

Special Inquiry into St Andrew's Hostel

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

Tuesday, 20 March 2012 at 9.32am
(Day 12)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Mr Urquhart?
2
3 MR URQUHART: Sir, the first witness this morning will be
4 Dean Bradley McKenna. Mr McKenna is in the back of the
5 hearing room. Mr McKenna will take the affirmation, thank
6 you, sir.
7
8 HIS HONOUR: Thank you, Mr McKenna. If you could come
9 forward.
10
11 <DEAN BRADLEY MCKENNA, affirmed:
12
13 <EXAMINATION-IN-CHIEF BY MR URQUHART:
14
15 MR URQUHART: Q. Mr McKenna, your full name is Dean
16 Bradley McKenna?
17 A. That's correct.
18
19 Q. You're 46 years old, right?
20 A. Yes, that's correct.
21
22 Q. You reside in the Perth metropolitan area?
23 A. Yes. I do.
24
25 Q. Your current occupation?
26 A. I'm a school teacher at North Lakes Senior Campus.
27
28 Q. Sorry, where are you?
29 A. At North Lakes Senior Campus.
30
31 Q. If you keep your voice up a bit. We have a microphone
32 in front of you; that is not going to amplify your voice.
33 Plus we have a rather noisy air-conditioner alongside me.
34 Mr McKenna, how long have you been a teacher for, or when
35 did you qualify?
36 A. I qualified as a teacher in 1983.
37
38 Q. Did you then subsequently work at a number of schools
39 as a teacher?
40 A. I have, yes, sir.
41
42 Q. I want to take you to where you were in 1989. Was it
43 the case that prior to that year you had been at the
44 Mullewa school as a teacher?
45 A. That's correct, yes.
46
47 Q. In 1989 did you move to the Katanning Senior High

1 School as a teacher?
2 A. Yes, I did.
3
4 Q. Was it the case that your then wife was also a
5 teacher?
6 A. That's correct, yes.
7
8 Q. Did she also obtain a teaching position at this same
9 school?
10 A. She did, yes.
11
12 Q. Now, Mr McKenna, can we establish right from the
13 outset, your surname is "McKenna". As you are no doubt
14 aware that one subject matter of this Inquiry is the
15 activities of Dennis McKenna. Are you any relation to
16 Dennis McKenna?
17 A. I was told that I was a distant relation, and an aunty
18 of mine explained it around 20 or so years ago. I've
19 actually forgotten what the connection was, but I was told
20 I was a distant relation.
21
22 Q. So when you went to the Katanning Senior High School
23 in 1989 were you aware that there was a warden there by the
24 name of Dennis McKenna?
25 A. Initially when I went I wasn't. But when I rang the
26 principal, Ian Murray, he asked if I was a relation, and
27 that's where I established a connection.
28
29 Q. I see. Dennis McKenna had no involvement in you
30 applying for the job at Katanning Senior High School or
31 anything of that nature?
32 A. No, he didn't.
33
34 Q. Now, was it the case that when you were taken through
35 an induction at the school that you did meet Dennis
36 McKenna?
37 A. Yes, I did.
38
39 Q. What was your first impression of him?
40 A. My first impression of Dennis was that he was a very
41 charismatic man. He was quite a positive person that
42 seemed very keen for the children at the hostel to do well.
43 He seemed very involved with the town. He seemed very
44 popular with the staff. He seemed very popular with the
45 students. He seemed like a very nice man.
46
47 Q. You mentioned there the relationship he had with the

1 town. Is that something which you subsequently observed?
2 A. Yes. He was involved - he had a picture theatre, and
3 a lot of the community used to use that. He was involved
4 with things around town, just as a part of being a warden
5 of the hostel and being involved with the children.
6
7 Q. With the theatre, are you talking about the theatre
8 that was on the hostel grounds?
9 A. That's correct, yes.
10
11 Q. It was attached to what was called a recreational
12 shed?
13 A. That's right, yep.
14
15 Q. You mention that was popular with the town, did you?
16 A. Yes.
17
18 Q. How often would movies be shown there?
19 A. I think movies were shown every week. My wife and I
20 would probably go every few months.
21
22 Q. When you went what did you observe about the
23 popularity of those?
24 A. Sorry?
25
26 Q. The popularity of those movies that were being shown?
27 A. They were always quite well attended.
28
29 Q. Was there another movie complex there in the town?
30 A. No. No. No.
31
32 Q. So what sort of things could do you at Katanning on a
33 weekend night?
34 A. There was not a lot to do. The other option was to go
35 to the hotel, and you can only spend so much time at the
36 pub.
37
38 Q. What did you teach, Mr McKenna, at the school in 1989?
39 A. At that time I was predominantly teaching metal
40 technology, which was sort of a metal engineering sort of a
41 trades related course.
42
43 Q. What years were you teaching, as in what school years?
44 A. I was teaching across all years but I had, from
45 memory, I think I had a year 11 and a year 12 group for
46 that. So a fair portion of my time was in the upper
47 school, or the year 11 and 12 group.

1
2 Q. And your wife, can I just ask what was her name?
3 A. Marianne. She was a home economics teacher. And she
4 taught - like she was teaching home sciences. She taught
5 the female equivalent, so she had a fair bit to do with the
6 hostel girls there also, I guess.
7
8 Q. Do you recall teaching a boy by the name of Todd
9 Jefferis?
10 A. I do, yes.
11
12 Q. Before I ask you some questions about that, can I ask
13 you how many years did you end up teaching at the Katanning
14 high school?
15 A. From memory I was there three or four years.
16
17 Q. 1989 through to 1991, 1992 - somewhere around there?
18 A. Something like that, yes. I'm not very good with
19 those sorts of dates.
20
21 Q. That's all right. You are not a maths teacher.
22 A. I am sometimes!
23
24 Q. We will keep that quiet then. I was going to ask you
25 about Todd Jefferis.
26 A. Yes.
27
28 Q. Can you recall what years he was at the school when
29 you taught him, as in whether he was in year 11 or in
30 year 12?
31 A. He was in year 11 and year 12.
32
33 Q. Do you recall an occasion in class where he was the
34 subject of some attention by the other students?
35 A. I do recall that there was a degree of gossiping and
36 inappropriate discussion, I guess you would call it,
37 occurring in one of my classes, to which I pulled the group
38 in and I spoke to the whole class about the
39 inappropriateness of the discussions and the low-level
40 bullying that was occurring.
41
42 Q. Was that low-level bullying occurring to a particular
43 student?
44 A. Yes.
45
46 Q. Who was that?
47 A. It was occurring to Todd.

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Q. To place this in context, are you aware of a complaint that Todd Jefferis made regarding conduct by Dennis McKenna?

A. I am now aware - I am now aware of the complaint. At the time of that incident I wasn't aware.

Q. Can you recall whether Mr Jefferis was in year 11 or year 12? If you can't that's okay.

A. I'm not sure. There wasn't a lot of difference in those particular groups as to whether they were year 11s and 12s. Sometimes I had year 12s in year 11 classes. Other times I had 11s in 12 classes, so I'm not sure, sorry.

Q. We know Mr Jefferis was in year 12 in 1990; so year 11 in 1989. It was one of those years?

A. Yes.

Q. Can you say whether it was around about the time of a complaint subsequently coming to the attention of the public?

A. Yes. I'm sure that at the time at which this discussion and bullying was occurring the complaint happened probably within that week.

Q. Can you recall what this low-level bullying was about?

A. It was - I mean a 16, 17-year-old boy has been silly - 16, 17-year-old boys, they had obviously been picking on one another out in the playground area. It was, "You're a faggot", "You're being gay", "You're gay", "You all take it"; that sort of discussion. Just stupid schoolboy stuff.

Q. Well, of course that can be said in a jocular fashion without any effect upon the person receiving the so-called insults. Did you notice what impact it had on Todd Jefferis?

A. Well, Todd was at that time trying to fit within a peer group. I feel he was a little uncomfortable in the class. This was a very long time ago, so whether he took direct offence at it or not I can't remember.

Q. Do you recall speaking to Todd at all about this?

A. I spoke to the whole group because I didn't want to single him out, because that can often make bullying worse.

Q. Did you find out from what you'd overheard being said

1 regarding this low-level bullying of who he was supposed to
2 have been gay towards or with?
3 A. When I heard that there were allegations about the
4 staff being involved in this, that's when I spoke to the
5 whole group and said that "if you are going to make
6 allegations like that you either need to take it to the
7 relevant authorities or take it to the principal", as I
8 said then, "or not make statements like that".
9
10 Q. When you then heard about there had been allegations
11 involving staff --
12 A. Yes.
13
14 Q. -- was that at the same time of this occasion?
15 A. Yes.
16
17 Q. Was a particular staff member singled out?
18 A. I can't remember any more, sorry.
19
20 HIS HONOUR: Q. Just to clarify that. When you say you
21 heard that the allegation involved staff, were the comments
22 by the boys themselves that you overheard --
23 A. Yes, your Honour.
24
25 Q. -- that was to that effect?
26 A. Yes.
27
28 Q. And as best you can remember, what was the nature of
29 what you heard said in that regard?
30 A. There was just suggestions that the staff were
31 involved in these sexual behaviours. But again --
32
33 Q. Sexual behaviours with Todd, was that the substance of
34 it?
35 A. From memory - again, it's very hazy because it is a
36 long time ago - there was an implication of everybody being
37 lumped in, you know, like it was widespread.
38
39 Q. Widespread amongst staff or students, or what?
40 A. "You're all into it over there" sort of thing was my
41 interpretation of those discussions.
42
43 Q. So the remarks directed towards Todd came from
44 students who were not at the hostel, was that the position?
45 A. Yes.
46
47 Q. The allegation along the lines "you're all into sexual

1 relations with the staff over there", something along those
2 lines?
3 A. Yes.
4
5 MR URQUHART: Q. Can you recall - I know it is difficult
6 - whether this group that was involved in it, was Todd the
7 only one in that group that was a hostel boarder?
8 A. No. There were other hostel students in the group.
9 And at that time there didn't seem to be a level of support
10 from those students for Todd. He seemed to be a little bit
11 alienated from both groups at that stage.
12
13 Q. Now, did it subsequently come to your attention that a
14 short time after that that Dennis McKenna had been charged?
15 A. Yes.
16
17 Q. With offences of a sexual nature --
18 A. Yes.
19
20 Q. Against, at that point, a hostel boarder?
21 A. Yes.
22
23 Q. Now, can you recall any discussions amongst the school
24 staff or the school teaching staff about that matter?
25 A. There was a staff meeting called.
26
27 Q. Can you recall who called that?
28 A. Well, I would have - it just came over the PA, but I
29 imagine that it was called by Ian. Ian fronted it.
30
31 Q. Ian Murray?
32 A. Ian Murray.
33
34 Q. The principal?
35 A. Yes. And at that meeting there were suggestions that
36 there had been unsubstantiated allegations against members
37 of the management of the hostel. I can't even remember if
38 Dennis was directly mentioned at that stage..
39
40 HIS HONOUR: Q. Just to clarify there, did Mr Murray say
41 there were unsubstantiated allegations against staff plural
42 or "staff member", or don't you remember?
43 A. I can't remember, sorry, sir.
44
45 MR URQUHART: Q. This is in the time frame of that
46 bullying incident you've described involving Todd Jefferis?
47 A. Yes, this had sort of come to the gossiping.

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Q. Did you raise anything with Mr Murray at this meeting?
A. At that meeting it sort of dawned that we needed to deal with this properly and that it could be a very, very serious situation. Because up until then, with the limited information I had, it seemed quite improbable. So, yes, I did mention that we needed to deal with this and we needed to deal with it effectively. Whether Ian took that information on Board or not, I don't know.

Q. When you say it needed to be dealt with effectively, what were you trying to convey?

A. Just that it wasn't a trivial matter, that it needed to be given real consideration, and I felt at that time that was what was being done.

Q. What, that it was being dealt with in a trivial manner?

A. No, no. That it was actually --

Q. So it was being dealt with?

A. The wheels were put in motion that it was going to be dealt with properly.

Q. Can I ask you about Mr Murray. At your time there at the school were you able to observe what sort of relationship he had with Dennis McKenna?

A. Ian always spoke very highly of Dennis. Ian was right into his rotary and the community links, so I think he prided himself that he professionally had aligned himself with Dennis in the way in which he ran the hostel, because I think he saw it as a very effectively run business. He was clearly fond of him on professional and, I think, a personal level.

Q. Out of all the teachers that were there at the school at the time that you and Mr Murray were there, did you notice whether any of the other teachers had that sort of relationship with Mr McKenna?

A. No.

Q. Can you recall anything else that Ian Murray said at this meeting to his teaching staff regarding how the teachers were to respond to this allegation?

A. He was - again, very long time ago - but he was suggesting that everything was unsubstantiated at this moment in time, that we shouldn't sensationalise it, that

1 we should keep it in-house. Obviously because if rumours
2 get out the thing becomes bigger than Ben Hur, and if the
3 people involved were innocent then it wouldn't have been
4 fair to them. So what he was saying made good sense at
5 that time, I feel.

6
7 Q. Could you see from what he was saying where his
8 support lay? Was it towards the student who had made the
9 complaint or was it towards Dennis McKenna?

10 A. From my point of view he was supporting Dennis
11 McKenna, but in the context of where we were at that time
12 it seemed quite incredulous that something could happen.

13
14 Q. When you say, "at that point in time" because of
15 Dennis McKenna's reputation --

16 A. Yes.

17
18 Q. -- that it seemed incredulous, I think you said?
19 A. Yeah, if that's the correct word to use. Because I
20 remember when it came out that we had children in shock
21 wandering around in tears, holding one another, because it
22 was almost like their family had been ripped apart.

23
24 Q. When you say, "children", are they children at the
25 hostel?

26 A. Children at the hostel.

27
28 Q. What about was there any consensus amongst the
29 teachers at the high school?

30 A. I think we were very shocked also.

31
32 Q. I gather you would have spoken to your fellow teachers
33 about this?

34 A. Yes.

35
36 Q. Was there a common view that was held as to how it
37 came about that such allegations would be made?

38 A. I think there was a lot of joining the dots that
39 occurred. "Oh, remember when this happened", "remember
40 when that happened". Maybe - I mean, I can't come up with
41 specific details, but there was obviously a lot of in-house
42 discussion as to "could this allegation be true?"

43
44 Q. You just mentioned there - I think you said you
45 couldn't recall the details - but there was some joining of
46 the dots?

47 A. Yes.

1
2 Q. Is it your recollection there was a case of teachers
3 going back over time --
4 A. Yes.
5
6 Q. -- and remembering some incidence which would maybe --
7 A. That may explain why this group were so aligned, it
8 may explain why these groups were on the outer, that sort
9 of thing, I guess.
10
11 Q. It would explain what? There was some truth behind
12 the allegation?
13 A. Yes.
14
15 HIS HONOUR: Q. So they are reflecting back with
16 hindsight and thinking there might be something to it?
17 A. Yes. That's a lot of this situation. We have seen
18 negligence in hindsight, but I can just remember hearing
19 this information and it was like a bombshell, you know, "My
20 God, who would have thought, in our own backyard, this was
21 occurring!"
22
23 MR URQUHART: Q. You mentioned the staff meeting that Ian
24 Murray spoke at. Can you recall whether there was any
25 other meeting that had been organised by Mr Murray?
26 A. Yeah. After that staff meeting there was a meeting
27 called at Reidy House for the community. I can't recall
28 whether teachers were expressively invited to attend or
29 not, but I know the community was encouraged to attend.
30
31 Q. Do you know who organised that?
32 A. I believe Ian organised that.
33
34 Q. You didn't go?
35 A. I didn't go, no.
36
37 Q. Do you recall another meeting being held just shortly
38 after Dennis McKenna had been charged that was held in the
39 rec shed?
40 A. No, I'm not - I can't recall, sorry.
41
42 Q. Now, following this development with Dennis McKenna
43 being charged did you notice anything regarding student
44 behaviour towards Todd Jefferis?
45 A. Todd seemed quite ostracised. There was a tension
46 within the student group. Almost like he had gone against
47 the students, gone out on his own. It felt quite

1 uncomfortable.

2

3 HIS HONOUR: Q. When you say "students", do you mean
4 students as a whole or hostel students?

5 A. Sorry, the hostel students. He seemed quite
6 alienated.

7

8 MR URQUHART: Q. Given that context, did you observe
9 whether any teachers supported him in any way?

10 A. I feel the teachers supported him. I wasn't aware of
11 any change in attitude from the teachers. I think when we
12 had heard there had been allegations we probably kept an
13 eye out for him, knowing that there could be further
14 recriminations down the track.

15

16 Q. Did you become involved in any way, much the same way
17 as you became involved earlier about speaking to the group;
18 did you have cause to do that after Dennis McKenna had been
19 charged?

20 A. I don't think - nothing that would go beyond the
21 normal bounds of classroom management. I definitely would
22 have stepped on any gossiping a lot earlier than probably I
23 would have managing a normal group of 15, 16, 17-year-olds,
24 but that's about it.

25

26 Q. Putting it into context as to when you and your wife
27 left the Katanning high school, was it after Dennis McKenna
28 had been convicted at his trial, which we know it was held
29 in the middle of 1991?

30 A. It was after, but that wasn't the sole reason for us
31 leaving. So, yes, that was under way.

32

33 Q. Would you like to explain as to why it was that you
34 ended up leaving? If you don't want to, you don't have to.

35 A. No, it is fine. My wife didn't like the cold weather
36 and we were in a particularly bleak and cold house down
37 behind the hospital. We felt - obviously there was a
38 degree of trouble. We could have been drawn into it, but
39 that wasn't the major reason. We decided we would like to
40 go somewhere a bit warmer, so we went to Kununurra instead,
41 which is a polar opposite, I think.

42

43 Q. Yes. You might have been a little bit more than "just
44 a bit warmer"?

45 A. Just a tad, yes.

46

47 MR URQUHART: Thank you, Mr McKenna, they were the

1 questions, sir, I had.
2
3 HIS HONOUR: Mr Hammond?
4
5 MR HAMMOND: Thank you, sir.
6
7 <CROSS-EXAMINATION BY MR HAMMOND:
8
9 MR HAMMOND: Q. Mr McKenna, you said that when you first
10 met Mr McKenna you formed these observations of him, that
11 he was a charismatic man, that he was positive, involved
12 with the town. Did that view that you held changed whilst
13 you were a teacher at Katanning Senior High School?
14 A. No.
15
16 Q. For the entire time that you were there you saw
17 nothing untoward about Mr McKenna personally?
18 A. No.
19
20 Q. Did you notice that he - I think you have said this -
21 Mr Murray was very fond of Mr McKenna?
22 A. Yes.
23
24 Q. You saw them regularly together?
25 A. Well, I mean, as part of Dennis's duties I would
26 imagine it would involve him being up at the school. I
27 wouldn't say I saw them regularly together, but I did see
28 Dennis --
29
30 Q. But why was Dennis McKenna regularly up at the school?
31 He wasn't teaching there, was he?
32 A. No. But he would probably be assisting in the
33 management of - something might have happened at school. I
34 would expect that he has almost a parent duty that he would
35 be involved in discussing things. It didn't seem out of
36 place that he was up there. The hostel was the other side
37 of the oval. We were basically in the same precinct.
38
39 Q. Did you make observations about the students that came
40 from the hostel to Katanning Senior High School as to their
41 character and demeanour when you taught them? Did they
42 appear different to you from the students that weren't at
43 the hostel?
44 A. They did. They were always in uniform. They were
45 always very clean and tidy. They always spoke very
46 respectfully.
47

1 Q. Withdrawn?
2 A. No. Obviously some children yes, because they were
3 adjusting to being away from family. But they seemed - the
4 majority of students who were at that hostel seemed very
5 happy.
6
7 Q. In relation to Todd Jefferis, who you taught, you knew
8 he was being ostracised by his peer group?
9 A. Yes.
10
11 Q. On the suggestion that he was gay?
12 A. No. He was --
13
14 Q. Or involved in gay behaviour?
15 A. That was where I stamped on things. Todd was trying
16 to fit within a peer group and he seemed not quite sure
17 where he fitted within the dynamics of the students -
18 hostel and non-hostel - at that time. He seemed a little
19 bit lost.
20
21 Q. When it came to your attention that students were
22 outside your classroom, or somewhere in the vicinity of
23 your classroom, saying that "you're all into it over there"
24 you understood that to be homosexual gay behaviour, didn't
25 you?
26 A. That's right, yes.
27
28 Q. You heard students saying that, that "you're all into
29 it over there"?
30 A. I intervened. I hadn't heard it in the playground as
31 such but it was - I had a workshop a little bit larger than
32 this room and I heard groups gossiping.
33
34 Q. When you heard those words to that effect that "you're
35 all into it over there" you understood that to include
36 staff members at the hostel?
37 A. Yes.
38
39 Q. Now that would have made you very concerned, wouldn't
40 it?
41 A. Yes.
42
43 Q. You spoke to the students as a result of that concern?
44 A. Yes.
45
46 Q. Did you actually ask them whether there was gay or
47 homosexual conduct taking place at the hostel as a result

1 of those statements that you heard?
2 A. It wasn't that direct in what was happening. I wasn't
3 that involved in it. I just wanted to stop.
4
5 Q. Because I think Mr Urquhart put to you that these
6 statements weren't being made. You asked whether these
7 statements were being made in a jocular fashion. I think
8 your understanding was they weren't jocular?
9 A. It's a fine line --
10
11 Q. Yes, and I appreciate that?
12 A. -- and that's where we will go - they were designed to
13 have some sting but they weren't direct statements. It was
14 boys trying to just stir the pot.
15
16 Q. Yes, but when boys are saying that staff members or
17 people in control of children are into homosexual
18 behaviour, do you think now that you should have gone to
19 Mr Murray or to someone else to report that?
20 A. Yes, but in hindsight --
21
22 Q. It's easy - I'm just asking you now, looking back --
23 A. Yes.
24
25 Q. -- you should have gone and reported it?
26 A. Yes. And, in fact, with the mandatory reporting Act
27 as it occurs now, I would be - I would be negligent in my
28 duties and could be dismissed as a result but none of that
29 occurred, that wasn't in existence at the time that that
30 occurred.
31
32 Q. And Todd was the butt of these accusations, was he
33 not?
34 A. Not the sole.
35
36 Q. Not the sole but he was --
37 A. He was, yes.
38
39 Q. You understood him to being targeted?
40 A. Yes, and I felt because he was a little bit outside,
41 that he needed a little bit of support so I didn't want to
42 bring more on him at that time.
43
44 Q. Moving to the meeting that Ian Murray called about the
45 so-called "unsubstantiated allegations", as he described
46 them, you have already heard the allegations made outside
47 your classroom and now you are being called to a meeting in

1 relation to allegations which you describe as a serious
2 situation?
3 A. Yes.
4
5 Q. Again, did you form the view then - I mean you
6 understood that those allegations related just to general
7 staff members. No staff members were designated at that
8 meeting?
9 A. Yes.
10
11 Q. So Mr McKenna's name wasn't even mentioned?
12 A. I can't recall whether it was but, I mean, through -
13 Dennis basically was that hostel.
14
15 Q. But you understood it to relate to the hostel?
16 A. Yes.
17
18 Q. Given that this is now the second occasion on which
19 serious allegations are raised in your presence, again do
20 you think, in hindsight, that this should have been
21 reported to police?
22 A. At that time I believed that's what was occurring.
23
24 Q. What, you believed it was going somewhere else?
25 A. Yes, when - when Ian had got to the point of calling a
26 staff meeting this was going to occur and this is what we
27 needed to do, I assumed, as a young person, that that was
28 part of the process.
29
30 Q. And you would have been in that meeting and I assume
31 other teachers were that thought "Well, you know, the
32 process has to take place", whatever investigation was
33 taking place?
34 A. Yes.
35
36 Q. Did you understand it to be a police investigation?
37 A. I assumed it would have been a police investigation,
38 yes.
39
40 Q. And given that you viewed it and I assume other
41 teachers viewed it as a serious situation, did you not call
42 for the immediate suspension of McKenna and those in charge
43 of the hostel?
44 A. At that time I didn't see it as my place to be making
45 decisions on that.
46
47 Q. Did you not see it as a situation where students at

1 the hostel were at risk of sexual behaviour from those in
2 control. You understood that to be a factor, didn't you?
3 A. At that time I didn't --

4
5 Q. Let me put it this way to you, Mr McKenna. You viewed
6 the situation as serious and you viewed it as serious
7 because there were allegations about sexual misconduct. Is
8 that right?

9 A. Yes, but they were unsubstantiated.

10
11 Q. But even if they were unsubstantiated, they were
12 serious, and should you not, and others teachers, have
13 called for the immediate suspension of McKenna and those in
14 charge of the hostel?

15
16 MR URQUHART: Sir, I don't know whether it would be the
17 place of the junior teacher to make that sort of call. I
18 think the question might be a little unfair.

19
20 HIS HONOUR: Yes. You seem to be suggesting that the
21 group should have done something. I would suggest to you
22 that really it would be a matter for the principal. He is
23 in charge of the institution. He would be the one to.
24 That's my immediate reaction. I don't see how you can
25 really put this to Mr McKenna as an individual teacher,
26 that he should have done something. On his own evidence,
27 he did try to put a serious slide on it.

28
29 MR HAMMOND: Yes. I suppose the point I'm endeavouring to
30 make, sir, is that given that teachers, including
31 Mr McKenna, were aware of what they described as a serious
32 situation, then maybe more pressure should have been
33 brought to bear by the teachers as a group. I agree with
34 you on the comments about Mr Murray.

35
36 HIS HONOUR: I think Mr McKenna's situation at that time,
37 I would suggest that he can only do what he can as an
38 individual and it seems he did, on his evidence, suggest it
39 should be treated seriously.

40
41 MR HAMMOND: Q. You then went on to say, Mr McKenna,
42 about people joining the dots about what had occurred.
43 Were teachers at that point starting to say "Well, given
44 what we saw before at the hostel, maybe Mr McKenna has been
45 involved in sexual behaviour"?

46 A. Yes.

47

1 Q. And they started to then believe that Mr McKenna was
2 involved in generally deviant behaviour towards the
3 students. That was part of joining the dots?
4 A. I guess - again a very long time ago, but I guess the
5 feeling was "Well maybe there could be some truth in these
6 allegations" but at that time that's - that's where the
7 staff was with - with it, it seemed - it was - at that time
8 it seemed like gossip. Subsequently --
9
10 Q. Yes, but some of that gossip that was filtering back
11 to you at this point involved Mr McKenna being involved in
12 sexual behaviour with the people at the hostel?
13 A. Yes.
14
15 Q. And did people raise also queries or question the fact
16 that he always appeared too close to hostel students. By
17 that I mean physically close?
18 A. I guess so, but I don't think it was ever articulated.
19 It just seemed to be part of the way in which he was.
20
21 Q. In relation to Todd Jefferis, did it come to your
22 attention that he had been taken away from the hostel for
23 stealing. Was that ever reported back to you, that he had
24 had to leave the --
25 A. I think - I think I remember something about it. I
26 remember Todd was attired as a hostel student. He was away
27 and then he came back in his civies and there had been a
28 suggestion there had been something happening at the hostel
29 and he had gone back home and then he came as a private
30 student.
31
32 Q. And even after Dennis McKenna was charged, Todd
33 Jefferis is still being ostracised by his peers?
34 A. Yes.
35
36 Q. And did you take Todd Jefferis aside and speak to him
37 about this?
38 A. I can't recall whether I did it specifically, no. I
39 mean part of what I would do, because I would realise that
40 he was an ostracised student, would keep a bit of an eye
41 out for him to make sure that there is no extra bullying
42 occurring, but I can't recall if I specifically did it
43 anyway.
44
45 Q. Do you now know the allegation against Todd Jefferis
46 in relation to stealing to be untrue?
47 A. I hadn't given it any extra thought.

1
2 Q. Maybe the Inquiry could let you know. Thank you.
3
4 HIS HONOUR: Right, now, nothing for you. Thank you very
5 much Mr McKenna. You've got nothing arising, Mr Urquhart?
6
7 MR URQUHART: No I haven't, thank you sir.
8
9 HIS HONOUR: Yes, thank you very much. Your evidence has
10 been very helpful.
11
12 <THE WITNESS WITHDREW
13
14 HIS HONOUR: Yes, Mr Urquhart.
15
16 MR URQUHART: Thank you, sir. Now, at this point in time,
17 because of for the convenience of two witnesses, we are now
18 going to move into phase 2 of this Inquiry, phase 2 being
19 the calling of those witnesses who were allegedly told
20 certain things about Mr McKenna's conduct at the relevant
21 time. Now, ordinarily, sir, we were going to commence with
22 that phase of the hearings on 2 April. As I said, sir,
23 because of the commitments of at least one of these
24 witnesses, it was necessary to do that now.
25
26 HIS HONOUR: Yes.
27
28 MR URQUHART: That's all I am going to say by way of
29 introductory remarks in that regard and Mr Dobson will be
30 taking the first witness to be called.
31
32 HIS HONOUR: Very well, thank you. Yes, Mr Dobson.
33
34 MR DOBSON: Calling William Todd, please, sir.
35
36 HIS HONOUR: Right, if Mr Todd could come forward please.
37 Is Mr Todd here? He must be outside.
38
39 MR DOBSON: He must be out of the room, your Honour.
40
41 <WILLIAM ALEX TODD, sworn:
42
43 <EXAMINATION-IN-CHIEF BY MR DOBSON:
44
45 MR DOBSON: Q. Mr Todd, what's your full name please?
46 A. William Alex Todd.
47

1 Q. And you are currently a Police Inspector with the WA
2 Police?
3 A. That's correct.
4
5 Q. I believe you are stationed at the Incident Management
6 Unit?
7 A. It's - no, it's the WA Police Management Audit Unit.
8 Our role is to audit police facilities and business areas.
9
10 Q. The Management Audit Unit, all right. And how long
11 have you been in that position for?
12 A. Approximately 12 - just over 12 months.
13
14 Q. This may be taking you back a long time but when were
15 you first appointed to the WA Police?
16 A. 1964, June the 8th.
17
18 Q. In relation to your service, if you could have a
19 listen to some of these postings and tell me if they accord
20 with your memory, please. Denmark from January 1976 to the
21 end of 1977?
22 A. These are my postings?
23
24 Q. Yes?
25 A. No, my first posting from the Academy was at Central
26 Police Station and then Fremantle Police Station and beat,
27 and then I went into the Police Traffic Branch for
28 approximately eight years until 1969, then moved to
29 Southern Cross General Duties until about '73. Do you want
30 me to go through the lot?
31
32 Q. I was taking you more to the point when you were at
33 Denmark?
34 A. Yes.
35
36 Q. And we have it that you started there in January '76
37 and finished at the end of '77. Does that accord with your
38 memory?
39 A. I think it was a bit earlier than that. I think I was
40 in Denmark about '75. I'm not really sure at the moment.
41 '75 to about '76, I would say.
42
43 Q. And then from Denmark you were transferred back to the
44 Central Police Station?
45 A. Yes.
46
47 Q. Were you promoted at that time, do you recall?

1 A. No. When I went back to Perth I think I picked up my
2 Sergeant's rank.
3
4 Q. And then at the end of 1979 through to the end of 1982
5 you were at Albany?
6 A. That's correct, yes, as a sergeant, relief sergeant.
7
8 Q. You were in charge of a shift?
9 A. Sorry - yes.
10
11 Q. You were in charge of a shift and you had, what, a
12 supervisory role of constables and senior constables
13 working for you?
14 A. That's correct, yes, and from that position I also
15 relieved as OIC of Mt Barker and Gnowangerup.
16
17 Q. I was going to ask you about that, Mr Todd. Did you
18 also ever relieve at Katanning while you were stationed at
19 Albany?
20 A. No.
21
22 Q. But at Mount Barker and Gnowangerup?
23 A. Yes.
24
25 Q. And did you then get transferred - and when I say
26 "transferred" you may well have applied - you went to
27 Katanning as the OIC from January 1983?
28 A. From Albany?
29
30 Q. Yes?
31 A. I'm not sure the dates. I thought it was about mid
32 '83 to about end of - beginning of '85. It was about two
33 and a half years.
34
35 Q. It is probably an obvious thing to say but there would
36 be a reasonable amount of difference between policing and
37 how you go about your job in the country as opposed to the
38 city?
39 A. Yes, a great deal.
40
41 Q. Would it be fair to say you get to know people in the
42 country a bit better, the people in the townships and
43 surrounds?
44 A. Yes, yes, and they get to know you better as well.
45
46 Q. You, personally, not just all police but let's talk
47 about you personally and perhaps Katanning during your

1 period as OIC, did you have involvement with sporting clubs
2 there?
3 A. Just with the PCY, sir, Police Citizens Youth Club,
4 but actually sporting, no, I didn't become involved. Some
5 of my staff did but not myself.
6
7 Q. So there was a PCYC there?
8 A. Yes.
9
10 Q. Again, with policing in the country, do you sometimes
11 get a situation where, because you are living in the same
12 town and mixing with the same people, you get to hear
13 rumours of activity?
14 A. Yes, a lot of - a lot of the information that we act
15 on comes through rumours or people talking to you in the
16 street or whatever.
17
18 Q. And that could be anything from someone just
19 mentioning that "So and so is a druggie" or they might have
20 a crop out on a farm?
21 A. Some will, yes.
22
23 Q. Anything like that?
24 A. Yes.
25
26 Q. Again, with the different approach in country
27 policing, and I am thinking of a fairly simple example but
28 do you sometimes get the situation where you might have a
29 young bloke doing wheelies around town when he knows the
30 police have knocked off and someone whispers who it might
31 be. You could make an informal approach and say "Listen,
32 mate, if you keep doing it you are going to get locked up"
33 but it's not the normal thing you might do in the city. Is
34 that a fair example of how --
35 A. No, I think the same in that scenario would apply,
36 like you might go and approach somebody in the city and say
37 "Look, you know, somebody has dobbed you in for doing a
38 wheelie or a bit of a blackie around the town". You might
39 go and talk to him or you might just respond by being in
40 the area when it usually occurs, and I would say the same
41 thing would apply in the country as well.
42
43 Q. And you'd have no difficulty, even if you didn't
44 contemplate charging someone, just simply going along,
45 saying "This is the situation, here's a firm warning, you
46 are on notice"?
47 A. Give them a warning. Particularly warnings are

1 helpful if you haven't got any conclusive evidence to carry
2 on with a charge. You might give them a warning. Depends
3 on circumstances.

4

5 Q. Now, Mr Todd, if I can just take you to your role as
6 the officer in charge of Katanning, was it fair to broadly
7 describe it as a supervisory role?

8 A. All supervisory. I was proactive and reactive, like
9 all the staff.

10

11 Q. And in terms of supervision, things as basic as when
12 they start work, when they knock off but also how they
13 handle their duties and behave?

14 A. It all comes over my desk, yes.

15

16 Q. And were you one of the OICs in those days with I
17 think it was called "intermittent duties".

18 A. Yes, we - there was no set hours of duty. It was
19 intermittent from Monday until Sunday. We were expected to
20 do around about 40 hours. Sometimes we might do more.

21

22 Q. As far as intermittent duties go, you also have these
23 other offshoots of policing. You have mentioned the PCYC?

24 A. Yes.

25

26 Q. And you say you mentioned you took an active role
27 there, did you?

28 A. Yes.

29

30 Q. Were there Blue Light discos?

31 A. Yes.

32

33 Q. Did you have contact, whether you initiated it or
34 otherwise, but contact with local politicians, local
35 members?

36 A. The only contact I've ever had with local politicians
37 was Dick Old, and that was through one of the clubs, but
38 not on a - that I can recall, on a professional level.

39

40 Q. And what about Shire councillors. Would it be --

41 A. No, same thing. Only what, you would meet them
42 socially but I can't recall ever - I did have a visit from
43 the Shire health inspector once on an official capacity but
44 that's probably about all, and like if I go - like the
45 Shire president you might meet in the street or you might
46 meet down the road and have a talk with him, but just
47 officially, I don't think I recall.

1
2 Q. Were there ever occasions where any of the people,
3 whether it be a local member of parliament or a Shire
4 councillor, would come to you and perhaps express concern
5 about kids vandalising things or burglaries?
6 A. Yeah, that was - not just Shire councillors or
7 presidents but general public would often talk to you about
8 that.
9
10 Q. And it seems that people were just as comfortable
11 approaching you as they were your officers?
12 A. As me?
13
14 Q. Yes, you were approached personally about matters in
15 the town?
16 A. Various places, yes, you might meet someone down the
17 newsagents or down the local hotel or sporting ground and
18 you would glean information from people like that, if they
19 wanted to tell you they could always seek out, give you
20 that information.
21
22 Q. I spoke about your supervisory role. You will recall
23 there were occurrence books at the police station in those
24 days?
25 A. That's correct. They still have them now, I think.
26
27 Q. There is actually police entries in the police routine
28 orders. You'd recall the routine orders of those days?
29 A. Mmm.
30
31 MR DOBSON: Sorry, your Honour, I'm just looking for --
32
33 A. I think it is now called a cop's manual.
34
35 MR DOBSON: Q. Q. It's a cop's manual now but in those
36 days they were routine orders. So you would appreciate
37 what I'm talking about?
38 A. Yes.
39
40 Q. Do you recall that within the routine orders there
41 were instructions as to how people might complete an entry
42 into the occurrence books?
43 A. Complaints.
44
45 Q. Complaints, recording complaints?
46 A. Signing on and off, illnesses, stuff like that.
47

1 Q. And the routine orders of the day, they also contain a
2 whole range of instructions about how various tasks might
3 be attended to?
4 A. Yes.
5
6 Q. And as you say, as to occurrence books, they are
7 simple instructions as to signing on, signing off, but also
8 recording complaints?
9 A. Yes, just what it says, it is an occurrence book.
10
11 Q. Is it a fair summary to say that if you received a
12 complaint, you might head it "Complaint received from" and
13 then the name and address of the person speaking and then
14 you might make a short entry as to the nature of the
15 complaint?
16 A. A short summary.
17
18 Q. So it could be something as bland as "Kids throwing
19 rocks over my fence" or "I want to complain about an
20 assault?
21 A. Mmm.
22
23 Q. Now, your role as the OIC, would you then have a look
24 at that entry and ensure that there was action taken?
25 A. My role would be to oversee those entries weekly, make
26 sure that they are correct and then forward a copy on to
27 the district office and a copy would stay in the book at
28 the station.
29
30 Q. That's right, and in relation to a job, if it remained
31 outstanding, then it would have to be attended to the
32 following week. It would never be left unanswered --
33 A. It shouldn't be. It depends on the circumstances of
34 what the complaint was or what the occurrence was, but if
35 it is something that required police response, I would
36 imagine it would have been followed up by me or by the
37 shift sergeant. It should have been, let's say it should
38 have been covered, followed up.
39
40 Q. That's the portion I was saying about action taken,
41 Mr Todd?
42 A. Yes.
43
44 Q. There would also be an entry, not just that there is a
45 complaint and the nature of the complaint but you would
46 expect to see the action taken in response to the
47 complaint?

1 A. Yes. You would probably find it in the follow-up
2 pages.
3
4 Q. Yes, and there might even be an entry three days down
5 the road saying "Refer to occurrence page so and so" --
6 A. That's correct.
7
8 Q. -- "Located whoever, spoken to, denied the offence" --
9 A. Yes.
10
11 Q. -- "Warned"?
12 A. Yes.
13
14 Q. Whatever the case may be?
15 A. Yes.
16
17 MR DOBSON: I apologise for that earlier, your Honour, but
18 I do have the documents now and they are barcoded finishing
19 0318. Perhaps if they can be shown to Mr Todd.
20
21 MR DOBSON: Q. In fairness to you, Mr Todd, you will see
22 that in the top right-hand corner there looks to be a
23 notation of an amendment in November 1987 and, of course,
24 we are talking about an earlier period?
25 A. Is this a copy of the occurrence book, sir, in type, a
26 typed copy of the occurrence book?
27
28 Q. Sorry, this is a photocopy of the occurrence book?
29 A. We wouldn't - we wouldn't write our occurrence book
30 out in type.
31
32 Q. Sorry, sorry. It's a photocopy of the routine orders
33 as to dealing with the occurrence books. Sorry, Mr Hammond
34 was talking and whenever he talks, I listen. So, do you
35 recognise that document there, Mr Todd?
36 A. No. I also recognise that it's station records,
37 occurrence books, and just the procedures which would
38 normally follow how you would apply or how you would use
39 your occurrence book at the station.
40
41 Q. Yes, but do you see that area I pointed to, the top
42 right-hand --
43 A. "Regular office amendment."
44
45 Q. Yes, so would it be your recollection that that RO
46 amendment is "Routine order amendment 11/87"?
47 A. Well that's what that indicates, yes. It's an

1 amendment made on that date.
2
3 Q. To routine orders?
4 A. Yes.
5
6 Q. So do you agree with me that, as best you can, this is
7 a photocopy of the routine orders as they relate to station
8 records?
9 A. Well, I can't really say that. I mean - I mean
10 whether this is a photocopy of the routine orders at the
11 time, it's taking (indistinct), but it looks like it's a
12 photocopy of routine orders but what date I'm not really
13 sure, but certainly after 11th of '87.
14
15 Q. In actual fact, part of the document that I have
16 handed you, at the very beginning, refers to "The
17 occurrence book will be used to record times that staff
18 commenced or terminate duty, medical certificates, matters
19 of general information" and so on?
20 A. Yes.
21
22 MR DOBSON: I seek to tender that, your Honour.
23
24 HIS HONOUR: Now, Inspector Todd doesn't himself verify
25 this is it but you are assuring me from the bar table this
26 is a photocopy of the routine orders which applied after
27 1987.
28
29 MR DOBSON: No, the document itself, this portion would
30 have been amended in November 1987 and that's the best --
31
32 HIS HONOUR: So it doesn't contain the amendment, is that
33 what you are saying?
34
35 MR DOBSON: No.
36
37 HIS HONOUR: I see. I understand.
38
39 MR DOBSON: This is the best that the Inquiry could come
40 up with the assistance of the WA Police.
41
42 HIS HONOUR: All right. Very well. That's exhibit 31.
43
44 EXHIBIT #31 OCCURRENCE BOOK BARCODED 0318
45
46 MR DOBSON: Q. Just moving to another area during your
47 time at Katanning, please, Mr Todd, I have spoken about

1 interaction with whether it be councillors, members of
2 parliament. As to your interaction with other government
3 departments, and I'm assuming there was some, did you have
4 dealings with the Child Welfare Department?

5 A. Not that I can recall.

6

7 Q. What about in the event of your officers charging a
8 juvenile. Did they routinely advise the Child Welfare it
9 Department --

10 A. Yes.

11

12 Q. All right. So do you recall any level of cooperation,
13 any working relationship between the police in Katanning
14 and the Katanning Child Welfare Office?

15 A. Look, I can't accurately recall who the child welfare
16 officer was at the time but the normal procedure is that
17 when you arrest a juvenile they are advised wherever you
18 are in WA, but I can't recall any specific but it is
19 usually the policy and it is probably somewhere in your
20 orders there that that procedure is to be followed. It
21 probably comes under Child Welfare Act as well it is a
22 requirement.

23

24 Q. What about we have spoken about children offending.
25 What about if children were offended against. Is that
26 something you would just deal with the parents or you would
27 also deal with Child Welfare. Do you recall?

28 A. If we had a complaint of that nature, we would advise
29 the local CIB immediately. It would be an offence which
30 would probably be investigated above our level and we
31 would - the CIB would be at that time and I think still is
32 now - they are stationed in Albany and they would attend
33 Katanning and take over the lead inquiry and my staff and I
34 would - we would just assist them with their inquiries.

35

36 Q. What about the schools at Katanning. There was a high
37 school. Do you recall having any working relationship with
38 the principals?

39 A. No.

40

41 Q. What about the primary school?

42 A. No. The only - the only contact or involvement I had
43 with the primary schools were the ones that my children
44 went to and my wife mainly had that contact, worked in the
45 library as a volunteer and stuff like that. Not
46 officially, no.

47

1 Q. Were your children at the high school or the primary
2 school or both?

3 A. One of my children, my son was at the kindergarten
4 there and my daughter was at - I think it is called Saint
5 Joseph's, the Catholic school there.

6
7 Q. You spoke about offences against children and to the
8 CIB being involved?

9 A. Yes.

10

11 Q. Are you basing that on the assumption of sex offences
12 against children, you would automatically involve --

13 A. Well, any serious offence. Certain offences that
14 probably come under the Criminal Code, we refer them to the
15 CIB. General duties police usually handle, the Traffic
16 Act, police State matters, stuff like that, but anything
17 that falls within the role of a criminal investigation,
18 that we usually delegated that inquiry to the CIB.

19

20 Q. Okay. So if I can ask you then during your service
21 leading up to and including Katanning, did you investigate
22 any - personally, I should say - personally investigate any
23 sexual offences or other similar serious offending?

24 A. No.

25

26 Q. Is that the sort of thing where you might start it
27 off, and then you said you involved the detectives?

28 A. Look, we probably wouldn't even become involved at all
29 because we might, say, contaminate the evidence or the
30 statements of the witnesses and things. It's something we
31 just palm straight to the CIB.

32

33 Q. All right.

34 A. Pass the buck, as you might say.

35

36 Q. Yes. Now, I want to ask you about an organisation or
37 a working group called Westrek. Do you remember their
38 presence at all in Katanning --

39 A. Yes.

40

41 Q. -- when you were OIC?

42 A. No.

43

44 Q. No recollection now that I've said that name, Westrek?

45 A. I think - I still go down to Katanning quite a bit
46 now, and I think there was a WesTrak branch in the old
47 railway station as we speak now, but whether it was there

1 when I was there, I can't recall.
2
3 HIS HONOUR: We may be at cross-purposes. The inspector
4 referred to Westrac.
5
6 MR DOBSON: Yes.
7
8 THE WITNESS: Yes.
9
10 MR DOBSON: Q. Yes, I said Westrek.
11 A. No - well, Westrac/Westrek I think it's probably
12 called Westrek, not Westrac as in a railway line. It's
13 actually --
14
15 HIS HONOUR: Q. You understand the question to be
16 related to a railway --
17 A. Yes, yes.
18
19 Q. -- organisation, right. Yes.
20 A. No, it's not related to a railway line at all, but the
21 railway office. It is sort of like not used as a railway
22 station any more, and I think that facility is housed in
23 there.
24
25 MR DOBSON: Q. My understanding of Westrek was that it
26 was a Government initiative to get young people working and
27 on various projects --
28 A. Mm-hmm.
29
30 Q. -- and that they were based in Katanning --
31 A. Yes.
32
33 Q. -- during 1985?
34 A. Yes.
35
36 Q. Does that assist you at all?
37 A. No. The Constable in Charge of the police and
38 Citizens Youth Club may have been involved with that. He
39 was very active in a lot of juvenile activities around the
40 town, ran a very successful PCYC and, as you said before,
41 the Blue Light; but, no, I can't recall becoming involved
42 myself, no.
43
44 Q. Who was the OIC that you were referring to there - the
45 PCYC?
46 A. His name?
47

1 Q. Do you recall?
2 A. That escapes me, but he's not in the police force any
3 more. I think he resigned and he's gone up to north-west
4 Carnarvon or somewhere. That name is accessible if we - if
5 it was a question without notice I could have brought it --
6
7 Q. Yes.
8 A. -- but he was full-time PCYC.
9
10 Q. Was his office like a lot of the other PCYC offices -
11 were they separate to your building, the police station, or
12 was he with you?
13 A. The PCYC was an organisation that was, like,
14 independently funded, but it was staffed by police
15 officers. I don't think there are any in the State at the
16 moment, but they were - he used to run our Blue Light
17 Discos, various events for children and other people in the
18 town. What his name is at the moment, I'm not sure.
19
20 Q. All right. Now, before I move on from Westrek, just
21 one more thing that may assist you, or I'll try to assist
22 you - does the name Maggie Maruff - I believe it's spelt
23 M-A-R-U-F-F - that was her maiden name, or her name at the
24 time - does that assist you in relation to Westrek?
25 A. No. Was this the lady I've been reading about in the
26 paper - Watkins?
27
28 Q. Yes. I'll get on to her in a second --
29 A. Okay.
30
31 Q. -- but in relation to West --
32 A. Maggie Maruff - no.
33
34 Q. Still nothing about Westrek, no?
35 A. No.
36
37 Q. All right. Thank you for that. Now, do you recall
38 any complaints to the police about a fire at Reidy House in
39 Katanning?
40 A. Reidy House?
41
42 Q. In about September/October 1985. It might have also
43 been called Kartanup House.
44 A. Kartanup's a district within Katanning.
45
46 Q. All right. It was the old - well, it was a convent
47 for Catholic sisters, I believe - Our Lady of the Missions?

1 A. Is that where the nun's used to live --
2
3 Q. Yes.
4 A. -- when we first went down there?
5
6 Q. It was a convent, yes.
7 A. No, look, I thought that - it's not a convent any
8 more, is it?
9
10 Q. No, no, it isn't, Mr Todd?
11 A. No. It's on the way to the - to the school, the St
12 Joseph's School, I think it is - very big building; but,
13 no, I can't recall a fire there.
14
15 Q. All right.
16 A. Was it a substantial fire or --
17
18 Q. We understand that there was a fire there, but you
19 have no recollection?
20 A. Well, if it was a big fire I certainly would have
21 remembered, but it couldn't have been too big.
22
23 Q. Well, big or little, do you recall any complaint to --
24 A. No, I don't; no, sorry.
25
26 Q. All right. Thank you for that. Now, as to Maggie - I
27 mentioned Maggie Maruff. Now, Maggie Dawkins --
28 A. Yes.
29
30 Q. -- and you said, "Is this the lady in the paper?", so
31 it would seem that you've had - you had some knowledge of
32 events going on here at the inquiry.
33 A. Only what I've read in the paper, and I think on my
34 original notice to attend here from Emma Jill --
35
36 HIS HONOUR: Imogene Blair.
37
38 THE WITNESS: The lady who was the executive here?
39
40 HIS HONOUR: Yes, Imogene Blair.
41
42 MR DOBSON: Yes.
43
44 THE WITNESS: Tell me that I've been mentioned in
45 dispatches, you might say, unfavourably; that I may be
46 called in to answer questions. That's about all, and
47 what - what you might read in the paper.

1
2 MR DOBSON: Q. All right. So I take it from that you
3 haven't accessed - you haven't gone online and read any of
4 the transcript of proceedings --
5 A. No.
6
7 Q. -- Mr Todd?
8 A. No, nothing.
9
10 Q. Nothing. All right. I'll call her Ms Dawkins.
11 A. Sorry?
12
13 Q. I'll call her Ms Dawkins --
14 A. Yes.
15
16 Q. -- but at the time we're talking about a lady named
17 Maggie Maruff, or it may even be easier just to simply
18 refer to "Maggie". We'll say "Maggie". Do you remember a
19 person named Maggie approaching you and complaining about a
20 male person being sexually abused while that male was a
21 resident at St Andrew's Hostel in Katanning?
22 A. No.
23
24 Q. No recollection at all?
25 A. Alls I can say is that if I had of been approached,
26 we - the WA police - would have responded immediately.
27
28 Q. Sorry, if you had --
29 A. If I had of been approached with a complaint of that
30 nature, the WA Police would have responded immediately to a
31 situation like that.
32
33 Q. All right.
34 A. But in answer to your first question - no, I don't
35 recall her coming to me at all.
36
37 Q. In fairness to you, because you haven't - you say you
38 haven't read the transcript, and I accept what you say,
39 I'll take you through what she says.
40 A. Mm-hmm.
41
42 MR DOBSON: Even though you've already said there's no
43 complaint I'll just take you through it, if that suits your
44 Honour.
45
46 HIS HONOUR: Yes, certainly.
47

1 MR DOBSON: Q. Ms Dawkins said - I've done it again.
2 Maggie has said she went to the police station and spoke
3 with you. Do you have any recollection of this person
4 speaking with you at a police station? Put aside sexual
5 abuse - any recollection of a visit to the police station?
6 A. Of her coming to the police station?
7
8 Q. Yes.
9 A. Put aside the allegation of sexual --
10
11 Q. Yes.
12 A. No, I couldn't remember who came to the police station
13 now. I mean, it - 10 or 20 probably people every day;
14 but, no, I don't recall this lady at all.
15
16 Q. All right. This lady, Maggie, at the time, was a
17 government-appointed worker who was associated with the
18 organisation I referred to, Westrek. Westrek. And her
19 role was to supervise a group of young people not - not
20 youths themselves, but young people all the same, who had
21 difficulty in employment. And it was a government
22 initiative to get them involved in work. So in saying the
23 name Maggie, and connecting it to that activity, does that
24 assist you at all with this --
25 A. No. Are these children who have been through the
26 courts, or homeless, or --
27
28 Q. No, not necessarily. Some of them are early 20s, I
29 believe --
30 A. No.
31
32 Q. -- so they're not --
33 A. No.
34
35 Q. -- 12-14-year-olds.
36 A. No, no, I don't recall that at all.
37
38 Q. All right. I'll continue. Maggie said that she did
39 come along to the police station and complained about sex
40 abuse of the boy, or an ex-pupil as I described. And I
41 accept you said you don't recall that.
42 A. No, no, as I said that, I don't recall her coming to
43 the police station. And I also said that if someone had
44 come to me with a complaint of sexual behaviour like that,
45 the WA Police would have responded immediately. I would
46 have instigated those inquiries.
47

1 Q. And would that include taking her name and address and
2 making an entry in the occurrence book?
3 A. If she had of made a complaint about sexual
4 behaviour/sexual nature - yes, definitely. We would have
5 taken that down, wrote up her facts of her complaint, and
6 then notified the CIB.
7
8 Q. Maggie said that she was initially reluctant to give
9 you the boy's name, but she eventually did so. Does that
10 assist at all?
11 A. No, look, I - I find that a little bit hard to believe
12 because I'm a professional dedicated police officer, and if
13 someone had ever come to me with a complaint of that nature
14 - as I said to you I would have responded immediately by
15 involving the CIB. It's just I think the lady's mistaken,
16 to tell you the truth, because it's a very serious crime --
17
18 Q. All right.
19 A. -- and it's not something that we just put aside. We
20 would have responded immediately.
21
22 Q. All right.
23 A. And let me go on to say that because of her statement,
24 I have carried out my duties always as a police officer
25 without fear or favour to anybody.
26
27 Q. Okay.
28 A. I think her comment was that I had to live in the town
29 or something, and I was afraid to do something or take some
30 action. Well --
31
32 Q. I was about to take you to that, Mr Todd. But,
33 firstly, can I just make clear - it seems clear to me, but
34 I think in fairness we need to establish - your answers are
35 such that you're not saying you can't recall, you're saying
36 this did not happen?
37 A. I can't recall if a person by the name of Maggie ever
38 came to the police station, but I can tell you, did not
39 come to us or anyone come to us with a complaint of a
40 sexual behaviour at the school.
41
42 Q. All right. Do you recall talking to this person
43 Maggie away from the police station?
44 A. No. I don't even recall Maggie at all.
45
46 Q. All right. And you've already mentioned that you
47 could get told of rumours or allegations of offending even

1 if you're down the local newsagent?
2 A. Yes.
3
4 Q. So even then you would endeavour to take some action?
5 A. We would have made some inquiries, yes.
6
7 Q. All right. And you touched on this because Maggie has
8 told the Inquiry that because of the - she says because of
9 the severity of the allegations, you said, "This is about
10 the golden boy of Katanning, we've got to be careful",
11 words to that effect?
12 A. No, I think she's - certainly didn't speak to me.
13
14 Q. So she also says that the allegation was that Dennis
15 McKenna was the person who'd sexually abused the former
16 pupil. Still nothing?
17 A. Well, I can tell you definitely that woman has never
18 came and spoke to me because had she come to me with a
19 complaint of that nature, I - we would have responded
20 immediately. I mean, as I said, we've always carried out
21 our views without fear or favour to anybody, whether it's
22 Dennis McKenna or the shire president or anybody at all.
23
24 Q. All right.
25 A. It wouldn't have made any difference to us.
26
27 Q. I accept that you've said this golden boy comment
28 wasn't made.
29 A. Sorry?
30
31 Q. I accept you've just answered the golden boy comment
32 wasn't made. Do you - do you recall any comment that you
33 made to anyone along the lines of, "I've got to live in
34 this town", "You don't stay here, but I've got to live in
35 this town"?
36 A. No, no, that's - we - all the police officers in
37 Katanning all lived in the town. We all had children going
38 to school. We - a lot of boys were involved with sporting
39 activities. As part of carrying out our duties diligently,
40 is to make sure the town is a safe and happy place for
41 everyone to live in. No, we - I would say that if that -
42 if Mrs Dawkins had come to my police station and spoke to
43 any of our staff or any member of the WA Police Service
44 anywhere, the response would have been immediate.
45
46 MR DOBSON: All right. Putting aside Maggie Dawkins and
47 the issues that we've raised, because I think it's clear,

1 your Honour, that Mr Todd's saying this did not happen.
2
3 HIS HONOUR: Q. Just to be fair about this, her evidence
4 isn't that she told you specifically in detail what was
5 alleged, it may be that what she told you was a little bit
6 vague - you know, it mightn't have been something specific
7 enough for you to immediately act upon, if I can put it
8 that way.
9 A. No, nothing at all, sir, in relation to a matter of
10 this - this nature.
11
12 HIS HONOUR: Okay.
13
14 MR DOBSON: Thank you, your Honour.
15
16 Q. All right. Were there any other occasions during your
17 service at Katanning where you were told things about
18 Dennis McKenna? When I say "things" - negative things -
19 the rumour, innuendo that can circulate around a small
20 town?
21 A. No. What, about his sexual behaviour?
22
23 Q. Anything.
24 A. Anything, no --
25
26 Q. Sexual preference or --
27 A. No --
28
29 Q. -- anything?
30 A. Look, I didn't know him very well. I probably spoke
31 to him two or three times in the whole time I was there. I
32 didn't like him very much only because he tried to
33 interfere with our Blue Light Discos, which were very
34 successful. We have them every fortnight. And I've got to
35 tell you that all the kids in the town and surrounding
36 districts would come along to our Blue lights - a lot of
37 publicity, a lot of success. He then ran a picture night
38 or some function on the same nights that we were having our
39 Blue Lights to sort of interfere with our success, I
40 imagine, and I thought that was a bit, you know, not in the
41 spirit of things, but I never had much to do with Dennis
42 McKenna at all, or anyone from the school.
43
44 Q. All right. So you mentioned you actually queried me
45 about what you've heard about McKenna?
46 A. Mm.
47

1 Q. You said anything at all, you mentioned sex and
2 whatever?
3 A. No rumours, nothing.
4
5 Q. Nothing?
6 A. Just seemed to be doing his job, like everyone else.
7
8 Q. Do you recall your officers or yourself ever having to
9 attend at the hostel for complaints of any nature?
10 A. No, not specifically. The - we didn't seem to think
11 there was any problem there at all. Even our cadet used to
12 Board there. Our police cadet, I think at the time, was a
13 Stubbs and then there was one before that. They never told
14 us of any problems that were happening.
15
16 Q. Was that a - sorry, I spoke over the top of you.
17 A. Sorry?
18
19 Q. Was that a normal thing to have the police cadet
20 actually living at the hostel?
21 A. No. Let's say they'd Board or we'd put them out to
22 any place which we thought - which was available actually,
23 because you go to some towns and it's very hard to get
24 accommodation for a single person. And I know Lawrie
25 Stubbs was there, and I think the cadet prior to that, but
26 yeah, the names were --
27
28 Q. And they never complained to you any --
29 A. Nothing.
30
31 Q. -- irregularities?
32 A. Nothing at all.
33
34 Q. All right. Did you ever get any allegations of sexual
35 misconduct about anyone while you were at Katanning? Start
36 off very broadly. Can you remember any sex assaults?
37 A. Yes, no, look, the only one which I can think of was
38 one that involved his - his daughter, stepdaughter or
39 something.
40
41 Q. Nothing to do with Dennis McKenna?
42 A. No.
43
44 Q. All right. Any other allegations of any form of
45 assaults?
46 A. Sexual assault?
47

1 Q. No, and I'll narrow it down now, at the hostel - any
2 form of assaults, complaints?
3 A. What, in the whole of Katanning?
4
5 Q. No, the hostel?
6 A. The hostel.
7
8 Q. St Andrew's Hostel?
9 A. No. That - when I said to you that I remember a
10 complaint of a sexual nature about a bloke and his
11 daughter, that wasn't to do with the hostel.
12
13 Q. No, that's what I mean. Nothing to do with McKenna?
14 A. No, but with the hostel, no.
15
16 Q. Now, we want to narrow it down to the hostel.
17 A. No.
18
19 Q. Any assaults at all?
20 A. Nothing that I can recall, no.
21
22 Q. Did you ever hear anything about bullying or similar
23 misconduct at the hostel?
24 A. No. See, a matter of bullying wouldn't come to our
25 level. It would probably be dealt with by the local
26 authorities - you know, the school.
27
28 Q. I know. Sorry, I'm not suggesting a complaint, I'm
29 saying here, within the town site --
30 A. No.
31
32 Q. -- any rumours, anything at all?
33 A. No, nothing. As far as I can remember, it all seemed
34 to run quite well at the school.
35
36 Q. And the other local stations - I assume there would be
37 a police station at Tambellup, would there?
38 A. There is.
39
40 Q. Ongerup?
41 A. Yes.
42
43 Q. And other surrounds?
44 A. There was one at Broomehill.
45
46 Q. Gnowangerup?
47 A. Sorry?

1
2 Q. Gnowangerup?
3 A. Gnowangerup, Broomehill, Tambellup, Wagin, and there's
4 one at - eastern town, I can't think at the moment.
5
6 Q. Did you ever during your time at Katanning, speak to
7 officers at any of those other stations, whether on a
8 formal or informal basis, and just chat about policing
9 issues?
10 A. Periodically I think we used to hold union meetings at
11 our end. They'd come in and we used to have a little bit
12 of a meeting about union matters.
13
14 Q. And then, what, I assumed as you put together coppers
15 in the union, you might go for a beer afterwards?
16 A. I'd say it's normal practice in any workplace to.
17
18 Q. Bit of camaraderie?
19 A. Yes.
20
21 Q. Did any of them mention any rumours from their
22 towns --
23 A. No.
24
25 Q. -- whether it be people from Ongerup or Tambellup or
26 whatever, saying --
27 A. No.
28
29 Q. -- "We're hearing stories about Katanning"?
30 A. No. As I said, I can say without doubt that if any
31 member of the WA Police Service had received a complaint of
32 that nature, they would have responded immediately, whether
33 you came from Tambellup, Gnowangerup, Broomehill, whatever.
34 It's one of those things that - it gets attention
35 immediately.
36
37 Q. All right. Thank you, Mr Todd. You've told us your
38 personal view of McKenna. It seems --
39 A. McKenna.
40
41 Q. -- you didn't like the bloke?
42 A. Well, only because of how he tried to railroad our
43 Blue Light Disco by being in competition, that's all. But
44 I, as I said, I only spoke to him two or three times.
45
46 Q. Okay. Were you aware of, in general terms, the view
47 of the community, the wider community of McKenna, of Mr

1 McKenna?
2 A. What - what view was that?
3
4 Q. How was he held? What was your understanding of
5 regard that the community held for him?
6 A. Look, I - you mentioned something about him being a
7 white-headed boy or golden boy. I don't ever recall those
8 words being said about in Katanning, probably excepting
9 myself.
10
11 Q. Right. Put aside those words.
12 A. But --
13
14 Q. Put aside those words. Were you able to glean from
15 your dealings with the community how - the regard that he
16 was held in by the majority of Katanning?
17 A. Let's just say there was nothing toward the norm -
18 everyone seems to be going along quite well. They didn't
19 have any complaints from the school, just like the other
20 schools in the district. No, I didn't glean anything from
21 the members. There was no, like, little rumours, nothing.
22
23 Q. All right. Did you ever have anything to do with any
24 of the Shire Councillors - in particular - I hope I get
25 this lady's name right - Ainslie Evans?
26 A. Yes, I know Ainslie very well. She's still a member
27 of the town. She's been there for a long, long time.
28
29 Q. All right. Did you ever have any cause to discuss
30 Dennis McKenna with Ms Evans?
31 A. No.
32
33 Q. In relation to - I've asked you several times about
34 how McKenna was regarded in the community. Were you aware
35 that he was actually the Citizen of the Year during one of
36 your years of service?
37 A. No, I can't recall that. I mean, except what I read
38 in the paper just recently, that he was Citizen of the
39 Year. It must have been the year that I arrived there.
40 About '85, was it?
41
42 Q. All right.
43 A. Maybe the ceremony was already over, I'm not really
44 sure.
45
46 Q. What about the local paper though, was he --
47 A. Sorry, I think I got there in '82; is that correct?

1
2 Q. No.
3 A. And I left at just '85, yes.
4
5 Q. No, I think you got - this at the beginning of 1983,
6 you - and served '83, '84, '85.
7 A. No, that's not right. I'm very sure from my memory
8 that I got there halfway through '82 and served '83 and '84
9 and then we moved out in January '85. Police transfers
10 usually take place in January of the year.
11
12 Q. That's what I was about to say to you, police
13 transfers almost invariably occur at the end of the year to
14 fit in with schooling and so on.
15 A. At the beginning of the year.
16
17 Q. Well --
18 A. Well, over that school period, yes.
19
20 Q. End of one year --
21 A. You're correct, yes.
22
23 Q. You move out over the Christmas period --
24 A. Yes.
25
26 Q. -- and that helps everyone because of --
27 A. Yes.
28
29 Q. -- schooling?
30 A. Schoolkids moving around, yes.
31
32 Q. Yes. All right. My understanding, we've been advised
33 by your Internal Affairs Unit --
34 A. Yes.
35
36 Q. -- that you commenced duty at Katanning at 1600 hours,
37 4pm on 13 January 1983 --
38 A. Yes.
39
40 Q. -- and you ceased duty there at 1600 hours on 17
41 January 1986, which --
42 A. Yes, look, that obviously if the internals are giving
43 out the information, that should be pretty well spot-on,
44 but I'm not really sure of my start times, but finish time
45 definitely right; but, anyhow, I was there for a good
46 period, two and a half years or three years.
47

1 Q. All right. And until this - reading in the Inquiry,
2 you couldn't recall that McKenna was Citizen of the Year?
3 A. It's not really a big achievement, is it, in a small
4 country town to become Citizen of the Year? I mean, if you
5 won the Sandover Medal or something you'd probably remember
6 it but --
7
8 Q. Well, the people of Katanning might have liked to be
9 Citizen of the Year?
10 A. No, sorry, I can't recall that.
11
12 Q. All right. And at the time - put aside your
13 recollection - at the time you weren't even aware of him
14 being Citizen of the Year.
15 A. Not that I recall, no.
16
17 Q. Do you recall him ever being mentioned in the local
18 newspapers - his achievements and so on?
19 A. Look, no, I can't specifically, but --
20
21 Q. Okay. Now, Mr Todd, please don't take this in any way
22 as being any form of insult. The fact that you are a
23 serving officer still, and in a senior position, means that
24 you have no difficulty with your memory?
25 A. Well, at times I do. When you're going back to a
26 period of, say, 25, 35 or even when I first joined up
27 48 years ago - yes, there are some cloudy times, but things
28 of significance still appear to be there.
29
30 Q. And that's why I said I wasn't - I'm certainly not
31 trying to be rude, but you didn't have the benefit of
32 seeing Ms Maruff or Maggie - we'll say Maggie - give
33 evidence?
34 A. No.
35
36 Q. She was very definite about the conversation that she
37 says she had with you at the police station?
38 A. Mmm-hmm.
39
40 Q. So with that in mind, I think you said that she's
41 mistaken. You don't know what's on her mind, you are not
42 saying she's a liar?
43 A. No, no, no.
44
45 Q. She's got it wrong?
46 A. I said I can't recall her coming to my police station,
47 but I can definitely tell you that she's never come to me

1 with a complaint of this nature.
2
3 Q. Did she come to you with a complaint of any other
4 nature?
5 A. Not that I recall, but something of this nature I
6 would have responded immediately.
7
8 Q. And that response would include, I think you've
9 mentioned, occurrence book, Albany detectives,
10 commencing --
11 A. That's the normal way of things. I make an entry,
12 then I say, "I've contacted Detective Leach down at Albany
13 CIB, they're going to attend", and then I delegate probably
14 one or two of my officers to assist them when they came up.
15
16 MR DOBSON: All right. Given that Mr Todd has explained
17 how he would have responded, your Honour, I don't propose
18 to tender the routine orders that speak about sex offences,
19 unless you --
20
21 HIS HONOUR: No.
22
23 Q. Just one thing.
24 A. Yes, sir.
25
26 Q. Her evidence is along the lines that she's telling you
27 about someone else who claimed to have been sexually
28 abused --
29 A. Yes.
30
31 Q. -- and that you effectively said to her, well, you'd
32 need a clear statement from him before you could do
33 anything. Do you think there --
34 A. No.
35
36 Q. -- could have been a conversation along those lines
37 that --
38 A. No, look, I --
39
40 Q. -- you need to speak to him or get a statement from
41 him?
42 A. No, I disagree with that. If we had any inclination
43 at all that there was anything of this sort of nature going
44 on at the school, we would have responded immediately by
45 notifying the CIB and leaving it up to them to make their
46 inquiries, whatever they want to do, and we would just
47 assist them. They might have come up and made some

1 discrete inquiries up at the school. And some of the past
2 students, they might have been interviewed, I don't know.
3 But I can assure you that nobody came to me with a
4 complaint of this nature, and I doubt any of other of my
5 staff because we would have all spoke about it and we would
6 have reacted immediately, because we all had children. I
7 mean, this sort of behaviour is just not - not tolerated.
8 No, I don't know what Maggie - definitely not to me or any
9 of my staff.

10

11 MR DOBSON: I've only got a couple more matters, your
12 Honour.

13

14 HIS HONOUR: Yes.

15

16 MR DOBSON: Thank you.

17

18 Q. Moving away from reports about offending or similar,
19 do you recall having contact or an interaction with Maggie
20 when she needed help to learn how to drive a bus?

21 A. No. I don't even recall Maggie at all.

22

23 Q. She gave evidence that you helped her drive a bus and
24 she said she had a warm relationship with you?

25 A. Well, let me just say I wouldn't have been able to
26 help her drive a bus. At that time I didn't have an F
27 class licence, so I wouldn't have been able to assist her
28 with driving a bus, and it's very commendable to think that
29 someone thinks that they've had a warm relationship with me
30 because I must be a very nice, sort of, person, but --

31

32 Q. You may well be.

33 A. -- no, no, I assure you I haven't had any warm
34 relationships with any females in Katanning, no.

35

36 Q. I don't think she was suggesting anything improper.

37 A. You're a bit broad there with your suggestion, I
38 think.

39

40 Q. Warm working relationship?

41 A. No, I'm afraid I don't recall her at all.

42

43 Q. You see, Mr Todd, it seems extraordinary to me that
44 you as the officer-in-charge --

45 A. Yes.

46

47 Q. -- would not have contact when you've got a large

1 group of strangers dropped in the middle of your town?
2 A. A large group of strangers?
3
4 Q. Westrek, Mr Todd?
5 A. Well, I assumed that when you were talking about that,
6 they were local people, sort of bonded together.
7
8 Q. No, Westrek was a major government initiative at the
9 time?
10 A. No.
11
12 Q. Dropped in the middle of a country town.
13 A. Well, when you say "dropped in the middle of" - how
14 many were there?
15
16 Q. Dozen?
17 A. No, not that I can recall.
18
19 Q. Sometimes 12 to 15 people?
20 A. All living in town?
21
22 Q. Mm.
23 A. Where were they living?
24
25 MR DOBSON: All young people.
26
27 HIS HONOUR: They were living at the old convent.
28
29 MR DOBSON: The old convent.
30
31 THE WITNESS: No, no, I can't remember that. I can't
32 remember that at all.
33
34 MR DOBSON: All right. I won't take that any further.
35
36 Q. The last one is when McKenna - Mr McKenna was charged
37 in 1990, what was your reaction at the time? How did
38 you --
39 A. Surprised.
40
41 Q. -- feel? Surprise?
42 A. I was surprised because we hadn't been told that these
43 things were going on. And as I said to you, all my staff
44 living in the community, had the cadet up at the school, we
45 had, I think, two of our blokes were in a local gun club,
46 there was one playing football, there was one in the car
47 club - so we were all sort of within reach of any member of

1 the community to come along and tell us these things, but
2 what I was surprised was that we hadn't been told - you
3 know, we were all, sort of, approachable.
4

5 Q. You have subsequently learned that Mr McKenna's
6 offending has occurred over a period 1975 to 1990.

7 A. Hm.
8

9 Q. With that in mind what was your reaction?

10 A. Quite amazing, actually, that this could have gone on
11 for so long without anybody being advised about it;
12 particularly us people - police officers or anyone. I
13 can't sort of understand why. Just reading from the
14 newspapers, if Mrs Dawkins had of known about this, why
15 didn't she pursue it with more intensity? I think her
16 husband was a member of parliament. Why didn't she talk to
17 him and say, "Look, this is going on"; and why didn't he go
18 and talk to the Minister For Police? That's the reaction
19 that I had, is that why somebody hadn't done something
20 about it. I can assure you that nobody came to my office,
21 or any of my staff, with a complaint of this nature.
22

23 HIS HONOUR: Q. Just in fairness to Mrs Dawkins, her
24 evidence was that she did pursue it. She pursued it quite
25 relentlessly with her superiors.

26 A. Yes, I know that. It just seems strange it went on so
27 long before things happened. I can't understand that. I
28 can't tell you in any stronger terms that there was
29 certainly nobody in my office, myself particularly, was
30 advised of this sort of conduct.
31

32 MR DOBSON: I was going to say the same thing, your
33 Honour, in fairness to Maggie, she said that she complained
34 to the local OIC then to a councillor and to others and to
35 the point where she was ostracised, basically.
36

37 THE WITNESS: Well, look, as I said, I can't comment on
38 that because I don't even recall the lady. But I mean it
39 just doesn't seem to ring true that this sort of conduct
40 was allowed to go on for so long. Apart from me, why
41 didn't someone else come and tell us?
42

43 MR DOBSON: Q. Our understanding is there were widespread
44 rumours about Maggie basically getting thrown out of town,
45 run out of town, on the account of McKenna not liking her.

46 A. No. I've got no comment on that. I don't know.
47

1 Q. You don't know?
2 A. No.
3
4 Q. To finish it up, you are quite certain, there is no
5 doubt in your mind, Maggie never complained to you about
6 any form of sexual abuse in relation to Dennis McKenna or
7 anyone?
8 A. Very, very, very certain that that complaint never
9 came to me.
10
11 MR DOBSON: Those are my questions. Thank you, Mr Todd.
12
13 HIS HONOUR: Mr Hammond?
14
15 <CROSS-EXAMINATION BY MR HAMMOND:
16
17 MR HAMMOND: Q. You indicated that you kept in touch with
18 the town of Katanning. How often would you go to Katanning
19 and keep in touch?
20 A. Now?
21
22 Q. Yes.
23 A. I would go down to Katanning probably every six weeks.
24
25 Q. Who are the people that you keep in touch with down
26 there?
27 A. A lot of people. I've made a lot of friends in town
28 while I was there. I actually own a little bit of land
29 down there, which I go and visit every so often. I'm a bit
30 of a greenie. I plant about 5,000 trees a year. All the
31 locals think I'm a mad tree planter from Conniving Road. I
32 visit the bowling club, the hotels, some of my friends,
33 next door neighbours on the farms. I still have a lot of
34 friends in the town.
35
36 Q. Those friends that you visit were obviously made
37 during the time that you were OIC?
38 A. Yes.
39
40 Q. At Katanning?
41 A. Yes.
42
43 Q. One of those friends is Councillor Ainslie Evans?
44 A. Yes.
45
46 Q. You keep in contact with her pretty regularly?
47 A. No. Only when we might cross paths, by crossing the

1 street. Ainslie owns an old building on the corner of one
2 of the streets there that houses the Land Care office. I
3 go there quite often in relation to Land Care matters. I
4 think Ainslie opens that. I know her husband. I think his
5 name might be John. I only know Ainslie from, you know,
6 saying "hello" in the street, in Woolworths or something.
7

8 Q. You knew her at the time you were at Katanning as
9 well?

10 A. Oh, yes. Yes, she has been a councillor for a long
11 time, Ainslie.
12

13 Q. You describe her as "Ainslie", don't you?

14 A. Yeah, yeah.
15

16 Q. Who are some of the other people that you keep in
17 touch with in Katanning?

18 A. By names?
19

20 Q. The local hoteliers?

21 A. Well, they have changed a little bit. I know Martin
22 Von Coldenhaven, the bloke who owns one of the hardware
23 stores there; Clark Stewart, Brian Perrot; the painter,
24 Laurie Scott, Ivan Quartermain Farmers. Quite a lot of
25 people there.
26

27 Q. How long have you had your block in Katanning for?

28 A. Since '85, '86.
29

30 Q. How many acres is that?

31 A. It's huge. It's 650 acres of a bit of land which
32 nobody else wanted. I thought I could probably turn it
33 into some trees.
34

35 Q. You made application to the council for that to
36 happen?

37 A. No. I think you just go through the local real estate
38 people and it goes up to the Lands office, and they just
39 transfer the titles over after you come across with some
40 money. I don't think the shire have any say in who buys
41 the farms around the area. I'm not really sure.
42

43 Q. You've had no contact with the shire as a result of
44 owning this piece of land?

45 A. Sorry?
46

47 Q. You've had no contact with the shire as a result of

1 owning this piece of land?
2 A. Yes, I did in relation to drainage from the water that
3 comes off the airstrip. They've built some drains which
4 come together going on to Conniving Road and ran into my
5 paddock. Some years ago I approached them to divert their
6 water somewhere else. It's a long story. The movement of
7 lands --
8
9 Q. Who did you liaise with at the shire in relation to
10 that?
11 A. The engineer at the time, which I'm not sure who it
12 was, and one of the shire officers there, or shire
13 councillors, who I think is a farmer out on the other side
14 of town, owns the chicken treat store in town, I think.
15 Those two came out, inspected my block. They put a grader
16 in there to help drain the water away, instead of lying in
17 a puddle, and that's about the only involvement I've had
18 with the shire, apart from paying money every year.
19
20 Q. So, Inspector Todd, since you've been at Katanning
21 you've got to know a lot of people there?
22 A. Mmm-hmm.
23
24 Q. You keep in touch with the place because you have an
25 investment there?
26 A. Yes.
27
28 Q. Have you known other local councillors over the years?
29 A. Some of them. They change. Like, I've known - I knew
30 a bloke by the name of Louis, who was the shire ranger, the
31 health inspector lady, who I don't think is there any more.
32
33 Q. The one you have had the longest association with is
34 councillor - or Ainslie Evans?
35 A. Only because Ainslie has been on the council for a
36 long time. She's like a notoriety in the town. Everyone
37 knows Ainslie Evans. But, yeah, there are a lot of other
38 people I could probably sit down and think of their names
39 and pass them on to you.
40
41 Q. During your time in Katanning, as officer in charge,
42 you would have got to know Ian Murray, the principal of the
43 school?
44 A. No. I may have spoken to him once or twice, but we
45 didn't have much involvement with the school. I knew a
46 Peter Murray. He was a solicitor there from Taylor Nott
47 and Murray. But, no, not the head master.

1
2 Q. You say you met Dennis McKenna two or three times?
3 A. I sure would have spoke to him two or three times when
4 I was there.
5
6 Q. Did you meet Dennis McKenna two or three times?
7 A. No. Just I think when he ended up bringing his
8 students down to our Blue Light Disco he came down with
9 them.
10
11 Q. So you met him at the Blue Light Disco?
12 A. Yes. He used to bring a bus load of children down.
13 And I think it might have been up at the school --
14
15 Q. How often would he do that?
16 A. Well, I think the Blue Light was on every fortnight.
17 After we got --
18
19 Q. No, no, Inspector, how often would Dennis McKenna
20 bring his students from the hostel to the Blue Light Disco?
21 A. Oh, I think every time they came down he came down
22 with them.
23
24 Q. How many times was that, in your time?
25 A. Well, it's more than half a dozen. And I said we had
26 the Blue Light, I'm pretty sure, every fortnight. Quite
27 frequently, yeah.
28
29 Q. You had the Blue Light every fortnight and you say
30 Dennis McKenna went there about six times while you were
31 there?
32 A. Well, that would have been just - look, I'm just
33 assuming. I mean, he probably would have been down more
34 times, but the exact time I can't recall.
35
36 Q. You would be at the Blue Light Discos too, as the
37 officer in charge?
38 A. Usually, yeah. Right next door to my quarters
39 actually so --
40
41 Q. So I put it to you through the Blue Light interaction
42 you would have seen Dennis McKenna on at least half a dozen
43 times?
44 A. Yes. Might not have spoken to him all those times but
45 he was there.
46
47 Q. In fact, you would have seen him much more than half a

1 dozen times if he was regularly taking the hostel students
2 there?

3 A. Yes.

4

5 Q. I put it to you you would have seen him in excess of
6 20 times at the Blue Light Disco?

7 A. I'm not really sure whether he - whether he attended
8 20 times, but let's just say it was - it was quite a number
9 of times; say between six and 20, if you want to play on
10 numbers. But I can't really tell you how many times I've
11 seen McKenna. But he did come down there regularly with
12 his bus load of student.

13

14 Q. McKenna, as you know, he was the warden of the hostel
15 and he was in charge of those students?

16 A. Yes.

17

18 Q. You, as the officer in charge at town, would have an
19 interest in what teenagers were doing?

20 A. What teenagers were doing?

21

22 Q. Yes, in Katanning?

23 A. Mmm-hmm.

24

25 Q. So at the Blue Light Disco you would talk to Dennis
26 McKenna about his students?

27 A. No. It wasn't that sort of a communication. It was
28 just "hello", and that's it. We were running the Blue
29 Light. We had a little committee there. We were pretty
30 active looking after a couple hundred children.

31

32 Q. So you only said "hello" to him?

33 A. That's about all, mmm-hmm. I don't think I've - I
34 can't ever recall having a conversation with Dennis
35 McKenna.

36

37 Q. Did you ever have occasion, as the officer in charge,
38 to charge any student - any student - that was boarding at
39 the hostel?

40 A. Look, I - can't recall whether we did or not. Some of
41 my staff may have, but I don't think so. Usually all the
42 students up there were pretty good. The Board didn't have
43 any trouble with it.

44

45 Q. Did you ever have occasion to charge any student that
46 was at the Katanning Secondary High School during the
47 period you were officer in charge?

1 A. No. Not that I can recall.
2
3 Q. So you've got - would it be fair to say that the
4 majority of teenagers in Katanning were either at the
5 hostel or at the senior high school?
6 A. No. What age group are you talking about?
7
8 Q. High school students between 12 and --
9 A. High school students - I think it was the only high
10 school there. The others were primary schools. The
11 Catholic school I think was only primary school. Yeah,
12 there was only --
13
14 Q. What I am putting to you, Inspector, is that the
15 majority of teenage kids or teenage people were at the
16 Katanning Senior High School?
17 A. Yes. Yes.
18
19 Q. Overwhelmingly?
20 A. Yes, the majority. Maybe a few people might have gone
21 to some other schools, boarded away. Some went to college
22 up in Perth. The majority - everyone of high school age
23 would have gone to the high school.
24
25 Q. You tell me, Inspector, what percentage of teenage
26 people in Katanning would have been attending Katanning
27 Senior High School?
28 A. The percentage? Oh --
29
30 Q. Sorry 100 per cent?
31 A. Well, it's a bit hypothetical.
32
33 Q. Between 90 and 100 per cent?
34 A. Let's say everyone who was probably high school age
35 were going to the Katanning high school - 95 per cent. As
36 I said, the only ones who may not have been were may be
37 boarders at the colleges in Perth.
38
39 Q. Your evidence to the Inquiry is that you had not one
40 occasion did you ever charge any teenager from the hostel?
41 A. No. My evidence is that I can't recall that. I mean
42 - no, I can't recall. Me, myself, charge them or my
43 station staff, I can't recall.
44
45 Q. What's your evidence in relation to the students at
46 Katanning Senior High School overall? Did you have
47 occasion to charge any teenager that attended at that

1 school?
2 A. I thought I just answered that question.
3
4 Q. No, I was talking about the hostel five seconds ago.
5 A. Oh, the hostel. No, I was thinking --
6
7 Q. I'm now talking about the school.
8 A. Sorry. I was talking about the high school. No, I
9 can't recall whether it was high school students or the
10 hostel students. I can't recall us ever charging anyone
11 there. Not saying that we didn't --
12
13 Q. You're saying you can't recall?
14 A. Mmm-hmm.
15
16 Q. I'm talking about the hostel now?
17 A. Mmm-hmm.
18
19 Q. Is it possible that you were involved in charging
20 teenagers for offences in Katanning whilst you were officer
21 in charge?
22 A. Yeah it's quite --
23
24 Q. It is possible?
25 A. Yes, definitely. Not myself personally. My staff.
26
27 Q. The staff?
28 A. Yes.
29
30 Q. Let's say that did happen, based on your evidence --
31 A. Yes.
32
33 Q. -- if a student from the hostel was charged someone
34 would have gone to see Dennis McKenna about that, as the
35 warden?
36 A. Well, probably not. He was only the warden there. I
37 imagine if we were charging anyone from the school we would
38 go to the master.
39
40 Q. I'm talking about the hostel?
41 A. Oh, sorry. Yes, I would say they would probably deal
42 with McKenna. They certainly - if there were any charges
43 they weren't serious ones. I probably would have recalled.
44
45 Q. But you have told the Inquiry you can't remember
46 whether anyone at the hostel was ever charged. You are now
47 telling the Inquiry if they were charged the charges

1 weren't serious. Which is it?
2 A. No. What I'm saying is that I can't recall if there
3 were any minor charges laid against any of the pupils at
4 the high school or the hostel. If there were any charges
5 of a serious matter, ie the sexual behaviour of McKenna, I
6 would have recorded it.
7
8 Q. I'm not asking about that, Inspector.
9 A. I am giving it as an example.
10
11 Q. I am going to take you to the question again. Do you
12 recall any students at the hostel being charged by you?
13 A. No.
14
15 Q. Do you recall any students at the hostel being charged
16 by anyone at your station?
17 A. No.
18
19 Q. Do you recall yourself charging any student that was
20 at the Katanning Senior High School?
21 A. No.
22
23 Q. Do you recall anyone at your station charging anyone
24 at the Katanning Senior High School?
25 A. No.
26
27 Q. Don't you think that is remarkable?
28 A. Maybe they're all good kids. You're just asking about
29 my memory, but no --
30
31 Q. So what I'm putting to you, Inspector, is that between
32 1983 and 1985 when you were at Katanning you don't recall
33 one person in their teenage years - and you said 90 per
34 cent of them went to the school - ever being charged?
35 A. That's correct. I can't recall that. That's correct.
36
37 Q. Just like you can't recall Maggie Dawkins coming to
38 see you?
39 A. Ah, now, I said that I don't recall --
40
41 Q. No, Inspector, just like you can't recall --
42 A. No, that's not like that at all.
43
44 Q. -- Maggie Dawkins coming to you?
45 A. As I said, if Maggie Dawkins or anyone had of come to
46 me with a complaint of this nature I would have recalled it
47 and the (indistinct) police would have responded

1 immediately. That's the indicator there.
2
3 Q. Inspector, I put to you that there must have been some
4 students - do you remember ever speaking to any student at
5 the hostel just out of a suspicion that you had about
6 something they had done wrong?
7 A. No. No.
8
9 Q. So no charges, no suspicions about any student that
10 ever stayed at that hostel while you were there at all?
11 A. That's correct. That's correct.
12
13 Q. Do you remember speaking to any student at the
14 Katanning Senior High School about any suspicion you had
15 about their conduct?
16 A. No.
17
18 Q. So you had no interaction with 90 per cent of the
19 teenage population between 1983 and 1985?
20 A. That's probably right. My staff may have, but not
21 myself.
22
23 Q. I want to take you back to Dennis McKenna. You say
24 that you met him two or three times. That's what you told
25 Mr Dobson.
26 A. Yep. I said I would have spoken to him two or three
27 times.
28
29 Q. But you also met him, Inspector?
30 A. Yeah, but not in a meeting sort of forum situation.
31 Like when he came down to the Blue Light --
32
33 Q. Well, let's not split hairs, Inspector. You saw him
34 on many occasions at the Blue Light Disco, didn't you?
35 A. Yep.
36
37 Q. You said hello to him at that Blue Light Disco?
38 A. Not every time, no.
39
40 Q. What's the purpose of Blue Light Discos, Inspector?
41 A. What the mission is I'm not really sure - the mission
42 statement, but it's virtually to give some entertainment
43 for the local children. As you can remember, if you've
44 ever been to a country town, they're usually isolated.
45 Activity is a little bit limited. So the establishment of
46 a PCYC brought in many other facets of looking after the
47 welfare of children. Apart from the Blue Light there were

1 gymnasiums. There were little boxing things. There was --
2
3 Q. It is to keep the kids off the streets as well, isn't
4 it, Inspector?
5 A. Yes. Well, in a way, but some children came there and
6 they weren't street kids. Some of them were just ordinary
7 children with nothing to do.
8
9 Q. Given that you said you can't remember speaking to
10 anyone about a suspicion that you held, that's a teenage
11 person, or charging anyone, or your office being involved
12 in doing that, it would be fair to say then, based on that
13 memory that you have, that there was no problem at all
14 between '83 and '85 with any teenagers being in trouble in
15 Katanning?
16 A. Oh, no, I can remember vividly arresting a young
17 fellow who had broken into the priest's house and stole his
18 little silver chalice.
19
20 Q. How old was he?
21 A. He was probably nine or 10. And that is vivid in my
22 memory because of the importance of the matter, of the
23 theft.
24
25 Q. But he wasn't at Katanning Senior High School, was he?
26 A. No, no. But I can remember --
27
28 Q. So I'm putting to you in the period that you were
29 there, because there was no suspicious activity that you
30 had to talk to students about, there was no-one that you
31 had to charge, that there was no problem with teenagers in
32 the period that you were there at Katanning?
33 A. Yes. I certainly didn't charge any children. I can't
34 recall ever talking to any, or any of them being involved
35 in any matters.
36
37 Q. You can't recall your officers doing that either,
38 Inspector?
39 A. No. I can't. No. I mean, if they had of made an
40 arrest during the night there would have been an entry in
41 the occurrence book, and I probably would have read it at
42 the end of the week but --
43
44 Q. You don't even remember reading about any charge of
45 any student?
46 A. No, no.
47

1 Q. Or any student ever being spoke to?
2 A. No.
3
4 Q. Did you ever hear about McKenna's brother driving a
5 bus and taking kids out on trips to the cemetery?
6 A. No. To tell you the truth, I didn't even know McKenna
7 had a brother until I read it in the paper.
8
9 Q. Did you know that McKenna had other members of his
10 family at the hostel?
11 A. No.
12
13 Q. Did you go to the movie nights at the rec?
14 A. Me?
15
16 Q. Yes, the movie nights at the --
17 A. Up at the school?
18
19 Q. -- at the hostel?
20 A. No.
21
22 Q. Did you know those movie nights were occurring?
23 A. Yes. One of my constables used to go there and stand
24 on the door to make sure everything was okay and show the
25 flag, so to speak.
26
27 Q. That constable would have told you, as you were the
28 officer in charge, that he was going down to McKenna's
29 movie nights?
30 A. Yes. We --
31
32 Q. And you knew they were being run by McKenna?
33 A. Yes.
34
35 Q. Who would go to the movie nights?
36 A. Usually whoever was rostered on duty that evening
37 would go up there - they wouldn't be there all night - but
38 they would go and just have a look, drive around on patrol,
39 make sure everything is okay.
40
41 Q. That was a favour to McKenna, was it not?
42 A. It was not a favour to McKenna. It's things that you
43 do in every part of the community.
44
45 Q. But there was no trouble with the teenagers in town so
46 you didn't need a constable at the door?
47 A. No. No, we didn't. As I said, he wasn't at the door.

1 We'd just call in on patrol, like if the football was on or
2 if there was some other public event, the royal show,
3 anything that has been held in town, we have a police
4 presence there, not particularly because there's always
5 trouble, but just to show the flag.
6
7 Q. You knew McKenna was utilising the hostel students to
8 do charitable works around the town, such as gardening as
9 old ladies' gardens?
10 A. No.
11
12 Q. Didn't know that?
13 A. He certainly didn't do any gardening at the police
14 station.
15
16 Q. Were you aware that McKenna was running a nursery --
17 A. No.
18
19 Q. -- at the hostel? You weren't. You would have
20 attended sporting events of the Katanning Senior High
21 School?
22 A. No, not necessarily.
23
24 Q. Not necessarily or you did?
25 A. No, I didn't then.
26
27 Q. You didn't attend any sporting events?
28 A. Yes. Been to the football. Went to the cricket.
29
30 Q. Originally you said no, Inspector.
31 A. No to the Katanning functions.
32
33 Q. Nothing to do with Katanning Senior High School. You
34 didn't attend any sporting events --
35 A. Not that I can recall, no.
36
37 Q. You don't recall it, but I'm putting it to you that
38 it's possible you did?
39 A. It's possible. But I don't even know where they would
40 have held their event or how regular they were. No, I
41 can't recall that.
42
43 Q. Do you remember the hostel's under-17 - that they had
44 a football team? Did the hostel have a football team while
45 you were there?
46 A. What competition were they in?
47

1 Q. I don't know what competition it was, but do you
2 remember any football teams run by the hostel?
3 A. No. There was only two teams in town, there was
4 Austals and the Wonderers, and they were in the Great
5 Southern league. I don't know who they ever played if they
6 ever existed, yep.
7
8 Q. The hostel boys went and watched those games?
9 A. I don't know.
10
11 Q. You don't know?
12 A. No.
13
14 Q. You attended shire functions as the officer in charge?
15 A. Did I?
16
17 Q. Yes.
18 A. You mean like sharing in three percenters after a
19 Friday or something, is that what you are referring to,
20 or --
21
22 Q. Let's start with any function that the shire was
23 holding, whether it be for the RSL - did you attend those
24 functions?
25 A. No. I wasn't a member of the RSL down in Katanning.
26
27 Q. I am not asking if you were a member, but did you
28 attend any functions?
29 A. No. No. The agricultural show, I used to go to that.
30 And they'd have a poultry show. I attended those. But I
31 don't think they are actually run by the shire. I think
32 they are - like the Poultry Breeders Association run a show
33 up at the ag department facilities, but, no, I can't - I
34 don't think I ever attended any of the shire functions.
35
36 Q. How many times would you have met with Ian Murray, who
37 was the principal of the school?
38 A. I don't think I ever met him at all. I can't recall
39 ever meeting him.
40
41 Q. But I put it to you again it's possible you did meet
42 him --
43 A. It's possible.
44
45 Q. -- but you have no memory of it?
46 A. Yes.
47

1 Q. And it would be incredible, would it not, if you've
2 never met Ian Murray, who was the principal of the school?
3 A. Why would it be incredible? I mean, there are --
4
5 Q. You as the officer in charge at Katanning and Murray
6 as the principal of Katanning Senior High School?
7 A. Yeah, well, why would it be incredible that I didn't
8 come to the meeting with him?
9
10 Q. I'm not saying you went to a meeting with him, but
11 that you --
12 A. I met him?
13
14 Q. -- you never would have met him in your time as
15 officer in charge?
16 A. Not that I can recall, no.
17
18 MR HAMMOND: Sorry. Mr Urquhart has corrected me about my
19 dates. I take that criticism on Board. Mr Marriott was
20 the principal while you were there.
21
22 Q. Do you remember Mr Marriott?
23 A. No.
24
25 Q. You don't. Did anyone in the town comment to you
26 while you were there about McKenna being a person - this is
27 Dennis McKenna - of good moral fibre, or of good standing
28 in the community?
29 A. No.
30
31 Q. Not one person?
32 A. Not that I can recall, no. I don't recall anyone
33 commenting about him at all.
34
35 Q. You don't recall anyone making any comments to you
36 about Dennis McKenna?
37 A. Comments about what?
38
39 Q. About any aspect of his character?
40 A. No. No.
41
42 Q. Do you want to rethink that, Inspector Todd, because I
43 personally - sorry, it is not for me to comment - that
44 answer is not - doesn't ring true.
45 A. Is there something I have missed?
46
47 Q. I am saying the answer doesn't ring true that you

1 never received one comment about Dennis McKenna for the
2 entire time that you were officer in charge?
3 A. My comment about what?
4
5 Q. About anything to do with him; his hair colour, his
6 personality, what he was doing in town?
7 A. No. I did particularly, when he wasn't bringing his
8 staff down to the Blue Light Disco and they were opening up
9 a competition against the club, I think some of the staff
10 sort of thought what a negative approach he had in relation
11 to that, because he should have come on Board with our Blue
12 Light and then held his picture theatre the off nights -
13 you know, the off weekends. But he was just - wasn't very
14 friendly. But as far as - I never had much to do with
15 Mr McKenna or the head master of the school. It seemed to
16 run okay up there. It was --
17
18 Q. When was the last time you spoke to Councillor Evans?
19 A. Ainslie, I think I might have seen her in Katanning,
20 oh, I suppose end of - towards the end of last year just in
21 Woolworths or walking down the street, just saying, "Hello,
22 Ainslie", and that's it.
23
24 Q. Did you discuss the publicity surrounding McKenna at
25 the time?
26 A. No.
27
28 Q. Didn't talk about McKenna?
29 A. Have I - no. To Ainslie?
30
31 Q. Yes.
32 A. No. I don't think I've seen her since - since she had
33 her photo in the paper. Anyhow, she had her photo in the
34 local rag. She was supposed to have said something and --
35
36 Q. Have you talked with anyone in Katanning about the
37 publicity surrounding McKenna?
38 A. Yes.
39
40 Q. Who have you talked to?
41 A. My superior officer, Chris Burton. He's a level 7 in
42 my Management Audit Unit; Mr Jim Alex, who is a level 8 in
43 my unit. I've sent an email to Assistant Commissioner
44 (indistinct) advising of my summons. I spoke to Larry
45 Turn, he used to be a Senior Constable down at Katanning
46 with me. We have --
47

1 Q. At the time you were at Katanning?
2 A. Sorry?
3
4 Q. At the time you were at Katanning?
5 A. He was down there, yeah. When he came to our office
6 in Perth about November - might have been November, I'm not
7 sure - for a management audit unit training session he just
8 said something about "I see McKenna is in the paper". You
9 know, that was about it. But in detail, nobody, not even
10 to my wife.
11
12 MR HAMMOND: I don't have any further questions.
13
14 HIS HONOUR: Mr Jenkin?
15
16 MR JENKIN: No, thank you, sir.
17
18 MR DOBSON: There are some matters arising, your Honour,
19 if it please.
20
21 <RE-EXAMINATION BY MR DOBSON
22
23 MR DOBSON: Q. Mr Todd, could I just speak with you about
24 your friend Ainslie Evans --
25 A. Yes.
26
27 Q. -- initially your relationship with her while you were
28 at Katanning.
29 A. Yeah.
30
31 Q. Did you know her in 1984?
32 A. When I first - whatever the date, '84, when I first
33 got to Katanning, yes, I probably met Ainslie then.
34
35 Q. Sorry, I should say, I think you first got there in
36 '83. I beg your pardon?
37 A. Whatever anyhow. Sort of got - not immediately but I
38 did become familiar with Ainslie Evans.
39
40 Q. And did you develop a friendship with her over time?
41 A. Just, you know, like anywhere else, say hello. Have
42 you met Ainslie?
43
44 Q. Beg your pardon.
45 A. Have you met Ainslie Evans?
46
47 Q. No, I haven't?

1 A. Well, she is a bit of an outward sort of person and
2 says hello to everybody and everyone in town knows her.
3
4 Q. Put aside everyone in town. Did you develop a
5 friendship with her?
6 A. Other than saying hello, no. What do you call being a
7 friendship? What do you mean?
8
9 Q. Closer than an acquaintance. You might visit --
10 A. Talk about football or talk about the weather?
11
12 Q. No, you might visit her house with your wife?
13 A. No, nothing like that.
14
15 Q. Nothing like that?
16 A. No.
17
18 Q. What about by the time you left?
19 A. No.
20
21 Q. Did you have a friendship with her?
22 A. No.
23
24 Q. Were you aware, through your dealings with Ainslie, of
25 her relationship, how she dealt with Dennis McKenna?
26 A. No. Only what I've read in the paper.
27
28 Q. Pardon?
29 A. Only what I've read in the paper.
30
31 Q. So you are saying at the time you weren't aware that
32 she had a close relationship with Dennis McKenna?
33 A. That she didn't?
34
35 Q. I'm saying were you not aware, at the time you were in
36 Katanning, of a close relationship between Dennis McKenna
37 and Ainslie Evans?
38 A. No, didn't (indistinct).
39
40 Q. You weren't aware that she held him in high regard?
41 A. Only what it said in the paper.
42
43 Q. You need to talk about that at the time?
44 A. No, I didn't know anything of that nature.
45
46 Q. Put aside the paper. Our friends are probably
47 listening so I won't comment on whether you could rely on

1 what they print so --
2 A. Okay, no, I didn't know that - I still don't know
3 whether she had a relationship with McKenna or not.
4
5 Q. You spoke about buying a block in 1985?
6 A. Yes.
7
8 Q. That's your last year in Katanning before you transfer
9 out?
10 A. I think I - about mid '85 and then - yes, I might have
11 bought it, actually, at '86, just after I'd left, but it
12 was in the transaction of buying it.
13
14 Q. Was that just a block of land or did it include a
15 dwelling?
16 A. No, it was just a bit of run-down bit of land which
17 had been eaten out by sheep and a bit of salt and
18 waterlogging and I bought it off a farmer in town by the
19 name of Robbie Laderman.
20
21 Q. And have you put a dwelling on that since?
22 A. A transportable donga, you might say, yes.
23
24 Q. When did you do that, please, Mr Todd?
25 A. When I was down in Esperance I bought the donga down
26 there and had it sent up. Probably about maybe, say,
27 '88/'89.
28
29 Q. You mentioned visiting Katanning every six weeks. Is
30 that when that commenced. Did you commence visiting
31 Katanning every six weeks once the donga was put on the
32 property?
33 A. No, well, from Katanning I come back to Perth and then
34 I was transferred down to Esperance. I was there for about
35 three or four years and, of course, a long way away and
36 didn't visit the place very much but when I came back to
37 Perth let's just say every six weeks, it might not be
38 correct, but I visited the place whenever I can. When time
39 and finances were available you travel down there and I
40 slowly built the place up to - my ambition was to plant a
41 forest of trees before I die and you don't get many friends
42 when you want to plant trees do a bit of hard work so I've
43 been doing it on my own.
44
45 Q. While you were in Katanning, did Ainslie Evans ever
46 complain to you about Westrek. I have mentioned Westrek
47 before

1 A. No.
2
3 Q. Did she ever complain to you about Maggie Maruff, now
4 Maggie Dawkins?
5 A. No. Not that I can recall.
6
7 Q. And did she ever raise Dennis McKenna's name in
8 connection with those two - well one is an organisation,
9 one is a person?
10 A. No.
11
12 Q. Nothing at all?
13 A. No.
14
15 Q. Mr Todd, are you aware that the Inquiry has obtained
16 the occurrence books from the Katanning Police Station for
17 the period you were the officer-in-charge?
18 A. No.
19
20 Q. You are not aware of that?
21 A. No.
22
23 Q. Prior to coming here, would you have expected us to
24 have obtained those documents?
25 A. I imagine you would have done a thorough inquiry.
26
27 Q. And does that include an expectation that we would
28 have obtained those occurrence books?
29 A. Look, I don't know whether those occurrence books
30 would be available any more. I think under the regulations
31 they can destroy those after seven years but no, I don't
32 really know what your inquiries would have - what the scope
33 would have been.
34
35 Q. We have the occurrence books. What I am saying is
36 given your police background and lines of inquiry, before
37 you came here, was it an expectation on your part that we
38 would have tried to obtain the occurrence books?
39 A. Well, as I said, I probably didn't think you would
40 have gone for the occurrence books because I was under the
41 impression they might have been disposed of by now, but
42 look, I would imagine you would have --
43
44 Q. Mr Todd, you are not answering my question?
45 A. No, well, let's maybe you did try --
46
47 Q. Forget whether they are destroyed or not because they

1 are?
2 A. I imagine you would have made very thorough
3 investigations and it would have included the occurrence
4 books.
5
6 Q. It would have included at least trying to obtain the
7 occurrence books?
8 A. Yes.
9
10 Q. Now, this next question is based on a view, a position
11 that Maggie Dawkins told you about Dennis McKenna having a
12 sexual relationship with a young man at the time the young
13 man was in the hostel?
14 A. Yes.
15
16 Q. Now, is the real reason you are saying that never
17 happened, that conversation never happened, is the real
18 reason because you know you never entered it in any
19 occurrence book?
20 A. No, I did so.
21
22 Q. There is no such entry?
23 A. No, no, I said that if anyone had ever come to me with
24 a complaint of that nature that I would have responded
25 immediately. You are mentioning how it would have gone in
26 the occurrence book. That's just the normal process of
27 complaints.
28
29 Q. Well, it's clearly required by routine audit that it
30 go in there?
31 A. Yes, but if you had have come - or anyone in the town
32 had have come to us with a complaint of this nature we
33 would have responded immediately.
34
35 Q. We are saying this conversation happened. Based on
36 that then, is the real reason that you deny the Maggie
37 Dawkins/Maruff conversation, is the real reason because you
38 were aware your friend, Ainslie Evans, was close with
39 McKenna?
40 A. No. No, I didn't - I didn't think - I didn't know
41 Ainslie was close to McKenna at all. I mean I don't know
42 Ainslie that well. I wouldn't know who she is friendly
43 with. Certainly no tie-up there.
44
45 Q. Let me say to you, there was no secret in Katanning
46 and, Mr Todd, you must have been living under a rock not to
47 know that those two were close?

1 A. Yes, well, I was living under a rock then because I
2 didn't know McKenna and Ainslie Evans were close. I mean,
3 how close were you talking about?
4
5 Q. Friends whose --
6 A. I mean intimately or --
7
8 Q. No, no. I would not suggest that about the lady at
9 all?
10 A. Have you seen Ainslie Evans?
11
12 Q. Mr Todd, can you stop asking me questions?
13 A. Sorry.
14
15 Q. You have been in court before. The way it works is --
16 A. Yes.
17
18 Q. -- you sit there on oath and answer, I ask the
19 questions, sir?
20 A. I'm sorry, sir.
21
22 MR DOBSON: Sorry, your Honour, for disciplining the
23 witness.
24
25 HIS HONOUR: Yes, that's all right. Okay.
26
27 MR DOBSON: Thank you, your Honour.
28
29 Q. Now, Mr Todd, finally, you weren't privy to this
30 conversation but I was. Mr McKenna has told investigators
31 from the Inquiry words to the effect that he didn't know
32 what drove him to offend against young males but he wished
33 that someone had stopped him. Sitting there now, sir, do
34 you wish you could turn the clock back?
35 A. No, look, it's not a matter of turning the clock back.
36 I wish that somebody had have come to me with a complaint
37 about this and we would have done something about it.
38
39 Q. So we are back to square one. Maggie Dawkins never
40 complained?
41 A. Not to me.
42
43 Q. All right, those are my questions. Thank you,
44 Mr Todd.
45
46 HIS HONOUR: Well, that completes your evidence,
47 Inspector. You are now free to leave.

1
2 THE WITNESS: Could I be excused for the rest of this
3 hearing, sir?
4
5 HIS HONOUR: You certainly are.
6
7 THE WITNESS: Thank you very much.
8
9 <THE WITNESS WITHDREW
10
11 HIS HONOUR: Very well. I think we will take a break at
12 this stage so I will just break for 10 minutes.
13
14 MR DOBSON: Thank you, your Honour.
15
16 SHORT ADJOURNMENT
17
18 HIS HONOUR: Yes, now, Mr Urquhart.
19
20 MR URQUHART: Thank you, sir. The next witness will be
21 Satchell John Peacock.
22
23 <SACHELL JOHN PEACOCK, affirmed:
24
25 <EXAMINATION-IN-CHIEF BY MR URQUHART:
26
27 MR URQUHART: Q. Mr Peacock, your full name is Satchell
28 John Peacock?
29 A. That's me.
30
31 Q. But you go by your middle name, do you; John?
32 A. Thank you.
33
34 Q. Sir, how old are you?
35 A. 71.
36
37 Q. And do you reside in York?
38 A. I left Frankland 2006.
39
40 Q. To live in York?
41 A. Thank you.
42
43 Q. And are you retired now?
44 A. Semi.
45
46 Q. So what are you doing?
47 A. Machine operating.

1
2 Q. In the 1980s, as you have just mentioned, did you
3 reside in Frankland?
4 A. Yes, I was a farmer 10km east of Frankland.
5
6 Q. Just for the purpose of those of us who may not be too
7 familiar with the geography down that way, Frankland is
8 where?
9 A. 80km sou'west of Kojonup.
10
11 Q. So 80km south-west?
12 A. 1800km nor'west of Mount Barker or 45km west of
13 Cranbrook.
14
15 Q. And about how far from Katanning?
16 A. 110km.
17
18 Q. Now, Mr Peacock, do you recall being interviewed by an
19 investigator from the Inquiry?
20 A. Matthew --
21
22 Q. Yes, Matthew Daulby in early last month?
23 A. Yes.
24
25 Q. Do you recall him providing you with a three-page
26 statement as a result of that interview?
27 A. Yes, it's just clause 7 and 8 is not quite - I don't
28 know why I didn't pick that up in (indistinct). I never
29 went to the Board with it. I was just told down there by
30 one of the parents that something was going up there when
31 they were on the school bus.
32
33 Q. I am going to ask you something about that in more
34 detail a little later on?
35 A. Thank you.
36
37 Q. But what you have just recounted there, is that a
38 conversation that you have here with Mr Daulby this
39 morning?
40 A. Yes.
41
42 Q. However, did you recall confirming with Mr Daulby
43 early last month that after he sent that statement through
44 to you that it was, in fact, true and correct?
45 A. Yes, I've been away working a lot of the time. Only
46 time I look at it when I came home and I obviously just -
47 statement 7 and 8, I didn't read it correctly, yes, thank

1 you.
2
3 Q. So you are referring to paragraph 7 and 8 there, are
4 you?
5 A. Yes.
6
7 Q. Would you agree with me that they are rather
8 significant paragraphs in your statement?
9 A. Yes, they are, but the one in number 1 where I said
10 that I spoke to the parents down there, well, it wasn't
11 anything to do with it, with going to the Board, because
12 there was another lady there, Gwenda. We would have both
13 pulled our children out had we have known what was going
14 on.
15
16 Q. Mr Peacock, I will get to that. We should do things
17 in some sort of order first, if that's all right?
18 A. Yes, okay.
19
20 Q. But don't worry, we will clarify that. So you have
21 got two children. Is that right?
22 A. Correct.
23
24 Q. A son and a daughter?
25 A. Correct.
26
27 Q. A Jennifer and David?
28 A. Correct.
29
30 Q. And they attended the Katanning hostel. Is that
31 right?
32 A. Correct.
33
34 Q. And can you recall what years?
35 A. '82 to '86.
36
37 Q. And who was older of the two?
38 A. The daughter.
39
40 Q. And can you remember what year she finished, finished
41 school?
42 A. '85. '85 and the young bloke was '86.
43
44 Q. And I gather the reason for having your two children
45 go and stay at the hostel is because of the distance
46 between where you were living on the farm --
47 A. That's correct.

1
2 Q. -- and Katanning?
3 A. There was no high school down there, no.
4
5 Q. Now, you also became a member of the Katanning hostel
6 Board, didn't you?
7 A. That's correct.
8
9 Q. And were you regarded as the parent representative for
10 the Frankland area?
11 A. That's correct.
12
13 Q. And so was it the case that there were parent
14 representatives on the Board from different areas
15 surrounding Katanning?
16 A. That's correct, that's correct.
17
18 Q. And were there other students at the hostel whose
19 parents lived in your area of Frankland?
20 A. No, I was the only one representing that area.
21
22 Q. Were you the only one. Sorry, but you and your wife,
23 were you the only parents who had kids from the Frankland
24 area attending the Katanning hostel?
25 A. No, no, no, no, no.
26
27 Q. But there were others?
28 A. No, no, no, quite a few students, yes.
29
30 Q. And did you know those families?
31 A. Most of them.
32
33 Q. Can you recall the years that you were a Board member,
34 because if you can't we might be able to assist you with
35 some documents?
36 A. Well, no, it was between '82 and '85. I didn't really
37 go up - once (indistinct) student, my kids left, I was just
38 taken off the Board.
39
40 Q. Well, if I suggest you was '83 to '86, would you
41 dispute that?
42 A. No. I think it was half '82 to - '82 to '85 would be
43 somewhere nearer correct.
44
45 Q. We might have to clarify that but it doesn't matter
46 for the moment. Now, as a Board member, what was your view
47 on your responsibilities towards the welfare of children

1 staying at the hostel?
2 A. Well we went to the Board members and anything that
3 was brought up we discussed and if any of the parents down
4 there had something to say, well, I would bring it up at
5 the Board, and the other thing was trying to keep those
6 buses going. I did a fair bit in trying to raise finance
7 to - raise income to keep those buses going, because we
8 were 110km away and it was very convenient to have that bus
9 bring our children home or the children from that area home
10 and come down and pick them up and return them to school.

11
12 Q. So you regarded some of your responsibilities, or two
13 of the important ones, was any concerns that the parents
14 had?

15 A. Yes.

16
17 Q. And also the transport problems?

18 A. Yes, the transport. We thought that was excellent.

19
20 Q. Did you think, though, that your responsibility also
21 extended to safeguarding the welfare of students who stayed
22 at the hostel?

23 A. Well yes, that would be correct, yes.

24
25 Q. Would that be one of your primary responsibilities as
26 a Board?

27 A. Well, as I was - when the children were picked up, one
28 lady said to me that she thought some hanky-panky was going
29 on up at the hostel, which I put in my statement, and it
30 wasn't put to the Board. What I did was I would go up --

31
32 Q. Mr Peacock, I can assure you we are going to get to
33 that?

34 A. Yes, okay.

35
36 Q. I promise you we will do that but for the moment, I
37 just want to get your views about what your major
38 responsibilities were as a member of the Katanning hostel
39 Board?

40 A. Yes, well if there was a complaint down there I would
41 put it before the Board, and yes.

42
43 Q. Did you also believe that you had a responsibility to
44 oversee the actions of hostel staff, for example to make
45 sure they did their job properly?

46 A. Well, yes, that would be. It was never - I never
47 found anything unforeseen every time I was there, but yes.

1
2 Q. I realise that, but do you see that as also the
3 responsibility of the Board. You have to answer, I'm
4 afraid?
5 A. Yes.
6
7 Q. The purpose of having to answer is that the microphone
8 in front of you there is going to transcribe what is being
9 said and it won't be able to transcribe a nod?
10 A. Okay.
11
12 Q. Thank you. Can you recall, Mr Peacock, how it was
13 that you were appointed to the Board?
14 A. It was 30 years ago but there was - nobody wanted to
15 go on the Board so I put my hand up as a parent down there
16 and, yes, so I went on the Board for those three years.
17
18 Q. Did anyone ask you, either from the school or the
19 hostel or another parent, for you to nominate for the Board
20 or was it a case of you just noticing that someone else was
21 putting their hand up?
22 A. Well, when nobody wanted to go, I just put me hand up
23 and said "Well I'll go" for the three years while my
24 students were there, my children were there.
25
26 Q. Can you recall who the chairman was at that time?
27 A. No, sorry. I can't. I can remember two of the
28 members but not the --
29
30 Q. Who are the two members that you remember?
31 A. Well, there was Alan Parks and Gwenda Wellstead. One
32 was from Tambellup and one was from Lake Grace.
33
34 Q. I am just going to ask you now to be shown a document,
35 which is some Board minutes. Now, do you recall that there
36 were typed up Board minutes made at the time that you were
37 a Board member?
38 A. Yes.
39
40 Q. I am just going to ask you to have a look at 0305,
41 being the bar code. Do you need some glasses?
42 A. It's a bit faint in places, yes.
43
44 Q. Yes, okay. That's fine.
45
46 MR URQUHART: Unfortunately, sir, we haven't got the
47 screen up in the hearing room.

1
2 HIS HONOUR: No, that's all right.
3
4 MR URQUHART: So we will make do the old-fashioned way, I
5 suppose.
6
7 Q. Can you see there, Mr Peacock, it's entitled "St
8 Andrew's Hostel Katanning Minutes of Board Meeting held at
9 the hostel on 15 June 1983"?
10 A. Yes.
11
12 Q. Do you see that. And I know it is two pages but what
13 I would like to take you to, you are not down as being
14 present and that might well be because of what's down at
15 point 3 of "General business" right at the bottom of the
16 page there. Do you see that:
17
18 Mr Peacock of Frankland has been elected as
19 a parent member of the Board.
20
21 A. Well there you go, it's '83. I thought it was '82,
22 yes.
23
24 Q. That's okay, that's fine. Thank you for that. You
25 can hand that back now and I suppose we will tender that
26 two-page document now.
27
28 HIS HONOUR: That's exhibit 32.
29
30 EXHIBIT #32 ST ANDREW'S HOSTEL, KATANNING, MINUTES OF BOARD
31 MEETING DATED 15/06/1983, BARCODED 0305
32
33 MR URQUHART: Q. I think you will actually see there on
34 that document that Alan Parks or "A Parks" was the
35 chairman. I don't know if you picked that up or not but --
36 A. No, I didn't pick - Alan was there and Gwenda. There
37 should have been one from Gnowangerup there but I can't
38 remember who it was.
39
40 Q. Was it the case that you also assumed the position of
41 Deputy Chairman after you had been on the Board for a
42 little while. Do you remember that, and if you can't I'll
43 show you something that might assist?
44 A. For 30 years ago there.
45
46 Q. Yes?
47 A. Well if you can assist.

1
2 Q. Okay, certainly. I'm going to ask you to have a look
3 now at bar code number 0307 and it is entitled "St Andrew's
4 Hostel Katanning Minutes of Board Meeting held at the
5 hostel on 20 February 1985"?

6 A. There you go.
7

8 Q. Have a look at the second page there?
9 A. Yes.
10

11 Q. Because there was an annual general meeting at that
12 particular Board meeting and you can see that you were
13 present, or at least the minutes record you as being
14 present on the first page?
15 A. Yes, the one in June and the - when I left I would
16 have been seeding so I wouldn't have been able to make
17 those (indistinct).
18

19 Q. And then we have got here "Annual General Meeting":
20
21 Mr Wilkinson thanked Board members for
22 their efforts over a difficult year in
23 1984. The following office bearers were
24 elected: Chairman, Mr Wilkinson; Deputy
25 Chairman, Mr Peacock; Secretary, Mr Renk.
26

27 So does that help jog your memory --
28 A. Yes.
29

30 Q. -- that you actually had the title of Deputy Chairman
31 from February 1985?
32 A. Yes.
33

34 Q. Whilst we have got that document there in front of us,
35 Mr Peacock, I just read out there what the entry was
36 underneath the heading "Annual General Meeting" and it
37 said:
38

39 Mr Wilkinson thanked Board members for
40 their efforts over a difficult year in
41 1984.
42

43 We know that you became a member of the Board in 1983. Can
44 you recall whether 1984 was a particularly difficult year?
45 A. '84? Yes, it makes that a bit hard. '84 is the year
46 I put the crop in.
47

1 Q. Yes, it would have been the year that Jennifer was in
2 I think year 11?
3 A. Yes.
4
5 Q. And David would have been in year 10?
6 A. 10, yes.
7
8 Q. But nothing comes to mind to you now?
9 A. Not really. There is always a bit of rivalry between
10 the hostel students and the Katanning high school. There
11 was always a bit of rivalry put there always, you know, the
12 whole time they were there, but you know, they - the kids,
13 they had their school bus and stuff like that and the
14 school didn't, (indistinct) and they went on excursion and
15 stuff like that. There was always a bit of rivalry there.
16
17 Q. Yes, it was quite easy, was it not, to spot a hostel
18 student and someone who was a --
19 A. Yes, they always had to be in uniform and you had to
20 be immaculately dressed and stuff like that, yes.
21
22 Q. Perhaps I will just ask you this, Mr Peacock. As a
23 parent, what was your view about your son and daughter
24 interacting with the school students who were the day
25 students rather than the hostel students. Did you have any
26 difficulty with your children interacting with the townies?
27 A. No, not really. They were - they got on quite all
28 right. They never said anything to us about - they just
29 said that, you know, they had some rivalry between it. "We
30 were always spoilt little brats at the hostel" because they
31 had buses and that and they went on excursions and stuff
32 like that but not - when I've listened to the other two
33 people here, 99% of what I know now is after this has been
34 going on, you know.
35
36 Q. And when you say "the other two people", that's
37 Mr Dean McKenna that you heard this morning, the teacher?
38 A. Yes, and the Inspector.
39
40 Q. And then Inspector Todd, the police officer.
41 Incidentally, do you recall Inspector Todd being at
42 Katanning. I don't suppose you would because you were in
43 Frankland?
44 A. Yes, that's right.
45
46 Q. You wouldn't have come into Katanning that often?
47 A. We never broke the law so we never had anything to do

1 with the police, yes.
2
3 Q. That's a very good answer, Mr Peacock. However, I am
4 going to ask you this: Just staying with those Board
5 minutes there on the front page now, a warm welcome was
6 extended to Mr Marriott, the new Katanning senior high
7 school principal. Do you recall whether you had any
8 dealings with Mr Marriott in his capacity as being a member
9 of the Board?
10 A. No, other than him being there. Yes, this is probably
11 my last meeting here because when my students left I didn't
12 go back up once my kids left.
13
14 Q. But I think your son was still there in 1986?
15 A. Yes.
16
17 Q. Look, just staying with the Board minutes for the
18 moment, it was the case, wasn't it, in your experience,
19 that the principal of the high school would also attend the
20 Board meeting?
21 A. Sometimes, yes.
22
23 Q. Sometimes, and also the warden, Dennis McKenna, would
24 as well?
25 A. Yes. Not always but sometimes, yes.
26
27 Q. I might ask you something about that in a moment?
28 A. Okay.
29
30 Q. But staying with Mr Marriott and Mr McKenna, were you
31 able to, from your own personal observations, tell us
32 anything about what you saw of the relationship between
33 those two men?
34 A. No, I can't really, no.
35
36 Q. You can't really or --
37 A. No, they were just there at the meeting there and,
38 yes, things were discussed but --
39
40 Q. Look, I'm not talking about this particular meeting,
41 I'm just talking about it in a general sense --
42 A. No.
43
44 Q. -- whether they would be at the meeting and you would
45 be as well?
46 A. No, I never noticed anything untowards, no.
47

1 Q. No, nothing untoward but anything about whether they
2 seemed to get on well, anything like that?
3 A. Yes, they would have got on well, yes, when we were
4 there together, yes. Things were discussed.
5
6 Q. Thank you for that.
7
8 MR URQUHART: Now I will tender that, minutes as well.
9
10 HIS HONOUR: That's exhibit 33.
11
12 EXHIBIT #33 ST ANDREW'S HOSTEL, KATANNING, MINUTES OF Board
13 MEETING DATED 20/2/1985, BARCODED 0307
14
15 MR URQUHART: Thank you sir. That's bar code 0307.
16
17 Q. You can just put that down to one side and I think we
18 have finished with that for the moment, Mr Peacock, from
19 our records that we have, because we have got the minutes
20 of most meetings that were held over this period of time
21 that you last attended a meeting in March of 1986?
22 A. That would be about right, yes.
23
24 Q. I think you mentioned a moment ago that you were
25 involved in seeding, did you say, in 1986?
26 A. No, that would have been '83 when I was doing that,
27 June meeting there, I had a fair old contract on and I
28 didn't - there was probably three or four of the meetings a
29 year I would miss because of work commitments.
30
31 Q. Can you recall how often there were Board meetings at
32 the time that you were a member?
33 A. I thought they were monthly.
34
35 Q. Can you recall where they were held?
36 A. At the hostel.
37
38 Q. And generally speaking, were they held at the hostel?
39 A. Yes.
40
41 Q. Can you recall what room in the hostel?
42 A. Now you are asking something bad.
43
44 Q. No (indistinct), that's fine?
45 A. Yes, yes. I can't recall. It was just one of those
46 rooms that they had there that we had the meetings in, yes.
47 I don't know what it was called, in other words, I'm

1 saying.
2
3 Q. Now, Mr Peacock, before you became a member of the
4 Board, or at the time, were you provided with any
5 information to assist you in the undertaking of this role?
6 A. No.
7
8 Q. A handbook?
9 A. No.
10
11 Q. Any documents regarding what the Board was supposed to
12 do?
13 A. Not really. I just turned up at the meeting and then
14 as you went along you --
15
16 Q. Picked things up?
17 A. Picked things up sort of thing, yes.
18
19 Q. Yes. I want to ask you some questions about Dennis
20 McKenna now. Did you know him - had you met him before you
21 became a Board member in 1983?
22 A. Only when the students first - when Jennifer went up
23 there, we met him there as the warden, yes.
24
25 Q. And what were your first impressions of him when you
26 met him on that occasion?
27 A. Well, he seemed okay to me. You know, obviously
28 that's 30 years, not now, what I've heard.
29
30 Q. Yes, I know that. I'm going - yes --
31 A. Yes.
32
33 Q. -- I'm staying back in that --
34 A. That's right.
35
36 Q. -- time frame, if you can, yes.
37 A. And, yes, he was all right to me. He was never -
38 always polite. The kids all loved him and, yes, he was
39 pretty strict, of course, in dress, that sort of stuff, and
40 they played up, they were brought under - into control; you
41 know, they were --
42
43 Q. And did you have any problems with that strictness
44 that he enforced?
45 A. No, we told our kids to behave themselves and whatnot;
46 you know, if they played up, they expect to, you know -
47 like we never had any trouble with our kids. You know, we

1 tried to do things before things happened, teach them right
2 from wrong, and they go up there, they're in a hostel, they
3 - certain standards they had to keep up, and to keep up
4 those standards, yes.
5
6 Q. Yes. Right. Did they ever complain to you about the
7 rules that had been enforced, do you remember?
8 A. Not that I can recall, no.
9
10 Q. So am I right in saying your recollection is of only
11 seeing Dennis McKenna on that one occasion before you
12 became a Board member? I don't want to - you don't need -
13 if that's your best recollection, that's fine.
14 A. Well, no, the kids were there 12 months before, so
15 each time we went up, we would have seen him, yes.
16
17 Q. I see. Now, he, though, himself attended Board
18 meetings?
19 A. Yes. Most of the time, not all of them. If he had
20 commitments on, he wasn't there, no.
21
22 Q. Now, would he present what was called a Warden's
23 Report at those meetings?
24 A. Yes.
25
26 Q. Now, who would chair these meetings? Would it be the
27 chairman or somebody else?
28 A. It would be the chairman, yes.
29
30 Q. Can you recall what sort of role Mr McKenna played in
31 these meetings? We've all probably been on meetings
32 before. Some people sit back and don't say much, others
33 have something to say about everything?
34 A. Well, he's --
35
36 Q. Can you recall how you would class Mr McKenna?
37 A. Well, he would be running - running the hostel on the
38 school buses and stuff like that, and if some students -
39 not so much our area, but some of the students in other
40 areas were - weren't kind of playing ball, that was all
41 brought up and there would be something done about it, but
42 in the - Frankland, we never had a lot of problems there,
43 because the - I never had a lot of things to go up. I just
44 sat there and listened to what the others said, and if
45 there was something there, Dennis would bring it up and
46 we'd try and sort it out; and, yes.
47

1 Q. So would he raise problems, concerns he had, or would
2 he --
3 A. Well, yes, if he had that, raised concerns about the
4 school buses and stuff like that, and if students played
5 up, you know, it would be brought to the board's attention,
6 and they'd go back to the parents and talk to the parents
7 about it, and it would be sorted out that way.
8
9 Q. Yes. Are you able to recall whether he always got his
10 own way with what he wanted done?
11 A. Yes, basically, yes. I'd say yes to that, yes. If
12 anything outlandish, we'd do something about it. Most
13 times if what he said sounded sensible, then it would be
14 agreed to.
15
16 Q. So was he, in your opinion, good at putting forward
17 his side of the argument?
18 A. Yes, you'd have to say that, yes.
19
20 Q. I'm going to ask you whether you can recall his
21 relationships with some members of the Board who were there
22 at the same time as you were, okay. I know you've already
23 mentioned that you knew that Alan Parks was there, and
24 Gwenda Wellstead. Do you recall what sort of relationship
25 Mr Parks had with Dennis McKenna?
26 A. There was never anything unforeseen at the meetings.
27 That's the only thing I could say.
28
29 Q. Yes, that's right.
30 A. There was never anything unforeseen about that meeting
31 there. If they had - what I can remember of it, it would
32 be talked out, you know, but I don't think there was any -
33 anything grossly in between them or anything like that, to
34 my knowledge.
35
36 Q. They seemed to get on well?
37 A. They seemed to get on all right, yes.
38
39 Q. There was another member who was there at the Board,
40 and he worked at - as a Manager at the Commonwealth Bank at
41 Katanning. His name was John Renk?
42 A. Yes.
43
44 Q. R-E-N-K, do you remember him?
45 A. Yes.
46
47 Q. And, again, are you able to give us any indication of

1 what you noticed about the relationship between Mr Renk and
2 Dennis McKenna?
3 A. No, I - I can't really. Just at the meetings there,
4 there was never anything - they had their difference of
5 opinion, but there was never anything unforeseen that I saw
6 there --
7
8 Q. Right.
9 A. -- at the times I went.
10
11 Q. Indeed, at the times that you went. Did anybody that
12 you can recall actually, you know, stand up to and have a -
13 have quite a heated discussion with Mr McKenna about
14 anything that he had raised?
15 A. Not - not to my knowledge. The meetings went quite
16 well. You know, it was never - from my memory, it's
17 30 years ago.
18
19 Q. That's all right. I appreciate that.
20 A. I can't remember anybody being too overboard.
21
22 Q. What did you see the role that was played by the
23 Board, with respect to hostel staff?
24 A. I've already touched upon it, about the assessing or
25 making sure that they carried out their duties effectively.
26
27 Q. Did you believe that the Board should have been
28 responsible for the employment of hostel staff?
29 A. Yes, that's a - that's a good question. We were
30 on - well, probably it should have been, because all the
31 staff was there the whole time I was there, and there was
32 no change of staff, I don't think, from memory. And it was
33 just Dennis and his brother Wayne and Neil.
34
35 Q. Yes, with their two wives?
36 A. Yes.
37
38 Q. Yes. And then also late in the piece, at the end of
39 1985, Christine McKenna joined the staff as well?
40 A. Yes.
41
42 Q. Can you recall that now?
43 A. Now that you mention it, yes.
44
45 Q. So - I hear what you're saying, and I accept what you
46 have to say about some of those family members already
47 being there when you started, though I'm going to suggest

1 to you that Neil McKenna was actually employed some time in
2 1985, when you would have been the Deputy Chairman?
3 A. Now, you're --
4
5 Q. I know it's going back a long time.
6 A. Yes, you're going to be pushing the button there a
7 bit.
8
9 Q. Can I ask you this: who made the decision as to who
10 was to employ hostel staff whilst you were a Board member
11 there?
12 A. I suppose it would have been - it would have been
13 Dennis, I suppose.
14
15 Q. Yes.
16 A. They would have had, what do you call it - references
17 - is that the word?
18
19 Q. Yes.
20 A. And, yes, I thought Neil was there longer than that;
21 but, anyway, I'm not going to question you, you've
22 obviously got it written in front of you.
23
24 Q. Well, so you're talking about Neil?
25 A. Yes.
26
27 Q. Our inquiries have revealed that he was there from
28 September 1985 to October of 1991?
29 A. Okay. I thought he was there longer than that, but
30 anyhow, that's - you've got it written in front of you, so
31 I'm not going to deny it you know.
32
33 Q. Together with his wife.
34 A. Yes.
35
36 Q. Wendy.
37 A. Wendy.
38
39 Q. So can you recall how it was that hostel staff would
40 be employed. You say you think it was by - by Dennis. Did
41 he put forward a number of --
42 A. Well --
43
44 Q. -- potential applicants to the Board to consider, or
45 did he just say to the Board, "I'd like to employ X"?
46 A. Yes, that's a - yes, you got me.
47

1 Q. Okay.
2 A. It's just a matter of if he was recommending it, then
3 we would probably agree to it, yes.
4
5 Q. But I suppose you - you did notice the number of staff
6 there related --
7 A. They're all --
8
9 Q. -- to Dennis McKenna?
10 A. Yes.
11
12 Q. Now, I don't want to use the advantage of hindsight
13 now with you Mr Peacock, but going back then at that time,
14 did that ever cause you some concern?
15 A. Well, the whole family there, yes, it sort of - you
16 did raise your eyebrows, but they were doing their - they
17 seemed to be doing their job okay; so, yes, that's as far
18 as it went, I would have thought.
19
20 Q. All right. So you might have - did you ever question
21 it yourself?
22 A. Yes, you would. Yes, you did think the whole family
23 being there, but we were told that they were - done a lot
24 of that thing, and they were supposed to be good people,
25 background, and we didn't know any different from that.
26
27 Q. Can I ask you who told you that?
28 A. Well, that would have been at the, yes.
29
30 Q. Well, would it - I can suggest to you that would
31 have - had to have come from Dennis McKenna?
32 A. Well, it's a possibility, yes.
33
34 Q. Well, can you think of anybody else it would have come
35 from?
36 A. Well, there was Renk there. They sort of did most -
37 most of that sort of thing. I was just up there as the
38 Board member, and agreed to it and stuff like that, yes.
39
40 Q. Are you saying Mr Renk and Mr McKenna were on the
41 finance committee?
42 A. Yes, there was - gee, you've got me thinking now.
43
44 HIS HONOUR: Q. When you say they "did most of that sort
45 of thing", what are you referring to there?
46 A. Yes, well, they - they would - he was a very
47 intelligent man, that Mr Renk, and he had a fair bit to do

1 with it, and Dennis, they'd be into it there and I was -
2 mainly went up there to fill in for that area down there,
3 and look after my area.
4

5 Q. Can I just ask you what you meant by "that sort of
6 thing"? That - I think you said that McKenna and Renk used
7 to do "that sort of thing". What are you referring to
8 there?

9 A. Well, they were higher up into the Board with finance
10 and stuff like that and, you know, we'd listen to what
11 they'd have to say and then we'd have to agree. They were
12 higher up the Board than what I was.
13

14 Q. Sir, what I'm asking you is because you are being
15 asked questions about how members of the family came to be
16 employed, are you referring to Dennis and Renk being
17 involved in that, or not?

18 A. Well, yes, it's 30 years ago. They would have had a
19 fair bit to do, I would have thought, yes, with the
20 employment of the staff.
21

22 MR URQUHART: Q. So was it the case that you didn't
23 think it was your role to question the employment of staff,
24 or question the number of family members that seemed to be
25 working at the hostel?

26 A. Well, they - they were in the business, that sort of
27 thing, and that's what you would - what you would work
28 on --
29

30 Q. Yes.

31 A. -- and accept that that - accept what they were
32 recommending, type of thing.
33

34 Q. Yes. So even though you might have privately had
35 some --

36 A. Yes.
37

38 Q. -- concerns about it, you thought, "Well, they're in
39 the best position". Would that be --

40 A. If we'd known as much.
41

42 Q. -- fair to say?

43 A. That's right.
44

45 Q. It's not a criticism, Mr Peacock, it's just I'm trying
46 to find out what your thought processes might have been
47 back then?

1 A. Well, you would question the whole family being there.
2
3 Q. Well, did you?
4 A. Well, I questioned myself, yes, but they --
5
6 Q. Yes, but did you question it with anybody else?
7 A. -- it was accepted by the Board, so that's the way you
8 went.
9
10 Q. And in that sense could Mr McKenna be very persuasive
11 in his arguments or --
12 A. Yes, he was very persuasive, yes, and his discipline
13 was strong and, you know, since the Inquiry started, you
14 find it hard - hard to believe, you know, particularly with
15 the inspector. He said he couldn't remember, but I am sure
16 he was the Citizen of the Year between '82 and '85 when I
17 was there. I could stand corrected on that.
18
19 Q. Sorry, did you actually know that, did you, yourself?
20 A. Well, I am sure he was. He was there - I think it was
21 '82 to '85, but I could stand corrected, okay, don't --
22
23 Q. No, that's all right. How did you find out about
24 that, just incidentally?
25 A. Well, he said he got Citizen of the Year. It was
26 brought up, yes. And that's why, you know, just found very
27 hard to accept what you - the rumours that you were
28 hearing.
29
30 Q. Yes. Again, casting your mind back, did you believe
31 that, when you were a Board member - did you believe it was
32 a responsibility of the Board for any discipline of hostel
33 staff?
34 A. Well, yes, if it was brought up it would be, yes.
35
36 Q. Now, did you have a rough idea what the role of the
37 warden was at the time there that you were on the Board?
38 A. Well, he was to run the hostel and, with his staff,
39 and most of the time it always seemed to be run very well
40 and, yes, you know, you couldn't fault - in that respect
41 you couldn't fault him because it was always run very well.
42
43 Q. And were you aware that it was also employees there
44 who had the role of supervisors?
45 A. Yes.
46
47 Q. Were you aware what their responsibilities were?

1 A. Well, obviously to look after the children, in - if
2 they went out and things like that, supervisors in the
3 capacity - of that capacity, yes.
4
5 Q. And did you understand they were also responsible for
6 the overnight monitoring of students?
7 A. Yes, yes, that's another part --
8
9 Q. You knew that was the role of a supervisor?
10 A. Yes, that's why - makes it hard to understand how it's
11 gone on, you know --
12
13 Q. Yes, yes.
14 A. When you had those supervisors there.
15
16 Q. And were you aware that if they had to have that
17 overnight role, that they would be required to stay under
18 the same roof as the students --
19 A. Yes.
20
21 Q. -- in the dormitory --
22 A. Yes.
23
24 Q. -- in order to monitor, to make sure (a) there was no
25 problems --
26 A. Yes.
27
28 Q. -- with kids being ill during the night, or trying to
29 get out?
30 A. Yes.
31
32 Q. Yes. Do you accept that?
33 A. Yes.
34
35 Q. And was it your knowledge back when you were a Board
36 member, that that really wasn't the responsibility of the
37 warden as such?
38 A. That's an interesting one, yes.
39
40 Q. All right, if you hadn't considered it back --
41 A. Put that again?
42
43 Q. Yes. Did you ever consider the fact that that's not
44 the role of the warden? Whilst the warden has the
45 overriding duty of managing the hostel, it was the
46 supervisors who'd be responsible for supervising the
47 children at night, for example?

1 A. Yes, and then they'd have to report back to the
2 warden, wouldn't they?
3
4 Q. Yes. See, did you know where Dennis McKenna actually
5 lived on the premises? Do you know whereabouts he lived on
6 the premises when you were there as a Board member?
7 A. Yes, going down, it wasn't that far away. Each time I
8 went there I would go into that room without - unannounced;
9 but, yes, he lived north-west corner, I would have thought.
10
11 Q. Under the boys' --
12 A. Under them.
13
14 Q. -- dormitory?
15 A. He was on the separate end of it.
16
17 Q. Yes.
18 A. And it was segregated - like boys and girls, but he
19 was on that one end, and I think the - I don't know what
20 they call the rooms or the hallway, but the boardroom was
21 on the other side where he was.
22
23 Q. Yes, I know what you're talking about there, yes. So
24 he actually - would you accept there that that was the
25 appropriate place for a supervisor to sleep because that
26 way the supervisor would be able to carry out their duties
27 of making sure everything was okay overnight, yes.
28 A. And if they needed to be, he wasn't too far away if
29 there was a problem.
30
31 Q. Yes. Did you know that there was a separate warden's
32 house on the premises.
33 A. I'll have to pass on that one. I think there was one
34 there, but to answer correctly, I'm not sure.
35
36 Q. Yes. Well, accepting that there was, there was
37 actually one there, did it ever cross your mind as to why
38 Dennis McKenna wasn't living in the warden's house, given
39 the fact that he was the warden?
40 A. Interesting that one question.
41
42 Q. Yes, that's why I asked it?
43 A. Yes. I don't know where Wayne and - Wayne and Neil
44 lived. I thought they lived in those quarters.
45
46 Q. But they weren't the wardens, were they?
47 A. No, that's true.

1
2 Q. Yes. So it didn't cross your mind?
3 A. No - well, if - being there, if there was any problem,
4 he wasn't too far away, they didn't have too far away to go
5 and get him if it was necessary.
6
7 Q. All right. Were you ever concerned that Dennis
8 McKenna would be attending Board meetings?
9 A. Well, I thought he would have had to have been there.
10 If there were problems and that, he'd have to be there, I
11 would have thought, yes.
12
13 Q. Okay. Well, what would happen then if the Board had
14 to consider a complaint that had been made against him?
15 A. Yes, not that I can recall there was a complaint made
16 against him.
17
18 Q. No, no, well - but if there was?
19 A. It would be a bit difficult to deal with that
20 complaint, wouldn't it --
21
22 Q. Yes, you have it.
23 A. -- with the person being present, yes, yes.
24
25 Q. And if I could extend that a little bit more. What if
26 the Board had to consider a complaint concerning a family
27 member of his and he would be there sitting at - with the
28 fellow Board members?
29 A. Yes.
30
31 Q. Again, that would be a little bit awkward, wouldn't
32 it?
33 A. It would be.
34
35 Q. So did you ever consider that, or are you saying,
36 "Well, it didn't need to be considered because that
37 situation never arose"?
38 A. Well, it never arose that I can recall, no.
39
40 Q. Okay.
41 A. But I take your question.
42
43 Q. Yes. How do you think then it would have been
44 resolved if a complaint had been made against Dennis
45 McKenna?
46 A. I suppose it would have gone through the chairman,
47 would it? It would have gone through the chairman.

1
2 Q. Yes. And what, a special meeting convened?
3 A. Well, I would have thought they'd have a special
4 meeting, I would have thought, but I never ever got to a
5 special meeting, so --
6
7 Q. No. Knowing the man that you did, Dennis McKenna, do
8 you think you would have been able to have a special
9 meeting without him knowing about it?
10 A. Yes, that's an interesting question, yes. I don't
11 know how to answer that one.
12
13 Q. Well, he knew a lot about a lot of things, didn't he?
14 A. Yes, that's right.
15
16 Q. Would it have been a fair guess that he would have
17 found out?
18 A. Probably.
19
20 Q. Now, Mr Peacock, I was going to ask you something
21 about the attendance of Mr McKenna at the meetings. Now, I
22 know you were on there from 1983 to early 1986. But as I
23 said to you before, we've been able to obtain the minutes
24 of meetings over a considerable period of time, and from
25 July 1977 to September 1990, there are 122 meetings of the
26 Board?
27 A. Sure.
28
29 Q. And that works out - yes, at about 10 or thereabouts a
30 year. And from our calculations, Mr McKenna, looking at
31 the minutes of the meeting as to who was present, he did
32 not attend on just two occasions. There was only two
33 meetings that he did not attend, and one was in 1981, and
34 one was in 1989. So not during the time that you were a
35 Board member?
36 A. Some of the times I thought he wasn't there, but if
37 you've got the minutes in there, I can't argue with that.
38
39 Q. I see. Your recollection is that he - let me put it
40 this way: it was more often than not that he was there at
41 these meetings, in your experience?
42 A. Yes, more often than not he was there, but if you've
43 got the minutes, I can't argue with that.
44
45 Q. No. No. Mr Peacock, can you recall whether agendas
46 were drawn up and distributed to the members before each
47 meeting, so there was a list of things that had to be

1 considered?
2 A. Yes.
3
4 Q. And do you know who was responsible for preparing them
5 - not necessarily the individual, but what position they
6 held within the Board?
7 A. I think it was one of the members who used to do that.
8 I don't know if it was Mr Renk or who it was. One of them
9 used to do it, yes.
10
11 Q. And they would be posted out to you?
12 A. Yes, I think that's correct, I'd get it, yes.
13
14 Q. And would you get that in sufficient time prior to the
15 meeting to be able to at least have a quick look at the
16 agenda items?
17 A. Yes, it would usually come on the Monday or a Tuesday,
18 and the meetings were mostly on a Thursday night, which
19 made it very hard for me to attend them because I would be
20 working all day and have to drive 110km, and you'd leave
21 10, 11 o'clock, it would be midnight before you got home,
22 you got to turn around and go to work the next day.
23
24 Q. Yes, yes, I can understand the tyranny of distance for
25 people like yourself. Can you recall who it was, at the
26 times you attended meetings - who was responsible for
27 keeping the minutes, recording the minutes?
28 A. I don't know who the secretary was.
29
30 Q. Yes, I'm just saying their position within the Board,
31 rather than the individual.
32 A. I don't know whether Mr Renk used to do it or not.
33
34 Q. You mentioned there the Secretary. Was it the
35 Secretary's duty normally?
36 A. Well, you would have thought so, yes.
37
38 Q. Yes. And I suppose, depending on how good they were
39 on keeping minutes or keeping notes, was it expected that
40 all the matters that had been discussed at the meeting
41 would be recorded in the minutes?
42 A. One would have thought so, yes.
43
44 HIS HONOUR: Q. So you never had reason to question
45 the minutes --
46 A. No.
47

1 Q. You never had reason to doubt their accuracy?
2 A. No, I wouldn't have done, no.
3
4 MR URQUHART: Q. And no doubt there would be occasions
5 in which the Board would decide that letters would have to
6 be - go out to third parties on behalf of the Board?
7 A. Yes.
8
9 Q. Who would be responsible for drafting those letters at
10 the time that you were there? Can you remember? Was it
11 one individual or was it distributed amongst --
12 A. No, it would only be the one individual. I think
13 either the secretary or just - it's a long time ago. I've
14 got to pick the brains to --
15
16 Q. Mr Peacock, it doesn't matter, we'll be able to
17 ascertain who the secretaries were and who the chairmans
18 were. So the Secretary - your recollection, would be
19 responsible?
20 A. Yes, I am sure it was the secretary that sent them
21 out, yes.
22
23 Q. What about the Chairman?
24 A. Well, that's a possibility, yes, depending on how
25 severe it was.
26
27 Q. Would the other Board members approve the contents of
28 that outstanding correspondence, or would it just be
29 decided that someone would be responsible for that?
30 A. I think the - it would be discussed and then he - the
31 Secretary or the Chairman would forward the letter and send
32 it out, yes.
33
34 Q. Can you recall if Dennis McKenna was ever given the
35 authority to send out letters on behalf of the Board?
36 A. I can't remember it. I think it was always either the
37 Chairman or the Secretary would send them out, to my
38 knowledge.
39
40 Q. Okay. I've asked you whether the agenda items -
41 whether the agenda was posted to Board members. Were Board
42 members - did they also receive the minutes of the meeting
43 once they'd been typed out?
44 A. Yes, I think I would have to say yes to that one,
45 because I did have a portfolio with all the meetings in it,
46 but when we shifted camp, I - they were probably thrown
47 out, because otherwise I'd still have them.

1
2 Q. Yes. And would you still - I know you've said that
3 you couldn't make every meeting, which is understandable.
4 Do you recall whether you still got the minutes of that
5 meeting that you had missed?
6 A. I would say so, yes.
7
8 Q. Now, Mr Peacock, I would like to ask you some
9 questions now about the procedures that were adopted for
10 suspending and expelling students. Again, it's just
11 confined to when you were a Board member. Was there a
12 process that was followed if a student was to be suspended
13 rather than expelled - we'll stay with suspended, first?
14 A. You got me thinking there. Just put that again?
15
16 Q. Yes. Can you recall whether there was a process put
17 in place for a student to be suspended?
18 A. I think there would have been.
19
20 Q. Yes.
21 A. Depending on what the student had done, but to my
22 knowledge there was never - I can't remember a student
23 being - you probably got it in the minutes there, but I
24 can't recall one being suspended, you know, not at the
25 meetings. It might have been done privately, but it's a
26 long time ago. You've got to remember.
27
28 Q. Well, I would - would I be right in saying if there
29 was the possibility of a student being suspended, it would
30 be a matter raised by the warden, Dennis McKenna?
31 A. Yes, it would be and I think in that case it would go
32 between him and the president of whatever it was, I would
33 have thought.
34
35 Q. The chairman?
36 A. The chairman.
37
38 Q. The chairman of the Board. What about the expulsion
39 of students, can you recall if there was ever an occasion
40 when that happened, when you were on the Board?
41 A. I can't recall that happening. You know, I'm not
42 saying it didn't, but I can't recall, no.
43
44 Q. Would these sort of matters be included in the
45 warden's report?
46 A. I would think so.
47

1 Q. I am just asking you generally now with respect to the
2 warden's report. Were the contents of the warden's report
3 generally accepted?
4 A. Yes.
5
6 Q. Am I right in saying, am I not, that Mr McKenna was at
7 that time - I emphasise "that time" - was highly regarded?
8 A. That's correct.
9
10 Q. You, as a Board member, thought he was doing a fine
11 job running the hostel?
12 A. Yeah, the hostel was running quite well; yes.
13
14 Q. So that, therefore, any requests he would make in the
15 warden's report --
16 A. As long as they weren't too outspoken they would have
17 been accepted I would have thought, yes.
18
19 Q. I would suggest to you that would also include whether
20 he wanted or was recommending that a student be suspended?
21 A. I would say so, yes.
22
23 Q. Or expelled? Yes?
24 A. I would say yes, yeah.
25
26 Q. So it might be the case then that there wouldn't
27 necessarily be any investigation undertaken by the Board --
28 A. As to the background of it?
29
30 Q. Yes.
31 A. Probably not, no. It would be accepted on paper that
32 that was what it was.
33
34 Q. You have already said that if some questions were
35 asked Mr McKenna was very persuasive in his arguments?
36 A. You'd have to say that, yes.
37
38 Q. I would just like to use one example. I must stress,
39 Mr Peacock, that you weren't actually present at this
40 meeting, because it was the meeting at which you were
41 elected as a parent member of the Board. It was
42 exhibit 32. Maybe if Madam Associate could hand that
43 document back to Mr Peacock. Mr Peacock, I just want to go
44 to item 4 under "General Business", which is at the top of
45 page 2.
46 A. Yes.
47

1 Q. I appreciate that you weren't present at this meeting,
2 but I want to ask you if you could possibly comment on it,
3 being a Board member. At or about this time you
4 subsequently became a Board member. You see item 4 there,
5 Mrs Hulland has requested that Robert Barrett be readmitted
6 to the hostel. The warden was authorised to consider and
7 decide. Do you see that?

8 A. Yes.

9
10 Q. I appreciate we are not quite sure what the reasons
11 were for Robert Barrett leaving the hostel but when you
12 read that you wouldn't, I gather, be surprised that the
13 Board just simply authorised Dennis McKenna to decide
14 whether that student should be readmitted or not?

15 A. Yes. It's the circumstances behind why he was put out
16 which I don't know.

17
18 Q. Yes, certainly, I know that. I know that.

19 A. Oh, look, obviously the Board has authorised him to do
20 that.

21
22 Q. Thank you. That is all I needed to ask about that.
23 Mr Peacock, I know that you have already said you can't
24 actually recall whether a complaint was made to the Board
25 regarding a hostel staff member.

26 A. No, I can't recall. Well, at the meeting while he was
27 there, no.

28
29 Q. Can you enlighten us possibly as to what processes
30 were in place for managing such a complaint?

31 A. Well, like any meeting, it'd go before the Board and
32 we'd make a decision on it as the Board members, four or
33 five of us there. And I suppose we would go back to what
34 the chairman and Dennis would say and it would be sorted
35 out.

36
37 Q. Of course we have identified the problem is what
38 Dennis McKenna would have to say if the complaint was --

39 A. Against his family, yeah.

40
41 Q. A brother or sister-in-law.

42 A. Hm.

43
44 Q. Do you have any recollection of the process in which
45 that would be done, whether a student would be interviewed,
46 whether the parents would be involved, someone tasked from
47 the Board?

1 A. Yeah, I think the parents would have been brought in,
2 I would have thought, yes.
3
4 Q. Do you think that should also be the case that parents
5 should be brought in and allowed to have a say if a
6 decision was going to be made, for example, to expel their
7 child or suspend their child?
8 A. Yes. Yes, they should be entitled to have their say,
9 yes.
10
11 Q. Is it your view that the warden would be able to make
12 that decision unilaterally, that is just simply to say,
13 "you are expelled" or "you are suspended" without any input
14 or notification to the Board?
15 A. That's a hard one. I don't think he would be able to
16 expel without the Board being notified.
17
18 Q. And suspension?
19 A. It depends on whether it was for two or three days or
20 something or - he probably would have had the authority to
21 do that, yes.
22
23 Q. Mr Peacock, you appreciate the ramifications of a
24 student being expelled --
25 A. Yes.
26
27 Q. -- from the hostel. It virtually means being expelled
28 from the school, doesn't it?
29 A. Yes.
30
31 Q. Because of the tyranny of distance that we have spoken
32 about.
33 A. Yes.
34
35 Q. So it is in fact a circumstance that has major
36 ramifications for a student?
37 A. Yes.
38
39 Q. Were you aware that in circumstances where a complaint
40 has been made whether the Country High School Hostel's
41 Authority needed to be notified, or were you simply unaware
42 of that?
43 A. I'd say I'd be unaware of that one. Most things that
44 I went to there were all done at the Board meeting, you
45 know. You've made a point there, but I'm not quite sure
46 how to answer it cause it's so long ago, you know. I just
47 leave it at that.

1
2 MR URQUHART: Okay. That is fine. I am just about to go
3 on to another area, sir. I will not be able to conclude it
4 before 1 o'clock.
5
6 HIS HONOUR: We might break now for lunch and come back at
7 2. That might be best.
8
9 MR URQUHART: Q. Is that all right with you, Mr Peacock?
10 I apologise for that. I just do not think I am going to
11 finish your questioning at 1 o'clock.
12 A. No. All right then.
13
14 HIS HONOUR: Q. Is that all right by you?
15 A. No. That's all right. Thank you.
16
17 HIS HONOUR: We will adjourn until 2 o'clock.
18
19 LUNCHEON ADJOURNMENT
20
21 UPON RESUMPTION:
22
23 HIS HONOUR: Yes, Mr Urquhart.
24
25 MR URQUHART: Thank you very much, sir.
26
27 Q. Mr Peacock, I am going to ask you now some questions
28 regarding that matter that you first raised regarding a
29 complaint that you received. I just want to get some
30 background and some context. Back when you were a Board
31 member did you know a lady by the name of Gaye Davies?
32 A. Yes. Yes, two of her boys went the same time as my
33 kids.
34
35 Q. Was she someone who had a farm in that Frankland area?
36 A. No. She was Frankland Town.
37
38 Q. How long had you known her before your children were
39 attending the Katanning high school?
40 A. Oh, 15 years. The children went to the local school
41 at Frankland and all went to the St Andrews Hostel.
42
43 Q. Were any of her boys in the same year as your son?
44 A. Yeah, the youngest one, I think.
45
46 Q. Can I just confirm with you as to what it was that you
47 told Matt Daulby, the investigator, regarding this matter?

1 You do recall Mrs Davies making a complaint to you?
2 A. Yeah, it was at the school bus. The school bus picks
3 the kids up. And she said, "Dan, you need to do something.
4 There's something fishy going on up there. The boys have
5 been molested". I don't know about her boys - whether her
6 boys knew something and said something to their mother. So
7 I went up and did it secretly. I didn't tell anybody else.
8 I just went up there time and time again, but there was
9 nothing unforeseen that I could see.

10

11 Q. When you say you went up there, where did you go?

12 A. We changed shopping from Albany to Katanning. We had
13 our accountant up there and our children were up there, so
14 we end up there either one or twice, three times probably a
15 month. And of course in the winter time when I was trying
16 to do the cropped at the school bus it was probably a bit
17 more often, and I would always go up there unannounced and
18 walk into his room.

19

20 Q. Whose room are you talking about?

21 A. Dennis'.

22

23 Q. Did Mrs Davies actually identify him as the person who
24 was interfering with the boys?

25 A. Well, she said Dennis was the one that was - I know
26 nothing about her boys, whether they were in it or not or
27 whether they were hearsay, as we were talking about that
28 Todd Jefferis was getting a hard time. She just said that
29 there's tomfoolery and I said, "Right. Well, I'll go up
30 there as much as I could".

31

32 Q. Did she not say something a little bit more than that
33 though, didn't she?

34 A. Well, she said he was, you know, mucking around with
35 the boys.

36

37 Q. Yes.

38 A. Different terms the way - but that's the way I prefer
39 to say "mucking around with the boys", if you don't mind.

40

41 Q. But you --

42

43 HIS HONOUR: Q. You should say the exact words she used.
44 Remember you don't need to be worried about the language.
45 Whatever she said to you you should repeat those words.

46 A. Well, she said that he was Gay and that he was
47 mucking around with the boys, yes.

1
2 Q. Those were her boys?
3 A. Yeah, to the - as close as I can get it.
4
5 MR URQUHART: Q. From that did you believe that it was
6 something sinister regarding that mucking around?
7 A. Well, yes, I took her word. And every time I went up
8 there --
9
10 Q. All right. Stop there. So what did you, in the
11 context in which she said that, that he was gay and that
12 he was mucking around with the boys, what did you take that
13 to mean that she was alleging to you?
14 A. Well, we found it hard to believe because --
15
16 Q. No. No. I want to stay with what was it that you
17 believed she was saying or inferring when she told you
18 Dennis McKenna was mucking around - was gay and was
19 mucking around with some of the boys?
20 A. Well, that's what the boys - the two boys had come
21 home and told their mother, yeah.
22
23 Q. Yes, I know that. But what I am asking you,
24 Mr Peacock, what it was that you inferred from that? What
25 did you think that she was talking about there when she
26 said that Dennis McKenna was gay and that he was mucking
27 around with boys?
28 A. You know, with some of the boys up there, yeah.
29
30 Q. Yes, but what did you think the "mucking around"
31 meant?
32 A. Well, you put two and two together. "Gay" means that
33 you're - you're gay, and that he was mucking around with
34 some of the boys up there.
35
36 Q. Yes. But mucking around in what way? Mucking around
37 having, you know --
38
39 HIS HONOUR: You see, the words "mucking around" could
40 have an innocent explanation, but obviously you didn't take
41 it that way.
42
43 Q. You don't need to worry about explicitness, but what
44 did you understand that to mean?
45 A. Well, that he was having gay sex with the boys, yes.
46 Thank you.
47

1 MR URQUHART: Q. Now, did Mrs Davies say this to you at a
2 time when you were a member of the Board?
3 A. Yes. It would have been. Well, it would have been
4 '83, yeah.
5
6 Q. It would have been 1983 you're saying?
7 A. Yeah. It was down at the bus stop. The kids were
8 getting on the bus. We always go and check the bus is
9 there. That's when she spoke to me.
10
11 Q. Did you doubt what she was saying?
12 A. I found it hard to believe but, you know, after what
13 you know now to what I knew then, I had to accept on what
14 she was saying, so I tried to do something about it.
15
16 Q. Okay. Now, was it your impression that she was
17 stating this to you in particular because you were in fact
18 a Board member?
19 A. Yes.
20
21 Q. See, do you recall agreeing that what you had said in
22 a statement was true and correct, that she gave to the
23 Board - I was just wondering if we could have a copy of --
24 A. I don't know why I missed out. But it didn't go to
25 the Board, because if it had of done Gwenda would have
26 pulled her boys out as well. She knew nothing about it
27 either.
28
29 Q. You are talking about Gwenda Wellstead, are you?
30 A. Yes.
31
32 Q. I just want to read out what you had agreed with
33 Mr Daulby as I understand it was true and correct as of
34 early last --
35 A. Oh, when I spoke to him there I just went straight
36 through there. I said, "Look, that's" --
37
38 Q. I know you have spoken to him this morning. I just
39 want to clarify this, because this is what you said in your
40 statement. It says at paragraph 7:
41
42 Gaye Davies had two boys who attended the
43 Katanning Senior High School and also
44 boarded at the hostel. I recall Mrs Davies
45 making complaints to our Board that Dennis
46 McKenna was --
47

1 A. No, that's incorrect.
2
3 Q. Wait:
4
5 .. that Dennis McKenna was mucking around
6 with the male boarders sexually. I don't
7 believe her boys were abused, but I think
8 they told her about other boarders at the
9 hostel.
10
11 A. Yeah.
12
13 Q. That is paragraph 7. And then paragraph 8:
14
15 The Board requested that I look into it.
16 And I went to the hostel, unannounced, up
17 to a dozen times at different times of the
18 day and would just walk into Dennis
19 McKenna's flat, but I never caught him
20 doing anything inappropriate.
21
22 A. No. That's what I said. There is a part there that I
23 should have read more clearly, and I picked it up when I
24 was reading it here again, before I came in and said to
25 Matthew that it never went before the Board. And I came up
26 quietly to try and do something rather than --
27
28 Q. All right then. So when you said in the statement
29 here, "I recall Mrs Davies making complaints to our Board"
30 it should really properly more correctly read "I recall
31 Mrs Davies making complaints to me in my capacity as a
32 Board member".
33 A. Thank you. Thank you. It wasn't the Board, because
34 otherwise - Gwenda knew nothing about it, and the only
35 reason I knew was through Gaye saying at the bus stop down
36 there that something was going on, so I tried to do
37 something about it.
38
39 HIS HONOUR: Q. Can I just ask you this: You say it can't
40 have been to the Board because Gwenda didn't know about it?
41 A. That's correct, yeah.
42
43 Q. Is that looking back and putting two and two together?
44 At the time you made the statement did you believe it had
45 been to the Board?
46 A. No. No. I don't know how that got in there because I
47 am sure I didn't say that to Matthew - yeah, I must have

1 done. But, no, I went up there on my own account, and
2 sometimes twice a week, to that hostel unannounced. But of
3 course everything, as you find out now, after the Inquiry
4 starts, everything went on after midnight. So in one way
5 it was fruitless for me --

6

7 Q. So you never went there after midnight?

8 A. No. Well, see, the meeting finished half past 10,
9 11 o'clock. It was 1 o'clock before I used to get home.

10

11 MR URQUHART: Thank you, sir.

12

13 Q. Then paragraph 8, when that begins:

14

15 The Board requested that I look into it.
16 And I went to the hostel, unannounced, up
17 to a dozen times.

18

19 A. So a little bit - I don't know how that got there,
20 because I never said anything to the Board. I just went in
21 there on my own account to try and catch him out.

22

23 Q. Do you agree with me, Mr Peacock, that when you had a
24 telephone conversation with Mr Daulby, that's Matt, in the
25 first week of last month, may I suggest that you actually
26 told him what was in the statement was true and correct?

27 A. Yeah I - I just don't know why I missed that little
28 bit, because I would have had it taken out before if I had
29 of seen it there. But I'd only come home from - 500ks away
30 when he rang and - yeah, so I've been away most of the
31 time.

32

33 Q. Well, is it because - have you spoken to Mrs Wellstead
34 about this in the last month or so?

35 A. About that?

36

37 Q. Yes.

38 A. I rang - through Matthew I rang her, and she's
39 probably still got some of the meetings and that there. I
40 don't know whether Matthew's got hold of them, but she said
41 she knew nothing about it and --

42

43 Q. I'm asking you, have you spoken to Mrs Wellstead
44 about --

45 A. About six weeks ago.

46

47 Q. She said she knew nothing about it?

1 A. No.
2
3 Q. So is it --
4
5 HIS HONOUR: Q. So you spoke to her after making the
6 statement to Matt?
7 A. Yes.
8
9 MR URQUHART: Q. So as a result of what she said to you,
10 have you decided that what you said to Matt --
11 A. I don't know - I can't recall saying it to - I - I
12 read it and thought, "God, I didn't remember saying that".
13 Because when it didn't go to the Board I went on my own
14 steam to the hostel, unannounced and walked straight into
15 his room.
16
17 Q. Why didn't you inform the Board of what Mrs Davies had
18 said to you?
19 A. Well, because it hadn't - it was only hearsay. It is
20 like everything you hear afterward. When it started he was
21 Citizen of the Year, and you find it hard to believe, if
22 you understand what I'm trying to say, that this could come
23 up. But I - I said to Gaye, "Well, I find it hard to
24 believe, but I will try and do something about it for you."
25 And I did that for, I don't know, two years, I went up
26 there. Every time I walked into the room there would be
27 eight or 10 children in there, of mixed sexes, and there
28 was a movie going, but I never ever saw any of those - as I
29 find out now, they were blue movies going on in there.
30
31 Q. But, Mr Peacock, do you agree with me this is in the
32 form of a complaint that has been made you to --
33 A. Yeah.
34
35 Q. -- in your position as a Board member, yes? It is a
36 serious complaint regarding conduct of a hostel staff
37 member?
38 A. That's right, but I said to Gaye I'll go up and see -
39 I said to the actual person that told me I would go up and
40 see if I could do something about it.
41
42 Q. Yes. Okay. Well, I suggest to you what you ought to
43 have done is gone and reported it to the Board?
44 A. That's correct.
45
46 Q. But you didn't do that?
47 A. No. I just - I told Gaye what I was going to do and

1 she said, "Well, you see what you can find out". And that
2 is as far as it went. But the two years I went up there I
3 couldn't find anything unforeseen to what the Inquiry has
4 brought out in the last month.

5

6 Q. How many times do you say then that you walked into
7 Mr McKenna's flat over that two years?

8 A. Well, I was going up there for two years, and every
9 time I went up there I'd walk in.

10

11 Q. But how many times would that be, approximately?

12 A. Well, I suppose you could average, for the time they
13 were at school, once a week.

14

15 Q. So you did it, what, about a hundred times?

16 A. It wouldn't be that --

17

18 Q. So during the school break, yes, okay.

19 A. So probably 70 or 80 times, yeah, that I would go
20 straight up and go straight in.

21

22 Q. Mr Peacock, I'm looking again at paragraph 8 of your
23 statement and it says:

24

25 The Board requested that I look into it and
26 I went to the hostel, unannounced, up to a
27 dozen times.

28

29 A. That's where it was - I was unannounced. That's the
30 part that should be there. I should have --

31

32 Q. But you say there "it was a dozen times" rather than
33 70 or 80 now?

34 A. Well, every time I went up there I walked in. And I
35 went once or twice a week. I would go and walk in there
36 and look and see what's going on.

37

38 Q. But am I right in saying that those times that you
39 walked in you would only be relatively early in the
40 evening?

41 A. Between six and 10 at night - half past 10 at night I
42 would always go straight in there after a meeting, if I was
43 in a meeting, and there was always 10 or a dozen children
44 in there of mixed sexes. They would be watching videos.
45 But I never saw any of the - as it's coming out in the
46 Inquiry - I never saw any of those rough movies.

47

1 Q. Would anybody accompany you on those times that you'd
2 go?
3 A. No. I'd be - they'd all go home and I'd go back and
4 walk into his room unannounced.
5
6 Q. Didn't your wife, Jan, go with you?
7 A. No. She'd be there but she didn't go in there; no.
8
9 HIS HONOUR: Q. Each time you went in unannounced did you
10 go there on some pretext? What would you say to Dennis
11 McKenna?
12 A. Ninety percent of the time he wasn't there. It was
13 just the students were in there watching movies.
14
15 Q. In there alone?
16 A. In there alone. A couple of times he was there. But
17 they said - you know, as the Inquiry has gone into it, was
18 blue movies, but I never saw any of that. They would be
19 just watching movies.
20
21 Q. When you did walk in unannounced were there any times
22 you went there when he was the only one in the room?
23 A. Say that again?
24
25 Q. Were there any times when you walked in unannounced
26 that he was the only one in the room?
27 A. No. I never - he wasn't - there was always students
28 in there. Always.
29
30 Q. Did he ever ask you what you were doing there, or
31 anything like that?
32 A. Oh, no. I'd just say - just walk in and say, "Oh, how
33 you going, Dennis? Everything going all right?" And it
34 would be left at that. But most of the time - lots of the
35 times he wasn't there. I just walked in there and all
36 these students were in there. That's why the more I went
37 in the more I could hardly understand what was going on.
38 You know, by what Gaye had said, I could find it hard to
39 understand how it was going on. But, of course, it was
40 happening after midnight, not before midnight.
41
42 MR URQUHART: Q. Mr Peacock, you are just saying you
43 would go in and say, "How are you going?" if he was there?
44 A. If Dennis was there.
45
46 Q. You lived in Frankland?
47 A. Yeah.

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Q. So it is not as if you were down the street?
A. No. That's right. But, as I said, I quite often went to Katanning usually mostly once a week, or with the cropped, the cropped I was doing, I was doing for the school bus, and I sometimes popped in twice a week. But I would always go up there. I promised Gaye that I would go and see if I could see what was going on.

Q. Did you ask Gaye for more information as to where it was that he was mucking around with the male students?

A. No.

Q. Did you ask Gaye if she could find out for you who these male students were?

A. No. I just told her - she said, "Can you go and do something about it?" And I tried.

Q. Did you ask her when it was that he would be doing these things to these students?

A. No.

Q. Can I ask why that - why you didn't make those basic inquiries?

A. Well, just based on what Gaye said. She said he was mucking around with the boys. So every time when I went up there --

Q. Hold on, Mr Peacock. You didn't have much to go on there, did you?

A. No. And you wouldn't know - I wouldn't know what day he was doing these sort of things. I wouldn't have a - because I've just walked in before midnight.

Q. Did you make any efforts to try and find out?

A. No. Just based on what Gaye said, and I said I would go into his room unannounced and see if I could see what was going on.

Q. Can I suggest to you that you were never at the hostel making these unannounced checks after 9 o'clock in the evening?

A. Oh, lots of the times it was, because I would go out from the meeting, which would finish at half past 10, 11, walk in, open a door.

Q. What meeting are you talking about?

1 A. If I went to a Board meeting - those were a lot
2 earlier. But we got there, have tea with the kids and then
3 between 8 and 10 most of the times, yeah.

4
5 Q. Mr Peacock, you wouldn't go in there after a Board
6 meeting because Mr McKenna would be at the Board meeting.

7 A. That's what I'm saying, even if he wasn't at the Board
8 meeting - lots of times he wasn't there. The room was just
9 full of students, male and female.

10
11 Q. Do you remember saying to Matt, Mr Daulby, that you
12 would never be at the hostel after around 8 or 9 in the
13 evening?

14 A. Except on the Board meetings, yeah.

15
16 Q. But if you accept that Mr McKenna was at, you agree
17 with me, most of the Board meetings - I am going to suggest
18 to you that he was there at every Board meeting that you
19 went to - but leaving that aside, if he was at the Board
20 meeting, there wouldn't be much point then you going after
21 the Board meeting into his unit, would there?

22 A. Well, there could have been just boys in there. I
23 just made the check. Went in. But there were both sexes
24 were in there.

25
26 Q. But you were looking at seeing whether he was sexually
27 interfering with boys?

28 A. That's right.

29
30 Q. So what would be the point of going into the unit when
31 you knew he wouldn't be there?

32 A. Well, they could have been there waiting for him, you
33 don't know.

34
35 Q. Did you think when you went in there - did you ask the
36 boys that, whether they were waiting for Dennis McKenna?

37 A. No. I would just say to them, "What are you watching
38 boys?" Like that. "Yep. It's nearly finished". And, you
39 know - but it's all right for me to say that now. I know
40 more now after this Inquiry than I knew then.

41
42 Q. Well, Mr Peacock, you did know that Mrs Davies was
43 making a serious allegation against Dennis McKenna; do you
44 agree with that?

45 A. Yes.

46
47 Q. Did you accept that Mrs Davies, who you knew for many

1 years, was a fine upstanding lady?
2 A. Yeah, she was. She's a school teacher.
3
4 Q. And that she wouldn't be making these sort of
5 allegations lightly?
6 A. No. I'd go back and - when it's going on, but I can't
7 see anything that's going on up there. I'd go back and
8 check out with it.
9
10 Q. At the time when you saw students in there by
11 themselves, did you think that would be a good opportunity
12 to have asked them whether they knew anything about Dennis
13 McKenna mucking around with any of them?
14 A. Well, I suppose I could have done but I didn't. They
15 were just in there and they were watching a movie and I
16 left it at that.
17
18 Q. Can I ask why you didn't?
19 A. Well, I - at that time nobody knew a lot about that.
20
21 Q. You see, Mr Peacock, that's the whole point. You
22 won't know anything about it unless you make some
23 inquiries?
24 A. Yes, I didn't ask the students. I just asked them how
25 they were going and what they were doing and they said they
26 were watching a movie and left it at that.
27
28 Q. It would be a sensible thing to do, wouldn't it?
29 A. It is now, yes, as you are putting it, yes.
30
31 Q. No, Mr Peacock, I'm putting it back then. You have
32 been told by a school teacher parent who you had very high
33 regard for who is making a serious allegation against the
34 warden of the hostel. You have the opportunity of speaking
35 to some students there and asking them if they know
36 anything about it?
37 A. No, I didn't speak. I just asked them how they were
38 going. That's all that was there. There was nothing
39 unforeseen that I could see that was going on.
40
41 Q. Might it be that you didn't really want to find out
42 what was going on?
43 A. I would have done something about it if I had found
44 something going on, yes.
45
46 Q. But you see, Mr Peacock, if you don't make these
47 inquiries, I'm suggesting to you you are not going to find

1 out much about it unless you happened to catch Dennis
2 McKenna in on the act?
3 A. That's what I was hoping for.
4
5 Q. Do you agree with that?
6 A. That's what I was looking for, yes.
7
8 Q. I would suggest you would have reached a point, during
9 those two years that you did this, that you didn't look
10 like you were going to find him committing the act so,
11 therefore, the next logical step would be trying to find
12 out by other ways; that is, talking to students?
13 A. Yes, you could have done. I spoke to me own kids and
14 they knew nothing about it so --
15
16 Q. I was going to ask you about that. You did speak to
17 your own kids?
18 A. Own kids knew nothing about it.
19
20 Q. Did they speak of being allowed to go into Dennis
21 McKenna's unit
22 A. I'm not sure. I don't think they did. It's all right
23 to be in hindsight now of knowing, you know, I'd have been
24 a bit more - but back in those days there you didn't
25 understand a lot about it.
26
27 Q. Well, why do you say that. You did understand what
28 Mrs Davies was alleging?
29 A. Yes, I know what being gay is and things like that
30 but you find it very hard to believe when you are - the way
31 the students looked up to him and everything like that,
32 it's very hard to believe. I can assure you, in that
33 position I was in, you find it very hard to believe.
34
35 Q. So did you think, really, there wasn't anything to
36 this allegation?
37 A. I didn't say that. I went and I tried.
38
39 Q. Well, did you think you had tried hard enough?
40 A. Probably not.
41
42 Q. I suggest to you it was definitely not?
43 A. Because I mean when those other fellows that's come
44 out in the Inquiry there, threatened with lawyers, he would
45 lose his farm and all this sort of thing here and, yes, it
46 is just unbelievable. I just cannot believe it.
47

1 Q. Is that what you were concerned about?
2 A. Not really.
3
4 Q. That you would be grouped or in some way connected to
5 a complaint being made against a man that just sounds so
6 unbelievable?
7 A. It's unbelievable but if I had have found something I
8 would have gone and put it to the Board, yes.
9
10 Q. But the only way you could find something is catching
11 him in the act.
12 A. I was trying to catch him out. Yes, that's as simple
13 as that. I was trying to catch him out, I didn't and maybe
14 you are right, I should have spoken to the students, but I
15 didn't.
16
17 Q. Did you speak to anybody else on the Board as to how
18 you should approach it after you hadn't caught him out, as
19 it were?
20 A. No, I didn't.
21
22 Q. Was there a reason for that?
23 A. No, I was just - just trying to do something for Gaye,
24 and if I had have found something then it would have gone
25 to the Board, yes.
26
27 Q. Do you agree with me it was going to be difficult for
28 you to catch him in the act?
29 A. Very difficult after what's come out in the last two
30 months. Very difficult.
31
32 Q. And so, therefore, you would have to adopt other
33 strategies?
34 A. I would have done, yes.
35
36 Q. And do you agree with me, it would have been quite
37 easy for you to speak to Gaye again and to find out the
38 names of the students who were involved?
39 A. Well, she never enlightened me. She just said "That's
40 what the boy said" so I didn't - she didn't know either, I
41 don't think.
42
43 Q. But did you ask her?
44 A. If she would have told me I would have had to ask her.
45
46 Q. Did you think to confer with the chairman of the Board
47 as to how you should go about this?

1 A. Perhaps in hindsight now I should have done, yes,
2 correct.
3
4 Q. But you didn't?
5 A. No, I didn't.
6
7 Q. And again can you offer any explanation for that?
8 A. Pardon?
9
10 Q. Can you offer any explanation for that?
11 A. No, I just went up on behalf of Gaye to see if I could
12 find out anything and I couldn't, so, therefore, I didn't
13 go to any further than that.
14
15 Q. I can tell you now, in 1983, the chairman of the Board
16 was Mr Parks so how well did you know Mr Parks?
17 A. Only saw him on - at meetings.
18
19 Q. And then in 1984 and 1985 and 1986 it was
20 Mr Wilkinson. Do you remember him?
21 A. I've got trouble trying to - that one up there.
22
23 Q. I think it is (indistinct) Wilkinson?
24 A. Where was he from?
25
26 HIS HONOUR: He had something to do with the CO-OP, I
27 think?
28 A. Yes, okay, yes. I knew Mr Parks because we got on.
29 He was a farmer, I was a farmer but we only saw Mr Wilks at
30 the actual --
31
32 MR URQUHART: Q. Did you notice, in fact, that
33 Mr Wilkinson was quite friendly with Mr McKenna?
34 A. Well, it wasn't near enough to really know about that.
35 It was only at the meetings I saw them together.
36
37 Q. When you made your surprise visits to Mr McKenna's
38 unit, were you looking out for something other than him
39 behaving inappropriately towards students?
40 A. Well, if I went and he had been in there you could
41 have perhaps picked something up, he was sitting with the
42 boys or something like that, but most of the time - and
43 when he was there, he was sitting over on his own, the
44 students were sitting there and he was sitting over there
45 on his own.
46
47 Q. Were you looking out to see if any blue or

1 pornographic movies were being played?
2 A. What I saw on a screen wasn't pornographic.
3
4 Q. But were you looking out for that?
5 A. I looked at the TV when I went in there but there was
6 nothing unforeseen on it.
7
8 Q. But had you heard --
9 A. No. Some stage I hadn't heard about the blue movies,
10 no.
11
12 Q. Had you heard rumours though about Dennis McKenna
13 behaving inappropriately?
14 A. Other than from Gaye, no.
15
16 Q. Sure about that. From Gaye, that's a direct source.
17 I'm talking about rumours?
18 A. There was always agro between areas, between - and for
19 something like - there was always a niggling at Gnowangerup
20 and down there, over what, I don't know. Maybe that's
21 where a couple of students were expelled, I'm not quite
22 sure, I can't remember, but outside - you know, he came
23 down to our place, he wanted to see where the students
24 were. He came down, he had a cup of tea at our place. I
25 drove him around Frankland, showed where most of the
26 students came from, he thanked me, gone, he went back to
27 the hostel there at - it might have been '84 or '85. I
28 don't know whether Jan can remember what year it was he
29 came down, yes.
30
31 Q. So that's Dennis McKenna?
32 A. Yes, he came down on his own in his car, had a cup of
33 tea with us, took a drive around Frankland, we showed him
34 around Frankland and he went back again.
35
36 Q. Mr Peacock, I am going to remind you about something
37 you said this morning before the lunchbreak. You were
38 talking about or you mentioned the fact that you were aware
39 that Dennis McKenna had been made Citizen of the Year. I
40 think you mentioned that it was a number of years in a row.
41 Do you remember that?
42 A. It was a three - yes, I think it was the three years I
43 was there. I couldn't be sure. It was 30 years ago.
44
45 Q. And correct me if I'm wrong, but you then mentioned
46 something along the lines of that's why it was hard to
47 accept the rumours that you were hearing?

1 A. That's right, what Mrs Davies had said, yes.
2
3 Q. So when you said "the rumours", you were referring to
4 what Mrs Davies -
5 A. Gaye had said, yes.
6
7 Q. Did you think to ask other parents who had students at
8 the hostel whether they had heard anything like Mrs Davies
9 had told you?
10 A. Well, they had - each time at the school bus they had
11 all had access to me but nobody said anything.
12
13 Q. Sorry, who had access to you?
14 A. Well when the school - the kids went on the bus, all
15 the parents were there.
16
17 Q. But I'm talking about you being more proactive, not
18 reactive. Do you know what I mean by "proactive". You
19 actually going out yourself and asking the parents about
20 this?
21 A. I didn't ask the others, no.
22
23 Q. Can I ask why. You told us that you knew a number of
24 families who had children at the hostel?
25 A. I knew them all because all the kids all went to
26 school together in Frankland together.
27
28 Q. So following up with any of those parents, did that
29 cross your mind?
30 A. No, not really. I just tried to do what Gaye asked.
31
32 Q. Yes, I know that and I'm moving on from there because
33 that was unsuccessful. I'm just trying to work out whether
34 you did anything else and the answer clearly is no?
35 A. No.
36
37 Q. I'm just raising with you some things that would have
38 certainly helped in your investigation or inquiries?
39 A. It would have done, yes.
40
41 Q. And I would like to give you the opportunity of
42 explaining why you didn't take up those other options?
43 A. Well, I should have. As you said, I perhaps should
44 have gone to the - to the chief and, yes, I just didn't. I
45 just tried to go up there, get some sort of evidence before
46 I - I tried to shut the gate before the horse bolted. I
47 tried to get the evidence before I said anything to anybody

1 else.
2
3 Q. Wouldn't good evidence, though, be finding out who it
4 was that he was sexually interfering with?
5 A. Well, it would have been nice to know but there was -
6 that I knew, it was mainly Tambellup and the other places.
7 You find out afterwards. No use to be wise after the
8 event.
9
10 Q. What about the high school principal?
11 A. No, I never met him.
12
13 Q. Did it cross your mind to speak to him about it?
14 A. Well it was the hostel, not to do with the school.
15
16 Q. There were students going to the school?
17 A. Yes, true, but as you have heard down the track there,
18 how nothing was done about that when they did go there.
19
20 Q. I know that but you didn't know that at the time?
21 A. No, all I did was the couple years I was there tried
22 to find out for Gaye.
23
24 Q. Yes, I know that, but I'm just putting forward other
25 options that you might have been able to do?
26 A. I could have tried, yes.
27
28 Q. Was it the case that you could never really raise it
29 at any Board meetings because Dennis McKenna was always
30 there?
31 A. That - not unless I had something concrete I wouldn't
32 have brought it up, no.
33
34 Q. Not unless you had something concrete?
35 A. Yes, then it would have been put towards the Board
36 whether he was there or not.
37
38 Q. And the only thing you thought that would be concrete
39 evidence was you catching him in the act?
40 A. Catching him in the act.
41
42 Q. But would you agree with me the prospects of that
43 would be very remote?
44 A. Before midnight as it turns out now, yes.
45
46 Q. I suggest to you that the only times you may have made
47 checks in his room at any time around 10 o'clock would have

1 been after a Board meeting. Would you agree with that?
2 A. Yes, most of the times, if we stayed and had tea with
3 the kids it could have been 10 o'clock before we left up
4 there and I would go in there.
5
6 Q. Yes, but other times, I'm going to suggest to you that
7 unless you went in earlier on in the evening, there was the
8 very real likelihood that it would be lights out and the
9 dorm would be locked up for the night. Do you accept that?
10 A. Say that again?
11
12 Q. Yes, if you hadn't been able to access the dormitory
13 because you had been there at a Board meeting, that the
14 only times you could be able to access where his unit was
15 would be much earlier than that because otherwise, if you
16 left it as late as 10 or 11 o'clock on other nights, the
17 dorm would be locked up and it would be lights out. Do you
18 agree with that?
19 A. Yes.
20
21 Q. So bearing that in mind, Mr Peacock, do you accept
22 that the chances of catching Mr McKenna doing something
23 like this at, say, early on in the evening would not be
24 great because of the fact students would still be walking
25 around, people still had access to the dormitory?
26 A. Yes, if I couldn't have got access to his room, I
27 would have gone to find out where he was.
28
29 Q. But if the dormitory was locked for the night, you
30 couldn't, could you?
31 A. No, it is not usually locked. It locks at 11.
32
33 Q. You knew it locked at 11?
34 A. So if I had gone at half past 8 and his door was
35 locked, I would have made it my reason to go and find out
36 why and where he was under the situation I was going there.
37
38 Q. And did that ever happen?
39 A. No, it was never - I never ever walked in there that
40 there wasn't 10 or 12 students in there, not ever the whole
41 times I went in there.
42
43 Q. Did that by itself strike you as odd?
44 A. Well if they - well no, not - if there had been only
45 one or two in there it would have been but not 10 or a
46 dozen.
47

1 Q. That there would be up to 10 or 12 --
2 A. There would be all of that. Sometimes there was more.
3
4 Q. I'm saying to you that didn't strike you as odd?
5 A. Well if they were watching a movie and he had got them
6 downtown on the - wherever he got the movies from, but if
7 they were watching a movie I couldn't see anything wrong
8 with that.
9
10 Q. And what days of the week would this be. Would it be
11 any day of the week or would it be on week nights?
12 A. When I went up there?
13
14 Q. Yes?
15 A. It could have been Tuesday, Wednesday, Thursday night.
16 It wasn't consistent. I changed my nights.
17
18 Q. What about weekends. Did you ever go --
19 A. Very rarely on weekends, no, because you couldn't do
20 any shopping, you couldn't do anything.
21
22 Q. Did Mr McKenna ever say to you "Why do you keep on
23 making these unexpected visits"?
24 A. No.
25
26 Q. Did Mr McKenna strike you as a rather intelligent man?
27 A. Yes, he is not short of a brain, no.
28
29 Q. And given the frequency that you were coming by his
30 unit, do you think he might have got wind of what you might
31 have been doing?
32 A. He may have done.
33
34 Q. And if that was the case, that would increase the
35 highly unlikelihood of you ever catching him out?
36 A. That's a possibility, yes.
37
38 Q. And did that ever cross your mind?
39 A. Not with changing me nights and that and not knowing I
40 was coming, I don't see how it could.
41
42 Q. But you wouldn't be able to access his unit after 11
43 o'clock, unless --
44 A. I was never there after 11, I was on me way home.
45
46 Q. And if, in fact, he was doing this sort of things with
47 students, commonsense, I would suggest to you, would be

1 that he would do that in situations where he would be
2 unlikely to be detected. Would you agree with that?
3 A. Yes, as it turns out now, yes.
4
5 Q. No, back then. You wouldn't expect him to engage in
6 this sort of activity, if he was, that he would be doing it
7 at a time when just anybody could walk into his unit?
8 A. Well, we made a statement then, if the door was
9 locked, if that door was locked, I would have made my - to
10 go and find him where he was. So nothing went on before 11
11 o'clock the nights I was there but if that door was locked
12 I would have gone to see where he was.
13
14 Q. Did you ever confront Mr McKenna about this?
15 A. Yes, once. I said, you know, "The rumours are going
16 around that you're like that". He said "That's all
17 hearsay, don't worry about it, it is not happening" so -
18 and of course he had been getting Citizen of the Year for
19 three years and the kids just loved him. That's all there
20 was about it.
21
22 Q. Do you agree with me that you didn't mention anything
23 about that to Matt Daulby when you spoke to him about
24 approaching Mr McKenna about this?
25 A. I thought I did but I may not have done.
26
27 Q. All right then. Let's go through this again. Can you
28 recall when that was. Was this shortly after Mrs Davies
29 had said those things to you or was it at a time after your
30 own investigations?
31 A. Three, maybe five months afterwards I put it to him
32 and he said "There are a lot of rumours going around and,
33 yes, don't take any notice of it", but I still continued.
34
35 HIS HONOUR: Q. What did you actually say to him. What
36 did you say. You approached him. What did you say?
37 A. I just said to him that "There's rumours going around
38 that you're, you know, mucking around with the boys", like
39 that, and he said "That's just hearsay". He said that
40 there is nothing going on. He said "You've been in my room
41 all these times, there's eight to 10 students there, how
42 can it go on?" sort of thing and --
43
44 Q. That's what he said to you?
45 A. But after that I still continued to go to his room
46 right up until I - I finished on the - as a Board member, I
47 still continued to go in.

1
2 Q. So you didn't accept his word --
3 A. No.
4
5 Q. -- when he said, "There's nothing to it"?
6 A. No, I didn't accept his word, I just kept - just
7 accepted what he said, but I kept going back unannounced -
8 just his room.
9
10 Q. And you now say that could be anywhere between 70 and
11 80 times, I think you said?
12 A. Yes, it would be - probably average close to once a
13 week. If I didn't go one week - I missed a couple of weeks
14 - I might go two the next week, but would have been quite a
15 few times, yes.
16
17 HIS HONOUR: Q. You must have given considerable
18 credence to what Gaye Davies said to you to be so
19 persistent?
20 A. Yes, judge, I did. I took it seriously, and I took it
21 on my own bat to try and do something about it, rather
22 than - you know, my kids were saying nothing. They
23 said they'd - they didn't think anything was going on
24 there, but I kept trying for two years, a good two years to
25 try and see what was going on.
26
27 Q. And throughout that time you never once mentioned what
28 you were doing to - with the fellow Board member. You
29 never once mentioned what you were doing to a fellow Board
30 member?
31 A. No. Well, they - at the Board meetings, as Gwenda
32 said, she knew nothing about it. I don't know about Alec,
33 I didn't ask him, but Gwenda, had she have known, she would
34 have pulled her boys out.
35
36 Q. Well, did you think it would have been appropriate to
37 warn your fellow Board members, particularly those who had
38 students at the hostel?
39 A. Well, it should - should have been, but Gwen was in an
40 area where boys were being - and those parents didn't go to
41 her, or they didn't believe their students, and that
42 particular area where Gwenda was, a lot of it went on, and
43 as I've seen in the inquiries, the boys had come from
44 Tambellup.
45
46 Q. No, I'm talking about at the time here - '83, '84,
47 '85. Were you aware of that at the time?

1 A. Of what?
2
3 Q. That where Gwenda had come from, they wouldn't be - it
4 wouldn't have been believed?
5 A. Well, I thought Gwenda would have known, but she said
6 she didn't know - no parents came to her in the times we
7 were there, that three years.
8
9 HIS HONOUR: Q. Can I just ask: did you ever tell anyone
10 else over those two years what you were doing?
11 A. No.
12
13 Q. What about your wife?
14 A. Yes, yes, Jan knew that I was doing it, yes.
15
16 Q. So you didn't discuss it with anyone else at all?
17 A. No, I just said to Gaye that I would go and do as best
18 I could to find out what was going on.
19
20 Q. Did you ever go back to Gaye and tell her what you
21 were doing?
22 A. I spoke to her several times and said, "I can't find
23 anything going on like that", and she said, you know, but
24 the times I was there I did try, but the --
25
26 MR URQUHART: Q. You took the allegations seriously?
27 A. Yes, that's why I - yes, but I thought the best way
28 for me to do it was to go quietly.
29
30 Q. But not serious enough to maybe forewarn if not fellow
31 Board members who had students at the hostel, but other
32 parents who you knew who had students there?
33 A. Well, I just assumed that they would know. If they
34 were representing that - if it was going on in each of
35 those districts, that some parents would have come forward.
36
37 Q. So you're assuming that parents had approached your
38 fellow Board members with similar complaints?
39 A. I would have thought they would have done, the same as
40 I was approached.
41
42 Q. Well, did you bother to ask your fellow Board members
43 if that was the case?
44 A. Well, no, I didn't ask. I just felt if they knew, it
45 would be - we'd talk it out and bring it up at a Board
46 meeting.
47

1 Q. Well, how could you bring it up to a Board meeting if
2 you're never going to raise it with them?
3 A. Well, as it sounds now, I should have done, but all I
4 was trying to find out, something concrete before I went to
5 me other Board members.
6
7 Q. Mr Peacock, if what you're saying is that you expected
8 other Board members who had - who were parents, you
9 expected them to know about it, shouldn't it have been a
10 case of pooling your resources and determining --
11 A. You're quite right now.
12
13 Q. -- and determining how and what approach or what
14 investigations you should take with respect to this?
15 A. Yes, you're quite right now. Yes, I should have done.
16
17 HIS HONOUR: I'd just like to intervene at this point,
18 because I was going to ask you this anyway.
19
20 Q. Earlier on, about a quarter of an hour ago when Mr
21 Urquhart was asking you whether you'd heard any rumours
22 other than what Gaye Davies told you, you said, "There was
23 always niggling at Gnowangerup." That's what - your words.
24 You said --
25 A. Well, if you went out there, they were always --
26
27 Q. -- just a minute, just a minute. That's what you
28 said?
29 A. Yes.
30
31 Q. "Always niggling at Gnowangerup". Now, can you just
32 explain what you were referring to there?
33 A. Well, if it's - if you went to a footy match - we went
34 to a footy match over there, there would be the hostel boys
35 and "Dennis's little boys", always niggling out that side
36 of - of Gnowangerup. Whether it was over the molesting or
37 just - they were "Dennis's little boys", what they were
38 meaning --
39
40 Q. Did you have some suspicions about Dennis McKenna in
41 respect to the boys from Gnowangerup?
42 A. Did I what?
43
44 Q. Did you have some suspicions about --
45 A. No, no, I didn't.
46
47 Q. See, I'm just trying to get - I don't understand what

1 you meant in the context of where you might --
2 A. Yes, well, it was just, if you had a match up there.
3
4 Q. -- just - just listen to me. Just listen to me for a
5 moment. I'm not understanding in the context of you being
6 asked a question, whether you'd heard any rumours about
7 Dennis misbehaving with boys, other than what you've been
8 told by Gaye Davies?
9 A. With Gaye, yes.
10
11 Q. You said, "There was always niggling at Gnowangerup"?
12 A. Yes, there was niggling.
13
14 Q. Now, I'm asking you to explain in that context what
15 you were referring to?
16 A. Well, I wasn't quite sure, judge, whether they were
17 playing football, whether they were - because they're -
18 hostel boys were good and they beat everybody, that's what
19 the niggling was about, I wasn't sure, but some of the
20 ladies say, "There's Dennis' little well-trained little
21 boys, win again", and - but I don't think it had anything
22 to do with what we were referring to. I think it was over
23 the St Andrew's boys were good, they always won most places
24 wherever they when, and I think maybe that's what it was
25 over, rather than what we're referring to.
26
27 Q. But did you have some doubts? Did you think it might
28 have something to do with sexual matters?
29 A. Not that sort of thing, no, I didn't. It was just
30 that they were having a go - every time you went there,
31 they'd have a go at Dennis and the boys because they were
32 very good at their sport and they won most times, and I
33 think that's what it was over, but there was always a bit
34 of niggling.
35
36 Q. See, at the moment I'm not quite understanding why in
37 response to a question about whether you've heard any
38 rumours about sexual misconduct --
39 A. Not out there, no. Not out there, no.
40
41 Q. -- your answer was - included the comment, "There was
42 always niggling at Gnowangerup." And I'm not quite sure
43 why you give that answer to that question?
44 A. Well, it was - I think it was mainly from the sports
45 side of it, rather than anything else, but they were always
46 on about the boys at the hostel, you know. They were
47 always very good at what they did, and it's like every

1 sport, there's always somebody having a go. And - but what
2 I was mainly doing is I kept myself separate. I tried to
3 do what Gaye asked me to do, independent of the others. If
4 I got something concrete, then I would have taken it to the
5 Board, yes.

6
7 Q. Did you ever hear any rumours about a Gnowangerup boy
8 being molested?

9 A. No.

10
11 Q. Do you remember a Gnowangerup boy being expelled or
12 the Board resolving to expel a Gnowangerup boy in 1983?

13 A. I didn't hear what the cause of it was for, I just
14 thought he had done something wrong and that was about all.
15 I didn't hear what it was over; but, yeah, there was --

16
17 Q. So what do you remember about that incident, without
18 mentioning the boy's name?

19 A. Well, I can't even think who it was, but he was
20 expelled and I didn't hear what - you know, why he was
21 expelled, I didn't know. But some meetings I wasn't there,
22 and as - as was pointed out, I wasn't at that meeting so I
23 couldn't really tell you, but it was - it was --

24
25 Q. So did that have any - the fact of that expulsion, did
26 that have anything to do with your reference to niggling at
27 Gnowangerup?

28 A. Well, it could have. He may have said something at
29 the hostel. I don't know whether it was something he did
30 at the hostel. A lot of it I don't know, I can't remember,
31 but it was - you know, I tried to do my part from
32 Frankland, and as this gentlemen pointed out, maybe I
33 should have gone a bit further at what I was doing, but I
34 didn't.

35
36 HIS HONOUR: It's over to you, Mr Urquhart.

37
38 MR URQUHART: Thanks.

39
40 Q. You mentioned in answer to his Honour's questions, how
41 you investigated the matter or did inquiries independent of
42 the others?

43 A. Yes.

44
45 Q. So I gather you're referring to they're independent of
46 the other Board members, particularly those who were
47 parents?

1 A. Yes, most of the Board members were parents and they -
2 and they represented that area, these five areas, and I had
3 Frankland. So --

4
5 Q. But, Mr Peacock, you didn't know whether these boys
6 who were allegedly being sexually interfered with by Dennis
7 McKenna actually came from Frankland, do you?

8 A. I do now, but I didn't then, no.

9
10 Q. Didn't then. Okay. So, again, I'm just wondering why
11 it was you decided to do this independently of the other
12 parents?

13 A. Well, that's just the way I chose to go. Gaye gave me
14 a reason to do it, and I said, "Well, look. I'll go up
15 quietly, and I'll see what I can find out, or see what I
16 can see. I'll go into his room", and I went back and told
17 Gaye that every time I went in there there was up to 10
18 students in that room.

19
20 Q. Okay. Yes, I know all that. So given the fact that
21 you believe that the other parents on the Board would have
22 heard things similar to what you'd heard, I'm just wanting
23 to know now why you never approached them - not necessarily
24 at a Board meeting, but individually, or ring them up and
25 say, "I gather you've heard these things about Dennis
26 McKenna. Have you been able to find anything out, because
27 I haven't?"

28 A. Well, that's probably what I should have done, but I
29 didn't.

30
31 Q. Yes. I know that, Mr Peacock, but it seems to me,
32 without the advantage of hindsight, that that would be a
33 perfectly logical thing to do?

34 A. Yes, you are quite - quite right, but I - just one
35 person that asked me --

36
37 Q. Yes, I know all that.

38 A. -- and - just an individual.

39
40 Q. Yes, I know that. Can I ask why it was that you
41 didn't take that approach?

42 A. Well, I just went on - you know, on behalf of Gaye.
43 She said - I don't know whether her two boys were or not, I
44 just went on her behalf to see if I could find anything
45 out.

46
47 Q. Were you concerned about the fact that if you were to

1 start making waves, if I can call it that way, that given
2 the immense popularity of this man, it might not reflect
3 well on you?

4 A. No, I wasn't worried about that.

5

6 Q. You weren't worried about that?

7 A. That wouldn't worry me in the least, but if I had of
8 found something concrete, it would have come out.

9

10 Q. No, but, Mr Peacock, I'm just trying to find out why
11 it was that you didn't do some of these things, or any of
12 these things that I have suggested would make sense to do?

13 A. Yes, now I should have done, yes.

14

15 Q. I'm just trying to put forward an explanation on your
16 behalf as to why that might be the case?

17 A. Well, in hindsight now I should have done, but I went
18 about it the way I did, and that's all there is.

19

20 Q. Yes. And if you'd found something in what you did, I
21 can fully understand why you didn't need to take it
22 further, but given the fact that you didn't, leads to the
23 question of why it was you didn't take it further with
24 respect to other avenues?

25 A. I should have done, yes.

26

27 Q. Yes. Can you offer any explanation as to why you
28 didn't do what you should have done?

29 A. Not really, but what you said I should have done now,
30 but I didn't - and that's 30 years ago - and I tried to
31 find out on behalf of Gaye what was going on, and I
32 couldn't. But you're right, perhaps I should have done
33 what you said, but I didn't.

34

35 Q. Did you think of bringing this matter to the attention
36 of the police?

37 A. Not on hearsay, without concrete evidence because
38 they'd just laugh at you.

39

40 Q. Well, who do you think would be in the best position
41 to obtain concrete evidence - you or the police?

42 A. Well, you'd - you'd think that the - they don't ask
43 you if you have concrete evidence, and you say, "It's only
44 hearsay" - well, you know, they usually don't do a lot
45 about it.

46

47 Q. Is that a reason why you decided not to take this to

1 the police?
2 A. Not unless I had something concrete, no.
3
4 Q. The Authority - did you think about approaching the
5 Authority, or letting them know? When I say "the
6 Authority", I'm talking about the Country --
7 A. Hostels Association.
8
9 Q. -- High School Hostels Authority, yes.
10 A. Well, as it's turned out now, that's what I should
11 have done; but, you know, I was on there for three years
12 and I did what - I tried to do my best, and that's - that's
13 the way I went about it.
14
15 Q. Do you think you were properly equipped to carry out
16 this investigation of yours by yourself?
17 A. Well, it was just a matter of going in there and
18 catching him, and you give it to the authorities then. I
19 mean, I've never sort of been in court before, and you
20 don't understand, so I tried to get concrete evidence
21 before I did anything about it, if that's what you - I'm
22 trying to say to you.
23
24 Q. Did you at the very least warn your own children about
25 being careful --
26 A. Yes.
27
28 Q. -- approaching Mr McKenna?
29 A. Yes, they were brought up the right way; "Don't go out
30 with single people", and we taught them right, and nothing
31 happened to our kids.
32
33 Q. But after you heard these allegations from a reliable
34 source, Mrs Davies, did you at the very least tell your own
35 son and daughter to be extra careful around Dennis McKenna?
36 A. Yes, they were told to be careful, but at that
37 stage --
38
39 Q. No, no, no, I'm talking about --
40 A. -- it - it was only - yes.
41
42 Q. -- as a result of what --
43 A. Yes, they were told to be careful, yes.
44
45 Q. Did you not think it was therefore appropriate that
46 you should warn other parents about what Mrs Davies had
47 said?

1 A. Well, there's two ways of looking at it. If they had
2 a problem, they should have come to me, I was on the Board.
3 That was the only one that came to me, so that's the only
4 one that I - Gaye was the only one that came to me.

5

6 Q. But other parents might not know about these
7 allegations?

8 A. Yes, well, maybe I should have said something, but I
9 didn't. I just went on behalf of Gaye.

10

11 Q. Mr Peacock, I'm not saying this, but I'm just putting
12 it out there. It could be said that your failure to take
13 up these avenues of Inquiry might suggest that you were
14 placing the reputation of the hostel above the safety and
15 protection of the children who boarded there?

16 A. Well, I didn't look at it that way --

17

18 Q. No?

19 A. -- but it's a possibility, you're right. I just - I
20 was given something, I tried to find out and I didn't.

21

22 Q. But if that was put to you, you'd deny that, would
23 you, that you were - you were placing the reputation of the
24 hostel, in particular its warden, above the wellbeing of
25 the students?

26 A. No, not the hostel, if it's something like that. If I
27 found out something, I'd go straight down and sort it out.

28

29 Q. And you felt that what you found out wasn't concrete
30 enough --

31 A. Enough, no.

32

33 Q. -- to do anything beyond what you did?

34 A. No, no, I don't - so that's about the way of putting
35 it, yes. I tried - I went and told Gaye several times I
36 tried, but I couldn't find anything concrete to - evidence.

37

38 Q. Mr Peacock, what would be concrete enough for you if a
39 parent came to you with this type of allegation? What
40 would be concrete enough for you to then take it to the
41 Board or take it to the police?

42 A. Well, if the parent said, you know, he was caught in
43 bed, then we'd do something about it; we would have done
44 something about it, yes - gone to the Board.

45

46 Q. What if the - a child had come to their parent and
47 said, "Mr McKenna's sexually interfering with me", and then

1 the parent told you, as a member of the Board?
2 A. Then I'd take the parents up there at the Board
3 meeting, and bring it out in the open, yes.
4
5 Q. That would be sufficient, that would be concrete
6 enough?
7 A. Yes, that's concrete, but what was said from - I don't
8 know whether two Gaye's boys were involved or not, I don't
9 know, but it's come to me and they just said that he was
10 mucking around up there. I didn't know who the students
11 were.
12
13 Q. Mr Peacock, if I could ask you about some other things
14 now. Do you recall whether the Board was ever notified of
15 a complaint against Dennis McKenna by a student who was a
16 ward of the State, who was boarding at the hostel, and the
17 time frame would be 1983?
18 A. Not that I can recall.
19
20 Q. All right. Or whether you, yourself, received any
21 information regarding that?
22 A. A ward of the State, no, I can't recollect that.
23
24 Q. Okay. And just one other area. Can you recall at
25 times you attended Board meetings where there would be a
26 discussion about debts that parents owed to the hostel for
27 the Board --
28 A. Debts.
29
30 Q. Debts?
31 A. Debts.
32
33 Q. As in, yes, fees that had been unpaid for their
34 children to stay at the hostel?
35 A. Yes, there was talks about that, yes.
36
37 Q. Right. Can you recall what process it was, or who
38 decided to write-off a debt that was owed in those
39 circumstances, or in another case whether that debt would
40 be pursued. Do you know who made those decisions?
41 A. I know some were given extra time, from memory, extra
42 time --
43
44 Q. Yes.
45 A. -- made the payments stretch out, but other than that
46 I just - yes.
47

1 Q. Can you recall occasions where the debts were just
2 written off, where it was decided they wouldn't be pursued?
3 A. Just vaguely. It might be when students finished
4 there and they left and then they didn't pay, and I think
5 they were written off then in that context.
6
7 Q. Again, were these items that were determined by the
8 finance committee of the Board, rather than other members?
9 A. I think it was brought up and the Board voted on it,
10 yes.
11
12 Q. And, again, you mentioned that Mr Renk and Mr McKenna
13 were the finance committee members --
14 A. Yes, they had a bit to do with it.
15
16 Q. -- or two of them?
17 A. And Mr Wilkins - he was a very good man on figures as
18 well.
19
20 Q. But, again, was it the case in most instances, if not
21 all, if that committee would put forward a recommendation,
22 because of its expertise, the Board would simply accept it?
23 A. Because of their status, yes.
24
25 Q. Yes. Mr Peacock, do you remember that you were
26 actually endorsed as the Deputy Chairman for another year
27 after your appointment for one year that we already looked
28 at? Were you aware that 1986 you were again --
29 A. I don't know why, because my kids had left and I told
30 them that I wouldn't - wouldn't be back, so I don't know
31 why they did that.
32
33 Q. All right. I'll just show you. This is the last year
34 that your son would have been at the hostel, 1986. I'll
35 show you. It's 0315, thank you. This is the AGM of the
36 following year. Remember we had a look at the other
37 document, the AGM for February 1985. Just go towards the
38 bottom of the first page.
39 A. Yes, I was Vice Chairman there too.
40
41 Q. Sorry?
42 A. I can see my name now too, yes.
43
44 Q. You've been nominated again as Vice Chairman rather
45 than Deputy Chairman - it means the same thing.
46 A. Was I at the meeting?
47

1 Q. Well, it's a little hard to work that out because
2 there's only recorded at the top of the meeting, the top of
3 the page there, and it's the "Minutes of the Board Meeting
4 held on 19 February 1986". We've only got apologies,
5 rather than those in attendance. I suppose it would be a
6 bit unfair of the Board to nominate you as the Deputy
7 Chairman if you weren't there, but you can see there that
8 you've been nominated by Garth Addis?
9 A. "Dually elected".
10
11 Q. Yes. You don't have any recollection of that now?
12
13 HIS HONOUR: Well, in fact, it shows Mr Peacock as being
14 present under "Correspondence - Incoming".
15
16 THE WITNESS: Yes, I was present, apparently. I must have
17 accepted.
18
19 MR URQUHART: Yes, quite right, sir. Well picked up, yes.
20
21 Q. Exactly, so you were there?
22 A. I was there.
23
24 Q. Well, there's the Secretary, Mr Renk, yes.
25 A. But '86 I didn't attend too many meetings because I
26 was that flaming busy.
27
28 Q. I think that might have been the case. Have you been
29 given a number of pages there, or have you only been given
30 a couple?
31 A. Yes, a number of pages.
32
33 Q. Yes, because if we just go to - I think it might be
34 page - well, it's - it would be the second-last page.
35 There's minutes of a Board meeting held on 22 October 1986.
36 Have you got that?
37 A. 22nd.
38
39 Q. Yes, 22nd October 1986.
40 A. Yes.
41
42 Q. And then "Apologies". We can see you're an apology
43 there.
44 A. Yes.
45
46 Q. We've got Mr Renk, Mr Peacock, Mr Parks. Then if you
47 go to the second page, under the heading "General

1 Business", and just - the second page of the Minutes.
2 Sorry, I actually meant the last page of the document, the
3 second page of the Minutes. My apologies. Thank you,
4 Madam Associate. Do you need your glasses again?
5 A. No, this one is a bit better print and I can read it.
6
7 Q. Okay, good. Can we just see there under "General
8 Business", and about one-third of the way down the page,
9 you can see a single line:
10
11 Letter to be sent to Mr Peacock -
12 infrequent attendance.
13
14 A. Yes, right. (Inaudible) reading that.
15
16 Q. So you wouldn't argue with that, that you infrequently
17 attended that year?
18 A. Yes, just too busy me, to get there.
19
20 Q. Right.
21 A. I wasn't knocking off until 7 o'clock at night,
22 8 o'clock at night and there was just no way I could get
23 there.
24
25 Q. Yes, because I think I might have mentioned to you
26 before that from the records it would appear that your
27 last --
28 A. Yes, I didn't attend very often.
29
30 Q. -- attendance was March of that year, March 1986.
31 A. Yes, infrequent attendance.
32
33 Q. And did you - can you recall subsequently getting that
34 letter?
35 A. No, I can't - can't think back that far, no.
36
37 MR URQUHART: Sir, that bundle of documents are
38 the minutes that have been located by the Inquiry for all
39 the Board meetings for 1986. So if we can tender that as a
40 bundle. They've all got the same barcode number, which is
41 0315.
42
43 EXHIBIT #34 BUNDLE OF BOARD MEETING MINUTES FOR 1986,
44 BARCODED 0315
45
46 MR URQUHART: Q. And, Mr Peacock, finally, do you recall
47 when it was that you found out that Dennis McKenna had

1 actually been charged with sexual offending against
2 students at the hostel?
3 A. Well, it would be when this Inquiry's on, the last
4 couple of months.
5
6 Q. I'm talking about the one going back to 1990 - so this
7 is about four years after you finished being a Board
8 member?
9 A. When was he charged, '91.
10
11 Q. 1990, September 1990. So where were you living at
12 that stage? Were you still at Frankland?
13 A. Still at Frankland, yes.
14
15 Q. Yes. It apparently got a fair bit of media coverage
16 when he was charged, and then again his trial, which was
17 heard in Albany in the middle of 1991. Can you recall
18 whether you got word of the fact that he had been charged?
19 A. No, I - no, I never got any word, but I would only
20 have read it over the media or through TV.
21
22 Q. That's what I mean, whether you've read it in a local
23 paper, the 'Great Southern Herald', I think it is?
24 A. No, we don't get the 'Great Southern Herald'. It must
25 have come over the television, I would have thought.
26
27 Q. So you do recall that you became aware of that over
28 the television at the time?
29 A. Yes, I thought - I thought it was all finished then,
30 but obviously it's not.
31
32 Q. Well, no. Okay. So you remember something about
33 seeing it on the television 20 years ago. So what was your
34 reaction to that, when you found out he had been charged?
35 A. Well, it's a hard thing to believe, you know, for
36 after - you know, for all that time; but, you know.
37
38 Q. Was it that hard for you in particular to believe,
39 given the fact that Mrs Davies had told you precisely the
40 same thing --
41 A. Yes.
42
43 Q. -- back in 1983?
44 A. Yes, that's right. You think then, "Maybe I could
45 have done something else at the time".
46
47 Q. But you said it surprised you when you found out he'd

1 been charged --

2 A. Yes, after - after - you know, all those years anybody

3 would be surprised, but after that it was - it was true; I

4 couldn't find anything, but as it turned out, it was true -

5 somebody came forward.

6

7 Q. So after you made your inquiries of going in

8 unexpected into his unit, then after he told you that these

9 rumours were not true - when I say "he", I mean Dennis

10 McKenna - what conclusion did you draw? Did you draw the

11 conclusion that these allegations cannot be right?

12 A. I didn't draw that, but it gives you the - at that

13 time you should have maybe done this - you just pointed out

14 I should have done more.

15

16 Q. No, Mr Peacock, I'm not asking you about that. I'm

17 saying after you conducted your investigations, you spoke

18 to Dennis McKenna, you didn't find him engaged in any

19 offending behaviour towards boys - he denies it to you -

20 did you then draw the conclusion that these allegations

21 could not have been right?

22 A. No, I wouldn't have drawn that, because if that's the

23 case - it's just that you find it hard to believe a man in

24 that position could do something like that.

25

26 Q. So you - you still kept an open mind, did you, even

27 after the failure of your investigations to uncover

28 anything?

29 A. I just find it hard to believe how some people tick in

30 their positions they're in. It's hard to believe, yes.

31

32 Q. Did the fact that you found it hard to believe - did

33 that have anything to do with this particular man's

34 reputation - reputation as being a good and honourable man?

35 A. Yes. Well, that's the point, it's hard to believe,

36 but facts are facts and you must accept them. But in the

37 position he was in, and held for so long, it just - you

38 know, it's hard to believe, yes.

39

40 Q. Finally - I've nearly finished - do you know where

41 Gaye Davis might be now?

42 A. No. We've been gone five, six years now. She was in

43 Frankland. I'm not sure where she'd be now. She may have

44 gone into a home, her legs weren't too good.

45

46 Q. Her legs weren't too good, yes.

47 A. She may have gone into a home now.

1
2 Q. Do you know approximately how old she would be now?
3 A. My age.
4
5 Q. Still relatively young?
6 A. Relatively young. She'd be between 70 and 75 I'd say,
7 yes.
8
9 Q. Okay. It's just that we're having some trouble
10 locating her, and we thought you might be able to shed some
11 light on it?
12 A. Well, I gave Matthew a number --
13
14 Q. Yes.
15 A. -- he rang, and I can't elaborate any more on that
16 because that was her last number that I had. So she may
17 have - her legs - she was having trouble getting around,
18 and she may have gone into a home somewhere.
19
20 Q. I see. And the last contact you had with her was
21 about five years ago?
22 A. It would be all of that. Yes, five, six, years ago,
23 yes.
24
25 MR URQUHART: Yes, I thank you, Mr Peacock. That's all my
26 questions.
27
28 HIS HONOUR: There is one other matter. I think Barbara
29 Groves' evidence should be put to Mr Peacock.
30
31 MR URQUHART: Yes. My apologies, sir; yes, you are quite
32 right.
33
34 HIS HONOUR: Page 660 of the transcript.
35
36 MR URQUHART: Yes.
37
38 Q. Sorry, Mr Peacock, his Honour's just reminded me of
39 something I had overlooked asking you. I had tagged it,
40 but forgot that it was in another file. You know Barbara
41 Groves, don't you?
42 A. Barbara, yes.
43
44 Q. Yes. Do you recall speaking to Mrs Groves about the
45 investigations that you were undertaking - you had
46 undertaken in relation to Dennis McKenna?
47 A. Here?

1
2 Q. No, no, this was after - around about the time that
3 he'd been charged?
4 A. Back in --
5
6 Q. Back in 1990/1991?
7 A. Yes, we did. I think Barbara rang - rang me, I think.
8
9 Q. I'm talking 20 years ago now?
10 A. Yes, I think - yes, Barbara - from memory Barbara rang
11 because she only lived down the road from us at Frankland,
12 but she's now residing in Tambellup.
13
14 Q. Yes. And do you remember having a discussion with her
15 about the inquiries that you had undertaken off your own
16 bat?
17 A. Yes, we did discuss it, and we discussed it a
18 fortnight ago again.
19
20 Q. Yes, I'm staying with --
21 A. Yes.
22
23 Q. -- 20 years ago now.
24 A. Yes.
25
26 Q. I know it's a long time, but can you recall whether
27 you had actually told her that you did catch Dennis
28 McKenna, you were on your way home - you were on your way
29 home from Perth in your truck and you called in and you did
30 actually catch Dennis McKenna showing blue movies to
31 students?
32 A. No, I never saw any blue movies, there must have been
33 a misunderstanding between Barbara and I. I never saw any
34 of the blue movies. If I had seen that, I would have told
35 you.
36
37 Q. All right. Yes.
38 A. I would have certainly told you.
39
40 Q. If fairness to you, I'm just putting to you what --
41 A. Thank you.
42
43 Q. -- what Mrs Groves recalls of that conversation?
44 A. Yes, there must be something that broke down there,
45 Barbara and I. I told her then that I never saw any blue
46 movies --
47

1 Q. Yes.
2 A. -- but there must have been some misunderstanding
3 there, but if I would have seen a blue movie, I would have
4 told you.
5
6 Q. Because she calls - and this is page 660, sir - this
7 is some evidence she gave earlier this month, Mrs Groves.
8 She said that she was talking to you and it was after
9 Dennis McKenna had been arrested - that is 20 years ago?
10 A. Yes.
11
12 Q. And she asked you:
13
14 Were the Board aware of anything that was
15 going on? Did you notice anything?
16
17 She says that you said:
18
19 The only thing that you were aware of was
20 that there'd been innuendo that they'd been
21 showing blue movies at the hostel.
22
23 A. No, that must have been an misinterpretation.
24
25 Q. Yes:
26
27 And he was one of the people - I think
28 there was a second person, I'm not sure,
29 who was a Board member, was asked to call
30 in at the hostel at any time day or night
31 and just walk into Dennis' flat and see if
32 he could catch him out.
33
34 A. Yes, that's what I've - that's what I did the whole
35 two years I was there, but I never saw any blue movies.
36
37 Q. Yes.
38 A. There must have been - over the telephone she must
39 have misheard what I said.
40
41 Q. I see. Okay. And then you also mentioned that you'd
42 spoken to her a fortnight ago or thereabouts?
43 A. Yes, she - they rang me up and told me before that
44 Matthew got on to me.
45
46 Q. So it might have been a bit longer than a fortnight?
47 A. No, I rang her again the other day, after her day in

1 Katanning.
2
3 Q. Katanning, yes. That was on 1 March.
4 A. About then, yes. And she was telling me about what -
5 I could not believe what she was saying. A lot of the
6 times what she was saying I just couldn't believe it, you
7 know, it was just very hard to comprehend, it really is --
8
9 Q. Right. Yes, yes.
10 A. -- because we're not that sort of people, and we just
11 find it very, very hard to comprehend.
12
13 Q. Was that --
14 A. I feel so sorry for those students, I really do.
15
16 Q. Was that a difficulty that you had with your
17 inquiries, that you just - it was too unbelievable?
18 A. Too unbelievable to see what he did at that hostel -
19 but now it's come out in the open, you're wise after this
20 here, and as Barbara said herself, you just can't
21 comprehend it.
22
23 Q. All right.
24 A. You can't. We just - we're just not that type of
25 people. We are just good, decent people.
26
27 MR URQUHART: Certainly. All right. Well, thank you, Mr
28 Peacock, I think that clarifies that matter.
29
30 HIS HONOUR: Thank you for that. Any questions, Ms
31 Morgan?
32
33 MS MORGAN: No, thank you.
34
35 HIS HONOUR: Mr Jenkins?
36
37 MR JENKIN: No, thank you, sir.
38
39 HIS HONOUR: Well, that completes your evidence. Thank
40 you, Mr Peacock.
41
42 THE WITNESS: Thank you, judge.
43
44 HIS HONOUR: You are free to leave.
45
46 THE WITNESS: I hope I've been of some assistance.
47

1 HIS HONOUR: Thank you.

2

3 <THE WITNESS WITHDREW

4

5 HIS HONOUR: And we'll now adjourn.

6

7 MR URQUHART: That is, sir, although I should announce the
8 next stage of the Inquiry as to what we're doing next, when
9 the next public hearing will be.

10

11 Sir, it's anticipated that is going to be Wednesday,
12 28 March of this year, so that's tomorrow week. It is
13 anticipated that Dennis McKenna will be called as a witness
14 at a public hearing. Because of the fact he's a sentenced
15 prisoner, that public hearing will take place in a
16 courtroom at the District Court building, so it won't be
17 here at 111 St George's Terrace, but rather 500 Hay Street,
18 here in the Perth Central Business District.

19

20 And I should just state, sir, that the questioning of
21 Mr McKenna will, of course, have to be confined to the
22 terms of reference that the Inquiry has in relation to this
23 matter. So I anticipate he will be the only witness that
24 day, and that his evidence will be completed on that one
25 particular day.

26

27 HIS HONOUR: Very well.

28

29 MR URQUHART: And then, sir, just so far as the progress
30 of this matter is concerned. I had announced back on the
31 first day of the public hearings that it was anticipated
32 that the second phase of the public hearings would commence
33 on Monday, 2 April of this year. Given the length of time
34 it's taken to complete the first phase, I anticipate, sir,
35 that we won't be able to undertake the second phase until
36 the following week, which would be Tuesday, 10 April.

37

38 HIS HONOUR: That's after Easter, is it?

39

40 MR URQUHART: That will be after Easter. Easter Monday is
41 the 9th. So therefore it's expected that the second phase
42 of the public hearings will commence on Tuesday, the 10th.

43

44 HIS HONOUR: All right. So what you are proposing is that
45 we resume at the District Court building on 28 March --

46

47 MR URQUHART: Yes, sir.

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HIS HONOUR: -- to hear Dennis McKenna, and then adjourn after that to Tuesday, 10 April for the second phase of it.

MR URQUHART: Yes. And the only basis upon hearing any evidence on the week before that might be if there's other witnesses that we need to hear from in relation to the first phase, or if there are witnesses who will be called in the second phase, who would not be available to appear on 10 April or thereafter.

HIS HONOUR: Understood.

MR URQUHART: So it might be the case that there will be some witnesses for that week before, commencing 2 April, but we would give notice of that if not next Wednesday, or tomorrow week, then certainly on our website.

HIS HONOUR: Very good. Thank you. I agree on that proposed plan, and we'll adjourn now until 28 March.

AT 3.19PM THE HEARING ADJOURNED TO
WEDNESDAY, 28 MARCH 2012 AT 10AM