

Special Inquiry

into

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

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

Wednesday, 20 June 2012 at 9.03am
(Day 36)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Yes, Mr Urquhart.
2
3 MR URQUHART: Thank you, sir. The first witness this
4 morning will be Donald John Dixon. Mr Dixon is already
5 here in the hearing room. Mr Dixon will take the
6 affirmation.
7
8 <DONALD JOHN DIXON, affirmed:
9
10 <EXAMINATION BY MR URQUHART:
11
12 MR URQUHART: Q. Mr Dixon, your full name is Donald John
13 Dixon?
14 A. That's right.
15
16 Q. You were born on 7 February 1953 and that will make
17 you 59 years of age at the moment?
18 A. That's right.
19
20 Q. You have some current employment?
21 A. I do.
22
23 Q. Where is that?
24 A. At the Country High School Hostels Authority. I am
25 the Operation Manager for the colleges.
26
27 Q. Just a quick brief summary of your duties in that
28 role?
29 A. My duties are to basically look after the colleges,
30 help the managers with any problems that they may have, set
31 up professional development programs and the like, and
32 generally support the colleges as best I can.
33
34 Q. Are you aware of how long that position has been in
35 place at the Authority?
36 A. Probably for the last three years - I've been in Perth
37 for the last five years, and the first two of those was as
38 Workforce Development Manager, and then the position of
39 Operations Manager became available probably three years
40 ago, I'd say.
41
42 Q. Are you able to tell us the current staff numbers at
43 the Authority; that is, those that are salaried staff?
44 A. Within the central office?
45
46 Q. Yes, within the central office, sorry.
47 A. It is seven.

1
2 HIS HONOUR: Q. How many hostels do you look after these
3 days?
4 A. Nine. It's eight in the country and one at City
5 Beach, the gifted and talented program.
6
7 Q. That still exists, does it?
8 A. Mmm-hmm.
9
10 MR URQUHART: Q. Mr Dixon, is it the case that you have
11 been in the employ of the Authority since 1985?
12 A. That's right.
13
14 Q. In regard to this matter you were interviewed by
15 Inquiry investigators on 1 June of this year?
16 A. That's true.
17
18 Q. Can you tell us what your position was in 1985?
19 A. In 1985 my wife and I were employed as supervisors at
20 the Narrogin hostel, as it was called at that time.
21
22 Q. I was going to ask you that. We have been referring
23 to them as "hostels" throughout this hearing, but they had
24 a name change to "residential colleges" at some point.
25 A. Mmm-hmm.
26
27 Q. Was that in the 1990s?
28 A. It would have been the early 1990s - around '93, I
29 think. Trying to get away from the word "hostels"
30 basically.
31
32 Q. You were a supervisor with your wife at the Narrogin
33 hostel in 1985. Did you then become what is known back
34 then as the "warden", but it also had a name change to
35 "manager", of that hostel in 1988?
36 A. I went from supervisor to senior supervisor and then
37 to an acting role in ADA, and then as best as I recall
38 towards the end of '89 I was manager from then.
39
40 Q. "Manager" being the same position as "warden"?
41 A. As warden, exactly. I was initially a "warden" and
42 changed to "manager".
43
44 Q. The duties remained the same?
45 A. Yes; exactly, yes.
46
47 Q. Can you recall who you replaced?

1 A. Yes.
2
3 Q. As warden - we will use that term "warden" if that is
4 okay.
5 A. Yes, I replaced Laurie Richards.
6
7 Q. Do you recall the warden before that?
8 A. Yeah, I certainly do, Kim Millstead.
9
10 Q. At some point was there a warden by the name of "Fred
11 Jones"?
12 A. That was from prior to 1980 Fred Jones was there.
13
14 Q. I'll ask you more about him a bit later. Now,
15 Mr Dixon, a part of your evidence that I am going to ask
16 you about today refers to a certain supervisor who was
17 supervisor of the Narrogin hostel for a short time in 1990.
18 I'll just say from the outset that we will just refer to
19 him as "S".
20 A. Mmm-hmm.
21
22 Q. With respect to a certain male student we just won't
23 refer to his name.
24 A. Mmm-hmm.
25
26 Q. Before I get to that, though, can I just ask you some
27 more general questions? The first one is this: When you
28 became warden did you have any instructions or training
29 from the Authority regarding the handling of any complaints
30 you might receive about hostel staffs' conduct?
31 A. No, not at that time. My reporting line was to the
32 local board of management. That was it.
33
34 Q. No instructions regarding the way you handled
35 complaints of a sexual nature that might be made against a
36 hostel staff member?
37 A. No.
38
39 Q. No instructions as to how to deal with that?
40 A. No. Not from my recollections. We did have personal
41 development that may have touched on it, but at that
42 particular time it wasn't something that was addressed.
43
44 Q. When you became warden, and that includes acting
45 warden, at Narrogin hostel, were you aware that the
46 department of education had a section that was responsible
47 for undertaking such investigations of complaints of a

1 sexual nature against a hostel staff member?
2 A. No. Not at all. We didn't have anything to do with
3 the education department, except to work with the staff at
4 the local schools.
5
6 Q. Did you, at some point, as warden, become aware that
7 there was this section within the department of education
8 that would handle such investigations?
9 A. Yeah, definitely.
10
11 Q. Can you recall when that was about?
12 A. I would say it would have been early to mid-1990s. It
13 was from that point forward where our professional
14 development was certainly lifted to a higher degree, and it
15 got us to where we are at this stage.
16
17 HIS HONOUR: Q. Could I ask you this: When you became
18 aware of that facility, as far as you perceive, was it
19 something that was new and just came into existence or had
20 it been there a long time and you didn't know about it?
21 A. Oh, look, I can't recall what I thought of that, I'm
22 afraid. I just knew that we sat to one side of the
23 education department and we were referred to as an office
24 of the education department.
25
26 Q. It was a restructuring that took place, was it?
27 A. Oh, no. It was just the director or manager at the
28 time of the actual authority who implemented the
29 professional development and all that type of thing, and
30 making us aware of all these --
31
32 Q. Resources that were available?
33 A. Yeah, that's right.
34
35 Q. What I am trying to establish is, did you get a sense
36 at the time that this was a new arrangement in terms of
37 these resources had not been available before, or is it
38 your understanding they had always been there, or didn't
39 you know?
40 A. I just didn't know, I'm sorry. I would hazard a guess
41 that the stepping-up of our professional development was as
42 a result of what happened at Katanning.
43
44 HIS HONOUR: Yes, I guess so, that's right.
45
46 MR URQUHART: Q. I was going to ask you that. Did these
47 changes all happen after the controversy surrounding Dennis

1 McKenna?
2 A. Yeah, and the change of management. The present
3 director was the man who oversaw the rise in the awareness
4 of what our bureaucratic responsibilities were.
5
6 HIS HONOUR: Q. What was the name of that man?
7 A. Jim Hopkins. He is still there.
8
9 MR URQUHART: Q. You describe him as "director"?
10 A. I think he was "manager" when he started. He's
11 "director" now of the Country High School Hostels
12 Authority.
13
14 Q. Is that a separate position to the chairman of the
15 Authority?
16 A. Yeah, completely. Jim answers to the Authority -
17 chairperson of the Authority.
18
19 Q. Do you know when that position became --
20 A. The director position?
21
22 Q. Yes.
23 A. No, I'm sorry. I don't know when it changed from
24 "manager" to "director", but it is probably 10-odd years, I
25 would imagine. I just couldn't be sure on that, I'm sorry.
26
27 Q. You mentioned all these changes that were made in the
28 mid-to-late '90s.
29
30 HIS HONOUR: I think you said the early-to-mid '90s; is
31 that right?
32
33 MR URQUHART: Q. Sorry, did you say early-to-mid '90s or
34 mid-to-late?
35 A. Sorry, I thought it was early-to-mid.
36
37 Q. My apologies. My mistake. So early-to-mid '90s.
38 A. Hm.
39
40 Q. I was going to ask you, have you got a piece of paper
41 there as a result of something I said to you that I was
42 going to ask you about, and that is the processes that are
43 in place today for the investigation of alleged sexual
44 misconduct by a hostel staff member?
45 A. Yeah.
46
47 Q. You've actually got a --

1 A. Yeah, I have. It's our reporting process as far as
2 abuse reporting goes.
3
4 Q. Those ones are in place now?
5 A. Yeah.
6
7 Q. Can you recall when they were introduced?
8 A. They've probably been introduced over the last five
9 years.
10
11 Q. Are you able to give us a summary of those?
12 A. That's the new versions I'm talking about. Yeah, I
13 can give you - that's all right.

14
15 The report may come from a child to their
16 parents, to fellow students who report the
17 matter, or it may be made direct to a
18 member of the college staff or to the
19 Country High School Hostels Authority
20 central office.

21
22 The report to the parent.
23 Parents are encouraged to report direct to
24 the police, college manager, the CHSHA
25 director, report to residential college
26 employee, employee records their
27 report or gets the student to make a
28 written report. The employee reports
29 verbally and in writing to the manager, the
30 CHSHA director and/or the police, depending
31 on the relationship of the offender to the
32 student, whether they be another employee,
33 a family member or another student. The
34 manager provides verbal and written reports
35 to police, Department of Child Protection
36 and to CHSHA director, who reports to the
37 CHSHA chief executive officer and the CHSHA
38 chairperson. The CHSHA director liaises
39 with the department of education's
40 integrity and standards directorate, the
41 police and/or the Department of Child
42 Protection investigate and take statements.
43 Parents are contacted and informed, if
44 appropriate, and not already aware.

45
46 If it involves an employee at the
47 residential college the employee is stood

1 down and required to leave the residential
2 college site pending investigation.
3 Counselling offered as appropriate to
4 students, employees and parents. Outcome
5 discussed with the CHSHA director.
6
7 Decisions taken regarding evidence and case
8 for immediate termination of employment
9 will need to await outcome of police or
10 Department of Child Protection
11 investigation or criminal proceedings.
12
13 Report to the CHSHA director. The CHSHA
14 director liaises with professional
15 standards and integrity directorate at the
16 department of education. Verbal and
17 written reports provided to police
18 department for child protection and to
19 CHSHA chief executive officer and CHSHA
20 chairperson.
21
22 Consideration of reports, the nature of the
23 allegations.
24 Consideration of report and decision re
25 process including standing employee down,
26 exit from work site, interview and
27 investigation process. Investigation
28 undertaken and outcome recorded.
29 Counselling arrangements implemented as
30 appropriate. Decision taken regarding
31 evidence and case for immediate termination
32 of employment will need to await outcome of
33 police or Department of Child Protection
34 investigation or criminal proceedings.
35
36 Q. Thank you. Is that document, to your knowledge, made
37 available to all managers at the hostels now?
38 A. Yes, I think so.
39
40 MR URQUHART: I will expect that the Inquiry has a copy of
41 that.
42
43 HIS HONOUR: Yes, we have been notified of all of that.
44
45 MR URQUHART: Thank you. I will not bother tendering that
46 then.
47

1 Q. Mr Dixon, if I could return now to your time as warden
2 as the Narrogin hostel, in particular an incident in 1990.
3 As of 1990 approximately how many students were there at
4 the hostel?
5 A. 250.
6
7 Q. Did that make it the largest hostel by way of student
8 numbers at the time?
9 A. Yeah, by far.
10
11 Q. I just digress for a moment. Do you recall the
12 reputation of the Katanning hostel prior to September of
13 1990? The reason why I mention that month, that is the
14 date that Dennis McKenna was originally charged with sex
15 offences against an ex-student. Can you recall what sort
16 of reputation the hostel had before then?
17 A. Yeah, a good reputation.
18
19 Q. Do you know the reasons for that?
20 A. I think it was due to the fact that when people
21 visited there it was quite orderly and everything was in
22 place.
23
24 Q. Was the credit given for that to its warden, Dennis
25 McKenna?
26 A. Certainly was.
27
28 Q. Did you ever visit that hostel during those times
29 prior to September 1990 when you were a warden?
30 A. I visited several times from '85 to '90.
31
32 Q. Did you, in fact, notice yourself how ordered it was?
33 A. Yeah; I did, yes.
34
35 Q. Did you regard that as an attribute of the hostel or
36 not, given your experience working in the industry?
37 A. I came from a completely different set-up. Our set-up
38 was probably "organised chaos" with kids being kids. I
39 found it different to be there with kids being polite and
40 always trying to do the right thing, I guess. So it did
41 have that little feel of falseness to it but, then again,
42 it wasn't something that raised suspicions, I guess.
43
44 HIS HONOUR: Q. When you say, "kids trying to do the
45 right thing; always trying to do the right thing", what
46 sort of things are you referring to there?
47 A. Well, they would stand back. They would greet you.

1 They would open doors. They were very well mannered as far
2 as things go. Whereas, where I had come from the kids
3 there were very vibrant and they had things to do. They
4 were too busy to be worried about manners and that sort of
5 thing. They had places to go and things to do.

6
7 MR URQUHART: Q. You use the comparison between the
8 Narrogin hostel's organised chaos and then the orderly
9 nature of the Katanning hostel. Did you go to other
10 hostels during this time?

11 A. Yeah, I did.

12
13 Q. Did you notice whether any of those had the same sort
14 of orderly manner that the Katanning hostel had?

15 A. No. The Katanning hostel stood out from that point of
16 view. It was just orderly. That's the best way to
17 describe it.

18
19 Q. For an outsider looking in, it would appear to be a
20 very well run hostel, I suppose?

21 A. Absolutely. Absolutely.

22
23 Q. I suppose an outsider looking in would regard that
24 hostel as being more orderly run than, say, one which had
25 the organised chaos that the others had?

26 A. Can I qualify the "organised chaos"?

27
28 Q. Yes, I was actually going to ask you that. I
29 emphasise "organised". They did not have a free run?

30 A. The kids were able to - they knew where the boundaries
31 were. We had great relationships with our kids, and that's
32 one thing that I was exceptionally proud of, was the way
33 that our staff dealt with the kids. The kids would like to
34 have fun with the supervisory staff. I thought we had very
35 good staff. The kids clearly knew that if they
36 over-stepped the mark that there were repercussions.

37
38 HIS HONOUR: Q. I want to ask you about Katanning. I
39 have heard a lot of evidence that Dennis McKenna ran a very
40 controlled environment.

41 A. Yeah.

42
43 Q. There were lots of rules which seemed quite unusual;
44 not being allowed to talk to townies - well, I shouldn't
45 say that - not allowed to associate with them.

46 A. Yeah.

47

1 Q. Hostel students had to go in pairs to see a doctor and
2 things of that nature; were you aware of any of these
3 unusual rules at the time?
4 A. No.
5
6 Q. You weren't?
7 A. I have only become aware of those through this
8 Inquiry.
9
10 MR URQUHART: Q. Would that be a fair description of
11 those rules, that they were "unusual"?
12 A. Well, they were very controlling. That's all I can
13 say to that one.
14
15 HIS HONOUR: Q. We have also heard evidence of one
16 instance where Dennis McKenna dictated who a female student
17 was to take to the school ball, and things of that nature.
18 She lined up someone who wasn't his choice, and she had to
19 go with someone other than the person she wanted to go to
20 the ball with.
21 A. Yeah.
22
23 Q. So you weren't aware of that sort of thing happening?
24 A. No; definitely not. And a lot of the time we were
25 very busy worrying about what we were doing and didn't take
26 a lot of notice of what was going on down there, basically.
27
28 MR URQUHART: Q. Could you see any legitimate basis for
29 preventing hostel students from becoming friends with those
30 students at the high school that weren't hostel students?
31 A. Not at all. Our students were very much into
32 activities in the town, particularly sporting. We wanted a
33 good relationship with the town, and we did work hard on
34 that side of things. We didn't - we were not happy with
35 our kids going down town to parties on weekends and this
36 sort of thing because we would inevitably have to deal with
37 them after the party, because of the state they might have
38 been in. So we preferred to avoid that. But that's the
39 only place - similarity that we would have to them as far
40 as that goes.
41
42 Q. Were you aware that when Dennis McKenna was placed on
43 bail in September 1990 and onwards that he began to work
44 from the Authority's head office?
45 A. Yeah; I was aware of that, yeah.
46
47 Q. Were you aware that he was given the task of writing a

1 pastoral care handbook for hostel staff?
2 A. Yes.
3
4 Q. Can you recall your reaction to that when you found
5 out?
6 A. Well, I wasn't very happy about it. I couldn't work
7 out what the strategy was behind that, except to keep him
8 occupied, I guess. I don't think there was anything - I'm
9 just not sure, but I guess I was bewildered with it, yeah.
10
11 Q. Were you the only warden who was bewildered, to your
12 knowledge?
13 A. No. No. Basically the wardens at the time were very
14 decent people and, you know, we were in shock at what had
15 been revealed and we just weren't happy being in his
16 company at all.
17
18 Q. Did you have to be in his company after he was placed
19 on bail?
20 A. When we had managers' meetings - probably the one
21 managers' meeting he was in the background at, and I don't
22 think that that was overly flash.
23
24 Q. Were you ever told by anyone at the Authority that the
25 Authority never intended to use that handbook?
26 A. No. It was presented to us at a managers' meeting.
27 It was put on the table and that's basically where it
28 stayed. I didn't pick one up and I don't think many of the
29 other wardens at the time - didn't even flick through it,
30 actually.
31
32 Q. Did you yourself raise your concerns about Dennis
33 McKenna being tasked with this job with anyone apart from
34 fellow managers or wardens?
35 A. No. I guess we would have spoken about it outside the
36 meeting, and I'm pretty sure that we would have treated it
37 as a joke.
38
39 Q. Sorry?
40 A. We treat it as a bit of a joke that this could happen.
41
42 Q. Can you recall the names of the other wardens who had
43 the same bewilderment as you did?
44 A. Certainly the most vocal would have been David Smart
45 and Barry Christy at the time who was manager of Albany -
46 David manager of Geraldton - oh, no, sorry, Esperance.
47

1 Q. Esperance, that is right.
2 A. Yes.
3
4 Q. He later went to Geraldton.
5 A. He went to Geraldton. He's in Geraldton now.
6
7 Q. I said at the start of your evidence, Mr Dixon, I was
8 going to talk to you about a supervisor that was briefly at
9 Narrogin hostel in 1990 that we are going to refer to as
10 "S".
11 A. Mmm-hmm.
12
13 Q. Did a supervisor's position become vacant that year,
14 to your recollection?
15 A. Yes.
16
17 Q. Was the position advertised?
18 A. Yes, it was, widely.
19
20 Q. Did you receive a number of applications?
21 A. We did.
22
23 Q. Do you recall in particular, though, two; one that was
24 from a person that you initially offered the job to?
25 A. That's right.
26
27 Q. We'll just clarify that. Was it the case that that
28 applicant then turned it down?
29 A. Yes, that happened.
30
31 Q. And then am I right in understanding that this person
32 that we will identify as S, he was the second referred
33 candidate for the position?
34 A. Yes. That is right.
35
36 Q. Were you aware of where he was working at the time
37 that he applied for the job of supervisor at your hostel?
38 A. I believe he was from Swanleigh.
39
40 Q. And Swanleigh was what? Can you just tell us what
41 that is?
42 A. Swanleigh was a bigger boarding establishment than
43 ours. It's in the Swan Valley just outside of Midland. It
44 had at the time, I would imagine, 330 students.
45
46 Q. Did that fall under the control of the Authority at
47 that time?

1 A. No. It's the Anglican Church.
2
3 Q. Run by the Anglican Church?
4 A. Mmm-hmm.
5
6 Q. Were you aware of who the manager/warden was at that
7 hostel at the time?
8 A. I don't think he would have been a manager or a
9 warden. I think he was a director - I think. Yeah,
10 Richard Stowell, yeah.
11
12 Q. Did you know of him?
13 A. Yes. Yep.
14
15 Q. Can you tell us what sort of reputation he had at the
16 time in 1990?
17 A. Yeah, he had a good reputation.
18
19 Q. Had he been, to your knowledge, involved in the hostel
20 industry for some time?
21 A. Yes, he had. I did know that - he did come from the
22 eastern states. I did know that. I think up to that time
23 he might have been at Swanleigh for around 15 years, I
24 think.
25
26 Q. I will just clarify. He had the position of director
27 rather than the manager?
28 A. Yeah. They had a huge staff out there.
29
30 Q. Now, do you recall receiving anything from Mr Stowell
31 in relation to S's application for this job as supervisor
32 at your hostel?
33 A. Yeah, we received a written reference.
34
35 Q. Can you recall how many from him, from Mr Stowell?
36 A. There was two from different times. If I could just
37 make another comment. This was the second time, it turns
38 out, that S had applied for a job at Narrogin. The manager
39 before me, the warden before me, didn't employ him.
40
41 Q. When did you become aware of this?
42 A. Only - it's only recent.
43
44 Q. How were you able to find that out, that he had
45 actually applied for a position at Narrogin previously?
46 A. Someone with a better memory than I has alerted me to
47 that fact, and it did ring a bell that it had occurred.

1
2 Q. Had there been a reference provided by Mr Stowell in
3 relation to that application, to your knowledge?
4 A. Yeah..
5
6 Q. Just on the subject matter of Mr Stowell, is it the
7 case that he is now deceased?
8 A. Yes, that's right.
9
10 Q. Can you recall when he died, about?
11 A. No, no.
12
13 Q. Can you recall the contents of the reference that you
14 received from Mr Stowell in relation to "S"?
15 A. Well the contents were just of a very glowing manner,
16 you know. It was enough to get him across the line as the
17 second choice.
18
19 Q. That was going to be my next question. Did that
20 obviously made a difference --
21 A. Yes, yes.
22
23 Q. -- to how you viewed his application?
24 A. Yes, it did, and we did consider re-advertising, but
25 we didn't.
26
27 HIS HONOUR: Q. Can I just ask you, that reference which
28 was "very glowing", how recent was it at that time. I mean
29 was it a new reference?
30 A. It was within a year.
31
32 Q. Within a year?
33 A. Yes, and then, from my recollection, is it was - the
34 other one might have been a year earlier. Because he had
35 obviously tried to get jobs elsewhere.
36
37 Q. Just to clarify the time of his application to go to
38 Narrogin, was he working at Swanleigh?
39 A. That's where I just haven't got a - an accurate enough
40 recollection of that, I'm afraid.
41
42 MR URQUHART: Q. Is it the case, Mr Dixon, that you have
43 tried to see if these references still existed?
44 A. Yes.
45
46 Q. Still exist?
47 A. Yes.

1
2 Q. Can you just take us through what efforts you made to
3 try and locate them?
4 A. I've been in touch with the people at Narrogin. We
5 haven't been able to find the staff file. We found the
6 manila file with nothing in it. I'm not sure at this stage
7 whether or not they have come across any references but
8 there were other references beside Richard Stowell's, but
9 as far as his appointment letter, his resignation letter,
10 all those sort of things, they are missing.
11
12 Q. Can you recall how long "S" was working at the
13 Narrogin hostel before an incident arose that led to his
14 resignation?
15 A. Approximately six weeks.
16
17 Q. Mr Dixon, if I can take you through, please, now, what
18 event was it that precipitated his resignation from the
19 hostel that you managed?
20 A. The mother of a young lad came to my office on a
21 Sunday after a close weekend and she said that her son had
22 been interfered with by "S".
23
24 Q. Can you recall what year her son was in at that time?
25 A. Year 8, to the best - yeah, it would have been year 8.
26
27 Q. Can you recall whether she provided any further
28 details as to what the interference actually was?
29 A. The interference was - from my understanding, was
30 through the clothes at this stage and -
31
32 HIS HONOUR: Q. So, what, you mean fondling through the
33 clothes?
34 A. Yes.
35
36 Q. The genital area?
37 A. Yes.
38
39 MR URQUHART: Q. In your time as a manager of a hostel,
40 acting or otherwise, was this the first occasion where you
41 have had to deal with a complaint of this nature?
42 A. First and only.
43
44 Q. You have said earlier that you didn't have any
45 guidelines or procedures in place from anyone or from the
46 Authority so what did you do?
47 A. I contacted the chairman of the board.

1
2 Q. Do you recall who he was?
3 A. Mr Doug Fairclough.
4
5 Q. Was he a resident of Narrogin?
6 A. Yes, he was later to become the mayor, the local JP
7 and sat as a magistrate.
8
9 Q. Was he a JP and sat as a magistrate at this time,
10 1990?
11 A. Yes.
12
13 Q. Okay, so you contacted him?
14 A. Yes.
15
16 Q. What happened from there?
17 A. We found that the story was quite credible from the
18 mother. We were worried about the boy. I asked the mother
19 to take the boy away and reassure him that we believed his
20 story and - we had no reason not to believe his story and
21 we would deal with the matter but it could take us a fair
22 part of the latter afternoon.
23
24 Q. When you say "we", you are talking about yourself and
25 Mr Fairclough?
26 A. Doug, yes, yes.
27
28 Q. And again, with respect to Mr Fairclough, is it the
29 case that he has also passed away?
30 A. Yes.
31
32 Q. So what did you do then, after you had the mum sent
33 away with her son?
34 A. We called "S" in and we just laid the allegation in
35 front of him and he was very unconvincing and we couldn't
36 get straight answers. As far as I was concerned, the only
37 thing that we kept getting was that "I have done nothing
38 wrong".
39
40 Q. So did he actually ever deny the allegation?
41 A. Not from what I recall, no. I just remember the fact
42 that he kept saying "I have done nothing wrong" and that
43 was - that was it basically, and that this went on for
44 quite some time.
45
46 Q. So that was you and Mr Fairclough questioning him?
47 A. Yes.

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Q. So I gather from what you are saying is that you were not convinced of his denials?

A. No, no.

Q. Do you recall what you did after that, after his unconvincing denials. Did you say anything to him?

A. I said I was going to ring Richard Stowell and - which I did, and I can't remember whether I rang with him in the room or not but I certainly rang Richard Stowell and Richard Stowell was quite - well he did - he was very - well to say that he spluttered and that sort of thing is probably what he did. He wasn't - he wasn't happy that he got the call.

Q. So you told him about the allegation from the mother?

A. I said "I'm ringing up about 'S', who you have given a reference to" and I said "I just want some more information as to what", you know, "what really is the story about this bloke", and he said at the time that "I need to go to church and I'll ring you back after church". So I left it at that because he was obviously in a hurry to go to church and he rang me back, as he said he would, and his only real comments at that stage were "I can give you the name of a person who you can ring and you will get what you need to know from him".

Q. What was he referring to when he was saying "You will get from this person what you need to know". Again, what was it that you wanted to know?

A. I wanted to know whether there was a - whether there was any history and whether or not - we wanted to be as sure as we could that we weren't doing something to this fellow that was unfair and probably was confirmed when I spoke to the farmer, who I'm afraid I've just got no recollection of the name.

HIS HONOUR: Q. That's the person that Stowell suggested you ring?

A. Yes.

Q. Is a farmer?

A. Yes.

MR URQUHART: Q. I will get to that in a moment. Can I just ask, what sort of demeanour were you in at this point in time?

1 A. Look, I was - I was pretty flattened by it all. I
2 hadn't been in the job for any exceptionally long period of
3 time, although I had two great mentors. The - I was just
4 devastated that it could happen to - well, firstly, to the
5 kid, and, secondly, placing us in a position that he had.
6 You know, the position is an incredible one of trust.
7

8 Q. So you were given this name of this person and a
9 contact number, I gather?

10 A. Yes.

11

12 Q. From Mr Stowell?

13 A. Yes.

14

15 Q. And it was Mr Stowell's suggestion that you ring him?

16 A. Yes, yes.

17

18 Q. And that you will get answers to what you were looking
19 for?

20 A. Yes.

21

22 Q. And did he tell you he was a farmer. Did he give you
23 any other information at that point as to how he fitted in
24 the scheme of things?

25 A. Yes, he was - he was the farmer. His son was a
26 student at Swanleigh.

27

28 Q. So did you then ring this farmer?

29 A. Yes, I rang the farmer and he was - he was not very
30 happy to talk to me, but he did, and he certainly - he was
31 upset because it was bringing up a very upsetting section
32 of his life, I guess. His son had been interfered with by
33 Stowell - gee, I nearly said his name.

34

35 Q. Not by Stowell but by "S"?

36 A. No, by "S", yes.

37

38 Q. Yes, whilst he was at Swanleigh?

39 A. Yes.

40

41 Q. Whilst his boy was at Swanleigh?

42 A. The father was disappointed that he had actually
43 invited "S" to his house on the farm, wherever that may
44 have been.

45

46 Q. Did he say to you where it was. Do you recall where
47 it was?

1 A. No, I'm sorry, that's - I rang him the once and it
2 wasn't the greatest phone call. He wasn't that happy
3 talking to me but he relayed the message very strongly to
4 me, and I did ask the question "Have you done anything
5 about this?" and he said "No, because I'm only just
6 starting to get my son back and I don't want to put him
7 through it again". That's what I do absolutely remember
8 about it and I can understand that.
9

10 Q. So he was telling you that this man "S" --
11 A. Yes.
12

13 Q. -- had sexually interfered with his son?
14 A. Yes.
15

16 Q. Can you recall whether he went into any details about
17 that?
18 A. No, definitely not.
19

20 Q. But it happened whilst his son was at Swanleigh?
21 A. As far as I can gather, there was a - I don't know how
22 he has managed to get out onto the farm or anything like
23 that but apparently he visited the farm.
24

25 Q. This is "S"?
26 A. Yes.
27

28 Q. And this was at a time, from what you can gather, when
29 "S" was a supervisor at Swanleigh?
30 A. Yes.
31

32 HIS HONOUR: Q. When you asked the father had he done
33 anything about the sexual interference with his son and he
34 said no, because he didn't want to put his son through it
35 again, what did you understand him to mean by that?
36 A. Well I think it was a traumatic experience and I'm
37 only sort of guessing here but my understanding was that
38 the kid had been through a lot and he didn't want him to go
39 through it again.
40

41 Q. In the way of legal proceedings and the like?
42 A. Yes.
43

44 Q. That was the common understanding back in those times,
45 that it was often said that the legal process for a child
46 complainant was more traumatic than the offence itself?
47 A. Yes, but I know that after that phone call I was

1 pretty shaken because the bloke was just clearly upset at
2 getting the phone call.
3
4 MR URQUHART: Q. Well, you said you were upset. Were
5 you angry at all?
6 A. I was angry about the situation all right, yes.
7
8 Q. And who were you angry at. Apart from "S", was there
9 anybody else?
10 A. Yes, I did have a couple of words with Mr Stowell but
11 nothing bad. Because I think, when he has thought about
12 it, I think he realises that he had done the wrong thing in
13 putting anything on paper. In those days we took the
14 written word as gospel. These days we do not take the
15 written word, we contact, we are told directly to ask the
16 question "Is there any reason why this person shouldn't
17 work with children?".
18
19 HIS HONOUR: Q. Can I just ask you this. Now, this is
20 important. From your discussion with Stowell, you had
21 another discussion with him afterwards, did you
22 A. No, definitely not. Never spoke to him again.
23
24 Q. Right, and you said something that you think he
25 realised he had done the wrong thing and you are referring
26 there to the reference, are you?
27 A. Yes.
28
29 Q. From your understanding of the circumstances from your
30 discussions with the father of the boy from Swanleigh and
31 what you knew at that time, are you able to say whether
32 that reference was provided by Stowell after that event at
33 Swanleigh or not?
34 A. I don't know.
35
36 Q. You don't know?
37 A. No, definitely not. I didn't get any information from
38 the father other than what I have said. I didn't know when
39 it occurred or whether - you know, I didn't know.
40
41 MR URQUHART: Q. But when you rang Stowell to speak to
42 him about this --
43 A. Yes.
44
45 Q. -- did it appear to you that he was aware that "S" was
46 now working at your hostel?
47 A. I would think so because he was gobsmacked when I -

1 that's a better word than what I used there, I think. He
2 was gobsmacked that I'd rang him and - yes.

3

4 Q. And had you mentioned to him that, in fact, "S" was
5 alleged to have done this and you had received the
6 reference from Mr Stowell in relation to "S"?

7 A. Yes, yes, that's right.

8

9 Q. I know it is a long time ago. Can you recall whether
10 he expressed surprise at that or anything like that?

11 A. He was on the back foot forthwith and he just - he
12 just said "Look, I've got to go to church" and, you know,
13 there was probably - we talked about it very briefly when
14 he rang me back. He had gathered his composure, he was
15 fine, and, really, he only said "This is where you'll get
16 your information".

17

18 Q. Did he ever apologise to you?

19 A. No, I never had any reason to have anything to do with
20 him after that.

21

22 Q. Was that because of this incident?

23 A. Yes, I wasn't interested in him. It was - you know, I
24 didn't like what had happened but, you know, I guess if we
25 had have had - we used to have professional development
26 programs in conjunction with Swanleigh and he would be in
27 the background with those. So whether or not I would have
28 said hello to him, I don't know.

29

30 Q. Mr Dixon, if I can ask you this. Had he been aware
31 that "S" was about to go into your employ --

32 A. Yes.

33

34 Q. -- or was in your employ, would you have expected him,
35 during his position as director of a large hostel such as
36 Swanleigh, to have advised you about this incident
37 regarding "S" when he was a supervisor and had sexually
38 interfered with this farmer's boy?

39 A. Yes, I'd expect that as a matter of course and common
40 decency.

41

42 Q. Can you recall how you described this situation to
43 investigators in your interview with them earlier this
44 month, as to what had happened here?

45 A. Yes, it was along the lines of shoving your problem
46 somewhere else.

47

1 Q. It was removing the paedophile from one hostel into
2 another?
3 A. Yes, which it should not be the done thing at all,
4 under any circumstances.
5
6 Q. Particularly when the board and the manager of the
7 second hostel is left in the dark about that earlier
8 incident?
9 A. That's exactly right.
10
11 Q. That earlier behaviour?
12 A. Yes, it is a huge let-down and, you know, as I said,
13 in those days we took the written word for what it was.
14 Written references carried weight.
15
16 HIS HONOUR: Q. Can I just clarify, the effect of the
17 evidence is that you believe that "S" had been a problem at
18 Swanleigh and was allowed to go to your hostel --
19 A. Yes.
20
21 Q. -- knowing that there was suspicion of him being a
22 paedophile or having interfered with a boy at Swanleigh?
23 A. Yes.
24
25 Q. Now, that obviously was quite a serious situation, if
26 that's what happened?
27 A. Yes.
28
29 Q. It would be very different if Stowell had given "S" a
30 reference before he knew of the incident at Swanleigh and
31 if he didn't know that he had gone to your hostel. So are
32 you able to throw any light on that, whether or not
33 Mr Stowell would have been aware that "S" was at your
34 hostel having given him such a reference or whether he gave
35 that reference after the event at Swanleigh. Are you able
36 to throw any light on that?
37 A. The - no, actually, I can't, but his - his reaction
38 was along the lines of "This is" - and I'm only speculating
39 here, really, "This has come back to bite me, I guess", the
40 fact that he had written these references and we had
41 appointed the bloke. A word of warning would have been
42 nice.
43
44 Q. Obviously if he had known --
45 A. Yes, that's right.
46
47 Q. -- that he was at your hostel?

1 A. No, I can't be sure that he knew.
2
3 Q. So it is possible that he had provided the reference
4 prior to the incident at Swanleigh?
5 A. Yes.
6
7 Q. And that he didn't know he had gone to your hostel.
8 Is that what you are saying. That is, you can't refute
9 that?
10 A. No, I can't.
11
12 MR URQUHART: Q. But as I understand it, you don't ever
13 recall him saying to you, on either of those telephone
14 calls you had with him, "Look, I had no idea that "S" was
15 now working for you and this should never have happened"?
16 A. No, I definitely can't. There was not - these were
17 not long phone calls, they were very, very short.
18
19 Q. But even subsequent to that he hasn't contacted you to
20 say "Look" --
21 A. No.
22
23 Q. -- "I had no idea"?
24 A. No, definitely not.
25
26 HIS HONOUR: Q. If the situation is that he didn't know
27 this, gone to your hostel, there was a problem within the
28 system, wasn't there, because where there is a supervisor
29 who is accused of interfering with a boy at one hostel,
30 there is no system for ensuring he didn't get appointed at
31 another hostel?
32 A. That's right. We certainly - in our - within the
33 Authority we would have certainly been passing on that
34 information to other managers but they were outside our
35 realm, so to speak.
36
37 Q. Can you elaborate on that. You say "We would have
38 been passing on information". Are you talking about at
39 that time?
40 A. Yes, definitely. We have people who go from hostel to
41 hostel for various reasons and if there was any shadow of
42 doubt about them we would not unload them on another - our
43 problem onto another.
44
45 Q. And how would you make sure that didn't happen, let it
46 go to another hostel without your knowledge?
47 A. Without the knowledge? We have developed over the

1 years into a pretty sold unit.
2
3 Q. I know, you are talking about now?
4 A. Yes.
5
6 Q. I appreciate that. I'm interested in --
7 A. And even then, we still were on reasonable terms with
8 each other and we did know that you couldn't get away from
9 doing that if it happened. It never - as I said, it's
10 happened once to us in Narrogin in the 20-odd years that I
11 was there.
12
13 Q. Quite obviously Swanleigh wasn't under the ambit of
14 the Country High School Hostels Authority at that time?
15 A. Yes.
16
17 Q. Because it was a metropolitan hostel?
18 A. Yes.
19
20 Q. But it was in the hostel system under the Authority at
21 that time. This is back in nineteen eighty - sorry, 1990?
22 A. 1990, yes.
23
24 Q. 1990. Are you saying there is some informal system of
25 notifying each other of staff who have been suspected of
26 paedophilia?
27 A. Yes, there would. We would be - or, you know, any
28 sort of misconduct that made them unfit to work with kids,
29 we wouldn't be dumping them on another hostel. When they
30 went from hostel to hostel we would talk about the kid -
31 the person and point out their weaknesses and their
32 strengths and where they could improve by going from Albany
33 to Narrogin, say. Maybe they would work better under
34 different management or whatever. It was never a situation
35 where we would try and put it over somebody just to get rid
36 of staff. That's what I've been trying to say.
37
38 Q. I was just interested in trying to learn the mechanics
39 of how you made sure about this because I would imagine
40 that if a staff member got into trouble at, say, Esperance
41 and then went to perhaps up to Northam, St Christopher's,
42 what system do you have in place to make sure
43 St Christopher's knew about this staff member at Esperance.
44 How do St Christopher's get to know about that?
45 A. It would only be through communication with the -
46 between managers. There was nothing formal at all. It was
47 just, you know, you'd take the people on trust.

1
2 Q. So it wasn't a matter of the manager at the hostel
3 where the problem occurred ringing all of the other hostels
4 and telling them about it. It wasn't anything like that?
5 A. No.
6
7 Q. So it does sound like it was a bit hit and miss at the
8 time?
9 A. Yes.
10
11 Q. That's the impression I get?
12 A. Yes.
13
14 HIS HONOUR: All right, thanks.
15
16 MR URQUHART: Q. Did you notify the Authority about this
17 allegation against this supervisor "S"?
18 A. No.
19
20 Q. Were you aware that that was a requirement?
21 A. No.
22
23 Q. Or an obligation?
24 A. No, I wasn't. I reported to the board of management,
25 the local board of management. The only thing that was
26 formally reported upwards were financial at that stage. We
27 were - we had a manager of finance.
28
29 Q. However, Mr Dixon, how then was this matter resolved
30 with "S". You said that he resigned. So when did that
31 happen?
32 A. Well, at the end of it we said that we weren't happy
33 with his explanations and he was very unconvincing and we
34 thought that he was an inappropriate person for the job
35 and, therefore, he should - in our - Doug and I's
36 assessment, that he should move on.
37
38 Q. Was he dismissed or was he --
39 A. No, we gave him the opportunity to resign.
40
41 Q. It would seem though, would you agree, that what you
42 had heard, that there were good grounds for actually
43 dismissing him?
44 A. Yes.
45
46 Q. But you gave him the option to resign?
47 A. Yes, we were very keen on getting him off the premises

1 away from the kids.
2
3 Q. But could you see there, though, that if he just
4 simply resigned he may not necessarily have a black mark
5 alongside his name that he would have if he was dismissed?
6 A. Yes, yes.
7
8 Q. So can I ask you why it was that you gave him that
9 opportunity to resign rather than just dismissing him
10 outright?
11 A. I guess I've got to go back to what I said. We wanted
12 him out of the place and as quick as possible and away from
13 the kids.
14
15 HIS HONOUR: Q. But you'd treat that by dismissal as
16 well, wouldn't you?
17 A. Yes, I'm - I'm not sure why we went down that path.
18 That's the weak point of the whole story.
19
20 MR URQUHART: Q. When you say "we", I gather you are
21 referring to Mr Fairclough as well?
22 A. Mr Fairclough, yes, I am.
23
24 Q. So you got some input from him?
25 A. Yes.
26
27 Q. And was he of this view, that he should be offered the
28 opportunity to resign?
29 A. Yes.
30
31 Q. Rather than be dismissed?
32 A. Yes. We just wanted him out of the place.
33
34 Q. I am just exploring --
35 A. And we didn't look forward, I'm afraid.
36
37 Q. So, you didn't?
38 A. We didn't look forward.
39
40 Q. Yes, because if, in fact, Mr Stowell had been aware of
41 what "S" was doing at Swanleigh, he could also be said to
42 just be wanting to move him out of his particular hostel
43 without looking forward as to where else he might go?
44 A. Yes.
45
46 Q. So getting back to Mr Fairclough, did you value his
47 opinion as to what should be done here because of his

1 position within the community?
2 A. Yes, I had an enormous amount of respect for
3 Mr Fairclough and his whole board and the bits of our
4 college was underpinned by the strength of that Board, and
5 I was guided - I was guided by them and well supported all
6 the way through.
7
8 HIS HONOUR: Q. So how old were you then?
9
10 MR URQUHART: Q. Late 30s?
11 A. Yes, 30 - what would that make it?
12
13 Q. 37?
14 A. 37, 38.
15
16 Q. Mr Fairclough --
17
18 HIS HONOUR: Q. Can I just ask - did you give any thought
19 where "S" might go, or might end up, whether he might have
20 any opportunity to do the same again somewhere?
21 A. At that particular time we were focussed on trying to
22 keep our kids safe, basically, and that was what we were
23 all about.
24
25 Q. Because the Inquiry has information he's currently
26 facing sexual abuse charges - or a rape charge anyway?
27 A. Yes.
28
29 Q. But, in any event --
30
31 MR URQUHART: Sir --
32
33 HIS HONOUR: Q. -- you didn't do anything further?
34
35 MR URQUHART: Sir, that might be with respect to the
36 supervisor up at Hardie House.
37
38 HIS HONOUR: I beg your pardon. I'm so sorry, I withdraw
39 what I said. I've got the wrong man in mind. Thank you
40 for that.
41
42 MR URQUHART: Yes, I don't think too much damage is done
43 because --
44
45 HIS HONOUR: No.
46
47 MR URQUHART: -- neither of them are going to be

1 identified.
2
3 HIS HONOUR: No, that's right.
4
5 MR URQUHART: Yes, sir.
6
7 HIS HONOUR: Yes.
8
9 MR URQUHART: Sorry, sir, you were going to say something?
10
11 HIS HONOUR: Q. So just to clarify now - obviously
12 nothing was done about reporting it to the police?
13 A. No.
14
15 Q. And was there any reason for that?
16 A. No, I can't come up with any reason at all.
17
18 Q. Was that ever discussed with the mother?
19 A. The mother left it to the Board to make that decision.
20
21 Q. And was the matter referred to the Board in any way?
22 A. Look, the normal practice would have been that the
23 Board was informed on everything, and - and, you know,
24 Doug, I would have thought, would have informed people
25 after we'd - he'd actually - would have informed it after
26 we'd done what we - what was done, I guess,
27
28 MR URQUHART: Q. I was about to show Mr Dixon, sir,
29 some minutes in relation to this matter. And is it the
30 case, Mr Dixon, that at the request of the Inquiry you
31 obtained some minutes from the Board at Narrogin, that
32 refers to, first, the employment of "S", and then his
33 termination?
34 A. Mm.
35
36 Q. That's good. So I'm going to show us these two
37 documents now. The first one is barcode 0487, and the
38 second is 0488.
39
40 Q. Just have a look at the first one there, in the
41 handwritten notation, "18/May - 1990" in the top right-hand
42 corner.
43 A. Yes.
44
45 Q. Is that your handwriting?
46 A. No.
47

1 Q. But that's - okay. So we can see from the title that
2 it's the typewritten minutes for the Board meeting of 18
3 May 1990.
4 A. Yes.
5
6 Q. And we can see there that it's clearly from the names
7 of those present, that including yourself, that it's the
8 Board meeting of the Narrogin Hostel Board of Management?
9 A. That's right.
10
11 Q. And I've - just for clarification I think - not just
12 on your copy, but also on the copy on the screen, there are
13 certain portions have been blanked out; is that right?
14 A. Yes.
15
16 Q. And that's - just to clarify that - that's just in
17 relation to whether there's mention of any student names.
18 Okay. So with respect to this, if we go about two-thirds
19 of the way down the page with the sentence beginning, "Mr D
20 Foran" --
21 A. Yes.
22
23 Q. :
24
25 -- declined offer of Supervisor position.
26 Offered to Mr --
27
28 And his name is blanked out:
29
30 Excellent. Slotted in well. First class
31 manner with students.
32
33 Is that, in fact, a reference to "S"?
34 A. Yes, that's right. Yes, that's right.
35
36 Q. And that was made by you?
37 A. Yes.
38
39 Q. Okay. And if we go over the page we see is a document
40 titled "Warden's Report - Meeting 18th May 1990". The
41 second page of the document we just looked at.
42 A. Yes.
43
44 Q. Have you got that there, Mr Dixon?
45 A. Which one was it again, sorry?
46
47 Q. It's the second page that's stapled to the page that's

1 titled "Minutes of Board Meeting 18-5-1990". No?
2 A. 18 May - 18 May I've got, yes. That's the fifth, yes.
3
4 Q. Yes. Have you got the warden's report as well, from
5 the same date?
6 A. Yes.
7
8 Q. You have. Right, good.
9 A. Sorry.
10
11 Q. That's okay. And, again, this is a report that you
12 would present to the Board for its meeting for that
13 particular month?
14 A. Yes, that's right.
15
16 Q. Okay. And if we just go down about a quarter of the
17 way down to the heading "Staff".
18 A. Yes.
19
20 Q. And it refers to:
21
22 Replacement Supervisors for Laurie Richards
23 and Penny Eaton are --
24
25 And then a name's blanked out, "and Narelle Andrews", but
26 is it the case that the name blanked out is "S"s name?
27 A. Yes.
28
29 Q. And it's blanked out again:
30
31 -- was appointed to start at beginning of
32 2nd term. He was in his fourth year at
33 Swanleigh and comes with strong
34 recommendation from Richard Stowell.
35
36 A. That's right.
37
38 Q. All right. Now, that would indicate, would it not,
39 that, in fact, he was actually in the employ of Swanleigh
40 when he commenced employment at your hostel?
41 A. Yes.
42
43 Q. Is that --
44 A. Yes, but I - I can't be 100% sure of that, but I would
45 say that's right.
46
47 Q. Yes, because if he'd already been in that position,

1 there would be a gap between his employment at your hostel?
2 A. Yes.
3
4 Q. It would be more accurate to have written he had spent
5 four years at Swanleigh?
6 A. Yes, yes.
7
8 Q. Or something along those lines?
9 A. Yes, yes.
10
11 Q. Yes. I agree you don't have any independent
12 recollection now of whether he was actually in the employ
13 of Swanleigh; but, as I said to you, that would suggest,
14 the way you've written it there --
15 A. Yes.
16
17 Q. -- that, in fact, he had come straight across from
18 Swanleigh to your hostel?
19 A. Mm.
20
21 HIS HONOUR: Q. So having read that, is that your
22 evidence now, that that was the situation, having refreshed
23 your memory?
24 A. Yes, I'd say so.
25
26 HIS HONOUR: Right.
27
28 MR URQUHART: Sir, I tender then, sir, those minutes and
29 the Warden's Report from the Board meeting 18 May 1990.
30
31 HIS HONOUR: They'll together be exhibit 130.
32
33 EXHIBIT #130 MINUTES OF BOARD MEETING AND WARDEN'S REPORT,
34 BOTH DATED 18/5/1990, BARCODED 0487
35
36 MR URQUHART: Q. And then, Mr Dixon, if we can have a
37 look at the next document I've shown you, which was 0488.
38 Now, we have written at the top of that first page,
39 "Meeting Mins 17/Aug-1990", and this would appear to be not
40 the first page of those minutes. Would you agree with
41 that?
42 A. That's right.
43
44 Q. But you've seen this particular page before?
45 A. Yes.
46
47 Q. And do you accept that it does appear to be a page

1 from the meeting's minutes for that date?
2 A. Yes, I do.
3
4 Q. I just want to take you to the third paragraph there
5 on that page "Mrs Eva"?
6 A. Yes.
7
8 Q. Was she a Board member at that time?
9 A. Yes, she was. She was a parent rep.
10
11 Q. Parent rep. Right. "Re Mr" - and the name that's
12 been blacked out is "S"s name:
13
14 -- could he still obtain work in the
15 system?
16
17 So it looks like it's a question that's been asked by
18 Mrs Eva?
19 A. Yes.
20
21 Q. Mr Fairclough, "NO!", in upper case with an
22 exclamation mark. And then it reads:
23
24 Mr Fairclough then apologised for asking
25 for the resignation without first checking
26 with other Board members but felt that it
27 was a matter of urgency.
28
29 And then Reverend Hall:
30
31 Interview Panel should check any but the
32 current glowing references.
33
34 Can you recall or --
35 A. No.
36
37 Q. -- are you able to shed any light on what Reverend
38 Hall was referring to there?
39 A. I can't work out what that means.
40
41 Q. No. Okay.
42 A. It would have made more sense if he said, "Interview
43 panel should check glowing reference", I'd say.
44
45 Q. Yes. Yes, Mr Jenkin suggests that it might be that
46 references for current staff members should be looked at.
47 A. Yes.

1
2 Q. Might that be an explanation for it? Mr Jenkin is
3 normally right. Yes, that's a possibility, but you don't
4 know?
5 A. I - I couldn't pre-empt what --
6
7 Q. That's fine.
8 A. -- what the reverend was thinking.
9
10 HIS HONOUR: Q. And that reference there where Mrs Eva
11 asked, "Could "S" still obtain work in the system", and Mr
12 Fairclough responded, "No", in capitals with an exclamation
13 mark which means he - signifies he's adamant about that
14 obviously --
15 A. Yes.
16
17 Q. -- can you recall why Mr Fairclough would have been in
18 a position to say that?
19 A. I could speculate.
20
21 Q. Yes.
22 A. And that is he could have - he could have had contact
23 with other - other chairs of Boards --
24
25 Q. Right.
26 A. -- but that would be speculation.
27
28 HIS HONOUR: Right.
29
30 MR URQUHART: And if we could go over the page now,
31 please, Mr Dixon, to the Warden's Report for the August
32 meeting, and handwritten in after that is "1990". And you
33 see that would be your report, judging by the signature
34 that appears at the bottom?
35 A. Yes.
36
37 Q. Right. And under the heading "Staff", which is
38 towards the bottom of the page, I just refer to there "Mr"
39 - and the name is blanked out:
40
41 - - resigned after investigations by D
42 Fairclough & D Dixon into parental
43 allegations of gross misconduct.
44
45 A. That's right.
46
47 Q. And just underneath that:

1
2 Replacement R Dixon has settled well.
3
4 Was that any relation of yours?
5 A. Yes, it was my brother.
6
7 Q. I see.
8 A. I wasn't going to take another chance.
9
10 Q. Right. And then your final paragraph reads:
11
12 More personally, I wish to acknowledge the
13 support I received from the Board (in
14 particular Doug Fairclough) during and
15 after the --
16
17 I gather again that "S"s surname has been deleted:
18
19 -- incident. The back-up was indeed
20 appreciate.
21
22 So, again, is that an example of how highly regarded - how
23 high regard you had for this particular Board?
24 A. Yes.
25
26 MR URQUHART: Thank you. I tender that document now,
27 please.
28
29 EXHIBIT #131 MINUTES OF BOARD MEETING AND WARDEN'S REPORT
30 BOTH DATED 7 AUGUST 1990, BARCODED 0488
31
32 MR URQUHART: Q. Now, did you then gauge how this boy
33 appeared in the aftermath of this particular incident?
34 A. If we could go back a fraction. Here is an extremely
35 homesick young lad, and we had difficulties getting him
36 settled, and after this incident was dealt with, my
37 recollections are that he become a little bit more
38 confident with the supervisory staff overall, and he pretty
39 well got up and running, but he did take an inordinate
40 amount of time to settle in compared to the other young
41 kids.
42
43 Q. Were you aware if he was offered any counselling?
44 A. No.
45
46 Q. He may have been, but you just don't have a
47 recollection?

1 A. No, he wouldn't have been.
2
3 Q. He wouldn't have been?
4 A. No. When you say "counselling", we would offer every
5 bit of support we could as supervisory staffers, with
6 reassurances and all this sort of thing. He's - he had an
7 older brother, and he had - I think he had an older sister.
8 I'm not sure whether she was older or younger actually, but
9 certainly had the older brother there and in those times we
10 did refer only really serious stuff to the school psychs.
11
12 Q. And when you say "serious stuff", would you be able to
13 give some examples of that?
14 A. Yes. Very poor behavioural stuff, not - and
15 homesickness wouldn't rate in that area. We were patient
16 with the kids, and we'd reassure them that certainly that
17 feeling that they had we acknowledged then, and it would go
18 away eventually.
19
20 Q. I'm sorry, Mr Dixon, we might be at cross-purposes. I
21 was asking you whether you were aware whether he was
22 offered any counselling after this incident with "S"?
23 A. Sorry, no.
24
25 Q. Yes.
26 A. Definitely not, no.
27
28 Q. Yes.
29 A. No. Not as far as I can remember.
30
31 Q. Okay.
32 A. We were just there to support him, and he had an
33 extremely strong family support base as well.
34
35 Q. Now, Mr Dixon, were you aware, or did you hear
36 something about where "S" worked after he left your employ?
37 A. Yes, I did, and it was a short-term stay at Rocky Bay
38 Village, which was disconcerting, of course.
39
40 Q. Yes, because, as you may not be aware, that's a centre
41 for children with disabilities?
42 A. That's right.
43
44 Q. Physical disabilities, is that right?
45 A. That's right. Yes, they were - it's in Mosman Park.
46
47 Q. Yes. You were obviously concerned about that?

1 A. Absolutely, but he wasn't there long. I think I found
2 out about that after he'd left.
3
4 MR URQUHART: I see, yes.
5
6 HIS HONOUR: Q. Did you do anything about your concerns?
7 I mean, had he already left Rocky Village --
8 A. Yes.
9
10 Q. He'd already left when you heard about it?
11 A. Yes.
12
13 HIS HONOUR: I see. Thank you.
14
15 MR URQUHART: Q. And how did you find out about that, Mr
16 Dixon?
17 A. Just - well, I'm not sure on that. I was just - I
18 would now and again ask the question of people, and they
19 heard where he may have been, and it just bobbed up in a
20 conversation, and I wouldn't be able to give any specific
21 answer to that.
22
23 Q. But can you see where this would be a case where a
24 potential employer, like Rocky Bay Village, might, if it
25 had known that he had actually been dismissed from your
26 hostel rather than resign, it would be a matter that they
27 would inquire further about and actually might find out
28 more information?
29 A. Yes.
30
31 HIS HONOUR: Q. In fairness to you, at that time in
32 1990, were there any industrial issues in terms of the way
33 you got rid of employees in these sort of circumstances,
34 were you aware of or not?
35 A. Yes.
36
37 Q. And what?
38 A. It was unfair dismissal. We just couldn't go about
39 getting rid of people.
40
41 Q. And that was in 1990?
42 A. I am sure that that's the case.
43
44 Q. So did that have any bearing on the decision to let
45 him resign or not?
46 A. No, I think we were focussed on trying to keep the
47 kids safe.

1
2 Q. So you didn't have any industrial procedures at the
3 time you did this?
4 A. No, and - we wouldn't have taken that into account.
5
6 HIS HONOUR: No, right. Thank you.
7
8 MR URQUHART: Q. I just want to ask you about two more
9 areas. One is Fred Jones, and the other is the Student
10 Hostel Association, but were you aware of that particular
11 association.
12 A. I was. I did go to a couple of meetings. I can't
13 tell you how many, but it wouldn't have been - I don't
14 think it would be any more than three.
15
16 Q. And that was at a time when you were warden of
17 Narrogin?
18 A. Probably Senior Supervisor and Warden.
19
20 Q. And were you aware of what its role was, or what its
21 agenda was?
22 A. Look, I found it pretty wishy washy stuff. I think
23 they were trying to set something up and I couldn't quite
24 work out what it was. It wasn't overly helpful from a
25 professional development point of view. I would have
26 stopped going because I guess - I'm just guessing - I was
27 too busy doing what I was doing at Narrogin.
28
29 Q. Were you aware that Richard Stowell had played a not
30 insignificant role in creating that association?
31 A. Yes. Yes, I thought that - yes, I had heard that,
32 yes.
33
34 Q. And do you recall if anybody else was involved in its
35 creation?
36 A. No, only what I've - at that time, no, I didn't - I do
37 know now.
38
39 Q. So you're referring to Mr Philpott?
40 A. Yes.
41
42 Q. Now, finally, Mr Dixon, I'd like to ask you about Fred
43 Jones, who was a one-time warden at the Narrogin Hostel?
44 A. Yes.
45
46 Q. Did you find out - do you know that some time around
47 the late '70s, or 1980, that he assumed another position

1 whilst he was still warden of that hostel?
2 A. Yes.
3
4 Q. And what was that?
5 A. He was a - he used to offer financial advice to
6 wardens.
7
8 Q. And was his - did he have a certain title to that?
9 A. No. No, I don't - I can't recall that.
10
11 Q. A liaison officer for --
12 A. Yes, that would be what he probably would be under,
13 yes.
14
15 Q. So a liaison officer for the Authority?
16 A. Yes.
17
18 Q. Is that your recollection?
19 A. Yes, but I thought it was heavily leaning towards
20 financial management and helping managers with their
21 management.
22
23 Q. Yes. I detected a bit of a wry smile there when you
24 said that?
25 A. Yes.
26
27 Q. Can I ask you why that was, why?
28 A. Well, because he absconded with the money from
29 Narrogin, which was quite a considerable amount at that
30 time.
31
32 Q. And any idea what that was?
33 A. Speculative, it was around \$80,000.
34
35 Q. And when you say "absconded", is it the case that he
36 was actually never caught, to your knowledge?
37 A. He just disappeared.
38
39 Q. Were you aware whether he was from this country or
40 from another country?
41 A. I've got no idea. You know, it was well-known around
42 Narrogin, and there was lots of stories as to whether or
43 not his wife was his wife or whether his wife is his
44 sister, and it was all that sort of mystery, and there was
45 one case where he sent a postcard to the Board of
46 Management from another country after he'd gone.
47

1 Q. I see. Okay. Might be two "Postcard Bandits" then.
2 Did you ever meet Mr Jones?
3 A. No, definitely not. It was five years before my time.
4
5 Q. And you mentioned maybe his wife may be his sister?
6 A. There was doubt put on what exactly the relationship
7 was.
8
9 Q. And did she have a role at all in the hostel business?
10 A. Yes, they were very popular people, and kids really,
11 really liked them. They were very well liked by the kids.
12 That's talking to past students.
13
14 Q. So to your knowledge, and what you've heard, he was
15 supposedly absconding with large sums of money --
16 A. Yes.
17
18 Q. -- whilst he was advising hostels in his capacity as a
19 liaison officer --
20 A. Yes.
21
22 Q. -- about financial matters?
23 A. Yes.
24
25 MR URQUHART: Yes, I thank you very much, Mr Dixon. I
26 don't have any further questions.
27
28 HIS HONOUR: Yes.
29
30 MR JENKIN: Yes, sir, I do want to ask a question.
31
32 HIS HONOUR: That's very good, I'm glad to hear it.
33
34 MR JENKIN: Thank you
35
36 <CROSS-EXAMINATION BY MR JENKIN:
37
38 MR JENKIN: Q. Just out of fairness to Mr Dixon, I just
39 want to clarify something in relation to "S"s employment.
40 Mr Dixon, at the time that "S" was employed at Narrogin
41 Hostel, was it your understanding that the employer of "S"
42 was the Board?
43 A. Yes.
44
45 Q. Right. And --
46 A. Our local Board of Management, yes.
47

1 Q. And so you as the warden didn't employ Mr "S"?
2 A. No.
3
4 Q. And so you as the warden, acting by yourself, wouldn't
5 have had the ability to dismiss "S", would you?
6 A. No, definitely not.
7
8 Q. Right.
9 A. The same rule applies to the kids. I - the managers
10 have got no Authority to exclude kids.
11
12 Q. Right.
13 A. The Board's the only one that can do that.
14
15 Q. So whilst it might be said that you could have had
16 input into the decision --
17 A. Yes, yes.
18
19 Q. -- about whether or not "S" resigned or was dismissed,
20 you would not have been in a position to have dismissed him
21 yourself?
22 A. No, definitely not.
23
24 MR JENKIN: Thank you. Thank you, your Honour.
25
26 HIS HONOUR: Any questions from you, Ms Morgan?
27
28 <CROSS-EXAMINATION BY MS MORGAN:
29
30 MS MORGAN: Q. I was just wondering whether - you
31 obviously raised your concerns about Stowell's - the
32 reference provided for "S" at the Board. Do you know
33 whether the Board took that any further at all?
34 A. No. I would say they didn't, but that would be
35 speculative.
36
37 MS MORGAN: Thank you.
38
39 HIS HONOUR: Anything arising?
40
41 MR URQUHART: Yes, sir.
42
43 <RE-EXAMINATION BY MR URQUHART:
44
45 MR URQUHART: Just in relation to Mr Jenkin's question.
46
47 Q. So, of course, it was the Board that had that

1 responsibility, but more relevantly so, the Chairman of the
2 Board, Mr Fairclough?

3 A. Yes.

4

5 Q. And his view was that the best way of dealing with
6 this was to have "S" simply resign?

7 A. Yes.

8

9 MR URQUHART: Thank you, sir. That's the only clarifying
10 matter.

11

12 HIS HONOUR: Thank you. That completes your evidence, Mr
13 Dixon. Thank you very much for coming forward, because we
14 wouldn't have known of this if you hadn't told us.

15

16 THE WITNESS: Thank you.

17

18 <THE WITNESS WITHDREW

19

20 MR URQUHART: Thank you, your Honour. If I could now just
21 read into evidence a statement. It's not particularly
22 long. It's from a lady who's asked that she be simply
23 identified as "L", and she's also requested, sir, that not
24 only her name, but her son's name not be disclosed, and
25 given the subject matter of this statement, the Inquiry
26 will request that request, because "L" is, in fact, the
27 mother that Mr Dixon spoke to regarding the allegation
28 involving "S".

29

30 HIS HONOUR: The mother of the boy?

31

32 MR URQUHART: Yes, the mother of the boy, yes. And "L"
33 also refers to the name of a friend of hers. She's also
34 requested that her name not be publicly disclosed, and the
35 Inquiry has also agreed to that, as disclosing that name
36 may reveal the identity of "L" and her son. And for that
37 reason, sir, I will also not read out those portions of
38 this witness's statement which could reveal the identity of
39 any members of her family. So it reads:

40

41 I am 58 years old and live in Narrogin with
42 my husband --

43

44 And "L" details some history regarding her family. It
45 continues at paragraph 5:

46

47 Our son was at the hostel from 1990 to

1 1992. Don Dixon was the warden at the
2 time, and the Chairman of the hostel board
3 was Doug Fairclough.
4

5 Narrogin Senior High School had a very good
6 reputation, as did the hostel, and they had
7 students placed there from the surrounding
8 areas.
9

10 In 1991 when my son was in Year 9 I
11 collected him from the hostel for the
12 weekend.
13

14 Now, I just stop there, sir. It's apparent from
15 the minutes of the Board meeting that, in fact, the year
16 was 1990:
17

18 I had my friend --
19

20 Sir, who I will refer to as "B":
21

22 -- with me. It was quite normal for my son
23 to spend weekends at home with us.
24

25 My son got into the car and told me that a
26 man at the hostel had touched him on the
27 privates. "B" and I talked about it and
28 she said that I needed to do something
29 about it. When we got home I rang Don
30 Dixon and asked him if I could see him when
31 we took our son back to the hostel on
32 Sunday.
33

34 When we took our son back to the hostel, my
35 husband took our son's things to the dorm
36 and then our son went to play while my
37 husband and I went to see Don, and told him
38 what our son had said about the member of
39 staff touching him on his privates.
40

41 Don was not happy about what we told him
42 and said he would sort it out. We went
43 down to see our son, who was in the
44 recreation shed, and the man he said had
45 touched him was standing right next to him.
46 We took our son away out for dinner while
47 Don sorted it out.

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When we got back, Don came out to the car and told our son that it was okay, and he got out of the car. Don told us that he had told the man he had to go. I do not remember the name of the member of staff. Don told us he had come from Swanleigh Hostel and that they had given him a glowing report, and Don was angry about that.

Don told us that he had rung around all the Board members and spoke to those that he managed to get hold of. They had a discussion about involving the police, but the majority did not want to involve the police, and the decision was made to dismiss the member of staff.

I do not remember us being asked if we wanted police involvement, and am sure that my son was not asked about it. I do not remember anyone speaking to my son about the details --

The word "of" should appear after that:

-- what happened to him at the time, and all we knew --

Then the word "was" should appear:

-- what he told me in the car.

I believe that the member of staff stayed in the hostel that night, but was gone the next day. Don made sure that he was not able to have contact with any of the students while he remained there.

Don put things in place with the Board to make sure that something like this would not happen again.

I was relieved that Don and the Board removed the man so that he would not be able to harm my son again. I think that my

1 son was relieved too.
2
3 I knew that the man was one of the
4 supervisors there as I would sometimes see
5 him when I was collecting or dropping my
6 son off at the hostel. I do not think that
7 he had been working there for that long
8 when this happened.
9
10 After it happened, my son received some
11 counselling at school. I am not sure if
12 this was arranged by the hostel. He had
13 further counselling again, about
14 eight years ago.
15
16 Apart from this incident, I had no other
17 concerns about the hostel. It was always
18 well run.
19
20 This statement is true to the best of my
21 knowledge and belief. I have made this
22 statement knowing that if it is tendered in
23 evidence, I will be guilty of a crime if I
24 have wilfully included in the statement
25 anything that I know to be false or that I
26 do not believe is true.
27
28 And, sir, this statement has been endorsed as true and
29 correct by this witness, and has not been signed, but she
30 has confirmed with the Inquiry the accuracy of that
31 statement.
32
33 Now, sir, might that be an appropriate time to have a
34 break.
35
36 HIS HONOUR: Yes, we'll adjourn until you're ready.
37
38 MR URQUHART: Thank you, sir.
39
40 SHORT ADJOURNMENT
41
42 MR URQUHART: I now propose calling William Alex Todd,
43 please. Mr Todd is in the back of the hearing room.
44
45 <WILLIAM ALEX TODD, sworn:
46
47 <EXAMINATION BY MR URQUHART:

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MR URQUHART: Q. Mr Todd, you gave evidence before the hearing on 20 March of this year.

A. I remember it very well.

Q. Have you been notified by the Inquiry that we wish to ask you some more questions in relation to some areas which we have identified for you?

A. Yes.

Q. Mr Todd, if I could start off first, please, with the evidence of Maggie Dawkins, who was known as Maruff back in 1985 at the time we are talking about. We will clarify just one thing. Records that we have obtained from the police service indicate that you were at the Katanning Police Station from 13 January 1983 to 17 January 1986.

A. That would be about correct, yes.

Q. You were questioned on the last occasion by Mr Dobson about a conversation - I will refer to her as Mrs Dawkins, you know who I am talking about - that she says she had with you in 1985 at Katanning regarding Dennis McKenna's sexual abuse of a student at the hostel. Okay? Now, do you recall receiving a letter from the Inquiry's executive officer, a lady by the name of Ms Imogene Blair in about mid-February, which was advising you that you may be the subject of adverse evidence during the Inquiry's hearings.

A. Yes.

Q. It alerted you to the fact that the witness that may give that adverse evidence was Maggie Dawkins, and that she would give evidence on 23 February.

A. Yes.

Q. Do you remember that? That letter also provided you with a summary of her anticipated evidence regarding you.

A. Yes.

Q. You read that letter, obviously.

A. I did.

Q. Mr Todd, you said on 20 March - page 1088 - that you hadn't gone on-line and read any of the transcript of the proceedings --

A. No.

Q. -- prior to you coming to the hearing.

1 A. That's correct. I only relied on the evidence that
2 had been supplied to me by this.
3
4 Q. Can I ask why it was that you didn't actually have a
5 look at what Mrs Dawkins' sworn evidence was going to be in
6 relation to you?
7 A. What, I had a look at?
8
9 Q. Why didn't you have a look before you gave your
10 evidence on 20 March?
11 A. Well, as I said in my previous visit here, that I
12 don't know this lady and she never came to speak to me. I
13 read, I think, in the statement that she made, I read parts
14 in that.
15
16 Q. You were provided with --
17 A. A statement. Her statement - her written statement.
18
19 Q. You didn't think to go on-line to see what she
20 actually said in evidence?
21 A. No. No.
22
23 Q. Any reason for that?
24 A. I assumed this was going to be her evidence that she
25 was going to put to this Inquest.
26
27 Q. What are you holding up there? Can you just hold that
28 up to us?
29 A. I believe - that is the next one. This is the
30 statement that she made in relation to her alleged contact
31 with me. That is all it is; her question and answer and
32 statement that I think she gave to the investigators.
33
34 Q. I want to recap as to what she said at the Inquiry
35 back in February. This is at page 238. Are you looking at
36 the transcript page?
37 A. I am looking at - not the transcript; no. The
38 statement that was given to me by Imogene.
39
40 Q. Could I just have a quick look at that, Mr Todd,
41 unless you have written something on it, then I won't. I
42 just want to clarify --
43 A. No, no. There is nothing written on there. It is
44 just where she alleges that she spoke to me and so forth.
45 I think that is about all it was.
46
47 Q. I thank you for that. Mr Todd, you are right. That

1 is the evidence of her evidence. That was given to you
2 attached to that letter of 29 May, was it not?
3 A. Yes.
4
5 Q. On 20 March you hadn't actually read her transcript of
6 her evidence --
7 A. From this Inquest?
8
9 Q. Yes.
10 A. No, I hadn't read that.
11
12 Q. That was my question. You were aware what day she was
13 going to give evidence. I understand you would have had
14 access to --
15 A. I think I was invited to listen, if I wished.
16
17 Q. You didn't do that?
18 A. No.
19
20 Q. You didn't send a lawyer down to listen on your
21 behalf?
22 A. No.
23
24 Q. And you hadn't even looked at her transcript of her
25 evidence before you testified on 20 March?
26 A. No. I assumed that evidence she was going to give in
27 this Inquest was going to be along this line.
28
29 Q. Along the line of the summary that you had been given?
30 A. Yeah, the statement she gave.
31
32 Q. Prior to 20 March all you had been given, correct me
33 if I am wrong, is just a short summary of what the Inquiry
34 expected her evidence might be?
35 A. No. This is in question and answer form from - I am
36 not really sure where this originated. I was given sheets
37 that are actually applicable about her conversation about
38 me.
39
40 Q. Mr Todd, you only got her transcript of her evidence
41 when you were sent a letter dated 29 May.
42 A. Okay. Well, whatever I have here is all I have read.
43
44 Q. I know that. But you had not bothered to look at what
45 her actual evidence was at the hearing --
46 A. No.
47

1 Q. -- prior to you giving evidence on 20 March?
2 A. No.
3
4 Q. My question was: I would just like to know why it was
5 that you did not do that?
6 A. Well, as I said, because I thought it was along the
7 lines of what was in this statement here. Am I missing
8 something?
9
10 Q. No. No. Mr Todd. All you had prior to 20 March,
11 correct me if I am wrong, was a summary of what the Inquiry
12 expected her evidence might be. Then you were told by the
13 Inquiry as to what date she would be giving evidence and
14 you didn't seem to, in preparation for your evidence,
15 bother to read exactly what she said at the Inquiry when
16 she was called in February?
17 A. Yes, that's correct. That's correct.
18
19 Q. Again, are you going to tell me why you didn't do
20 that? You were clearly of the view that what she was
21 saying was not correct?
22 A. That's right.
23
24 Q. I would have thought you might have been interested to
25 see what she was going to say on oath about that.
26 A. No. I wasn't particularly interested. I thought I
27 got all the evidence she was going to give in the documents
28 that had been sent to me, and I disagree with all that
29 so --
30
31 Q. Okay. We will just recap about what she had to say
32 about her contact with you. It is at page 238. I know you
33 might have read this already, Mr Todd, but we will just
34 refresh everybody's memory. It starts at line 18:
35
36 I was unsure how to handle this situation.
37 I was 27 years old and had had limited
38 training by Westrek in youth work. I
39 wasn't sure if these serious allegations
40 were true, I had a gut feeling they were
41 but I was uncertain how to act
42 appropriately, to have them investigated.
43 I first went to see the local policeman,
44 Mr Bill Todd. We had a warm working
45 relationship. He had assisted me when I
46 first arrived in town with a 14 seater bus
47 and no licence to drive it. Mr Todd kindly

1 gave me some lessons and then took me
2 through the test.

3
4 I felt comfortable going to Mr Todd seeking
5 advice on this matter. He said that he
6 needed a statement with names, dates, times
7 et cetera. Mr Todd warned me of the
8 severity of the allegations being made
9 against "the golden boy" of Katanning
10 Dennis McKenna, who was then Citizen of the
11 Year. I recall Mr Todd making a comment
12 along the lines that he had to live in the
13 town, while I would leave when my contract
14 expired. I asked him what I should do to
15 have the allegations brought to someone in
16 authority who could act to investigate
17 them. Mr Todd advised me that I had very
18 little to go on - maybe I should contact my
19 supervisor.

20
21 Mr Todd, just to clear up any misunderstanding that you may
22 have been under the impression that when you were
23 questioned on 20 March that Maggie Dawkins had actually
24 made a "complaint" - that was the word that was used - I
25 just want to take you to what she says at page 265. If you
26 have that there, you might be able to follow with me. I
27 have turned to it and I will read it out to you. Do you
28 have that page in front of you?

29 A. Yes.

30
31 Q. That is good. It is at line 5. This was when she was
32 examined:

33
34
35 Q. On another topic, you made a complaint
36 around 1985 to the policeman at Katanning,
37 whose name you mentioned is Bill Todd;
38 correct?

39 A. I did not make a complaint.

40
41 Q. All right. You told him about the
42 man's complaints to you, and then he told
43 you what to do about it. That was the
44 evidence you gave?

45 A. No, it wasn't the evidence I gave,
46 with due respect to you. If you go and have
47 a look at my statement, and I can read it

1 to you again, if you like.

2

3 Q. Go to page 3, I think.

4 A. It says, "I felt comfortable going to
5 Mr Todd." I sought his advice on the
6 matter".

7

8 Then the question was:

9

10 Q. I won't use the word "complaint".

11 A. It wasn't a complaint - it wasn't
12 anything other than I was asking somebody I
13 had a good working relationship with what I
14 should do.

15

16 That is what I needed to clarify with you, Mr Todd. Now, I
17 would like to ask you this: In those circumstances would
18 you have necessarily - if it happened - would you
19 necessarily have recorded this conversation in the
20 station's occurrence book?

21 A. If anyone had of come to me with this matter, like she
22 has mentioned here, whether she wanted to make an official
23 complaint or whether she was just passing on information,
24 or whether it was by way of anonymous contact, through a
25 letter or a phone call, we would have responded straight
26 away. My evidence that I gave in this Inquest - previous
27 Inquest, I don't know this lady. I don't recall her at
28 all, anything of what she said about a bus or anything, and
29 I said that if anyone ever come to me - I'm sure nobody
30 spoke to me about this matter while I was in Katanning
31 because the WA police would have responded immediately.
32 Now, whether it was in the form of a complaint or an
33 anonymous phone call or letter, or just information might
34 have picked up around the traps, we would have responded in
35 some way.

36

37 Q. Would you have made an entry into the occurrence book?

38 A. Yes. I would imagine it would have gone in under
39 "complaint", her name and so forth, or "anonymous
40 information received", or just "information received". But
41 it has got to be logged there so that the matter can be
42 finalised. That's the purpose of recording in an
43 occurrence book.

44

45 Q. What if - again I use "if" because I know what you
46 have to say about this - but what if Mrs Dawkins had said
47 to you that the young man who told her about being sexually

1 abused by Dennis McKenna didn't - didn't - want to make a
2 complaint to the police, would have your response or action
3 been any different?
4 A. We would have done - we would have done something if
5 somebody had come and told us anything. I mean, if she had
6 of said, "Look, this boy's been interfered with but he
7 doesn't want to make a complaint", we still would have made
8 some inquiries.
9
10 Q. Those inquiries - what could you have done in those
11 circumstances?
12 A. Those inquiries, what we would have done? Well, we
13 would have immediately rung up to see, or know whose area
14 it was, that it was their responsibility to do that great
15 southern district, pass it on to them, and probably left it
16 to them to make the inquiries.
17
18 Q. I know we are talking hypothetically, in your view,
19 but what inquiries could they make if, in fact, they, it
20 would seem, would not be able to speak to the complainant?
21 A. I don't know what inquiries they would have made, but
22 I assume that they would have gone up there. And we had
23 living in the hostel at the time one of our cadets - police
24 cadet. He hadn't heard anything about this. This is
25 information I have given to this Inquest before. He was
26 living up there because it was suitable accommodation for
27 our cadets. As they turned over they stayed up there.
28
29 Q. Can you recall his name?
30 A. Laurie Stubbs. He's now a sergeant down in Bunbury.
31 And I've spoken to him about this matter since, because I
32 had to ring him about something else, and I just said,
33 "Look, do you know anything about this?" He says, "No. I
34 was there" - he said he was there for probably about three
35 to four or five months. So we would have just made some
36 covert inquiries, you might say, as to what was going on.
37
38 Q. When you say, "we", that would be Albany --
39 A. CIB. Because of the nature of the complaint or the
40 information received it would be sorted out in the depths
41 of a general duties policeman to investigate.
42
43 HIS HONOUR: Q. How do you know that this three, four or
44 five months when he was staying there was the period in
45 question?
46 A. Look, I'm very sure he was there during that time.
47 The time I was there Laurie Stubbs was there.

1
2 Q. You were there for three years?
3 A. About three-and-a-half years or
4 two-years-eight-months, or something.
5
6 MR URQUHART: Q. January '83 to January' 86. We know --
7 A. He was one of my cadets at the time.
8
9 Q. We know this was in 1985 - second half of 1985.
10 A. Yeah. Well --
11
12 Q. If it happened, it would have been second half '85.
13 A. Yeah, he was there. Yeah.
14
15 Q. All right. So --
16 A. So because of the nature of the complaint, or
17 information received, and it needs more higher quality
18 investigation work we would have just passed it straight on
19 to the CIB. Even if there had been a complaint, if this
20 Mrs Dawkins had said to me, "I've got a complaint to make",
21 we would have recorded it, "detective so and so at Albany
22 advised and he's continuing inquiries".
23
24 Q. I am saying to you now, it would appear to be, at
25 least on her account, something less than a complaint.
26 A. Nothing. Nothing at all.
27
28 Q. Seeking advice from you as to what she should do. You
29 still maintain, in those circumstances, an entry would have
30 been made in the occurrence book --
31 A. If it had of been told to me.
32
33 Q. If it had of been told to you, yes, "if", and action
34 would have been taken by way of you referring the matter to
35 Albany?
36 A. Yes.
37
38 Q. There would be no exception to that?
39 A. I don't think so. That's it. This is hypothetical
40 that you're talking about here.
41
42 Q. Yes, I understand.
43 A. If she actually passed on information to me about the
44 name of the child and what was going on, it would have been
45 in the occurrence book and the CIB would have been advised
46 straight away. Whether she told that to anyone at the
47 station I'm sure the procedure would have been followed.

1
2 Q. I suppose you are saying then if, in fact, there is no
3 entry in the Katanning Police Station occurrence book
4 regarding this incident you would say, "Well, that just
5 proves then that it wasn't said to me"?
6 A. No. No. It wasn't said to me, I can assure you.
7
8 Q. Yes. But if we were to look at the police station's
9 occurrence book and see that there is actually no entry in
10 there, you would say that that would corroborate and
11 support your account that it was never said to you?
12 A. No. Probably not. It might not have gone in the
13 book. It might have just been direct contact with the CIB
14 in Albany. The proper procedure would have been that it
15 should have gone in the book, the occurrence book.
16
17 Q. That is what I am trying to establish with you,
18 Mr Todd, is whether you would have entered it into the
19 occurrence book if it was told to you along those lines
20 that Mrs Dawkins says. I thought you said to me it would
21 have?
22 A. I'm pretty sure it should have gone in there. It
23 didn't go in because she hadn't told me about it. The
24 hypothetical situation is this: If she would have said to
25 me, "Look, Tommy Smith came to me. This is happening, this
26 is happening", an entry should have been made in the
27 occurrence book and CIB would have been advised.
28
29 Q. That was your practice, wasn't it?
30 A. That's the procedure, yeah.
31
32 Q. Well, was it your practice though, to make entries
33 into occurrence books --
34 A. I'm pretty sure --
35
36 Q. -- where entries were required?
37 A. Yeah, I'm pretty sure it would have gone in. It
38 should have gone in, if that complaint was made.
39
40 Q. Well, something of this serious nature?
41 A. Maybe it would have been just a call to the CIB
42 because she didn't want to become involved.
43
44 Q. But, again, there would be more than just an entry in
45 the occurrence book, "Sergeant Todd rang Albany CIB." There
46 would be something - there would be a reference, would
47 there not, to "re complaint regarding Dennis McKenna" or

1 something upon those lines?
2 A. Oh, just "a complaint" or "information received", a
3 "lead in".
4
5 Q. You would say in the occurrence book who it was in
6 relation to and what it was about?
7 A. Not a great deal. The information would have been
8 passed on to CIB in entirety. With a matter like that,
9 what is there to write up? Somebody comes in and tells you
10 that she's been told this, this is what is happening. You
11 would record that and say, "Detective Smith, Albany CIB
12 advising inquiries".
13
14 Q. What I am getting at, Mr Todd, is that you would say,
15 would you not - this was May this incident happened - if
16 you followed the procedure, which you say you would have --
17 A. I should have.
18
19 Q. -- you should have, you would say there ought to be an
20 entry in the occurrence book?
21 A. Yes, that's what it was there for.
22
23 Q. And if, in fact, there is no entry in the occurrence
24 book relating to this matter, you would say "that proves
25 that my recollection is correct"?
26 A. No, because it might not have been put in the book.
27
28 Q. And why wouldn't it have been put in the book?
29 A. Because, as I said, we might have just rang CIB and
30 spoke with them about it.
31
32 Q. But you just told me that you would have still made an
33 entry in the occurrence book about that?
34 A. It should have been entered in the occurrence book.
35 Now, if the complaint was made, it should have been entered
36 in the occurrence book. I really can't understand what you
37 are after.
38
39 Q. What we are after is this, Mr Todd, we have a witness
40 who is adamant that she gave you notice about this
41 particular incident.
42 A. Mmm-hmm.
43
44 Q. We have an account from you that that did not happen.
45 I would suggest to you that an incident or report as
46 significant as this, that is, of a long-standing hostel
47 warden being accused of serious sexual offending against a

1 boy he was supposed to take care of would be something that
2 would be quite vivid in the minds of those people who were
3 aware of it at the time, even after this long passage.
4 A. Mmm-hmm.
5
6 Q. As I understand your evidence, it is not just a case
7 of you not recalling Mrs Dawkins speaking to you about
8 this, your evidence is that she never did.
9 A. That's correct.
10
11 Q. Isn't that right?
12 A. Mmm-hmm.
13
14 Q. So, you can see why --
15 A. Because she would have - the WA police would have
16 responded to that immediately. I mean --
17
18 Q. "The WA police", being you?
19 A. Well, my staff, my office, the CIB Albany.
20
21 Q. No, you. You. You had to respond to it?
22 A. Oh, well, instigate, yes.
23
24 Q. If the incident was reported to you, you had to
25 instigate --
26 A. I would have acted upon it immediately.
27
28 Q. If you didn't, it would have stopped there, unless she
29 made further inquiries; do you agree with that?
30 A. Yes, probably - say that again? If she hadn't made a
31 complaint to me --
32
33 Q. No. No. If you didn't act upon - I am not going to
34 refer to it as a "complaint" - if you didn't act upon what
35 she had told you, the matter would not have progressed
36 further, insofar as the police involvement was concerned?
37 A. That's correct.
38
39 Q. Unless --
40 A. Unless she told someone else.
41
42 Q. -- she told somebody else; do you agree with that?
43 A. Yes.
44
45 Q. I can tell you now, the inquiries by this Special
46 Inquiry have located no evidence of this matter, if it
47 occurred, going beyond her conversation with you.

1 A. Mmm-hmm.
2
3 Q. That is, that there is no occurrence book entry that
4 has any resemblance to what she was saying to you and there
5 is no action from any other police station to undertake any
6 inquiries in regard to this.
7 A. Mmm-hmm.
8
9 Q. You can see why we are interested in it now?
10 A. Yes, of course. As I said to you in the past, she
11 never came to me about this matter at all.
12
13 Q. Indeed, Mr Todd, you are saying that no-one ever came
14 to you --
15 A. Yes.
16
17 Q. -- about this type of allegation?
18 A. That's correct. That's correct. I have given this
19 evidence in this Inquest last visit, yes.
20
21 Q. But you are now aware, since your last visit, that
22 there has - somebody else has come forward to say that they
23 did, haven't you?
24 A. Oh, well, there has been various people. Come forward
25 to me, you mean?
26
27 Q. No, has come forward to the Inquiry. There is another
28 person. We are going to refer to her as "M".
29 A. Yes, yes.
30
31 Q. Hold on. You just said, "other people have"?
32 A. No, I meant - I thought you were talking about people
33 coming into the Inquiry. You are talking about making
34 complaints about this matter. Yes, I'm aware of the
35 statement of "M".
36
37 Q. Now, before we look at her evidence, can I just remind
38 you of something and clarify a bit further on what you said
39 back on 20 March. Do you have transcripts of your evidence
40 as well, do you?
41 A. Whatever has been forwarded to me. We are talking
42 about what?
43
44 Q. Your evidence on 20 March before the Hearing.
45 A. No, I haven't got that here.
46
47 Q. It is just a short question and answer. I'll just

1 read it out to you. It is at page 1077. Mr Dobson asked
2 you:

3
4 Again, with police in the country, do you
5 sometimes get a situation where, because
6 you are living in the same town and mixing
7 with the same people, you get to hear
8 rumours of activity?

9 A. Yes, a lot of - a lot of the
10 information that we act on comes through
11 rumours or people talking to new the street
12 or whatever.

13
14 You don't take any issue with your answer there?

15 A. No.

16
17 Q. Then on page 1079, again I do not think you have that
18 there, but again it is along the same lines. It is an
19 answer that was asked of you, Mr Todd. Mr Dobson said at
20 line 14:

21
22 Q. Yes, you were approached personally
23 about matters in the town.

24 A. Various places, yes, you might meet
25 someone down the newsagents or down the
26 local hotel or sporting ground and you
27 would glean information from people like
28 that, if they wanted to tell you they could
29 always seek out, give you that information.

30
31 A. That's correct.

32
33 Q. You don't take any issue with that. Thank you for
34 that. Now, when you received that sort of information from
35 a sporting ground --

36 A. Whatever.

37
38 Q. -- or informally, how did you distinguish between such
39 information that ought to be followed up and information
40 that you thought was just scuttlebutt?

41 A. Well, you follow up just about anything if someone
42 told us - it depends on what it was about.

43
44 Q. The importance you place on this information, would it
45 depend on the person who was providing you with the
46 information?

47 A. Well, you gave me a hypothetical, sir, again. It

1 depends on the severity of the complaint or the information
2 you are getting, who the person was. But, yeah, you would
3 follow up just about everything that was told to you.
4
5 Q. But it would depend on how reliable that person was
6 who was providing the information?
7 A. You would still make some inquiries. Are you
8 referring to "M" now, are we?
9
10 Q. No. I am just referring generally to how --
11 A. Yeah, we would make some inquiries, whatever.
12
13 Q. Also the more sources that you are able to get this
14 information from the more likelihood there might be
15 something to the information?
16 A. To verify the information.
17
18 Q. It would also depend on where they say they got the
19 information from?
20 A. Oh, I don't know. It depends on lots of things.
21
22 Q. But that would be one factor?
23 A. It would be something.
24
25 Q. It would be one factor?
26 A. We would do something.
27
28 Q. Whether they had an axe to grind with a person they
29 are providing information about, would that be another
30 factor?
31 A. Well, not really. How do I know that they've got an
32 axe to grind?
33
34 Q. Well, you might have heard from around the town?
35 A. And then they might not have an axe to grind. So I
36 think every bit of information that I would have received
37 would have been followed up to some degree.
38
39 Q. Unless it was just so fanciful or ridiculous?
40 A. Perhaps, yeah. What do you mean? Like? Like what?
41
42 Q. We can think of extreme examples, I suppose, if you
43 want, like "I know that the Shire President is breaking
44 into houses". That sort of thing would be a little
45 ridiculous, wouldn't it, or it would be very ridiculous?
46 A. What, we'd find out which houses you are talking about
47 for a start and do a forensics on them.

1
2 Q. You'd still follow it up?
3 A. To a degree, yes.
4
5 Q. So just on that day, are you saying that the
6 reputation of the person who's being --
7 A. Making the information or the complaint.
8
9 Q. The person who you are being told about --
10 A. Yes.
11
12 Q. The person of interest, if I can call him or her that.
13 A. Yes.
14
15 Q. That person's reputation wouldn't come into it?
16 A. Not to us.
17
18 Q. Like if they had a fine upstanding reputation; no?
19 A. Treat all complaints the same. Investigate to some
20 degree whatever is required.
21
22 Q. So when you receive this sort of information from
23 sporting grounds or in the hotel, things like that, are you
24 saying that in virtually all instances, with you, you would
25 follow that up?
26 A. Yes. See, a lot of the information again is not like
27 "You are playing around with so and so", a lot of it is
28 there might have been a break in town last week and someone
29 will say "Look, maybe Todd done that", you know, so you'd
30 follow that up, or that's the sort of stuff I'm talking
31 about. Is this what you are referring to?
32
33 Q. No, I'm just asking you what your --
34 A. Everything --
35
36 Q. -- practice was?
37 A. Everything would have been followed up to some degree.
38 Whether I would have done it or I would have delegated it
39 to one of my constables, something would have been done to
40 verify or to can it.
41
42 Q. Does that mean that what should have been done is an
43 entry made in the Occurrence Book?
44 A. Not always. As I said before, things should go in the
45 Occurrence Book but there's lots of times you might be down
46 the hotel having a drink and somebody might say "Look, I've
47 seen so and so jumping someone's fence the other day". I

1 mean --
2
3 Q. But that's when you are off duty though?
4 A. Most of the time, yes.
5
6 Q. On duty though you would expect an entry to be made?
7 A. Well, entries should have been made when I was on duty
8 or off duty if it is information that's of some substance,
9 which is people coming to you with information about an
10 offence.
11
12 Q. And in particular a serious offence?
13 A. Particular.
14
15 Q. You received a statement a little while ago - I won't
16 say a little while ago, in the last week or two from a
17 female witness that's dated 7 June. So it would be within
18 the last fortnight?
19 A. Is that referring to "M"?
20
21 Q. That we will refer to as "M". Yes, we will refer to
22 "M" as we can, thank you, Mr Todd?
23 A. Yes, I've read that.
24
25 Q. Now, she gave her evidence on Monday of this week.
26 Have you read her evidence as well?
27 A. I've got the statement, I think, that was given.
28
29 Q. Yes.
30 A. And I think I flicked through her - I've got some
31 evidence by link, video link or something, was it?
32
33 Q. Yes, that's right. You flicked through. You didn't
34 read it carefully?
35 A. Only the parts that related to me.
36
37 Q. Only the parts, yes. Hotel staff can be good sources
38 of information, can't they?
39 A. Yes, very good. The barmaids or anyone. Anyone who
40 moves around in the general public.
41
42 Q. See, "M" says she moved to Katanning with her family
43 in January of 1986. She got a job as a barmaid in the
44 second half of 1986 at the Katanning Hotel?
45 A. Yes.
46
47 Q. Are you familiar with the Katanning Hotel?

1 A. No, not the Katanning. This was the Federal Hotel.
2
3 Q. Sorry, the Federal. My apologies, yes.
4 A. There are three of them in town.
5
6 Q. Yes, you are right. There is a Katanning --
7 A. There is a Katanning Hotel, the Railway Hotel and --
8
9 Q. The Federal?
10 A. The Feddy.
11
12 Q. You are right. "M" worked at the Federal Hotel?
13 A. Yes.
14
15 Q. And when I say you are familiar with it, I'm
16 suggesting that you used to drink there all the time but
17 the fact is, that you as police officers, when you do your
18 rounds, you would often attend licensed premises, wouldn't
19 you?
20 A. Police officers would, yes.
21
22 HIS HONOUR: Can I just intervene. I think you said she
23 moved down in '86 and I think she said '85.
24
25 MR URQUHART: Yes, I apologise. You are right, sir. I'm
26 getting corrected from everyone here but quite
27 appropriately though.
28
29 Q. Yes, January 1985, and she got a job as a barmaid in
30 the second half of 1985 and she was at the Federal Hotel?
31 A. The Feddy Hotel, yes.
32
33 Q. Great. And she also identified your photo in the June
34 1985 edition of the Great Southern Herald?
35 A. Yes.
36
37 Q. I am just going to show you now and clarify with you
38 that you agree that that's, in fact, a photograph of you
39 and it is exhibit 128. It was tendered on Monday?
40 A. Pretty good one, is it? Yes.
41
42 Q. You are holding some black round object which the
43 younger generation may not know but I can identify it as a
44 record. So it is an article about the blue light disco --
45 A. Yes.
46
47 Q. -- being the first in Katanning. I think you actually

1 gave some evidence about the police Blue Light Disco?
2 A. Yes.
3
4 Q. That's definitely you there?
5 A. That's me.
6
7 Q. 27 years ago. All right, so she says:
8
9 That's the police officer I definitely
10 spoke to regarding this particular matter.
11
12 A. Yes.
13
14 Q. So the Federal Hotel, that would be one licensed
15 premises which you would visit doing the rounds?
16 A. Perhaps I should pre-empt you of a further
17 conversation here in telling you that the contents of "M's"
18 statement which relates to me is entirely incorrect.
19
20 Q. Yes, we have established that. Yes, that's fine?
21 A. Yes.
22
23 Q. We will get to that, definitely?
24 A. Okay.
25
26 Q. But I'm just asking you, for the moment --
27 A. Yes.
28
29 Q. -- whether, whilst you would be on patrol at your time
30 at Katanning, you would check in on the licensed premises,
31 including the Federal Hotel?
32 A. No.
33
34 Q. You wouldn't?
35 A. No.
36
37 Q. You wouldn't do that?
38 A. No.
39
40 Q. I'm not talking about this particular incident --
41 A. No.
42
43 Q. -- I'm just talking generally?
44 A. No. If I could probably go on, following what I said,
45 this statement is entirely incorrect, you will understand
46 what I mean.
47

1 Q. Well no, just tell me that for the moment?
2 A. No.
3
4 Q. Why do you say?
5 A. I wouldn't have - I wouldn't have visited that hotel
6 on duty.
7
8 Q. Would you have visited other hotels on duty?
9 A. No.
10
11 Q. Are you saying, Mr Todd, that you never ever visited a
12 hotel --
13 A. Yes.
14
15 Q. -- in the Katanning township?
16 A. On duty?
17
18 Q. Whilst on duty?
19 A. This type of duty, no.
20
21 Q. Sorry, what did you say, "on" --
22 A. This type of duty, no.
23
24 Q. This type of duty?
25 A. Well, if I could go ahead, I'll give you a little
26 bit --
27
28 Q. But hold on. You would go to licensed premises whilst
29 on duty. Not to drink?
30 A. No, look, if I could sort of say to you that it is not
31 the role of the officer in charge of the police station.
32
33 Q. Can you just answer that question?
34 A. Would I have gone to the Federal Hotel on duty of any
35 occasion? Very, very - no, I don't remember any but at
36 this time of the night, never.
37
38 Q. Okay. What, you say "at this time of the night", you
39 mean closing time?
40 A. Well, any time after - in the afternoon, in the
41 evening.
42
43 Q. And why is that?
44 A. The role - my role as the officer in charge of the
45 police station at Katanning was administrative and the
46 general running of the police station, drawing up rosters,
47 seeing to the Occurrence Books, entries are finalised

1 before they are sent off to the District Office. I was the
2 prosecutor, the Local Court bailiff, a lot of extraneous
3 duties. I was the chairman of the local (indistinct)
4 Management Advisory Committee and I made sure that the
5 rosters were made up so that my staff would work day and
6 afternoon shift. The afternoon shift usually went until
7 2400 hours during the week and on Fridays and Saturdays to
8 0200 hours the next day. One of their roles and
9 responsibilities was to visit the hotels at closing time.
10 We called it "closing the pub" because you would assist the
11 publican to get rid of people that are hanging on, they
12 wouldn't leave, a few roundies and things like that. That
13 was the role of the officers that I had at the station who
14 were rostered for afternoon shift. My role as the OIC of
15 the police station, I was never ever rostered myself for an
16 evening shift and I never ever went to any of the hotels to
17 close them up at closing time. My opinion is that lady has
18 made a mistake. She may have picked out my photograph from
19 a clipping from the newsagents and said "Yes, that's Bill
20 Todd", but I was never ever at the hotel in Katanning,
21 Federal unit or the other in uniform at close-up.

22

23 Q. All right. You say you would never have been on duty.
24 What if someone called in sick at the last minute?

25 A. No.

26

27 Q. And there would be nobody else?

28 A. Not my role. You wouldn't roster somebody on.

29

30 Q. But if no-one else was available, for whatever reason?

31 A. You could recall somebody.

32

33 Q. But if you couldn't, in those circumstances --

34 A. Why you couldn't, because we had --

35

36 Q. -- it was just you?

37 A. No, we had 10 staff there.

38

39 Q. But I'm just saying if.

40 A. If it was me, what would happen is that the officer
41 would stay in the station, unless there was a serious
42 matter came up, and then he would be accompanied by - if I
43 couldn't recall so many, myself.

44

45 Q. Are you saying you can swear on oath --

46 A. I have already --

47

1 Q. -- not just you have got no recollection of doing this
2 but you absolutely positively would definitely not have
3 ever entered the Federal Hotel in Katanning at a time in
4 1985 in uniform at closing time?
5 A. 100 per cent correct.
6
7 Q. That's a big call?
8 A. Well, it's not a big call, it's the truth. I mean if
9 you - it's not the role of an officer in charge of a police
10 station to go and close up a hotel and I --
11
12 Q. I realise that but there would be circumstances in
13 which that may arise?
14 A. May arise?
15
16 Q. Yes. I've given you an example of someone calling in
17 sick, of other people being called out to attend to a
18 matter?
19 A. Yes.
20
21 Q. There is any number of examples --
22 A. Yes.
23
24 Q. -- which would raise the possibility that you may well
25 have done that on occasions?
26 A. The only time --
27
28 Q. You are not even prepared to concede that?
29 A. No. I would never have gone out on duty to close up a
30 hotel. As I said, if there was one staff down, we usually
31 work in pairs of a night-time. If I couldn't recall
32 somebody, the officer would be told to stay in the office
33 and then I would only assist him if something urgent came
34 up; urgent.
35
36 Q. Well, the very fact that "M" can recall you being by
37 yourself may well suggest that the Katanning Police Station
38 was short-staffed --
39 A. No.
40
41 Q. -- on that particular night, would it not?
42 A. That is part of, as I have said, her statement is
43 entirely incorrect. Officers don't go around in the
44 evenings on Friday nights alone to close up pubs.
45
46 Q. Mr Todd, she doesn't say it was a Friday night?
47 A. In her statement she does. In her statement she says,

1 if I could probably refer to it if I can find it here --

2

3 Q. You find it.

4 A. No:

5

6 I remember whilst I never told him directly
7 that I was talking about Dennis McKenna he
8 did not seem very interested in finding out
9 any details so he could check on them. I
10 remember on those Friday nights when Todd
11 was on duty and he came up to the pub he
12 would always end up causing problems with
13 the locals. I never saw this happen when
14 other officers who came up to visit the pub
15 during their shifts.

16

17 So she obviously claims to have seen me on more than one
18 occasion and, as I have said to you, not my role and
19 responsibility as officer in charge of a police station.
20 That lady has made an error.

21

22 Q. So that police officer that she is referring to about
23 causing trouble was not you?

24 A. Definitely 110 per cent correct.

25

26 Q. Do you know which police officer that might have been
27 then?

28 A. Well, if I wasn't in the hotels at those times at
29 closing, no.

30

31 Q. Mr Todd, if you are the officer in charge of a police
32 station where there is a police officer causing problems in
33 a licensed premises, I would suggest you would know about
34 it?

35 A. No, no, he's not causing problems. It's only the
36 cleaner or the barmaid claims that she was causing problems
37 with the people who wouldn't leave and it's probably his
38 role, to kick them out. I wouldn't know who it was, no,
39 but it certainly was not Sergeant Bill Todd.

40

41 Q. I am just going to go through her evidence with you?

42 A. The one she gave online?

43

44 Q. Yes.

45 A. Yes. I think she mentions that I was there on one
46 occasion.

47

1 Q. She was concerned about the frequency she was hearing
2 evidence --
3 A. Yes.
4
5 Q. -- of snatches of conversation?
6 A. Yes.
7
8 Q. A number of different patrons alleging that kiddie
9 fiddling of boys was taking place up at the hostel. All
10 right, do you know about that?
11 A. From her statement?
12
13 Q. Yes, from her statement, yes. And she told Ainslie
14 Evans about it and her response - I am just paraphrasing
15 here - was wrong, and then she says very late in 1985 this
16 happened. It is at page 3689?
17 A. Is this from the electronic copy?
18
19 Q. This is from her sworn evidence?
20 A. Is this from the electronic conversation?
21
22 Q. Yes.
23 A. What number was it?
24
25 Q. 3689?
26 A. Yes, I read this.
27
28 Q. Yes:
29
30 Can you recall raising this matter with
31 anybody else in a position of authority?
32
33 A. Yes, I did. One night, and this was
34 after the new people had taken over in the
35 Federal Hotel, and one night Bill Todd came
36 in. He was the police sergeant in
37 Katanning at the time and I knew him as the
38 police sergeant.
39
40 You were the only police sergeant in Katanning at the time,
41 weren't you?
42 A. No, no, there was two.
43
44 Q. Who was the other?
45 A. The other one was Ray Wendt.
46
47 Q. Did he look anything like you?

1 A. Not as good-looking but probably the same - no, his
2 hair was a bit darker than mine but same physique, same
3 build.
4
5 Q. That's about it. The same build?
6 A. Yes.
7
8 Q. Was that the only similarity?
9 A. And the hair colour.
10
11 Q. And the hair colour, dark?
12 A. A bit darker than me. About the same age but - and
13 the traffic sergeant's work shift work. The traffic staff
14 work shift work and they sometimes paired up with general
15 duties to make up numbers, things like that.
16
17 Q. Of course, you have already read out a section of her
18 statement already but this was a police officer that she
19 had known, she had seen and knew who he was. Okay?
20 A. She identified me as being there on a particular
21 night.
22
23 Q. :
24
25 He came in one night. I was cleaning up,
26 so it was after we had closed, and I was
27 cleaning up and he came in and I said to
28 him "Bill, there is an awful lot of talk
29 around the bar about the hostel and what's
30 going on at the hostel and the kiddie
31 fiddling and the whole situation at the
32 hostel, it keeps on getting talked about,
33 it's mentioned around the bar at different
34 times" and he was just really quite rude.
35 He said "What would you know? How would
36 you know anything?" He was very - and he
37 was rude and just very dismissive.
38
39 Q. So he didn't ask you anything about
40 who it was who you had heard speaking about
41 this?
42 A. No.
43
44 Then she goes on to say that she might have been able to
45 provide some names or at least give some indication as to
46 the people the police could speak to, and then it continues
47 at the bottom of page 3689:

1
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Q. Again, what were you expecting Sergeant Todd to do?

A. I thought because the talk had gone on for so long that the police should have a look at what was happening. Because I felt there had to be something because it wasn't just one group just talking about the same thing. It wasn't just one group just drinking and carrying on about one subject. It was mixed. It was around different people at different times and I really thought - from what I heard, the phrase "kiddie fiddling", which is so horrendous, I really thought the police should have followed up, had a look at something. This was - it was a few months. It was a few months of me hearing this. It wasn't one-off.

Q. Can you recall your reaction to how Sergeant Todd dealt with this information you gave him?

A. I was really annoyed that he was so rude to me where I - I was - I was very polite to him but I tried to speak quietly and politely to him and he was just very rude, "What would you know?", words something like, "What would you know, how would you know anything?". He just tried to put me down.

A. Yes, I read that.

Q. And just over the page she recognises the police officer in the photograph, the newspaper which I just showed you?

A. Yes.

Q. And then I asked at page 3691:

And that is definitely the police officer you spoke to regarding these matters of kiddie fiddling at the hostel?

A. Yes, very definitely. I've always remembered his face, always.

1 Q. And you had met him on a number of
2 occasions, apart from this one that you
3 mentioned about?
4 A. Yes.
5
6 Q. So you knew him well?
7 A. I knew he was, and yes, I had met him
8 on a few occasions. Because of the hotel
9 and police coming through, yes, I did know
10 him. I had met him. Katanning was very
11 small. We met everybody all the time.
12
13 A. "We met everybody all the time".
14
15 Q. Yes?
16 A. She infers there that I used to visit the hotel in
17 leisure hours, I suppose, is that --
18
19 Q. That may well be the case, I don't know?
20 A. No, I --
21
22 Q. But did you?
23 A. Not the Feddy, no.
24
25 Q. You had a good mate, Brian Perrett, didn't you?
26 A. Yes.
27
28 Q. That was his favourite waterhole?
29 A. Certainly was. Well Perrett used to drink at all the
30 pubs. He would drink at one until he got kicked out, then
31 he would go to another one and get kicked out, and by the
32 end of the night he is full of grog and he would go home.
33 Brian is a painter.
34
35 Q. Yes, you might well have gone drinking with
36 Mr Perrett?
37 A. Sorry?
38
39 Q. You might well have gone drinking with Mr Perrett --
40 A. No.
41
42 Q. -- at the Katanning --
43 A. No.
44
45 Q. -- at the Federal Hotel, rather?
46 A. If I - like I say, Perrett was known as the town
47 drunk.

1
2 Q. Yes, so how did you know that he frequented the
3 Federal Hotel?
4 A. He frequented all of them.
5
6 Q. But how did you know about the Federal?
7 A. The Federal --
8
9 Q. Because you'd seen him there, Mr Todd?
10 A. No, because I was called down there one night. He
11 wouldn't leave the hotel, and the publican at the time was
12 Terry Poet and Poet had got Perrett out onto the footpath
13 and he hung onto a parking sign and when the traffic bloke
14 pulled up and the general duties fellow in the van, Perrett
15 wouldn't let go of the pole and hop in the van.
16
17 Q. So, Mr Todd, you have been --
18 A. So they --
19
20 Q. Mr Todd?
21 A. Yes.
22
23 Q. You have been --
24 A. Not in uniform.
25
26 Q. You have been one night to the Federal Hotel?
27 A. Not in uniform. Wait a minute, no, I didn't go into
28 the pub. Now let me finish. So Perrett's outside the
29 hotel hanging onto this parking sign, wouldn't let go,
30 wouldn't hop in the van, so the traffic sergeant rang me.
31 He said "Look, I don't know what to do, can't do anything"
32 so I went down there. I said to Brian Perrett "Hop in the
33 back of the van, Brian". He didn't respond. I pulled out
34 my baton, whacked him on both arms, this area here, which
35 we are trained to do, which numbs your muscle. He let go,
36 he hopped in the van without any further to do. Now, I was
37 plain clothes and did not go into the hotel that night.
38
39 Q. Hold on?
40 A. Now let me go further.
41
42 Q. Plain clothes your baton?
43 A. So? I used to sleep with my baton and handcuffs under
44 my bed.
45
46 Q. So did you get called out on this particular night?
47 A. By the traffic sergeant rang me, yes.

1
2 Q. So there are occasions then when you might be called
3 out to go on, be it official or unofficial, duty?
4 A. Yes, I said that. I said if there was any urgent
5 situation or - I would go in, of course. Because what
6 happened --
7
8 Q. Okay, go on?
9 A. -- at Katanning, when the staff finished duty, 12
10 o'clock or 2 o'clock, the phone would come through to my
11 quarters. So whatever happened in the town then, it would
12 - I'd have to get up and answer the phone. Now, depending
13 on the seriousness of it, I'd put it off until tomorrow or
14 I'd go out myself.
15
16 Q. Would you accept that you would go or you would be at
17 the Federal Hotel of an evening time not in uniform?
18 A. Not that I can remember. Not very - also, there was
19 the Sheriff's hotel in the --
20
21 Q. Hold on, what was the answer there. You mumbled a
22 bit?
23 A. No. I can't recall --
24
25 Q. You can't recall but you may well have?
26 A. No, I - I do recall having a drink with Terry Poett
27 because I commented about him having Soda Water in with his
28 beer. Very, very - I'd say once, twice, probably a mate, I
29 used to drink my drink with a publican who I knew.
30
31 Q. So if "M" had said this to you, she said that she had
32 heard from a number of sources while she was working as a
33 barmaid that there was kiddie fiddling going on up at the
34 hostel, if she had said that to you what would you have
35 done?
36 A. Well, just what I said before. Would have made some
37 inquiries, spoke with the cadet. If we had heard it from
38 more than one source we probably would have contacted the
39 CIB, talked about it with the staff, but no, your
40 hypothetical question is that it wasn't me at the hotel.
41
42 Q. But Mr Todd, if we accept the evidence of "M" and
43 Mrs Dawkins, if the Inquiry was to accept their evidence it
44 no longer becomes a hypothetical, does it?
45 A. No, dead right. Well I've given my evidence to the
46 contrary.
47

1 Q. Because what we have got is you being told by two
2 different people, both it would seem at around the same
3 time, the second half of 1985, that they had heard about
4 sexual offending taking place at the hostel?
5 A. Mmm.
6
7 Q. These people had only been at Katanning for that
8 particular year?
9 A. A short time.
10
11 Q. Yes. They weren't locals and yet they had received
12 this information within that year. Now, are you saying
13 that they are both mistaken when they say it was you?
14 A. What I'm saying is that with "M" it wasn't me at the
15 hotel, she has made a mistake.
16
17 Q. Yes.
18 A. I never went around to close up the hotels. That can
19 be verified by my staff. All the peers I work with, you
20 will realise that they will come back with the same
21 response, that the OIC of police station does not work
22 night shift Friday and Saturday nights and close up hotels,
23 yes.
24
25 Q. And you would say that they would be as categorical as
26 you --
27 A. Yes.
28
29 Q. -- so that you actually, you, yourself, never ever --
30 A. Never.
31
32 Q. -- worked, did a night shift at Katanning. Do you
33 think your fellow police officers would go that far?
34 A. Yes, 110 per cent, correct. Now, the only one
35 exception --
36
37 Q. And they wouldn't accept the possibility that you may
38 well have because of staff illness, staff being called out
39 for another matter.
40 A. No.
41
42 Q. Staff going on leave?
43 A. No.
44
45 Q. Urgent leave or anything like that?
46 A. Yes.
47

1 Q. You'd say they would all back you up 110 per cent?
2 A. I am sure of that.
3
4 Q. Okay, you were about to say something about one
5 exception, Mr Todd?
6 A. One exception was we got word that there was a fellow
7 in town by the name of Peter Guidera had a supermarket.
8 I'm really not sure what it was called now; Four Square.
9 It ran opposite where the new (indistinct) department is
10 now anyhow and he heard a whisper that he was going to get
11 busted, someone was going to break in during the night. So
12 we had like a little roster system where the two of us
13 would take turns with sitting off inside his shop in the
14 dark for a couple of nights, and I participated in that,
15 plain clothes, in the dark sitting inside his store waiting
16 for somebody to break in, and nothing. So that's about the
17 only time I can recall, and with Mr Perrett, the only time
18 I can recall working on a shift like that, yes, a rostered
19 shift.
20
21 Q. How many country towns have you worked in?
22 A. I've been the officer in charge of - do you want me to
23 name them for you?
24
25 Q. The number. The number will be fine?
26 A. I would say probably about eight.
27
28 Q. Eight?
29 A. Country towns.
30
31 Q. Was Katanning any different with respect to you as a
32 police officer hearing about things informally through
33 discussions, rumours, scuttlebutt, whispers?
34 A. You mean did I hear similar information about other -
35 from other stations?
36
37 Q. Yes, yes. Just generally. Just generally. You know,
38 this information you act upon, be it at sporting grounds,
39 hotels, in the street. Was Katanning any different?
40 A. No, I don't think so.
41
42 Q. You see, by the end of 1985 you had been stationed at
43 Katanning for nearly three years?
44 A. Two and a half, something like that. I think I was
45 there for two years eight months, all-up.
46
47 Q. I have told you about the records. Nevertheless, I

1 won't quibble. You say you established a good relationship
2 with the people of Katanning?
3 A. Reasonably so.
4
5 Q. Reasonably so, or you made a number of friends there?
6 A. Brian Perrett is one of my friends at the moment, and
7 I'm not joking about that, he is.
8
9 Q. No-one is laughing.
10 A. No.
11
12 Q. You were the OIC that entire time of the station?
13 A. Mmm.
14
15 Q. And you are saying, are you, that you never heard a
16 rumour or a whisper or a murmur about anything untoward
17 going on at the Katanning hostel?
18 A. That's correct.
19
20 Q. Certainly nothing as direct as what "M" and Maggie
21 Dawkins say they told you?
22 A. Nothing at all.
23
24 Q. But that's at one level, isn't it? That's right up
25 here, and at the bottom level you might hear scuttlebutt --
26 A. Nothing.
27
28 Q. -- rumour, whisper - nothing?
29 A. Nothing at all. If I could go a little bit further.
30 I heard there was some evidence from Peter Potter,
31 particularly to this inquest the other day.
32
33 Q. Yes.
34 A. While I was down in Katanning, I knew Peter Potter
35 through the church. I think he's a lay preacher down there
36 at the moment. My wife and I even went out to his house
37 for dinner one night. Now, reading the paper, I think
38 Peter Potter knew about this in '76, made - tried to ring -
39 get in touch with the Ministers that were mentioned down
40 there.
41
42 Q. That's correct.
43 A. And I could tell you my wife and I spent about
44 six hours at his place with his whole family, and he never
45 even said a word to us. Nothing. So, look, whether there
46 was a cult in the town or a cult in the town, I don't know,
47 but that just gives you an example --

1
2 Q. So, sorry, a "cult"?
3 A. Well, there was - you know, people not wanting to do
4 anything about it. Whatever. Probably the wrong word to
5 use. But there was probably a culture in the town then
6 where --
7
8 Q. Culture might be a better word.
9 A. Where people didn't want to sort of - I mean, you
10 know, when I read that in the paper about Peter Potter, I
11 couldn't believe that the times I met him at church, and
12 the time my wife and I spent at his house, never came up
13 with any indication to me that this was happening.
14
15 HIS HONOUR: Q. There's no doubt at all, the evidence is
16 quite strong that there were very widespread rumours. I
17 mean, we even heard about a father --
18 A. Yes.
19
20 Q. -- who went to McKenna and said --
21 A. Yes.
22
23 Q. -- "If you interfere with my sons, you'll spend a long
24 time in hospital", and those kids went through the hostel
25 for five years without any problems?
26 A. Yes.
27
28 Q. So, I mean, there were a lot of rumours around. So
29 what explanation do you have for the fact you never got to
30 hear about them?
31 A. Look, I don't have any. As I said to you, I'm amazed
32 with that Peter Potter matter. You know, when I read that
33 in the paper, I just - and I can assure you that if
34 anyone - and I'll go through my previous evidence, the last
35 session I was here, if anyone had of come to us, we would
36 have done something about it.
37
38 Q. You should have done something about it?
39 A. If we had been told about it. I mean, these sorts of
40 things aren't pleasant. I mean, I've got family of my own.
41 All my staff all had children, they were all going to the
42 school. As I said before, we even had a police officer go
43 up to the dances at St Andrew's and stand on the door, and
44 all the staff or the boarders there all came down to our
45 Blue Light Disco. There was opportunity for anyone to talk
46 to us, and we had staff playing football, we had some in
47 the gun club. Even the parents could have come up and said

1 something.
2
3 MR URQUHART: Q. Mr Todd, we're not talking about the
4 town's derelict sexually interfering with children, we are
5 talking about a man who seems to have been revered by most
6 of the community. And it gets back to what I was asking
7 you about this: when you hear and receive information about
8 someone, whether that person's reputation has anything to
9 do with you following it up?
10 A. Not at all. I mean --
11
12 Q. And I'm going to suggest to you --
13 A. -- even if it was the local town drunk --
14
15 Q. Mr Todd, I'm --
16 A. -- I mean, or the shire president - I think I've given
17 that evidence to this inquest previously as well --
18
19 Q. I'm going to suggest to you that you had received
20 information regarding what he was doing, and because of his
21 reputation within the community, you decided not to act
22 upon it because you could not accept that there would be
23 any truth to it?
24 A. That's - your suggestion is completely 100% wrong.
25
26 Q. I'm talking about the particular - the conversation
27 that "M" says she had with you?
28 A. Never took place. As I said to you, she has made a
29 mistake. I - my roles and responsibilities didn't take me
30 to the hotels on Friday nights.
31
32 Q. All right.
33 A. Or even one night. She never spoke to me about that
34 matter, nobody.
35
36 Q. Finally, Mr Todd, I would like to ask you about some
37 of the --
38
39 HIS HONOUR: Q. Can I just ask one thing. Do you
40 remember this barmaid at all?
41 A. No.
42
43 Q. Do you remember that?
44 A. No.
45
46 HIS HONOUR: Okay. Right.
47

1 MR URQUHART: Q. I want to finally ask you about
2 something you've also been given notice about, and this is
3 regarding some evidence of Dennis McKenna. Do you recall
4 what I'm talking about?
5 A. This is about the Armadale visit?
6
7 Q. Correct, yes. Are you all right - are you aware of
8 what I'm asking you about?
9 A. Yes.
10
11 Q. Now, of course, Mr McKenna had given evidence after
12 you gave evidence, and so therefore we weren't able to put
13 this to you --
14 A. Yes.
15
16 Q. -- on 20 March, so I'm just going to do it for you
17 now. If you can't find his page of the transcript, I'll
18 read it out now.
19 A. I'm aware of what he said, yes.
20
21 Q. But for those of us who may not be aware, it's at
22 page 1309, sir, at line 18. The question I asked of Dennis
23 McKenna was:
24
25 Q. Do you recall seeing him --
26
27 I.e. that's you:
28
29 -- after he left his post at Katanning in
30 1986?
31 A. Yes. We had a trip up the - I think
32 it might have been for the Royal Show, one
33 of our big camps. He said he was going in
34 to - he was getting transferred to Armadale
35 police station, and we'd said that if
36 ever --
37
38 I think that should read "he'd" - well, anyway. It says:
39
40 -- and we'd said that if ever the kids
41 wanted to have a look behind the scenes of
42 a police station, we took them all in there
43 and he took them all through. I stayed out
44 the front. He took them through our
45 records at odne, down to the lock-ups, da,
46 da, da, da, da, and how you can join the
47 police force.

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Q. So you contacted him for that?

A. No.

Q. No, I wasn't finished here. Sorry, I'm reading out from the transcript still:

A. We rang up and said - because we were trying to fill in the three days break that we were away.

Q. And why was it, Armadale, chosen?

A. Because I knew he was there. He told us that's where he was going.

Okay. What do you say about that?

A. Okay, well, yes, a visit did take place of the children, but the rest of McKenna's statement is either - he's either mistaken or he's deliberately told a lie.

Q. Right.

A. If I could go on, I've got some documents there that I've obtained from the police human resources section, that shows about my transfer dates and so forth. This visit actually took place about 18 months after I left Katanning. It would have been probably about the beginning of '88, from memory. It would be a summer time. And it was arranged by the shire ranger by the name of Max Lewis. Max was a versatile sort of bloke. He had varied duties out there. Apart from the shire ranger, he was - well, the community liaison officer, he done a lot of welfare work around the town, dog catcher. Sat on my Mini MAC committee - the local Ministry Management Advisory Committee. He represented the shire on that on one or more occasions, and it's either he had a house or his mother lived in Armadale. Now, when I - when I moved up to Perth, which was in - I went to traffic patrol from 19 to the 1st '86 I moved out of Katanning. I moved into the traffic patrol, which later became the traffic branch. And it wasn't until I moved to Armadale. It wasn't the Armadale police station, it was the Armadale traffic office I was at. I was the officer-in-charge there, from 20 April '87 to 3 June '88. It was only a period of about 11, 12, 14 months or something.

Q. Sorry, what were those dates again, Mr Todd?

1 A. I'll give you a copy of this document I've received
2 from my human resources sector, if you would like to --
3
4 Q. Just tell me what they were again?
5 A. Sorry. The dates - I was at Armadale traffic from 20
6 April '87 to 3 June '88. Now, just going on the I think it
7 shows some time towards the end of the year.
8
9 HIS HONOUR: September, usually.
10
11 THE WITNESS: So I would imagine it would be about halfway
12 through that period of time that I was there, that that
13 visit took place. As I said, Max Lewis - his mother or he
14 had a house in Armadale, and when I went to Armadale
15 traffic, he used to call in and have a cup of coffee with
16 me, and chat about times and that, and he broached the idea
17 about having the kids come up and going through the police
18 station. And he's the person who done all the liaising
19 work for it.
20
21 MR URQUHART: Q. Are you saying you didn't speak to
22 Dennis McKenna at all?
23 A. I spoke to him when he come along that day, and he
24 stayed out the front probably because he, as I said
25 previously, him and I never got on very well, because he
26 tried to upset our Blue Light disco functions. So he
27 didn't come in. I never spoke to - I never spoke to Dennis
28 McKenna after I left, no. Very rarely while I was there.
29
30 Q. Okay. It's just that --
31 A. When Max Lewis --
32
33 Q. You didn't actually refer to this when you were asked
34 questions regarding any contact you'd had with Dennis
35 McKenna. Do you remember on 20 March you were asked a
36 number of questions about that?
37 A. Yes.
38
39 Q. You never actually referred to his visit to the
40 Armadale Police Station?
41 A. Because I never contacted McKenna about this. This
42 was done through Max - by Max Lewis.
43
44 Q. But you met him on the day though?
45 A. He - I'm not sure who drove the bus up, but the bus
46 parked out the front, McKenna stayed out there. The kids
47 came in - you know, usual thing - you give them a

1 learn-to-drive book and show a police vehicle and I think
2 someone from the station probably conducted a tour around;
3 but, yeah, I was there.
4
5 Q. Thank you.
6 A. But, now, I - as I said, Max used to come up and visit
7 his mother or visit his house on the weekends, he'd call in
8 and say hello and have a brew, and that's how it started
9 up.
10
11 Q. All right. And just finally, I read this out a little
12 bit earlier about Maggie Dawkins' evidence about how you
13 taught her how to drive the 14-seater bus because she
14 didn't have a licence for it. You kindly give her some
15 lessons and took her through the test. And I think you
16 said on the last occasion you gave evidence that that
17 couldn't have been you because you didn't have an F-class
18 licence?
19 A. I didn't have an F-class --
20
21 Q. Yes.
22 A. -- or she didn't have one.
23
24 Q. Well, I think you were saying that you couldn't have
25 done that --
26 A. No, look --
27
28 Q. But would have --
29 A. -- an F class licence --
30
31 Q. I just want to stop you --
32 A. -- systems have changed with the licences.
33
34 Q. Yes. I just want to stop you there though. But would
35 have you been able to do that for her if it was just a B
36 class licence as it was back then?
37 A. Yes, yes. And depends on what size the bus is. See,
38 under the licensing scheme now --
39
40 Q. 14 seater.
41 A. Sorry.
42
43 Q. 14 seater it was.
44 A. Yes, well, see under the licensing system now - it
45 used to be if the bus was for hire or reward, you had to
46 have a certain category licence. And if it wasn't - well,
47 you didn't have to have such a higher category of a licence

1 because you were carrying paid passengers - there was
2 probably some insurance associated with it; but, look, I
3 don't know what sort of a bus she had at all, but --
4
5 Q. But your recollection is that --
6 A. Didn't take notice.
7
8 Q. -- you can't - you're actually saying those lessons --
9 A. No.
10
11 Q. -- that she says you gave her --
12 A. No.
13
14 Q. -- you're not saying you just don't recall that --
15 A. No, I don't.
16
17 Q. -- you're saying it never took place?
18 A. I - look, I can't remember teaching anyone to drive
19 when I was in Katanning.
20
21 Q. So therefore it might have taken place?
22 A. It's a possibility that I - I wouldn't have taken her
23 for lessons. Maybe took her around the block or something,
24 but when you say taking someone for lessons - what, do you
25 go out and drive for an hour or so? I mean, I certainly
26 would remember that, but I've been associated with people
27 for that long - no, look, I don't recall this lady at all.
28
29 Q. Would you have expected to recall her if she was
30 making to you that serious allegation she was making
31 regarding Dennis McKenna? If that had happened, would you
32 have expected to have recalled her.
33 A. Recorded it?
34
35 Q. You just said you don't recall the lady. I'm saying
36 if, in fact, she had --
37 A. Well, I can tell you that, she never --
38
39 Q. Yes, I know that because --
40 A. Because we would have responded.
41
42 Q. I'm saying if, if she had, would you have then
43 expected to have recalled it?
44 A. I don't know.
45
46 Q. No?
47 A. Well, I - you're talking about hypotheticals again.

1
2 Q. Yes, I know that, Mr Todd, but just humour me for the
3 moment?
4 A. I mean, I - let's just say there are certain moments
5 that are imprinted in your memory during your life, and if
6 she had of come to me and says, "Look, I've got evidence
7 that Dennis McKenna was playing around" - of course I would
8 have remembered that.
9
10 Q. And --
11 A. And we would have responded to it.
12
13 Q. And would you say the same thing about "M"s evidence
14 if, in fact, that was you? I'm saying if it was you that
15 she spoke to.
16 A. Her evidence probably not, because it was a little
17 bit - nothing much direct there, but --
18
19 Q. Well, there was --
20 A. There was two different versions of her statement.
21 One of them where she just casually said something to the
22 sergeant and he said, "Yes, yes", and then when she goes
23 online to talk, she goes into more depth there about a
24 conversation, and the person was very angry. Look, I say
25 that if anyone had come to me with this matter, it would
26 have been remembered, and would have been responded to.
27
28 Q. And you would have expected any other police officer
29 who received such information who was under your direction
30 to have done the same thing?
31 A. What do you mean "under my direction"?
32
33 Q. Yes.
34 A. You mean any police officers in WA would have
35 responded?
36
37 Q. Any police officer that was under your direction at
38 the Katanning Police Station in 1985.
39 A. Yes, but police officers don't come under any
40 direction, they're all autonomous. I mean --
41
42 Q. Come under your charge?
43 A. -- don't tell my police --
44
45 Q. Under your responsibility?
46 A. Right.
47

1 Q. Yes. You would have expected them to have done the
2 same thing that you're saying you would have done?
3 A. We would have responded, yes. They were all very good
4 officers down there. Excellent.
5
6 MR URQUHART: Yes, thank you Mr Todd.
7
8 HIS HONOUR: Any other questions from the Bar table?
9
10 MR JENKIN: No, thank you, sir.
11
12 MS MORGAN: No, thank you.
13
14 HIS HONOUR: Q. Do you wish to add anything at all,
15 inspector?
16 A. No, except, look, I'm like a lot of other people, you
17 know, we'd all like to come to the bottom of this and find
18 out what went on and make sure it's prevented from the
19 future, but I've given my evidence here truthfully, and the
20 best I can.
21
22 HIS HONOUR: Very good. Well, thank you, you're free to
23 go.
24
25 THE WITNESS: Thank you, very much.
26
27 MR URQUHART: Now, Mr Todd, did you want us to have copies
28 of your - where you were stationed after 1985?
29
30 THE WITNESS: Yes.
31
32 MR URQUHART: It's entirely a matter for you.
33
34 THE WITNESS: If you need it. It shows you my movements
35 out of Katanning, and then where I was --
36
37 HIS HONOUR: We'll make that an exhibit --
38
39 THE WITNESS: -- for Armadale.
40
41 HIS HONOUR: That'll be 132.
42
43 EXHIBIT #132 RECORD OF INSPECTOR TODD'S TRANSFER FROM
44 KATANNING TO ARMADALE
45
46 HIS HONOUR: Thanks, Inspector Todd, you're free to go.
47

1 THE WITNESS: Thank you very much.

2

3 <THE WITNESS WITHDREW

4

5 MR URQUHART: Sir, just before lunch if I could deal with
6 three witness statements that I will read into evidence.
7 And this relates to the Inquiry's investigations of Hardie
8 House at South Hedland. And this aspect was touched upon
9 in the evidence of Mr Lammas, that he gave on 8 May 2012.

10

11 Further inquiries have revealed these three statements
12 from witnesses, which I'll now read in, and then I will
13 refer to Mr Lammas's response to this material that's been
14 provided to him.

15

16 Now, the hostel staff member at Hardie House at South
17 Hedland who allegedly abused "P" and the students, will be
18 identified as "P", but the alleged offender will be
19 referred to as Mr "D" and the reason for that, sir, is the
20 police have advised - there's two reasons. The first
21 reason is that "D" was not subsequently charged, and "B",
22 the police have advised the Inquiry that this man is
23 currently facing charges of a sexual nature against another
24 individual.

25

26 So dealing then first, sir, with "P"s statement. P
27 states:

28

29 I am 40 years of age and reside in regional
30 Western Australia.

31

32 I am one of six children and my mother
33 is --

34

35 He names his mother, sir, but his mother will be referred
36 to as "K":

37

38 I am a former student of Port Hedland High
39 School, and boarder at Hardie House.

40

41 Hardie House is the residential house used
42 by students who attended the high school
43 but did not live in the town of Port
44 Hedland.

45

46 I used to live on Koolan [K-O-O-L-A-N]
47 Island with my mum and her partner, where I

1 did some of my primary schooling.
2
3 In 1985 I started high school and had to
4 leave the island and mum admitted me to
5 Hardie House.
6
7 Whilst I was at Hardie House I used to find
8 myself alone on weekends, because all my
9 mates would go home.
10
11 Most of the people who lived in the hostel
12 with me came from Goldsworthy, Shay
13 [S-H-A-Y] Gap and surrounding areas, so
14 they could go home on weekends.
15
16 Just about every weekend I was the only kid
17 left at Hardie House.
18
19 I remember the staff at Hardie House whilst
20 I was there was Ms Mason, Mr "D", and the
21 warden was Joy Fisher, who didn't have much
22 to do with us kids.
23
24 Mr "D" was the masseuse for the footy team,
25 and often we would see him massaging boys'
26 necks and shoulders, but we didn't give it
27 much thought really.
28
29 I remember one weekend around the middle of
30 the school year I was at Hardie House
31 alone.
32
33 I was asleep in my bead and Mr "D" came in
34 and tapped me on the shoulder and woke me
35 up.
36
37 When I woke up I could smell that he had
38 been drinking. He said to me, "Come up to
39 my unit for a smoke".
40
41 In those days all of us boys were having a
42 bit of "pot", so I got up and went with
43 him.
44
45 I was only wearing my jocks when I got out
46 of bed, and never thought much about
47 putting on clothes because most of us boys

1 would run around in our jocks.
2
3 When we got to "D"s unit he gave me a smoke
4 and then after a short time said to me "lie
5 down and I will give you a massage".
6
7 So I lay down on the bed and he started to
8 massage me.
9
10 After a bit of time massaging, he rolled me
11 over and started performing oral sex on me.
12
13 He also tried to penetrate me anally, and
14 he got me to masturbate him.
15
16 During this I tried to get out of the room,
17 but he stopped me.
18
19 "D" never threatened me or anything, but
20 because he had been drinking and was bigger
21 than me, I was quite intimidated by him.
22
23 I never tried to yell or call out because
24 no one would have heard me as I was the
25 only kid in Hardie House that night.
26
27 When we finished he said to me not to tell
28 anyone because he would just "wank me off"
29 whenever I wanted, so I would no longer
30 need a girlfriend.
31
32 The following day, which would have been a
33 Sunday, all the boys started to come back
34 to Hardie House, ready for the new week of
35 school.
36
37 Later that night when we were in our dorms
38 I told some of my mates about what "D" had
39 done to me, and a couple of boys said to
40 me, "Yeah, he has done that to me too".
41
42 Whilst we were talking about what had
43 happened, "D" was standing outside our
44 cubicle listening to everything we were
45 saying.
46
47 I think he said something along the lines

1 of, "If you boys have got something to say,
2 speak up or shut up."
3
4 I said to my mates that I was going to see
5 the supervisor:
6
7 And I'll just refer to this boy as "G":
8
9 -- one of the other boys said he would come
10 with me.
11
12 From memory we went to see Ms Mason that
13 same night, and told her what happened. I
14 am pretty sure "G" was standing there with
15 me when I told her.
16
17 Ms Mason asked me to go into detail, and I
18 remember her looking absolutely shocked,
19 and she immediately called the police.
20 When the police came the next day to Hardie
21 House, they spoke to me and asked me to
22 show them my room.
23
24 They asked me what I had been wearing on
25 the night, and then told me they were going
26 to take my jocks and some other stuff for
27 testing.
28
29 I had to go back to the police station to
30 make a statement.
31
32 Ms Mason also called my mum to let her know
33 what had happened, and that I was okay.
34
35 I remember later on speaking to mum and she
36 told me she was sending my brother-in-law
37 to come get me from Hardie House.
38
39 I think he came and got me a couple of days
40 after "D" had assaulted me.
41
42 I remember that after I told Ms Mason what
43 "D" had done to me, he was removed
44 straightaway and I didn't see him again
45 after that.
46
47 I was never spoken to again after I made my

1 statement to the police, but they may have
2 spoken to mum, so I was not exactly sure
3 what happened to "D".
4

5 I don't know what happened with "G", and
6 even if he made a complaint to police.
7

8 I remember thinking that both Ms Mason and
9 the police were really good about how they
10 handled things after I told them about "D".
11

12 And then the next two paragraphs, sir, refers to a comment
13 that his sister made, which I won't repeat because it's not
14 relevant. Paragraph 44:
15

16 To this day I still haven't been told
17 exactly what happened to "D", apart from
18 him getting kicked out of the hostel.
19

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

28 It's then been signed by "P" on 25 May of this year.
29

30 The next statement, sir, is from "K", and that is -
31 she's "P"s mother. K states:
32

33 I am currently residing in regional
34 Western Australia with my son.
35

36 I am a mother of six children, three of
37 which attended Hardie House in Port Hedland
38 during the '80s.
39

40 The next three paragraphs, sir, identify her children and
41 which ones attended Hardie House and I don't propose to
42 read that:
43

44 Whilst my son boarded at Hardie House, I
45 was living and working on Koolan Island,
46 which is 180km off the coast of Derby.
47

1 My son had to attend Port Hedland High
2 School, and so he was required to live in
3 Hardie House, as did my other girls.
4
5 I remember that some time in the late
6 1980s, while I was on Koolan Island, I
7 received a message to call Hardie House.
8
9 When I phoned them I was told by one of the
10 staff members that my son had been molested
11 by one of the house staff members.
12
13 I was shocked and told them that I would be
14 coming to see him, and from my memory the
15 hostel told me that I was not required to
16 come as the detectives were handling it.
17
18 Some time later I got another message to
19 ring the detectives at Port Hedland, which
20 I did.
21
22 The detective I spoke to told me he had
23 seized my son's bedding and his clothes for
24 forensic testing.
25
26 I was really concerned and told the
27 detective that I was flying in so I could
28 be with my son, but he also told me, "I was
29 not to come down because he had it under
30 control."
31
32 I remember I was crying on the phone and I
33 said I wanted to come down, and he said,
34 "No, we don't want you down here."
35
36 I think I rang my daughter and her husband,
37 who were down in Perth and on their way
38 back to Koolan Island. So I told them to
39 stop in at the hostel and pick up my son.
40
41 Whilst I don't remember ringing the hostel
42 to let them know, I must have done that
43 because my son would not be allowed to
44 leave without my permission.
45
46 I cannot remember how long after I made the
47 call that they brought my son home to me.

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When I heard my son had told the hostel staff about what happened to him, I never for one moment disbelieved him, and I never told anyone that he would make something like this up.

I was never told who the person was that sexually assaulted my son, but I later heard that it was one of the workers there, not a main supervisor.

To my recollection I was informed of the incident by hostel staff either the same day or the next day.

After my initial discussion with the hostel staff and the detectives, I never heard from anyone again.

I assume that the person who sexually assaulted my son was dismissed, but I never had further contact from any person about what happened, and I definitely did not spoke to any person from the Hostel Authority.

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

It's then been signed by "K" and it's dated 5 June 2012.

And the final statement, before I go to Mr Lammas's response, is from Edward John Von - that's one word - Paleske, P-A-L-E-S-K-E. His statement reads:

Edward John Von Paleske

states

I am currently a retired detective from the WA Police.

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I retired from the job in 1999, and over my time as a police officer I served in many different postings.

Between January 1983 and December 1985 I served at South Hedland Detectives' Office.

South Hedland Detectives is responsible for policing the town of Port Hedland.

From memory, South Hedland Detectives' Office was a very busy office looking after quite a large area of the State.

I have been shown an old WA Police Offence Report (OR) from 1985 with my name on it as being the submitting officer.

The report deals with a sexual offence of a child under the age of 14 years and the complainant is --

And then he gives "P"s name:

I have been asked by investigators from the St Andrew's Hostel Inquiry if I remember dealing with this complaint which occurred at Hardie House.

I informed the investigators that I have absolutely no recollection of ever attending a job at Hardie House and, in fact, I had no recollection of where Hardie House is physically located in Port Hedland.

I noticed that the OR mentions there was some exhibits seized for forensic testing.

In those days, if an officer seized an exhibit which required forensic testing, the case officer would have to fly down to Perth to personally deliver their exhibits to the Government Chemistry Centre for testing.

1 Given that I left South Hedland Detectives
2 in December of 1985, I don't recall flying
3 down to Perth to bring exhibits to the
4 Chemistry Centre.

5
6 It is possible that the reason I don't have
7 a memory about this incident is because
8 whilst the OR shows my name on it, and I
9 submitted it, the file may have actually
10 belonged to another detective in the office
11 and I was just helping out with the
12 paperwork.

13
14 I can vaguely remember some of the other
15 detectives that worked up there, but I'm
16 not sure exactly when they were at the
17 office, and I think quite a few of them
18 have passed on.

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

27
28 And at the bottom of the statement it reads this -
29 something that's been entered into by Mr Paleske:

30
31 I acknowledge I have read this statement
32 and agree with its contents in full.

33
34 Edward J Von Paleske (Ted)
35 Time 12.35 hours
36 15/6/2012
37 Location: Wannanup WA 6210

38
39 Wannanup spelt W-A-N-N-A-N-U-P.

40
41 And, finally, sir, before we adjourn for lunch, I can
42 advise the Inquiry as follows: Mr Peter Bachelard-Lammas
43 was provided with a copy of "K"s statement, the mother of
44 the complainant in this matter, "P". That was done as his
45 evidence before the Inquiry - that is Mr Lammas's - was
46 that on 8 May this year, was that the warden of Hardie
47 House at the time had rung him to say that she had spoken

1 to "K", who told her that her son had made up this
2 allegation because he wanted to go home and that he had
3 done this before.

4
5 Now, Mr Lammas was invited to make a written response
6 in light of the statement of "K". And this is what he has
7 responded on 6 June 2012:

8
9 The mother's statement is contrary to what
10 I was told by the warden, after the event.
11 The context of the conversation between
12 myself and the warden is explained as
13 below.

14
15 First dot point:

16
17 It was after a conversation that took place
18 between the mother and the warden when the
19 mother collected the child from the centre.

20
21 Next dot point:

22
23 I specifically recalled this as I was
24 concerned there might have been a
25 miscarriage of justice, given the mother's
26 comments, and that stuck with me.

27
28 Third dot point:

29
30 I was also assured by the warden that the
31 boy in question had been counselled (this
32 would have been provided by the school
33 counsellor).

34
35 Fourth dot point:

36
37 The management of the service was under
38 direct control of Goldsworthy Mining during
39 this time frame.

40
41 Final dot point:

42
43 I had to be mindful of the chain of
44 Authority and dealt only with the warden
45 who was on a day-to-day basis under the
46 supervision of Goldsworthy Mining.

47

1 Now, sir, I can indicate that investigations by the Inquiry
2 have revealed that the warden at Hardie House in 1985 was,
3 as recalled by "P", a Joy Fisher. She is now deceased.
4

5 There is a clear conflict between what "K" has said
6 and what Mr Bachelard-Lammas says he was told by the
7 warden. Now, without Joy Fisher, we do not have her
8 account of what she told Mr Bachelard-Lammas, and why she
9 said what Mr Lammas says she told him.

10
11 Sir, that's the extent of the material that will be
12 read into evidence relating to that matter at Hardie House
13 in South Hedland.
14

15 Now, our next witness, sir, is scheduled at 2 o'clock.
16 So it will be convenient to adjourn until then.
17

18 HIS HONOUR: Very well, thank you. We shall adjourn until
19 2 o'clock.
20

21 LUNCHEON ADJOURNMENT
22

23 UPON RESUMPTION
24

25 HIS HONOUR: Now we have Mr Rafferty again today.
26

27 MR RAFFERTY: Yes, sir.
28

29 HIS HONOUR: Yes, Mr Urquhart.
30

31 MR URQUHART: We are calling now Mr Colin Philpott.
32 Mr Philpott is already in the back of the hearing room,
33 thank you, sir.
34

35 <COLIN PHILPOTT, sworn:
36

37 <EXAMINATION BY MR URQUHART:
38

39 MR URQUHART: Q. Mr Philpott, if I can first ask you
40 this question: In your time as chairman of the Authority
41 how would you rate the Authority's performance in making
42 sure students at the hostels that it had control over were
43 properly looked after?

44 A. I think quite well, actually.
45

46 MR RAFFERTY: That was at the time or in retrospect?
47

1 HIS HONOUR: In retrospect?
2
3 MR URQUHART: It can be in retrospect or it can be at the
4 time.
5
6 Q. Let's start with at the time?
7 A. At the time I think for the resource that we had to
8 handle all this I think it was quite good. We found one
9 hostel, really, that has been deficient.
10
11 Q. That is?
12 A. Katanning.
13
14 Q. What about now with retrospect, do you still maintain
15 that view?
16 A. Yes, I think I would hold the same view.
17
18 Q. At the time that you were chairman you never thought
19 that the Authority could have done better in --
20 A. That's a different question.
21
22 Q. I'm talking about at the time that you were actually
23 chairman of the Authority.
24 A. Right at the very moment that I became involved with
25 hostels there was no question they were in need of a
26 change. They had little resource to be able to do this, as
27 they failed along the way. But if you take it from the
28 beginning of when I came in until when I went out, quite a
29 lot of difference has been made in those hostels.
30
31 Q. I am going to suggest to you that wouldn't have been
32 the case until some many years after you were appointed
33 chairman?
34 A. Quite early on we were quite restricted in what we
35 could do. There was very limited resource for these
36 hostels to be able to - they didn't have enough staff, for
37 a start. And the like of that - it was very meagre in the
38 early days, and it took quite a long time - in fact, it
39 really wasn't until the unions came in about the middle of
40 the eighties that things changed.
41
42 Q. If I can paraphrase, and correct me if I am wrong,
43 whilst you were chairman your view is that the Authority
44 did the best it could in the circumstances?
45 A. With the available resource we had, yes.
46
47 Q. Now, with the advantage of considerable hindsight that

1 we have, you would say that there was a deficiency with one
2 particular hostel?

3 A. There were minor deficiencies. But in business you
4 have these things turn up throughout the lifecycle of
5 business; the same thing applied to the hostels.
6

7 Q. I am looking at specifically not so much financial
8 arrangements and things like that but whether the students
9 were being properly looked after. With the information
10 that you now have, would you maintain that really the only
11 major problem in that area was Katanning?

12 A. Periodically throughout that period there were times
13 when the boards had to be addressed about the way they were
14 caring for their hostel. The only major deal that we have
15 had was Katanning.
16

17 Q. What about now, with the advantage of hindsight, what
18 you now know about the Northam hostel with Roy Wenlock?

19 A. I take Roy Wenlock - from a helicopter looking at it -
20 now, he ran a very good hostel, and you've heard that from
21 everyone that has come along. It is only people that are
22 victims that have made any detrimental thing about it. Of
23 course we wouldn't have anything like Roy Wenlock go on or
24 McKenna. But in general, overall, I think the boards did
25 quite a good job.
26

27 Q. I was actually asking you about the Authority.

28 A. Well, the Authority were a little distant from all of
29 that. Having read everything now and looked at it, from
30 when I went into it, the system was that every hostel ran
31 by itself. Now, there was a letter of agreement which was
32 drawn up by the Crown Solicitor's office vetted by and
33 approved by the Crown Solicitor's office. I have read that
34 and I'm quite sure commonsense people in a local board
35 would be able to run a hostel efficiently. Remembering -
36 let me just add to this - in the real world of a business,
37 in a lifecycle of a business, there's always these odd
38 cases turn up of money stealing or things like that.
39 Everyone tries not to have those things, but life history
40 has shown that it has happened, and in a hostel system the
41 same applies.
42

43 Q. Have you been provided with material by the Inquiry
44 last week that relates to a situation that existed at the
45 Merredin hostel in late 1978 and the beginning of 1979?

46 A. Yes, I read that.
47

1 Q. Are you now prepared to concede that that situation
2 seemed to exist at Merredin at that time and it was clearly
3 a case of the students weren't properly looked after?
4 A. I can't recall what actually went on there, but I do
5 know that after that warden was relieved of his duties that
6 there was difficulty. This again comes back to that part
7 of my era where, as it is now, we would just transfer
8 somebody from a hostel to take over as warden in a
9 situation like Merredin - but there wasn't that opportunity
10 in those days. There just wasn't enough staff, certainly
11 not enough trained staff. And so I'm a bit - I query in
12 your script saying that nobody was looked after at night
13 from 6.30 or something to - or 9.30 to 6.30.

14
15 Q. So you have some doubts about that?

16 A. I do. I don't say that was a warden. I know that was
17 very difficult for the board to be able to replace the
18 warden at that time.

19
20 Q. Should we put this in context and have a look at the
21 material that you have been provided? Now, you have
22 acknowledged that there was a difficulty. What entity do
23 you say was responsible for fixing that difficulty?

24 A. The local board.

25
26 Q. You are not saying that it was the responsibility of
27 the Authority?

28 A. The Authority have an overarching responsibility, but
29 in respect to running a hostel, staff and all that, it is
30 the local board.

31
32 Q. If the local board is failing in its duty isn't it the
33 responsibility of the Authority to step in?

34 A. Yes. But knowing who is on that board I'd hardly
35 refer to them as being irresponsible. They would be
36 working their tails off to be able to replace that warden.

37
38 Q. We are going to have a look at some documents in
39 relation to that matter. It is clearly the case that you
40 have read those, so thank you for that. The first one is
41 going to be barcode number 489C. It refers to Questions on
42 Notice with respect to the Legislative Assembly on
43 26 October of 1978. Mr Philpott, the first column there of
44 Hansard titled: "Education. Country High School Hostel".
45 Some questions have been asked to the Minister of
46 Education. So there is a flow to this. I will read out
47 the question from the member of parliament and then the

1 minister's response. Okay?

2

3 The first question the minister was asked was: "Why is
4 the Merredin hostel closed to students on weekends?" The
5 minister replied: "Following the sudden resignation of the
6 warden the remaining supervisory staff could not adequately
7 supervise the students over seven days a week." The second
8 question was: "When will the hostel be operating on a
9 seven-day basis?" The answer given: "As soon as suitable
10 replacement staff can be accommodated and recruited." The
11 final question: "With regard to the changes in staff at the
12 Merredin hostel, is the hostel authority satisfied that the
13 management committee is conducting the affairs of the
14 hostel in the best interests of students and parents?" The
15 answer was: "Yes".

16

17 So you do have a recollection of this difficulty that
18 the Merredin hostel was experiencing at around this time?

19

A. Yes, I do.

20

21 Q. Would you agree for the minister to answer those
22 questions, and if they were on notice, he would have had to
23 have sought advice from the Authority?

24

A. Correct.

25

26 MR URQUHART: I tender that document, please.

27

28 HIS HONOUR: It is exhibit 133.

29

30 MR URQUHART: Now, Mr Philpott, I am going to refer to - I
31 think you referred to them as "scripts". What they are
32 actually, one is a handwritten letter that an ex-student
33 from the Merredin hostel provided to the Inquiry, and
34 another is an email from a different student. Now, because
35 of the sensitive nature of the subject matter we are not
36 going to disclose their names. I am sure you can
37 understand that.

38

A. Yes.

39

40 Q. If we could have a look at the handwritten account
41 first, which is barcode 0490. For the purpose of the
42 transcript, Mr Philpott, I know you have read it, but bear
43 with me as I read that out. "31/5/12" appears in the top
44 right-hand corner.

45

46 To whom it may concern. I ...

47

1 Then the name of the person who wrote the letter has been
2 blacked out.

3
4 ... am writing this submission in support
5 of the people who suffered at country
6 boarding schools during the 1970s.

7
8 I attended St Michael's House in
9 Merredin and also suffered abuse, not at
10 the hands of a carer but rather because of
11 the lack of one.

12
13 In 1978 and '79 whilst aged 12-13
14 years old I suffered at the hands of
15 unsupervised older boys. My abuse was not
16 sexual but rather a brutality that extended
17 past mere hazing into physical and mental
18 torture.

19
20 During the second half of 1978 and
21 also part of 1979 the hostel was unstaffed
22 at night on the boys' side. It was during
23 these times that older boys were able to
24 run amuck.

25
26 Some of the abuse that occurred
27 included beatings by several boys at once.
28 Being made to form human pyramids which the
29 older boys would then run through.
30 Being so scared to go to our beds at night
31 that we often went and hid in the bush
32 behind the boarding house.
33 Being forced to stand naked against a wall,
34 then pelted with almonds in their shells
35 (they may as well have been rocks).

36
37 There were many other things that
38 happened, including being burnt with
39 cigarette butts.

40
41 My only question is: Why was this able
42 to happen? Why were we left unprotected?
43 We had some good people looking after us,
44 but not at night.

45
46 My story is by no means the worst.
47 Other kids copped far more punishment. I

1 hope this helps people understand that the
2 country hostels people did not do their job
3 protecting innocent children from sustained
4 abuse in many parts of Western Australia.

5

6 Then the author of this letter has signed his name. I
7 gather from what you have said before I took you to that
8 letter that you don't agree with some of the contents of
9 that letter; is that the case?

10 A. Yes. I cannot understand how there wasn't a senior
11 supervisor in charge of them at night.

12

13 Q. Well, whilst you might say that, are you able to
14 answer this man's question? He asks at the top of the
15 second page: "My only question is: Why was this able to
16 happen? Why were we left unprotected?"

17 A. No, I can't answer that, but I'm sure that should be
18 directed at the board of Merredin hostel. It sounds
19 serious enough to me for it to be asked of that board.

20

21 Q. Well, if that was the case, it would also be serious
22 enough for it to be raised with the Authority?

23 A. No. It is not. They completely ran it autonomously
24 unless there was some specific thing - and staffing again
25 remains with the hostel. So, no, not necessarily should
26 that get to the Authority. But, I wonder why it didn't get
27 to the Authority?

28

29 Q. I suppose the question is: Do you know whether it did?
30 Do you recall whether it did come?

31 A. I don't recall that at all. But I do recall there was
32 a problem about the warden, but I'm very surprised that the
33 board would not have senior supervisors on each side of the
34 hostel.

35

36 Q. Mr Philpott, if the Authority had been told about
37 this, you are not suggesting the Authority would have then
38 said, "Well, it's your problem, hostel board, you deal with
39 it"?

40 A. What we would have done is get on to them - the
41 administrative manager would have been up there like a
42 flash to find out. Remembering, again, this was the time
43 it was most difficult to get any staff or trained staff
44 into the country.

45

46 Q. If the Authority was aware of it it would have
47 intervened?

1 A. To a degree yes, it would have, through the
2 administrative manager.
3
4 Q. Arrangements should have been made to rectify this
5 situation, if that in fact was what existed at the time, to
6 rectify that as soon as possible?
7 A. Yes. But I don't understand how there wasn't someone
8 there anyway.
9
10 Q. We have not got just one account, we have got two very
11 similar accounts.
12 A. Yes, but they could have been melded together,
13 neighbours. That has happened in some of your other stuff.
14
15 Q. Do you want to give an example of that, in your view?
16 A. No, no, I don't.
17
18 Q. I am going to ask you, what other stuff do you think
19 that has happened?
20 A. I am not prepared to state.
21
22 Q. I think you might have to, Mr Philpott, because I am
23 asking you.
24
25 HIS HONOUR: I am going to direct you to state. Having
26 directed you, you don't have any problem about being made -
27 how can I put it - no-one can do anything about it, if you
28 are worried about defamation or anything like that. I am
29 going to direct you to answer the question.
30
31 THE WITNESS: Sir, it is just reading among all that stuff
32 down there I found out that there are people that are near
33 one another clearly have spoken together and had things
34 submitted to this Inquiry.
35
36 Q. You have been asked to give a specific example.
37 A. Well, I just can't recall it at this stage, sir, but I
38 want to restate it's a fact.
39
40 MR URQUHART: Q. You obviously referred to your reading
41 of transcripts, do you?
42 A. Yes.
43
44 Q. I am sure you would be able to recall one occasion
45 that you have come across that, in your view?
46 A. No, I cannot recall at the moment. There's so much of
47 that stuff, but I cannot recall who actually I'm referring

1 to there.
2
3 Q. Was it ex-students? If you can't refer to them by
4 name, then what type of witnesses have they been?
5 A. They have been - it was two families.
6
7 Q. Yes?
8 A. That's who it came from.
9
10 Q. Two families who have got their heads together?
11 A. That's my opinion of it.
12
13 Q. Okay. You are not referring to Mr and Mrs Trezise,
14 are you?
15 A. No, no.
16
17 Q. No?
18 A. No.
19
20 Q. In what context do you say? What were they talking
21 about that you think they might have got their heads
22 together?
23 A. I can't - I can't recall all this stuff that you're
24 referring to, Mr Urquhart.
25
26 Q. Mr Philpott, I am not referring to it, you were. You
27 actually said that when you suggested there might have been
28 collusion here with these two ex-students you also then
29 added that that has already happened in the evidence that
30 has been led before the Inquiry?
31 A. In my opinion - in my opinion it had happened when I
32 read it.
33
34 Q. You are now saying you cannot recall anything other
35 than the fact --
36 A. No, I cannot. There is so much of that stuff.
37 Thousands of pages.
38
39 Q. I just want you to give an example of where you think
40 there has been collusion?
41 A. Well, I can't, because I can't recall the names. But
42 at the time it occurred to me that this is what had
43 happened.
44
45 Q. You can see why the Inquiry would be of interest to
46 hear what your views are regarding --
47

1 MR RAFFERTY: Your Honour --
2
3 MR URQUHART: No. Let me finish. I am going to ask --
4
5 MR RAFFERTY: I am allowed to object.
6
7 HIS HONOUR: Make your objection.
8
9 MR RAFFERTY: Thank you, your Honour, I appreciate that.
10 He has answered the question. He has said there has been
11 many thousands of pages he has read, and quite properly so,
12 given his position. He is expressing an opinion in a
13 general sense. My learned friend keeps going on and on
14 about it. He has answered the question. We should move
15 on. Remembering, this is the third go that Mr Urquhart has
16 had a go at my client. I thought this was to clarify
17 issues. We have been provided papers. Perhaps we can
18 clarify those issues and allow my client to go. He is the
19 only person who has had to come here to this Inquiry three
20 times, as an 80-year-old man.
21
22 HIS HONOUR: That is understandable because the nature of
23 this Inquiry is investigation and is still ongoing. He
24 might have to come back another time, we do not know.
25
26 MR RAFFERTY: That would surprise me, given what I have
27 been told I may get tomorrow. That would be very
28 interesting. In any event, sir, we have been told we are
29 here to clarify issues today. My learned friend has gone
30 through things already that he could have gone through on
31 previous occasions. Perhaps it can be confined to things
32 we are here to clarify.
33
34 HIS HONOUR: It was not in answer to a question that your
35 client made this assertion.
36
37 MR RAFFERTY: I understand that.
38
39 HIS HONOUR: Mr Urquhart is entitled to pin him down on
40 exactly what he is saying.
41
42 MR RAFFERTY: I understand that, sir. I made one
43 objection and I have maintained that objection. I have
44 broadened it as well to suggest that can we confine this
45 hearing to things that we are here to clarify, from my
46 understanding.
47

1 HIS HONOUR: I am going to permit Mr Urquhart to ask
2 another question on this, because it is something that has
3 been volunteered by your client without any regard to the
4 question he has been asked.
5
6 MR RAFFERTY: I am not taking any issue with that, sir. I
7 am saying that you cannot keep asking a question when the
8 person keeps giving an answer that is the same.
9
10 MR URQUHART: If my learned friend let me finish the
11 question I was going to ask if he had not objected. I have
12 stayed --
13
14 HIS HONOUR: Let us not waste time.
15
16 MR URQUHART: I take objection to my learned friend saying
17 that I am "having a go" at his witness. I refute that
18 entirely.
19
20 HIS HONOUR: No. You are just doing your job and you are
21 doing it properly.
22
23 MR URQUHART: I understand that may have been a throw-away
24 line that he may not have meant to have said. I am
25 examining his witness.
26
27 MR RAFFERTY: "Having a go" was used in the context of
28 examining, sir.
29
30 HIS HONOUR: Let us try to minimise the interruptions
31 because we will get through this much quicker.
32
33 MR URQUHART: That is right.
34
35 Q. What I was going to suggest to Mr Philpott before I
36 was interrupted is: Mr Philpott, after your examination
37 here and you have will time to reflect, would you have any
38 objection to providing his Honour with some examples of
39 what you say is collusion?
40 A. I don't want to have to go through thousands of pages
41 again.
42
43 Q. All right. If you don't want to do that, that is
44 fine. Nevertheless, you say in this instance here there
45 has been some collusion?
46 A. No. I have. What we are talking about here?
47

1 Q. Yes.
2 A. No. I am just saying it could have happened.
3
4 Q. Could have happened. Are you saying that it would
5 strike you as unbelievable that students would be left
6 unsupervised at night time?
7 A. I can't say it's unbelievable because it just might
8 have happened, but I can't - I can't imagine it happening.
9
10 Q. We are not talking about a night or two here. We are
11 actually talking about a considerable length of time from
12 the end of 1978 to the beginning of 1979?
13 A. And I'm saying to you you ought to ask the board that,
14 because I would be surprised if there wasn't a senior
15 supervisor on that side.
16
17 Q. Well, someone has failed terribly in their duties if
18 in fact this occurred?
19 A. Yes, I would say so. There should be a senior
20 supervisor on each side. Mind you, again, getting people
21 into the country, where do you get them from if you don't
22 have them? And there certainly wasn't an excess of them.
23
24 Q. Other information that we have received is by email.
25 It was initially a telephone call this person made. It was
26 also on Thursday 31 - no, he originally rang the Inquiry
27 the previous Friday, which would have been 25 May. He then
28 provided an email account. I will read that out now, it is
29 0491, sir. I tender the handwritten letter, now, while
30 that is taking place.
31
32 EXHIBIT #134 HANDWRITTEN LETTER, BARCODED 0490, DATED
33 31/5/12
34
35 MR URQUHART: This one reads:
36
37 To whom it may concern. Last Friday I rang
38 the line for students whom have been abused
39 in hostels run by the country hostel
40 association. I spoke to Thao. I am now
41 putting the complaint in an email to make
42 it more official. This should also mean
43 that I should get a reply. My name is ...
44
45 Then he states his name.
46
47

1 ... I resided at the hostel called St
2 Michael's House in Merredin from 1978 to
3 the end of 1981. I lived at Hyden and
4 boarded at Merredin for four years. During
5 this time there was two periods that we, as
6 male boarders, had no warden on site
7 between the hours of 9.30pm till 6.30am at
8 the Merredin hostel for a four-month period
9 in the later part of 1978 and a three-month
10 period same in 1979.

11
12 Main point we are needing answers for is
13 why our hostel had no warden on site in
14 charge of the male boarders. At these
15 times the wardens had suffered from
16 breakdowns and left the hostel. I believe
17 that the CHA were neglecting the basic
18 needs of 12-14 year old boys during these
19 times, which was supervision. We aren't
20 aware or know of any sexual abuse against
21 any boarder from anyone in authority whilst
22 we attended Merredin. However, there was
23 many cases of heavy physical abuse amongst
24 the boarders. At one case a despicable
25 sexual act forced upon one of the boarders
26 in front of his friends all whom were in
27 the showers that morning. I have never
28 seen a person as upset as him after it and
29 hopefully never will again. He was not the
30 same person after that particular incident.
31 I saw one boarder make another younger
32 boarder scrub his acne covered shoulder and
33 back with a scrubbing brush. There was
34 blood all over his back and buttocks. I
35 even took a group of kids from the hostel
36 grounds to seek refuge from abuse at the
37 local quarry. We borrowed a torch from the
38 live-in bank worker whom locked himself in
39 his room after we told him that one of the
40 kids had a tomahawk thrown at him.

41
42
43 Two drunken students whom were staying
44 at the hostel on their last night before
45 they went home at the end of the year had
46 gone berserk. I said to him we would be
47 back at 6.30am in the morning to give him

1 his torch back. We were back at 6.30am. I
2 gave him his torch. Nothing was said and
3 he left that week. There are many other
4 instances of abuse, but this gives you some
5 idea of the results of no warden on site
6 during the period stated.

7
8 Can the Inquiry ask the CHA to explain as
9 to why there was no warden on site to look
10 after the 12-14 year old boys during these
11 times? Surely there was a duty of care
12 here? With the wardens leaving, there must
13 have been funds not used as wages and that
14 should have prompted questions from the
15 CHA.

16
17 If the CHA allows the situation with us at
18 Merredin to occur then how can they
19 honestly say that they knew nothing of what
20 was happening at other hostels? If they
21 say they didn't know we had no-one on site
22 to look after us, then what did they exist
23 for? To me they should have made it their
24 business to know what was going on in
25 Merredin during these times.

26
27 We were just 12 year old kids for God's
28 sake. We needed looking after. We were
29 vulnerable. They should have known that.
30 It was 1978. We were in a Govt run hostel
31 specifically for kids whom were too far
32 from a high school to get educated on a
33 daily travel basis. Why did they not know
34 we had no warden and if the CHA did know we
35 didn't have one, why didn't they do
36 something about it and put someone as
37 Warden?

38
39 Our parents sent us kids to be educated,
40 not humiliated and abused like we were.
41 There are some men out there whom had the
42 bejesus beaten out of them as 12 yr olds
43 because we had no-one to look after us.

44
45 In 1981 our resident warden organised
46 student swaps with St Andrew's. He was a
47 good friend of Dennis McKenna.

1
2 There may be a need for further
3 investigation there.
4
5 I am quite happy to front the Inquiry if
6 required.
7
8 Regards.
9
10 Now, Mr Philpott, he asks some reasonable questions there?
11 A. Yes, most should have been directed at the board.
12
13 Q. What about his question that if they say they didn't
14 know, that is the Authority:
15
16 We had no-one on site to look after us then
17 what did they exist for?
18
19 A. What do you think we exist - there were 11 other
20 hostels that had to be looked after but this was not
21 neglected. The board had the responsibility to staff that
22 hostel. Now, I know, it was quite early in those times
23 with quite a lot to learn but one thing that was most
24 difficult was to get qualified staff. A warden is a
25 qualified person.
26
27 Q. Would not you have been assisted if the Authority got
28 the minutes of board meetings?
29 A. Well, they did come to the Authority. The
30 administrative officer received all those.
31
32 Q. I was going to ask you that. Was there a policy in
33 place for all minutes to be provided to the Authority?
34 A. There were.
35
36 Q. And who had the responsibility for looking at those
37 minutes to make sure there were no problems?
38 A. The administrative officer.
39
40 Q. And we are talking here about 1978/79, so that might
41 have been the secretary, Mr Hepper?
42 A. Yes.
43
44 Q. Would that be the case?
45 A. Yes.
46
47 Q. If anything was amiss from those minutes, like the

1 fact that "The warden has left and we haven't got a
2 replacement yet", that should have sent alarm bells ringing
3 to someone at the Authority looking at those minutes. Do
4 you agree?
5 A. Yes, and would have - he would have told us that there
6 was a warden missing but it's not our responsibility to
7 have to get to Merredin to get somebody in that place.
8 It's the board's responsibility.
9
10 Q. Do you agree with me that this situation, if it did
11 actually exist as recounted by these two men, is totally
12 unacceptable?
13 A. Yes, it is unacceptable.
14
15 Q. Well, we know --
16 A. Can I just say, there are other things have happened
17 though. What do they call it? Initiation or something.
18
19 HIS HONOUR: Q. Hazing or whatever?
20 A. Yes, it happens all the time at all residential care
21 places throughout Western Australia.
22
23 MR URQUHART: Q. Were you aware of that in your time as
24 chairman?
25 A. Of what?
26
27 Q. That hazing went on?
28 A. No, I was not aware of it.
29
30 Q. When did you become aware that hazing was taking place
31 at hostels that the Authority managed?
32 A. I went to boarding school myself so I know.
33
34 Q. And so you assumed that that continued at these sorts
35 of hostels at the time that you were chairman?
36 A. I couldn't - I don't know because I have no knowledge
37 that it took place but I'll guarantee it did.
38
39 Q. And did you believe that guarantee when you were
40 chairman?
41 A. That it would take place?
42
43 Q. Yes?
44 A. I wouldn't say I would but it is the responsibility
45 again of the board and the warden to take care of these
46 things, but --
47

1 Q. Did the Authority, during your time as chairman, to
2 your knowledge, make any attempts to find out if this was
3 going on and whether there should be measures put in place
4 to prevent it?

5 A. I can't specifically say that we did but, however, on
6 the Authority were members from the country who would
7 attend board meetings of the local hostels and if any time
8 anything like this came up I'm sure they would have said
9 something about it, but commonsense from the boards would
10 see that these things were restricted.

11
12 Q. Mr Philpott, now that we have read out those two
13 accounts given by ex-students at the Merredin hostel, I
14 just want to go back to the answer that you accepted the
15 Authority would have provided the minister and the answer
16 he gave on 26 October of 1978. I will just read it out
17 again. It was the third answer. This is exhibit 133 now:

18
19 With regard to the changes in staff at the
20 Merredin hostel, is the hostel authority
21 satisfied that the management committee is
22 conducting the affairs of the hostel in the
23 best interests of students and parents?

24
25 And the answer was:

26
27 Yes.

28
29 Now, one would expect that the Authority would have made
30 enquiries of the Merredin board before it provided that
31 answer to the minister?

32 A. The administrative manager would have been in touch
33 with them, yes.

34
35 Q. And if, in fact, the situation existed, as when that
36 answer was provided to the minister, if the situation
37 existed as it did with these accounts given by the
38 ex-students, would you accept that it would not have been
39 the appropriate answer to give?

40 A. Yes, I'm just wondering, though, to what extent the
41 local board knew that was going on. I don't believe that
42 they would have allowed that to go on for the time that you
43 are saying. So it's the word of that boy against the
44 board.

45
46 Q. Two, two words of grown men, one who said he is
47 prepared to come to the Inquiry and verify that?

1 A. Well, then you should get the board down here to query
2 him.
3
4 Q. Well, Mr Philpott, I'm asking you, in your capacity as
5 chairman of the Authority at that time, about the fact that
6 the Authority gave, as far as they was aware, the all clear
7 that everything, that the board of management was
8 conducting the affairs of the hostel in the best interests
9 of students and parents?
10 A. That's as we would have understood it at that time.
11
12 Q. And would you accept that if, in fact, this situation
13 existed at that time then those inquiries were clearly
14 deficient?
15 A. No. Certainly they would - they would not be - it
16 would not be up to scratch if we knew that but I am sure
17 that we didn't know that.
18
19 Q. I am going to suggest to you you must have known that
20 the warden hadn't been replaced?
21 A. Of course we knew the warden hadn't been replaced.
22
23 Q. And, therefore, there was a very good chance then that
24 these students were being inadequately - I will use that
25 term - "inadequately supervised"?
26 A. Absolutely not, as all that happens at other hostels
27 is a senior supervisor is in charge overnight and I'd be
28 surprised if Merredin didn't have a senior supervisor, and
29 it could be an efficiency, as you say, but I'd be surprised
30 if there wasn't a senior supervisor overlooking those kids.
31 That's my knowledge of what I think should happen.
32
33 Q. Would you accept, Mr Philpott, that every parent who
34 had a child at a government run hostel would expect without
35 even asking that their child would be supervised at
36 night-time by an adult?
37 A. Absolutely, and that's why I'm saying to you I'm
38 surprised that a senior supervisor wasn't provided. The
39 point being, your answer to me, where do you get the staff
40 if you can't - if you - you do all you can, you advertise
41 and you still can't get the required staff?
42
43 Q. Sorry, Mr Philpott, I ask the questions, I don't
44 answer them?
45 A. No, but I'm putting a situation --
46
47 HIS HONOUR: I will take that as a rhetorical question but

1 in the way of an answer, yes.
2
3 MR URQUHART: Q. Do you want to say anything to these
4 two men who have provided that information to the Inquiry?
5 A. I'm - I'm grossly --
6
7 MR RAFFERTY: No, no, no, your Honour. Seriously, that's
8 a meaningless question. No, no, it is. It is a
9 meaningless question. I mean "What do you want to say to
10 two men who we don't know, who haven't been subjected to
11 cross-examination, we don't know really if they exist and
12 if they did go to the school, what do you want to say to
13 them?". It's a meaningless question. It doesn't assist
14 the Inquiry in determining matters of any relevance in
15 relation to the terms of reference and at the end of the
16 day, sir, it has no point.
17
18 HIS HONOUR: I think we have gone as far as we can with
19 this.
20
21 MR URQUHART: In that case, sir, my learned friend is not
22 aware of some questions you asked Mr Murray, the Katanning
23 high school principal, when your Honour asked him whether
24 he wanted to say anything to those boys who had been
25 sexually abused by Dennis McKenna.
26
27 MR RAFFERTY: In circumstances where it was proven -
28
29 MR URQUHART: I'm still on my feet, Mr Rafferty.
30
31 MR RAFFERTY: In circumstances where it was proven, sir,
32 that they had been sexually abused.
33
34 MR URQUHART: Mr Rafferty, please take a seat.
35
36 HIS HONOUR: Just a moment. Just a moment. Yes, please,
37 what do you want to say?
38
39 MR URQUHART: Yes, so that's all. I was actually giving
40 the opportunity for Mr Rafferty's client to say something
41 and Mr Rafferty doesn't want him to say anything and what I
42 gather is he was about to say "Did this happen?". It is
43 most regrettable. If his counsel doesn't want him to
44 answer that question and he doesn't want his client to have
45 the opportunity to express anything about it, that's fine.
46
47 HIS HONOUR: Well I think we will leave that to

1 re-examination. Do you wish to comment on that? You can
2 do that.
3
4 MR RAFFERTY: If my learned friend wants to start making
5 comments about things your Honour said, that relates to
6 people who have been established beyond reasonable doubt
7 had been sexually abused who had the courage to come to
8 this Inquiry and give evidence.
9
10 HIS HONOUR: Well, let's not waste more time.
11
12 MR RAFFERTY: No, I'm not trying too, sir, but my learned
13 friend wants to raise these issues.
14
15 HIS HONOUR: Please, just listen to me for a change.
16
17 MR RAFFERTY: Yes, sir.
18
19 HIS HONOUR: This is of marginal relevance.
20
21 MR RAFFERTY: I agree.
22
23 HIS HONOUR: Because it has got nothing to do with the
24 allegation of sexual abuse. It is only relevant to the
25 issue of what sort of degree of monitoring the Authority
26 had over the hostels under its care.
27
28 MR RAFFERTY: Yes, sir.
29
30 HIS HONOUR: Now, I may decide to get these statements put
31 in the form of statements where they swear on the truth of
32 them, I may not, but there is a lot of priorities this
33 Inquiry has got which we are dealing with. We have still
34 got investigators running around. I will decide later. If
35 we need to get Mr Philpott back again to comment, we will
36 do that, but, for the moment, let's just move on.
37
38 MR RAFFERTY: Well, I'm not the one who is going around
39 asking --
40
41 HIS HONOUR: Well you are the one trying to continue now.
42 I have heard you out. We are not going to have any more
43 questions on this and I suggest you sit down.
44
45 MR RAFFERTY: I will then, sir.
46
47 HIS HONOUR: Yes, thank you.

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MR URQUHART: I turn the page, for the benefit of my learned friend, to my next area of examination. Mr Philpott, do you recall your evidence previously when you said - yes, I better tender that, sir, thank you.

EXHIBIT #135 EMAIL ENTITLED 'CHA ABUSE', BARCODED 1491

Q. Do you recall, Mr Philpott, in your evidence previously when you said you told Dennis McKenna that after he was released on bail and he was charged in September of 1991 that when he was working for the Authority at head office he wasn't to be associated with any students or hostel in the State?

A. Yes.

Q. Do you remember giving that evidence, and I pointed out to you that he had attended a finance committee meeting of the Katanning hostel board on 4 December of 1990 and you indicated that would be a concern to you?

A. I think there is a major problem here. 1990, my daughter died on December the 1st so I wasn't in the hostel, the Authority, for a while.

Q. The reason I want to ask you about this - and I will just show you now bar code number 0492 - was that if you had given that direction to him he was ignoring it not just on the one occasion but on others?

A. I don't recall him going to that meeting. I don't recall him going to an end of the year thing that's in the - in the script.

Q. Okay, because if you look at what's been provided to you now, bar code 0492 --

A. Yes.

Q. -- Country High School Hostels Authority minutes of a meeting held on Tuesday, 11 December 1990 --

A. Yes.

Q. -- that you were in attendance for, do you see there on the first page?

A. Yes.

Q. If we go on to the second page, an administrative officer's report was prepared and refers to attachment B, and then if we go to the next page, we go straight to

1 attachment B and it is the administrative officer's report
2 for 1990. Are you still with me there?

3 A. Yes, yes.
4

5 Q. And then under 1.2 on that page 1 of 3, it is 1.1,
6 Goldfields Residential College?

7 A. Yes.
8

9 Q. And it says that the administrative officer, who at
10 the time was Mr Rakich, who was the acting admin officer,
11 attended a special local board meeting on 26 November at
12 7pm followed by a parents meeting at 7.45pm, and there
13 seems to be, just looking at that, the topic of
14 conversation concerned children with behaviour problems and
15 parents of those children being on the local board. Then
16 if we go over the page, there was some suggestions in what
17 solving the dilemma would be. I just want to take you to
18 the second dot point there in paragraph 1.2.5. Do you see
19 that?

20 A. Yes.
21

22 Q. It reads:
23

24 Remove the local board and the --
25

26 And there is an identity of someone which we have just
27 blanked out because it is not relevant to this questioning:
28

29 -- and appoint an administrator responsible
30 to head office only until numbers improve
31 (Mr D McKenna made this suggestion).
32

33 So it would appear from that administrative officer's
34 report that he had attended with him out to the Goldfields
35 Residential College?

36 A. Yes, are you saying that I was at that board?
37

38 Q. I'm not saying you attended that meeting on 26
39 November, I'm just saying that you were attending the
40 meeting in which the administrative officer's report was
41 presented. See?

42 A. Yes, got it. Again, I respectfully suggest I wasn't
43 there.
44

45 HIS HONOUR: Q. So you think the minutes are wrong, do
46 you?

47 A. I think so.

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Q. That's 11 December. That's 10 days after your daughter's death?

A. Yes, we went away straight after that for about two weeks.

MR URQUHART: Q. You see, Mr Philpott, are you adamant that you gave that direction to Mr McKenna, that he wasn't to have any association with hostel boards or schools - sorry, or hostels?

A. I'd be very surprised if I didn't. I can't recall that, Mr Urquhart, but I'd be very surprised if I didn't tell him that.

Q. And if you had told him, it looks like he was ignoring it on more than one occasion?

A. It's possible, yes.

Q. I just want to ask you this. I know we have been through it before so I'm not going to spend much time on it but your evidence was that when you got Dennis McKenna to write the pastoral care handbook you stated that it was never going to be the Authority's intention of disseminating that amongst hostel staff. Do you remember that evidence?

A. Yes, I do.

Q. Do you stand by that account?

A. Yes, I do because this whole damn thing is completely out of control. It's a very lowly mark in the Authority. We had to find something for him to do. We decided to ask him to write a pastoral care booklet. He wrote it. We decided to see if there was anything in it that might be useful to the Authority and ask the wardens to look at it. The wardens said they didn't want anything to do with it, so the Authority said "Let's have a look at this thing to see what the wardens don't want to have anything to do with". It was put aside and never used.

Q. But when you assigned him that task, was it your intention at that point in time to have this handbook ultimately used by hostel staff?

A. No, my memory of the thing is no, that we didn't. We just had to give him an event to keep him busy.

Q. You say "we". Now, the reason why I ask this is it was actually presented to the wardens at a wardens' meeting

1 up in Geraldton?
2 A. Yes.
3
4 Q. And from the wardens we have heard, Mr Dixon, Mr Smart
5 is another one, they thought that this was going to be
6 introduced --
7 A. No.
8
9 Q. -- as a handbook and they were horrified by it. So
10 I'm just asking you, you referred to "we" a minute ago, "we
11 weren't going to use it". Did anybody else know?
12 A. Yes, they certainly did and I can't recall who but
13 there were 10 other Authority members of which would have
14 been involved in this issue.
15
16 Q. Now, I don't intend to do it because we have already
17 looked at these minutes but there are some minutes from the
18 Country High School Hostels Authority minutes --
19 A. Yes.
20
21 Q. -- in which, at one stage there, it was referred to
22 that Dennis McKenna, "We will speak more about his pastoral
23 care handbook after his trial". Now, you said --
24 A. Not after his trial. Not after his trial.
25
26 Q. That's what it said but you said that's a typo, so
27 that's fine, but it just seems that his trial was in July
28 1991. So it just seemed to be a case that it was still
29 ongoing, which would suggest that it was going to be
30 introduced?
31 A. No, it was never going to be introduced.
32
33 Q. Mr Philpott, in your time as chairman, were you aware
34 that there was already in existence what was called a
35 forbidden list or a list of names of people that should not
36 be employed in hostels because of their past behaviour in
37 hostels?
38 A. Now I can't be actually absolutely sure of all this
39 but what I do know is that that has been mentioned several
40 times through the minutes and if anyone left the hostels
41 under some sort of cloud, that they would be recorded and
42 would not be available again to come into the hostel
43 system.
44
45 HIS HONOUR: Q. When you say it was mentioned during the
46 minutes, do you mean during your time or some other time?
47 A. Yes, my time. During my time.

1
2 Q. While you were on the Authority?
3 A. And if I can just add something here that he is going
4 to ask in a minute.
5
6 MR URQUHART: Q. Sorry, Mr Philpott, can I ask you, are
7 these minutes that have been provided to you just more
8 recently the last batch of minutes?
9 A. No, I think I've read them from as far back.
10
11 HIS HONOUR: Q. What I'm trying to clarify is when you
12 say the forbidden list was mentioned in the minutes, are
13 you referring to in your time on the Authority. You are,
14 are you?
15 A. Well, it was also on the Students Hostels Association,
16 I can recall it being raised there. It was - it's 40 years
17 ago. It's a long time to recall.
18
19 MR URQUHART: Yes, I know. I was going to suggest that we
20 actually show Mr Philpott those minutes.
21
22 HIS HONOUR: All right. Well, I was wondering what the
23 witness meant by that comment.
24
25 MR URQUHART: Yes.
26
27 HIS HONOUR: I think he is really referring to what he has
28 seen has been produced.
29
30 MR URQUHART: I think that's the case.
31
32 Q. What we might find, Mr Philpott, is, in fact, the only
33 references to it in Authority minutes was before you became
34 chairman. If you have a different recollection, that's
35 fine, but I'll just in the meantime show you --
36 A. No, you could be right. I can't - I can't deny that.
37
38 Q. So the first one is bar code number 0495.
39
40 Yes, and I will tender that last document too, please, sir.
41
42 HIS HONOUR: That's exhibit 136.
43
44 EXHIBIT #136 COUNTRY HIGH SCHOOL HOSTELS AUTHORITY MINUTES
45 OF BOARD MEETING DATED 11/12/90, BARCODED 0492
46
47 MR URQUHART: Q. This was 24 July 1975, so that's

1 actually a year before you were appointed?
2 A. Yes.
3
4 Q. But if you could just go over to the second page,
5 which is actually page 7 of the minutes?
6 A. Yes.
7
8 Q. And under the heading "9. Other business", (i):
9
10 The secretary submitted a list of seven
11 persons who should not be employed in
12 school hostels because of events that
13 occurred during their hostel employment.
14 The secretary was authorised to advise the
15 Department of Community Welfare of this
16 position and to have the names added to the
17 "forbidden" list held by that department.
18
19 Now, is that one of the references that you recall being
20 made?
21 A. Yes, I think so.
22
23 Q. And the next sentence reads:
24
25 It was also decided that the names of
26 persons appointed to administrative
27 positions in hostels should be submitted to
28 the secretary to the Authority before the
29 appointment is confirmed.
30
31 Now that was a decision that was made a year before you
32 became chairman --
33 A. Yes.
34
35 Q. -- but that procedure wasn't in place when you were
36 chairman. Do you agree?
37 A. Yes, it was. The only thing I do remember is that we
38 had a list of people that were not to be employed in the
39 hostel.
40
41 Q. I'm sorry, I'm staying with the second sentence there
42 at the moment:
43
44 It was also decided that names of persons
45 appointed to administrative positions in
46 hostels should be submitted to the
47 secretary to the Authority for approval

1 before the appointment is confirmed.
2
3 But that wasn't --
4 A. I have difficulty in recalling. I'd be surprised if
5 we didn't have them approved by the Authority. I can't
6 recall.
7
8 HIS HONOUR: Q. "Administrative staff", that would refer
9 to whom, do you think?
10 A. Well, I'm assuming that they - I guess they are
11 referring to even board members. They had to be approved
12 by the Authority.
13
14 Q. Well, it looks like, from that set of minutes, the
15 year before you started they put a system in place where
16 if, say, a staff member is suspected of sexually
17 interfering with boys or children --
18 A. Yes.
19
20 Q. -- then they have been put on a list?
21 A. Yes.
22
23 Q. And before supervisory staff are appointed at a hostel
24 they have to check back with the Authority obviously to
25 have the list checked. That seems to be the system that
26 was put in place. It was probably a very early - it might
27 have been the earliest attempt by the Public Service in
28 Western Australia to have a paedophile register?
29 A. Yes, that would be correct.
30
31 Q. So that's the way it looks?
32 A. Yes.
33
34 Q. Reading between the lines?
35 A. Yes, I'd agree.
36
37 Q. So do you remember such a system?
38 A. I've always had the opinion it's an administrative
39 matter so it is really the administrative manager would be
40 handling all this side of it, but I had an idea that we
41 would also check with the Education Department. Now, let
42 me answer this education from something in your reply where
43 people can't quite recall whether we were using that
44 facility. On the Authority was always a very highly placed
45 person from the Education Department, Noel Fitzpatrick the
46 First, Jo Black the Second, Kerry O'Neill the Third rated
47 up alongside the Director-General of Education. So any

1 time we needed anything from the Education Department we
2 simply went through those people. At this time Jo Black
3 was the person. He was a magnificent administrator.
4

5 MR URQUHART: Q. You mentioned, Mr Philpott, that the
6 administrative manager would be responsible for updating
7 this list, if required?

8 A. Yes.
9

10 Q. Is that as you understood it?

11 A. As I understand it.
12

13 Q. Well, I actually asked Mr Bachelard-Lammas about this
14 and he had no recollection that there was such a list?

15 A. Well --
16

17 Q. Does that surprise you?

18 A. I'm absolutely stunned. I mean you've got it in here
19 that it happened, in here, and --
20

21 Q. Yes, but in fairness to Mr Bachelard-Lammas, that's
22 1975. He came on board as the admin officer in 1982
23 through to 1990?

24 A. Yes.
25

26 Q. And he --

27 A. Do you mean to say he said that at no time did he ever
28 have to check a person being employed in the hostels
29 authority?
30

31 Q. He says he had no recollection that there was a list, a
32 forbidden list, or, as his Honour said, a registrar of
33 paedophiles?

34 A. I wouldn't say "paedophiles". I wouldn't say either.
35 That was the only reason you wouldn't employ a person.
36

37 Q. Okay, but he says he has got no recollection that such
38 a list existed?

39 A. I'm stunned.
40

41 HIS HONOUR: Q. So it was your understanding that the
42 admin officer had the job of vetting re the point with the
43 supervisory staff throughout the whole - the 12 hostels --

44 A. Yes, I do.
45

46 Q. -- is that right? And was that throughout your time
47 on the Authority?

1 A. To my knowledge it was, yes.
2
3 Q. And you weren't ever aware of any change to that?
4 A. No, I certainly was not.
5
6 Q. Right.
7 A. And I'll bet you the person before Peter Lammas did
8 it.
9
10 MR URQUHART: I tender that document now, please, sir,
11 0495.
12
13 EXHIBIT #137 CHSHA MINUTES OF MEETING NO.162 DATED
14 THURSDAY, 24/7/1975, BARCODED 0495
15
16 MR URQUHART: Q. And the next document I want to show
17 you is 0493, Mr Philpott, which is the Authority minutes
18 for the 22 April 1976. And this is three months before you
19 took over and, of course, you're not on this, you weren't
20 at this meeting?
21 A. No.
22
23 Q. Okay. But I just want to take you to item 8 on the
24 second page?
25 A. Yes.
26
27 Q. Under the heading, "Katanning" towards the bottom,
28 please.
29 A. Yes.
30
31 Q. It reads:
32
33 A letter from the Board concerning a
34 previous staff member at Katanning was
35 noted. The Secretary was requested to
36 record the name in the appropriate record.
37
38 Now, I know you weren't at the Authority at this time, but
39 would you agree with me that would appear to be a reference
40 to this forbidden list?
41 A. Yes.
42
43 MR URQUHART: I tender that document now, please, sir.
44
45 EXHIBIT #138 CHSHA AUTHORITY MINUTES OF MEETING NUMBER 117,
46 DATED THURSDAY, 22/4/1974, BARCODED 0493
47

1 MR URQUHART: Now, Mr Philpott, I was going to show you
2 some Student Hostel Association documents just to establish
3 that, in fact, that association was also in agreement that
4 there should be a reporting system, that whenever someone
5 is dismissed or resigns as a hostel staff member, the Board
6 or warden should advise the Authority of that; okay. And
7 you agree with that, don't you?

8 A. Yes, I agree.

9

10 Q. I don't know whether it's necessary for me to take you
11 through the items, sir, that are barcode numbered 494 or
12 496. Now, of course, this sort of system of the Board
13 notifying the Authority about staff that are no longer
14 working for them, that shouldn't be employed in another
15 hostel - that makes a lot of sense, doesn't it?

16 A. Yes, it does.

17

18 Q. Because particularly in relation to staff that may
19 have been implicated or alleged to have committed sexual
20 inference of --

21 A. Yes.

22

23 Q. -- the children, for example.

24 A. Yes.

25

26 HIS HONOUR: Q. That presumably could apply to either
27 theft or anything?

28 A. Yes.

29

30 Q. Any sort of problem?

31 A. Definitely several other things.

32

33 Q. Yes.

34 A. Yes.

35

36 MR URQUHART: Q. And you knew Richard Stowell very well,
37 didn't you?

38 A. Yes, I knew Richard well.

39

40 Q. And you regard him very highly?

41 A. Yes, I did.

42

43 Q. And I gather you would expect him to be very
44 supportive of this measure - that if a staff member was to
45 leave one hostel in suspicious circumstances, that a
46 procedure should be in place to ensure that that staff
47 member's not employed at another hostel?

1 A. I can't speak for Richard Stowell. I would say yes in
2 answer to that, but I can't be responsible for what he said
3 or did.
4
5 Q. I'm just asking from what you've --
6 A. Yes.
7
8 Q. -- what you knew of the man --
9 A. Yes.
10
11 Q. -- what you thought of him?
12 A. Yes.
13
14 HIS HONOUR: Q. Just before you go on, I think to put
15 this in context now, he was at Swanleigh Hostel?
16 A. Yes, he was.
17
18 Q. Which didn't come under the Authority's --
19 A. No.
20
21 Q. -- remit?
22 A. No.
23
24 Q. And what was the nature of - were there any other
25 Government hostels or not Anglican - Government hostels
26 outside the Authority's jurisdiction, like Swanleigh, or
27 was that a unique situation?
28 A. For country students it was the unique thing. They
29 have things like that and --
30
31 Q. Sure.
32 A. -- I don't know.
33
34 Q. And what sort of relationship was there between the
35 Authority and Swanleigh, I mean --
36 A. Quite good. We looked at one stage at taking them
37 under our wing, but it meant they lost too much autonomy.
38
39 Q. Right.
40 A. So they didn't go ahead.
41
42 HIS HONOUR: Right.
43
44 MR URQUHART: Q. Now, Mr Philpott, I referred you to
45 those minutes from April 1976 from the Authority, recording
46 an entry which would suggest that it was in relation to a
47 name being added to this list. If any names were being

1 added to this list in your time as Chairman, would you
2 expect that to be recorded somewhere, like, for example, in
3 the minutes?
4 A. No.
5
6 Q. Why is that?
7 A. It's administrative. It just simply would be put - he
8 was there - that's part of the real reason he was there, I
9 understood.
10
11 Q. Yes, well --
12 A. He would record it in that list, and it's available to
13 anyone in the system.
14
15 HIS HONOUR: Q. And where was the list kept, to your
16 knowledge?
17 A. In - in the Authority.
18
19 Q. In the Authority's office?
20 A. I understood in the Authority office.
21
22 MR URQUHART: Q. And it would have been in the
23 administrative assistant's office --
24 A. I think so.
25
26 Q. -- with respect. See, I was going to suggest to you,
27 or to start with there's no record in any of the
28 Authority minutes that we have throughout your entire time
29 as Chairman, where there is an entry --
30 A. No, I don't think there was.
31
32 Q. -- similar to the one that we saw in the April
33 1976 minutes?
34 A. I don't think there was, because I think it's an
35 administrative matter that is under the control of that
36 officer.
37
38 Q. Would you expect it to have been notified as Chairman
39 if someone was going to be placed on this list?
40 A. No, no, I only come into the office once a month - and
41 that's not true, but basically I was there once a month to
42 run this - the Authority. I wasn't there on a day-to-day
43 basis to answer these questions coming in from the
44 Authority, coming in from the hostels to the Authority.
45
46 Q. This is an important matter though, isn't it?
47 A. Of course it is. It is an important administrative

1 matter.
2
3 Q. And I would suggest to you in order, sir, for the
4 Authority to know what names have been added to this list,
5 it should be brought to the attention of those members on
6 the Authority?
7 A. Well, no, I don't agree with that.
8
9 Q. Okay.
10 A. If the streamlining of the system is that the hostels
11 can call in at any time to check that out, that's what
12 should happen.
13
14 Q. Well, it seems from Mr Bachelard-Lammas' evidence,
15 that it may well have been the case that this list wasn't
16 used during the years that he was the administrative
17 officer?
18 A. I find that difficult to understand, because Mr Joe
19 Black, who was on our Authority, he made mention of it in
20 Authority members - particularly if it's something to do
21 with the warden, but I understood Mr Bachelard-Lammas
22 indicated that he did use Kerry O'Neil for this purpose.
23
24 Q. I know he consulted Mr O'Neil with respect to a matter
25 that was investigated up in Hedland.
26 A. He consulted very often with Kerry O'Neil.
27
28 Q. Yes, but he doesn't - insofar as this information
29 regarding this list, he had no recollection of it?
30 A. Well, I'm surprised.
31
32 Q. Yes. We know from the Association newsletters, the
33 Student Hostel Association newsletters, and those minutes
34 from the Authority prior to you being Chairman, that there
35 was a procedure that was to be in place, that boards were
36 to notify the Authority of suspect ex-staff members, if I
37 can call it that.
38 A. Yes.
39
40 Q. Mr Philpott, as Chairman - when you were Chairman from
41 July 1976, can you recall whether the Authority made any
42 efforts to ensure Board's were, firstly, made aware of this
43 list; and, secondly, of their obligations to notify the
44 Authority?
45 A. No, I can't say that I actually did, but I'm - I'm
46 quite certain that over the years the - this question of
47 people not being employed did come up, and I'm surprised

1 that there's not this list there. In fact, I'm absolutely
2 surprised. I'd like to ask a person from a hostel what
3 happened when they had one like that.
4

5 Q. Well, we have. We have. The Inquiry has. For
6 example, we've asked, as you well know, Bishop Challen, and
7 he says he wasn't aware of any obligation to notify the
8 Authority about Roy Wenlock - and we've been through that
9 already, and I think you've given an explanation to the
10 effect that those hostels run by the Anglican Church --
11 A. Yes.
12

13 Q. -- there was a different procedure in place; is that
14 my understanding of your evidence?

15 A. Yes, there is - there was a small difference. Can I
16 just say something?
17

18 Q. Well, all right.

19 A. It's the Anglican Church you should still be going
20 back to to ask about Merredin.
21

22 Q. I see, because you're saying that they had some input
23 there in the management of Merredin?

24 A. They were exactly the same as Northam.
25

26 HIS HONOUR: It was an Anglican - it was an Anglican
27 hostel, yes.
28

29 MR URQUHART: Q. We've already heard evidence from a
30 Katanning Hostel Board Chairman that he was unaware of this
31 obligation to notify the Authority if a staff member had
32 been - left the hostel in circumstances where they
33 shouldn't be employed elsewhere, and I also asked Mr Don
34 Dixon that question this morning, and he also said that as
35 of 1990, he was unaware of any requirement to notify the
36 Authority of a staff member who has left in suspicious
37 circumstances. I gather you would be surprised to hear
38 that evidence?

39 A. I am very surprised. However, when a new warden comes
40 in he is addressed by his Board about what his requirements
41 are, and maybe this is just something that they missed off.
42 I'm surprised.
43

44 Q. Do you think the Authority should accept any
45 responsibility for this failure, at least with respect to
46 these two individuals - Mr Dixon and the Chairman that we
47 heard from the Katanning Hostel?

1 A. The Authority would be continually having meetings
2 once a month. The Authority would be continually having to
3 go through all these things with a change of Board members,
4 and a change of wardens. I believe - have we heard
5 anything from a hostel like Geraldton, who've got a by-law
6 book that states all these things in it.
7
8 Q. That might be now though?
9 A. No, it was - it's many years ago. They were run by
10 the Protestant Churches.
11
12 Q. So I gather then in answer to my question, is that the
13 Authority need not accept any responsibility for that?
14 A. We have an overarching responsibility, but the major
15 part of the responsibility is with the Boards.
16
17 Q. Because, you see, if the Boards did not know the
18 system, it wouldn't be very effective, would it?
19 A. However, look --
20
21 Q. Could you just answer? Would you agree with that
22 question?
23 A. Say it again?
24
25 Q. That if the Boards or a Board didn't know this system
26 of reporting to the Authority, it - the system wouldn't be
27 very effective?
28 A. It wouldn't be very effective, but let me tell you,
29 that is not the only system that operates in the hostels.
30 The hostels have a very strong communication link, and if
31 somebody leaves somewhere, all of them will know about it.
32 There's this linkage.
33
34 HIS HONOUR: Q. Are you saying informal linkage?
35 A. Informal - informal communication system. They're
36 very close. Hostels are very close.
37
38 MR URQUHART: Q. Can you tell me, Mr Philpott, when the
39 Geraldton hostel had this by-law book, do you know when it
40 was introduced?
41 A. No, I don't know. I just remember that I was there
42 when a Board member was brought on one night and he was
43 presented with the letter of arrangement and this book of
44 by-laws.
45
46 Q. And did you have a look at this book yourself?
47 A. Yes, I think I - I think I glanced it at.

1
2 Q. And you were very impressed with it?
3 A. Yes, I was.
4
5 Q. Did it ever cross your mind that you should find out
6 whether other boards had such a by-law book, and if they
7 didn't, to maybe adopt the one that the Geraldton Board
8 had?
9 A. I think it would have been a very good idea, but it
10 didn't cross my mind at that time.
11
12 Q. Okay. Can I ask why?
13 A. Why would it? Because I am sure they are not the only
14 Board. I don't think they're the only Board that had a
15 Code of Conduct - code of ethics.
16
17 Q. Well, you're not suggesting they all had one --
18 A. No, they didn't.
19
20 Q. -- at that time, but do you think now in hindsight it
21 wouldn't have been a bad idea?
22 A. It would be most desirable, most desirable.
23
24 Q. So I gather then you don't know whether anyone was
25 added to this list from the time you were Chairman to when
26 Dennis McKenna was charged in 1990?
27 A. No, I can't recall.
28
29 Q. You see, you mention there informal arrangements that
30 existed with hostels. Do you include in that all hostels,
31 the ones that were run by the Anglican Church?
32 A. Yes, I do.
33
34 Q. Swanleigh --
35 A. The wardens were very close to one another.
36
37 Q. Swanleigh?
38 A. Swanleigh would have had - well, there were people
39 come from Swanleigh into the system.
40
41 Q. Yes.
42 A. So there would have been some association, not with
43 everyone; but, yes, there would have been association with
44 Swanleigh.
45
46 Q. I want to ask you about this scenario, and that is
47 that a senior staff member at one hostel becomes aware that

1 one of his supervisors is accused of engaging in sexual
2 misconduct of a student. He decides to resolve that
3 problem by providing a reference for that supervisor so
4 that he could then use that reference to obtain a position
5 at another hostel. Now, would you be concerned if
6 something like that actually happened if you were Chairman
7 of the Authority?
8 A. Yes, I would be.
9
10 Q. And why is that?
11 A. I don't think it's a very desirable thing of unloading
12 a problem onto another place.
13
14 Q. You see, I'm going to suggest to you, Mr Philpott,
15 that given what Mr Lammas had to say about his knowledge of
16 this list, that he had no recollection of it, and given the
17 fact that he was the administrative officer for about
18 nine years, that this policy that the Boards were supposed
19 to have of informing the Authority fell into disuse for at
20 least the first 15 years of you being Chairman of the
21 Authority.
22 A. I have no idea of that. That is part of his role, and
23 should have been carried out.
24
25 Q. Who was responsible advising him of what his role was?
26 A. The person who he took over from.
27
28 Q. It would - would you agree with me - I know he had
29 many functions, the administrative officer, but this was a
30 very important one.
31 A. I would put it down as important.
32
33 Q. Not very important?
34 A. Well, it's very important that these people don't get
35 back into the system.
36
37 Q. Yes. So it's one that he, I gather you would say, he
38 should have been - not just should have been, but he must
39 have been aware of?
40 A. I can't answer for him for that, whether the previous
41 secretary, in fact, told him, because you can see it
42 happened, it's in your minutes. So I'm surprised that he
43 didn't know anything about it.
44
45 Q. The minutes I've taken you to are for 1975 and 1976.
46 A. Yes.
47

1 Q. But we haven't been able to find any reference, either
2 direct or obliquely, to this list in any of the
3 other minutes that we've looked at from the Authority from
4 the time that you were Chairman?
5 A. Before I was Chairman.
6
7 Q. Yes, we've looked at before, and we've found those two
8 exchanges.
9 A. Yes.
10
11 Q. But we haven't been able to find anything, any
12 reference to it in the minutes whilst you were chair?
13 A. Yes. In our minutes?
14
15 Q. Yes.
16 A. It wouldn't get to us. It wouldn't get to us. It's
17 an administrative matter by the administration manager.
18
19 Q. Okay. Would you accept then, Mr Philpott, that there
20 has been a breakdown in this system --
21 A. Well --
22
23 Q. -- if the administrative officer of the Authority was
24 not aware for nine years that this list existed?
25 A. I just want to state about in, that I've got to accept
26 what you're saying, but I am sure that along the way Joe
27 Block had been referred - some people had been referred to
28 Joe Black, who - he got the answer for us.
29
30 Q. Yes. It's just that that April 1976 matter, the
31 Authority actually tabled the letter that it got from the
32 Katanning Board about it, but you're saying that if a Board
33 notified the Authority when you were in charge, that
34 procedure wouldn't have happened because it was an
35 administrative matter?
36 A. What letter are we referring to?
37
38 Q. Yes, remember I showed you that example of the
39 Authority's minutes. It's exhibit 138. And I'll just read
40 it out:
41
42 Katanning.
43
44 A letter from the Board concerning a
45 previous staff member at Katanning was
46 noted. The Secretary was requested to
47 record the name in the appropriate record.

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See?

A. Yes.

Q. Yes. So the practice before you became Chairman, it seems, at least in this instance - and this is a reference to adding a name to a list - it was actually the correspondence was tabled to the Authority?

A. Yes.

Q. But you're saying when you became Chairman it wasn't tabled to the Authority, and presented at a meeting, rather it was just done administratively?

A. In most cases it was done administratively, but there was very few sexual activity problems in respect to staff. So the other - the people that were referred, were referred because of other - other reasons, and they just weren't - they just didn't get to the Authority --

Q. Okay.

A. -- the Authority being the 10 or 11 members.

Q. Mr Philpott, do you recall writing to the police at the end of 1991, requesting that the Authority be provided with conviction records for prospective employees, hostels?

A. No, I can't recall.

Q. Okay. I'm just going to give you a document now that might assist you there. It's 0499, is the barcode. Mr Philpott, this is a record that we've obtained from the Police Service. And I'd just like you to concentrate what appears at about one-third of the way down, the heading "Free Text Details".

A. Yes.

Q. :

Letter received from Colin Philpott,
Chairperson, Country High School Hostel
Authority, dated 20/11/91 for consideration
& approval of Authority to release
conviction record for prospective
employees, as currently being used by
community services.

Does that assist in jogging your memory?

A. No, it doesn't really. It's - you know, it still

1 could have been, but I probably - I got - I possibly could
2 have. I'm not denying that I didn't do that.
3
4 Q. Yes.
5 A. Everything changed from 1990.
6
7 Q. I was going to ask you that. And was the reason for
8 that, the conviction of Dennis McKenna in July 1991?
9 A. It did have an effect.
10
11 Q. Wasn't that the catalyst for the changes?
12 A. Yes. I'd say that we did have a refreshed idea of
13 what should happen.
14
15 Q. Yes. And I'm going to suggest to you that that
16 happened after he was convicted in July 1991, because, for
17 example, here this letter is dated November 1991?
18 A. I couldn't recall what time of the year it was done.
19
20 MR URQUHART: All right. Well, I tender that document
21 now, please sir.
22
23 HIS HONOUR: That's from police records?
24
25 MR URQUHART: That's from police records, sir, yes.
26
27 HIS HONOUR: That will be exhibit 139.
28
29 EXHIBIT #139 DOCUMENT FROM POLICE SERVICE RE CRIMINAL
30 CONVICTION CHECK FOR PROSPECTIVE EMPLOYEES
31
32 MR URQUHART: Q. You mentioned there, as I understand
33 it, that there was a thorough review done by the Authority
34 as to how to handle matters involving complaints of a
35 sexual nature against hostel staff?
36 A. I think what did happen there is that we sought some
37 of the resource from the Education Department, and that -
38 that would be part of what it - we needed to do to go to
39 the police.
40
41 Q. And did - the more - the most thorough review of
42 procedures, was that undertaken after the Dennis McKenna
43 matter in 1990/1991?
44 A. I would say it probably was.
45
46 Q. And looking back now, would you accept that there were
47 some deficiencies in the procedures up until then?

1 A. There's deficiencies in every business, Mr Urquhart,
2 and there could have been some in ours.

3

4 Q. Could have been, or there were?

5 A. In view of what - although I don't take that from Mr
6 Lammas, that there was no - no list at all about people
7 that --

8

9 Q. And in fairness to Mr Lammas, he said he doesn't
10 recall that there was such a list. He doesn't say there
11 wasn't, he says he doesn't recall a list.

12 A. Yes. Well, I am sure there is a list there, so
13 whether it was used is a question you should have asked
14 him.

15

16 Q. Well, if he didn't recall and it's his job to use it,
17 then we can pretty much conclude that he didn't use it?

18 A. Yes, and I'm querying with you whether he didn't use
19 it or not, because of the contact he had with Joe Black, or
20 Kerry O'Neil.

21

22 HIS HONOUR: Q. Would you like a comfort break at all,
23 Mr Philpott?

24 A. No, I'm okay.

25

26 Q. You're happy?

27 A. Thank you very much.

28

29 MR URQUHART: In fact, I was going to suggest that right
30 then, sir, because we're moving on to another area.

31

32 Q. So you're fine, Mr Philpott? We don't - we are going
33 to go a little longer.

34 A. Yes, that's fine.

35

36 Q. I must say, I'm not about to finish, so you're sure
37 you don't want five or 10 minutes now?

38 A. No, no, I'm fine.

39

40 Q. We might be able to do this next area a shortcut way,
41 okay. And some - do you recall that some of the material
42 that you were provided last week - in fact, quite a large
43 bit of it - was to do with you - with documents regarding
44 reimbursement of you, like for travel allowances --

45 A. Yes.

46

47 Q. -- and things like that? And do you recall - you had

1 a look at that?
2 A. Yes.
3
4 Q. Do you recall that some of that material related to
5 you receiving what was described as an "Authority Member's
6 Allowance"?
7 A. Never happened.
8
9 Q. I'm sorry?
10 A. Never happened.
11
12 Q. Hold on. Okay.
13 A. As from 19 - sorry, from about 1997 --
14
15 Q. Yes, 1990 onwards, yes.
16 A. Well, I don't know what it is, because there was never
17 any allowance paid. But what does this have to do with the
18 McKenna Inquiry?
19
20 Q. No, no, it was just clarifying your evidence that you
21 gave on the last occasion when I was asking you what you
22 could recall from memory as to when you received
23 allowances, and we didn't have that material at that time.
24 A. Yes.
25
26 Q. So it's just a matter of clarifying with you.
27 A. But what has that got to do with it?
28
29 Q. Don't worry about that, Mr Philpott, but can I ask you
30 this - would you have any objection if the Inquiry used
31 that financial data that we've provided to you, to do some
32 calculations as to what you were paid and how you were paid
33 and when?
34 A. Absolutely. You can do what you like with it.
35
36 Q. Thank you. Did Wesfarmers deduct the time you devoted
37 to the Authority from your salary at Wesfarmers?
38 A. No, no.
39
40 Q. Indeed, is it the case that the support of Wesfarmers
41 to --
42 A. Before I ever took on the position I got permission
43 from Wesfarmers.
44
45 Q. During your time as chairman of the Authority were you
46 also a licensed land valuer?
47 A. I was.

1
2 Q. And also an auctioneer?
3 A. I was.
4
5 Q. Did those positions relate to your position at
6 Wesfarmers? Did you use those positions?
7 A. Very much so.
8
9 Q. Can you tell me in what way?
10 A. It started - land valuing started off quite early. It
11 was when it was still an estate --
12
13 HIS HONOUR: Q. Real estate?
14 A. Yes. But what did you have - oh, something that has
15 been wiped out now. A tax. It ended up as a tax.
16
17 MR URQUHART: Q. I wish it was stamp duty. I think it
18 might be death duties.
19 A. It is to do with death duties. That was valuation,
20 auctioneering as a licensed real estate man. I did all the
21 auctioneering.
22
23 Q. So you did that as part of your job at Wesfarmers?
24 A. Absolutely.
25
26 Q. Were you involved in any auctions of farming
27 properties due to defaults?
28 A. Yes.
29
30 Q. Was that also during your time as chairman of the
31 Authority?
32 A. Yes.
33
34 Q. Did you also serve on the Agricultural Practices
35 Board?
36 A. And several others, yes.
37
38 Q. Whilst you had the position at Wesfarmers and whilst
39 you were chairman?
40 A. Absolutely.
41
42 Q. Can you just tell us what the Agricultural Practices
43 Board did?
44 A. We would receive in from farmers who were at
45 loggerheads over something of a dispute, and we were a
46 mediating force in bringing them together to solve their
47 problems.

1
2 Q. I do not want to spend too much time on this, can you
3 give me an example of what sort of disputes that would be?
4 A. Oh, well, one was down Margaret River, one was a -
5 what do you call them that don't use fertilisers, and the
6 other one was --
7
8 HIS HONOUR: Q. Organic?
9 A. He was organic. Thank you. He was organic and the
10 person alongside was a vineyard person. Spray drifted over
11 onto the organic person and it created quite a bubble. That
12 was one. There's lots.
13
14 MR URQUHART: Q. You had an important position at
15 Wesfarmers?
16 A. Yes.
17
18 Q. Which involved land valuing and auctioneering?
19 A. Yes.
20
21 Q. You are on the Agricultural Practices Board?
22 A. Yes.
23
24 Q. And you are also chairman of the Authority?
25 A. Yes, I was.
26
27 Q. Would you agree you are a rather prominent figure
28 within the rural communities in this state?
29 A. I'd like to think so.
30
31 HIS HONOUR: Q. I suppose all these things worked in
32 well together, did they? You could go about the country
33 and deal with different things at the same time?
34 A. Exactly. The real estate business took in the valuing
35 - I didn't do much valuing when I was the boss. And the
36 auctioneering was just part of the journey. The other two
37 things were monthly and whenever I was in the country.
38
39 MR URQUHART: Q. So not just a prominent figure but
40 those in the rural community would see you - and this is no
41 criticism - as also quite a powerful figure, given the
42 responsibilities you had?
43 A. I suppose so.
44
45 Q. His Honour just led me into what I was going to ask
46 you about, and this is some transcript of an interview that
47 Mr Bachelard-Lammas gave to investigators. It wasn't

1 actually his evidence that he presented at the hearing, but
2 the Inquiry also provided you with transcript excerpts of
3 his interview. I gather you might have had a look at that
4 as well?

5 A. Yes, I have.

6

7 Q. That interview was on 11 April of this year. I wanted
8 to ask you this: Whether you agreed with his assessment
9 that in your position at Wesfarmers you had - I'll use
10 quotes - "built-in information system" because you were in
11 touch with a lot of rural areas through Wesfarmers?

12 A. Absolutely right. And that's what staggers me about
13 some of the stuff that's been written.

14

15 Q. Yes. He said that information including information
16 about the hostels?

17 A. Not a lot. But if there was some specific thing a
18 person would pass a comment and I would pass it on to the
19 local board.

20

21 Q. He also said that "if that information was of any
22 concern he would go to the hostel and dig around" - was the
23 words he used; do you recall him doing that? I am not
24 suggesting that this had anything to do with matters of a
25 sexual nature, but just if there was a concern you would
26 relay that to him. He could go down to the hostel and find
27 out what the concern was.

28 A. Yes, I think I could say that would happen.

29

30 Q. You said at pages 2 and then onto page 3 of that
31 interview:

32

33 What we were concerned about, I suppose, as
34 an Authority, was at any time any activity
35 that might embarrass the minister. So
36 prevention was better than dealing with a
37 --

38

39 The transcript says "course" but I think that should read
40 "cure" --

41

42 -- so prevention was better than dealing
43 with a cure, so that was the methodology.

44

45 I am going to ask you if you agree with that? I can read
46 it out again for you, if you want me to.

47 A. I don't think there is anything too wrong with that.

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Q. An Authority's concern or something it has to take into account was preventing any activity that might embarrass the minister. Do you think that occasions could arise when that concern would be in conflict with the Authority's responsibility to ensure the protection of students?

A. Absolutely not.

Q. Well, what about in a situation where a hostel staff member who was accused of sexual misconduct is given the opportunity to quietly resign rather than be dismissed; isn't that a situation where there might be a conflict?

A. I would say that would be entirely the responsibility of the local board what they thought should happen.

Q. Would you agree with me then that that would be a conflict if in fact if it was that way, the embarrassment of the minister could be lessened, could it not?

A. It may be, but that was not even the context of it. I would advise the minister if there was something of that nature, just to keep him up to speed.

Q. Well, you see, Mr Philpott, I am going to suggest that that opportunity was given to a hostel staff member in precisely those circumstances. This is where sexual misconduct was alleged against them and that Mr Lamma spoke to that staff member and gave them the opportunity to quietly resign.

A. It could have. I don't recall any of that, Mr Urquhart.

Q. Would that cause you any concern?

A. Yes, it would. It would. However, knowing of outside cases, and probably in the hostel system, people want things not to be blown up, want to keep everything tight so it doesn't blow out in the whole of the district, and it may be that the local board saw fit to do it in that manner.

Q. That would also be of benefit to the Authority, would it not, if there wasn't a blow-out?

A. Well, nobody wants it to be blown out. How would a private school go if it blew-out?

Q. Mr Philpott, you would agree with me it would be a benefit to the Authority if there wasn't a blow-out?

1 A. I don't think I would put it in that stage. I think
2 it was just a matter of assessing the situation and if
3 that's what he thought was right then that's what he
4 thought was right.

5

6 Q. So you don't think it matters one way or the other as
7 far as the Authority is concerned if there was a blow-out
8 rather than if the matter was dealt with quietly?

9 A. I would say you've got to decide what time you're
10 talking about. If you're talking about now, quite
11 different to something 40 years ago where things weren't
12 talked about like they are today. It could quite possibly
13 be the thought that this wasn't so bad, let them go.

14

15 HIS HONOUR: Q. Just elaborating on that. That is a
16 sense that I get from a lot of witnesses --

17 A. Yes. That's how it was in those days.

18

19 Q. What is your understanding of those attitudes, it is
20 better for them to go quietly than to have a blow-out about
21 it; what's your views on that?

22 A. Well, I prefer --

23

24 MR URQUHART: Sorry, sir. Is that his views back then or
25 now?

26

27 HIS HONOUR: No, back then.

28

29 Q. I'm asking you to explain why people thought that way
30 then?

31 A. Because it was never like it is now. Today you've got
32 the army, you've got Catholic church, you've got everybody
33 - everybody is talking about paedophilia, whereas in those
34 days hardly any people spoke about it at all, and I suspect
35 that's why mothers didn't take it further when their
36 children told them that there were possible sexual activity
37 going on. Quite different in those days to what it is now.
38 And I think there probably would have been a leaning
39 towards getting rid of it rather than blowing it up.

40

41 Q. When you say, "blowing it up", without publicity or
42 fuss?

43 A. Yeah.

44

45 Q. Trying to look at that in the best light you can, what
46 would those things that benefit be, to whom and why?

47 A. It would be to the benefit of the hostel that it

1 wasn't seen to be that happening.
2
3 Q. So the publicity, parents wouldn't want to send their
4 children there any more, that kind of thing?
5 A. Yeah. The problem with all that is that you just
6 transfer the problem somewhere else.
7
8 Q. Exactly.
9 A. And it is not right.
10
11 MR URQUHART: Q. Because it would not be for the benefit
12 of students necessarily, would it?
13 A. Oh, yes, it would be for the benefit of students if
14 you got rid of the problem.
15
16 Q. What if that person was then to take up employment in
17 another hostel or another job where they might have access
18 to children?
19 A. That's the problem you face.
20
21 HIS HONOUR: That's exactly what he just said.
22
23 THE WITNESS: That's exactly what we just discussed.
24
25 MR URQUHART: Q. You knew of that prevailing
26 circumstance at the time?
27 A. No, I did not.
28
29 Q. You didn't?
30 A. Where was it?
31
32 Q. I thought you were saying that it was your knowledge
33 that that's what people's views were?
34 A. Oh, sorry, yes. Yes.
35
36 Q. Did you, as chairman of the Authority, do anything to
37 maybe change that prevailing view?
38 A. I can't recall the one that you're talking about. So
39 if - and it may be from the administrative officer's point
40 of view, and because we only came in once a month, to deal
41 with it - if it was the next day he had to deal with it
42 straight away. All of that could have happened long before
43 the next Authority meeting, and he may not have even
44 mentioned it.
45
46 Q. Are you saying that it was up to the administrative
47 officer to decide how to look at a matter?

1 A. Yes. That's his role. Really, he only does that in
2 conjunction with the local board. He wouldn't have come
3 down on his own and done that. That would have been in
4 conjunction with the local board.

5
6 HIS HONOUR: Q. Something I gather from a number of
7 witnesses is that they were reluctant to allow it to blow
8 up like that where there was sexual misconduct where they
9 have got a suspicion, because if the hostel is damaged and
10 children withdrawn the hostel might collapse, and that is a
11 detriment to kids who cannot go there. Do you think that
12 is a valid interpretation --

13 A. Yes, I think it is possible. There is another
14 important element in this, back in when we're talking, in
15 the '70s and early '80s. It was very difficult to get
16 support if a child came forward and told their parent that
17 they went and saw the police. Very difficult to get them
18 to do anything unless there was collaborating evidence.
19 There needs to be more than one.

20
21 Q. Apart from that, it was a very damaging experience for
22 a child to go through that process.

23 A. Very damaging. Yes.

24
25 MR URQUHART: Q. The matter that I want to now refer you
26 to, Mr Philpott, is in relation to a document that has been
27 provided to you. It is barcode number 0500. It relates to
28 an incident in Northam hostel in 1987.

29
30 MR RAFFERTY: Whilst my client is looking at that, and at
31 the risk of having my head lopped off, can I clarify a
32 matter that Mr Urquhart has already gone through?

33
34 HIS HONOUR: Yes, certainly.

35
36 MR RAFFERTY: Thank you, sir. You will note in relation
37 to the financial documents between 1987 and 1990 everything
38 is referred to as "travel expenses", and my learned friend
39 has referred to the concept of "allowance for Authority
40 members" and there seems to be another accounting system
41 used which then goes back to referring to --

42
43 HIS HONOUR: I must say, I have not looked at it.

44
45 MR RAFFERTY: No. I am just explaining it. It is
46 referred to as "travel allowance". Has there been any
47 evidence adduced, sir, in relation to what "allowance for

1 authority members" means in the context of whatever the
2 accounting --
3
4 HIS HONOUR: I am sure there has not.
5
6 MR URQUHART: If Mr Rafferty looks closely at the
7 documents that have been provided it will shed light on
8 what he is asking about, I am sure.
9
10 MR RAFFERTY: No. I was just asking if there had been any
11 evidence. I was not being smart. I was asking if there
12 was any evidence.
13
14 HIS HONOUR: I am not aware of this issue having arisen
15 before at all.
16
17 MR RAFFERTY: Thank you, sir. I appreciate that.
18
19 MR URQUHART: Thank you.
20
21 Q. We are going to have a look now at this document,
22 Mr Philpott. We have blanked out the name of the hostel
23 staff member concerned, but I would suggest to you that you
24 may have a recollection of this because it is the only
25 occasion that we have found where sexual misconduct has
26 been alleged against a female hostel staff member. Does
27 that help you with your recollection of this?
28 A. No. I look at this one and I become amazed again.
29 Mind you, if it was the Anglican Church's - they totally
30 ran those hostels and handled this side of the happenings,
31 so we didn't really come to know much about it unless it
32 was reported.
33
34 Q. This was the one where you actually asked for a
35 ministerial inquiry.
36 A. Where's that?
37
38 Q. That is in document 0502. We will just have a look at
39 the table there. That is a summary of industrial relation
40 police matters involving child maltreatment allegations
41 against staff at hostels.
42 A. Yes.
43
44 Q. This is a document that has been prepared by the
45 Inquiry. If you go to the second page there, under "1987"
46 the Inquiry examined the Industrial Relations Commission
47 file in relation to this matter, and instead of producing

1 the whole file to you we have just provided a summary. You
2 can see about halfway down that page there is a sentence
3 that reads:

4
5 A further investigation was later
6 instigated by the education department at
7 the direction of the honourable minister
8 for education. This was requested by
9 Mr Philpott on 7 September 1987 and
10 followed significant media coverage that
11 was initiated by Mrs...

12
13 Then there is the initials of that lady's name. That was
14 the staff member who had been accused. I gather you didn't
15 make too many requests for that sort of inquiry?

16 A. And I can't remember this one either.

17
18 Q. You don't remember this one at all?

19 A. No, I can't.

20
21 Q. But this one wasn't dealt with quietly by early
22 September 1987, because by that stage there was significant
23 media coverage?

24 A. And I still can't - I still can't recall it.

25
26 Q. Mr Lammas recalls that the coverage had media
27 helicopters landing on the school oval.

28 A. God! No, I don't know. I don't recall it at all.

29
30 Q. Now that we have referred to that document, sir, I
31 suppose we better tender that.

32
33 HIS HONOUR: That is which one?

34
35 MR URQUHART: It is the summary of IR and police matters
36 involving child maltreatment.

37
38 HIS HONOUR: That will be exhibit 140.

39
40 EXHIBIT #140 SUMMARY OF IR AND POLICE MATTERS INVOLVING
41 CHILD MALTREATMENT

42
43 THE WITNESS: Why is all the helicopters and things? She
44 is only asking for four weeks' pay?

45
46 MR URQUHART: Q. Anyway, let us have a look at
47 Mr Lammas's file note about this. Title "Northam Hostel

1 August 31, 1987", so it is a week before the ministerial
2 inquiry was sought.
3

4 On request from the board of management I
5 attended a special meeting re the alleged
6 sexual interference by Mrs ... with hostel
7 students. After considering the
8 information before the subcommittee it was
9 felt there was a case to answer and that
10 Mrs ... should be dismissed failing a
11 satisfactory explanation.
12

13 Now I will just stop there. It appears in this instance,
14 even though this is run by a board, run by the Anglican
15 Church, that in this instance here this board at least
16 sought the input from the Authority?

17 A. Yep.
18

19 Q. Would you agree with that?

20 A. Yep.
21

22 Q. Now this next sentence reads:
23

24 To avoid the unpleasantness associated with
25 this sort of situation it was suggested
26 that Mrs ... be given the opportunity to
27 bow out gracefully and, therefore, I
28 suggested that I discuss the issue with her
29 privately.
30

31 Now, I gather from what your evidence is that you said you
32 can't recall this matter?

33 A. It's just possible I wasn't there. There were
34 meetings that I wasn't at.
35

36 Q. Might it have been that you authorised
37 Mr Bachelard-Lammas to take that approach?

38 A. No. The Authority would have done that.
39

40 Q. So the Authority then?

41 A. Yes.
42

43 Q. Do you agree with me here that this was an option
44 taken to keep the matter from getting out to the public?

45 A. In conjunction with the local board, yes.
46

47 Q. It says: "To avoid the unpleasantness associated with

1 this sort of situation". Do you agree that that was an
2 appropriate way of dealing with the matter, looking at it
3 now?
4 A. I prefer it not to, and it wouldn't happen today.
5
6 Q. No. It seems there that it was happening at least in
7 this instance?
8 A. It was coming to an end at '87.
9
10 Q. If you were aware of this situation would you have
11 advised Mr Lammas against taking that course of action?
12 A. Only if the Authority agreed that that was the course
13 of action that should have been taken. Remember, I'm only
14 a chairman. I don't even have a vote.
15
16 Q. I am going to ask you, though, in this instance where
17 the meeting might be some time away, there is a sense of
18 urgency about it, there would be occasions when Mr Lammas
19 had to act quickly - I am not talking necessarily about
20 this matter - matters where he would contact you and to
21 seek your instructions?
22 A. Before I would do that I would be speaking with other
23 members of the Authority.
24
25 Q. Certainly. That occasion could well arise?
26 A. Well, it's possible but I can't say it happened. And
27 I doubt that. I doubt that that would happen before an
28 Authority meeting.
29
30 Q. It continues on:
31
32 Meeting with Mrs ... I indicated the
33 discussion was unofficial and an
34 opportunity to talk the matter through
35 before taking it further. The alleged
36 statement was shown to Mrs ... who
37 indicated surprise and shock. She couldn't
38 believe the students could do such a thing,
39 referring to a list of statements made by
40 students.
41
42 When you mentioned corroboration a moment ago, I should
43 also point out to you that from the IRC file there was
44 actually 14 allegations made by female students regarding
45 this particular --
46 A. Sexual?
47

1 Q. Sexual inappropriate conduct. Yes, so inappropriate
2 touching and other matters that we've heard with Mr Wenlock
3 and Mr McKenna regarding watching children shower - no,
4 that is not apparently so. Sexual offending so far as
5 touching is concerned. So touching students in
6 inappropriate areas of their body, like at their breasts,
7 for example. It continues:

8
9 Mrs ... protest her innocence, indicated
10 she would fight to clear her name. I
11 indicated this was her pejorative --

12
13 That, I am sure, should be "prerogative" --

14
15 and if she so wished she could do so.

16
17 He also refers to the fact that he indicated to her the
18 implication of such action, and in discussion she stated
19 she could not possibly continue to work at Northam where
20 this sort of accusation was being made.

21
22 Have you had an opportunity of reading this file note
23 previously?

24 A. Yes.

25
26 Q. It seems there that Mr Lammas was trying to resolve
27 this matter with as little controversy as possible?

28 A. If that's possible, yes.

29
30 Q. Now, whilst that might be desirable for the image of
31 the hostel and the image of the board, do you agree with me
32 that it does not really prioritise what should be the major
33 concern, and that is the well-being of students?

34 A. It is easy to say yes to that, but I don't entirely
35 take that as - because it is not totally sexual, as you
36 say, it may be just to get this person out of the road is
37 satisfactory to the running of the hostel, the goodwill,
38 and for what parents would want to think about it. It is
39 not desirable to have these people in a hostel so --

40
41 HIS HONOUR: Q. So when you say parents in the event, it
42 is important not to undermine the confidence of the parents
43 in the hostel, is that what you are saying?

44 A. Exactly. The whole lot has got to be taken into
45 consideration.

46
47 MR URQUHART: Q. So you don't agree with the way I

1 phrase that question?
2 A. I think you have taken it just a bit too far.
3
4 Q. I think you mentioned a moment ago you also took into
5 account this type of sexual touching, in the sense that it
6 was touching breasts and, I also give you another example,
7 touching bottoms. You take that into account when
8 assessing what should be done in this situation?
9 A. Well, I don't understand exactly what happened at that
10 time or whatever. Based on what you are saying, it is not
11 desirable at all to have it. But as to what actual action
12 you take from that, that's different.
13
14 Q. Mr Philpott, it is not desirable, is it, though, that
15 someone who has been accused of doing that is given the
16 option to resign rather than be dismissed, because if that
17 person were to apply for another job and provide a
18 reference, a CV, one that is provided would just simply
19 show that she resigned from this hostel and wasn't
20 dismissed.
21 A. Based on today exactly - you're exactly right. But
22 back in the mid-'80s I think there was probably some
23 consideration about the broader aspect of what would happen
24 if you put this person through the police and courts.
25
26 Q. I just want to read out to you some of what Mr Lammas
27 said regarding who he notified. This is at p.2703, line
28 35. I asked him:
29
30 Q. Mr Lammas, who would you say was
31 responsible for the day-to-day running of
32 the Authority during your time there?
33 A. The day-to-day?
34
35 Q. Yes.
36 A. That would be me.
37
38 Q. You. This might be too general a
39 question but if a problem emerged how would
40 you deal with that if you had to consult
41 with somebody else about the problem?
42 A. There were often problems and most of
43 them I would deal with.
44
45 Q. Yes.
46 A. If there was a problem - for instance,
47 if somebody was accused of wrongful

1 behaviour - I always notified the chairman.
2 Always.

3

4 It continues:

5

6 The (indistinct) in running the Authority
7 was we had to really try and be as
8 proactive and as pre-emptive as possible,
9 in that we tried to avoid compromise. The
10 Minister of the day - because the Minister
11 for Education was responsible for the
12 Authority. Not that we could do anything
13 about the incident but if there was ever a
14 question in parliament, Colin would decide
15 whether to pass the information I passed on
16 to Colin to the Minister, in case there was
17 a question. With sex offences in
18 particular, the press tends to get hold of
19 it very quickly and you've got choppers
20 landing on the oval and all sorts of things
21 going down, and the Minister doesn't know
22 anything about it. Now, you can't stop that
23 but you can at least warn people, "This is
24 likely to go down".

25

26 So I just read out his answer in its entirety, even though
27 it is quite long-winded, but he says there that:

28

29 If somebody was accused of wrongful
30 behaviour I always notified the chairman.

31

32 And he emphasised "always"?

33 A. Well, I'd say he is not quite correct. If I was put
34 in Port Hedland, what use would that be? So what I would
35 say, he would contact somebody from the Authority and that
36 would always be the person from the Education Department
37 who had the resource to do something about it.

38

39 Q. So you are saying then in an instance where he would
40 quite easily be able to contact you --

41 A. He would contact me.

42

43 Q. All right. Okay, so you accept that at least?

44 A. Yes.

45

46 Q. Mr Philpott, unless you want to say something more
47 about that matter, the Northam hostel in August 1987, I am

1 going to move on?
2 A. No, I don't --
3
4 Q. I haven't read out the entire file note to you?
5 A. No, I don't recall the particular incident you were
6 referring to.
7
8 MR URQUHART: I tender that document now, please, sir.
9
10 EXHIBIT #141 NORTHAM HOSTEL FILE NOTE DATED 31/08/1987
11
12 MR URQUHART: Q. Mr Philpott, I am going to ask you
13 this. Now, with all the evidence that we have heard in
14 this Inquiry, are there any people who worked in the hostel
15 area whilst you were chairman that you thought very highly
16 of and indeed spoke very highly of but now, what we now
17 know about them, that the praise you gave them was clearly
18 not warranted?
19 A. From a long way back until now?
20
21 Q. Yes?
22 A. Well, McKenna and a friend from Northam.
23
24 Q. Is that Fred Jones?
25 A. No, no. I have a real opinion about Fred Jones.
26
27 Q. Yes. When you said "our friend from" --
28 A. Northam.
29
30 Q. Northam. So Roy Wenlock?
31 A. Yes.
32
33 Q. But, of course, Fred Jones is also at Northam?
34 A. You see, the point --
35
36 Q. Sorry, Narrogin it was?
37 A. The point about Fred Jones, he probably did immense
38 amount of good to the hostel system of Western Australia
39 before he undid it with this one event.
40
41 Q. And the one event you are referring to, are you, is in
42 his time as the Authority's liaison officer?
43 A. No, the time is when he - what happens when you pinch
44 money?
45
46 HIS HONOUR: Q. I think the evidence is he made off with
47 the hostel funds, about \$80,000?

1 A. Correct. Could I just say, of which, when that was
2 all over and we followed it through, Boans paid a fair
3 amount of that back because of the inappropriate way in
4 which the credit card was opened and the bank for the way
5 that they release money also had to pay us, the Westpac.
6

7 Q. Apparently he sent a postcard to the board from some
8 foreign country?

9 A. Yes. Well, she disappeared into the Greek community
10 in Melbourne is the best we have had from the CIB and the
11 only other time we heard about him, he was up in Queensland
12 but the CIB didn't think it worthwhile going up.
13

14 MR URQUHART: Q. But was it the case, Mr Philpott, that
15 prior to this embezzlement, theft, fraud, however you want
16 to call it, that you thought very highly of him?

17 A. Very highly. Business degree, he had, from England
18 and he was very, very good. He helped straightening out
19 financing matters throughout the system.
20

21 Q. But you do recall though that he held the position as
22 the Authority's liaison officer with hostels?

23 A. I do.
24

25 Q. In that year that he absconded the money?

26 A. Yes, I do.
27

28 Q. And was it the case that you were one of those people
29 who supported his appointment as liaison officer?

30 A. I didn't support as such but I did in fact support,
31 yes.
32

33 Q. And was it the case, Mr Philpott, that you, together
34 with the Student Hostels Association, was pushing for the
35 appointment of someone as a liaison officer?

36 A. Absolutely. The first improvement I saw could happen.
37

38 Q. The last area I want to address, Mr Philpott, is the
39 Trezise matter?

40 A. Yes.
41

42 Q. I just want to do by way of summary the evidence that
43 you have given so far in relation to that?

44 A. Yes.
45

46 Q. But I am concentrating on the suspicious suggestions
47 letter, which is exhibit 8 --

1 A. Yes.
2
3 Q. -- and the other one I'm referring to --
4 A. Yes.
5
6 Q. -- the one written by Mr McPharlin and Mrs Flanigan
7 that was attached to a typewritten letter that Mrs Trezise
8 sent to you that was dated 17 September 1986?
9 A. Yes.
10
11 Q. Now, as I can recall your evidence last time, it is
12 that you agree that the Authority paid the legal fees
13 incurred by the board and Dennis McKenna?
14 A. We didn't know about that, but yes.
15
16 Q. It appears from the documents that the Authority did
17 pay for those fees?
18 A. Yes, we did.
19
20 Q. Yes. And it wasn't just the fees incurred by the
21 board but also by Mr McKenna for those letters that the law
22 firm in Katanning sent to the Trezises and Mr --
23 A. As an Authority, we did not know that McKenna's part
24 would be included in it but, yes, that's happened.
25
26 Q. I am going to suggest to you, Mr Philpott, that when
27 you received that letter or when you got notice of that
28 letter that Mrs Trezise had addressed to you, and that's
29 exhibit 17.1, that you forwarded the suspicious suggestions
30 letter to the chairman of the Katanning board with the
31 instruction to take it to the lawyers for the purposes of
32 getting any retractions from --
33 A. They did not. Never said that ever. Never said that
34 ever, that they take it to the lawyers. I simply sent the
35 letter that I had to the board chairman and asked him to
36 further inquire about the matters raised in the letter.
37
38 Q. Well, I'm also going to suggest to you that you fully
39 expected that the accusation that McKenna was said to have
40 made, that is suspicious suggestions towards those two
41 boys, you fully expected that that would be admitted to be
42 a complete fabrication?
43 A. No, I did not. I fully asked him to - that's what I
44 asked him to inquire about. How did you get all that?
45
46 Q. I get it from something you said in your evidence and
47 also something that we have found on a file. I'll take you

1 to the document that's in the file. This is one that's
2 been provided to you. It is 0452. It has got a "Draft"
3 stamp in the top right-hand corner?

4 A. Yes.

5
6 Q. And it reads: "GENERAL INQUIRY". And then there is a
7 reference number:

8
9 MRS TREZISE - KATANNING HOSTEL -
10 OUTSTANDING FEES

11
12 Dear Mrs Trezise,

13
14 I refer to your letter of October 6, 1986
15 in which you raise several issues in
16 relation to your outstanding fees at
17 Katanning Hostel.

18
19 I reiterate my previous statement made in a
20 letter dated October 2, 1986 which is that
21 the Ombudsman on this occasion found that
22 you have a legal obligation to settle the
23 account, as you failed to abide by the
24 conditions as laid down in a contract with
25 Katanning Hostel, signed by your husband.

26
27 Further, I am a little disturbed by the
28 fact that support references you attached
29 to your letter have now been refuted by
30 Mr B McPharlin or Mrs G Flanigan in signed
31 statements to Messrs Taylor, Nott and
32 Murray, Barristers and Solicitors of
33 Katanning.

34
35 I feel that early settlement of your
36 outstanding account would be in the best
37 interests of all concerned.

38
39 Yours faithfully

40
41 MINISTER FOR EDUCATION AND PLANNING

42
43 Do you have any knowledge and were you responsible at all
44 for drafting that particular letter?

45 A. No. I've never seen that letter, to my - no, I have
46 not seen that letter.

1 Q. To the best of your recollection you haven't seen that
2 letter?
3 A. To the best of my recollection, correct.
4
5 Q. Mr Philpott, I will tell you now where that letter was
6 located. It was located in a file called - and it is
7 titled - "Secondary Education Authority" and I am holding
8 the file here and you can have a look at it in a moment but
9 it is titled "Trezise Family". Now, I briefly asked you
10 some questions about the Secondary Education Authority last
11 time, I think the first time you gave evidence, but our
12 inquiries have found that the Secondary Education Authority
13 changed its name to the Curriculum Council some time in the
14 1980s and this authority or council provided administrative
15 support to the Authority. Does that now ring a bell with
16 you, now I have told you about the name change?
17 A. No, it's just that that is - no, it didn't. The name
18 change, no.
19
20 Q. No, but does this shed any light on your recollection?
21 A. No, it does not.
22
23 MR RAFFERTY: Sir, before that goes on, can I ask where
24 that information that Secondary Education Authority came
25 from in about the 80s? Because I left school in 1991. My
26 dealings were with the Secondary Education Authority. I'm
27 not giving evidence from the Bar table.
28
29 MR URQUHART: It sounds like you are.
30
31 MR RAFFERTY: I just want to know where the information
32 came from.
33
34 HIS HONOUR: He said the name change was in the 1980s.
35
36 MR RAFFERTY: Yes, and I remember having dealings with it
37 when I was at school.
38
39 HIS HONOUR: You said 1981.
40
41 MR RAFFERTY: No, I'm not that old, sir.
42
43 HIS HONOUR: I thought you said '81.
44
45 MR RAFFERTY: No, no, I'm not 50, sir. I'm 1991; 38.
46
47 HIS HONOUR: 1991, all right.

1
2 MR RAFFERTY: Yes. I just didn't have that recollection
3 so I just wanted to know where that information came from.
4
5 MR URQUHART: I will just take some instructions on that.
6 It was the Curriculum Council web site that information was
7 obtained.
8
9 MR RAFFERTY: Sir, I may need to make some further
10 investigations in relation to it if it becomes an issue.
11
12 HIS HONOUR: By all means, yes.
13
14 MR URQUHART: Sir, I am instructed that this is the
15 Country High School Hostels Authority file.
16
17 HIS HONOUR: The Country High School Hostels Authority
18 file named what?
19
20 MR URQUHART: Secondary Education Authority.
21
22 HIS HONOUR: Right.
23
24 MR URQUHART: And the covering letter that we got from the
25 government of Western Australia, Department of Education
26 was that the Country High School Hostels Authority is
27 located in closed Secondary Education Authority file and
28 this is the file. Ms Purdy has just pointed out to me the
29 label at the front of this file says, "Location
30 aus.1-CHSHA". So that's why I say our inquiries have
31 established that this --
32
33 HIS HONOUR: Just putting that in context, that file has
34 been sent to the Inquiry by someone. Who sent it?
35
36 MR URQUHART: It has been sent by Eamon Ryan, Executive
37 Director of Professional Standards and Conduct with the
38 department of education.
39
40 HIS HONOUR: And it purports to be a Country High School
41 Hostels Authority file which has been kept and ended up
42 with them, is that right?
43
44 MR URQUHART: It has been kept by the administrative body
45 that assisted the Authority with administrative services.
46
47 HIS HONOUR: Right. Very well, thank you.

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MR URQUHART: I said I was going to show you that draft in that file. I will just hand it over to your lawyer, Mr Philpott, first. Mr Philpott, I can find it for you as well. Maybe that can come back because I am going to also suggest to you that the original letter from Mrs Trezise which was addressed to you is actually on this file.

MR RAFFERTY: Just while my friend is doing that, he did properly point out before there is a "Draft" stamp on it. It is also unsigned.

MR URQUHART: Q. Whilst we are looking for that, you see, I'm going to suggest to you, Mr Philpott, that someone from the Authority has drafted that letter for the Minister for Education and Planning in anticipation of what was expected was going to happen in relation to this matter?
A. I can't answer that because I don't know anything about this. It is possible, and I'm not trying to hand this over - it's quite possible that this could have been written by the guy in the Education Department but I don't know anything about this.

Q. Which guy in the Education Department?

A. Mr Black.

Q. Mr Black?

A. Yes.

Q. I will just show you now the original letter that the Trezises sent to you. Do you see that. That is the letter 17 September 1986?

A. Yes, yes.

Q. So would you accept the possibility then that this letter may well have been drafted by someone in the Authority, that is the draft letter?

A. It's possible.

Q. And, you see, it's pre-empting something, isn't it, because if you look at the second to last paragraph of that draft letter:

Further, I am a little disturbed by the fact that support references you attach to your letter have now been refuted by Mr B McPharlin and Mrs G Flanigan in signed

1 statements to Mrs Taylor, Nott and Murray,
2 Barristers and Solicitors of Katanning.
3
4 Now, we know what those documents were because they were
5 attached to the letters that Taylor, Nott and Murray sent
6 to Mr McPharlin and Mrs Flanigan. You know the ones I've
7 shown you. It is about the retraction?
8 A. No, I haven't. I can't recall that.
9
10 Q. Okay, well we showed them to you at length last time
11 around. I don't intend to get them out now but we do know
12 from this family that those retractions were never signed
13 by them. So this letter is assuming that they were signed
14 and indeed what you will find is that there is copies of
15 that correspondence that the law firm in Katanning sent to
16 McPharlin and Flanigan, Mr McPharlin and Mrs Flanigan, and
17 the Trezises. There's actually copies of those letter in
18 that file?
19 A. Mm.
20
21 Q. Okay?
22 A. Mm.
23
24 MR RAFFERTY: Can I briefly have a look at the file,
25 please?
26
27 MR URQUHART: Would my learned friend like me to stop
28 asking questions?
29
30 MR RAFFERTY: No, no, I'm enjoying listening to my friend.
31 I can read and listen at the same time.
32
33 MR URQUHART: Multi-talented, Mr Rafferty.
34
35 MR URQUHART: Q. You see there, would you agree with me
36 that that draft which has been prepared is stating that
37 that letter that has been prepared by Mr McPharlin and
38 Mrs Flanigan were, in fact, fabrications or didn't have
39 correct information in it?
40 A. I can't answer on their behalf.
41
42 Q. No, just reading that letter. Do you see that? It is
43 stating as a fact that those references have now been
44 refuted by Mr B McPharlin and Mrs G Flanigan in signed
45 statements to Messrs Taylor, Nott and Murray.
46 A. Well, have they got the signed statements?
47

1 Q. No, the statements were never signed, Mr Philpott?
2 A. Well, I don't know who wrote the letter, this letter,
3 because I haven't - I can't recall it at all, and it is
4 possible that it may have been brought up from Katanning
5 from the inquiry that was done at Katanning.
6
7 Q. Sorry, are you suggesting that draft letter was
8 prepared by someone on the board?
9 A. No. On the board? No, no. It is more likely that
10 it's been prepared either by the administrative manager or
11 Jo Black. Because he used to sometimes do things to the
12 minister.
13
14 Q. Or yourself, Mr Philpott?
15 A. I can assure you it wasn't me, Mr Urquhart.
16
17 Q. And why are you attributing blame to Mr Black for
18 that?
19 A. I'm not attributing blame to him. I said that earlier
20 on, I'm not trying to hand it over.
21
22 Q. Why might you be attributing responsibility to him
23 when that same letter was addressed to you or came to your
24 attention with the Trezise letter. When I say "that
25 letter", I'm talking about the suspicious suggestions
26 letter?
27 A. Because - because I handed it over to the
28 administrative officer to send it down to Katanning. I
29 would have been out of the - in the wilderness for the rest
30 of the month. This is something that probably would have
31 to be attended to straightaway.
32
33 Q. Mr Philpott, do you recall Mr Trezise's evidence some
34 time ago now that when he met you, you accused him of
35 forging the letter signed by Mr McPharlin and Mrs Flanigan?
36 A. I didn't say that.
37
38 Q. Yes, I know, but he says that you did, all right?
39 A. There's a lot of things he's said that's got no
40 validity at all.
41
42 Q. But, Mr Philpott, it just so happens that that draft
43 letter is making a very similar allegation. Do you see in
44 that paragraph I have read out to you, do you see that?
45 A. Yes, I can see but I have nothing to do with it.
46
47 Q. Do you see where --

1 A. If I done it, I would tell you.
2
3 Q. Well, would you?
4 A. Of course I would.
5
6 Q. Even though it would not look particularly good for
7 you if you were to make those admissions?
8 A. I'm not in the habit of telling lies ever,
9 Mr Urquhart, ever.
10
11 Q. You see, there is just some evidence in support from
12 Mr Trezise, who would have had no idea about that draft,
13 that suggests that that was your view you had --
14 A. No, it isn't my view.
15
16 Q. -- regarding the Flanigan letter?
17 A. The only connection with that is that I'm the chairman
18 of the Authority where the letter came in and it was then
19 dealt with.
20
21 Q. Mr Black apparently was not on the Authority at the
22 time that this letter was written?
23 A. Well, try Mr Kerry O'Neill.
24
25 Q. Kerry O'Neill or Mr Cairnes?
26 A. No, no, no, Mr Cairnes is - acted as deputy.
27
28 Q. So Mr Kerry O'Neill?
29 A. Mr Kerry O'Neill took over from Jo Black.
30
31 Q. Are you just speculating there?
32 A. What?
33
34 Q. That Mr O'Neill might have written this draft letter?
35 A. I don't know who wrote it but I'm saying the only
36 other possibility who would write on my behalf would have
37 been Kerry O'Neill, as I said --
38
39 Q. Or you might have written it?
40 A. Well, I didn't.
41
42 Q. Or had it prepared?
43 A. I didn't. I know nothing about this.
44
45 Q. Well you did, Mr Philpott?
46 A. I don't know anything about this paragraph you are
47 talking about.

1
2 Q. You know about the matter because you got that
3 suspicious suggestions letter?
4 A. Of course I do. Yes, I did, but I have no idea about
5 this letter refuting McPharlin and Flanigan.
6
7 Q. What I am going to suggest to you, Mr Philpott, is
8 that at this time in 1986 your opinion of Dennis McKenna
9 was extremely high and that you simply drew a conclusion as
10 soon as you got that letter that that allegation that he
11 was engaging in suspicious suggestions towards these two
12 boys was a complete fabrication?
13 A. And I'm --
14
15 Q. It could not possibly be true?
16 A. And I'm telling you that's an absolute lie.
17
18 Q. Thank you.
19 A. Just a moment, let me finish.
20
21 Q. I'm just getting the file back. You can continue.
22
23 HIS HONOUR: Q. Please say what you want to say?
24 A. I put McKenna on no high a basis than several other of
25 the wardens around the place and would not have entertained
26 a suggestion that Mr Urquhart is making.
27
28 MR URQUHART: Q. I'm also going to suggest to you,
29 Mr Philpott, at page 2513 of the transcript, on 3 May, that
30 actually it was your decision to have this letter referred
31 to the Katanning law firm, Taylor Nott?
32 A. Never had anything to do with referring it to Taylor &
33 Nott. I simply sent it to the Board Chairman and asked him
34 to make further Inquiry about it.
35
36 Q. See, at page 2513 - I want to take you to this. This
37 is your evidence, and you're answering a question of mine.
38 Now, it reads, at line 29 - I put a proposition to you and
39 according to this transcript this is what you said:
40
41 A. No, I would not because I issued out
42 an instruction for it to be put to the
43 lawyer, and I'm quite sure it arrived in
44 his box.
45
46 Q. Who was that instruction to?
47 A. Chairman of the board.

1
2 A. Where did you get the first part about the Taylor &
3 Nott business?
4
5 Q. :
6
7 No, I would not because I issued out an
8 instruction for it to be put to the lawyer,
9 and I'm quite sure it arrived in his box.
10
11 A. Well, I correct that now, because I - I don't remember
12 ever saying anything about the lawyer, short of saying that
13 the Authority probably did pay for it, and that was quite
14 legitimate.
15
16 Q. Who was that instruction to - Chairman of the Board?
17
18 MR RAFFERTY: Sir, sorry, I apologise to my friend. I'm
19 wondering if we can put that on the screen, because I
20 obviously don't have a copy of it, because I --
21
22 HIS HONOUR: By all means.
23
24 MR RAFFERTY: -- because I haven't printed off 3,000
25 pages.
26
27 MR URQUHART: Even better, we're going to be playing the
28 audio, if need be. It's at page 2513. Sorry, I thought
29 you had brought it along.
30
31 MR RAFFERTY: It's more than 3,000 pages.
32
33 MR URQUHART: It's your chap's evidence.
34
35 HIS HONOUR: What line?
36
37 MR URQUHART: 2513, line 29.
38
39 MR RAFFERTY: I can read that, sir. I'm just wondering if
40 we can go up a bit so I can just read what --
41
42 MR URQUHART: Or I can read out the question.
43
44 MR RAFFERTY: No, that's all right, I can read.
45
46 MR URQUHART: Q. Now, Mr Philpott, I anticipated that
47 you might well refute that that's what you said?

1 A. That's correct.
2
3 Q. Because what we've actually done is got the audio, so
4 we've got the audio to play of what you said?
5 A. Well, if I did, I'm - I'm correcting it right now. I
6 would have said nothing about sending the letter to Taylor
7 & Nott.
8
9 MR RAFFERTY: So he's not denying that he said it, sir.
10
11 MR URQUHART: All right. Okay. In that case we may not
12 need to have to play it, so --
13
14 MR RAFFERTY: Can I have that transcript reference again,
15 please, Mr Urquhart?
16
17 THE WITNESS: Where did you get stuff like this?
18
19 MR URQUHART: Q. Mr Philpott, with respect to that draft
20 letter that's there in front of you, would you accept that
21 whoever authorised that letter to be prepared, that it
22 would most likely, in the ordinary scheme of things, be
23 typed up by - wouldn't necessarily be typed up by that
24 Authority member, it may well be done by Mr Lamma or a
25 support person?
26 A. Correct.
27
28 HIS HONOUR: Q. Have you got that bit of transcript in
29 front of you?
30 A. Yes.
31
32 MR URQUHART: No, he doesn't, sir.
33
34 HIS HONOUR: It would be helpful if you did, I think. Do
35 we have a hard copy?
36
37 MR URQUHART: Yes.
38
39 HIS HONOUR: I just want to - that's got to be put into
40 context, the questions that are asked.
41
42 MR URQUHART: Yes. I was intending to go through it all,
43 sir. Even though Mr Philpott has said that he might have -
44 he may well have said "lawyer", but he meant it
45 incorrectly.
46
47 HIS HONOUR: And that's why I was going to ask, what he

1 might have meant.

2

3 MR URQUHART: Yes. It's going to be - there's some
4 long-winded questions, there's some interruptions by you -
5 there's no criticism of you - but we'll just put this into
6 context, okay. So the question that I was asking you
7 started at line 19, that:

8

9 -- if the Chairman of the Board's
10 recollection is correct, that they weren't
11 asked to do any investigation, do you
12 accept that if that was the case - I'm
13 saying "if", I'm not saying it was, but if
14 that was the case - then would you be
15 prepared to concede that the Authority
16 didn't --

17

18 And your answer was:

19

20 No, I would not because I --

21

22 And my question was:

23

24 Q. -- respond - no, let me finish - no,
25 let me finish - didn't respond in the
26 appropriate manner?

27

28 And then your answer was:

29

30 No, I would not because I issued out an
31 instruction for it to be put to the lawyer,
32 and I'm quite sure it arrived in his box.

33

34 Q. Who was that instruction to?

35

36 A. Chairman of the board.

37

38 Q. Who was that instruction with? An
39 administrative assistant that you gave the
40 instruction to?

41

42 A. Oh, to the administration assistant.

43

44 Q. Who was that?

45

46 A. You tell me then. Is it Peter

47

48 Bachelard-Lammas?

49

50 You asked me, and then I said - I first said, no, it

51

52 wouldn't be him because he resigned, but I was wrong about

1 that, because that was 1990. So then I continued at line
2 47:

3
4 It would have been Mr Bachelard-Lammas. So
5 if Mr Bachelard-Lammas's recollection is
6 sound then his account would be that --

7
8 And Mr Lammas hadn't given evidence at this stage:

9
10 So if Mr Bachelard-Lammas's recollection is
11 sound then his account would be that, yes,
12 you did forward this letter on to him with
13 instructions that the board was to
14 investigate this allegation regarding
15 "suspicious suggestions", yes?

16 A. Yes.

17
18 And then it continues:

19
20 I'm assuming now - let's just assume - that
21 you didn't refer the matter on to Mr
22 Bachelard-Lammas so that he could forward
23 it to the board. If you did not do that
24 would you accept that the authority did not
25 conduct proper investigation to that
26 allegation?

27 A. Under those circumstances, strictly to
28 those circumstances, yes.

29
30 Now, bearing in mind we've also already heard from - we've
31 since heard from Mr Wilkinson and Mr Lammas, so that last
32 question is redundant, but I think, sir, that puts it into
33 context.

34
35 HIS HONOUR: Q. So going back to the question that was
36 asked, the question was if the Chairman of the Board's
37 recollection is correct - that they weren't asked to do any
38 investigation - do you accept that if that was the case,
39 then would you be prepared to concede that the Authority
40 didn't respond in an appropriate manner, and your answer to
41 that was:

42
43 No, I would not because I issued out an
44 instruction for it to be put to the lawyer,
45 and I'm quite sure it arrived in his box.

46
47 Q. Who was that instruction to?

1 A. Chairman of the Board.
2
3 So you - I think you're saying you didn't mean to say
4 "lawyer"?
5 A. No.
6
7 Q. What do you think you did mean to say in that context?
8 A. That it was to go to the Chairman of the Board. I've
9 just cramped.
10
11 Q. That's all right. Do you need a break?
12 A. No, no.
13
14 Q. You can stand up.
15 A. Yes, it's just a bit of old age.
16
17 Q. Yes.
18 A. No, it was purely the - I'd received - yes, I took it
19 in and instructed the administrative manager to forward it
20 on to the Board Chairman, and further Inquiry into the
21 things that were said in the letter. Nothing about a -
22 nothing about solicitors at all.
23
24 Q. Right. So what your evidence is, what you meant to
25 say there was you sent instructions to be put to the
26 Chairman of the Board, and I'm quite sure it arrived in his
27 box - that's what you're saying?
28 A. Yes.
29
30 MR RAFFERTY: Picked up at 2514 as well, sir.
31
32 HIS HONOUR: Right.
33
34 MR RAFFERTY: There's reference to the Board in the first
35 few paragraphs.
36
37 MR URQUHART: I've read that out.
38
39 MR RAFFERTY: Yes, I know.
40
41 MR URQUHART: Yes.
42
43 Q. All right, sir, it was just a slip?
44 A. Yes, yes, clearly was.
45
46 Q. But you see, Mr Philpott, why it was that I questioned
47 you about that --

1 A. Yes, I do.
2
3 Q. -- in light of that draft letter I've shown you?
4 A. Yes.
5
6 Q. And also what Mr Trezise says he said to you. I know
7 you deny that emphatically, I accept that, but would you at
8 least agree with me that whoever's prepared that draft
9 letter for the Minister of Education, seems to have formed
10 the incorrect view that Mr McPharlin and Mrs Flanigan would
11 withdraw or retract their allegations that they were making
12 in their letter?
13 A. It certainly happened, sir, at a level much lower than
14 me. I had no idea of anything to do with that section of
15 that letter.
16
17 Q. Yes. Would you agree that it's unusual behaviour?
18 A. To have that in there?
19
20 Q. Yes.
21 A. I'm wondering where it came from.
22
23 Q. Well --
24 A. Somebody that wrote the letter would have been
25 instructed from somewhere, and I have no idea where.
26
27 Q. Yes. And, indeed, again Ms Purdy drew my attention to
28 the fact - and I might show you this - that it is - where
29 was it --
30 A. Excuse me.
31
32 Q. This will be the last matter I'm going to ask you Mr
33 Philpott.
34 A. Hooray.
35
36 Q. Thank you for your patience.
37
38 MR RAFFERTY: But then I've got to go, and Mr Jenkin.
39
40 MR URQUHART: Yes. If you can show Mr Rafferty. It's the
41 document before that one.
42
43 MR RAFFERTY: Yes.
44
45 MR URQUHART: Q. Mr Philpott, if you just have a look.
46 Compare that font to the font on the next letter, which is
47 the draft letter. You see it's the same, and you know that

1 the letter before that draft letter is, in fact - it would
2 seem to have been prepared by Mr Bachelard-Lammas, because
3 it's got his --

4 A. Yes.

5

6 Q. -- name at the bottom there. Do you see that?

7 A. Yes.

8

9 Q. Okay. And finally another jigsaw piece in this
10 puzzle, Mr Philpott, is that what actually happened is that
11 Mr Wilkinson did take it to lawyers, but you're saying that
12 that --

13 A. Not under our instruction - not under my instruction.

14

15 Q. Not under your instruction. It might have been an
16 instruction from somebody else in the Authority?

17 A. It's possible.

18

19 Q. Thank you.

20

21 HIS HONOUR: Can I see that file, please. I'd just like
22 to see it for myself. Thank you.

23

24 THE WITNESS: Could I ask if the original - have you
25 sighted the original of that draft letter?

26

27 MR URQUHART: Well, we can only assume, Mr Philpott, that
28 the original was never sent because there was never that
29 retraction by Mr McPharlin and Mrs Flanigan that that
30 letter refers to.

31

32 Q. See?

33 A. Mm.

34

35 Q. So it was drafted by someone who assumed that that's
36 what they were going to do?

37 A. And that's possible that it had come from Katanning
38 when they inquired about what happened about that letter
39 that went down.

40

41 Q. And what, so a draft that they prepared, that
42 Katanning's prepared --

43 A. No, just information they would have supplied probably
44 Mr Bachelard-Lammas.

45

46 Q. Well, if that information was supplied to Mr
47 Bachelard-Lammas, it wasn't correct because there was no

1 signature to that --
2 A. That's right.
3
4 Q. -- retraction statement, yes.
5 A. Mm.
6
7 Q. So it's very mysterious, isn't it?
8 A. The whole lot of this absolutely amazes me. It reads
9 like a serial.
10
11 MR RAFFERTY: Are you tendering that draft?
12
13 MR URQUHART: Yes, I am.
14
15 MR RAFFERTY: What number was it? Have you or are you --
16
17 MR URQUHART: I'm going to, as soon as his Honour's
18 finished with it. Thank you, sir. What I'm going to do
19 now is tender the copy of that draft letter that Mr
20 Philpott was originally shown. I'll tender that as an
21 exhibit.
22
23 HIS HONOUR: Right. Now, that's a photocopy of what is in
24 the file, is it?
25
26 MR URQUHART: That's correct, sir, yes.
27
28 HIS HONOUR: That will be exhibit 142.
29
30 EXHIBIT #142 DRAFT LETTER TO CORAL TREZISE FROM MINISTER
31 FOR EDUCATION AND PLANNING, BARCODED 0452.
32
33 HIS HONOUR: And I think the file itself should become an
34 exhibit.
35
36 MR URQUHART: Yes. That's my next step I was going to do.
37 I was going to tender that, and I just wanted to make sure
38 that I've just put on the transcript the - some people are
39 doing this to me deliberately. I'm going to just identify
40 that letter that was in the same font that was under the
41 name of Peter Bachelard-Lammas.
42
43 It was the document before the draft document, which
44 is now exhibit 142, and its title, just for the purpose of
45 the transcript:
46
47 NB - to assist the Minister in this matter,

1 I enclose a copy of correspondence in
2 relation to this matter in the name of
3 Peter Bachelard-Lammas, Administrative
4 Officer, September 26, 1986.
5
6 HIS HONOUR: The whole file will become exhibit 143.
7
8 EXHIBIT #143 FILE OF CORRESPONDENCE SENT TO MINISTER
9
10 MR URQUHART: I'm going to hand it back, sir, to Mr
11 Rafferty, because I've finished my questioning of Mr
12 Philpott, and Mr Rafferty wants to ask him some questions.
13 Thank you, Mr Philpott.
14
15 HIS HONOUR: Now. What about Ms Jenkin and Ms Morgan -
16 have you got any questions?
17
18 MR JENKIN: No, thank you, sir.
19
20 HIS HONOUR: No, all right.
21
22 MS MORGAN: No, thank you.
23
24 MR RAFFERTY: Perhaps I jumped the gun.
25
26 <CROSS-EXAMINATION BY MR RAFFERTY:
27
28 MR RAFFERTY: Q. If I can just hand that up, please,
29 sir, exhibit 143. I've opened it up on a page. It's a
30 letter from my client to Messrs Trezise and cc-ed to Len
31 Wilkinson, 24 October 1986. Do you agree that in the
32 letter, a contemporaneous letter from you, is in entirely
33 different font to the font on exhibit 142?
34 A. Yes.
35
36 Q. And that's a letter that was signed by you?
37 A. Yes.
38
39 Q. That's contemporaneous with that particular document;
40 is that correct?
41 A. Yes.
42
43 MR RAFFERTY: All right. Can I just have that document
44 back very briefly too?
45
46 HIS HONOUR: What's the date of that letter?
47

1 MR RAFFERTY: That is - in fact, your Honour can have a
2 quick look at that --
3
4 HIS HONOUR: Yes, perhaps I can.
5
6 MR RAFFERTY: -- so you know what I'm talking about.
7
8 HIS HONOUR: Right.
9
10 MR RAFFERTY: 24 October 1986, I think, sir.
11
12 HIS HONOUR: Yes.
13
14 MR RAFFERTY: Thank you, sir. And if I could just have
15 that back. I think exhibit 8 is in that, sir. If we could
16 just have exhibit 8 up, if it's the right - which is the
17 retraction letter, or the document that the people were
18 asked to sign. It's actually coming out, sir. If I can
19 just hand that back to Mr Philpott, and I think exhibit 8 -
20 if we can just check that, or exhibit 9, sorry.
21
22 HIS HONOUR: It's the solicitor's letters.
23
24 MR RAFFERTY: That's the one, sir. And to page 2 of that
25 document.
26
27 Q. Now, you agree on the second page there it says:
28
29 We now unreservedly withdraw this
30 statement --
31
32 If we can keep going down:
33
34 -- and any imputation of impropriety it
35 conveyed. We admit that the statement is
36 without foundation. We regret making the
37 statement. We tender to you our sincere
38 apology.
39
40 That appears on that particular document?
41 A. Yes.
42
43 Q. So the document doesn't refer to anything about them
44 having never made the statement, and somebody else having
45 forged it on their behalf?
46 A. Right.
47

1 Q. Do you agree with that?
2 A. I do.
3
4 Q. And if you can now be shown exhibit 142, which is the
5 draft letter. The second-last paragraph further on:
6
7 -- a little disturbed by the fact that
8 support references you attach to your
9 letter have now been refuted by Mr B
10 McPharlin and Mrs G Flanigan --
11
12 Et cetera, et cetera. There's nothing in that particular
13 paragraph about the forging of statements or anything to
14 that effect is there?
15 A. No.
16
17 Q. Because you understand that what Mr Urquhart was
18 trying to do in relation to that paragraph, was suggest to
19 you that that married up with what you had allegedly said
20 to Mr Trezise in Lake Grace in 1986. You understand that?
21 A. Yes, I do.
22
23 Q. You accept --
24 A. Yes, I --
25
26 Q. You accept that there's nothing in that evidence about
27 there having been anything to do with forgeries?
28 A. Exactly.
29
30 Q. All right. Thank you for that. I'll hand that back,
31 thank you, sir. You were asked a number of questions about
32 two statements that had been made by people about the lack
33 of supervision at a particular hostel in Merredin. Do you
34 recall those questions Mr Urquhart asked you?
35 A. Yes.
36
37 Q. Do you agree with me that the email that was provided
38 doesn't actually say that there was a lack of supervision,
39 it refers to the lack of a warden; correct?
40 A. Correct.
41
42 Q. The handwritten letter refers to the absence of
43 supervision, so there is a distinction --
44 A. Yes.
45
46 Q. -- drawn between the two - you understand that? First
47 of all, if you had of known at any time in 1978 or 1979

1 that children were not being supervised at night in a
2 particular hostel, what would you have done?
3 A. I would have done something about it.
4
5 Q. And what would - let's not put it in a global sense,
6 tell his Honour what you would have done?
7 A. I would have gone to the local Board and we would have
8 somehow got somebody to supervise at night. I mean, it's
9 very necessary because of sickness and things like that.
10
11 Q. And just general supervision of children as well; is
12 that correct?
13 A. Yes.
14
15 MR RAFFERTY: Now, I've been provided a document that Mr
16 Urquhart hasn't referred to. It's the Diocese of Perth,
17 Summons to the First Session of the 37th Synod from 1979 -
18 and it's an extract, sir. It's page 110. I don't have a
19 barcode --
20
21 HIS HONOUR: Do you have a barcode on it?
22
23 MR RAFFERTY: No, mine doesn't have a barcode on it, sir,
24 unfortunately.
25
26 HIS HONOUR: Okay.
27
28 MR RAFFERTY: I'm happy to use my copy, if that assists.
29 Sir, I will use mine, sir. If we can put it on the
30 document camera.
31
32 HIS HONOUR: What was the year again?
33
34 MR RAFFERTY: It's the report to the synod in 1979.
35
36 HIS HONOUR: '79, right. I've seen that document. Yes,
37 that's Bishop Challen's report on the various hostels.
38
39 MR URQUHART: No, it's not.
40
41 MR RAFFERTY: No, this is from the Deputy Chairman Frank
42 Roe, relating to the --
43
44 HIS HONOUR: I beg your pardon.
45
46 MR RAFFERTY: -- events at St Michael's House, Merredin.
47

1 HIS HONOUR: Right.
2
3 ASSOCIATE: What year was it?
4
5 MR RAFFERTY: 1979.
6
7 MR URQUHART: The title might be Diocese of Perth, Summons
8 to the First Session of the 37th Synod.
9
10 MR RAFFERTY: That's what I said a minute ago. All right.
11 Now, I'll read that in the way that others have been read
12 into the transcript. So, "Report to Synod 1979", of Frank
13 R Roe, Deputy Chairman. Can you read that from where you
14 are? You're probably having the same problem I am.
15 A. No, I can't.
16
17 HIS HONOUR: You'll be battling, I think.
18
19 MR RAFFERTY: I'll read it out. I don't think anyone will
20 have any issue with that.
21
22 THE WITNESS: Yes.
23
24 MR RAFFERTY: :
25
26 Since the departure of Mr Peter Morton,
27 September 1978, after long and devotedly
28 unselfish service, St Michael's has been
29 through some troubled times. Quite apart
30 from the difficulty of finding suitable
31 staff, there has been the chronic problem
32 of rising costs. The perennial hurdle is
33 that of endeavouring to keep the hostel a
34 viable possibility with sufficient
35 flexibility to cope with inflation and
36 avoid lower standards in any area
37 whatsoever. This I suspect to be a problem
38 shared by other hostels and the Log of
39 Claims is still to come.
40
41 Clearly the beneficial side effect of our
42 crisis has been the increased participation
43 of Board Members, which as Deputy Chairman
44 I wish to express gratitude. I would also
45 like to put on record appreciation to all
46 the members of staff who laboured so
47 willingly during the harsh periods.

1
2 Further, during this last year, students
3 have responded splendidly both to the
4 discomfort due to renovations and the
5 inevitable disturbance of the hostel
6 atmosphere during staff changes. There has
7 been an indigenous growth also by way of
8 self-help and in community commitment. The
9 Board will endeavour to foster these
10 activities. We feel fortunate to have the
11 services of Mr William Murray as our new
12 warden.

13
14 There are more difficult times ahead of us.
15 We hope the past experiences of this last
16 year will prove beneficial to the students,
17 staff and Board alike.

18
19 My Latin's not good, sir, so it's a Latin term.

20
21 HIS HONOUR: Have a go.

22
23 MR RAFFERTY: In deo fidemus. There we go.

24
25 Q. Did you know Mr Roe?

26 A. Yes, I did.

27
28 Q. How would you assess his capabilities as a Deputy
29 Chairman?

30 A. Quite good, actually. Very industrious pastor.

31
32 Q. And you agree that that Report to Synod doesn't refer
33 to anything to do with people being absent during the
34 course of the evenings?

35 A. No.

36
37 MR RAFFERTY: I appreciate my learned friend finds it
38 funny, sir, but I had to go through it as a matter of
39 completeness.

40
41 HIS HONOUR: Of course, you do.

42
43 MR RAFFERTY: Q. It also refers there to effectively
44 everybody pulling together to help out during a difficult
45 time?

46 A. Correct.

47

1 Q. Is that what you'd expect of a local board to do?
2 A. Very much so.
3
4 Q. When things were difficult, they'd all come together
5 and help out?
6 A. They do.
7
8 Q. And that's clearly what's referred to in that
9 particular document?
10 A. Yes.
11
12 MR RAFFERTY: Thank, your Honour, I'll tender that
13 document.
14
15 EXHIBIT #144 DIOCESE OF PERTH, SUMMONS TO THE FIRST SESSION
16 OF THE THIRTY-SEVENTH SYNOD
17
18 MR RAFFERTY: You can have that. I have a copy of that.
19 Now, if Mr Philpott can be shown exhibit 140 - sir, have
20 you seen page 1 of that?
21
22 HIS HONOUR: 140, I'll have a look.
23
24 MR RAFFERTY: There's a reference to you.
25
26 HIS HONOUR: Is there?
27
28 MR RAFFERTY: Part-time Children's Court Magistrate.
29
30 HIS HONOUR: Yes.
31
32 THE WITNESS: There is.
33
34 HIS HONOUR: Perhaps I'll go and have a quick look at that
35 myself.
36
37 MR RAFFERTY: Yes. I don't want to go into anything I'm
38 not meant to.
39
40 HIS HONOUR: I think I've got something here. Let's have
41 a look.
42
43 MR RAFFERTY: So the title of that document --
44
45 HIS HONOUR: What's the barcode number.
46
47 ASSOCIATE: 502.

1
2 MR URQUHART: It's a matter down in Albany, sir.
3
4 MR RAFFERTY: You do the recordings.
5
6 HIS HONOUR: Yes, I remember that.
7
8 MR RAFFERTY: All of it, sir?
9
10 HIS HONOUR: Not really, no. I was surprised to have that
11 come up, but I've got vague recollections about it, yes.
12
13 MR RAFFERTY: I'm not going to ask any questions in
14 relation to it, sir.
15
16 HIS HONOUR: Yes.
17
18 MR RAFFERTY: Q. That is a document titled:
19
20 Summary of IR and Police matters involving
21 child maltreatment allegations against
22 staff at CHSHA hostels.
23
24 Do you agree with that - that's the title of that document?
25 A. Yes.
26
27 Q. And it relates to issues in 1984, 1985, 1986, 1987 and
28 1990; is that correct?
29 A. Correct.
30
31 Q. So during the period before Mr McKenna's charging in
32 1990, between the time that you're starting in 1976 and
33 1990, there were five complaints made of a nature that were
34 referred to the IR people; is that correct?
35 A. Correct.
36
37 MR URQUHART: That's not correct, sir. It's only
38 complaint matters that were dealt with by the IRC,
39 Industrial Relations Commission, and/or the police.
40
41 MR RAFFERTY: That's what I just - I said referred to the
42 IR people.
43
44 MR URQUHART: Yes.
45
46 MR RAFFERTY: That's what I just referred to.
47

1 MR URQUHART: And apparently the records are not complete.
2
3 MR RAFFERTY: Well --
4
5 HIS HONOUR: All right, okay.
6
7 MR RAFFERTY: I'm told that this is a complete summary
8 when my learned friend's asking questions, and now when I
9 ask questions, sir, I'm placed in a position where I'm told
10 that that's wrong.
11
12 HIS HONOUR: Well, we'll go on the basis of what's there
13 for the moment, yes.
14
15 MR RAFFERTY: Thank you, sir.
16
17 Q. So in relation to the 1984 matter, that became the
18 subject of an Inquiry that was dealt with by his Honour;
19 correct?
20 A. Yes.
21
22 Q. In relation to the 1985 matter, that matter was
23 resolved by the Industrial Relations Commission; is that
24 correct?
25 A. Correct.
26
27 Q. And you liaised with the Industrial Relations people
28 in relation to that matter?
29 A. Yes, we had.
30
31 Q. And the same year there was an issue in Port Hedland,
32 and you commended the person who dealt with the matter in
33 the warden's absence?
34 A. Yes.
35
36 Q. There was an issue in 1986 relating to Amity House --
37 A. Yes.
38
39 Q. -- allegations of a male supervisor, where there was
40 no case - police found there was no case to answer?
41 A. Yes.
42
43 Q. And then there's a 1987 matter which you were
44 cross-examined about at length?
45 A. Yes.
46
47 Q. As far as complaints of any sexual nature were

1 concerned, if you had of been aware of them, are they
2 something you would have taken very seriously?
3 A. Absolutely, very seriously.
4
5 Q. Well, would you want those types of things swept under
6 the carpet?
7 A. No, not really. Not at all.
8
9 Q. Yes, I was about to ask you, "No, not really", but
10 "No, not at all" is your final answer. In that period, say
11 between 1976 and 1990 - I'm going to ask you to think back
12 as an individual - was child sex abuse something that would
13 have crossed your radar so to speak? Is it something you
14 would have given any serious thought to that other people
15 would do that kind of thing?
16 A. It was always in the background, but it wasn't a
17 prominent thing because it just didn't happen very often.
18
19 Q. Is it the case that you worked on the basis that
20 people acted in good faith, who worked within hostels?
21 A. Well, that happens all the time. In good faith,
22 that's what you set about from your staff.
23
24 Q. And that's the starting point isn't it?
25 A. Yes.
26
27 Q. And until something happens, that you're made aware
28 of, it will be at that time that your opinion of them will
29 change; is that correct?
30 A. Correct.
31
32 Q. And up until - you don't resile from the fact that up
33 until 1990 you had a high opinion of Dennis McKenna?
34 A. Yes, I did.
35
36 Q. Because the material that you had before you was all
37 positive?
38 A. Absolutely.
39
40 Q. Clearly, after 1990, did you have a positive attitude
41 towards him then as an individual?
42 A. No, I did not.
43
44 Q. Tell his Honour what you actually think of Dennis
45 McKenna, and don't hold back.
46 A. What do you mean? Now?
47

1 Q. Yes.
2 A. I think he's a dreadful person to succumb to the
3 deviant behaviour that he went about. He's disgraceful.
4
5 Q. His Honour, I think, alluded to this earlier. Is
6 child sex abuse something back in the '80s that was openly
7 talked about in the manner it is today?
8 A. No. It was hidden up - basically hidden up.
9
10 Q. Were you aware that they were very difficult things to
11 prove in those days where you needed to prove
12 corroboration?
13 A. Very difficult. I've spoken to police and I
14 understand from their point of view how difficult it is to
15 get sexual abuse brought to the court. People are very
16 hesitant to talk about it.
17
18 Q. If you hadn't been made aware back in the 1980s - I
19 asked you this before, but I ask you again because the
20 questions that were asked by Mr Urquhart today - what would
21 you have done if you had been made aware that somebody
22 working in a hostel under the auspices of the country
23 hostels authority was sexually abusing children, what would
24 you have done?
25 A. Two things I would have done. Would have gone
26 straight to the police and I also would have reported it to
27 the industrial area in the education department. And
28 that's where Kerry O'Neill and Joe Black came into being.
29 They had access to that and we would have immediately got
30 them on the job.
31
32 MR RAFFERTY: Sorry to have to keep going through this.
33 Can I just have a brief word with my learned friend about
34 that?
35
36 HIS HONOUR: Yes, most certainly.
37
38 MR RAFFERTY: I do not want to go through this at length,
39 sir, if it is not going to be an issue. That has
40 short-circuited my questioning.
41
42 Q. I am going to ask you this: Mr Philpott, go back to
43 1976, and you are aware that you are going to do 23 years
44 as the chairman of the Country High Schools Hostel
45 Authority, and during that period you accept that
46 everything you did was in good faith?
47 A. It was.

1
2 Q. And for a significant amount of that time, despite
3 what may be suggested, that that was on a voluntary basis,
4 apart from the fact that you would recoup your expenses?
5 A. Correct.

6
7 Q. If you had of known you were going to have to come
8 before an Inquiry like this 36 years later and have your
9 integrity questioned, ultimately being suggested that you
10 are not telling the truth in relation to matters, the
11 things that you did were inappropriate to a significant
12 degree, would you have embarked on that course, that
13 voluntary course for 20-odd years?

14 A. Very difficult to answer.

15
16 MR URQUHART: I can't really see the relevance of that
17 question.

18
19 HIS HONOUR: I am going to allow the question.

20
21 MR RAFFERTY: Thank you, sir.

22
23 THE WITNESS: Very difficult to answer that. I think I
24 saw the end goal of giving isolated children an opportunity
25 of an education equal to their city counterparts, and I
26 think I would have taken that on, as difficult as all this
27 has been.

28
29 MR RAFFERTY: Q. How have you found this experience,
30 Mr Philpott?

31 A. This particular experience?

32
33 Q. Yes, this particular experience?

34 A. I feel sorry for all of you having to sit here and
35 plough through, day after day.

36
37 Q. Forget about everybody else and the effect it has had
38 on them. Everybody is getting paid to do that.

39 A. It's been a bit stressful but, you know, at 80 years
40 of age it - and have your birthday here - not so good.

41
42 Q. That was my fault, no-one else's - certainly not the
43 Inquiry's. Final question, Mr Philpott, in your time in
44 that 23 years as chairman of the Country High School
45 Hostels Authority, just tell his Honour directly, did you
46 ever do anything that you perceived to be wrong or that was
47 done not in good faith?

1 A. Not a single - not a single thing in the whole of that
2 time. I certainly would have put some time in.
3
4 MR RAFFERTY: Thank you for that, sir. I have nothing
5 further.
6
7 HIS HONOUR: Very good. Nothing arising, Mr Urquhart?
8
9 MR URQUHART: Just very briefly.
10
11 <RE-EXAMINATION BY MR URQUHART:
12
13 MR URQUHART: Mr Philpott, I won't be much longer.
14
15 Q. You answered some questions from Mr Rafferty about
16 what you would do if you found out about allegations of a
17 sexual nature against a hostel staff member. When he was
18 asking you, were you referring to what if you found out
19 personally or what if you found out, using the larger
20 meaning, of the Authority?
21 A. The whole of the Authority. I am sure they would be
22 the same as me.
23
24 Q. You said that you would take the matter straight to
25 the police and that you would also allow the industrial
26 relations section of the department of education to
27 undertake an investigation?
28 A. Correct.
29
30 Q. You would do that straight away?
31 A. Yes.
32
33 Q. You see, that example that I took you to regarding
34 Northam hostel in August 1987, that didn't happen?
35 A. About the lady?
36
37 Q. Yes.
38 A. I didn't know anything about that.
39
40 Q. All right.
41 A. You see, that, again, is run by the church and that is
42 how they favoured to comply with what happened.
43
44 Q. Mr Philpott, the Authority was notified of that
45 because the board of management asked the Authority to get
46 involved. That is why Mr Lamma went down there. You see,
47 that is one example where what you expected the Authority

1 to do it didn't do?
2 A. I think it was at a crossroads there, whether it was
3 true sexual activity or whether it was on the boarder or
4 that.
5
6 Q. I don't want to go over this for too long.
7 Exhibit 141, this is Mr Lammas's file note:
8
9 On request from the board of management I
10 attended a special meeting re the alleged
11 sexual interference by Mrs ... with hostel
12 students.
13
14 A. Maybe at the end of that he didn't consider that it
15 was a serious sexual --
16
17 Q. I see. There is the distinction that has to be made
18 between "serious sexual interference" and "sexual
19 interference"?
20 A. Well, it is what somebody says is sexual interference.
21 You are saying they were just touching - I think a lot
22 would determine on what they found out on the day of
23 investigation.
24
25 Q. These allegations here, you say you don't have any
26 memory of this incident. I will tell you what some of them
27 were. That one student was pinched on her bottom.
28 A. And that happens often.
29
30 Q. For one student she tried to put her hand up the
31 student's skirt to touch her bottom, "but I pulled away and
32 told her not to. I told my mother about it. She was
33 absolutely disgusted". Another pinching of the bottom.
34 Two of those. Another one alleged that "she slid her hand
35 up my bottom and up the side of my ribs to my breasts.
36 Made me feel revolting." Another time the other witness
37 says this woman came into where her bed was, pulled back
38 the covers and had her hand on her stomach before moving
39 around to her bottom. Again, more allegations of rubbing
40 her hand over the bottom, touching breasts, et cetera,
41 et cetera. Do you think that those --
42 A. Highly undesirable.
43
44 Q. Those sort of incidences didn't necessarily warrant
45 the police being contacted or the industrial relations
46 section of the department of education being notified?
47 A. Well, I pointed it out to you before. The running of

1 the Northam hostel was under the control of the Anglican
2 Church and all things were left to them to run the hostel.
3 Now --

4
5 Q. Mr Philpott, in this instance, though, they asked the
6 Authority to get involved and to take whatever course of
7 action was appropriate. So that's the distinction here.
8 In this instance the Authority has been asked to intervene?

9 A. Yes, and I say by being asked, instead of saying that
10 this is definite, that we sent Peter Lammis up there to
11 investigate the matter. I can say to you it's totally
12 undesirable but circumstances, as it happens, sometimes
13 changes what people will do. And being the Anglican
14 Church, again, they had control.

15
16 Q. Finally, given the fact that there was a decision only
17 to overhaul the procedures in place for dealing with
18 allegations of sexual interference in 1991, was it the case
19 that it was the magnitude of Dennis McKenna's offending
20 that was the catalyst for that change rather than other
21 incidences that had taken place in the years up to that
22 time?

23 A. Unquestionably the magnitude of his thing. It's
24 enormous. Needed to be looked at.

25
26 Q. Would you at least agree with me, any sexual
27 interference of a child should be dealt with harshly or
28 dealt with --

29
30 HIS HONOUR: Perhaps put that in the past tense "should
31 have".

32
33 MR URQUHART: "Should have".

34
35 HIS HONOUR: Look at this through the standard of the
36 time, not today.

37
38 MR URQUHART: Yes.

39
40 Q. I suggest to you, do you think the Authority ought to
41 have initiated those changes prior to 1991?

42 A. With all the current hindsight you've got for asking
43 all the questions today, I would say with current hindsight
44 most definitely.

45
46 Q. But not necessarily back then?

47 A. I think there were issues back then, as I'm trying to

1 point out, about how the control was had by the Anglican
2 Church, what they wanted to do at the time. It was
3 difficult back in the mid-'80s and '70s.
4
5 MR URQUHART: Thank you, Mr Philpott. Finally, sir, I do
6 think maybe that ought to go with the exhibit 142.
7
8 HIS HONOUR: What is it?
9
10 MR URQUHART: It is the covering letter that the Inquiry
11 received with that file.
12
13 HIS HONOUR: All right. That can become part of
14 exhibit 143 with the file.
15
16 MR URQUHART: I did not read out some portions in that
17 letter. Thank you, sir. Thank you, Mr Philpott.
18
19 HIS HONOUR: That completes your evidence. Thank you,
20 Mr Philpott. I am very confident we will not want you to
21 come back again. The only reason that would happen would
22 be if something turns up. With this Inquiry things
23 unexpectedly happen, new information arrives as a result of
24 someone talking to an investigator. I do not expect that
25 to happen, but if it does, fairness requires that you be
26 given the opportunity to comment, and that be the only
27 reason you would be brought back.
28
29 Q. All right?
30 A. Thank you, sir. I am going overseas.
31
32 HIS HONOUR: I will make sure you get some means of doing
33 that. I presume it would be possible to contact you by
34 email or something like that?
35
36 MR RAFFERTY: Whatever happens, sir, I can liaise.
37
38 HIS HONOUR: Fairness requires you have the opportunity to
39 comment on anything which is potentially adverse to you
40 which you haven't had notice of before, you see.
41
42 THE WITNESS: Thank you very much for your help.
43
44 <THE WITNESS WITHDREW
45
46 HIS HONOUR: Is that it for today?
47

1 MR URQUHART: Yes, sir, that is it for the day.
2
3 HIS HONOUR: What time tomorrow?
4
5 MR URQUHART: No, we are not sitting tomorrow.
6
7 HIS HONOUR: Friday?
8
9 MR URQUHART: It is Friday, 10 o'clock.
10
11 HIS HONOUR: We will adjourn until Friday at 10.
12
13 AT 5.16PM THE HEARING ADJOURNED TO
14 FRIDAY, 22 JUNE 2012 AT 10AM
15
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