

Special Inquiry into St Andrew's Hostel

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

Thursday, 19 April 2012 at 11.32am
(Day 21)

Before: The Hon Peter Blaxell

1 HIS HONOUR: First I should take some appearances. I have
2 Mr Manera here for Mr Murray.
3
4 MR MANERA: Mr Manera here for Mr Murray.
5
6 HIS HONOUR: Very well. Yes, Mr Urquhart.
7
8 MR URQUHART: We are just calling one witness today, Ian
9 Wallace Murray. Mr Murray is already in the hearing room.
10
11 HIS HONOUR: If Mr Murray could come forward, please.
12
13 <IAN WALLACE MURRAY, sworn:
14
15 <EXAMINATION-IN-CHIEF BY MR URQUHART:
16
17 MR URQUHART: Q. Your full name is Ian Wallace Murray?
18 A. That is correct.
19
20 Q. How old are you, Mr Murray?
21 A. 74 years of age.
22
23 Q. Are you married?
24 A. No, I'm a widower.
25
26 Q. Do you reside in the Perth metropolitan area?
27 A. I do.
28
29 Q. You are now retired?
30 A. Yes.
31
32 Q. However, was, and I am only saying that teaching was
33 your occupation for most of your adult life?
34 A. Correct.
35
36 Q. If not all?
37 A. Correct.
38
39 Q. When did you actually qualify as a teacher, what year,
40 do you recall, or thereabouts?
41 A. 1956.
42
43 Q. Was that here in Western Australia or was it somewhere
44 else?
45 A. Yes, Western Australia.
46
47 Q. Mr Murray, I do not intend to go through all your

1 teaching positions that you have had because you have
2 already provided a CV to the Inquiry which sets that out,
3 and we are grateful for that. I will ask you about the
4 fact that you were the principal of the Katanning senior
5 high school for the years 1988 to 1990?
6 A. Correct.
7
8 Q. So three years in total?
9 A. Correct.
10
11 Q. Looking at your CV, is it the case that you were the
12 acting principal of the Swan View Senior High School before
13 you went to Katanning?
14 A. Correct.
15
16 Q. Can you recall whether you held that position the year
17 before you went to Katanning, that is 1987?
18 A. It was 1987.
19
20 Q. You held that position as acting principal at Swan
21 View for how many years?
22 A. One year plus six months a couple of years beforehand.
23
24 Q. In fact, did you spend several years there at Swan
25 View?
26 A. I was at Swan View for approximately five years.
27
28 Q. In the years leading up to 1987 were you a deputy
29 principal there?
30 A. Yes, correct.
31
32 Q. I am just inferring this, did the principal go on
33 leave or something in 1987, is that why you were just
34 acting principal?
35 A. That's correct. He was working for the - oh, for an
36 Australian body in London.
37
38 Q. I know it is 25 years ago, but can you recall whether
39 you were the acting principal for that entire year or just
40 part of it?
41 A. The entire year, I think.
42
43 Q. Now speaking of leave, in your case, Mr Murray, did
44 you go on extended leave at the end of 1990, that is the
45 end of the school year in your third year at Katanning?
46 A. Yes, that is correct.
47

1 Q. Did you go to England?
2 A. England and the Continent.
3
4 Q. The purpose of that, was that a working holiday or was
5 it just a holiday?
6 A. No. A holiday.
7
8 Q. How long were you away for?
9 A. Twelve months.
10
11 Q. Did you have different teaching positions after that?
12 Not at Katanning, but different teaching positions at other
13 schools?
14 A. I was principal of Mt Valley Senior High School.
15
16 Q. Mr Murray, is it the case that you agreed to be
17 interviewed by this Inquiry's investigators in more recent
18 times?
19 A. Yes.
20
21 Q. Did that interview take place towards the end of last
22 month, the 28th of March; does that sound about right?
23 A. That sounds about right.
24
25 Q. I referred back a moment ago to your CV that you
26 provided to the Inquiry. Not only does that set out your
27 employment history in the field of education, but does it
28 also set out your voluntary work that you have done in the
29 community?
30 A. Yes.
31
32 Q. Is it the case that you have done voluntary work for
33 many, many years?
34 A. Yes, about 45.
35
36 Q. Am I right in saying largely for that you received an
37 Order of Australia medal?
38 A. That is correct.
39
40 Q. Can you recall what year that was; 2003, does that
41 sound about right?
42 A. No; 2009 I think, or 2010.
43
44 Q. You have also provided to the Inquiry an affidavit
45 from a deputy principal of yours, a man by the name of
46 Ilario Manno?
47 A. Yes, that's correct.

1
2 Q. Just for the transcript I will spell that,
3 I-L-A-R-I-O, and Manno, M-A-N-N-O. Just in summary, is it
4 the case, Mr Murray, that that affidavit attests the manner
5 in which he saw you, in his capacity as a deputy principal,
6 deal with complaints in your capacity as principal?
7 A. Yes.
8
9 Q. Specifically, was he a deputy principal at Katanning?
10 A. He was a deputy principal at Katanning and a deputy
11 principal at Mt Valley Senior High School.
12
13 Q. His affidavit also sets out what he saw as your
14 fairness in writing reports for probationary teachers?
15 A. Yes.
16
17 Q. Mr Murray, is it the case that your voluntary work
18 extended to many activities involving children?
19 A. Some charities involving children, yes.
20
21 Q. You have coached numerous sporting teams?
22 A. Yes.
23
24 Q. That comprise juniors or children?
25 A. Yes.
26
27 Q. And, as I read it, you also conducted several overseas
28 trips for students?
29 A. Yes.
30
31 Q. So you not only organised them but, am I right in
32 saying, you also attended?
33 A. Yes.
34
35 Q. Now, coaching sporting teams involving children,
36 particularly overseas trips, do you agree with me, involved
37 obligations and responsibilities to look after those
38 children's wellbeing?
39 A. Yes.
40
41 Q. Which, of course, is the primary responsibility of a
42 school teacher, do you agree?
43 A. Yes.
44
45 Q. I am just going to ask you some questions about some
46 answers that you gave to investigators at the end of last
47 month. This area I want to ask you about, what inquiries

1 you made about the Katanning senior high school before you
2 took up that position as principal in 1988. Can you recall
3 whether you made some inquiries along those lines?
4 A. Yes, I did make inquiries about Katanning senior high
5 school and the high school hostel.
6
7 Q. The next question I was going to ask you. Now, with
8 respect to your inquiries about the hostel, who or what
9 organisation did you approach about that?
10 A. The Country High Schools' Hostel Authority.
11
12 Q. Mr Murray, had you ever either taught or been
13 principal at a school where there was a hostel for students
14 prior to Katanning?
15 A. I was the deputy principal of Cunderdin Agricultural
16 District High School. I was based at the town wing and
17 there was an agricultural boarding wing there.
18
19 Q. Was that before or after 1988?
20 A. 1980-81.
21
22 Q. Was that a similar set-up to what existed at Katanning
23 or not?
24 A. It's a year 11 and 12 agricultural high school where
25 the students come in to do agricultural subjects and they
26 live at an institution which was under the control of the
27 principal of the school out of what they call the ag wing.
28
29 Q. It didn't fall under the Country High School Hostels'
30 Authority --
31 A. No, it was an education department - I think it was an
32 education department hostel.
33
34 Q. We just digressed a bit there for a moment. If we
35 could go back to the inquiries that you made of the
36 Authority - the Country High School Hostels' Authority, I
37 will just simply refer to it as the Authority - that you
38 made some inquiries there. Anyone in particular?
39 A. Look, I did speak to the chief executive officer,
40 whatever he was, and two or three other people. I do not
41 recall their names. This was in 1987. After I was
42 appointed to the school I knew a person called Dick Cairns
43 and I believe he was on the Authority. I didn't see him at
44 that time there, but he suggested it might be a good idea
45 to actually go and talk to them, so I did, to find out what
46 my duties were and what the hostel was like.
47

1 Q. Can you recall whether that was a phone call or did
2 you go and see them in person?
3 A. No, no, I went into the Adelaide Terrace office.
4
5 Q. The head office here in Perth?
6 A. Yes.
7
8 Q. If I was to mention a name Colin Philpott, who was the
9 chairman in 1987, does that ring a bell?
10 A. The name rings a bell. I don't know whether it's
11 because I've read about it in the Inquiry, but I did not
12 recall seeing him at that meeting.
13
14 Q. Do you recall speaking to him about Katanning before
15 you took up your appointment?
16 A. No, I don't recall that at all.
17
18 Q. Do you recall how many people you spoke to?
19 A. Sorry?
20
21 Q. Do you recall how many people you spoke to at the
22 Authority?
23 A. Oh, two or three. One particularly and a couple of
24 others in a morning tea sort of meeting.
25
26 Q. One you described as having the position of?
27 A. I thought it was the chief of the Authority - the
28 senior person.
29
30 Q. Can you recall what you were told about the Katanning
31 hostel?
32 A. Well, first of all I was told that it was the best
33 hostel in the state, a model for all the others to follow.
34
35 Q. Can you remember if that was the chief, the person in
36 charge, who told you that?
37 A. Yes.
38
39 Q. Sorry, I interrupted.
40 A. I was also told that they had superb systems in
41 operation in handling all sorts of issues that might or
42 might not come up in a hostel. I was told I was very lucky
43 to be there at that hostel because it worked so well. And
44 I was told that the board was an advisory board that worked
45 with the hostel and the Authority to make sure that things
46 went okay.
47

1 Q. You refer there to "the board". Does that mean the --
2 A. The hostel.
3
4 Q. -- the hostel board? So it was an advisory body?
5 A. That's what I understood.
6
7 Q. Can you recall who told you that?
8 A. Again, I thought it was at that meeting.
9
10 Q. Were you aware at the time of that meeting that you
11 would also be sitting in your capacity as principal at the
12 hostel board meeting?
13 A. I was told at that meeting, yes.
14
15 Q. Do you recall any discussions at that meeting
16 specifically about the warden of the Katanning hostel?
17 A. I was told he was an exemplary person; he ran the
18 hostel brilliantly. I was told about the tremendous growth
19 in numbers of the students at the hostel. I was told about
20 the parent satisfaction of the hostel, and given a glowing
21 report. So it certainly put me in a very good frame of
22 mind.
23
24 Q. Again, can you recall who it was who told you about
25 that?
26 A. Again, it was the same chairman or - it wasn't
27 chairman, sorry, wrong word - it was the same person I was
28 talking to.
29
30 Q. Again --
31 A. The chief, the boss of the - the chief executive
32 officer, or whatever his title was. I don't know what his
33 title was.
34
35 Q. Can you recall how old he was?
36 A. No.
37
38 Q. Anything like that?
39 A. No.
40
41 Q. Regarding the board, in your interview with
42 investigators you mentioned that there was an advisory
43 body. Did you also state something else about essentially
44 what its role was, can you recall?
45 A. Rubber stamp things that the warden was doing and
46 consider - he would put things up and the board would
47 virtually rubber stamp them.

1
2 Q. Can I ask you this, was that what you were told at a
3 meeting or was that your subsequent experience once you
4 joined the board?
5 A. That was experience. That was the experience.
6
7 Q. That it was whatever the warden said was virtually
8 rubber stamped?
9 A. Well, yes. The things he put up were pretty
10 reasonable, so they were virtually rubber stamped.
11
12 Q. Did those reasonable things, virtually reasonable
13 things, include his recommendation regarding the expulsion
14 of students?
15 A. Look, I don't remember him - I don't really remember
16 talking about that particular thing. That could have been
17 brought up, I just don't remember. I would think the board
18 would go along with him if that was brought up.
19
20 Q. Can you ever recall the board disagreeing with what
21 the warden was saying or recommending with respect to an
22 important matter?
23 A. No, not really.
24
25 Q. Or indeed a minor matter?
26 A. No, not really. I can't remember that.
27
28 Q. Did you speak to anybody else regarding the reputation
29 of the school, rather than the hostel, before you took up
30 appointment in 1988?
31 A. Well, I spoke to the two previous principals - I
32 actually spoke to the three previous principals of the
33 school. I met them at meetings. I spoke to them about it
34 and they gave me glowing reports of the school, told me how
35 lucky I was to be going there. I visited the school two or
36 three months before I took up the appointment and spent a
37 day with the then principal.
38
39 Q. Can you recall who that was?
40 A. Yeah, Graham Young.
41
42 Q. Had you met him before?
43 A. Yes, I had known Graham for 25, 30 years plus.
44
45 Q. He gave a glowing report about the school?
46 A. Glowing report about the school, glowing report about
47 the hostel.

1
2 Q. I was going to ask you about that. So he had no
3 criticisms or didn't say to you there are any problems,
4 difficulties, criticisms of the hostel?
5 A. None whatsoever.
6
7 Q. You mentioned two other principals that you spoke to.
8 Can you recall their names?
9 A. Gerald Marriott was one.
10
11 Q. Did you know him prior to 1987?
12 A. Yes, I knew him prior to then.
13
14 Q. How did you know him?
15 A. Well, he was a social studies teacher, as I was a
16 social studies teacher, and we had been meeting in social
17 studies areas - as Graham Young was - and we had been
18 meeting at various history, geography, economics meetings.
19
20 Q. Was it at one of those meetings that you asked
21 Mr Marriott about the school?
22 A. No. No, I asked Mr Marriott at a principals' meeting.
23
24 Q. That wasn't at Katanning of course, it was somewhere
25 else?
26 A. No, it was in Perth. I spoke to all of them - Graham
27 Young I spoke to at Katanning. I had spoken to him
28 previously at Perth but I visited him at Katanning. But I
29 spoke to other principals at principals' meetings in Perth
30 because I was going to principals' meetings during the time
31 that I was relieving principal.
32
33 Q. I follow. Mr Marriott, can you recall what he had to
34 say?
35 A. Exactly the same thing.
36
37 Q. What, about the school?
38 A. Yes.
39
40 Q. What about regarding the hostel?
41 A. Exactly the same comment.
42
43 Q. You can actually recall that, can you?
44 A. Well, I can recall in general terms, I can't remember
45 in specifics, but they both spoke in glowing term.
46
47 Q. And you mentioned a third one?

1 A. I think it was Neil Thompson.
2
3 Q. Did you know him prior to having these discussions?
4 A. Yes.
5
6 Q. Once more can you recall what he said?
7 A. Again, great school, great hostel, going to a great
8 place. You're very lucky. Great kids. Great hostel.
9 Great school.
10
11 Q. If you can't recall this that's fine, but did any of
12 them describe the individual Dennis McKenna, or was it just
13 in terms of it being a great hostel?
14 A. No. They all described Dennis McKenna as being a
15 superb warden.
16
17 Q. Did you ask any teachers about either the school or
18 the hostel during your trips or trip to Katanning or trip
19 to --
20 A. Yes, I knew three or four of the teachers at the
21 school and I spoke to them. And, again, they gave exactly
22 the same comments.
23
24 Q. Now, aside from Mr Young, can you recall the names of
25 those teachers?
26 A. Kevin Pilkington, Kevin Lang. There was an art
27 teacher - I just really can't think of the name. And Bruce
28 Weklend I think was a phys ed teacher, I think, at the
29 time. I think it could have been - he could have been
30 there too. There was three or four teachers I spoke to
31 because I met them all. There were others who spoke about
32 it.
33
34 Q. I want to ask you if these names of teachers ring a
35 bell. One who was a phys ed teacher, Ian Lockhart?
36 A. No, it doesn't ring a bell.
37
38 Q. A young teacher, a man in his twenties?
39 A. No, it doesn't ring a bell.
40
41 Q. Stuart Jones?
42 A. No, it doesn't ring a bell.
43
44 Q. Andrew Bourke, a maths teacher? Again, all these
45 gentlemen would have been in their twenties at the time.
46 A. No. It doesn't ring a bell. Were they at the school
47 while I was there?

1
2 Q. No, sorry, they were at the school in 1987.
3 A. No, sorry, I don't know them.
4
5 Q. In fact, they all left at the end of 1987, so they
6 weren't there in 1988. But I was asking you if any of
7 those names ring a bell as the teachers that you spoke to
8 when you visited in 1987?
9 A. I spoke to a lot of teachers there, just chatted to on
10 the day. I was introduced to people. I wouldn't remember
11 their names. I was introduced to virtually the whole
12 staff, and just don't remember.
13
14 Q. Mr Murray, would you agree with me that where a school
15 has a hostel as part of its set it is important for the
16 school to have a vibrant and successful hostel?
17 A. Yes. Yes.
18
19 Q. Why do you say that?
20 A. Well, if the hostel works well, if the students come
21 to school, as they did in Katanning, with an uniform, they
22 come to school on time, they are regular in attendance,
23 they do their homework, behave well in class, they get on
24 with the task of learning, it is so important and I believe
25 that comes from having a good hostel.
26
27 Q. Do you agree with me that the more students who are
28 boarding at a hostel the better it is for the school?
29 A. If it makes the numbers larger the school can provide
30 better courses, particularly for the years 11 and 12, and
31 you can give a wider spread of courses so that the students
32 can have a better choice of subjects, careers, further
33 education, et cetera. So if you have 25 in upper school
34 you could provide a very poor choice, but if you have 100
35 in upper school you provide a far greater choice.
36
37 Q. So a hostel without controversy is far better than a
38 hostel with controversy, would you agree with that?
39 A. Naturally.
40
41 Q. As principal of the school, Mr Murray, what did you
42 see as your primary duties?
43 A. My primary duty was to see that I had a staff that
44 worked well to provide an excellent opportunity for
45 students to be facilitated in their learning. The students
46 were given opportunities to progress to the best of their
47 abilities.

1
2 Q. Did you regard that as your primary duty?
3 A. I'm not quite sure what you --
4
5 Q. I asked you as the principal of the school what did
6 you see as your primary duties and you just named one there
7 about making sure that the staff worked well with students
8 so that they can fulfil their potential.
9 A. And the students work well with the staff.
10
11 Q. What about ensuring that the students' wellbeing is
12 maintained?
13 A. Within the school, yes.
14
15 Q. You put the qualifier on that as "within the school"?
16 A. Well you can't ensure the students' wellbeing at the
17 home, in the community.
18
19 Q. No, I realise that. What about the hostel --
20 A. Yes.
21
22 Q. -- do you draw a distinction between ensuring the
23 wellbeing of students who actually board at the hostel as
24 compared to the wellbeing of students in a home
25 environment?
26 A. I believe that the hostel was the students' home
27 environment and I believe that the hostel authority had
28 given the warden the tools to be able to make that hostel a
29 good home environment. And if I could see that we could
30 make that place work well with the school, that would be
31 great.
32
33 Q. Correct me if I am wrong, am I right in saying from
34 that answer that the school had a higher obligation towards
35 the "home" environment of students at the hostel rather
36 than students who went home to their parents each evening?
37 A. I don't know whether they would have a higher level of
38 environment. I didn't see the school as being able to -
39 the "school" I'm talking about now - be able to interfere
40 with the home environment of the hostel.
41
42 Q. What about the instance where the principal of the
43 school is also a member of the hostel board?
44 A. I see that slightly different.
45
46 Q. In those circumstances isn't there is a considerable
47 difference, that insofar as the principal is concerned his

1 or her obligations towards the students at the hostel are
2 higher than the obligations he or she would have with other
3 students outside of school hours?

4 A. I believe as a member of the board, a collective
5 member of the board, you would have obligations, but I
6 presume you would have some added responsibility. But I
7 believe the responsibility of the principal is to the
8 school, and when you went to the board of the hostel you
9 were doing a slightly different task as a member of the
10 hostel board.

11
12 Q. The task that you have described, Mr Murray, is that
13 it just virtually rubber stamped whatever the warden said?

14 A. Well, fundamentally at Katanning senior high school or
15 St Andrew's Hostel, the board became - the warden is making
16 good decisions and is putting those decisions to the board,
17 then it was a rubber stamp.

18
19 Q. How do you know whether the warden is making good
20 decisions if the board doesn't bother to make further
21 inquiries about those decisions?

22 A. Well, there weren't very many issues that were brought
23 up that would be in that capacity. The behaviour of
24 students, the disciplining of students, was left to the
25 warden.

26
27 HIS HONOUR: Q. There is something I would just like to
28 clarify. You describe yourself as an elected member of the
29 hostel board. Is that --

30 A. No, I wasn't elected.

31
32 Q. All right. That was a slip. Okay.

33 A. All other members were elected. I was ex-officio.

34
35 HIS HONOUR: That is right. Go on.

36
37 MR URQUHART: I missed that, sir. Mr Murray said he was
38 elected, did he?

39
40 HIS HONOUR: He said, "as an elected member of the board"
41 - but that is obviously just a slip.

42
43 MR URQUHART: Q. Mr Murray, I will put this to you
44 fairly and squarely. I am going to say to you that your
45 duties as the school principal at Katanning senior high
46 school meant that part of your duties involved being on the
47 board of the hostel and that, therefore, your duties

1 extended to looking after the wellbeing of hostel students;
2 do you agree or disagree with that?
3 A. I don't know whether I accept that fully.
4
5 Q. Why?
6 A. Well, if I was to take the authority of looking after
7 the hostel authority that would make it a very different
8 job. I applied for the principal of Katanning senior high
9 school as a high school principal, not as a high school
10 principal and as hostel warden.
11
12 Q. No. But you were a hostel board member?
13 A. Well, I believe all board members would share that
14 responsibility.
15
16 Q. Oh, yes, I am not saying you solely. I am saying you,
17 as a member of the board, also had to consider and ensure
18 that the wellbeing of students at the hostel were
19 maintained?
20 A. I thought --
21
22 Q. I am not individually stating you handled that sole
23 responsibility. I am just saying as a member of the board.
24 A. I thought, as a member of the board, that the board
25 were satisfied that the welfare of the students was being
26 looked after. Now, I know, and I will tell you straight
27 out now --
28
29 Q. Mr Murray --
30 A. I was conned by Dennis McKenna.
31
32 Q. Mr Murray, we will get to that, I can assure you. I
33 am just asking you this question for the moment. I am
34 asking you whether you accept - I will ask it again: In
35 your capacity as a board member you, collectively with the
36 other board members, held a responsibility to ensure that
37 the wellbeing of hostel students were maintained?
38 A. Correct.
39
40 Q. Given that answer, where there is a potential conflict
41 between the wellbeing of the hostel warden and the
42 wellbeing of a student, whose wellbeing should the
43 principal, who is on the board, put first?
44 A. I know you're expecting me to say the student.
45
46 Q. Well, Mr Murray --
47 A. I know - can I finish my answer? I know you are

1 expecting me to say the student. I believe we had an
2 obligation to look after the staff as well as the students.
3 So, yes, you have to look after the wellbeing of the
4 students, but you also had to look after the wellbeing of
5 staff.

6
7 Q. But, Mr Murray, in your case now, I am going to talk
8 to you about individually, given the fact that you were
9 also principal of the school, you individually, where there
10 is such a conflict, surely, surely in those circumstances
11 you have to place the wellbeing of the student first?

12 A. Yes.

13
14 Q. And it shouldn't make any difference, should it, if
15 that warden happens to be a friend of the principal?

16 A. What do you mean by "a friend of the principal"? I
17 asked that question to myself. Dennis McKenna was a very
18 close colleague of mine.

19
20 Q. Wait a minute, I'm just talking hypothetically for the
21 moment. It shouldn't make any difference if that warden is
22 a friend of the principal's?

23 A. Correct.

24
25 Q. Now, I am going to ask you, from 1988 to 1990, Dennis
26 McKenna was, at the very least, a professional friend of
27 yours, wasn't he?

28 A. That's correct.

29
30 Q. Now, I must stress to you, Mr Murray, that I'm not
31 singling you out with this proposition I'm now going to put
32 to you, and there may well have been a number of others who
33 thought this as well, but prior to his convictions of
34 sexually abusing five boys in his care, am I right in
35 saying that you could not sing his praises high enough?

36 A. Up to the time he was charged with that and at his
37 trial, I had a very high opinion of his professional and
38 working capabilities.

39
40 Q. I'm going to draw the distinction, Mr Murray. I'm
41 going to say that you could not sing his praises high
42 enough right up until the time of his convictions after
43 trial in June of 1991?

44 A. Yes, I would admit that I was totally and utterly
45 conned by the man.

46
47 Q. I'm not disputing that for a moment, Mr Murray. I'm

1 just asking you about what your attitude was towards him?
2 A. I had a very high opinion of his work as a warden and
3 I repeatedly said this. I supported him totally in his job
4 as a warden because, from the evidence that I saw, he was
5 doing an outstanding job.
6

7 Q. Now, I wish to make it clear, Mr Murray, I do know
8 that you were just one of numerous people who gave
9 character evidence on behalf of Dennis McKenna at his
10 District Court trial in June of 1991. Okay. I'm not
11 saying that you are the only one but you have been provided
12 with the transcript of your evidence you gave on
13 Mr McKenna's behalf, haven't you?

14 A. Yes.

15
16 Q. And you have had the opportunity of reading that?

17 A. Yes.
18

19 Q. So I'm just going to refer to some passages there. It
20 is bar code number 0175.
21

22 MR URQUHART: Yes, if Mr Murray can have a copy, please.
23 And Madam Associate, if you are able to, put up on the
24 screen page 233, which is the third page.
25

26 Q. Mr Murray, I'm just going to take you to one of the
27 questions that was asked of you at that page. It's the
28 second full question down, starting:
29

30 How would you describe him from what you
31 have known of him in those 3 years?
32

33 This is a question asked by Mr McKenna's lawyer. Do you
34 see there that you responded:
35

36 I could go ... for a long time, describing
37 Dennis McKenna.
38

39 And then you continue. Could you just read that out for
40 us, please, starting with "But briefly"?

41 A. Yes:
42

43 Perhaps ... briefly, Dennis McKenna was a
44 man of extremely high standards: moral,
45 dress, behaviour; his attitudes to study;
46 his attitudes to life - extremely high
47 standards. In the address ... I gave to

1 the wind-up at the hostel in 1989, I made
2 ... the point of my address; ... the hostel
3 had extremely high standards which were
4 generated by Dennis McKenna. These
5 standards were extremely high. All the
6 students knew the standards and they
7 maintained these extremely high standards.
8 He kept those standards. He set the
9 standards ... himself and by his example
10 and the precept ... he was leading, the
11 students followed him in keeping those same
12 high standards going.

13
14 Q. All right, that last sentence which you read extremely
15 quickly, would you agree with me that there is a typo
16 there, that it should read:

17
18 He set the example himself and by his
19 example and the --

20
21 "Prefects" rather than "the precepts":

22
23 -- that he was leading, the students
24 followed him in keeping those same high
25 standards going.

26
27 Q. Does that make sense, if it was actually read
28 "prefects"?

29 A. No, I think "precept" was okay.

30
31 Q. "Precept". Okay, all right. Well you said those
32 words. Can you go to page 232 now, please, and the first
33 full question, which reads:

34
35 During those 3 years at Katanning,
36 Mr Murray, did you come to know Dennis
37 McKenna?

38
39 I know there's a fairly lengthy answer. I just want to
40 stay on the first sentence:

41
42 Yes. I came to know Dennis McKenna
43 extremely well.

44
45 With the advantage of hindsight now, Mr Murray, how well
46 did you really know Dennis McKenna?

47 A. I was conned by Dennis McKenna. I admit that freely.

1 I thought that he was doing a magnificent job but I was
2 absolutely conned by him and I - I'm afraid I have the
3 utmost distaste for the gentleman now.
4
5 Q. Who else do you think was conned by Dennis McKenna?
6 A. Everybody. Everybody. Well, my teaching staff were
7 conned by him.
8
9 Q. And who else?
10 A. I thought - all members of my Rotary club were conned
11 by him. Members of the Shire Council were conned by him,
12 members of the business community were conned by him, the
13 District Superintendent, the District Guidance Officer. We
14 were all conned by Dennis McKenna. We thought he was doing
15 a great job.
16
17 Q. Haven't you missed out --
18 A. Sorry?
19
20 Q. Haven't you missed out a group there?
21 A. Students all thought he was wonderful. The students
22 at the hostel, so many of them told me what a great person
23 he was.
24
25 Q. Yes, and who else was conned. Who were the most
26 obvious group of people that were conned by Mr Murray?
27 A. Parents. I was conned. The whole community.
28
29 Q. What about his victims?
30 A. Yes, I don't know the story of the victims but yes,
31 they were conned, and I think it's dreadful for those
32 people who were - were really taken on. Really have a
33 great deal of - "sympathy" is the wrong word, it's not
34 strong enough.
35
36 Q. It was just, Mr Murray, I might have thought that if
37 "sympathy" was that great you might have mentioned that
38 right from the outset?
39
40 MR MANERA: Well, your Honour, I object to that because
41 Mr Murray did mention students and, as I understand it,
42 shortly after he answered that question, he didn't specify
43 "victims" but, as I understand it, the victims were
44 students at the school.
45
46 HIS HONOUR: In any event, I don't think there is anything
47 to be overruled but you can continue, yes.

1
2 THE WITNESS: I only knew at that stage, sir, of one
3 victim and only knew of one victim until the trial came up
4 but --
5
6 MR URQUHART: We will get to that. We will get to that.
7 I will tender that transcript now, thank you, sir.
8
9 HIS HONOUR: It is exhibit 58.
10
11 EXHIBIT #58 TRANSCRIPT OF EVIDENCE OF IAN MURRAY, BARCODED
12 0175
13
14 MR URQUHART: Q. How did it come about that you gave
15 character evidence for Dennis McKenna?
16 A. I was in England and I was subpoenaed.
17
18 Q. By?
19 A. A person - a process server arrived at my son's home
20 in London and he delivered the subpoena.
21
22 Q. But prior to that, had you not spoken to Mr McKenna's
23 lawyers?
24 A. No.
25
26 Q. Offering your support?
27 A. No, I was away from mid December.
28
29 Q. Yes, but he was charged on 27 September?
30 A. 20 --
31
32 Q. 27 of September nineteen-ninety --
33 A. I haven't spoken to lawyers.
34
35 Q. Was it the case that you were supposed to be in
36 England for a year?
37 A. Yes.
38
39 Q. So you went from England back to WA --
40 A. Yes.
41
42 Q. -- in June. Was that just to give evidence?
43 A. Yes.
44
45 Q. And did you have any problems doing that?
46 A. Definitely. I had lots of problems.
47

1 Q. You didn't just say no?
2 A. I was given a subpoena. I understood that I could
3 not, with a court order, with a subpoena of court, I did
4 not believe I had the right to - to defend that.
5
6 Q. Did you at the very least ring up Mr McKenna's lawyers
7 and ask "What do you want me for"?
8 A. I don't recall that but I must have had some contact
9 with them because they arranged for the payment of my fare
10 and they made my travel arrangements, so I must have had
11 some contact with them in some time during 1991, whatever
12 it was, just before the trial.
13
14 Q. So somebody else paid for you to come back?
15 A. Yes.
16
17 Q. And how did you get from Perth down to Albany?
18 A. Where - that was one that I had trouble remembering
19 and my daughter reminded me that I was taken - she took me
20 to the bus and I had a bus ride from Perth to Albany and
21 back.
22
23 Q. So did you incur any expenses with your travel?
24 A. No, no.
25
26 Q. And then you flew back to England shortly after --
27 A. Yes.
28
29 Q. -- you gave your evidence?
30 A. Yes.
31
32 Q. Did you wait around for the verdict?
33 A. No.
34
35 Q. Given your opinion of Dennis McKenna up until the time
36 that you testified in June of 1991, am I right in saying
37 that if you were told prior to that that he was sexually
38 interfering with a boy in his care, you would have
39 dismissed that as a fabrication?
40 A. I would have great difficulty believing it.
41
42 Q. Would you have dismissed that as a fabrication?
43 A. No, I would have had great difficulty - I would have
44 advised - if I had been advised that he was doing it by the
45 boy, I would have told the boy to go to the police.
46
47 Q. So would you deny it then if it was said that you told

1 the boy and his mother that he was lying?
2 A. No, they told me that I was telling them that I didn't
3 believe them.
4
5 Q. Yes, would you deny that, would you?
6 A. I deny that.
7
8 Q. Even though that would have been in your mind at the
9 time?
10 A. What would have been in my mind?
11
12 Q. Well, Mr Murray, given how you described Dennis
13 McKenna at his trial, and I gather you were telling the
14 truth --
15 A. Yes.
16
17 Q. -- particularly when I read out that passage?
18 A. Yes.
19
20 Q. -- that if that was your assessment of the man, then,
21 if a boy had said to you that this man that you regarded as
22 of impeccable moral standards was sexually abusing him, you
23 would have immediately thought "That simply cannot be
24 right"?
25 A. I would have had great trouble believing him.
26
27 Q. I'm going to suggest further: that you would have
28 thought to yourself "That cannot be right and I just do not
29 believe it"?
30 A. I would have had great trouble avoiding it.
31
32 Q. And I'm going to suggest to you that you would have
33 made your feelings well and truly known to the boy?
34 A. I don't really believe that.
35
36 Q. I know it's hard, Mr Murray, and I know we now know
37 what sort of man Dennis McKenna was?
38 A. Yes.
39
40 Q. But back in August of 1990 he was highly regarded as
41 an honourable and respectable citizen of Katanning. You
42 don't argue with that, do you?
43 A. Correct.
44
45 Q. And that, as far as you were concerned, there had
46 never been an inkling or any suggestion that he had behaved
47 inappropriately towards his students?

1 A. Correct.
2
3 Q. Either in a sexual way, or in a physical way, or a
4 bullying way or anything like that?
5 A. Correct.
6
7 Q. Were you aware that he was named Citizen of the Year
8 just a few years before you got there?
9 A. I hadn't been aware of that until this Inquiry
10 started.
11
12 Q. But you were aware, at least, that it appeared from
13 the people that you were related to, past principals,
14 teachers at the school, fellow board members, that this was
15 a man who would do no wrong. Would that be fair to say?
16 A. Fundamentally, people told me that, yes.
17
18 Q. Yes, and you found that from your own experiences?
19 A. That is correct.
20
21 Q. And so with that background, Mr Murray, I'm going to
22 suggest to you that it's an understatement when you said
23 that your belief would have been "I would find that hard to
24 believe"?
25 A. I was --
26
27 Q. What you would have said to this boy is that, words to
28 the effect of, "That is wrong, you cannot be right, you
29 must be lying". Now, look, we know now in hindsight it's
30 the case that this was a man who was hardly refutable, but
31 given his reputation in the community at the time, given
32 your personal knowledge of the man, and whilst it may be
33 very difficult to admit it, Mr Murray, isn't it the case
34 that you told that boy that he had got it wrong?
35 A. No, I do not recall that but I told the boy at that
36 meeting that if he had - making - I thought that he was
37 telling me that he had been physically abused. I thought
38 that, and that was a serious case, and I told the boy and
39 his mother to go to the police.
40
41 Q. Mr Murray, you were told something more than it just
42 being physical abuse, weren't you?
43 A. I was told he had been grabbing, pushing and shoving.
44 It was so confusing. I had a boy who was very, very -
45 very, very upset. I had a mother who was very angry, very,
46 very aggressive.
47

1 Q. Mr Murray, are you saying, on your oath, that your
2 understanding of whether Mr Todd Jefferis made this
3 complaint to you is that he was only alleging physical
4 abuse?
5 A. To tell you the honest truth, I really didn't quite
6 know what he was alleging, but I had the impression, a very
7 strong impression that he was alleging physical abuse and I
8 didn't know how far that went.
9
10 Q. Did you ask?
11 A. I tried - every time I tried to ask a question I was
12 told by either mother or son "You don't believe me, you are
13 on Dennis McKenna's side". They told me that many times,
14 that I did not believe them and they were on Dennis
15 McKenna's side. Now, the words "sexual abuse" may have
16 come up. I don't recall that.
17
18 Q. Mr Murray, it did, didn't it. Because haven't you
19 been provided - you have - you have been provided with the
20 evidence which you gave at Mr McKenna's trial in June of
21 1991. You have been given that, haven't you?
22 A. Yes.
23
24 Q. And you have read that carefully, haven't you?
25 A. Yes.
26
27 Q. And you agree that you had taken an oath on that
28 occasion to tell the truth?
29 A. Yes.
30
31 Q. And would you agree with me that your recollection of
32 that conversation you had with Todd Jefferis and his mother
33 would be far better, in June of 1991 --
34 A. Yes.
35
36 Q. -- than it is today?
37 A. Yes.
38
39 Q. Well, upon reading that transcript, Mr Murray, do you
40 now at least concede that you must have been told, by Todd
41 Jefferis, that Dennis McKenna was making sexual advances
42 towards him?
43 A. I really - I am so confused with that thing. Can I
44 tell you a piece, the thing here, sir --
45
46 Q. Now, Mr Murray, I'm just asking you, having read that
47 evidence --

1 A. Yes, I presume that is true.
2
3 Q. -- do you at least - you can see now that that must
4 have been what he told you?
5 A. Must have been. If I go by the evidence, it must have
6 been.
7
8 Q. Would you like me to take you to the passage --
9 A. No.
10
11 Q. -- in which you talk about this?
12 A. No.
13
14 Q. I'm going to anyway.
15
16 MR URQUHART: Could the witness please have a look at
17 exhibit 58 again, thank you?
18
19 Q. You can have a look at page 234 up on the screen,
20 thank you. Now, again, you are being questioned by
21 Mr Singleton and you were asked, at the top of page 234:
22
23 Was there a meeting when Todd Jefferis said
24 something. You said there were two --
25
26 And your answer was:
27
28 -- there were two meetings.
29 Q. Okay. Tell us about those?
30
31 Is the question. Can you read out what your answer was?
32 A. Okay:
33
34 At the first meeting, Todd Jefferis --
35
36 Q. A bit more slowly than last time, if you could,
37 please?
38 A. :
39
40 At the first meeting, Todd Jefferis and his
41 mother, Mrs Jenkins, came to the school at
42 approximately 4.30 in the afternoon. I was
43 working in my office and they walked into
44 my office, and they said they wished to
45 discuss something. Mrs Jenkins said that -
46 Todd's mother. They sat down and I sat
47 down with them, and ... she wanted to

1 complain about the hostel and the behaviour
2 of the warden, and I said ... really we
3 were at the school and it was a school
4 matter, but I was prepared to hear what
5 they had to say as a member of the board; a
6 secretary of the hostel board. And ...
7 Todd repeated ... - sorry; told his ...
8 story about Dennis McKenna making sexual
9 advances to him. I said to her and to
10 Todd, "Well, really, if this is the case,
11 this needs to be reported to the police
12 forthwith. It is not a matter for me as
13 ... principal of the ... school or ...
14 secretary of the hostel board to deal with.
15 This is a police matter. It ... is also
16 ... a very serious occasion". I also said
17 at the same time that the chairman of the
18 hostel board, Mr Garth Addis, was at the
19 hostel that afternoon. I knew he was
20 there. He wasn't there on any matter - he
21 was seeing his daughter and one or two
22 other things, and I suggested ... if they
23 wished to, they could go and see Mr Addis.
24 That was about - approximately 5 o'clock.

25
26 Q. All right, so your words, Mr Murray:

27
28 Then Todd repeated - sorry, told me a story
29 that Dennis McKenna - about Dennis McKenna
30 making sexual advances to him.

31
32 A. Right.

33
34 Q. Can I ask you why you used the word "story"?

35 A. Well, it was a very, very convoluted - because I can't
36 remember the details. I can't remember why I used the word
37 "story".

38
39 Q. That would suggest that you didn't believe it, doesn't
40 it?

41 A. No, not necessarily.

42
43 Q. All right. Now, just to confirm without a doubt at
44 all that it was your memory back in June 1991 that the
45 complaint was one of a sexual nature, can you read out your
46 answer to the next question on that page was:

47

1 Later, were you in company with Mr Addis
2 when again the question was raised?
3

4 Can you read that again slowly, please?

5 A. :

6
7 Yes. I went to a Rotary club meeting and I
8 received a message - could I please go to
9 the hostel as soon as the meeting finished?
10 I went to the hostel ... approximately a
11 quarter past 8, and Mrs Jefferis were
12 present at the ... meeting with Todd and we
13 went to the warden's office at the hostel.
14 Again the same allegation was made. The
15 story varied on a few details, minor
16 details, from what had been given to me in
17 the afternoon, but the story was
18 essentially the same; that Dennis had made
19 sexual advances to Todd. I repeated
20 again - I don't know how many times I
21 repeated, 3, 4, 5, 6 times - that this was
22 a most serious allegation and must be taken
23 to the police forthwith. Mr Addis said ...
24 it should be put in writing and given to
25 the board, but he echoed my sentiments that
26 it should be taken to the police. Mr and
27 Mrs Jefferis said they were taking the boy
28 out of the hostel and I understood they
29 were going to the police. I said that they
30 should go to the police, and if it was me I
31 would not be repeating stories just about a
32 person without having a formal charge and a
33 formal complaint being made to the police.
34 I don't believe they did that in the first
35 instance.
36

37 Q. So once more, not only did you use the word "story"
38 twice but you also said:

39
40 The story was essentially the same; that
41 Dennis had made sexual advances to Todd.
42

43 A. Yes.

44
45 Q. Okay. Given that fact, it's the case, isn't it, you
46 were told, by Todd Jefferis, Dennis McKenna was making
47 sexual advances towards him

1 A. Right, Todd told me that. I presume he told me that
2 because I can't remember, but he also told me about the
3 conflict that they were having and I was convinced in my
4 mind, I had an impression, very strong impression that
5 the - it wasn't sexual advances that he was making towards
6 Todd but physical advances, that they were having a fight.
7 That was the impression that I got from the story that was
8 told.

9
10 Q. What, they were having a fight on Dennis McKenna's
11 bed?

12 A. I didn't know anything about the bed.

13
14 Q. You were told - you were given a description of the
15 sexual advances, weren't you?

16 A. No. I do not recall that.

17
18 Q. If you weren't told that, Mr Murray, and given the
19 seriousness of the allegation, surely it would be something
20 that you would ask, "What sexual advances are you talking
21 about, Todd? Tell me more. I need to know whether this
22 was a sexual advance or a physical advance because I'm not
23 quite sure"?

24 A. As I said earlier, every time I asked a question to
25 get clarification I was told "You don't believe him.
26 You're a supporter of Dennis McKenna". Every time.

27
28 Q. Well, they were right, weren't they?

29 A. I was trying to get the story correct.

30
31 Q. They were right, weren't they?

32 A. I was trying to get the story correct.

33
34 Q. They were right when they said that you were a
35 supporter of Dennis McKenna?

36 A. Up to that stage, yes, I had been a supporter of
37 Dennis McKenna, yes.

38
39 Q. And you continued to be a supporter of Dennis McKenna
40 up until his convictions?

41 A. Yes.

42
43 Q. And when they say "You don't believe us" or "You don't
44 believe me", that is because that is what you were telling
45 them?

46 A. I was trying to get the full information about what
47 the assault was.

1
2 Q. Well, if that was the case, Mr Murray, that accusation
3 to you, that you didn't believe them, it was totally
4 unfounded. If that's all you were trying to do, was to
5 find out more information, it was most unfair of them to
6 accuse you of not believing them. Do you agree with that?
7 A. Yes.
8
9 Q. Do you agree with me, though, it wouldn't be unfair of
10 them to accuse you of not believing them if, in fact, you
11 had said to Todd that he was lying?
12 A. I don't remember saying to Todd he was lying. I must
13 admit, that I have very vague recollections of that
14 meeting.
15
16 Q. Why. This is the first time, I suggest to you, in
17 your teaching career, that a student is making an
18 allegation as serious as this one?
19 A. No, I've had other allegations similar.
20
21 Q. Of a sexual nature?
22 A. I've had an allegation where a girl accused a boy of
23 raping her in the classroom and --
24
25 Q. This is prior to 1988?
26 A. Not prior to 1988.
27
28 Q. No, I'm saying prior to 1988, this was the first time
29 a student has come to you with such a serious allegation
30 regarding sexual abuse?
31 A. Yes.
32
33 Q. And that being the case, Mr Murray, I would suggest it
34 would be something that would stand out in your mind
35 notwithstanding the passage of time?
36 A. Well, can I just let you know, sir, that I do have a
37 memory - a slight memory problem. In 1995, when I was on
38 exchange in the UK with my wife, in February -
39 January/February of that year, she became ill. She was
40 admitted to hospital. She eventually died in August of
41 that year from cryptogenic fibrosing alveolitis. I had to
42 tell the doctors to turn the life support system off on my
43 wife after sitting by her bed for quite a few weeks. About
44 a week after that I lost my memory totally, just went
45 completely blank, and I was rescued by my next-door
46 neighbour, who was living next-door to me, had a fellow
47 teacher at the school that I was teaching on exchange. I

1 was taken to - by the lady next-door to me to a doctor, the
2 same doctor who attended my late wife in the early stages,
3 and she explained to me that it was a reaction to the
4 trauma of being in a foreign country with no support and
5 having to do such a thing as turn the life support system
6 off on your wife. Now, my memory - she told me that it was
7 just post-traumatic stress and in time it would come back.
8 Over a series of about four, five, six weeks it came back
9 pretty well but there are lots of things that I cannot
10 remember. I cannot remember my daughter's wedding. I have
11 quite difficulty. I could not remember how I got to Albany
12 for the trial. I could not remember until I was reminded
13 lots of things about this case and others, I was reminded
14 by some former staff members about certain things that
15 happened at Katanning. I do have lapses in my memory.
16 Now, it could be because of this, I don't know. It could
17 be because I'm 74 years of age and my memory is starting to
18 diminish but there are some things that I have a great deal
19 of difficulty in remembering. I know - I can feel the
20 general details but I can't remember the specifics.

21
22 Q. Thank you for that, Mr Murray. I am sympathetic
23 towards that terrible dilemma that you found yourself in
24 with your wife and I am not going to argue with anything
25 you have to say, but you did say that your memory was able
26 to come back regarding matters. For example, your memory
27 was very good telling us about the inquiries you made in
28 1987 of teachers --

29 A. Yes.

30
31 Q. -- and Authority staff. So that would be an example
32 where you do have a very good memory, notwithstanding that
33 traumatic event and notwithstanding the passage of time?

34 A. Yes. My memory seems to be quite - inverted commas -
35 I use the term "selective", but some things I can remember
36 a reasonable amount about, other things I can remember
37 nothing about. For argument sake, the second meeting that
38 I reported here in this minutes in this evidence, I have
39 absolutely no recollection of that meeting. Even though it
40 is there and written and I acknowledge it must have
41 happened, but I have no recollection whatsoever of that
42 meeting.

43
44 Q. And again, your recollection of Mr McKenna's
45 reputation prior to him being charged with this sexual
46 offending, it also appears to be very good. Would you
47 agree with that?

1 A. Well that was something that took place over two and
2 three quarter years.
3
4 Q. Am I right in saying - well, that some events of
5 significance you can recall clearly?
6 A. Yes.
7
8 Q. I'm not for a moment suggesting that your daughter's
9 wedding is not significant but that's an example that you
10 have given where your memory is not good even though it is
11 a significant event?
12 A. Yes, my - my - the word's gone - my investiture as the
13 President of my club the second time, I can remember
14 nothing about that, my Rotary club. I can remember nothing
15 about that.
16
17 Q. Have you been told what year that was?
18 A. Yes.
19
20 Q. What year was that?
21 A. '95, end of '95/'96. Sorry, I tell a lie. 2004.
22
23 Q. All right then. I was going to ask you some questions
24 about the second meeting that you had in Dennis McKenna's
25 office which you recounted there in your evidence?
26 A. Yes, well it's in the evidence so it obviously took
27 place but I have no recollection whatsoever of that
28 meeting.
29
30 Q. You have heard the evidence of Todd Jefferis and his
31 mother, Lynley Day, and his stepmother Catherine Jefferis
32 when they gave evidence down at Katanning?
33 A. Yes.
34
35 Q. And you were up here and you were able to watch that
36 on a video link with Mr Manera?
37 A. Yes.
38
39 Q. Do you recall that?
40 A. Yes.
41
42 Q. And do you recall the accounts that they gave of what
43 they said to you regarding Dennis McKenna's sexual abuse of
44 Todd on 4 August of 1990. Do you remember giving that
45 account to the Inquiry?
46 A. Yes, I'm - my memory is reasonable of that. I do
47 forget some bits of that.

1
2 Q. Okay. Well, it's readily apparent that the first
3 occasion that they spoke to you about the matter was
4 Monday, 6 August, the offence having taken place on the
5 previous Saturday night - this is 1990 - and that in the
6 afternoon sometime Todd Jefferis and his mother spoke to
7 you in your office at the school. And then there is the
8 second occasion, later that evening, when Todd Jefferis,
9 his father and this time his stepmother spoke to you in
10 Dennis McKenna's office and you were with Garth Addis. Do
11 you remember who Garth Addis was?

12 A. I'm now aware of it but I had forgotten who he was.

13
14 Q. Right. So you didn't even know --

15 A. I'm now aware of it now.

16
17 Q. You are aware now that he was Chairman of the Board
18 that you were on, the hostel board?

19 A. Yes, I'm now aware of that now but I had forgotten him
20 totally.

21
22 Q. Okay. Now, I want to know whether we can make some
23 arrangements now to play an extract audio - first of all I
24 will ask you this. Do you recall being interviewed by a
25 young man from the ABC called Jake Sturmer --

26 A. Yes

27
28 Q. -- towards the end of last year --

29 A. Yes.

30
31 Q. And once more you have been provided with transcripts
32 --

33 A. Yes.

34
35 Q. -- of that interview?

36 A. Yes.

37
38 MR URQUHART: Well, before we do that, Madam Associate, if
39 we can just make available the transcripts to my learned
40 friends here.

41
42 Q. And the segment I'm going to play now, Mr Murray, it's
43 not the shortened version that was played on the 7.30
44 Report, it's a longer version. It is going to first cover
45 your description of Mr McKenna and then it's going to
46 detail what you say about that meeting that you had with
47 Todd Jefferis and his mum. But maybe before I do that, can

1 you recall what was discussed at that first meeting or
2 isn't your memory very good on that?
3 A. They came to me to complain about Dennis.
4
5 Q. Yes.
6 A. And they started to tell me about how Todd had been
7 grabbed by Dennis. They then started - Todd started to
8 tell me about all the things they'd been arguing about.
9
10 Q. Right.
11 A. Now, the first thing I - the only thing I remembered
12 up till I saw the evidence, was the fact that Dennis
13 McKenna had accused Todd of stealing money from the canteen
14 of the cinema. I had - I knew there were other things, but
15 I couldn't remember them, but in evidence that was given
16 later, the other things that did come up were the incident
17 regarding keeping a dog at the hostel, and a football match
18 in which Todd had - was accused of not - of favouring the
19 opposition --
20
21 Q. Mr Murray, I know --
22 A. -- but those sort of things came up.
23
24 Q. I know it's very difficult now to remember what you
25 can independently recall and what you've read elsewhere,
26 and --
27 A. Yes, that's part of my problems now.
28
29 Q. -- what you've read. Yes. Well, it's not the only
30 problem for witnesses, and I can appreciate the difficulty,
31 but are you able to have, as best you can, what you can
32 independently recall of that. You've gone through that.
33 You've mentioned already that you've told Todd that he
34 needed to contact the police --
35 A. Yes.
36
37 Q. -- but you can't recall him talking anything about the
38 facts of the actual charge --
39 A. No.
40
41 Q. -- that Dennis McKenna had laid against him in
42 relation to Todd Jefferis?
43 A. No, I don't remember what they were. I didn't - I
44 don't think I even knew what the actual charge was.
45
46 Q. Okay.
47 A. Just it was sexual --

1
2 Q. All right. And can you recall anything else of that
3 conversation, particularly what you might have said, apart
4 from trying to get more details from them, and saying to
5 them they should go to the police?
6 A. Well, that was the point I was emphasising very
7 strongly, to go to the police, because I have a policy of -
8 I've always had the policy, as a deputy and a principal, if
9 an offence took place within the school, I would call the
10 police in myself to get it sorted out at the school, and if
11 an offence took place out of the police, I believe it was -
12 I needed to make sure the parents knew about it, and the
13 parents would go to the police.
14
15 Q. But, Mr Murray, am I right in saying that up until
16 1988, those situations had never arisen in which the
17 alleged offender was actually a friend of yours?
18 A. He was a professional colleague.
19
20 Q. Yes, but what I'm saying is those examples that you've
21 given, it was never an occasion in which the alleged
22 offender was a - what you've described as a friend or a
23 professional friend of yours, or colleague?
24 A. I had a couple at Swan View, but they - I don't - they
25 wouldn't - I'm trying desperately to think of the actual
26 circumstances where - where I did recommend people to go to
27 the police, and they actually did go to the police. I knew
28 one particular one - I'm just trying to think of the name
29 of the person - a small boy was assaulted by another boy,
30 and I recommended they go to the police.
31
32 Q. Yes, but there was no --
33 A. The person - I was known to the person. They weren't
34 a full professional friend. I knew them reasonably well.
35
36 Q. But you didn't know them as well as Dennis McKenna?
37 A. No.
38
39 Q. All right. Can you recall anything else about this
40 conversation with Todd Jefferis and (indistinct)?
41 A. I know it was very heated.
42
43 Q. All right. What, from both sides?
44 A. I tried to keep quiet, keep calm. That's what I
45 desperately always try to do --
46
47 Q. Okay.

1 A. -- but it's often, you know, to keep a lid on yourself
2 when someone's shouting at you. I am sure I kept pretty
3 calm. I feel I would keep pretty calm.
4
5 Q. And I'm going to suggest to you the shouting only
6 happened when it became apparent to Todd and his mother
7 that you weren't believing them?
8 A. Well, they came in fairly aggressively right at the
9 start, as they sort of demanded to see me and --
10
11 Q. That's understandable, isn't it, in the circumstances?
12 A. Yes, in hindsight, yes, I totally understand their
13 aggression.
14
15 Q. Well, what --
16 A. I totally understand their frustration, in hindsight.
17
18 Q. Mr Murray, why "in hindsight"?
19 A. Well, I didn't - I didn't understand that it was
20 sexual. I thought it was physical - physical abuse, I
21 really did.
22
23 Q. Mr Murray --
24 A. I thought there'd been an argument over these
25 matters --
26
27 Q. Mr Murray --
28 A. -- and it had resorted into a thing; they'd argued in
29 the hostel --
30
31 Q. Mr Murray, I thought we'd established that given your
32 evidence in 1991, that you were aware that what they were
33 coming to complain to you about was sexual advances by
34 Dennis McKenna?
35 A. I still thought it was physical - physical stuff.
36
37 Q. You might think that now, but back in 1991 you thought
38 it was sexual advances?
39 A. Well, they told me that was what they wanted to - must
40 have told me - I don't remember them telling me that, but
41 they must have told me that's what they were coming about,
42 but what they were telling me was a story of physical
43 abuse.
44
45 Q. With sexual connotations?
46 A. I don't know that.
47

1 HIS HONOUR: Q. Can you just clarify there: you say you
2 thought it was physical abuse. Do you mean that even
3 though you're alleging sexual abuse, you still believed it
4 was physical abuse? Is that what you were saying?

5 A. I thought it was physical.

6

7 Q. Is that what you're saying?

8 A. That's what I'm saying. They had --

9

10 Q. So even though he's referring to sexual abuse, you
11 understood that it really was physical abuse?

12 A. Yes.

13

14 Q. All right.

15 A. They had an argument in the hostel common room, and I
16 know other students thought they were going to have a fight
17 then. There were other matters that cropped up, and so I
18 started to feel is, that it was - there'd been a fight.

19

20 Q. So does that mean you didn't believe him when he said
21 it was sexual abuse?

22 A. Well, I thought that he was saying that, but he was
23 actually meaning physical abuse. I'm guessing that's
24 what - because I can't really recall what I was thinking
25 then.

26

27 Q. So I'm not quite understanding what you're saying
28 there. Can you explain that again, why - even though he
29 was saying it was sexual abuse, you thought it was physical
30 abuse? Why?

31 A. I thought it was physical abuse he was describing.

32

33 Q. Even though he's calling it sexual abuse --

34 A. Yes.

35

36 Q. -- you're saying he was describing physical abuse?

37 A. Yes.

38

39 HIS HONOUR: I see.

40

41 MR URQUHART: Q. And even though you described it in
42 1991 at Dennis McKenna's trial on two occasions as "making
43 sexual advances" --

44 A. Well, I also said "they alleged he was making sexual
45 advances", I think, didn't I say.

46

47 Q. :

1
2 -- told me a story about Dennis McKenna
3 making sexual --
4
5 A. Yes.
6
7 Q. :
8
9 -- advances to him.
10
11 And then the second occasion:
12
13 -- the story was essentially the same; that
14 Dennis had made sexual advances to Todd.
15
16 A. Yes, but what I believe was it was physical.
17
18 Q. Well, Mr Murray, the obvious question is why didn't
19 you describe it in that way when you gave evidence at
20 Dennis McKenna's trial?
21 A. I can't answer that.
22
23 Q. Well, the answer is, isn't it, that it was true?
24 A. I can't answer that.
25
26 Q. But isn't the only answer, is that if you're giving
27 evidence on oath, that it's either true or you've got it
28 terribly wrong?
29 A. No, he said - if someone says it was sexual advances
30 and they weren't sexual advances, just using the title,
31 doesn't necessarily mean that it is something.
32
33 Q. So from what I understand of your evidence then, is
34 that Todd Jefferis was saying this was sexual advances
35 being made by Dennis McKenna against him --
36 A. Well, I presume that was being said.
37
38 Q. -- however, you interpreted that as meaning something
39 physical, that was of a non-sexual nature?
40 A. Physical - I don't know whether it was sexual or a
41 physical nature.
42
43 Q. Mr Murray, there's a huge difference --
44 A. Yes, I --
45
46 Q. -- isn't there, between --
47 A. -- thought they were talking about physical.

1
2 Q. -- physical - even though they told you it was a
3 sexual advance?
4 A. Well, that's what I - the impression I got. It was a
5 very confusing interview.
6
7 Q. Okay. We'll now show this extract of the interview
8 with Mr Sturmer, thank you, Mr Murray.
9
10 HIS HONOUR: What's the date of the interview?
11
12 MR URQUHART: Sir, I thought you might ask me that. As I
13 understand it, it's November 2011 or thereabouts.
14
15 Q. Mr Murray, would you dispute that, that it's --
16 A. I thought it was a lot earlier.
17
18 Q. All right then. In that case it's either between
19 September or November 2011.
20 A. I've got a very heavy sweater on in the interview, and
21 that doesn't strike me as being November.
22
23 MR URQUHART: Good point.
24
25 HIS HONOUR: So we don't know the date.
26
27 MR URQUHART: Q. Let me ask you this way: was it some
28 time shortly after Dennis McKenna had been convicted of a
29 second lot of offences last year?
30 A. I have no idea.
31
32 Q. All right. Well, can you remember when Dennis McKenna
33 was convicted --
34 A. No, I have no idea.
35
36 Q. -- last year?
37 A. No - I knew he was convicted last year, but I do not
38 know when.
39
40 Q. All right. Okay. So are you aware of the
41 considerable publicity that was generated after his
42 convictions?
43 A. I thought I - I thought that was before. I've got a -
44 I had a feeling, but I can't --
45
46 MR URQUHART: I am sure, sir, we'll be able to clarify
47 that in due course for the purposes of identifying it as an

1 incident.
2
3 HIS HONOUR: Right.
4
5 MR URQUHART: Okay. Thank you, sir. If I might just take
6 a seat if I can.
7
8 HIS HONOUR: Certainly.
9
10 DVD PLAYED TO INQUIRY
11
12 MR URQUHART: Just stopping it there, thank you, sir.
13 This interview apparently took place in September 2011 --
14
15 HIS HONOUR: September 2011.
16
17 MR URQUHART: -- we have been reliably informed. Mr
18 Murray, you're just going to be provided now with some
19 transcript of that interview. I just ask you to have a
20 look at that, and could you just go to the second page.
21 The second-last question on that page by JS reads:
22
23 Todd Jefferis, a student of the school,
24 says he came to you with allegations. What
25 did you do?
26
27 And your answer was:
28
29 Todd came to me with allegations that -
30 that - not about sexual behaviour. If I
31 remember, Todd came to me with allegations
32 that he was being picked on, and
33 discriminated against.
34
35 And then you say you went to the Board, and you also told
36 Todd that:
37
38 -- if he had any further allegations they
39 must be taken to the police because I was
40 not a person who could deal with any
41 allegations of harassment at the hostel. I
42 was on the board of the hostel, but I ran
43 the school not the hostel, and that's the
44 information I told Todd that he should go
45 to the police.
46
47 Now, Mr Murray, if, in fact, all he was saying to you that

1 he was being picked on and discriminated against, can you
2 recall now who he was saying was doing that?
3 A. Can I tell you this was a cold interview --
4
5 Q. Yes.
6 A. -- I had not thought about this interview --
7
8 Q. Right.
9 A. -- for 20-odd years.
10
11 Q. Yes.
12 A. I had to go back and think about it again, and try to
13 remember, desperately try to remember that interview
14 later --
15
16 Q. So --
17 A. I remember that there was being picked on, but I do
18 remember that he was - later on I sort of remembered that
19 he - I had the impression that he was being physically
20 abused, not just picked on.
21
22 Q. All right. Because, you see, it wouldn't make any
23 sense, would it for - if someone is being picked on by -
24 and I gather you mean the warden?
25 A. Yes.
26
27 Q. Yes. That's not a matter for the police to
28 investigate, is it?
29 A. No, no. Harassment wouldn't be, you're quite right,
30 but I did tell him to go to the police. By the way, I did
31 check up with the police about a week or so later to see
32 whether he had gone --
33
34 Q. Yes.
35 A. -- and he had gone.
36
37 Q. Right.
38 A. And they told me that there'd been a complaint made
39 by - against someone at the hostel. They wouldn't give me
40 any details at all, and - so I was --
41
42 Q. Yes.
43 A. -- I was going to use the word "happy", but I was - I
44 was satisfied that - that Todd had gone and made a
45 complaint about the physical assault.
46
47 Q. Can you remember who the - were you ringing up and

1 asking about a physical assault, were you?
2 A. Well, I was asking had there been any complaint made.
3
4 Q. Yes.
5 A. And they said, "Yes, there had been", and I was
6 talking to the - I think it was the Sergeant, I met him.
7
8 Q. Right.
9 A. I didn't actually go to the police station.
10
11 Q. You didn't bother to clarify whether it was a
12 complaint of a sexual nature?
13 A. No, I just asked - he wouldn't tell me, they wouldn't
14 tell me anything.
15
16 Q. Did you ask?
17 A. Yes, I said, "What's it about?", and they said, "No,
18 Todd said".
19
20 Q. So you're saying you did that about a week later?
21 A. Approximately a week later - three, four, five, six,
22 seven - eight days, something like that. I actually spoke
23 to my brother-in-law on the weekend. I went back to Perth
24 on the Friday night and saw my brother-in-law. He was a
25 Chief Superintendent with the police force, and I told him
26 that, you know, I had this complaint about abuse, physical
27 abuse, and my advice was to go to the police, and he
28 advised me that was the right thing, whatever the complaint
29 was --
30
31 Q. I see.
32 A. -- to get them to go to the police.
33
34 Q. All right.
35 A. I checked up after that --
36
37 Q. So this is --
38 A. -- and he had gone.
39
40 Q. -- a brother-in-law who's a superintendent?
41 A. Yes, Chief Superintendent.
42
43 Q. Was he aware of any guidelines that might have existed
44 from the Ministry of Education at the time?
45 A. No, I guess he would not be.
46
47 Q. No. Just before the lunchbreak, sir, if I can just

1 ask one more questions about these answers that Mr Murray
2 gave. You've referred to this cold interview, and I accept
3 it, so if it's not - if your memory's different now, please
4 tell me, but you said you went to the Board of the hostel
5 and just mentioned to them that he made these allegations.
6 Did you do that?
7 A. Well, I - obviously I went to - and had an
8 interview/meeting with --
9
10 Q. Garth Addis?
11 A. Garth Addis.
12
13 Q. Yes.
14 A. And I'm guessing - I'm assuming that that's what I
15 really meant by going to the hostel - going to the Board,
16 because he was the Chairman of the Board you're telling me.
17
18 Q. Whether this was a physical - a matter involving
19 physical abuse or sexual abuse, it's very serious, isn't
20 it?
21 A. Yes.
22
23 Q. You'd expect that the matter would be raised at the
24 next Board meeting?
25 A. Yes.
26
27 Q. And given it was such a significant matter, it would
28 be minuted in the Board's meeting minutes?
29 A. One would normally expect that, but I know in a lot of
30 organisations that I've been in, the Chairman of the Board
31 has often given an instruction, "Please don't put this in
32 the minutes". That has happened in the - when I was
33 Secretary of the Swimming Association, when I've been
34 Secretary - sorry.
35
36 Q. That's all right. That's okay. It will still pick
37 up.
38 A. I've been told not to put things in the minutes, and I
39 don't know whether it happened or not then.
40
41 Q. Well, there wouldn't be any reason for not including
42 this in the minutes if it was discussed, surely?
43 A. I don't know.
44
45 Q. Well, can you think of any plausible reason why it
46 would not be included in the minutes if it was discussed at
47 a Board meeting?

1 A. No, but I am sure if the Chairman of the Board knew
2 about it, I am sure it would go on the agenda.
3
4 MR URQUHART: Sir, it's 1 o'clock. That might be a
5 convenient time.
6
7 HIS HONOUR: Yes, we'll adjourn until 2 o'clock, if that
8 suits everybody. I think we're a bit pressed for time, so
9 we'll adjourn until two.
10
11 MR URQUHART: Yes, and I'll make some inquiries about
12 people's availability maybe tomorrow --
13
14 HIS HONOUR: Very well.
15
16 MR URQUHART: -- regarding this witness, sir, yes.
17
18 HIS HONOUR: Very well. We'll adjourn until two.
19
20 LUNCHEON ADJOURNMENT
21
22 UPON RESUMPTION:
23
24 HIS HONOUR: Yes, Mr Urquhart.
25
26 MR URQUHART: Q. Now, Mr Murray, I know you were present
27 when Todd Jefferis and his relatives gave evidence in
28 Katanning - present in the sense that you were - had the
29 video link with yourself and Mr Manera, and I know that was
30 only last month. I am going to put to you, or remind you
31 of what Mr Jefferis said were the contents of the
32 conversation he had with you, with his mother, at the first
33 meeting on Monday, 6 August 1990, okay? And, sir, it
34 appears at page 714, and I asked him, all right, then:
35
36 Q. Right. And can you recall Mr Murray's
37 reaction to that when he was told?
38 A. Yes, he - he was straightaway was, you
39 know, I think I - the words would be
40 aggressively defensive. You know, it was
41 almost like I had accused him. He was very
42 put out, obviously disturbed about the
43 accusation, and he didn't like it.
44
45 Do you agree or disagree with --
46
47 MR MANERA: Your Honour, I object to that. I think out of

1 fairness to Mr Murray, I think the allegation itself, or
2 the evidence of the allegation itself, should be put.
3
4 HIS HONOUR: The allegation of what?
5
6 MR MANERA: Well, Mr Murray's being asked about his
7 response to something. We don't know what the actual
8 allegation was.
9
10 HIS HONOUR: All right. So you're saying it's got to be
11 put in context.
12
13 MR MANERA: Yes, please.
14
15 HIS HONOUR: All right. I think that's fair enough.
16
17 MR URQUHART: Well, whilst Mr Murray's evidence --
18
19 HIS HONOUR: Perhaps if you give a general description of
20 what allegedly preceded this alleged response.
21
22 MR URQUHART: I didn't - one interpretation of Mr Murray's
23 evidence is not in dispute, but in any event, Mr Murray --
24
25 HIS HONOUR: Perhaps just to remind us, so he can put it
26 in context.
27
28 MR URQUHART: Sir, this will start at the bottom of
29 page 713. All right.
30
31 Q. And you had that meeting with Mr
32 Murray --
33 A. Yes.
34
35 Q. -- and with your mum present?
36 A. Yes.
37
38 Q. And can you recall what you said to Mr
39 Murray, and I'm not asking you to remember
40 exactly what you said --
41 A. Yes.
42
43 Q. -- but the extent of what you said to
44 him?
45 A. Yes, basically we outlined the nature
46 of our complaint, which was of - there had
47 been a - a physical abuse or sexual abuse.

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And I asked Mr Jefferis - and do you understand I asked Mr Jefferis:

Q. And do you understand there may well be a distinction between physical abuse or sexual abuse?

A. Well, yes, yes. Sexual abuse. It was sexually orientated abuse.

Then I asked Mr Jefferis:

Q. Right. And can you recall Mr Murray's reaction to that when he was told?

And I repeat what I said a moment ago:

A. Yes. He - he was straightaway was, you know, I think I - the words would be aggressively defensive. You know, it was almost like I had accused him. He was very put out, obviously disturbed about the accusation, and he didn't like it.

And, Mr Murray, would you agree or disagree with that description of your reaction?

A. Well, I have no recollection of my reaction, but I would presume I would be very shocked to hear any accusation against any person that I had hold in high repute.

Q. What about the description "aggressively defensive"?

A. I have no idea.

Q. Might you have been, given the fact of your high regard of Mr McKenna at the time?

A. It is possible, but I can't comment.

Q. Mr Jefferis was then asked:

Q. Can you recall the gist of what he was saying to you?

A. Well, the gist of it was that he just didn't want to know about it. He didn't want to know about it. He didn't want to deal with it and he didn't believe it. He - he, you know, he outwardly said

1 that, "I don't believe McKenna was capable
2 of it", yes, and he didn't want to know
3 about it; didn't want to deal with it and
4 that was very, very evident.
5
6 Well, I suggest to you, Mr Murray, that you would accept,
7 wouldn't you, that you may well have said, "I don't believe
8 McKenna was capable of it"?
9 A. No, I can't comment on that. I don't know what I
10 said. I can't recall that.
11
12 Q. But that would have been what you were thinking?
13 A. I still can't comment on it. I can't remember what I
14 was thinking then. That's 23 years ago. I can't remember
15 that far.
16
17 Q. Let's deal with this logically, okay. This is a boy
18 in Year 12, making a serious allegations of sexual abuse
19 against a warden who you had the utmost respect for. In
20 that particular context, would you not except that would be
21 something you would logically say to him?
22 A. I don't know.
23
24 Q. Logically, looking back on it now - I know you don't
25 know whether you said it or not, but you can't discount,
26 given the circumstances and the high regard you had for Mr
27 McKenna, that he would not have said that?
28 A. I know - I know that I said repeatedly that I could
29 not deal with it --
30
31 Q. Yes, I know, and he should go to the police.
32 A. -- and he should go to the police.
33
34 Q. Yes, I know --
35 A. I said that over and over again.
36
37 Q. I know you say that. I know you say that. I'm now
38 moving on from that. I'm asking you about this particular
39 expression. You wouldn't even concede that that's a likely
40 response you could have made?
41 A. It could have been the response, but I don't believe
42 it was. I can't remember that.
43
44 Q. He:
45
46 -- didn't want to deal with it and that was
47 very, very evident.

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Would you agree with that?

A. Yes, I said it had to go to the police because whatever an abuse - of a physical abuse, it had to go to the police. If it was a criminal matter, it had to go to the police, and I could not deal with it.

Q. In what capacity? In your capacity as a principal of the school, or in your capacity as a member of the Board?

A. If there's a criminal act occurred, I could not deal with it in either capacity, it had to go to the police, and that's what I said continually.

Q. :

Q. And can you recall whether he said anything else regarding the type of accusations you were making?

A. Well, he obviously - you know, they were very serious allegations and, you know, I guess you wouldn't make those allegations lightly and, you know - well, you just wouldn't make them unless you had reason to.

Did you say something along those lines to him?

A. I may have said something like that, but they are serious allegations, they must be taken to the police, and they're not light allegations.

Q. :

Q. And did he say anything to you about what he was going to do about your complaint?

Mr Jefferis' answer was:

A. Well, as far as he was concerned, that was the end of the matter. He didn't want to know about it. It wasn't going to leave his office and it was up to us to think very carefully about where - what we were going to do.

Do you agree with him when he says as far as you were concerned, your responses and reactions, that that was the

1 end of the matter?
2 A. As far as I was concerned, it had to go to the police.
3
4 Q. And that you didn't want to know about it?
5 A. Well, I can't say whether I said that or that comment
6 was made, but I know it had to go to the police. If it's a
7 criminal fact - a criminal act was taken place, it has to
8 be reported to the police. Nothing to do with me
9 investigating or anything else.
10
11 Q. See, what you wanted to see, Mr Murray, was to have
12 this matter just swept under the carpet?
13 A. Well, that's not quite true.
14
15 Q. Isn't that the case?
16 A. That's not quite true --
17
18 Q. Okay.
19 A. -- because I told them in my evidence in the trial
20 about Mr Addis being at the hostel. My evidence at the
21 trial, which I can't remember, that there was another
22 meeting with Mr Addis and myself at the hostel, so I didn't
23 just sweep it under the carpet, it went to the hostel and
24 we again gave exactly the same advice, according to my
25 evidence at the trial.
26
27 Q. :
28
29 Q. And what did you want him to do?
30 A. Well, we weren't really sure. I mean,
31 you know, obviously I never found myself in
32 a situation like that, so we went to - you
33 know, a person of authority; you know,
34 somebody - a principal of the school who we
35 thought would be capable of, I guess,
36 guiding us what we were to do next.
37
38 The next question I asked him:
39
40 Q. And did he offer you any sort of
41 guidance along these lines?
42 A. Zero.
43
44 And then I asked him this question, Mr Murray:
45
46 Q. Do you remember whether he raised
47 anything regarding the police?

1 A. No. At that stage I don't believe
2 there was any - any guidance from him to
3 talk to the police.
4
5 Now, you disagree, I gather --
6 A. Yes.
7
8 Q. -- with his recollection of that?
9 A. Yes.
10
11 Q. And you disagree, I suppose, when he says that you
12 offered zero guidance?
13 A. Well, my zero - I did not offer zero guidance, I
14 offered the guidance of going to the police.
15
16 Q. Okay. At that early stage? At that first meeting?
17 A. Yes. And I believe the same advice was given at the
18 second meeting.
19
20 Q. Were you aware, Mr Murray, as you listened to the
21 evidence given by Mr Jefferis, and then followed by his
22 mother, Mrs Day, that, in fact, her account was pretty much
23 very consistent with her son's as to what she recalled of
24 this meeting?
25 A. I'm aware of that, but I still gave the advice.
26 That's the standard advice that I gave to every occasion
27 when people would - I have --
28
29 Q. Mr Murray --
30 A. -- I set myself up a system of doing things where I
31 actually --
32
33 Q. You --
34 A. -- used the same technique every time.
35
36 Q. You have made that abundantly clear. We know that.
37 Page 747, sir. This is the account given by Todd's mother,
38 okay. And to put it in context, she says to you - or she
39 had said that she went and saw you with her son to - line
40 14, sir, page 747:
41
42 A. I informed Mr Murray that I was there
43 with my son to report a sexual abuse by
44 McKenna.
45
46 Q. Upon whom?
47 A. On Todd.

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Q. And did you make it abundantly clear what sort of abuse that was insofar as whether it was sexual or otherwise?

A. Of a sexual, yes, of a sexual nature, yes.

And I asked her, Mr Murray:

Q. Can you recall whether Todd said anything to Mr Murray about the actual allegation, the subject matter of it?

A. I can't recall what - because I - I sort of made the introduction, like I said what I wanted to say and he - and Ian Murray was just like angry and just didn't want to hear what I was saying, you know, and he straightaway said to Todd, you know, "Why would you" - you know, "Why would you want to be lying about a thing like this?"

Q. It became quickly apparent to you what position Mr Murray was taking on this?

A. Absolutely. He was - he was in defensive of McKenna.

Now, you don't recall saying anything along the lines to Todd or his mother as to why he would be lying about a thing like this?

A. No, I do not recall anything like that.

Q. Would you agree, at least, that you had - were defending Mr McKenna?

A. I don't believe I was defending Mr McKenna.

Q. You were --

A. I believe I had received an allegation, and I advised them to go to the police. I tried to find out what the allegation was really about, but it was very difficult, and I advised them to go to the police.

Q. :

Q. Did you say anything in response to this position being taken by Mr Murray?

A. After Todd said to Ian Murray "I am not lying", I said "Listen, I know the

1 character of my son, and I know he is
2 definitely not lying and you wouldn't get
3 me to come all this way for something
4 that's not true."
5

6 Do you remember Todd's mother saying that to you at this
7 meeting?

8 A. No. I have very little recollection of the detail of
9 what was said at that meeting, just an impression that I
10 got that Todd had been physically abused.
11

12 Q. And do you agree with me that's an impression that's
13 more favourable to you than if it was your impression that
14 it was sexual abuse?

15 A. I can't see it would be favourable or unfavourable
16 because I advised them to go to the police, and Dennis
17 McKenna was the person who was the culprit, not Ian Murray.
18

19 Q. :

20
21 Q. Did that change the attitude taken by
22 Mr Murray when you said that?

23 A. He said, "Well this is a major
24 allegation that you're making here and I
25 have no interest in taking it further".
26

27 A. I would not take it further, but I told them to go to
28 the police.
29

30 Q. Then I asked her then:

31
32 Q. What did you want him to do about it.
33

34 And this is over the page, sir, at 748:
35

36 Why was it that you came to speak to him.
37 I know it sounds like an obvious question
38 but I want you to say why it was that you
39 went to the high school principal regarding
40 this matter?

41 A. Well, because he was in a position of
42 authority, supposed to be, you know,
43 looking after our kids. He was just, you
44 know, the person that I thought that I
45 would go to first. You know, I was
46 expecting him to be not only shocked and
47 horrified but more receptive to me and to

1 Todd and, you know, to be interested in
2 looking further into this.
3
4 You see, on your account, Mr Murray, it would appear that -
5 do you say that you were actually offering support to Todd
6 and his mother about this allegation?
7 A. The only offer of support I could give to Todd and his
8 mother was to give him the advice to go to the police.
9 When a criminal matter is involved, they are the people who
10 have the skills and the ability to investigate any
11 allegation of assault or any other thing - problem.
12
13 Q. So the answer to my question then is that you were
14 offering support to Todd and his mother?
15 A. To go to the police.
16
17 Q. Were you offering them your support --
18 A. To go to the police. Yes, I did offer them my support
19 to go to the police.
20
21 Q. You see, their recollection of this meeting is not
22 consistent with that; do you agree?
23 A. Their recollection and my recollection are different.
24
25 Q. They are poles apart, aren't they?
26 A. Yes.
27
28 Q. It continues:
29
30 Q. So when he said that he wouldn't be
31 taking any action, did you make a response
32 to that?
33 A. I did. I stood up and said 'Well, if
34 you're not going to take any further action
35 into this then I certainly will be taking
36 it much higher'.
37
38 Q. Do you recall Mr Murray saying
39 anything about you and Todd going to the
40 police?
41 A. Never at any time did he mention or
42 suggest going to see the police?
43
44 That's her recollection as well. Now, you disagree with
45 that?
46 A. I disagree with that.
47

1 Q. Mr Murray, you have already recounted the fact that
2 Todd's mother was very angry?
3 A. Yes.
4
5 Q. Was Todd?
6 A. He was very upset.
7
8 Q. Yes. Did it appear to be that his mother was
9 directing her anger towards you?
10 A. Yes.
11
12 Q. You see, Mr Murray, if in fact you are offering your
13 support to Todd and his mother, it doesn't make sense, does
14 it, for a person to be angry at you?
15 A. Mrs Day?
16
17 Q. Day --
18
19 MR MANERA: I object at this point. How can this witness
20 say why or why not a particular person may have acted in a
21 particular way? He can not get inside her head.
22
23 HIS HONOUR: Based on ordinary human experience he might
24 be in a position to explain why she might have been angry
25 towards him. I think that is a reasonable question. Yes.
26
27 MR URQUHART: Thank you, sir.
28
29 A. When Mrs Day came into the office she was angry when
30 she walked in the office and she was very aggressive the
31 whole time of the interview. She was putting me in a
32 defensive position the whole time.
33
34 Q. Mr Murray, surely if you were offering her support, to
35 her and her son, she would relax, calm down, be grateful
36 for the assistance and support you were offering?
37 A. She was angry the whole time. The only support I
38 offered them was my advice, to go to the police.
39
40 Q. Can you blame her for being angry?
41 A. No, of course I can't blame her for being angry. Of
42 course I can't blame her. And may I say, you know, in
43 hindsight if I had really understood what the allegation -
44 if I had really understood it, which I didn't, if I really
45 understood it I may have had a great more empathy towards
46 what they were saying. I did not understand the reality of
47 the allegations.

1
2 Q. Or would you have more understanding if the alleged
3 offender was someone other than Dennis McKenna?
4 A. I can't comment on that.
5
6 Q. Why not?
7 A. Well, how will I know how the allegations would be
8 against somebody else?
9
10 Q. Against someone who wasn't a professional friend of
11 yours?
12 A. I can't comment on that. That's hypothetical.
13
14 Q. I know. Counteroffer?
15 A. No. When I am being attacked by someone you tend to
16 be a little bit defensive. I was being attacked from the
17 moment they came into my office.
18
19 Q. How were you become attacked, Mr Murray, as distinct
20 from --
21 A. Aggressive. Aggressive attitude towards me.
22
23 Q. -- as distinct from Mr McKenna being attacked?
24 A. Hm?
25
26 Q. How were you being attacked?
27 A. When they came into my office they almost barged in
28 and they started to talk - Mrs Day was very aggressive from
29 the time she walked in the door, and her son was very
30 emotional. It doesn't matter what I was trying to say I
31 was being --
32
33 Q. Are you saying then that if you had offered them all
34 the support in the world it wasn't going to change their
35 aggressive demeanour towards you?
36 A. Well, I couldn't offer all the support in the world
37 because I couldn't do what they wanted me to do. I was
38 incapable of investigating an alleged criminal act.
39
40 HIS HONOUR: Q. Can I just ask you, you said you couldn't
41 do what they wanted you to do. What did they want you to
42 do?
43 A. Well, they wanted all sorts. They were demanding all
44 sorts "do something about it". And what could I do about
45 it? I could not investigate a criminal act. I have the
46 funny feeling, and this is only a feeling at the back of my
47 head, but there was a demand to confront Dennis McKenna

1 because the incident - which I would never do when a person
2 is being accused of anything, whether it was a school
3 student in a fight or anything. I would always get the
4 whole lot before you allowed anyone to confront anyone. I
5 have a feeling in my head that that was what was required.
6 I can't say that's true, but I just have a feeling that
7 they wanted me to confront Dennis. I can't comment to say
8 whether that's true or not.

9
10 MR URQUHART: Q. Mr Murray, that was the second meeting.
11 A. Was it? Well, I'm sorry. Yeah.

12
13 Q. So it may well be that you have some recollection now
14 of the second meeting?

15 A. Well, I just know that there was someone asking me to
16 confront Dennis. I can't remember who it was. I still
17 have no recollection of that second meeting.

18
19 Q. It is a fairly sensible suggestion, is it not, to
20 speak to the alleged perpetrator as to whether these
21 allegations are true or not?

22 A. Well, in my - as my role as a deputy principal, a
23 principal of a school, whenever I had two people involved
24 in a dispute I would always get the story from both people
25 before there was any confrontation. That's with a school
26 thing, whether a school fight or someone taken from
27 something else, I always got both sides before you have a
28 confrontation.

29
30 You have a confrontation set up and the grounds being
31 laid very clearly to where you are going. If a criminal
32 event had taken place I could not investigate either side,
33 either the allegation or the defence. I was not capable of
34 doing that, so I would never ever agree to a confrontation
35 of an alleged victim of an assault with another person when
36 they were so upset about it.

37
38 Q. I am not asking you for a confrontation. I am asking
39 you about why did you not get Mr McKenna's version of
40 events?

41 A. Again, it was a criminal allegation that was being
42 made, and I really didn't think it was my place to do so.

43
44 Q. Is that your honest answer?

45 A. That's my honest answer.

46
47 Q. Because, you see, isn't it the case that after Todd

1 Jefferis and his mum left you actually rang Dennis
2 McKenna --
3 A. That is not true.
4
5 Q. -- to tell him what you'd just been told?
6 A. That is not true. I spoke to Dennis McKenna the next
7 morning when he contacted me to find out if Todd Jefferis
8 had made complaints and made things against him. And I
9 told him that they had made a complaint and I advised them
10 to go to the police.
11
12 Q. So it was Dennis McKenna who rang you rather than the
13 other way around?
14 A. I think so.
15
16 Q. The next morning?
17 A. It was either the next morning or the next afternoon.
18
19 Q. Mr Murray, it was that same day. I am going to tell
20 you why. I suggest to you it had to be that same day.
21 Todd Jefferis gave evidence that when he went back to the
22 hostel later that day, later that day of the first meeting
23 that he and his mum had with you, students from the hostel
24 began abusing him for what he had done to Dennis McKenna.
25 Okay. Now, accepting that that's what happened, do you
26 agree with me that students at the hostel could have only
27 found out if Todd had told them? That's one possibility,
28 isn't it?
29 A. Yes.
30
31 Q. He says he didn't. Another possibility could be if
32 his parents told the hostel students. That's another
33 possibility, isn't it?
34 A. Yes.
35
36 Q. That would be unlikely, would you agree?
37 A. I guess so.
38
39 Q. Or, if you told them - if you told the hostel
40 students? Now, you didn't do that, did you?
41 A. No.
42
43 Q. There wouldn't be any reason for you to do that, would
44 there?
45 A. No.
46
47 Q. I suggest to you the only other logical person it

1 could be, if it wasn't Todd or his parents or you, would be
2 Dennis McKenna. Does that make sense to you?
3 A. It makes sense to me. May I say this: Dennis McKenna
4 has proved to me to be one of the greatest manipulators
5 that I have ever heard of. Now, I have no doubt if the
6 boys abused Todd - Todd had been accused by Dennis McKenna,
7 I believe in public, of stealing. If people had known he
8 was in my office, very, very likely that Dennis McKenna
9 would have been spreading stories. I found out from
10 hearing evidence that he was extremely good at that.
11
12 Q. Mr Murray, the accusations that Dennis McKenna was
13 making about Todd stealing only happened after Todd and his
14 mother had come to see you.
15 A. No. He made that accusation to me about three, four
16 days - about the Wednesday or the Tuesday the previous
17 week.
18
19 Q. Is that right?
20 A. Yes.
21
22 Q. Did that have a bearing on your reaction to the
23 truthfulness of Todd Jefferis' complaint to you?
24 A. How will I know that? I can't remember what --
25
26 Q. Because you are you, Mr Murray.
27 A. There was also the accusations that they had a fight
28 over that matter, a disagreement. There was also the
29 accusation that there had been the other things, the
30 football match and the other thing, so that's what coloured
31 my feeling that Todd - Dennis may have taken action against
32 Todd physically.
33
34 Q. And you are certain, are you, notwithstanding the fact
35 that your memory fades with respect to certain things - let
36 me finish - that those matters were told to you prior to
37 Todd Jefferis making that complaint to you?
38 A. Only one matter was told to me. That was the money,
39 and I had advised Dennis McKenna likewise to go to the
40 police with that.
41
42 Q. Mr Murray, Dennis McKenna's evidence last month to
43 this Inquiry was that you did tell him.
44 A. Well, I'm afraid --
45
46 Q. And that you told him on the same day that you
47 received the complaint from Todd Jefferis.

1 A. I have no faith in the truth of anything that Dennis
2 McKenna says. I was hoodwinked and conned for
3 two-and-three-quarter years, and I have no faith and no
4 belief and no trust in anything that man says.
5
6 Q. What about trust and belief in what Mr Jefferis says?
7 Would you accept what he says to you?
8 A. Look, in hindsight --
9
10 HIS HONOUR: That's now, you are referring to?
11
12 MR URQUHART: No. At the time.
13
14 A. In hindsight --
15
16 Q. No, at the time?
17 A. At the time I didn't know Todd at that stage. I don't
18 think I'd ever really met him. I can't ever recall meeting
19 him prior. I may have met him at the hostel. I don't
20 know. I didn't know. If I knew him it was an occasional
21 meeting, but I have no recollection of meeting Todd
22 Jefferis. I didn't know him really.
23
24 Q. Did you trust what he had to say or not?
25 A. Well, you try to take things on face value.
26
27 HIS HONOUR: Q. Can I just ask you this: You said that
28 what you had been told by McKenna previous to Todd visiting
29 you coloured your perception of what you were being told;
30 that's what I understand you to say.
31 A. Well, I don't know whether it did or not.
32
33 Q. Well, that's what you said a moment ago, that it
34 coloured your perception what was being said.
35 A. No. It coloured my perception of the fact that there
36 was all these disputes and I could understand that a
37 physical fight had taken place with all of these things
38 bubbling up. That's what I was hoping to try to say.
39
40 MR URQUHART: Q. But have you been told anything about a
41 physical fight by anyone before then?
42 A. A student had told me they had a big argument some
43 place in the hostel over the money. And I had heard about
44 these other things at the meeting with Todd, and then I
45 subsequently heard about the dog and the football game. I
46 heard about that after. That was, I believe, part of the
47 conversation that Todd was talking about at that meeting

1 with his mother and myself.
2
3 Q. Could Mr Murray please be shown the exhibit which is
4 the transcript of his evidence in 1991, which is
5 exhibit 58. Mr Murray, I just want to take you to the very
6 last question you were asked by Mr Singleton in
7 re-examination, which is at page 237. This is Mr Singleton
8 asking you and he said, "him". In the second line there he
9 is referring to Dennis McKenna. You were asked:
10
11 And had you had the opportunity to speak to
12 him --
13
14 A. Sorry, whereabouts is it?
15
16 Q. Page 237 at the top:
17
18 And had you had the opportunity to speak to
19 him - that is Dennis McKenna - before the
20 second time you spoke to the Jefferises?
21
22 Read out your answer, please, slowly?
23 A. It says:
24
25 I had been to a Rotary Meeting and I came
26 straight back from the Rotary Meeting;
27 straight back to him and spoke extremely
28 briefly. I suppose I would have spoken to
29 him for 2-3 minutes, just to say "They have
30 made a complaint about you and we are going
31 to hear what they have got to say" -
32 because Mr Addis was waiting at the hostel
33 for me to come back.
34
35 Q. So your evidence back in 1991 was that you did speak
36 to Mr McKenna on that same day prior to the second meeting?
37 A. That was after the rotary meeting.
38
39 Q. Sorry?
40 A. According to this that was right at the time that the
41 actual meeting was going. Okay, I must have been mistook.
42 I was sure he contacted me --
43
44 Q. You are mistaken then. You understand, Mr Murray, it
45 is a considerable period of time that has passed. It is
46 not criticism of you now, but having looked at that
47 transcript there, bearing in mind that you agree that your

1 recollection of events --
2 A. Yes.
3
4 Q. -- was much clearer back in 1991.
5 A. Yes.
6
7 Q. That you were under oath back then?
8 A. Yes.
9
10 Q. You have said that you went straight back and spoke
11 extremely briefly, "I suppose I would have spoken to him
12 for 2-3 minutes, just to say "They have made a complaint
13 about you and we are going to hear what they have got to
14 say".
15 A. That was at quarter past eight.
16
17 Q. That may well be so. It's the same day.
18 A. I am caught activating --
19
20 Q. Now --
21 A. I sort of recollect - I still recollect speaking to
22 him and telling him that I advised him to go to the police.
23 I thought it was the next day.
24
25 Q. Why then did you contact Mr McKenna to tell him that?
26 A. Well, it was right at the - he probably met me at the
27 hostel as I came in to go to the board meeting.
28
29 Q. The question is why? Why did you tell him about it,
30 if it was a matter for the police?
31 A. Well, I just said, "There's been a complaint", and I
32 also told him that I had told them to go to the police.
33
34 Q. So, therefore, Mr McKenna's account of you telling him
35 on the same day that Todd had made the complaint to you was
36 in fact correct?
37 A. No. You said that McKenna had heard that at 5 o'clock
38 and I deny that totally --
39
40 Q. I didn't put a time on it, Mr Murray.
41 A. You said straight after the meeting.
42
43 Q. You told me it was the next morning.
44 A. I thought it was the next morning and I still thought
45 it was the next morning.
46
47 Q. Next morning or the next afternoon when Dennis McKenna

1 actually contacted you?
2 A. Sorry? Dennis McKenna did contact me. He did want me
3 to tell him all about it, but I wouldn't tell him about it
4 because I told him that a complaint had been made and "I
5 told him to go to the police". I did tell him the next
6 day, though.
7
8 Q. Can you recall Dennis McKenna, when you told him,
9 denying what Todd was alleging?
10 A. No, I don't recall that.
11
12 Q. Do you recall him saying to you that that's not what
13 happened but what had happened was that they had both
14 fondled each other's groin on the outside of their
15 clothing?
16 A. No. Don't remember that. I have no recollection of
17 that.
18
19 Q. Assuming he had told you that, what would you have
20 done in those circumstances?
21 A. Well, I would have made sure that the boy went to the
22 police.
23
24 Q. And what would you have done personally?
25 A. Well, as I was not aware of the education department
26 policy then, and I believed that sending a person to the
27 police, sending the mother and the boy to the police, was
28 the correct thing to do, that's what I would have done.
29
30 Q. You personally - let us assume for a moment that Todd
31 decided he didn't want to go to the police, he didn't want
32 to go through the traumas of that --
33 A. Right.
34
35 Q. -- what would you have done then?
36 A. I would have probably gone to the police. As it was,
37 I told you earlier, I think Todd was away from school for a
38 few days, and when he came back I went to the police to see
39 whether he had actually made the report. And he had made
40 the report, so then the matter was in the hands of the
41 police, as far as I was concerned.
42
43 Q. Can you recall anything about Garth Addis' reaction to
44 this allegation when you told him?
45 A. No, I cannot.
46
47 Q. I will recount to you what Todd Jefferis' step mother

1 and what Todd says happened at that second meeting, whether
2 that can jog your memory. It would appear that you do have
3 some memory of that meeting because, as you have said a
4 little while ago, you have a vague recollection of them
5 wanting you to - in your words - confront Mr McKenna.
6 Before I do that, can you recall anything else that may
7 have happened at that second meeting?

8 A. No.

9
10 Q. Dennis McKenna's office, you, Garth Addis, Todd's step
11 mother, Catherine Jefferis, his father, who has since passed
12 away, and Todd himself. Nothing?

13 A. Nothing.

14
15 Q. Page 721, sir. This is what Mr Jefferis says:

16
17 Q. So at that meeting at Dennis McKenna's
18 office, did you say anything to the people
19 that were there?

20 A. Well, we basically went back over
21 exactly what I had spoken to Ian Murray
22 about earlier in the day.

23
24 Q. Yes.

25 A We went - basically remade the
26 accusations and went into discussion about
27 that for the same result.

28
29 Q. How clear did you make it as to
30 exactly what the allegations were?

31 A. Very clear.

32
33 Q. Do you recall whether anyone said
34 anything after you had told them of the
35 allegations?

36 A. Well, we did. We went through the
37 allegations again. Once again all we got
38 hit with was rebuke. It was like, you
39 know, didn't believe us, didn't want to
40 know about it.

41
42 Q. Can you --

43 A. Garth --

44
45 Q. -- as far as I'm aware, you know, they
46 said 'Well, you know, look, if you're
47 serious, you better go to the police', or

1 something along those lines. I can't
2 remember the exact wording obviously.
3
4 Now, Mr Murray, I will ask you this, it is not the case
5 that this was the first time police were mentioned; it was
6 at this second meeting rather than the first, or you just
7 don't know?
8 A. I know at the first meeting I said - and at the trial
9 in '91 - that I had said a lot of times to go to the
10 police.
11
12 Q. Now, do you agree it is one thing to say in a
13 sarcastic way "Oh, go to the police then", and to say it in
14 a serious way "You'd better go to the police"?
15 A. I did not say it in a sarcastic way.
16
17 Q. No. I am asking you to accept that there is a
18 distinct difference.
19 A. Well, yes. There must be a difference if you said it
20 sarcastically.
21
22 Q. Because you know what Mr Jefferis has to say, don't
23 you, about the way in which that --
24 A. I think I would be serious.
25
26 Q. I will put the question to you from Mr Jefferis'
27 evidence:
28
29 Q. But when that remark was made about
30 "you better go to the police", can you
31 recall in what manner it was said?
32 A. Well - well, it was almost like, you
33 know - almost like, you know, taking the
34 mickey. As if, like, 'Well, you know, if
35 you think you've got something to talk
36 about then you best run off to the police
37 about it". It wasn't - I don't believe it
38 was serious advice or anything of that
39 nature, it was simply a case of, you know,
40 take your problems somewhere else.
41
42 Now, insofar as when you recall telling these family
43 members to take the matter to the police, you would deny
44 that it was said in that way?
45 A. Absolutely.
46
47 Q. It continues:

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Q. All right. So Mr Addis had said that, and what about the other comments that you just said. Who was saying those things?

A. Well, between both of them, you know, and there was - there was - you know, healthy discussion about, you know, the fact that they, you know, kept reiterating the fact that they thought I was making this allegation up --

Now, you deny that?

A. Well, I don't know. I wasn't - I can't remember anything about that.

Q. Well, if you were offering support to these people you would never have said to them, would you --

A. No, well --

Q. -- you thought they were making the allegation up?

A. I wouldn't have said that, no.

Q. If you were supporting them; yes? If you weren't supporting them that is something that could be said, do you agree?

A. I agree that's something that could be said. I have no recollection of that meeting, so I do not know whether that was said or not.

Q. He goes on. Let me see if you remember this still, bearing in mind what you have told us about other incidents involving Todd and Dennis McKenna.

... they thought I was making this allegation up to square up with McKenna over some previous minor issues, and one of them - which was not stealing - from my memory at the court case got dragged up about a stray dog that had come to the hostel and a few of us boys had befriended and we wanted to keep it for a hostel dog and McKenna had said, "No", and so somehow that got dragged up that I was trying to square up for that, and some stupid umpiring decision that I'd made on the Saturday as well, which I can't remember for the love of money.

1
2 Now, Mr Murray, Mr Jefferis recalls that those
3 disagreements he had with Dennis McKenna was mentioned by
4 either you or Garth Addis, or both, as to give an
5 explanation as to why you thought he was making this
6 allegation up?
7 A. I don't have any recollection of that. I don't have
8 any recollection of that meeting.
9
10 Q. I know that. But let's stay with this now. I take it
11 you do have a recollection of these other disagreements
12 coming up between Dennis McKenna and Todd Jefferis, and you
13 had said in your own evidence here today that - let me
14 finish - that you thought that could be a reason why this
15 allegation of, we will just call it "abuse", was being
16 made?
17 A. If I remember correctly --
18
19 Q. No. It was before your memory, wasn't that your
20 evidence just a little while ago?
21 A. I can't - can't really recall that, but - exactly
22 that --
23
24 Q. Sorry. Can't recall that being your evidence a little
25 while ago?
26 A. Can I just say this --
27
28 Q. No, no. Can you answer that question?
29 A. I thought my --
30
31 Q. Can you just answer that question? You can't recall
32 that evidence you gave a little while --
33 A. Exactly. I can't recall that evidence exactly. Can I
34 just say, I thought that I was saying that Todd Jefferis
35 was raving on about lots of things, and he talked about
36 things such as - I knew the money stealing accusation and I
37 had remembered other things that he talked about. And then
38 when I heard his evidence in the court it sprang to my mind
39 that they were the other two things that he was talking
40 about at his interview, saying it wasn't because of this it
41 wasn't because of that.
42
43 Q. Yes, so?
44 A. I didn't know about those two things until later, the
45 dog and the football.
46
47 Q. You told us, well, you knew about the stealing before?

1 A. I knew about the stealing before.
2
3 Q. Yes, so isn't it all entirely plausible that you were
4 using that as an explanation as to why he would be making
5 this allegation up?
6 A. Look, I can't remember what I was thinking at that
7 time.
8
9 Q. Mr Murray --
10 A. You are talking 22 years ago, 23. I can't remember
11 what my exact thoughts were then.
12
13 Q. Mr Murray, is it the case of you not wanting to
14 recollect rather than not being able to recall?
15 A. No, I disagree with that.
16
17 Q. Would you agree with me that it would reflect poorly
18 on you if, in fact, this is what you were saying to Todd
19 Jefferis; "That you are making this up to get back at
20 Dennis McKenna". That would reflect very poorly on you,
21 now?
22 A. I guess it would, yes, but I am not making up that I
23 do not recall things.
24
25 Q. Mr Jefferis then continued - at page 723, sir:
26
27 Q. Did Mr Murray say anything to you
28 about any conversations that he had had
29 with a person regarding this matter?
30
31 His answer was:
32
33 Well, he did. We were having these
34 discussions and I guess all the while
35 McKenna was absent from all of this, hadn't
36 been seen. So dad and Cathy made the
37 point, "Well, you know, if the kid's making
38 it up and this is all some sort of
39 concocted story, then there must be a
40 reason, so how about we get McKenna in here
41 and let's work it out and let's get to the
42 bottom of it, find out the truth, whether
43 I'm making this up or whether there's a
44 reason.
45
46 Q. That makes sense, doesn't it, Mr Murray?
47 A. Well, it would make sense. I wouldn't agree to that

1 but it would make sense.
2
3 Q. Why wouldn't you agree to it?
4 A. Because I believe, as I have said earlier, when there
5 are accusations being made, both sides have got to be heard
6 separately, I believe, before you get people together.
7
8 Q. :
9
10 And, you know, dad and Cathy made the point
11 that, you know, if they'd been accused of
12 something of that nature, the first thing
13 you'd want to be doing, if you're innocent,
14 is defend yourself. You know, you wouldn't
15 want to be running off hiding in a room,
16 and so dad point quite - you know, quite
17 boldly "Get him in the room. If he's got
18 nothing to hide, get him in the room".
19
20 You don't agree with that?
21 A. No, I don't know whether that was said. I can't
22 remember.
23
24 Q. But you don't even agree that that would be the wrong
25 thing to do?
26 A. I don't agree that would be the right thing to do.
27
28 Q. :
29
30 And Ian said, "Oh no, he's too - he's too
31 upset. He's crushed by the accusations",
32 rah, rah, rah, and dad just said
33 "Bullshit", you know, "He's got something
34 to hide, he is hiding in there like a
35 scolded cat. Get him out here and let's
36 see what's - you know, let's get to the
37 bottom of it".
38
39 Do you remember saying --
40 A. No.
41
42 Q. -- to Mrs Jefferis, that "Dennis is too upset and he's
43 crushed by the accusations"?
44 A. No, I did not say that.
45
46 Q. If you had said that, that would suggest that you'd
47 actually discussed it in a little more detail than what you

1 said in your evidence in 1991?
2 A. If I could remember, I would say so.
3
4 Q. :
5
6 And did that work. Did Dennis McKenna make
7 an appearance?
8 A. No.
9
10 Q. Did Ian Murray say anything to you
11 about having spoken to Dennis McKenna?
12 A. Well he said that he had spoken to
13 him, you know, about what - the allegation
14 ... that he was obviously devastated by the
15 allegations.
16
17 Just over the page now on 724, do you want to make a
18 comment on that, about you saying again that Mr McKenna was
19 devastated by the allegations?
20 A. Well I don't remember that conversation or anything
21 but in the evidence here, it said that I spoke to him just
22 before the meeting so that --
23
24 Q. And can you recall him being devastated by the
25 allegations?
26 A. No.
27
28 Q. Can you recall his reaction at all?
29 A. No.
30
31 Q. How come?
32 A. We went straight into the meeting.
33
34 Q. How come you can't recall --
35 A. He was very cross with me.
36
37 Q. Mr McKenna was very cross with you?
38 A. Because I told them to go to the police.
39
40 Q. I see?
41 A. And that - that feeling continued for quite some time.
42
43 Q. But, you see, if, in fact, you had done that before
44 the second meeting on the accounts given by Todd Jefferis
45 and his mother, you wouldn't have said that to him because
46 they deny, have said on oath, that you didn't tell them at
47 the first meeting to go to the police?

1 A. Well, I told them.
2
3 Q. Okay - page 724 now, sir, at the top:
4
5 So was any support provided to you by
6 either Mr Addis or Mr Murray about your
7 allegations.
8
9 Sorry, I will say that again:
10
11 Did they provide you with any support, or
12 give any indication as to whether they were
13 going to follow up these allegations you
14 were making.
15 A. No, no, no. As far as I'm aware there
16 was no - there certainly wasn't any "Look,
17 well, we'll look into it, we'll investigate
18 it, and ... we will get to the bottom of
19 it". It was simply a case of maybe - you
20 know, "They are serious allegations ... you
21 better be sure about all of ... this ...
22 you can go ... and see the police" and, you
23 know, it was very much a case of, you
24 know - you know ... along with that, you
25 know, then there was a veiled threats
26 about, you know, "You make these sort of
27 allegations that are unfounded, you know,
28 you are going to be liable for defamation"
29 and all this ... sort of caper, you know.
30
31 Can you remember that?
32 A. No.
33
34 Q. Do you agree that if that was said that would indeed
35 sound like a veiled threat?
36 A. I - whenever there is - a person comes to me, came to
37 me as a principal and made allegations against teachers or
38 anybody of any sort, I would always warn them not to make
39 the allegations public because if it was not true, proved
40 to be not true, they could stand at the risk of defamation.
41 I've said that 20, 30 times in my teaching career,
42 especially when they are making comments about teachers
43 and - parents are making comments about teachers and
44 alleging - or not proper things.
45
46 Q. Is that your call to make or is it the call to be made
47 by the police?

1 A. It's a warning that I give to people.
2
3 Q. Who you keep emphasising are the ones that should be
4 investigating a matter like this?
5 A. Sorry, would you repeat that?
6
7 Q. You see, you've kept on saying, Mr Murray, that "This
8 wasn't my responsibility. As soon as a criminal allegation
9 is alleged, they have to go off to the police"?
10 A. Yes.
11
12 Q. That being the case, is it your responsibility to be
13 making these sorts of comments to a person such as Todd and
14 his parents about being liable for defamation?
15 A. I believe a friendly warning is always better than
16 something being said and done and problems occurring later.
17
18 Q. Mr Murray, Mr Jefferis and his stepmother have said
19 this was anything but a friendly meeting that they had with
20 you and Mr Addis?
21 A. I was talking in general.
22
23 Q. Yes, well in this particular instance Mr Jefferis
24 regarded it as a veiled threat. Now, if, in fact, it was,
25 if that's an accurate description of it, that would be a
26 totally inappropriate thing for you to say?
27 A. I don't believe it was a veiled threat.
28
29 Q. If it was made as a veiled threat rather than a
30 friendly comment, do you accept that that would be totally
31 inappropriate?
32 A. That would be totally inappropriate but it wasn't a
33 threat. I've given this advice many times.
34
35 Q. I take it, then, do you accept then that this was
36 mentioned?
37 A. No, at that meeting I have no idea what happened at
38 the meeting.
39
40 Q. But it may well have been, given the fact that that's
41 something you always say?
42 A. I don't know whether I said it or whether Garth Addis
43 said it.
44
45 Q. But on the occasions that you remember saying it to
46 the persons making the comment, it should never have been
47 construed as anything other than some friendly advice?

1 A. That's right.
2
3 Q. For the sake of completeness, Mr Murray, I'm going to
4 just put to you what Ms Lynley Day - no, sorry,
5 Mrs Catherine Jefferis said about this meeting. Okay.
6 That's Todd's stepmother. Are you with me?
7 A. Yes.
8
9 Q. Sorry for the confusion. Ms Day was his natural
10 mother?
11 A. Yes.
12
13 Q. Mrs Jefferis is his stepmother.
14
15 MR URQUHART: At page 768, sir, at line 39:
16
17 Did you speak to him after he'd gone back
18 to school and left the hostel?
19
20 Sorry, that's the wrong one. I apologise, sir, it is page
21 766 at line 15.
22
23 Q. After she said about going to the hostel with Todd and
24 his father, she says the door was closed shut to the
25 office. He said:
26
27 Yes, and when you saw that happen, did you
28 ask something of the other two gentleman?
29 A. Well I did, I said "Well where's
30 Dennis? Why doesn't he come in. Why isn't
31 he coming here to talk about this "and
32 Mr Murray said "He's far too upset to come
33 out of his room" and, of course, that made
34 me think immediately "Well if he can't talk
35 to us", I felt then my guilty - my main gut
36 feeling was he was guilty of what Todd was
37 saying.
38
39 Now, Mr Murray, you don't have a recollection of Mr McKenna
40 being too upset --
41 A. That is correct.
42
43 Q. -- to come out of his room?
44 A. That is correct. I have no recollection. I have no
45 recollection of that meeting whatsoever.
46
47 Q. Okay. But given the fact that it would appear that

1 you have told him about the nature of the allegations --
2 A. I told him there was an allegation, not about the
3 nature of it. That's what it says in my evidence.
4

5 Q. Leaving aside the presumption --

6 A. I'm only going from the evidence that I gave at the
7 trial.
8

9 Q. Leaving aside the presumption of innocence, bearing in
10 mind that this man hadn't even been charged yet, just think
11 about this for a moment: that if you had told him that
12 there had been a complaint made about him and that this
13 student and his parents were coming to the hostel for a
14 meeting and he says to you "I'm too upset to talk about
15 this", wouldn't that have aroused your suspicions?
16

17 A. I have no recollection of that conversation at all.
18

19 Q. No, true. If it had happened, if it had happened,
20 wouldn't it have aroused your suspicions that "Well, that's
21 unusual, why doesn't Mr" --

22 A. Possibly would have.
23

24 Q. Yes?

25 A. Possibly would have.
26

27 Q. :

28 And at that meeting, do you recall Todd
29 saying anything about what had happened to
30 him?

31 A. He did go over it. I can't remember
32 ... all the exact words but it was, you
33 know, "He tried to pull me into ... bed, he
34 was - in a sexual way". It wasn't anything
35 more graphic. The word "sex" and "pulling
36 into the bed" was about the most of it, I
37 think, on my recollection.
38

39 And the next question after the one that was asked:
40

41 Can you recall whether Mr Murray responded
42 in any way after Todd had given that
43 description?

44 A. He sat there very - he was to my left
45 past Dale and he sat there very calculated
46 and he just didn't - he put it - in fact,
47 he didn't talk much at all, but he said "I

1 don't believe it, it can't be true. Dennis
2 is an upstanding citizen. That would not
3 be right" and the whole feel of it was
4 "Right, we're ... not going to be believed
5 here". Immediately I felt that, and then
6 following that even Mr Addis was saying the
7 same, at the same time telling us that if
8 we did continue with these allegations and
9 Todd continued with the allegations that we
10 actually could be sued for defamation if we
11 were going to talk about this outside this
12 room.

13

14 If that's, in fact, what happened in this meeting, would
15 you agree with me that neither you or Mr Addis were
16 offering any support at all to these people?

17

18 MR MANERA: Your Honour, how can he respond to a
19 hypothetical?

20

21 HIS HONOUR: Because he knows his own beliefs and way of
22 acting. If this is what was said, he would know whether he
23 was providing support, I should think. So if you put the
24 question again.

25

26 MR URQUHART: Q. Do you agree with Mr, Mr Murray, that
27 if - I know you have no recollection but if this meeting
28 happened in the way that Mrs Jefferis has described, that
29 you and Mr Addis were providing no support whatsoever to
30 Todd and his parents --

31 A. What's the question?

32

33 Q. Yes, if it happened in that way. I've asked it twice
34 now. Do you agree, if it happened in that way as described
35 by Mrs Jefferis, you and Mr Addis were offering no support
36 to this family whatsoever?

37 A. If it happened in that way and if the comments were
38 accurate and true, and if what responses were given were
39 true --

40

41 Q. Yes?

42 A. -- then possibly it would not be appropriate, but we
43 didn't continually say, I'm told in my evidence here that I
44 gave at the trial, to go to the police.

45

46 Q. Mr Murray, "possibly not appropriate". It would be
47 totally inappropriate, wouldn't it, if, in fact, it

1 happened in that way, not possibly?
2 A. If it happened in that way, as I said.
3
4 Q. Yes.
5 A. If it happened in that way, if all the things were as
6 what was said.
7
8 Q. Yes, you can't say it's possibly not appropriate. It
9 clearly wasn't appropriate. It was clearly inappropriate?
10 A. If all the other ifs were there.
11
12 Q. I know all that. I know all that, but I'm questioning
13 your answer that you have given, "possibly not
14 appropriate". I suggest to you the more correct answer
15 would be it would be totally inappropriate. Do you agree
16 or disagree?
17 A. I guess it would be inappropriate if all accurate
18 things were right, if all those statements were right.
19
20 Q. Mrs Jefferis was asked -
21
22 MR URQUHART: Halfway down page 727 now, sir, at line 26:
23
24 What did you expect these other two
25 gentleman to do with Todd making this
26 serious allegation?
27 A. I felt they should have actually said
28 "Well, we will investigate". They should
29 have not believed Todd but actually
30 investigated into the allegations but they
31 were just dismissing it. They didn't -
32 they didn't want to even - they wanted to
33 push it under the carpet. They didn't want
34 to find any evidence themselves.
35
36 A. I don't believe - I don't know what was said at that
37 meeting or not but I don't believe it was either Mr Addis
38 or my role to investigate an accusation of criminal
39 activity.
40
41 Q. Mr Murray, can you recall what obligations a teacher
42 had in 1990 if a student disclosed that they had been
43 sexually abused?
44 A. No, I - I presume you're referring to the sexual
45 policy. I have never seen that policy.
46
47 Q. Okay. Now, just to clarify that, the Inquiry provided

1 you --
2 A. Yes.
3
4 Q. -- with some documents and one of those was a document
5 entitled "Guidelines for the Identification and
6 Notification of Child Abuse and Neglect"?
7 A. Yes. Yes, I have never seen that document before it
8 was shown to me the other day.
9
10 MR URQUHART: It is 0053, your Honour. Maybe if people
11 could be provided with copies of that.
12
13 THE WITNESS: Thank you.
14
15 MR URQUHART: Q. So before I ask you about that, if I
16 can just clarify that you weren't aware of any guidelines
17 that the Ministry of Education, as it was known then, had
18 put in place?
19 A. That is correct. I was aware that there was an
20 Inquiry, a government Inquiry in 1987 because of the lack
21 of paucity of reporting and all that sort of thing going,
22 and I'm aware that there was an education program set up in
23 the early 90s for people to be trained and how to report
24 and do those things.
25
26 Q. So are you saying back then you were aware of that?
27 A. I was aware --
28
29 Q. Or now?
30 A. No, I've been aware since.
31
32 Q. Okay, right. See, the Inquiry has been advised that
33 those guidelines, a copy of which you have in front of you
34 and which was provided to you previously - have been
35 advised by the Department of Education that those
36 guidelines were posted to all principals in government
37 schools in December of 1987 or thereabouts, towards the end
38 of 1987. Now, if we can rely on Australia Post, it would
39 be the case, as I understand it, that you, in a perfect
40 world, ought to have got a copy of those guidelines, given
41 the fact that you were Acting Principal of Swan View High
42 School at the time?
43 A. Yes.
44
45 Q. Do you agree with that?
46 A. And I don't remember getting them there and I don't
47 remember seeing it at the Katanning Senior High School.

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Q. I accept that they are only guidelines but, having read them, do you agree with me that the manner in which you dealt with the complaint made by Mr Jefferis was not in accordance with those guidelines?

A. It was not in accordance with these guidelines, which I didn't know about.

Q. Having read those, do you at least agree with me that the recommendation of the guidelines of this document says as to what a teacher should do when responding to a disclosure. Make a lot of sense?

A. I'm trying to find the appropriate page.

Q. Yes, it is page 6?

A. Yes, that's appropriate and that's what we were educated on during the 90s. That sort of thing was done in in-service courses in the 90s.

Q. Okay, well, it appears that this document existed in 1987?

A. Well, it might have existed but I didn't see it.

Q. Okay. Well I will just go through to the "Forward" there which maybe gives a bit of a summary of what it was all about. Can you go to page 2 now. Not the page numbered "2" but the actual page 2 of the document, and we have got it up there on the screen. Under the heading "Forward":

The guidelines contained in this booklet are intended to assist school personnel in the identification of children who have been abused or neglected or who are considered to be at risk.

The area is particularly sensitive and teachers are placed in a delicate and critical position arising from their special relationship with the children in their charge. All school personnel, whether pre-school, primary school or high school-based, will need to become familiar with the procedures to follow when reporting suspected cases of child abuse and neglect to the appropriate outside agencies.

I recommend a thorough reading of these guidelines to all teachers.

1
2 And it's been signed by the Chief Executive Officer. So
3 that's the end of 1987?
4 A. Yes.
5
6 Q. I'm talking about August of 1990 --
7 A. Yes.
8
9 Q. -- when Mr Jefferis came forward?
10 A. Yes.
11
12 Q. So nearly three years later --
13 A. Yes.
14
15 Q. -- are you saying you have got no recollection of
16 seeing these guidelines --
17 A. Absolutely.
18
19 Q. -- or that, in fact, you had not seen these
20 guidelines?
21 A. I don't remember ever seeing them. I have spoken to
22 quite a few of my fellow principals at the time and most of
23 them or every one I have spoken to has said they didn't
24 know about them existing either until the big thrust was
25 put forward in the early 90s to go onto this.
26
27 Q. Everyone said that?
28 A. Every principal I spoke to.
29
30 Q. Very poor reflection on Australia Post then, I
31 suppose?
32 A. No, it's a poor reflection - guidelines were put in
33 and they just weren't - they were just put to one side, if
34 they were received.
35
36 Q. Yes.
37 A. If they were received, they weren't used. There was
38 no - normally when we have an important guidelines, the
39 Education Department brings out an important policy and it
40 wants it followed very strongly, what it does is have a
41 launch and an in-service course and I don't recall ever
42 having an in-service course until the early 90s.
43
44 Q. So, Mr Murray, you might well have put this document
45 aside?
46 A. I don't know. I never seen it.
47

1 Q. Sounds like you might have?
2 A. Well if it was in Katanning - you said it was the end
3 of the year while I was leaving Swan View. It might not
4 have stayed there. When I got to Katanning it might have
5 been put aside already by the time I got there. I never
6 saw it.
7
8 Q. Page 6 now. When responding to a disclosure, there is
9 10 dot points there. And a disclosure also includes child
10 sexual abuse. Point 1:
11
12 Discuss the matter in private within the
13 school.
14
15 Well, you did that with Mr Jefferis' matter, didn't you?
16 A. Yes.
17
18 Q. :
19
20 Don't panic or express shock.
21
22 Can you recall expressing shock in this matter. You have
23 told us that you were shocked?
24 A. Yes, I think I did have shock.
25
26 Q. Yes, shock in the sense that you couldn't possibly --
27 A. I was extremely surprised --
28
29 Q. Yes.
30 A. -- at the physical nature of the thing.
31
32 Q. What about dot point 3:
33
34 Express belief that the student is telling
35 the truth.
36
37 I'm going to suggest you failed there?
38 A. I - when people make allegations of any sort to me, I
39 have never really ever expressed an opinion one way or
40 another. That's one of the things I try - I've always
41 tried to do in neutral.
42
43 Q. Well, Mr Murray, in this instance here, do you agree
44 with me that that's not the evidence of Mr Jefferis or his
45 mother or his stepmother?
46 A. Well, that may be their evidence but that's --
47

1 Q. The fourth dot point. Again I'm going to suggest you
2 failed here:

3

4 Reassure the student that it was right to
5 tell. He or she is not to blame and it is
6 not his or her fault.

7

8 You didn't do that, did you?

9

A. No.

10

11 Q. :

12

13 Don't pressure for details.

14

15 This next dot point:

16

17 Collect the minimum information required
18 for action.

19

20 Well, I suppose you may have passed there. Do you agree
21 you followed that dot point?

22

23 A. Well, I did press for details. I tried to find out
24 what was going on. So I failed that dot point because I
25 did try.

25

26 Q. I was prepared to give you a pass but if you failed,
27 that's fine. Sixth dot point:

28

29 Don't make a judgment about the
30 perpetrator.

31

32 Well according to the evidence of Mr Jefferis and again his
33 stepmother and mother, you failed there because you told
34 them that you believed Dennis McKenna hadn't done it; yes,
35 if their version is correct?

36

37 A. If their version is correct. I don't believe it is.
38 I don't believe I made comment.

38

39 Q. Next dot point:

40

41 Determine the student's immediate need for
42 safety.

43

44 Did you do that?

45

A. He was in the care of his mother.

46

47 Q. Can you recall suggesting to them that he ought not

1 stay at the hostel?
2 A. No, they had already told me they were going to leave.
3
4 Q. The next dot point:
5
6 Don't promise not to tell.
7
8 There is no suggestion that you did that:
9
10 Use appropriate vocabulary.
11
12 Well, you didn't say anything about that. The last dot
13 point:
14
15 Tell the child that support will continue
16 at school.
17
18 You didn't tell Mr Jefferis that, did you?
19 A. All of these points here assume --
20
21 Q. Yes.
22 A. All of these points here assume that there's no parent
23 involved. All of these assume, looking at these points
24 here, that there is a disclosure being made and there's no
25 responsible adult there with them.
26
27 Q. Why should that make any difference to you?
28 A. If a responsible adult is there with them, they can
29 take the appropriate action.
30
31 Q. So you are saying here that, in this instance, you can
32 wash your hands of it?
33 A. No, I didn't say that because I said they can take
34 appropriate action, which is going to the police.
35
36 Q. But surely it would have been reasonable for a teacher
37 in that situation to tell the child that support for that
38 child would continue at the school?
39 A. Yes.
40
41 Q. But that someone may come to talk to him or her,
42 probably an officer of the Department for Community
43 Services or the Child Care Unit of the Police Department.
44 Well, you have made it abundantly clear that you left that
45 responsibility, you say, to Todd and his parents?
46 A. I gave that response to Todd and his parents. I
47 believe the parent was the appropriate person to take

1 action in this matter.

2

3 Q. If you go over the page now, page 7, under the heading
4 "What reporting procedures should schools follow", the
5 first paragraph:

6

7 In general where there is disclosure of
8 child abuse or strong concerns about the
9 wellbeing of the child, the teacher, after
10 consultation as described, must report the
11 matter to the school principal.

12

13 In this instance, it was slightly different because the
14 complaint has come straight to you. The next paragraph:

15

16 On receipt of this report, the principal
17 should report the matter immediately to
18 either the Department for Community
19 Services or the Child Care Unit of the
20 Police Department.

21

22 And you didn't do that, did you?

23

24 A. No, I advised them to do that.

25

26 MR URQUHART: Now, sir, I tender that document but I do,
27 of course, stress that these were guidelines only at the
28 time and they should not be confused at all with the
29 mandatory reporting requirements that are now in place.

30

31 HIS HONOUR: Yes, quite correct. That will be exhibit 59

32

33 EXHIBIT #59 GUIDELINES FOR THE IDENTIFICATION AND
34 NOTIFICATION OF CHILD ABUSE AND NEGLECT.

35

36 MR URQUHART: Thank you, sir.

37

38 Q. Now, Mr Murray, would you like a short break now?

39

40 A. No, I'm all right.

41

42 Q. Are you sure?

43

44 A. Yes.

45

46 Q. One of those dot points which we have just gone
47 through is to tell the child that support will continue at
the school. Now, I'm going to tell you that is an example
of something which you wouldn't, in your experience as a
teacher, require to have a guideline about; that it was

1 just commonsense. Would you accept that?
2 A. Yes.
3
4 Q. What efforts did you take to ensure that Mr Jefferis
5 had the school support?
6 A. What we used to do every - every week we had a senior
7 staff meeting in which we discussed, apart from
8 professional matters, we had one section which was - I
9 don't remember the title, but it was looking at particular
10 students, when we looked at educational problems,
11 behavioural problems, academic problems, and any
12 psychological problems. And we always discussed students
13 who we felt were needing help, what the teachers in the
14 class would observe students there, and if they felt they
15 need help, my instruction was that we always looked out for
16 anybody who may have needed help.
17
18 Q. Mr Murray, I didn't ask you about what your general
19 practice was. I specifically asked you what evidence did
20 you take to ensure Todd Jefferis had the school support?
21 A. He had the normal support of the school.
22
23 Q. Can you recall that or are you just assuming that?
24 A. I'm assuming that.
25
26 Q. Yes. You don't have any independent recollection?
27 A. No.
28
29 Q. Because I suggest to you you did nothing by way of
30 support of this young boy who had come forward with a
31 series allegation against the warden. Do you agree or
32 disagree with that?
33 A. On the surface you could say that, yes.
34
35 HIS HONOUR: Q. And can I just ask: when you say you
36 assume he got normal support, do you mean support beyond -
37 the same as every other student at school, or something
38 beyond that?
39 A. Yes, we do - we do when - when any student has been
40 through anything and it's known to the staff, they keep an
41 eye on each student to see what's happened. If it was a
42 parent passed away, or if there has been an illness, or
43 been involved in fights, teachers always kept a bit of a
44 watch. We had two particularly good people in the school
45 doing that. One was the school psychologist or school
46 guidance officer, Pierre Brescianini, and the other was a
47 nurse, and I - for the life of me, I can't think of her

1 name. And they were brilliant.
2
3 Q. That's probably Ms Marshall?
4 A. Yes, Shirley Marshall. Thank you. They were
5 brilliant at seeing things like that going. She picked up
6 a lot of these things and provided lots of support. And
7 Pierre Brescianini was a similarly - very gifted at picking
8 up students that needed help, and quietly and unobtrusively
9 looking at it.
10
11 HIS HONOUR: Right. Yes.
12
13 MR URQUHART: Q. Those examples that you've given, is
14 that a clearcut case of a student who would be distressed
15 about something - for example, the death of a family
16 relative?
17 A. Could be anything.
18
19 Q. I'm just talking about those examples that you gave.
20 A. Yes.
21
22 Q. What about the case where a student has made a serious
23 complaint, but there's very few people believing him?
24 A. If the student was distressed, I believe particularly
25 Shirley Marshall and Pierre Brescianini would be involved
26 because they were very non-judgmental people.
27
28 Q. Well, why did you say in answer to my question that Mr
29 Jefferis was offered no support, because you said on the
30 surface you couldn't say that?
31 A. Well, on the surface you could see there was no
32 deliberate conscious effort to go out and say, "We have to
33 give support to Todd Jefferis".
34
35 Q. Don't you think you should have?
36 A. In hindsight, knowing the situation better now - in
37 hindsight the answer is yes.
38
39 Q. What about at the time, Mr Murray?
40 A. At the time I thought that he'd been involved in a
41 physical --
42
43 Q. No, let's not go over that again. Let's not go over
44 that again, please. At the time you weren't offering any
45 support to this young boy because you didn't believe him.
46 That's the bottom line, isn't it?
47 A. No, it's not the bottom line.

1
2 Q. See, you were aware that his parents had removed him
3 from the hostel?
4 A. Yes - no, it wasn't straightaway, it was a little
5 while later, I reckon.
6
7 Q. Yes, but he hadn't been expelled, had he?
8 A. No - sorry, I don't know if he'd been expelled or not.
9
10 Q. You were aware, were you not, of the rumours
11 circulating around the school that he had been expelled
12 from the hostel - and this is when you returned to the
13 school?
14 A. I really can't say that I was aware of that rumour. I
15 understand that it could have been around. I'm not saying
16 it wasn't around, but I can't say --
17
18 Q. All right.
19 A. -- that I was aware of it.
20
21 Q. Well, let me help you jog your memory, Mr Murray. The
22 rumour was, or the story that was circulated, to use your
23 word in your evidence regarding Todd's complaint, is that
24 he had been expelled from the hostel for stealing. And
25 you, yourself, said that you were aware that that
26 accusation was going around, that he was stealing money
27 from the --
28 A. Accusation made by Dennis.
29
30 Q. -- theatre canteen. Yes. So that having jogged your
31 memory, you were aware, were you not, that that was the
32 story going around, that he had been expelled from the
33 hostel?
34 A. Well, I didn't really know. I didn't really hear that
35 story. I can't remember hearing that story.
36
37 Q. Well, you heard evidence that hostel students were
38 directed by hostel staff that they weren't to speak to Todd
39 Jefferis. That's unacceptable, isn't it?
40 A. Yes, that's unacceptable.
41
42 Q. Were you aware that he was being ostracised by
43 students from the hostel when he returned to the school?
44 A. No, I was not aware of that --
45
46 Q. Were you aware --
47 A. -- although I heard in evidence from one teacher that

1 that was happening.
2
3 Q. Well, you've heard the evidence.
4 A. I heard the evidence that one teacher said that
5 something was happening, being bullied.
6
7 Q. Mr Dean McKenna?
8 A. Yes, I think it was.
9
10 Q. Were you aware that he was being shunned by all but
11 two of your teachers?
12 A. No, I wasn't aware of that.
13
14 Q. Mr Sambell - do you remember him? Do you remember
15 him? He was offering support. And a Ms Prior?
16 A. No, I don't remember those teachers.
17
18 Q. Do you recall that he was originally banned from
19 attending the school ball?
20 A. Well, the school ball, I think, was in May of that
21 year.
22
23 Q. All right. Well, it might have been the graduation
24 party for the Year 12s. Do you recall?
25 A. No, I don't recall that.
26
27 Q. If you had been aware of these matters - that is that
28 he'd been banned from attending what would seem to be the
29 graduation party; that he was being ostracised by students
30 from the hostel; that he'd been falsely accused of stealing
31 from the hostel, and that all but two of his teachers would
32 offer him no support whatsoever - if those facts were true,
33 what would have you done, Mr Murray, in this particular
34 circumstance, bearing in mind this is a boy who has made an
35 allegation that you found hard to believe?
36 A. If those facts - if I would have heard about those
37 facts, I would have done something about it. I would have
38 got the teachers, I would have talked to them and we would
39 have done something about it, but I did not hear that
40 information.
41
42 Q. Mr Murray, that is simply not true because if that was
43 the case, you have, I suggest to you, forgotten receiving a
44 telephone call from Mrs Jefferis regarding a number of
45 these matters. Have you read her evidence regarding this?
46 A. Yes, I've read her evidence.
47

1 Q. Did that jog your memory at all?
2 A. No, it didn't jog my memory of a phone call. I had so
3 many phone calls once he was charged.
4
5 Q. Never mind about that. This is an important phone
6 call, isn't it?
7 A. What date is that, please?
8
9 Q. Sorry?
10 A. Can you tell me what date it was?
11
12 Q. I certainly can. I can tell you the precise date. On
13 or around 7 November 1990. Okay. This is Mrs Jefferis's
14 evidence which you have read, but I will remind you of it.
15 A. Yes.
16
17 Q. Page 768, line 39. The first word should read "did",
18 did:
19
20 -- you speak to him after he had gone back
21 to school and left the hostel?
22
23 This is Todd. He'd gone away - his parents took him away
24 from the hostel after the meetings on Monday, 6 August. He
25 went back later on to the school once they were able to
26 find accommodation for him in Katanning, okay. So this is
27 early November 1990, did:
28
29 Q. -- you speak to him after he had gone
30 back to school and left the hostel?
31 A. Yes. Yes, look, he did ring up one
32 day and he was telling me that the teachers
33 were being very - not all the teachers, he
34 said two were very good. He said "Most of
35 the teachers are giving me a hard time".
36 He was getting a hard time all around and
37 he said "And they won't let me go to the
38 school ball at the end of the year".
39
40 And I accept that that may well have been the graduation
41 party, okay. I then asked the question:
42
43 Q. Now, as a result of what your stepson
44 was telling you, did you contact anyone
45 yourself?
46 A. Yes. So I rang Mr Murray and I got
47 hold of him on the phone and I said "Todd

1 feels as if he's being victimised". I said
2 "Do you realise that your teachers have
3 been giving him a hard time and that he is
4 not allowed to go to the school ball" --

5

6 Then she says:

7

8 -- to the school ball I think it was. It
9 was actually being held at the hostel, and
10 he said --

11

12 This is you:

13

14 "Well, he is not allowed to go there
15 because he has left the hostel" and I said,
16 "What about these dealings of the complaint
17 that Todd has made? Are you going to do
18 anything? You are a person of position.
19 You are an advocate for children. Why
20 don't you look into the situation" and I
21 had no other prior concept of Ian Murray -
22 I mean, of Dennis McKenna being fiddling
23 with children, as it was put before. I had
24 no concept of it but I was adamant that I
25 wanted someone to do something about this
26 and Ian Murray seemed to be the one that
27 should have been doing it. He should have
28 actually processed it.

29

30 Q. And what was his --

31

32 It says "recall" sir, it should be response:

33

34 Q. And what was his --

35

36 "Response":

37

38 Do you recall?

39 A. And he just - he told me, he said,
40 "The boy's lying" and I really was
41 dismissed again.

42

43 Q. That was it, that was his attitude?

44 A. Very serious allegations. Just - he
45 said "You can't say things like that" and I
46 said, "Well don't you worry", I got angrier
47 then, I said "There'll be things come to

1 light that you will find out in due course
2 that he has been interfering with other
3 boys", and that was from my - what I had
4 then heard on the Operation Paradox.
5
6 Now, that's the - that's what she said about that
7 conversation. Now, Mr Murray, I know what your answer's
8 going to be regarding the investigation of Todd's complaint
9 - you've said that a number of times, what the position you
10 took. Okay. What I wanted to ask you about is can you
11 recall this lady's concerns as she's raised with you about
12 her stepson being victimised?
13 A. No, I can't recall that conversation. Can I just
14 comment, 7 November - if that conversation was held then,
15 that's around about the time the Year 12s have gone from
16 the school. It's around about then that they leave for
17 their tertiary entrance exams and they're virtually no
18 longer students of the school.
19
20 Q. So what?
21 A. Well, if he's gone, how can I change rumours and do
22 anything else?
23
24 Q. Well, what about the graduation ball?
25 A. I have no idea of that.
26
27 Q. Yes. Well, he should have been allowed to go to the
28 graduation ball, shouldn't he, or the graduation party?
29 A. Well, the graduation ceremony was in the school --
30
31 Q. But he should have been allowed --
32 A. -- and - can I just - I'm trying to think, sir, for
33 you.
34
35 Q. I'm asking you: he should have been allowed to go to
36 that. There's no reason why he should have been prevented?
37 A. I'm just - can I - may I be allowed to just think this
38 through. The actual graduation, I think, from memory, was
39 actually in the school hall, and I believe some students,
40 quite a few of the students, the majority of the students,
41 went to a sort of end of year dinner, end of school dinner,
42 and I'm trying to think where that was actually held. It
43 could have been the hostel; but, yes, he should have been
44 allowed to go to it.
45
46 Q. Now, so you don't recall this conversation?
47 A. No. At that stage I was getting - that was after

1 Dennis had been charged.
2
3 Q. Yes.
4 A. I was getting so many telephone calls and being pushed
5 and hammered by so many people urging me to do all sorts of
6 things; so, you know - and I recall very few of them.
7
8 Q. All right. Well, I'm going to ask you whether you
9 recall this one as well, because it was a phone call by
10 Todd's mother, all right, and it was shortly after that
11 parents' meeting on 15 October 1990 that was in the
12 hostel's rec shed. You recall that meeting, don't you?
13 A. Well, I wasn't at the meeting, yes, but I know it was
14 on.
15
16 Q. Yes. All right. Page 752, sir, line 19. Ms Day was
17 asked:
18
19 Q. Do you recall whether doing something
20 else in relation to this matter involving
21 your son after that meeting?
22 A. Yes. My partner and I went back over
23 to the school office where I wanted to
24 confront Ian Murray yet again.
25
26 Q. About what?
27 A. About the fact that Todd had this
28 terrible accusation that he had stolen from
29 the canteen, that he had been expelled and
30 that he had lied about the sexual abuse
31 from McKenna and I wanted to know what he
32 was going to do about it and I expected an
33 apology to be made publicly to Todd about
34 this.
35
36 Q. And how was Mr Murray's reaction to
37 this?
38
39 And before we go through her response, can you recall --
40 A. No.
41
42 Q. -- that meeting? It's actually a meeting.
43 A. No, I can't recall that meeting.
44
45 Q. If it was - if this actually happened, okay, if this
46 happened, what would have you done as a result of that?
47 A. What was she asking?

1
2 Q. She had said that an accusation had been made that he
3 had stolen from the canteen, that he had been expelled as a
4 result of that? Now, you knew that he hadn't been expelled
5 from the hostel as a result of that?
6 A. I knew he'd left. I knew he'd left the hostel.
7
8 Q. "And that he had lied about the sexual abuse from
9 McKenna" - right? Now, no one should be prejudging that,
10 should they --
11 A. That's correct.
12
13 Q. -- at this point in time?
14 A. It goes to court, yes.
15
16 Q. So if that had been said to you, what would have you
17 done?
18 A. Very difficult situation that. Over the years - can I
19 just --
20
21 Q. But what --
22 A. -- can I just explain?
23
24 Q. Why?
25 A. Over the years --
26
27 Q. But why is it difficult --.
28
29 MR MANERA: He's trying to explain, your Honour.
30
31 MR URQUHART: All right. Sorry.
32
33 THE WITNESS: Over the years there'd been rumours and
34 accusations had been made against students and teachers
35 and - in my early days in schools, I saw principals and
36 deputies going on the public address system, stating that
37 these accusations were untrue, the rumours were untrue.
38 Depending on the source of the rumour - you actually fan it
39 up to make it worse. Now, in this case the champion layer,
40 Dennis McKenna, had put that rumour out, obviously. Now,
41 as soon as I tried to refute he had more "kudos" in the
42 school than I would on this sort of matter, and I know that
43 it would have fanned it, and made it worse.
44
45 MR URQUHART: Q. If you'd have done what?
46 A. If I would have gone on the public address and I tried
47 to tell people that it was not true, that he hadn't been

1 expelled, and all that sort of thing.
2
3 Q. Why on earth couldn't you say that, Mr Murray --
4 A. Well, I could, but it could make it worse.
5
6 Q. -- when you knew - when you knew it was a blatant lie?
7 A. Yes, but, again, I had not heard that rumour.
8
9 HIS HONOUR: Q. So why have you given that explanation
10 just now? I don't understand?
11 A. Well, if you hear a rumour in a school and you try to
12 put out the bushfire, it very often makes it worse,
13 depending on the person who was making the rumour, and in
14 this case --
15
16 Q. So you're saying if you had heard this rumour --
17 A. No, I hadn't heard it, but I was --
18
19 Q. But if you had heard it, you said you wouldn't have
20 done anything about it because --
21 A. I probably wouldn't have done anything about it.
22
23 HIS HONOUR: Right, I understand.
24
25 MR URQUHART: Q. There are rumours and rumours, Mr
26 Murray. This is a serious rumour against a young boy, and
27 a rumour going around that he's been expelled from the
28 hostel because he's been stealing. Do you accept that that
29 is a very, very serious allegation to make?
30 A. Yes.
31
32 Q. And if one that was not true, it could be the subject
33 matter of defamation proceedings?
34 A. Yes, yes.
35
36 Q. And are you saying that in your capacity as principal
37 of the high school, you would only make matters worse -
38 bearing in mind this is when Dennis McKenna was no longer
39 on the scene, he'd been suspended as warden - are you
40 saying it would have made matters worse if you got the
41 school in an assembly and put the record straight?
42 A. I'm saying it could have made matters worse because
43 Dennis had such huge support still.
44
45 Q. What about the support you had in your capacity as
46 principal of the high school?
47 A. As far as matters hostel were concerned, Dennis still

1 had supreme word.
2
3 Q. Yes, and?
4 A. If I had gone on and had an assembly, as I've seen
5 happen in other schools when you do this sort of thing, it
6 always has made it worse.
7
8 Q. What, to state that a rumour is blatantly false --
9 A. Yes.
10
11 Q. -- not that just it could be true, is blatantly false?
12 A. Yes.
13
14 Q. Are you saying that happened in a majority of those
15 situations, or --
16 A. Yes.
17
18 Q. -- just a small minority?
19 A. No, just about always made it worse.
20
21 Q. Do you realise to a person, a layperson, that just
22 sounds extraordinary?
23 A. It may do, but in a school situation the rumour mills
24 get going, and it's so hard to stop.
25
26 Q. What about, Mr Murray, the fact that the rumour's been
27 circulated, that he had lied about the accusation against
28 Dennis McKenna?
29 A. I haven't heard that one either.
30
31 Q. No, but this is what his mother was telling you. So
32 if she had told you that - again, is that something that
33 you would have thought, "Well, gees, I can't go and tell
34 the school assembly that, it will just make matters worse
35 for this boy"?
36 A. No, the one I'm talking about the matters - making
37 matters worse, was the expelling from the hostel and the
38 stealing.
39
40 Q. Okay. Well, now, I'm moving on to lying about the
41 sexual abuse.
42 A. And, again, I don't remember that thing ever being put
43 to him.
44
45 Q. No, if - if that was said to you, Mr Murray, if it was
46 said to you, what should have you done?
47 A. Possibly tried to - to diffuse it.

1
2 Q. How?
3 A. Probably putting a PA notice over.
4
5 Q. Why "probably"?
6 A. Well, putting a PA notice over.
7
8 Q. Yes. Well, why do you say "probably"?
9 A. Well, because I - I'm trying to think on my feet.
10
11 Q. Mr Murray, it's a no-brainer, isn't it? It's a
12 no-brainer, isn't it?
13 A. Well, you're saying it.
14
15 Q. Yes. Do you agree with that or not?
16 A. Well, you've got to do something, I suppose, with
17 that, if I'd known it was going, yes.
18
19 Q. Because, you see, you've got to do something about
20 that because it is so damaging to this young boy's
21 reputation --
22 A. Yes.
23
24 Q. -- isn't it?
25 A. Look, I acknowledge freely that I didn't do things in
26 hindsight, I didn't do things as well as I might have done.
27
28 Q. Well, it's not a matter of hindsight --
29 A. It is a matter of hindsight for me now.
30
31 Q. -- Mr Murray. No, it's a matter of addressing the
32 matter at the time, that if the stories are going around
33 that this boy is lying about these accusations even before
34 the matter is the subject of court proceedings, it's
35 something, in your capacity as the principal, that you must
36 put an end to?
37 A. At the same time I was getting all these phone calls
38 from people, telling me that was the situation, that he had
39 lied and he was falsely accused, and what was I doing to
40 get rid of it?
41
42 Q. And you believed then, didn't you --
43 A. No, I - I had --
44
45 Q. -- rather you did --
46 A. I have - these are parents who are ringing me up again
47 and again and again, these people I met down the street,

1 telling me what was I doing to get him out of it.
2
3 Q. Mr Murray, you believed then, and the reason why I say
4 that is because of the response you gave Mrs Day, according
5 to her. Would you like to hear that?
6 A. Yes.
7
8 Q. :
9
10 Q. And how was Mr Murray's reaction to
11 this?
12 A. Very aggressive, "Don't want to know
13 any more about it. I'm not discussing it.
14 Now leave my office".
15
16 Q. So he didn't agree with the request
17 that you were making?
18
19 And that is that she expected an apology to be made
20 publicly to Todd. And her answer was:
21
22 A. Didn't want to know.
23
24 A. Well, I must admit that was taking up half of my time,
25 or more than half of my time, and I was getting - you know,
26 weighed under with all this.
27
28 Q. Sorry, Mr Murray, you're not disputing that that's
29 what you said to her?
30 A. No, I don't know, I don't remember the meeting at all.
31
32 Q. Do you accept that you may well have said those words:
33
34 "Don't want to know any more about it."
35
36 A. No, I don't accept that at all because I don't know
37 what she said.
38
39 Q. :
40
41 -- "I'm not discussing it. Now leave my
42 office."
43
44 A. I have no - I have no recollection of that meeting
45 whatsoever.
46
47 Q. I thought you were saying that you may well have said

1 that because --
2 A. No, I'm not saying that.
3
4 Q. -- it was such - no, let me finish - because you were
5 so snowed under?
6 A. I am - I was snowed under, I was under real pressure.
7
8 Q. With the benefit of hindsight, Mr Murray, would you
9 agree with Mrs Day's expectation that an apologise should
10 have been made publicly to her son about this, and that
11 that apology should have been made by you in your capacity
12 as principal and on behalf of the school?
13 A. An apology for what?
14
15 Q. Mr Murray, what do you think? What do you think?
16 A. You're saying that he was being accused of lying --
17
18 Q. Do you want me to say it again?
19 A. Being accused of lying.
20
21 Q. That he'd stolen from the canteen, and that he'd been
22 expelled as a result of that, and that he had lied about
23 the sexual abuse from McKenna?
24 A. Well, the school is not saying that he's done these
25 things. These are - you're telling me in rumours, amongst
26 the students.
27
28 Q. Mr Murray, you know I'm talking about now in
29 hindsight?
30 A. Yes.
31
32 Q. Do you agree in hindsight that in your capacity as
33 principal of this school, and on behalf of the school an
34 apology should have been extended to Todd Jefferis?
35 A. I believe an explanation of the matter should have
36 been extended to Todd Jefferis, but the school did not
37 accuse him of telling lies. An apology would go to him if
38 the school had told him he was telling lies. The school
39 did not accuse him of anything.
40
41 Q. Have you read Mr Jefferis's evidence in its entirety?
42 A. No, I haven't read it - I've read it quickly.
43
44 Q. You've read it quickly. You might have overlooked the
45 fact, and I must stress that Mrs Pringle has not had the
46 opportunity to answer these allegations, Mr Jefferis had
47 said she accused him of lying. That's your Deputy

1 Principal.
2 A. Well, I didn't know that.
3
4 Q. Well, if that had happened, then the school was
5 involved in this?
6 A. Yes. Yes, if I would have known that --
7
8 Q. Mr Murray --
9 A. Yes, if I had of known Pat Pringle had accused him of
10 lying, we would owe him an apology, yes.
11
12 Q. But only in those circumstances where --
13 A. Well, if the school had actually said that he was
14 lying, we owe an apology.
15
16 Q. What if the school had allowed this rumour to be
17 perpetuated, that he had stolen from the canteen and had
18 been expelled for that, because your answer to that would
19 have been that you wouldn't have done anything about that?
20 A. I wouldn't do anything - I wouldn't do anything
21 officially about that.
22
23 Q. So what about that then? Isn't he entitled to an
24 apology, with hindsight, from the school?
25 A. From the students of the school, yes, I guess he is,
26 yes, in hindsight.
27
28 Q. But not at the time?
29 A. Well, at the time it's very awkward to do it. I was
30 getting so many pressures on me --
31
32 Q. Mr Murray, was it very awkward for you to do it
33 because, in fact, you were supporting Dennis McKenna to
34 the --
35 A. No, that's not true. Yes, I was for a while
36 supporting Dennis McKenna indirectly, but I was not
37 supporting him to the detriment or anything else.
38
39 HIS HONOUR: Q. Mr Murray, knowing all that you know
40 now --
41 A. Yes.
42
43 Q. -- and you know with a lot of knowledge in hindsight,
44 what's your feelings about the way Todd Jefferis was
45 treated at the time?
46 A. If we'd have known fully that he had been sexually
47 abused, he was treated badly, and we should have done

1 something about it.
2
3 Q. But you do know that now?
4 A. Yes, that's what I'm saying.
5
6 Q. So what's your opinion now about the way he was
7 treated?
8 A. I said he was treated badly.
9
10 Q. And do you feel any sense of regret for that?
11 A. I have an immense sense of regret for that.
12
13 Q. Well, that's the first time you've said that?
14 A. I have an immense sense of regret. I do want to say I
15 have an immense sense of regret for all the boys who were
16 also treated badly over the 15 years. I have immense sense
17 of regret that we couldn't have done things differently.
18 It's the first time I've ever come across anything like
19 that in my life, the first time I'd been totally and
20 utterly duped, totally and utterly conned, and I have an
21 immense regret. Now, I - I tried to go towards Todd
22 Jefferis in the school several times to actually talk to
23 the boy, and I got glowered looks. He was obviously still
24 extremely angry with me, and I just felt that I couldn't go
25 to him, he was so angry at the time. Every time he saw me
26 he was angry.
27
28 Q. And do you think he was justified feeling angry in
29 hindsight? That's a very long pause in answering that
30 question.
31 A. Yes, I think he was justified in hindsight.
32
33 HIS HONOUR: Very well, Mr Urquhart.
34
35 MR URQUHART: Q. And angry towards you, Mr Murray? Do
36 you think he was justified in hindsight being angry towards
37 you?
38 A. Yes.
39
40 Q. You let him down badly, didn't you?
41 A. In hindsight, yes.
42
43 Q. I just want to go back to that telephone conversation
44 that Catherine Jefferis had with you in which she said to
45 you that Todd was feeling victimised and that you - and she
46 had asked you, "Why don't you do something about Todd's
47 complaint?" Do you recall that one now?

1 A. No.
2
3 Q. All right. I read that out to you a few moments ago.
4 A. I recall you reading it out to me.
5
6 Q. Yes. Okay. Now, I know you can't recall, but do you
7 recall me saying that to you --
8 A. Yes.
9
10 Q. -- that's her account? Now, would there be any reason
11 for you to tell Dennis McKenna what Mrs Jefferis had said
12 to you in that conversation?
13 A. November?
14
15 Q. Firstly, in November of 1990 after he had been
16 charged?
17 A. No. There is no reason at all. I didn't see Dennis
18 McKenna from October onwards.
19
20 Q. So this is after he had been charged and after he had
21 been stood down as warden?
22 A. Yes. I never saw him again.
23
24 Q. No. What about speaking to him?
25 A. Didn't speak to him.
26
27 Q. Would you agree with me that there would be no
28 justifiable reason for you to convey what Mrs Jefferis had
29 said to you?
30 A. Absolutely none.
31
32 Q. Because it is a private matter between you --
33 A. Absolutely.
34
35 Q. -- between Mrs Jefferis and you in your capacity as
36 principal --
37 A. Yes, I know what you are coming to.
38
39 Q. Where do you think I'm coming to, Mr Murray?
40 A. You are coming to the defamation letter that was sent
41 out; the letter.
42
43 Q. Got it in one.
44 A. Yes. And I have absolutely no notice of why that was
45 done.
46
47 Q. Let's have a look at that letter now. You are saying

1 this because you know of the existence of this letter,
2 because it was provided to you --

3 A. Yes.

4

5 Q. -- prior to --

6 A. It wasn't provided. I saw it.

7

8 Q. You saw it? Okay. One or the other, exhibit 17. It
9 is dated 20 November 1990. It is addressed to Mrs KL
10 Jefferis. There is a post office box address. It is a
11 letter from Corser & Corser Barristers and Solicitors:

12

13 Dear Mrs Jefferis,

14

15 I act for Mr Dennis McKenna. It has come
16 to our client's attention that in a public
17 meeting at Katanning on 15 October 1990 --

18

19 This is what I want you to concentrate on:

20

21 -- and about 7 November 1990 in a telephone
22 conversation with Mr Ian Murray of
23 Katanning senior high school you said words
24 which imply that Mr McKenna has taken part
25 in activities involving child molesting of
26 a sexual nature and in relation to Todd
27 Jefferis and others.

28

29 Then it continues.,there is some forthright demands being
30 made upon Mrs Jefferis requiring her to write a letter
31 containing withdrawal and apology, and she publish a
32 retraction in various newspapers; she indemnifies
33 Mr McKenna of the legal costs and also, optimistically, I
34 suppose, providing Corser & Corser with "an immediate
35 proposal as to a sum which our client claims by way of
36 damages he's entitled to for the injury to our client's
37 reputation". Andalso roman (i) there:

38

39 We are, therefore, writing to you to demand
40 that you write a letter containing a
41 suitable withdrawal and apology in terms to
42 be approved by us on our client's behalf to
43 Mr Murray.

44

45 That is you. Do you see all that?

46 A. Yeah.

47

1 Q. You rang Dennis McKenna --
2 A. No.
3
4 Q. -- and told him about this telephone conversation,
5 didn't you?
6 A. No, I did not ring Mr McKenna. I had no idea where he
7 was. I had no idea how to contact him.
8
9 Q. Did you ring his lawyers?
10 A. No, I didn't ring his lawyers. The only thing I can
11 explain about this --
12
13 Q. I was going to ask you, you have no explanation?
14 A. I might have mentioned a conversation in my talking to
15 the members of the board, such as Garth Addis, that I had
16 all these conversations, all these telephone calls for and
17 against Dennis McKenna.
18
19 Q. Why would you be raising it with Mr Garth Addis?
20 A. He's the Chairman of the Board.
21
22 Q. Let me finish. This is a matter between the school
23 and Mrs Jefferis.
24 A. All those matters were about Dennis McKenna getting
25 re-instated, not being re-instated. That is the sort of
26 thing that I would let them know.
27
28 Q. Did you tell Mr Addis, if that is the case --
29 A. I presume that is what happened.
30
31 Q. Okay, let us presume that happened, because the most
32 logical explanation for it would be that you told him?
33 A. No.
34
35 Q. No?
36 A. No.
37
38 Q. Bear in mind, Mr Murray, you are giving Dennis McKenna
39 100 per cent support at this time, aren't you?
40 A. I was giving him support, but nothing from the time of
41 the day or so that he was charged. I virtually didn't
42 speak to him again.
43
44 Q. But you were offering him support by other means,
45 weren't you?
46 A. I don't know what you mean.
47

1 Q. Seeking letters of support to be written on his
2 behalf; for him?
3 A. I wasn't seeking letters of support. People were
4 saying, "How can we support him?" I would say, "Write a
5 letter". Support to him.
6
7 Q. Are you saying you can't recall notifying Mr McKenna
8 of this telephone conversation with Mrs Jefferis?
9 A. Absolutely. I deny that I did it.
10
11 Q. I am going to ask you that next one. You are denying
12 that you actually did?
13 A. Yes.
14
15 Q. And what you are saying, one explanation for it is
16 that Mr Addis --
17 A. I may --
18
19 Q. Mr Addis --
20 A. I may have mentioned it to the board.
21
22 Q. You may have mentioned it to the board and it may have
23 been one of the board members who did that?
24 A. Yes.
25
26 Q. Do you remember if you had mentioned it to the board
27 whether you would have bothered to mention that this
28 telephone conversation you had was about the 7th of
29 November?
30 A. I don't know.
31
32 Q. It would be unlikely for you to do that, wouldn't it?
33 A. Unless the meeting was on that day or the next day.
34
35 Q. We are about to find that out. If it was you,
36 Mr Murray, just assume that it was, that would be totally
37 inappropriate, wouldn't it --
38 A. If it was me. But it was not me.
39
40 Q. So you recall when you may have mentioned this to the
41 board that you stressed to them that this is strictly
42 confidential?
43 A. When I was telling them about all the phone calls. I
44 had lots and lots of phone calls and I was relating it to
45 them.
46
47 Q. Are you saying you may have had these conversations

1 with the board and it would have been at a board meeting?
2 A. Could have been an informal board meeting, yes.
3
4 Q. Informal board meeting?
5 A. Well, we often - at that particular time for that last
6 bit there were lots of times when the board members got
7 together.
8
9 Q. You can see where I am coming from, can't you, because
10 you had a look at copies of board minutes over this period
11 of time, haven't you?
12 A. Yes.
13
14 Q. Have you picked up something there, that there is no
15 mention in those board minutes of you receiving phone
16 calls, having meetings with parents regarding Mr McKenna?
17 A. As I said a long way earlier, we often chatted and
18 things weren't put in the minutes.
19
20 Q. Even something as important as that?
21 A. Yes.
22
23 Q. Who was keeping minutes back in 1990?
24 A. Sorry?
25
26 Q. Who was keeping the minutes back in 1990, do you
27 recall?
28 A. Well, I was the secretary at that time. I didn't
29 recall that I was the secretary, but I find that I was.
30
31 Q. You were keeping the minutes?
32 A. Yes.
33
34 Q. Did you always include in the minutes everything of
35 importance or relevance that was said at the meetings?
36 A. I included everything that I was directed to by the
37 chairman.
38
39 Q. Are you saying there was some occasions where the
40 chairman directed you not to include --
41 A. Often subject matters --
42
43 Q. -- minor things?
44 A. Things that went - and just lots of telephone calls is
45 a minor thing.
46
47 Q. What about this thing? It's a major thing, isn't it?

1 A. Well, I was amazed when I saw this.
2
3 Q. Amazed?
4 A. Yeah.
5
6 Q. Amazed that you may have contacted Mr McKenna?
7 A. No. Amazed that that much was in it.
8
9 Q. You are not saying, with respect to serious matters or
10 important matters that were discussed at board meetings,
11 you were ever given a direction by the chair not to include
12 in the minutes?
13 A. Yes, I was quite often given a direction not to.
14
15 Q. In respect of minor things. I am talking about
16 important things like this matter?
17 A. Well, this could have been discussed informally before
18 the meeting started. Could have been. What date was the
19 board meeting?
20
21 Q. There was a board meeting on 17 November 1988. So 10
22 days after the 7th. I suggest to you that if you did raise
23 it at the board meeting - sorry, I do apologise. I am
24 looking at the wrong year. Mr Dobson just said we need a
25 break. I think that might be right.
26
27 HIS HONOUR: We will probably adjourn shortly.
28
29 MR URQUHART: Yes, we will, sir.
30
31 Q. Thursday, 22nd of November.
32 A. Garth Addis saw me regularly at that particular time.
33 He was always dropping in. Could have been - I don't
34 really remember.
35
36 Q. Because we can't ask Mr Addis, can we, about his
37 recollection of whether he told Dennis McKenna, can we?
38 A. No.
39
40 Q. No. Because he is dead.
41 A. Well, I know I did not.
42
43 Q. He's dead, isn't he?
44 A. Yes, he is dead. But I know I did not talk to
45 Mr McKenna.
46
47 Q. You know he had passed away, didn't you?

1 A. Yes, I heard that recently. I didn't know beforehand.
2
3 MR URQUHART: Sir, we are not going to finish today. I
4 know that Mr Murray had indicated a while ago he wanted to
5 continue, but if we were to sit even for another half an
6 hour I do not anticipate we will finish today. Bearing in
7 mind my learned friends will have questions, I was aware
8 that we have made arrangements for Mr Murray and, as I
9 understand it, conveniently for Mr Murray and his counsel
10 and for the other gentlemen here, that we come back at
11 2 o'clock tomorrow. I am just thinking, sir, maybe if we
12 could make it for 1.30 tomorrow.
13
14 HIS HONOUR: I am happy to do that.
15
16 MR URQUHART: Even with a break I would anticipate we will
17 be finished by half past four. It has been a long day for
18 Mr Murray. Giving the fact that I am getting my facts
19 wrong about minutes of meetings --
20
21 HIS HONOUR: Approximately how much longer do you think
22 you will be?
23
24 MR URQUHART: I will make sure that I will finish up my
25 examination tomorrow. That will allow adequate time for my
26 friends to address all the issues that they need to prior
27 to half past four.
28
29 HIS HONOUR: That is a very bold prediction.
30
31 MR URQUHART: I will confine it to no more than an hour.
32
33 HIS HONOUR: Is that adequate, Mr Hammond, especially?
34
35 MR HAMMOND: More than adequate, sir.
36
37 HIS HONOUR: I do not think I need ask Mr Jenkin.
38
39 MR JENKIN: No, sir. That is fine with me.
40
41 HIS HONOUR: Very well. We will adjourn until tomorrow at
42 10 o'clock. Mr Murray, we will ask you to be here at 1.30.
43 tomorrow. We are told that it will be over by 4.30
44 tomorrow. We will adjourn now until 10am.
45
46 AT 4.01PM THE HEARING ADJOURNED TO FRIDAY,
47 20 APRIL 2012 AT 10AM