

Special Inquiry into St Andrew's Hostel

Preliminary Hearing

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

Tuesday, 21 February 2012 at 10am
(Day 2)

Before: The Hon Peter Blaxell

1 HIS HONOUR: We have a new counsel appearing.
2 Mr McCarthy, is that right?
3
4 MR McCARTHY: If it please, your Honour.
5
6 HIS HONOUR: You wish to make an application?
7
8 MR McCARTHY: With your Honour's leave, I would like to
9 make an application in relation to the suppression orders
10 that were made yesterday.
11
12 HIS HONOUR: You would like to do that right now?
13
14 MR McCARTHY: I understand from my friend that it would be
15 convenient to the running of matters if that was dealt with
16 not before 2.15.
17
18 HIS HONOUR: That suits you?
19
20 MR McCARTHY: That is convenient to me.
21
22 HIS HONOUR: We will adjourn your application until 2.15.
23
24 MR McCARTHY: If it please, your Honour.
25
26 MR URQUHART: Maybe not before 2.15.
27
28 HIS HONOUR: Not before 2.15, in case we have a run-over
29 of a witness. Thank you.
30
31 MR McCARTHY: Thank you, your Honour.
32
33 HIS HONOUR: Yes, Mr Urquhart.
34
35 MR URQUHART: Thank you, sir. The next witness I will be
36 calling is Ian Parker. Mr Parker is already in the back of
37 the hearing room. Mr Parker will take the oath, thank you.
38
39 <IAN GEOFFREY PARKER, sworn:
40
41 <EXAMINATION-IN-CHIEF BY MR URQUHART:
42
43 MR URQUHART: Q. Mr Parker, have you got a middle name?
44 A. Yes, sorry, it is Ian Geoffrey Parker.
45
46 Q. Just how is "Geoffrey" spelt, just for the transcript?
47 A. G-E-O-F-F-R-E-Y.

1
2 Q. Mr Parker, are you 51 years of age?
3 A. Yes, I am. I was born in May 1961.
4
5 Q. I hope I pronounce this correctly, you reside in
6 Yealering?
7 A. Yealering.
8
9 Q. Spelt Y-E-A-L-E-R-I-N-G?
10 A. Yes, that's correct.
11
12 Q. It's a small town not far from Corrigin?
13 A. That's correct, yes.
14
15 Q. Mr Parker, do you work?
16 A. Yes, I do; yes.
17
18 Q. What's your occupation?
19 A. I'm a manager with Telstra Corporation.
20
21 Q. Mr Parker, I would like to take you back, please, to
22 your school years. Was it the case that for years 11 and
23 12 you were a student at the St Andrews or Katanning hostel
24 so that you could attend the Katanning High School?
25 A. Yes, that's correct.
26
27 Q. Were those the years 1977 and 1978?
28 A. Yes.
29
30 Q. So you were 15 years of age when you started?
31 A. Yes.
32
33 Q. You finished when you were 17?
34 A. Yes, that's correct.
35
36 Q. Why was it, Mr Parker, that you came to be having to
37 reside at the Katanning hostel whilst you went to that
38 school?
39 A. My family had a business and a farming property at
40 Pingrup, which was 100 kilometres east of Katanning, where
41 there was only a primary school. There was no higher
42 education facilities.
43
44 Q. And Pingrup, how far was that from Katanning?
45 A. Just on 100 kilometres - 103 or something.
46
47 Q. For years 8, 9 and 10 where did you go?

1 A. I attended Lake Grace High School, junior high school,
2 which is a district high that went up to third year.
3
4 Q. Did you reside at home while you went there, or again
5 was it a hostel arrangement?
6 A. No. I resided at home. We travelled by bus.
7
8 Q. And the reason for you attending the Katanning High
9 School for year 11 and 12 was what?
10 A. There was no other educational facility available in
11 the area, and I was studying for my TEE at that stage; so
12 doing years 11 and 12 with a view to going to university.
13
14 Q. Whilst you stayed at the hostel was it the case that
15 the warden there was a man by the name of Dennis McKenna?
16 A. Yes, he was; yeah.
17
18 Q. If I can establish this from the outset, Mr Parker, is
19 it the case that you were never sexually interfered with by
20 Mr McKenna on the scale of what others were subjected to?
21 A. That's correct, yes.
22
23 Q. However, were there occasions in which he would, minor
24 breaches, potentially, that sort of area of touching with
25 respect to you?
26 A. Yes, constantly. Constantly.
27
28 Q. Could you just describe what that was?
29 A. When he was walking past you in the passage ways of
30 the dormitory quite often he would squeeze my groin as I
31 went past. He would also constantly touch my backside as
32 I'd walk past, either pinch or slap. And it was done in
33 the nature of horseplay rather than a sexual advance, but
34 still, highly inappropriate.
35
36 Q. Did you see that done to other students?
37 A. Yes, I did; yes.
38
39 Q. So again when you describe it as "horseplay" --
40 A. That was the manner in which Dennis McKenna presented
41 it, that from his perspective it was horseplay; it was
42 fooling about.
43
44 Q. Mr Parker, is it the case that you provided a
45 statement via Mr John Hammond to this Inquiry?
46 A. Yes, yes, it is.
47

1 Q. Did that set out some of your recollections of events
2 that happened at the hostel while you were there in 1977
3 and 1978?

4 A. Yes. I provided a statement to basically try and
5 canvass or cover all of the recollections of that period
6 that I had.

7
8 Q. If I could deal with those matters that you have
9 raised. We can do that in heading order. If I can ask you
10 now regarding staffing there at the hostel whilst you were
11 there. Did it come to your knowledge as to who it was that
12 was responsible for the employing of staff at the hostel?

13 A. The impression that I gained was that the employment
14 of staff at the hostel when Dennis McKenna was the warden
15 was entirely at his discretion. At one stage there he had
16 employed his brother - his older brother - his
17 sister-in-law and his younger brother. And his parents
18 were there in some capacity as well.

19
20 Q. Can you recall the names of his older brother and his
21 sister-in-law and younger brother?

22 A. There was Wayne McKenna and his sister-in-law, who was
23 Robyn McKenna, that was married to Wayne, and the other
24 brother that was employed, the younger brother, was Neil
25 McKenna.

26
27 Q. Can you recall in what capacities they were employed?

28 A. I understand that Wayne was there as a house master
29 and that Robyn McKenna was there as a supervisor for the
30 girls. Neil McKenna, I'm not particularly sure. Certainly
31 they didn't have any qualifications, other than being
32 unemployed, which seemed to be the reason that they were
33 employed at the hostel. The younger brother, I believe,
34 may have been employed as a sports master in --

35
36 Q. When you say "Wayne McKenna was employed as a house
37 master", is that similar duties to a supervisor?

38 A. Yes it is; yeah.

39
40 Q. You mentioned also his parents?

41 A. Yes. They were there frequently. I'm not sure in
42 what capacity, whether they were employed as part of the
43 hostel or who. They were just simply involved in one of
44 the business enterprises.

45
46 Q. I will get in a moment about the business enterprises.
47 Where would you see his parents?

1 A. In the hostel grounds quite frequently.
2
3 Q. With respect to accommodation arrangements, did you
4 know where his brothers, his sister-in-law and his parents
5 stayed?
6 A. There was detached houses at the hostel which weren't
7 attached to the main building, and they were the
8 supervisors - or formerly had been the warden and
9 supervisors' residences. They were taken up with his
10 family, and Dennis was living in a flat attached to the
11 main hostel building.
12
13 Q. From your recollection are you able to say how far
14 away that flat was from the dormitory where the boys would
15 sleep?
16 A. It would have been in probably a matter of 20 or 30
17 feet. The flat was almost directly opposite his office,
18 which was in the main corridor going down to the dormitory.
19 The flat was virtually opposite the senior boys' shower and
20 toilet block.
21
22 Q. I see. Now, you mentioned family members of Dennis
23 McKenna were employed there. Were there non-family members
24 employed?
25 A. There were, but there wasn't many. There was a cook
26 at the time that I was there, a kitchen maid. There was a
27 former student that Dennis McKenna had kept on as a trainee
28 supervisor.
29
30 Q. Can you recall that person's name?
31 A. Yes. That was a boy by the name of Kevin Brown. He
32 was there for some time before going to a neighbouring
33 hostel as a supervisor.
34
35 Q. Was there anybody there who acted in the capacity of
36 giving medical attention to the hostel students?
37 A. There was an elderly lady that was a supervisor of the
38 girls, Mrs Hodgson - Molly Hodgson --
39
40 HIS HONOUR: Q. Molly Hobson, was that her name?
41 A. Hodgson, sorry. If you had an illness or injury that
42 didn't require any proper medical attention then she would
43 be the person that would treat you for very basic illnesses
44 and what-not.
45
46 MR URQUHART: Q. Now, with respect to those non-family
47 staff there that you mentioned, were you able, from your

1 own observations, to see what sort of relationship these
2 persons had with Dennis McKenna?
3 A. No. There was just a reasonably high turn-over of
4 people that came in. In the time that I was there there
5 was at least a couple of people that came in to be female
6 supervisors that only had very short tenure. The
7 non-family members I think, apart from the kitchen hand,
8 tended to turn over fairly regularly.
9
10 Q. The cook, was the cook there the whole time you were
11 there?
12 A. I believe there was two different cooks in that period
13 of time.
14
15 Q. Can you remember their names?
16 A. Only one of them, which is a gentleman by the name of
17 Nigel. I don't recall his last name, to be honest.
18
19 Q. On the subject of first names, how were students
20 advised to address Dennis McKenna?
21 A. To call him "Dennis", just using his first name.
22
23 Q. That was from the year 8 students onwards?
24 A. Yes, yep. Yep. I don't recall - I wasn't there
25 during year 8, but certainly in the interaction that I had
26 with them he was always referred to as "Dennis".
27
28 Q. Were you ever present when Dennis McKenna would speak
29 about his connection with the Country High School Hostels
30 Authority?
31 A. Yeah, frequently he used to talk about his position
32 within the authority, and he used to boast about having
33 considerable influence amongst the authority and with the
34 board, the local board that looked after St Andrews Hostel.
35 And quite often he used to boast that he had enough
36 influence within the authority to have other wardens
37 removed and could have a fair bit of determination about
38 where a student that was expelled from St Andrews wouldn't
39 end up, to the point where he would be saying, "if I expel
40 you from here I can make very, very certain that you do not
41 go to another state run hostel". Effectively that meant
42 for country kids that their education was over.
43
44 Q. Is that because of the travel arrangements that would
45 have to be made?
46 A. Yeah, because of the travel arrangements, the distance
47 from any metropolitan schools and a lack of private

1 boarding in most country towns.
2
3 Q. Just speaking for yourself, when he would say those
4 things to you, did you believe him?
5 A. Absolutely. He would certainly - it wouldn't be just
6 a one-off statement. It would be something that he would
7 expound on to some degree, and it would be part of a
8 conversation he was having about his level of influence and
9 the level of power that he wielded.
10
11 Q. Mr Parker, if I can now ask you something about the
12 subject matter of smoking.
13 A. Yes.
14
15 Q. Have you got a recollection of what rules or the rules
16 that were enforced in relation to that?
17 A. Well, smoking was permitted. It wasn't something that
18 you had to be sneaky about. It was permitted. It was part
19 of the things that you found out when you came to the
20 hostel. There was an area that had actually been set
21 aside. Originally it was a Nissen hut that was at the rear
22 of the building which was carpeted and fitted out with
23 chairs. That Nissen hut was the smoking area.
24
25 Q. You called it a what sort of hut?
26 A. A Nissen hut. Sorry, it's a Korean war ex-military
27 surplus building. So the Nissen hut was there and --
28
29 Q. And when you say it was permitted, well, who permitted
30 it?
31 A. By the warden and by the staff. So by Dennis McKenna.
32
33 Q. What would happen there? Was this express permission
34 given or was it a case of just implied permission, can you
35 recall?
36 A. No. No. When you first came through and you were
37 shown around the place you were shown the smoking area and
38 explained the rules of the smoking area.
39
40 Q. And who explained those rules?
41 A. To me that was Wayne McKenna, because Dennis was away
42 for two days when I first arrived. And he come back for
43 the second day. So I was shown the smoking area, shown
44 where the ashtrays and butt tins were kept and explained
45 that the responsibility of the smokers was to keep the area
46 clean and empty the ashtrays.
47

1 Q. Did you take up this offer of being allowed to smoke?
2 A. Yes, yes.
3
4 Q. How many students actually did take up that offer?
5 A. Probably - we're looking at the '70s, so it would have
6 been representative of society at that stage, so certainly
7 more than 50 per cent of the --
8
9 Q. Was this offer or this permission just granted to the
10 upper high school students, that is in years 11 and 12, or
11 was it extended across the board?
12 A. No. It only included years 10, 11 and 12. So from
13 third year high school they were permitted to smoke. Years
14 8 and 9 were not permitted to smoke. It was just the upper
15 school, if you like, that were.
16
17 Q. Can you recall where you got your cigarettes from?
18 A. We were permitted to go down town on Fridays, in which
19 case we could purchase cigarettes, but we could get staff
20 members to pick us up a packet of smokes when they went
21 down town, so there was - you know, they would quite often
22 shop for us. So that would be, you know, Wayne or Neil or
23 one of the staff members if they were heading down during
24 the day or whatever, we could give them some money and
25 they'd bring us back a packet of cigarettes.
26
27 Q. Can you recall if Dennis McKenna smoked?
28 A. I don't believe he did.
29
30 Q. What about the other staff members, his two brothers,
31 for example?
32 A. Yes, they smoked. Neil used to quite frequently use
33 the smoking area because he had a girlfriend attending the
34 hostel, and so he would come to that area to be with her
35 and to smoke his cigarettes.
36
37 Q. With respect to the smoking, were you only allowed to
38 smoke at certain times or could you pretty much smoke first
39 thing in the morning and then go to school; what was the
40 arrangement there?
41 A. Yes, you could. You could have a cigarette in the
42 morning. You could have a cigarette at lunch time.
43 Basically we returned to the hostel because it was only a
44 couple of hundred metres from the school - we would return
45 for lunch. So we were never on the school grounds during
46 lunch so you could have a cigarette once you'd finished
47 lunch. Immediately after you left school and gone back to

1 the hostel in the evening - in the afternoon sorry, at
2 3.30, you could have a cigarette then.

3
4 Q. Were you advised by any staff at the hostel to make
5 sure you took precautions when you went back to school to
6 make sure teachers couldn't detect that you were smoking?

7 A. Not - I wasn't personally. I had just assumed that
8 the teachers would have been aware. I do note that a few
9 children at the high school used to have a sneaky
10 cigarette, so I assumed they were aware that some of the
11 students smoked.

12
13 Q. This permission to be allowed to smoke at the hostel,
14 was that ever abolished or changed or altered when you were
15 there?

16 A. It was manipulated at times, particularly if there
17 were undercurrents or dissatisfaction; so if there was
18 students that were unhappy with their treatment by the
19 warden and something would happen. Like in one particular
20 instance smoking was restricted to, I think it was, five
21 minutes per cigarette. So you could only go there for five
22 minutes to have a cigarette. And non-smokers were banned
23 from the smoking area.

24
25 At other times, and it particularly happened before
26 parents would come in for a function, is that the students
27 would be told over the PA that the names of the smokers are
28 listed. The names of the smokers would be presented to the
29 parents to make sure it was okay with the parents for the
30 kids to smoke. The idea of that was definitely to stop the
31 students from interacting too much with their parents on
32 that night, and ensure that the warden - that Dennis
33 McKenna had no reason to actually let the parents know that
34 the children were smoking.

35
36 Q. Can you recall who it was who made that announcement
37 over the PA?

38 A. Dennis McKenna.

39
40 Q. I gather then your name was read out?

41 A. No. He didn't read out the names.

42
43 Q. Oh, sorry.

44 A. He had threatened to give the parents a list of the
45 names of the smokers.

46
47 Q. I see. This PA system, did that go throughout the

1 hostel?
2 A. Yes, yeah.
3
4 Q. Was this permission to smoke also extended to the
5 girls?
6 A. Yes, it was. It was one of the few areas in the
7 hostel where students, both boys and girls, could mix
8 reasonably freely without direct supervision. So it was
9 quite a popular area. Non-smokers and smokers used to
10 frequent the area.
11
12 Q. That threat that was made over the PA, what impact did
13 that have on you personally?
14 A. On that particular evening when my parents came in, I
15 don't recall what the event was, whether it was an end of
16 year function or whatever, but on that particular evening I
17 kept a very low profile and left my parents to chat with
18 the staff more than interacting with them.
19
20 HIS HONOUR: Q. Just clarify the nature of the threat.
21 In what circumstances did he announce that he would
22 disclose the names of smokers to their parents?
23 A. Only prior to an interaction between the parents and
24 the staff. So if there was a parents' night coming up or a
25 parents' dinner, or something like that, usually two to
26 three days before the parents' night occurred the
27 announcement would be made.
28
29 Q. What I am not clear on is what would prompt any
30 disclosure to the parents? What did he indicate would
31 bring about him disclosing the names?
32 A. I don't recall any justification for it other than the
33 fact that he had a parents' night coming up.
34
35 Q. So he was just hanging that over everyone's head that
36 he could do that, is that what you are saying?
37 A. Yes, it was an implied threat that --
38
39 HIS HONOUR: An implied threat, I understand.
40
41 MR URQUHART: Q. Mr Parker, did he ever carry it out
42 whilst you were there at the school?
43 A. Not to my knowledge at all.
44
45 Q. Mr Parker, I want to now address another matter, and
46 that is parental consent for excursions outside of the
47 hostel grounds. Firstly, do you recall excursions being

1 arranged by Dennis McKenna whilst you were there at the
2 school?
3 A. Yes. There was extensive and frequent excursions.
4 Would you like me to describe some of them?
5
6 Q. Yes, indeed. To start with, how many students would
7 it involve?
8 A. Oh, look, it could be small numbers if Dennis was
9 going to Perth on business or down to Albany, or at one
10 stage his brother was acting as a warden. It could be as
11 few as one or two students or it could be a bus load of
12 kids going to a particular venue. Like I think a couple of
13 years in a row we went up and watched a transsexual review
14 - transvestite review in Perth at a nightclub.
15
16 Q. Can you recall which nightclub that was?
17 A. I don't recall the name of the nightclub but I
18 remember the name of the act. It was called Les Girls.
19 And it was led by a person called Carlotta, and it was a
20 transvestite act with distinctly adult humour and adult
21 themes.
22
23 Q. So how old would you have been?
24 A. I would have been 16 the first time I went.
25
26 Q. And how many other students would have gone on those
27 occasions?
28 A. I should imagine there would have been about 20
29 students, ranging between 16 and 17 years of age.
30
31 Q. So it was the year 11 and 12 students?
32 A. Yes, yes.
33
34 Q. Boys and girls?
35 A. Yes. And we would camp in the backyard of a suburban
36 house in tents. Some students would stay inside the house
37 and the majority --
38
39 Q. Did you know whose house that was?
40 A. No, I'm sorry. I know it was a relative of Dennis
41 McKenna, but I don't know the direct relationship.
42
43 Q. Are you able to recall where the house might have
44 been; what suburb? If not, that's fine.
45 A. One of them I believe was Thornley and the other one
46 I'm not really sure where that was.
47

1 Q. Now, the reaction by yourself to attending a show such
2 as this, was it something that you wanted to go to?
3 A. It's not something that I would have chosen to go to,
4 but it was considered to be a treat. We were being taken
5 to a nightclub that would provide us with a restaurant
6 meal. The rationale behind it ostensibly was that we were
7 going there to learn how to behave at a formal function and
8 it was more or less etiquette training. But by that time
9 that I attended those sort of venues I think my moral
10 compass as to what was appropriate and what was
11 inappropriate had been completely shifted away from the
12 normal.

13
14 Q. With respect to parental consent for these type of
15 excursions?

16 A. Certainly there was no consent ever requested and none
17 given. So there was no consent form that was sent home.
18 There was no verbal consent obtained over the phone.
19 Basically any child any time at the whim of the hostel
20 management, the local hostel management, could go on a
21 camp, go on a trip, go on a business outing or whatever and
22 it was not abnormal. It was something that you saw
23 students returning with the warden from all points of the
24 compass. You had no idea where they'd been. They just
25 turned up. Sometimes it would be one or two students.
26 Sometimes it would be, as I say, a reasonable sized bus
27 load.

28
29 Q. Going back, are you able to give your opinion as to
30 whether your parents would have consented to you going to
31 see a show such as that?

32 A. I would sincerely doubt it, that they would have
33 approved of me going to that particular show.

34
35 Q. Were you ever in those smaller groups of one or two or
36 more that would accompany Dennis McKenna?

37 A. Down to Albany on one occasion with a group of
38 students. Probably not as small as one or two. Certainly
39 frequent - there were frequent excursions off the hostel
40 grounds, but I wasn't involved in the very small groups.

41
42 Q. Now, Mr Parker, going back to the nightclub venues
43 that you would go to, are you able to recall who paid for
44 presumably the tickets for the show and also the payment
45 for the meal that you had?

46 A. Certainly I didn't pay for it. I assume that it came
47 from hostel funds. We had a number of fundraising programs

1 under way at that time and I'm not - I certainly don't
2 remember making any personal cash contributions towards
3 payment for the meal or payment for the venue.
4
5 Q. With the restaurant meal, were the students provided
6 with alcohol, can you recall?
7 A. Not to my knowledge, no.
8
9 Q. With respect to out-of-school activities, if I can
10 frame it that way, do you recall occasions where movies
11 would be shown whilst you were there?
12 A. Yeah. It was a weekly event that --
13
14 Q. What nights would that be - or days?
15 A. Friday and Saturday nights.
16
17 Q. And where would these movies be?
18 A. At that stage the recreation shed hadn't been built so
19 they were held in a recreation room which was at the front
20 of the hostel building. It was attached to the main dining
21 hall. There Dennis McKenna would set up a projector and we
22 would watch movies.
23
24 Q. Can you recall what sort of movies were shown?
25 A. He showed a fair sort of variety. Some particular
26 favourites which tended to have themes that dealt with
27 homosexuality or issues - with young people having issues.
28 A particular favourite of his was the Rocky Horror Picture
29 Show, which was shown ad nauseam and over and over again.
30 As a result of the Rocky Horror Picture Shows we actually
31 had dress-up competitions along the same lines, the same
32 theme.
33
34 Q. When you say, "we" --
35 A. The students.
36
37 Q. Male and female?
38 A. Yes, male and female. We did have a number of
39 competitions where we dressed up, particularly the boys
40 dressing up as girls, mock debutante balls and things like
41 that.
42
43 Q. So the mock debutante balls, what would that involve?
44 A. That would involve boys dressing up as girls and the
45 senior girls putting make-up on us in Dennis McKenna's
46 flat, and then we would go down and we would have like a
47 talent review that we would do. And we would be judged and

1 there would be winners given small prizes or whatever.
2
3 Q. So boys would be wearing dresses?
4 A. Dresses, fake breasts.
5
6 Q. Sorry?
7 A. Fake breasts. You know, balloons down the front of
8 your jumper. So, you know, it was a genuine cross-dressing
9 type of behaviour.
10
11 Q. Who would be in the audience for these performances?
12 A. Students.
13
14 Q. Other students?
15 A. Yes.
16
17 Q. Were there any other dress-ups other than the mock
18 debutante balls?
19 A. There was a talent night that we were involved with.
20 I believe there were several, but there was only one talent
21 night when I was there.
22
23 Q. Again, what would that involve?
24 A. That would involve impersonations of various different
25 female singers.
26
27 Q. Sorry, I missed that.
28 A. Impersonations of different female performers. There
29 was one particular boy that impersonated I think it was a
30 character similar to Kylie Mole that was on TV at that
31 stage. So it was basically an impersonation. It was an
32 attempt to recreate the Les Girls-type of theme that we had
33 actually seen at the nightclubs.
34
35 Q. Were there any protests by any of the boys to do this
36 sort of thing that you can recall?
37 A. No. Look, I think there was very little in the way of
38 protests. I think people were too concerned or too
39 frightened to protest.
40
41 Q. We might come to that in a moment. In the meantime
42 you mentioned a moment ago about fund-raising activities.
43 A. Yes.
44
45 Q. I would like to explore that with you a little bit
46 more. These fund-raising activities, who were they
47 initiated by?

1 A. They were initiated by the warden, Dennis McKenna.
2 There was a number of activities that used to take place.
3 We used to have a fete, a St Andrew's fete, which was
4 annual, which involved setting up stalls and townspeople
5 would come along and pay to buy products that were cooked,
6 baked, by the girls. There was also money tables and
7 things like that and various different things. There was
8 also a nursery that was a business enterprise that was set
9 up by the hostel staff, and that was a nursery that was
10 constructed on the hostel grounds. The students built it
11 out of timber and corrugated iron and covered it with shade
12 cloth. A tractor and a plough was sourced from a local
13 farmer, and an area of the hostel grounds was ploughed up
14 and planted to bulbs to produce commercially flowers and
15 bulbs for sale. And the nursery itself was open on
16 Saturdays and Sundays and staffed by hostel kids and open
17 to the general public to come on to the hostel grounds and
18 purchase plants.

19
20 The warden, Dennis McKenna, and other staff members
21 would make frequent trips to Perth in the hostel bus to buy
22 plants from various different nurseries - that's wholesale
23 nurseries - and bring them back and retail them.

24
25 Q. Are you aware about the profitable nature of this
26 nursery?

27 A. It certainly did produce at the time what was
28 considered quite a volume of money. It created a bit of a
29 furore amongst some of the local people in Katanning
30 because there was a commercial nursery in Katanning that
31 was suffering financially because of the hostel nursery,
32 which was completely funded by government funds, if you
33 like. I remember hearing that we were taking between \$500
34 and \$600 a day, which in 1978 was a considerable amount of
35 money.

36
37 Q. Was there a formal opening of the nursery?

38 A. Yes, there was.

39
40 Q. Were you present?

41 A. I was. It was a very large formal opening, and the
42 Premier of the State, Sir Charles Court, came down, and a
43 member of Parliament called Sandy Lewis, and we were all
44 lined up and dressed in our finery and shook hands with the
45 Premier, and the launch was done with much pomp and
46 ceremony. It was quite an event.

47

1 Q. When you say you were "lined up", were you lined up in
2 your school uniforms?
3 A. Yes, we were lined up in our uniforms.
4
5 Q. As an aside, with respect to school uniforms, were the
6 hostel students required to wear a school uniform?
7 A. Yes. Our uniform code was in excess of what was
8 required for other students attending the high school. We
9 were not allowed to wear joggers or sports shoes. We had
10 to wear the school uniform complete, and we had to wear a
11 tie. So the Katanning high school - a typical 1970s
12 government high school - was very relaxed. There was no
13 enforced uniform code. So, obviously, the hostel students
14 stood out in terms of their dress from the other students
15 particularly in years 11 and 12.
16
17 Q. Can you recall whether this nursery enterprise was
18 expanded further?
19 A. Certainly there were two other businesses in town that
20 Dennis McKenna and his family had either direct involvement
21 in or partial involvement in. One was a fruit and veggie
22 store that was opened up in one of the streets in
23 Katanning, and plants from the nursery were part of the
24 stock that was sold down there along with some of the cut
25 flowers from the gladioli. They were sold there. In the
26 town, Wagin, which is 50 kilometres away, the warden had
27 leased a building there as well, which had been a panel
28 beater's workshop, and hostel students went to that,
29 cleaned it out, and basically set it up, and it was
30 retailing plants, and I'm not sure what else - whether
31 fruit and veg was going through as well, but certainly the
32 students were involved in the set-up and the running of
33 these businesses, and the staffing of them as well.
34
35 Q. You were part of those activities as a student
36 yourself?
37 A. Yes.
38
39 Q. What was the sentiment amongst you and the other
40 students regarding all this extra work that you were
41 required to do?
42 A. Initially, we were fairly positive. We were under the
43 impression that there would be, you know, significant
44 funding coming back to the hostel in terms of the things
45 that we would be able to do, purchasing canoes, you know,
46 getting additional facilities and all that sort of stuff.
47 Towards the end of year 12 a completely different sort of

1 mindset set in where the expectation that we were involving
2 ourselves in not only these type of businesses but also the
3 social charitable acts that we had to do as well, we didn't
4 see the return from it in terms of facilities. It just
5 seemed that we were constantly doing something for which we
6 saw no tangible reward.

7
8 Q. You also mentioned towards the end of year 12. Did
9 you focus on a certain other thing as well?

10 A. Yeah, probably not as focused as I should have been,
11 but, yeah, focusing on exams and NTE.

12
13 Q. Did you think yourself to raise this with Dennis
14 McKenna?

15 A. Myself and another student actually had a discussion
16 one night. The layout of the dormitory is such that it's a
17 long, narrow corridor, and on either side of the corridor
18 you have beds separated from the next cubicle by wardrobes.
19 The person I was having a discussion with was in a bed that
20 was opposite me and it was after lights out one night and
21 we were actually talking about it. The warden, Dennis
22 McKenna, had actually come down the passage after dark and
23 was hiding in the cubicle prior to where we were conducting
24 the conversation, and whilst we were part way through
25 discussing our concerns with each other, he popped his head
26 around the corner and said that we would have some
27 explaining to do. And certainly I was interviewed by the
28 warden the following morning and threatened with expulsion
29 for what he termed "bitching".

30
31 HIS HONOUR: Q. What was the nature of the discussion
32 you were having with the other student?

33 A. The amount of work that we were doing and the lack of
34 return that seemed to be coming back into the hostel, so we
35 were talking about all these ventures that we had been
36 involved with, and the fact that there was no
37 accountability for the money.

38
39 MR URQUHART: Q. The meeting the next morning, can you
40 recall --

41 A. Yeah. Certainly, I was in Mr McKenna's office and
42 that was after the other students had actually gone to
43 school. I was quite nervous about it. The normal sort of
44 morning routine had happened. Everyone had got up and had
45 their breakfast and trundled off to school and I was
46 required to remain back, and that's when Dennis McKenna had
47 a discussion with me about what he called "bitching",

1 "white-anting", and essentially threatened at that stage to
2 end my education.
3
4 Q. And the impact of that sort of threat?
5 A. I kept very, very quiet amongst the other students,
6 and certainly didn't discuss it any further with anybody.
7
8 HIS HONOUR: Q. When, approximately, was that in your
9 last year?
10 A. That was in my last year.
11
12 HIS HONOUR: Q. Some time during the year?
13 A. Some time during the year. It would have been in the
14 second half of the year, I believe.
15
16 MR URQUHART: Q. Was there any change that you noticed
17 with respect to returns for that work that was undertaken
18 by students after that?
19 A. There was a recreation centre built, but the source of
20 the funding I'm unaware of. So whether the funding was,
21 you know, a state government initiative, whether it was
22 something from the High School Hostels Authority, or
23 whether it was as a result of the funds raised from those
24 businesses, I'm not sure.
25
26 Q. You referred to that as a recreational facility.
27 I think you also mentioned it as a recreational shed.
28 A. Yes.
29
30 Q. Was that built whilst you were still at the school?
31 A. It was under construction, yes, and it was partially
32 finished. So the shell was up and the floor was down and
33 we did start to utilise it in the final year that I was
34 there.
35
36 Q. How big was it? Are you able to describe it to us?
37 A. It was a very large like an industrial building - a
38 large shed, double doors at the front, a side door on the
39 hostel side, and windows in the side walls. We actually
40 constructed a stage area and a screen so that events could
41 be held there.
42
43 Q. When you say "we" --
44 A. The students.
45
46 Q. So the students were involved in some of the
47 construction of this facility?

1 A. The students did considerable work around the hostel,
2 including the laundry. The students were actually
3 responsible for laundry of the hostel students' clothes.
4 Cleaning - there was a cleaner that used to come in and
5 clean the common areas, but all of the dormitories and what
6 not were kept clean and cleaned by the students - no-one
7 was employed to do it. Kitchen duties, you know, assisting
8 in the preparation and serving of meals was done by
9 students. Disposal of refuse was done by students. Taking
10 other students to medical appointments was all done by
11 students. We had vehicles at the hostel that we could use,
12 but certainly, you know, a lot of those basic requirements
13 you would expect staff to do was done by the students,
14 including getting rid of waste from the kitchen areas,
15 taking it into a neighbouring paddock to bury it.

16
17 The supplies for the hostel would turn up on pallets
18 from a local carrier, and students would break them down -
19 the rolls of toilet paper, paper towel, cleaning products -
20 and bring them in and store them. Likewise, with the
21 kitchen pantry-type items. As you can imagine, with
22 100-odd students, it was quite a large volume of foodstuffs
23 that would be delivered. We would be assigned tasks of
24 breaking it down and putting it on the shelves.

25
26 In terms of the construction of the stage and what not
27 in the rec shed, that was something that fell to the
28 students. A number of students were doing prevocational
29 studies at the high school and, coming from farming
30 backgrounds, a lot of them were very, very good at
31 utilising hand tools and machinery. So much of what was
32 done at the hostel was done by the students.

33
34 Q. With respect to kitchen duties, do you recall a
35 particular kitchen duty that was not particularly liked by
36 the students over the others?

37 A. Toast duty was particularly unattractive. That
38 basically meant getting up half an hour before everybody
39 else, going down and cooking the toast for breakfast and
40 buttering it and storing it away. The cleaning up of the
41 kitchen, the dishes and all that sort of stuff was never
42 well liked, and the slops bucket, which was the buckets of
43 refuse, food scraps and all that sort of stuff, which were
44 actually, as I say, taken out at night into the paddock
45 nearby to be buried. That was a particularly unattractive
46 duty as well.

47

1 Q. Who determined which students would do what duties?
2 A. That was at the whim of the warden, Dennis McKenna.
3 He would decide who did the duties. There was a loose
4 roster as such, but that would be varied, depending on his
5 demeanour. So, you know, if you had been under question
6 for your behaviour, for whatever reason, you could end up
7 doing the kitchen duties and getting additional work.

8
9 Q. When you say "for whatever behaviour", can you recall
10 what sort of breaches of the rules that would warrant a
11 student having these less attractive duties to carry out?

12 A. There would be a number of very minor things that
13 wouldn't transgress any normal rule or regulation. So it
14 could be as simple as what Dennis McKenna termed as
15 "bitching", which was complaining. That meant, you know, a
16 student was overheard complaining or reported complaining
17 about the circumstances of their treatment, or the quality
18 of accommodation, or any of those issues. It could be
19 somebody who was deemed to have spent too long in the
20 shower, which was a pet issue of Dennis McKenna's, that
21 students were spending too long in the showers in the
22 morning and wasting water, running up diesel fuel bills
23 from the furnace and making other students late, so quite
24 frequently he would stand in the shower area and time us
25 with his wrist watch while we had a shower. Importantly,
26 there were no shower curtains, so --

27
28 Q. I was going to ask you that. What was the set-up
29 there?

30 A. No. There was a row of shower cubicles which had no
31 door on them on one wall - I think it was the west wall of
32 the bathroom - and if you were having a shower you were in
33 plain view. So Dennis McKenna would stand there and
34 observe us having a shower ostensibly to ensure that we
35 didn't have more than three minutes per student in the
36 shower.

37
38 Q. Mr Parker, you mentioned about other community service
39 work that occurred whilst you were there in those two
40 years.

41 A. Yes.

42
43 Q. Can you provide us with some details as to what sort
44 of community service work would be undertaken by students
45 and at whose direction?

46 A. It was at the direction of the warden, although we
47 were given a choice between attending church services or

1 doing the community service. The way it was framed, I
2 don't think many of the children actually went to church.
3 I think they performed the charitable acts. In the time
4 I was there, there were three chief ones. One of them was
5 to serve morning teas and chat to elderly people at a local
6 permanent care facility, Bethshan Lodge, and we would go
7 down there and serve morning teas and interact with some of
8 the people that were staying there.

9
10 Another one was cleaning the cemetery, which seemed to
11 be a fairly full-time occupation, which was raking of
12 leaves, pulling of weeds and all this sort of thing at the
13 local shire cemetery, and generally improving the demeanour
14 of it.

15
16 Another one which came about once the students had
17 organised modification to a vehicle is that we had a
18 vehicle that we used to drive around town in and pick up
19 rubbish in the streets and put it in this vehicle. So the
20 hostel students were constantly seen as being good
21 community citizens.

22
23 Q. Did that reflect well on yourselves as students?

24 A. I think it reflected more on the warden, on Dennis
25 McKenna. I think, as students, we were recognised, but
26 certainly not - I don't think we were recognised for what
27 we did so much as recognised for Dennis McKenna's
28 achievement in controlling us, taming us, or in general
29 keeping us in line.

30
31 Q. Mr Parker, if I can ask you now some questions
32 regarding the accommodation that Dennis McKenna had in the
33 two years that you were there. I think you've described
34 exactly where this accommodation unit was in relation to
35 his office and, also, the bathrooms I think you mentioned.

36 A. Yes.

37
38 Q. These were the boys' bathrooms, were they?

39 A. That's correct, yes.

40
41 Q. So, what, just a short distance away from them?

42 A. Straight across the hallway virtually, passageway,
43 which was probably about 3 metres wide.

44
45 Q. Do you recall certain events that would happen after
46 lights out in an evening?

47 A. Certainly. Look, the warden's accommodation was

1 called "the flat". It was a flat that was attached to the
2 main wing of the hostel - the main aisle that went from the
3 office to the boys' dormitory. It consisted of a bedroom,
4 limited kitchen facilities, bathroom and a lounge area.
5 The warden, Dennis, would quite regularly hold meetings in
6 his flat. When I'm saying "meetings", it wasn't a formal
7 structured meeting. What would happen is that he would
8 just invite students there, or they would be invited as a
9 group from a dormitory or individually. So typically what
10 would happen from the dormitory-type situation when he took
11 a group is that, as I've described the bed layouts, they
12 were opposite one another, we would end up with a dozen or
13 half a dozen students sitting around in cubicles - sitting
14 on the bed and chatting with Dennis McKenna, who would be
15 generally telling us stories, entertaining us in some way
16 or another, quite often telling stories about his sex life
17 and his sexual exploits as a younger person, and in general
18 these sessions were - they were held several times a week.
19

20 Q. With respect to the exploits that he would say, would
21 they be of a heterosexual nature?

22 A. Absolutely, yeah, they were completely heterosexual.
23 He would be describing his sexual escapades with divorcees
24 was a story that he used to relate quite frequently. He
25 would be talking about, in quite graphic detail, the sexual
26 acts that he performed with them, and he would also be
27 talking about sexual liaisons at health clubs with women
28 that he met, but it was all heterosexual in nature. There
29 was certainly no hint of anything else.
30

31 Q. So they would take place in the dormitories?

32 A. They would take place in the dormitory, but quite
33 often adjourn to the flat. So what would happen then is
34 that Dennis McKenna would then tell the boys to come down
35 to the flat and somebody would be given the keys to the
36 canteen, which was attached to the hostel building. It was
37 a place where you could purchase, you know, sweets, ice
38 creams and cool drinks, and somebody would be given the
39 keys and told to get some chips and cool drink and all that
40 sort of stuff. So the gathering would continue in the
41 warden's flat - in Dennis McKenna's flat.
42

43 Q. Were you invited on those occasions yourself?

44 A. Numerous times, yes.
45

46 Q. You mentioned what Dennis McKenna spoke about
47 regarding himself.

1 A. Yes.
2
3 Q. Would he also say things about other students?
4 A. He'd say quite detailed information about other
5 students, parents of those students and, also, about people
6 that were on the board. He would go into quite extensive
7 detail, particularly about the girls at the hostel, as to
8 their sexual behaviour, their mental condition, and --
9
10 Q. Sorry, mental condition?
11 A. Yes. He would quite often tell us that a particular
12 girl was on some sort of tranquilliser medication because
13 she had nervous breakdowns because of a - one situation he
14 was talking about a girl that had had a relationship
15 breakdown with a boyfriend and had required medication and
16 had a nervous breakdown. There was a lot of detailed
17 information about people's medical conditions, sexual
18 activities, that was released to us on the basis that, as
19 warden, they had to get approval for any medications
20 brought on the premises and they had to notify them if
21 there was a medical condition, so he had all this
22 information. It was part of making us feel that we were
23 confidantes rather than students.
24
25 Q. Those examples that you cited would be in relation to
26 the female students there at the hostel.
27 A. Yes. And, also, the male students as well - anyone
28 that was on the outer and wasn't in the group, so there
29 would be a fair bit of information related about them. As
30 I say, the general thrust was about demonisation. It was
31 about relating to us which girls were on the pill, which
32 girls were sexually active and promiscuous. At times he
33 would tell us that he could get one of the year 12 girls to
34 come down and have sex in the flat with us - group sex.
35
36 Q. I don't want you to mention any names, but he would
37 cite names to you?
38 A. He would cite names, yes. He would mention the names
39 of the girls, including the one that he indicated he could
40 get into the flat to have sex with us and, whilst he didn't
41 state it, the indication was that it was something that he
42 could organise.
43
44 Q. You also mentioned that he would say things about
45 parents of students.
46 A. Yes, he would.
47

1 Q. I think you also mentioned board members.
2 A. Yes.
3
4 Q. We're talking about the Katanning hostel board
5 members?
6 A. Yes. He would release quite detailed information. If
7 the child of those parents wasn't there, wasn't in that
8 particular gathering, he would release quite detailed
9 information about the parents. I have no idea as to
10 whether or not it was true. It was very malicious gossip
11 and I think he indicated to us that the board members were
12 not to be trusted and, you know, you could go and talk to
13 them about something, you were dealing with somebody that
14 was an alcoholic, or somebody had been unfaithful to their
15 wife, or, in the case of one individual, somebody that
16 habitually beat his wife.
17
18 Q. Information that has now come to light over the years,
19 were you able to make a connection between those parents
20 that he identified and those students who have been found
21 to have been the subject of sexual abuse at his hands?
22 A. Certainly there was a direct correlation. So the
23 parents of boys that he was abusing were demonised by
24 Mr McKenna, and this was prior to any evidence coming out.
25 This was prior to any of the parents making any inquiries,
26 so, yeah.
27
28 Q. On the occasions that you went to his unit, you
29 mentioned that items in the canteen were provided.
30 A. Yes.
31
32 Q. Did you have to pay for those?
33 A. No, no. It was something that we would talk about
34 quite frequently, and something that occasionally children
35 would be accused of stealing from the canteen. The canteen
36 was a rostered duty and occasionally there would be an
37 allegation by the staff that a student had taken \$20 or
38 whatever, and we used to joke that that was them balancing
39 the books, because we had taken, you know, probably \$5 or
40 \$10 - a different monetary scale to today, but \$5 or \$10
41 worth of produce from the canteen, which we had consumed,
42 and it was always somebody drew the short straw and ended
43 up working in the canteen and could be accused of having
44 taken money.
45
46 Q. Did anything else happen within his unit other than
47 the supply of foodstuffs and drinks from the canteen whilst

1 you were there?
2 A. Look, there were allegations of alcohol, but I didn't
3 see it.
4
5 Q. You didn't see that at all.
6 A. No.
7
8 Q. In that case I won't ask you about that. I gather,
9 this being 1977 and 1978, there might not have been a video
10 recording machine there; is that right?
11 A. No, that's correct. They had not become commercially
12 available at that stage.
13
14 Q. Were there any other methods by which films or movies
15 could be shown?
16 A. Yes. There was a hostel projector - a large one.
17 I also understand that Dennis had an 8-millimetre home
18 projector as well.
19
20 Q. You say you understand that. Did you ever see that?
21 A. I saw a reel, but I never actually viewed the whole
22 machine.
23
24 Q. So you never saw any films that were shown within his
25 unit as distinct from the other area of the hostel where
26 there were movie nights?
27 A. No, no. No, not that I can remember at all.
28
29 Q. Can you recall whether there would be other
30 arrangements that he would put in place to get groups to go
31 to his dormitory, other than that occasion that you have
32 told us about inviting a group of boys who were already
33 together?
34 A. Yes. Look, he used to quite often walk down the
35 dormitory at lights out, so at lights out which I think at
36 that stage was about 9.30 or whatever, down - we basically
37 had to be in bed and have the lights out and he would come
38 down and he may either come into the cubicle and say, you
39 know, "Come down the flat" or he'd wait until he had your
40 attention, because obviously there was a person moving down
41 the aisle, you'd look across and he'd just move - motion
42 with his head or his hand, you know, (witness demonstrates)
43 give a motion that he wanted you to attend the flat.
44 Usually you'd get there and there'd be three or four other
45 students. Sometimes there might only be one or two. So
46 there'd be --
47

1 Q. So that happened to you, obviously?
2 A. Yes, yes.
3
4 Q. And again on those occasions the same thing happened
5 in the flat?
6 A. Same thing. Sometimes it was just a lot of talking
7 and all that sort of stuff but sometimes on those occasions
8 when you left the flat some of the other students would
9 stay behind.
10
11 Q. So you saw that happen?
12 A. Yes.
13
14 Q. How many other students would stay behind?
15 A. Sometimes only one, sometimes two. At that point I'm
16 not sure whether it was - you know, whether - the number
17 dwindled from two down to one - whether we were sort of,
18 yes, dismissed in stages or what the story was.
19
20 Q. But you were never one of those of the one or two that
21 stayed behind?
22 A. I was one of the one or two that did stay there but,
23 you know, it was centred around talking about, you know -
24 well, basically listening to his exploits.
25
26 Q. I just want to turn now to ask you some questions
27 regarding whether you observed Mr McKenna engaging in more
28 public displays of denigrating students rather than at
29 confined meetings that you have spoken about.
30 A. Yes. He certainly encouraged the use of nicknames, so
31 nearly all of us had nicknames. For a large percentage of
32 those boys the nicknames revolved around a description of
33 their penis and they're nicknames that Dennis McKenna would
34 use consistently. And if I could give an example, there
35 was "button", there was --
36
37 Q. Yes. If you just don't name --
38 A. No.
39
40 Q. -- the boys' that the nicknames were associated with.
41 Yes?
42 A. "Donkey dick", "banana", "white pointer", these sort
43 of names that the students were given and they were names
44 that Dennis McKenna used to refer to the students and --
45
46 Q. When he was with him one on one or?
47 A. No, in public. In the dormitories, you know, on the

1 bus. It was not something that was kept for a more private
2 sort of gathering. So that was just one indication.
3 Sometimes there would be public dacking. So boys would
4 come up behind another boy and pull his pants down. That
5 would be in a public space.

6
7 Q. Do you know whether on most occasions you saw that
8 whether Dennis McKenna was involved?

9 A. Absolutely, yes. I would quite frequently hear him
10 tell the other kids to do it, you know. And again it would
11 be this element of horseplay, you know, and the idea was
12 that the students that did it thought that they were
13 playing and of course the student it was done to was
14 humiliated.

15
16 Q. So the dacking, would it just be the person's pants or
17 shorts or would it be his underwear as well?

18 A. Ideally they'd go for both, you know. It would be
19 considered more successful if both the underpants and the
20 shorts came down.

21
22 Q. Would Dennis McKenna be there when that happened?

23 A. He would be there and he would take absolutely no
24 disciplinary action whatsoever against the boys.

25
26 Q. Did you see how he reacted?

27 A. No, no, no.

28
29 Q. The boys that this happened to, were you able to
30 observe their reaction?

31 A. Look, they were embarrassed, angry. That was what was
32 immediately obvious at a glance. In terms of how they felt
33 about it, I couldn't say but --

34
35 Q. Yes, I just wondered if you would be able to see the
36 expression on their faces, for example?

37 A. Yes, yes; certainly embarrassment and anger.

38
39 Q. Mr Parker, you mentioned there already about what
40 Dennis McKenna would do with respect to the threats of
41 expulsion?

42 A. Yes.

43
44 Q. You have already indicated to us about the gravity of
45 a student being expelled because of the fact it essentially
46 meant he or she was expelled from the school?

47 A. Yes.

1
2 Q. Were you there on occasion - it had come to your
3 knowledge that students were not just threatened with
4 expulsion but were actually expelled?
5 A. Yes, yes. I can give an example of a particular case
6 when a boy was expelled.
7
8 Q. Yes.
9 A. In this particular case it was as a result of a
10 night-time gathering in the flat and a particular girl was
11 demonised by Dennis McKenna as being sexually promiscuous
12 and - "sluttish behaviour" was the description you could
13 best --
14
15 Q. Could I ask you how he would refer to these girls?
16 A. He'd refer to the girls as "sluts" or "bitches" and,
17 you know, "This little slut had been doing this and been
18 doing that" and one of the other students, one of the boys
19 that was there, actually felt badly enough about the way
20 the girl was treated to tell her what had happened and --
21
22 Q. Can you remember what year this was? Sorry to
23 interrupt you.
24 A. It would have been 1978, so --
25
26 Q. You were in year?
27 A. I was in fifth year. I was the only fifth year boy at
28 that stage.
29
30 Q. And this boy who decided to do something about it?
31 A. This boy, he would have been in fourth year, I
32 believe. His name was --
33
34 Q. It doesn't really matter about their names.
35 A. Okay, yes.
36
37 Q. You know his name but he was in year 11?
38 A. He was in year 11, yes, and he felt badly about it and
39 spoke to the girl and --
40
41 Q. How do you know that?
42 A. Because he told me about it and he also admitted it
43 when he was confronted.
44
45 Q. So he told the girl?
46 A. Told the girl what had actually been said about her
47 and she confronted the warden, Dennis McKenna, about the

1 comments that he'd been making and attempting to damage her
2 reputation.

3
4 Q. Yes.

5 A. This resulted in nearly all the boys being called to
6 the flat - I think it was all years 11 and 12 being called
7 into the flat - and we were given a severe dressing down by
8 Dennis McKenna and we were threatened with withdrawal of
9 privileges and told that whatever happened in the flat
10 remained in the flat, any stories that we heard from him,
11 anything that we heard from one another remained in-house
12 and that we didn't tell anyone else and then the other
13 student and myself were told to accompany him to the
14 office, which we did, and then it was alleged that both of
15 us had relayed this information to the girl. The other
16 student said that no, I had had nothing to do with it and
17 that it had been him and him alone. Dennis McKenna then
18 asked him to tell the girl that he'd been lying and that
19 Dennis hadn't said any of this information whatsoever. The
20 boy refused.

21 I was instructed to leave the office and go back to
22 the dormitory and the next time I saw that boy he was
23 collecting his suitcase from the dormitory and he was
24 expelled that night. So I didn't see him again for quite
25 some months and he certainly - he was expelled from
26 St Andrew's Hostel.

27
28 Q. So it all happened that night?

29 A. Happened that night, yes. I didn't see him again, so
30 - look, some of the kids when they were expelled were taken
31 home and others were asked to remain at the front of the
32 building with their suitcases until their parents arrived
33 to collect them.

34
35 Q. Taken home by whom?

36 A. By the warden.

37
38 Q. Again, are you aware of the other occasions upon which
39 students would be expelled; the reasons for them?

40 A. We would be - we'd have the reasons explained to us
41 the next day or the day after and --

42
43 Q. By?

44 A. By the warden and it would be for things like what he
45 used to term "bitching", which is spreading discontent or
46 complaining. There were a number of people that were
47 expelled for stealing or, you know, offences that seemed

1 out of character with those people and --
2
3 Q. Do you recall where it would be alleged that they
4 stole from?
5 A. It was a particular store in Katanning that I think on
6 a couple of occasions, at least, people were accused of
7 having stolen items from and those items would not have
8 been found on their persons as they were leaving the store,
9 they would have been found by a member of staff on
10 instruction from the warden or found by the warden himself
11 on searching the girls' wardrobes.
12
13 Q. Would this information come to you from the warden
14 when he would be giving these explanations for expulsions
15 or would it come from another source?
16 A. It would come from another source. He would just
17 basically tell us that they'd been expelled and, you know,
18 for thieving or they'd been expelled for this or expelled
19 for that.
20
21 Q. I had just better clarify that.
22 A. Yes.
23
24 Q. The other source that you got that information from
25 regarding the fact that items were not found on the person
26 as they were leaving the store but in their dormitories --
27 A. Yes.
28
29 Q. -- who provided that to you?
30 A. That was my sister, that also attended the hostel in
31 1978.
32
33 Q. What year was she in at that stage?
34 A. She would have been third year high school at that
35 stage.
36
37 Q. Mr Parker, those occasions where you noticed or had
38 been told that students had been expelled whilst you were
39 there at the school, were there any occasions when those
40 students actually returned to the school; that is, that
41 their expulsion was overturned or a different decision was
42 made?
43 A. No, look, I don't believe there was any process of
44 review. I think that once a student was gone, you know,
45 that Dennis McKenna would inform whatever authorities that
46 he had made this decision. I know that certainly his
47 reputation had been established on proportion on the number

1 of students that he had expelled on his efforts to clean up
2 an institution that he had effectively demonised over a
3 period of time. It had a certain reputation, which I
4 believe was more to do with stories that Dennis McKenna
5 spread about the place, certainly when he was the house
6 master there and before he became the warden.

7
8 Q. That boy that you described as telling that young
9 girl --

10 A. Yes.

11

12 Q. -- who had been the subject of a story from Dennis
13 McKenna --

14 A. Yes.

15

16 Q. Did you see him? I know you didn't see him at the
17 hostel but did you see him at the high school after that?

18 A. No, no, no. As per normal, he was not a local person.
19 Basically when he was expelled from the hostel that was the
20 end of his attendance at the high school. There was
21 nowhere for him to stay, no way that he could attend.

22

23 Q. Could I ask you now some questions about the
24 environment that existed in the hostel at about this time;
25 those two years that you were there. With respect to the
26 set-up of the boys' dormitory, how many adults had access
27 to the boys' dormitory at night-time?

28 A. Dennis McKenna was the only adult that was there. For
29 a period of time there was a trainee supervisor that Dennis
30 had - that had remained at the school, at the boarding
31 school.

32

33 Q. Was that Kevin Brown?

34 A. Yes, yes. And that was after completing his high
35 school education, he stayed on as a trainee being mentored
36 by Dennis and trained by Dennis. So effectively apart from
37 him, and he wasn't there for the full period, the only
38 person that was in that dormitory at night or had access to
39 that dormitory was Dennis McKenna.

40

41 Q. Now, you mentioned how Dennis McKenna would publicly
42 use disparaging nicknames to boys?

43 A. Yes.

44

45 Q. And you also told us about your observations regarding
46 other boys pulling down the pants of a boy at Dennis
47 McKenna's request?

1 A. Yes.
2
3 Q. Did you see any other behaviour by students that was
4 instigated by Dennis McKenna?
5 A. Look, there was I think a fair bit of bullying where
6 certain kids were targeted on the basis that they had not
7 been contributing enough to the betterment of the hostel.
8 Certainly, you know, we were encouraged to report breaches
9 of the behavioural code that whilst not an expressed code,
10 was an implied code. So we were encouraging to report
11 things like, you know, any transgression where we saw kids
12 down town that perhaps shouldn't have been or whatever.
13 And so there was some fairly systemic bullying that went
14 on.
15
16 Q. Did you do that reporting back to Dennis McKenna
17 yourself?
18 A. Yes, yes.
19
20 Q. Why was it that you did that?
21 A. The implication or the impression that we were given
22 was that it was essential for the running - you know, the
23 efficient operation - operating of the facility and that,
24 you know, if we weren't doing as was expected of us, then
25 we could be expelled or we could end up with particularly
26 unpleasant duties for a period of time, restriction of
27 privileges. I did have some privileges; I was permitted to
28 work off premises. So I worked in a local roadhouse after
29 school and on weekends. I was concerned that I would lose
30 those privileges if I wasn't entirely compliant.
31
32 Q. What about bullying? Did you yourself ever engage in
33 the bullying of another student at the request of Dennis
34 McKenna?
35 A. Look, I'd like to think not but I most probably did.
36
37 Q. Again your reason for doing that?
38 A. It would have been to remain compliant, to fit in with
39 what was happening with the environment around me and to
40 make sure that I didn't end up either losing privileges or
41 being expelled.
42
43 Q. Was it the case at some point in time there were you
44 at the school where there was restrictions placed on the
45 interaction between those boys in year 8 and 9 and those
46 boys in years 10, 11 and 12?
47 A. Yes, certainly. One of the duties that we had as

1 years 11 and 12 was to ensure that all the junior boys were
2 in bed for lights out; that their dormitory was clean; that
3 all their clothes had been put away; that, you know,
4 everything was squared away. We used to basically have to
5 run over the floor with carpet sweepers, clean up a bit and
6 make sure the kids were in bed. I'm not sure exactly what
7 time of the year it was but Dennis McKenna called us into
8 his office - I think it was the office --
9

10 Q. When you say "us"?

11 A. The senior boys that were responsible for these
12 duties, and made a statement that the junior boys had
13 complained, unfairly, and he went to great pains to explain
14 that he agreed that we hadn't done anything but that the
15 junior boys had complained that we had been bullying them;
16 that we had been victimising and physically beating them;
17 and that it had created a level of anxiety and
18 home-sickness and even though he was assured - or assuring
19 us that he didn't believe the stories, it would be best if
20 we no longer went to the junior dormitory. So at that
21 stage we were effectively banned from going into the junior
22 dormitory.
23

24 Q. So the junior dormitory was separate from the senior?

25 A. Yes, it was. It was bisected by the passageway from
26 the office. So there was two distinct wings to it. The
27 junior dormitory was on the southern end and the senior
28 dormitory was on the northern end.
29

30 Q. Do you also recall whether it was the same occasion or
31 another occasion in which he spoke to the senior boys --

32 A. Yes.
33

34 Q. -- regarding what the junior boys were doing?

35 A. Yes. There was an occasion when we were called into a
36 meeting with Dennis McKenna.
37

38 Q. Was that a different occasion to the occasion that you
39 described?

40 A. Sorry, yes, a different occasion, yes. And on this
41 occasion he informed us that a number of the junior boys -
42 and he mentioned the names of those boys - had been
43 experimenting with one another sexually and that they had
44 been climbing into one another's beds after lights out and
45 engaging in activities that he described as being healthy
46 and normal for pubescent boys and boys going through
47 puberty and he said that if we were to mention it, if there

1 was to be any rumour or innuendo, then we would be
2 expelled. He said that we were not to discuss the
3 situation with the boys, it was healthy curiosity and there
4 was no need for it to be blown out of proportion but we
5 were not to talk to the boys for fear of, you know, giving
6 them a guilt complex or creating distress for them and we
7 were not to relate any stories that we heard outside of the
8 hostel and any rumours that we heard were to be reported to
9 him.

10

11 Q. I think you mentioned there that he actually named the
12 names of these boys?

13 A. He did tell us who the boys were and --

14

15 Q. Can you just answer yes or no to this question: do
16 you now have a recollection of what some of those names
17 were?

18 A. Yes.

19

20 Q. Once more: now with the passage of time have you
21 become aware of the identities of those ex-students that
22 he's been subsequently convicted of for sexually offending?

23 A. Yes.

24

25 Q. Have you noticed something in relation to those names
26 that he gave you back then and the names of those
27 complainants that you have become aware of since?

28 A. They are the same names.

29

30 Q. Was there a rule in place regarding relationships
31 between boys and girls who boarded at the hostel?

32 A. There was no official rule. There was nothing ever
33 explained to me in terms of required conduct in any
34 official capacity but there was certainly an implied rule,
35 that if you were in a relationship with a girl in the
36 hostel then everything would be done to try and end that
37 relationship. That there would be a fair bit of teasing;
38 there would be a bit of victimisation at times; there would
39 be additional duties to prevent students from interacting
40 with the girls - male students from interacting with the
41 girls. I'm not talking about physical relationships, I'm
42 talking about normal high school, junior high school-type
43 relationships - boyfriend/girlfriend stuff and --

44

45 Q. Boyfriend/girlfriend or not boyfriend/girlfriend?

46 A. Boyfriend/girlfriend-type things, not a physical
47 relationship or an adult-type relationship. Even a normal

1 high school relationship was frowned upon and people could
2 expect to be at least teased and chided about it directly by
3 Dennis McKenna and by other students.
4

5 Q. Did you become aware yourself of whether there would
6 be any threats of expulsion made by Dennis McKenna with
7 respect to these matters?

8 A. Yes, if there was a - would quite often be a
9 conversation where if the - Dennis would basically say that
10 if a student was touching another student, that they would
11 be - if a female was being touched by one of the males, the
12 boy would be expelled.
13

14 Q. Were you present when Dennis McKenna would speak not
15 about current students but ex-students?

16 A. Certainly, on a number of occasions. Ex-students
17 would be talked about in a highly derogatory sense.
18 I don't think I ever heard anybody described as having been
19 successful. Certainly as soon as a student left
20 St Andrew's Hostel they were demonised. We would hear
21 stories about, you know - somebody had left year 11 or
22 year 12 and gone to the workforce. We'd hear that they
23 were a drug addict or an alcoholic or, you know, various
24 different aspersions on their character. Certainly there
25 was nobody who ever was remarked on as having succeeded in
26 life and it was a --
27

28 Q. Would this be confined to just male students?

29 A. No, males and females.
30

31 HIS HONOUR: When you get to a convenient point, take a
32 break.
33

34 MR URQUHART: Yes, I had that in mind, sir, but I have
35 nearly concluded so we might have a morning break at the
36 end of my questions because I only have two or three other
37 questions to go.
38

39 HIS HONOUR: Very well, yes.
40

41 MR URQUHART: Q. Mr Parker, can I ask you if you recall
42 the arrangements that had been put in place when parents
43 would come and visit their students? I gather first that
44 would happen from time to time, the parents would come and
45 see their daughters or sons?

46 A. Yes. Katanning was a business hub, so for farming
47 families they would quite often travel to Katanning for

1 sales, to bring livestock to sale yards or to pick up parts
2 and whatnot and so they would - whenever they got the chance
3 they would drop in and see their children and any meeting
4 of the parents was to be done in the common areas. The
5 parents weren't allowed into the dormitories, which was -
6 the common areas were what we referred to as the breezeway,
7 which was a covered walkway into the building, or the
8 recreation room that was attached to the dining hall. So
9 generally that's where the parents would meet up with the
10 students and of course the breezeway was - there was a
11 vestibule, sorry, immediately adjacent to Dennis McKenna's
12 office where they could meet and the breezeway was also
13 adjacent to his office, with a small sliding glass window
14 that opened into the breezeway from the office.
15

16 Q. Were parents ever allowed to speak to their children
17 in more private surrounds?

18 A. Not that I'm aware of, no. It may have been possible
19 by special request but again that would have created some
20 level of suspicion between Dennis and the student; if that
21 had been requested they may.
22

23 Q. So did your mum and dad visit you from time to time?

24 A. Yes, on a number of occasions.
25

26 Q. Where would your meetings with them take place?

27 A. Quite often in the office or in the vestibule area out
28 the front.
29

30 Q. How did it come about that that's where you would see
31 your parents? What rules were put in place in that regard,
32 if any?

33 A. Well, the rule was the parents weren't allowed
34 anywhere but the common areas, no adults were allowed into
35 the dormitories and quite often they would be invited into
36 the office by Dennis McKenna to hold a discussion with them
37 and, you know, it would be - what he would do is he would
38 come out and he would invite them into the office. Then he
39 would get me to come into the office and sit there and he
40 would chat away for quite sometime, telling my parents
41 quite extensive stories about the behaviour of some of the
42 other parents. He was a constant source of gossip, most of
43 which was malicious, and he'd be talking about the parents
44 of other students, he'd be talking about the board members,
45 he'd be talking about people in the hostel's authority.
46

47 Q. So this is when you were present?

1 A. Yes, that's when I was present.
2
3 Q. With your parents?
4 A. Yes, yes.
5
6 Q. So he'd tell these stories not just to you students in
7 those groups that you have already described but also --
8 A. That's correct.
9
10 Q. -- convey similar or same information to your parents?
11 A. Yes, yes. He would release quite a bit of information
12 and, you know, some of it was patently false, which I
13 established afterwards. Other information, such as
14 misconduct in other hostels, I wouldn't know whether it was
15 true or not.
16
17 Q. Just finally, Mr Parker, I want to just ask you this:
18 you were there at the hostel for two years. That being the
19 case, are you able to make an observation about how
20 important the reputation of the hostel was?
21 A. My observation is that the reputation was the most
22 important single factor in the minds of certainly the board
23 and quite likely the Authority. A country high school
24 hostel like that survives on its reputation. So the number
25 of students that enrol, the amount of facilities that it is
26 able to provide is all dependent on its reputation and
27 I think that if you look at what transpired after the
28 original convictions, the hostel numbers dropped
29 considerably and the establishment was closed because of
30 the damage to the reputation. My honest assessment is that
31 that reputation was of the greatest importance, certainly
32 to the warden because obviously that engendered him a lot
33 of support within the community and made it very difficult
34 for people to ask for answers to questions or to assess
35 accurately what was going on without a level of bias that
36 wouldn't otherwise have existed.
37
38 MR URQUHART: That is the questions I have for this
39 witness.
40
41 HIS HONOUR: Mr Saayman, do you have any questions?
42
43 MR SAAYMAN: Sir, I do.
44
45 HIS HONOUR: I will take a break. We will break for
46 10 minutes, thank you.
47

1 SHORT ADJOURNMENT

2

3 HIS HONOUR: Yes, Mr Saayman.

4

5 MR SAAYMAN: Thank you, sir.

6

7 <CROSS-EXAMINATION BY MR SAAYMAN:

8

9 MR SAAYMAN: Q. Mr Parker, I am just going to ask a few
10 questions, and I won't take too long. The first question
11 I have, though, relates to how were the movements of
12 students recorded generally at the hostel?

13 A. In terms of leaving the premises or?

14

15 Q. Yes.

16 A. I don't believe they were, in any format. I don't --

17

18 Q. So there was never, like, a rollcall?

19 A. Not that I can recall, and certainly, you know, we
20 would just - we would get permission to go down town.
21 Sometimes we would be given permission or requested to do
22 things, so we would leave the premises. Sometimes, that
23 would involve driving for literally hundreds of kilometres,
24 to carry out certain duties.

25

26 Q. So there was never, like, an entry or exit book?

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

28

29 Q. Sign-in/sign-out?

30 A. No, no, and there were several ways that you could
31 leave the building, and, you know, there were cars provided
32 for us that we could use, if we needed them. So if we were
33 requested to pick somebody up from the swimming pool or
34 take somebody to the doctor, or anything of that nature, or
35 head down town to pick up some welding rods because you
36 were building a trailer, or something, for the hostel, you
37 could just do it. Just let them know what you were doing,
38 and off you went.

39

40 Q. Moving on, then, you talked about the attendance of
41 the review night - the excursion of about 20-odd students
42 to go and watch a review --

43 A. Yes.

44

45 Q. -- in Perth - was it in Perth?

46 A. Yes, it was in Perth, yes.

47

1 Q. In terms of the adults who were there, who was there?
2 A. Well, Dennis McKenna. I'm not sure who was at the
3 premises that we stayed, but I only remember Dennis McKenna
4 as being the one at the venue. At the premises we stayed
5 at, which I believe was a relative of his, there was
6 somebody else present inside the house, but I didn't see
7 them.
8
9 Q. And in terms of actually at the nightclub itself,
10 there would have been staff there?
11
12 HIS HONOUR: Hostel staff, you mean?
13
14 MR SAAYMAN: Q. Yes, I'm talking about in terms of there
15 would have been hostel staff?
16 A. Yes.
17
18 Q. And who would they be?
19 A. Look, I honestly only recall Dennis as being there.
20 I don't recall other staff members there on those
21 particular nights.
22
23 Q. And moving, then, on to the actual - you talked about
24 how there were also the review shows and dress-up parties
25 at the actual hostel itself?
26 A. Yes.
27
28 Q. Who was in attendance there, in terms of adults?
29 A. There would have been only the immediate staff at the
30 hostel. I don't recall --
31
32 Q. Who were they --
33 A. Sorry?
34
35 Q. Who were they, at that time?
36 A. That would be Dennis McKenna, Wayne and Robyn McKenna,
37 and Neil McKenna, and - that's if they were all on duty at
38 that particular time. I can't think of anybody else that
39 would have been present.
40
41 Q. So the chef --
42 A. No, no, the chef interacted very little with us, spent
43 most of his time in his room. The kitchen hand was not
44 there all the time; and there was a lady that came in and
45 cleaned the common areas, but that was during the day. So,
46 essentially, nobody there that was not a relation.
47

1 Q. You talked about a supervisor who also provided basic
2 first aid - was she ever there?
3 A. She would have been there - I'm not exactly sure what
4 hours she worked, whether she was actually there during the
5 reviews or not, to be honest. I certainly didn't notice
6 her, so --
7
8 HIS HONOUR: Q. Are we talking about Molly Hobson; is
9 that right?
10 A. Mrs Hodgson, yes.
11
12 MR SAAYMAN: Q. And the other part of your evidence was
13 you talked about how Dennis McKenna would enter the boys'
14 showers and time the boys having showers?
15 A. Yes.
16
17 Q. Was anyone else present when he did that - any adults
18 present when he did that?
19 A. No. He would be the only person there, and quite
20 frequently he was the only person in the boys' wing, so any
21 supervision that would take place in that area would be by
22 Dennis McKenna, and, as I say, he would be the only person
23 present, particularly, you know, after lights-out
24 situation; he would be the only one there at all.
25
26 Q. And in terms of lights-out, when, precisely, did that
27 happen?
28 A. Look, I'm not exactly sure. I think it was around
29 9.30, the lights-out. We had a study period then we had a
30 half an hour break and then we were supposed to be in our
31 bedroom. So I think it would have been between 9.30 and
32 10 o'clock that the lights were actually turned off.
33
34 Q. And so is it the case, then, that when you were broken
35 up into the groups at the dormitories or back at the flat,
36 he was the only person present - the only adult person?
37 A. Absolutely, yes.
38
39 Q. You also mentioned that he gave most of the boys
40 nicknames; is that correct?
41 A. He - if he didn't apply the nickname himself, if he
42 didn't give them the nickname, then he encouraged others to
43 seek out a nickname for that boy, and that was the way he
44 actually referred to them for their time at the hostel.
45
46 Q. And you said also that that actually happened not just
47 in private, but outside of the private space?

1 A. Yes. That's correct. Yes. In public, you know, some
2 of the boys were known by their nickname probably almost to
3 the exclusion of their real names. Certainly, trying to
4 recall the names of some of the boys, you know, after this
5 period of time - the nickname is more familiar to me than
6 their real name, and, you know, those names were used
7 publicly; they were used in front of the girls that were
8 attending the hostel and they were used in front of other
9 staff members.

10

11 Q. Outside of the actual hostel itself?

12 A. Look, I couldn't recall that situation. I would
13 assume so, but I can't really recall.

14

15 Q. I guess the final part that I want to discuss - you
16 referred to Dennis McKenna touching students and yourself
17 inappropriately, as you described it, horsing around. Was
18 that done solely at the hostel?

19 A. It certainly didn't occur on any excursions in public.
20 So if there was any excursion in public, if there was any
21 excursion or combined area where other people, including
22 girl students, were able to observe it, it certainly
23 didn't - I didn't experience it in those circumstances.

24

25 So my answer would be no: to the best of my
26 knowledge, no, it didn't occur in the public domain. No,
27 certainly not. It was something that was more or less -
28 that happened inside the hostel and, on reflection, only
29 when the warden was present and few others, although it
30 did - certainly the mucking about, you know, the nicknames
31 and what-not, certainly was in front of other staff
32 members; it was consistently done.

33

34 Q. So when you are talking about other mucking about, you
35 are talking about the dackings?

36 A. Yes, the dackings and things like that, yes. Other
37 staff members were present.

38

39 Q. Do you recall which staff members were present?

40 A. Not - I couldn't tell you exactly on - you know, which
41 ones were present when it occurred.

42

43 Q. Do you recall any staff members being present during
44 any period of inappropriate touching?

45 A. No, not that I can recall.

46

47 Q. Did you ever disclose any of the inappropriate

1 touchings, the dackings, the nicknames to any person - any
2 adult person in authority?

3 A. No, not at all. No. That was something that, once
4 you had left the institution and began to mature and work
5 out what was right and what was wrong, that you were quite
6 embarrassed about, quite ashamed about.

7
8 But on entering the hostel, that was the behaviour
9 that you saw from the day you walked in the door. So that
10 became your reality; that became the norm. And, as I said
11 before, the moral compass gets a bit confused and you are
12 not really sure, you know, what is and what isn't
13 acceptable, and it was that state of confusion that
14 I think - particularly for the students that were quite
15 young - I think that was the state of confusion that was
16 exploited.

17
18 MR SAAYMAN: Thank you, Mr Parker. Thank you, sir.

19
20 HIS HONOUR: Mr Jenkin?

21
22 MR JENKIN: No, thank you, sir.

23
24 HIS HONOUR: Any further questions?

25
26 MR URQUHART: No further questioning from me, thank you,
27 sir.

28
29 HIS HONOUR: All right. That completes your evidence,
30 Mr Parker. Thank you very much for making yourself
31 available to the Inquiry. Your cooperation is very much
32 appreciated.

33
34 THE WITNESS: Thank you, sir.

35
36 <THE WITNESS WITHDREW

37
38 MR URQUHART: Thank you, sir. The next witness will be
39 Michael Frederick Hilder. Mr Hilder will take the oath.
40 He is just here in the back of the hearing room now, sir.

41
42 <MICHAEL FREDERICK HILDER, sworn:

43
44 <EXAMINATION-IN-CHIEF BY MR URQUHART:

45
46 MR URQUHART: Q. Mr Hilder, your full name is Michael
47 Frederick Hilder?

1 A. Yes.
2
3 Q. And were you born on 12 January 1965?
4 A. Yes.
5
6 Q. Which would make you about 46 years - 47 years old
7 now?
8 A. -seven, yes.
9
10 Q. Do you reside in Kojonup?
11 A. Yes.
12
13 Q. And are you married and do you have two boys?
14 A. Two boys.
15
16 Q. And are you presently working?
17 A. In between jobs at the moment.
18
19 Q. In between jobs at the moment. Now, Mr Hilder, if I
20 could take you back, please, to your school years, and, in
21 particular, year 8 through to year 12. At that time, where
22 were your parents living?
23 A. On a farm in the Broomehill Shire, around about
24 45 kilometres from Katanning.
25
26 Q. And as a result of that, did your parents have you
27 boarding at the St Andrew's or Katanning hostel, for the
28 years 1978 through to 1982?
29 A. Yes.
30
31 Q. And they were the years that you were in year 8
32 through to year 12?
33 A. Yes, that's correct.
34
35 Q. And did you have three older sisters who also stayed
36 at the hostel before you?
37 A. Yes, prior to me. Cheryl, Nicole and Julie, my
38 sisters.
39
40 Q. So there was no crossover; they weren't there --
41 A. No.
42
43 Q. -- at any time when you were there?
44 A. My youngest sister, Nicole, she left in 1977, so - and
45 I started in '78.
46
47 Q. And were you the youngest in the family?

1 A. Yes.
2
3 Q. Mr Hilder, was it the case that you were one of the
4 five ex-students who gave evidence regarding sexual abuse
5 of you by Dennis McKenna at his trial in 1991?
6 A. Yes.
7
8 Q. And was it the case that it appears to you that, if
9 you weren't the first, then you might have been at least
10 one of the first ex-students who came forward and made
11 a complaint to police regarding Dennis McKenna's conduct?
12 A. Yes, that's right, yes.
13
14 Q. And can you recall when you did that?
15 A. Yes, it coincided with a police program called
16 Operation Paradox. It was late September/October 1990.
17
18 Q. Prior to that, had you not told anybody about what had
19 happened to you?
20 A. I had told my sister, Julie, I think some months
21 before, and I told my wife in between that time.
22
23 Q. But as a matter of fact, though, was it many, many
24 years before you did actually disclose that to your wife?
25 A. Yes.
26
27 Q. Now, Mr Hilder, if I could ask you - and I don't
28 intend to go into the details of what Mr McKenna did to
29 you, because, of course, you have already recounted that on
30 a previous occasion at his trial - could you just tell us,
31 please, how it started: what did Mr McKenna do to lead to
32 a situation where he was able to sexually abuse you?
33 A. It always started off with us being invited to his
34 flat, and then, you know, you were either the last one
35 there or - that didn't occur quite some time - until it was
36 down the track a bit. I always seemed to leave with other
37 boys, before I was left alone.
38
39 Q. And when you say "we were invited to the flat" - you
40 have already intimated that it was just boys that were
41 invited to the flat?
42 A. Yes, a certain few - I don't know why they were
43 called, yes.
44
45 Q. And what part of the day or night would this be?
46 A. Well, it's usually after study, I think. Year 8s, we
47 studied from 6.30 to 7.30; year 9s would have gone to - oh,

1 I think they had the same time; year 10 was 6.30 to 8; and
2 11 and 12 was 6.30 to 8.30. So it would have been after
3 that, depending on what time you finished study and how
4 many boys were allowed in to the flat, I suppose, to watch
5 television or just general - yes, just general programs on
6 TV.

7
8 Q. So when you were in years 8 and 9, what was the
9 benefit of actually going to his flat? You mentioned the
10 television. Was there anything else?

11 A. Oh, well, yes, television, but also, I suppose,
12 getting a little bit closer to the authority and feeling
13 a bit special, because I was desperately homesick in
14 year 8, and I suppose it was a bit of a comfort to be able
15 to have some sort of privilege.

16
17 Q. Now, was it the case that the sexual abuse of you
18 started when you were in year 9, in 1979?

19 A. Yes, to the best of my memory, I think it started
20 then, yes.

21
22 Q. And it would happen in Dennis McKenna's accommodation
23 unit?

24 A. Yes.

25
26 Q. And would it be on those occasions in which you were
27 asked by him to stay behind after the rest of the group had
28 left?

29 A. Yes. Yes. Don't know why - don't know why I stayed.
30 It was - I don't know - curiosity to find out why that
31 single person was staying late, whether there were any
32 extra privileges that you might receive from him.

33
34 Q. Now, to the best of your recollection, Mr Hilder, the
35 sexual abuse towards you finished some time at or around
36 the end of the time that you were in year 9?

37 A. Yes.

38
39 Q. 1979?

40 A. Yes.

41
42 Q. Do you also recall, however, that you began to be
43 invited back to his room with others later on in your years
44 at the hostel?

45 A. Oh, yes. Yes. I don't know what sort of frequency it
46 was, but it would be - it would have to have been at least
47 once a week. Yes.

1
2 Q. And, again, can you recall what year you were in at
3 school then?
4 A. Yes, year 10, 11 and 12.
5
6 Q. And on those occasions, whilst nothing of a sexual
7 nature happened to you, can you recall why it was
8 beneficial for you to go?
9 A. Yes, just to keep happy, keeping the peace with
10 Dennis, I suppose, so that we wouldn't get into trouble.
11
12 Q. And on those occasions in your later high school
13 years, can you recall what happened in the unit, when you
14 were amongst the group?
15 A. Yes, well, I suppose, you know, videos came in. I'm
16 not sure - we used to watch all sorts of videos and, you
17 know, be given Scotch and Coke. I never had any beer -
18 I don't remember any beer being there, but there was
19 definitely Scotch and Coke.
20
21 Q. And the Scotch and Coke would be provided by whom?
22 A. By Dennis.
23
24 Q. And you mentioned the videos?
25 A. Yes.
26
27 Q. Was there a video recorder in his room at that time?
28 A. Not in his bedroom; in the flat - in the lounge.
29
30 Q. Yes, sorry, when I meant - I meant "room" --
31 A. In the lounge area, yes. Yes.
32
33 Q. And do you recall the type of videos that he allowed
34 you to watch?
35 A. I only watched XXX-rated videos.
36
37 Q. And can you recall the titles of any of them now?
38 A. Yes, two that - were "Deep Throat" and "Debbie Does
39 Dallas". They were the two that stick out.
40
41 Q. And do you know where Dennis McKenna got these videos
42 from?
43 A. I didn't know - I didn't know at the time, no.
44
45 Q. After those occasions when he sexually abused you, did
46 you recall anything that now becomes significant when you
47 were actually in your bed, after lights-out?

1 A. In which way do you mean?
2
3 Q. Sorry?
4 A. Which way --
5
6 Q. I'm just trying to ask you in a non-leading fashion.
7 Do you recall anything now that wasn't particularly
8 significant then, but now you have been able to put two and
9 two together?
10 A. Oh, with what he did to me, yes.
11
12 Q. But apart from that, when you were in bed at
13 night-time? Maybe I will ask you this: where were the
14 bathrooms in relation to the dormitory?
15 A. Oh, the bathrooms? Yes, well, there were two
16 bathrooms: one was adjacent to his flat, which was only
17 a matter of a few feet away, and there was another one
18 a bit further up on the southern side.
19
20 Q. And would you hear anybody getting up during the
21 night-time?
22 A. Yes, occasionally, but never thought of anything
23 strange with that. When he abused me, I thought I was the
24 only one. I didn't think there was anyone else.
25
26 Q. Would you hear at night-time, when you were in bed,
27 someone walk past you or --
28 A. Yes. Yes.
29
30 Q. And what assumption would you make on those occasions?
31 A. Well, I didn't believe that he would be doing it to
32 anyone else, because I just believed that I was the only
33 one. I probably thought that they were just going to the
34 toilet.
35
36 Q. Mr Hilder, can you recall any occasions in which
37 Dennis McKenna would take you to Perth?
38 A. Yes.
39
40 Q. And what would be the reasons for that?
41 A. Never quite sure. We would always seem to stay at his
42 mum and dad's place. It was always during the week,
43 because I always went home on weekends. There were very
44 few weekends that I actually stayed at the hostel.
45
46 HIS HONOUR: Q. Would you miss school because of that?
47 A. Yes. Yes.

1
2 Q. And how long would you be away for?
3 A. Just overnight, usually.
4
5 Q. Were you on your own with him, or not?
6 A. Usually there were, you know, one or two other boys
7 with us, yes.
8
9 MR URQUHART: Q. So he would ask you if you wanted to
10 come with him?
11 A. Yes.
12
13 Q. And when you had the choice between going to school
14 and missing a day at school, was it a --
15 A. No issue, no.
16
17 Q. A no-brainer?
18 A. Yes.
19
20 Q. You took the opportunity to take the day off school?
21 A. Yes. Yes.
22
23 Q. The occasions where you would stay overnight up in
24 Perth - do you know where you would stay overnight?
25 A. His parents had a place in - I think it was Orelia,
26 near Rockingham somewhere, and I always slept on the floor
27 or, you know, with a mattress, or something, on the floor.
28
29 Q. In a bedroom?
30 A. Yes.
31
32 Q. And would you be by yourself in that bedroom?
33 A. I - yes, yes. Either - or with another one of the
34 other boys.
35
36 Q. So on those occasions, Dennis McKenna would stay in
37 another bedroom?
38 A. Yes. Yes.
39
40 Q. Can you recall any occasion when you would have a trip
41 to Perth with Dennis McKenna that he would, on his way back
42 to Katanning, stop at a particular place?
43 A. Yes, now, I heard this afterwards, from a publican,
44 but --
45
46 Q. Well, I'm just going to ask you whether you recall --
47 A. Yes, I do, yes.

1
2 Q. -- an occasion when you were with Dennis McKenna?
3 A. We stopped at a bottle shop, yes.
4
5 Q. Was some alcohol purchased?
6 A. Yes.
7
8 Q. But who was that for?
9 A. For the boys that were in the car, and myself.
10
11 Q. And can you remember the alcohol that was bought on
12 that occasion?
13 A. Scotch and Coke - a bottle of Scotch and cans or
14 bottles of Coke, yes.
15
16 Q. And can you recall who you were with - the other boys
17 on that trip back?
18 A. Usually one particular boy, yes.
19
20 Q. And who was that?
21 A. Evan Sewell.
22
23 Q. Evan Sewell?
24 A. Yes.
25
26 Q. Is that spelt S-E-W-E-L-L?
27 A. W-E-L - yes - double "L".
28
29 Q. And would you drink the alcohol?
30 A. On the way back? Yes. Yes.
31
32 Q. I suppose that was a bit of a silly question, wasn't
33 it?
34 A. Yes. And --
35
36 Q. Sorry?
37 A. And drive the car.
38
39 Q. Who would be driving the car?
40 A. We would take it in turns.
41
42 Q. Oh, so you would be driving the car?
43 A. Yes, Dennis would have had - felt tired, or whatever,
44 and we'd drive his - he had a white Statesman, at the time,
45 and we would drive it back.
46
47 Q. Did you, yourself, have a driver's licence at that

1 stage?
2 A. No, no. I think the first time I drove back was when
3 I was about 15.
4
5 Q. So you'd be drinking alcohol and driving at the same
6 time?
7 A. Yes.
8
9 Q. And the other boys - did they have turns at driving?
10 A. Yes, we had turns at driving, yes.
11
12 Q. And did you know whether they had licences?
13 A. No - none of the boys had licences.
14
15 Q. Mr Hilder, you mentioned that you suffered from
16 homesickness --
17 A. Yes.
18
19 Q. -- when you were at the hostel. Were any arrangements
20 made for you to take some medication for that?
21 A. Yes. It got to the stage where I was - yes, just
22 homesick beyond belief, and I believe that Dennis called my
23 mother and my mother took me to the doctor - Dr Christy,
24 his name was - in Katanning at the time, and he prescribed
25 me a sleeping tablet called Mogadon, which I had to take
26 one a night before I went to bed.
27
28 Q. And did you have those drugs with you, yourself, or
29 would you have to get it from somebody else?
30 A. No, no, I had to get it from Dennis.
31
32 Q. Mr Hilder, can I ask you what your recollection is
33 about Dennis McKenna's attitude towards boys forming
34 relationships with girls in the hostel?
35 A. It was basically non-existent. If boys were seen with
36 girls, if girls were seen with boys, it was - yes, you were
37 in big trouble.
38
39 Q. Now, when you say "seen" --
40 A. Yes.
41
42 Q. -- is that in the context of seen in a
43 boyfriend/girlfriend relationship, or just normal talking
44 with them?
45 A. Yes, you could get into trouble just for talking to
46 them.
47

1 Q. And, in fact, do you recall an occasion once where you
2 were at a disco?
3 A. Yes.
4
5 Q. All right. So I'm just putting it in its context:
6 this disco had been arranged where and by whom?
7 A. It was just a function at night in the rec shed, which
8 was to the west of the hostel - it wouldn't have been more
9 than 100 metres - that year, I suppose, disco, and it was
10 arranged by Dennis that, you know, we could have a night of
11 fun.
12
13 Q. And can you recall what year you were at school when
14 this happened?
15 A. It would have been later on. It would have been
16 year 12.
17
18 Q. Year 12. So 1982?
19 A. Yes. I was quite keen on a girl, who I think was
20 a year 9 or 10. We were just dancing about three feet
21 apart, and after the disco, Dennis called myself and the
22 girl to his office and said if we were ever seen together
23 again, we would be expelled.
24
25 Q. And did you take that threat seriously?
26 A. Yes.
27
28 Q. If you were to be expelled, what would that mean for
29 you, insofar as your schooling was concerned?
30 A. Oh, it would have finished - I've - yes, no, it would
31 have finished, unless I could get alternative accommodation
32 in Katanning or somewhere around, but it was really just
33 stay there and put up with it.
34
35 Q. Were you aware where students would not just be
36 threatened with expulsion, but would actually be expelled?
37 A. Yes.
38
39 Q. And on those occasions can you recall what they would
40 be expelled for, or not? If you can't, that's fine.
41 A. No, not really.
42
43 Q. How often would these expulsions, though, take place?
44 A. I wouldn't say regularly, but maybe two or three times
45 a year, four students, yeah, he didn't really take a big
46 notice, or I didn't anyway, of who was there and who
47 wasn't.

1
2 Q. Did you know who would be responsible, though, for
3 those expulsions?
4 A. Dennis was.
5
6 Q. Now, Mr Hilder, do you recall any occasions in which
7 students would be singled out, not so much for special
8 treatment but for treatment of a belittling nature?
9 A. Oh, yeah, all the time. All the time. It would all
10 start, you know, talking in the cubicle after study - in
11 between study and lights out Dennis might come down, sit on
12 someone's bed, you know, and three or four, five, six boys
13 might congregate around the area and, yeah, he would just,
14 you know, call someone's name out or whatever and all the
15 boys would have to go and scrag him.
16
17 Q. A "scrag" would be what?
18 A. Well, anything from - well, just taking all his
19 clothes off and making fun of his penis, or if something
20 was odd on his body or whatever. And he would more than
21 likely just go back to his cubicle and get dressed and
22 hopefully he didn't get it done again.
23
24 Q. When Dennis McKenna told you to scrag a particular
25 student, would you then become involved in that?
26 A. I don't believe I ever did. No.
27
28 Q. But the other boys?
29 A. Yeah.
30
31 Q. They would go and do it?
32 A. Yeah.
33
34 Q. Would you be there when that happened?
35 A. Yeah, I - I don't know how I did it. I might have,
36 you know, positioned myself next to Dennis so that I didn't
37 have to go and do that.
38
39 Q. Would Dennis be present --
40 A. Yes.
41
42 Q. -- when the scragging would take place?
43 A. Yes. Yeah.
44
45 Q. And did you see what his reaction was to that?
46 A. Oh, he'd be laughing, yeah. Yep.
47

1 Q. The boy that got scragged, did you see what his
2 reaction was?
3 A. Most of the time it was - well, it was the older ones
4 as well. But, yeah, I saw - kids were crying, you know,
5 after that.
6
7 Q. Just tell us, please, about the shower arrangements
8 that were set up there when you were there? Can you recall
9 how they were set up?
10 A. Yeah, I think they were - there were five showers and
11 just all open. Tiled - white tiles, yeah.
12
13 Q. Can you recall any occasions, when you were there,
14 that Dennis McKenna would enter the showers or the shower
15 area?
16 A. Yes. Quite often. Yep.
17
18 Q. Can you recall what he did when he entered the
19 showers?
20 A. The same sort of thing. Just pointing at whoever's
21 penis or anything that was wrong with our body, making fun
22 of them. And later on in the piece he had a camera which
23 he used to take photos of the boys in the shower.
24
25 Q. Can you recall what type of camera that was?
26 A. Oh, it was one of those instant Polaroid cameras, and
27 he used to keep the photos in an album - in a photo album
28 in his office.
29
30 Q. Did you see that?
31 A. Yes.
32
33 Q. And the photographs that were in the album, what would
34 they be of?
35 A. Just boys; naked boys in the shower.
36
37 Q. Would he show you those photographs in the album?
38 A. No. We knew where it was.
39
40 Q. You knew where it was?
41 A. Yeah.
42
43 Q. Was there any occasion in which you were shown just an
44 individual photograph of a boy in the shower?
45 A. No.
46
47 Q. Mr Hilder, with respect to that conduct that you've

1 described, for example Dennis McKenna stating that one, to
2 use your words, "scragged", and to use the examples of his
3 taking photographs of boys in the shower --
4 A. Yeah.
5
6 Q. -- did you yourself ever say anything to him about
7 that?
8 A. No. I was - no - too scared to. Otherwise you'd know
9 the consequences, you know, threatened with suspension,
10 expulsion. He'd always have a way of being able to get
11 parents on side by saying that we have difficulties at the
12 hostel or "his schooling's not so good", so the parents
13 would be on side with Dennis. So really we didn't have
14 anyone to talk to or go to to make any complaint.
15
16 Q. With respect to the way in which Dennis McKenna dealt
17 with students who might be having difficulties, can you
18 recall an occasion in which a student was threatening to do
19 something?
20 A. Yes.
21
22 Q. You must answer "yes" or "no" to this question. Do
23 you recall that student's name?
24 A. Yes.
25
26 Q. I don't need you to name who that student was, but can
27 you recall what year he was in?
28 A. I believe he was in year - it would have been year 9,
29 I would say.
30
31 Q. What year were you in at this stage?
32 A. It would have been 10 - year 10 probably.
33
34 Q. This is in 1980?
35 A. Yes.
36
37 Q. You were in year 10. Can you recall what this person
38 did, who was in year 9?
39 A. Yeah. It would have been after study. Like, I'd say
40 when everyone was there on a bed somewhere and just talking
41 and what-not. This boy had got a - obtained a butter knife
42 from the kitchen and for some reason or other, maybe they
43 were picking on him, or Dennis was picking on him, he
44 grabbed this butter knife and said, "I want to kill
45 myself". Dennis reacted in saying that - to one of the
46 boys to go up to the kitchen and get a proper knife, like a
47 carving knife or a filleting knife, or something like that,

1 he said, to do a better job if you're going to do it.
2
3 Q. Firstly, when he asked this boy to go get the
4 carving/filleted knife, did that boy go and do it?
5 A. I can't remember whether he did. Maybe he did. But,
6 yeah, this poor kid was nearly beside him.
7
8 HIS HONOUR: Q. Did he say that in the presence of that
9 boy --
10 A. Yeah.
11
12 Q. -- in year 9 that had the butter knife?
13 A. Yes.
14
15 Q. You were present when that took place?
16 A. Yes.
17
18 Q. What was your reaction to your warden telling the boy
19 to go and get a better knife or a bigger knife?
20 A. I probably went along with the group, not to go
21 against Dennis. It was a feeling of, I don't know, "I hope
22 he doesn't do it". But he certainly had that look in his
23 eye where he was definitely distraught and was possibly
24 capable.
25
26 Q. Can you recall how things panned out in relation to
27 that incident?
28 A. I think he was just left crying in his bed. I think
29 we all - that was the pinnacle of the discussion, and he
30 was just left alone.
31
32 Q. Did you see anything that the warden did in order to
33 offer him assistance or help?
34 A. No. No. He was just left on his bed.
35
36 Q. Were you able to recall any reasons why hostel
37 students would be expelled?
38 A. No, I could never work that out. No. Gossip was
39 around the hostel, I suppose, of some trivial matter like
40 they were accused of stealing something like a chocolate
41 bar or something from the local co-op or whatever.
42
43 Q. Mr Hilder, if I could take you now to that time when
44 you did come forward and you made a complaint to the police
45 which led to Dennis McKenna being charged with not only
46 offences in respect to you but a number of ex-students.
47 Where were you living at the time when you came forward?

1 A. I was on our family farm in the Broomehill Shire.
2
3 Q. Following the publicity relating to the charging of
4 Mr McKenna, was there some publicity generated in the
5 region regarding these allegations?
6 A. Yeah. It was in the local papers, in the local Great
7 Southern Herald and I think in the Albany Advertiser.
8
9 Q. Do you recall the reaction of people in that area to
10 Dennis McKenna being charged?
11 A. A lot of people couldn't believe it and there were
12 very few who did believe. The family members didn't
13 believe that it was true.
14
15 HIS HONOUR: Q. When you say "family members", whose
16 family?
17 A. Of Dennis.
18
19 Q. Dennis's family?
20 A. Yes.
21
22 MR URQUHART: Q. Do you recall anybody saying anything
23 positive to you, apart from your family members, as to what
24 you had done?
25 A. No.
26
27 HIS HONOUR: Q. No-one congratulated you on coming
28 forward?
29 A. There was one after the trial. I play a lot of golf -
30 or had done - and I went back and played nine holes of golf
31 at the local club, and one person came up and said, "Well
32 done".
33
34 MR URQUHART: Q. Did you receive anything apart from
35 compliments as to what you had done?
36 A. Yes.
37
38 Q. And what was that?
39 A. I received a death threat from one of Dennis' brothers
40 shortly after he was charged.
41
42 Q. There won't be any need to state who that brother was,
43 but how was that conveyed to you?
44 A. Can I swear?
45
46
47 Q. Sorry.

1
2 HIS HONOUR: Yes, you can.
3
4 MR URQUHART: Q. Yes, by all means. First, was it in
5 person or was it by some other means?
6 A. It was by telephone.
7
8 Q. By telephone?
9 A. Yeah. And this was shortly after - it must have been
10 coming out of the media, and his brother rang me up because
11 I knew where he lived, and STD calls weren't - beeps
12 weren't on the phone. He said, "If I ever catch you down -
13 walking down the street I'll - I'll kill you, you lying
14 cunt".
15
16 Q. Was that before the trial took place?
17 A. Yes.
18
19 Q. Did you take any action yourself with respect to that?
20 A. Yeah, I rang the - oh, my wife and I, we talked about
21 it a bit and we rang the local police station.
22
23 Q. Which was?
24 A. In Tambellup.
25
26 Q. Did you make a report?
27 A. I reported it to the - I believe it was the sergeant
28 there at the time, yeah.
29
30 Q. Did anything come of that?
31 A. No. He said, well, you know, there is nothing much
32 they can do at the time. So they just left it at that.
33
34 Q. Mr Hilder, could I ask you this question: you didn't
35 make a complaint about what Dennis McKenna was doing to you
36 at the time?
37 A. No.
38
39 Q. Can I ask you, if you are able to offer an
40 explanation, as to why you didn't make a complaint?
41 A. It was from fear of what he could do if we were - if I
42 was ever expelled or suspended it would cause an issue with
43 my education. So basically it was just shut up and deal
44 with it.
45
46 Q. Can I ask you why, though, it wasn't the case that you
47 would tell your mum and dad as to what he was doing?

1 A. No.
2
3 Q. Sorry?
4 A. No. I didn't tell my mum and dad, no.
5
6 Q. And can you offer an explanation as to why you didn't?
7 A. No. The same thing, I suppose, shame. Look, in
8 year 9 I was only - we were only kids and I don't know, I
9 suppose at that stage, right from wrong. That's why it
10 didn't continue later on - continue later on in year 10, 11
11 and 12, because maybe I thought it wasn't right what he was
12 doing.
13
14 HIS HONOUR: Q. So when you realised it wasn't right, how
15 did you bring about the situation that you didn't continue
16 to be abused? What did you do?
17 A. When he'd say, "Oh, come down to the flat" or tap on
18 the bed to come down I'd just pretend I didn't hear it, and
19 the next morning I would say, "I just fell asleep". I knew
20 what he was doing to me was wrong by then.
21
22 MR URQUHART: Q. Were there any other reasons why it was
23 that you felt you couldn't make a complaint about this
24 particular person?
25 A. It's just something you couldn't do. It was just
26 something I couldn't do. Like I said, I believed I was the
27 only one so I - you know, it was fear.
28
29 MR URQUHART: Thank you, Mr Hilder, they are the questions
30 I have.
31
32 HIS HONOUR: Very good. Mr Saayman.
33
34 MR SAAYMAN: Thank you, sir. Just a few.
35
36 <CROSS-EXAMINATION BY MR SAAYMAN:
37
38 MR SAAYMAN: Q. Mr Hilder, you made reference to
39 excursions whereby you would be absent from school for a
40 period. How were those absences explained?
41 A. I don't know. Whether he pre-arranged with teachers
42 or said that I wasn't going to be there the next day, I
43 don't know.
44
45 Q. You don't recall any particular notes written or --
46 A. No, no.
47

1 Q. You never had to give an explanation yourself?
2 A. No. No.
3
4 Q. Are you saying there were times when you drove the car
5 and others --
6 A. Yeah.
7
8 Q. -- who didn't have a licence also drove Mr McKenna's
9 car? Was there any occasion where you were stopped by
10 police?
11 A. No. It was usually we'd go up in the morning and, you
12 know, if we were staying overnight - we would come back
13 that night. So I suppose there weren't the police on the
14 road.
15
16 Q. Do you recall the time when anyone in authority was
17 present when that arose, when that driving arose?
18 A. No. No. It was just Dennis, myself and either one or
19 two other boys.
20
21 Q. You have described when there were occasions of
22 scragging when Dennis entered the shower and when people
23 were invited back to his flat. During any of those times
24 were there any other adults around?
25 A. No. Not that I can recall.
26
27 Q. You have referred to a photo album --
28 A. Yes.
29
30 Q. -- where Mr McKenna maintained photos of naked boys?
31 A. Yes.
32
33 Q. You referred to saying you knew where it was. How did
34 you know where it was kept?
35 A. Well, the office wasn't attended at all times and it
36 was probably like a - just something that certain people
37 knew where things were. A friend of mine had told me where
38 it was, and actually when he left school he took the photos
39 out of that album of himself.
40
41 Q. So it was common knowledge about this album --
42 A. To certain people, hm.
43
44 Q. Just a small group of people?
45 A. Yeah, yeah.
46
47 Q. And where precisely was it kept?

1 A. It was in - it was sort of like next - there was a
2 filing cabinet next to his desk, and he had that behind in
3 between the wall and the filing cabinet.
4
5 Q. So was it in plain view or not?
6 A. No.
7
8 Q. I guess, just this last point, you made mention that
9 you made only the one complaint, I think, in 1991, from
10 recollection?
11
12 HIS HONOUR: 1990.
13
14 MR SAAYMAN: Sorry, 1990. I apologise.
15
16 Q. Did you ever tell anybody any of the stories, the
17 scragging, the story about the bigger knife, the child who
18 wanted to stab himself?
19 A. Not to my parents or anyone in authority, no. No.
20
21 MR SAAYMAN: No further questions, thanks.
22
23 HIS HONOUR: Mr Jenkin?
24
25 MR JENKIN: No, thank you.
26
27 HIS HONOUR: Mr Hilder, although there was only one member
28 in the Katanning community to congratulate you at the time,
29 I think you deserve very much to be congratulated, because
30 it is a fairly brave thing to do without the support of the
31 local community to go to the police. When you think about
32 it, you and the others who complained saved many other boys
33 from future sexual abuse, so well done.
34
35 THE WITNESS: Thank you.
36
37 HIS HONOUR: Thank you.
38
39 <THE WITNESS WITHDREW
40
41 HIS HONOUR: Yes, Mr Urquhart?
42
43 MR URQUHART: We have made arrangements for the next
44 witness to be here at 2 o'clock.
45
46 HIS HONOUR: Do you propose that we deal with the
47 application from Mr McCarthy first?

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MR URQUHART: We do, I suppose, sir.

HIS HONOUR: I will leave it in your hands to make arrangements with him. It can be either before the next witness is called or after the next witness.

MR URQUHART: Yes. All right.

HIS HONOUR: I will now adjourn,

LUNCHEON ADJOURNMENT

1 UPON RESUMPTION
2
3 HIS HONOUR: Yes, Mr McCarthy, you wish to make your
4 application?
5
6 MR McCARTHY: Your Honour, I understand your associate has
7 been provided with a list of the parties for whom I seek
8 leave to appear.
9
10 HIS HONOUR: Thank you. I've read that.
11
12 MR McCARTHY: Do you wish me to read that for the purposes
13 of the transcript?
14
15 HIS HONOUR: Only if you wish to. I do not need it, but
16 it is a matter for you.
17
18 MR McCARTHY: It should be recorded.
19
20 HIS HONOUR: By all means.
21
22 MR McCARTHY: It can be recorded, if you want, by the
23 provision of this list to the transcript people, or I can
24 read it.
25
26 HIS HONOUR: I think if you read that, it might be handy.
27
28 MR McCARTHY: I appear for West Australian Newspapers
29 Limited, Channel Seven Perth Pty Limited, Swan Television &
30 Broadcasters Pty Limited and WIN Corporation Pty Limited,
31 Nationwide News Limited, Australian Broadcasting
32 Corporation, Fairfax Digital Limited, Australian Associated
33 Press, News Limited, the Ten Network Perth Pty Limited,
34 Radio 6PR Perth, and Radio 96FM Perth Pty Limited,
35 Community Newspaper Group Limited, and Post Newspapers Pty
36 Limited.
37
38 Your Honour, that is a fairly exhaustive list of media
39 proprietors who publish media in Perth. The significance
40 of that will become apparent in the course of my
41 submissions.
42
43 Yesterday, in the first day of hearings in the
44 Inquiry, four suppression orders were made. The first
45 suppression order is referred to at page 37 of the
46 transcript. That was a suppression order in relation to a
[information suppressed]
47 as it was termed. The second

1 suppression is referred to at page 52 of the transcript,
2 and there the name of a school principal was suppressed.
3 At page 57 there was an issue in relation to something to
4 do with "grooming", if I can put it that way, but it is
5 very difficult to work out what that evidence was. It is
6 the third-last paragraph in Mrs Bentley's evidence.

7
8 HIS HONOUR: That related to her stating
9 [Information suppressed] in a
11 matter unrelated to this Inquiry, and I considered it
12 inappropriate that that be publicised.

13
14 MR McCARTHY: I have no difficulty with that, my clients
15 have no difficulty with that, and I'll address your Honour
16 on that in a moment. Your Honour, the fourth suppression
17 order is referred to at page 70, the second-last full
18 paragraph where the surname of a politician was suppressed.

19
20 HIS HONOUR: I think it is page 70. The transcript at
21 line 21 is inaccurate where I made the ruling, and I have
22 had my staff listen to the tape, but it should read:

23
24 I am going to order that it is in the
25 public interest that we suppress the name
26 for the present and, in due course, as a
27 result of any further investigations,
28 I will decide whether or not the name
29 should become public.

30
31 MR McCARTHY: I'm obliged, your Honour. It is in relation
32 to those suppression orders that I seek leave to appear and
33 in relation to further suppression orders that may
34 otherwise be contemplated or made in these proceedings.

35
36 HIS HONOUR: You have that leave.

37
38 MR McCARTHY: Your Honour, there are three matters upon
39 which I want to address your Honour. They are: the
40 purpose of this Inquiry and the terms of reference; the
41 question of your Honour's power to make suppression orders;
42 and, thirdly, the issue of, if there is power, how that
43 power should be exercised.

44
45 If I can start with the purpose of this Inquiry and
46 start with the terms of reference to this Inquiry that have
47 been published, and I'll take your Honour to the

1 legislation in a moment. The terms of reference provide
2 that the Special Inquiry is to examine when any allegations
3 were made, who they were made to, what action was taken in
4 response to those allegations, and the appropriateness of
5 any action taken.

6
7 Paragraph 3 of the terms of reference goes on to say
8 that this Inquiry will make recommendations, and those
9 recommendations are:

10
11 - any disciplinary action that should be
12 taken against any public official as a
13 consequence of the findings; and

14
15 - any changes that should be made to the
16 policies, procedures or operations of
17 relevant government agencies as a
18 consequence of the findings.

19
20 In essence, this is an Inquiry to that extent in
21 relation to who did what and when, what action was taken,
22 by whom and, if no action was taken, why no action was
23 taken. Then the Inquiry is to make recommendations in
24 relation to public officials and relevant government
25 agencies.

26
27 From the terms of reference themselves, your Honour,
28 it is quite apparent that the matters into which your
29 Honour is inquiring are matters of substantial public
30 interest. Your Honour, there was a news report dated
31 18 November last year, after your Honour had been appointed
32 but before any hearings were to commence. Your Honour was
33 quoted as saying this:

34
35 In the end, it is the full, unvarnished
36 truth that needs to be established. It is
37 only when the full truth is revealed that
38 there can be any hope that the many victims
39 of this tragedy will gain some closure and
40 be able to get on with their lives again.

41
42 In my respectful submission, your Honour was emphasising
43 the public interest nature of this Inquiry.

44
45 Your Honour, on 15 December the Inquiry published a
46 document headed "Media Protocol", and in that media
47 protocol the Inquiry said:

1
2 It is in the public interest that the
3 proceedings of this inquiry should be as
4 open and transparent as possible, and that
5 the public should have access to evidence
6 that is presented, including via media
7 reports. However there is also a public
8 interest that individuals who have been
9 subjected to sexual abuse should be willing
10 to testify if called upon, and that, when
11 they do so, their privacy will be
12 protected.

13
14 The media that I represent today does not quibble with that
15 at all. The media agrees that that should be the case,
16 your Honour. This note went on to say:

17
18 There is a further public interest that
19 individuals charged with criminal offences
20 should receive a fair trial. This will
21 sometimes require that evidence which might
22 become the subject of such a trial is not
23 publicly disclosed.

24
25 That is something that I will have something to say about
26 later.

27
28 So, your Honour, those three documents reveal the very
29 public nature of this Inquiry and the very important
30 requirement that this Inquiry be conducted, as much as it
31 can, in public, with the public being able to have access
32 to what happens during this Inquiry.

33
34 The Inquiry is proceeding, your Honour, as
35 I understand it, under section 24H of the Public Sector
36 Management Act.

37
38 HIS HONOUR: Yes.

39
40 MR McCARTHY: Section 24H provides that the Commissioner
41 under the Act may arrange for the holding of an inquiry and
42 specify the matters to be inquired into.

43
44 Section 24I provides for the powers of the person
45 conducting the Inquiry. Section 24J provides for the
46 procedure and evidence at special inquiries.

47

1 Subsection (3) of section 24J provides that the
2 special inquiry is not bound by the rules of evidence and
3 may be informed as the special inquirer thinks fit.
4 Subsection (b) states:

5
6 Must act according to equity, good
7 conscience and the substantial merits of
8 the case and without regard to
9 technicalities and legal forms.

10
11 (4) To the extent that the practice or
12 procedure of a special inquirer is not
13 prescribed by or under this Act, it is to
14 be as the special inquirer determines.

15
16 (5) A special inquirer does not have power
17 to make an award of costs.

18
19 Section 24K provides for reporting at the end of the
20 Inquiry.

21
22 Your Honour, schedule 3 of the Act is also relevant,
23 because section 24I says that schedule 3 applies to and in
24 relation to the special inquirer. Clause 1 provides for
25 summonses of witnesses and documents: (2) person served
26 has a duty to attend; (3) a power to examine on oath or
27 affirmation. Subsection (6) says:

28
29 Notwithstanding clause 6, a person is not
30 excused from answering any question when
31 required to do so by a special inquirer on
32 the ground that the answer to the question
33 might incriminate or tend to incriminate
34 the person...

35
36 Subsection 4 is the section dealing with penalties.
37 Subsection 5 deals with hindering or misleading the special
38 inquirers and subsection 6 is a section headed "Protection
39 to special inquirers and witnesses".

40
41 Subsection (2) states:

42
43 A witness summoned to attend or appearing
44 before a special inquirer has the same
45 protection and is, in addition to the
46 penalties provided by clauses 3(4), 4(1)
47 and 5, subject to the same liabilities in

1 any civil or criminal proceeding as a
2 witness in any case tried in the Supreme
3 Court.
4

5 Your Honour will be aware that there are provisions in the
6 Supreme Court Rules specifically in relation to protection
7 of witnesses such as children and people with disabilities.
8 That, in my respectful submission, is what that subsection
9 is referring to.

10
11 It is clear then that under the statute setting up
12 this Inquiry and providing for your Honour's powers that
13 there is no express power to make suppression orders.

14
15 HIS HONOUR: No, there is not.

16
17 MR McCARTHY: Your Honour, in those circumstances, the
18 question arises as to the basis upon which these
19 suppression orders were made yesterday. The starting point
20 there, your Honour, it seems to me is to understand, with
21 respect, that this is not a court and it is not a Royal
22 Commission.
23

24 HIS HONOUR: That's correct.

25
26 MR McCARTHY: There is a debate in the authorities, your
27 Honour, in relation to the common law powers. I take your
28 Honour to that, because we've dealt with the statute -
29 there is no statutory power.
30

31 There is a debate in the authorities in relation to
32 whether or not common law powers to make suppression orders
33 exist in inferior courts of record. There is no doubt that
34 in superior courts of record such as the Supreme Court that
35 the common law power exists. In inferior courts of record
36 there is a debate as to whether or not, in the absence of a
37 specific statutory provision, such a common law power
38 exists. That is because some decisions take the view that
39 inferior courts of record, being creatures of statute, must
40 have an express statutory power before they are empowered
41 to make suppression orders. The other authorities say
42 that, no, a common law power exists in inferior courts of
43 record.
44

45 That issue is further complicated by the view that the
46 reason why an inferior court of record has no common law
47 power is because it is a court required to administer

1 justice and has jurisdiction over the people in the court.
2 It does not have jurisdiction over the public, and as his
3 Honour McHugh J said in John Fairfax & Sons v Police
4 Tribunal, which is reported in (1986) NSWLR 465, at page 477
5 his Honour said:

6
7 Courts have no general authority, however,
8 to make orders binding people in their
9 conduct outside the courtroom...(reads)...
10 Nevertheless, conduct outside the courtroom
11 which deliberately frustrates the effect of
12 an order made to enable the court to act
13 effectively within its jurisdiction may
14 constitute a contempt of court.
15

16 The fact that his Honour McHugh J is here saying that a
17 court cannot make an order outside the courtroom to bind
18 people outside the courtroom and that an inferior court of
19 record must have a legislative basis are points in addition
20 to the final point that his Honour was making there, and
21 that is that if a court does have jurisdiction to make an
22 order, it is only a jurisdiction to find a person who
23 frustrates an order of the court to be in contempt of the
24 court. I'll come back to that in a moment.
25

26 The contrary view is expressed by a former Chief
27 Justice of this State, his Honour Mr Justice Malcolm in the
28 matter of Bromfield, a decision of which your Honour will
29 be aware. It is reported in (1991) 6 WAR 153. At page 167
30 the Chief Justice said this:

31
32 I did not accept..."

33
34 And he's referring to the previous decision of Re Craig, in
35 which his Honour the Chief Justice also gave the leading
36 judgment, and re Craig is in (1989) 5WAR 107.

37
38 ...in Craig the conclusion of
39 McHugh JA...(reads)...The same view was
40 earlier expressed by McHugh J A in John
41 Fairfax v Police Tribunal..."

42
43 I've just taken your Honour to that:

44
45 I adhere to the view that all courts have a
46 common law jurisdiction to sit either in
47 private or to make non publication orders

1 in cases falling within the exception and
2 circumstances where that is necessary to do
3 justice.

4
5 They are the competing views, but for the purposes of
6 today's application it is not necessary to resolve those
7 competing views.

8
9 HIS HONOUR: I tentatively take the view this Inquiry is
10 entirely a creature of statute, and if I have the power to
11 make suppression orders, it is to be found in the Act that
12 applies to this Inquiry and, in particular, in subsection
13 (3) of section 24J.

14
15 MR McCARTHY: Your Honour, I respectfully disagree, and
16 I will now go on to my submissions to explain why.

17
18 HIS HONOUR: I thought I was helping you with that
19 observation, but it seems not.

20
21 MR McCARTHY: No. It is an observation that I've
22 considered, and it is an observation, with respect, with
23 which I disagree and I'll explain my submissions.

24
25 HIS HONOUR: Very well.

26
27 MR McCARTHY: Your Honour, it is clear that the principles
28 that were discussed in both the John Fairfax case and the
29 Bromfield case relate to courts. It is my submission that
30 those principles do not apply to an Inquiry which is not a
31 court.

32
33 HIS HONOUR: I'm tentatively in agreement with you.

34
35 MR McCARTHY: If I can take your Honour to a text by
36 Hallett called Royal Commissions and Boards of Inquiry.
37 It's an old book published in 1982, but it seems to me, on
38 my research, to be the only text in Australia that deals
39 with these issues.

40
41 If I can take your Honour to some of the provisions
42 and develop the argument as to why I say, even in the face
43 of 24J(3)(b), that your Honour has no power to make
44 suppression orders. The starting point is at page 12 where
45 Hallett says:

46
47 There are wide differences in the kinds of

1 information which bodies are charged to
2 procure...(reads)...is akin to that of a
3 researcher, and the latter is more like
4 that of an inquisitor.

5

6 HIS HONOUR: Can I interrupt there to say that in my view
7 I'm in both those categories.

8

9 MR McCARTHY: You are, and it is said here:

10

11 It may be clear that not all inquiries can
12 be neatly classified as either
13 investigatory or inquisitorial
14 ...(reads)...Others are a curious mixture
15 of the two types, and might be described as
16 hybrid inquiries.

17

18 I agree with your Honour, this is a hybrid inquiry. The
19 reason I've taken you to these provisions and sections of
20 this text, your Honour, is to show your Honour that this
21 book, which is concerned entirely with commissions and
22 boards of inquiry, is directly on the point. It starts by
23 identifying the different types of boards of inquiry and
24 describing, it seemed to me, exactly the nature of this
25 Inquiry, having regard to the terms of reference and the
26 recommendations that your Honour is required to make.

27

28 One is in relation to policy and one is in relation to
29 findings in relation to facts. It is both inquisitorial
30 and policy driven.

31

32 If I can then go to page 22 of the text, and this is
33 under the section "Not a Judicial Function", and it says:

34

35 One of the most misunderstood facets of
36 commissions and boards..."

37

38 And this is categorised as a board. When they talk about
39 commissions, they are talking about Royal Commissions, your
40 Honour:

41

42 ... is the nature of the function they
43 perform...(reads)...because if such an
44 inquiry were judicial, the procedures
45 followed would always be similar to courts.

46

47 In relation to procedure, the point is made that this is

1 not a judicial inquiry. It goes on to say at page 23, your
2 Honour:

3
4 An inquiry by commission or board is not
5 judicial in the legal sense is well
6 established by authority...(reads)...and
7 that statement was approved by shoal in
8 Johns and Waygood Ltd v Utah Australia Ltd
9 [1963] VR.

10
11 That is an important statement, in my respectful
12 submission, that your Honour is not here administering
13 justice:

14
15 Sholl J clearly stated that the proceedings
16 of a commission were not judicial
17 proceedings at all.

18
19 There is also, your Honour, a reference I'd like to briefly
20 take your Honour to. This is Law Reform Commission report
21 No. 35 on contempt. It was, as your Honour can see from
22 the magnitude --

23
24 HIS HONOUR: The WA Law Reform Commission?

25
26 MR McCARTHY: No, Australian Law Reform Commission -
27 Commonwealth Australia 1987, your Honour. Your Honour can
28 see from the size of the document that it was a substantial
29 report.

30
31 At page 427 of that report it was talking about
32 standing commissions and tribunals, of which this body is a
33 tribunal in the sense that is used here:

34
35 No clear distinction between standing
36 commissions and tribunals is attempted. In
37 one sense, courts and royal commissions are
38 particular subcategories of tribunals. In
39 the context of this paper, however, the
40 term "tribunal" will be used to distinguish
41 those tribunals which do not fall within
42 those specific categories.

43
44 So not courts, and not Royal Commissions.

45
46 HIS HONOUR: Do you say standing tribunals and
47 commissions?

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MR McCARTHY: No, no. They call it a standing commission, but by that I think they mean Royal Commissions.

HIS HONOUR: I understood a standing commission to be one that continues to exist.

MR McCARTHY: That's quite right, your Honour. I beg your pardon. It is like the Trade Practices Commission. In fact, they say that here:

The term "standing commission" is used not here as a term of art but in order to distinguish those government commissions that are not ad hoc bodies.

HIS HONOUR: I'm an ad hoc body.

MR McCARTHY: You are an ad hoc body, yes. So you are not a standing commission; you are a tribunal:

On this basis, the operation of a standing commission or tribunal does not involve an exercise of judicial power, nor an exercise of executive prerogative. Rather, as defined for the purposes of this analysis, it is a body created by the legislature and granted statutory powers.

That is something that your Honour has said your Honour does not disagree with.

HIS HONOUR: I am not created by the legislature, but nevertheless I don't think that matters.

MR McCARTHY: No, I don't think so, your Honour.

There are some principles again from the Fairfax case that I would like to take your Honour to. This is a description of the starting point and the foundation for the making of suppression orders, which, by their very nature, are exceptions to the principles of open justice. At page 476 of that report his Honour McHugh J said this:

The fundamental rule of the common law is that the administration of justice must take place in open court. A court can only

1 depart from this rule when its observance
2 would frustrate the administration of
3 justice...

4
5 This is not a court, and the purpose of this Inquiry is not
6 to administer justice:

7
8 ... or some other public interest for whose
9 protection parliament has modified the open
10 justice rule.

11
12 "For whose protection parliament has modified the open
13 justice rule". In my respectful submission, that means has
14 made an express provision providing for suppression orders
15 to be made, as one would see in the Criminal Procedure Act
16 171:

17
18 The principle of open justice also requires
19 that nothing should be done to discourage
20 the making of fair and accurate reports of
21 what occurs in the courtroom. Accordingly,
22 an order of a court prohibiting the
23 publication of evidence is only valid if it
24 is really necessary to secure the proper
25 administration of justice in proceedings
26 before it.

27
28 There is no administration of justice here, there are no
29 proceedings properly understood before this Inquiry.

30
31 If I can turn back to Hallett and take your Honour to
32 page 171. Now, this section of this text comes under the
33 chapter "Methods of Inquiry and Evidentiary Requirements".
34 It is chapter 9 of this text and it starts at page 146 and
35 I've gone to about 171. It deals with such matters as
36 internal management inquiry method, evidentiary
37 requirements, evidence on oath, standards of proof and then
38 I come to the heading of "In Camera Hearings". So this is
39 a chapter of a book dealing with practice and procedure in
40 an inquiry.

41
42 At page 171, Hallett says this:

43
44 It has become the accepted practice for
45 oral evidence to be ...(reads)... it is
46 necessary to examine this practice more
47 closely.

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And he goes on to consider it. Over the page at page 172 - and he was referring here to Lord Macmillan in a decision called Hearts of Oak Assurance Company, which is reported in [1932] Appeal Cases. He says:

Lord Macmillan was of the view that irreparable harm could be unjustly done to the reputation of a company if publicity was given to such an examination --

This is an examination in an inquiry:

-- particularly when the task of inspection was given to a person without judicial experience ...(reads)... 'repugnant to elementary ideas to fairness and proprietary'.

That's according to Lord Macmillan. The book goes on to say:

Whilst all these criticisms and fears are applicable to commissions and boards, the present tendency...(reads)... the integrity of public life, publicity is essential'.

That, in my submission, is precisely what is happening here, particularly having regard to the terms of reference and the subject matter of this inquiry.

If I can take your Honour over now to page 174. It says:

When a commission or board is hearing evidence in public the daily newspapers ...(reads)... power to suppress the publication of some evidence would be a means by which justice would be limited.

HIS HONOUR: "Justice would be limited"?

MR McCARTHY: That's what it says, your Honour "by which justice could" - sorry, "could" - "be limited". It goes on to say this, your Honour --

HIS HONOUR: I don't quite understand that.

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MR McCARTHY: Yes, it's a strange paragraph but let me read the second paragraph, which I think makes it clearer, and this will make it clear as to why a restriction would limit justice, that's what's being said, notwithstanding the hurt that could be caused:

Commissions and boards do not have any power to order that evidence or the names ... (reads)... not to publish a particular passage of evidence there was compliance with the request.

Your Honour, that is why I said to your Honour that the list of the parties for whom I appear is significant. I am instructed that each of these media outlets will agree that the name of any person who alleges that they have been the subject of sexual abuse will not be published. Now, that is notwithstanding that until a person is charged with that offence, as your Honour would know, there is no statutory prohibition under section 36C of the Evidence Act not to name that person. But nevertheless, consistent with what has historically happened in boards of inquiry, I am instructed that all of those media organisations, which I think substantially covers the media in Western Australia, have agreed that they will not publish names of those persons.

HIS HONOUR: Just going back to what you started with, the four suppression orders I made yesterday, the first one, page 37, related to [information suppressed].

MR McCARTHY: Yes.

HIS HONOUR: And I say that should be suppressed. I take it you don't take issue with that suppression order?

MR McCARTHY: Yes, I do, your Honour.

HIS HONOUR: Do you?

1 MR McCARTHY: Yes.
2
3 HIS HONOUR: You'd like to publish that?
4
5 MR McCARTHY: It's not a question of what I would like to
6 publish.
7
8 HIS HONOUR: No, but (indistinct) --
9
10 MR McCARTHY: I would like for there not to be a
11 suppression order for these reasons --
12
13 HIS HONOUR: What I am asking is are you telling me you
14 would not wish to publish that if there is no order?
15
16 MR McCARTHY: It's not a matter for me, your Honour, it's
17 a matter for the editors.
18
19 HIS HONOUR: I am just trying to clarify what you just
20 told me a moment ago. You said that you are instructed
21 that you would not wish to publish the names of any sexual
22 abuse victims, you have told me that.
23
24 MR McCARTHY: That's right.
25
26 HIS HONOUR: I am just checking whether or not you have
27 instructions in relation to that first matter.
28
29 MR McCARTHY: In the context that that is not a matter
30 that involves the publication of the name of a person who
31 is alleged to be the victim of sexual abuse, as that term
32 is understood in section 36C of the Evidence Act.
33
34 HIS HONOUR: Well, you are correct but you can understand
35 why someone wouldn't want to have published the fact that
36 there is [information suppressed].
37
38 MR McCARTHY: Your Honour, I can only say this with the
39 greatest of respect: the submissions that I have made, in
40 my respectful view, make it clear that notwithstanding the
41 hurt that might be felt, an inquiry such as this has no
42 power.
43
44 HIS HONOUR: I understand that submission. You are saying
45 I don't have power to suppress the names of victims of
46 sexual abuse; you told me that.
47

1 MR McCARTHY: I'm saying you don't have the power to make
2 any suppression orders, your Honour.
3
4 HIS HONOUR: That's correct.
5
6 MR McCARTHY: Yes.
7
8 HIS HONOUR: But you're saying nevertheless you have got
9 instructions you would not wish to publish the names of
10 victims of sexual abuse.
11
12 MR McCARTHY: My instructions are that the parties for
13 whom I appear have agreed that they will not.
14
15 HIS HONOUR: Yes, you have told me that. I am just trying
16 to ascertain whether you have got instructions, whether
17 they extend --
18
19 MR McCARTHY: No.
20
21 HIS HONOUR: -- to this term of [information suppressed].
22
23
24 MR McCARTHY: No, I would not.
25
26 HIS HONOUR: I understand that.
27
28 MR McCARTHY: While we are on that, your Honour, nor would
29 it extend to the second suppression order, the name of the
30 principal. It may well extend to the third category
31 because I now understand - I am corrected. That agreement
32 is subject to, of course, the persons consenting to the use
33 of their names.
34
35 HIS HONOUR: Of course, yes.
36
37 MR McCARTHY: Of course.
38
39 HIS HONOUR: And some of them are quite happy for their
40 names to be --
41
42 MR McCARTHY: Yes, and they have done so, yes.
43
44 HIS HONOUR: That's right.
45
46 MR McCARTHY: The third suppression order that was made
47 yesterday, it was not clear on the transcript that that had

1 anything to do with what your Honour I think described as
2 evidence from a person in relation to [information suppressed].

3
4
5 HIS HONOUR: In the end I agree because I didn't
6 understand her evidence to be to that effect. In the end I
7 was told that she was referring to [information suppressed].

8
9
10 MR McCARTHY: In that case that person would not be - her
11 name would not be published in that context and there would
12 be no reference to that.

13
14 HIS HONOUR: So really it comes down today to the issue of
15 the suppression orders made at 37, 52 and 70 and you're
16 saying that in relation to 1 of 57 I've got no power to
17 make it but for present purposes it doesn't really matter
18 because you wouldn't want to publish the name.

19
20 MR McCARTHY: Correct. That's the position, your Honour.

21
22 HIS HONOUR: All right. I'm sorry to interrupt but
23 perhaps you go back to where you were before.

24
25 MR McCARTHY: Yes. At page 175 Hallett is saying that
26 commissions and boards just simply do not have the power to
27 suppress the names of witnesses. At the end of that page
28 Hallett says, referring to the Jenkinson Pentridge Inquiry
29 in 1972:

30
31 The board adopted the view in that inquiry
32 that the inquiry should be conducted in
33 public and that comment ...(reads)...
34 comment and gossip which could be provided
35 to the relatives of prisoners.

36
37 Then at 178, the very last paragraph of this chapter the
38 matter is drawn together by the author and he says:

39
40 The consensus of opinion seems clearly to
41 be that it is desirable that inquiries be
42 held in public. ...(reads)... bear the
43 disadvantage of not being able to order
44 witnesses from an inquiry.

45
46 Now, that is in the context of this section being hearings
47 in camera but in my respectful submission it applies

1 equally to the comments previously made about suppressing
2 the names of witnesses.
3
4 HIS HONOUR: The important issue is whether - you quoted a
5 text which says it is desirable that inquiries conduct
6 their hearings in public.
7
8 MR McCARTHY: Yes.
9
10 HIS HONOUR: I thoroughly agree with that.
11
12 MR McCARTHY: Yes.
13
14 HIS HONOUR: But what is there to stop me holding hearings
15 totally in camera?
16
17 MR McCARTHY: Nothing, except that those provisions that
18 I have just read to you, specifically in relation to
19 hearings in camera say that it is preferable that you do
20 not do so because of the public (indistinct) inquiry.
21
22 HIS HONOUR: I agree with that but when one is balancing
23 concerns about the damage to victims of sexual abuse, other
24 people who might be affected by the evidence, I am leaning
25 in favour of having the evidence heard publicly but making
26 appropriate orders, which I have thought I have got the
27 power to make, in order to enable that to happen.
28
29 MR McCARTHY: Let me put another matter to your Honour
30 because we are at issue on that submission, I think.
31
32 It seems to me that if there was a power to make
33 suppression orders there would also be a power to punish
34 the breach of such a suppression order. In my respectful
35 submission, there is no such power. That again would
36 suggest to me, there being no ability to enforce or punish,
37 that it is implicit that there is no power to make the
38 order.
39
40 If I can also take you to Hallett in that regard at
41 page 247, it says:
42
43 At common law there is apparently no rule
44 which makes punishable acts committed in
45 respect ...(reads)... contempt which
46 applies to commissions and boards at common
47 law.

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And there is no, of course, statutory power to your Honour.

At page 248 it says, in a paper in 1968 Criminal Law Review by a fellow but the name of Miller, it says:

Miller has argued that if it were thought desirable to extend the law of ... (reads) ... can be applied to commissions and boards. Such bodies do not exercise judicial functions.

Which I have taken your Honour to earlier:

It is doubtful whether the prerogative writs are available to supervise the conduct ... (reads) ... courts through the grant of injunctions and the making of declarations.

So your Honour, I say there that that is another reason why, in my respectful submission, there is no power to make suppression orders.

HIS HONOUR: In that context we can return to clause 6(2) of the third schedule. You have made a submission that the provision of a witness in this inquiry has the same protection as a witness in the Supreme Court.

MR McCARTHY: Yes.

HIS HONOUR: You are saying that does not extend to suppression orders.

MR McCARTHY: Correct.

HIS HONOUR: Why do you say that? Could you elaborate on that?

MR McCARTHY: Yes. I say that, your Honour, because in the absence of an express provision, the position at law seems to be as reflected by Hallett, that inquiries have no power to make suppression orders and this should not be read --

HIS HONOUR: That is a little bit circular but I understood you to make some provision that the word

1 "protection" was to be construed in a particular way in
2 terms of what is in the Supreme Court Rules.
3
4 MR McCARTHY: Yes.
5
6 HIS HONOUR: So what were you saying there?
7
8 MR McCARTHY: I was saying that the issue of protection of
9 witnesses under the Supreme Court Rules is dealt with, in
10 my submission, under order 36 rule 3.
11
12 HIS HONOUR: What is that headed?
13
14 MR McCARTHY: "Evidence of Children and Other Special
15 Witnesses".
16
17 HIS HONOUR: So why do you say the word "protection"
18 should be construed narrowly to cover only that? That's
19 the word "protection" in the third schedule of the Public
20 Sector Management Act.
21
22 MR McCARTHY: Because the law seems to be that inquiries
23 such as this have no power to make suppression orders.
24
25 HIS HONOUR: That's returning to your original argument.
26
27 MR McCARTHY: It is but my submission is this: in order
28 for that to be displaced there would need to be clear words
29 granting your Honour power to make suppression orders such
30 as we find in many pieces of legislation in this state,
31 including the Criminal Procedure Act. If it were intended
32 that your Honour should have power contrary to the general
33 law to make suppression order, in my respectful submission,
34 that would be said.
35
36 HIS HONOUR: Perhaps in this context if we return to
37 section 24J(3) and paragraph (b): I am required to act
38 according to equity and good conscience.
39
40 MR McCARTHY: Yes.
41
42 HIS HONOUR: When you look at the authorities as to the
43 meaning of "good conscience" the authorities refer to
44 observing rules of procedural fairness, acting with
45 commonsense and common fairness.
46
47 MR McCARTHY: Yes.

1
2 HIS HONOUR: If we look at the - which I think is probably
3 the major issue raised today and that is the suppression
4 order I made with respect to the name of the politician --
5
6 MR McCARTHY: Yes.
7
8 HIS HONOUR: -- we have a situation where there is no
9 evidence before me yet that that politician in fact stopped
10 the investigation by Mr Humphries.
11
12 MR McCARTHY: Yes.
13
14 HIS HONOUR: The evidence is that Mr Humphries was
15 instructed to cease his investigation by his supervisor.
16
17 MR McCARTHY: Yes.
18
19 HIS HONOUR: He was told by his supervisor that that
20 direction came in head office.
21
22 MR McCARTHY: Yes.
23
24 HIS HONOUR: And then the conversation that followed when
25 he queried that instruction, he was told the name of the
26 politician who was connected with that instruction.
27
28 MR McCARTHY: Yes.
29
30 HIS HONOUR: So we have an assertion which is based upon
31 hearsay two or three steps removed.
32
33 MR McCARTHY: Yes.
34
35 HIS HONOUR: When I made my ruling I said that I am
36 suppressing that name for the present until investigations
37 are completed, when I will review it and decide whether or
38 not the name should in fact be suppressed.
39
40 MR McCARTHY: Yes.
41
42 HIS HONOUR: We have a situation where we've got only at
43 this stage the evidence of Mr Humphries that he was told
44 these things and he's not the direct source of information
45 which might suggest the politician stopped the inquiry.
46
47 MR McCARTHY: Yes.

1
2 HIS HONOUR: Obviously my investigators want to follow
3 through on that chain, which resulted in that instruction.
4
5 MR McCARTHY: Yes.
6
7 HIS HONOUR: Isn't it desirable that the investigators do
8 that and we see what other evidence is there before the
9 name of the politician is sullied?
10
11 MR McCARTHY: No, your Honour.
12
13 HIS HONOUR: Why do you say that? I am talking in terms
14 of procedural fairness.
15
16 MR McCARTHY: Yes, I understand, your Honour. The reason
17 I say no is this: if one was to assume for a moment that
18 your Honour did have power to make suppression orders, the
19 circumstances in which a suppression order could be made
20 could only be made within the exceptions that exist to the
21 principles of open justice. Those principles are set out,
22 I think, most clearly - more clearly than Re Bromfield in
23 Re Robin, which your Honour would be aware of.
24
25 HIS HONOUR: Before you go any further, there is nothing
26 in the Act which says that I am to observe principles of
27 open justice.
28
29 MR McCARTHY: No.
30
31 HIS HONOUR: But there is the instruction in the Act that
32 I am to act in accordance with equity and good conscience.
33
34 MR McCARTHY: Well, yes, your Honour but there are also
35 the provisions of Hallett that I have taken you to and the
36 alternative --.
37
38 HIS HONOUR: Yes, but the statute must come over.
39
40 MR McCARTHY: I beg your pardon?
41
42 HIS HONOUR: We must construe my powers in accordance with
43 the statute. It is the statute that determines what powers
44 I have.
45
46 MR McCARTHY: Yes.
47

1 HIS HONOUR: The text of Hallett you referred to is
2 extremely helpful and I thank you for referring me to that
3 but really I have got to look first at the Act and see what
4 that means.

5
6 MR McCARTHY: Yes.

7
8 HIS HONOUR: I am suggesting to you that the obligation
9 for me to act in accordance with good conscience requires
10 me to observe procedural fairness to people who are
11 affected by the evidence in this inquiry.

12
13 MR McCARTHY: Yes. Your Honour, in my respectful
14 submission, there is no doubt about that but there is a
15 matter that your Honour, in my respectful submission, is
16 required to observe which is more important than that and
17 that is the public interest. The rules of open justice are
18 rules that relate to the public interest and the rule is
19 essentially this: that there are public and private
20 interests, such as a person's name that is raised in a
21 public hearing not being able to be mentioned until there
22 is incontrovertible first-hand evidence linking the person
23 to the allegation. That may be something that could be
24 categorised as a private interest of the person concerned
25 and a public interest in those allegations not being made
26 until they are in fact established.

27
28 The rule of open justice, in my respectful submission,
29 is a rule of public importance which says that in those
30 circumstances the principles of open justice are to take
31 precedence over those other private or public interests and
32 the principles of open justice are that notwithstanding
33 that people may be embarrassed, hurt, damaged or whatever,
34 by the strict observance of the principles of natural
35 justice, the principles of open justice should apply. This
36 would be one of those circumstances and that is what was
37 said in Hallett. Hallett goes to the question of good
38 conscience and equity, in the sense that it also must
39 consider, in my submission, the overall public interest in
40 the importance of the principles of open justice. Not only
41 as they apply in a strict court but as they apply in any
42 inquiry, particularly a public inquiry.

43
44 HIS HONOUR: Does Hallett refer anywhere to statutory
45 provisions similar to the one I've referred you to?

46
47 MR McCARTHY: No, not that I can see, your Honour. I was

1 instructed late yesterday afternoon, I have been through
2 Hallett as carefully as I can in the meantime and there was
3 nothing that I could find that was anything like that and I
4 was looking for something like that because obviously it
5 would have been helpful. The closest I can come to is the
6 comments in Hallett that I have taken your Honour to which
7 say that the inquiries accept that, notwithstanding the
8 hurt that may be caused to people, the importance of open
9 hearings takes precedence and that is in that section about
10 in camera hearings. The same principle, in my respectful
11 submission, applies in suppression orders as Hallett says,
12 that there is no power and I would say for the same reason.
13

14 HIS HONOUR: While we are on section 24J, what do you say
15 about subsection 4 which provides that:

16
17 To the extent that the practice or
18 procedure of a special inquiry is not
19 prescribed by or under this Act it is to be
20 as a special inquiry determines.
21

22 MR McCARTHY: Yes.
23

24 HIS HONOUR: Why doesn't that give me the power to make
25 suppression orders?
26

27 MR McCARTHY: That's why, when I took you to that section
28 of Hallett under "Methods and Evidentiary Requirements",
29 that was the chapter dealing with matters, in my respectful
30 submission, of practice and procedure. In that section it
31 started off, as I have said to your Honour, with internal
32 management; obviously a matter of practice and procedure.
33 Inquiry method; practice and procedure. Evidentiary
34 requirements. Evidence on oath. Standard of proof. In
35 camera hearings. Now, in that section on in camera
36 hearings, in relation to practice and procedure in relation
37 to that very issue, the sections that I have taken your
38 Honour to say that when an inquiry is a public inquiry in
39 relation to matters of public interest, the court should
40 not have in camera hearings and that there is no power to
41 make suppression orders. So within the context of the law
42 in relation to Royal Commissions and tribunals, it seems to
43 be accepted, in the area of practice and procedure, that
44 there is no power to make suppression orders. So in my
45 respectful submission, against that background, in the
46 absence of an express provision to that effect, which is
47 found in many other statutes and if the statute was meant

1 to say "The inquirer will have the power to make
2 suppression orders" it would have said it and against the
3 background of the law being that inquirers do not have that
4 power, that general provision as reflected by this text is
5 not sufficient to override the general proposition that
6 inquirers have no power to make suppression orders. Which
7 is which again I take your Honour to that provision. Your
8 Honour recalls that provision where I said that the usual
9 practice is for agreement to be reached with the media
10 bodies. That is why that is the general practice. That is
11 why I offer and that's why I say to your Honour that I have
12 those instructions. That is how apparently inquiries are
13 dealt with and in the absence of an expression provision,
14 my submission is the power is not there.
15

16 HIS HONOUR: If you are correct in your submissions -
17 I don't have the power to make suppression orders - then
18 that means in order to act in accordance with equity and
19 good conscience in a situation like the name of the
20 politician where the assertion is still being investigated,
21 the effect of the evidence leaves open the conclusion that
22 this politician did in fact get instructions in some way
23 for the investigation to be terminated, which is a very
24 highly adverse finding, if that is what in fact happened.
25 Now, he's not --
26

27 MR McCARTHY: If a finding is ultimately made.
28

29 HIS HONOUR: If that finding was made.
30

31 MR McCARTHY: Yes.
32

33 HIS HONOUR: What if investigations don't cover some other
34 explanation; for example, whoever it was in head office who
35 gave instruction was lying?
36

37 MR McCARTHY: It may well be the case. These things
38 happen all the time in life.
39

40 HIS HONOUR: In the meantime there is a lot of damage done
41 to the reputation.
42

43 MR McCARTHY: Well, not necessarily, your Honour. It
44 seems to me that the press are obliged to make fair and
45 accurate reports of proceedings such as this inquiry.
46 I would have thought, with the greatest of respect, that
47 that could be dealt with this way - bearing in mind that it

1 is not a court, there are not necessarily counsel here
2 representing the people whose names suddenly come up, but
3 it is a situation where I think your Honour could make it
4 plain, in those circumstances, to the media who - I don't
5 know whether you have seen them but there are a back of
6 them sitting downstairs in a room watching this on
7 monitors.

8
9 HIS HONOUR: I'm sure there are, yes.

10
11 MR McCARTHY: It could be made very clear to the members
12 of the media that there is no finding; that that is an
13 assertion that has been made by a witness who has no
14 personal knowledge of the matter. These reporters
15 report court stories and stories frequently. They have
16 editors who see them, they have subeditors who see them,
17 and I would have thought that your Honour could make it
18 abundantly clear what the position was in relation to that
19 evidence, on something as prickly as that, if I can put it
20 that way, your Honour.

21
22 HIS HONOUR: One might think the deceased politician has
23 no concerns, but no doubt his children and grandchildren --

24
25 MR McCARTHY: Well, may be. That's the other point,
26 your Honour.

27
28 HIS HONOUR: Yes.

29
30 MR McCARTHY: That is a blunt point which, frankly, I was
31 hoping to avoid, but the person is deceased. You see, that
32 goes to this issue, your Honour: there would be no way in
33 the world, in my respectful submission, that a suppression
34 order would be made under section 171 of the Criminal
35 Procedure Act on those facts, because there is - Fairfax
36 has a good description:

37
38 An order of the court prohibiting the
39 publication of evidence is only valid if it
40 is really necessary to secure the proper
41 administration of justice in proceedings
42 before it.

43
44 Now, there is nothing that the naming of that person, in my
45 respectful submission, would give rise to to prevent the
46 proper administration of justice in those proceedings.
47 Although you don't administer justice, the proper conduct

1 of this Inquiry would not be affected by the naming of that
2 person today.

3
4 Now, what I mean by that is, even if one were to
5 assume that your Honour had power to make a suppression
6 order and that we knew what the test was - there being no
7 express provision, which is another reason why I say
8 your Honour doesn't have the power - but, let's assume that
9 the test was the test in 171 of the Criminal Procedure Act,
10 "in the interests of justice", which means in the interests
11 of justice in these proceedings. There would be no basis,
12 in my respectful submission, for there to be a suppression
13 order.

14
15 The naming of that person or not is not going to
16 affect one iota whether or not your Honour is able to
17 conduct a proper inquiry, and the overall public interest
18 requires not just court proceedings, in my submission, but
19 public inquiries, in particular, to be public.

20
21 It almost goes without saying: it is a public inquiry
22 in relation to the public service, inquiring into public
23 offices and the policies of public government departments.
24 The public is entitled to know what happened in this
25 matter. It is the whole purpose of this Inquiry. The
26 clandestine things that happened at that hostel in
27 Katanning need to be not clandestine any more.

28
29 HIS HONOUR: Need to be aired and brought out into the
30 open.

31
32 MR McCARTHY: Yes, they do, your Honour.

33
34 HIS HONOUR: Yes, I know that.

35
36 MR McCARTHY: I'm afraid the greater public interest
37 requires that to be done notwithstanding, as all of the
38 open justice cases - Re Robins says, notwithstanding
39 embarrassment, hurt, damage, it must be opened. It must be
40 opened in a court because otherwise the court system comes
41 into disrepute, because it is then a court system under
42 a cloak. But in a public inquiry such as this, in relation
43 to the public service and what happened in relation to the
44 sexual abuse of children at a public institution, the
45 public interest demands that these proceedings be public.

46
47 It is not going to stop you properly conducting your

1 Inquiry to allow the release of the name of that
2 politician. In fact, it is demanded, in my respectful
3 submission.
4

5 Now, your Honour, I haven't covered the last topic,
6 which was to take you through Re Robins and the principles
7 of open justice and what the exceptions are to show
8 your Honour that the examples - apart from the third
9 category, which I now understand, which I didn't, because
10 it is not clear on the transcript - but the first three
11 categories do not fall within any of the exceptions to the
12 principles of open justice, in my respectful submission.
13 I have touched upon that. That may be enough for
14 your Honour.
15

16 HIS HONOUR: Yes, it is.
17

18 MR McCARTHY: I can take your Honour to Re Robins, if you
19 want me to.
20

21 HIS HONOUR: No, it won't be necessary.
22

23 MR McCARTHY: Unless there is anything else, your Honour,
24 those are my submissions.
25

26 HIS HONOUR: Thank you for your submissions. Now,
27 Mr Saayman, do you wish to say anything?
28

29 MR SAAYMAN: Yes, sir. Not much. I am certainly not in a
30 position to advance my learned friend's argument in any
31 way, shape or form. However, it is appropriate that
32 I comment on my client's support for the application of my
33 learned friend, particularly by reference to the
34 suppression orders relating to the name of the principal
35 and the name of the politician, provided that - and this is
36 the sole proviso I am instructed to make - there is
37 adequate protection, obviously, in place, whether that be
38 through undertakings by the media or through protective
39 measures put in place by this Inquiry, by your Honour, for
40 victims.
41

42 HIS HONOUR: Just pause there. When you say "protective
43 measures", what are you referring to there?
44

45 MR SAAYMAN: Well, sir, taking the point from --
46

47 HIS HONOUR: Mr McCarthy said I have no power to do these

1 things.
2
3 MR SAAYMAN: Yes, sir. Taking the point from Mr McCarthy,
4 to the extent that this tribunal has the power to make
5 orders in respect to procedure and practice to protect the
6 evidence within this Inquiry and the interests of justice
7 within the context of this Inquiry specifically, we would
8 submit that there is power within those limits, as
9 Mr McCarthy has already commented on, in the interests of
10 justice. Seemingly, in cases of potential victims and
11 whistle-blowers, there is an interest being protected, and
12 that is to ensure that other witnesses do attend the
13 inquiry, to put the position forward so that the matter can
14 be adequately --
15
16 HIS HONOUR: But Mr McCarthy says I have no power to make
17 an order protecting or suppressing the name of a sexual
18 abuse victim, but his clients would be willing to agree not
19 to publish those names, and that is the only way in which
20 that outcome could be brought about. That's the
21 submission.
22
23 MR SAAYMAN: As I have understood Mr McCarthy's
24 submissions, there was a submission that there is no power
25 to make a global suppression order.
26
27 HIS HONOUR: Have I misstated you, Mr McCarthy?
28
29 MR SAAYMAN: We are certainly not objecting to his
30 position. I will make that very clear. We are not
31 objecting to that position, certainly, provided that there
32 is, obviously, a power to have the hearing in camera, which
33 certainly we wouldn't be seeking, but in terms of
34 protections of victims and whistle-blowers, provided that
35 Mr McCarthy's clients were in a position to make the
36 undertakings which he has already made --
37
38 MR McCARTHY: Perhaps I will make it clear, your Honour.
39 It is not an undertaking. I have instructions that these
40 media organisations will not. That's where it is.
41
42 HIS HONOUR: Thank you for that. It is not an
43 undertaking. I understand. You are saying that they
44 won't.
45
46 MR SAAYMAN: The point being that we support --
47

1 HIS HONOUR: So, in other words, there is nothing I can do
2 to prevent names being published. That's what I have been
3 told by Mr McCarthy, or submitted by Mr McCarthy.

4
5 MR SAAYMAN: I'm not in a position to advance that
6 position either way, or to raise objections to that matter.
7 But my instructions are that this is a public inquiry; the
8 interests of the victims is that this matter be addressed
9 in public, that the names of officials be publicised and,
10 in terms of the comments made by Mr McCarthy and his
11 clients that they will not publicise the names of victims,
12 well, then, in that case, we would support the application.

13
14 HIS HONOUR: Just so I can return to you, Mr McCarthy,
15 there is something I meant to raise with you and I didn't
16 raise. We are in the situation where some of the sexual
17 abuse victims have come forward, but I am satisfied there
18 are many more who haven't, and those who haven't come
19 forward may well have some valuable information which would
20 lead to investigations and different directions.

21
22 Now, if I was to decide I don't have any power to
23 suppress names of sexual abuse victims, that may well make
24 them even more reluctant to come forward. What have you
25 got to say about that?

26
27 MR McCARTHY: I say two things about that. If your Honour
28 also says, "but the media outlets have agreed not to
29 publish their names", that would give them some comfort.
30 But I was also going to say, following on from what my
31 learned friend said, one of the reasons why, of course, the
32 open justice principle is so jealously guarded is because
33 publicity of proceedings actually is found to give rise to
34 people coming forward --

35
36 HIS HONOUR: Sometimes it does, I agree.

37
38 MR McCARTHY: -- when they don't come forward. My
39 instructor passed me a note which I had finished, which is
40 a bit late, but I now have another opportunity, so I will
41 put it. He made quite a good point. He said that equity
42 and good conscience cuts both ways, and by that he is
43 meaning, of course, equity and good conscience on one hand,
44 feeling sorry for - rightly so - people who have suffered
45 terribly in these circumstances; equity and good conscience
46 in recognising that this is a public inquiry and its
47 purpose is to make these things come out into the open.

1
2 As your Honour said - I forgot your Honour's precise
3 words, but as your Honour said in the press report - "the
4 full unvarnished truth"; it needs to come out. That is the
5 purpose of this Inquiry. And equity and good conscience
6 point to the direction of the full unvarnished truth coming
7 out. Equity and good conscience also point to people
8 having the confidence to come forward.
9

10 Now, if people see what has been reported, people see
11 other people coming forward and saying these things; if
12 people know that the press has agreed not to publish names
13 and they don't see names published, in my respectful
14 submission, equity and good conscience would lead someone
15 to the conclusion that suppression orders should not be
16 made; the matters that come out in this Inquiry, subject to
17 that specific aspect, should be in the full glare of
18 publicity.
19

20 HIS HONOUR: All right. Thank you. Mr Jenkin, do you
21 have anything to say?
22

23 MR JENKIN: Sir, on behalf of both the Authority and the
24 Department, I have no instructions to cavil with the
25 suppression orders that have been made by your Honour. So
26 I just don't have any instructions in relation to it either
27 way.
28

29 HIS HONOUR: You don't have any views; you are not in a
30 position to express any views. All right. Mr Urquhart?
31

32 MR URQUHART: Thank you, sir, I will be relatively brief,
33 sir, because a lot of the matters that I was going to make
34 observations on have already been canvassed by your Honour
35 in the questioning of my learned friend.
36

37 Suffice it to say, it would seem that my learned
38 friend is saying this: this Inquiry has the power to
39 conduct its hearings in camera, if it so desired, but if it
40 is not to conduct its hearings in camera, then it must be
41 all or nothing and there is simply no power that
42 your Honour would have to make orders such as suppression
43 when your Honour is of the view that it is suitable to do
44 so.
45

46 In my submission, sir, the power that your Honour has
47 to make a suppression order such as the ones that

1 your Honour has made yesterday, is covered by section
2 24J(3)(b), and that is you must act according to equity,
3 good conscience and the substantial merits of the case.
4

5 My learned friend wasn't able to cite any authority or
6 cite from the text that he quoted substantially from to
7 support an argument that your Honour's power of suppression
8 is excluded from that particular subparagraph.
9

10 My learned friend conceded that this Inquiry is
11 a creature of statute. They are the statutory provisions
12 and, in my submission, a simple reading of those provisions
13 does entitle your Honour to make the suppression orders of
14 the type that your Honour made yesterday.
15

16 Now, your Honour has already identified a classic
17 situation with respect to the name of the politician, that
18 should the Inquiry's further investigations reveal that, in
19 fact, the person that Mr Humphries spoke to was lying about
20 that, or, indeed, that the person that Mr Humphries spoke
21 to, him speaking to the person from the head office was
22 lying, then there would be hardly procedural fairness for
23 that politician's name to be now disclosed, only for the
24 investigation by this Inquiry to find that there was no
25 merit to the accusation that the politician was involved in
26 some way.
27

28 My learned friend has cited what your Honour said
29 about finding the truth in this matter. Well, at this
30 point in time, we do not know the truth about the
31 involvement of this particular politician, because all we
32 have at this stage is that Mr Humphries was told something
33 by someone who was told something by someone else, who may
34 or may not have spoken to the person whose name is
35 currently suppressed. And your Honour made it clear in the
36 suppression order with respect to that politician that it
37 was for the present, and it may well be that further
38 inquiries undertaken may reveal that the situation will
39 change, and there might be a good argument for the
40 publication of that politician's name. But at present, the
41 information to date would, in my submission, support the
42 continuation of the suppression order, that, in the
43 interests of procedural fairness, it remain in place.
44

45 With respect to the principal, once more, sir, that
46 suppression order is not set in perpetuity. There may be
47 circumstances which would warrant the lifting of the

1 suppression order in relation to that person.

2
3 But I also note, sir, that the evidence of Mrs Bentley
4 with respect to what disclosures she made to that principal
5 was hardly precise and it could certainly not be said that,
6 even on her account, this principal was told, for example,
7 that Dennis McKenna was engaging in sexual offending. She
8 was very broad and quite vague in what she advised that
9 particular principal.

10
11 So again, sir, once more, in the interests of good
12 conscience, given the fact that that man is now deceased,
13 it would be appropriate to keep that suppression order in
14 place for the time being.

15
16 I really cannot understand any interests that my
17 learned friend's clients would have in the suppression
18 order being lifted with respect to page 37 - [information
19 suppressed].

20
21
22
23 Sir, my learned friend has said there need to be clear
24 words regarding the powers to suppress names. In my
25 submission, it is found in subsection (3).

26
27 HIS HONOUR: What do you say to the submission that I have
28 no power to enforce a suppression order, which implies that
29 there is no power to make suppression orders?

30
31 MR URQUHART: The situation with the suppression order is
32 that it is going to be a bit difficult to breach, in the
33 sense that there is a suppression in place - insofar as
34 these matters are concerned, concerning the names, they
35 haven't actually been stated publicly.

36
37 HIS HONOUR: There are two categories of suppression here
38 in the context of this issue, and that is the evidence of
39 Kerryn Stephens at transcript 37 and Mrs Bentley at 57 -
40 the evidence was given but I suppressed its publication.

41
42 In respect of the name of the school principal and the
43 name of the politician, that evidence was not given openly,
44 and I suppressed the publication of those names, but that
45 involves something different, because they cannot be
46 published until the media are given access to the papers on
47 which names were written.

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MR URQUHART: That's right, sir, yes.

HIS HONOUR: It may be that I have power to simply decide that they shan't be given that access - I don't know. It is in a different category from the evidence which was given openly but then suppressed.

MR URQUHART: Yes, sir. It may well be a deficiency in the Act if, in fact, your Honour doesn't have any powers to impose a penalty, but that shouldn't detract from the provisions that exist in section 24J(3).

However, there is an argument that clause 6 would cover the powers your Honour would have to impose a penalty.

HIS HONOUR: Well, I would think the only possible basis on which that submission could be answered would be if the word "protection" in that last subclause of schedule 3 extends to, in some way, empower me to ensure the witness can be protected by any suppression order that I make.

MR URQUHART: Yes, sir. I'm not quite certain whether there are any provisions elsewhere in the Act that cover that.

HIS HONOUR: I don't think there are, no. Is there anything else you wish to say?

MR URQUHART: No, no, thank you, sir.

HIS HONOUR: I think, Mr McCarthy, you have raised an issue of real substance. I need to consider it. Do you wish to say anything else at this stage?

MR McCARTHY: If I could just briefly respond, sir, to what my friend said?

HIS HONOUR: Certainly.

MR McCARTHY: With respect, your Honour, my learned friend misstated my position and my submissions. My friend said that I cited no authority for the proposition that the power of suppression was excluded from 24J. I made no such submission. My submission is that there is no power to start with; not that it is not excluded, but there is no

1 power.

2
3 My submission is that 24J does not give the power, and
4 my submission precisely is this: where it says "a Special
5 Inquirer must act according to equity, good conscience and
6 the substantial merits of the case", that means, as Hallett
7 says at 172, in relation to both in camera hearings and
8 suppression orders:
9

10 The Salmon Royal Commission concluded the
11 risk of hurt to some persons is a risk
12 which...(reads)...confidence of the public
13 in the integrity of public life is
14 essential.
15

16 Now, take out "national interest", put "public interest".
17 Restoring the integrity of public life, publicly, is
18 essential. This is an Inquiry into matters of public
19 interest. Equity and good conscience would say that it is
20 the obligation of this Inquiry to make these matters public
21 and to bring them out into the open. It is the covert,
22 clandestine nature of what happened that is the problem
23 here, and that is what your Honour's inquiring into.
24

25 Your Honour, in relation to the last point, it is sort
26 of, if I can put it this way with the greatest of respect,
27 a tricky way of getting around it: don't make
28 a suppression order but tell the witness not to say what
29 the name is but write it down on a piece of paper. Now,
30 that is either a tricky suppression order or it is
31 a hearing in camera.
32

33 HIS HONOUR: Well, it is a hybrid between the two.
34 I mean, it is a hybrid between having an open hearing and
35 having it in camera.
36

37 MR McCARTHY: In essence, it is a suppression of evidence
38 that should be given orally, and Hallett says the practice
39 of inquiries is for oral evidence to be given publicly, not
40 for evidence to be given by writing down on a piece of
41 paper and no-one sees it.
42

43 HIS HONOUR: Just one last thing: in the course of your
44 submissions you said that if I was to decide that I did not
45 have the power to make suppression orders, I could expect
46 some degree of cooperation from the media in respect of
47 what they publish in relation to sensitive information?

1
2 MR McCARTHY: Yes.
3
4 HIS HONOUR: Can you elaborate on that and what would be
5 the mechanism for that to occur?
6
7 MR McCARTHY: Well, I have already said to your Honour
8 that I am instructed that the media outlets have agreed
9 that they will not publish the names of people who allege
10 they have been the subject of sexual abuse.
11
12 HIS HONOUR: But that's just one limited category.
13 I would be concerned if there was any publication of
14 [information suppressed]
15
16
17
18 MR McCARTHY: Okay. Your Honour, can I suggest this - and
19 I'm sure that, without instructions, it won't be a problem:
20 if your Honour wants to inquire as to the media's position
21 on particular matters, I will come down here with
22 instructions.
23
24 HIS HONOUR: Really, I'm not foreshadowing a decision on
25 this application in your favour; I am just inquiring what
26 would be the mechanism for dealing with these issues if
27 I was to decide we must hear witnesses in the open and for
28 the full evidence to be given, but there are aspects of the
29 evidence where I consider that there would be damage done
30 to a witness --
31
32 MR McCARTHY: That's my suggestion, your Honour, that your
33 staff contact me and I will come down as soon as is
34 practicable.
35
36 HIS HONOUR: All right. I understand. All right, well,
37 I am going to reserve my decision, and I would like to
38 deliver it as soon as possible, but I think I will need
39 a day or two. So I hope to deliver a decision before the
40 end of the week.
41
42 MR McCARTHY: Of course.
43
44 HIS HONOUR: I will have my associate let you know when
45 I am ready to deliver it.
46
47 MR McCARTHY: Thank you, your Honour. I am obliged.

1
2 HIS HONOUR: Very good. I will just take a very short
3 break.
4
5 SHORT ADJOURNMENT
6
7 MR URQUHART: The next witness to be called is Sharon Kay
8 Parker.
9
10 <SHARON KAY PARKER, affirmed:
11
12 HIS HONOUR: I apologise for the late start, but it was
13 due to circumstances beyond my control.
14
15 <EXAMINATION-IN-CHIEF BY MR URQUHART:
16
17 MR URQUHART: Q. Your name is Sharon Kay Parker?
18 A. That's correct.
19
20 Q. Your date of birth is 7 June 1967?
21 A. That's correct.
22
23 Q. The reason I ask that is because we need to place that
24 in context with respect to your age at certain years.
25 A. Sure.
26
27 Q. You reside in the Perth metropolitan area?
28 A. That's correct.
29
30 Q. Are you married with three children?
31 A. Yes.
32
33 Q. Parker is your maiden name, isn't it?
34 A. That's correct.
35
36 Q. Is it the case that you are no relation to a Mr Ian
37 Parker, who attended the Katanning high school and gave
38 evidence earlier this morning?
39 A. No, he's no relation.
40
41 Q. Ms Parker, do you have degrees in psychology?
42 A. Yes, that's correct.
43
44 Q. You also have a Ph.D in that area?
45 A. Yes.
46
47 Q. What specific area is your Ph.D?

1 A. In the field of organisational psychology, so that's
2 psychology applied to the workplace.
3
4 Q. Are you currently a professor at the UWA Business
5 School?
6 A. Yes, that's correct.
7
8 Q. Ms Parker, if I can ask you some questions about where
9 you went to school in years 11 and for part of year 12.
10 Was it the case that you went to the Katanning high school?
11 A. That's correct, yes.
12
13 Q. Year 11 would be 1983?
14 A. Yes.
15
16 Q. And year 12 then the following year, 1984?
17 A. Yes.
18
19 Q. Is it the case that you remained at the high school
20 and stayed at the Katanning hostel until May 1984?
21 A. Yes.
22
23 Q. So you were there for approximately 15 months?
24 A. Yes.
25
26 Q. We'll establish right from the outset: is it the case
27 that you weren't sexually abused by any member of the
28 hostel staff while you stayed there?
29 A. No, I was not sexually abused.
30
31 Q. However, would you state that you were abused in a
32 different way?
33 A. I believe that I was psychologically abused.
34
35 Q. Was that at the hands of one or more hostel staff?
36 A. I guess primarily at the hands of Dennis McKenna, but
37 it was really a team effort, let's say.
38
39 Q. We will be going through that in a moment, but if
40 I could ask you, please, how it was that you came to stay
41 at the Katanning hostel. First, where were your parents
42 residing in 1983?
43 A. I came from a farm just outside of Kojonup, so at the
44 end of 1982, when I had completed year 10 at Kojonup junior
45 high school, I had to decide where to continue my studies.
46 So one option was to go to Perth, and I considered MLC and
47 my parents and I visited, but on the recommendation of a

1 family friend, whose boys had also attended the hostel, we
2 also looked at St Andrew's hostel, so myself and my family
3 met with Dennis McKenna at the hostel.
4

5 Q. At that meeting what did you come away with as to your
6 impressions of the Katanning hostel?

7 A. We had been told that Dennis was a fantastic,
8 tremendous person and that the hostel was really unique
9 and, when we went there, it certainly appeared that way.
10 There was a swimming pool, there was a roller skating rink,
11 there was a movie theatre - it seemed to be very unusual.
12 Dennis seemed very keen for me to come. In fact, he showed
13 me that he had already had a prefect's badge printed up for
14 me, which he had in his drawer and he pulled it out and
15 showed it to me, which I guess made me think that, yeah,
16 this was going to be a really good place for me where
17 I would be valued. So I decided to go - to make the
18 decision to go.
19

20 Q. That prefect's badge that he showed you, did it
21 actually have your name on it?

22 A. It had my name on it.
23

24 Q. So although you had the option of going to MLC here,
25 you selected the Katanning high school?

26 A. Yes. I mean, I guess I knew that MLC would be a
27 financial stretch for my parents, but, also, all the
28 evidence suggested that St Andrew's hostel was a really
29 wonderful place and I guess I felt that I was going to
30 thrive there, that I was going to a place where a man
31 already thought so much of me that he had printed up a
32 prefect's badge.
33

34 Q. So you started there the following year in February?

35 A. Yes.
36

37 Q. Did you also have a close friend of yours who was
38 starting?

39 A. Yes. That was part of the reason that I went, was
40 that I had a very close friend who also started at the same
41 time.
42

43 Q. Was she starting in year 11 as well?

44 A. Yes, that's correct.
45

46 Q. So it was the first time both of you had been to the
47 Katanning high school?

1 A. Yes.
2
3 Q. I understand, Ms Parker, that you prefer not to
4 disclose the name of your friend.
5 A. Yes.
6
7 Q. Shortly after you got there, were you experiencing
8 what could best be described as any homesickness?
9 A. Yes. Unsurprisingly, given that we left home for the
10 first time, we were very excited to be going there, but not
11 surprisingly we did experience homesickness and we were sad
12 and I think we cried, but then I guess things started to go
13 wrong straight away.
14
15 Q. How was that?
16 A. When we were upset and sad, because we were homesick,
17 Dennis seemed to see this as a sign of not liking the
18 hostel and being disloyal, so straight away we heard
19 comments straight away, the very first day we were there,
20 that, you know, we were the cry babies from Kojonup and
21 what was wrong with us and all this sort of thing. Of
22 course, that just made us more confused and more sad, and
23 so, you know, my most vivid memory of that very first
24 weekend is myself and my friend looking for somewhere where
25 we could cry in private, because it felt like, if we were
26 upset, it was immediately reported back to Dennis and then
27 that just made him say more negative comments and creating
28 this negative spiral. I just remember we were looking for
29 somewhere where we could cry with nobody seeing us, and
30 that's a very strong memory I have from that first weekend.
31
32 Q. Those negative comments from Dennis McKenna, were they
33 directly made to you, or did you find out in an indirect
34 way?
35 A. He rarely said things directly. It was more through
36 he would tell people, and you would know that he would be
37 saying negative things, because he would say negative
38 things about other people while you were there. So I did
39 on a few occasions, over the time I was there, try to talk
40 to Dennis about what was going wrong, and then he would be
41 much more indirect, let's say, so his style was more to
42 gossip and say nasty things to other people that then got
43 reported back to you.
44
45 Q. I might ask you a little bit about that later. If we
46 could then deal with the first few months at the hostel.
47 A. Yes.

1
2 Q. To start with, were you and your friend close to each
3 other in the dormitory?
4 A. Yes. We were friends from the age of 7. We were very
5 close friends. To begin with, we were next to each other
6 in the dormitory, but Dennis split us up very early on and
7 really tried hard to sort of split our friendship up. So
8 he continually would call me down to the office and say
9 that my friend was dragging me down and that she was the
10 problem and then, in the meantime, he would have her down
11 to the office and say that I was the problem and blah,
12 blah. But he was also calling my parents and saying that
13 my friend was the problem and he was calling her parents
14 and saying that I was the problem. So he really seemed
15 quite determined to destroy our friendship. But, you know,
16 we had been friends a long time, so he didn't succeed.
17
18 Q. Did this help with the homesickness that you were
19 suffering?
20 A. No, obviously not. Actually, my friend got quite sick
21 in the end - physically sick. She got severely
22 constipated. After about, I can't remember exactly, but
23 maybe a couple of months, her friends - she was really sick
24 and, as I say, severely constipated, so she went to stay
25 with some family friends in Katanning and they called up my
26 friend's parents and said, "Whatever you do, get her out of
27 there," and so the next day my friend's parents came and
28 took her out of the hostel and she then went to Narrogin
29 hostel, where she was happy.
30
31 Q. However, you stayed at Katanning?
32 A. I stayed, yes.
33
34 Q. When your friend left, did you have an expectation
35 that things might improve?
36 A. Given that Dennis had been telling me the whole time
37 that my friend was the problem, I guess I thought maybe
38 things would get better, but of course they didn't, and,
39 you know, in fact I was probably just more alone there.
40
41 Q. Can you provide us with any assistance as to what you
42 observed regarding Dennis McKenna's popularity amongst the
43 fellow boarders that were there?
44 A. I think that all of the fact that Dennis seemed to not
45 like me and in fact I felt he wanted to destroy me -
46 I think that would have been bearable, except for the fact
47 that Dennis was the centre of everything at the hostel. He

1 was idolised, actually. So every move he made, there was a
2 trail of people following him around, so at lunchtime he
3 would sit down and then the kids would flock to sit next to
4 him. You know, he would have these nights where he would
5 come up to the girls' dorms and sit on the beds and all the
6 girls would be expected - and they would - all flock into
7 who ever's cubicle or room it was and sit there and
8 listen - hang off every word that he said, and he would
9 engage in amateur psychoanalysis. He used to say that he
10 had a psychology background, and he would basically just
11 sit and gossip and run people down but, yeah, he was - it
12 was like a cult I guess is the way that I felt being on the
13 outside of it.

14
15 Q. And if you were on the outside, and you were in with
16 Dennis, did you notice something about what those students
17 who were in his good books, for want of a better word, do
18 with respect to those students who were on the outer?

19 A. If you were in with Dennis, you were sort of rewarded.
20 So you were rewarded in lots of ways. First of all, he
21 wouldn't slag you off and say horrible things. Sometimes
22 he would invite people, including girls, down for pizza
23 nights or movie nights. He would give you prefect's
24 badges. He would give you citizen of the year award. So
25 there was a sort of whole very strong - if you were in, you
26 were safe, I guess, and if you were out, then you were the
27 subject of negative comments and other, you know, lies and
28 awful practical jokes and so on.

29
30 Q. I'm going to ask you a few things about what you
31 observed in your 15 months there. To start with, how did
32 he introduce himself to you when you first met him and how
33 would you address him after that?

34 A. Gosh, good question. I think he asked us to address
35 him as "Dennis", is that what you mean?

36
37 Q. Yes.

38 A. Yes.

39

40 Q. So you called him "Dennis" rather than "Mr McKenna"?

41 A. No, always Dennis.

42

43 Q. Did you, during your time there, notice anything about
44 his mannerisms, I suppose, towards boys?

45 A. I mean, I don't think I was conscious of - I didn't
46 know about abuse. I think when I left somebody told me,
47 but I did always think that he was always - I have memories

1 of him always rubbing their hair and patting them on the
2 head and things, so I do have memories of him standing out
3 the front ruffling their hair and touching young boys a
4 lot, but I can't say any more specifically than that.

5
6 Q. Can you recall any comments he might say about boys?
7 A. He used to talk about certain boys being cute, so, you
8 know, in these sessions where all the girls would be
9 sitting around the bed sharing their, you know, thoughts
10 and ideas, he would often say, "Oh, that such-and-such,
11 he's so cute," because he felt it was fine to talk about
12 whoever he wanted, so he would make those sort of comments.

13
14 Q. You mentioned what it would be like to be on the
15 outer.

16 A. Yes.

17
18 Q. Did you find that that was the case with you? How
19 early on was that?

20 A. I think, because I went there in year 11, and I think
21 if you went to the hostel a bit older, it was more clear
22 that it was dysfunctional, because I think the kids who
23 went there younger were more adapted to it and thought it
24 was normal for them. So when I went there older it was
25 weird, you know, and so I found it very difficult to comply
26 with what Dennis wanted of me. He wanted this sort of
27 loyalty and adoration and I felt unable to do that so I was
28 on the outer. I don't think I was rebellious and I wish
29 I had been, in a way, I wish I'd told him to go away but I
30 wasn't that sort of kid but I was not complicit in his -
31 you know, in the adoration of him.

32
33 Q. I think you have already mentioned about remarks he
34 would say that weren't particularly nice that would be made
35 in front of that person.

36 A. Mmm.

37
38 Q. What was your experience in regard to that?

39 A. So the sort of things he would say about me, which
40 always came back to me --

41
42 Q. From who?

43 A. -- from other children, mostly, occasionally from the
44 other staff - "Oh, you know, she thinks she's better than
45 us. She's used to being top dog" - because I was the head
46 girl at Kojonup school - "She can't cope with not being top
47 dog", you know, "the Kojonup tarts" he would quite often

1 refer to my friend and I when we were there. So that sort
2 of comment, yes, implying that the fault was with me,
3 I guess, for why I was not adapting well to life there.
4

5 Q. Were there any other derogatory remarks that you can
6 recall about yourself that your fellow students would
7 convey back to you?

8 A. Yes, so he would say things like - he would use the
9 word "slut" or "slag" and "tart" and that sort of thing and
10 he used to say that I had a boyfriend in Perth and all this
11 sort of stuff.
12

13 Q. Was that true?

14 A. I didn't have a boyfriend in Perth, no.
15

16 Q. Would you write letters during your time there?

17 A. Yes. So because it was so isolated to be on the out
18 group because you couldn't - it was very difficult to
19 reveal your thoughts and feelings to other people because
20 you felt they would be portrayed back to Dennis and it
21 would just escalate the problem, so I wrote a lot of
22 letters. These were the days before Facebook and, you
23 know, iPhones and so on and I had very close friends,
24 obviously, from my previous school. So yes, I wrote a lot
25 of letters.
26

27 Q. Was there a procedure in place, once you'd written out
28 a letter and put it in an envelope? Would you just go post
29 it in the postbox yourself or was there some other --

30 A. Yes, no, we used to drop them at the office. I can't
31 remember whether there was a box or not but we used to
32 leave them at the office and the idea was that they would
33 put stamps on and post them on our behalf.
34

35 Q. Whose office was that?

36 A. So the front office, Dennis' office as you came into
37 the building.
38

39 Q. At one point in time did you start getting suspicions
40 about what might be happening to your mail before it was
41 posted off?

42 A. Yes, because in my letters I disclosed private things
43 because in a sense they were the only people I was
44 communicating closely with and then I heard some of these
45 things being repeated back to me, which then made me --
46

47 Q. By whom?

1 A. By other students, which made me believe that he was
2 reading my email - my mail. So what I decided to do was
3 put something in a letter that absolutely nobody else knew
4 - in fact it was not true - and to see whether that came
5 back to me and it did within a couple of days. So I felt
6 100 per cent sure that he was reading my mail, which made
7 me feel completely violated because I had poured my heart
8 out in my letters because that was my escape route,
9 I guess.

10

11 Q. Was another means of communication to the outside
12 world, for want of a better word, the telephone?

13 A. Yes.

14

15 Q. Was there a public telephone at the hostel?

16 A. So there was a telephone located right outside Dennis'
17 office, which meant that every time you made a phone call
18 he was there watching you. Which is why in those early
19 days that I described when I was homesick, you really
20 almost couldn't ring your parents because of course when
21 you talk to your parents you get upset and you start crying
22 and then you're right outside his office and he can see you
23 and, you know, that's going - that would then just make him
24 get even more annoyed with you. So the telephone was not a
25 good way of communicating.

26

27 Q. You mentioned prefects.

28 A. Yes.

29

30 Q. Who would be responsible for appointing prefects to
31 the hostel?

32 A. Yes. So Dennis, one of the things that he had in
33 place was a lot of prefects. I actually don't know the
34 specific statistics but in year 11 and 12 I think that
35 I would get 70 or 80 per cent of the year 11s and 12s were
36 reflects - a lot, most - and then the only people that were
37 not prefects were the sort of troublemakers or people who
38 were not in the in group. So yes, there was a very strong
39 prefect system

40

41 HIS HONOUR: Q. So you say 70 or 80 per cent of both
42 years 11 and 12?

43 A. I think. I mean, I may be distorting it in my memory.
44 It certainly --

45

46 Q. That's how you remember it?

47 A. Yes, it certainly felt like almost everybody was a

1 prefect except the people who were --
2
3 Q. So certainly a minority were not?
4 A. Yes, that's how it felt.
5
6 MR URQUHART: Q. Did you subsequently find out about
7 whether prefects were supposed to do something, expected to
8 do something?
9 A. Yes, I mean, prefects - part of this - I think the
10 implicit deal was that, you know, prefects were meant to
11 report on what other people were doing and I'm not saying
12 that all prefects did that by any means but that was sort
13 of - I guess they felt special, you know, they felt
14 approved by Dennis and they wanted to get more approval
15 from him and telling him things other students had said or
16 done was just a way of them getting more approval and being
17 more safe on the in group, I think.
18
19 Q. Can I ask you whether you recall an occasion where you
20 were invited to watch a movie?
21 A. Yes.
22
23 Q. Who invited you?
24 A. Yes. So there was a movie theatre generated through
25 Dennis' fundraising and we used to go down there for movies
26 at night.
27
28 Q. So who? When you say " we"?
29 A. The students and I believe staff members also. I
30 remember one occasion - I don't remember a lot - but
31 remember one occasion that we were watching a movie that
32 was really violent and so I left halfway through and then
33 I heard him making some snide comment to somebody and later
34 I was told that he said something like "Oh, I don't know,
35 she thinks she's too good for us" or something like that.
36 Some negative comment about me choosing to leave or "She's
37 uppity" or - I can't remember the exact language but that
38 sort of thing.
39
40 Q. So that movie was at the --
41 A. That was at the hostel.
42
43 Q. At the hostel?
44 A. Yes.
45
46 Q. In the room where these other movies were shown?
47 A. Yes.

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Q. Was that movie invitation extended to all year 8s through to year 12, do you recall?

A. I honestly can't remember that, yes.

Q. Can you recall another example of Dennis McKenna making fun of you during a breakfast time?

A. Mmm. So Dennis, one of the ways that he managed people was to do practical jokes on people. So one of the practical jokes that he played on me was one morning I came down to breakfast and sat where I was sitting at the table and then I got up to go and get breakfast and when I came back there was a big silver bowl full of cereal in my place, with the implication being that I was greedy. And I sat down and he started making sort of pig grunting noises and of course I laughed and, you know, pretended I thought it was a great joke.

Q. And the others around you, did you see their reaction?

A. Yes, well, that was the sort of thing where other people would laugh because they want to, you know, appear in the right light to Dennis. I don't know whether they could tell that I felt, you know, completely humiliated. I suspect they could because they probably felt that way when he did things like that to them but he did that sort of cruel practical joke. You really shouldn't call it a practical joke. He did that sort of cruel humiliating things to people a lot and he seemed to be very good at finding what particularly humiliated you. And I was a 15-year-old girl and I was conscious of my body weight and, you know, that was a really good way of getting to me, basically, to imply that I was a pig.

Q. Do you recall the hostel students conducting shows during the time that you were there?

A. Yes. So every year there was a performance at the end of the year that was given to the parents. Yes, so I found those things pretty excruciating but I think there had been a point where I was more in with Dennis. So, you know, I said I was on the outer and I think mostly I was but there were times when you were more in favour, for whatever reason or not, and at that time I was more in favour and so I was being invited down to the flat to help prepare a show for the end of the year. So the position - the role that I had in this little skit - I can't remember whether it was a skit or what, a play, or whatever - was that I was - I basically had my back to the audience and I had a pillow

1 in my stomach and that song "What About Me?" came on and
2 I turned around and revealed to the audience that I was
3 pregnant, with the implication being that I was pregnant,
4 through Dennis. I can't even remember what the point of
5 the skit was now but, yes, that was one show that I was
6 involved in.

7
8 Q. You mentioned there that the very first meeting you
9 had with Dennis McKenna with your parents before you went
10 to the hostel --

11 A. Yes.

12
13 Q. -- that he had this prefects badge for you?

14 A. Yes.

15
16 Q. Were you given that prefects badge at the same time as
17 others in your year got theirs?

18 A. No. So every now and again he would have some type of
19 ceremony where he would give out more prefect badges and at
20 least on one occasion, possibly more, he told me that I had
21 now earned the right to be a prefect; you know, that I'd
22 been good enough. And then at the actual ceremony he did
23 not give me the prefects badge. So my feeling was that he
24 was sort of deliberately trying to set me up, in a sense,
25 to feel bad. So he did finally give me the prefect badge
26 just before I left.

27
28 Q. I might ask you about that when we get to that, if
29 that's okay.

30 A. Okay, yes.

31
32 Q. Was there a PA at the hostel?

33 A. Yes, there was a PA and others from the hostel will
34 remember this. So he used to do various radio shows on it
35 and little jokey things, again, like I said before.

36
37 Q. That would be him doing this radio show, would it?

38 A. Yes, and possibly other kids as well. I can really
39 only remember him but I'm sure - you know, there would
40 often be a group - he must have done it from the office,
41 I'm guessing. There would be a group of people in the
42 office and they'd all be putting over a little radio
43 commentary or whatever. And I don't remember all of them,
44 I only really remember one because they were quite
45 intrusive because you might be studying or you might be
46 able to go to sleep and suddenly there would be this PA -
47 you know, Dennis' voice sort of bursting out everywhere.

1 So one I remember was he would make up song titles and the
2 names of people who sung them. So the best is to give you
3 an example.

4
5 Q. Yes.

6 A. So the one I remember obviously stuck in my mind. It
7 was something like "Nice Legs, Shame About the Face" by,
8 you know, S Parker. So yes, he would do these things all
9 the time, yes. That's just one I happen to remember.

10
11 Q. We've already heard lots of evidence about fundraising
12 activities --

13 A. Yes.

14
15 Q. -- that Dennis McKenna would organise. Do you recall
16 engaging in those as well?

17 A. Yes. Well, you felt obliged to participate in
18 fundraising because again if you were not seen to be doing
19 these things then, you know, you were not being loyal and
20 worshipping him enough and stuff. So I participated in
21 some. I also did not participate in others but then
22 suffered the consequences. But at the time that I was at
23 the hostel he was quite advanced in his fundraising, so he
24 was doing weddings and things like that. So the students
25 would - under supervision, I guess - cook the food but also
26 deliver it, serve it up to people and things. But at the
27 time that I was there also, you know, I remember other
28 young kids every morning got up at 6 - 5, 6 o'clock,
29 ridiculous early times, and they would clean. They would
30 vacuum the corridors and go down to the kitchen and scrub
31 the floor and they were doing it because this was a way of
32 gaining favour with Dennis and I'm really just saying that
33 to give an example of how I guess it's sort of extreme.
34 That people thought this was normal that 15-year-old or
35 13-year-old kids should get up at 6 o'clock in the morning
36 and just clean.

37
38 Q. As a result of your time there at the hostel did you
39 suffer any physical effects of the treatment you received?

40 A. So, as I said before, I wasn't sexually or --

41
42 Q. No.

43 A. -- physically abused in any way. The ways that
44 I suffered were more I lost a lot of confidence, I became
45 quite introverted. I developed pretty bad insomnia because
46 - and that was particularly around these late-night
47 conversations that Dennis used to have that you were

1 expected to participate in, then if you didn't participate
2 in them I would lie there worrying, you know, knowing that
3 he would probably be talking about me at some point but on
4 principle not going. So, you know, basically not sleeping.
5 So I really got - had very big problems sleeping and, yes,
6 just generally, I think, lost my way for a few years,
7 really.

8
9 Q. You have already told us about how you tried to tell
10 your friends from outside the hostel --

11 A. Yes.

12
13 Q. -- of this impact this was having on you.

14 A. Yes.

15
16 Q. Did you tell anyone within the hostel or within the
17 school?

18 A. Yes. I certainly told friends at school. I don't
19 think I told them specific things. They knew I was unhappy
20 and several of the teachers knew I was unhappy. I think at
21 one point we even did talk to the principal about being
22 unhappy but I couldn't swear to exactly what I said. I did
23 talk to Wendy McKenna, who was the wife of Neil McKenna
24 because she seemed sympathetic, warm sort of person.

25
26 Q. What did you speak to her about?

27 A. So I spoke to her about the problems that I was having
28 and I guess trying to say to her, you know, "Why does he
29 not like me so much? What have I done to upset him so
30 much?" and trying to find a way to be okay there. But she
31 basically told Dennis and then again --

32
33 Q. How do you know that, that she --

34 A. Because - so she would tell Dennis and then people
35 would say "Oh, I heard you have been complaining to Wendy
36 and saying that - you know, this about Dennis". So
37 I learnt from that lesson that it was not worth talking to
38 any of the staff because at that time all of the staff,
39 except there was one woman who wasn't, all of the staff
40 were McKenna's.

41
42 Q. Do you remember who they were?

43 A. Yes. So there was Wendy, I just mentioned, and Neil,
44 her husband.

45
46 Q. Neil her husband, yes.

47 A. Yes. There was Robyn, who was married to Wayne

1 McKenna. I believe there was also Troy McKenna who was
2 there at some point, Troy was there. I think he was a
3 cousin, I'm not a hundred-per-cent sure. And there was one
4 other woman who was a supervisory staff who was not a
5 McKenna. I don't remember her name.

6
7 Q. You mentioned the psychological impact that this had
8 on you and as a result of that did you have to, as an
9 adult, seek some counselling?

10 A. Yes, so when I got married in 2000 I struggled a lot
11 with the relationship and I - look, I could not say it was
12 completely down to the experience at the hostel but it was
13 certainly part of what was happening for me. And so I had
14 - I went to a clinical psychologist in Brisbane for about
15 18 months and then a psychotherapist when I moved to Sydney
16 - I relocated to Sydney - for another year or so and, yes,
17 that was really just about trying to I guess learn how to
18 be okay in a relationship because of some of the problems
19 that I had - I guess lack of trust and things of men that
20 had developed through the hostel.

21
22 Q. As I understand it, you would like to emphasise that
23 the problems that you had are incomparable to those of
24 others at the hostel?

25 A. Yes. I feel - I really do want to be clear that I'm
26 not trying to equate what happened to me with what happened
27 to other people and I know that what he did to boys was off
28 the scale in terms of the trauma they suffered. I also
29 believe he actually psychologically abused some girls much
30 more badly than me but - you know, so because of this I've
31 sort of sometimes wondered is my evidence relevant but
32 ultimately I've come to the firm belief that the way that
33 he treated me was, you know, completely inappropriate,
34 given that I was a 15-year-old girl at a really, you know,
35 critical time in my development really and he should have
36 been looking after me, not trying to destroy me, which is
37 how it felt.

38
39 Q. Ms Parker, you have said that you actually left the
40 Katanning high school and the hostel in May of your final
41 year --

42 A. Yes.

43
44 Q. -- at school, you were in year 12. Was there some
45 event that caused you to leave before you had completed
46 year 12?

47 A. So the whole time I was there, I was constantly

1 wondering whether to leave or not, and my parents were very
2 supportive, and said to me the instant I say the word, they
3 would take me out of there, but they left the choice with
4 me. So - and I kept thinking maybe I would figure it out
5 and maybe I would work out how to be okay there, and, you
6 know, I just kept hoping that things would get better. And
7 then, one day we had a ceremony to give out the prefects
8 badges, and it was in a church - and I don't remember which
9 one - and I did a Bible reading, he asked me to do a Bible
10 reading, and he finally gave me that prefect's badge, and
11 I don't know why, but that was just the last straw for me.
12 I sort of thought - I don't know whether it was that, it
13 was like, okay, now I have got the badge on my own terms,
14 it's okay to leave, or whether it was more like I can't
15 bear the thought of now having to collude in his stuff and
16 report on other kids. I don't know why, but that was the
17 last straw. So I called my parents up that night and said,
18 "I can't cope, I want to leave." And they came and got me
19 and I left and I boarded with relatives - I lived in a
20 caravan in their backyard - for the remainder of my
21 studies.

22

23 Q. Yes. I think I might have said that you actually left
24 the high school, but you actually stayed there --

25 A. I stayed in the high school.

26

27 Q. -- at the Katanning high school?

28 A. Yes. Yes.

29

30 Q. But lived in a caravan?

31 A. Yes.

32

33 Q. Until the end of the year?

34 A. With my relatives, yes.

35

36 Q. Did you notice anything after you had left the hostel
37 about the treatment that you got from --

38 A. Yes.

39

40 Q. -- those kids who were still staying at the hostel?

41 A. So the pattern was that when people left, Dennis would
42 tell, you know, stories about them, as - by way of
43 explanation as to why they left. And, really, hostel kids
44 were never encouraged - well, in fact, were told not to
45 talk to the townies anyway. So when I left, there were -
46 people in the hostel would basically - most of them would
47 stay away from me. Even some of the people who I'd thought

1 were really friends.

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So - yes, so he basically just - and, you know, of course I heard some of the things he was saying about why I had left. I can't even remember what they were now, but, you know, along the lines of, I don't know, "She's a slag", or something; I can't remember. But - because I was out of there, basically, so, yes.

Q. So the question that should be asked of you now, Ms Parker, I suppose, looking back: why was it that you put up with this treatment for so long?

A. Yes, it is a really good question. I mean, I guess at heart, I thought it must be me, you know, I thought there must be something wrong with me. Even though, at a rational level, I knew, and I could articulate to my friends how dysfunctional the place was - it was obvious. But he was very good and making you question yourself, and - you know? So at some level I guess I kept thinking "I can fix this", you know, "It's in my power to fix this", and, you know, I think I wanted to do that.

So I think that was why. I just felt if I kept trying, eventually he would like me. Which, of course, is, in hindsight, ridiculous, because that's not what it was about. I think for some reason I threatened him, and he wanted to control me.

Q. Now, Ms Parker, in 1991, were you actually studying in England?

A. That's correct.

Q. And did you receive some notification as to what was going on down in Albany with respect to a District Court trial regarding Dennis McKenna?

A. Yes. So my mum contacted me and told me that Dennis had been charged with sexual abuse. I was obviously living in England at the time and I couldn't be at the trial, but I wanted to support it in whatever way that I could, so I wrote a statement about my experiences at the hostel, which my mum provided to the prosecuting team - yes. So I don't know whether they ever got it or used it or anything, but that was my intention.

Q. And have you provided a copy of that statement that you made to this Inquiry?

A. I have, yes.

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Q. I'm just going to ask you to have a look at this now. This is numbered 0042, the barcode.

A. Yes, that's correct.

Q. Is that a copy of the statement there?

A. Yes.

MR URQUHART: Has your Honour got a copy?

HIS HONOUR: Yes, I do.

MR URQUHART: Sir, the last matter I was going to ask of Ms Parker was if she just reads that out.

HIS HONOUR: Certainly.

MR URQUHART: As I understand, we are going to have the screen put into operation, which will have a copy of the statement up there.

HIS HONOUR: Very well.

THE WITNESS: So, shall I read?

HIS HONOUR: Q. Yes, please read it.

A. Thank you, your Honour:

I boarded at St Andrew's Hostel, Katanning, for the year of 1983 and for one term in 1984 whilst studying for my Tertiary Admissions Examination at Katanning Senior High School. This letter is a description of my experience of the hostel and of the warden, Dennis McKenna.

Dennis McKenna was an incredibly powerful person. Students, teachers and many other respectable people in the town blindly idolised him, going to incredible lengths to gain his approval. Teachers joined slandering sessions about other teachers; parents reported on the private lives of other parents; students constantly battled to gain his approval, slaving in the kitchen, the garden or wherever they would

1 be seen. They told stories about other
2 students - the more shocking and
3 victimising the tale, the more attention.
4 All these things to be in.

5
6 Being in with Mr McKenna meant all sorts of
7 benefits - pizzas at night, free visits to
8 nice places, prefect's badges. Most of
9 all, it meant approval from Dennis.
10 Approval that made you feel superior than
11 the rest, approval that made you
12 selectively attend to what was going on,
13 shutting out the negative realities.

14
15 But if you couldn't shut out reality, if
16 you couldn't be in with Dennis, then life
17 at the hostel was tough. There were simple
18 but cruel pranks, like placing a huge
19 washing bowl of cereal at your breakfast
20 plate if you thought you were overweight;
21 like broadcasting over the PA song titles
22 with slight modifications - eg, "Nice legs,
23 shame about the face".

24
25 There was public psychoanalysis, such as
26 the frequent late-night sessions in the
27 girls' dormitories, where he slandered all
28 those not present - all those who had
29 better things to do than sit up until 2am
30 in the morning listening to malicious
31 gossip.

32
33 There was the endless violation of privacy,
34 the reading of our mail, the all-seeing and
35 all-saying prefects reporting back to
36 Dennis, the constant watching of our every
37 mood and every move.

38
39 There was the guilt you were made to feel
40 for studying - you should be doing things
41 for Dennis; guilt for wanting to go home;
42 guilt for liking a boy - you shouldn't like
43 boys unless you are a slut; guilt for not
44 joining in the tale-telling, the
45 ridiculing, the lies. You should trust
46 Dennis enough to say these things.

47

1 And then perhaps hardest of all was
2 reconciling all this against the espoused
3 values of goodness and decency, the sheer
4 hypocrisy of Dennis McKenna.

5
6 I was not sexually abused by Mr McKenna,
7 I was emotionally abused. He attacked
8 things deep inside of me - my confidence,
9 my sense of self-worth, my esteem. He
10 ridiculed, he slandered, he psychoanalysed,
11 he victimised me. He wanted to destroy me.

12
13 Dennis didn't succeed. I'm one of the
14 lucky ones. I'm okay. I've even managed
15 to extract some positive things from my
16 experiences at the hostel. I have learnt
17 to go with my feelings, even in the face of
18 incredible pervasive pressure to do
19 otherwise. I have learnt about the sheer
20 power of individuals like Dennis McKenna to
21 make people misconstrue reality. I have
22 learnt about the destructiveness of such
23 individuals.

24
25 Our teenage years are vulnerable times.
26 Away from the protection of our families,
27 we are making critical decisions about our
28 careers, our relationships, ourselves. We
29 need adults who foster our psychological
30 growth, not retard it. We need adults who
31 celebrate individuality, not destroy it.
32 We need adults who will nurture us, not
33 abuse us. We do not need adults like
34 Dennis McKenna.

35
36 MR URQUHART: Q. And then you have signed it there?

37 A. Yes. It is fair to say I was more emotional in those
38 days than I am now.

39
40 Q. But certainly it was close to the event, I suppose?

41 A. Yes, that is true.

42
43 Q. And, by my calculations, you had just turned 24 when
44 you wrote that letter; is that right?

45 A. That's correct, yes.

46
47 MR URQUHART: I will tender that letter.

1
2 EXHIBIT #3 STATEMENT WRITTEN BY MS PARKER FOR DISTRICT
3 COURT TRIAL OF DENNIS MCKENNA IN 1991
4

5 MR URQUHART: Sir, they are all the questions I have for
6 Ms Parker, thank you.
7

8 <CROSS-EXAMINATION BY MR SAAYMAN:
9

10 MR SAAYMAN: Q. Ms Parker, you talked about, and
11 certainly in your statement there were references made to,
12 regular chats in the girls' dorms?
13

14 A. Mmm.

15 Q. Was it solely Dennis McKenna coming to the dorm?
16

17 A. I believe on occasion that Wendy or Robyn would come
18 and sit with him - sit with them. So it may have sometimes
19 just been Dennis, but it wouldn't be unusual for those
20 staff members to also be present. I don't recall ever
21 seeing Neil or Wayne there. I only recall Dennis, Wendy
22 and Robyn.

23 Q. So in respect of some of those occasions, there were
24 certainly times with when it was solely Dennis coming and
25 talking to the girls in the dorm room?
26

27 A. I think that would be correct. I couldn't swear to
28 that, because I can't remember, but I think that would be
29 correct.

30 Q. And these were - is it the case that these occasions
31 did go to times like 2am in the morning?
32

33 A. Yes. So again, it was a little bit like - I guess it
34 was like what he used to do in the flat with, mostly, the
35 boys, he would come and do. And so sometimes, again, he
36 would get some food in, or whatever. But, you know, it was
37 sort of he would sit on the bed or the floor and everybody
38 would cluster around him and, you know, he would just chat
39 and everybody would tell stories and, as I say, you know,
40 engage in this sort of public psychoanalysis type thing.

41 Q. You also referred to meeting him in the flat in
42 preparation for that play recital?
43

44 A. Yes.

45 Q. Was that alone in the flat?
46

47 A. No. So that would have been a group of people. So
I - from memory, there were six or seven people at that

1 point, and I think girls and boys. I didn't go to his flat
2 very often. Maybe only three or four times the whole time
3 I was there. But, yes, it was known that certain - you
4 know, that people would be invited to his flat.

5
6 Q. But there would be small groups, at times, going in
7 there?

8 A. Yes. And again, you know, there would often be food.
9 I don't recall alcohol, but there could well have been.
10 I don't recall it. And there would be music and if you
11 were preparing a skit, or something, you would, yes, work
12 on it there, practise, and so on.

13
14 Q. And would these be unsupervised meetings, other than
15 Dennis McKenna being there?

16 A. Yes, I think so. I don't remember other staff member
17 being there - being there at the time.

18
19 Q. You also talked about that you told several of your
20 teachers about being unhappy. Do you recall what you
21 actually said to those teachers?

22 A. I don't believe that I talked to them in detail about
23 specific nasty things that were being said and done to me,
24 because I felt embarrassed about those things. I did talk
25 to them about being unhappy.

26
27 One teacher advised me to leave, because he said that
28 he had observed, in the time that he had known me, that -
29 I was quite close to this teacher. He observed that, you
30 know, I was becoming more and more unhappy and losing
31 confidence, and so he advised me to leave, if I could.

32
33 But then there were a couple of other teachers that
34 would come and supervise homework, so they were more, you
35 know, friends of Dennis, so then I would be more careful
36 what I would say to them. So - yes.

37
38 Q. Did you ever tell any teachers about the late-night
39 talks with the girls?

40 A. No, probably not.

41
42 Q. What about the meetings in the flat?

43 A. No. See, those sort of things, you know, in hindsight
44 you look and you go, "Yes, that's not right", but, at the
45 time - yes, at the time, it was not as obvious that it's
46 not right. So, no, I didn't report to the teachers.
47 I guess I was more talking to them about how I felt

1 victimised there and unhappy, and so I was probably talking
2 to them more about what was happening for me rather than
3 general things.

4

5 Q. Sorry, you are saying that you talked about the
6 victimisation, so are you talking about the one male
7 teacher at your school, and when you said "teachers" plural
8 are you talking about the teachers that supervised
9 homework?

10 A. Okay, so there were at least two teachers that I was
11 quite close to that I told that I was unhappy about at the
12 hostel. There was my maths teacher, I recall, would come
13 and do the supervised homework thing - and quite a few
14 teachers did that, so he wasn't on his own - and so, for
15 example, I did not talk to him about my unhappiness,
16 because I would have been worried that that would get back
17 to Dennis, because, as has already been indicated by other
18 people, you know, everybody thought Dennis was this amazing
19 person and so you had to be careful who you said that you
20 were unhappy to, because otherwise it would get back to
21 Dennis.

22

23 Q. In terms of the victimisation - I use your word
24 "victimisation" - did any of this victimisation occur in
25 the presence of any of these teachers who were supervising
26 homework?

27 A. No. And, you know, it's very insidious. It's not
28 like some forms of abuse that are more clear. It is
29 subtle, and that's what makes it hard as a kid, you know?
30 Not that I'm saying I would like the unsubtle form. I'm
31 just saying that it is hard to articulate, as a kid, the
32 sense that there is an adult who seems to want to destroy
33 you.

34

35 Q. And when you are talking about the one teacher you did
36 feel you could confide in particularly --

37 A. Yes.

38

39 Q. -- did you specifically state that the victimisation
40 was being perpetrated by Dennis McKenna?

41 A. Probably not in that terms, I just would have talked
42 about how I was unhappy and felt that I was being
43 victimised and, you know - and, as I said, one of them at
44 least said that he could see the effects of the unhappiness
45 change - you know, how I was changing over time, and his
46 advice was to get out.

47

1 Q. Do you recall the name of that teacher?
2 A. Yes. So that was Mr Earl White. I think that's his
3 name. I'm pretty sure.
4
5 Q. And when you said you were being victimised to this
6 teacher, did you identify who was perpetrating the
7 victimisation?
8 A. You mean did I say, "Dennis McKenna is doing this to
9 me"?
10
11 Q. Well, no, just generally. You said that you
12 identified you were being victimised?
13 A. Yes.
14
15 Q. Did you tell him who was victimising you?
16 A. I would have said to him that, yes, Dennis McKenna was
17 treating me in bad ways and talked to him about that.
18 I probably would not have been specific, because, as I said
19 before, it was embarrassing, describing some of the things
20 that Dennis would say and do. So I would have told him how
21 unhappy I was and how, yes, Dennis made me feel, you know,
22 bad.
23
24 Q. You also made reference that there may have been
25 a meeting with the principal.
26 A. Yes.
27
28 Q. What is your actual recollection?
29 A. Look, I am pretty sure that my parents and I talked to
30 the principal about the problems I was having, because we
31 did consider transferring to Narrogin hostel, which is
32 where my friend went, and I am pretty sure that he
33 persuaded, you know, me to stay, but I feel uncomfortable,
34 you know, saying for sure that that happened, because it's
35 too hazy in my mind. And I talked to my parents about it
36 and, again, they have a sort of vague memory, but not
37 a specific - not specific enough to say, "Yes, definitely,
38 went and complained to the principal". I was head girl at
39 the school, so I had quite a bit of contact with the
40 principal, so - yes.
41
42 Q. And do you recall the name of the principal?
43 A. I can't, I'm sorry. I do believe, though, that --
44
45 Q. I will stop you there?
46 A. Yes. Sorry. Yes.
47

1 MR SAAYMAN: Thank you, sir.
2
3 HIS HONOUR: Mr Jenkin, any questions?
4
5 MR JENKINS: No, thank you, sir.
6
7 HIS HONOUR: Nothing from you, Mr Urquhart?
8
9 MR URQUHART: No, there is not, thank you, sir.
10
11 HIS HONOUR: Thank you, Ms Parker. That completes your
12 evidence. You are free to go. Thank you.
13
14 THE WITNESS: Thank you.
15
16 <THE WITNESS WITHDREW
17
18 HIS HONOUR: Now, we are unable to call evidence tomorrow.
19
20 MR URQUHART: That's right, sir, yes.
21
22 HIS HONOUR: Because the witness who was scheduled for
23 tomorrow to take all day unfortunately became unavailable
24 due to family problems. So we will adjourn now until 10am
25 on Thursday.
26
27 HIS HONOUR: Thursday, when, if all things run smoothly,
28 we will have the evidence of Mrs Maggie Dawkins.
29
30 HIS HONOUR: Yes, that's right. So on Thursday, the day
31 has been set aside to hear from Ms Maggie Dawkins on
32 video-link from South Australia.
33
34 MR URQUHART: Yes.
35
36 HIS HONOUR: Very well, thank you. I will now adjourn.
37
38 AT 4.42PM THE HEARING ADJOURNED
39 TO THURSDAY, 23 FEBRUARY 2012 AT 10AM
40
41
42
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47