

Special Inquiry

into

St Andrew's Hostel, Katanning
(including St Christopher's Hostel, Northam)

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

Wednesday, 18 July 2012 at 10.04am
(Day 41)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Yes, Mr Urquhart.
2
3 MR URQUHART: As it was suggested during closing addresses
4 late last month, it was likely that the Inquiry would have
5 to convene shortly to hear evidence from another witness
6 and also have statements read in. That is the case and
7 that is what is going to happen today. The witness that
8 will be called to give oral evidence - there is just one -
9 is Peter John Flockhart. Mr Flockhart is already in the
10 witness box. He did not rise, sir, when your Honour walked
11 in, because he has some mobility problems.
12
13 HIS HONOUR: Not a problem.
14
15 MR URQUHART: I call now, sir, Peter John Flockhart, and
16 he will take the oath.
17
18 <PETER JOHN FLOCKHART, sworn:
19
20 <EXAMINATION-IN-CHIEF BY MR URQUHART:
21
22 MR URQUHART: Q. Now, Mr Flockhart, your full name is
23 Peter John Flockhart?
24 A. That's correct.
25
26 Q. You're 73 years old?
27 A. Yes.
28
29 Q. You turned 73 actually yesterday?
30 A. That's correct.
31
32 Q. Mr Flockhart, at the moment you reside in the Perth
33 metropolitan area with your wife; is that right?
34 A. Yes.
35
36 Q. Now, Mr Flockhart, is it the case that you were
37 actually born in Katanning?
38 A. That's correct.
39
40 Q. How long did you live in Katanning for before you
41 moved on?
42 A. It wasn't very long. I know that my father had a job
43 at Gingin, on a farm there, and then my first school was at
44 Cranbrook. My father had been an itinerant worker and
45 moved around quite a bit.
46
47 Q. So you weren't there for very long?

1 A. No, no.
2
3 Q. Was it the case that you joined the navy in or around
4 the early 1960s, is that about right, or a bit earlier than
5 that?
6 A. Yeah, June 1960.
7
8 Q. And did you remain in the navy until June of 1980?
9 A. That's correct.
10
11 Q. From there did you work for a company in O'Connor?
12 A. Yes, I did.
13
14 Q. And what were you doing there?
15 A. I was personnel officer and training officer for ACI,
16 Australian Consolidated Industries.
17
18 Q. Can you recall how long you worked there for, or until
19 when?
20 A. Approximately three years - two-and-a-half, three
21 years.
22
23 Q. Was that until about Christmas of 1984?
24 A. Yes.
25
26 Q. Can you remember that timeframe quite well?
27 A. Yes, I do.
28
29 Q. All right. Why was that?
30 A. Because the company was purchased by Visy Board,
31 Mr Dick Pratt. My wife and I and the family were down at
32 Busselton on holidays where I received my termination
33 notice from Visy Board.
34
35 Q. That was the Christmas holidays, was it?
36 A. Yes.
37
38 Q. Of that year 1984?
39 A. Yes.
40
41 Q. The following year, can you recall what you did?
42 A. Yes. We purchased the lease of the Federal Hotel in
43 Katanning, approximately March-April of 1985.
44
45 Q. So you and your wife and your family moved to
46 Katanning?
47 A. Yes.

1
2 Q. Did you have another relative there as well in
3 Katanning at the time?
4 A. Yes, my sister Betty was with us.
5
6 Q. Mr Flockhart, I understand you have given a statement
7 in relation to this matter?
8 A. Yes.
9
10 Q. When you were originally spoken to by investigators is
11 it the case that you weren't able to precisely recall when
12 it was that you bought the Katanning hotel?
13 A. That's correct.
14
15 Q. Just yesterday were you sent an exhibit that's been
16 tendered to the Inquiry which is a newspaper page from the
17 Great Southern Herald?
18 A. Yes.
19
20 Q. Dated 5 June of 1985?
21 A. Yes.
22
23 Q. Was your attention drawn to an advertisement there for
24 the Federal Hotel?
25 A. That's correct.
26
27 Q. I am going to ask you now if you could have a look at
28 exhibit 128. Do you recognise that document?
29 A. Yes, I do.
30
31 Q. Is that what you looked at late yesterday afternoon?
32 A. Yes, it was. I remember again the conversation, yes.
33
34 Q. If you have a look at that, can you see an
35 advertisement there for the Federal Hotel?
36 A. That's correct.
37
38 Q. Once you saw that advertisement and also noted the
39 date of that newspaper, did that assist you with more
40 accuracy when it was that you acquired the lease of the
41 Federal Hotel?
42 A. That's correct.
43
44 Q. The reference there to Peter, Janet and Betty --
45 A. Yes.
46
47 Q. -- this is the ad, 'Peter, Janet and Betty wish to

1 advise that they have now taken over the Federal Hotel from
2 Gwen and Terry Poett"?

3 A. Yes.

4

5 Q. "Peter" is yourself?

6 A. Yes.

7

8 Q. "Janet" is your wife?

9 A. Yes.

10

11 Q. And "Betty" is your sister?

12 A. Yeah, that is correct.

13

14 Q. You only ever had one lease of that particular hotel?

15 A. Yes.

16

17 Q. Though your attention was drawn to that advertisement,
18 when you first looked at it did you also recognise the man
19 who appears in a photograph immediately above that
20 advertisement?

21 A. Yes, I did.

22

23 Q. And who was that?

24 A. Sergeant Bill Todd.

25

26 Q. Did you have any difficulty recognising --

27 A. Not at all.

28

29 Q. -- the person in that photograph as him?

30 A. Not at all.

31

32 Q. Thank you for that, Mr Flockhart. You can hand that
33 back to the judge's associate. Now, if I could just ask
34 you about the time when you leased the Federal Hotel. Did
35 you work there?

36 A. Yes, I did.

37

38 Q. Did you actually live on the premises?

39 A. I was the licensee and yes, the three of us lived on
40 the premises.

41

42 Q. You obviously employed other staff?

43 A. Yes, we did.

44

45 Q. Can you recall who they were, or what jobs they had
46 rather?

47 A. We had three or four barmaids, a bar manager and a

1 chap that used to work in the bottle shop from time to
2 time. We had a drive-in bottle shop at the rear of the
3 hotel.
4

5 Q. Can you --

6 A. And a cook as well.
7

8 Q. Can you recall approximately what times the hotel was
9 open until during the week?

10 A. During the week Monday to Thursday, to the best of my
11 recollection, was 10 in the morning till 10 in the evening.
12 Fridays would have been 10 in the morning till midnight.
13 Saturdays, depending upon entertainment, it would have been
14 10 in the morning till midnight, perhaps one o'clock. That
15 would be fairly rare. And Sunday, we had two one-hour
16 sessions, 12 to one and five to six.
17

18 Q. Now, you mention that the barmaids that you employed,
19 were they either full-time or part-time or a bit of both,
20 can you remember?

21 A. A bit of both. Yeah.
22

23 Q. Are you aware of the full name of a lady who worked at
24 the Federal Hotel when you were managing it who has been
25 identified as "M" for the purposes of the public hearings?

26 A. I think I understand who you are talking about.
27

28 Q. Have you got a recollection of her or not?

29 A. Not a visual recollection, no, but I do remember the
30 name.
31

32 Q. Any idea how long she worked there for, or you
33 wouldn't want to guess?

34 A. She was there - she worked for the pub I believe
35 before we got there and then stayed on when the new
36 licensee took over, whom I now recall as Mr Rocky Hales.
37 She was there for - before we got there and after we left.
38

39 Q. Can you recall when it was that the new licensee took
40 over, what year that was?

41 A. It would have been late '86. I believe to be
42 somewhere around about September, October.
43

44 HIS HONOUR: Q. So you were there about 18 months, were
45 you, something like that?

46 A. Approximately, yes.
47

1 Q. I think you said you started in April 1985.
2 A. Yes.
3
4 Q. And you left in about September of 1986, about 18
5 months?
6 A. It may have been a little later.
7
8 Q. But thereabouts?
9 A. Yeah, yeah.
10
11 Q. I am not asking exactly.
12 A. Yeah.
13
14 MR URQUHART: Q. Just on the subject matter of years,
15 given what you have said about how you were working in
16 O'Connor up until you got laid off at Christmas of 1984 and
17 then you went to Katanning, is it the case that you weren't
18 living in Katanning from 1980 to 1983?
19 A. I'm sorry, the question again, please?
20
21 Q. You mentioned how you moved from Katanning as a young
22 boy after you were born there?
23 A. Yes.
24
25 Q. Then you went to the navy. When you left the navy in
26 June of 1980 you then had that job at O'Connor?
27 A. Yes.
28
29 Q. I want to clarify - it might sound a bit odd - but you
30 weren't living in Katanning between the years of 1980 and
31 1983?
32 A. No. No.
33
34 Q. Can I ask you some questions about the time when you
35 were the licensee of the hotel. Can you recall whether
36 there were any incidents that frequently required the
37 attendance of police?
38 A. Not frequently, no. One incident, we had a band
39 playing and I employed a person to look after the door and
40 dress, and he was subsequently, or during the evening, was
41 stabbed by some people who had come from another town, and
42 required medical attention. The police attended there.
43 Other than that, no, nothing of any significant
44 consequence, no.
45
46 Q. In that particular matter that you're talking about
47 regarding the doorman, did you actually end up giving

1 evidence in the Albany Courthouse --
2 A. Yes.
3
4 Q. -- regarding a trial in relation to that?
5 A. Yes.
6
7 Q. Now, Mr Flockhart, I asked you a few moments ago about
8 whether you recognised that person that was in that
9 photograph that was in exhibit 128 and you said it was a
10 Bill Todd?
11 A. Yes.
12
13 Q. Can I ask you some questions about him? When did you
14 come to know Bill Todd?
15 A. First time I met Bill was in Katanning, when he was
16 officer in charge of the Katanning Police Station.
17
18 Q. How frequently would you see him?
19 A. Oh, occasionally. It wasn't a week-by-week thing by
20 any stretch of the imagination. May have been three or
21 four times during the time I was there.
22
23 Q. Can you recall where it was that you would see him?
24 A. Principally in his office in the police station.
25
26 Q. So you had some contact with him there?
27 A. Yeah.
28
29 Q. Did you ever see him at the hotel?
30 A. I believe I did see him on one or two occasions at the
31 hotel, yes.
32
33 Q. Can you recall on those occasions whether he was
34 working or not?
35 A. Oh, I couldn't tell you whether he was working or not,
36 no.
37
38 Q. What about what he was wearing? Can you recall
39 whether he was wearing his police uniform or not on those
40 occasions?
41 A. I would believe that he would have been in uniform,
42 but I can't be absolutely certain. I would have certainly
43 recognised his face, and that would have sort of said, oh,
44 yeah, that's Mr Todd, and left it at that, yes.
45
46 Q. Mr Flockhart, on those occasions when you saw him at
47 the hotel, can you recall when that was insofar as the day

1 or evening was concerned?
2 A. It would have been, to the best of my recollection,
3 early to late evening, yeah.
4
5 Q. Can you recall what he was doing when he went there or
6 the purpose of his visit was?
7 A. Well, in the - I presume within the line of his duties
8 looking for people, seeing who was there, whether good
9 order and service has been applied and - yeah.
10
11 Q. Did you know each other on first name terms, can you
12 recall?
13 A. Well, I can't speak for Bill, but I would certainly
14 call him "Bill", yeah.
15
16 HIS HONOUR: Q. On these occasions when he came what did
17 he do? Would he just come into the bar? What did he do
18 inside the bar when he came in? What sort of things would
19 he do?
20 A. It was a large front bar, a horseshoe shape, and could
21 have easily accommodated 150, 200 people. The entrance
22 doors - one was on the right-hand side, two at the far end
23 which came off the street - yeah, three entrances to the
24 bar. The one on the right-hand side came off a passageway
25 inside the hotel. I believe when I saw him and other
26 police officers arrived they came off the street, through
27 the street doors at the end of the bar. So could have been
28 quite some distance away.
29
30 Q. You assume he was doing his business, seeing who was
31 there and so on. Why would you assume that? What sort of
32 things would he do in the bar?
33 A. What sort of things was I doing in the bar?
34
35 Q. No. What sort of things did Sergeant Todd do in the
36 bar? You said you assumed he was doing his business,
37 seeing who was there and so on. What sort of things would
38 he do? He didn't come to the bar to drink, obviously?
39 A. No. No.
40
41 Q. So what would he do?
42 A. Well, not that I saw, anyhow. He would look around,
43 perhaps acknowledge one or two people in the bar, say "Good
44 evening", "Good night", whatever. Never stayed there, from
45 what I can recall, for very long.
46
47 MR URQUHART: Q. And you recall other police officers

1 doing the same thing?
2 A. Yes.
3
4 Q. Can you recall whether they would be in uniform as
5 well?
6 A. The times I noticed them, yes, I believe they were in
7 uniform all the time.
8
9 Q. Do you ever recall Bill Todd using your hotel to drink
10 socially when he wasn't working?
11 A. No. Not that I can recall, no.
12
13 Q. Mr Flockhart, is it the case, have you seen Bill Todd
14 since you've left Katanning, or spoken to him at all?
15 A. Yes, I have.
16
17 Q. On what occasions have they been?
18 A. I spoke to him, I believe, in Fremantle on the first
19 occasion - Fremantle Police Station after he left Katanning
20 and --
21
22 Q. On that occasion did you meet anybody else that was a
23 relative of his?
24 A. I'm not sure.
25
26 Q. Did you know --
27 A. I'm not sure, no.
28
29 Q. Do you know anybody else who was a relative of his?
30 A. I didn't know anybody else, no, that I can recall
31 anyhow, no.
32
33 Q. There was that occasion at Fremantle?
34 A. Yes, that was the case I believe to be in Fremantle.
35 I believe I saw him again at the firearms branch in
36 Adelaide Terrace. That was in connection with my son's
37 shotgun he was using for competition purposes. And the
38 other one could have been - I'm not absolutely certain -
39 could have been in Midland, when he was up there for some
40 reason and I ran into him.
41
42 Q. Again, you obviously recognised him?
43 A. Oh, yes, yeah.
44
45 Q. Did he recognise you?
46 A. Yes.
47

1 Q. Now, I just want to ask you about whether you knew
2 another officer in charge at the Katanning Police Station
3 by the name of Bill Marlow; does that name ring a bell with
4 you at all?
5 A. No. It's not - not ringing a bell at all, no.
6
7 MR URQUHART: Thank you, Mr Flockhart, that is all the
8 questions I have for you.
9
10 HIS HONOUR: I have a question I would like to ask.
11
12 Q. If Mr Flockhart could be shown a written statement
13 that he provided to the Inquiry. You will recognise that,
14 of course. You only provided that very recently.
15 A. Yes, I did.
16
17 Q. If you look at paragraph 10 of your statement, the
18 last sentence. I want to ask you about that, about having
19 dinner. Can you elaborate on that?
20 A. Yes.
21
22 Q. You said there sometimes when Sergeant Todd came in
23 you'd be having dinner and he'd make a point of coming to
24 see you. Could you elaborate on that? Where were you
25 having dinner?
26 A. On reflection, I have further doubt about that
27 particular sentence "Sergeant Todd would make a point of
28 coming to see me before he left". I have a fading
29 recollection on that. I can't be absolutely certain.
30
31 Q. You don't stand by that?
32 A. Yes.
33
34 HIS HONOUR: Very well. That is fine. Thank you. That
35 completes the evidence?
36
37 MR URQUHART: That completes the evidence of Mr Flockhart,
38 sir.
39
40 HIS HONOUR: Thank you, Mr Flockhart. That completes your
41 requirement for being here. Thank you for coming. You are
42 free to go.
43
44 <THE WITNESS STOOD DOWN
45
46 MR URQUHART: Sir, it might be appropriate just to adjourn
47 for a couple of minutes to enable Mr Flockhart to leave.

1
2 HIS HONOUR: Yes. I will adjourn for a short time.

3
4 SHORT ADJOURNMENT

5
6 MR URQUHART: Thank you, sir. Now for the balance of this
7 hearing I will be reading out a number of statements and
8 also some written submissions. I deal first now with
9 William Alex Todd, who has provided another statement to
10 the Inquiry, at the Inquiry's invitation, after he had
11 received the statement of the previous witness,
12 Mr Flockhart. I propose reading that statement into
13 evidence and also two statements, one-page statements, of
14 police officers who were also working at Katanning Police
15 Station at the time Mr Todd was.

16
17 Then, sir, I propose dealing with the letter that
18 Mr Todd provided to the Inquiry regarding his response to
19 my recommendation of an adverse finding. I will deal with
20 that in a moment, sir.

21
22 Firstly, it is William Todd's statement, which is
23 dated 10 July 2012.

24
25 "William Alex Todd states", then under the heading
26 "Introduction":

27
28 My full name is William Alex Todd.

29
30 I am generally known as Bill.

31
32 By a letter dated 4 July 2012, I have been
33 advised that continuing investigations by
34 the St Andrew's Hostel Inquiry have
35 identified new material, being a statement
36 made by Mr Peter Flockhart.

37
38 I have been invited to submit a formal
39 statement in response to Mr Flockhart's
40 statement and I do so by making the
41 responses detailed below.

42
43 I make the following statement on the basis
44 that it is to the best of my memory
45 however, I note that the events discussed
46 did occur close to three decades ago.

1 Then under the heading "General Introduction":

2
3 Between about 11 January 1983 and 16
4 January 1986, I held the rank of Sergeant
5 Third Class and was the Officer in Charge
6 (OIC) of the Katanning Police Station.
7

8 My duties included the general running of
9 the police station as well as acting as the
10 Police Prosecutor in the Katanning Court of
11 Petty Sessions, completing Bailiff duties
12 and being the Chairman of the Emergency
13 Management Committee.
14

15 Due to the nature of these duties I worked
16 Monday to Friday from 8am to 4pm.
17 My duties were mostly administrative in
18 nature and this required me to work office
19 hours.
20

21 On occasion I might be called out to assist
22 the officers rostered on afternoon shift or
23 attend complaints or matters after the
24 station had closed, but this was generally
25 only in emergencies and this occurred on
26 rare occasions.
27

28 Then under the heading "Role of the Police in Regulating
29 Licensed Premises":
30

31 As is usual in most country police stations
32 the local police were responsible for
33 monitoring and controlling the behaviour of
34 the people in town site.
35

36 I don't believe at that time there was any
37 specific requirements in the Liquor
38 Licensing Act that required the police to
39 regulate licensed premises within the town
40 site.
41

42 As part of the duties in monitoring and
43 controlling the behaviour of the people in
44 the town site, the police would conduct
45 patrols of licensed premises, to ensure
46 there from no breaches of the peace.
47 Generally the licensed premises would be

1 most closely patrolled around closing time,
2 as this was usually the time when
3 antisocial behaviour would occur.

4
5 I believe that the licensed premises
6 generally closed in Katanning around 10 or
7 11pm most nights.

8
9 These patrols would be mostly completed by
10 the general duty officers rostered on
11 afternoon shift. The general duties
12 officers would often be assisted by the
13 traffic patrol officers who were also
14 rostered on afternoon shift.

15
16 As the OIC it was not my role to conduct
17 patrols of licensed premises. As far as my
18 experience goes it would be unusual for any
19 OIC of a police station to be involved in
20 patrolling licensed premises.

21
22 As stated earlier, my duties occurred
23 during business hours, and this prevented
24 me from being on duty at the times when
25 antisocial behaviour mostly occurred in the
26 vicinity of licensed premises.

27
28 Any incidents that occurred in the vicinity
29 of licensed premises, which required police
30 attention, would have been attended by the
31 officers rostered on shift and the
32 incidents were ordinarily recorded in the
33 station occurrence book.

34
35 At the start of each day I would check the
36 occurrence book to see what had happened
37 overnight and I would ensure that any
38 required follow-up action was completed.

39
40 A carbonated copy of the pages of the
41 occurrence book would be forwarded to the
42 District Office for the information of the
43 supervising inspector on a weekly basis.

44
45 Then under the heading "Has My Recollection Changed in
46 Light of Mr Flockhart's Evidence?":
47

1 I have considered the statement of
2 Mr Flockhart, and following this, my
3 recollections of visiting the Federal Hotel
4 have not changed.

5
6 It is intimated in paragraph 10
7 Mr Flockhart's statement that I regularly
8 attended the Federal Hotel. I have no
9 recollection of ever attending the Federal
10 Hotel in an official capacity in uniform
11 and I dispute the accuracy of this
12 statement.

13
14 I am aware that the OIC before me was named
15 William Charles Marlow.

16
17 He was also generally known as Bill.

18
19 I believe that Bill Marlow was the OIC
20 immediately before me between the period
21 23 January 1980 and 16 January 1983.

22
23 Pursuant to the statement of Mr Flockhart,
24 he would have been the publican of the
25 Federal Hotel between 1982 and 1986, during
26 which time Bill Marlow was the OIC.

27
28 I also believe that Bill Marlow was the
29 coach of the Austral's Football Club in
30 Katanning.

31
32 In Katanning each of the town's local
33 football teams adopted the local hotels.
34 The team would then use the hotel as a base
35 for post-game drinks, social events and
36 trophy days, et cetera. The hotels would
37 usually display club memorabilia in the bar
38 area of the team they supported.

39
40
41 I believe the Austral's went to the
42 Exchange Hotel whilst the Wanderers went to
43 in Flockhart's Federal Hotel.

44
45 I believe that Bill Marlow, through his
46 involvement with the local football
47 competition, would have had a close

1 relationship with Mr Flockhart, who was
2 obviously also interested in the local
3 football competition.
4
5 I was not associated with the local
6 football competition.
7
8 I believe that Mr Flockhart may have me
9 confused with Bill Marlow.
10
11 I note that it has been about 27-28 years
12 since these events and that Mr Flockhart is
13 now 72 years old. He therefore could be
14 mistaken in his memory of the events at the
15 time.
16
17 Under the heading, "Have I Ever Attended the Federal Hotel
18 in Uniform":
19
20 I don't recall ever having occasion to
21 attend the Federal Hotel in uniform.
22
23 Under the heading, "Have I Ever Attended the Federal
24 Hotel?":
25
26 I do recall attending the Federal Hotel on
27 a social basis on possibly a half dozen
28 occasions.
29
30 I recall, on the rare occasion, being at
31 the Federal Hotel socially to meet:
32
33 Mr Terry Poett when he became the new
34 publican after Mr Flockhart; and.
35
36 Mr Bill Morrow, who was a local pest
37 controller.
38
39 When I first came to Katanning I was
40 informed that the Federal Hotel was a
41 shearers' hotel and it could be pretty
42 rough at times.
43
44 On my arrival in Katanning I recall being
45 advised that Mr Loo had been thrown through
46 the front window of the Federal Hotel onto
47 the pavement by a couple of patrons and

1 that a lady rouse-about had dropped her
2 pants whilst standing on a table in the
3 lounge bar, before bending over and baring
4 her buttocks to other patrons.

5
6 In the statement of Mr Flockhart I also
7 note that he mentions that a doorman
8 working at the Federal Hotel one evening
9 was stabbed.

10
11 For these sorts of reasons I chose not to
12 frequent the Federal Hotel socially very
13 often.

14
15 I generally chose to drink at the Railway
16 Hotel, as the publican, Mr Syd Stewart and
17 the owner Mr Keith Adams, were very
18 pro-police and had a more relaxed
19 atmosphere.

20
21 As the local police OIC you had to be
22 careful where you were seen by the
23 community to be drinking.

24
25 I do recall going to one official incident
26 at the Federal Hotel when Terry Poett was
27 the publican.

28
29 On this occasion I was called out late one
30 evening, to assist Sergeant Wendt during an
31 arrest.

32
33 Sergeant Wendt was the second Sergeant at
34 Katanning, and he was the senior traffic
35 officer.

36
37 Sergeant Wendt worked normal day and
38 afternoon shift rosters at Katanning and
39 would have patrolled the licensed premises
40 on occasions.

41
42 This incident occurred about 10 or 11pm. I
43 recall that a Mr Brian Perritt had been
44 removed from the Federal Hotel by the
45 publican, Mr Poett.

46
47 Once outside the hotel Mr Perritt was

1 spoken to by Sergeant Wendt, who was on
2 duty. Sergeant Wendt attempted to arrest
3 Mr Perritt, but he resisted by hanging onto
4 a parking sign pole outside the hotel and
5 refused to let go.
6

7 I was called out to assist Sergeant Wendt
8 from my home. I responded immediately, and
9 did so in civilian clothes.

10 Generally if officers were called out, out
11 of hours, it was not unusual to attend an
12 incident in civilian clothes, as it was
13 quicker to respond to an incident without
14 having to get changed into a uniform.
15

16 I recall this particular incident as it is
17 the only time in my career that I have had
18 to use by police baton on an offender who
19 was resisting arrest.
20

21 I believe that on this occasion I did not
22 have cause to go into the Federal Hotel as
23 the incident occurred outside on the
24 footpath, and this is where Mr Perritt was
25 arrested.
26

27 Following this incident, Mr Perritt went on
28 to become the manager of the Katanning
29 Bowling Club. On occasions over the years
30 following this, Mr Perritt light-heartedly
31 reminds me about it.
32

33 Under the heading "Did I visit other hotels in Katanning?":
34

35 During my time as OIC, I don't specifically
36 recall visiting other hotels in an official
37 capacity, but I may have done so.
38

39 Official visits would usually have been
40 conducted by the general duties and traffic
41 officers rostered to complete the various
42 shifts. I believe Sergeant Wendt would
43 have also been involved in these official
44 visits.
45

46 As detailed above, I did visit other hotels
47

1
2
3
4
5
6
7
8
9
10
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on a social basis.

On those social occasions I mostly visited the Railway Hotel.

This statement is true to the best of my knowledge and belief. I have made this statement knowing that if it is tendered in evidence, I will be guilty of a crime if I have wilfully included in the statement anything that I know to be false or do not believe to be true.

It's been signed by Mr Todd, dated 10 July 2012, and has been witnessed as well. So that takes care, sir, of Mr Todd's statement. As I said a moment ago, there are two statements that he has also provided to the Inquiry, and I will read those into evidence now. The first is from a Mr Turner:

Larry Ronald turner states:

I'm a police officer currently stationed at Pilbara District Police Office, Karratha.

Between 1979 and 1985, I was a police constable stationed at Katanning Police Station, and during my period of tenure at that location, I served for three (3) Officers in Charge:

1. Sergeant Dan Murray;
2. Sergeant Bill Marlow; and
3. Sergeant Bill Todd.

Shifts worked at Katanning by constables during my tenure were predominantly day and afternoon shifts, and our duties were centrally related to responding to complaints from the community, traffic duties and general patrolling of the business, industrial and residential areas.

The officer-in-charge would work Monday to Friday day shift, with weekends rostered off duty.

1 Patrols were undertaken by vehicle and
2 foot, and included visitations to the three
3 hotels - namely the Exchange, Unit and
4 Federal to ensure that compliance with the
5 Liquor Act was practised with regards to
6 closing times, responsible service, et
7 cetera.

8
9 I am unable to recall any time that I was
10 rostered to work with, or actually worked
11 afternoon shifts with Sergeant Todd, Marlow
12 or Murray.

13
14 I declare that this statement is true and
15 correct to the best of my knowledge and
16 belief. I have made this statement knowing
17 that if it is tendered in evidence, I will
18 be guilty of a crime if I have wilfully
19 included in this statement anything that I
20 know is false or that I do not believe is
21 true.

22
23 It's been signed by Mr Turner. It's dated 10 July 2012.

24
25 The next statement, sir, also provided by Mr Todd, is
26 from a David Alexander Haendel spelt H-A-E-N-D-E-L:

27
28 David Alexander Haendel

29
30 states:

31
32 I am a Police Sergeant presently stationed
33 at the Bunbury Police Station.

34
35 I served at the Katanning Police Station
36 between 1980 and 1988, having initially
37 transferred there as a Constable in 1980,
38 and left having been promoted to the rank
39 of Sergeant in 1988.

40
41 I worked with numerous officers during that
42 time, and served for three Officer's in
43 Charge - namely Senior Sergeant William
44 (Bill) Marlow, William (Bill) Todd and
45 Cliff Austin.

46
47 Police duties mainly involved dealing with

1 complaints from the public, investigating
2 reported offences and crime, and responding
3 to the daily needs of the community, which
4 included patrolling the residential,
5 industrial and business areas of town.
6

7 Police were required, and daily visited the
8 various hotels, licensed premises and
9 sporting clubs within the town, and
10 officers mainly worked day and afternoon
11 shifts.
12

13 I recall the main hotels for the town were
14 the Federal, Unit and Exchange Hotels, and
15 these required regular policing and visits
16 by the police officers.
17

18 The officer-in-charge would generally work
19 Monday to Friday on dayshift, and have the
20 weekends off, but he was usually available
21 for advice or recall afterhours by staff if
22 required, or if an urgent matter occurred
23 in the community that required his support.
24

25 I recall Senior Sergeant Todd assisting me
26 on several occasions after hours and on a
27 weekend with a disturbance involving a
28 large gathering of unruly youths that were
29 destroying town gardens in Clive Street,
30 Katanning, a male person fighting police in
31 the street outside the police station, and
32 assisting when a male person fired a
33 shotgun at his Asian neighbours.
34

35 I do not recall ever seeing any
36 officer-in-charge, and in particular Senior
37 Sergeant Todd, walking about town in his
38 uniform after hours, or walking into the
39 local hotels or sporting clubs in uniform
40 or alone.
41

42 The hotels and licenced premises were
43 policed by general duties and traffic
44 patrol officers when working on shift, and
45 generally involved foot patrols with at
46 least two uniformed officers due to the
47 number of --

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"Patrol" - sorry:

-- due to the number of patrons and often volatile behaviour by both the Caucasian and Aboriginal population in the town.

I do not recall the general duties staff or officer-in-charge performing any duties associated with motor drivers licensing or testing. This function was mainly handled by the traffic sergeant and traffic patrol staff. Traffic staff initially worked out of their own building in Richardson Street, Katanning, but later moved to the new police station site in Clive Street, Katanning, where all staff worked in one building.

I do not recall ever seeing Senior Sergeant Todd conduct a driving test with any person whilst I worked at Katanning.

In the time that I worked with Senior Sergeant Todd, I always found him to be a very proud and committed officer towards policing the community and fulfilling his role as the officer-in-charge.

He was a family man and gave great support to his officers, with guidance and mentoring. He was respected by his workers, and I believe by the community in general, and he was always keen for all of us young officers in those days to be respectful, do a good job, solve crime and bring people to justice. He was always keen to support the elderly and provide a good image in the community.

I strongly believe that if Senior Sergeant Todd had any information or concerns with regards the St Andrew's Hostel, in those times he would have shared that information with his staff, and acted on any information that he considered relevant.

1 Most police officers were actively involved
2 in the community in sporting and social
3 interests and clubs, and nothing was ever
4 discussed or heard in those times regarding
5 issues at the St Andrew's Hostel. I am
6 certain if any information had come to
7 police knowledge, knowing the calibre of
8 the officer-in-charge and police officers
9 working there at that time, the information
10 would have been acted upon.

11
12 I declare that this statement is true and
13 correct to the best of my knowledge and
14 belief. I --

15
16 "Wilfully made this statement" - sorry, I'll start that
17 again:

18
19 I have made this statement knowing that if
20 it is tendered in evidence, I will be
21 guilty of a crime if I wilfully included in
22 this statement anything that I know is
23 false or that I do not believe in true.

24
25 It's then been signed by Mr Haendel, and it's dated 10 July
26 2012.

27
28 I turn now, sir, to Mr Todd's written submission that
29 he has supplied in response to my adverse finding
30 recommendation which I conveyed to him by letter on 25 June
31 2012, and which I read out and provided the reasons for the
32 evidence that I relied upon in making that recommendation
33 at the public hearing's closing addresses on 29 July of
34 this year.

35
36 I'll just repeat sir, for the record, what my
37 recommendation was, and it was this, that:

38
39 In his capacity as a police officer at the
40 Katanning Police Station in 1985, Mr Todd
41 did not take any action regarding advice he
42 had received from Maggie Dawkins that an
43 ex-student from the Katanning Hostel had
44 been sexually abused by the warden Dennis
45 McKenna, whilst a student at the hostel.

46
47 Mr Todd's written response to that is as follows:

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I dispute being given this information by Mrs Dawkins, and believe that to make such a finding would not be fair or just, based on the following grounds:

(1) The event discussed by Mrs Dawkins is now approximately 27 years ago. The evidence of Mrs Dawkins is based purely on her memory of the event, without reference to any records or notes made contemporaneously to the purported conversation. It is a well-accepted principle that witness memories fade with time, and to rely on such unsupported memory may lead to error.

(2) The evidence of Mrs Dawkins is uncorroborated. There is no other witness before the Inquiry who can expressly confirm that Mrs Dawkins provided this information to me. Further, I do not believe any other witness has provided the Inquiry with any testimony from which it may be inferred that I was told this information by Mrs Dawkins; and

(3) Ms Dawkins has advised the Inquiry that she knew me through completing driving lessons and a driving examination in relation to a 14-seater bus licence. I believe she is mistaken in relation to this matter, based on the following:

(a) Whilst the Katanning Police Station did attend to drivers licensing matters, it was not the duty of the OIC of the station to be doing driving lessons, or giving drivers licence examinations. These examinations were generally held on a specific date each week. I do not recall at any stage doing any driving tests, let alone one for a bus licence.

(b) To complete a driving test for any class of licence, the testing officer had to have been issued the same class of

1 licence. You could not take a person for a
2 licensing test if you, yourself, did not
3 hold the relevant class of licence. I
4 believe back at about this time, the
5 correct class of licence for a bus would
6 have been an "F" class licence. I did not
7 have an "F" class licence at the time
8 Mrs Dawkins speaks of, and I did not obtain
9 one until September 2007, when I was
10 directed by WA police to obtain such a
11 licence for work purposes (see Attachment
12 A);

13
14 (c) Licensing examination matters were
15 generally handled by the four traffic
16 officers at the station. I believe on
17 occasions when traffic officers were not
18 available due to rostering or operational
19 reasons, the examinations were done by the
20 general duties officers.

21
22 At the time reported by Mrs Dawkins, the
23 Traffic Sergeant was Third Class Sergeant
24 Wendt. Mrs Dawkins may be mistaken that I
25 attended to the driver licensing matters
26 for her. Sergeant Wendt was of the same
27 rank and was similar looking to me, and she
28 may have me confused with him.

29
30 Sergeant Wendt was of similar age, build
31 and height. Further, there were 10 other
32 officers working at the station at that
33 time, and if she did, in fact, do a driving
34 test at Katanning, it could have been
35 completed by any of these officers.

36
37 If Mrs Dawkins is mistaken in relation to
38 the bus issue, I submit that she may also
39 be mistaken in relation to purporting to
40 provide the information stated to me.

41
42 Following on from above, I submit that the
43 evidence of Mrs Dawkins cannot be
44 considered to be reliable enough to provide
45 a reasonable basis for you to recommend
46 that the Special Inquirer make an adverse
47 finding against me.

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The letter has been signed by Mr Todd. He also makes a reference to the evidence of "M", and he attached those two statements from the two officers I just read into evidence a moment ago, Officers Turner and Haendel in relation to that. Sir, that takes care of that matter. I don't intend to tender in the document as Attachment A to Mr Todd's letter, because a similar document is going to be tendered when I read out the statement of another witness that addresses this question regarding licences, which I will deal with in a moment.

Now, sir, I'm going to turn to a statement that has been provided to the Inquiry by Mrs Dawkins. There are two. I will deal with one first, and in the order in which I'm dealing with subject matters, I will deal with the second shortly. This particular statement, sir, of Mrs Dawkins is dated 15 July 2012, and it is an 8-page statement. It covers matters in relation to Mr Todd. It also covers the evidence that's been heard in relation to indecent dealing allegations made against "I", and also it deals with some telephone records relating to conversations she had with Ms Stroud in 2011. Margaret Allana - spelt A-L-L-A-N-A Dawkins:

I previously gave oral evidence to the St Andrew's Hostel Inquiry on 23 February 2012.

I have been reading the transcript of the hearings throughout the Inquiry.

Under the heading "Bill Todd":

I firmly believe the police officer who gave me the driving lesson and test for my bus licence was Bill Todd. He was a Sergeant at that time in Katanning.

I firmly believe this is the same person that I sought advice from in relation to my allegation against Dennis McKenna.

I recall that I went to Katanning alone to set up the Westrek project for about three weeks. During this time I recall meeting with Ainslie Evans, and being introduced to

1 the Westrek local management committee and
2 other people of the town. Ainslie Evans
3 introduced me to the supermarket manager,
4 the butcher, the petrol station manager,
5 and similar local business people in order
6 for me to set up accounts for the duration
7 of the project. I believe Ainslie Evans
8 introduced me to Bill Todd.

9
10 I recall many in Katanning knew Bill Todd
11 as "Toddy".

12
13 I do not recall knowing any other police
14 officers in Katanning at the time. I have
15 no recollection of a police officer named
16 "Wendt".

17
18 I was alerted to needing a bus licence by
19 my ex-husband, who is a solicitor.

20
21 He told me that I needed another class of
22 licence to drive the bus.

23
24 He was concerned that if I had an accident,
25 I wouldn't have insurance, and it could
26 affect my assets.

27
28 When I returned to Katanning with the
29 Westrek participants, I went to see Bill
30 Todd at the police station. I had met him
31 when I had made my initial calls and
32 contacts with various organisations in the
33 town, to advise them of the Westrek pilot
34 program. I am certain that I visited
35 Sergeant Bill Todd in this capacity, in the
36 set up phase of the pilot program.

37
38 Bill Todd accompanied me as I drove the bus
39 around Katanning, and he gave me
40 instruction on driving the bus.

41
42 Bill Todd asked me to reverse down the
43 driveway situated alongside the police
44 station. I was unable to reverse straight
45 down the driveway, even after several
46 attempts with his instruction. I recall
47 Bill saying something like, "I think we'll

1 have to assume you should only drive the
2 bus forward", and I said, "Fair enough".
3
4 We went inside the police station and I
5 remember Bill Todd nodding to a policeman
6 behind the counter, and directing him to
7 issue me with a B class licence.
8
9 I do not recall sitting a written test.
10
11 From our initial meeting when I first
12 arrived in Katanning, we waved at each
13 other whenever we saw each other about
14 town. I recall exchanging pleasantries
15 when we met in the street.
16
17 And the next portion of the statement is under the heading
18 "Allegations against" - then she names the person, but it's
19 the person referred to as "I" at the public hearings in
20 which we heard evidence last Thursday, 12 July:
21
22 My recollection is that I was not in
23 Katanning when there was a fire at Kartanup
24 House. I believe I was at the Bunbury
25 project.
26
27 I believe "I" telephoned me and told me
28 that Terry, a Westrek participant, had
29 goaded a female participant and she started
30 a fire in Terry's rubbish bin.
31
32 "I" came and saw me at a later date in
33 Bunbury. He came to tell me face to face
34 that he was innocent of a sexual assault
35 allegation made against him by one of the
36 Westrek participants.
37
38 I recall being exasperated with him because
39 I thought it was a totally avoidable
40 situation he had got himself into. I
41 recall we were told not to be alone with a
42 Westrek participant from the opposite sex
43 at the induction and training camp, and I
44 felt he should not have put himself in such
45 a compromising position. However, I
46 subsequently realised that "I" was not at
47 that induction and training camp, as he was

1 hired after the commencement of the
2 program. I do not know what training he
3 received in relation to working with youth,
4 if any.

5
6 At the time of this visit by "I", my
7 recollection is that he was working at head
8 office. I do not recall who told me of the
9 circumstances of his removal from
10 Katanning.

11
12 I do not recall having further contact with
13 "I" after this meeting. At my meetings in
14 Head Office with Peter Sherlock, Ian Carter
15 and Peter Kenyon, I was directed not to
16 have any dealings with "I" because of the
17 allegation.

18
19 I have no recollection of being contacted
20 by the police in relation to the sexual
21 assault allegation against "I".

22
23 Then, sir, the next heading, and final heading, is
24 "Telephone conversations with Elizabeth Stroud in 2011":

25
26 I have obtained my Telstra telephone
27 records, and it states the following
28 relevant calls were made:

29
30 19 September 2011.

31
32 . A call to Elizabeth Stroud's work
33 landline --

34
35 And then Mrs Dawkins gives the number, but I don't intend
36 repeating that:

37
38 -- of a 20 second duration.

39
40 Next dot point:

41
42 A call to Elizabeth Stroud's mobile
43 telephone number --

44
45 Again, sir, it appears there in the statement. I won't
46 read that into evidence:

47

1 -- of an 18 second duration. Immediately
2 after this call, another call to the same
3 number, of a 4 minute duration.
4

5 And then under the subheading "27 October 2011":
6

7 A call to Elizabeth Stroud's work
8 landline --
9

10 Again detailing the number:
11

12 -- of 17 minutes 33 seconds duration, at
13 1.11 --
14

15 And it says "om", but that, sir, should read "pm", having a
16 look at the relevant record. So duration at 1.11 pm:
17

18 I have provided copies of these
19 relevant pages of the telephone record to
20 the Inquiry.
21

22 I declare that this statement is true and
23 correct to the best of my knowledge and
24 belief, and that I have made this statement
25 knowing that if it is tendered in evidence,
26 I will be guilty of a crime if I have
27 wilfully included in this statement
28 anything which I know to be false, or do
29 not believe to be true.
30

31 It has been signed by Mrs Dawkins on 15 July of this year,
32 and it's also been witnessed.
33

34 Now, sir, I do tender the telephone records that are
35 referred to in Mrs Dawkins' statement. The relevant calls
36 are highlighted in blue, and they have also been tagged.
37

38 HIS HONOUR: They'll be exhibit 147.
39

40 EXHIBIT #147 TELEPHONE RECORDS REFERRED TO IN MRS DAWKINS'
41 WITNESS STATEMENT
42

43 MR URQUHART: The next statement to be read into evidence
44 is from a George McIntosh. George McIntosh states:
45

46 I am a serving police in the WA Police. I
47 have been employed by the Commissioner of

1 Police for 32 years.

2

3 That service includes service at general
4 duties policing locations, traffic branch
5 duties, and a variety of detective work
6 locations. I have served at both
7 metropolitan and country locations during
8 my Police Service.

9

10 I received my commission of Detective
11 Inspector, and I am currently stationed at
12 the Internal Affairs Unit in Perth.

13

14 At the commencement of the St Andrew's
15 Hostel Blaxell Inquiry, I was designated as
16 the primary contact for the WA Police
17 Internal Affairs Unit.

18

19 On 28 March 2012, I received a request from
20 an officer assisting the Blaxell Inquiry,
21 to obtain information on the motor driver's
22 licence details held by a serving WA police
23 officer, Inspector William Todd.

24

25 As a consequence I accessed the Police
26 Information Management System (INS) and
27 found the following results.

28

29 Inspector Todd's driver's licence number --

30

31 Which I don't need to repeat, sir, it is stated in the
32 statement:

33

34 -- revealed he originally held the
35 following state driver's licence classes.

36

37 . A - Car to carry less than 12
38 passengers.

39

40 . B - Motor wagon or tractor, Motor car to
41 carry more than 12 passengers.

42

43 . C - Articulated vehicle.

44

45 . K - Motorcycle of any engine capacity.

46

47 Inspector Todd now holds a HC,R motor

1 driver's licence, which is a National
2 classification. The HC,R covers the
3 previous state-based classes of A, B, C, K.
4 The new National classes came into effect
5 in 2001.
6

7 IMS records indicate that Inspector Todd's
8 state licence classes were added on 1
9 January 1983. IMS does not have any record
10 of the location the classes were obtained.
11 As Inspector Todd has been employed by WA
12 police previous to 1983, there is a strong
13 likelihood he held a class A licence, if
14 not B, C, K as well, prior to the date
15 recorded on IMS.
16

17 It may be the case that when the Department
18 for Transport (licensing) records were
19 updated, the licence issue date was
20 synchronised with the date the records were
21 updated, as opposed to reflecting the
22 actual issue date.
23

24 Historically, country police stations
25 undertook all vehicle and motor drivers
26 licensing functions, including motor
27 driver's licence practical examinations.
28 All police officers were authorised to
29 supervise a motor driver's licence
30 practical examination. When conducting a
31 practical examination there was no
32 requirement for the police officer to hold
33 the class of licence for practical test
34 he/she was assessing.
35

36 Whilst I have never personally supervised a
37 driver's licence examination, historically
38 many of the country testing regimes were
39 considered less vigorous than those
40 conducted in the Metropolitan area.
41 Metropolitan testing was conducted by
42 Licensing or the Road Traffic Authority as
43 it was previously known.
44

45 Police officers no longer conduct driver
46 licence examinations. The exceptions being
47 that some are still conducted in remote

1 Aboriginal communities where Multi Function
2 Policing Facilities exist.

3
4 Where a person held a C class licence,
5 legislation entitled you to drive B class
6 vehicles. That is to say, if you were
7 granted a C class licence, you were
8 automatically entitled to hold a B class
9 licence.

10
11 All licensing paperwork was sent into
12 licensing where it was centrally recorded.
13 It was not normal practice for licensing
14 paperwork to be held at the police station
15 where the licence was issued.

16
17 In the case of Inspector Todd, it made be
18 difficult to identify which police station
19 his licensing was conducted at unless the
20 original licensing paperwork can be
21 located. There is a possibility that some
22 of the classes contained on Inspector
23 Todd's licence may have been obtained by
24 undertaking a practical driving test at a
25 country police station.

26
27 I now produce a copy of Inspector Todd's
28 IMS printout showing his driver's licence
29 classes.

30
31 This statement is true to the best of my
32 knowledge and belief. I have made this
33 statement knowing that, if it is tendered
34 in evidence, I will be guilty of a crime if
35 I have wilfully included in the statement
36 anything that I know to be false or do not
37 believe to be true.

38
39 It has then been signed by Mr McIntosh. It has been
40 witnessed at Perth on 16 July of 2012.

41
42 Mr McIntosh's statement makes a reference to the
43 licensing details of Mr Todd. I will tender that two-page
44 document that was affixed to his statement.

45
46 HIS HONOUR: That will be exhibit 148. That relates to
47 motor licence details; is that right?

1
2 MR URQUHART: Yes, sir. Motor licence details for Mr Todd
3 and indicates that currently he has a HC class and an R
4 class, and that previously the licences that he had were A,
5 B, C and K.
6
7 EXHIBIT #148 MOTOR LICENCE DETAILS OF MR TODD
8
9 HIS HONOUR: He had K under the old system, did he?
10
11 MR URQUHART: He had K under the old system, yes.
12
13 HIS HONOUR: Dealing with that, I think the evidence shows
14 that under the old system class C covered a bus with 12
15 passengers; is that right?
16
17 MR URQUHART: Yes, it did, sir.
18
19 HIS HONOUR: When Inspector Todd asserts in his
20 submissions that the K class licence was necessary to drive
21 such a bus, that is obviously a mistake, is it?
22
23 MR URQUHART: No. I think he is actually referring to an
24 F class licence.
25
26 HIS HONOUR: That is right, F class.
27
28 MR URQUHART: He had assumed that Mrs Dawkins had to
29 obtain an F class licence, whereas Mrs Dawkins has said in
30 her statement that I have just read in that actually what
31 she got was a B class licence, and that would seem to be
32 the appropriate licence for her to hold if she was driving
33 a bus that had to hold 12 passengers.
34
35 HIS HONOUR: According to Detective Inspector McIntosh at
36 the relevant time to drive a 12-passenger bus Mrs Dawkins
37 needed a B class licence.
38
39 MR URQUHART: Yes. To carry more than 12 passengers it
40 had to be a B class licence.
41
42 HIS HONOUR: For carrying more than 12, not 12 or under.
43 Very well. So to carry more than 12. So when Inspector
44 Todd in submissions states in fact that it was an F class
45 licence that is wrong, is it?
46
47 MR URQUHART: It seems to be that he is incorrect.

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HIS HONOUR: Thank you.

MR URQUHART: No suggestion that he has deliberately got that wrong; seems to be his recollection is not correct.

HIS HONOUR: It is easy to get confused about these things.

MR URQUHART: Exactly, sir. Your Honour's associate has a copy of that exhibit. That is now exhibit 148, thank you.

The next statement I am going to read into evidence is the second one from Margaret Allannah Dawkins. I had indicated earlier that Allannah is spelt A-L-L-A-N-A, but there should be an H added to the end of that.

This is a statement from Mrs Dawkins dated 17 July 2012. A redacted version will now be read into evidence which covers Mrs Dawkins' response to (a) assertions made by other witnesses that may affect her reputation and which she has not had the opportunity to respond to; and (b) her recollection as to what she told Janet Holmes a Court regarding Dennis McKenna.

HIS HONOUR: I should put on the record that I have been asked to rule on the extent to which I would allow any evidence of fresh allegations or materials at this late stage of the Inquiry, and I have ruled that I will only allow Mrs Dawkins to give a further statement which is restricted to rebutting any matters that go to her reputation.

MR URQUHART: Yes, sir. Margaret Allannah Dawkins.

I previously gave oral evidence to the St Andrew's Hostel Inquiry on 23 February 2012.

I have been reading the transcript of the hearings through the Inquiry.

I gave another written statement to the Inquiry on Sunday 15 July 2012.

Over the page:

1 I firmly believe that during the Westrek
2 pilot program Mrs Holmes a Court was
3 referred to as 'patron'. I have no
4 knowledge of the existence of a committee
5 as described by Mrs Holmes a Court in her
6 statement, during the Westrek pilot program
7 of 1985. Had I been made aware of a
8 committee I would have definitely taken the
9 allegations of sexual abuse by Dennis
10 McKenna to them.

11
12 I firmly believe that there were no "five
13 basic rules" in place that governed the
14 behaviour of group leaders in 1985. I do
15 recall that sex between male and female
16 participants was prohibited as were
17 underage drinking of alcohol.

18
19 I am absolutely certain that there was no
20 restriction of alcohol consumption by
21 persons over the age of 18 years. Alcohol
22 was provided by Elizabeth Stroud when she
23 visited Katanning on two occasions. Once
24 when we had a dinner alone at Kartanup she
25 arrived with a bottle of wine which we
26 shared and on another visit Elizabeth
27 brought a cask wine to share with the
28 participants over a communal dinner.

29
30 I am absolutely certain the practices and
31 protocols Mrs Holmes a Court refers to in
32 her statement were not a part of the pilot
33 program they were adopted as a result of
34 the evaluation of the pilot program.

35
36 I firmly believe the pilot program was not
37 referred to as a "project" during the pilot
38 program, that terminology was adopted in
39 subsequent years.

40
41 I firm me believe the pilot program was
42 open to all West Australian youth aged
43 between 16 and 25.

44
45 I am absolutely certain that television and
46 newspaper advertisements used to recruit
47 participants promoted the adventurous

1 outdoor activities such as white water
2 canoeing and abseiling, outdoor
3 conservation work tasks and communal
4 living.

5
6 I am certain participants were enticed by
7 the offer of a small stipend.

8
9 I firmly believe that I had a number of
10 TAFE and university students as well as
11 employed people who had trade certification
12 and had chosen to take time away from their
13 studies and paid employment to join Westrek
14 in 1985.

15
16 I firmly believe that after the pilot
17 program the emphasis shifted towards
18 recruiting youth at risk such as drug
19 addict, homeless, and those that had police
20 and criminal records because funding was
21 more readily available for these schemes.

22
23 I firmly believe that Mrs Holmes a Court
24 visited the Katanning project on two
25 occasions while I was there. I am
26 absolutely certain that Ainslie Evans
27 escorted Mrs Holmes a Court around the
28 various work sites.

29
30 I am absolutely certain that the
31 allegations of sexual abuse by Dennis
32 McKenna were not raised with Mrs Holmes a
33 Court during these visits because they had
34 not been brought to my attention at that
35 time.

36
37 I firmly believe on one such occasion Mrs
38 Holmes a Court told me she did not approve
39 of my relationship with my co-worker.

40
41 I firmly believe that I responded politely
42 but firmly stating it was not her business
43 and that my personal activities were not in
44 contravention of my employment contract.

45
46 I am adamant that I received no direction
47 from my superiors either verbally or in

1 writing regarding my alleged personal
2 activities.

3
4 I firmly believe that I approached Mrs
5 Holmes a Court at the conclusion of the
6 pilot program at the end of the year dinner
7 at Hillston that was hosted by the
8 Department of Employment and Training and I
9 confirm that alcohol was served at the
10 dinner.

11
12 I am absolutely certain I sought Mrs Holmes
13 a Court's assistance in having the
14 allegations of sexual abuse by Dennis
15 McKenna investigated by appropriate
16 authorities.

17
18 I am adamant that I did not throw bread or
19 any other foodstuff at Mrs Holmes a Court
20 and I am absolutely certain that I was not
21 drunk.

22
23 I have no recollection that I personally
24 caused Mrs Holmes a Court any
25 unpleasantness on this or any other
26 occasion.

27
28 I am adamant that my behaviour on this
29 evening was never called into question by
30 any of my superiors of the Department of
31 Employment and Training.

32
33 Then over the page to paragraph 34:

34
35 I am absolutely certain that I was not in a
36 relationship with John Dawkins during my
37 period of employment with Westrek in 1985.

38
39 I am adamant that I have no knowledge or
40 interest in the funding source for the
41 pilot program.

42
43 I firmly believe that it was a State
44 Government initiative because I was
45 employed by the Western Australian
46 Department of Employment and Training.

47

1 I believe I applied for the position of
2 Group Leader in response to an
3 advertisement that appeared in the West
4 Australian Government Gazette.

5
6 I am certain I went through an interview
7 process. I recall being interviewed by a
8 panel which included Peter Kenyon and
9 Elizabeth Stroud. I am adamant that I had
10 no knowledge or information that I have
11 favoured political patronage in any form.
12

13 Before the Inquiry on March 28, 2012 Dennis
14 McKenna alleges at pages 1329 and 1330 of
15 the transcript that he was told, he said,
16 possibly by Terry, whom I assume is Terry
17 Baker, that Peter Dowding was my boyfriend
18 and that Mr Dowding stayed with me at
19 Kartanup. I am adamant that this is
20 absolutely and completely untrue.
21

22 I completely and utterly reject any
23 knowledge of or information provided to me
24 of any alleged unsatisfactory work
25 performance or personal behaviour during my
26 employment at Westrek.
27

28 I am alarmed and distressed that alleged
29 issues were raise and discussed without my
30 knowledge at a committee level and I was
31 not advised or given an opportunity to be
32 given a fair hearing.
33

34 I firmly believe these negative assertions
35 were made about me by Dennis McKenna and
36 Ainslie Evans as a result of me raising the
37 allegations of sexual abuse by Dennis
38 McKenna with my superiors at the
39 department.
40

41 I am alarmed and distressed that
42 allegations of unsatisfactory work
43 performance and allegations of
44 inappropriate behaviour were raised at a
45 committee who had power to relocate me to
46 another project at Bunbury without
47 consulting me. If these issues were indeed

1 raised they were never raised with me,
2 either at the time or since.

3
4 I declare that this statement is true and
5 correct to the best of my knowledge and
6 belief and that I have made this statement
7 knowing that if it is tendered in evidence
8 I will be guilty of a crime if I have
9 wilfully included in this statement
10 anything which I know to be false or I do
11 not believe to be true.

12
13 It is then been signed by Mrs Dawkins and witnessed on
14 17 July of 2012.

15
16 We then move on to two other areas. The first is a
17 statement from Desmond Semple. This statement, sir, is
18 relevant to the evidence of Brian Humphries. Desmond Lloyd
19 Semple:

20
21 I currently reside in Sydney.

22
23 I was a Social Worker at the Department of
24 Child Welfare between 1970 and 1972.

25
26 The Department of Child Welfare and the
27 Department of Native Welfare from
28 amalgamated on 1 July 1972 and became known
29 as the Department of Community Services.

30
31 I was a Social Work Supervisor in
32 metropolitan divisions between 1972 and
33 1974. I travelled overseas during 1975.

34
35 In 1976 I was the Social Work Supervisor in
36 the Kimberley.

37
38 Between 1977 and 1978 I was a Senior Social
39 Work Supervisor Southern. This position
40 included the responsibility for the Albany
41 and Katanning areas.

42
43 I believe that Peter Varga was the Social
44 Work Supervisor in Bunbury at that time. I
45 believe that Geoffrey Aves was the Chief of
46 Welfare Services at that time.

47

1 I was the Chief of Welfare Services between
2 1978 and 1980 and I believe Tony McDermott
3 was the Senior Supervisor South during this
4 time.

5
6 I was the Assistant Director Management,
7 Finance and Administration between 1980 and
8 1981.

9
10 I was the Assistant Director Institutional
11 Services between 1982 and 1983.

12
13 In these assistant director roles I believe
14 I reported to the Deputy Director, Peter
15 Gorton.

16
17 I was the Assistant Director Field Services
18 in 1984. During this time I was part of a
19 review of the department. I reported to
20 the Director, Keith Maine.

21
22 Keith Maine is a man of considerable
23 integrity.

24
25 Between 1985 and 1992 I was the Director
26 General of the department and then left to
27 go to Sydney.

28
29 I have no recollection of a complaint or
30 the stopping of a complaint being
31 investigated by Brian Humphries in relation
32 to the St Andrew's Hostel in Katanning.

33
34 This would be something I would recall and
35 I have absolutely no recollection of this.

36
37 I know Brian Humphries and have seen him in
38 various roles since the early 1980s and he
39 has never mentioned anything of this
40 complaint to me.

41
42 I do not know of any person in executive
43 management who had political involvement at
44 that time. While in the executive
45 management team I had minimal involvement
46 with the minister. Operational matters
47 involving the minister would normally only

1 involve contact with the Director Or Deputy
2 Director.

3
4 There was not a culture at the department
5 of this type of interference or political
6 involvement.

7
8 I do not remember the St Andrew's Hostel in
9 Katanning and if it was run by the
10 Education Department we would not of had
11 any involvement.

12
13 If there had been a complaint about a child
14 being abused I believe that the department
15 would have dealt with it the same way as
16 any other complaint.

17
18 I declare that this statement is true and
19 correct to the best of my knowledge and
20 belief and that I have made this statement
21 knowing that if it is tendered in evidence
22 I will be guilty of a crime if I have
23 wilfully included in this statement
24 anything which I know to be false or I do
25 not believe to be true.

26
27 It has then been signed by Mr Semple and been witnessed and
28 is dated 2 April of 2012.

29
30 The final statement to be read into evidence today is
31 a statement by Kenneth John Elwin, spelt E-L-W-I-N. This
32 statement has been electronically endorsed by Mr Elwin and
33 it will be signed subsequently. For the moment, because
34 this is the last morning of public hearings, we will
35 proceed on that basis.

36
37 This is not related to any previous matter. It is a
38 separate matter altogether. It is in relation to Dennis
39 McKenna. Kenneth John Elwin states:

40
41 I am 71 years of age and live in South
42 Australia.

43
44 I am an Electronic Design Engineer by
45 trade; however I retired some years ago.

46
47 In 1990 my wife and I had a business in

1 Katanning which was called *Elwin TV & Video*
2 *Service* which catered for the repair of
3 radios, TVs, stereos, videos, in the trade
4 these items are referred to as "brown
5 goods".
6

7 I remember that part of the clientele in
8 Katanning were the students at the St
9 Andrew's Hostel.

10
11 I remember that Dennis McKenna used to
12 bring the students' radios and portable
13 stereos, which they used to call "boom
14 boxes".
15

16 I don't remember parents of the hostel
17 students ever bringing things in for
18 repairs.
19

20 On Thursday the 12th July, 2012 I was
21 contacted by investigators from the St
22 Andrew's Hostel Inquiry asking me about my
23 recollection of Dennis McKenna and his
24 contact with my business in Katanning.
25

26 Initially, I had very little memory about
27 Dennis McKenna, however after thinking
28 about it for a while I do have some
29 recollection around a letter I received
30 from Dennis.
31

32 The investigators show immediate a copy of
33 a letter that was sent by Dennis McKenna to
34 me when I had my business.
35

36 Sir, it would be appropriate now if I tender a copy of that
37 one-page letter.
38

39 EXHIBIT #149 LETTER SENT TO MR ELWIN BY DENNIS MCKENNA
40 DATED 1 AUGUST 1990
41

42 MR URQUHART: In order to put the context of the balance
43 of Mr Elwin's statement into perspective I will read out
44 that letter into the transcript. It is on a St Andrew's
45 Katanning Residential College letterhead. It is addressed
46 to: Mr KJ Elwin, shop 10, the Plaza Shopping Complex,
47 39/40 Austral Terrace, Katanning, WA, 6317.

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47

Dear Mr Elwin.

I write to you in the strongest terms re a statement to myself from parents that visited your shop.

Your statement to them in that a student was withdrawn who resided in Northam and moved to Esperance, due to the poor way in which this Hostel is run.

I wish to bring to your notice that you do not know what you are talking about.

Have you ever visited us, spoken to one of our students? No!!

We all are very upset with your mannerism and certainly you will not benefit from any business from us or the 135 families associated with this Hostel.

Yours faithfully.
Dennis McKenna.
Warden.

It is dated 1 August of 1990. Which we would know, sir, would be a Friday, 1 August 1990, because we know what Mr McKenna did to Mr Jefferis on Saturday the 2nd of August of that same year.

Mr Elwin's statement then continues:

In the letter Dennis threatens me with withdrawing patronage from the "hostel families" for an alleged comment I made to a parent about a child leaving the hostel because of the way it was run.

What I mean by this is that I don't recall having any dealings with parents of hostel students therefore I would not have spoken to any parent about a child leaving the hostel.

Also, I was not the kind of person that

1 mixed a lot with the towns' people, apart
2 from my business so it is highly unlikely I
3 would even know why a student would leave
4 the hostel because as Dennis says in his
5 letter I never went to the hostel and had
6 no reason to.

7
8 My recollection around this incident is
9 that I feel that this letter was a bit of a
10 "put up" and not really true.

11
12 From memory Dennis wasn't really
13 threatening me about an "alleged comment"
14 but rather he was angry with me about not
15 getting his own way with regards to how I
16 wanted payment for the repairs I was doing.

17
18 Dennis came to me and asked me to invoice
19 the St Andrew's Hostel for all repairs,
20 however I told him that unless he had an
21 official order number which he could give
22 me he would have to pay cash.

23
24 This was something he did not like, because
25 he did not get his own way on this point.

26
27 Even back then it appeared to me that
28 Dennis usually got what he wanted around
29 town and as I reflect back on my dealings
30 with him I always found him to be a bit
31 "cocky".

32
33 I think it was the following day Dennis
34 rang
35 me at the shop and threatened me
36 that if I did not stop "bad mouthing" the
37 hostel he would sue me.

38
39 I told him I had not spoken badly about the
40 hostel.

41
42 My wife and I continued to run our store
43 for a few years, however our marriage end
44 and we sold the store and I moved to live
45 in South Australia.

46
47 My wife and I remain really good friends

1 and I often spend time in WA.
2
3 I was recently talking to her about
4 our time in Katanning
5 and she
6 reminded me about Dennis being
7 arrested.
8
9 Up until we had this discussion I did not
10 have a clear recollection of him being
11 charged.
12
13 This statement is true to the best of my
14 knowledge and belief. I have made this
15 statement knowing that, if it is tendered
16 in evidence, I will be guilty of a crime if
17 I have wilfully included in the statement
18 anything I know to be false or that I do
19 not believe is true.
20
21 Then there is an electronic addition which reads:
22
23 I have read this statement at 1600 hours on
24 Tuesday 17 July 2012 and I can confirm that
25 it is true and correct to the best of my
26 knowledge and belief of events nearly 22
27 years ago.
28
29 KJ Elwin.
30
31 Thank you, sir. That completes now the materials that
32 needed to be addressed this morning.
33
34 HIS HONOUR: Very good. I think we are fairly certain
35 that that completes all the evidence that will be before
36 this Inquiry, is that correct?
37
38 MR URQUHART: As certain as we can be, sir.
39
40 HIS HONOUR: That is right.
41
42 MR URQUHART: I would expect that this is now it, yes.
43
44 HIS HONOUR: Very good. There would only be any
45 possibility of a further sitting of this Inquiry if we have
46 overlooked some statement or there is some minor point that
47 needs to be clarified by a witness, and it would be

1 necessary to read in some further statement. That is
2 highly unlikely.

3
4 MR URQUHART: Yes, sir.

5
6 HIS HONOUR: I think I can assume that this is the last
7 time that I sit on this Inquiry, and I think it is
8 appropriate that I express my sincere thanks to you,
9 Mr Urquhart, for the excellent services that you have
10 provided to me over the past eight months as Counsel
11 Assisting.

12
13 MR URQUHART: Thank you, your Honour.

14
15 HIS HONOUR: I also put on record my thanks to other
16 people, including all other counsel who appeared before the
17 Inquiry, the Inquiry's instructing solicitor, Mr Dobson,
18 and all other staff of the Inquiry who have been of huge
19 assistance to me.

20
21 Also there have been people in the background, such as
22 the technical support from Redfish Communications and the
23 transcript staff. I thank them for allowing the
24 proceedings to run so smoothly.

25
26 There have been many departments and other persons in
27 the public sector who have been of great assistance, and I
28 particularly mention the Department of Child Protection,
29 the crisis care service that has been available at all
30 times.

31
32 Most importantly, we have had the assistance of
33 members of the public and, in particular, former hostel
34 students. I thank them very sincerely for their help.

35
36 Now, the preparation of my report is well advanced and
37 has to be with the printer next Tuesday week. From my
38 point of view, or my perspective, I think it is going to be
39 a very satisfactory outcome to very complex issues that I
40 have had to deal with, but ultimately of course that will
41 be a matter for others to judge, and in particular the
42 government and the Premier and, most importantly, the
43 public.

44
45 I do hope that they will be satisfied with the outcome
46 of this Inquiry.

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With those words I shall now adjourn.
THE HEARING ADJOURNED ACCORDINGLY