

Special Inquiry into St Andrew's Hostel

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

Monday, 20 February 2012 at 10.07am

Before: The Hon Peter Blaxell

1 HIS HONOUR: I'll take appearances. Mr Urquhart, you're
2 counsel assisting?
3
4 MR URQUHART: I am, thank you, sir, yes.
5
6 MR HAMMOND: I appear for the families, your Honour. Just
7 a point in relation to protocol, I'm assuming it's
8 acceptable for counsel to leave the bar table as and when
9 they deem fit.
10
11 HIS HONOUR: I think that's entirely appropriate. There
12 is no problem, depending on how the proceedings go, if
13 I think fit, so I think that is acceptable.
14
15 MR HAMMOND: Secondly, your Honour, I do propose to be
16 assisted by Mr Tim Saayman, who is here today. It may be
17 that he is up here at some points, and not me, if that is
18 acceptable to your Honour.
19
20 HIS HONOUR: By all means. .
21
22 MR JENKIN: I appear for the department and the Authority.
23 Consistent with my instructions, it's quite unlikely that
24 I'll be seeking to cross-examine witnesses in the first
25 part of the hearings.
26
27 HIS HONOUR: You can come and go as you please. That does
28 not trouble me. You'll know who the witnesses are and
29 whether they concern you or not.
30
31 MR JENKIN: Indeed, thank you.
32
33 HIS HONOUR: Before calling on counsel assisting to
34 present his opening address, I wish to make a few brief
35 comments of my own. Over the next two weeks we will hear
36 evidence from more than 30 witnesses, including a number of
37 former students who suffered sexual abuse while staying at
38 the St Andrew's Hostel. Some of those former students are
39 happy to be publicly named, whereas others would prefer
40 that their identities remain confidential.
41
42 There are good reasons why a person who experienced
43 sexual abuse as a child might not want his or her name to
44 be known. Accordingly, I have decided that it is in the
45 public interest that the names of some witnesses will be
46 suppressed, along with any information that can identify
47 them. Furthermore, a few witnesses are still so

1 traumatised by what happened during their school years that
2 they feel unable to testify. For that reason, I have
3 decided that those witnesses will not be required to give
4 oral testimony but may have portions or the whole of their
5 signed statements read into evidence.

6
7 For those witnesses who do testify, arrangements have
8 been put in place for counselling to be available. The
9 counsellor will be present in the building throughout the
10 hearings and any former victim or other person who is
11 emotionally affected by the evidence will be able to avail
12 themselves of her services.

13
14 I take this opportunity to point out that the
15 inquiry's investigations are not complete and that the
16 investigations will be ongoing both during and after the
17 hearings. It is not too late for any person who has
18 information relevant to our terms of reference to make that
19 information available to the inquiry. In the end, the
20 outcome of the inquiry must very much depend upon people,
21 who are able to assist, cooperating and coming forward with
22 such evidence as they can offer.

23
24 In respect of anyone who is reluctant to do so because
25 of fear of publicity, I remind them that the inquiry will
26 always respect any reasonable request for privacy. That is
27 particularly so with victims of sexual abuse and we will
28 never do anything to embarrass a victim or to enable that
29 person's identity to be known against their wishes.

30
31 Yes, Mr Urquhart.

32
33 MR URQUHART: Thank you very much, sir. The Special
34 Inquiry, which has been named the St Andrew's Hostel
35 Inquiry, has been established pursuant to section 24H of
36 the Public Sector Management Act of 1994. That section
37 provides for the holding of an inquiry into any matter
38 related to the public sector. For the balance of this
39 address, I'll refer to the special inquiry simply as "the
40 inquiry", and the St Andrew's Katanning Hostel as "the
41 Katanning Hostel".

42
43 The inquiry's terms of reference state that it is to:

- 44
45 1. Examine when any allegations were made,
46 who they were made to, what action was
47 taken in response to those allegations, and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

the appropriateness of any action taken.

2. Consider any evidence of allegations of sexual abuse by any person at or connected with the hostel or related organisations.

3. Report with:

Findings about why the behaviour of staff the subject of allegations at St Andrews Hostel was able to continue for an extended period; and

Recommendations on:

- any disciplinary action that should be taken against any public official as a consequence of the findings; and
- any changes that should be made to the policies, procedures or operations of relevant government agencies as a consequence of the findings.

Finally, the terms of reference specify that any issues which go to criminal behaviour that arise in the course of the inquiry will be referred to the WA Police.

Sir, though the terms of reference make it clear that the inquiry is not confined to only consider any allegations of sexual abuse at the Katanning hostel, this first phase of the public hearings will be confined to the inquiry's investigations that have been carried out with respect to that particular hostel.

Suffice it to say the inquiry is conducting ongoing investigations with information that has been received with respect to matters that fall within "related organisations", as cited at point 2 in the terms of reference.

If the inquiry determines that public hearings are to be conducted with respect to those investigations, then they will take place after the conclusion of the public hearings concerning the investigations into the Katanning hostel.

1 Sir, if I could just turn my attention to the
2 programming of the public hearings relating to the
3 Katanning hostel. This first phase of the public hearings
4 is expected to take approximately nine days. Two of those
5 days will take place in Katanning. Those days will be
6 Thursday, 1 March and Friday, 2 March. Those hearings will
7 be conducted in the Katanning Magistrates Court. The
8 reason for holding the hearings in Katanning over those two
9 days is for the convenience of witnesses who reside in
10 Katanning or the surrounding areas.

11
12 The inquiry will either call or read into evidence the
13 signed statements of approximately 35 to 40 witnesses in
14 its first phase. A number of these witnesses will provide
15 evidence of how the Katanning hostel warden from 1975 to
16 1990, Mr Dennis McKenna, ran the hostel and the measures he
17 appeared to adopt in order to ensure his sexual abuse of
18 students there went undetected for such an extended period.

19
20 Several of these witnesses are ex students who stayed
21 at the hostel and were victims of Dennis McKenna's sexual
22 abuse. Those men who will be testifying at the public
23 hearing, as your Honour has already identified, have not
24 sought to have their names or identities suppressed. That
25 arrangement was of course extended to them, and they have
26 declined. There will be three men who fit into that
27 category.

28
29 Other victims, however, have asked that their
30 identities not be disclosed. In those instances, their
31 accounts will be read out during the course of this first
32 phase without identifying their names.

33
34 The second group of witnesses called during the first
35 phase of this public hearing are those witnesses who state
36 they made complaints to various persons in authority about
37 Dennis McKenna's behaviour towards children who were
38 staying at the hostel. Those persons who raised their
39 concerns include parents of students who were staying at
40 the hostel, teaching staff, and students who were not
41 victims of Dennis McKenna, but who were questioning the
42 propriety of his behaviour towards some of the male
43 students.

44
45 Another person who raised her concerns to a number of
46 people was a public servant, who was employed by the
47 Department of Employment and Training as a group leader for

1 a government project at the time called Westrek. This
2 project operated in various country locations in 1985
3 throughout Western Australia, including Katanning. Her
4 name at the time was Maggie Maruff, but she now goes by her
5 married name, Maggie Dawkins. It is expected that
6 Mrs Dawkins will give her evidence via video link from
7 South Australia, where she now resides, this Thursday,
8 23 February.

9
10 It is anticipated that the evidence of the witnesses
11 to be called during this first phase of the public hearings
12 will be in excess of 20 people, who arguably held positions
13 that warranted them taking some action to investigate the
14 concerns that had been brought to their attention. It is
15 expected that the evidence from the witnesses called at
16 this first phase will be that those concerns were raised as
17 early as 1976, and continued right through to the late
18 1980s.

19
20 It was only in September 1990 and January 1991 that
21 Dennis McKenna was eventually charged by police for
22 offences upon five boys committed between 1977 and 1990.

23
24 The persons who allegedly told of Mr McKenna's
25 offending behaviour, because of the positions they held,
26 included various teachers at the Katanning high school,
27 several principals of that school, members of the Katanning
28 Hostel Board, members of the Country High School Hostels
29 Authority, staff from the Department of Employment and
30 Training, and a police officer.

31
32 The second phase of the public hearings relating to
33 the Katanning hostel will commence on 2 April of this year.
34 The witnesses to be called during that phase will include
35 those persons who it has been alleged were told of the
36 concerns that people had regarding Dennis McKenna's
37 behaviour. Those witnesses will be afforded the
38 opportunity of giving their account of what they were or
39 were not told and what action, if any, they took in
40 response to the concerns that had been raised.

41
42 In that regard, over 20 persons will have received
43 letters from the inquiry advising them of the names of
44 witnesses who will be called during this first phase who
45 may give evidence that is potentially adverse to them.
46 They will also have been provided with a summary of the
47 anticipated evidence in that regard. That letter has also

1 extended an invitation to those persons to obtain legal
2 representation, as they will be afforded the opportunity to
3 question those witnesses named in the letter who will be
4 testifying during this first phase.
5

6 Sir, as I stated in my opening address at the
7 preliminary hearing on 15 December of last year, this
8 exercise has been undertaken by the inquiry in the
9 interests of transparency and fairness. I wish to stress
10 that the inquiry, when determining the persons who were to
11 receive these letters, erred on the side of caution. The
12 decision was made that if the evidence was simply prima
13 facie of a potential adverse nature, their notification
14 will be given.
15

16 It is apparent to the inquiry that some of the persons
17 who were allegedly put on notice regarding Dennis McKenna's
18 behaviour received that notice from a number of sources or
19 persons in clear and unambiguous terms. In contrast, some
20 persons only received notification from one source and, in
21 some instances, that information could be open to different
22 interpretations as to precisely what type of behaviour was
23 being complained of.
24

25 It was because of that that the inquiry was at pains
26 to point out in these letters that went out to persons that
27 they "may" be the subject of adverse evidence. The letter
28 also made it abundantly clear that no determination will be
29 made as to the merits of that evidence until the inquiry
30 has heard all the evidence and concluded all its
31 investigations. That, of course, will include a
32 consideration of what those persons say happened.
33

34 As your Honour has already made clear, the inquiry's
35 investigations are ongoing, and will continue to be ongoing
36 right up to when its final report is completed on or before
37 31 May of this year.
38

39 As to the witnesses who will be called in this first
40 phase, it is also anticipated that at the conclusion of
41 this phase the inquiry will call a clinical psychologist
42 with expertise in the area of child sexual abuse to give
43 evidence regarding what is known as grooming behaviour by
44 offenders who sexually abuse children, and to also provide
45 her opinion as to why it is that children are reluctant to
46 make complaints. Relevant to this matter insofar as the
47 offending of Dennis McKenna is concerned is the fact that

1 research has shown that boys who are sexually abused are
2 less likely to make a complaint than girls.

3
4 Sir, if I can now turn to the suppression of some of
5 the evidence which your Honour has already mentioned. The
6 identities of some victims of Mr Dennis McKenna will be
7 suppressed in these public hearings at their request.
8 There will be occasions, I anticipate, when the names of
9 other persons referred to in the evidence by some witnesses
10 will also be suppressed. That decision regarding other
11 persons was not made lightly, and was given careful
12 consideration. However, the inquiry has formed the view
13 that it would not be in the public interest to disclose the
14 identities of these people, at least at this stage in the
15 proceedings.

16
17 These people include the names of several boys that
18 were allegedly provided to some teachers by two students.
19 It has been determined by the inquiry that disclosure of
20 those names is not in the public interest, as the privacy
21 that should be afforded to those now grown men should take
22 priority over the public disclosure of their identities.

23
24 Other people who are to have their full identities
25 suppressed at this stage are the names of three teachers
26 who taught at the Katanning high school during the 1980s
27 and who are alleged to have been notified by students of
28 Dennis McKenna's suspicious behaviour towards boys at the
29 hostel.

30
31 There are other names that will be mentioned by
32 witnesses that are likely to be suppressed and, if
33 appropriate, the reasons for that suppression will be
34 publicly stated by myself at the time the order is sought
35 from your Honour.

36
37 Consideration was also given to suppressing the name
38 of Neil McKenna, a brother of Dennis McKenna, who is facing
39 a trial in the Perth District Court next month relating to
40 charges of a sexual nature involving female students at the
41 hostel. However, given the fact that that trial is now
42 before a judge sitting alone, it was concluded that there
43 would be no prejudice to Neil McKenna being named during
44 any of the public hearings that are held prior to the
45 decision in that matter being handed down.

46
47 Furthermore, it was considered that there would be no

1 point in suppressing the name of Dennis McKenna in the
2 inquiry's public hearings. In reality, the publicity that
3 this man has generated, first in 1991 when he was tried in
4 the Albany District Court, then last year following his
5 convictions for further sexual offending against another
6 six students, and once more when this inquiry was announced
7 in November means that his name has been aired extensively
8 and little would be achieved if it was suppressed during
9 the inquiry's public hearings.

10
11 In addition, at least at this stage, there have been
12 no further charges laid against him arising from his time
13 as a warden at the Katanning hostel.

14
15 It would now be appropriate, sir, if I provide a brief
16 summary of what the Katanning hostel was, what entity was
17 responsible for its operation, the staff who were employed
18 to run it, and where the students who stayed there came
19 from.

20
21 The relevant legislation is the Country High School
22 Hostels Authority Act of 1960, which I'll now refer to as
23 "the Act". The Act created a separate statutory authority
24 responsible for the provision and operation of country high
25 school hostels throughout Western Australia. As the title
26 of the Act implies, this Authority was called the Country
27 High School Hostels Authority, which I'll refer to simply
28 as "the Authority" from now on.

29
30 The Authority was to provide, supervise and maintain
31 hostel accommodation for students enrolled in high schools
32 who lived in areas where transport was not provided by the
33 government to convey them to and from school. Essentially,
34 therefore, the homes of these students were some distance
35 from the high school they were attending.

36
37 Prior to the introduction of the Act in 1960,
38 organisations such as the Anglican church and the Country
39 Women's Association were responsible for the management of
40 such hostels. The Authority opened its first hostel in
41 1962 at Merriden, and this was followed by the hostel in
42 Narrogin in 1963. Hostels were opened in Carnarvon,
43 Geraldton and in Katanning in 1964. Over the course of the
44 next eight years hostels were also opened in Bunbury,
45 Northam, Esperance, Port Hedland, Moora and, again, in
46 Geraldton. As at 1990 the Authority was responsible for
47 the operation of some 12 country high school hostels

1 throughout Western Australia, including of course the
2 hostel in Katanning.

3
4 The Katanning hostel closed in December 2009 following
5 a decline in its number of enrolments. At the end of that
6 year it had only 18 boarders. In contrast, during the time
7 Dennis McKenna was warden, the number of enrolments
8 increased steadily to a point where it had reached its
9 maximum capacity of 140 students by the late 1980s.

10
11 It catered for male and female students from year 8 to
12 year 12. Accommodation at these hostels was invariably
13 dormitory set-ups - the boys' dormitory segregated from the
14 girls'. The Katanning hostel was no different, and the
15 boys and girls each had communal bathrooms and they all had
16 their meals in a common dining room.

17
18 The Katanning hostel, like all the others, employed
19 staff, which was divided into two basic categories -
20 domestic and supervisory. Clerical staff provided a small
21 third category. Domestic staff including gardeners,
22 cleaners, cooks, and kitchen and laundry assistants.
23 Supervisory staff, as the description implies, were
24 responsible for the supervision of students. There were
25 three levels of supervision. In carrying out its functions
26 under the Act the Authority has adopted the following
27 objectives:

28
29 (1) to provide a mechanism whereby children
30 from isolated areas may be afforded a
31 secondary education in a classroom
32 situation if they so desire;

33
34 (2) to provide a low cost accommodation
35 option for parents of isolated children
36 consistent with the maintenance of
37 conditions which develop academic, physical
38 and emotional development within a
39 disciplined environment;

40
41 (3) to ensure the appointment of hostel
42 management committees and staff suitably
43 qualified for the task and committed to
44 providing an environment that will enable
45 the students to reach their full potential.

46
47 It is readily apparent that with the Katanning hostel

1 during the time that Dennis McKenna was the warden the
2 authority could not be said to have achieved its second and
3 third objectives.
4

5 I turn now to the situation that existed at the
6 St Andrews Hostel at Katanning from 1975 to 1990. In 1975
7 Dennis McKenna applied for the position of House Master,
8 which was, in effect, a supervisor at the Katanning hostel.
9 He was then 30 years of age. Though in his application he
10 stated he had no relevant experience and that he had had
11 only four previous jobs, all in sales, he nevertheless got
12 the job. He began work at the start of the third school
13 term in that year and subsequently remained in continuous
14 employment at the hostel until his arrest by police 15
15 years later.
16

17 Records obtained by the Inquiry indicate that there
18 had been a significant turnover of wardens at the Katanning
19 hostel in the years leading up to 1975. Towards the end of
20 1975, just after Dennis McKenna was employed as a House
21 Master, the then warden resigned from his position when he
22 got married. The board then appointed Dennis McKenna as an
23 Acting Warden before it advertised that position in
24 December of 1975. A number of applications were received
25 with some, on the face of it, of merit, as they cited
26 previous relevant experience.
27

28 Dennis McKenna's application was only a few lines
29 long, simply stating that though he had only been employed
30 at the hostel for one term, he liked it so much that he
31 wanted to settle there, adding "You can be assured that I
32 have the students and hostel's problems at heart". His
33 application was accepted and he commenced the position as
34 warden at the start of the first school term in 1976.
35

36 In his previous position as House Master/Supervisor,
37 Dennis McKenna resided in a small accommodation unit that
38 was within the dormitory building that housed the boys.
39 There was a separate house for the warden on the site.
40 Nevertheless, Dennis McKenna remained in that unit after
41 his appointment as warden. It was in that unit where his
42 sexual offending was to take place over the next 15 years.
43 He never actually resided in the house that had, up until
44 then, been used by the warden.
45

46 It is relevant to note that in Mr McKenna's short
47 application for the position of warden he referred to 'the

1 hostel's problems'. That fact does not appear to be in
2 doubt. As at 1975 the facilities were run down and the
3 students staying at the hostel had developed a reputation
4 within the community, whether justified or not, as being
5 undisciplined. With Dennis McKenna taking over that soon
6 changed. Discipline was strictly enforced. He also made a
7 conspicuous effort to enhance the reputation of the
8 hostel's students and to improve its facilities. He began
9 deploying the students after school and on weekends to a
10 variety of community service work. That included students
11 mowing the lawns and tidying the gardens of Katannings'
12 elderly residents, students providing assistance at the
13 town's nursing home, the collection of rubbish on road
14 verges and helping out farmers on surrounding properties.
15 He also embarked on fundraising ventures that would lead to
16 the construction of a swimming pool, the purchase of a bus
17 and the construction of recreational facilities upon the
18 hostel grounds.

19
20 A story in the local newspaper in April 1977 reported
21 the then Premier, sir Charles Court, attended the opening
22 of a nursery at the Katanning hostel. The story quotes the
23 Premier saying that the students of St Andrews Hostel had
24 given a fine example of young people doing something for
25 themselves and earning their own money to better their
26 amenities, instead of asking the government for handouts.
27 The Premier's praise of the hostel's warden was just as
28 glowing, stating, according to this report, that "Mr Dennis
29 McKenna had been able to enthuse the students
30 magnificently, and it was largely due to his commitment to
31 the welfare and spiritual needs of the students that the
32 hostel had achieved so much".

33
34 It would seem that virtually overnight this man became
35 the toast of Katanning for his untiring efforts and his
36 apparent good intentions to make the lives of his students
37 more productive and more enjoyable. The respect and
38 adulation that he garnered within the local community
39 subsequently saw him being a multiple recipient of
40 Katanning's Citizen of the Year award.

41
42 Yet, behind that facade was another side. This
43 Inquiry will hear evidence from past students that he ruled
44 the hostel with an iron fist; playing favourites with some
45 students, while at the same time targeting others. He was
46 extremely effective in orchestrating campaigns to vilify
47 and humiliate those students he took a disliking to.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

It soon became apparent to students boarding at the hostel that it was far better to be in the Warden's good books and thereby avoid the humiliating public degradation that he inflicted seemingly with impunity.

In the evening, after lights out, selected students, predominantly boys, would be invited to his accommodation unit. There they were treated with cool drink, lollies and were allowed to watch television. So began the grooming of these boys, as it was from that group that he would eventually select boys to sexually abuse.

His favourite students were also allowed access to alcohol. With the purchase of a VCR by him in the 1980s they were permitted to watch videos at night time in his room. These videos, however, were often not appropriate for minors; X-rated films and R-rated movies depicting extreme violence were regularly shown.

The Inquiry will also be hearing evidence that Dennis McKenna became notorious for disseminating slanderous remarks but not only students within the hostel but also about parents of students. These parents, invariably, were those of boys he was sexually abusing at the time.

He also regularly threatened students with expulsion from the hostel and would carry out those threats on either fabricated allegations of stealing or a trivial breach of the hostel's disciplinary rules. These threats of expulsion had a major impact on students residing at the hostel. Expulsion from the hostel, though not including expulsion from the high school, effectively meant precisely that. These students lived too far away for their parents to take them to and from the high school every day. As a result many of those students who were expelled from the hostel had to leave the high school as well, unless they could find private accommodation within the Katanning town site.

Threats of expulsion to students in years 11 and 12 studying now what is TEE were, therefore, particularly effective. The warden also placed restrictions upon hostel students speaking to the 'townies'; those students who were at the school but were not staying at the hostel. There were strict rules governing the use of the telephone in the hostel, which was just outside the Warden's office. This

1 meant Dennis McKenna could monitor phone calls that were
2 made by the students to their parents.

3
4 There were a variety of rules in place that made it
5 difficult for students to confide in an adult or someone
6 from outside the hostel without the warden knowing. There
7 are two examples that I will give now, one includes the
8 fact that all outgoing and incoming mail --

9
10 HIS HONOUR: Just one moment.

11
12 MR URQUHART: I will just give two examples of rules that
13 made it difficult to confide in an adult, or someone from
14 outside the hostel, without the warden knowing. The first
15 was that mail, incoming and outgoing, was always checked by
16 the warden. Another example is, the Inquiry will hear,
17 that in 1988 the school psychologist was prohibited from
18 seeing students who stayed at the hostel.

19
20 There is also evidence of hostel students within the
21 Warden's group of favourites dobbing in other hostel
22 students who had transgressed the rules that the warden had
23 put in place.

24
25 Though his sexual abuse of students would always take
26 place behind closed doors, it will emerge during the
27 evidence in this first phase that Dennis McKenna made
28 little attempt to cover up his behaviour towards boys which
29 should, and actually did, cause alarm bells to ring amongst
30 some of those who witnessed this behaviour. That behaviour
31 involved holding the hands of 13- and 14-year-old boys,
32 placing his hand down the front of such boys' shirts and
33 otherwise engaging in behaviour that was, at the very
34 least, suspicious. It was that type of behaviour that
35 caused some students and teachers who witnessed it to raise
36 concerns with either other teachers or the relevant high
37 school principal at the time. According to these
38 witnesses' accounts their complaints were invariably
39 brushed aside.

40
41 Similarly complaints raised by parents who had
42 students at the hostel, most notably Mr Noel Parkin and
43 other concerned adults such as Maggie Dawkins, were
44 seemingly ignored.

45
46 A common threat that often runs through the alleged
47 rejection of these concerns is that the person making the

1 complaint was left in no doubt by the person they were
2 speaking to that what they were alleging was baseless, as
3 it was inconceivable that Dennis McKenna would be
4 responsible for such conduct.
5

6 Another tactic that was deployed by Dennis McKenna was
7 to threaten the person making the complaint with criminal
8 defamation. This was used as a threat in one instance
9 towards a 15-year-old female student. A threat, which she
10 says, had the backing of the then principal of the high
11 school. Somewhat extraordinarily this same threat was
12 made, after Dennis McKenna had been charged in 1990, to
13 relatives of a child who was a complainant in those
14 proceedings.
15

16 It would seem that another tactic by Dennis McKenna to
17 reduce the possibility of his criminal offending being
18 exposed was to employ members of his family as the hostel's
19 supervisors. Over the years he employed various brothers
20 and sisters-in-law in those capacities. Subsequently,
21 those children who were subject to sexual abuse by Dennis
22 McKenna hardly felt confident confiding in the very staff
23 members that they ought to have felt comfortable raising
24 such concerns with.
25

26 Just by way of concluding remarks, sir, the 1988
27 report of the Standing Committee on Government Agencies
28 that I referred to earlier stated this at paragraph 4.27 on
29 page 19:
30

31 Staff are, in the committee's opinion, the
32 lifeblood of the hostel's system. Without
33 competent, motivated, caring staff the best
34 facilities in the world will not create a
35 viable hostel.
36

37 There is no doubt that after Dennis McKenna became warden
38 of the Katanning hostel it gained the reputation as having
39 the best facilities of any hostel, not just in the
40 south-west region of this state but arguably anywhere in
41 the state. But given his convictions for serious sexual
42 abuse of those students who are under his care over a
43 period spanning many years, Dennis McKenna could never be
44 described as competent, caring or motivated. That meant
45 that this particular hostel was anything but viable.
46

47 Shortly after Dennis McKenna's convictions on 19

1 counts of sexual abuse upon five boys who were staying at
2 the hostel between 1977 and 1990 Mrs Maggie Dawkins wrote a
3 letter to the Great Southern Herald Newspaper which was
4 published on 26 June 1991. After extending her deepest
5 sympathies to the families affected by the sexual abuse of
6 Dennis McKenna, Mrs Dawkins wrote that many questions
7 remained unanswered. She then asked:

8
9 Why was this conspiracy of silence
10 maintained to protect such a man as
11 McKenna? Why were people intimidated by
12 McKenna and therefore failed to act to
13 protect boys from the district placed in
14 his care?

15
16 Twenty-one years after Ms Dawkins wrote that letter this
17 Inquiry, notwithstanding the lengthy passage of time, will
18 make every endeavour to answer those questions. Thank you,
19 sir.

20
21 HIS HONOUR: Thank you, Mr Urquhart. Now, we could take a
22 break now or would you prefer to call your witness and we
23 will take a midmorning break at the appropriate time?

24
25 MR URQUHART: I don't mind, sir.

26
27 HIS HONOUR: I think we will start with the evidence.

28
29 MR URQUHART: We shall then, yes. The Inquiry's first
30 witness will be Kerry Robert Stephens.

31
32 <KERRY ROBERT STEPHENS, affirmed:

33
34 <EXAMINATION-IN-CHIEF BY MR URQUHART:

35
36 MR URQUHART: Q. Mr Stephens, is your full name Kerry
37 Robert Stephens?

38 A. Yes.

39
40 Q. And you are now 52 years of age?

41 A. Yes.

42
43 Q. You might have to keep your voice up a little bit - it
44 is a bit difficult to hear you - if that is okay. Are you
45 a hay making contractor?

46 A. Yes.

47

1 Q. Do you reside in - I hope I pronounce it right -
2 Nyabing?
3 A. Yes.
4
5 Q. Spelt N-Y-A-B-I-N-G?
6 A. Yes.
7
8 Q. That's a town in the south-west?
9 A. Yes.
10
11 Q. You're married with three children?
12 A. Yes.
13
14 Q. They're all grown up sons now, are they?
15 A. Yes.
16
17 Q. Mr Stephens, are you the eldest of five children?
18 A. Yes.
19
20 Q. The names of your siblings?
21 A. Darryl, Lorraine, Brent and Graham.
22
23 Q. Your dad's name, is he Leslie Oliver Keith Stephens?
24 A. Yes.
25
26 Q. Does he go by his third name there, "Keith"?
27 A. Yes.
28
29 Q. Is your father still alive?
30 A. Yes.
31
32 Q. But your mother passed away in 2005; is that right?
33 A. Yes.
34
35 Q. Now, Mr Stephens, did your family, as you grew up,
36 have a farm just outside of Nyabing?
37 A. Yes.
38
39 Q. Where did you go to school for high school?
40 A. Katanning Senior High School.
41
42 Q. And was there a bus that would take children from near
43 where you lived to Katanning?
44 A. No, not at that stage.
45
46 Q. And so, as a result of that, did that mean that you
47 became a boarder at the St Andrew's or Katanning hostel?

1 A. Yes.
2
3 Q. And what year were you in when you started boarding
4 there?
5 A. Year eight.
6
7 Q. And if we do the maths there, was that 1973?
8 A. Yes.
9
10 Q. And did you subsequently complete your schooling
11 there, or what years did you get to?
12 A. No, I completed and graduated at year 12.
13
14 Q. In year 12. Now, when you first got to the hostel,
15 was it the case that a man you subsequently came to know,
16 Dennis McKenna, was not working there?
17 A. No.
18
19 Q. And do you recall when it was - the first time he
20 began working there?
21 A. It was towards the end of 1975.
22
23 Q. Towards the end of 1975? So at that stage, then, you
24 were in year 10?
25 A. Yes.
26
27 Q. And can you remember what he was appointed as - what
28 his position was?
29 A. House master.
30
31 Q. And did that subsequently change its name to
32 supervisor?
33 A. Not while I was there.
34
35 Q. Not while you were there?
36 A. But since then, it has.
37
38 Q. But the job of a house master was what?
39 A. Just to - yes, just oversee the day-to-day welfare of
40 us boys, yes, and study, and that sort of thing, at night.
41
42 Q. Mr Stephens, if I can ask you some questions about
43 this - and I want to go to just prior to 1975. Those years
44 that you were there, 1973 and 1974, did the hostel have
45 a reputation within the community?
46 A. Yes.
47

1 Q. What was that? It might not be a justified
2 reputation, but what was it?
3 A. Just of basically the - yes, we were referred to as
4 "the hostel kids" and "ratbags" and - yes, in a negative
5 fashion.
6
7 Q. Mr Stephens, when you first started there, did you
8 suffer from something - it would be understandable?
9 A. Yes, pretty terrible homesickness, yes.
10
11 Q. Now, can you recall back then, when you started, when
12 it was that those students who were staying at the hostel
13 were allowed to go home?
14 A. It was just public holidays and the end-of-term
15 holidays, and Easter.
16
17 Q. Mr Stephens, if I can go now to when Dennis McKenna
18 started work there first, as a house master - did it come
19 to your knowledge that he obtained a different position
20 there within the hostel?
21 A. Sorry, what was that again?
22
23 Q. Do you know whether he remained a house master, or did
24 he have a different position - a promotion, in effect?
25 A. Yes, he had a promotion. He became the warden.
26
27 Q. Can you remember when that was?
28 A. Yes, that was the beginning of 1976.
29
30 Q. Now, once he became warden in 1976, did things change
31 for those students who boarded there, particularly after
32 hours and on weekends and that sort of thing?
33 A. Oh, yes, yes.
34
35 Q. Can you just tell us what those changes were?
36 A. Oh, well, he promoted what you might call privileges,
37 such as going to the flat - to his flat after lights out,
38 and that sort of thing. Privileged trips away for selected
39 few - all that sort of thing. That was how he - that's how
40 he was, yes.
41
42 Q. And had the warden or wardens that had been there
43 previously extended that sort of special treatment or
44 privileges to students?
45 A. Not that I'd noticed, no.
46
47 Q. And were you one of those?

1 A. Yes, I was.
2
3 Q. And were students beginning to do anything at Dennis
4 McKenna's suggestion regarding community work and that sort
5 of thing?
6 A. Sorry?
7
8 Q. Did Mr McKenna also get students involved in work that
9 involved assisting the community?
10 A. Yes, he did.
11
12 Q. Can you recall when that started?
13 A. Towards the end of term 1 in 1976.
14
15 Q. Were you involved in that sort of community work?
16 A. Yes.
17
18 Q. Can you give us some examples of what students were
19 required to do?
20 A. Sort of in my case it was to go to elderly ladies that
21 had lost their partners and that sort of thing and mow
22 their lawns and tidy their gardens up and chat with them
23 and have cups of tea and all that sort of thing.
24
25 Q. Can you recall anything else of that sort of community
26 work or volunteer work that students did?
27 A. Bigger groups would go on farm and pick sticks and
28 rocks and that for farmers, usually parents of students and
29 that of the hostel to raise - you know, genuine fundraising
30 money-raising things.
31
32 Q. Whose idea was that?
33 A. Dennis drove that.
34
35 Q. You mentioned there fundraising. Was there other
36 things that he did by way of fundraising?
37 A. Yes, street stalls and raffles and that sort of thing.
38 That was - he sort of sold that as community service as
39 well as raising funds to try and change the reputation of
40 the hostel within the Katanning community.
41
42 Q. In your view, Mr Stephens, did the reparation of the
43 hostel change within the community?
44 A. It appeared to, yes.
45
46 Q. The money that was raised from this fundraising, do
47 you know what that was spent towards?

1 A. From memory, the first thing that we bought was a
2 swimming pool.
3
4 Q. Swimming pool; yes.
5 A. Then a school bus, then the nursery was built and
6 that's sort of the end of my time there.
7
8 Q. The nursery that was built, how did that earn income?
9 A. By selling plants.
10
11 Q. Selling plants. Where was the nursery; can you recall
12 where it was?
13 A. Yes, just west of the detached warden's house.
14
15 Q. You have mentioned there the detached warden's house.
16 Is that the house where the warden could live?
17 A. Was supposed to live, yes.
18
19 Q. In Dennis McKenna's case, whilst you were there did he
20 ever stay at that house?
21 A. No.
22
23 Q. Where was it that he stayed?
24 A. In the flat in the passageway that led to the boys'
25 dormitories.
26
27 Q. How far was that flat away from the actual dormitory
28 of the boys, just roughly?
29 A. About 10 metres from the entrance doors.
30
31 Q. You mentioned those special privileges that Mr McKenna
32 extended. Where would those groups meet?
33 A. In his flat.
34
35 Q. Mr Stephens, can you recall why it was that the
36 position of warden became vacant before Mr McKenna took
37 over?
38 A. Well, the then warden married the house mistress, or
39 the matron on the girls' side and they left.
40
41 Q. That warden, can you remember did he live in the
42 warden's house?
43 A. Yes, as far as I - yes.
44
45 Q. Mr Stephens, did a younger brother of yours commence
46 at the hostel at some stage?
47 A. Yes, Darryl in 1975.

1
2 Q. What year was he in, in 1975?
3 A. Year 8.
4
5 Q. So he was two years younger than you?
6 A. Yes.
7
8 Q. Mr Stephens, was it the case that Dennis McKenna began
9 sexually interfering with you at some stage around April of
10 1976?
11 A. Yes, that's correct.
12
13 Q. Did that abuse cover a range of sexual acts?
14 A. Yes.
15
16 Q. We need not go into the details of those but can you
17 recall how long that lasted for?
18 A. Till I left the place.
19
20 Q. So that was in year 12?
21 A. Yes.
22
23 Q. In 1977?
24 A. That's right.
25
26 Q. With respect to that conduct by Dennis McKenna towards
27 you, did you hold any belief at the time as to what this
28 relationship was between you and him?
29 A. Oh, just - yes, I just thought that that was normal,
30 to be honest.
31
32 Q. Did you hold a belief as to whether he was doing this
33 with any other of the boys at the hostel?
34 A. No.
35
36 Q. Again, Mr Stephens, I don't need to go into as to what
37 precisely that he did to you but are you able just to tell
38 us how it was that he would get you?
39 A. Just during the course of the day or the afternoon he
40 would very privately tee up that night there'd be a beer or
41 a scotch and a video or whatever and that when it was
42 appropriate he'd tap me on the foot - sometimes that would
43 be midnight by the time everyone had finished studying and
44 gone to sleep - and yes, just get a tap on the foot, wait a
45 few minutes until he'd gone and then get out of bed,
46 pretend that I was going to the toilet and go to his flat
47

1 HIS HONOUR: Q. So you're in bed at the dormitory and
2 he'd come and tap at you on the foot?
3 A. Yes.
4
5 Q. Would other boys be asleep or what was --
6 A. Yes, he used to wait until everyone was asleep, sir.
7
8 MR URQUHART: Q. You mentioned there about going to the
9 toilet. Can you recall if a boy was to get up during the
10 night and go to the toilet, in which direction he would go
11 in relation to where Dennis McKenna's unit was?
12 A. The one lot of toilets, the entrance to that was sort
13 of just diagonally opposite the door to Dennis McKenna's
14 flat.
15
16 Q. So if you were to get out of your bed and walk along
17 the dormitory and if another boy saw you do that, the
18 assumption would be made that he was just going to the
19 toilet?
20 A. Yes.
21
22 Q. Mr Stephens, you mentioned there that he would provide
23 you with alcohol?
24 A. Yes.
25
26 Q. That would be scotch, would it?
27 A. Yes.
28
29 Q. On those occasions when you were in his room by
30 yourself, did he ever speak about your brother, Darryl?
31 A. Yes, he used to ridicule him and --
32
33 Q. So he would ridicule your brother in front of you in a
34 private situation but would he ridicule him anywhere else?
35 A. Yes, he did it publicly there too.
36
37 Q. He'd do it publicly as well?
38 A. Yes.
39
40 Q. Who would be present when he did that?
41 A. Publicly?
42
43 Q. Yes.
44 A. Well, at times there was one occasion that sticks
45 vividly in my memory, it was done in front of the dining
46 hall, with all students present
47

1 HIS HONOUR: Q. When you say ridicule him, what sort of
2 things would he say?
3 A. Just referred to a nickname that he had, which is
4 defamatory, yes.
5
6 MR URQUHART: I don't think Mr Stephens wants to disclose
7 that.
8
9 HIS HONOUR: No, that's fair enough. I just wanted to --
10
11 MR URQUHART: Yes.
12
13 Q. How would the other children react to that when that
14 example - that you can recall?
15 A. Percentages would obviously laugh because they didn't
16 understand what the direction was and others would just go
17 quiet.
18
19 Q. And your brother, can you recall how he reacted?
20 A. Very embarrassed, of course, yes.
21
22 Q. Were you aware of anything that your brother had done
23 to even remotely warrant that sort of ridicule?
24 A. No, I don't understand why - to this day why that
25 happened.
26
27 Q. Mr Stephens, have you got a description for
28 Mr McKenna's behaviour in that regard where he would
29 ridicule a group of students and not others?
30 A. Control by division.
31
32 Q. Control by division, is that how you would describe
33 it?
34 A. Yes.
35
36 Q. For the majority of the time that you were there, were
37 you ever the subject of this sort of public ridicule?
38 A. No, only on one occasion.
39
40 Q. I will come to that in a moment --
41 A. Yes.
42
43 Q. -- but apart from that occasion you weren't. So you
44 were, for want of a better term, that group of students who
45 had the privileges --
46 A. Yes.
47

1 Q. -- if you could call it that?
2 A. Yes.
3
4 Q. Mr Stephens, do you recall what the set-up was in the
5 showers for the boys in this dormitory?
6 A. Yes. My recollection is that they were just open-plan
7 showers, yes.
8
9 Q. Do you recall any occasions in which Dennis McKenna
10 came into the showers while you were there?
11 A. Yes, often.
12
13 Q. Could you just explain to us what he would do or say?
14 A. Oh, he would come in with a phone message for someone
15 or, yes, just - with messages for whoever's in there or
16 looking for someone.
17
18 Q. Boys would be having showers, would they?
19 A. Yes.
20
21 Q. If you just walked into that area there you would be
22 able to see that?
23 A. Yes.
24
25 Q. This happened rarely or?
26 A. Pretty much every day.
27
28 Q. Mr Stephens, if I could take you now, please, to the
29 May school holidays of 1977, when you were in year 12. You
30 returned home to work on the farm during those holidays,
31 did you?
32 A. Yes.
33
34 Q. Given what had been happening to you at the hostel at
35 the hands of Dennis McKenna, what sort of demeanour were
36 you in in those school holidays?
37 A. Pretty sad state.
38
39 HIS HONOUR: What year did you say this was?
40
41 MR URQUHART: May, sir, of 1977.
42
43 HIS HONOUR: May 1977.
44
45 MR URQUHART: Q. Is that correct, Mr Stephens?
46 A. Yes, that's correct.
47

1 Q. Given that sad state that you were in, do you recall
2 your father saying something to you towards the end of
3 those school holidays?
4 A. Yes, I do.
5
6 Q. Can you just tell us what that was?
7 A. Well, he had basically - he asked me what was wrong
8 with me, why I was so doughy.
9
10 Q. Why you were so?
11 A. So doughy and useless, yes.
12
13 Q. Did you respond to that?
14 A. Yes, I did.
15
16 Q. Can you recall pretty much exactly what you said to
17 him?
18 A. I can recall word for word.
19
20 Q. Are you able to say to us what that was?
21 A. It involves expletives.
22
23 Q. I'm sure that will be all okay
24
25 HIS HONOUR: Q. It doesn't matter. Just say exactly
26 what you said to him.
27 A. I just said "Wouldn't you be useless if Dennis McKenna
28 was fucking you up the arse all the time?".
29
30 MR URQUHART: Q. Do you remember if your dad responded
31 to that?
32 A. He said "Oh, well, we'll - I'll have to talk to him
33 about it".
34
35 Q. At that time, Mr Stephens, I'm assuming your dad ran
36 your farm, that was his occasion?
37 A. Yes, he was the leader.
38
39 Q. Sorry?
40 A. He was the leader, yes.
41
42 Q. Yes. Did he also have another position that he held
43 that you were aware of to do with the school?
44 A. Yes, he was a member of the board.
45
46 Q. Of the board. And when you say "the board", you mean
47 the Katanning hostel board or the St Andrew's Hostel board?

1 A. Yes.
2
3 Q. Can you recall what position he held at or around that
4 time when you had this conversation with him in May 1977?
5 A. I think he was only a member but he did at some point
6 become chairman of the board but I think he was only a
7 member at that point.
8
9 Q. Was anybody else present with you and your dad when
10 you had this conversation?
11 A. No.
12
13 Q. Did your father then take you, at the end of those
14 holidays, back to the school or the hostel?
15 A. Yes.
16
17 Q. Did he also take your younger brother, Darryl?
18 A. Yes.
19
20 Q. Can you recall once you arrived there at the hostel
21 grounds whether your dad said anything to you?
22 A. No, just he went in to the office and I presumed to
23 pay the account and all that sort of thing.
24
25 Q. When you say "he went into the office", whose office
26 was that?
27 A. That was McKenna's - the warden office, yes.
28
29 Q. Did you know whether he was going to raise anything
30 about what you had said to him?
31 A. No. All he had said to me was that he would speak to
32 Dennis about it, yes.
33
34 Q. That was at the time where you'd told him --
35 A. Mmm.
36
37 Q. -- why was that you were in that sad state?
38 A. Yes.
39
40 Q. After your father had gone to Dennis McKenna's office,
41 what did you do, can you remember?
42 A. Took my bags to the dormitory, to my bed.
43
44 Q. Did you see your dad again shortly after that?
45 A. Yes.
46
47 Q. Can you tell us where that happened?

1 A. In the car park.
2
3 Q. Did you go out to see him or did he call you; how did
4 that happen?
5 A. We just - we were both out there. I went back out to
6 the car to wait and he came out.
7
8 Q. He came out. Can you recall what he said to you?
9 A. Yes, I can.
10
11 Q. Are you able to tell us what that was?
12 A. Yes. It was "Stop telling lies and get on with it,
13 you've got to be at school".
14
15 Q. What went through your mind when he said that to you?
16 A. What would go through anyone's mind is "Oh, well,
17 you're on your own now. Just continue on because you have
18 no choice".
19
20 Q. You mentioned a little bit earlier, Mr Stephens, that
21 there was --
22
23 HIS HONOUR: Q. When you say you "had no choice", can
24 you explain what you mean by that?
25 A. Well, if I was a liar in my father's eyes, where do
26 I go next?
27
28 MR URQUHART: Q. Did you actually speak to your father
29 again about this subject matter after that?
30 A. No.
31
32 Q. Did he ever raise it with you again?
33 A. No.
34
35 Q. For the next few days after that did you notice any
36 change in your relationship that you had with Dennis
37 McKenna?
38 A. Yes.
39
40 Q. Can you tell us what that was?
41 A. I was basically ostracised and picked on like many
42 others were that were offside, if you like.
43
44 Q. Who would actually pick on you?
45 A. In my case he did, himself.
46
47 Q. He did?

1 A. Yes.
2
3 Q. You said he ostracised you. Did he call you any names
4 or anything like that?
5 A. No, not that I recall.
6
7 Q. You mentioned there that in your case he was the one
8 who ostracised you. Was that different to what you
9 observed when other students were ostracised by him?
10 A. Yes. Yes. In my case he would just get the "in" crew
11 just to not talk and that sort of thing.
12
13 Q. He would get, sorry, who to not talk?
14 A. His group of mate, just not to talk, you know.
15 Basically just sense of coventry, if you like.
16
17 Q. When you say "his group of mates", who are you
18 referring to?
19 A. I can't remember their names now, there was always --
20
21 Q. Yes, but were they students?
22 A. Yes
23
24 HIS HONOUR: Q. So you mean the select group that he
25 always had --
26 A. Yes.
27
28 Q. -- he got them not to talk to you and you were in
29 coventry?
30 A. Mmm.
31
32 MR URQUHART: Q. When you observed other students being
33 ostracised, was that just at the hands of Dennis McKenna or
34 was it at the hands of others?
35 A. It was a similar sort of thing, yes. The hands of
36 others but run by him, if you like.
37
38 Q. Those others would be - you don't need to name names -
39 but do you recognise who they were?
40 A. Yes.
41
42 Q. His group?
43 A. Yes
44
45 HIS HONOUR: Q. That was your final year at the hostel,
46 was it?
47 A. Yes.

1
2 MR URQUHART: Q. Mr Stephens, you mentioned earlier on
3 in your evidence about how Dennis McKenna would take those
4 who were in his privileged group to trips; is that right?
5 A. Yes.
6
7 Q. Where would those trips be to?
8 A. Generally to Perth.
9
10 Q. Would that involve a group of students or would you
11 make that trip by yourself?
12 A. I never, ever went with a group, I was always on my
13 own.
14
15 Q. You always went by yourself?
16 A. Yes.
17
18 Q. Did Dennis McKenna ever give a reason for going on
19 these trips?
20 A. No, not necessarily, no. Not that I can remember.
21
22 Q. Would these trips involve just a day trip or would
23 they involve overnight stays?
24 A. Most of the time overnight stays.
25
26 Q. Would you agree to go on these trips?
27 A. Yes.
28
29 Q. Why was that?
30 A. I've asked myself 35 years that question but, well, it
31 was just the way it was. Like, you felt special, I guess
32
33 HIS HONOUR: Q. How often did this happen?
34 A. In 1970, half a dozen times.
35
36 MR URQUHART: Q. Were these during school days or
37 weekends; can you remember?
38 A. Weekends.
39
40 Q. The weekends. When you said most of the time it was
41 overnight --
42 A. Mmm.
43
44 Q. -- can you recall where you stayed?
45 A. Yes. At Dennis' parents in Gosnells.
46
47 Q. Where would you sleep on those occasions?

1 A. In a bedroom in the house.
2
3 Q. In a bedroom in the house. How many beds were in that
4 bedroom?
5 A. Just one single bed.
6
7 Q. Would you be sleeping there by yourself?
8 A. No.
9
10 Q. Who else would be there?
11 A. McKenna.
12
13 Q. How would it come about then that you and Dennis
14 McKenna would just be in a bedroom with a single bed?
15 A. Well, his mother when we arrived there would say "You
16 know where your room is, Dennis" and that was it. I
17 remember those words clearly.
18
19 Q. Would she show you to another bedroom?
20 A. No.
21
22 Q. Do you recall on those trips to Perth if Dennis
23 McKenna would take you out somewhere in the evening?
24 A. Yes, on some occasions he did, yes.
25
26 Q. Do you recall where he took you, what places he took
27 you to?
28 A. To live floor shows and movies, that sort of thing.
29
30 Q. And the live floor shows, can you remember what they
31 were?
32 A. They were always guys dressed up as girls and
33 La Coquettes was one - or Coquette, yes.
34
35 Q. Again, would those trips just involve you and Dennis
36 McKenna?
37 A. There was one occasion I remember where there was
38 actually a bus trip --
39
40 Q. A bus trip?
41 A. -- to that sort of a show but generally I was on my
42 own with him.
43
44 Q. But that bus trip where a whole lot of students
45 went --
46 A. Yes.
47

1 Q. -- were they boys and girl students?
2 A. Yes, mixed that one, yes.
3
4 Q. And you all went to a similar show like that?
5 A. Yes.
6
7 Q. Can you recall any of the movies that he would take
8 you to?
9 A. Rocky Horror Picture Show was one that he used to play
10 a lot for some reason, yes
11
12 HIS HONOUR: Q. This occasion where you went to shows
13 where guys dressed up as girls, can you describe what sort
14 of premises they were?
15 A. I can't actually remember where they were.
16
17 Q. What type of establishment were they?
18 A. Just sort of like a small room to - a club-type
19 establishment, yes.
20
21 Q. What areas of Perth were these establishments?
22 A. I can't recall where they were, actually, yes.
23
24 Q. So are they set up for the public to visit or not?
25 A. Yes, yes. There were other people there.
26
27 MR URQUHART: Q. Whose idea would it be to go to that
28 type of show?
29 A. Always his.
30
31 Q. Did you ever notice what his reaction was when these
32 shows would be on?
33 A. Yes, he used to seem to get, like, really excited and,
34 like, fresh as if he had a holiday after we'd been to them,
35 yes.
36
37 Q. Mr Stephens, in your final year at the hostel were you
38 appointed a student position?
39 A. Yes.
40
41 Q. What was that?
42 A. I was a prefect.
43
44 Q. Were you the only prefect or were there others?
45 A. No, there were others
46
47 HIS HONOUR: Q. Was that at the school or the hostel?

1 A. At the hostel.
2
3 Q. So you were hostel prefect?
4 A. Yes.
5
6 MR URQUHART: Q. Who would nominate the prefect
7 positions for the hostel?
8 A. My recollection is that Dennis just picked them.
9
10 Q. You don't need to name the other prefects that were
11 appointed with you but were they boys who were in that
12 group, boys who had the privileges?
13 A. Generally, yes.
14
15 Q. Were you aware whether Dennis McKenna was responsible
16 for appointing any other positions within the hostel?
17 A. In relation to staff?
18
19 Q. Well, just generally, yes.
20 A. Yes. He made sure his brother got a job there.
21
22 Q. Can you recall the name of his brother?
23 A. Wayne.
24
25 Q. What position did he have there?
26 A. He was house master.
27
28 Q. Can you recall whether there were any other relatives
29 of his, either direct or indirectly, through in-laws?
30 A. Wayne's wife Robyn worked there as well.
31
32 Q. Do you know what job she had?
33 A. She was a house mistress.
34
35 Q. Do you recall any other relatives of his working at
36 the hostel or connected in some way to the hostel?
37 A. Not in my time.
38
39 Q. Not in your time.
40
41 HIS HONOUR: I think we might take a break at this stage.
42
43 MR URQUHART: I have almost finished.
44
45 HIS HONOUR: Have you?
46
47 MR URQUHART: Yes.

1
2 HIS HONOUR: You finish and then we will take a break.
3
4 MR URQUHART: Q. Mr Stephens, I have simply got just one
5 final question for you. You mentioned there that you told
6 your father about what was happening to you in May of 1977.
7 Did you raise it with anybody else whilst you were a
8 student at the hostel?
9 A. No.
10
11 Q. Are you able to answer this question: why didn't you
12 protest to any others?
13 A. Well, I just - I thought if my father wouldn't believe
14 me, no-one else would.
15
16 Q. At the time - I'm not saying now but at the time - how
17 did you regard your relationship with Dennis McKenna to the
18 relationship he had with students that he would publicly
19 humiliate?
20 A. Well, I felt that I was closer to him than what they
21 were.
22
23 MR URQUHART: Thank you, sir. That's all the questions
24 I have.
25
26 HIS HONOUR: I assume, Mr Hammond, you have questions?
27
28 MR HAMMOND: Yes, but I'm in your hands, sir, as to
29 whether you want to pause now.
30
31 HIS HONOUR: I think we should have a mid morning break
32 for about 10 minutes. Just count the break for 10 minutes.
33 We will adjourn now.
34
35 SHORT ADJOURNMENT
36
37 <CROSS-EXAMINATION BY MR HAMMOND:
38
39 MR HAMMOND: Q. Mr Stephens, you referred to an incident
40 in the dining hall at the hostel, when your brother was
41 being criticised by Mr McKenna. Do you remember speaking
42 about that to counsel assisting?
43 A. Yes.
44
45 Q. That room's very large, isn't it?
46 A. Yes.
47

1 Q. And if I recall, it has wooden floorboards. Is that
2 the room right at the front of the hostel?
3 A. No.
4
5 Q. It doesn't?
6 A. No.
7
8 Q. But it is a large room. How many students do you
9 think were there on that day, when this was going on - this
10 criticism of your brother?
11 A. Somewhere around 60 or 70.
12
13 Q. And so McKenna would have been speaking in a very loud
14 voice at the time?
15 A. Yes, there was no microphone.
16
17 Q. And in that room, there would have not only been
18 students, but catering staff?
19 A. Yes.
20
21 Q. A cook?
22 A. Yes - the cook may not have been there, but the
23 kitchen hand certainly would have been.
24
25 Q. There would have been, what, one kitchen hand or more?
26 A. From memory, there was two at a time.
27
28 Q. And what Mr McKenna said on that day - was it audible
29 to everyone there? Was it loud?
30 A. Yes, as I recall it, yes.
31
32 Q. [Information suppressed]
33 A. No, look --
34
35
36
37 MR URQUHART: I don't think Mr Stephens wishes to go into
38 the detail of it.
39
40 MR HAMMOND: Q. If you don't wish to go into it, then
41 I won't pursue it, but --
42 A. I don't think it's fair on Darryl, to tell you what he
43 was carrying on about.
44
45 Q. But they were very offensive remarks being made by
46 Mr McKenna?
47 A. Anyone that knew what the remark was about - yes, it

1 was offensive.
2
3 Q. And in relation to the flat that was attached to the
4 dormitories, that was in very close proximity, wasn't it,
5 to the rooms where the boys were sleeping?
6 A. Yes.
7
8 Q. So, what, 20 or 30 paces from the first bed in the
9 dorm to his flat?
10 A. Oh, yes - no, probably a bit less. I reckon about
11 10 metres from door to door, and then the first bed was
12 just inside the door of the dormitory, so --
13
14 Q. And when you got that very unwelcome tap in the bed,
15 Mr Stephens, and you were asked to follow McKenna, when you
16 went back to his flat, were there other boys present in the
17 flat on occasion?
18 A. Never, when I was there.
19
20 Q. It was just you and Mr McKenna, when you were there?
21 A. Yes.
22
23 Q. And on occasion, as you said, he invited you to drink
24 alcohol with him?
25 A. Yes.
26
27 Q. And you also made mention of the ostracism that you
28 suffered, or being sent to Coventry, after you had informed
29 your father --
30 A. Yes.
31
32 Q. -- about what was happening. That being sent to
33 Coventry involved none of the other boys talking to you, at
34 the dormitory?
35 A. That's right.
36
37 Q. Did that extend to the high school as well?
38 A. Yes.
39
40 Q. Those same boys?
41 A. Yes.
42
43 Q. So it involved no talking. Did it also involve
44 physical intimidation?
45 A. No.
46
47 Q. But just being completely isolated from everyone --

1 A. Yes.
2
3 Q. -- at the dormitory?
4 A. Yes.
5
6 Q. And did that push you back into a situation that you
7 didn't like with Mr McKenna?
8 A. Yes.
9
10 Q. And in relation to the showers, Mr McKenna would come
11 in to those showers?
12 A. Yes.
13
14 Q. And watch the boys, including you, shower?
15 A. Yes.
16
17 Q. And the boys that were the ones that had the
18 privileges - were they known amongst the other boys as the
19 ones that went to McKenna's bedroom at night; that's how
20 they got the privileges?
21 A. I don't know whether they were known or not, to be
22 honest.
23
24 Q. Did you know of other boys that were going to
25 Mr McKenna's flat at night?
26 A. No, I didn't.
27
28 MR HAMMOND: I have no further questions, thank you, sir.
29
30 HIS HONOUR: Before you sit down, I am inclined to think
31 I should suppress publication of your question about the
32 subject of ridicule - it is not appropriate for that to be
33 publicised.
34
35 MR HAMMOND: If it pleases.
36
37 HIS HONOUR: Have you anything to comment about that?
38 Very well. [Information suppressed]
42
43 Now, Mr Jenkin, do you have any questions?
44
45 MR JENKINS: No questions, thank you, sir.
46
47 HIS HONOUR: Any re-examination?

1
2 MR URQUHART: Just very briefly, thank you, sir.
3
4 <RE-EXAMINATION BY MR URQUHART:
5
6 MR URQUHART: Q. Mr Stephens, I won't keep you long.
7 You mentioned that your brother Darryl began at the hostel;
8 did another brother of yours, Brent, also start at the
9 hostel as well, stay as a boarder?
10 A. Yes, both of them did.
11
12 Q. And can you recall when that was?
13 A. I was gone, but it would have been about roughly 1979.
14
15 Q. So whatever age he was, whatever time it was, he
16 started when he was in year eight; is that right?
17 A. Yes.
18
19 Q. Finally, Mr Stephens, Mr Hammond asked you some
20 questions regarding the ostracism that Mr McKenna extended
21 towards you after those May school holidays in 1977. Can
22 you recall how long that went on for?
23 A. About a week. It wasn't long.
24
25 Q. And then do you recall what started happening after
26 that one week?
27 A. Same old same old.
28
29 Q. The same abuse of you began again?
30 A. Yes.
31
32 MR URQUHART: Thank you, Mr Stephens. That's all,
33 thank you, sir.
34
35 HIS HONOUR: Very well. That completes your evidence,
36 Mr Stephens. You are free to stay, of course, but you are
37 also free to go. Thank you.
38
39 THE WITNESS: Thank you, sir.
40
41 <THE WITNESS WITHDREW
42
43 HIS HONOUR: Yes, Mr Urquhart?
44
45 MR URQUHART: Thank you, sir. The next witness is
46 Livia Bentley, spelt L-I-V-I-A, and Mrs Bentley will take
47 the affirmation, sir.

1
2 <LIVIA BENTLEY, affirmed:
3
4 <EXAMINATION-IN-CHIEF BY MR URQUHART:
5
6 MR URQUHART: Q. Mrs Bentley, your full name is
7 Livia Bentley?
8 A. Livia.
9
10 Q. And are you currently the deputy principal of the
11 Nollamara primary school?
12 A. I am.
13
14 Q. And did you commence your teaching career in 1976?
15 A. I did.
16
17 Q. And was that the year after you graduated?
18 A. It was my first year.
19
20 Q. First year?
21 A. Yes.
22
23 Q. And your maiden name, at that time, was that Pallotti?
24 A. Pallotta.
25
26 Q. Pallotta, have I got that right? Is that spelt
27 P-A-L-L-O-T-T-A? Mrs Bentley, was the very first school
28 you taught at, after graduating, the Katanning primary
29 school in Katanning?
30 A. Yes, it was.
31
32 Q. And how old were you at that time?
33 A. Twenty-one
34
35 Q. Can you recall how long you stayed there teaching at
36 the school?
37 A. Two years.
38
39 Q. Were both years at the primary school?
40 A. Yes.
41
42 Q. Can you recall your mother and father taking you to
43 Katanning from Perth, to start the first term of your first
44 teaching job?
45 A. Yes.
46
47 Q. Can you recall where it was that you were supposed to

1 be staying whilst you were teaching there?
2 A. The nurses' quarters at the hospital.
3
4 Q. Mrs Bentley, I am going to ask you if you can try and
5 keep your voice up?
6 A. Okay. Just a bit nervous.
7
8 Q. It is a small room, but we have a very noisy
9 airconditioner here, as well, and that's not going to
10 amplify your voice.
11 A. Oh, okay. Sorry. All right.
12
13 Q. Now, was it the case that, when your father saw the
14 nursing quarters, he wasn't happy about you staying there?
15 A. No, he wasn't happy.
16
17 Q. Did it have something to do with the rather
18 rudimentary shower and toilet facilities?
19 A. Yes.
20
21 Q. As a result of that, did you end up being offered
22 somewhere else to live?
23 A. We sought other accommodation and somehow ended up
24 with an offer to stay at a bed-sit at the hostel, in return
25 for being a homework tutor at night-time, after the
26 children had their dinner.
27
28 Q. So this is the Katanning hostel?
29 A. Hostel.
30
31 Q. Where the students who went to the high school
32 boarded?
33 A. That's right.
34
35 Q. So you weren't going to pay for the rent, or anything
36 like that?
37 A. No.
38
39 Q. But the quid pro quo, as it were, was that you would
40 be providing homework services to students?
41 A. That's right.
42
43 Q. And can you recall who it was that these arrangements
44 were made with?
45 A. I can't remember.
46
47 Q. Shortly after that, though, were you introduced to the

1 warden there at the hostel?
2 A. Yes.
3
4 Q. And before we just get to that, you mentioned this
5 small bed-sit - exactly where was it situated in the
6 building?
7 A. Adjacent - right on the wall of the kitchen.
8
9 Q. And where was that in relation to the boys' dormitory?
10 A. The boys' dormitory would have been to the left of
11 that, down.
12
13 Q. And the girls' dormitory?
14 A. Up.
15
16 Q. To the right?
17 A. To the right.
18
19 Q. It was a pretty basic bed-sit, was it?
20 A. Yes.
21
22 Q. But it would have pleased your father, no doubt, to
23 know that you had your own toilet and bathroom facilities?
24 A. Absolutely.
25
26 Q. So could you just take us through the duties that you
27 were required to perform with that set-up?
28 A. Okay. We were to --
29
30 Q. When you say "we", were there others there as well?
31 A. Not to begin with; it was just me.
32
33 Q. Just you, yes.
34 A. But the adults - like the cook, the store person,
35 Dennis - we were to have dinner with the children, and then
36 they were given a certain amount of time to have showers or
37 get dressed and whatever, and then they were required to
38 sit at desks and get on with homework, and that's when
39 I was asked to walk up and down. I helped with any maths,
40 English - anything that they required. This was mainly the
41 girls.
42
43 Q. Now, you mentioned there that the adults that you
44 would have meals with included someone by the name of
45 Dennis?
46 A. Oh, yes.
47

1 Q. Who was that?
2 A. Dennis McKenna.
3
4 Q. Did you understand him to be the warden?
5 A. Absolutely.
6
7 Q. When you say "absolutely" with respect to that
8 question I just asked you, why did you answer it in that
9 way?
10 A. Even in those young years, I realised he was a control
11 freak.
12
13 Q. And in what way?
14 A. In the short time that I was there, my duties confused
15 me, so I wasn't ever sure when dinner was supposed to
16 start, so it went from 5.30, 5.45, 6 o'clock --
17
18 Q. And who would make those changes?
19 A. Dennis. And I wasn't - I remember being told that
20 I wasn't there to counsel the girls. So there were times
21 that personal things were asked of me and, being a young
22 person, I asked Dennis what to do. So his instructions
23 were not very clear, and when they were clear, they were
24 inconsistent with what he might have said two hours ago or
25 the day before.
26
27 Q. Who told you that you weren't to counsel the girls?
28 A. Dennis.
29
30 Q. What about with respect to contact that had you with
31 the boys?
32 A. I'm not sure how that came to be. But there were
33 occasions where I was asked - and I think that happened
34 when we were shifted, when I was shifted with other people
35 into the hostel house, that there were odd occasions -
36 there might have been the two girls were up with the girls
37 and the other two teachers and I was with the boys, or vice
38 versa. So we were never 100 per cent sure who was doing
39 what. So I did find myself with the boys.
40
41 Also, I know it sounds pretty silly, but at 5 foot 1
42 I was coaching the hostel basketball team, so I got to know
43 the boys and the girls a little bit better in that way,
44 because I actually stayed in the bed-sit for a while, so
45 I got to know them a little bit closer, and there were
46 occasions where - not very many, maybe two, three times -
47 that we actually drove to Narrogin, I think, or they wanted

1 to go to sort of like a lake where they could swim, or go
2 for a picnic, and those sorts of things. Yes.

3
4 Q. I'm going to ask you about some conversations you had
5 with a couple of boys in relation to those trips in a
6 moment. But, first, if I could ask you whether you noticed
7 anything - very early on in your time in this position as
8 tutor, or homework adviser - noticed anything regarding
9 Mr McKenna's interaction with boys?

10 A. I thought it was a little bit inappropriate. I felt
11 that there were always boys hanging off him, off his
12 shoulders, touching his hand or - he seemed to be most
13 friendly, and --

14
15 Q. So these are things that you observed?

16 A. Yes.

17
18 Q. And whereabouts would you see these instances that you
19 have just described?

20 A. Mainly in his office and, on occasions, Friday night
21 movies. There were canteen episodes as well. So - just
22 didn't seem right.

23
24 HIS HONOUR: Q. When you say "boys hanging off him",
25 could you explain that in a bit more detail?

26 A. Sir, if I'm standing, you know, I would have a child
27 with their hand over me, leaning in to me or - too close
28 for what I believe an educator should have with a child.

29
30 MR URQUHART: Q. Even back in those days - 1976?

31 A. I think so.

32
33 Q. So that was one example that you saw. Any other?

34 A. I do recall seeing - there were times that I was in
35 his office, I have no idea why, and I think those occasions
36 were when things were being organised for Friday nights, or
37 something like that, and he would have a lot of people,
38 a lot of students in his room; he would be sitting down -
39 and I think there were girls there as well - but mainly
40 boys sitting on his lap.

41
42 Q. So boys sitting on his lap. What, one at a time, or
43 would there be more than one on his lap, or just one; do
44 you recall?

45 A. I recall one, but, as I said, my memory - it is
46 37 years ago.

47

1 Q. But you have a specific recollection of that
2 particular instance?
3 A. Yes.
4
5 Q. And can you give an estimation as to how old that boy
6 would have been - just an estimation?
7 A. As I said previously, the boys that were hanging on
8 top of him seemed to be a bit older. The boys sitting on
9 his lap were younger boys. That's the essence of what
10 I think I recall.
11
12 Q. So these were all high school students, were they?
13 A. Yes.
14
15 Q. So they would range anywhere from 12 to 17 years of
16 age?
17 A. Yes.
18
19 Q. Was it the case, Mrs Bentley, that you never actually
20 saw Dennis McKenna do anything of a sexual nature to boys?
21 A. I did not, no.
22
23 Q. However, when you observed that behaviour you just
24 described to us, what was your reaction to that?
25 A. I remember I did say something to my mother. My
26 mother's advice was, "You are trying to get permanency, be
27 careful" - all those sorts of things. So it took me a long
28 time before I actually said anything, and I chose
29 a particular situation where I was in my principal's office
30 for a meeting.
31
32 Q. We will get to that in a moment, if we can. I was
33 just asking your reaction as to the time, and you have
34 answered that, and I thank you for that. But did you
35 notice any occasions where Dennis McKenna would treat boys
36 differently to others?
37 A. Absolutely.
38
39 Q. And what was that different treatment that you
40 noticed?
41 A. They were able to stay up later; they seemed to have
42 authority. They were sort of semi-bosses themselves.
43
44 Q. And again what age groups were these - can you recall?
45 A. My essence is of a bit older - the 15-, 16-year-old
46 boys.
47

1 Q. And from what you observed at the time you were there,
2 were these always the same boys, or were they different?
3 A. I was there for a short time, so they would have to be
4 the same group of boys.
5
6 HIS HONOUR: Q. Approximately how many of these boys
7 would be able to stay up later and had authority - was it
8 a small group or a large group?
9 A. Small group - three, six.
10
11 MR URQUHART: Q. Did you, yourself, ever observe boys in
12 Dennis McKenna's accommodation unit that he had within the
13 dormitory?
14 A. No, I did not.
15
16 Q. However, was it the case that you had a conversation
17 with two students in relation to that subject matter?
18 A. Yes.
19
20 Q. And you also mentioned - and I stopped you and I said
21 we would get to that in a moment - was that during one of
22 these trips that you had in your capacity as a basketball
23 coach?
24 A. Yes.
25
26 Q. Did you actually speak to two boys, that you can
27 recall?
28 A. Well, there were four students in the car, and they
29 were tricking me where to actually go, because I didn't
30 know Katanning, so we did get to quite a few personal
31 conversations, and I asked what happened in Dennis's
32 accommodation.
33
34 Q. So how did you know about that, though?
35 A. There were times when you were in his office that he
36 would take himself off into the accommodation, and it was
37 just a very strong law that no-one went in there, so that
38 was just completely out of bounds, and of course I wanted
39 to know why.
40
41 Q. Out of bounds for whom, though?
42 A. All of us.
43
44 Q. When you say "all of us", you mean --
45 A. Staff members, students. But, on occasions, you would
46 see that he would take boys there.
47

1 Q. And you saw that?
2 A. Yes.
3
4 Q. And do you recall ever seeing girls go in to his room?
5 A. No.
6
7 Q. Sorry, I interrupted you there. So you were talking
8 about this trip in the car. You were recounting
9 a conversation that you had with the boys that you were
10 with then.
11 A. I directly asked, "Why do some of you go into Dennis's
12 accommodation?", and the answer was, "It's a treat; it's
13 a reward for doing the right thing. We're allowed to watch
14 television and stay up late."
15
16 Q. And did they mention to you whether they were allowed
17 to do something else?
18 A. No, but, as I have said, I always felt that one in
19 particular - who I can't remember his name, but one in
20 particular - seemed to be saying something to me, and
21 I never picked up on it strongly enough.
22
23 HIS HONOUR: Q. Sorry, I didn't catch that - "never
24 picked up on"?
25 A. I didn't pick up on it strongly enough.
26
27 MR URQUHART: Q. So he was trying to say something to
28 you in a less-than-direct fashion?
29 A. Yes.
30
31 HIS HONOUR: Q. Do you say one of the boys?
32 A. One of the boys.
33
34 MR URQUHART: Q. So they mentioned to you that they were
35 allowed to go in his room to watch television as a special
36 treat. Were they allowed to do something else that --
37 A. Smoke, drink.
38
39 Q. Is that what you were told on this particular
40 occasion?
41 A. Well, we had - I had never come across the word
42 before, but - a donga, so that was where they were allowed
43 to muck up, and special treats and whatever, and, you know,
44 it was quite - it was very common knowledge that you were
45 allowed to smoke in there, but if you did the wrong thing,
46 you weren't allowed to. So, yes, they just mucked up, as
47 kids wanted to.

1
2 Q. Where was this donga?
3 A. At the back of the boys' dormitory, sort of to the
4 side.
5
6 Q. And where was that in relation to Dennis McKenna's
7 unit?
8 A. Complete - his accommodation with the boys' dorms -
9 the donga was a complete separate entity.
10
11 Q. I see.
12 A. It was sort of very basic.
13
14 Q. Mrs Bentley, if it is too difficult for you to recall
15 now, but if you can, it would assist: these boys that you
16 were speaking to in your car and who were telling you about
17 these things - can you recall about how old they were?
18 A. I think the boys were 15, 16 - they tended to be the
19 older boys.
20
21 Q. Now, Mrs Bentley, can you recall after you began
22 staying within the hostel that you were moved?
23 A. Yes.
24
25 Q. And who was it that got you to move?
26 A. Dennis.
27
28 Q. Whereabouts did he move you to?
29 A. The hostel house.
30
31 Q. It was also known as the warden's house?
32 A. It must have been, but we just knew it as the hostel
33 house.
34
35 Q. So was this a separate dwelling that was on the
36 grounds?
37 A. It was on the street, on the way to the - on the same
38 side as the hostel, but before you got to the hostel car
39 park.
40
41 Q. And approximately how far was that from the
42 dormitory - again, just very roughly?
43 A. I'm not good with distances. 200 yards?
44
45 Q. Okay. And did you stay there with anybody else?
46 A. Yes, I stayed there with two other teachers - female
47 teachers.

1
2 Q. How would you describe that accommodation?
3 A. Well, as I said to you, for a working-class migrant,
4 I thought it was pretty good. Nice three bedrooms, you
5 know; it was lovely.
6
7 Q. Was any reason given as to why you were moved out of
8 the bed-sit that you had into that particular house?
9 A. It was required for someone else.
10
11 Q. So your bed-sit was required for someone else?
12 A. Yes.
13
14 Q. Did you ever find out who that was?
15 A. I hate to answer that, in case I have made up a story
16 in my head, but I think, maybe, it was a family member.
17
18 Q. You are not sure?
19 A. Not sure.
20
21 Q. How long was it, approximately, that you stayed, then,
22 at this house - this hostel house?
23 A. I'm not a hundred per cent sure, but I remember it
24 being cold, so it would have to have gone into
25 autumn/winter, because it was bloody cold in Katanning.
26 But, again, we were only required for a short time, and
27 then we were told that a husband-and-wife group was coming
28 in.
29
30 Q. And who told you that?
31 A. Dennis.
32
33 Q. Did you subsequently rent a house in Katanning with
34 another teacher?
35 A. One of the teachers who was a home tutor - Anne and
36 I went and sought other accommodation in the town.
37
38 Q. Did you subsequently find out who the husband and wife
39 was, who moved into the hostel house?
40 A. Much later, yes.
41
42 Q. And who was it?
43 A. His parents.
44
45 Q. Dennis McKenna's parents?
46 A. Yes.
47

1 Q. When you were told at the time by Dennis McKenna that
2 a husband and wife was moving in there, did he say what
3 they would be doing in relation to the hostel?
4 A. I think he wanted extra duties - while we girls worked
5 during the day, he wanted other things done during the day.
6
7 Q. Mrs Bentley, I think you have mentioned that there was
8 a cook at the hostel. Did you observe anything about the
9 relationship that the cook had with Dennis McKenna?
10 A. I have no cause to be horrible about the cook, because
11 I don't recall her name or anything much about her, except,
12 as I have said before, it seemed to me that no-one
13 questioned Dennis; they seemed to worship the ground he
14 walked on. He couldn't do any wrong. So for a 21-year-old
15 who was trying to organise her time schedule, you know, "Is
16 it 5.30 dinner? Is it 5.45 dinner? Is it 6 o'clock
17 dinner?" You know, "When am I supposed to be on call?",
18 and the response is, "Well, Dennis is in charge".
19
20 Q. So those people that you have described as holding
21 Dennis McKenna in high regard, did that include the cook?
22 A. Yes. Mind you, he made you feel special, if he --
23
24 Q. Sorry?
25 A. I said, "Mind you, he made you feel special". He had
26 a way of including you, that if you weren't - if you didn't
27 have standing, if you didn't have education, if you didn't
28 have your own self-esteem, he certainly knew how it to suck
29 up to you.
30
31 Q. And what about his relationship with you? Did he make
32 attempts to include you in that regard?
33 A. No.
34
35 Q. And was it the case that the reason for that was
36 something that you subsequently did regarding your reaction
37 to --
38 A. I used to ask questions.
39
40 Q. -- the change of rules?
41 A. I used to ask questions.
42
43 Q. And did do you that of him?
44 A. Yes.
45
46 Q. With respect to this?
47 A. Also, I think, he - I also think he knew that I knew

1 that he was grooming.
2
3 Q. But that's just --
4 A. I know.
5
6 Q. But that's just your supposition now, looking back, is
7 it?
8 A. As an experienced educator, I think that my hunch was
9 correct, yes.
10
11 Q. Can you recall an occasion where you did question the
12 decisions he was making?
13 A. They were mainly to do with what I'm supposed to do at
14 homework, what time I'm supposed to start, what time I'm
15 supposed to finish. There were times I was allowed to do
16 things, so I could have free reign with the kids and take
17 them in my old Hillman Hunter, you know, to lakes, and
18 whatever; other times, I wasn't allowed to stay for special
19 drinkypoos, or whatever he had in his office. It just was
20 inconsistent.
21
22 Q. So you approached him on one occasion with respect to
23 this?
24 A. I don't think I approached, as such; I would just
25 confront at the situation, "But that's not what you told me
26 yesterday." So I certainly was not what he wanted around.
27
28 Q. So how long was it that you had this position as the
29 homework adviser. You started there in 1976, first term?
30 A. You'd have to do your homework, because as soon as the
31 couple came into the home, that's when the three of us had
32 to leave, so that would have been the end of my tenure
33 there.
34
35 Q. So you continued to do your homework duties when you
36 were staying at the hostel house?
37 A. Yes.
38
39 Q. Whenever you questioned Dennis McKenna regarding him
40 changing your duties, can you recall what his reaction was?
41 A. He had a demeanour which made you feel, "Are you
42 questioning me?" In those days, a 21-year-old to a warden
43 or a principal is not like a 21-year-old today. You did as
44 you were told.
45
46 Q. Who was it that advised you that you would be no
47 longer required to continue with your duties that you had

1 there?
2 A. Dennis would have told the three of us, or through one
3 of us.
4
5 Q. Of the three, would you say that you were the most
6 outspoken?
7 A. I think so.
8
9 Q. Mrs Bentley, I want to move now to an occasion before
10 you were moved out of the warden's house, or the hostel
11 house as you've referred to it. Was there an occasion, you
12 being a first year teacher, that you would have performance
13 management-type meetings with the principal of the
14 Katanning junior school?
15 A. Katanning primary school, yes.
16
17 Q. Primary school, yes.
18 A. Yes.
19
20 Q. Just answer "Yes" or "No" to this question. Do you
21 recall the name of that principal?
22 A. Yes.
23
24 Q. Without mentioning his name at this stage, do you
25 recall an occasion where you said something to him --
26 A. Yes.
27
28 Q. -- at one of your performance management meetings?
29 A. Yes.
30
31 Q. What did you say to him?
32 A. The conversation, as well as performance management
33 was, "Where are you living? What do you do weekends,"
34 blah, blah, blah. I brought up that I was homework
35 tutoring at the hostel and that I felt that Dennis was
36 getting a little bit too close to the boys, or he was
37 allowing the boys to get too close to him, and I was going
38 along those lines, when he said, "What are you saying,
39 young lady? You need to be careful. You're new to town."
40
41 Q. Can you recall, Mrs Bentley, during that conversation
42 whether you gave any examples of what you had seen?
43 A. I didn't get a chance.
44
45 Q. So that was as far as you got?
46 A. Yes.
47

1 Q. What was your reaction to that response by the
2 principal?
3 A. Excuse my emotion, but it just reaffirmed that he was
4 incompetent for the job.
5
6 Q. I'm going to ask you to be given a piece of paper and
7 a pen. I'm just going to ask you, please, if you could
8 write down the name of the principal on that piece of
9 paper.
10
11 MR URQUHART: Could that be shown to his Honour first.
12
13 Your Honour, the name of the person that's been
14 written down by Mrs Bentley --
15
16 HIS HONOUR: Do counsel want to see the name?
17
18 MR HAMMOND: I was just going to ask whether counsel could
19 see the names.
20
21 HIS HONOUR: Of course. That should always happen.
22
23 MR HAMMOND: Thank you.
24
25 MR URQUHART: I ask that a suppression order be placed on
26 that name.
27
28 HIS HONOUR: I think it should become an exhibit.
29
30 MR URQUHART: It should become an exhibit.
31
32 HIS HONOUR: Exhibit 1. At this stage - it might be
33 reviewed at a later time - there will be a suppression
34 order in respect of the name.
35
36 EXHIBIT #1 PIECE OF PAPER WITH NAME WRITTEN BY WITNESS
37
38 MR URQUHART: I can give a very brief reason as to why
39 that is the case, and that is the fact that inquiries made
40 by investigations of the inquiry have revealed that he has
41 since died, and therefore of course he would not be able to
42 respond to the evidence that has just been given by
43 Mrs Bentley. In those circumstances, sir, that would be
44 the reason.
45
46 HIS HONOUR: It's an untested assertion at this stage. It
47 might be taken to reflect badly on him, and I think in the

1 circumstances for the present it will be suppressed, yes.
2
3 MR URQUHART: Q. Mrs Bentley, did you raise this matter
4 with anybody else after that?
5 A. No, only my mum.
6
7 Q. You've already referred to that a moment ago, haven't
8 you?
9 A. Yes.
10
11 Q. Your relationship with the principal, how did that
12 develop after that meeting you had with him?
13 A. It wasn't developing well anyway. It just
14 deteriorated.
15
16 Q. It deteriorated even further?
17 A. I think so.
18
19 Q. Mrs Bentley, was there a main reason why you
20 eventually left that particular school in 1977?
21 A. I found under his leadership that - maybe I was naive,
22 but I felt very uncomfortable when your principal walks
23 into your room, not knocking, and just saying things like,
24 "Could all the Nyoongar kids stand up, please?", which I've
25 since found out was required for PSP schools, so that kind
26 of thing, but as a migrant I just felt that there could be
27 more sensitivity in the way he approached his job. He was
28 a bully, in my opinion.
29
30 Q. Mrs Bentley, are you able to give a description for
31 what you observed of the type of effect that Dennis McKenna
32 seemed to have on students who stayed at the hostel?
33 A. In my statement I wrote that he seemed to have a Pied
34 Piper effect.
35
36 Q. Why did you describe it in that way?
37 A. He had a way about him which made you want to be on
38 his side if you did not have your wits around you. There
39 was a sense that if you didn't do things his way - he was a
40 dangerous person, and he did good things, in the sense that
41 you got rewarded and you got to do things like smoking -
42 which in 1976 is completely taboo - without telling your
43 parents, and also it was a secretive type of environment.
44
45 Q. Are you saying then a Pied Piper effect on the
46 children who stayed there?
47 A. Yes.

1
2 Q. From your own personal observations, did you note how
3 you would describe his effect upon adults, maybe excluding
4 yourself in this instance?
5 A. I observed him only with the staff at the hostel.
6 There seemed to be this admiration - this guru had come to
7 fix - everything was going to be better with him around.
8
9 Q. Mrs Bentley, was it the case that you got involved in
10 a lot of sport there when you were at Katanning?
11 A. I did.
12
13 Q. Was one such sporting group the netball association
14 for Katanning?
15 A. Yes.
16
17 Q. Would you attend meetings of the netball association
18 from time to time?
19 A. Yes.
20
21 Q. These involved older women, did they?
22 A. Yes.
23
24 Q. And younger women as well?
25 A. Yes.
26
27 Q. Just staying with the older women who may well have
28 had children, do you recall any occasions on which you
29 would raise matters regarding the hostel?
30 A. As I've said, I tried it once. You got a sense that
31 if you weren't saying things that they wanted to hear, you
32 were not to say anything. So, in introducing myself as a
33 new person into the town, I had got a group of young girls
34 from the primary school involved in netball, including
35 I wanted also to get into an adult side, and my background
36 that I was staying at the hostel and how were things, blah,
37 blah - again, the sense of, "Don't say anything unless it's
38 positive, because we think everything's going fine, and who
39 are you?"
40
41 Q. Did you ever get the opportunity of canvassing your
42 thoughts?
43 A. No, I wanted to be in netball, so I just shut my
44 mouth.
45
46 Q. Thank you, Mrs Bentley.
47

1 MR URQUHART: Sir, that's all the questions I have for
2 this witness.

3
4 <CROSS-EXAMINATION BY MR HAMMOND:
5

6 MR HAMMOND: Q. Mrs Bentley, would it be fair to say
7 that even for you at the time that the environment at the
8 hostel was very odd - boys were allowed to smoke?

9 A. Absolutely.

10

11 Q. Smoking has never been allowed at school, has it?

12 A. No.

13

14 Q. Or at a hostel. And they were allowed to drink
15 alcohol, did you know that?

16 A. I got the impression that that's what happened in the
17 dongas.

18

19 Q. How did you get that impression?

20 A. I would be told.

21

22 Q. By the boys?

23 A. Yep.

24

25 Q. Did you see boys smoking yourself?

26 A..

27

28 Q. Did you report that to others in Katanning, that boys
29 were smoking at the hostel?

30 A. No.

31

32 Q. Partly due to your age at the time?

33 A. Those things came later on as the boys and I got to
34 know each other. It was my interpretation of the situation
35 that I first thought things were odd, so those particular
36 specifics didn't occur until later, but by that stage
37 I knew that there was no-one to go to.

38

39 Q. So you knew the boys were smoking, you saw them
40 smoking, you heard that they were drinking, and you knew
41 they were drinking alcohol, and you knew they were staying
42 up late in Dennis's flat watching videos?

43 A. Yes.

44

45 Q. Did you know the nature of the videos?

46 A. No.

47

1 HIS HONOUR: Q. When you say there was no-one to go to,
2 can you elaborate on that? What do you mean by that?
3 A. I had the deputy principal and a principal - the
4 principal who I had already attempted to do something about
5 frightened me, and the deputy principal, who was a gorgeous
6 man, was Christian - was very religious, and how do you -
7 I just couldn't do it with Ken.
8
9 HIS HONOUR: Q. There was no-one there you could go and
10 talk to bit?
11 A. And you were a newie in town, you were nothing.
12
13 MR HAMMOND: Q. Mrs Bentley, in relation to Dennis's
14 accommodation being out of bounds, how was that made known
15 to you?
16 A. I think I asked.
17
18 Q. Did you seek to enter his accommodation or not?
19 A. No, I asked - I questioned, "Who goes in there?" "Oh,
20 no-one's allowed in there, only those that are being
21 rewarded," or something.
22
23 Q. Was that an answer that was given to you by another
24 student at the time?
25 A. Yes.
26
27 Q. When you were told that only boys who had been
28 rewarded went into his accommodation, that's when your
29 alarm bells began to ring?
30 A. Yes.
31
32 Q. The hunch that you had at that time, I think you said
33 in 1976, was that McKenna was grooming boys. Did you have
34 that hunch in 1976?
35 A. I did.
36
37 Q. Did you think he was grooming them for sexual favours?
38 A. I don't think I can answer that as an expert
[information suppressed], it
41 certainly felt that something along those lines was
42 happening.
43
44 Q. Did you personally see boys going into McKenna's room?
45 A. Yes.
46
47 Q. Were there other adults around you at the time this

1 was happening?
2 A. No, those times was when I was on duty on the boys'
3 section, and I don't know how I managed to get - because
4 I was supposed to be girls' - and I would be left in the
5 office for some reason.
6
7 Q. Are you able to say what times of the day you noticed
8 boys going into his room?
9 A. Dinner say finished at 6.20 - maybe 7.
10
11 Q. Were you ever there to see whether they came out or
12 not?
13 A. No.
14
15 Q. Did you ever witness Mr McKenna belittle or criticise
16 students?
17 A. Yes.
18
19 Q. Do you remember what that criticism consisted of?
20 A. As I heard previously, it was the most trivial of
21 natures. One minute - I dare not even say, because it was
22 just pathetic.
23
24 MR HAMMOND: I don't have any further questions, thank
25 you, sir.
26
27 HIS HONOUR: Mr Jenkin, do you have any questions?
28
29 MR JENKIN: No, thank you, sir.
30
31 HIS HONOUR: Any re-examination?
32
33 MR URQUHART: No, sir. I'm thinking maybe there should be
34 suppression on part of an answer that Mrs Bentley gave in
35 response to a question by my learned friend Mr Hammond
36 regarding whether Mrs Bentley thought that grooming
37 behaviour was sexually related. Mrs Bentley did make a
38 comment [information suppressed] that I do
39 think ought to be suppressed.
40
41 HIS HONOUR: I didn't catch that, I'm sorry.
42
43 MR URQUHART: Yes. I apologise, Mrs Bentley, I have to
44 say this again. In part of her answer she referred to the
45 [information suppressed].
46
47

1 HIS HONOUR: I didn't quite catch that. I will certainly
2 suppress any publication of that part of her evidence.

3

4 Thank you, Mrs Bentley, that completes your evidence.
5 You are free to go.

6

7 <THE WITNESS WITHDREW

8

9 MR URQUHART: I do have another witness who will be giving
10 oral evidence. I'm not certain whether he is here or not,
11 but I could use this time now before lunch to read in a
12 statement that we have referred to during the course of our
13 openings of a person who would like that to be done, and we
14 don't have any objection to that being undertaken.

15

16 HIS HONOUR: Yes.

17

18 MR URQUHART: His name is Brent Stephens. His statement
19 is dated 5 December 2011 and was prepared for the purposes
20 of this inquiry.

21

22 <MR BRENT STEPHENS, statement read:

23

24 MR URQUHART: The statement of Mr Stephens reads:

25

26 I, Brent Stephens. This statement is a
27 recollection of events that I can recall
28 that happened to me when I was at the
29 St Andrew's boarding school when I was at
30 the age of 13 through to the age of 15 in
31 the early 1980s.

32

33 I came from a farm that was about 1.5 hours
34 drive away from the boarding school. The
35 first year that I went to the boarding
36 school I did not know anyone and, looking
37 back on it now, it must have been very easy
38 for the people to take advantage of that
39 situation, because I was very uneasy and
40 I could not settle down emotionally. I was
41 struggling and my schooling and my health
42 took a big hit, not being able to sleep or
43 eat and felt like I was by myself.

44

45 About halfway through the first term I was
46 sent to the doctor's because of not being
47 able to handle the situation I found myself

1 in, through no fault of my own. The doctor
2 put me on a very strong downer (drug), but
3 unbeknown to them, they did not know the
4 whole story.

5
6 I recall there were quite a lot of
7 occasions that I was targeted out of the
8 group over the three years that I was at
9 this boarding school and belittled in front
10 of everyone. The dining room was full of
11 all the students and this particular time
12 I was brought up to the front of the whole
13 school by the warden and made a complete
14 joke of. I can recall everyone, including
15 the warden (McKenna), were laughing and
16 doing gestures with their hands, which
17 lasted for what seemed a long time, but it
18 was probably around three to five minutes.
19 But then the torment continued after at the
20 dormitory for the rest of that night. This
21 would have been getting close to the end of
22 first term, which would have made it
23 around March/April.

24
25 This was not an isolated event. It would
26 have happened at least once a term.
27 I recall one time that I had something on
28 my backside that was very sore (a boil), so
29 what McKenna made me do was strip off in
30 front of the whole of my dorm and show him
31 and the other students what the problem
32 was, which I took another lot of abuse that
33 went on for days. This event ended up
34 going over the loud speaker, so all the
35 students knew what happened to me.

36
37 As I can recall, this event happened at
38 winter, because I was heavily clothed due
39 to the dorm being very cold. McKenna did
40 not like the musical group called Kiss, so
41 he had it out with a bunch of students that
42 liked the group. He made a bunch of us
43 like a game - ransacked their belongings
44 and throw flour bombs and eggs and drown
45 them in water. This would have happened to
46 around six to eight of the students from
47 all year levels.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

This happened on the weekends and it was when I was in my second year at the boarding school. Again, it was halfway through the year (June/July). If you said that you were not going to participate, he got his followers to turn on to you. It happened quite a lot when at night time after the lights were turned off and you had the need to go to the bathroom, you would hear a noise coming out of where McKenna's private quarters were, as it was opposite to the bathrooms. You hoped that what you heard was not actually happening, but the big problem was that you had no-one to go to for support/help. I still to this day have problems with what I did not do back then, as I found out that some of my school buddies were the ones that were not as lucky as me.

This was not an isolated event over the three years. I would have noticed this going on around half a dozen times, if not more, and it was not isolated to any time of the year. It was at random.

Another event that happened when I was in my second year at the boarding school, we went on a road trip up to Perth. There would have been about 40 students in the bus, and McKenna went and took the bus load of students out to the Perth airport. As my brother was at the front of the bus, he was told to get out and get the entry pass so the bus could go through the boom gate, and that is what he did, and as he went to get back into the bus, McKenna drove the bus off squashing my brother's leg between the bus and the railing.

Right from that moment I was not allowed to see or talk to my brother. I was allowed no contact with him until I got back to the boarding school and my mother took me back to Perth to see him.

1 I saw everything that went on and this was,
2 as I recall, getting close to the end of
3 the year. There was no communication from
4 anyone from the hostel to me telling me
5 anything about the condition of my brother.
6 I was isolated from the situation, which
7 compounded the whole health issues.
8 I found myself being very quickly not being
9 able to communicate with anyone, so I was
10 shutting myself off to my surroundings,
11 because I did not want this torture to
12 continue.

13
14 I am married for the second time. My first
15 wife was always saying to me I never
16 communicated to her. Still to this day
17 I have problems being able to get rid of
18 those demons that grabbed me at the
19 boarding school for the three years that
20 I went there. I am not willing to let the
21 hurt continue. I feel that it has affected
22 me for the rest of my life. I have tried a
23 lot of things to get over the effects of
24 what happened, but they are always in the
25 background.

26
27 One thing that I have problems with is that
28 I should have done something about it, said
29 something to someone, but the problem was
30 there was no-one that I could trust. Yes,
31 I know I am one of the lucky ones. There
32 are people a lot worse off than me, but
33 that does not make it any better.

34
35 One thing that sticks in my mind is that
36 this trip to hell went on for so long, and
37 no-one picked up that there was something
38 not right. I know a lot of people have
39 been affected by this, and if I can do
40 something to help bring the people that
41 should have taken care of us to be
42 accountable for the action, I will do it.

43
44 Then Mr Stephens has written:

45
46 I, Brent Stephens, hereby give my
47 permission to use my statement, if

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

required, to rectify the wrongdoings that happened at the St Andrew's hostel in the 1980s when I was there as a boarder.

Thank you, sir. It is a little bit early, but that might be an appropriate time to adjourn for lunch.

HIS HONOUR: The witness will be here at 2.15?

MR URQUHART: Yes.

HIS HONOUR: We will adjourn now until 2.15.

LUNCHEON ADJOURNMENT

1 UPON RESUMPTION

2

3 HIS HONOUR: Yes, Mr Urquhart.

4

5 MR URQUHART: Thank you, sir. The next witness will be
6 Brian Ross Humphries. Mr Humphries is already in the back
7 of the hearing room.

8

9 <BRIAN ROSS HUMPHRIES, sworn:

10

11 <EXAMINATION-IN-CHIEF BY MR URQUHART:

12

13 MR URQUHART: Q. Mr Humphries, your full name is Brian
14 Ross Humphries?

15 A. That's correct.

16

17 Q. How old are you, Mr Humphries?

18 A. I'm 78.

19

20 Q. Do you currently reside in Albany?

21 A. Yes.

22

23 Q. You are now retired?

24 A. Yes.

25

26 Q. Mr Humphries, can you tell us, please, what your
27 occupation was? I suppose if we can start in, say, 1960?

28 A. I joined the government in 1960 with the Department of
29 Native Welfare and in 1965 I transferred to the Child
30 Welfare Department.

31

32 Q. Has that department undergone a number of name changes
33 over the years?

34 A. Yes. It was generally known as the Child Welfare
35 Department, but every time the government changed the name
36 changed.

37

38 Q. Is it currently the Department For Child Protection?

39 A. That's correct.

40

41 Q. You joined that department in 1965. Where were you
42 stationed that year?

43 A. In Albany.

44

45 Q. Did you remain in Albany until you retired?

46 A. Yes, I did.

47

1 Q. Was that in 1998?
2 A. Yes, that's correct.
3
4 Q. Mr Humphries, if you could just tell us, please, what
5 your duties were at Albany? Just briefly what your duties
6 were initially?
7 A. They did change over the years. Generally it was
8 involved in all facets of the department, especially
9 juvenile justice, neglected children, and there are other
10 things like fostering, adoptions, general inquiries
11 pertaining to those things.
12
13 Q. Was it a time there for many years you actually
14 appeared for children as their representative in the
15 Children's Court?
16 A. Yes. For most of those years I would appear in
17 juvenile justice cases in Children's Courts.
18
19 Q. In approximately 1975 did you become what's known as
20 the divisional officer?
21 A. Yes. "Senior Divisional Officer" was the title.
22
23 Q. That was still in Albany?
24 A. Yes.
25
26 Q. Was Albany the divisional office?
27 A. Albany was the divisional office.
28
29 Q. What area did the divisional office in Albany cover?
30 A. It covered a circle where we had a district office in
31 Morangup, a distinct office in Katanning and a division
32 covered Coodanup and Walpole Denmark.
33
34 Q. The district office in Katanning, do you know how long
35 that had been there for?
36 A. Well, it was certainly there in 1965.
37
38 Q. When you started work?
39 A. Yes.
40
41 Q. Did you know that because you would sometimes go
42 there?
43 A. I didn't go there at that stage. Later on I went
44 there.
45
46 Q. What were your duties as senior divisional officer
47 from about 1975 onwards?

1 A. Well, it was relating to the duties under the Child
2 Welfare Act, which, as I have stated, was still juvenile
3 justice. There were special inquiries also. It might have
4 been relating to a community group in a district area. It
5 could have been problems with juvenile justice. It might
6 have been assisting in neglect cases. General inquiries of
7 that nature.

8
9 Q. Were you still undertaking those sort of duties as of
10 the early 1980s?

11 A. Yes.

12
13 Q. Mr Humphries, I want to go to that time frame now and,
14 with respect to this matter that we are going to talk
15 about, is it the case that with the passage of time your
16 memory of it could only be as clear as it was some time in
17 the early 1980s?

18 A. That's correct.

19
20 Q. With respect to this Inquiry, can you recall a task
21 that you were asked to do whilst you were at the Albany
22 office?

23 A. I was asked to go to Katanning and make inquiries and
24 investigate allegations of ill-treatment of a child at the
25 Katanning hostel.

26
27 Q. Do you recall how it came to be, or where it came to
28 be, or from whom it came to be, that this matter came to
29 the divisional officer's attention?

30 A. Well, to me it came from the officer in charge, who I
31 think was called the superintendent at that time. He
32 passed the inquiry onto me.

33

34 Q. If you can't recall specifically about this instance -
35 if an inquiry like this was passed onto you in those days,
36 what format would that take?

37 A. Well, it could have been just a handwritten sheet. It
38 could have been a typed sheet, and it could have even been
39 just told to me in those days.

40

41 Q. With respect to this matter, you now don't have a
42 recollection what one that would have been?

43 A. I don't recall which one it was, no.

44

45 Q. Is it the case that you can't recall who the complaint
46 was made against?

47 A. Well, the complaint was ill-treatment of a child at a.

1 But I can't recall whether there was a personal complaint
2 against somewhere - but it was at the hostel.

3
4 Q. Can you recall anything else about what type of
5 ill-treatment it was?

6 A. I am certain it was physical ill-treatment. I'm
7 positive of that. But I can't go any further now in
8 memory.

9
10 Q. That is fine. All right, sir --

11
12 HIS HONOUR: Q. Can I just clarify here. When you say,
13 "physical ill-treatment", what could that encompass in your
14 definition of "physical il-treatment"?

15 A. I think it encompassed - it could have been knocked
16 around or could have been sexual.

17
18 Q. So it could have been either of those things?

19 A. It could have been either.

20
21 MR URQUHART: Q. Either of those matters would be the
22 subject matter for you to investigate as a divisional
23 officer?

24 A. That's right. That fitted right in with the Child
25 Welfare Act at that time.

26
27 Q. As a result of getting that inquiry to investigate,
28 did you go to Katanning?

29 A. Yes, I went to Katanning.

30
31 Q. Can you recall whether you went to Katanning just for
32 that matter or were there other matters?

33 A. I had other matters as well.

34
35 Q. With respect to that, Mr Humphries, how often would
36 you go to Katanning back then, back in the early 1980s?

37 A. I would probably go every month to six weeks.

38
39 Q. What would you do there?

40 A. Well, I'd follow up inquiries there.

41
42 Q. You've mentioned, though, there was a Katanning child
43 welfare office there?

44 A. Yes, there was.

45
46 Q. With respect to that, how would it be that you would
47 be conducting inquiries from Albany and not them doing it?

1 A. Well, it may have been a divisional matter. There may
2 have needed to be a third party. It may have been help
3 with juvenile justice, which at that stage I was fairly
4 experienced. It could have been a fostering report that
5 needed to be --
6
7 Q. This is in relation to the other matters you had to
8 deal with?
9 A. Yes, with the other matters; yes.
10
11 Q. Can you recall the number of staff that were at the
12 Katanning child welfare office in this time frame that
13 we're talking about, the early 1980s?
14 A. I think there were two - secretarial staff - there
15 would have been at least three.
16
17 Q. On this particular day that you attended Katanning did
18 you drive there?
19 A. I drove to Katanning.
20
21 Q. Were you by yourself?
22 A. Yes.
23
24 Q. Did you go somewhere first before you began conducting
25 these inquiries that you had?
26 A. Well, it's normal for me to go to the district office,
27 and that's what I did. I went straight to the district
28 office.
29
30 Q. That's the Katanning district office?
31 A. Yes, Katanning district office.
32
33 Q. Can you recall where that was in Katanning?
34 A. I know exactly where it was, but I can't remember the
35 street. It was near the railway line.
36
37 Q. Whilst there, Mr Humphries, did you receive a phone
38 call?
39 A. Yes, I did.
40
41 Q. Can you recall now who you received that phone call
42 from?
43 A. Yes. I received a phone call from the supervisor at
44 the Albany divisional office.
45
46 Q. Was a supervisor someone more senior to you?
47 A. Yes.

1
2 Q. Are you able to recall who that person was by name,
3 other than just title?
4 A. I can't remember his - which person was supervising
5 those youths.
6
7 Q. But that was the title that that person had?
8 A. I'm sure - I'm pretty sure it was "supervisor". Later
9 they were called "managers". But at that stage I think it
10 was "social work supervisor" was the senior officer.
11
12 Q. This person made the call to you rather than you
13 ringing them; is that your recollection?
14 A. Yes, they made the call to me. I had no reason to
15 ring them at that stage.
16
17 Q. Now, you have said that you cannot recall who that
18 person was. These questions that I am about to ask you
19 now, I am going to ask you to refrain for the moment from
20 mentioning the name of any person that arose in this
21 conversation, okay?
22 A. Yes.
23
24 Q. Mr Humphries, can you recall what your supervisor said
25 to you in that phone call?
26 A. The supervisor said that I was not to continue the
27 inquiry at the hostel and I was not to go there. He had
28 been instructed by head office Perth along these lines.
29
30 Q. Did he also refer to anybody else in connection with
31 this instruction? If you could just answer "yes" or "no"
32 to that?
33 A. Yes.
34
35 Q. I will just ask you now, was the description given by
36 the person at the other end, your supervisor, of what that
37 person was by way of occupation?
38 A. Yes. He said it was a politician.
39
40 Q. Mr Humphries, is it the case that you still have a
41 recollection of the name of that politician that was given
42 to you?
43 A. I have a clear recollection.
44
45 Q. Is that a clear recollection with respect to this
46 person's full name or only part of their name?
47 A. The surname. I have a clear recollection of the

1 surname.
2
3 Q. Before I ask you to write that name down, could I just
4 ask you this: Given these instructions from your supervisor
5 did you query those instructions at all?
6 A. I did at the time.
7
8 Q. Did you query that verbally to your supervisor?
9 A. Yes.
10
11 Q. So what did you say?
12 A. Well, I told him that that was a bit strange and why
13 had we complied with that request. That's what I said.
14
15 Q. Can you recall the response?
16 A. Well, the response was that we had been told by head
17 office not to proceed, and that was it.
18
19 HIS HONOUR: Q. Was this anything unusual to get that
20 sort of instruction from head office in relation to a
21 particular matter?
22 A. Yes, sir.
23
24 Q. Or did that happen from time to time or not?
25 A. It was unusual, sir. Well, it hadn't happened to me
26 before. I suppose that's why it was unusual.
27
28 MR URQUHART: Q. I was actually going to ask you,
29 Mr Humphries - you might have already answered it - but why
30 it is that you have got this recollection some 30 years
31 later?
32 A. Well, it is stuck in my mind as strange. I guess
33 that's the main reason. I don't think it ever happened
34 again that we had a clear complaint and then someone told
35 us not to proceed. I don't think that ever happened again
36 to me.
37
38 Q. Mr Humphries, I am going to ask you now - you are
39 going to be provided with a pen and a piece of paper - if
40 you would be able just to write down now the surname of the
41 politician that was given to you by the other person that
42 you spoke to.
43 A. (Witness complied).
44
45 HIS HONOUR: All counsel should see it. That will be
46 exhibit 2.
47

1
2 EXHIBIT #2 POLITICIAN'S NAME WRITTEN ON PIECE OF PAPER BY
3 MR HUMPHRIES TO BE SUPPRESSED
4

5 HIS HONOUR: Do you have an application?
6

7 MR URQUHART: I do have an application, sir. Inquiries by
8 investigators have indicated this is the surname of a
9 former state politician who was no longer a member of
10 parliament as of the early 1980s. Investigations have also
11 revealed that this politician has since died and,
12 therefore, it is my application that details relating to
13 that politician's name should be suppressed.
14

15 HIS HONOUR: For present.
16

17 MR URQUHART: Yes. For the present, for the same reasons
18 as before. Of course that politician is not in a position
19 to answer the allegation.
20

21 HIS HONOUR: I am going to order that it is in the public
22 interest that we suppress the name for present in due
23 course. As a result of any further investigations I will
24 decide whether or not the name should become public.
25

26 MR URQUHART: Thank you, sir.
27

28 Q. Mr Humphries, with that direction I gather then did
29 you not pursue the inquiry that you initially had to make
30 of the Katanning hostel matter?
31

32 A. No. There was no further action.
33

34 Q. But you followed up on the other inquiries that you
35 had to do that day?
36

37 A. Yes.
38

39 Q. Mr Humphries, are you able to assist us at all as to
40 whether there might be, with the passage of time, some
41 written record relating to this particular complaint that
42 you had received?
43

44 A. I'm not able to assist. In those days it may have
45 been a piece of paper written. It may have been typed
46 paper. But when - if I had proceeded I certainly would
47 have written a report. But as I didn't proceed I didn't
write a report. If it was on a bit of paper I think it was
probably thrown away.

1 Q. Thrown away by yourself?
2 A. Well, the piece I had would have been because it was
3 "don't proceed, forget about it".
4
5 Q. Mr Humphries, is it the case that in your time at
6 Albany from 1965 until 1998 that that was the only
7 complaint that you received of something of a similar
8 nature regarding a child of the Katanning hostel?
9 A. Yes. That was the only query I ever had on the
10 Katanning hostel.
11
12 Q. You wouldn't be aware, am I right, if there were any
13 complaints made to the Katanning child welfare office?
14 A. I'm not aware of that, no. I'm not aware.
15
16 Q. Insofar as your duties at the Albany head office, that
17 was the only complaint that you personally received?
18 A. That's correct.
19
20 Q. Can I ask you, Mr Humphries, as of the time in the
21 mid-70s through to 1990 how many divisional officers were
22 at Albany undertaking the same duties that you did?
23 A. I was the only one.
24
25 MR URQUHART: Thank you, Mr Humphries, that is the
26 examination.
27
28 HIS HONOUR: Q. There is something I would like to
29 clarify. As the only divisional officer in Albany did that
30 make you in some position superior to the two or three
31 officers at Katanning?
32 A. I think it was. I think it was a level 6 where they
33 were a level 5, if I could put it that way.
34
35 Q. There is no line of authority, but you just had a
36 whole level?
37 A. No. No.
38
39 Q. You did give an answer, and I didn't quite understand
40 it. You were asked why it was that you would have been
41 asked to deal with this query instead of the Katanning
42 office.
43 A. Yes.
44
45 Q. Can you explain that again? You obviously can't
46 remember the specific reason or what types of reasons would
47 there be?

1 A. As a divisional officer I was asked to go to district
2 offices quite often. I can't give a specific reason. It
3 was queries like this - not like this but, you know,
4 queries that might have needed a third party.
5
6 Q. What, someone not based at Katanning?
7 A. Yes, that's right.
8
9 Q. When you say, "a third party", what, they might have
10 been too close to the situation?
11 A. Yes. It may have been someone disagreed with the
12 officers at Katanning and they wanted someone else to step
13 in and try and make a decision. It could have been a
14 difficult juvenile justice case. They were queries that
15 came into the division, whereas a lot of queries went into
16 the district were handled by the district. But the ones
17 that came into the division, it would often be the division
18 officer would be given that complaint or the inquiry.
19
20 HIS HONOUR: Thank you. Mr Saayman, do you have any
21 questions?
22
23 MR SAAYMAN: Yes, sir, only two quick questions.
24
25 <CROSS-EXAMINATION BY MR SAAYMAN:
26
27 MR SAAYMAN: Q. Mr Humphries, is it the case that you
28 never had any cause to go to the hostel itself?
29 A. I never had a cause to go there, and I never went
30 there.
31
32 Q. Are you aware as to whether or not any of the district
33 officers attended at the hostel for any investigation?
34 A. No. Not as an investigation. I'm not aware of them
35 attending an investigation there.
36
37 Q. For any other purpose?
38 A. I think they attended for other purposes. I think
39 they did.
40
41 MR SAAYMAN: Thank you, sir.
42
43 HIS HONOUR: Mr Jenkin?
44
45 MR JENKIN: No, thank you, sir.
46
47 HIS HONOUR: Any re-examination?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

MR URQUHART: I don't have any questions in re-examination.

HIS HONOUR: Thank you, Mr Humphries. Thank you for making yourself available. You are free to go.

<WITNESS WITHDREW

MR URQUHART: The last matter that we have to deal with today is another statement that will be read into evidence, again by one of Dennis McKenna's victims once more. This particular person has allowed us to name him, even though he was given the opportunity to have his name suppressed. Again, it is a short statement that has been prepared by him. I propose now to read it into evidence.

It is from Kevin Brown. It is dated 8th February 2012. It is titled "St Andrews Hostel Inquiry Statement".

<MR KEVIN BROWN, statement read:

MR URQUHART: The statement of Mr Brown reads:

I attended the hostel from 1979-1983. In my case at the time the offending was occurring 1980-1983. I made no complaints, nor discussed what was happening to any other person. Why did I not tell anybody? I'm not sure. Mainly because I was ashamed and did not want anybody else to know what was happening. I felt there was no-one at the hostel at that time that I could trust to tell and feared information would be used against me.

I believe the offending was able to condition for such an extended period for the following reasons:

(1) Dennis McKenna maintained a high profile within the Katanning and surrounding communities and was considered to be a fine, upstanding community member. To convince an adult that he was engaging in such acts was, to me, a daunting prospect;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

(2) He surrounded himself with "supervisory staff members that were family". To raise an issue with any of them would not have been held in confidence. The people I recall are listed below: (a) Wayne McKenna, a brother, 2IC; (b) Robyn McKenna, sister-in-law, (c) Wendy McKenna, sister-in-law; (d) Neil McKenna, brother, (e) Christine McKenna, sister-in-law.

(3) Dennis McKenna developed a close relationship with the police in Katanning. This included having police cadets stationed in Katanning living in the hostel and acting as part-time supervisors in the evenings and on the weekends.

(4) The consequences of getting on the wrong side of Dennis McKenna were extremely unpleasant. You would find yourself being ostracised by other students and staff as well as being subjected to verbal and psychological abuse. You would receive unfair treatment and be excluded from activities that other students were free to attend. One example of this is when I was sent home from an overnight camp after it was reported to him that I had made a joke about his weight. I subsequently found out that the story he was telling the staff and other students was extensively exaggerated in order to justify the punishment. It just discredited me to a point where it was not even worth trying to defend myself.

(5) He was very careful to make me feel that I was the only one he was abusing. This was very isolating. He also spent some time trying to convince me that the behaviour was normal and when I was an adult I would find this out.

(6) At different times I would find it difficult to cope and my behaviour was different. Dennis would ring my parents and tell them stories about what was

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

causing my behaviour. It prevented them from asking exploratory questions, as would normally be the case.

That is the conclusion of that statement, thank you, sir. We have now reached our quota of witnesses for the day, sir, albeit a little earlier than was expected.

HIS HONOUR: You wish to adjourn until 10 o'clock tomorrow?

MR URQUHART: I do. Thank you, sir. Yes.

HIS HONOUR: We will adjourn.

AT 2.47 THE HEARING ADJOURNED TO TUESDAY, 21 FEBRUARY 2012 AT 10AM