. Yes.
37
38 Q. -- I'm stressing "if".
39 A. Yes, yes.
40
41 Q. I know it's a difficult exercise, but it's just
42 something I need to explore with you.
43 A. And it is hard to separate what you - your training
44 now from what I might have done 25 years ago as a fairly -
45 not absolutely new teacher, but relatively new in a
46 different environment.
47

1 Q. Yes. And just for sake of completeness, Jodie also
2 says that she gave some names of boys to the teachers that
3 she spoke to, and that there were four. Once more, again,
4 that doesn't help your memory?

5 A. No, no.

6

7 Q. Staying with Jodie for a moment, she does state, at
8 pages 393 and 394 of the transcript, and I'll paraphrase
9 this, Mr Jones. You've obviously read it, but just to
10 refresh your memory she said - and I stress she's not 100%
11 clear of these conversations - but she did believe that two
12 or three times informally that she raised probably with one
13 or two teachers, either Mr Bourke or yourself - so once
14 more it's not precisely clear that she said something along
15 the lines of - so this is the following year:

16

17 Remember what we said before? Are you
18 watching out?

19

20 And the answer that she said she then got was words to the
21 effect of, "We're onto it, don't worry about it, we're
22 doing the best we can, we're waiting for the boys to come
23 forward." So once more I'm putting that to you. Again,
24 you can't recall these conversations?

25 A. I have absolutely no recall of that. No, absolutely
26 none.

27

28 Q. And then finally she talks about a graduation party
29 for the Year 12s in 1987. Can I ask you first whether you
30 can recall graduation parties being held at Katanning High
31 School?

32 A. Since I've read the transcript, I have to try and see
33 if I can remember. I've actually even tried to think back
34 to the graduation, and to be honest, I can't even remember
35 the graduation. I can't remember where it was held, I
36 can't remember whether I attended. So I don't - I haven't
37 even been able to remember that, in terms of --

38

39 Q. Do you know - can you remember if the school did have
40 graduation ceremonies?

41 A. I can't even remember that, and I know they once
42 weren't as common as they are now, and not all teachers
43 went to them, and I can't remember whether there was a
44 graduation ceremony. I can't recall that at all.

45

46 Q. No?

47 A. It's just a complete blank.

1
2 Q. Okay. Well, she says that the three teachers were
3 there that she's mentioned earlier - so yourself, Mr
4 Lockhart, Mr Bourke and Rhonda was also there, and they
5 raised with the three teachers - this is page 395, sir:
6
7 This is still happening. What are we
8 doing?
9
10 And once more she recounts that the teachers she was
11 speaking to expressed sympathy and concern, but there was
12 again said:
13
14 There's not much we can do until we have --
15
16 And her phrase that she used was "cold, hard evidence", and
17 need someone to own up to it. Once more, no recollection
18 of that?
19 A. No, sorry, no.
20
21 Q. You didn't have a recollection of attending that
22 particular occasion?
23 A. No, only - as I said, I've tried to think about the
24 graduation to see if that jolted anything in my memory, but
25 I can't even remember the graduation.
26
27 Q. Now, with respect to Rhonda, Rhonda Goode, now Rhonda
28 Moore, I've already told you what she recalls with respect
29 to the meeting, of conversation in the phys ed room. She
30 only remembers Mr Lockhart being there and maybe she feels
31 someone else was there. Do you - I know you've said to me
32 that you believe you would have been able to recall
33 something if there was clearly an allegation being made of
34 sexual abuse or sexual interference. Are you able to offer
35 a possible explanation as to why it is that the - or
36 account that there may have been some crossed wires or
37 ambiguity about what was being said. Is that a possible
38 explanation for it?
39 A. I can't even remember being in there and having that
40 meeting so --
41
42 Q. I realise that, but are you - I'm just asking whether
43 you can put forward --
44 A. I mean --
45
46 Q. -- an alternative explanation for it, that --
47 A. Obviously --

1
2 Q. -- these girls --
3 A. If a student was to say something to the effect that
4 they're being mistreated or abused, that - I mean, people
5 might not interpret that as sexual abuse, they might
6 interpret that as bullying or that sort of behaviour.
7
8 Q. Is that something, Mr Jones, that you've considered
9 could be one possible explanation for this?
10 A. Well, it is, but I still can't remember.
11
12 Q. No, I realise that, but is that something you
13 consider?
14 A. Yes. I mean, you think about all sorts of things
15 about what might have occurred.
16
17 Q. And that's one you thought of?
18 A. Well, I have. Again, I say that's hypothetical.
19
20 Q. Yes, I realise that, we are all talking about
21 hypotheticals now.
22 A. I can't remember that at all, but that's --
23
24 Q. No, no, but, yes.
25 A. -- a possibility. That's a distinct possibility.
26
27 Q. Have you discussed that distinct - did you discuss
28 that distinct possibility with Mr Lockhart?
29 A. I don't think so, no.
30
31 Q. Might you have?
32 A. I - not that - I might have done, but I can't recall.
33
34 Q. Mr Bourke?
35 A. I - again, I don't think so.
36
37 Q. We're talking more recent times?
38 A. Yes, I understand, I understand, but I don't know, I
39 really can't - I can't remember.
40
41 Q. Okay. You can't remember whether you raised that --
42 A. Whether we raised it with them or not, no.
43
44 Q. You don't know whether you raised that particular --
45 A. With Ian Lockhart or Andrew Bourke.
46
47 Q. -- possible explanation with Mr --

1 A. Yes.
2
3 Q. -- Lockhart or Mr --
4 A. Yes.
5
6 Q. -- Bourke? You can't remember that?
7 A. No.
8
9 Q. Okay. I'll just say to you - although Rhonda doesn't
10 assert that you were there with any certainty in this phys
11 ed room, in her recollection of events she does say that
12 she - she actually says that she - page 420, sir - she
13 would have said in this phys ed room meeting, she would
14 have said:
15
16 Dennis McKenna got the boys to masturbate
17 here because one of the boys had actually
18 said that to me,
19
20 So, again, she's actually stating it far more clearly,
21 which would eradicate any question of ambiguity if she was
22 to say something like that. Again, not something that you
23 recall?
24 A. And I don't think it's something I'd forget either.
25
26 Q. Yes, exactly.
27 A. Yes.
28
29 Q. That was the next question I was going to ask. Thank
30 you. And then finally with Rhonda, and this is at
31 page 427, sir, she says that she does recall having
32 conversations with you about the subject matter, but they
33 weren't specific. And she says that she simply felt that
34 you had an understanding that there was a problem with how
35 the boys were being treated at the hostel?
36 A. Look, I don't recall any specific conversations.
37 There is a possibility that she may - again, may have come
38 and said something about, vaguely about mistreating or
39 something, but I can't remember anything specific or any
40 conversations at all, really.
41
42 Q. So if it was vague and there was some miscommunication
43 that there was something about Dennis McKenna mistreating
44 the boys - again, we have to do this hypothetically. Any
45 idea what you might have done in response to something like
46 that?
47 A. I would probably speak to the boys.

1
2 Q. You'd speak to the boys?
3 A. I think I would go and speak to the boys and ask
4 what's happening.
5
6 Q. Right. And so if she provided you with the names of
7 the boys, you probably would have, or you would have?
8 A. I think that's what I would have done; but, again, I'm
9 going back 25 years and I've got to separate what I would
10 do now to --
11
12 Q. Tell me, as a relatively junior teacher back then,
13 would you have any concerns about doing that without Dennis
14 McKenna necessarily knowing, because I gather you wouldn't
15 have told him about it?
16 A. No.
17
18 Q. So would you have had any concerns about that, given
19 his reputation that he had?
20 A. I don't - sitting here right now, I would say no,
21 but - 25 years ago, I don't know.
22
23 Q. Was the impression you got from him that he wasn't a
24 very good enemy to have?
25 A. I think he had - he had a strong presence in the town
26 and the school, yes.
27
28 Q. And it was better to stay in his good books rather
29 than his bad books?
30 A. I don't know about being in his good books, and again
31 I don't - I don't know if that would have stopped me from
32 doing what I thought was the appropriate thing to do.
33
34 Q. Right. Right. So if --
35 A. Again, you know, it's that --
36
37 Q. I appreciate that?
38 A. -- it's that time lag thingo.
39
40 Q. So were you friends with Andrew Bourke --
41 A. Yes.
42
43 Q. -- during the time that you were there --
44 A. Yes.
45
46 Q. -- in '86/'87?
47 A. Yes.

1
2 Q. Do you ever recall him saying to you that he had seen
3 a boy who was either in years 10 or 11 or 12, sitting on
4 the lap of Dennis McKenna in Dennis McKenna's office with
5 several other boys present?
6 A. No.
7
8 Q. Do you --
9 A. No, I don't.
10
11 Q. -- recall him ever mentioning that to you?
12 A. No, no --
13
14 Q. No?
15 A. -- I don't.
16
17 Q. Once again, can I just ask you - I know it's hard
18 going back to that time; but, Mr Jones, if you'd seen
19 something like that, would that cause you any concern?
20 A. It doesn't seem normal behaviour, so I guess it would,
21 but I - again, that's - I guess what we know about the
22 community now, and it's also what we know about what was
23 going on at the time, but I - I wouldn't have thought I
24 would consider that appropriate behaviour.
25
26 Q. Again, I know it might be difficult, but do you know
27 what you think you might have done if you'd seen that? So
28 nothing sexual, I emphasise, just that oddity of a teenage
29 boy --
30 A. I know, and it just doesn't seem right. This sounds
31 terrible, but that's really hard to say what - again, I
32 don't think - it wouldn't register as appropriate. I mean,
33 I wouldn't think it was the right thing to be doing.
34
35 Q. Yes.
36 A. I doubt if I would have spoken to Dennis McKenna about
37 it.
38
39 Q. Right.
40 A. I don't know if I would have spoken to the principal
41 or the deputy at the high school about it. I would like to
42 think I would have done something.
43
44 Q. What about speaking to the boy?
45 A. That's something I might have done, to find out - yes,
46 to find out what happened, which I said before that, you
47 know, that - that's what I may have - action I may have

1 taken.
2
3 Q. Okay.
4 A. But, it's - you know, it's hypothetical.
5
6 MR URQUHART: Look, I realise that, and a lot of this is
7 hypothetical, but we just appreciate your response, even if
8 it's a hypothetical situation. Thank you, Mr Jones that's
9 all the questions I have.
10
11 HIS HONOUR: Now, Mr Hammond.
12
13 <CROSS-EXAMINATION BY MR HAMMOND
14
15 MR HAMMOND: Q. Prior to giving your evidence today, Mr
16 Jones, have you had face-to-face meetings with Andrew
17 Bourke about the Inquiry?
18 A. No, not prior to today, no.
19
20 Q. Not prior to today at all?
21 A. No, not face-to-face meetings, no. We spoke on the
22 phone.
23
24 Q. And how many times would you say you've spoken on the
25 telephone together prior to today, about the Inquiry?
26 A. Three times. I think I rang Andrew twice, as I said
27 before, and he rang me earlier this week.
28
29 Q. And have you emailed each other in relation to the
30 Inquiry?
31 A. Well, as I said before, only in terms of Andrew sent
32 me an email, I think, about what support he was getting
33 from the union - which was none.
34
35 Q. And did you both discuss legal representation?
36 A. We did discuss whether we should get legal
37 representation.
38
39 Q. And you both agreed not to?
40 A. Yes.
41
42 Q. And did you both, in those telephone conversations, go
43 over the events of the mid 1980s in Katanning, about what
44 you both remembered?
45 A. Well, only - I said, "I forgot." He said he can't
46 remember anything, and I said, "Well, look, I can't either,
47 and we really shouldn't be talking about this."

1
2 Q. So you both agree that you couldn't remember anything,
3 and you both understood that when you came to the Inquiry,
4 that would be what you would say to the Inquiry, that you
5 couldn't agree with anything?
6 A. Well, I don't think it was done in that sense.
7
8 Q. Sorry, you couldn't remember anything?
9 A. Yes.
10
11 Q. Sorry.
12 A. I don't think it was done in that sense, but yes.
13
14 Q. But you both understood that each would be going to
15 the Inquiry with no recollection of what took place in the
16 mid 1980s?
17 A. Yes.
18
19 Q. And specifically in relation to the matters that Mr
20 Urquhart's put to you?
21 A. Yes.
22
23 Q. Did you both discuss whether you actually taught the
24 two girls named Rhonda or Jodie?
25 A. No. I think Andrew might have said he remembered
26 them. I said, "Look, I don't", but again I repeated, "We
27 shouldn't be talking about this."
28
29 Q. So Andrew said to you he did specifically remember
30 Jodie and Rhonda?
31 A. Yes.
32
33 Q. Yes.
34 A. Or Jodie, I think it was, or Rhonda - yes, Jodie.
35
36 Q. And did he tell you what he remembered about Jodie?
37 A. Just she was a good kid.
38
39 Q. And someone that was credible?
40 A. Well, he just said, "I think she was a good kid", yes.
41
42 Q. And did Andrew ask you whether you remembered a
43 meeting with the two girls?
44 A. All we said - at that stage when I spoke to him we
45 hadn't - there hadn't been any - there was no transcript,
46 it was just that we had been told that we had been named,
47 so there was really nothing to discuss in terms of that.

1 We had the letter, it had Rhonda or Jodie's name on it, and
2 said that she was giving evidence, and I just said, "Look,
3 I can't remember anything." Andrew said he can't remember
4 anything, so we didn't - there was nothing else really more
5 than that to discuss, because we didn't know what was going
6 to be said at that stage.

7

8 Q. Did you both agree that if something like that had
9 been said, a report of sexual misconduct, that you both
10 wouldn't have left it at that, you would have done
11 something? Do you both agree that that was what you both
12 would have done?

13 A. I don't know if we agreed on it, but I'm pretty sure
14 that that's what we both would have done.

15

16 Q. And you discussed that fact with each other?

17 A. I don't remember it, but --

18

19 Q. You can't remember whether you discussed that fact
20 with each other?

21 A. (Indistinct) may have done. We may have said in terms
22 of we can't remember anything, but if we - you know, I am
23 sure we would have said something. It might have been a
24 conversation along those lines.

25

26 Q. And did you both discuss that if it had of been said,
27 that you would have both gone to the principal about it?

28 A. I don't think it went that far because we were saying
29 at the time we really shouldn't be discussing this, so I
30 don't think it went that far.

31

32 Q. But if - yes, I understand that, I understand --

33 A. So I don't think the conversation went that deep into
34 it.

35

36 Q. But you both agreed a position on getting legal
37 advice?

38 A. Well, we agreed on that. That's what the conversation
39 was about.

40

41 Q. Yes. And you both agreed after discussions with one
42 another, that you had no recollection of the events?

43 A. It wasn't so much after discussions, it was in terms
44 of Andrew said, "Look, if you can't remember anything", I
45 said, "Look, I can't either", and then as I said, we really
46 said, "We shouldn't be - probably shouldn't be discussing
47 it."

1
2 Q. And why did you form the view that you shouldn't be
3 discussing it?
4 A. Well, we didn't think it was appropriate to --
5
6 Q. Because it could look as though the two of you
7 colluded on what you were going to say to the Inquiry?
8 A. Absolutely, and we just want to be honest; so, yes,
9 good. That could be misinterpreted.
10
11 Q. And did you read the passages in the transcript
12 concerning Jodie and Rhonda before coming today, what they
13 have said?
14 A. I read them at the time.
15
16 Q. Yes. And what was said in that transcript - did you
17 discuss that with Andrew Bourke?
18 A. No, I haven't discussed the transcript with him.
19
20 Q. You haven't discussed anything --
21 A. We haven't spoken since the 24th. The first time I
22 spoke to Andrew again was earlier this week when he rang up
23 and said, "Have you been called to come in on the 17th?"
24 No, earlier, it was last week, "Have you been called to
25 come in on the 17th?", and I said, "Yes, I have".
26
27 Q. And what else was said in that conversation?
28 A. Well, basically we just talked about how each other
29 was going, and again we still weren't going to have legal
30 representation.
31
32 Q. And you talked about the questions you might be asked
33 at the Inquiry?
34 A. No, I don't remember discussing questions.
35
36 Q. You don't remember?
37 A. I don't remember discussing questions we might be
38 asked, no.
39
40 Q. But you may have done that?
41 A. Well, I don't - I don't think we did, no.
42
43 Q. You "don't think we did"?
44 A. Well, I don't - we didn't, as far as I know, discuss
45 any questions.
46
47 Q. So that's your unequivocal evidence, that you didn't

1 discuss any questions that would be --
2 A. From my memory, we didn't discuss the questions we
3 might be asked, no.
4
5 Q. And you agree that allegations of this type, if raised
6 with you as a teacher, even in the mid 1980s, are extremely
7 serious?
8 A. Absolutely.
9
10 Q. And probably nothing more serious that a student could
11 raise --
12 A. Absolutely.
13
14 Q. -- with a teacher?
15 A. Absolutely.
16
17 Q. And in response to Mr Urquhart - and I understand this
18 to be your evidence - you are not saying that what Jodie
19 and Rhonda said occurred in the phys ed room did not
20 definitely happen?
21 A. What I'm saying is I can't remember it happening.
22
23 Q. Yes.
24 A. I can't remember it being there, I can't remember it
25 happening.
26
27 Q. And you don't rule it out entirely?
28 A. Well, I can't because I have no recall of it. I mean,
29 how do you rule out something that you can't remember not
30 happening?
31
32 Q. Well, in answer I'll put the proposition then that
33 because the allegations were so extremely serious, as
34 you've just said, that if they were put to you --
35 A. I'd say I doubt if I would forget it, and I doubt if I
36 would not act on it.
37
38 Q. But you're still not confident to rule it out
39 entirely?
40 A. Well, I'm saying I can't remember it happening.
41
42 MR HAMMOND: I have no further questions, sir.
43
44 HIS HONOUR: Mr Urquhart.
45
46 MR URQUHART: There's no re-examination, thank you, sir.
47

1 HIS HONOUR: All right. Well, thank you, Mr Jones. That
2 completes your evidence, you're free to go.
3
4 THE WITNESS: Thank you.
5
6 <THE WITNESS WITHDREW
7
8 HIS HONOUR: Now, we adjourn to the Thursday, is that
9 right?
10
11 MR URQUHART: Yes. As I said, there'll be no hearings at
12 all tomorrow, and we'll be recommencing on Thursday, but
13 not until 11.30am.
14
15 HIS HONOUR: 11.30?
16
17 MR URQUHART: Yes, that's right, sir.
18
19 HIS HONOUR: Very well, we'll adjourn until 11.30 on
20 Thursday.
21
22 AT 4.49PM THE HEARING ADJOURNED TO
23 THURSDAY, 19 APRIL 2012 AT 11.30AM
24
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