

Special Inquiry into St Andrew's Hostel

Held at: Courtroom 2, Level 18,
111 St Georges Terrace, Perth

Monday, 19 March 2012 at 10.05am
(Day 11)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Now, the evidence that will be called this
2 morning relates to the line of inquiry triggered by
3 Mr Brian Humphries' allegation that he was investigating a
4 complaint concerning St Andrew's Hostel back in the early
5 1980s and that investigation was stopped as a result of a
6 telephone call from his superior.
7

8 The first thing that is going to happen this morning
9 is that I will read out the name of the politician that
10 Mr Humphries wrote down on exhibit 2. Mr Urquhart will
11 then call all of the evidence that the Inquiry has gathered
12 so far in relation to the Humphries allegation. As will
13 become clear, that evidence is not complete because most of
14 the potential witnesses who might have assisted the Inquiry
15 on this matter are now dead.
16

17 Nevertheless, investigation of the matter is ongoing
18 and we have decided to call all of the evidence that we do
19 have in the hope that the publicity which is generated will
20 stir the memories of anyone still alive who is able to
21 help. If, after learning of the evidence today, there is
22 anyone who can assist the Inquiry on this matter, that
23 person is asked to contact the Inquiry on our free hotline,
24 1800 227 792.
25

26 Now, the name that Mr Humphries wrote on exhibit 2 was
27 Logan spelt L-O-G-A-N.
28

29 Yes, Mr Urquhart.
30

31 MR URQUHART: Thank you very much, sir.
32

33 Brian Humphries, a retired officer with the now named
34 Department of Child Protection, gave evidence on the first
35 day of these public hearings on 20 February of this year.
36 He had provided a statement to the Inquiry only the week
37 before, on 16 February. It had, therefore, not been
38 possible to conduct any thorough investigation of
39 Mr Humphries' account.
40

41 His evidence was that when he was a senior divisional
42 officer with the Albany divisional office of the Department
43 of Child Welfare he was asked to go to Katanning to
44 investigate allegations of "ill-treatment" of a child at
45 the Katanning hostel. His recollection, on 20 February,
46 was that this request occurred some time in the early
47 1980s. His evidence was that ill-treatment could mean

1 physical in the sense of being "knocked around" or sexual.
2

3 Mr Humphries testified that when he drove to Katanning
4 he went straight to the Katanning district office of the
5 Department of Child Welfare. Before he left there to
6 undertake the inquiries he had been tasked to do, he
7 received a phone call from a supervisor at Albany
8 divisional office. He could not remember which person was
9 supervising around this time at the Albany office. He
10 thought the full title of such a supervisor was, at the
11 time, "Social Work Supervisor" or, as it was commonly
12 referred to, by the initials SWS.
13

14 Mr Humphries' evidence at pages 68 and 69 of the
15 transcript of 20 February was that the supervisor said to
16 him that he was not to continue the inquiry at the
17 Katanning hostel and that he was not to go there. The
18 supervisor stated that this instruction had come from the
19 Perth head office and that a politician with a supervisor
20 named was connected to that instruction. Mr Humphries says
21 he queried these instructions but felt he had to comply
22 with them. He subsequently never attended the hostel, nor
23 did he speak to the student making the allegation of
24 ill-treatment.
25

26 Now, on 20 February the Inquiry suppressed the name of
27 the politician for the present time, your Honour adding at
28 page 70 of the transcript:
29

30 As a result of any further investigations,
31 I will decide whether the name should
32 become public.
33

34 It is apparent, sir, that the surname is a reference to an
35 ex-politician, the Honourable Mr Leslie Logan. Mr Logan
36 was a longstanding member of the Legislative Council from
37 April 1947 to May of 1974. From 1959 to 1971 he was a
38 member in the Brand government. Throughout that time he
39 held the portfolios of Local Government, Town Planning and
40 Child Welfare.
41

42 Mr Logan passed away in December of 2000 at the age of
43 92. There was a condolence motion in the Legislative
44 Council for Mr Logan on 2 May 2001. The transcript of the
45 speeches in Hansard show that Mr Logan was very well
46 regarded by parliament and these speeches detail the many
47 awards and accolades for his extensive service to

1 parliament over 27 years and to the community for an even
2 longer period of time. Though in his mid 60s when he
3 retired from parliament, it is evident from these speeches
4 that he did not cease working. The then Leader of the
5 Opposition in the Upper House noted that Mr Logan:

6
7 Continued to work very hard in the
8 community and held a number of positions
9 within the community.

10
11 Sir, that condolence motion from 2 May of 2001 is two
12 and a half pages in length and so I would formally tender
13 that. It has the bar code number 0316.

14
15 HIS HONOUR: That will become exhibit 22, thank you.

16
17 EXHIBIT #22 TRANSCRIPT OF CONDOLENCE MOTION IN THE
18 LEGISLATIVE COUNCIL FOR LESLIE LOGAN DATED 2/5/2001,
19 BARCODED 0316

20
21 MR URQUHART: One example of Mr Logan's continued
22 involvement in the political arena after 1974 that the
23 Inquiry has been able to locate is a handwritten entry at
24 the bottom of a two-page briefing note from the Director
25 General of Education to the Minister for Education dated 7
26 May 1975. That is nearly one year after Mr Logan had
27 retired. This briefing note concerned a request from the
28 Students Hostel Association to have a representative on the
29 Country High Schools Hostels Association.

30
31 HIS HONOUR: "Authority", I think you mean.

32
33 MR URQUHART: Sorry, my apology, yes. The Country High
34 School Hostels Authority. The document also referred to a
35 submission that had been made to limit the amount of time a
36 person could serve as chairman of the Authority.

37
38 The Minister for Education, in May of 1975, was
39 Mr Graham MacKinnon. Mr MacKinnon's handwritten note, at
40 the bottom of page 2 of this briefing note, reads:

41
42 13/5 noted. I would prefer to discuss this
43 matter with Messrs Logan, Watt, Knight,
44 Withers, Lewis and Sibson at the one
45 meeting.

46
47 With the exception of the names the "Logan", the other

1 surnames were those of serving members of parliament as at
2 May of 1975. Mr Leon Watt was the MLA for Albany,
3 Mr Thomas Knight was the MLC for South Province, Mr William
4 Withers was the MLC for North Province, Mr Alexander Lewis
5 was the MLA for Blackwood and Mr John Sibson was the MLA
6 for Bunbury.

7
8 As I said, sir, the Inquiry has been able to obtain
9 that briefing note with that handwritten entry. It is bar
10 code numbered 0317 and I tender that too, please.

11
12 HIS HONOUR: All right. That will be exhibit 23. You can
13 confirm that there is no record or note of any actual
14 meeting between the minister and Mr Logan and the others?
15

16 MR URQUHART: No, there's not, no.
17

18 HIS HONOUR: That is exhibit 23.
19

20 EXHIBIT #23 BRIEFING NOTE BARCODED 0317
21

22 MR URQUHART: Investigations by the Inquiry have been
23 extensive in the past month, examining whether the student
24 at the Katanning hostel who was allegedly the subject of
25 ill-treatment that Mr Humphries was tasked to investigate
26 could be identified. This has not been easy as
27 Mr Humphries gave evidence that he probably would have
28 thrown away the document he received detailing the
29 complaint as it was never followed up, and that is, of
30 course, by no means a criticism of Mr Humphries, it just
31 stands to reason that if the matter was not to be
32 investigated there was little point in retaining that
33 document.
34

35 The Inquiry's investigations have also attempted to
36 identify the supervisor from the Albany divisional office
37 who contacted Mr Humphries once he had arrived at the
38 Katanning office. Without making progress with respect to
39 these two areas, it was going to make it very difficult to
40 verify the alleged involvement of (a) the department's head
41 office in Perth, and (b) Mr Logan, and as your Honour has
42 already identified, there is the problem with the passing
43 of time which entails not just the diminishing recollection
44 of potentially relevant witnesses but also the inevitable
45 passing away of such witnesses. Not surprisingly, Mr Logan
46 is not the only person who has died since Mr Humphries made
47 his trip from Albany to Katanning all those years ago. The

1 inquiry's investigations have literally reached a number of
2 dead-ends in this regard just as it looked like some
3 progress could be made.
4

5 With respect to the identification of the student who
6 had been ill-treated, the Inquiry has focussed on its only
7 lead thus far. Following Mr Humphries' evidence on 20
8 February, a statement was obtained by the Inquiry from an
9 ex-student at the hostel who alleges he was sexually abused
10 by Dennis McKenna in the early 1980s. This not only fitted
11 in with the time frame that Mr Humphries had recalled in
12 his evidence, but this student was a ward of the State at
13 the relevant time and would, therefore, be someone that the
14 Department of Child Welfare would investigate if
15 ill-treatment was involved.
16

17 Sir, this ex-student now resides in Queensland. He
18 has requested that his name and residential address not be
19 mentioned if the Inquiry was to read out his statement at a
20 public hearing. He has signed a statement dated 29
21 February of this year. The Inquiry will respect that
22 request of him and he will simply be referred to as "S"
23 from now on.
24

25 I do propose reading his statement. It is lengthy and
26 contains somewhat explicit details regarding Dennis
27 McKenna's alleged offending of him. I say "alleged"
28 because "S" is not one of the eleven victims of Dennis
29 McKenna who have taken him to court.
30

31 The statement reads, "I" - "S"s name is mentioned,
32 "of" - and then his address is given:

33
34 -- in the State of Queensland, state as
35 follows:
36

37 My full name is known to investigators at
38 the Inquiry into Saint Andrew's Hostel at
39 Katanning ("the Inquiry").
40

41 I am 43 years of age and was born on 28
42 July 1968.
43

44 I am married and we have four children.
45

46 I am employed as a range operator.
47

1 When I was nine months old I was made a
2 Ward of the State of Western Australia.
3
4 I was placed with foster parents whose
5 names are known to the Inquiry.
6
7 We moved around Western Australia while I
8 was a young child.
9
10 After some time we moved to a farm near
11 Gnowangerup in the south of Western
12 Australia.
13
14 I attended Katanning Senior High School
15 from second term 1982 till the end of 1983
16 for years 9 and 10.
17
18 During my time at Katanning Senior High
19 School I boarded at Saint Andrew's Hostel,
20 Katanning ('the hostel').
21
22 I was 13 when I started boarding at the
23 Hostel and 15 when I left.
24
25 For my age I was quite short and of very
26 slight build.
27
28 I also looked a lot younger than I was.
29
30 At the age of 15 I looked about 10 or 11
31 years old.
32
33 I was placed at the Hostel by the State
34 Government in 1982.
35
36 My foster parents went to Papua New Guinea
37 around March or April 1983.
38
39 At the time, Dennis John McKenna
40 ('Mr McKenna') was the Warden of the
41 Hostel.
42
43 I first met Mr McKenna when I was dropped
44 off at the Hostel in or around April or May
45 1982.
46
47 I was very shy at the time when I was

1 thrown into this new environment.
2
3 Mr McKenna targeted me as a new student.
4
5 Mr McKenna knew my background and took
6 advantage of that.
7
8 I had lived with abusive foster parents
9 before going to the Hostel.
10
11 In addition, I had a difficult time growing
12 up.
13
14 When I arrived at the hostel I was afraid
15 of taking a shower with the other boys.
16
17 When Mr McKenna found this out, he had a
18 group of senior male borders strip my
19 clothes off in a shower cubicle and spray
20 me with a fire hose.
21
22 Mr McKenna continued to have groups of boys
23 strip my clothes off and spray me with the
24 fire hose throughout 1982.
25
26 This happened about once a month.
27
28 Mr McKenna would watch the boys do this to
29 me and sometimes his brother Wayne --
30
31 "Mr McKenna", I should read:
32
33 -- Wayne McKenna, who also worked at the
34 Hostel, would watch too.
35
36 Mr McKenna would say it was to make sure I
37 had a shower.
38
39 Mr McKenna spent time in the shower area
40 while boys were showering.
41
42 I saw him watching boys in the showers.
43
44 He did this quite openly.
45
46 About 3 or 4 times in 1982 Mr McKenna said
47 that something had been reported missing

1 and then searched my cubic where my bed was
2 located.
3
4 It was usually lollies, cassette tapes or
5 money that Mr McKenna said was missing.
6
7 Mr McKenna always found the supposed
8 missing items in my cubicle.
9
10 I had never taken the item or placed it in
11 my cubicle.
12
13 Mr McKenna would punish me for the alleged
14 'stealing' by giving me extra kitchen
15 duties or taking away my privileges, like
16 going out to the town on Friday afternoon
17 for shopping.
18
19 I was given the cane twice after Mr McKenna
20 had found a 'stolen' item in my cubicle.
21
22 About every two weeks throughout 1982 and
23 less frequently in 1983 Mr McKenna would
24 have other boys "scragg" me in one way or
25 another.
26
27 Common forms of "scragging" were to have
28 some boys take my clothes off and put
29 'Dencorub' on my crotch, short sheet my bed
30 and set up my bed so that the legs were
31 folded back so when I sat or lay on it, it
32 would collapse.
33
34 Mr McKenna also encouraged other people at
35 the Hostel to pick on me and give me the
36 nickname 'Stubbie'.
37
38 Mr McKenna gave nearly every boy a nickname
39 based on his opinion of the boys's penis.
40
41 Many of the nicknames were very cruel.
42
43 The nicknames were used publicly and often
44 in front of many other students, both
45 female and male.
46
47 Another thing that Mr McKenna did was that

1 he would regularly visit the dormitories at
2 night and sit with the kids.
3
4 He usually visited the first cubicles.
5
6 He would wear his bathrobe during these
7 visits.
8
9 It was a knee length flannelette bathrobe.
10
11 Mr McKenna would sit on a bed during these
12 visits and have his back to the wall.
13
14 Borders would sit with him and around and
15 everyone would talk.
16
17 During these talks Mr McKenna would often
18 have a young boy sit on his lap.
19
20 Another strange thing he did was that he
21 would grab boys on their genitals when
22 either he walked past them or they walk by
23 him.
24
25 He would also walk past and flick at boys'
26 genitals.
27
28 He also patted boys on their backsides.
29
30 He did this openly and in front of other
31 people at all times of the day or evening.
32
33 He never tried to hide his touching of
34 students.
35
36 My government case officer was Ms Crowley
37 ("Ms Crowley") when I was at the Hostel.
38
39 Ms Crowley was based in Gnowangerup.
40
41 She had been my case officer when I lived
42 on the farm before I attended at Katanning
43 High School.
44
45 Ms Crowley would visit me at the Hostel
46 about 2 or 3 times a year.
47

1 When Ms Crowley visited the Hostel,
2 Mr McKenna would pull me aside before I saw
3 her and say to me "Just remember, you have
4 nowhere else to go".

5
6 I took this to be a threat as to what might
7 happen if I told Ms Crowley what was
8 happening at the Hostel.

9
10 Ms Crowley usually visited me about once a
11 term.

12
13 During every visit she made to me, except
14 her very last visit, we met in either the
15 breezeway of the Hostel or Mr McKenna's
16 office.

17
18 That should read, rather, "of Mr McKenna's office":

19
20 The breezeway was a public area and there
21 were always --

22
23 I withdraw that. I will read that again:

24
25 During every visit she made to me, except
26 her very last visit, we met in either the
27 breezeway of the Hostel of Mr McKenna's
28 office.

29
30 Continue:

31
32 The breezeway was a public area and there
33 were always other students around.

34
35 I was too fearful to speak in public to
36 Ms Crowley in case someone overheard.

37
38 There was no chance of me saying anything
39 while I was in Mr McKenna's office; I was
40 too scared.

41
42 I will speak more about Ms Crowley's last
43 visit to me later in this statement.

44
45 Throughout my time at the Hostel Mr McKenna
46 would often hold movie nights for the
47 boarders.

1
2 The movie nights were sometimes for all the
3 boarders, including the females.
4
5 Mr McKenna would show regular movies on
6 these occasions.
7
8 Once or twice a month, Mr McKenna would
9 have a movie night in his lounge room with
10 about 14 or 15 boys.
11
12 I went to these movie nights about 5 or 6
13 times.
14
15 Mr McKenna would show adult movies when he
16 just had the boys there.
17
18 I remember three of the movies were
19 'Tarzoon: Shame of the Jungle', 'Fritz the
20 Cat' and 'The case of the Smiling Stiffs'.
21
22 These movies were soft porn cartoons and
23 comedies.
24
25 The boys that Mr McKenna had for these
26 movie nights were a select group of boys.
27
28 You felt special if you were invited to
29 Mr McKenna's exclusive movie nights.
30
31 On the long weekends I would usually stay
32 at the houses of two separate families of
33 people who were farmers in the Gnowangerup
34 district.
35
36 These people were relatives and neighbours
37 of my foster parents in Gnowangerup and
38 their names are known to the Inquiry.
39
40 Sometimes they couldn't have me stay with
41 them so I would stay back at the Hostel on
42 the long weekend.
43
44 This happened about 2 or 3 times throughout
45 1982.
46
47 On one of these occasions in 1982

1 Mr McKenna made the boarders who were left
2 at the Hostel run the roller-skating on the
3 Friday night.
4
5 The roller-skating rink was part of the
6 Hostel complex.
7
8 The roller-skating rink was open to the
9 people in Katanning and raised money for
10 the Hostel.
11
12 On the occasions that I stayed back on the
13 long weekend I usually ran the skate booth
14 where I would hand out the skates.
15
16 This would have been a public holiday after
17 my birthday, which is 28 July.
18
19 On the Saturday night, Mr McKenna came to
20 my cubicle after dinner around 9.30pm and
21 asked me if I wanted to come to his room to
22 watch a movie.
23
24 Mr McKenna was wearing a blue striped robe.
25
26 I went to his flat with him and we watched
27 the movie 'Poltergeist'. This movie was
28 released in June 1982 so it must have been
29 after this.
30
31 The movie really scared me.
32
33 I sat next to Mr McKenna in his flat while
34 I watched the movie.
35
36 Mr McKenna gave me some drink that was coke
37 with some sort of alcohol in it.
38
39 I think it was bourbon.
40
41 I had 2 or 3 drinks of the coke and
42 alcohol.
43
44 During the movie Mr McKenna rubbed my
45 nipples.
46
47 He said to me that the "scragging" was for

1 my own benefit to make me tough and that he
2 was concerned for my wellbeing.
3
4 I don't know what happened after this.
5
6 My next recollection was that I woke up in
7 my own bed just before dawn.
8
9 I do not know how I got back to my room.
10
11 The next night, Sunday, Mr McKenna came to
12 my cubicle around the same time as the
13 night before and asked me back to his flat
14 to watch a movie again.
15
16 The movie this time was another scary
17 movies "The Omen".
18
19 We watched the movie in the lounge room of
20 Mr McKenna's flat.
21
22 Mr McKenna was wearing a pair of shorts and
23 a blue-green coloured shirt when I arrived.
24
25 I was wearing my pyjamas.
26
27 Mr McKenna gave me the same coke and
28 alcohol drink as the night before and I had
29 2 or 3 drinks again.
30
31 Before the movie finished, Mr McKenna took
32 me to his bedroom, which was connected to
33 the lounge room.
34
35 Mr McKenna put me on his bed and removed my
36 pyjamas.
37
38 Mr McKenna leant over me on the bed and
39 touched my penis.
40
41 Mr McKenna then performed oral sex on me.
42
43 Mr McKenna's toupee fell off of his head
44 and landed on my stomach.
45
46 I began to laugh at Mr McKenna's toupee
47 falling off and Mr McKenna grabbed his

1 toupee off of me and put the toupee on the
2 drawers next to the bed.
3
4 Mr McKenna continued to perform oral sex on
5 me.
6
7 Mr McKenna was touching his own penis while
8 he did this.
9
10 After some time I ejaculated.
11
12 Mr McKenna masturbated himself until he
13 ejaculated.
14
15 Mr McKenna wiped my genital area with a
16 tissue and told me to put my pants on.
17
18 Mr McKenna gave me another coke and alcohol
19 drink.
20
21 Mr McKenna then turned off the light and
22 got into his bed with me.
23
24 Mr McKenna was positioned behind me.
25
26 Mr McKenna rubbed his face on my shoulder.
27
28 His face felt prickly.
29
30 Mr McKenna also put his arm around me.
31
32 I could feel that Mr McKenna had an
33 erection.
34
35 This is my last recollection of physical
36 contact with him.
37
38 I must have fallen asleep.
39
40 When I woke up it was dark outside and
41 Mr McKenna was asleep.
42
43 I got out of Mr McKenna's bed and crawled
44 under his bed.
45
46 Mr McKenna kept the till drawers under his
47 bed.

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I took some cash from the till drawers.

I then left Mr McKenna's room and returned to my dormitory.

I fell asleep in my bed.

Mr McKenna woke me up some time later and invited me to his room for breakfast.

At breakfast in Mr McKenna's room, Mr McKenna told me that everything that had happened that weekend had to stay between us and that if I told anybody I would go to a place where kids who had no family go.

Mr McKenna's attitude towards me did not change after this incident.

In 1983, on another long weekend, I was again left at the Hostel.

I think there was only one other boy there that weekend.

The boy I recall was a year older than me.

Around 9.30 at night Mr McKenna came to my cubicle and asked me to watch a movie in his room.

I think I would have been the only junior boarder in the dorm.

The movie was 'Star Wars: Return of the Jedi'.

The movie was released in May 1983, so it would have been after this.

Mr McKenna had obtained the video as a pirate copy on one of his trips away.

Mr McKenna gave me coke mixed with some kind of alcohol to drink.

1 I had 3 or 4 glasses.
2
3 Mr McKenna also ordered pizza for us to
4 eat. T.
5
6 He pizza was cold and had lots of pineapple
7 on it.
8
9 I was wearing pyjamas.
10
11 At some point Mr McKenna put his hand
12 underneath my pyjamas and masturbated me.
13
14 Mr McKenna also made me masturbate him.
15
16 I can't remember whether Mr McKenna was
17 wearing clothes at the time.
18
19 This was the last long weekend that I
20 stayed at the Hostel.
21
22 During 1983 Mr McKenna took me on two trips
23 to Perth. One of the trips was with one
24 other boy, and the other trip was with two
25 boys who were twins and whose names I know.
26
27 I think we stayed at Mr McKenna's parents'
28 house in Perth on both trips.
29
30 We ate at a pancake house on both trips.
31
32 Mr McKenna gave me alcoholic drinks while I
33 was at the house that we stayed at.
34
35 I can't remember anything of a sexual
36 nature that happened on the trips.
37
38 Mr McKenna also took students from the
39 hostel on an excursion to Mandurah at some
40 point.
41
42 Everybody stayed at the Lazy Crab Resort in
43 Mandurah.
44
45 I slept in the bedroom of a chalet with Mr
46 McKenna and four other male boarders.
47

1 There were other students who were sleeping
2 in the main area of the chalet.
3
4 At night Mr McKenna would lock the door of
5 the bedroom.
6
7 There was only one double bed in the room I
8 slept in so I slept on the floor next to
9 the bed.
10
11 I could hear moving around in the bed next
12 to me throughout the night.
13
14 In about mid 1983 I experienced my last
15 visit from Ms Crowley.
16
17 For some reason which I cannot recall now I
18 met with Ms Crowley in a room opposite the
19 dining room.
20
21 I think it was a study room or library.
22
23 This was the first and only time I met with
24 Ms Crowley in private.
25
26 The meeting took place after school which
27 was normal.
28
29 We chatted about everyday things and Ms
30 Crowley asked me if I was missing my
31 family.
32
33 I answered, not really.
34
35 She asked if I was enjoying staying there
36 at the Hostel and I told Ms Crowley that
37 something was not right at the Hostel.
38
39 I also remember saying words to the effect,
40 "They make me feel uncomfortable."
41
42 I was referring to Mr McKenna and his
43 family members who worked at the Hostel.
44
45 I cannot recall the exact words but I
46 believe I told Ms Crowley that Mr McKenna
47 of done something bad with me.

1
2 By this stage my schoolwork was suffering
3 and my behaviour was at times poor.
4
5 I put that down to Mr McKenna's abuse and
6 the Hostel environment.
7
8 At the time I did not know what sexual
9 abuse was.
10
11 Sex was not something that had been
12 discussed by my foster parents with me.
13
14 Despite that, I knew Mr McKenna was doing
15 the wrong thing with me and I feel I must
16 have told Ms Crowley that he was doing
17 things with me.
18
19 Ms Crowley wrote things down as I spoke
20 with her.
21
22 She had some sort of pad with her and she
23 made notes of our conversation.
24
25 I recall she asked about my weekends and I
26 told her I went to Perth with Mr McKenna
27 and another boy.
28
29 She asked words to the effect of what we
30 did in Perth and where did we stay.
31
32 I said something like, "At some house."
33
34 She asked us what we did and back then I
35 said that I did not remember.
36
37 I spoke with her for about 5 to 6 minutes
38 and then the dinner bell went.
39
40 I had to go to dinner and that ended my
41 meeting with Ms Crowley.
42
43 This meeting was about 2 weeks before my
44 birthday, which was on 28 July 1983.
45
46 After that meeting I never had another
47 visit from Ms Crowley or any other case

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officer.

I have since learnt that Mr Sam Namour ("Mr Namour") took over as my case officer from Ms Crowley.

I never received a visit from Mr Namour after Ms Crowley ceased being by case officer.

I was never informed what came of my complaint to Ms Crowley.

In 1983, at the end of year 10, I was asked to leave Katanning high school.

It was never said, but I thought it had something to do with the Hostel.

Mr McKenna knew what my home life was like and he manipulated me.

Sometime in late 2011, either in October or November, my wife was communicating with the Department of Child Protection in Western Australia ("the DCP").

I know that amongst other things my wife told the DCP about my meeting with Ms Crowley and that I had reported Mr McKenna to Ms Crowley while I was a border at the Hostel.

And then there is the declaration at the end of "S"s statement:

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

It's dated 29 February 2012 and it's been signed by "S". Now, sir, it would appear that "S" may have been the only

1 ward of the state who boarded at the hostel between 1975
2 and 1990 when Dennis McKenna was warden. That has been the
3 information that's been provided to the Inquiry by the
4 Department for Child Protection. That fact, however, could
5 only be conclusively established if the department took the
6 extremely time-consuming exercise of cross-referencing the
7 name of every student who stayed at the hostel with the
8 names of its wards of the state during the relevant period.
9

10 As I've said, sir, that would be a time-consuming
11 exercise and even if that was undertaken, it may not
12 necessarily be complete, because we are uncertain whether
13 we actually do have the names of every single student who
14 boarded at the hostel during that relevant period.
15

16 HIS HONOUR: Just for the record, I understand that wards
17 in the Katanning district in that period were usually
18 placed in another institution; is that correct?
19

20 MR URQUHART: Yes, that's correct, sir.
21

22 HIS HONOUR: So this was an exception to have this boy --
23

24 MR URQUHART: It was, yes at St Andrew's Hostel.
25

26 MR URQUHART: Indeed. I think one of our witnesses that
27 we are either going to hear oral evidence from or have
28 their statements read will actually testify to that effect,
29 that the contact between the Department of Child Welfare,
30 as it then was, and the Katanning senior high school and
31 the Katanning hostel would not be that great at all because
32 of that very reason.
33

34 Sir, the Ms Crowley that "S" refers to has been his
35 government case officer, has been identified as Frances,
36 F-r-a-n-c-e-s, Eve Crowley, C-r-a-w-l-e-y. Naturally, it
37 was important to speak to her about whether she could
38 recall her final visit to "S" and what she did regarding
39 his recollection that he told her that Dennis McKenna had
40 done something bad with him. Now, such a description that
41 "S" believes he gave his case officer is consistent, it
42 could be said, with the description that Mr Humphries
43 recalled, namely "ill treatment" of a student.
44

45 Unfortunately, Ms Crowley passed away in November just
46 of last year, so only a matter of months ago. Now, the
47 Department for Child Protection, however, provided the

1 Inquiry with her personnel file. And at this stage I
2 should also add that the Department for Child Protection
3 has been most cooperative with all the requests that have
4 been made of the Inquiry - of the department, which has
5 been numerous over the past month.

6
7 The department has also provided "S"s file to the
8 Inquiry. Documents from those files have revealed the
9 following: Ms Crawley commenced at Gnowangerup as a
10 District Officer with the Department of Child Welfare on 16
11 September 1976. By 1977 she was the case officer for "S",
12 as she had prepared what's called a Quarterly Case Report
13 for "S", dated 17 November of 1977.

14
15 Now, as for "S"s placement at the Katanning hostel,
16 there is a handwritten note on his file that provides some
17 information with respect to that. Now, that one page note,
18 sir, has been barcoded with the number 0405. And it's been
19 written by a person with the first name Mavis, and it's
20 dated 16 April '82, and it reads like this, "Re" - then it
21 gives "S"s full name:

22
23 Grey Searle (Admissions Officer -
24 Bridgewater) is not happy about --

25
26 And then again I will just refer to the name as "S":

27
28 -- going there at this point and suggested
29 placing him as a boarder at Katanning
30 hostel (St Andrew's).

31
32 Enquiries to Dennis McKenna were made, and
33 he is willing to have "S". There will be
34 one vacancy at the beginning of next term,
35 and he would need to know by 30th April if
36 possible.

37
38 A submission is required to C.E. for
39 permission to pay the boarding fee of \$800
40 per term, and justify this expenditure.
41 Bob Wilson knows all about it and asked if
42 you could give it priority. This action
43 was only decided on at 3.30 this afternoon,
44 so I have to leave it to you.

45
46 And it's written "Mavis, 16.4.84". And then there appears
47 to be handwriting in another person's hand underneath that,

1 "How long at hostel?" And then alongside that, "One term,
2 two years." Then underneath that, "Reason For Placement":

- 3
4 (1) behavioural problems;
5 (2) other

6
7 So, sir, I would tender that barcoded number 0405, please.

8
9 EXHIBIT #24 HANDWRITTEN FILE NOTE OF MAVIS BARCODED 0405

10
11 MR URQUHART: Now, the next relevant document in "S"s file
12 is the one that the Inquiry has given the barcode number
13 0403. Again, a handwritten note which reads:

14
15 18/6/82. Issued LPO to Katanning High
16 School for books and fees.
17 21/6/82. Spoke with Dennis McKenna,
18 Manager of St Andrew's Hostel.

19
20 Again the name. We'll simply refer to that as "S":

21
22 -- settled in quickly. No problems as yet
23 re discipline - went on hostel camp to the
24 Stirlings and climbed Bluff Knoll.

25
26 So, sir, I tender that.

27
28 EXHIBIT #25 HANDWRITTEN FILENOTE BARCODED 0403

29
30 MR URQUHART: Now, the next relevant correspondence is a
31 letter dated 31 December 1982. It has been barcoded 0414.
32 It's a letter by Ms Crowley. It's one page. I'll read it
33 out in full. It's addressed to:

34
35 Chief of Welfare Services,
36 Dept. for Community Welfare,
37 81 St George's Terrace
38 PERTH W.A. 6000

39
40 That appears at the top left-hand. On the right-hand side
41 is the address for the Gnowangerup Department of Child
42 Welfare Office:

43
44 P.O. Box 128,
45 GNOWANGERUP W.A. 6335

46
47 And the telephone number "098-271105". It then refers to a

1 file number, "587-55", which is the file number for "S".
2 Underneath that "E-14, Ms Crowley". Then it reads "Re" -
3 again it has "S"s name, "Dob 28/7/68". The letter reads:
4

5 Further to my submission of 21.4.82 (copy
6 attached).
7

8 Then it refers to another foster child that "S"s foster
9 parents had. That's not relevant to our matter, but it
10 continues:

11
12 "S" states he wants to keep his own
13 individuality and he does not really
14 understand the meaning of adoption - when
15 it was mentioned that "V" --
16

17 Reference to the foster family:

18
19 -- would like to adopt him - he asked,
20 'Where will I go?'

21
22 "S" was placed in St Andrew's Hostel,
23 Katanning, for the second and third terms
24 of 1982. He attended Katanning Senior High
25 School, Year 9. "S" returned home for all
26 long weekends and holidays. He settled in
27 well and attended hostel camps and other
28 activities. "S" needed a lot of pressure
29 to ensure that his hygiene was kept up to
30 standard but this is now acceptable. He
31 was also taking cash - a dollar or two - as
32 he said he did not have enough pocket money
33 left. This problem has now been sorted
34 out. Placement at the hostel proved
35 beneficial to both "S" and his foster
36 parents. "S" learnt to be more independent
37 of his family, and to obey rules laid down
38 for the community's good.
39

40 There's a reference then to the foster parents:

41
42 -- found that "S"s behaviour at home was
43 more acceptable and that he accepted
44 discipline more readily.
45

46 Mr Dennis McKenna, the hostel manager has
47 indicated that there will be a placement

1 available for 1983 and would like to
2 continue to help with "S"s behavioural
3 problem.

4
5 1983 will be "S"s last year at school as it
6 is doubtful that he will continue in Year
7 11, as he does not have the academic
8 ability.

9
10 "S"s foster father is then named:

11
12 -- has obtained work in Papua New Guinea,
13 upgrading airstrips --

14
15 And there's a reference to "S"s foster mother "and" - and a
16 reference to the name of the other foster child:

17
18 -- will be going with him. Arrangements
19 have been made for "S" to go to --

20
21 And there's a reference to the foster parent's relative,
22 "for weekends and holidays". And there's a further
23 description of how that person is related to "S"s foster
24 parents. And it continues:

25
26 Please could payment of boarding fees for
27 1983 at St Andrew's Hostel, Katanning, be
28 approved. The fees will remain at \$800 per
29 term.

30
31 It's been signed:

32
33 FE Crowley,
34 District Officer,
35 31/12 /1982.

36
37 So, sir, I tender now that barcode numbered document 0414.

38
39 EXHIBIT #26 LETTER BY FE CROWLEY, DISTRICT OFFICER, DATED
40 31/12/1982, BARCODED 0414

41
42 MR URQUHART: I have referred to a Quarterly Case Report
43 before, and the last Quarterly Case Report by Ms Crowley
44 for "S" was dated 24 January 1983 - so a little over three
45 weeks after the date of this letter. Going back to Ms
46 Crowley's personnel file, it can be ascertained that she
47 was transferred to the Albany Divisional Office of the

1 Department of Child Welfare as a District Officer on 14
2 February 1983.

3
4 Then from "S"s file it is evident from the
5 documentation that by 18 February 1983, Mr Sam Namour - and
6 his full name is Samuel Joseph Namour, who was the OIC of
7 the Gnowangerup Child Welfare Office had become "S"s case
8 officer, replacing Ms Crowley.

9
10 Now, sir, these dates are important because if we were
11 to refer back to "S"s statement dated 29 February of this
12 year, he alleges there were two occasions in which Dennis
13 McKenna sexually abused him. The first was a public
14 holiday in 1982, after his birthday, and his birthday was
15 28 July. Now, the only public holiday in Western Australia
16 after 28 July is the Queen's Birthday, and that almost
17 always is the first weekend in October.

18
19 The second occasion in which - or the second weekend
20 that "S" alleges he was sexually abused by Dennis McKenna
21 was on another long weekend after May 1983. And that is
22 the month of the release of a movie that he watched on
23 video, the 'Star Wars' movie, with Dennis McKenna. He
24 states that Dennis McKenna obtained a pirate video of that
25 on an overseas trip.

26
27 And "S" has also said that that weekend was another
28 long weekend, and it was the last long weekend that he
29 stayed at the hostel in 1983, before he left. And we do
30 know from other records that he left at the end of the last
31 term of 1983. Once again, that would indicate, if he's
32 correct, that that would be the Queen's Birthday long
33 weekend, conducted in the beginning of October of every
34 year - at least here in Western Australia.

35
36 Now, his recollection is that it was about two weeks
37 before his birthday on 28 July 1983 that he had his last
38 visit from Ms Crowley. That's when he says he believed he
39 told her something that - to the effect that Dennis McKenna
40 had done something bad with him. But as of July 1983, Ms
41 Crowley was no longer "S"s case officer. There is, upon a
42 search of "S"s file, no filenote in her hand, or anyone's
43 hand, detailing such a complaint - either a filenote dated
44 July 1983, or any time prior to that. Her last
45 correspondence on the file was exhibit 26, barcode number
46 0414, which was the letter to the Chief of Welfare Services
47 on 31 December 1982. I've read that into evidence. There

1 is no mention of a complaint made by "S" regarding Dennis
2 McKenna doing something bad to him.

3
4 HIS HONOUR: You said there's also the last Quarterly Case
5 Report from her on 24 January 1983.

6
7 MR URQUHART: I'm going to get to that as well.

8
9 HIS HONOUR: I beg your pardon, I'm sorry, I'm
10 anticipating you.

11
12 MR URQUHART: Yes, and I don't think I've provided your
13 Honour with a copy of this, but upon reflection now, this
14 should also be tendered. It's barcode 0413. I think your
15 Honour's been provided a copy now, with your ever helpful
16 associate, and it there reads - the title is 'Quarterly
17 Case Report". It seems to be the standard report that's
18 prepared for children who are wards of the state.

19
20 And it gives the personal details of "S", and also
21 indicates the date of the last report, being 1 October
22 1981, and is dated 24 January 1983, which might beg the
23 question, sir, as to whether a Quarterly Case Report meant
24 that it was supposed to be a report prepared quarterly for
25 a year, and in that case one would think there would be
26 four in any one year; but it appears on this occasion the
27 date of the last report was 1 October 1981. But in any
28 event, underneath the heading "Report", which reads:

29
30 (This must include all significant
31 developments since previous report.
32 Indicate if proceeding in accordance with
33 plan or otherwise. Social, psychological,
34 medical, educational and economic factors
35 to be included).

36
37 Medical (Wards Only) - Will the Department
38 be responsible for substantial medical
39 expenses in the near future?

40
41 It would appear that one is supposed to either tick or
42 cross out or circle "Yes" or "No", but that's not been done
43 here. Sir, before I read the body of the report, it's been
44 typed out. The officer writing the report - there is just
45 a signature, but that signature is consistent with the
46 signatures of Frances Crowley that appear elsewhere in the
47 file. As I said before, the date is 24.1.83. It reads:

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"S" had been causing problems in the foster home. His foster parents were --

I should say that should be "S":

"S" had been causing problems in the foster home. His foster parents reported that he was lying - stealing from the home i.e. money from purses - food from the refrigerator. Foster parents were concerned that discipline did not seem to affect him.

"S" was seen by --

Then there's a doctor name:

-- Child Guidance Clinic and it was felt that placement away from the --

And it refers to the surname of the foster parents:

-- for the term time would help in assessing behaviour problems without cutting off contact with the --

And there's a reference to the foster parents:

-- or making "S" feel that he'd been deserted by them. Accordingly, permission was obtained for "S" to go to St Andrew's Hostel in Katanning as a boarder. This has worked out successfully with "S" returning home for long weekends and holidays. "S" has learnt to be more independent of the family and of their rules laid down. He is accepting discipline more readily and the --

Reference to the foster parents:

-- are finding his behaviour more acceptable.

A request for payment of hostel fees for 1983 has been submitted, and it is hoped

1 will be approved.
2
3 And it refers by name to the foster parents:
4
5 -- will be going to Papua New Guinea in
6 Feb/March 1983. "S" will then holiday
7 with --
8
9 And then there's a reference to a relative of the foster
10 parents:
11
12 "S" is due to finish school in November
13 1983, and he will then have to apply
14 himself to looking for a job.
15
16 And that's the end of the report, and so I now tender that
17 barcoded number 0413 document, please.
18
19 EXHIBIT #27 QUARTERLY CASE REPORT DATED 24/1/1983, AND
20 BARCODED 0413
21
22 HIS HONOUR: Now, you did say earlier that was the last
23 Quarterly Case Report on "S"s file with the department.
24
25 MR URQUHART: Yes.
26
27 HIS HONOUR: He has said that after Ms Crowley ceased to
28 be his case officer he received no further visits from any
29 case officer. Does the file confirm that?
30
31 MR URQUHART: Yes, it does, sir. And I was going to get
32 to that.
33
34 HIS HONOUR: You're going to be coming to that. I'm
35 sorry, right. Very good.
36
37 MR URQUHART: At least that indicates that I'm on the
38 right track here, sir. I do make the observation though,
39 that the contents of that Quarterly Case Report is very
40 similar to the contents of the letter that was written on
41 31 December 1982.
42
43 HIS HONOUR: So it doesn't necessarily signify a further
44 visit.
45
46 MR URQUHART: No.
47

1 HIS HONOUR: No.
2
3 MR URQUHART: No, it doesn't. So, as I said, sir, there's
4 no file note detailing anything that's been written by Ms
5 Crowley with respect to the complaint that "S" recalls
6 making to her on her last visit, and it would seem that her
7 last visit had to have been some time prior to her going to
8 Albany in February, and logically some time while school
9 was still in session, and that would be some time in 1982.
10
11 HIS HONOUR: Well, "S" says he's visited by her two weeks
12 prior to his birthday in July 1983.
13
14 MR URQUHART: 28 July 1983. There is a possible
15 connection for that date as well, which may be a
16 coincidence or may be something more, which I'll come to in
17 a moment.
18
19 HIS HONOUR: At that time, up until 1982, Ms Crowley had
20 been his case officer since 1977.
21
22 MR URQUHART: 1977.
23
24 HIS HONOUR: So it's quite a long period.
25
26 MR URQUHART: Yes, it was.
27
28 HIS HONOUR: And Katanning was within easy reach of
29 Albany. Does it leave open the possibility she didn't
30 visit him?
31
32 MR URQUHART: I'd say that, sir; yes, exactly, but I can
33 address that now. I was going to do that at some stage.
34
35 HIS HONOUR: No, well, you keep on going, yes.
36
37 MR URQUHART: First, I was going to make the observation,
38 sir, that's not to say because there's no filenote - it's
39 not to say she wasn't told anything by "S". Her notes may
40 have been mislaid. However, if she was told something by
41 "S" before she was transferred to Albany, that amounted to
42 an allegation of ill-treatment by someone - by, for
43 example, Dennis McKenna - and if she did believe "S", then
44 it would arguably be inconsistent for her to write in her
45 letter dated 31 December '82 to the Chief of Welfare
46 Services:
47

1 Placement at the hostel proved beneficial
2 both to "S" and his foster parents.

3
4 Again, similar sentiments are expressed in exhibit 27 with
5 that Quarterly Case Report dated 21 January 1983. I was
6 going on to say it's not out of the question that she may
7 well have visited "S" in or around July 1983 because, as
8 your Honour had already noted, she had been his case
9 officer for some considerable period of time, and some
10 rapport may well have been established.

11
12 However, again, it has to be said that will - ought to
13 have been, in the ordinary course of things, some notation
14 made of a complaint such as the one that "S" was saying
15 that he made to her at her last visit, because it is
16 something of significance, even though he didn't express it
17 clearly as being of sexual abuse. By his account he
18 certainly indicated to her that he would have told her it
19 was something bad that was happening to him.

20
21 Now, sir, Mr Humphries has been reinterviewed since
22 his evidence on 20 February. It might be appropriate now
23 if we deal with that statement before I go on to an
24 examination of "S"s file from February 1983 onwards. Mr
25 Humphries has provided a second signed statement to the
26 Inquiry, which is dated 18 March of this year. I do
27 propose now to read that statement in.

28
29 Statement of Brian Ross Humphries:

30
31 I, Brian Ross Humphries, of Albany in the
32 State of Western Australia, state as
33 follows:

34
35 I am 78 years old, a retired Department of
36 Child Protection employee and I reside in
37 Albany.

38
39 I gave sworn testimony to the St Andrews
40 Hostel --

41
42 And it should read Inquiry:

43
44 -- on 20 February 2012 at Perth before His
45 Honour Mr Blaxell.

46
47 A summary of my evidence regarding the

1 politician whose name I wrote down on 20
2 February 2012 is that I travelled to
3 Katanning to investigate allegations of
4 ill-treatment of a child at the Katanning
5 Hostel and I was instructed to cease
6 investigating the allegation.

7
8 The supervisor told me this instruction had
9 come from Perth and that a politician was
10 involved in the issue of the instruction.

11
12 On 20 February 2012 I wrote down the name
13 of the politician who allegedly was
14 involved in stopping inquiries at the
15 Hostel. The name I wrote down was "Logan".
16 At the time the supervisor told me that
17 name I recognised it as belonging to what I
18 would call a well-known politician. I did
19 not connect the name to my Department
20 though.

21
22 Since giving evidence I have given a great
23 deal of thought to the issues raised. I am
24 not confident of the time previously stated
25 by me, which was the early 1980s. After
26 giving the matter some thought I believe
27 this incident could have occurred between
28 the late 1970s and early 1980s. The
29 passage of time has affected my
30 recollection of when this occurred.

31
32 Since giving evidence I have been asked
33 again about which supervisor gave me the
34 message to cease inquiries. Prior to a
35 Social Work Supervisor being based in
36 Albany in the late 1970s my supervisor was
37 Peter Varga, who was based in Bunbury.

38
39 The call I had in which I was instructed to
40 cease investigating was with the Albany
41 office. My recollection is that the task
42 did not originate from Bunbury and nor did
43 the subsequent call telling me to cease
44 investigations.

45
46 My first supervisor at Albany was a man
47 named Ted Mildern. He arrived at Albany in

1 late 1979 and left in 1982. I got on well
2 with Ted and thought he was a decent man
3 and good worker. I have been asked if Ted
4 Mildern issued the instruction regarding
5 the Katanning Hostel and I cannot say that
6 he did or he did not. I simply cannot
7 recall if it was Ted Mildern or not.
8

9 The next supervisor at Albany after Ted
10 Mildern left was a relieving officer named
11 Robert Wilson. His nickname was "Rowdy"
12 because he - it should read 'was' - so
13 quiet. I have been asked if Robert Wilson
14 issued the instruction regarding the
15 Katanning Hostel and I cannot say that he
16 did or he did not. I simply cannot recall
17 if it was Robert Wilson or not.
18

19 Bill Howell took over from Robert Wilson
20 and - then the word should appear 'was' -
21 supervisor for a couple of years. There
22 were things that Bill Howell did and ways
23 that he operated that I did not agree with.
24 Mr Howell was not the supervisor who I
25 spoke with regarding the Katanning Hostel.
26 If Bill Howell had given me that
27 instruction I probably would have gone
28 against his instruction.
29

30 On 20 February 2012 I gave evidence as to
31 why I would have been tasked to travel from
32 Albany to Katanning for a job at the
33 Hostel. I gave several reasons. In those
34 days I could have been sent out to
35 Katanning for any number of reasons,
36 including that the complainant might have
37 been a Ward of the State. I am not saying
38 that in this instance it was a Ward of the
39 State though; it is just another possible
40 reason for me being given the task.
41

42 Being a Divisional Officer meant that I
43 could be given any task in the Gnowangerup,
44 Katanning or Albany districts. I had a lot
45 of experience and often was tasked to do
46 jobs in the other towns despite the
47 presence of one of our officers there.

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Then the standard declaration appears, which reads:

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

That is dated the 18th day of March 2012. It has been signed by Brian Ross Humphries.

HIS HONOUR: At any stage you would like a brief break to rest your voice you can have one. We can keep going, if you wish.

MR URQUHART: I will keep going for a little longer, sir. I may have a break at an appropriate time.

Now, before I go on back to the "S" file for the documents there from 1983 I will just briefly say that lines of inquiry have been undertaken with respect to the social work supervisors named by Mr Humphries in that statement, namely Peter Varga, Ted Mildern, Robert Wilson and Bill Howell. But, as I said, before I outline what the Inquiry's investigations have uncovered there, it is best to see the contact that Mr Namour had with "S" and the Katanning hostel in 1983, which was "S"s second year and last year at the hostel.

Unfortunately, Samuel Namour has also died. The police service was unable to provide a precise date as to his death, but it was confirmed that Samuel Joseph Namour, date of birth 23rd of August 1940 of an address in Morley was deceased. The police also advised that the fact that his motor driver's licence expired in 2001 suggests that that death was more than 11 years ago.

Now an examination of "S"s file from the Department of Child Welfare has revealed the following: "S"s assertion that Mr Namour never visited him in 1983 appears correct. There is nothing on the file to suggest that Mr Namour ever visited "S" from February 1983 to November 1983 when "S" finished his schooling at the Katanning high school.

1 Documents do, however, suggest that Mr Namour visited
2 the hostel on one occasion and met with Dennis McKenna, but
3 there is no notation that he met with "S".
4

5 Before I detail something about that visit, the
6 Inquiry has searched documents beyond the Department For
7 Child Protection files and also looked at minutes of
8 Katanning hostel board meetings for the relevant time. In
9 fact, for the time throughout 1975 through to 1990. There
10 are some minutes of a board meeting that appear relevant
11 here, and they are dated 20 July 1983. Are relevant not
12 only because of the contents of the minutes but also the
13 fact that this was eight days before "S"s birthday, in
14 which he says it was the birthday about two weeks after he
15 had spoken to Ms Crowley. These minutes, sir, have been
16 barcoded 0417. They are typewritten minutes of the board
17 meeting of the Katanning hostel board, which were heard at
18 the hostel on the 20th of July 1983. It lists those who
19 are present, Messrs Harris, Johnston, McKenna, who was
20 Dennis McKenna, Parks, Renk, Robertson and Wilkinson.
21 There are apologies from Messrs Peacock and Sewell. It is
22 evident from the Inquiry's investigations that there will
23 always be a warden's report presented at a board's meeting.
24 This meeting was no exception. Underneath the heading
25 "Warden's Report" it reads:
26

27 (Copy on file) Resolved on the motion of
28 Mr Wilkinson, seconded by Mr Harris, the
29 boys - then there is a surname of a boy who
30 is irrelevant for this inquiry - and "S"
31 will have to leave; parents to be advised
32 accordingly. Report accepted on the motion
33 of Mr Wilkinson, seconded by Mr Harris.
34

35 We do have a copy of the warden's report that is referred
36 to and was attached to these minutes. That is titled "St
37 Andrews Hostel Katanning". It does not have a separate
38 barcode number. It is part of the barcode 0417. It reads:
39

40 St Andrews Hostel Katanning, Warden's
41 Report 20th of July 1983.
42

43 Underneath the heading "Students" are two names of boys
44 that are mentioned, which are the same names that are
45 referred to in the minutes. The name of another boy, year
46 8 and "S", year 10, "are causing problems. Both have
47 psychological and behaviour problems with their home life

1 which are the main reasons for their erratic behaviour."
2

3 There is also written in hand an arrow from "S"s name
4 which ends with a question mark and handwritten there is
5 "stealing at school". We have not been able to ascertain
6 whose handwriting that is. But, as I mentioned a moment
7 ago, the date of this meeting is 20 July 1983, as is the
8 date of the warden's report. Coincidentally or otherwise,
9 it is about the time that "S" says he had a conversation
10 with Ms Crowley in which he believes he says Dennis McKenna
11 was doing bad things to him.
12

13 I will just quote again from the relevant portion of
14 his statement. It says that this conversation "was about
15 two weeks before my birthday, which was on 28 July 1983".
16

17 No doubt your Honour will recall evidence that has
18 been given at this Inquiry already about the fact that
19 Dennis McKenna would make up false allegations of students
20 stealing and that being the reason for their expulsion.
21 Having said that, it has to be accepted, it would appear,
22 that Ms Crowley noted that "S" was stealing at the hostel
23 from time to time. One explanation for that may well be
24 the fact that there were ongoing problems with him being
25 forwarded the pocket money that he was entitled to, but
26 also "S" in his statement that he made on 29 February this
27 year also gave an account of where he stole from the tills
28 that were hidden underneath Dennis McKenna's bed. Unlike
29 those other examples that we have heard, there may have
30 been some substance to a suggestion that "S" would have to
31 leave the hostel.
32

33 HIS HONOUR: It is effectively a resolution expelling him
34 from the hostel as at 20 July 1983.
35

36 MR URQUHART: Yes, there was. But notwithstanding that
37 these minutes reflect the fact that the board had resolved,
38 it seems, that he would have to leave, Dennis McKenna has
39 written a letter dated 2 August 1983. I will tender those
40 board minutes of 20 July 1983, which includes the attached
41 copy of the warden's report of the same date.
42

43 HIS HONOUR: That is exhibit 28.
44

45 EXHIBIT #28 DOCUMENT BARCODED 0417 BOARD MINUTES DATED
46 20/7/1983 WITH ATTACHED COPY OF THE WARDEN'S NOTES
47

1 MR URQUHART: This next document is barcoded 0410. It is
2 a letter that Dennis McKenna, in his capacity as warden of
3 the Katanning hostel, has sent to the Officer in Charge of
4 the Community Welfare Department, as he describes it,
5 Gnowangerup. It is dated 2 August 1983. The officer in
6 charge of the Child Welfare Department at the relevant time
7 was Samuel Namour. This letter is on the St Andrew's
8 letterhead. It is dated 2 August 1983. It is addressed to
9 "Officer-in-charge. Community Welfare Dept, Gnowangerup,
10 6335. Dear Sir" the title is "re:" And it has "S"s name.
11

12 We are very concerned with "S"s behaviour
13 of late, he has on four occasions stolen
14 either money or items that belong to
15 others.
16

17 His parents are now out of the country and
18 we wish to advise you that he will be given
19 no further concessions. If "S" commits any
20 further breaches of our rules he will
21 immediately be expelled without further
22 warning.
23

24 This Hostel caters for normal adjusted
25 children and we are" - it reads "no" but it
26 should read "not" - equipped to handle
27 children requiring special guidance. Yours
28 sincerely.
29

30 The signature then appears above "D McKenna, Warden".
31

32 So 13 days after it was resolved at the board meeting
33 that "S" would have to leave, Dennis McKenna sends a letter
34 to "S"s case officer advising him that he would be given a
35 further chance, it would seem, notwithstanding the fact
36 that he has been stealing money and other items belonging
37 to others.
38

39 There is some handwritten notations in the bottom half
40 of that one-page letter. It reads this: "Visited
41 Mr McKenna with SWS. Situation is okay now." Then there is
42 some initials.
43

44 An examination of those initials with an examination
45 of signatures of Mr Namour's on the file, it would appear
46 it is very consistent with the start of his signature.
47 Putting two and two together, it would suggest that it was

1 Mr Namour who visited Mr McKenna with the SWS. Now "SWS",
2 as I have indicated before, sir, is an abbreviation for
3 "Social Work Supervisor". Although this handwritten note
4 is undated it would have to be after 8 August 1983, which
5 is the stamp from the Department For Community Welfare
6 Gnowangerup, which is stamped on the letter which suggests
7 when they received that letter, which is dated 2 August
8 1983. I will tend now that document, sir.

9
10 HIS HONOUR: That is exhibit 29.

11
12 EXHIBIT #29 DOCUMENT BARCODED 0410, LETTER THAT DENNIS
13 MCKENNA SENT TO THE OFFICER-IN-CHARGE OF THE COMMUNITY
14 WELFARE DEPARTMENT, GNOWANGERUP DATED 2 AUGUST 1983

15
16 MR URQUHART: I will take up that offer of a break, sir;
17 about five minutes if I may, because we have come to an
18 appropriate junction. I do wish though, to tender and
19 refer to one further document on "S"s file, not so much
20 because of the document itself but rather the handwritten
21 notation that appears below it. It is barcoded number
22 0409. This is an indication of how long ago this actually
23 was. It is a telex that was sent to Mr Namour at the
24 Gnowangerup office. It is clearly from another section of
25 his department because it concerns the processing of a
26 third term pocket money for "S". This telex is dated 6
27 October 1983.

28
29 What is of interest to the Inquiry is again some
30 handwritten notations that appear underneath that telex.
31 It is handwriting again, sir, which is consistent with
32 Mr Namour's. It is a little difficult to read, but it
33 would seem that it reads this - the first line it is just
34 two words "lay charges". The next line reads "two children
35 have hit" and there is a reference to "S"s first name but
36 we will just describe that as "S". Then there is a line
37 underneath that which appears to read this: "Virtually
38 accused of stealing glasses". Then there is another line
39 underneath that and it reads "Mr McKenna". Then in
40 brackets another name "Mr Maddock".

41
42 Now, to date the Inquiry has not been able to
43 ascertain who Mr Maddock is and what connection he might
44 have with these notes that have been written. They are
45 just clearly brief notes. What the Inquiry has done has
46 made a search of the Katanning Police Station's occurrence
47 books from July of 1983 to November of 1983. Just very

1 briefly, a description of what an "occurrence book" is,
2 that is a book kept, or at least back then, of police
3 station records that would record matters that have been
4 investigated and whether any charges have been laid. So if
5 there were to be charges laid over this matter one would
6 expect there to be a note of that in the local police
7 station's occurrence book. So a search has been undertaken
8 from July 1983 through to November of 1983, which is the
9 last month "S" was at school at Katanning, but there is no
10 reference to charges of this nature.

11

12 Sir, I will tender that document, please.

13

14 HIS HONOUR: That is exhibit 30.

15

16 EXHIBIT #30 DOCUMENT BARCODED NUMBER 0409. THAT SENT TO
17 MR NAMOUR AT THE GNOWANGERUP OFFICE, CONCERNING THE
18 PROCESSING OF A THIRD TERM POCKET MONEY FOR "S" DATED 6
19 OCTOBER 1983

20

21 MR URQUHART: That might be a convenient time. After the
22 break we will have a look at the inquiries that the Inquiry
23 has undertaken with respect to those who may have been
24 social work supervisors at the relevant time.

25

26 HIS HONOUR: We will break for five minutes.

27

28 SHORT ADJOURNMENT

29

30 HIS HONOUR: Yes, Mr Urquhart?

31

32 MR URQUHART: Yes, thank you, sir. I was now going to
33 outline the investigations undertaken by the Inquiry with
34 respect to the social work supervisors from the late 1970s
35 to the early 1980s. Dealing first with Peter Varga. He
36 was the south-west social work supervisor when it was
37 located in Bunbury. He held that position until December
38 1979. However, sir, WA Police have advised the Inquiry
39 that Mr Varga died on 10 March 2010. So just a little over
40 two years ago now.

41

42 Mr Humphries, however, has said in his statement dated
43 18 March of this year that the call he received was not a
44 supervisor calling from the Bunbury office. If that is
45 correct, then that would exclude Mr Varga playing a role in
46 this matter.

47

1 Another name mentioned by Mr Humphries is Ted or
2 Edward Mildern. He became the social work supervisor for
3 the Great Southern Division based in Albany as of, as I
4 understand it, 18 December of 1979. That is a position
5 that he held until 29 January of 1982.

6
7 That information has been obtained from his personnel
8 file which was provided to the Inquiry by the Department
9 For Child Protection. Now, sir, Mr Mildern has actually
10 been present in the hearing room during the matters raised
11 this morning and he is actually going to testify himself.
12 Mr Dobson will be asking questions of him on behalf of the
13 Inquiry. I will move to one side and if Edward Mildern
14 could be called to the witness box.

15
16 HIS HONOUR: Yes. Mr Mildern, if you could come forward,
17 please.

18
19 <EDWARD JOHN MILDERN, affirmed:

20
21 <EXAMINATION-IN-CHIEF BY MR DOBSON:

22
23 MR DOBSON: Q. Your full name is Edward John Mildern?

24 A. Yes.

25
26 MR DOBSON: Just for the transcript, your Honour, that is
27 M-I-L-D-E-R-N-E.

28
29 Q. You are 66 years old, retired and you live at an
30 address in Perth known to the Inquiry?

31 A. Yes.

32
33 Q. What I propose to do now, Mr Mildern, is take you
34 through some of your service in the Department of Child
35 Welfare. I understand you were previously employed there?

36 A. Yes.

37
38 Q. It will do with some of your postings and times and
39 dates and also touch on the structure of the organisation.

40 A. Yes.

41
42 Q. So if you could listen please. If I say anything that
43 is incorrect, perhaps you could stop me and we could clear
44 it up. You joined the then Child Welfare Department in
45 1965?

46 A. Yes.

47

1 Q. At about 30 December 1971 you were granted a
2 traineeship in social work at the University of Western
3 Australia?
4 A. Yes.
5
6 Q. In 1974 you completed a Master of Social Work and on
7 23 October you were promoted to social worker; is that
8 correct?
9 A. Yes.
10
11 Q. I understand you transferred to the Geraldton office -
12 I will call it the Child - is it the Child Welfare
13 Department, CWD; do you call it that?
14 A. No --
15
16 HIS HONOUR: We will call it the CWD. Everyone knows what
17 that means. It changed its name from time to time.
18
19 THE WITNESS: I think it was after the amalgamation so it
20 was called something else.
21
22 MR DOBSON: Q. DCW, Department of Child Welfare?
23 A. Something like that. I think it was called Community
24 Welfare at that time.
25
26 Q. Either way, in December 1974 you transferred to the
27 Geraldton office?
28 A. Yes.
29
30 Q. Worked there until about August 1985?
31 A. Yes.
32
33 HIS HONOUR: 1975 or 1985?
34
35 MR DOBSON: August 1975, sir.
36
37 Q. In August 1975 you were promoted to Social Work
38 Supervisor and returned to Perth to work at a place named
39 the Parents Health Centre; is that correct?
40 A. Yes.
41
42 Q. You relieved in Bunbury from about October through to
43 December 1978?
44 A. Yes.
45
46 Q. You have heard the name already, Mr Urquhart mentioned
47 the name of Mr Peter Varga.

1 A. Yes.
2
3 Q. Was he at that Bunbury office during your period, is
4 that the reason why you relieved; he was the Social Work
5 Supervisor at Bunbury then?
6 A. Yes, he was and I relieved him.
7
8 Q. It could simply be that he went on leave or he was off
9 relieving elsewhere, something like that?
10 A. I think he was on holiday.
11
12 Q. Annual leave, okay. That period of relief at Bunbury
13 was October to December 1978?
14 A. Yes.
15
16 Q. On 18 December 1979 you transferred to the Great
17 Southern Division as Social Work Supervisor?
18 A. Yes.
19
20 Q. You were based in Albany?
21 A. Yes.
22
23 Q. Did that mean working and living in Albany?
24 A. Yes.
25
26 Q. Do you recall the number of staff you had
27 responsibility for at Albany?
28 A. I think approximately four field staff and about three
29 clerical staff at Albany.
30
31 Q. At Gnowangerup?
32 A. Either one or two field staff and an Aboriginal
33 welfare aide and a clerical member.
34
35 Q. And Katanning?
36 A. Katanning there were two field staff and I think
37 either two or three clerical staff.
38
39 Q. Is it a fair description to say that the Great
40 Southern Division comprised the district offices of Albany,
41 Gnowangerup and Katanning?
42 A. And Narrogin.
43
44 Q. You were responsible for Gnowangerup and Katanning,
45 were you?
46 A. And Narrogin, yes.
47

1 Q. Moving on from there, while you were permanently
2 posted to Albany did you also act as Senior Supervisor of
3 South from about 14 February 1981 until 8 January 1982?

4 A. Yes.

5

6 Q. You ceased duties as the Social Work Supervisor at
7 Albany on 29 January 1982 and then transferred to
8 Fremantle?

9 A. Yes.

10

11 Q. You worked there as the Social Work Supervisor?

12 A. Yes.

13

14 Q. At the time you left Albany do you recall that a man
15 named Robert Wilson was working at the Albany office?

16 A. Yes.

17

18 Q. Are you able to say from your recollection now whether
19 or not he may have acted as Social Work Supervisor at the
20 time you left?

21 A. Yes. I think he acted from the time I left until Bill
22 Howell arrived I think later that year.

23

24 Q. We will return to that in a short period. From when
25 you transferred to Fremantle did you then act as Senior
26 Supervisor Metropolitan in about March 1982?

27 A. Yes.

28

29 Q. You were promoted to Senior Social Work Supervisor on
30 20 January 1983?

31 A. Metro, yes.

32

33 Q. Then again a promotion to Principal Social Worker on
34 25 November 1983?

35 A. Yes.

36

37 Q. Did you also act as Chief of Welfare Services from
38 December 1983 through to January 1984?

39 A. Yes.

40

41 Q. It looks like another period of acting as Chief of
42 Welfare Services from January to February 1985?

43 A. Yes.

44

45 Q. I understand the title "Chief of Welfare Services" was
46 changed to "Regional Director Metropolitan North"?

47 A. Position of Chief of Welfare Services was abolished in

1 the restructure and then there is a number of regional
2 directors. Regional Director North was one and I acted in
3 that position as well.
4
5 Q. That was in about April to July 1985?
6 A. Yes.
7
8 Q. Then on 4 July 1985 you were promoted to Principal
9 Social Worker?
10 A. Yes.
11
12 Q. Subsequently you also acted as a director of North
13 Metropolitan from about November to December 1986?
14 A. Yes.
15
16 Q. And retired from the service in 2001?
17 A. Yes. Roughly about that time.
18
19 Q. Are you aware of evidence given to the hostel inquiry
20 by a person named Brian Humphries?
21 A. Yes, this morning.
22
23 Q. Do you personally know Brian Humphries?
24 A. Yes.
25
26 Q. How is that?
27 A. I knew him in my clerical days in Child Welfare when I
28 first joined in 1965. Known him right through until I
29 became his line manager in Albany in 1979 and I last saw
30 him about four years ago.
31
32 Q. All right, and when you say "line manager", you were
33 his immediate supervisor?
34 A. Yes.
35
36 Q. Are you able to briefly give a description of your
37 relationship with Mr Humphries while you were working
38 together at Albany?
39 A. Yes. Well respected and I had a lot of faith in Brian
40 in what he did.
41
42 Q. Did you ever have any concerns about the way he went
43 about his duties?
44 A. No, never.
45
46 Q. And have you been in the hearing room this morning and
47 heard Mr Urquhart mention the name Frances Crowley?

1 A. Yes.
2
3 Q. What was your relationship with her when you were
4 working at Albany?
5 A. Again I was her Social Work Supervisor. She was an
6 officer who --
7
8 Q. Sorry to stop you there.
9 A. Yes.
10
11 Q. Was she under your supervision at Gnowangerup or
12 Albany?
13 A. Gnowangerup.
14
15 Q. So you were based in Albany but you are her supervisor
16 and she is out working at the Gnowangerup office?
17 A. Yes, yes.
18
19 Q. All right, I interrupted you when you were about to
20 speak to her?
21 A. Yes, she was a longstanding officer. Was sometimes
22 known to - or prone to cut corners at times, which I didn't
23 approve.
24
25 Q. When you say "cut corners", was that to get the job
26 done sometimes in a quicker fashion?
27 A. It wasn't - I would describe it as not being as
28 meticulous as I was and many other people in recording.
29
30 Q. Sorry, in recording?
31 A. Yes, in recording, whether it is case notes, file
32 notes, admin or whatever it happened to be.
33
34 Q. Now that you mentioned the notes, it may be an
35 opportune time just to ask you, I have not had the benefit
36 of speaking with you previously but you have a view about
37 the detailing of inquiries, investigations and so forth and
38 note-taking?
39 A. Yes.
40
41 Q. Are you able to explain to the Special Inquiry what
42 your view is, please?
43 A. Okay. The information I was provided with about how
44 Brian Humphries was given a task to go and investigate a
45 complaint of either - of abuse of some sort, it doesn't
46 quite gel with my understanding of the proceedings at the
47 time. I don't doubt that Brian did that but how that

1 occurred, I don't know. The procedure would have been for
2 the local office, which would have been Katanning, for one
3 of the staff there to have proceeded with an investigation
4 if it was going to go ahead. If it was thought that they
5 may be a bit close, then a third person might have been -
6 another person might have been involved. Whether that
7 would be the Social Work Supervisor, him or herself from
8 Albany, or another officer to do that, but it wouldn't have
9 just been a lone officer, I don't think, from outside the
10 area which would have gone and done that. And even if it
11 had proceeded that way, there would also have to be records
12 of the investigation, whether it was called off or
13 whatever.

14
15 Q. That is the essential part that I wanted to focus on,
16 is the records?

17 A. Yes.

18

19 Q. In giving the evidence you have just gone through, are
20 you applying your standards and your procedures to what you
21 believe should have happened?

22 A. Yes.

23

24 Q. We will get on to other supervisors shortly. You have
25 been in the hearing room and heard mention that in mid 1983
26 Mr Howell was the Social Work Supervisor at Albany?

27 A. Yes.

28

29 Q. Do you have a view about his attitude towards
30 procedure and recordings?

31 A. I think it would be fair to say he was not as
32 meticulous as I am or was.

33

34 Q. In relation to Mr Humphries going out to Katanning,
35 you have heard the statement read into evidence this
36 morning where he says that due to his seniority and the
37 fact that it may have been a Ward of the State, that's one
38 reason why he may have been tasked to do that job?

39 A. Yes.

40

41 Q. Does that sound reasonable to you?

42 A. I don't doubt that that's probably what happened but
43 it would not be the way I would have handled it or worked
44 out a strategy to deal with it.

45

46 HIS HONOUR: Q. Can I just clarify something. Earlier
47 on you said that if there was a complaint about the

1 St Andrew's Hostel or emanating from the hostel --
2 A. Yes.
3
4
5 Q. -- you would expect it would go through the Katanning
6 office?
7 A. Yes.
8
9 Q. Now, taking the example of "S", if that's the
10 complaint that Mr Humphries was investigating, where the
11 complaints are made to an officer not based in Katanning,
12 what would happen then. Would the Katanning office be
13 consulted or not?
14 A. Yes, they would have been but they may not have done
15 the investigation either, depending upon the nature of the
16 complaint, and I would have thought, in the complaint, it
17 would have made it clear whether it was sexual abuse or
18 physical abuse, whether it was intrafamilial or not and
19 whether the department took a primary role in that
20 investigation or whether the police did.
21
22 Q. Can I ask you this. There is a lot of uncertainty
23 rounding this but if Ms Crowley had been "S"s case officer
24 since 1977 --
25 A. Yes.
26
27
28 Q. -- would you think that perhaps if such is transferred
29 to Albany she might have kept in contact with him or not?
30 A. Yes, I think she may have.
31
32 Q. And she might have visited him at the hostel?
33 A. I think so. She may have, yes.
34
35 Q. If, in fact, as "S" says, he made a complaint to her
36 which wasn't very specific but which might have been
37 reasonable to interpret it was a complaint about sexual
38 abuse, what would you have expected her to have done in
39 terms of who she would have told about it?
40 A. Expectation would be that the first person she would
41 probably tell would be the Social Work Supervisor in Albany
42 and at that stage a strategy would be worked out about how
43 it might be investigated as well, and also, because of the
44 volatility of something - or the anticipated volatility of
45 something like that, I at that stage would have also let my
46 line manager know, my supervisor know as well that things
47 could get very, very difficult and very sticky.

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Q. Would she have told the Katanning office of the department, do you think, or not?

A. May or may not have. May not.

HIS HONOUR: Yes?

MR DOBSON: Thank you, your. You just covered the next area.

HIS HONOUR: I'm sorry, I was jumping in.

MR DOBSON: No. Thank you your.

MR DOBSON: Q. I did mention that I was going to speak to you about the submission from Mr Urquhart, and his, about Ms Crowley. His has just covered that. Just moving on to one more aspect of that, if Mr Howell was the Social Work Supervisor and Ms Crowley - and again we are in an area of uncertainty but if Ms Crowley wanted to maintain a relationship with "S" --

A. Yes.

Q. -- and perhaps retain an interest in his welfare, would Mr Howell have condoned that, said "No" or do you have any other view?

A. I think he would have condoned it probably and let her retain case management, yes, and so on a formal basis it would occur as well.

Q. On an informal basis?

A. Both, a formal basis and informal, and whereby she would be thereby expected to also submit quarterly case reports.

HIS HONOUR: Q. Can I just ask you another question about that. Now, if that happened, the department's file on the boy was in Gnowangerup at all times, wasn't it?

A. No, if Fran Crowley had retained case management the file would have gone from Gnowangerup to Albany.

Q. Right, well the file itself shows a good deal of activity involving Mr Namour at Gnowangerup with fees being paid and so on which would suggest the file was with him at the material time?

A. Right, well that would also suggest that case management was not transferred to Fran Crowley when she

1 went to Albany.
2
3 MR DOBSON: Q. So in that sense she may have retained an
4 informal interest in the boy's welfare?
5 A. Yes. That's more likely.
6
7 HIS HONOUR: Q. If that did happen --
8 A. Yes.
9
10 Q. -- and she wasn't attached to the Gnowangerup office,
11 quite obviously she was based at Albany, what might have
12 happened to any notes she made of discussions with "S"?
13 A. Well they should have been placed --
14
15 Q. She didn't have the file?
16 A. What she should have done is made sure that any file
17 notes that she did make then went to Gnowangerup to go on
18 the file there.
19
20 MR DOBSON: Q. Just before I move on to Mr Humphries's
21 account of events when he got to Katanning, in relation to
22 the recording of information and you have called it a "file
23 note", could that be done either as a handwritten note or
24 you could type something out?
25 A. Yes, either.
26
27 Q. Would you expect that upon receiving a complaint,
28 would it be a normal course of action to write down the
29 time, date and place where you are when you receive it?
30 A. Yes.
31
32 Q. The name and address of the person you receive it
33 from?
34 A. Yes.
35
36 Q. And then you would try and perhaps not cover in great
37 detail but at least a synopsis that covered the main points
38 of the complaints?
39 A. Yes, you would - yes, and specifically the nature of
40 the complaint.
41
42 Q. And then action taken?
43 A. Action taken at that stage all depends upon who took
44 the complaint. It would then go into an investigation
45 mode, and depending upon the seriousness of it, whether or
46 not the Social Work Supervisor was actually involved, but
47 the nature of complaint - the nature of this, I should

1 think, the Social Work Supervisor would be involved.
2
3 Q. So if your own action was perhaps to pass on the
4 complaint, you might make a note of the time and date you
5 did that and simply say "Mr So and So advised". Would you
6 expect that to happen or --
7 A. No, what I would expect to happen is that the
8 complaint would be allocated to somebody to investigate and
9 that would happen, and whatever stage that would be, then
10 there would be a report made back on what actually
11 occurred, and now that - and depending upon the nature of
12 that whole thing, would also then determine where it was
13 filed, which would be in a number of places, but it
14 wouldn't just be forgotten.
15
16 Q. It seems that your attitude to that sort of activity,
17 that sort of note-taking, it was on a strict basis, that it
18 should be meticulous?
19 A. Yes. Because also, that would also be recorded in the
20 quarterly statistics from the division as well as a
21 complaint of abuse or whatever, and so there would need to
22 be another record of it so that you are not just making up
23 the numbers.
24
25 Q. Is it fair for me to put to you that it seems that
26 others may not have had such a meticulous approach to the
27 note-taking to file a recording?
28 A. Yes.
29
30 Q. Just while I finish up on this part about Ms Crowley,
31 she seems to have been replaced out at Gnowangerup by
32 Mr Namour?
33 A. Yes.
34
35 Q. Do you have a recollection of the relationship between
36 Ms Crowley and Mr Namour?
37 A. No, I don't.
38
39 Q. You have been in the hearing room this morning and you
40 have heard the account of events from Mr Humphries --
41 A. Yes.
42
43 Q. -- as to when he gets out to Katanning he makes a
44 phone call, he gets told to stop the inquiry --
45 A. Yes.
46
47 Q. -- the investigation and so on. Now, prior to this

1 morning, you weren't aware of the name of the politician?

2 A. No.

3

4 Q. Prior to coming into this hearing room, you weren't
5 told that name by any Inquiry staff member?

6 A. No.

7

8 Q. And you now know the name of the politician as Les
9 Logan

10 A. Yes.

11

12 Q. Did you have any working contact with Mr Logan while
13 you were in the department service?

14 A. No.

15

16 Q. As to the instruction, you have heard it said
17 Mr Humphries's account is that he was issued an instruction
18 by a Social Work Supervisor to cease the investigation?

19 A. Yes.

20

21 Q. As to that instruction, was that you?

22 A. No.

23

24 Q. Do you know the name of the supervisor who is said to
25 have done that?

26 A. No.

27

28 Q. You have already explained that you had a concern
29 about why Brian Humphries would be out there making
30 inquiries and you did have an initial reaction that
31 Katanning had staff?

32 A. Yes.

33

34 Q. Do you know who they were?

35 A. There were two social workers when I was there. Mario
36 Gallo. I've forgotten the other one.

37

38 Q. You had previously told me a lady's name?

39 A. I previously told you, yes. Melanie Bainbridge, and
40 prior to that there were two officers, I think, who either
41 left about the time I arrived in Albany.

42

43 Q. Mr Hancock and Mr Laffer?

44 A. That's right, they were there.

45

46 Q. And they were placed by Mr Gallo and Ms Bainbridge?

47 A. Yes.

1
2 Q. Do you have a view as to the work standards or
3 professionalism of, firstly, Mr Gallo?
4 A. Yes, I do. Very, very high.
5
6 Q. Ms Bainbridge?
7 A. The same, very high.
8
9 Q. Do you have a view as to if they had received a
10 complaint along the lines that Mr Humphries has told the
11 Inquiry --
12 A. Yes.
13
14 Q. -- how they would have handled it or recorded it?
15 A. Yes, they would have gone through correct procedures
16 and stuff. In my time when they were there they would have
17 certainly contacted me straightaway.
18
19 Q. We have already spoken that if the complaint came to
20 the attention of the Albany office, it is not out of the
21 question that it could have been given to Mr Humphries
22 because there's a Ward of the State involved. You have
23 already said that?
24 A. No, it's not out of the question at all. It would be
25 unusual and I certainly wouldn't have done it that way but
26 it's possible.
27
28 Q. But having said that, you are aware that Mr Howell was
29 the Social Work Supervisor at the relevant time and you
30 have already told us his view?
31 A. Yes.
32
33 Q. If I may finish up, Mr Humphries was under your
34 supervision. He was known as a Senior Divisional Officer?
35 A. I think that was his title.
36
37 Q. His job title?
38 A. Yes, I think it was, yes. I'm not sure.
39
40 Q. Does that mean he could undertake tasks in any part of
41 the division?
42 A. Yes.
43
44 Q. Again it is not unusual he could get tasked to go to
45 Gnowangerup?
46 A. Yes.
47

1 Q. Katanning?
2 A. Yes.
3
4 Q. So he didn't just have to operate within the Albany
5 town side?
6 A. No, no, no. So as far south as Narrogin, actually -
7 sorry, as far north as Narrogin.
8
9 Q. And at that time, we are talking about mid July 1983
10 or thereabouts, did the Social Work Supervisor at Albany
11 report to someone?
12 A. Yes, at that stage would have reported to the Senior
13 Social Work Supervisor Country South.
14
15 Q. That's a wonderful title. Where's that person based,
16 please?
17 A. Was based in Saint Georges Terrace.
18
19 Q. In Perth?
20 A. In Perth.
21
22 Q. And at the time Bill Howell was the Social Work
23 Supervisor, do you know the name or do you have a belief as
24 to who the actual individual was that he reported to?
25 A. Tony McDermott, and who was there that I reported to
26 when I was at Albany as well.
27
28 Q. So he had the same position and you reported to?
29 A. Yes.
30
31 Q. All right, thank you. In turn moving up the line - I
32 hope we are moving up the line - that senior supervisor you
33 have spoken to, Mr McDermott --
34 A. Yes.
35
36 Q. -- do you know the position, the title of the person
37 he reported to?
38 A. Yes, it would have been Central Welfare Services.
39
40 Q. Do you know the name of that individual at the time or
41 have a belief?
42 A. I think that would have been Jeffrey Aves.
43
44 Q. And in turn, who would Mr Aves have reported to?
45 A. There was also - it is a little bit unclear at that
46 stage because about that time, also, the job was split into
47 two.

1
2 Q. Sorry, which job?
3 A. Central Welfare Services was split into two and there
4 were two other people at that stage that Tony McDermott
5 might have reported to as well. They were John Booth and
6 Gary Bowler.
7
8 Q. Beg your pardon?
9 A. They were John Booth and Gary Bowler who took over
10 the jobs that were split into two.
11
12 Q. Putting aside the individual, the position, who would
13 the person occupying that position report to?
14 A. Chief Welfare Services I think would have reported
15 to - I think Assistant Director Field at that stage.
16
17 Q. Would a report be made to the director as well or
18 would it depend on the level of seriousness of the matter?
19 A. The seriousness of the matter, yes, would determine to
20 what level it went to and the normal protocol would be at
21 that stage for each layer almost to discuss it with the
22 next one to see how far it would go and that person would
23 make a decision about how far it went.
24
25 Q. At the time you were Social Work Supervisor at Albany,
26 was there a standard procedure, whether it be in the form
27 of written orders or memos or so forth, as to who you
28 should inform above you, in the line above you, if a child
29 abuse complaint was received?
30 A. I can't recall anything in a formal way like a manual
31 or anything else at that stage. No, I can't recall.
32
33 Q. So again it's possible then that a serious complaint
34 of that nature, child abuse, could have been received
35 locally, dealt with locally one way or another?
36 A. Yes.
37
38 Q. And someone up the line of command would never know?
39 A. Yes.
40
41 Q. Speaking of you say the manual or whatever the
42 procedure is, was there anything as to timeliness as to how
43 a serious complaint might be dealt with?
44 A. Sorry?
45
46 Q. Was there anything as to timeliness?
47 A. Timeliness?

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Q. Were there any standards applied as to how a serious complaint might be moved upon?

A. If it was extremely volatile, sort of volatile in the sense that there is then likely to be violence emanating from something or other which occurred, or it is likely to be that police were involved, it is likely to be there were public figures involved or whatever, that sort of thing, yes, one would naturally go ahead and share it with their line manager, with that supervisor. On the bread and butter work that went on, like every day we are dealing with child abuse and all that sort of stuff every day, no, not everything goes up. It is recorded on the file and it goes up but not as a matter of routine is everybody in the organisation involved in it.

HIS HONOUR: Q. Was there any distinction made between intrafamilial child abuse and abuse by someone outside of the family?

A. Yes.

Q. And how did that affect the way it was dealt with?

A. That would affect the way it was dealt with. If it was intrafamilial, then usually the department would take prime responsibility in investigating that. If it was extrafamilial, depending upon sort of the nature of it, it may or may not be the department, but in the Katanning sort of example, one of the first things you would have done is gone and involved the police, and extrafamilial, we would always involve the police and try and get them to take the primary role in it. In intrafamilial, we would take the primary role and still get the police involved with us as well.

Q. Now, if it is extra familial and say it happened as "S" has said, where he didn't really spell it out --

A. Yes.

Q. -- would you expect the department to try and get more details before going to the police?

A. Yes, yes.

Q. And that's perhaps what Mr Humphries was doing?

A. Could be, yes.

Q. If that was the same incident?

1 A. Yes, could be.
2
3 MR DOBSON: Thank you, your Honour. I have no further
4 questions of Mr Mildern. Thank you, sir.
5
6 HIS HONOUR: Any questions? I think we have only got
7 Mr Jenkin.
8
9 MR JENKIN: No, thank you sir.
10
11 HIS HONOUR: All right. Thank you very much Mr Mildern.
12 Your evidence has been very helpful.
13
14 <THE WITNESS WITHDREW
15
16 HIS HONOUR: Yes, Mr Urquhart?
17
18 MR URQUHART: Thank you, sir.
19
20 Aside from Mr Mildern and Mr Varga, Mr Humphries also
21 referred to a Robert Wilson. We have obtained a statement
22 from Mr Wilson and I just propose to read that into
23 evidence, sir.
24
25 HIS HONOUR: Yes, please do.
26
27 MR URQUHART: It is an 11-page statement:
28
29 "Robert Donald Wilson."
30
31 It is entitled. It follows:
32
33 I am self-employed and live in Albany.
34
35 I was first employed with the Department of
36 Native Welfare in March 1966 as an
37 assistant or trainee district officer.
38
39 I then became a district officer between
40 1969 through to the beginning of 1972.
41
42 I did four years study from 1972 and
43 achieved a Bachelor of Applied Science in
44 Social Work at Curtin University. I had a
45 scholarship from the Department of Native
46 Welfare to complete the degree. I finished
47 the degree at the end of 1975.

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During my studies the department amalgamated with the Department of Child Welfare and became the Department for Community Welfare.

In 1976 I was sent to Kalgoorlie as a social worker.

I was transferred to the Albany District Office in August 1978 to a Social Worker position.

The social work position involved case work with individual matters. We had a lot of juvenile justice supervision, family and individual counselling, helping parents with problems and preparing reports for court. Each case worker had a case load.

Around a year after arriving at the Albany Office I was appointed to the Senior Social Worker position. This was not a supervisory position.

I acted in the Social Work Supervisor position briefly at various stages in the Albany office. It was sometimes when the Social Work Supervisor was on leave. I recall I acted in this position once in the Bunbury Office.

The Social Work Supervisor role involved the running of the district office, overseeing the case work, court work and financial assistance matters. The position was similar to an office manager and was also a professional supervisor of each of the Social Workers, Field Officers and District Officers.

I do not recall which years or times I acted in this position.

Initially when I moved to Albany the Supervisor was located in the Bunbury Office and it was Peter Varga.

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The next supervisor was Ted Mildern around 1980 and he was based in the Albany office. He was the Supervisor for a couple of years.

Ted Mildern was replaced by Bill Howell and he did the Supervisor role for around three years.

I think I may have acted in the Supervisor role between Ted Mildern leaving and Bill Howell starting. I don't recall how long this acting period was.

I acted in the supervisor role at various times in the 1980s and 1990s but I do not recall it being for any extended period of time.

I think I may have acted in the Supervisor role between Ted Mildern leaving and Bill Howell starting. I don't recall how long this acting period was.

I acted in the Supervisor role at various times in the 1980's and 1990's but I do not recall it being for any extended period of time.

In 2002 I resigned from the Department. I had continued in the Albany Office until my resignation.

In relation to the information Brian Humphries provided to the Inquiry I do not recall hearing about this at the time or talking about it at the time.

I don't remember anything arising at that time in regard to that matter.

I can remember when Dennis McKenna was first charged that there was information in the media.

I do not remember any complaints about the

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Katanning hostel.

If there had been complaints about the hostel it would be unlikely it would come to me in my position. It may have come to me if it was a family who lived in the Albany area as that is where my clients were based.

Even if the child was not a ward of state the Department would still investigate the complaint. We did a lot of complaints against children that were not wards of the state and we were legally obliged to investigate this information.

I do not recall any directions given by head office in relation to the hostel.

I do not recall any politicians becoming involved in stopping an investigation during my time in the Albany office.

There was a fairly unhappy situation in the office when Bill Howell were there. Staff had personality difficulties with him and there was quite a lot of conflict.

When Bill Howell came to the office we initially got on and later on both myself and other staff had concerns about how he operated and how he performed. Our relationship deteriorated over time and I believe he took a dislike to myself and some other staff. At times I felt frustrated and had some questions and competence about his decisions. Part of that was feedback from members of the community who were also critical of how he managed specific cases.

Complaints were sent to head office about his behaviour. I and Brian Humphries were summonsed to head office about Bill Howell's inappropriate behaviour. These were complaints from Brian and I and also other staff.

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Bill Howell was also summonsed to head office at the time. He was given a dressing down about these actions from persons I believe to be Gary Bowler and Tony McDermott.

This was around 1984 and 1985. Bill Howell was in the Albany office as the Supervisor for around three years.

Part of the complaints was in relation to his professional competence, about him intervening in cases and some unethical behaviour.

Brian Humphries and I complained to the Regional Director in Bunbury and he advised us to put this information in writing. We put these complaints in writing to the Regional Director who then did his own investigations about the complaints.

Part of this complaint was Bill Howard's behaviour towards a family I was working with on a complex case. I wasn't getting along with Bill Howell and he visited the family on a weekend and asked the family to say things against me but they refused to and they told me what he said. As a result of the Regional Director's investigation, which included speaking to the family, the Regional Director confirmed what I told him as the family had confirmed this with him.

In this complaint there were quite a few things passed onto the Regional Director --

I do apologise, sir. Upon reflection, I did not intend reading that paragraph in because it's not relevant to our terms of reference or, indeed, this particular matter. I should also add, sir, at this point in time, that Mr Howell is now deceased and had died some time ago. So I won't read out paragraphs 35 or 36. I'll read out 37:

We certainly talked with the Regional Director about certain cases and the

1 interventions by Bill Howell. The Regional
2 Director discussed these cases with the
3 case officers and agreed that Bill Howell's
4 directions were inappropriate and were not
5 in line with what we trained to do in some
6 cases.

7
8 I believe that the direction that Mr
9 Humphries received to stop the
10 investigation is possibly something that
11 Bill Howell would do.

12
13 I believe this because at times I was given
14 direction by Bill Howell in how to deal
15 with cases and in some cases as a social
16 worker I didn't believe those directions
17 were appropriate.

18
19 Sometimes we would get complaints from a
20 school child who would tell the teacher who
21 would then tell the principal and that
22 complaint would come to us from the
23 Principal. Sometimes Bill Howell would
24 want to rush in and interview the alleged
25 perpetrator without all the facts and this
26 may tip the perpetrator off prior to us
27 having all the information to present to
28 them.

29
30 I don't recall Bill Howell ever stopping
31 the investigation of any of my complaints.
32 I do not know of him stopping any
33 investigations of any other officers
34 either.

35
36 When we received complaints of any abuse
37 against a child we had a standard system of
38 recording that and part of that would be
39 our initial recommended case plan or
40 strategy to investigate. Bill Howell would
41 see that intake form and it would be
42 discussed and in his role as Social Work
43 Supervisor he could recommend another
44 strategy and we would have professional
45 disagreements over what was the best
46 strategy.

47

1 I do not know of any political associations
2 that Bill Howell had.

3
4 And then there's the standard declaration:

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

14
15 It's then been signed by Mr Robert Wilson, and is dated 18
16 March 2012. Now, sir, we can glean from Mr Wilson's
17 personnel file, which has been provided to the Inquiry by
18 the department, that he was in the acting role of Social
19 Work Supervisor in the Albany office during the following
20 periods: 14 July to 1 August 1980; 16 March to 21 April
21 1981; 26 October to 30 October 1981; 14 December 1981 to 11
22 January 1982 and 2 Feb 1982 to 30 May 1982.

23
24 Now, sir, if I can make some comments regarding
25 William or Bill Howell. He was the Social Work Supervisor
26 in the Albany office from 31 May 1982 to 7 October 1985.
27 He retired in 1988 because - I have said, sir - he, too,
28 has since died and his personnel file with the department
29 has been destroyed.

30
31 Now, as we have heard, sir, Mr Wilson's statement
32 details some concerns he had with Mr Howell, which led to
33 complaints being made against Mr Howell in his time as the
34 Social Work Supervisor in Albany. Now, Mr Wilson also
35 asserts in a paragraph of his statement - I'll just repeat
36 it again:

37
38 I believe the direction that Mr Humphries
39 received to stop the investigation is
40 possibly something that Mr Howell would do.

41
42 Now, though, sir, Mr Howell was the Social Works Supervisor
43 at Albany during the relevant period when "S" was at the
44 Katanning hostel - that is 1982 and 1983 - Mr Humphries has
45 stated in his most recent statement to the Inquiry - which
46 I have read out earlier this morning - that - and I quote:
47

1 Mr Howell was not the supervisor who I
2 spoke with regarding the Katanning hostel.

3
4 However, sir, Mr Howell would appear to be the Social Work
5 Supervisor that Mr Namour would have gone with to see
6 Dennis McKenna some time after 8 August 1983. And I say
7 that simply because he was the Social Work Supervisor at
8 that time.

9
10 HIS HONOUR: As I recall, Mr Humphries' second statement
11 says he doesn't believe that Howell was the person he spoke
12 to and got the direction from, because he wouldn't have
13 followed any direction he gave.

14
15 MR URQUHART: Yes.

16
17 HIS HONOUR: But he gives no other reason, does he?

18
19 MR URQUHART: No, he doesn't sir. Yes, and that
20 paragraph appears immediately after the paragraph that I
21 just quoted a moment ago:

22
23 If Bill Howell had given me that
24 instruction, I probably would have gone
25 against his instruction.

26
27 So it would appear, sir, yes, that is the basis upon which
28 he now says three or four decades or thereabouts later
29 that:

30
31 He was not the supervisor who I spoke with
32 regarding the Katanning hostel.

33
34 HIS HONOUR: Right.

35
36 MR URQUHART: For the sake of completeness though, it
37 would appear to be outside the time frame nominated by
38 Brian Humphries as to the occasion upon which he went to
39 Katanning to investigate this matter from the Katanning
40 hostel. Mr Martin Gribbon, spelt G-R-I-B-B-O-N took over
41 from Mr Howell as the Albany office Social Work Supervisor
42 from 28 October 1985.

43
44 HIS HONOUR: Now, do we have the departmental records to
45 show whether anyone might have - I know we don't have Bill
46 Howell's personnel file, but are we able to ascertain
47 whether anyone else might have replaced him in an acting

1 capacity in or around July 1983? Or can we assume he was
2 definitely in that position at that time?

3
4 MR URQUHART: Well, we can say, sir, he was definitely in
5 that position at that time. Sir, no, we only do have those
6 acting roles played by Mr Robert Wilson, but that was up to
7 30 May 1982 when Mr Howell then took over, so --

8
9 HIS HONOUR: So is Mr Humphries aware that the records
10 show that Wilson was in that position at that time?

11
12 MR URQUHART: I am not certain of that, sir, no. Just one
13 moment. Sir, apparently he has - Mr Humphries was told -
14 has been told of the sequence of how it went with Mr
15 Mildern then taking over from Mr Howell, and also the time
16 frames of when those officers held that position, yes.

17
18 HIS HONOUR: Because Mr Humphries gives his evidence from
19 the perspective he doesn't know what the matter was he
20 might have been dealing with, and he doesn't have any way
21 of pinning it down to July of 1983. It's just assumptions
22 that we - perhaps I just have to consider whether they
23 could --

24
25 MR URQUHART: That's it.

26
27 HIS HONOUR: -- be the only matter, because if it wasn't
28 the "S" matter that he was dealing with, that would mean
29 there's a totally separate matter --

30
31 MR URQUHART: Exactly, sir, yes.

32
33 HIS HONOUR: -- and we're dealing with two matters that
34 weren't properly dealt with.

35
36 MR URQUHART: Yes. And as Mr Humphries now says, upon
37 giving further consideration and thought to this matter,
38 that he can only say that the matter that took him to
39 Katanning in relation to the Katanning hostel complaint by
40 a student was the late 1970s or early 1980s.

41
42 HIS HONOUR: Right.

43
44 MR URQUHART: Now, sir, inquiries by investigators with
45 this Inquiry have found who the Department of Child Welfare
46 public officers - and I've been saying, I've been referring
47 to the department as the Department of Child Welfare,

1 although it would appear that at this relevant time it was
2 known as the Department of Community Welfare - we've been
3 able to find out who the social - who the public officers
4 were who were above the social work supervisors at the
5 relevant time - that is, what their description was. And
6 they were known as Senior Social Work Supervisors, and
7 later they became known as the Principal Social Workers,
8 and they worked at the head office here in Perth.

9
10 Sir, there has been a statement obtained from John
11 Anthony McDermott, who has been - is more commonly known as
12 Tony McDermott, whose name has been referred to already
13 this morning. Now, sir, a statement has been obtained from
14 Mr McDermott. He now resides in Queensland. Regrettably,
15 he has not been able to sign his statement because he's
16 been unable to get to his office due to the floods that are
17 presently being experienced by a number of Queenslanders.
18 He has, however, sir, endorsed and advised an investigator
19 with the Inquiry that this statement that has been prepared
20 is true and correct.

21
22 HIS HONOUR: He's undertaken to sign it?

23
24 MR URQUHART: Sorry, sir?

25
26 HIS HONOUR: He has undertaken to sign it?

27
28 MR URQUHART: He has, but he has not been able to do so
29 because he can't get to his office.

30
31 HIS HONOUR: No. Right. Well, you can read it on the
32 basis that we will receive the signed statement later.

33
34 MR URQUHART: Yes. John Anthony McDermott. It reads:

35
36 I am semi retired and I reside in
37 Townsville, Queensland.

38
39 I am commonly known as Tony.

40
41 I started in 1972 in the Department which I
42 believe was called the Department of
43 Community Services. The office was located
44 in Victoria Park, Perth.

45
46 I was the supervisor of the Victoria Park
47 Divisions. I supervised the staff in the

1 Metropolitan area.

2

3 I was the Senior Supervisor from around
4 1978 for about three years and was based in
5 the Perth office. There were also two
6 other people who had the same kind of role
7 as the Senior Supervisor.

8

9 The Social Work officers in the Southern
10 Region of the State reported to me in this
11 position.

12

13 I believe I reported to Des Semple who was
14 the head of the Divisional sections.

15

16 Des Semple reported to the Director who was
17 Keith Maine.

18

19 There was a big restructure at the
20 Department and I left the Senior Supervisor
21 position. I recall Michael Hepburn taking
22 over this role at that time.

23

24 After this time I went back to being a
25 Supervisor and ran the offices at Armadale
26 and Kelmscott. I did this position for
27 five years and then I left the Department.

28

29 Around 1991 I left Western Australia to go
30 live in Townsville, Queensland.

31

32 I knew nothing about the St Andrew's Hostel
33 in Katanning and still don't know anything
34 about the hostel.

35

36 I do not recall any information about Brian
37 Humphries being stopped from investigating
38 a complaint at the hostel.

39

40 Brian Humphries never told me about a
41 complaint at the hostel.

42

43 I am sorry to hear that this was going on
44 but I didn't know anything about the
45 hostel.

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47 The declaration then reads:

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

Yes. And, as I've said, sir, Mr McDermott did endorse that statement by telephone with an investigator of this Inquiry, Mr Matthew Daulby on 19 March 2012. And that is, sir, of course, this morning.

Sir, Mr McDermott's statement refers to a Mr Michael Hepburn taking over from him. Sir, a five-page statement has been obtained from Mr Michael Stanley Hepburn by investigators with this Inquiry, and I now propose, sir, reading into evidence his signed statement, which is dated 17 March 2012. Michael Stanley Hepburn:

I am an Area Operations Manager and live in Australind.

Between 1968 and 1970 I was studying Social Work at the Western Australian Institute of Technology.

In 1971 I was employed as a Social Worker at the Department of Native Welfare in Perth for 15 months.

1972 until December 1974 I was the Social Work Supervisor, Kimberley Division which was based in Derby.

October 1974 to July 1976 I was overseas studying at York University in the United Kingdom.

Between July 1976 and July 78 I was the Social Work Supervisor, Goldfield Division based in Kalgoorlie for the Department of Child Welfare.

In 1976 I acted for one month as the Senior

1 Social Worker (South). This position was
2 responsible for the Southern area which
3 included Bunbury, Albany, Collie,
4 Gnowangerup, Katanning and Manjimup. All
5 of these towns were the Southern District.

6
7 July 1978 to November 1984 I was Social
8 Work Supervisor for the Department for
9 Community Welfare Central District located
10 in Northam.

11
12 There were also three Senior Supervisors
13 responsible for South, North and
14 Metropolitan Divisions who reported to the
15 Chief of Welfare Services.

16
17 The Chief of Welfare Services reported to a
18 Deputy Director named Peter Gorton.

19
20 I acted for Tony McDermott at various times
21 in the Senior Supervisor (South) position.

22
23 I acted in both the North and South Senior
24 Supervisor positions for a total of
25 six months between 1978 and 1984.

26
27 I was never a "substantiative" officer --

28
29 It reads:

30
31 -- in this position.

32
33 I believe the Social Work Supervisors in
34 the South in the 1970's were Peter Vaga in
35 Bunbury and Martin Gribbon and Bill Howell
36 at the Albany office.

37
38 As the Senior Supervisor I recall reporting
39 to the Chief of Welfare Services who was
40 Geoff Aves and Des Semple.

41
42 I have no recollection or heard of the
43 information stated by Brian Humphries that
44 he was stopped from investigating a
45 complaint in relation to the Katanning
46 hostel.

1 I have never had much to do with the
2 Katanning office.

3
4 I am a professional social worker and I
5 would never give a direction like that and
6 if I was given a direction like that I
7 would question it.

8
9 I was never aware of the Katanning hostel
10 and I never had anything to do with the
11 hostel.

12
13 Most of my operational experience during
14 this period was in juvenile justice, family
15 and Aboriginal welfare.

16
17 From 20 December 1984 until May 94 I was
18 the East Country Regional Director
19 Department of Community Development for
20 Geraldton, Northam, Kalgoorlie and parts of
21 Perth.

22
23 And there's a standard declaration that reads:

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

33
34 It's then been signed by Mr Michael Stanley Hepburn, and
35 dated 17 March 2012.

36
37 Some of those public servants with the Department of
38 Community Welfare/Child Welfare above the position of
39 Senior Social Work Supervisor at the relevant time have
40 also been located by this Inquiry. These public officers
41 also worked from head office in Perth. Geoffrey - spelt
42 Geoffrey Bernard Aves, A-V-E-S, was interviewed by Inquiry
43 investigators on 15 March 2012. That interview comprised
44 of a question and answer session, and Mr Aves has not
45 subsequently signed a typewritten statement, but in
46 summary, sir, this interview covered the following matters.

47

1 Mr Aves worked at the department - and again I'll just
2 simply refer to it as the Department of Child Welfare -
3 from 1970 to 1985. From the late '70s to the early '80s,
4 Mr Aves held the position of Assistant Director and
5 reported to Mr Peter Gorton, who is now deceased. Mr Aves
6 was very certain in this interview that he had no knowledge
7 of or involvement in the direction - the alleged direction
8 from head office that Mr Brian Humphries spoke of.
9

10 He also added that the Country High School Hostels
11 Authority did not figure much in the department's area of
12 operations. He agreed that the public officer who would
13 allocate such a complaint as the one Mr Humphries received
14 would be the Social Work Supervisor at the Albany office.
15 He was also certain that never in his entire time at the
16 department for 15 years, did he feel any political
17 influence in respect of welfare matters. In that interview
18 he also spoke well of his then boss, Mr Peter Gorton.
19

20 Now, sir, Gary John Bowler --

21
22 HIS HONOUR: Just before you go on, you said that Mr Aves
23 hasn't signed a written statement. Is there any reason for
24 that?
25

26 MR URQUHART: Question of time, sir.
27

28 HIS HONOUR: Well, I think it's necessary you do sign a
29 statement verifying the truth of what he's asserted.
30

31 MR URQUHART: That will be done, sir, yes.
32

33 HIS HONOUR: And that should happen.
34

35 MR URQUHART: Yes. As I said, sir, it was a question of
36 time to constraints.
37

38 HIS HONOUR: Yes, that's all right.
39

40 MR URQUHART: Yes. Gary John Bowler has provided a
41 statement. From 1981 to 1985 he had the position of Chief
42 of Welfare Services. Sir, I'll read that statement out.
43 It's dated 16 March 2012, and it is seven pages in length.
44 It's titled, "Gary John Bowler" and it reads:
45

46 I am retired and I reside in Dunsborough.
47

1 In 1957 I began at the Child Welfare
2 Department in the accounts area in Perth.
3
4 I worked in a number of branches in the
5 Child Welfare Department up until 1963.
6
7 I left the Department for 15 months in July
8 1963 and returned in October 1964. During
9 that time I "worked" to the Country --
10
11 I think that should read "in the country":
12
13 -- with the Public Works Department/Water
14 Supply in Kellerberrin.
15
16 I returned in 1964 to the Child Welfare
17 Department in the accounts branch.
18
19 In 1966 I was appointed as a Child Welfare
20 District Officer at Geraldton. I was in
21 this position until 1971.
22
23 Between 1971 and 1974 I was studying Social
24 Work full time in Perth at the Western
25 Australian Institute of Technology which
26 became known as Curtin University. The
27 Department was paying me 80 per cent of my
28 normal salary.
29
30 I graduated in 1974 and was then posted as
31 a Social Worker to Albany. In 1972 the
32 Child Welfare Department became the
33 Department for Community Welfare.
34
35 I was promoted to Social Work Supervisor in
36 Kalgoorlie in 1975 and I left this position
37 in 1976.
38
39 In 1976 I was appointed to the position as
40 the inaugural Director of Counselling at
41 the Family Court of Western Australia in
42 Perth. I was in this role until November
43 1981.
44
45 In 1981 I went back to the Perth Head
46 Office as the Chief of Welfare Services and
47 stayed in this role until 1985.

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During this time there were three Senior Social Work Supervisors who reported to me and they are in charge of Country South, County North and Metropolitan. The person in the Country South during my time as the Chief of Welfare Services was Tony McDermott.

I reported to the Assistant Director Field Services. This position rotated between Des Semple, David Greenhill and Geoff Aves. The three roles were Field or Welfare Services, Corporate/Administration and Institutions.

The Assistant Director Field Services reported to the Deputy Director who was Peter Gorton. I believe he passed away in 1984 or 1985.

The Deputy Director reported to the Director who was Keith Maine. I believe he had been the Director for at least fifteen years around that time.

In 1985 the Department restructured and I was appointed as Regional Director for the North Metropolitan region. I held this position until "1981".

HIS HONOUR: 1991.

MR URQUHART: Sorry, 1991:

I was the Director of Program Support from 1991 until 1997.

I retired from the Department in 1999 and my last position was the Executive Director of Country Services. I was appointed to that position in 1997.

I saw on television the report in relation to the evidence that Brian Humphries had given and also read the information in the Western Australian newspaper.

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I was not aware of what Brian Humphries referred to that he had been instructed by his supervisor not to proceed with an investigation into allegations of ill treatment of a child at the Katanning hostel.

I was in the Family Court in 1981 and then back to the head office as the Chief of Welfare Services and if I had been aware of such an instruction it is so serious that I would have vivid recall of that matter and I have none.

I don't recall anything or any reference to the Katanning hostel which I understood was an Education Department run hostel.

I would vividly recall any political involvement or approaches to stop an investigation into ill treatment of a child and my own standards would not allow that and I would go to my superiors if that occurred.

It would be such an outrageous action and in my experience I never heard of it occurring.

I recall if correct procedure was followed a politician couldn't go direct to a public servant with a complaint or instruction and if he did then the public servant should go to his superior who would have to go through the Minister at the time.

I don't know of anyone in the senior management team who had influential political links or associations at that time.

I don't know of anyone in the management hierarchy of Brian Humphries who had influential political links or associations.

1 The declaration then appears:
2

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

12 It has been signed by Gary John Bowler. It's been
13 witnessed and it's dated 16 March 2012. Now, sir, I am
14 mindful of the time. Just - I refer to a couple of other
15 matters, and that is this: Des Semple has been referred to
16 between 1983 and 1985. He was the Assistant Director of
17 Field Services. His full name is Desmond Lloyd Semple. He
18 has not yet been spoken to by this Inquiry's investigators.
19 It has been established that Mr Semple resides in Sydney
20 and it is hoped that investigators will be able to speak to
21 him in the near future. It is simply the case that at this
22 point in time they have not been able to.
23

24 So, sir, the Inquiry has been able to located Mr
25 Bowler who had worked with the Child Welfare Department in
26 the 1960s, and so the investigations to date by the Inquiry
27 have found that there has been Mr Bowler and two other high
28 ranking public servants in the Department of Child Welfare
29 as of the late '70s and early '80s who were also in
30 positions - some senior - during the time the honourable Mr
31 Lesley Logan was Minister for Child Welfare, which was
32 between 1955 and 1971.
33

34 One is - another one is Peter Gorton, who was the
35 Deputy Director of the department during this time that Mr
36 Humphries nominates that he received this task to go to
37 Katanning ie the late '70s and early 1980s. Mr Gorton has
38 since died. Information received by the Inquiry is that he
39 had a good relationship with Mr Logan when he was Minister.
40 By all accounts, Mr Gorton was highly regarded and there
41 has been no suggestion from the number of public officers
42 who knew him and who have been interviewed by the Inquiry,
43 that he would be a party to the direction given to Brian
44 Humphries that allegedly came from head office. The common
45 thread, sir, is that Mr Gorton was a decent and upright
46 public servant.
47

1 The other public servant, sir, who has been waiting
2 patiently in the back of the hearing room, but
3 unfortunately we may not - we won't be able to hear from
4 him before the lunchbreak, is Mr Keith Maine, who was with
5 the department and - again, sir, I use this generic term -
6 Child Welfare from 1958 to 1984. Mr Maine, though retired
7 for many years, is still with us, he is still alive and he
8 has been very helpful towards the Inquiry's investigation
9 of this particular matter. Sir, he has made himself
10 available to give evidence. Mr Dobson will examine him,
11 but that may have to be, sir, at 2.15.

12
13 HIS HONOUR: I think we do have to take a break at this
14 stage because it's quite draining reciting all this
15 information, et cetera. So I'm afraid Mr Maine will have
16 to wait until after lunch. We'll make it 2 o'clock, I
17 think.

18
19 MR URQUHART: 2 o'clock thank you, sir.

20
21 HIS HONOUR: Very good. So we'll adjourn until two.

22
23 LUNCHEON ADJOURNMENT

24
25 UPON RESUMPTION

26
27 HIS HONOUR: Yes, Mr Dobson.

28
29 MR DOBSON: Thank you, sir. The next witness to be called
30 will be Keith Andrew Maine, M-A-I-N-E. He has been in the
31 hearing room this morning, your Honour.

32
33 <KEITH ANDREW MAINE, AFFIRMED:

34
35 <EXAMINATION-IN-CHIEF BY MR DOBSON:

36
37 MR DOBSON: Q. Your full name is Keith Andrew Maine?

38 A. That's correct.

39
40 Q. You're 81 years old and you live at an address in
41 Perth known to the Inquiry?

42 A. That's correct.

43
44 Q. Now, I understand you're retired from work?

45 A. Yes.

46
47 Q. You retired in 1987?

1 A. Yes. I continued to work part-time through to 1995.
2
3 Q. Is it correct to say you worked as a consultant to
4 your previous employer until about 1995?
5 A. Yes. And several other employers.
6
7 Q. Your previous employer was the Child Welfare
8 Department?
9 A. Correct.
10
11 Q. You commenced with the Child Welfare Department in
12 1958?
13 A. Correct.
14
15 Q. Are you able to tell me, please, from the time of your
16 employment the roles that you undertook with that
17 department?
18 A. From the time of initial employment?
19
20 Q. Yes.
21 A. I commenced with the department as a psychologist,
22 having spent the previous four years in Melbourne as a
23 psychologist working for the Department of Health. I
24 undertook both graduate studies in Western Australia and
25 qualified as a clinical psychologist three years after
26 starting with the then Child Welfare Department. I then
27 worked for 12 months with the Mental Health Services. I
28 returned to the department and continued working as a
29 clinical psychologist for approximately two years. I was
30 then promoted as psychologist superintendent of the
31 Longmore Remand and Assessment Centre --
32
33 Q. Can I just interrupt you there, please, Mr Maine. I
34 will interrupt you. You mentioned undertaking studies. I
35 believe they were part-time; is that correct?
36 A. Yes, they were part-time.
37
38 Q. Eventually --
39 A. The course was structured so that it would constitute
40 a full-time study load, though it was undertaken part-time
41 because some of the attendance time was during vacations
42 and other periods I would normally be off at university.
43
44 Q. In fact, you obtained a Masters Degree Psychology?
45 A. I obtained the Diploma of Clinical Psychologist, which
46 now days is called the Masters.
47

1 Q. Sorry, the equivalent, I should have said. That is
2 when you were able to undertake work as a clinical
3 psychologist and you had gotten to the point then, before I
4 stopped you, that you were the superintendent of Longmore?
5 A. Correct, yes.
6
7 Q. And that was one of the department's institutions?
8 A. It was.
9
10 Q. How long did you work there, please?
11 A. I worked there for 12 months.
12
13 Q. What did you move on to then, please?
14 A. I then became Assistant Director of the department; a
15 position I held for about three or four years.
16
17 Q. I think that was in 1964 you became Assistant
18 Director?
19 A. Approximately, yes.
20
21 Q. And four years later you became Director?
22 A. Correct.
23
24 Q. In fact, you remained Director for the next 16 years?
25 A. Yes.
26
27 Q. Finishing with the child - well, it changed its name -
28 finishing with the same department basically in 1984?
29 A. Yes.
30
31 Q. As to the primary functions while you were Director,
32 did the focus of the Child Welfare Department change after
33 the passing by the government of the Community Welfare Act
34 or a particular Act of parliament?
35 A. Well, the functions of the department changed
36 continually. Almost every election entailed some kind of
37 change to the department and its priorities and directions.
38
39 Q. Had there been a certain point where up until a
40 particular time that the prime focus of the department had
41 been welfare of children, adoptions and the support
42 associated with that and also families requiring financial
43 support?
44 A. Yes.
45
46 Q. Was there a change of focus from that type of
47 activity, can you recall?

1 A. Yes. Those activities were pretty much the foundation
2 responsibilities of the department from earliest days.
3 With the new legislation, the coming into being of the
4 Community Welfare Act the department's focus was to be more
5 on the community and to see the child in the context of the
6 community rather than the child pretty much in isolation.
7 So the intention was to develop services that reached out
8 more in the community: expand foster services, develop new
9 institutional facilities for children with special needs,
10 to cater for changes that were occurring in fields such as
11 adoption with the development of inter-country adoptions,
12 the changes of responsibility between the Commonwealth and
13 the States in terms of financial assistance or unsupported
14 families.

15

16 Q. At about that time was that the beginning of a greater
17 emphasis on child protection, particularly in relation to
18 child abuse; do you recall that?

19 A. Yes, I do. About that time there was a greater
20 awareness world-wide of the significance of some forms of
21 abuse that children might have suffered. What might have
22 been seen as an accident or unexplained injury to the
23 child, with greater knowledge and research people were
24 aware that there was more often than not much more behind
25 it than what might have been given as an explanation by the
26 parent or caretaker. So most states started to develop
27 specialist services to train staff in the early recognition
28 and detection of child abuse.

29

30 Most states would have consequently built up in their
31 state what we did here in Western Australia, and that was
32 the development of a unit called the Child Life Protection
33 Unit, which involved staff who had a heightened level of
34 training in recognising child abuse, in investigating it,
35 and in taking appropriate steps for the treatment and
36 protection of the child.

37

38 Q. Sorry if I misunderstood you then. Are you saying
39 that Western Australia led the way with that unit?

40 A. Yes. Western Australia pretty much did. This state
41 took the initiative to organise the first national
42 conference on child abuse with all the other states and
43 overseas speakers participated. The results of research in
44 other countries was made aware to us. I also involved the
45 department in attendance at the International Congress on
46 Child Abuse which occurred several years later in Sydney,
47 and continued to place a strong emphasis on the

1 department's responsibilities in the field of child
2 protection.

3
4 Q. If I could just stop you. We have moved ahead. I was
5 going to discuss your role. We have pretty much moved into
6 that, in any event. Before we do talk about your role as
7 Director, you seem to place the time of the change and the
8 greater focus on children, child protection, children
9 abuse, with the enactment of the legislation that we
10 referred to, the Community Welfare Act you said. Now, I
11 appreciate this is probably difficult for you, but do you
12 remember about what year that piece of legislation was
13 passed?

14 A. I think the Community Welfare Act came into operation
15 in 1982. But prior to that there had been arrangements
16 developed between the department and Princess Margaret
17 Hospital and a number of pediatricians to develop programs
18 and services for children who had been physically abused.
19 At that time the emphasis tended to be on physical abuse as
20 such and the notion that sexual abuse might also be a
21 problem of at least equal proportions. I don't think that
22 had occurred to people at that stage.

23
24 Q. As to your role as the Director of the department it
25 seems you have covered three decades; the 1960s, 1970s and
26 then through to the early part of the 1980s. Can you
27 describe for the early 1980s period what did your role or
28 what types of roles did it entail, the position as
29 Director, please?

30 A. The department was responsible for four main Acts, the
31 Child Welfare Act, the Community Welfare Act, the Welfare
32 and Assistance Act and the Immigration Guardianship of
33 Children Act. So my overall responsibility was to see that
34 the department's administration of those Acts was done in a
35 proper way. That led to developing priorities which I
36 sought to develop, such as the improvements in the
37 professionalism of the staff, the improved training of
38 staff who never previously had any appropriate training
39 background or qualification background. Many of the staff
40 may have been former police or former nurses or former
41 school teachers. Some of them might have had a working
42 life giving them experience with children, but not fully
43 aware of what was entailed in the special knowledge needed
44 in the child welfare field.

45
46 It was also to develop new initiatives for the
47 department, to develop plans and schemes for special needs

1 that were unmet. The department lacked sufficient
2 institutional facilities. There were no specialist
3 services in the community for children with some forms of
4 handicaps the department felt that it was obligated to
5 provide.

6
7 Q. You mentioned to do with staff training and also how
8 you went about positioning people. Was it an initiative of
9 yours or a directive of yours that people who were
10 graduates be employed in supervisory roles; was that
11 something you instigated?

12 A. Yes, it would be one of the requirements for promotion
13 to become a supervisor.

14
15 Q. Things such as developing a range of alternative
16 programs for young offenders, that was something that you
17 had a hand in, if I can put it that way?

18 A. Yes. I initiated the programs and plans for the
19 establishment of Longmore Remand and Assessment Centre. I
20 was heavily involved in the development of the plans and
21 proposals for the Niandi Girls' Treatment Centre. I was
22 involved directly in the development of a centre down at
23 Cottesloe for children with learning adjustment problems in
24 the home that interfered with their learning capacity. I
25 initiated the development of crisis care services, special
26 services for the training and improvement of foster care
27 facilities and a number of other areas in which we felt we
28 needed to build up and improve the quality of our service.

29
30 Q. Just continuing on in this area, I understand that
31 your department absorbed some of the functions of what
32 previously had been called the Native Welfare Department?

33 A. Yes. In 1982, I think it was, the department took
34 over the functions of the Native Welfare Department other
35 than those to do with land and Aboriginal cultural matters.
36 So the field staff previously employed by Native Welfare
37 had to be absorbed into the then Community Welfare
38 Department.

39
40 Q. I understand you were heavily involved in drafting new
41 legislation. You may have already referred to that Act.

42 A. Yes. I pretty much wrote the Community Welfare Act,
43 in conjunction with the a parliamentary draftsman.

44
45 Q. I believe you also encouraged your staff to adopt
46 innovative approaches dealing with Aboriginal people?

47 A. Yes. There are a number of program areas where we

1 sought to involve Aboriginal people much more in the
2 provision and management of their own services. We sought
3 then to reconstitute Aboriginal communities that had been
4 disrupted, particularly in the north-west. As a result of
5 the pastoral ward hundreds, if not thousands, of Aboriginal
6 people were moved from stations to country reserves, and
7 that had caused great dislocation to the lives and
8 connections of Aboriginal families. So we sought to try
9 and work with the Aboriginal people themselves through the
10 department's homemaker services to help restructure
11 community lines within those communities; family groups
12 that had been brought together in a very artificial way to
13 help them to manage their own affairs and lives.
14

15 Q. Just while we are on the subject of Aboriginal people
16 and the work, I also understand at one point you were
17 chairman of the Aboriginal Police Relations Committee?

18 A. I was Chairman of the Aboriginal Police Relations
19 Committee from its commencement, and I stayed with it for
20 12 or 14 years.
21

22 Q. Is it a reasonable summary of that committee to say
23 that it was established with the aim of getting or bringing
24 government departments together to work cooperatively to
25 assist Aboriginals in the community?

26 A. It involved participation by the police department,
27 the education department and a number of other agencies
28 that had an involvement in the Aboriginal area to try and
29 develop cooperative working relationships with them, and
30 particularly to work together cooperatively in the
31 community in areas where there was conflict and troubles
32 within townships, particularly in the south-west of the
33 state.
34

35 Q. You touched on this earlier and I think I interrupted
36 you. I said I would return to it. You mentioned getting
37 people together within Australia. There was a national
38 meeting or conference of some sort on child abuse. Is that
39 something that you were involved in?

40 A. I travelled to America to visit some outstanding
41 research centres where international experts on child abuse
42 were running training programs and running clinics. I
43 arranged with a number of people, both in America and
44 England, to consider participation in a conference in
45 Western Australia where the states would all attend with a
46 view to improving our knowledge and understanding of child
47 abuse.

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I then became Chairman of that planning committee and Chairman of the conference when it occurred.

Q. I was just about to ask you about that, Mr Maine. So is it correct to say that not only were you the Chairman of that conference but it was the first national conference on child abuse within this country?

A. Yes, it was.

Q. That was held in Western Australia?

A. Yes.

Q. Did delegates, people from all of the states, attend?

A. Yes.

Q. You spoke about America. Were you also able to arrange other guests to attend, speakers from overseas?

A. The conference was advertised internationally so there was some participants from Sweden, from New Zealand and a number of other English speaking countries.

Q. Do you recall when that was, please?

A. Sorry?

Q. Do you recall when that was, please?

A. 1972. I think about then.

Q. Arising out of a conference of that nature, were you able to gather information and put that in place within your own department to assist the people, both your management team and the people on the ground?

A. Yes, my staff would have participated fairly actively in the planning and the conduct of the conference. It also gave us guidelines on how to develop training programs to make general field staff much more aware of the signs and indications of child abuse. It gave us a real stimulus in terms of raising the level of awareness, both in the department and in other agencies and the community as to the frequency and occurrence of child abuse.

Q. You are using the phrase "child abuse". In the early seventies is that the period when you were saying it was looked on as being more physical abuse rather than sexual?

A. Yes. Yes. Yes. It was - it has always been - I think neglect would be the kind of child abuse that most people would readily acknowledge. Most people would have

1 been hesitant about accepting the idea of child physical
2 abuse and would have accepted the general views that it is
3 more likely the result of accident and unintended injury.
4 A more educated understanding would make people aware that
5 it is more often than not it's intentional rather than
6 accidental, and that there are certain indications and
7 signs that can be recognised to help you understand it.
8

9 Q. Just finally on that point, is an example of that
10 perhaps something as simple as having a parent continually
11 perhaps present with a child who is displaying some
12 injuries but passing it off as an accident - whether it be
13 bruising or worse? Is that something that you are
14 referring to --

15 A. That's something --

16
17 Q. -- in terms of physical abuse that in the past could
18 be attributed to an accident?

19 A. Most of it would - well, parents don't come along and
20 admit they physically abuse their child.

21
22 Q. No. That's what I am saying.

23 A. They normally --

24
25 Q. You try and train people to detect what otherwise
26 might be passed off?

27 A. Yes.

28
29 Q. Right from the beginning, right from 1972 you were
30 attempting to put in place measures that would assist and
31 improve the way the department dealt with those things?

32 A. Yes. The way the department dealt with it and the way
33 that the department needed to cooperate with other
34 agencies, medical, police, in order to properly investigate
35 child abuse and determine whether or not the parent's
36 explanation was valid and what kind of treatment was
37 appropriate.

38
39 Q. If I can take you to your position of Director and
40 line reporting. We have already heard some evidence. If I
41 may I will move through this. If you just stop me if I get
42 it wrong, please. The person who reported to you - we are
43 talking early eighties - in terms of line, was that the
44 Deputy Director?

45 A. There was the Deputy Director, correct.

46
47 Q. And then immediately below the Deputy Director did you

1 have the three chiefs; there was a Chief of Welfare
2 Services, Chief of Institutional Services and Chief of
3 General Services?
4 A. That's correct.
5
6 Q. And below those people, the people occupying those
7 positions, there were a number of senior social work
8 supervisors reporting to them?
9 A. Correct.
10
11 Q. And in turn social work supervisors answered to the
12 seniors; the senior social work supervisors?
13 A. There would be a senior social work supervisor for
14 each of the regions of the state. There was something
15 like, I think, about six regions in the north-west and
16 about four or five in the south and the metropolitan area.
17
18 Q. For example a place like Albany, we have heard that
19 Albany had a social work supervisor in charge as the
20 manager?
21 A. That's correct.
22
23 Q. In turn, that person answered up the line to a senior
24 social work supervisor?
25 A. Correct.
26
27 Q. Again, we have heard the line above them. In the
28 early eighties at your time as Director do you recall who
29 your deputy was, please?
30 A. Peter Gorton.
31
32 Q. In fact, I believe he was your director for some time,
33 wasn't he - deputy I should say. Sorry.
34
35 Q. He was your deputy director for some time, wasn't he,
36 Peter Gorton?
37 A. Yes he was, yeah.
38
39 Q. Now, when you took over as Director, it was from a
40 chap named Jim McColl?
41 A. That's correct.
42
43 Q. At that time there was in fact no deputy director?
44 A. No. No. There was a chief clerk who - the department
45 was pretty much organised along the old traditional
46 government department lines in those early days, and Jim
47 McColl was the first professional director appointed to the

1 department.
2
3 Q. And then you were appointed and then Mr Gorton
4 subsequently became your deputy?
5 A. That's correct.
6
7 Q. We have heard that he has passed away?
8 A. Yes.
9
10 Q. Do you recall who took over from Mr Gorton as Deputy
11 Director?
12 A. I think Mr Sambell.
13
14 Q. Is that the chap we have heard named as Des Sambell?
15 A. Des Sambell, yes.
16
17 Q. In the early eighties do you recall who the three
18 chiefs were that I have referred to, the Chief of Welfare
19 Services?
20 A. Geoffrey Hayes was Chief of Welfare Services, David
21 Greenhill was Chief of Institutional Services.
22
23 Q. David Greenhill?
24 A. David Greenhill. I think his name was given as
25 "Green" this morning. It was Greenhill, and --
26
27 Q. Do you recall who the other chief was?
28 A. Yes. I can't, but I think it might have been Ken
29 Williams but I'm not sure, but that other chief didn't have
30 any other direct responsibilities in relation to the field
31 services or the institutional services. It was more the
32 overall administrative services of the department.
33
34 Q. I think you have already covered that you left in
35 1984. Is it correct that you left the department but you
36 became director of another area, Redeployment and
37 Retraining?
38 A. That's correct, yes.
39
40 Q. And then you actually retired and did some consultancy
41 work. Is that correct?
42 A. Yes.
43
44 Q. If I can just move along. This may be quite difficult
45 given the passage of time. Do you recall who the senior
46 supervisors were in the early 1980s?
47 A. I'd only be guessing. It's a long time ago, as you

1 say. Peter Varga was one, I think. Garry Bowler was one.

2

3 Q. I suspect they are a way bit down the line from where
4 you were operating, in any event, those people?

5 A. Yes. I'd see them from time to time but I wouldn't
6 normally have regular contact with them. They would be
7 answerable to their next level up.

8

9 Q. As director, did you report to the minister. As
10 director, was it your function to report to the minister?

11 A. Yes, it was.

12

13 Q. Was there ever a board or anything like that that you
14 were responsible to?

15 A. Is there a --

16

17 Q. Was there ever a board or similar that you were
18 responsible?

19 A. No, no, no, there was no board.

20

21 Q. So it was just simply the government of the day?

22 A. Yes.

23

24 Q. Do you recall the minister who you dealt with as
25 director. Perhaps if we could start with the first, if you
26 are able to recall, please?

27 A. I've got a list of them, if you don't mind me reading
28 that out.

29

30 HIS HONOUR: By all means.

31

32 MR DOBSON: I was about to say, with your leave. Thank
33 you sir.

34

35 HIS HONOUR: No, well that certainly is very appropriate.
36 It is not a memory test.

37

38 MR DOBSON: Q. All right, if you could please, Mr Maine?

39 A. Don - Bill Willasey, Ron Thompson. This isn't in
40 order of their - acting as minister. Norm Baxter, Ray
41 Young, Bill Hassell, Richard Shalders, Keith Wilson, June
42 Craig, Les Logan, Mr Berenson, Ian Metcalf, Bob Wiese,
43 Graham Edwards and Jeff Carr.

44

45 Q. Are you able to recall, were some of those people -
46 did they hold the substantive position as minister or were
47 some acting at times?

1 A. Most of them would have been the appointed minister.
2 Some of them would have been acting in the regular
3 minister's absence.
4
5 Q. Is it correct to say that Mr Les Logan was the first
6 minister when you were appointed?
7 A. Yes.
8
9 Q. Norm Baxter, was that the next --
10
11 HIS HONOUR: When appointed as director, you mean?
12
13 MR DOBSON: Beg your pardon?
14
15 HIS HONOUR: When appointed as director?
16
17 MR DOBSON: Yes, sorry.
18
19 WITNESS: Yes, yes.
20
21 MR DOBSON: Sorry, I should have made that clear. Thank
22 you, sir.
23
24 Q. When you were appointed as director, was Mr Les Logan
25 your first minister?
26 A. Yes, I believe he was.
27
28 Q. Was it then Mr Baxter, Norm Baxter?
29 A. Yes, the portfolio tended to be given to - by the
30 government, to a member of the Country Party, so a number
31 of those ministers were members of that party.
32
33 Q. We have got Mr Shalders. That's S-H-A-L-D-E-R-S?
34 A. Yes.
35
36 Q. Then we go through and I think you got down to
37 Mr Hassell?
38 A. Yes.
39
40 Q. And do you recall who your last minister was?
41 A. Yes, it was Mr Keith Wilson.
42
43 Q. Are you able to describe your working relationship
44 with any or all of those. Are you able to apply a general
45 comment or was the working relationship different for all
46 of them?
47 A. On the whole, I believe I had a very good working

1 relationship with the ministers. It varied a little
2 according to their personalities and their interests in
3 matters relating to welfare. Some of them were very
4 interested, very positive and were encouraging. One or two
5 were not so encouraging and seemed to be --
6

7 Q. There is one in particular who, with respect, does not
8 seem to play any role in this Inquiry so we won't talk
9 about him in relation to your difficulties or your
10 perceived difficulties but you spoke about ones that could
11 be encouraging and positive. Who would you put in that,
12 who would you categorise in that manner, please?

13 A. I'd put most of them in that category.
14

15 Q. Mr Logan?

16 A. Yes, yes.
17

18 Q. He was your first minister. How long was he your
19 minister for, please?

20 A. I think a couple of years.
21

22 Q. And what of the others. You have named quite a few
23 other people. Are there any of the permanent ministers
24 that stand out in your memory?

25 A. In a positive way?
26

27 Q. Yes, yes?

28 A. Yes, I would say Ron Thompson was a minister who
29 seemed to have a lot more appreciation of the kind of
30 clientele the welfare department deals with, seemed to
31 empathise a lot more with people in trouble and difficulty
32 and seemed to encourage the development of services a lot
33 more, but on the whole, most of them were that, it is just
34 that they were more or less that way.
35

36 Q. Thank you for that. Your senior management team, if I
37 could call it that, the people including let's say the
38 deputy and the three chiefs, would it be normal or likely
39 that they would have contact with the minister. Is that
40 something that occurred or did not occur?

41 A. Not unless I was away. In that case, one of those
42 would be acting on my behalf when it came to contact with
43 the minister.
44

45 Q. So if you were to go on leave or perhaps go on a
46 course overseas or something like that, a person would be
47 appointed to act in your role?

1 A. That's correct.
2
3 Q. And then they would have the responsibility of dealing
4 with the minister?
5 A. Yes.
6
7 Q. If I can, I just want to speak with you about the
8 information that Mr Brian Humphries has provided to the
9 Inquiry, and just to be clear, I am going to talk about
10 probably what you have heard today. I think you have been
11 sitting in the hearing room and you have heard mention that
12 Mr Humphries has said that he went to Katanning, there was
13 a telephone call, he was directed to cease investigations,
14 that call was from Albany, however, head office and
15 Mr Logan's name was mentioned. So you know what I am
16 talking about when I have raised those matters with you?
17 A. Yes, I do.
18
19 Q. You heard that. All right. Do you ever recall a
20 direction like that being given?
21 A. No. From someone outside the department?
22
23 Q. Do you have any knowledge of a direction like that
24 being given?
25 A. No.
26
27 Q. Do you have any knowledge or recollection of a similar
28 incident, anything like this, either from within the
29 department or outside?
30 A. No.
31
32 Q. I think it would follow, but I will be fair and ask you
33 the question. Did you personally ever give such a
34 direction?
35 A. Never, no.
36
37 Q. Any of your senior officers that you may have got to
38 pass on such a direction for you?
39 A. No, I wouldn't think so. If the direction you are
40 referring to is a direction to a staff member to withdraw
41 from an investigation into a complaint that a child might
42 be abused, it would be - I can't imagine any of my staff
43 doing that.
44
45 HIS HONOUR: Q. One of the former staff described it as
46 an outrageous thing to happen. Do you agree with that?
47 A. Sorry?

1
2 Q. One of the staff, I can't remember who it was, said
3 that any such direction would be outrageous?
4 A. Yes, I would think --
5
6 Q. Do you agree with that?
7 A. Yes, and I think any such - if it - any such direction
8 should be communicated up the line because it would be an
9 unwarranted interference in the department carrying out its
10 functions.
11
12 MR DOBSON: Q. So it would be your view, for a
13 departmental officer to be involved - sorry, just put aside
14 "involved", but to actually do that would be improper?
15 A. Exactly.
16
17 Q. I think his Honour may have touched on this, or you
18 may have, but if an officer was to become aware of such an
19 activity, you would expect it to be reported?
20 A. Yes.
21
22 Q. And would that simply be through the various lines of
23 command that we have spoken about?
24 A. Yes.
25
26 Q. And ultimately you would expect something like that to
27 come to your attention, if it were to happen?
28 A. Yes, I would expect so. Depends on how the complaint
29 was conveyed in the first place, as to what importance the
30 officer would put on it and whether or not what had
31 occurred needed to be communicated up the line.
32
33 Q. Dealing with this matter in particular, Mr Humphries
34 has raised about Albany, Katanning and being stopped.
35 Nothing ever came to your attention?
36 A. Never, no.
37
38 Q. Do you ever recall a politician giving a direction to
39 you to stop a complaint?
40 A. No, a number of ministers may have given me
41 suggestions as to how they thought a case should be
42 managed, how we may have had discussions or negotiated over
43 what might be a course of action but I've never had a
44 minister direct me not to do anything in relation to the
45 proper management of a case.
46
47 Q. What about a former politician. Have you ever had a

1 former politician give such a direction?
2 A. No.
3
4 Q. Are you aware of any of your officers, and in
5 particular senior officers, management, being asked by a
6 politician or given a direction by a politician to stop a
7 complaint?
8 A. No.
9
10 Q. And the same question again similar: a former
11 politician making such a direction?
12 A. No.
13
14 Q. Has it ever happened with you that you have been in
15 one of these discussions - you have had a discussion with a
16 politician about an issue and then you follow up at perhaps
17 the next level down to try and clarify what the position is
18 or you have asked to have inquiries made?
19 A. Yes, yes.
20
21 Q. And that's simply - I'm assuming now but that's simply
22 to establish exactly what's going on?
23 A. Yes.
24
25 Q. It is not taken any further than that. It is never
26 pushed to the point where, if someone were to come back to
27 you, a decision might then be made to stop a complaint?
28 A. That's possible. People have the right to have direct
29 access to the minister and people would occasionally write
30 to the minister and question their - or challenge the
31 department, well what the department was doing. I may then
32 have discussions with the minister and we may continue or
33 we may modify what our appropriate treatment or management
34 program was, and that was in the normal course of events.
35
36 Q. Moving on perhaps taking that a step further, you
37 could also have a situation where a local member might put
38 forward the case or views of a local constituent. Could
39 that happen?
40 A. It could have. Yes, it could have.
41
42 Q. Did it ever happen with you. Do you recall?
43 A. A local member might take up the cause of a --
44
45 Q. A constituent of his or hers?
46 A. Yes. Yes, local members would sometimes write to us
47 or take - pursue a complaint.

1
2 Q. Did you ever do something at the direction of a local
3 member like that or simply investigate it?
4 A. It would be investigated in the normal way and we
5 would reply to the local member.
6
7 Q. Do you recall any of your senior management team,
8 anyone stand out as having any particular association with
9 politicians or political parties during your time as
10 director?
11 A. Did I have any relationship?
12
13 Q. No, not you, sir. Any of your command team, your
14 senior management?
15 A. I can't think of anyone in my senior management that
16 did. I can think of some people in middle management who
17 may have had political interests and maybe stood for
18 parliament or something like that.
19
20 Q. Did it ever come to your attention that that affected
21 the way they carried out their duties as an officer?
22 A. Well if they had those kind of interests, they
23 normally had to take leave to pursue those interests.
24 Those interests were not supposed to intrude into their
25 functioning as an officer.
26
27 HIS HONOUR: Q. That's if they stood for parliament, you
28 mean, they had to take leave?
29 A. Yes.
30
31 MR DOBSON: Q. I think you mentioned it, because you may
32 have occupied the position that I'm thinking of. There was
33 also a position of Superintendent or a title role within
34 the department but was that particularly just to do with
35 institutions, that position was Superintendent of
36 Institutions. Is that correct?
37 A. I don't understand the question.
38
39 Q. We have spoken about chiefs --
40 A. Yes.
41
42
43 Q. -- and we have spoken about directors and so forth?
44 A. Yes.
45
46 Q. Was there also another position known as the
47 Superintendent or Superintendent of Institutions?

1 A. No, there was no - there was a superintendent of each
2 institution individually.
3
4 Q. I'm sorry?
5 A. But there was not an overall superintendency.
6
7 Q. Now I understand. So each of the institutions had
8 their own super?
9 A. Yes, if they were large number.
10
11 Q. Where would those superintendents be based, please?
12 A. They'd be based - since they were nearly all in Perth,
13 they would be based somewhere in the metropolitan area.
14
15 Q. Did it ever come to your attention that any of the
16 superintendents had been approached about anything to do
17 with stopping complaints or similar?
18 A. No.
19
20 Q. In all of your time as director, had you ever heard of
21 St Andrew's Hostel in Katanning?
22 A. I hadn't until these issues appeared in the media
23 recently.
24
25 Q. You are speaking about when the Inquiry started and
26 Mr Humphries' evidence. Is that -
27 A. Yes.
28
29 Q. Put aside politicians because I have done that to
30 death, I think. Can you think of any other person or group
31 of people who might try to wield influence, who might
32 approach a senior command or senior management person to
33 ask them or to try and influence them to stop an inquiry,
34 an investigation. Have you ever heard of any other
35 approaches?
36 A. I can't think of any, no. I mean organisations might
37 make representations about something or other the
38 department is doing, church parties or church groups that
39 might have previously run institutions themselves but they
40 would just be inquiries or arguments conveyed in the normal
41 way, not taken to the point where they constituted an
42 interference in the department's operations.
43
44 Q. So you would differentiate, and did so at the time,
45 between a legitimate approach to discuss a problem and try
46 and get a resolution as opposed to stopping an inquiry?
47 A. Yes, definitely, yes.

1
2 Q. If you had had anyone on your senior management team
3 that you felt was susceptible to the latter, to actually
4 deliberately stopping an inquiry --
5 A. No, no.
6
7 Q. -- how would you have dealt with that. How would you
8 have dealt with them, how would you have dealt with that
9 situation?
10 A. Well, I would have thought their behaviour's totally
11 inappropriate and it would - on the face of it, it would
12 constitute grounds for severe reprimand.
13
14 Q. I am nearly finished with you, thanks, Mr Maine.
15 Early today during the hearing there was mention of a lady
16 named Fran Crowley, Frances Crowley. During your time as
17 director, did you have any knowledge of her work
18 performance or anything else. Anything you wish to tell
19 Mr Blaxell?
20 A. Performance of --
21
22 Q. Fran Crowley?
23 A. I can remember some discussion amongst the staff about
24 her needing more training. She was one of a large number
25 of country staff who were taken over from the former Native
26 Welfare Department where the whole approach to clients, the
27 way we related and dealt with them, was quite different and
28 it took some of the former Native Welfare staff some time
29 to take on the department's style of the relationship with
30 clients, it's way of recording information et cetera, and I
31 can recall discussion that Ms Crowley wasn't catching on
32 too well and needed to be transferred where she could be
33 subject to closer supervision and she was moved, I think,
34 to the Albany office for that reason. The only reason I
35 remember that is that she had an interest in horses and
36 that used to intrude sometimes into her departmental times.
37
38 Q. I think you might have heard earlier today she was
39 moved in about 1982. Does that accord with your memory?
40 A. About then, yes. About then.
41
42 Q. You mentioned earlier about a unit that you
43 established. I'm sorry, I haven't got the full name. I
44 apologise for this, but it's some sort of child protection
45 unit that you established. You mentioned that earlier?
46 A. Some sort of child protection unit.
47

1 Q. Yes, what was the name of that unit, please?
2 A. The unit was called the Child Life Protection Unit.
3
4 Q. Sorry, I've got terrible hearing?
5 A. Child Life Protection Unit, and it was a unit that
6 worked cooperatively with the hospitals and Police,
7 Education Department et cetera and it was a group of
8 officers who had been specially trained in recognising
9 child abuse in its various forms and working with the cases
10 involved to develop treatment programs.
11
12 Q. Do you recall when that was set up, even if
13 approximate?
14 A. About - it was - it started in a simple form way back
15 when I was first appointed as a director. In fact, a year
16 or so before I was appointed there was a small group of -
17 there used to be meetings between the director and the
18 senior doctors at Princess Margaret Hospital about what the
19 departments needed to do to manage the kind of cases that
20 were coming under medical attention where children had been
21 abused, and it was that small informal committee that
22 gradually over the years developed into a more skilled and
23 recognisable unit focussed on child abuse.
24
25 Q. Was that unit based in the metropolitan area?
26 A. Yes, it operated and was based in the metropolitan
27 area and it took over the management of cases. There were
28 about six or seven officers in it. It took over the
29 management of cases where child abuse had occurred or was
30 highly suspect and managed the cases until they got to a
31 stage that they can be returned to a regular field officer.
32 In the country areas those tasks were undertaken by the
33 regular district officer or field officer.
34
35 Q. I'm glad you answered that. That was about to be my
36 next question. So there was a different way of accessing
37 that service, and if you were in the country, less likely
38 to access it or not at all?
39 A. You could draw upon their service from country areas
40 and I guess in some of the very severe cases they would
41 have happened, but in most cases - most child abuse is
42 suspected. It is not necessarily proven and so you have to
43 proceed with care before you label a child as being abused.
44 So it needed to reach that stage usually before it would be
45 handed on to a specialist unit. So the bulk of cases in
46 the country would have been managed by the local field
47 officer where abuse may have been suspected but there was

1 no harder evidence than that. It more often appeared in
2 the form of mistreatment or neglect rather than outright
3 abuse, and that would be considered within the skills of a
4 normal country officer.
5

6 Q. You mentioned to work in that unit on special training
7 and that there were six to seven officers in that unit.
8 I'm assuming but I will have to ask you, Fran Crowley never
9 received that training?

10 A. Not.

11
12 Q. She wasn't specially trained to perhaps investigate
13 something to do with child abuse?

14 A. Well she would have had some training in working with
15 families from her years with the Native Welfare Department
16 but that was - the relationship between those officers and
17 their clients was quite different than the kind of
18 relationship that the welfare department had with its
19 clients. So we found that we had a large number of
20 officers who needed to be reskilled and retrained to take
21 on - to adapt to the welfare situation.
22

23 Q. Finally, and you may have already touched on this, but
24 if you are able to put yourself in a supervisor's shoes at
25 Albany and you receive such an approach from a person
26 claiming there is a message from head office, how would you
27 have dealt with it?

28 A. Well it's difficult to answer that but if I was to put
29 myself in that person's shoes 13 years ago or thereabouts,
30 without the information that we now have today about what's
31 occurred since, then I probably would have made the
32 necessary decision in terms of sending an officer from
33 Albany to Katanning rather than using the Katanning
34 officer, but if I had been approached by someone to desist
35 in the inquiry by someone from outside the department, I
36 would not have accepted such a request and would have
37 passed it on to my senior officers.
38

39 Q. Thank you for that. Speaking of senior officers,
40 going back to your time as director, in the early 1980s, do
41 you recall how many senior staff you had located at the
42 Perth head office?

43 A. In which office?

44
45 Q. T the Perth head office in the early 1980s?

46 A. The number of senior --
47

1 Q. How many. Can you recall how many?
2 A. There wouldn't have been many because most of them
3 would have been in metro and suburban offices. Most of the
4 welfare services for the metropolitan area were delivered
5 out of suburban offices.
6
7 Q. As far as head office goes, would it be you and the
8 deputy director?
9 A. And the chiefs.
10
11 Q. And the three chiefs?
12 A. Yes.
13
14 Q. Anyone below that?
15 A. No, I don't think so. Well, yes, I think there were
16 one or two who were dealing in other areas of the
17 department's operations such as adoptions, youth services.
18 There were - a small number of specialist areas like that
19 that had their own supervisors and senior supervisors and
20 they would have been based in head office.
21
22 Q. And those senior social work supervisors we have
23 spoken about earlier, they were based down in the suburbs
24 and in the country, were you?
25 A. Yes, most of them were, yes.
26
27 Q. Thank you for that.
28
29 MR DOBSON: Those are my questions.
30
31 HIS HONOUR: All right.
32
33 Q. Mr Maine, I would like to ask you some questions about
34 the system for monitoring Wards back in the 1980s with
35 particular reference to boy "S". Now, the materials before
36 the Inquiry show that "S" was born in 1968 to a 15-year-old
37 mother, he was given up to the department for adoption but
38 the attempts at adaption are unsuccessful, so he is
39 committed to the care of the department at the age of nine
40 months and he is committed until the age of 18 years, which
41 I think would have been a normal practice. As you would
42 know, there was a quarterly report form which was
43 occasionally filled out but I don't think it actually
44 happened every quarter, did it. Is that right or --
45 A. That's correct, yes.
46
47 Q. But, in any event, what "S" says and what the file

1 shows, he was placed with foster parents, and they were
2 long-term foster parents, and it seems they settled in the
3 Gnowangerup area on a farm and it is in that context that
4 he came under Frances Crowley as case officer, in 1977,
5 when he would have been nine years of age, and it seems
6 that in his early teenage years there were problems of
7 behaviour between him and the foster parents and it was in
8 that context he was placed in St Andrew's Hostel?

9 A. Yes.

10
11 Q. And according to "S", Frances Crowley used to see him
12 about two or three times a year, at least, and the last
13 time he saw her was in July 1983, by which time she had
14 transferred to Albany, not that "S" knew that but that's
15 what the file shows, and thereafter he never had any
16 further visit from a case officer, and when you look at the
17 file, there is no contact reports from that point on, and
18 he was only 14, so it is a period of four years until he is
19 18 where there is no contact report. Does that strike you
20 as strange?

21 A. It strikes me as a bad breakdown in what was supposed
22 to be done. If you was still a Ward you went through to
23 18, then visits should have continued during that time and
24 reports should have been forwarded to the department.

25
26 Q. Now, what interests me is that that breakdown occurs
27 contemporaneously with his complaint --

28 A. Yes.

29
30 Q. -- about abuse. And I'm just wondering whether
31 something untoward about the fact that there seems to be no
32 further contact with him and no reports on the file to
33 indicate there had been contacts. Have you got any comment
34 on that?

35 A. Well, my only comment is that there should have been.

36
37 Q. Yes.

38 A. Now, whether it's because records haven't been found
39 or whether there was, in fact, a failure on the part of a
40 responsible officer to continue with visits, I - I don't
41 know.

42
43 Q. But as far as you're concerned, the practice at the
44 time - there should have been regular contact visits and
45 there should have been reports of those visits. Is that
46 what you're saying?

47 A. There should have been, and it should have been

1 continued until he was 18 years of age when I should have
2 received a report as to the fact that he was ending his
3 wardship and what was happening from then on.

4
5 Q. Yes, well, in fact, I think there are reports of the
6 ending of the wardship --

7 A. Yes.

8
9 Q. -- and, in fact, he changed his name then legally to
10 the name of his foster parents.

11 A. Yes.

12
13 Q. But, as I understand, there's no indication of any
14 actual contact directly with him?

15 A. Mm.

16
17 HIS HONOUR: Anyway, I just wanted to know what you would
18 say about that. Is there anything arising from that?

19
20 MR DOBSON: No, thank you.

21
22 HIS HONOUR: All right. Well, thank you very much
23 Mr Maine. Your evidence has been very helpful, thank you.

24
25 THE WITNESS: Thank you.

26
27 <THE WITNESS WITHDREW

28
29 HIS HONOUR: Yes, Mr Urquhart.

30
31 MR URQUHART: Thank you, sir. Your Honour raised one
32 matter with me in the morning session regarding what
33 inquiries have been undertaken regarding when Mr Howell was
34 the Social Work Supervisor in Albany, whether there were
35 any periods of time between May 1982 and October '85 when
36 he had that position, whether somebody else assumed that
37 role on a temporary basis.

38
39 Now, unfortunately, sir, the file that would contain
40 that information, the Human Resources file from the Albany
41 Divisional Office - and that has been destroyed, that
42 covers that particular period, so it is a little difficult
43 to obtain that information.

44
45 Sir, the final statement that's going to be read in
46 with respect to this aspect of the Inquiry is from one of
47 Mr Logan's daughter's. Her name is Beryl Lorraine Leppard

1 spelt L-E-P-P-A-R-D - I'll just check the pronunciation of
2 that - pronounced "leopard".

3
4 Your Honour, the Inquiry invited Mrs Leppard to give
5 oral evidence, but she has declined to do that and says
6 that she would prefer if her statement was simply read into
7 evidence. So I propose to do that now.

8
9 HIS HONOUR: Yes.

10
11 MR URQUHART: So it's titled Statement of "Beryl Lorraine
12 Leppard":

13
14 I, Beryl Lorraine Leppard --

15
16 And then she gives her address:

17
18 -- in the State of Western Australia, state
19 as follows:

20
21 I was born on 25 September 1937 in
22 Northampton, Western Australia and I am
23 74 years old.

24
25 My mother's name is Edgarina Pearl Logan
26 and my father's name is Leslie Arthur
27 Logan.

28
29 My mum was always called Rina.

30
31 At the time I was born my mum and dad were
32 living at a farm about 10km north of
33 Northampton.

34
35 My dad worked as a farmer and my mother
36 worked in the home and helped dad.

37
38 I had two older sisters, Margaret and
39 Cynthia, and Leslie was born about
40 18 months after me.

41
42 Dad served in the Australian Army during
43 World War Two and returned to the farm
44 after that service.

45
46 I recall that my father was elected as a
47 Member of the Western Australian Parliament

1 when I was about 10 or 11.
2
3 We were living in Northampton but when dad
4 got elected the whole family moved to
5 Geraldton.
6
7 I cannot recall my dad coming home and
8 talking about his work.
9
10 He was very active in the Geraldton
11 community and worked tirelessly to help
12 sporting groups including junior
13 cricketers.
14
15 He also contributed his time to the
16 Anglican Church and was a Freemason.
17
18 I can remember my dad volunteering to help
19 others a lot even while he was a Member of
20 Parliament.
21
22 In fact he devoted his whole life to
23 helping others.
24
25 He seemed to get great satisfaction from
26 helping others and never wanted anything in
27 return.
28
29 I married when I was 21 years old and moved
30 out of home.
31
32 Not long after that mum and dad moved to
33 Perth.
34
35 Despite living apart I maintained a close
36 relationship with mum and dad.
37
38 My husband and I moved to Perth about
39 18 months later.
40
41 I stayed close with mum and dad.
42
43 I have three children and my mum and dad
44 were wonderful grandparents.
45
46 The children thought the world of my mum
47 and dad.

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My sisters had 9 children between them and I would describe mum and dad's relationship with those children the same as with my children.

Dad was a wonderful, caring grandfather who also cared for other children.

He always had the interests of children at heart during his time as a Member of Parliament and a volunteer serving the community.

I have been made aware of evidence given about my father to the St Andrew's Hostel Inquiry ("the Inquiry") on 20 February 2012 by a person named Brian Humphries.

I do not know Brian Humphries and nor do any of my sisters.

I am aware that Mr Humphries told the Inquiry that sometime in early --

It should read "1980s" rather than "1980":

-- while based at Albany, he was asked to travel to Katanning.

Mr Humphries stated that he travelled to Katanning to investigate allegations of ill-treatment of a child at the Katanning Hostel.

He said that ill-treatment of a child could include the child being knocked around or sexually abused.

Mr Humphries stated that before he went to the Hostel he stopped at the Katanning Department of Child Welfare office where he telephoned his supervisor in Albany.

Mr Humphries also stated that his supervisor said that he was not to further investigate the allegation at the hostel

1 and not to go there.

2

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The supervisor was said to have told Mr Humphries that instructions had come from Perth and that a politician was involved in the issue of the instruction.

I have been told that while giving evidence on 20 February 2012 Mr Humphries wrote down the name of the politician who allegedly was involved in stopping inquiries at the Hostel.

I have also been told that Mr Humphries wrote down the word "Logan".

My sisters and I struggle to accept that my father, who by the early 1980s had been retired from politics for at least seven years and had not been a Minister for 10 years, could influence any Government officer in the way that he has been alleged to have done. My late father was a member of Parliament and Minister for Local Government, Town Planning and Child Welfare for 12 years.

I have discussed Mr Humphrey's evidence with my sisters, Margaret and Leslie.

I am unable to discuss the evidence with my sister Cynthia because of her health.

My sisters, Margaret and Leslie, and I recall my father as a man who: Always behaved in an honourable and decent manner; was honest, trustworthy and reliable; served as a Minister for many years and never received public criticism; continued to serve the Western Australian community in various volunteer capacities after retiring from Parliament; and cared for the welfare of others.

To my knowledge there were never any complaints about him, although not all people who received town planning decisions

1 were happy.

2

3 It is inconceivable to Margaret, Leslie and
4 I that our dad would interfere in an
5 inquiry by a Department of Child Welfare
6 employee by stopping an investigation into
7 any form of child abuse.

8

9 I do not say this because he was my dad.

10

11 The man we knew as a father, family man,
12 Member of Parliament, community volunteer
13 and grandparent would never have done
14 something that would help cover up child
15 abuse.

16

17 My sisters and I know of nothing that would
18 indicate our dad could ever or did ever
19 cover up the abuse of a child.

20

21 Rather than cover child abuse up my sisters
22 and I strongly believe he would have wanted
23 an investigation to go ahead.

24

25 Then there's the declaration at the end:

26

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

34

35 It's been signed by Mrs Leppard and it's dated 17 March
36 2012.

37

38 So, sir, I can now say that what has been outlined
39 today is the progress of the Inquiry's investigation to
40 date regarding the alleged direction given to Mr Humphries.
41 What is clear, sir, that if such a direction was given and
42 whether it involved an ex-politician or not was extremely
43 unusual and highly irregular. And if it involved alleged
44 ill-treatment of a student by Dennis McKenna, then it is
45 highly significant to this Inquiry's terms of reference as
46 it may well provide a compelling example that Dennis
47 McKenna's influence extended behind the township of

1 Katanning.

2
3 The evidence gathered to date may suggest the student
4 the subject matter of the complaint that was to be
5 investigated by Mr Brian Humphries was "S". That evidence,
6 however, at this stage is by no means conclusive. It could
7 be that Ms Crowley did pay "S" an unofficial visit some
8 time in July 1983, unofficial in the sense that she was no
9 longer "S"s case officer at that particular point in time.
10 There may not necessarily be then any note on the file
11 about allegations raised against Dennis McKenna as stated
12 by "S" because that file would have been at that time with
13 Mr Namour, and he was stationed at Gnowangerup.

14
15 Of course, Ms Crowley at this stage was based at
16 Albany. It may be, and it's not so far-fetched that in
17 those circumstances, and taking care not to step on
18 anyone's toes, Ms Crowley may have informally raised the
19 matter at the Albany office, and the matter was then
20 assigned to Mr Humphries to investigate. But, of course,
21 the significant players with respect to that scenario have
22 died - and that is, of course, Ms Crowley, Mr Howell, who
23 was the supervisor at the relevant time, and Mr Namour as
24 well.

25
26 Now, as to the alleged involvement of a politician,
27 namely the Honourable Mr Leslie Logan, the evidence could
28 be said to be presently far from conclusive. Now, if Mr
29 Humphries' recollection is correct about the name given to
30 him, it would appear that the only politician it could be
31 was the ex-Minister for Child Welfare. As at the early
32 1980s there was no other politician by that name, nor have
33 searches carried out by the Inquiry uncovered a surname of
34 a politician that has a similar-sounding surname to that of
35 Logan.

36
37 It should also be said that at this stage of its
38 investigations, the Inquiry does not know that if the name
39 Logan was mentioned to Mr Humphries, whether there was any
40 truth to the suggestion that he was involved in the
41 direction that was given to Mr Humphries.

42
43 HIS HONOUR: Are you suggesting it could have been a lie
44 told --

45
46 MR URQUHART: It may well --

47

1 HIS HONOUR: -- to Humphries about that?
2
3 MR URQUHART: Again, we simply don't know that, because we
4 haven't been able to establish conclusively who it was who
5 spoke to Mr Humphries on that occasion. And, indeed, the
6 people who may well have - well, with respect to Mr Howell,
7 he has died. In any event, we will look at the fact that
8 Mr Humphries has said that he does not believe that it was
9 Mr Howell he spoke to. So although the Inquiry has done
10 its very best to conduct some exhaustive investigations to
11 date, that is the present position.
12
13 HIS HONOUR: Very well.
14
15 MR URQUHART: That's not to say, sir, that other
16 information may come forward now.
17
18 HIS HONOUR: I'm about to make a plea to the public to --
19
20 MR URQUHART: Yes.
21
22 HIS HONOUR: -- bring forward more information.
23
24 MR URQUHART: Thank you, sir.
25
26 HIS HONOUR: Very well, thank you for that. Well, the
27 evidence called so far in relation to this aspect of the
28 Inquiry can be likened to a jigsaw puzzle with many of the
29 pieces missing. We have a very clear view of some parts of
30 the picture, but other parts are completely blank. In
31 order to see the picture as a whole, the Inquiry needs the
32 help from people in the community who might be able to
33 provide us with some of the missing pieces of the jigsaw
34 puzzle.
35
36 There are many retirees still alive who worked for the
37 Department of Education or the Department of Community
38 Welfare during the 1970s and 1980s. There are also many
39 people still alive who had political connections during
40 that period. The Inquiry seeks help from any member of the
41 public who might be able to throw light on the following
42 issues: firstly, why the Minister of Education in 1975
43 consulted with Mr Logan about a Country High Schools'
44 Hostel's matter after Mr Logan had retired from parliament;
45 secondly, whether Mr Logan had any continuing involvement
46 in country hostels matters in later years; and, thirdly,
47 and more generally, why it was that Brian Humphries was

1 instructed to drop his investigation into a complaint about
2 physical interference with a child at St Andrew's Hostel.

3
4 Anyone who can help us in this way is asked to
5 telephone the Inquiry on the free hotline number of 1800
6 227 792.

7
8 Very well, that completes that aspect of the Inquiry
9 for the present, although it will certainly be addressed
10 further in due course.

11
12 MR URQUHART: Yes.

13
14 HIS HONOUR: Yes, Mr Urquhart.

15
16 MR URQUHART: Thank you, sir. And now we move on to other
17 areas, and I propose now calling David Smart. Mr Smart is
18 in the back of the hearing room.

19
20 HIS HONOUR: Yes.

21
22 MR URQUHART: And he will take the oath, thank you, sir.

23
24 HIS HONOUR: If you come forward, Mr Smart.

25
26 <DAVID NEIL SMART, sworn:

27
28 <EXAMINATION-IN-CHIEF BY MR URQUHART:

29
30 MR URQUHART: Q. Mr Smart, do you have a middle name?

31 A. Yes, Neil.

32
33 Q. Neil. So it's David Neil Smart?

34 A. Yes.

35
36 Q. Yes. You're 61 years of age; is that correct?

37 A. Yes.

38
39 Q. And you live in Geraldton?

40 A. I do.

41
42 Q. And originally, as I understand it, were you a farmer
43 by occupation?

44 A. I was a farm manager, yes.

45
46 Q. Farm manager. However, for the last - over the last
47 20 years have you been employed by the Country High

1 Schools' Hostel Authority?
2 A. I have.
3
4 Q. Could we start off with your current position at the
5 moment?
6 A. Yes, I'm currently the manager of the Geraldton
7 Residential College.
8
9 Q. And how long have you held that position for?
10 A. 14 years.
11
12 Q. And that's a high school hostel, is it?
13 A. It is.
14
15 Q. And you've described yourself as a manager.
16 A. Yes.
17
18 Q. Once upon a time was that known as a ward - the
19 warden?
20 A. It was.
21
22 Q. And do you know about when they had that name change
23 from warden to manager?
24 A. I think in the early '90s. I'm not exactly sure of
25 the date, but some time in the early '90s.
26
27 Q. When did you first begin working for the Authority, if
28 I could just shorten it to that description?
29 A. Yes. I began working for them in 1989.
30
31 Q. And where were you based in 1989?
32 A. In the Esperance College.
33
34 Q. And were you there as the warden, as it was known
35 then?
36 A. I was there employed as the warden, yes.
37
38 Q. And how long were you there?
39 A. I was there for six years.
40
41 Q. Right. And then did you go off and do something else
42 briefly?
43 A. Yes, I went on long-service leave and didn't return
44 for three years.
45
46 Q. Right. And so you then took up the position as warden
47 of Geraldton --

1 A. No, I then.
2
3 Q. -- is that right - no, sorry, at Esperance?
4 A. At Esperance. I was asked to return to Esperance in
5 1998.
6
7 Q. So apart from that three years, it would seem from
8 1995 to 1998 you've been employed as a warden either at
9 Esperance or Geraldton since 1989?
10 A. Yes.
11
12 Q. Now, given the fact that it was 1989, during the
13 course of that first year as a warden, did you meet another
14 warden who was at the Katanning hostel, by the name of
15 Dennis McKenna?
16 A. I did.
17
18 Q. And where had - would you have met him to start with
19 initially?
20 A. Initially I would have met him in Perth at a warden's
21 meeting.
22
23 Q. Now, can you just tell us how often warden's meetings
24 would be conducted in a year?
25 A. In those days I believe it was either one or two a
26 year.
27
28 Q. And would they always be in Perth?
29 A. Sometimes they would be in country colleges.
30
31 Q. Now, in 1990 did you recall doing what's called - what
32 can be described as a tour of other hostels in the
33 south-west region?
34 A. I did.
35
36 Q. And what was the purpose of that?
37 A. Being a new manager at Esperance, or warden in
38 those days, the biggest thing kids complain about in
39 colleges is food, so I took my catering staff for a visit
40 to Narrogin, Katanning and Albany to review how they
41 prepared meals and what sort of menus they had, and things
42 like that.
43
44 Q. Okay. And so do you recall attending the Katanning
45 hostel?
46 A. I do.
47

1 Q. And how long were you there for about then?
2 A. It was a quick trip, so we spent about three hours at
3 Katanning before moving on to Albany.
4
5 Q. And did you see Dennis McKenna there?
6 A. I met him there, yes.
7
8 Q. And was that the first occasion that you can recall
9 where you actually met him in the surrounds of the hostel,
10 rather than a warden's meeting elsewhere?
11 A. Yes.
12
13 Q. Did you notice anything about the manner in which
14 Dennis McKenna operated the hostel whilst you were there?
15 A. I - I found it interesting. I was there around about
16 when school was finishing, so the students were coming back
17 from school. McKenna had an office close to a pathway
18 where the students return from school, and he had a window
19 which looked onto that pathway, and every student who
20 walked past had to say, "Hello, Dennis." And I was
21 watching this as it was happening, and those students who
22 didn't say "Hello" were called back and requested to say
23 "Hello".
24
25 Q. I see. Requested by --
26 A. By McKenna.
27
28 Q. And what was your reaction to this routine?
29 A. I found it uncomfortable because I thought it was
30 very, very controlling and it's not something that I would
31 do in - in the same role, and I don't know - yes, I just
32 found it uncomfortable to be seeing the kids under so - so
33 much control.
34
35 Q. Did you notice anything about how they would greet Mr
36 McKenna - whether it was by his first name, rather than by
37 his --
38 A. It was by his first name.
39
40 Q. And did you notice anything about that at the time?
41 A. I don't - I don't approve of that. I don't think it
42 is appropriate for a student to be addressing an adult by
43 their first name.
44
45 Q. And what practice did you employ in your capacity as
46 warden manager of these hostels?
47 A. I've always been known as Mr Smart, and it's a

1 standard I've set for all my staff. All my staff are
2 always addressed with a title.
3
4 Q. Do you know what the practice is, or back then amongst
5 your other fellow wardens?
6 A. It was varied. More often than not, perhaps first
7 names were used.
8
9 Q. Now, I just want to ask you something about the
10 accommodation arrangements for wardens in hostels?
11 A. Yes.
12
13 Q. You're in two - you've been a warden at two hostels
14 yourself. Ordinarily, where would the warden be
15 accommodated?
16 A. Usually the warden would have a house provided, which
17 was in most cases removed from the actual dormitories of
18 the college.
19
20 Q. And was there reason for that?
21 A. The supervisory staff were expected to do overnight
22 duties and be in charge and take care of the students
23 overnight. It wasn't the role of the warden to be doing
24 that. He had staff who did that. So the manager or warden
25 had a house provided where they lived, and because they
26 weren't expected to be doing the night-time callouts.
27
28 Q. And you mentioned that's the role of supervisors?
29 A. Yes.
30
31 Q. So every hostel would have supervisors?
32 A. Yes.
33
34 Q. And are you aware of the conditions of employment for
35 supervisors?
36 A. It's in the conditions of employment, and I - I'm
37 thinking that they were still in effect, or began in effect
38 in those days, was that the condition of employment for all
39 supervisory staff was that part of their responsibilities
40 was to do overnight calls and weekend calls, weekend on
41 duties, so overnight call means that when on duty they
42 would be required to sleep in the bed-sit which would be
43 attached to the dormitories.
44
45 Q. Right. And, indeed, is there such a bed-sit set up at
46 the hostel in Esperance?
47 A. Yes.

1
2 Q. And is there a similar bed-sit with the set up at
3 Geraldton?
4 A. Yes. And in all colleges across the state that I
5 visited in those days, they all had bed-sit arrangements.
6
7 Q. And your experience, have you ever heard of a warden
8 or manager actually setting up his or her residence inside
9 one of those bed-sits.
10 A. No.
11
12 Q. Mr Smart, when you started working for the Authority
13 in your capacity as warden at Esperance, did you come to
14 meet the Chairman of the Authority back then?
15 A. I did in 1890 - not 1890, 1989, yes.
16
17 Q. And can you recall who that gentleman was?
18 A. Colin Philpott.
19
20 Q. And did you meet Mr Philpott shortly after you began
21 your job.
22 A. Some time in '89, yes. I'm not sure exactly when.
23
24 Q. And was it the case that this was your first time that
25 you began in a role similar to this, or had you had
26 previous experience before?
27 A. I had worked at the Morawa agricultural college -
28 firstly as a supervisor, and then I was - after six months
29 I was made the manager there.
30
31 Q. I see.
32 A. And then --
33
34 Q. So you actually had some background --
35 A. I did have some background.
36
37 Q. -- in this sort of work?
38 A. Yes.
39
40 Q. Now, did you recall Mr Philpott saying anything to you
41 as to who you should approach if you needed any assistance?
42 A. Yes, Mr Philpott recommended Dennis McKenna to me.
43 His statement was that "Dennis is the guru of boarding, so
44 if you needed any help with anything, he would advise you."
45
46 Q. Was that the actual phrase that he used "guru of
47 boarding"?

1 A. As I recall, yes.
2
3 Q. Right.
4 A. As I recall.
5
6 Q. And were there other occasions when he spoke to you
7 about Dennis McKenna?
8 A. I imagine there was, but I can't recall any specific
9 time, but it was very strongly indicated that he held
10 Dennis McKenna in very high esteem.
11
12 Q. Now, what about you, Mr Smart. I mean, you mentioned
13 that you met him at some warden's meetings in 1989. You
14 met him then in 1990 at his hostel. How did you get on
15 with him?
16 A. I had very limited conversation with the man. I
17 didn't particularly like him as a person. I had no real
18 reason to say why I didn't like him, but I didn't feel I
19 would have a relationship with him. I just felt
20 uncomfortable perhaps with him, or something. There was
21 something about the man I didn't particularly like.
22
23 Q. Well, you already mentioned the fact you were
24 uncomfortable with how the students greeted him?
25 A. Yes.
26
27 Q. So would that be one example?
28 A. That's one example, I suppose, yes.
29
30 Q. Is there another example that you can recall as to how
31 he and his - and the students at his hostel engage with
32 each other and other people outside of the hostel?
33 A. In those days we used to have things called jamborees,
34 where all the colleges - I think there were eight in
35 those days, would visit each other and have a jamboree.
36 For example, Esperance may be the host one year, and all
37 the other colleges would be invited. And each college
38 would bring between eight and 10 students with some staff
39 and usually the warden. Whenever we saw the Katanning
40 students at the jamborees, they were isolated. They didn't
41 mix with the other students. It was just they were
42 controlled in such a way that they weren't allowed to mix.
43 So they were always off as a separate group --
44
45 Q. Right.
46 A. -- where the other students would be having fun,
47 communicating, relaxing with each other, learning about

1 where they came from, all that sort of thing.
2
3 Q. And that was the whole purpose of the --
4 A. That was the whole purpose of jamboree, yes.
5
6 Q. And on those occasions that you saw the Katanning
7 hostel students, was Mr McKenna always with them --
8 A. Always Mr McKenna was with them, yes.
9
10 Q. Can you recall if there were any other hostel staff
11 with them?
12 A. I can't recall, no.
13
14 Q. Okay. Now, Mr Smart, I want to take you to a time
15 when Dennis McKenna was charged with some offending in
16 late - in the second-last quarter of 1990. Now, were you -
17 do you recall being advised as to a task that he was going
18 to undertake for the authority whilst he awaited his trial?
19 A. Yes, we were informed that he would be suspended from
20 his role because he had been charged and he was going to be
21 moved into head office in Perth. Then we were informed
22 that he would be doing research on producing a pastoral
23 care document.
24
25 Q. And can you recall who it was who told you that?
26 A. I can't recall, I just know it would have come out of
27 our head office, they would have informed us.
28
29 Q. I see. Now, this pastoral care document, can you
30 recall what that document was supposed to contain?
31 A. It's - maybe the interpretation of pastoral care. In
32 our industry pastoral care is about ensuring the safety and
33 welfare of the students in our care. Parents give their
34 students to us for that school year, and they would have
35 high expectations that we care for them, we make sure
36 they're safe, make sure they're fed, make sure they're
37 looked after very well and, of course, make sure they're
38 well educated. So pastoral care is all about that
39 responsibility. So, yes, the document to be produced was -
40 should have been relating about the care of the child.
41
42 Q. Had there been such a document --
43 A. No.
44
45 Q. -- to your knowledge in existence?
46 A. No.
47

1 Q. Now, can you recall your reaction to when you found
2 out that this was going to be the task assigned to Dennis
3 McKenna?
4 A. I was disgusted.
5
6 Q. And why was that?
7 A. I thought it very inappropriate for a man who is on
8 charges of abuses, of sexual abuse of students, to be given
9 that role.
10
11 Q. And were you the lone wolf, as it were, with respect
12 to being disgusted?
13 A. No. There were another two colleagues of mine who
14 felt very strongly like myself, and we expressed our - our
15 point of view to the authority.
16
17 Q. Can you recall who those other two colleagues were?
18 A. Mr Barry Christy, who was the warden at Albany, and Mr
19 Don Dixon who was the warden at Narrogin.
20
21 Q. And so you took the matter up, did you?
22 A. We raised the matter with the Authority and by the
23 "Authority" I mean head office of the Authority, and their
24 officers there, and we were informed that he was only on
25 charges so we must presume innocence until proven guilty,
26 so we had to accept the decision that was made.
27
28 Q. Can you recall who conveyed that to you?
29 A. The Authority, through its head office.
30
31 Q. You don't know the particular person?
32 A. I don't know the particular person.
33
34 Q. Okay.
35 A. At that time when he was charged Mr Frank Rakich was
36 the Acting Administration Officer so we presumed - I
37 presumed that the instruction would have come through him.
38
39 Q. Now, you you're saying that he was acting --
40 A. Yes.
41
42 Q. -- in that role. Do you know who held that position
43 before that?
44 A. Mr Peter Bachelard-Lammas was the Administration
45 Officer when I first began working for the Authority.
46
47 Q. Yes.

1 A. And he was up - still employed in that position. From
2 what I understand, up to the time McKenna was charged and
3 from what I have since found out, I understand he left very
4 soon after McKenna was charged.

5
6 Q. Right. And were you aware of what sort of
7 relationship he had with Dennis McKenna up until the time
8 Mr McKenna got charged?

9 A. Listening to other colleagues who had been in the
10 system longer than I, plus my own observations, I believe
11 there was quite a strong friendship or relationship between
12 Bachelard-Lammas and McKenna.

13
14 Q. Just from your own observations, what do you rely on
15 to make that observation?

16 A. It may be as hearsay, but it was always about that
17 Bachelard-Lammas would often visit Katanning more than any
18 other college.

19
20 Q. Right. Well, just on that, what sort of reputation
21 did the Katanning hostel have up until Dennis McKenna being
22 charged?

23 A. It had an excellent reputation. It was --

24
25 Q. No doubt yours did as well, Mr Smart, but we are
26 interested in Katanning. Were you aware of that?

27 A. I knew it had a good reputation. That's the only
28 words I ever heard. I hadn't heard nothing bad about it.

29
30 Q. And the credit for that?

31 A. Was always McKenna.

32
33 Q. Now, with respect to Warden's meetings that continued
34 after Dennis McKenna had been charged, you mentioned
35 earlier that that's where you used to see him, at warden's
36 meetings?

37 A. Yes.

38
39 Q. Did he continue to attend the warden's meetings after
40 he'd been charged?

41 A. When he'd been suspended from Katanning and moved to
42 head office, we would have warden's meetings in head office
43 and he would be there. He wouldn't be there for the whole
44 of the meetings, but he was there, and he would be in and
45 out of the meeting at different times, which restricted
46 perhaps our ability to be frank about certain issues that
47 were on the agenda.

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Q. I see. Did you become aware during the course of those meetings of what work Dennis McKenna was doing in preparing this pastoral care document?

A. Yes, it became fairly obvious that he had to research to get the evidence he needed to produce the document. And we became aware that he was visiting private schools in Perth to get some insight into how their pastoral care policies worked. And we were embarrassed by our reputation being bandied around in that way because all these people would have known who this man was and, yes, we were embarrassed by it and we knew we were a bit of a laughing stock around the boarding fraternity.

Q. Right. Simply because of --

A. Because of what he was doing.

Q. And the fact that he'd been charged?

A. And he'd been charged, that's right.

Q. With these particular offences?

A. Yes.

Q. What about yourself personally, Mr Smart. Were you affronted at all by the fact that this man was being asked to prepare an important document representing to pastoral care of your students?

A. I was insulted by the fact that the Authority would put a man who was on charges for child abuse to be producing a document that we would be expected to put into our colleges as a document to be used and established as a pastoral care policy that we would have to use for the next 20 years, and I was outraged and insulted by it.

Q. Now, can you recall that he'd actually completed this project?

A. Yes.

Q. And can you recall when that was?

A. I think it was 1991 we had a wardens' meeting in Geraldton, and the document was - the completed document was presented to us at that that meeting.

Q. Was Dennis McKenna there?

A. Dennis McKenna was not in.

Q. Can you recall whether this was before or after his

1 District Court trial in Albany that year, and I can tell
2 you that was in the middle of the year? Are you able to
3 say or not?
4 A. I have a feeling the meeting may have been in
5 September --
6
7 Q. I see.
8 A. -- in Geraldton. I can't be accurate on that, but I
9 have a feeling it may have been in September.
10
11 Q. All right. Then --
12 A. And the document was presented to us. There was
13 numerous copies put on the table for every warden to take
14 back to their college.
15
16 Q. And can you recall who did that, who had the documents
17 with them?
18 A. Frank Rakich was acting at that time as Administration
19 Officer, and he would have delivered the document to
20 Geraldton and who handed it out, I'm not sure.
21
22 Q. So I should ask you that. Who would ordinarily tend a
23 wardens' meeting? Obviously the wardens, but any of the
24 Authority staff?
25 A. Usually the Administration Officer from the
26 Authority --
27
28 Q. Yes.
29 A. -- which would have been Bachelard-Lammas or Frank
30 Rakich's acting position, and perhaps on occasion there
31 would be an Authority member there.
32
33 Q. Can you recall if Mr Philpott ever attended in your
34 time there?
35 A. Yes, Mr Philpott did attend some wardens' meetings,
36 yes.
37
38 Q. Right.
39 A. And I believe in Geraldton at this time there was an
40 Authority member there.
41
42 Q. Okay. Now, what did you do when this booklet was
43 offered to you?
44 A. I threw it back on the table and refused to accept it,
45 and I was not alone in doing that.
46
47 Q. Yes. So there were others who did that?

1 A. Others who did that.
2
3 Q. All right. And was Mr Christy and Mr Dixon there?
4 A. Yes.
5
6 Q. What did they do?
7 A. They did the similar thing as I did.
8
9 Q. Was it just the three of you or --
10 A. I think there may have been others.
11
12 Q. And did you say anything as to why you were taking
13 that course of action?
14 A. I expressed the opinion that it was inappropriate for
15 that document to be presented to us as the author of the
16 document was - was an inappropriate author.
17
18 Q. Yes. Now, if, in fact, this was as you recall, you're
19 not certain, you have a memory it was September 1991, we do
20 know that Neil McKenna, Dennis McKenna's brother, had been
21 appointed as acting warden after he'd been charged, and
22 depending on what time - if it was September, what time in
23 September, he may well have still been the acting warden.
24 Can you recall if he was at this meeting in Geraldton?
25 A. Yes, he was at the meeting as acting warden from
26 Katanning.
27
28 Q. And did that have any impact on what you had to say
29 about this document, bearing in mind the relative of the
30 author was there?
31 A. It was a difficult position to be in, and perhaps we
32 couldn't be as frank as we wished to be.
33
34 Q. Now, do you know what happened about this pastoral
35 care document or booklet?
36 A. Well, I - I am not sure who took it with them. Those
37 of us who objected strongly did not take it. I presume it
38 was packaged up and taken back to Perth, and I don't - I've
39 never seen it since.
40
41 Q. Right. And was a document subsequently prepared?
42 A. In 1992, Barry Christy, myself and Don Dixon were
43 asked to form a committee and produced a document.
44
45 Q. Is that what you subsequently did?
46 A. We did. We produced a document, yes.
47

1 Q. Can you recall who asked you to do that?
2 A. I think at that time it would have been Jim Hopkins
3 who was then the new Director of the Country High Schools
4 and Hostels Authority.
5
6 Q. When you say, "new director", do you mean the
7 chairman?
8 A. No. He was the director, so he replaced the
9 administration officer.
10
11 Q. I see. Who had been the acting officer?
12 A. Yes. Mr Hopkins began work the day after the Geraldton
13 meeting.
14
15 Q. Am I right in saying that you didn't bother relying on
16 the previous pastoral care document, the draft that you
17 prepared?
18 A. We never viewed it or took any notice of what was
19 written in it.
20
21 Q. If I can ask you something regarding the authority's
22 relationship with Dennis McKenna. You already mentioned
23 about what the chairman had to say to you about seeking
24 assistance "you should go and see Dennis McKenna". Do you
25 recall what the authority's view was, particularly
26 Mr Philpott's, after Dennis McKenna had been charged?
27 A. I believe the message that came to us very strongly
28 was that we should be loyal to a colleague until such time
29 as he was proven to be guilty. That was difficult for us
30 to do. We felt the charges were that serious that we would
31 - I, speaking on behalf of myself, would be not prepared to
32 do. I would rather just sit back and see what happened.
33
34 Q. How would you describe Mr Philpott as a man? How did
35 he run the ship, as it were?
36 A. Mr Philpott had a long association with the Country
37 High Schools Authority. He was the initiator of it in the
38 beginning. He was a very forceful, strong man and had very
39 strong views on issues and was a fairly dominant figure for
40 the authority.
41
42 Q. Which is not necessarily a bad thing for someone who
43 is a chairman of --
44 A. No, absolutely not.
45
46 Q. -- an association; do you agree with that?
47 A. I agree with that. That's right.

1
2 Q. When you found out that Neil McKenna had been
3 appointed as acting warden replacing his brother Dennis,
4 did you find out about that shortly after that happened?
5 A. Yeah, I can't recall exactly how I found out or what,
6 but all of a sudden I knew he was acting, yes.
7
8 Q. Can you recall your reaction to that when you first
9 found out?
10 A. I believed it to be inappropriate.
11
12 Q. Why is that?
13 A. Because of the family connection. I didn't know the
14 ins and outs of Katanning and how it operated, but when you
15 put the brother of someone who is on serious charges - I
16 feel uncomfortable with that to be the case. I wasn't
17 particularly happy with that arrangement.
18
19 Q. Again, did you think it was appropriate for you to
20 speak up about that?
21 A. I don't think I did speak up about it. A few of us
22 would have talked about it, but nothing more than that.
23
24 Q. I see.
25 A. We didn't know who made the decision. We presumed it
26 would have been the authority, because of the serious
27 circumstances affecting Katanning. I believed it would
28 have been the authority.
29
30 Q. Did you then subsequently find out who replaced Neil
31 McKenna as the warden there at Katanning?
32 A. Yep. Mr Con Burro was put in to replace Neil McKenna.
33
34 Q. Did you know him?
35 A. Yes.
36
37 Q. Prior to that?
38 A. Yes.
39
40 Q. How did you know him?
41 A. Con Burro was a senior supervisor at the Albany
42 hostel. And I had met him on numerous occasions.
43
44 Q. With respect to that appointment, did you have a view
45 about the suitability of Mr Burro to assume what must have
46 been a very difficult role, given what had happened at
47 Katanning?

1 A. Yes, I did. I'd heard that Mr Burro had been a
2 character reference for Dennis McKenna at his trial in
3 1990. And I believe Mr Burro did tell me that he had been
4 a referee for him. Maybe now I think more of it, perhaps
5 not so much then, but I also - I think that it was another
6 association with McKenna, and I'm thinking how would the
7 students feel that it never goes away - we can't get
8 McKenna out of our system because the brother's charged,
9 the other brother's gone and then the referee is now taking
10 over. For me that was saying: what are people doing?
11

12 Q. Given your involvement as a warden yourself, can you
13 tell us what happened then over the course of the following
14 years? We do know that the Katanning hostel eventually
15 closed in 2009. Are you able to tell us about the history
16 of the --

17 A. Yes.

18
19 Q. Who filled the position of the wardens after Dennis
20 McKenna had been there for some 15 years?

21 A. After McKenna was charged Neil McKenna took over - I'm
22 not sure for how long. Then he left. Then Con Burro took
23 over for, I think, around about five years, Con Burro,
24 around the college. From then on there was a number of
25 managers - "managers" at this time - who were put in. Most
26 of them didn't last very long, for numerous reasons. They
27 finally had a lady who had been in our system for a while,
28 Mrs Pauline Gairdner, who was asked to go there. She had
29 good qualification to do so. She'd been a supervisor, been
30 a senior supervisor, been a manager at Northam. She went
31 there for nearly two years, and unfortunately she died of
32 cancer. Then they put - I'm not sure, relieving staff and
33 so forth there.

34
35 Q. Was there anybody appointed that had Ms Gairdner's
36 experience?

37 A. Not that I'm aware of, no.

38
39 Q. After Mr Burro left?

40 A. No. No-one. I think all the people who were employed
41 there after that situation of Mr Burro leaving had no
42 experience in running boarding schools. I think in the end
43 it was just a gradual - a slow death of Katanning.

44
45 Q. Given the fact that you had been a manager for a large
46 number of years now, what do you say to this fact that
47 Mr McKenna was able to engage in what appears to be a

1 systematic course of offending over many, many years?
2 A. I'm staggered that he could get away with it for so
3 long. Yeah, it's difficult to know how to describe how
4 people don't see things. As you know, I've been a manager
5 for 20-odd years. As a manager I can pick up on people who
6 work for me whether there is something wrong or not. If I
7 notice anything that I think is creating an issue with a
8 student I can usually identify it fairly quickly and do
9 something about it.

10

11 Q. Has that actually arisen --

12 A. In my years it has arisen where I have identified a
13 couple of people over the years who I felt they weren't
14 doing what they should be doing.

15

16 Q. I don't want you to mention any names or anything like
17 that, but you mention, I think you said, a couple of
18 occasions?

19 A. Yes.

20

21 Q. Can you recall the first occasion?

22 A. The first occasion was in Esperance where I had a man
23 working for me and he had reasonable references and so
24 forth. We put him in his job as a supervisor. After a few
25 months I began to notice that he was developing fairly
26 strong relationships with some students. One particular
27 incident where I noticed he was in the dining room and he
28 had both hands on the shoulder of a boy who was sitting
29 down at the table. My hackles rose a little bit, and I
30 felt uncomfortable what was happening, and I began to
31 monitor his behaviour.

32

33 Q. And how did you do that?

34 A. I requested my second in charge to also monitor this
35 man's behaviour. After a week he came back to me and he
36 said, "You're right. We have got something to be concerned
37 about". So over the next few months we monitored it fairly
38 carefully and we finally - because of those issues he -
39 there was a sort of a --

40

41 HIS HONOUR: Q. In other words, you were sensitive to
42 inappropriate touching?

43 A. Yes, that's right. To me it's not difficult to do.
44 Someone can put their hand on the shoulder of a kid and you
45 think that's fine; but another one who starts massaging and
46 so forth becomes uncomfortable.

47

1 MR URQUHART: Q. Is that what you saw or --
2 A. That's what I saw, yeah.
3
4 Q. And what was reported back to you?
5 A. Yes. It came back to me that this man was always
6 there for the boys when something sexual was happening.
7 And young boys in colleges do get involved in sexual
8 activity as such, and learning and so forth. He always
9 seemed to be around. We had to be very careful how we
10 monitored this man. So we did that. Eventually with some
11 involvement from my board of management we finally got this
12 man to resign.
13
14 Q. You say, "we", and you mention the board?
15 A. Yes.
16
17 Q. What role did the board play in this monitoring that
18 you undertook?
19 A. My role as a manager is to keep the board informed of
20 what goes on. So any serious matters that I think they
21 need to be informed of I inform them. So I informed my
22 chairperson. Between him and I we - he was fully informed
23 what we were doing in monitoring the situation, and was
24 kept up-to-date with everything that we did. Eventually in
25 this case the board chairperson and I interviewed this man
26 in a private meeting with him. He then breached the
27 confidentiality of that meeting and was asked to resign.
28
29 Q. He did resign?
30 A. He did resign. Yes.
31
32 Q. Can you recall about when this was?
33 A. I'm thinking around '93, '94.
34
35 Q. Is there another occasion that you recall when you had
36 to undertake something similar?
37 A. Yes. In Geraldton I had a young female student come
38 to me one day and make a complaint against a staff member
39 who had not inappropriately touched her but was making
40 innuendos in a sexual manner. For example, if he had to
41 pick her up from basketball or hockey or somewhere, he
42 would always suggest that she sit in the front seat of the
43 14-seater van that we have. Then he would say "sit on the
44 front seat as close as you can to me", and talk to her in
45 an adult manner, if I could put it that way. Telling her
46 that she was a very attractive young lady and that sort of
47 thing.

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This girl came and told me these things and I began investigation to see if any other girls had also been compromised.

Q. Did you have any hesitation in not believing her or anything like that?

A. Absolutely not. My belief is if a student comes to me to complain about a staff member, I have to address the issue. I have to treat it as a serious matter. So I began that. I informed my chairperson in Geraldton what we were going to be doing, and we conducted interviews with students and some ex-students who were living in Perth.

Q. So you went that far?

A. We went that far.

Q. In your investigations?

A. I had an ex-staff member who was working in head office in Perth on a release basis and I got her to visit an ex-student and ask her questions. I did the same in Geraldton, by interviewing young ladies who were no longer living with us.

Q. What emerged from these investigations?

A. It confirmed that the man had a consistent behaviour issue in trying to use innuendo to maybe develop a relationship with a young girl.

Q. Did you get any evidence that that had actually taken place, or was it still just --

A. He never, from all our evidence in investigation, he never ever touched a child. But that behaviour that he was doing was a prime case of grooming students and hoping one day he would find one that would be weak enough to take his advances seriously. Fortunately all these girls were mature enough and responsible enough not to be taken in by it. So we concluded the investigation. My whole board was involved in the final reporting of that. We convened a meeting with the staff member, presented our evidence to him and requested he immediately vacate the premises.

Q. Did he do so?

A. He did so, yes.

HIS HONOUR: Q. How old was that staff member, approximately?

1 A. Forty. He was a married man with child.
2
3 MR URQUHART: Q. I suppose we should clarify the age of
4 the other staff member that you also asked to resign back
5 in Esperance in the early nineties?
6 A. In mid-30s, yeah.
7
8 Q. Now just on that, have there been occasions where it
9 is not necessarily misconduct of a sexual nature or
10 inappropriate behaviour of a sexual nature but if a student
11 has come to you and had made a complaint against a staff
12 member and you have found out that in your investigations
13 it hasn't been substantiated?
14 A. Yeah. Look, sometimes students get angry with staff,
15 like they do with parents sometimes, and they don't always
16 get a 'yes' when they want a yes. They will be aggressive
17 towards staff and make accusations against them for being
18 unfair or whatever. But the students in my care, I
19 believe, feel comfortable enough to come and talk to me
20 about those things and then I'll develop a procedure where
21 we can address the issues that they have and deal with it.
22 In some cases I have conducted intervention policy where
23 the staff member and student will meet with a mediator and
24 will try and resolve those issues.
25
26 Q. Again, even in those instances where there might be a
27 good reason for the student to maybe embellish an
28 allegation, you will still undertake an investigation of
29 it?
30 A. Absolutely, yes. Yep. In both those serious cases
31 where we had asked the person to resign immediately the
32 authority, head office, was always informed of what we were
33 doing.
34
35 Q. In that instance you, for want of a better word, tried
36 to get corroboration of, firstly, what you had seen
37 regarding the first incident?
38 A. Yes.
39
40 Q. Secondly, what the one student who came and complained
41 to you?
42 A. Yes.
43
44 Q. With respect to the second matter, was it just a
45 course of finding out if other students had been placed in
46 a similar position?
47 A. Students are aware of things that are happening more

1 so than staff sometimes. They usually know if there is
2 another student who something is happening with. They
3 usually will tell you their name.
4

5 I remember a case many years ago which was a bit
6 humorous, perhaps - where there was nothing serious going
7 on - but I had asked a girl who had sneaked out one night
8 "and who else went with you?" And she proceeded to give me
9 another nine names. So it became a huge case. That's how
10 honest kids can be.
11

12 Q. Is it sometimes, in your experience, and using that
13 one that you had in Geraldton, that often just requires one
14 student to come forward --

15 A. Yes.
16

17 Q. -- and make a complaint and then it follows from there
18 that others are then prepared to do the same?

19 A. Absolutely. I don't have any doubt that once - once
20 one student opens the door many others will come through
21 it, if they are respected for what they are saying.
22

23 Q. I was going to say, provided that the first student's
24 complaint is taken seriously?

25 A. Absolutely. They must know that the person they are
26 telling is going to have some belief in what they are
27 saying. To me that's just - it's just a "said", you just
28 do it. You have to believe these students. They are in
29 your care. If they have got a worry they need to be able
30 to tell you and you have to respond appropriately to that
31 concern.
32

33 MR URQUHART: Thank you, Mr Smart. That is all the
34 questions.
35

36 HIS HONOUR: That all sounds very successful. Thank you
37 very much. Have you got a question?
38

39 MR JENKIN: Sir, in a break with tradition, I do have a
40 question. I just want to clarify one brief matter with
41 Mr Smart, if I may.
42

43 MR URQUHART: I had told Mr Smart that you would not be
44 asking him any questions.
45

46 MR JENKIN: Well, there you go.
47

1 <CROSS-EXAMINATION BY MR JENKIN:
2

3 Q. It is just a very minor matter, Mr Smart. You gave
4 evidence in about 1991 there were a couple of warden
5 meetings per year; is that right?

6 A. Yes. My belief so, yes.
7

8 Q. I just want to suggest to you - it is really just a
9 matter to get the record correct - the meeting that you
10 referred to where the handbook, the pastoral handbook, was
11 tabled could have been on the 22nd of May 1991 and not in
12 September?

13 A. I can't recall honestly. I don't - I am not sure.
14

15 Q. There was a meeting on 6 September 1991 and that was
16 the next meeting after May.

17 A. Right.
18

19 Q. If it turned out that there was a minute or some other
20 document that said that the meeting happened in May you
21 wouldn't dispute that?

22 A. No. I wouldn't dispute that. All I know is that when
23 the meeting in Geraldton was held Jim Hopkins was there and
24 the next day he became the director. So whenever that was
25 is when that meeting was held.
26

27 MR JENKIN: In that case, it was 22 May because Mr Hopkins
28 became the executive officer on 23 May. Thank you, sir.
29

30 HIS HONOUR: Very good. All right, thank you very much
31 Mr Smart. That completes your evidence. You may leave the
32 witness box.
33

34 <THE WITNESS WITHDREW
35

36 HIS HONOUR: Yes, Mr Urquhart.
37

38 MR URQUHART: Thank you, sir. We can use the last 15
39 minutes now to read in some witness statements. There are
40 two, and as I read through the statement, it will become
41 clear as to why it is that I'm reading these statements
42 rather than calling these two ladies. The first one, sir,
43 is Elaine Brown, Elaine spelt E-L-A-I-N-E. It reads
44 "Elaine Brown states":
45

46 I was am 73 years old.
47

1 So that's a typo there. It should read "I am 73 years
2 old":

3
4 I am retired and live in Edgewater.

5
6 From 1975 until 1985 I was a member of the
7 board of St Andrew's Hostel Katanning.

8
9 I was the parent representative for the
10 Tambellup area along with Gwenda Wellstead.

11
12 I am married to John Brown and we have four
13 children who were students at St Andrews
14 Hostel in Katanning starting in 1970, 1972
15 and 1974.

16
17 At that time we lived on a farm in
18 Tambellup.

19
20 I was elected as parent representative to
21 the Hostel Board in 1975 following a
22 parents meeting.

23
24 At the time the warden of the hostel was a
25 Mr Percival, the chairman of the board was
26 Keith Stephens and Dennis McKenna was the
27 housemaster.

28
29 Dennis McKenna lived in a flat near the
30 boys dorm area when he was the housemaster
31 and I believe he continued to live there.

32
33 I remember that Dennis was very
34 charismatic.

35
36 After Mr Percival left there was a board
37 meeting to discuss Dennis McKenna's
38 application to be warden.

39
40 I was asking questions about his
41 suitability as I had some concerns that he
42 was a single man and wondered how
43 appropriate he would be for the job.

44
45 I was concerned that other than the board,
46 there would be no-one to support him in his
47 role as warden.

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In the end I voted against his appointment but the majority voted for him and he became warden.

I remember that Dennis often used to call on Keith Stephens and me to help him make executive decisions.

An example of this would be about punishing or expelling boys from the hostel.

Looking back now, I believe that a lot of these boys would have been victims of Dennis.

I remember that Dennis told the board that Bradley Parkin was a bully and not a nice boy and that he should be expelled.

I also remember him referring to Michael Hilder as a "mummy's boy".

Dennis used to run down other board members when they were not there and I often wondered if he did that behind my back.

An example of this would be him talking about Mrs Ball.

He would make comments about the length of time she had been on the board and how old she was.

When I was on the board we worked closely with Dennis to help build the rec shed and the swimming pool, we went to Perth and met with Charles Court.

Dennis always wanted to take shortcuts with these things and John Renk and I always told him he had to do things by the book.

Whenever you tried to challenge Dennis he would say "be careful, I have friends in high places".

1 I would tell him not to threaten me and he
2 was say "I'm not threatening you little
3 Elaine Brown", which is how he used to
4 refer to me.

5

6 I don't propose reading the next paragraph, sir, because of
7 the speculative nature of that, and I continue:

8

9 Looking back now, I do not understand why
10 none of the boys came to me and told me
11 what was happening to them as I would done
12 something about it.

13

14 There were never any letters of complaint
15 from parents that were presented to me as a
16 board member.

17

18 Then, your Honour, the next five paragraphs concerns
19 matters, the evidence of which - direct evidence of which
20 has already been led, so then I will go to paragraph 35:

21

22 During the time I was on the board I
23 remember that there were a lot of students
24 expelled and a lot of changes in staff
25 within the hostel.

26

27 Whenever the board asked about the reasons
28 for the expulsions, we would be told that
29 the students were not following the hostel
30 rules or were being disobedient.

31

32 There was a lot of punishment of the boys
33 and I remember that Dennis had strict rules
34 about boyfriend/girlfriend relationships.

35

36 On one occasion, I do not recall when, I
37 walked in on Neil McKenna in a compromising
38 position with Wendy, who was then a student
39 but later became his wife.

40

41 It appeared that they were having a
42 relationship as Wendy was besotted with
43 him, I do not recall what age she was but
44 she was still a student.

45

46 I sent Wendy back to her dorm, told Neil to
47 stay where he was and went and got Dennis.

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I told Dennis what had happened and he said he would sort it out and that it would not happen again.

I remember that there was contact between the board and the authority, Colin Philpott came to meetings around twice a year.

In 1985 I left the board. My husband and I were going away on a long holiday.

I had a nephew called Aaron who started at the hostel in 1988, his mother had died and I took over her role in looking after him.

Dennis asked me to re-join the board but I refused as I did not have time to give to the role.

My nephew rang me to tell me that Todd Jefferis had been expelled for stealing \$20 and his mother had come to collect him very late at night.

I later learned at a public meeting at the rec shed at the hostel that Todd had been sexually abused by Dennis, his mother spoke up at the meeting and told people what Dennis had done.

I remember that some of the board members were at the meeting and Todd's mother was asked to leave.

I recall that Dennis was at the meeting and I went and spoke with him and asked him if he had done these things and he said no.

I also spoke to Colin Philpott, who said that he would be looking into the matter and that he would be taking Dennis to Perth.

I told Colin Philpott that if he brought Dennis back to the hostel then he would have me to deal with.

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This was the first time that I was aware that there was allegations that Dennis had been sexually abusing students.

My nephew was not abused but told me that he saw Dennis tapping boys to invite them back to his flat.

He also told me that he remembered Todd Jefferis coming back to his bed crying on one occasion.

I no longer have copies of any of the board meeting minutes from my time on the board.

I remember that Ainslie Evans was not connected to the hostel board but I know that she was often at the hostel talking to Dennis, I am not sure what it was they would have talked about.

I am currently undergoing treatment for cancer which has included chemotherapy and I would prefer not to be called to give evidence at the Inquiry.

I am happy for my statement to be used as evidence on my behalf.

There is the declaration at the end:

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

It has then been signed by Elaine Brown and it is dated 13 March 2012.

Sir, the second statement to be read in is the name of "Shirley Jean Marshall" and it reads "Shirley Jean Marshall states":

1 I am 76 years old, am retired and live in
2 Katanning.
3
4 From 1982 until 1999 I was employed by the
5 Department of Health as a school nurse and
6 was based in Katanning Senior High School
7 as well as covering many of the local
8 primary schools.
9
10 My memory is not very good and I do not
11 remember the name of any hostel students.
12
13 I do recall that hostel students would only
14 come and see me in pairs, usually with an
15 older student present.
16
17 This was not the case with the other high
18 school students, who were able to come and
19 see me on their own.
20
21 I was in the Health Centre every lunch and
22 recess for all students.
23
24 I remember one of the year eight boys told
25 me that they could only come see me with
26 another student.
27
28 I asked why and he said something like
29 Dennis told me that to do so.
30
31 To me, it was abnormal behaviour.
32
33 I might have spoken to the principal at the
34 time but I don't remember which one.
35
36 Dennis McKenna was the warden of the hostel
37 and he told the students that they could
38 only see me in pairs.
39
40 I remember that Dennis appeared to be in
41 charge of everything and everyone.
42
43 If hostel students were sick, then they
44 would return to the hostel and I would not
45 have any responsibility for advising their
46 parents.
47

1 I would sometimes see the hostel students
2 in large groups for their screening
3 appointments.
4

5 None of the boys who were abused by Dennis
6 McKenna ever told me and I do not remember
7 any of the girls talking to me about this
8 either.
9

10 If anyone had told me I would have spoken
11 to the guidance staff about it.
12

13 I was always invited to the hostel end of
14 year concert with my husband and given a
15 bunch of flowers.
16

17 I remember the day that Dennis McKenna was
18 arrested as there was lots of talk in the
19 staff room when I went in there, people
20 could not believe what had happened.
21

22 I did not spend a lot of time in the staff
23 room as I would want to be available for
24 students during recess and lunch breaks.
25

26 I recall hearing rumours that Dennis had
27 got married to the mother of a boy at the
28 hostel. I do not recall their names.
29

30 I do not keep in good health now and have
31 sarcoidosis of the lungs and three blocked
32 coronary arteries.
33

34 I would find it difficult to give evidence
35 directly as a witness due to my ill health
36 but am happy for my statement to be used as
37 evidence for the Inquiry.
38

39 And there is the declaration:
40

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

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It's been signed by Ms Marshall and witnessed at Katanning by a police officer and it was signed on 13 March 2012.

That was all the matters that were going to be covered in evidence today so that might be an appropriate time.

HIS HONOUR: I think we will adjourn until 9.30.

MR URQUHART: Yes, and I was going to specify, sir, those who take an interest in these proceedings should note that it will be starting at 9.30 tomorrow, and I would expect, sir, that the evidence would be completed by lunchtime tomorrow, so it won't be a full day.

HIS HONOUR: Very good. Thank you for that. We will adjourn now until 9.30 tomorrow.

AT 4.11PM THE HEARING ADJOURNED TO TUESDAY, 20 MARCH 2012 AT 9.30AM