

Special Inquiry

into

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

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

Friday, 25 May 2012 at 10.06am  
(Day 33)

Before: The Hon Peter Blaxell

1 HIS HONOUR: We will take new appearances. We have  
2 Mr Bevilacqua for Bishop Challen; is that right?  
3  
4 MR BEVILACQUA: Yes. If it pleases your Honour, I seek  
5 leave to represent Bishop Challen.  
6  
7 HIS HONOUR: Certainly. Mr Rafferty, you are back again  
8 for Mr Philpott?  
9  
10 MR RAFFERTY: I am, sir. Mr Philpott, yes.  
11  
12 HIS HONOUR: Now, Mr Urquhart?  
13  
14 MR URQUHART: The first witness will in fact be Michael  
15 Boyd Challen. I call him now. Thank you.  
16  
17 <MICHAEL BOYD CHALLEN, sworn:  
18  
19 <EXAMINATION-IN-CHIEF BY MR URQUHART:  
20  
21 MR URQUHART: Q. How old are you?  
22 A. I beg your pardon?  
23  
24 Q. How old are you?  
25 A. My hearing is not that brilliant.  
26  
27 Q. Certainly. I will speak up.  
28 A. Eighty years minus two days.  
29  
30 Q. You reside in the Perth Metropolitan area?  
31 A. Yes. North Fremantle.  
32  
33 Q. You are a bishop with the Anglican Church; is that  
34 right?  
35 A. Retired, but still a bishop.  
36  
37 Q. You still go by the title of 'Bishop'; is that  
38 correct?  
39 A. Correct.  
40  
41 Q. When did you become a clergyman with the Anglican  
42 Church?  
43 A. In 1957.  
44  
45 Q. Could we just outline your progression through the  
46 ranks, as it were? You started off as - what was the title  
47 then?

1 A. My first two years I was an assistant curate in the  
2 Parish of North Essendon in Melbourne. Then I moved to  
3 what was called the Group Ministry in the inner suburbs of  
4 Melbourne, being a priest in charge of the suburb North  
5 Fitzroy. Subsequently I became the leader of the team for  
6 10 parishes known as the Melbourne God Centre later called  
7 the Anglican Inner City Ministry. I was there until 1970.  
8 When the Archbishop of Perth, the former Bishop in  
9 Melbourne, Geoffrey Sambell, appointed me as a director of  
10 the mission in this dioceses. I had that position, in  
11 effect, until I became a Bishop in 1978.  
12

13 I had other appointments, as you might expect, because  
14 the church is a bit short of labour, such as Chair of field  
15 services of Anglican health and welfare services, chair of  
16 social responsibilities commission being responsible for  
17 projects to do with urban Aboriginals in Perth and so on -  
18 ecumenical affairs was another.  
19

20 Q. When was it that you finally retired?

21 A. I retired in June 1999, coming back to Perth in  
22 January 2000. Obviously I've left something out. That is  
23 to say - I apologise for that - I became the executive  
24 director of the Brotherhood of St Lawrence back in  
25 Melbourne in 1990, and was in that position until I  
26 retired, as I just said.  
27

28 Q. Is it the case that you participated in an interview  
29 with Inquiry investigators earlier this month on 2 May?

30 A. I had two members of the staff interview me.  
31

32 Q. Now, Bishop, I am going to ask you some questions that  
33 you would expect about this particular matter. Was it the  
34 case that --

35 A. Which matter?  
36

37 Q. This matter.

38 A. This matter?  
39

40 Q. Yes, this matter regarding Roy Wenlock.

41 A. Well, you didn't say that.  
42

43 Q. I thought you might have worked out that that is what  
44 this matter is all about. That is why you have been  
45 summonsed today.

46 A. Because the terms of reference are wider than --  
47

1 Q. I appreciate that. We are of the view that you may be  
2 able to provide some information in regard to the specific  
3 matter of Roy Wenlock?  
4 A. Yes, I can.  
5  
6 Q. Bishop, indeed, if you have any other information that  
7 falls within our terms of reference we would be grateful to  
8 hear from you in that regard as well?  
9 A. Right.  
10  
11 Q. For the moment we will stay with Mr Wenlock. The  
12 Anglican Church, was that responsible for the management of  
13 the St Christopher's Hostel, Northam?  
14 A. The Anglican Church in Foulden, the hostel in Northam,  
15 was in ownership position for some time and certainly was  
16 responsible for its management when I became the chair.  
17  
18 Q. It, therefore, still had responsibility for its  
19 management of the enactment of an Act called the Country  
20 High School Hostel's Authority Act?  
21 A. Which date was?  
22  
23 Q. That was 1960?  
24 A. Yes.  
25  
26 Q. Was it your understanding that the Authority - and  
27 from now on instead of saying 'the Country High School  
28 Hostels Authority' I will just simply refer to it as 'the  
29 Authority', and also the St Christopher's Board of  
30 Management' as simply 'the board'. Okay?  
31 A. Right. Understood.  
32  
33 Q. Was it your understanding that the Authority delegated  
34 the responsibilities for the management of St Christopher's  
35 to the board?  
36 A. I want to preface my remarks and come back to that.  
37  
38 Q. Certainly.  
39 A. To say the then Archbishop of Perth, Archbishop  
40 Sambell, asked me to step in and be what he then called the  
41 country Archdeacon for '12 months', he said. In fact, it  
42 ended up being two-and-a-half years. The fact that I was  
43 only to be a fill-in affected much of my involvement, as  
44 you might appreciate. When I was appointed as chairman  
45 and, indeed, later on a member of the Authority, I was not  
46 given any advice either by the Authority or by the dioceses  
47 about the relationship and the respective areas of

1 responsibilities and measure of authority.

2  
3 Q. I was going to ask you about that. I am glad you have  
4 clarified that now. How was the chairman of the board  
5 nominated? As I understand it, sir, the Anglican Church  
6 still had responsibility for appointing members of the  
7 board once you became chairman; is that your understanding?

8 A. Historically it would apply, at my time, the so-called  
9 archdeacon of Northam, becomes archdeacon of the country,  
10 which was my title, was automatically the chair of the five  
11 hostels that the Anglican Church was responsible for. The  
12 board members were appointed by different procedures, if I  
13 can explain. The dioceses has an overarching body called  
14 the synod. That synod elected two members to the board.  
15 The local Parish priest, commonly known as the rector,  
16 would be a member ex officio, the principal of relevant  
17 high school, a member of local council and the parents were  
18 invited to elect two people to be also on the board. The  
19 warden, whoever that person was, attended board meetings  
20 and could speak but not move motions or vote.

21  
22 Q. Can you recall who you took over from?

23 A. Yes, I can. Bishop Dennis Bryant, now deceased.

24  
25 Q. Did, as he might have then been, the Reverend Norman  
26 Apthorp, did he have any role in the board at or around  
27 this time?

28 A. Not in my time. He was a rector of Northam. He was  
29 moved, I think it was, to the Parish of Donnelly in Perth.  
30 So that Bishop Bryant, who had been the Bishop for the  
31 diocese of Kalgoorlie - and that dioceses had asked to  
32 merge with the dioceses of Perth - so he lost his  
33 appointment as a diocesan for Kalgoorlie and Archbishop  
34 Sambell made him the rector of Northam, which was a  
35 significant centre, and also archdeacon of Northam. I  
36 don't know if you can follow that. Is that clear?

37  
38 HIS HONOUR: Q. He was a member of the board because he  
39 was archdeacon of Northam; is that right?

40 A. Well, he could have had a double hat, sir. That is to  
41 say, as the archdeacon of Northam and also as the rector of  
42 St John's of Northam.

43  
44 Q. He had gone by the time you started, had he?

45 A. Indeed. He was going to the Parish of Dalkeith, which  
46 created a vacancy and Archbishop Sambell asked me to fill  
47 in.

1  
2 MR URQUHART: Q. I am going to suggest, Bishop, you were  
3 appointed chairman of the board as of March of 1976?  
4 A. That's as far as I know. It may have been February.  
5 The minutes say I was present for March.  
6  
7 Q. I am actually going to show you a copy of those  
8 minutes, if I may. That is barcoded number 0465. It is the  
9 minutes of the board of management of St Christopher's of  
10 15 March of 1976. I understand you may have seen a copy of  
11 this more recently.  
12 A. Yes.  
13  
14 Q. We can see that you were present and then there were a  
15 number of others present?  
16 A. Yes.  
17  
18 Q. Can I just ask whether you can recall some of these?  
19 They have 'madams' in that old quaint way, 'B Dempster', 'B  
20 Carter' and 'C Smith'.  
21 A. Yes.  
22  
23 Q. Was that 'Connie Smith'?  
24 A. Yes.  
25  
26 Q. We have a 'Matron M Dennison'?  
27 A. Yes. I cannot picture her but I can remember her.  
28  
29 Q. 'R C Riordan'  
30 A. Yes. He was the principal.  
31  
32 Q. Then 'J Brockman'  
33 A. Yes.  
34  
35 Q. 'G Samuels'?  
36 A. No.  
37  
38 Q. 'F Killick'?  
39 A. Yes.  
40  
41 Q. Do you remember Fred Killick?  
42 A. Yes.  
43  
44 Q. Was he the mayor of Northam at the time?  
45 A. I think so. I am not sure. He said he was on the  
46 council.  
47

1 Q. Then there is the warden, 'Roy Wenlock'?

2 A. Yes.

3

4 Q. Deputy 'Warden Walter' or 'Wally Dennison'?

5 A. Yes.

6

7 Q. And apologies, 'Reverend H McGuinness'?

8 A. Yes.

9

10 Q. Do you recall who he was?

11 A. He would have been the rector of Toodyay.

12

13 Q. Rector of Toodyay?

14 A. Hm.

15

16 Q. Why was it that he got a guernsey, as it were?

17 A. Beg your pardon?

18

19 Q. How come he was a board member?

20 A. Oh, he would have been elected by synod.

21

22 Q. Can you recall the other person who was elected by

23 synod?

24 A. No, I can't.

25

26 Q. Did you mention a little bit earlier that the board

27 would also constitute the local clergyman?

28 A. Yes.

29

30 HIS HONOUR: Q. The local rector. I think you said he

31 was always a member of the board.

32 A. Of course he was not there because he wasn't there.

33 He moved. Bishop Bryant moved down to Dalkeith. So he was

34 not available to be a member.

35

36 MR URQUHART: Q. Was there an eventual replacement, the

37 rector of Northam?

38 A. Yes. Don't ask me when though.

39

40 Q. Do you recall who that was?

41 A. Yes. Max - the name is gone. It will come back.

42 Seymour. Max Seymour.

43

44 MR URQUHART: I will tender that document now, please,

45 sir.

46

47 EXHIBIT #114 MINUTES OF THE BOARD OF MANAGEMENT OF ST

1 CHRISTOPHER'S OF 15/3/76, BARCODED 0465

2  
3 MR URQUHART: Q. When you were interviewed earlier this  
4 month by the Inquiry investigators I think you mentioned  
5 that you can recall you were the chairman of this board for  
6 about two years?

7 A. Certainly was at least two years. I think I  
8 surrounded my responsibilities somewhere down - March 1978.  
9 About then, I am not sure. Technically it may have gone  
10 through to my date of consecration in June.

11  
12 Q. I am going to show you some other minutes that you  
13 weren't shown at your interview to see whether we can  
14 actually clarify. It might have been a bit longer than two  
15 years or thereabouts. I am going to have a look now at  
16 barcode number 0466, please. This is the minutes of the  
17 board. A meeting on 9 April 1979.

18 A. '79.

19  
20 Q. The minutes, at least, record you as being present  
21 there still in the position of chairman.

22 A. I may have had an error of memory on it.

23  
24 Q. There is no criticism of that. Had you been made a  
25 Bishop by April 1979?

26 A. Yes.

27  
28 Q. I think you said it was consecration. Once you are  
29 consecrated as a Bishop you no longer have this role?

30 A. That's what I thought, because I spoke very strongly  
31 with the Archbishop about it. I had enough  
32 responsibilities.

33  
34 Q. When was it that you were consecrated as a Bishop?

35 A. June 24th, 1978.

36  
37 Q. It would seem, Bishop, this was your last meeting that  
38 you attended, because if we go over the page you can see  
39 that is not your signature that is signed?

40 A. That's Mick Seymour.

41  
42 Q. It is dated 11/6/79. It might be the case then,  
43 Bishop, you remained as chairman of this board through to  
44 April of 1979?

45 A. It would suggest that.

46  
47 MR URQUHART: I tender that document as well.

1  
2 EXHIBIT #115 MINUTES OF THE BOARD MEETING ON 9/4/79,  
3 BARCODED 0466  
4

5 MR URQUHART: Q. You have already indicated that you had  
6 not received any instructions regarding what the  
7 responsibilities of the board was?

8 A. In relation to the Authority.  
9

10 Q. But did you have some understanding of what the  
11 board's responsibilities were with respect to the hostel?

12 A. Yes.  
13

14 Q. Can you indicate to us what you regarded as your  
15 primary responsibilities as a board member and as the chair  
16 of the board?

17 A. Well, I think, as in most corporate structures, the  
18 chairman's job is to make sure that the board functions, it  
19 meets, it sees to specific responsibilities, which meant  
20 hearing reports from the warden about the life of the  
21 hostel and the well-being of the students, hearing his  
22 ideas about, in particular, the leisure opportunities for  
23 students, because that is a big task. Obviously we are  
24 concerned about the quality of meals and how acceptable  
25 they would be to students. Always a matter of finance.  
26 And then, of course, appointing the warden. I never saw it  
27 was the board's responsibility to appoint the staff.  
28 That's how I understand most organisations work.  
29

30 Q. Who did you regard as responsible for the appointing  
31 of other staff, apart from the warden?

32 A. The warden.  
33

34 Q. With any oversight from the board?

35 A. Well, not from me, no.  
36

37 Q. You mention there that you received reports from the  
38 warden regarding, amongst other things, the well-being of  
39 students.

40 A. Hm.  
41

42 Q. But you accept that the board also had a primary  
43 responsibility for the care and well-being of students who  
44 boarded at the hostel?

45 A. For sure.  
46

47 Q. Was it the case that meetings were held monthly?

1 A. Yes.  
2  
3 Q. With maybe the exception of the Christmas holidays,  
4 does that sound about right?  
5 A. Of course, yes.  
6  
7 Q. You attended from Perth, did you?  
8 A. I think I attended just about everyone.  
9  
10 Q. Would you just go up there and then come back on the  
11 same day or --  
12 A. Yes. I would meet with the warden beforehand  
13 privately, and then we would have the board meeting.  
14  
15 Q. Those private meetings with the warden, what was the  
16 purpose of those?  
17 A. The obvious purpose, finding out how he was and  
18 whether he had things to say, which are best said in that  
19 context rather than before the board. Again, I was looking  
20 for new developments that he might have in his mind and how  
21 we might be able to facilitate that. Rather than pass me  
22 before the board.  
23  
24 Q. What sort of things would there be that you felt it  
25 would be better if he just raised with you privately  
26 one-on-one rather than with the board?  
27 A. I can't recall clearly. I mean, it is more for me, I  
28 think. That is to say, I am orientated that way.  
29  
30 Q. You also accept, I think you mentioned this, you were  
31 appointed in 1976 as a member of - I will say it once in  
32 its entirety - the Country High School Hostels Authority?  
33 A. Hm.  
34  
35 Q. Again, it seems that we can clarify exactly when that  
36 was because we have got the government gazette of the  
37 appointment. You already had a look at that, I gather. I  
38 will just show it to you now. It is barcode 0467. It is  
39 about two-thirds of the way down the page on the right-hand  
40 column. That was dated 30 June 1976. You were also  
41 appointed at the same time as Colin Philpott was appointed  
42 as chairman.  
43 A. I noticed that. I did not quite appreciate that.  
44  
45 Q. It was for a term expiring on 2 December 1978, you see  
46 there?  
47 A. So it says. Yes.

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

MR URQUHART: I tender that.

EXHIBIT #116 GOVERNMENT GAZETTE 9/07/76 RE THE APPOINTMENT OF BISHOP CHALLEN 30/6/76, BARCODED 0467

MR URQUHART: Q. What did you understand to be the responsibilities of the Authority?

A. I had no clear understanding, apart from being an instrument of the government to ensure that the moneys allocated to the Authority, and in respect of hostels, were appropriately used. As I said earlier, I was never given any real brief.

Q. No written guidelines or instructions, oral even?

A. Well, I cannot recall any sit-down session when we went through orally or numerically.

Q. So nothing like an induction course or anything like that?

A. No. Far from it.

Q. Did you know Colin Philpott before you were appointed as a member of the Authority?

A. No.

Q. Never met him before?

A. No.

Q. Never even heard of him?

A. I think I may have heard of him in the context of Wesfarmers.

Q. Your recollection on 2 May during your interview with investigators that you were with the Authority for just over two years. You mentioned 1976 and 1977. Again, that is before we had this other information that I am showing you now - which I think you have been provided with earlier this week. I can show you this government gazette. I will do that now, it is barcode 0468. Which would suggest that you were appointed as a member of the Authority in 1979.

A. Yes. I don't know why that happened.

Q. Why you were reappointed? Do you recall being asked if you wanted to be reappointed?

A. No. I think it just happened. But I indicated I would be involved with the hostels.

1  
2 Q. You indicated that?  
3 A. Verbally, of course.  
4  
5 Q. Can you recall when that was?  
6 A. No, I can't - I mean, I take it it would have been in  
7 the context of my consecration.  
8  
9 Q. I was going to ask, can you use a time frame in  
10 relation to when you were appointed Bishop?  
11 A. It was June '78. I certainly was resisting any  
12 involvement with the country archdeaconry.  
13  
14 HIS HONOUR: Q. Was it your understanding that your  
15 initial appointment to the Authority was indefinite until  
16 revoked?  
17 A. I assumed that, yes.  
18  
19 Q. I am wondering why there would be a reappointment in  
20 1979. You don't know why?  
21 A. No. I don't read the gazette. I wasn't aware of the  
22 process.  
23  
24 MR URQUHART: Q. Can you recall attending an Authority  
25 meeting after you were consecrated as a Bishop?  
26 A. I cannot recall. I may have, but I can't recall.  
27  
28 Q. This notice here says that you were appointed for a  
29 term expiring on 1 December 1981?  
30 A. I noticed that.  
31  
32 Q. Which would have meant, it seems, you were appointed  
33 for a period of five-and-a-half years?  
34 A. Well, I mean, I didn't serve that time.  
35  
36 Q. Can you recall who actually replaced you on the  
37 Authority?  
38 A. I think - I won't swear to it though - it was the  
39 Reverend Norman Apthorp. He had country experience. But  
40 by that time he was in Donnelly and it was a bit more  
41 convenient.  
42  
43 MR URQUHART: I will just tender that government gazette.  
44  
45 EXHIBIT #117 GOVERNMENT GAZETTE 16/02/79 RE BISHOP CHALLEN'S  
46 APPOINTMENT AS A MEMBER OF THE AUTHORITY, BARCODED  
47 0468

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

MR URQUHART: Q. I will just confirm the accuracy of the Bishop's recollection there, if we just have a look at barcode 0469.

A. What's this?

Q. Bishop, the second column about a third of the way down.

A. My appointment.

Q. That appointment was on 2 April of 1982.

MR URQUHART: For the sake of completeness I will tender that document as well.

EXHIBIT #118 BISHOP CHALLEN'S APPOINTMENT ON 2/4/82, BARCODED 0468

MR URQUHART: Q. We have information that Roy Wenlock had been the warden of St Christopher's for nearly 13 years before you became chairman of the board. Did you know Roy Wenlock before you were appointed chairman?

A. I did not know him. I knew of him.

Q. How was it that you came to know of him?

A. Well, for example, I talked to the - there were two assistant Bishops to the Archbishop; Bishop Bryant MacDonald and Bishop Alfred Holland. I was very close to those two. We, naturally, would talk about different things. They, at that time, notwithstanding what I have just said, they are archdeacons, they shared that sort of archdeaconry role in the country, that is. They spoke well of Mr Wenlock, as I have, actually. So I knew of him by repute.

Q. It was all good things, was it?

A. Yes.

Q. I have been able to have a read of the transcript of the interview you gave to investigators earlier this month. You described from what you heard, when you were appointed chairman, that his name was almost legend at the hostel?

A. Yes. And he is well known in the community.

Q. Bishop, did you know either before you became chairman or after you became chairman that he was an active member of the Anglican Church?

1 A. I knew of that. If I recall accurately, I'm pretty  
2 sure about that on this matter, I went to St John's,  
3 Northam Parish Church several times to preach and he was  
4 involved in assisting with the service.  
5  
6 Q. Yes, so he was a layperson assisting in the service?  
7 A. Yes.  
8  
9 Q. Do they have a particular title within the Anglican  
10 Church?  
11 A. Well, the role he had was known as a lay reader,  
12 somebody who could assist with services and, in the case of  
13 morning prayer and evening prayer, actually take it but not  
14 preach. He'd have to read the sermon.  
15  
16 Q. Is there any training in that regard or is there any  
17 recommending that a member of the congregation become a  
18 reader. How does it work?  
19 A. I'm not too sure where - how it worked in those days  
20 because I came from another diocese, as you would recall  
21 from my history, and I presume fundamentally the rector  
22 would make a recommendation to the Archbishop of the  
23 diocese. Certainly training sessions were held for those  
24 reasons from time to time. Not frequently, but from time  
25 to time. I don't know whether, say, the Archbishop or one  
26 of his assistant bishops checked out with the rector later  
27 on how the person was going. I don't know.  
28  
29 Q. Would these readers appear at services robed or  
30 dressed in --  
31 A. Yes, they would. You had the traditional black  
32 cassock like a priest would wear or indeed a choir person  
33 would wear, the white surplus, and I think at that time  
34 they wore a medallion suspended by a blue ribbon around the  
35 neck and the medallion was actually the crest of the  
36 diocese in beautiful enamel, actually. It was quite an  
37 attractive thing.  
38  
39 Q. Still leading on from Mr Wenlock's role in the  
40 Anglican Church, first, if you could describe what a Synod  
41 is?  
42 A. Well, for those who don't know, I suppose a quick way  
43 of describing it, it is the parliament of the diocese  
44 except it is not adversarial, consisting of a house of  
45 bishops, a house of clergy and a house of lay people, and  
46 every parish would have at least two representatives, two  
47 lay representatives. Every licensed priest would be a

1 member and, of course, the bishops would be members.  
2  
3 Q. And would the Synod meet regularly?  
4 A. Every year.  
5  
6 Q. At the same time of the year?  
7 A. Virtually.  
8  
9 Q. Is that towards the end of the year or it varies?  
10 A. Well, in those - at that time it would have been  
11 somewhere about September, October. It depended upon when  
12 the harvest was.  
13  
14 Q. Were you aware whether Roy Wenlock attended Synods at  
15 around this time?  
16 A. I'm not sure.  
17  
18 Q. From what you heard regarding St Christopher's Hostel,  
19 what had you known about St Christopher's Hostel when you  
20 became chairman; it's reputation, its standing?  
21 A. Well certainly as far as the Anglican Church was  
22 concerned, it was considered to be, you know, fairly good.  
23 You might even say a model. There were other hostels more  
24 - of course, Adamson House down the road for girls and then  
25 St Michael's Merredin and later on St Andrew's Esperance  
26 and St Christopher's was held up as a good example.  
27  
28 Q. Was it regarded as the best out of those five?  
29 A. I think you could say that.  
30  
31 Q. Bishop, were you aware that once you assumed your  
32 responsibilities as chairman in 1976 that the previous  
33 year, 1975, a 13-year-old boy from the hostel had  
34 complained to police at Northam about Roy Wenlock's  
35 inappropriate behaviour towards him?  
36 A. I was not aware.  
37  
38 Q. You hadn't heard any rumour, gossip, innuendo,  
39 anything of that nature regarding that?  
40 A. Not at that time.  
41  
42 Q. No. Yes, I'm staying with at that time?  
43 A. Not when I became the chair.  
44  
45 Q. And this was behaviour that would involve Roy Wenlock  
46 pretending to wrestle the boy but, in fact, what he was  
47 doing was being sexually aroused by his physical contact

1 with that boy?  
2 A. Is that so?  
3  
4 Q. You heard nothing of that nature at that time?  
5 A. At that time I - let's cut through this a big more  
6 quickly.  
7  
8 Q. No, no. No sorry?  
9 A. That is to say, I did not know of any of this  
10 behaviour until I confronted - it was brought to my  
11 attention and I confronted him.  
12  
13 Q. Bishop, I can assure you we will get to that?  
14 A. Okay.  
15  
16 Q. But before then, once you had been chairman for a  
17 little while, those good reports that you had heard about  
18 Roy Wenlock, were they confirmed, in your view, from your  
19 interaction and contact with him?  
20 A. Yes, excepting for one element, which I challenged him  
21 about; that is, first time I went into his office, which  
22 was soon after my appointment, I saw a cane on his desk and  
23 I asked him "What's that for?" because I knew what it was  
24 for, and he said "For punishing boys". I said "What?  
25 Hasn't the cane gone out?" and I later learnt that the cane  
26 was still used at the local high school and indeed in other  
27 schools in Western Australia, and I said to him,  
28 subsequently, "Well, I don't want you to use that".  
29  
30 Q. Can you give an estimate as to how long after you  
31 became chairman that you gave him that direction?  
32 A. Say two months. It was very early in the piece  
33 because I saw the first - virtually the first time I went  
34 into his office.  
35  
36 Q. Did he agree to your instruction that he wasn't to use  
37 it?  
38 A. I don't think he said "I will not".  
39  
40 Q. Was that a --  
41 A. I was on uncertain ground because of what the general  
42 - what was the practice in our community at that time.  
43  
44 Q. Did you believe though, as chairman of the board, that  
45 you would be able to direct him not to use the cane,  
46 notwithstanding what happened elsewhere in the community?  
47 A. I just assumed it.

1  
2 Q. You assumed that you could do that?  
3 A. Because I was responsible for the management of the  
4 hostel.  
5  
6 Q. So your recollection is that you said to him he wasn't  
7 to use it at all or he wasn't to use it on certain parts of  
8 a boy's body?  
9 A. No, not to use it.  
10  
11 Q. We have heard accounts of him using it frequently?  
12 A. Yes, I have read some of the witness' statements  
13 because I don't know what the dates were for that action  
14 but it could well be he ignored my request.  
15  
16 Q. It would seem from what we have heard that, yes, he  
17 would cane students from very early as 1968 and all the way  
18 through to 1977, which was the year he left?  
19 A. Can't comment.  
20  
21 HIS HONOUR: Q. So you weren't aware at the time that he  
22 was ignoring your instructions?  
23 A. No.  
24  
25 MR URQUHART: Q. So it wasn't an instruction that he was  
26 not to cane boys on the bottom?  
27 A. No, I just - not to use the cane, because I did not  
28 believe in corporate punishment. That was a personal  
29 position, I suppose.  
30  
31 Q. But you left the cane in his possession, I gather?  
32 A. Yes, yes.  
33  
34 Q. And had you heard, Bishop, that he ignored your  
35 instructions - I know this is a hypothetical - can you say  
36 what action you would have taken there?  
37 A. I imagine I would raise the matter with him again and  
38 probably I think confiscate the cane.  
39  
40 Q. But apart from that or apart from your observation of  
41 the cane in his room and what he told you about it, your  
42 impressions of this man as the warden were that he was  
43 doing a good job?  
44 A. Yes, he applied himself with enthusiasm. He certainly  
45 had a - you know, a good routine for the hostel. Some  
46 people might say he was a bit regimented but he was very  
47 conscious about quality of meals and he put himself right

1 out to ensure that the youngsters have interesting and  
2 satisfying weekends, and leisure time with 150 students is  
3 quite a challenge.  
4

5 Q. I think you indicated to the investigators earlier  
6 this month that he worked 12 hours a day seven days a week?  
7 A. Well, I gathered that impression. I really don't know  
8 but that's what I thought.  
9

10 Q. So your impression of him, apart maybe from the use of  
11 the cane, was that he was everything you would want.  
12 A. Well, for sure, given the difficulty we had in finding  
13 suitable wardens for the other hostels.  
14

15 Q. Would you want a warden who would gratuitously watch  
16 boys in the showers on a daily basis?  
17 A. I would not want such a person, but I would require  
18 the person to stand outside the shower room and if the  
19 purpose was to people having - you know, coming for a  
20 shower and having a shower and indeed that the student was  
21 still in the hostel, you simply could do that but the point  
22 of entry into the shower room.  
23

24 Q. Yes, I totally agree with you, yes.  
25 A. I did not know he did that. I know that's it's  
26 happened at other hostels and that was corrected.  
27

28 Q. Yes, I think I will ask you Esperance a little later?  
29 A. I don't know. Okay.  
30

31 Q. So you weren't aware of his behaviour in that regard?  
32 A. No, and Mr Dennison's statement supports that.  
33

34 Q. Yes, although we have heard accounts from a number of  
35 ex-students that that was Roy Wenlock's practice by ritual  
36 from at least 1968?  
37 A. Yes, well, certainly it was never brought to the  
38 attention of the board.  
39

40 Q. And had it been done, I gather you would have told him  
41 it was not to happen like that?  
42 A. Correct; "Stand outside the shower room and count the  
43 lads".  
44

45 Q. Bishop, in your interview with investigators earlier  
46 this month, it was your recollection the first time you  
47 heard about Roy Wenlock's inappropriate behaviour when

1 wrestling with a hostel boy you insisted that he resign?  
2 A. He was --  
3  
4 Q. That he was engaging in appropriate behaviour with a  
5 boy whilst wrestling?  
6 A. Yes.  
7  
8 Q. When you first heard about that you insisted that he  
9 had to resign?  
10 A. Yes, I invited him to -  
11  
12 MR BEVILACQUA: Your Honour, could I just object at this  
13 point?  
14  
15 HIS HONOUR: Yes.  
16  
17 MR BEVILACQUA: And it happened earlier. Mr Urquhart  
18 referred to conduct of wrestling but then added this sexual  
19 connotation to it. I think it needs to be separated up  
20 because the witness is being asked two questions at the one  
21 time.  
22  
23 MR URQUHART: I actually said "inappropriate behaviour  
24 when wrestling".  
25  
26 HIS HONOUR: All right.  
27  
28 Q. You are being asked about when you first heard or what  
29 you did when you first heard that it was inappropriate  
30 behaviour with wrestling in the sense of it having sexual  
31 connotations.  
32  
33 MR BEVILACQUA: With respect, perhaps he could be asked  
34 what he heard first and take it from there.  
35  
36 MR URQUHART: I want to do it the way that I'm going to do  
37 it now.  
38  
39 HIS HONOUR: No, I'm going to allow the question. I think  
40 it is a reasonable question. He is just being asked to  
41 confirm what he said in his interview. So perhaps if you  
42 put the specific passage in the interview it might be  
43 appropriate.  
44  
45 MR URQUHART: I can do that, sir.  
46  
47 Q. Bishop, just for the benefit of my learned friend and

1 your Honour, it is at page 19 of 20 and it continues.  
2 Bishop, what you told the investigators early this month -  
3 please correct me if I am wrong, I am just going to try and  
4 paraphrase it as best I can - is that you received a  
5 complaint regarding a mother and a father about a boy who  
6 Roy Wenlock had wrestled on the floor and the boy was in  
7 his underpants and that, yes, you say that there wasn't any  
8 actual disclosure of any sexual contact and that you  
9 regarded it as professional, inappropriate behaviour. Do  
10 you recall telling the investigators that?

11 A. Yes.

12

13 Q. And it was your recollection back then - I just wanted  
14 to see whether it is your recollection now - that upon  
15 hearing that for the first time that he was engaging in  
16 this inappropriate behaviour, you insisted that he was to  
17 resign?

18 A. That's a summary on your part but I think I want to  
19 stress the matter of Wenlock's behaviour was brought to my  
20 attention not by a student, not by anybody in the  
21 community, not by a member of staff, not by a member of the  
22 board but by the local Member of Parliament, the Honourable  
23 Ken McIver, and he was alerted by the parents of the  
24 victim.

25

26 Q. Bishop, I can assure you I am going to give you an  
27 opportunity to go through that, by all means, but I just  
28 wanted to ask you, though, now that you have received some  
29 material from the Inquiry that was provided to you and your  
30 legal representative earlier this week, which I gather you  
31 have read - have you read that, the material that has been  
32 provided to you?

33 A. Yes. I think I've read everything.

34

35 Q. Yes, it included minutes of board meetings and also a  
36 number of statements from witnesses?

37 A. Yes.

38

39 Q. Brett McIver, who was the politician's son?

40 A. The son.

41

42 Q. A boy by the name of - or man now but who was a boy at  
43 the time - Gary Bradley, who was the son of a man who  
44 worked for St John Ambulance as a volunteer; and Walter  
45 Dennison, the deputy warden; Adrian Gamble, the head boy of  
46 the school at the time; a Michael Kalajzic spelt  
47 K-A-L-A-J-Z-I-C and a Claude Riordan, whose name we had a

1 look at a little earlier, was the principal at the school  
2 in 1975 and 1977. Have you followed all the evidence that  
3 has been given?  
4 A. No, I've read all the evidence. I cannot follow it.  
5 That's because there are inconsistencies.  
6  
7 Q. You have read the transcript or have you read  
8 newspaper reports?  
9 A. I have read the statements made by the witnesses.  
10  
11 Q. Yes, and have you read the transcript of the evidence  
12 that's been given over the course of the last two days at  
13 all?  
14 A. No.  
15  
16 Q. I am just --  
17 A. What - would I receive that?  
18  
19 Q. It is available on our web site?  
20 A. That makes an assumption.  
21  
22 Q. I was just asking you whether you have read it or not.  
23 Thanks for clarifying it.  
24 A. I haven't read the transcript.  
25  
26 Q. No. It is largely a repeat of the material that you  
27 have already been provided which you have read?  
28 A. Thank you.  
29  
30 Q. The question I've got for you is: having read the  
31 material that was given to you, do you still stand by your  
32 recollection of events as you said to the investigators  
33 earlier this month?  
34 A. In terms of the one and only report and in terms of my  
35 action, I stand by it. I am uncertain about so-called  
36 meetings which certain witnesses have reported.  
37  
38 Q. I am going to suggest to you, Bishop, that, in fact,  
39 you became aware of Roy Wenlock's inappropriate wrestling  
40 with boys under his care in 1976 and that is a year before  
41 he resigned as warden in December 1977?  
42 A. As far as I'm concerned, that's not the case. I did  
43 not become aware until I was contacted by the member of  
44 parliament.  
45  
46 Q. I am going to also suggest that instead of having him  
47 resign then, when you first found out about it, you simply

1 issued a warning to him that he was not to have boys in his  
2 unit?  
3 A. No.  
4  
5 Q. I said I was going to give you the opportunity,  
6 Bishop, if you can recount for us your recollection. I  
7 know you have already told us some of that, that there was  
8 a mother and father, as I understand your account, who  
9 spoke to the Member of Parliament, Mr McIver, who then  
10 spoke to you?  
11 A. He rang me up from Northam and asked to see me, which  
12 I did and I said "Well" - no, I think he recommended, and  
13 of course I agreed instantly, that we have a meeting with  
14 the parents and the boy did not want to be present, I  
15 understand, and so we met in Mr McIver's office in Northam.  
16  
17 Q. Sorry, Bishop, was that his office in his home or was  
18 that an office in --  
19 A. No, it was a --  
20  
21 Q. A business off -- ?  
22 A. A business office. Well, I was impressed with the  
23 parents that I just accepted the reporting and, of course,  
24 was gravely concern and --  
25  
26 Q. Can you recall what you were told?  
27 A. It was always in terms of wrestling, and I did ask a  
28 specific question as to whether there was any sexual  
29 activity and, of course, it is a bit difficult for the  
30 parents to answer that but, as far as they were aware, it  
31 all depends upon what the boy - did someone shower with  
32 him. There had not been any, but as far as I was  
33 concerned, to invite boys into the lounge, granted often in  
34 pairs, but to ask them to strip down to their underpants  
35 and for him to be in just a pair of black shorts only and  
36 to wrestle, and that's how it was put to me - I don't know  
37 anything about this being who was on top of who as some of  
38 the witnesses have described - I thought it was quite  
39 inappropriate and action had to occur. I don't think it  
40 was like there was a pretty quick decision-maker on the  
41 hunt so I went and saw the bishop in charge of the diocese  
42 at the time. Now, Archbishop Sambell was overseas at the  
43 time and the diocese was in the care of his senior  
44 assistant bishop, Bishop Brian Macdonald, who I mentioned  
45 earlier, and I talked to him about it.  
46  
47 Q. And I think he is no longer alive, is he?

1 A. Correct. And I said to him "I want to dismiss him"  
2 and he said "Well, let's sleep on it for 24 hours". He was  
3 a very wise man, (indistinct 10:00:03) to temper my  
4 behaviour.

5

6 Q. Bishop, had you spoken to Roy Wenlock prior to that to  
7 get his account?

8 A. No, no. And so we - I met up with the bishop again  
9 and we discussed he should be dismissed. The question was  
10 how we do that. I should add that the parents made it very  
11 clear they didn't want the thing to become public, nor did  
12 they want the matter reported to the police. So I was  
13 really bound very much by confidentiality and this affected  
14 my subsequent actions quite a bit. That is to say, I did  
15 not report to the board. I felt I had the authority, as  
16 chairman, to dismiss the man but I took Mrs Connie Smith,  
17 who has been mentioned this morning, with me (a) as a  
18 witness, but (b), she used to manage years back at Adamson  
19 House, next-door, and she is well-known and respected in  
20 the whole region here. I took her with me and met with  
21 Mr Wenlock by appointment in his office. This must have  
22 been in about - I think there was that weekend in between  
23 but something like three working days. And I think I met  
24 him about 10 o'clock and I just simply asked him "Have you  
25 been behaving like this: Having boys in your room,  
26 wrestling with them, wrestling with them with only your  
27 shorts on and asking them to leave only their underpants or  
28 their togs?". He said "Yes". I said "Well, here's a  
29 piece of paper. You could write your letter of  
30 resignation". And I think I - I either gave him 24 hours  
31 or 48 hours to get out but I immediately appointed the  
32 deputy warden, Walter Dennison, as the acting warden. I  
33 then informed the board at its next meeting - I didn't call  
34 a special meeting, I just informed them what had taken  
35 place and gave them reasons and asked them to keep it all  
36 confidential because of the parents' and boys' wishes and  
37 subsequently I informed the Authority informally at one of  
38 its meetings.

39

40 Q. Is it your recollection that you spoke to Connie Smith  
41 in her capacity as a fellow board member?

42 A. I can see now that she wasn't a board member at the  
43 time. She had been when I first came to the hostel but not  
44 at that time. I wanted a woman and one with the relevant  
45 experience.

46

47 Q. So she certainly was of the view that Roy Wenlock

1 ought to be dismissed?  
2 A. Without a question.  
3  
4 HIS HONOUR: Q. Was Connie Smith a parent representative  
5 on the board when she was on the board?  
6 A. I can't answer that.  
7  
8 Q. So she wasn't there in any ex officio capacity or  
9 elected by Synod?  
10 A. Sorry, I misunderstood your question. The answer is  
11 no, she wasn't.  
12  
13 Q. So was she a Synod representative on the board?  
14 A. No, no. Technically she wasn't on the board at that  
15 time.  
16  
17 Q. But when she had been on the board, had she been a  
18 Synod representative?  
19 A. Can't answer that. I don't - can't remember.  
20  
21 Q. But you don't think she was a parent representative?  
22 A. I'm sure she wasn't.  
23  
24 MR URQUHART: Q. Is it your recollection that two board  
25 members approached you after that meeting, spoke to you  
26 privately?  
27 A. Which meeting?  
28  
29 Q. This is the board meeting in which you told the board  
30 about this matter?  
31 A. Yes, I do remember. It wasn't, you know - I'm not too  
32 sure. It was after the meeting. It might have been not  
33 that day.  
34  
35 Q. I see, yes  
36 A. Early - in effect they said "There are rumours of this  
37 behaviour" and nobody had told me beforehand there had been  
38 any rumours of Wenlock's behaviour.  
39  
40 Q. And did they say how long those rumours had been going  
41 on for?  
42 A. They said it vaguely. You know, it had been going on  
43 for some time. Perhaps they might have even used the word  
44 "years" so I can't recall.  
45  
46 Q. What was your reaction after that?  
47 A. I was angry.

1  
2 Q. Why was that?  
3 A. Well, the church - I mean the board should have acted  
4 a bit before now.  
5  
6 Q. So you are saying that the board should have even  
7 acted on rumours?  
8 A. Well, no, investigate it to see whether there was any  
9 substance in it.  
10  
11 Q. I am going to show you the minutes of the board  
12 meeting?  
13 A. By the way, one of the things I omitted, when I did  
14 meet with Connie Smith and I did meet with Mr Wenlock, I  
15 invite - as I said, I invited him to resign. He didn't  
16 challenge the allegation, he said, "Yes".  
17  
18 Q. Yes, thank you. You indicated that before. You  
19 indicated that before.  
20 A. I did, sorry.  
21  
22 Q. Yes, yes. But I'll confirm with you, he signed the  
23 resignation that you'd already prepared for him?  
24 A. No, he wrote out his resignation.  
25  
26 Q. He wrote it himself. You gave him the piece of  
27 paper --  
28 A. Gave him his --  
29  
30 Q. -- and he wrote it out? Do you know what happened to  
31 that?  
32 A. No, I don't actually.  
33  
34 Q. Okay.  
35 A. One would think it would be in the papers of St  
36 Christopher's somewhere, but I didn't keep it.  
37  
38 Q. All right.  
39 A. I mean, I handed it across.  
40  
41 Q. And did, in fact, you ask him whether this wrestling  
42 had gone any further?  
43 A. Further?  
44  
45 Q. A bit like you'd asked the parents - you'd asked the  
46 parents whether there was any sexual activity, and I  
47 understand you said that they told you as far as they were

1 aware, that there hadn't been; but, of course, they weren't  
2 there. Did you ask Roy Wenlock that?  
3 A. No, I didn't think I had to because he was guilty of  
4 at least the lesser offence of unprofessional behaviour.  
5  
6 Q. Why didn't you think you needed to ask him anything  
7 further?  
8 A. Well, as far as I'm concerned, he was going.  
9  
10 Q. You see, Bishop, you realise the difference between  
11 wrestling with boys, albeit in underwear, and wrestling  
12 with boys for the purposes of being sexually stimulated?  
13 A. Yes, I do see the distinction, but I don't know how  
14 you can get a decent answer to that.  
15  
16 Q. Well, you could have by asking Roy Wenlock?  
17 A. Well, I don't know whether you'd get a decent answer,  
18 to be quite honest, because of the emotional difficulties  
19 most people have when they suffer.  
20  
21 Q. Well, if he was to admit that then, that was something  
22 you could have taken further though?  
23 A. What do you mean?  
24  
25 Q. Well, it would certainly have become a police matter,  
26 would it not?  
27 A. Mandatory reporting wasn't required then.  
28  
29 Q. I know that, but what about --  
30 A. And the parents asked me specifically not to go to the  
31 police on behalf of the boy.  
32  
33 Q. So you thought you were bound by what the parents  
34 asked of you?  
35 A. Yes.  
36  
37 Q. What about for your own edification to find out?  
38 A. I beg - beg your pardon?  
39  
40 Q. What about for your own information, asking this man  
41 whether, in fact, there was some ulterior motive behind  
42 this behaviour?  
43 A. Well, I did want to be prurient. As I understood the  
44 situation, there was no need to go to that level. I was -  
45 I was restricted to going to the police. He had committed  
46 an offence, as far as I was concerned, about managing the -  
47 caring for the students. That was sufficient for me to

1 take action.  
2  
3 Q. It wasn't a case of not wanting to know any answer  
4 that he may give you?  
5 A. I don't understand your question, really.  
6  
7 Q. Okay.  
8 A. Ask it another way.  
9  
10 Q. That's all right. I'm going to show you now  
11 some minutes of a meeting from 12 December 1977?  
12 A. 12 December. Yes. This is St Christopher's?  
13  
14 Q. This is barcode number 0470. I don't think you've  
15 been provided with a very good copy there, Bishop, but we  
16 can make out that it is the minutes of a meeting of the  
17 Board on 12 December 1977?  
18 A. Yes.  
19  
20 Q. And we can see that you were present as far as  
21 the minutes were concerned?  
22 A. Yes.  
23  
24 Q. And a number of others, including "F Killick" - so  
25 that's the Mayor of Northam?  
26 A. I see the rector of Northam's there too, Max Seymour.  
27  
28 Q. Yes, he is. And then under, about a quarter of the  
29 way down, beside the heading "Resignation":  
30  
31 The Chairman advised the meeting that Mr  
32 Wenlock had resigned on 2/12/77. The  
33 letter of resignation was received and the  
34 action of the Special Committee endorsed.  
35 The resignation to take effect on  
36 16/12/1977 and Mr Wenlock to be paid up to  
37 and including the 2/1/1978.  
38  
39 Now, Bishop, would you accept that that would be an  
40 accurate record of --  
41 A. I'm not too sure about the date, the 16th, that's all.  
42 I don't quite understand why it's worded that way.  
43  
44 Q. Well, it might be that he's given two weeks' notice --  
45 A. He might have been.  
46  
47 Q. -- because - yes. See, you gave him the option of

1 resigning, didn't you, rather than you sacking him?  
2 A. Sure.  
3  
4 Q. Was there any reason for that?  
5 A. I thought it was a nice way of doing it.  
6  
7 Q. Nice way for doing it for who?  
8 A. Him.  
9  
10 Q. Him?  
11 A. And me.  
12  
13 Q. Yes. And why you?  
14 A. Why - why, you know, endure anything more than you  
15 have to.  
16  
17 Q. Well, I gather from what you're saying it was a  
18 conduct that you would have - you would have been entitled  
19 to have him dismissed for?  
20 A. Mm.  
21  
22 Q. Yes. Did it also - did it have anything to do with  
23 ensuring that the reputation of the hostel wasn't damaged?  
24 A. That thought didn't come into my mind.  
25  
26 Q. Can you see where the damage to the hostel would be  
27 significantly lessened if the warden resigned rather than  
28 being dismissed?  
29 A. You may be right, but that thought was not in my mind.  
30  
31 Q. So it was --  
32 A. I wasn't protecting the hostel, really. I thought it  
33 was a better thing for him. At least if he goes to another  
34 job, he doesn't have to say he's dismissed.  
35  
36 Q. And you say, though, it was better for you?  
37 A. I'm not responding to that.  
38  
39 Q. You mentioned that just a moment ago?  
40 A. Well, in a sense, personally, the less hurt the  
41 better.  
42  
43 Q. Sorry, that --  
44 A. The less hurt for me, the better, but I won't say it  
45 was a dominating motivation.  
46  
47 Q. Why would this necessarily hurt you if, in fact, he

1 was dismissed?  
2 A. Well, I'm not in the business of dismissing people.  
3  
4 Q. Even when there's good grounds?  
5 A. It's an uncomfortable thing to do. Perhaps you  
6 haven't had to do it.  
7  
8 Q. Well, this was a rather uncomfortable situation that  
9 these boys found themselves in with Roy Wenlock.  
10  
11 MR BEVILACQUA: Well, your Honour --  
12  
13 MR URQUHART: Q. Wasn't it.  
14  
15 MR BEVILACQUA: -- how does that assists, really, having  
16 him answer that question? That's comment.  
17  
18 HIS HONOUR: Yes, well, perhaps if you do it another way.  
19  
20 MR URQUHART: I'll put it another way, sir.  
21  
22 Q. It looks like it could be said, Bishop, that the  
23 interests of the people being protected here are Roy  
24 Wenlock, is one, and the interests of the reputation of the  
25 hostel?  
26 A. Well, would you add the interests of the boys?  
27  
28 Q. Well, no.  
29 A. Because that's why he was being invited to resign.  
30  
31 Q. But, you see, wouldn't it have been better, so far as  
32 the interests of the hostel boys are concerned, if they  
33 found out why it is that their warden left the hostel?  
34 A. If I did that I would have been breaking confidence  
35 with the parents and the boy.  
36  
37 Q. You wouldn't have to name the boy?  
38 A. It's a country town.  
39  
40 Q. Yes. When you say that, you say rumours get around;  
41 is that right?  
42 A. Yes, but not to me always.  
43  
44 Q. It doesn't seem to be, apart from those two board  
45 members you mentioned a moment ago, any of the other board  
46 members knew about Roy Wenlock's behaviour?  
47 A. Well, they might have been, but they didn't speak to

1 me.  
2  
3 Q. Can you recall who those two board members were who  
4 approached you some time after this meeting and disclosed  
5 to you that they'd heard rumours about Roy Wenlock?  
6 A. I can. I don't want to, but I --  
7  
8 Q. Well, sorry, Bishop --  
9 A. One has died.  
10  
11 Q. Who was that?  
12 A. Betty Dempster.  
13  
14 Q. Sorry?  
15 A. Mrs Betty Dempster.  
16  
17 Q. Yes. And the other?  
18 A. Norman Apthorp.  
19  
20 Q. Norman Apthorp?  
21 A. Mm.  
22  
23 Q. Hold on, he's the --  
24 A. He was one-time Rector of St John's, Northam.  
25  
26 Q. And wasn't he one time chairman of the board?  
27 A. Yes, further back in time.  
28  
29 Q. Before or after?  
30 A. What?  
31  
32 Q. Did you say before or after --  
33 A. What?  
34  
35 Q. Did you mention another name there? "McIntyre" did  
36 you say?  
37 A. No. The two people I'm naming are Dempster and  
38 Apthorp.  
39  
40 Q. Apthorp, okay. So what was - so Norman Apthorp wasn't  
41 a member of the Board?  
42 A. He had been earlier.  
43  
44 Q. Had been earlier?  
45 A. When he was no longer director of Northam, he -  
46 because he had resigned from the board, came down to  
47 Dianella.

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

Q. Is he still alive?

A. Yes. In a fragile condition.

Q. Sir, could you just go down further and have a look at the first page of those minutes, under the heading "Reports", St Christopher's House. Do you see that there, Bishop?

A. Yes.

Q. Could you just have a read of that to yourself for a moment? And I suppose for the purposes of transcript, sir, I'll read it out:

No Warden's Report. Mrs Dennison made a brief report on the great assistance rendered by Housemaster Mr Tim Blee. The Secretary supported this and it was decided to make a present of \$100 to Mr Blee for his action in supporting the Matron and organising the students. The Secretary to convey the appreciation of the Board to Mr Blee.

Do you recall what that was in relation to?

A. Well, I can only --

Q. Well, you can only go by what's on the minutes?

A. -- go by the minutes.

Q. Was it your recollection that it had anything to do with his role in bringing Roy Wenlock's behaviour to the attention of the Board?

MR BEVILACQUA: Your Honour, I don't think that's come out in evidence from this.

HIS HONOUR: Sorry?

MR BEVILACQUA: I don't think this witness has mentioned Mr Blee.

HIS HONOUR: No, but that doesn't matter.

MR BEVILACQUA: But the way the question was framed suggested that he did. I think it needs to be said to the witness, "Someone else has said this" - that's the way it's

1 going to be put --  
2  
3 HIS HONOUR: I think the question is a reasonable one.  
4  
5 MR BEVILACQUA: -- "were you aware of this"?  
6  
7 HIS HONOUR: I mean, the witness has read what's there and  
8 it mentions Mr Blee, and it's being asked if it related to  
9 something Mr Blee had done in particular. So it's a  
10 reasonable question.  
11  
12 MR BEVILACQUA: I think in fairness to the witness it  
13 needs to be suggested to him that there's evidence that  
14 Mr Blee was involved somehow in what took place in bringing  
15 to the notice of the board what occurred, or to the Bishop.  
16  
17 HIS HONOUR: Well, I'm going to allow it.  
18  
19 MR BEVILACQUA: That hasn't come from this witness.  
20  
21 HIS HONOUR: I'm going to allow the question. I don't  
22 think it's unreasonable. You can put the question.  
23  
24 MR URQUHART: Thank you, sir.  
25  
26 Q. The question was, Bishop, is it your recollection that  
27 it was also to do with his role in bringing to the board's  
28 attention Roy Wenlock's behaviour?  
29 A. I'm not at all aware that Mr Blee --  
30  
31 Q. Mr Blee?  
32 A. -- brought the matter of Wenlock's behaviour to the  
33 attention of the board or to myself.  
34  
35 MR URQUHART: Or to you. Sir, I'll tender that document  
36 now, please.  
37  
38 EXHIBIT #119 MINUTES DATED 12/12/77, BARCODED 0470  
39  
40 MR URQUHART: Q. Now, Bishop, do you require a break  
41 now?  
42 A. I'm fine, thanks.  
43  
44 MR URQUHART: All right. Sir, shall we --  
45  
46 HIS HONOUR: We'll take a break. Very well. As long as  
47 you need.

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

SHORT ADJOURNMENT

HIS HONOUR: Please be seated. Yes, Mr Urquhart.

MR URQUHART: Thank you, sir.

Q. Bishop, I just wanted to ask you one more thing regarding those minutes that we just had a look at before the break, which was exhibit 119. Thank you, Madam Associate.

A. Thank you.

Q. I'll read out that first paragraph that appears next to the heading "Resignation". I just want to ask you something about the second sentence that is there:

The letter of resignation was received and the action of the Special Committee endorsed.

Can you recall what this special committee was?

A. Quite clearly consisted of two people - Mrs Smith and myself.

Q. Okay. But I think it was your recollection earlier this month that Connie Smith was still a board member?

A. Yes, I must have got that wrong.

Q. Yes. So normally when a description is given of a special committee, it comprises of those members of a committee, and it's a subcommittee formed from that?

A. But are they suggesting the subcommittee must come from the board entirely.

Q. Ordinarily, yes.

A. Well, I explained to you the member, sir. Mrs Smith had been a member of the Board, as you will recall from the minutes when I first came.

Q. Yes.

A. Secondly, she had the experience of Adamson House, so she knew something about the realities of running a hostel. Thirdly, she was a respected person of the community, Northam and Goomalling; and, fourthly, she was a woman with much wisdom.

1 Q. This special committee wasn't you and Mr Killick --  
2 A. No.  
3  
4 Q. -- who was a board member and had been for some years?  
5 No, wasn't him?  
6 A. That's what I just said.  
7  
8 Q. Okay. I'm just asking you, just confirming it. I  
9 mean, people's recollections may change. Yours doesn't.  
10 That's fine.  
11 A. Not on that, it wasn't.  
12  
13 Q. Okay, thank you. You can hand that document back.  
14 Now, Bishop, before you found out about this behaviour of  
15 Roy Wenlock - and I'm referring to the wrestling in  
16 underpants - I gather you held him in very high regard?  
17 A. Yes.  
18  
19 Q. And in your view the success of the hostel was largely  
20 attributable to him?  
21 A. Well, it depends, really, on the ability and  
22 commitment and skills of all the staff, but the warden sets  
23 the pace.  
24  
25 Q. Yes. So would you agree with my assessment of that,  
26 that it was your view that it was largely attributable to  
27 him?  
28 A. Not solely.  
29  
30 Q. No, but largely?  
31 A. Yes.  
32  
33 Q. And from what your evidence has been before the break,  
34 when you first found out about his inappropriate behaviour,  
35 and I will describe it like that --  
36  
37 HIS HONOUR: We have a recording problem, we'll just have  
38 to adjourn for a short while, sorry.  
39  
40 SHORT ADJOURNMENT  
41  
42 HIS HONOUR: Please be seated. Yes, Mr Urquhart.  
43  
44 MR URQUHART: Thank you, sir, I've been asked if I can go  
45 back over the last one minute before that adjournment.  
46  
47 HIS HONOUR: Very well, yes.

1  
2 MR URQUHART: That's at the request of the audio  
3 technician.  
4  
5 Q. So, Bishop, sorry for repeating this, but the two  
6 questions I don't think came out very well. The first one  
7 I asked you about was before you found out about this  
8 inappropriate behaviour by Roy Wenlock, you held him in  
9 very high regard?  
10 A. Yes.  
11  
12 Q. And the other question I asked you was that in your  
13 view the success of the hostel was largely - I'm not saying  
14 wholly, but largely attributable to him?  
15 A. Yes.  
16  
17 Q. Now, was it your view that when you first found out  
18 about his inappropriate behaviour when wrestling with boys,  
19 that the fewer people who knew, the better it would be for  
20 everybody's sake?  
21 A. I don't think I would agree with that.  
22  
23 Q. No?  
24 A. No, I mean, I think it's a double-barrelled statement.  
25 I mean --  
26  
27 Q. Right.  
28 A. -- obviously --  
29  
30 Q. Well --  
31 A. -- it doesn't help very much. I won't respond to it.  
32 I don't think it's a fair question.  
33  
34 HIS HONOUR: Well, perhaps break that into two. The first  
35 question is was it the view that the fewer people that  
36 knew, the better.  
37  
38 MR URQUHART: Q. Was that your view when you first found  
39 out about the resident behaviour - the fewer people that  
40 found out, the better?  
41 A. May I remind you --  
42  
43 Q. Yes, I know about the parents who said --  
44 A. -- the parents --  
45  
46 Q. You said that?  
47 A. -- at the direction of their son wanted to keep it

1 confidential, and that bound all my actions that followed.  
2  
3 Q. Yes. All right. So that being the case, was it your  
4 view that the fewer people who knew, the better?  
5 A. Well, because of that request, yes.  
6  
7 Q. You see, Bishop, I've had an opportunity, having  
8 looked through the transcript of your interview when you  
9 recounted this occasion in which you said you first became  
10 aware of this, and I'll stand corrected, but I can't see  
11 where you refer to the fact that the parents requested that  
12 the matter remain confidential?  
13 A. Well, that's - well, I'm surprised I did say that,  
14 unless it's at the end of the statement, but I certainly  
15 have got the slightest recollection of it.  
16  
17 Q. Because actually you said this at page 22 - and the  
18 bottom of page 21, second-last line there, you say:  
19  
20 -- I didn't consult the Board. I didn't  
21 think that was necessary, and - because the  
22 fewer people who knew at that time the  
23 better for everybody's sake, actually --  
24  
25 And then you go on to say:  
26  
27 -- especially the - well, I did have a bit  
28 of a soft spot for Roy's future --  
29  
30 So you didn't actually say - didn't think it was necessary  
31 because the fewer people who knew at the time the better  
32 was because of the parent's request, but actually --  
33 A. I think that's a non-sequitur. That is to say, I was  
34 really saying two things. One was - dare I have to repeat  
35 it - because straight wise, under --  
36  
37 Q. Sorry?  
38 A. The two things being said in --  
39  
40 Q. What - well, for a start, Bishop --  
41 A. -- you put them together.  
42  
43 Q. Well, to start with, Bishop, you did say in your  
44 interview that the fewer the people who knew at the time,  
45 the better for everybody's sake. And then you went on to  
46 say not because of what the parents had requested --  
47 A. Well.

1  
2 Q. -- you actually said "especially" --  
3  
4 MR BEVILACQUA: Well, I think that needs to be made more  
5 clear to this witness.  
6  
7 HIS HONOUR: Sorry?  
8  
9 MR BEVILACQUA: Perhaps what was said can be read to him,  
10 rather than interspersed with Mr Urquhart's --  
11  
12 HIS HONOUR: All right. Well, I think that's --  
13  
14 MR BEVILACQUA: -- other comments.  
15  
16 HIS HONOUR: -- a reasonable request. So effectively read  
17 out precisely what the Bishop did say in the interview.  
18  
19 MR URQUHART: I have said it. I have read it, sir.  
20  
21 HIS HONOUR: Apparently it's been suggested --  
22  
23 MR BEVILACQUA: No, you haven't.  
24  
25 HIS HONOUR: -- you haven't; that you --  
26  
27 MR URQUHART: Well, I have. I read it for the first time  
28 out to him.  
29  
30 HIS HONOUR: Well, perhaps just read it again.  
31  
32 MR URQUHART: I'll read it again.  
33  
34 HIS HONOUR: Read the transcript as it is, yes.  
35  
36 MR URQUHART: I'll read it again.  
37  
38 Q. I'll read out your entire answer here:  
39  
40 I waited while the - Roy wrote his letter  
41 of resignation, and I accepted it there and  
42 then. And as you can see, I didn't consult  
43 the Board. I didn't think that was  
44 necessary, and - because the fewer people  
45 who knew at that time the better for  
46 everybody's sake, actually, especially  
47 the - well, I did have a bit of a soft spot

1 for Roy's future --

2

3 Then it goes on to say:

4

5 -- and - so I'm pretty sure it was only  
6 24 hours I gave him to pack his bags, and  
7 he when. And the Deputy Warden, Walter  
8 Dennison, was made action warden. He's  
9 known as Wally, and his proper name's  
10 Walter.

11

12 So, Bishop, you said you didn't - you disagreed with me  
13 when I said that - I asked you whether it was your view  
14 that the fewer people who knew, it would be better for  
15 everybody's sake. So I've now read out that answer that  
16 you gave.

17 A. Certainly that needs to be put into the context of  
18 that time, but I didn't want to - I wanted to deal with the  
19 matter expeditiously, as is most evident. I didn't want to  
20 have to consult so many different parties, and that meant I  
21 didn't want really to consult the rest of the Board, and I  
22 thought I had the right to do it anyway.

23

24 Q. Yes.

25 A. In terms of my statement there, I suppose what I said  
26 about a soft spot for Roy Wenlock, it ought to be put in  
27 parenthesis - that is to say, I did appreciate his  
28 contribution to the hostel, and I - as a person, I actually  
29 liked him, and so I had a soft spot for him. Perhaps I  
30 should not have said that in that statement at all --

31

32 HIS HONOUR: Q. Can I just ask you --

33 A. -- because you're making more out of it than need  
34 be.

35

36 Q. I'd just like you to elaborate on something you just  
37 said, and you said that the answer you gave in the  
38 interview should be seen in the "context of that time".  
39 Could you explain what you mean by "context of that time"?

40 A. That is to say, dealing with a matter quickly and  
41 effectively without having to involve too many other  
42 parties.

43

44 HIS HONOUR: Right.

45

46 MR BEVILACQUA: Your Honour, I'd just like to make a point  
47 now. In fairness to this witness, other parts of the

1 transcript need to be put to him, specifically where he  
2 said there's one --  
3  
4 HIS HONOUR: Well, just before you go on. Obviously by  
5 the end of the Bishop's evidence, anything that needs to be  
6 raised in that regard - if there are other passages of the  
7 transcript which are relevant - I mean, if Mr Urquhart  
8 doesn't cover them, you can have that opportunity, because  
9 you'll be given full opportunity to produce whatever  
10 evidence you like. I don't know what you're going to point  
11 to, and it might be inappropriate in terms of this line of  
12 examination.  
13  
14 MR BEVILACQUA: Well, with respect --  
15  
16 HIS HONOUR: It might be either something you say now will  
17 suggest what the answer to the next question will - should  
18 be, and I don't think that's right.  
19  
20 MR BEVILACQUA: Well, to hear this in context, Mr Urquhart  
21 started this line of questioning by suggesting that there  
22 was, in fact, nothing said by the parents about  
23 confidentiality, and it was all about what has come out.  
24  
25 HIS HONOUR: Well, Mr Urquhart said as far as he could see  
26 there's nothing said about the parents. You're saying  
27 different.  
28  
29 MR BEVILACQUA: Well, there is.  
30  
31 HIS HONOUR: Well, could you point that out --  
32  
33 MR BEVILACQUA: And that's what I need to point out.  
34  
35 HIS HONOUR: -- to Mr Urquhart at the Bar table, rather  
36 than speak it out aloud now. Yes.  
37  
38 MR URQUHART: I think we're right, sir. My learned  
39 friend's referred to a passage in the interview in which  
40 Bishop Challen's already given evidence about, regarding  
41 the fact that he asked the parents if they wanted to take  
42 the matter to police, and they said, "No".  
43  
44 HIS HONOUR: Right.  
45  
46 MR URQUHART: So in my submission I'm still concentrating  
47 on here.

1  
2 Q. And I'm going to ask the Bishop, when you said here it  
3 was better for everybody's sake, obviously you had  
4 Roy Wenlock's future in mind, I gather then you also had  
5 the parents' views in mind. Anybody else's?  
6 A. The boy.  
7  
8 Q. What about the hostel; the reputation of the hostel?  
9 A. I certainly didn't have it in mind at the time.  
10  
11 Q. You said now that your description of 'having a bit of  
12 a soft spot for Roy's future' I'm placing too much emphasis  
13 on that?  
14 A. I think you are. What mattered was the well-being of  
15 the students and this unprofessional behaviour. It had to  
16 be dealt with. If it was inconvenient for Wenlock it was  
17 just too bad. If - if we can - I didn't want to destroy his  
18 - oh, no, I did want to press a dispute from employment.  
19  
20 Q. I am going to ask you about that now. You actually  
21 did say 'I did have a bit of a soft spot for Roy's future'?  
22 A. Hm.  
23  
24 Q. Did you have in mind there his future employment?  
25 A. I had no particular job or type of job in mind, but I  
26 presumed he would want to have a living and, therefore, go  
27 and get a job somewhere. I had no responsibility for his  
28 future employment. He had to work that out.  
29  
30 Q. I gather you had formed the view back then when you  
31 told him essentially that he to resign that he was not a  
32 fit and proper person to work in a high school hostel; is  
33 that right?  
34 A. I didn't say that.  
35  
36 Q. But was that your view, that he wasn't a fit and  
37 proper person to work in a high school hostel?  
38 A. Well, if he continued to behave that way he certainly  
39 wasn't.  
40  
41 Q. If he continued to behave that way?  
42 A. If he did continue to, yes.  
43  
44 Q. So are you saying if he continued to behave like that  
45 then he --  
46 A. He would not be.  
47

1 Q. -- wouldn't be a fit and proper person? Bishop, I am  
2 going to suggest to you that what you did when you first  
3 found this out, that in fact you gave him a warning?  
4 A. No. That's wrong.  
5  
6 Q. That just seems to be - you can see the consistency  
7 between that assertion and what you just said a moment ago.  
8 A. I don't understand what you are saying. I had no  
9 warning of his behaviour. Let's get this clear. I did not  
10 give him a warning. There was this one incident and that's  
11 the focus of my contribution to this hearing.  
12  
13 Q. Bishop, you made the distinction there when I asked  
14 you about being a fit and proper person in your view you  
15 said, 'if he was to continue this behaviour he wouldn't be  
16 a fit and proper person to work' --  
17 A. Well, if you ask me a hypothetical question - and I  
18 have given you an answer with respect to that.  
19  
20 Q. No, Bishop. I simply asked you: It was your view - I  
21 mean when you asked him to resign - that he wasn't a fit  
22 and proper person to work in a high school hostel and you  
23 said --  
24 A. Now --  
25  
26 Q. No, let me finish, Bishop. You said you didn't agree  
27 with that. And then you added 'if he was to continue doing  
28 that he would be'.  
29 A. Well, let's go back to the first half. That is to  
30 say --  
31  
32 Q. Shall I ask you the question again?  
33 A. Yes.  
34  
35 Q. In your view when you dismissed him, or when you asked  
36 for his resignation, that he wasn't a fit and proper person  
37 to work in a high school hostel?  
38 A. I'm not too sure whether I actually said that, but I  
39 thought that, which is what you asked me. That would have  
40 been my view.  
41  
42 Q. That would have been your view?  
43 A. Hm.  
44  
45 Q. But, you see, you didn't give that answer when I first  
46 asked you that?  
47 A. Well, I don't think I understood what you were saying.

1 I'm sorry, I'm getting a bit old.  
2  
3 Q. Bishop, in future if you do not understand a question  
4 that I am asking of you please say so.  
5 A. Okay. I'll do my best.  
6  
7 Q. That being the case, would he, in your view, at that  
8 time be a fit and proper person to work in another  
9 occupation where he would have access to teenage boys?  
10 A. My answer is no.  
11  
12 Q. Did you become aware of what his next job was?  
13 A. Not until I went to a cricket match, by chance - don't  
14 ask me what year it was - and I heard his voice over the  
15 public address system.  
16  
17 Q. Did you think --  
18 A. That would have been some years after he had resigned.  
19  
20 Q. It would have been at least six years, by our  
21 investigations. You weren't aware of any job that he had  
22 after he resigned from the hostel?  
23 A. No.  
24  
25 Q. Until you heard him over the PA at the cricket?  
26 A. And you must remember that my ecclesiastical  
27 responsibility is in other directions.  
28  
29 Q. Our information is that his job as the WACA was as a  
30 development officer in 1979?  
31 A. Hm.  
32  
33 Q. Bishop, if that job involved coaching boys of a  
34 similar age to those that he inappropriately wrestled in  
35 his underpants at the hostel, do you think back then that  
36 was an appropriate position for him to hold?  
37 A. You asked me a hypothetical question now. I think it  
38 would be inappropriate.  
39  
40 Q. You see, Bishop, earlier you mentioned that if he was  
41 dismissed from the hostel that could affect his future  
42 employment?  
43 A. Yes.  
44  
45 Q. If he was to become a coach of teenage boys in his  
46 next job, isn't that something that his future employer  
47 should know about?

1 A. I think - sorry, I make the assumption that a  
2 potential employer would ask for the applicant's work  
3 history, in particular, the last appointment. And then I  
4 would expect the employer, if he or she had concerns, would  
5 contact that employer and, in effect, seek a reference,  
6 which nobody has ever contacted me about Mr Wenlock's  
7 employment after the hostel. I would have gladly given  
8 them a report if it was to do with - sorry, young people.  
9

10 Q. What would that report have been?  
11 A. That he has this disposition of wrestling with young  
12 boys in a semi-naked condition.  
13

14 Q. You would have done that?  
15 A. Yes.  
16

17 Q. What if, instead of that, Mr Wenlock presented to a  
18 future employer what you said about him in his capacity as  
19 warden at the hostel in your synod report of 1978?  
20 A. What if --  
21

22 Q. I am going to show it to you now because I am going to  
23 suggest --  
24 A. I know the synod report. You are giving me a  
25 paragraph - what is the actual question?  
26

27 Q. I am going to show you the report. It might be best.  
28 I am going to suggest to you that if a potential employer  
29 was to read that they would think this is the perfect man  
30 for the job particularly if --  
31

32 MR BEVILACQUA: Your Honour.  
33

34 MR URQUHART: No, let me finish.  
35

36 MR BEVILACQUA: The question is just asking an opinion,  
37 with respect. How can it assist the Inquiry what he thinks  
38 about the effect of that statement? Surely that is a  
39 matter that is to be concluded by your Honour ultimately,  
40 having regard to all of the evidence. I do not see how the  
41 question sits.  
42

43 HIS HONOUR: What I think should be done is that what was  
44 said about Roy Wenlock by the Bishop following his  
45 departure should be put to him, see if he agrees to it and  
46 see what he says about why he said that.  
47

1 MR URQUHART: Thank you, sir. That is going to be the  
2 last in the bundle of exhibits, barcode 0475.  
3  
4 Q. From what you have said about the synod, Bishop, it is  
5 important to give a true and accurate report to the synod;  
6 do you agree with that?  
7 A. Yes.  
8  
9 Q. Is that a true - you have had a look at it there. I  
10 am referring in particular to '4. Administration', at the  
11 bottom of page 105. You are reading that now, aren't you?  
12 A. Yes. I would still stand by those words about his  
13 commitment.  
14  
15 Q. Bishop, it is a glowing reference, isn't it?  
16 A. Well, for what is said, yes. I agree. It's true.  
17  
18 Q. I will read it out, "Administration":  
19  
20 In December 1977 the board and St  
21 Christopher's boys bid farewell to Mr R  
22 Wenlock, who had served the hostel with  
23 enthusiasm, determination and dedication  
24 for the past 13 years. His imaginative  
25 administration brought numerous  
26 improvements to St Christopher's. We wish  
27 him well in his new field of work.  
28  
29 Then it goes on to state that the board had appointed the  
30 former deputy warden, Mr Dennison. That's not an entirely  
31 accurate description of his departure from the hostel, is  
32 it?  
33 A. There is no reference to his departure or the reason  
34 for his departure.  
35  
36 Q. Sorry?  
37 A. There is no reference to his departure - sorry, there  
38 is reference to his departure, but not the reason. Again,  
39 because of confidentiality.  
40  
41 Q. Confidentiality from the parents?  
42 A. Hm.  
43  
44 Q. Why did you need to go and praise him in such  
45 effusive terms?  
46 A. I suppose there is a disposition amongst church  
47 people, including myself, to be positive as far as

1 possible. Let's face it, running these hostels is hard  
2 work. To do that well needs to be recognised. That's what  
3 I've done.  
4

5 Q. When you say 'we wish him well in his new field of  
6 work', did you know what that was going to be?

7 A. Not the slightest idea.  
8

9 Q. Was another reason for including that sort of report  
10 to ensure the image of the church remained well or  
11 positive?

12 A. As I said, it's not my motivation. I am very critical  
13 of the church, as many church people will know. Secondly,  
14 these documents presented at synod like this are not - I  
15 mean, are public but they do not have much of a  
16 circulation. So I do not think that would contribute much  
17 to the building up of a positive image of the diocese.  
18

19 Q. Who would you expect to read reports to synod? Who  
20 would you expect to read these reports?

21 A. The answer is no.  
22

23 Q. No; who would you expect to read, is the question?

24 A. I thought would I expect to have to read them?  
25

26 Q. No. No.

27 A. I am sorry.  
28

29 Q. Who would you expect to read?

30 A. The members of synod that's about - I don't know. It  
31 varied in entire number. I suppose it would have ranged  
32 from about 300 to 600 people at the time.  
33

34 Q. I want to refer to the last paragraph there, Bishop.  
35 It reads:  
36

37 The board is very keen and responsible.  
38 The diocese can be very pleased with the  
39 contribution the lay people and clergy are  
40 making to ensure that this hostel really  
41 cares for the students and witnesses to our  
42 Lord.  
43

44 Is there any particular reason why you emphasised that?

45 A. I have a general policy when writing reports to end up  
46 on a positive note. Maybe give encouragement to people  
47 responsible.

1  
2 Q. But one would expect that the contribution of lay  
3 people and clergy are making would be to ensure that this  
4 hostel really cares for students?  
5 A. Yes.  
6  
7 Q. Did you include that paragraph --  
8 A. Perhaps it is just rhetoric.  
9  
10 Q. Did you include this paragraph in case someone who  
11 read this report was actually aware of the real reason  
12 behind Roy Wenlock's resignation?  
13 A. What was the first half of the sentence?  
14  
15 Q. Did you include that paragraph to enable someone, who  
16 was aware the real reasons why Roy Wenlock left, that they  
17 could be reassured that from now on the board would be very  
18 keen and responsible?  
19 A. I don't think I had that thought in mind.  
20  
21 Q. No.  
22 A. No. That's a bit sophisticated.  
23  
24 Q. Too sophisticated?  
25 A. Yes.  
26  
27 Q. Had the board really cared? From what you knew, about  
28 the Reverend Apthorp's knowledge and another board member's  
29 knowledge, did you think back in 1978 that the board had  
30 really cared about the well-being of boys at the hostel  
31 prior to you being appointed?  
32 A. Well, I had assumed everything was going smoothly.  
33 Insofar as the board had an influence on that, the board  
34 was seeing to its responsibilities. As I have said how  
35 many times this morning, I had no knowledge of Mr Wenlock's  
36 unprofessional behaviour prior to the occasion I met with  
37 Mr Ken McIver.  
38  
39 Q. We are going to look at the material and the evidence  
40 that suggests that you may well have had that knowledge.  
41 Before we do that I will tender this exhibit now.  
42  
43 EXHIBIT #120 SYNOD REPORT 1978 - COMMENTS BY BISHOP CHALLEN  
44 RE ROY WENLOCK'S DEPARTURE, BARCODED 0475  
45  
46 MR URQUHART: Q. Bishop, we have heard from a witness  
47 whose name is Thompson?

1 A. Thompson?  
2  
3 Q. Thompson, yes. His final year at St Christopher's was  
4 the first year you became chairman. That was 1976 he was  
5 in year 12. He had been subjected to Roy Wenlock's  
6 wrestling for four years. When he was in fifth year, 1976,  
7 he told his friend, Brett McIver, about Roy Wenlock's  
8 behaviour. You know who Brett McIver is?  
9 A. I know of him, but I don't know.  
10  
11 Q. Brett McIver told his dad. Mr Thompson saw Ken McIver  
12 in Mr McIver's lounge room one weekend - this is in 1976 -  
13 and also there was a male member of the clergy who asked  
14 him a number of questions. Mr Thompson didn't expect to be  
15 believed, but he was most impressed by the responses he got  
16 from Mr McIver and this clergyman. I want to read out what  
17 he says in regards to this. This is at page 3306,  
18 transcript from Wednesday, 23 May:  
19  
20 Q. Can you recall who was there, who else  
21 was at that meeting that you had?  
22 Obviously Mr McIver.  
23 A. Yes, Mr McIver was there. It was in  
24 his lounge room, and I distinctly remember  
25 the very ornate lounge chairs we sat on. I  
26 don't know why, but I do.  
27  
28 Q. Okay.  
29 A. I don't remember whether Brett McIver  
30 stayed for the meeting, but Ken McIver was  
31 there, and a member of the clergy was  
32 there.  
33  
34 Q. I see. And how did you know that  
35 person was a member of the clergy?  
36 A. I don't recall whether Brett McIver  
37 told me at school that this was going to  
38 happen, that - that his father and this  
39 other person was going to be there or  
40 whether I - that was a surprise to me when  
41 I got there, but either way I was told that  
42 he was a prominent member of the clergy and  
43 he would be - he would be listening and he  
44 would do something about the situation.  
45  
46 Q. Now he was introduced to this clergyman. He doesn't  
47 remember the name because he says it was a long, long time

1 ago. Then he says that a surname was mentioned to him and  
2 yours was whilst he was being interviewed. However, his  
3 answer - page 3308, line 6:  
4

5 Q. And when you heard that name, what did  
6 you think?

7 A. I immediately thought, "Yes, that was  
8 it", but --  
9

10 Q. But you're not certain?

11 A. Yes, look, I'm not certain.  
12

13 Q. All right. Thank you.

14 A. If somebody had said "Bill Smith" to  
15 me, I might have thought the same.  
16

17 Then it continued:  
18

19 Q. Can you recall who it was who did -  
20 well, apart from you, who did most of the  
21 talking at this meeting?

22 A. No, I can't clearly recall. My memory  
23 of it is that both Mr McIver and the other  
24 gentleman asked me a lot of questions. My  
25 best memory of it would be that the church  
26 member asked most of the questions.  
27

28 Q. And did you give a full account of  
29 these experiences that you had with Roy  
30 Wenlock over the years?

31 A. In for a penny, in for a pound. I was  
32 committed by then; so, yes, I told them  
33 everything I knew and gave them other kids  
34 they could talk to, to back up what I was  
35 saying.  
36

37 Q. So you actually gave them the names --

38 A. As much as I could.  
39

40 Q. Right. And can you recall roughly how  
41 many other kids that you were aware of that  
42 this had happened to?  
43

44 Then he thought about that for a little while and he says  
45 he thinks that: "Over my four or five years there would  
46 have been at least 20 other students that the same thing  
47 was happening to". Then he was asked how many names he

1 gave to Mr McIver and the clergyman. He was asked that by  
2 his Honour. He said: "Difficult to say, your Honour, but I  
3 would think probably at least half a dozen names."  
4

5 He goes on to say that he wasn't expected to be  
6 believed when he went to this meeting but he remembered by  
7 the end of the meeting he was very impressed by the  
8 response that he got. He is casting no criticism on  
9 Mr McIver or the clergyman for how they behaved during that  
10 interview.

11  
12 Then he says he was concern that he was in his final  
13 year at school - page 3310 - because he was a prefect. It  
14 must have been his final year. That is 1976 -  
15 "Can't remember the time of the year, when it was during  
16 the course of the year". He says he didn't recall it being  
17 cold but he goes on to say it could have been any time of  
18 the year.

19  
20 Bishop, we know that you became chairman of the board  
21 in April of 1976 of that year. Having gone in some detail  
22 with you, does that jog your memory that that clergyman may  
23 well have been you?

24 A. I have no recollection of the circumstances that  
25 you've just read out.

26  
27 Q. Would you at least agree with me that it is likely the  
28 clergyman who would attend the meeting about a complaint  
29 regarding the hostel warden would be the clergyman who was  
30 the chairman of the board?

31 A. Did it occur at a weekend?

32  
33 Q. I do not know. Would that have an impact, would it,  
34 on whether it was you or not?

35 A. It certainly would in terms of availability.

36  
37 Q. This would be a very critical matter, would it not,  
38 that this is, and this boy, the man now, said he gave a  
39 description of what was happening and it was --

40 A. Well, I don't want to reject it, but I have no  
41 recollection.

42  
43 Q. Given the serious --

44 A. I just want to highlight I may not necessarily -  
45 sorry, I am not necessarily the clergyman.

46  
47 Q. But you might have been?

1 A. Oh, it's unlikely, but it is conceivable.  
2  
3 Q. Are you saying it is unlikely because --  
4 A. Well, I was doing other things. This is why I asked  
5 the question about Sunday, because I thought you implied  
6 that. If I knew what the matter was going to be I would  
7 regard it as very important and do my best to be there.  
8 But I reiterate, this must be the twelfth time now, I had  
9 no knowledge of any of this behaviour until Mr McIver rang  
10 me.  
11  
12 Q. Bishop, I accept that account of yours, but that is  
13 not consistent with the number of accounts --  
14 A. I know it is inconsistent --  
15  
16 Q. -- that we have received. I am now giving you this  
17 opportunity to respond to those to see whether that may jog  
18 your memory about this.  
19 A. Thank you for that.  
20  
21 Q. Well, you realise the importance of this, do you not?  
22 A. Well, you may be making a lot out of it. I mean --  
23  
24 Q. Bishop --  
25 A. I know. I read the newspapers and some people suggest  
26 that I took 12 months to take any action. That is just not  
27 the case.  
28  
29 Q. You see, Bishop, do you agree it becomes important if  
30 - and I emphasise "if" - that in fact was the case?  
31 A. As long as you emphasise the "if".  
32  
33 Q. Yes, by all means. Do you agree it becomes important  
34 if that was the case?  
35 A. It is significant. Whether it is all determining is  
36 another matter.  
37  
38 Q. If this had occurred after you became chairman of the  
39 board, and if it wasn't you who was at that meeting but  
40 another clergyman, would have you expected to have been  
41 informed by that clergyman of what they had been told?  
42 A. I would have. I would have.  
43  
44 Q. Could you offer any other people who this possibly  
45 could have been, if in fact this occurred at the time that  
46 you were chair?  
47 A. We have to check things out a little bit. But

1           theoretically the rector of Northam, and a clergyman that  
2           would have been enacted by synod and the person that has  
3           been named, and he is now deceased, Hugh McGuinness, who  
4           was at Toodyay, which is too far away and couldn't make the  
5           meeting.

6  
7           Q.    Bishop, there is another witness whose statement has  
8           been provided to you, Adrian Gamble?

9           A.    Yes.

10  
11          Q.    He was a student at the hostel. He was in year 12 in  
12          1976. He recalled that in 1976 he became aware that Ted  
13          Thompson and another student who has been identified as L  
14          had a meeting with Ken McIver, who then contacted the  
15          Anglican minister who was chairman of the hostel board.

16          A.    Hm.

17  
18          Q.    I am going to read out what he said in his statement.

19  
20          HIS HONOUR:   This is L's statement, is it?

21  
22          MR URQUHART:   No. This is going to be Adrian Gamble's  
23          statement, sir. It is Adrian Gamble's statement. It  
24          starts at paragraph 31.

25  
26          Q.    Bishop, this is what he provided in his statement to  
27          this Inquiry:

28  
29                    My understanding was that the Anglican  
30                    Minister then spoke --

31  
32          This is the Anglican Minister who was chairman of the  
33          Hostel Board:

34  
35                    My understanding was that the Anglican  
36                    Minister then spoke to Roy Wenlock and he  
37                    was told that he was to stop having  
38                    students in his flat unsupervised. I do  
39                    not know if this was common knowledge among  
40                    the hostel students, but it was certainly  
41                    common knowledge amongst the prefects at  
42                    the hostel. After this happened I do not  
43                    recall Wenlock inviting students to his  
44                    flat. It may be the case that he stopped  
45                    this due to the meeting he had with the  
46                    chairman of the hostel board of management.

1 I left the hostel and school at the end of  
2 1976 and went to the USA for 12 months on  
3 an exchange program via the Rotary Club,  
4 which was in part organised for me by  
5 Wenlock. The following year when I was  
6 overseas I heard that there had been  
7 another problem with Wenlock having a  
8 student in his flat and the student made a  
9 complain. I believe that Wenlock was asked  
10 to move on, as he had reneged on his  
11 agreement to not have students in his flat.  
12 I heard that he left the hostel.  
13

14 That is another account that suggests that the Anglican  
15 Minister who was chairman of the board in 1976 had merely  
16 given Roy Wenlock a warning.

17 A. Do you know which month in '76 it was?  
18

19 Q. No, we don't. Yes, I appreciate that you became  
20 involved in --

21 A. March/April?  
22

23 Q. In March of 1976, yes.

24 A. It could have occurred before then.  
25

26 Q. It may well have occurred before then?

27 A. Because I have no recollection of that.  
28

29 Q. No. So Reverend McGuinness was the rector for Northam  
30 in nineteen seventy --

31 A. No.  
32

33 Q. No?

34 A. Toodyay.  
35

36 Q. Toodyay. That's right, and there was no-one at  
37 Northam --

38 A. At that time.  
39

40 Q. -- for how long in 1976. Can you recall?

41 A. I can't recall. Maxine or (indistinct) came but I'd  
42 have to look up diocesan records to --  
43

44 Q. But someone eventually came?

45 A. Yes.  
46

47 Q. If the rector at Northam was to contact a more senior

1 clergyman in Perth involving a concern that he had with the  
2 hostel --  
3 A. Yes.  
4  
5 Q. -- again I am not saying it would definitely be the  
6 case but logically that clergyman would be the chairman of  
7 that particular hostel?  
8 A. It could go to one of two routes. Either the chairman  
9 of the hostel or gone to one of the bishops.  
10  
11 Q. But either way, if it had gone to the bishop,  
12 logically the bishop would then confer with the chairman?  
13 A. I think so.  
14  
15 Q. I want to refer you to another statement by the  
16 witness Gary Bradley. In 1976 his father was a volunteer  
17 ambulance officer and he had an open phone in his house  
18 that his father did and that system provided to a number of  
19 houses the numbers of key people who would contact each  
20 other in the case of an emergency?  
21 A. Right.  
22  
23 Q. You are nodding. Are you familiar with this system or  
24 not?  
25 A. Well, I don't know about emergency systems but I've  
26 done it like on --  
27  
28 Q. Conference phones, they can all talk --  
29 A. Well I think mobiles. Station masters have a  
30 connection.  
31  
32 Q. They can all talk at once but it also meant that they  
33 could listen in to other people's conversations, yes.  
34 Mr Bradley's father has passed away but this is what Gary  
35 Bradley recalls, this being 1976. It starts at paragraph  
36 14, page 2 of Mr Bradley's statement:  
37  
38 I remember one particular occasion, just  
39 before dinner, my dad (who has now passed  
40 away) telling me about a conversation he  
41 intercepted on the open phone earlier that  
42 day.  
43  
44 Dad told me that he heard the open phone  
45 "dinging" (which is a noise it used to make  
46 when someone dialled any of the other  
47 phones) so he picked it up.

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

He overheard the local church minister talking to a church representative in Perth.

Their discussion was about how Wenlock was dealing with the boys and that he needed to be moved from Northam.

I did not understand the specifics of Wenlock's dealing with the boys in the context of the phone conversation that my father overheard nor did I ask further questions of him.

I remember dad telling me about this incident when I was in year 12, which would have been in 1976.

Bishop, do you recall the rector of Northam speaking to you when you were in Perth regarding Roy Wenlock and his dealing with boys?

A. No.

Q. And specifically that he needed to be moved from Northam?

A. Well, I didn't have the conversation as far as I can recall. Do I have to keep reminding you?

Q. Bishop, I am doing this for the purpose of giving you an opportunity to respond to this and also to get an opportunity of seeing that this is not just one person's account but it is a number of people who are saying - and sometimes they don't name them directly, like Mr Thompson, for example, but others do - of you being made aware of what Roy Wenlock was doing in 1976?

A. I certainly have trouble remembering it. As far as I'm concerned, I wasn't ever approached. That's all to it.

HIS HONOUR: Q. I think I should explain, Bishop, it has to be done this way because I've got to then decide who to believe --

A. Yes.

Q. -- and who has got the best recollections and it would be unfair if these matters weren't put to you and you had no opportunity just to comment on them?

1 A. Well thank you for that, your Honour.  
2  
3 Q. Like you have with regard to the possibility that as  
4 you only started in March of 1976, it could have been the  
5 previous chairman?  
6 A. That's right.  
7  
8 Q. That's a valid observation to make and that's why  
9 these things are being put to you, yes.  
10  
11 MR URQUHART: Thank you, sir.  
12  
13 Q. Mr Bradley also says this, and this will lead on to  
14 the next witness's statement I am going to take you to.  
15 Mr Bradley says, at paragraph 23:  
16  
17 I later found out through contacts that  
18 around this time the then principal of  
19 NSHS, Mr Riordan, contacted the Bishop  
20 about Wenlock but I don't think they did  
21 anything and Mr Riordan did not follow it  
22 up because he was very ill with cancer as I  
23 remember it.  
24  
25 Mr Riordan, whose name has already been mentioned, he was  
26 the principal of the Northam Senior High School in 1975 and  
27 1976 and we saw his name on the minutes of that first board  
28 meeting you attended as Chair on 15 March 1976?  
29 A. Correct.  
30  
31 Q. Bishop, Mr Riordan's statement has been provided to  
32 you and your lawyers but I just want to read out the  
33 relevant passages of his statement. It begins at paragraph  
34 7:  
35  
36 I recall towards the end of my second year  
37 at Northam Senior High School --  
38  
39 So that would be 1976:  
40  
41 -- that my sons who were students at the  
42 school spoke to me about Roy Wenlock.  
43  
44 They told me that they had heard stories  
45 around the school about Roy Wenlock  
46 inviting boys to his flat and making them  
47 wrestle with him in underpants. They said

1 that this would happen on the boys'  
2 birthdays.

3  
4 I contacted Bishop Challen who was the head  
5 of the hostel board. We had a meeting in  
6 my office and I told him about what my sons  
7 had said.

8  
9 I explained that there might be something  
10 of concern but I did not have any other  
11 evidence other than the stories my sons had  
12 told me about.

13  
14 I did not think that it was for me to look  
15 into these concerns but if it had been I  
16 would have gone to the Police. I am not  
17 certain if the Police would have done  
18 anything as I did not have any evidence  
19 other than what my sons told me.

20  
21 Bishop Challen told me that "we are aware  
22 of the situation and we have it in hand".

23  
24 Do you have a recollection of meeting with the principal,  
25 Mr Riordan, in his office, in which this matter regarding  
26 Roy Wenlock was discussed?

27 A. In '76?

28  
29 Q. '76, yes?

30 A. The answer is no.

31  
32 Q. Might that have happened?

33 A. Well it's conceivable but - see, it goes - I mean I  
34 would have followed that through if the battle was raised  
35 in my time in '76. Because, you know, principal of the  
36 school. I find that strange. I don't like - well, I have  
37 to share this with you. The date is absolutely critical  
38 because the previous chairman was a bishop. Now, I don't  
39 know whether that person was really addressing, you know,  
40 somebody who was a bishop or somebody who was not a bishop  
41 but who became a bishop later, and that's the problem with  
42 some of those references in these statements. They refer  
43 to "Bishop Challen", whereas it could be they are just  
44 referring to somebody who was a bishop and the name they  
45 seized upon, because my name became pretty well-known  
46 throughout the diocese, they said "Challen". The other  
47 bishop, of course, was Dennis Brian.

1  
2 Q. Yes, although you agree with me though that you would  
3 have a number of board meetings at the very least with  
4 Mr Riordan in 1976 from March onwards?  
5 A. According to the minutes, yes.  
6  
7 HIS HONOUR: Q. I must point out that, according to  
8 Mr Riordan, that this happened towards the end of 1976.  
9 That's his evidence. I understand the point you make, that  
10 looking back over 30 years or whatever it is people can  
11 merge memories and so on and that's a very relevant factor  
12 in assessing evidence in this case, but Mr Riordan does  
13 seem very clear that it was you who he met in his office  
14 and it was towards the end of 1976?  
15 A. Well, I haven't got any recollection, I'm sorry.  
16  
17 Q. And, of course, he wasn't there in 1977 so there  
18 couldn't have been a meeting in 1977?  
19 A. No. I have no inkling of whether (indistinct) in '76.  
20  
21 MR URQUHART: Q. So, by saying that, then are you saying  
22 you have no inkling or you have no recollection?  
23 A. No inkling. I have no - sorry, nobody spoke to me  
24 about Wenlock's behaviour in '76 nor in '77. I've had  
25 trouble with those statements, as you would expect. They  
26 are inconsistent, as far as I'm concerned, with my  
27 perceptions.  
28  
29 Q. They are inconsistent with your account but you can  
30 see how they can gel with each other's accounts, like for  
31 example --  
32 A. To some measure, to some measure.  
33  
34 Q. For example, Mr Riordan's recollection that this was  
35 towards the end of his second year and with you saying to  
36 him - this is his recollection - that "We are aware of the  
37 situation and we have it in hand", it is consistent with  
38 either you being the clergyman for Mr Thompson's meeting  
39 with Mr McIver, or, at the very least, you becoming aware  
40 of that subsequently?  
41 A. That could well be but - in terms of logic, but in  
42 terms of event, I have great trouble accepting it.  
43  
44 Q. I am going to turn now to the complaint that was made  
45 in 1977 and this is what I am going to suggest to you was  
46 the complaint that you got that led to you insisting that  
47 Mr Wenlock resign. I will put to you the context in which

1 these two witnesses say it happened, or three as a matter  
2 of fact, because they are not entirely consistent with your  
3 account. But this is Mr Michael Kalajzic, who made a  
4 complaint in 1977 to a teacher about Roy Wenlock's  
5 behaviour, that teacher being Mr Blee. That's the teacher  
6 who is recorded in the minutes of 12 December 1977. His  
7 recollection is that he had a meeting and present at that  
8 meeting was his mother, it seems the school principal,  
9 David Carlson, and Timothy Blee, the teacher that he  
10 complained to, and yourself. I will just read out the  
11 account that is given. This is page 3417?

12 A. Sorry, is this the transcription or is it the  
13 statement?

14  
15 Q. No, that was Michael Kalajzic's statement. This now  
16 is Timothy Blee's recollection of that meeting?

17 A. Coming from his statement?

18

19 Q. I know you have been provided with his statement but  
20 this is also now his evidence as well?

21 A. Okay.

22

23 Q. This is his evidence. I asked:

24

25 So you attended the meeting?

26 A. I did.

27

28 Q. Can you recall who was there apart from him.

29

30 And "him" was David Carlson, the principal:

31

32 There was - Bishop Challen was at that  
33 meeting. I recall that.

34

35 Q. Did you know who Bishop Challen was,  
36 how he fitted into the scheme of things?

37

38 A. I do now. At the time I thought --

39

40 Q. No, no, at the time?

41 A. Yes, at the time, I - I had seen him  
42 at the hostel before and he - I knew he had  
43 something to do with the board. I was  
44 aware it was once an Anglican hostel and  
45 now it wasn't but I still thought she had  
46 something to do with them. I had seen him  
47 a couple of times because he always wore a

1 collar which was maroon or purple or, you  
2 know, a religious collar.  
3  
4 Q. Certainly, yes. Can you recall  
5 whether --  
6  
7 So you smile there?  
8 A. I'll come back to that.  
9  
10 Q. Are you going to say that you didn't wear a collar  
11 that was maroon or purple?  
12 A. Well Bishops - when was this?  
13  
14 Q. This is 1977?  
15 A. Well, I would have worn only a black shirt and a white  
16 collar. I'm not - would not have been allowed to wear  
17 purple until consecration in June '78.  
18  
19 Q. :  
20  
21 Certainly, yes. Can you recall whether  
22 anybody else was at this meeting?  
23 A. No, I can't. Wally might have been  
24 there but --  
25  
26 Q. Wally Dennison?  
27 A. Yes, sorry, Mr Dennison might have  
28 been there but I can recall - I think I can  
29 recall David and certainly Bishop Challen.  
30  
31 Q. Can you remember what was said at that  
32 meeting and by whom?  
33 A. Well I can remember being told that  
34 Wenlock would be leaving the hostel.  
35  
36 Q. Can you remember who told you that?  
37 A. I think Challen, Bishop Challen said  
38 that, and I think - I seem to recall, I'm  
39 pretty sure that it was along the lines of  
40 "It's all over. He's been warned before"  
41 or "He's been spoken to before and he will  
42 be going".  
43  
44 Q. Can you recall who it was who said  
45 that?  
46 A. I think that was Michael Challen.  
47

1 And then his Honour asked some questions about when it was  
2 in relation to when two boys had come to see him and then I  
3 asked:

4  
5 Q. Can you remember what happened after  
6 that regarding Roy Wenlock?

7 A. He disappeared, he went. He had, from  
8 memory, a distinctive motor car, you know,  
9 a black and yellow car, and he used to park  
10 in a carport and it just went, and when  
11 that went he went and Wally took over. My  
12 recollection is that Wally took over as the  
13 warden.

14  
15 Q. And again, can you recall how long it  
16 was after that meeting?

17 A. I think, my recollection is it all  
18 happened pretty quickly.

19  
20 Q. So it certainly wasn't a case of it  
21 happening a year after that meeting?

22 A. I wouldn't have thought so, no, no. I  
23 mean my recollection is that it happened  
24 pretty quickly, yes. I might have that  
25 morning but --

26  
27 Q. No, no, that's --

28 A. No, that's certainly my recollection,  
29 yes.

30  
31 Q. Now, Bishop, this does seem to tie in with your  
32 recollection of receiving a complaint about Roy Wenlock  
33 behaving inappropriately whilst wrestling with boys and you  
34 then having him removed very shortly afterwards. Do you  
35 agree with that?

36 A. (No audible answer).

37  
38 Q. Am I right in saying that you were the only clergyman  
39 who attended Northam to deal with this matter?

40 A. Well, I guess I've dealt with this matter with  
41 Mrs Smith so I was the only clergyman.

42  
43 Q. Yes. So even though he may have got the colour of  
44 your collar wrong, it seems to be --

45 A. Radically wrong.

46  
47 Q. -- it would have been that person?

1 A. Radically wrong.  
2  
3 Q. So you think that alone raises a doubt that it was  
4 you?  
5 A. Yes.  
6  
7 Q. But, you see, Bishop, apart from that, it ties in  
8 generally with what your recollection is --  
9 A. Well, I know what you are saying but I didn't consult  
10 anybody else apart from Connie Smith and the administrator  
11 of the diocesan.  
12  
13 Q. But the important thing is that he believes it was you  
14 that said to him "He's been warned before. He's been  
15 spoken to before and he will be going"?  
16 A. Yes, I don't understand that. I cannot recall that.  
17 I won't deny it but I have no recollection of the meeting.  
18 That's my fundamental problem.  
19  
20 HIS HONOUR: Q. Can I just ask you this. Taking up the  
21 point you say about what he says about the colour of the  
22 collar, if there had been such a meeting as Mr Blee said  
23 what other clergyman would have been around at that time,  
24 particularly a bishop who might have been involved?  
25 A. It wouldn't have been any other bishop.  
26  
27 Q. It wouldn't have been any other bishop. All right?  
28 A. I mean Bishop Bryant was involved before my  
29 appointment as chairman. He was down in Dalkeith and had  
30 nothing to do with the hostels.  
31  
32 Q. So it is not a matter of some other bishop becoming  
33 involved?  
34 A. No.  
35  
36 Q. And so either --  
37 A. Not to my knowledge, I better say that.  
38  
39 Q. So either Mr Blee is right, wrong about the colour of  
40 the collar?  
41 A. At least that.  
42  
43 Q. Or it didn't happen at all. That's what you are  
44 saying. I understand, yes.  
45 A. I mean theoretically, just to get a hold of all the  
46 options, somehow or other Bishop Sambell may have become  
47 involved but I have no recollection of Archbishop Sambell

1 telling me, which he would, that he has been to Northam,  
2 you know, and there is the matter of Wenlock there but  
3 that's most improbable.  
4  
5 Q. You would have known if he became involved immediately  
6 before Wenlock leaving because you were involved in that  
7 decision and him leaving?  
8 A. Well the Archbishop was away at that time but he was  
9 informed on his return.  
10  
11 MR URQUHART: Q. So, Bishop, I have gone through now all  
12 those accounts that are directly inconsistent with yours or  
13 potentially inconsistent with yours?  
14 A. Yes.  
15  
16 Q. And, as I have said before, they seem to dovetail with  
17 each other in some fairly important areas?  
18 A. To some measure. Not completely.  
19  
20 Q. Not completely but, from all the accounts that I have  
21 just told you and you agree that if the clergyman was you,  
22 that they are significantly different to your  
23 recollections?  
24 A. Yes.  
25  
26 Q. Obviously you are saying that their recollections  
27 don't accord with yours?  
28 A. Yes.  
29  
30 Q. And do you stand by your recollections in light of me  
31 taking you through all of that?  
32 A. Yes.  
33  
34 Q. Do you accept that the only appropriate action that  
35 ought to have been taken by a chairman of the board when he  
36 found out about this sort of behaviour for the first time  
37 was to have the warden removed?  
38 A. Yes.  
39  
40 Q. Is it the case, Bishop, that your recollections may  
41 not be right and that, in fact, you exercised some leniency  
42 towards Roy Wenlock and gave him a warning?  
43 A. Well, I suppose - sorry, begin your sentence again.  
44  
45 Q. Is it possible that you exercised some leniency  
46 towards Roy Wenlock, given his reputation, on simply given  
47 him a warning on the first occasion that "I don't want boys

1 in your unit. If you find out about that you're gone"?  
2 A. I have no recollection of giving him a warning. I  
3 think the behaviour is such that it had to be dealt with  
4 solemnly and hence my subsequent action, and on the notion  
5 of giving a warning, say, 12 months beforehand or  
6 something, no way.  
7  
8 Q. So you're discounting that possibility entirely?  
9 A. Not in terms of logic but in terms of event, yes.  
10  
11 Q. We know, and I think you have been shown some minutes,  
12 that Connie Smith resigned in May of 1976. So that was 14  
13 months after you were appointed as Chair. Sorry?  
14 A. No, no, you are wrong, you are wrong.  
15  
16 Q. It was just a matter of months?  
17 A. But she - she --  
18  
19 Q. Two months, sorry, I apologise, yes.  
20 A. That's right, she resigned in my first year.  
21  
22 Q. Yes, it was in your first year. My apologies, yes.  
23 Can you recall whether that was sudden?  
24 A. Not really. Connie was involved with both Adamson  
25 House and St Christopher's House. I think - well that's a  
26 fact, and she was getting tired and she found, you know,  
27 she had to relinquish some of her interests.  
28  
29 Q. So is that your recollection of why she resigned, is  
30 that she wanted to offload some of her responsibilities?  
31 A. Yes  
32  
33 HIS HONOUR: Q. Can I just ask you, after she resigned  
34 from the St Christopher's board did she continue to be  
35 involved in Adamson House?  
36 A. I can't recall, sir, I'm sorry.  
37  
38 Q. Was she on the board of Adamson House. Was that a  
39 separate board?  
40 A. She wasn't when I first went to Melbourne, yes, but I  
41 kept in contact with her for other reasons. She was a very  
42 active parishioner at Goomalling and as a country  
43 archdeacon I would visit Goomalling and, of course, meet up  
44 with her.  
45  
46 Q. Right, thank you.  
47

1 MR URQUHART: Q. Might it not be a possibility, Bishop,  
2 that you did consult with Connie Smith while she was still  
3 a member of the board, which would be consistent with your  
4 initial recollection of events when investigators asked you  
5 earlier this month?  
6 A. Didn't you say she resigned in '76?  
7  
8 Q. Yes.  
9 A. And I got involved with this matter was it late  
10 November or early December '76?  
11  
12 Q. On your account.  
13 A. Yes.  
14  
15 Q. Others are saying a lot earlier than that.  
16 A. Sorry.  
17  
18 Q. '77, yes.  
19 A. '77.  
20  
21 Q. You came along in '77, yes.  
22 A. So - sorry, what was your question?  
23  
24 Q. My question is, I'm going to suggest to you that your  
25 initial recollection about conferring with Connie Smith  
26 actually did happen when she was still a board member?  
27 A. No, she wasn't a member board when I consulted her.  
28  
29 Q. Do you agree with me, though, that when you  
30 initially gave answers regarding this matter to  
31 investigators you said that she was on the board?  
32 A. Yes, I made a mistake.  
33  
34 Q. Yes. Might it not be that you did consult with her  
35 while she was still a board member in 1976?  
36 A. And the answer is no, because the matter wasn't on my  
37 agenda. It wasn't - I did not know about this behaviour  
38 then.  
39  
40 Q. I will still need to consider to put this to you. And  
41 that she wanted him removed but you had a view that he  
42 should just be given a warning?  
43 A. Where did that come from? Not me.  
44  
45 Q. Okay. And that, as a result of that, that  
46 disagreement that she felt strongly about - she felt  
47 strongly about this, didn't she, that she wanted him

1 removed. Is that your recollection?  
2 A. I don't know what she thought until I approached her  
3 about the matter.  
4  
5 Q. Yes, that's what I'm asking you about, when you  
6 approached her about the matter?  
7 A. Yes, you didn't make that clear. You are talking in  
8 terms of '76. I'm talking about '77.  
9  
10 Q. There was only one occasion in which you consulted  
11 with Connie Smith?  
12 A. On this matter?  
13  
14 Q. On this matter.  
15 A. Yes.  
16  
17 Q. On that occasion when you consulted with Connie Smith,  
18 isn't it the case that her views were extremely firm, "This  
19 man has to go"?  
20 A. Well, yes, I'm a bit worried about the use of your  
21 word "firm". Not emotional but very matter of fact, saying  
22 "Well, this is what he has been doing. So if this is what  
23 he has done" - because I wasn't talking about one event -  
24 "and it's inappropriate, I agree with you, Michael", so we  
25 made the joint decision.  
26  
27 Q. So it wasn't the case of her disagreeing with you and  
28 then her subsequently tendering her resignation as a result  
29 of that?  
30 A. Now the timeline is wrong.  
31  
32 Q. Well, not if it happened --  
33 A. She resigned in '76 and this happened in '77.  
34  
35 Q. Bishop, if it happened in 1976, it wouldn't be out --  
36 A. She resigned in '76.  
37  
38 Q. Yes, I know.  
39 A. But I didn't become involved with this matter to  
40 discuss with Connie Smith until '77.  
41  
42 Q. All right. I'm saying if you had been aware of his  
43 inappropriate conduct with boys during wrestling in 1976,  
44 do you agree that he would not be an appropriate person to  
45 instruct staff as to how to carry out their  
46 responsibilities?  
47 A. Well, it depends what matters you are talking about.

1  
2 Q. Do you think that he would still be --  
3 A. I mean, the question you are asking me is about  
4 instructing staff, not about whether in effect he should be  
5 warden.  
6  
7 Q. Well, a warden who wrestles with boys in his jocks?  
8 A. But that's not what your question was.  
9  
10 Q. I'm just saying to you, if you had been aware of his  
11 wrestling session and his inappropriate conduct?  
12 A. If?  
13  
14 Q. Yes, if --  
15 A. Okay.  
16  
17 Q. If, Bishop --  
18 A. Because underline the word "if" --  
19  
20 Q. Yes. If I had --  
21 A. I would have acted.  
22  
23 Q. If you'd been aware of that, would you agree it  
24 wouldn't be appropriate to recommend him to instruct hostel  
25 staff as to how to carry out their responsibilities?  
26 A. Well, I don't think I'd get that far. I would dismiss  
27 the person. So he wouldn't be there to instruct.  
28  
29 Q. You might see, Bishop, why I'm asking you this.  
30 A. All right. Help me.  
31  
32 Q. And I just ask if the witness could be shown - it's  
33 something that you might be grateful for, Bishop, okay -  
34 it's the minutes from 13 June 1977. It's barcode 0472.  
35 A. Thank you.  
36  
37 Q. This is June 1977, Bishop.  
38 A. Yes.  
39  
40 Q. A Board meeting.  
41 A. Which I was there.  
42  
43 Q. 13 June, yes. You can see that you were present, as  
44 are all the other members of the committee, save and except  
45 G Samuel. I just want to take you to the bottom of the  
46 page there, the first page. The last paragraph under  
47 "General Business". Do you see that?

1 A. Yes, that's --  
2  
3 Q. :  
4  
5 The Chairman sought the permission of the  
6 Board to release Warden Roy Wenlock to  
7 visit other hostels when required to give  
8 guidance to the salaried staff.  
9  
10 Do you have a recollection of doing that?  
11 A. Not really, but --  
12  
13 Q. No?  
14 A. -- I don't deny the minutes.  
15  
16 Q. Right. Okay. So the question I get back to you - if  
17 you had been aware of his inappropriate conduct regarding  
18 wrestling, that ought not have been a recommendation you  
19 ought to have made?  
20 A. Well, I understood the brief was to help staff at  
21 other hostels, not to meet with boys. That's how I  
22 understand it.  
23  
24 Q. Okay.  
25 A. Yes, it would be a one-off.  
26  
27 MR URQUHART: I tender that document.  
28  
29 EXHIBIT #121 MINUTES DATED 13/6/77, BARCODED 0472  
30  
31 MR URQUHART: Q. Bishop, were you aware of an  
32 association that was connected with high school hostels  
33 called the Student Hostels Association?  
34 A. Yes, I am, actually.  
35  
36 Q. And were you aware of that back in the '70s?  
37 A. The '70s. I must have been. It wasn't a vigorous  
38 organisation, and it involved hostels other than those  
39 related to the Authority. For example, Swanleigh Hostel,  
40 which was run by the Anglican Church in Middle Swan.  
41  
42 Q. And what, were you aware of its role?  
43 A. I really have no clarity about its role.  
44  
45 Q. Did you --  
46 A. It was something that the wardens set up and I would  
47 think that it was really for fellowship and sharing

1 experiences, and perhaps understanding, and perhaps ideas  
2 of one sort or another.  
3  
4 Q. Did you attend any of their meetings --  
5 A. I think.  
6  
7 Q. -- AGMs or conferences?  
8 A. I think I went to one or two only, and maybe one at  
9 Merredin.  
10  
11 Q. I see.  
12 A. Maybe.  
13  
14 Q. And were you aware that Roy Wenlock was its chairman?  
15 A. Yes, I was actually. And because - that's a sign that  
16 he was well regarded by the other wardens.  
17  
18 Q. Yes. Now, Bishop, were you, as Chairman of the Board,  
19 required to notify the Authority if a warden belonging to  
20 one of the hostels managed by the Anglican Church resigned?  
21 A. I was not aware, and I - I understand there was  
22 something - some recollection at least later, after my  
23 time. I certainly wasn't aware whether I was on the  
24 Authority or, indeed, Chairman of Northam. As far as I was  
25 concerned, I think the appointment and dismissal of the  
26 Chief Executive Officer of any organisation, in this case  
27 the warden of St Christopher's, is the responsibility of  
28 the Chairman. The Authority - my perception was, be it  
29 minor - it was never defined clearly in my time - the  
30 Authority was responsible for the basic - you know, the  
31 property in the basic sense and improvements, and the  
32 allocation of grants or subsidies for fees. In other  
33 words, while they had obviously an interest in all the  
34 essential role in my time, which I inherited from my  
35 predecessors, was they were responsible for things  
36 financial, and maintaining financial accountability of the  
37 hostels.  
38  
39 Q. Do you recall giving any notification to the Authority  
40 regarding Roy Wenlock's resignation?  
41 A. There was a one line or two line report in the  
42 Authority's minutes, where I indicated that Mr Wenlock had  
43 resigned.  
44  
45 Q. And can you recall whether you gave any explanations  
46 for his resignation?  
47 A. I cannot recall giving an explanation. I may have. I

1 may not have because of the principle that I didn't see  
2 that I was accountable to the Authority.  
3  
4 Q. You didn't see you were accountable to the Authority?  
5 A. No. The authority - sorry, the hostel was the  
6 business of the diocese. I was accountable to the  
7 Archbishop.  
8  
9 Q. But you were aware, were you not aware, the salaries  
10 of hostel staff, including those at Anglican-run hostels,  
11 came from?  
12 A. I think I indicated that.  
13  
14 Q. Yes. So you didn't think the Authority had anything  
15 other than --  
16 A. I'm not one of those people who think that if they are  
17 paid --  
18  
19 Q. Sorry?  
20 A. -- what's the saying anyway - just because you make a  
21 grant doesn't say that makes the organisation accountable  
22 to the source of the grant. I don't accept that thinking.  
23  
24 Q. Nevertheless, do you recall a recollection of speaking  
25 to Colin Philpott?  
26 A. Well, not very well. I mean, I would have said  
27 something, but don't ask me what I said.  
28  
29 Q. Can you recall what you said when you were interviewed  
30 earlier this month?  
31 A. Well, I think what I said there, I think, was that I -  
32 I'd liked Mr Philpott, he was a good man, or is a good man.  
33  
34 Q. Well --  
35 A. I reacted against his desire to take over all the  
36 hostels - in other words, take over the Anglican hostels,  
37 and so there were inevitable sources of - or times of  
38 irritation between myself and him because I was maintaining  
39 what I judged to be the diocese's responsibilities  
40 entrusted to me with respect to the hostels; and, of  
41 course, what he said to be the legitimate and necessary  
42 responsibilities of the Authority. And that was never  
43 clarified in my time. I understand subsequently it was.  
44  
45 Q. Well, would you agree with this observation from your  
46 experience - that Mr Philpott was a hands-on chairman?  
47 A. Well, with respect to certain areas, yes. I mean,

1 finance and property. I don't think he was ever hands on  
2 with respect to policy, with respect to the care of  
3 students, for example. The human aspect of the  
4 responsibility, I don't think, was within his purview.  
5

6 Q. Do you think though, he would be interested in knowing  
7 what or when or the reasons why a very experienced warden  
8 like Roy Wenlock had resigned?

9 A. He might have been interested, and he could have asked  
10 me, and I guess he did. I don't know. I can't recall it.  
11

12 Q. Well, can you recall stating to the investigators in  
13 your interview this - this is at page 36, sir:  
14

15 I probably just told him in a short  
16 sentence that Roy Wenlock had behaved in a  
17 way that was harmful to the students, and  
18 that's it.  
19

20 A. Yes, I recall saying that to the investigators.  
21

22 Q. Was that, as far as your recollection is concerned, an  
23 accurate answer?

24 A. Yes, but quite honest, I cannot recall how this matter  
25 was really just treated at the Authority level. I think I  
26 just gave information, and restricted information.  
27

28 Q. Were you aware at this time what if any relationship  
29 there was between Mr Philpott and Roy Wenlock?

30 A. I beg your pardon?  
31

32 Q. Were you aware of the relationship that existed  
33 between Colin Philpott and Roy Wenlock?  
34

35 A. No.  
36

37 Q. No?  
38

39 A. That's news.  
40

41 Q. Do you know whether they'd met each other?  
42

43 A. No idea.  
44

45 Q. Knew each other?  
46

47 A. No idea.  
48

49 Q. Had you ever seen them together?  
50

51 A. No.  
52

1 Q. What about at Student Hostel Association organisations  
2 that you attended?  
3 A. Well, when you mean "together", you mean - might have  
4 been at one of those large meetings, but I don't think - as  
5 to whether they went out for lunch or something is  
6 something I don't know. I mean, no - that's enough. And  
7 Roy Wenlock was a bit of a --  
8  
9 HIS HONOUR: I just want to intervene. When would you  
10 propose to break for lunch?  
11  
12 MR URQUHART: Yes, I was going to as soon as we finished  
13 up with this.  
14  
15 HIS HONOUR: Very good, yes.  
16  
17 MR URQUHART: Q. And the question was just simply going  
18 to be: you may well have said something to Colin Philpott  
19 along those lines that you recounted to the investigators,  
20 you told him in a short sentence that Roy Wenlock had  
21 behaved in a way that was harmful to the students?  
22 A. Yes.  
23  
24 MR URQUHART: Thank you, sir.  
25  
26 HIS HONOUR: I'm going to adjourn until 2.15. Bishop,  
27 Challen, if you would remain in the witness box after I  
28 adjourn for a few minutes, someone will explain to you why  
29 shortly. So if you could just remain there, please.  
30  
31 THE WITNESS: Thank you.  
32  
33 MR RAFFERTY: Sorry, sir, just before you - your Honour,  
34 before you arise. I wonder if Mr Urquhart can indicate  
35 whether he thinks we're going to get to Mr Philpott today  
36 because I appreciate it's a Friday.  
37  
38 HIS HONOUR: Well, I hope so. What's the position there,  
39 Mr Urquhart?  
40  
41 MR URQUHART: We'll get to Mr Philpott today.  
42  
43 HIS HONOUR: Yes, very good.  
44  
45 MR RAFFERTY: When? Because I don't - I appreciate we sat  
46 to 6 o'clock the day that Mr Philpott gave his evidence.  
47 I'm just wondering if my learned friend can just give us a

1 time frame, because they're here and I sent them away.  
2  
3 HIS HONOUR: Yes.  
4  
5 MR URQUHART: Just for the record, we sat late for the  
6 convenience of my learned friend.  
7  
8 MR RAFFERTY: It wasn't a criticism, sir.  
9  
10 MR URQUHART: Yes, that's all right.  
11  
12 MR RAFFERTY: I don't want my learned friend to get upset  
13 about everything I say.  
14  
15 HIS HONOUR: That's all right. That's all right.  
16  
17 MR URQUHART: No, I'm not getting upset about that.  
18  
19 MR RAFFERTY: Well, you don't just simply state --  
20  
21 MR URQUHART: Mr Rafferty, please.  
22  
23 HIS HONOUR: Let's not have this --  
24  
25 MR URQUHART: Yes, sir, he will be --  
26  
27 HIS HONOUR: When do you think he might be needed?  
28  
29 MR URQUHART: He will be needed, I would think, depending  
30 on Mr Bevilacqua's questioning, I would expect he would be  
31 needed from quarter to three onwards.  
32  
33 HIS HONOUR: Quarter to three, very well.  
34  
35 MR URQUHART: Yes. And we won't be sitting until  
36 6 o'clock.  
37  
38 HIS HONOUR: Very good. Thank you.  
39  
40 LUNCHEON ADJOURNMENT  
41  
42  
43  
44  
45  
46  
47

1 UPON RESUMPTION:  
2  
3 HIS HONOUR: Please be seated. Yes, Mr Urquhart.  
4  
5 MR URQUHART: Thank you very much, sir.  
6  
7 Q. Bishop, I was asking you just before the break what  
8 you would have raised with the Authority regarding Roy  
9 Wenlock's resignation. Just for the sake of completeness,  
10 I'm just going to ask you to have a look at the Authority's  
11 minutes from their meeting on 26 January 1978, please.  
12  
13 HIS HONOUR: What's the barcode number for that?  
14  
15 MR URQUHART: The barcode number for that, sir, would be  
16 130.  
17  
18 Q. Now, Bishop, we can just see there on the front that  
19 the minutes record that you were present at that meeting?  
20 A. Yes.  
21  
22 Q. I want to take you, Bishop, please, to page 7 - the  
23 page numbers are at the top. And item 11, which was  
24 "Northam", (i), about halfway down:  
25  
26 The Authority noted the resignation of Mr  
27 R. Wenlock as Warden of St Christopher's  
28 Hostel.  
29  
30 So it would appear that would be the meeting of the  
31 Authority in which you advised them --  
32 A. Yes.  
33  
34 MT URQUHART: -- of Roy Wenlock's resignation. Okay.  
35 Thank you. I tender that now, please, sir.  
36  
37 EXHIBIT #122 MINUTES DATED 26/1/78, BARCODED 130  
38  
39 MR URQUHART: Q. Now, Bishop, I may have mentioned this  
40 in passing earlier today, regarding a matter that occurred  
41 in Esperance, and rather than it be a memory test for you,  
42 I'll show you some minutes of an Authority meeting on 23  
43 June 1977, where it records that particular matter, and  
44 that, sir, would be --  
45  
46 ASSOCIATE: 0473.  
47

1 MR URQUHART: Thank you, very much, yes. Is that the one?  
2  
3 Q. Now, Bishop, I don't initially need to take you to the  
4 second page there, which is actually page 5 of the minutes  
5 - we haven't got the whole minutes there - but the heading  
6 under "Esperance"?  
7 A. Excuse me, I don't have any reference to Esperance.  
8  
9 MR BEVILACQUA: Neither do I.  
10  
11 THE WITNESS: I have pages, I take it, 1 and 7.  
12  
13 MR URQUHART: That's not good. We should be looking at  
14 page 5.  
15  
16 HIS HONOUR: There has been an error in the preparation,  
17 it would seem.  
18  
19 MR URQUHART: It would seem to be, yes. Can we get it up  
20 on the screen or not?  
21  
22 HIS HONOUR: Perhaps if you go on to something else, then  
23 we'll have the correct documents fixed.  
24  
25 MR URQUHART: Yes, we can do that. Thank you, sir.  
26  
27 Q. Just, Bishop, if you can put that one to one side and  
28 if we can have a look now, because I want to ask you  
29 something about the appointment of senior staff, which I  
30 think you touched on before lunch. This is regarding some  
31 disagreement you had, or discussions you had at least with  
32 Mr Philpott regarding the appointment of hostel staff. Do  
33 you recall having this --  
34 A. I don't think it would be hostel staff. I think it's  
35 the warden only.  
36  
37 Q. Warden. Yes, okay. Quite right. We'll have a look  
38 at Tuesday, 6 February '79 of Authority minutes, which was  
39 barcode number 0476. And we can see there the front page -  
40 I only want to take you to the fact that it's recorded as  
41 Mr Philpott and yourself both being present.  
42 A. Yes.  
43  
44 Q. And then hopefully we'll have page 2 in these copies.  
45 Just before halfway down there's a heading "Appointment of  
46 Senior Staff"?  
47 A. Yes.

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

Q. :

It was suggested that the Authority should appoint Wardens and matrons to school hostels but Bishop Challen indicated that the Anglican Church would withdraw from the administration of Hostels if this became a reality.

Now, firstly, would you accept that that is an accurate record of what was discussed at that meeting, relying on what you're --

A. I'm not too sure whether it should be more like Bishop Challen would recommend to the diocese that we would of withdraw.

Q. I see, yes.

A. Because it would be a bit presumptuous if the words were.

Q. Certainly. All right. Now, really what I'm going to ask you is why did you have an opposition to the Authority appointing wardens and matrons?

A. Well, it challenges my understanding of the relationship between the role of the Authority and the responsibilities of the diocese with respect to the hostels in its care, and appointing the warden is a key appointment, as we indicated in our earlier conversations today; and if, in fact, you have no real say over the appointment of the CEO - if I can use that term - then that means you've lost control of your - of your responsibility, and bear in mind that the diocese did have some additional goals in its understanding of the purposes of the hostel, and so I said, "Well, if that's what you want to do, it either means you want to take them over, and that's that."

Q. Are you able to recall why it was that this suggestion was put forward in the first place?

A. I cannot recall that, except - and this is subjective - I sensed that certainly the treasury representative, perhaps even the chairman, were moving towards taking them all over. It would simplify their responsibilities to that course.

MR URQUHART: I see. Thank you, Bishop. I tender that document now, thank you, sir.

4 MR URQUHART: I don't know how we're going with the other  
5 matter. I think, Bishop, what we're going to do now is  
6 replace that page up on the screen there. It ought to be  
7 page 5. There we go, of the Authority minutes from 23 June  
8 1977, and it's under the heading "Esperance". Bishop, I  
9 can read that out --

10 A. If you would --

11  
12 Q. -- if you are having some difficulty reading, yes.

13 A. -- because I just cannot read that.

14  
15 Q. :

16  
17 Archdeacon Challen reported on events which  
18 led to a drop of enrolments at the  
19 Esperance Hostel and advised that a group  
20 of parents at Grass Patch were disappointed  
21 with the administration of the hostel and  
22 had withdrawn their children. Allegations  
23 had been made that derogatory remarks had  
24 been made by the Warden to the students and  
25 that the presence of the Matron in the  
26 boys' showers was not appreciated.  
27 Archdeacon Challen said that he saw the  
28 whole episode as a problem of perception.

29  
30 A. Thank you.

31  
32 Q. Now, this Esperance Hostel - that was another hostel  
33 that was managed by the Anglican Church at the time?

34 A. Correct.

35  
36 Q. Now, do you have a recollection of this particular  
37 incident?

38 A. Certainly of the meeting, yes.

39  
40 Q. All right. Would you be satisfied that that's an  
41 accurate summary of your report?

42 A. My use of the word "perception", it may have to be  
43 expanded.

44  
45 Q. Well, yes, I was going to ask you what you can recall  
46 that you meant by that, "that he saw the whole episode as a  
47 problem of perception". Before we do that, can you recall

1 whether that was in the context of the derogatory remarks  
2 made by the warden to students, or presence of the matron  
3 in boys' showers, or both?  
4 A. I cannot recall. I doubt if I was privy to the  
5 derogatory remarks made by the warden. The second matter -  
6 you know, the showers and the supervision of the showers -  
7 that's something of, you know, more substance. It was  
8 generally the - well, it seems to be generally the case  
9 that in each of the hostels the showering of students was  
10 always supervised in the way I described earlier. That is  
11 to say, to ensure, first of all, the student did have a  
12 shower; and, secondly, that the student was actually in the  
13 hostel and that was pretty necessary if, in fact, children  
14 who had been given night leave or something. Now, I'm  
15 trying to get back to - I use the word "perception". I  
16 can't recall really what I said, but what I think I would  
17 be wanting to stay - and this, of course, is a summary that  
18 it is one thing for a member of staff to actually be in the  
19 shower room or by the cubicles when students are showering,  
20 it is another thing for that staff member to be at the  
21 entrance to the showering area, not watching the student  
22 shower, but checking off that they have come for a shower.

23  
24 Q. Yes.

25 A. Sir, that's what I mean by "perception". See - sorry,  
26 I take it the parents were concerned about this. They may  
27 not have got the story right about what the member of staff  
28 was actually doing; they thought, perhaps, that the staff  
29 member was in the shower area.

30  
31 Q. Well, yes, that's how the minutes read and, indeed,  
32 that would seem to be what the parents believed, judging by  
33 their reaction because some had actually withdrawn their  
34 children, albeit from one or both of these matters?

35 A. Yes, I --

36  
37 Q. Was --

38 A. All I know is that student numbers were down and there  
39 was a group of people - I think it was at Grass Patch. I  
40 can remember people coming from Grass Patch, and they  
41 hadn't decided - hadn't decided that the - you know, the  
42 hostel wasn't satisfactory, but as to whether the  
43 fundamental cause for them was the derogatory remarks and  
44 the supervision of the showering, I don't know.

45  
46 Q. Well, Bishop, if the matron was standing outside the  
47 shower block and just ticking off names as boys entered and

1 would have their - and she would have her back to the  
2 shower block there, there wouldn't be any reason for  
3 parents to be concerned about that?  
4 A. True.  
5  
6 Q. Yes. It seems here though, judging from the minutes  
7 and the parents' reactions, that may well have been because  
8 of the presence of her actually in the boys' showers?  
9 A. Well, we don't know what these - how the students saw  
10 it. We have a report from parents the students' perception  
11 may have been unfounded, or they could be well-founded, I  
12 don't know.  
13  
14 Q. Well, young boys might not know of the  
15 inappropriateness of that.  
16 A. Inappropriateness of --  
17  
18 Q. Of an adult being - watching them shower. So it's not  
19 so much the perception of the boys, it's that just --  
20 A. No, they would have perceived that the staff worker  
21 was looking at them, whereas if the staff worker was out at  
22 the entrance to the shower or --  
23  
24 Q. Well, wasn't it your understanding that this matron  
25 was actually in the boys' showers?  
26 A. No.  
27  
28 Q. No. Your understanding was what?  
29 A. As I just described, at the entrance.  
30  
31 Q. Outside at the entrance?  
32 A. As I say, that was fairly common practice in the  
33 hostels during the --  
34  
35 Q. Yes. And that's why it seems that the parents at  
36 Grass Patch at least were acting quite differently to, it  
37 seems, what other parents were in other hostels, and I'm  
38 going to suggest to you actually what the difference was -  
39 although we know this was going on at Northam. The  
40 difference here was that this matron was actually in the  
41 boys' showers.  
42 A. Does the minute say that?  
43  
44 Q. Well, it says:  
45  
46 Allegations have been made that derogatory  
47 remarks had been made by the Warden to the

1 students and that the presence of the  
2 Matron in the boys' showers was not  
3 appreciated.  
4

5 A. Well, I can't add anything more to that. I mean, that  
6 raises whole questions of how accurately it was reported,  
7 and not just reported, but also recorded in the minutes.  
8 It could be a shorthand in that statement.  
9

10 Q. You see, I would have thought that you would have said  
11 that you saw the whole episode, which includes the matron  
12 in the boys showers, as a problem, rather than a problem of  
13 perception?

14 A. Well, apparently I did not.  
15

16 Q. And if the matron was actually in the boys' showers as  
17 the minutes suggest, do you know why you just only  
18 described it as a problem of perception?

19 A. I suppose by edification I was saying that the matron  
20 was not in the showers where the boys were exposed naked,  
21 but rather at the entrance. And it could well be that  
22 parents don't even want a member of staff at the entrance  
23 because it could be perceived as being otherwise.  
24

25 Q. Would you agree with me, Bishop, that the parents  
26 would have a better reason to withdraw their children from  
27 the hostel if the matron was actually in the shower block,  
28 rather than simply standing outside it?

29 A. Yes, I'd agree with that proposition. As to whether  
30 it's the case is another matter.  
31

32 Q. Well, were you aware any times on - when you were on  
33 the Authority, that parents from hostels which the Anglican  
34 Church managed were withdrawing their children simply  
35 because a hostel staff member was standing outside the  
36 showers?

37 A. I'll have to think about that. Not because it's - I  
38 mean, you're asking me to think about it across five  
39 hostels.  
40

41 Q. Yes.

42 A. I can't really answer factually. I know there was  
43 concern at Adamson House at one point, and I - and this  
44 hasn't come up in any of the documents, but now that you've  
45 asked me, I'll tell you, but Mr Bullen who was assisting  
46 his wife, Mrs Bullen, who was the actual warden for Adamson  
47 House for girls, used to stand near the showers, and I told

1 him not to. And that was changed.  
2  
3 Q. And was that during your time --  
4 A. Yes.  
5  
6 Q. -- as Chairman of the Board?  
7 A. You asked me if I know of any others.  
8  
9 Q. Yes.  
10 A. And that's the only one.  
11  
12 Q. Yes. So he was actually standing outside the showers?  
13 A. I don't know whether he was. As far as I was  
14 concerned - sorry, no, I withdraw that. I got the  
15 impression from what I was told that he was actually in the  
16 shower area, where there was no need for him to be there,  
17 and I told him either not anything at all or, you know, get  
18 somebody else to supervise, for he not to supervise or  
19 stand outside, which happened.  
20  
21 Q. And you don't recall any occasion being aware that  
22 what was going on at St Christopher's, in the sense that  
23 Roy Wenlock --  
24 A. No, that's --  
25  
26 Q. -- was standing in the shower blocks doing exactly  
27 that?  
28 A. No, that's a new item for me.  
29  
30 MR URQUHART: Sir, I tender that document now, please.  
31  
32 EXHIBIT #124 AUTHORITY MINUTES DATED 23/6/77, BARCODED 0473  
33  
34 MR URQUHART: Q. Bishop, I'd like to jump ahead now to  
35 2002.  
36 A. 2002.  
37  
38 Q. Do you recall an investigation being undertaken by the  
39 police with respect to Roy Wenlock?  
40 A. Yes.  
41  
42 Q. Are you able tell us what your recollection is of that  
43 matter? To start with, were you spoken to by police?  
44 A. Yes, by two. I mean, did you just want me to tell you  
45 what happened?  
46  
47 Q. Yes. Well, firstly, if you can tell me what - what

1 was the matter? Was it --  
2 A. The matter was to do with my handling of the Wenlock  
3 event.  
4  
5 Q. The Wenlock event being --  
6 A. Well, the fact that Wenlock was practicing  
7 unprofessional behaviour --  
8  
9 Q. Right.  
10 A. -- and that I asked him to resign.  
11  
12 Q. Okay.  
13 A. And we've rehearsed it well and truly.  
14  
15 Q. Yes. Are you saying you rehearsed that well and  
16 truly?  
17 A. Today.  
18  
19 Q. Yes, okay, but not about this --  
20 A. No.  
21  
22 Q. -- this investigation?  
23 A. No.  
24  
25 Q. Do you know who made the complaint --  
26 A. I certainly do.  
27  
28 Q. -- to police? Who was that?  
29 A. Well, relative by marriage, Mr Brian Galbraith,  
30 G-A-L-B-R-A-I-T-H.  
31  
32 Q. I see. Did he have any students staying at St  
33 Christopher's?  
34 A. No.  
35  
36 Q. No.  
37 A. No connection at all with the hostels.  
38  
39 Q. Right. So this relative of yours - can you offer any  
40 explanation as to why he had an interest in making a  
41 complaint to the police regarding this?  
42 A. You'll have to ask him that, but he had a concern that  
43 this unfortunate sexual behaviour was going on in different  
44 parts of the church in Australia. I think that's the best  
45 way of putting it.  
46  
47 Q. I see.

1 A. But he thought I - he thought that I had not done  
2 enough and, in particular, not reporting it to the police,  
3 and he wanted the thing - he wanted my handling of it -  
4 indeed, myself - investigated by the police.  
5  
6 Q. I see. And so do you recall being spoken to by the  
7 police?  
8 A. Yes, they came to my house, two of them. Do you need  
9 their names?  
10  
11 Q. I think you've already provided the names.  
12 A. Right.  
13  
14 Q. If you want to name them, you can.  
15 A. If you've got the names, I won't provide them.  
16  
17 Q. All right, then. So what happened? What did they ask  
18 you about?  
19 A. Well, that's interesting. It was a long interview and  
20 I asked what the - you know, will I hear again, and they  
21 said, "Yes." And don't keep me to this, but it was  
22 something like May 2002 --  
23  
24 Q. Right.  
25 A. -- the interview occurred. Nothing had come back to  
26 me by 2003, so I rang up one of the two people who saw me  
27 and asked, "Why haven't I heard anything from you people?"  
28 Because they had indicated that I was a person of interest  
29 in this area, and they said, "We don't have to tell you?"  
30 So we had a little conversation. I said, "You mean to say  
31 you leave people in uncertainty forever? Should you not,  
32 out of courtesy, if not out of justice, inform me what  
33 happens next, be it nothing or be it charges or whatever?"  
34 And they said, "No." I said, "Well, I'm asking you now"  
35 and they declared - they said it twice - words to the  
36 effect I am no longer a person of interest.  
37  
38 Q. I see. So what exactly were they alleging on behalf  
39 of your relative, that you had done?  
40 A. I don't know. I mean, as I accepted as in their terms  
41 that I had not handled the matter properly, and I suppose  
42 part of that would be reported to the police --  
43  
44 Q. I see.  
45 A. -- notwithstanding I had informed Mr Galbraith in a  
46 conversation which led to his action, that mandatory  
47 reporting wasn't operative then; and, secondly, I'd been

1 requested by the family not to.  
2  
3 Q. And do you recall explaining that to the police when  
4 they interviewed you?  
5 A. Yes, yes.  
6  
7 HIS HONOUR: Q. Just to clarify: did that relate to the  
8 matter you described in 1977?  
9 A. Yes, sir.  
10  
11 Q. So it was concerning that same matter that you were  
12 giving evidence about today?  
13 A. Yes.  
14  
15 HIS HONOUR: Thank you.  
16  
17 MR URQUHART: I don't know if you want to clarify it, sir.  
18  
19 Q. But, clearly, Bishop you were only being questioned  
20 regarding your response to what you found out about Roy  
21 Wenlock. That was the extent of it?  
22  
23 HIS HONOUR: I think --  
24  
25 THE WITNESS: I think - sorry --  
26  
27 HIS HONOUR: Q. I think we're trying to make clear so  
28 there's no misreporting, so there's no suggestion of any  
29 sexual impropriety by you?  
30 A. Is that what you're talking about?  
31  
32 HIS HONOUR: I think that's what you're talking about?  
33  
34 MR URQUHART: I was trying to be as delicate as possible.  
35  
36 THE WITNESS: Well, I wish you said so.  
37  
38 HIS HONOUR: It's just when these things are described  
39 very specifically, sometimes they are misreported. So  
40 we're just trying to make it clear that this didn't involve  
41 any allegations of impropriety against you, in the sense of  
42 your own sexual behaviour, if I can put it that way. It  
43 was to do with the way in which you handled the matter of  
44 the complaint against Wenlock, and the fact you hadn't  
45 reported it to the police.  
46  
47 Q. Is that right?

1 A. Correct.  
2  
3 Q. Yes, thank you. That makes it clear.  
4 A. Thank you for doing that.  
5  
6 MR URQUHART: I was trying to make it just as clear, but  
7 less clearly.  
8  
9 HIS HONOUR: Q. An essential complaint was that you  
10 hadn't reported to the police the matter of the complaint  
11 made by Wenlock?  
12 A. Yes, that's right.  
13  
14 MR URQUHART: Q. Now, Bishop, can you recall when this  
15 interview took place, whether it was recorded in any way by  
16 the police, in the sense that a device was used, or were  
17 they just taking notes?  
18 A. I think they only took notes. I can't - I can't  
19 recall seeing a tape machine or power leads or anything.  
20  
21 Q. No. Bishop, are you also aware of a complaint that  
22 was made in about 2003/2004 to the Anglican Church  
23 regarding Roy Wenlock?  
24 A. No.  
25  
26 Q. And what was followed up by the church was in  
27 accordance with its Professional Standards Statute?  
28 A. No, I mean, I wasn't involved with that at all, and I  
29 wasn't informed, nor was I asked to provide information.  
30  
31 Q. Is that the first you've heard of that matter or have  
32 you heard about that before, accepting that you weren't  
33 asked anything about it?  
34 A. No, it's the first time I've heard about it.  
35  
36 Q. Right. And can you help us with what the Professional  
37 Standards Statute is?  
38 A. Well, I'll do my best, because that was after my time,  
39 but it was because of - in these reports about awful sexual  
40 activity taking place in the life of the church - whether  
41 be clergy or laity, the church - the Anglican Church in  
42 Australia took this very seriously and they set up what  
43 they called a Professional Standards Protocols and in  
44 dioceses was very quick to act in that regard, and they  
45 appointed a lawyer to be the person in charge of that work,  
46 and his work was left - its existence, and the possibility  
47 of lodging complaints was promoted vigorously throughout

1 the dioceses to parishioners and institutions. As I  
2 understand it, somebody can lodge a complaint or somebody  
3 can lodge a complaint on behalf of somebody else to this  
4 person, and the committee gathers to respond, but that  
5 obviously it requires the person making the allegations to  
6 provide information et cetera. And then it depends what  
7 the committee makes of that, that appropriate action takes  
8 place.

9

10 Q. Right. Thank you for that.

11 A. But I was not involved with that at all.

12

13 Q. Thank you. I just want to ask you about one more area  
14 here now, Bishop, and that is regarding Fred Killick, who  
15 was said to have commented about the Roy Wenlock incident  
16 and his removal. Now, Mr Killick died some years ago and,  
17 in fact, we've been told that he would have been 100 this  
18 year if he was still alive. His account - we've heard  
19 evidence of his account of the removal of Roy Wenlock was  
20 that it was done in such a way to minimise the damage to  
21 the hostel's reputation, and also the church's reputation.  
22 Do you agree that it was done in that way?

23 A. I think I've answered that already.

24

25 Q. Yes. Well, I'm just putting now to you what another  
26 witness --

27 A. I think that - I can certainly use the word perception  
28 now. I think that was his perception of my actions.

29

30 Q. Okay. But do you agree, Bishop, that the way it was  
31 done did minimise the damage to the hostel?

32 A. There could be a by-product.

33

34 Q. And that it also did minimise the damage particularly  
35 then to the church?

36 A. Again, that could be a by-product.

37

38 Q. Because, Bishop, it was covered up to a degree in the  
39 sense that he was given the opportunity to resign rather  
40 than be dismissed outright. Would you agree with that?

41 A. Yes. Sorry, you asked me a cover-up?

42

43 Q. It was covered up to a degree?

44 A. I object.

45

46 Q. You do?

47 A. Yes.

1  
2 Q. But you can see why that observation might be made?  
3 A. It could be the observation of some people, yes.  
4  
5 Q. Yes, but you are saying when offering him that  
6 opportunity to resign it wasn't intended to conceal from  
7 anybody that, in fact, he had been dismissed or essentially  
8 dismissed?  
9 A. Well, it was - it's a consequence of meeting the  
10 request of the family of the victim.  
11  
12 Q. I see, so what you are saying is --  
13 A. I mean you're suggesting, I think, that that was a  
14 dominating motivation but I'm also suggesting it was an  
15 implication of pursuing the path that I did.  
16  
17 Q. I gather now what you are saying is that the parents  
18 just didn't say they didn't want this taken up with the  
19 police. What they were saying is that they wanted it  
20 kept --  
21 A. Quiet.  
22  
23 MR BEVILACQUA: He didn't actually say that.  
24  
25 MR URQUHART: No, well, with respect --  
26  
27 MR BEVILACQUA: He didn't actually say that, to start  
28 with.  
29  
30 MR URQUHART: With respect, he has said that in his  
31 interview. Mr Bevilacqua took me to that.  
32  
33 MR BEVILACQUA: No, he said it this morning in evidence.  
34  
35 MR URQUHART: The parents told him to keep it quiet.  
36  
37 MR BEVILACQUA: Yes, I realise that.  
38  
39 MR URQUHART: Okay. It doesn't matter.  
40  
41 Q. So you are saying that but for that --  
42  
43 HIS HONOUR: Can I say that the evidence earlier was the  
44 parents didn't want it to be public or to be reported to  
45 police. That was the Bishop's evidence.  
46  
47 MR URQUHART: Yes.

1  
2 Q. Bishop, we have gone through the transcript of your  
3 interview and all you said in the interview earlier this  
4 month with the investigators was that they didn't want to  
5 go to the police?  
6 A. Well, perhaps, I --  
7  
8 Q. You have clarified it?  
9 A. Perhaps I didn't say everything in that interview.  
10  
11 Q. Certainly. Certainly. Hypothetically speaking then,  
12 if the parents hadn't said that to you, that they didn't  
13 want to have to go public, would you have then dismissed  
14 Roy Wenlock?  
15 A. Instead of inviting him to resign?  
16  
17 Q. Yes.  
18 A. I think I would have still invited him to resign.  
19  
20 Q. Why?  
21 A. I think it's a better way of proceeding. I have  
22 answered that question already; that I did not want to  
23 prejudice unnecessarily his employment future.  
24  
25 Q. Were you aware of a story that circulated around the  
26 town of Northam that he had resigned because of ill health?  
27 A. I was not privy to that until I saw the papers. He  
28 may have had - I think he had a heart problem. I think- I  
29 think he --  
30  
31 Q. But he didn't resign?  
32 A. But he didn't resign - I'm sorry, he didn't resign for  
33 that reason.  
34  
35 Q. To your knowledge, Bishop, are you saying no other  
36 board member, other than yourself, was involved in the  
37 inquiries that were made by you that led to Roy Wenlock's  
38 resignation?  
39 A. Repeat it please?  
40  
41 Q. Yes, certainly. To your knowledge and recollection,  
42 are you saying that you were the only board member who was  
43 involved in inquiring about this matter, which then led to  
44 Roy Wenlock --  
45 A. Yes.  
46  
47 Q. -- tendering his resignation?

1 A. There was one other person involved. That was Connie  
2 Smith.

3  
4 Q. Which we have established wasn't a board member --  
5 A. At that time.

6  
7 Q. -- at the end of 1977. I just want to read out to  
8 you, Bishop, what Walter Dennison has said in a statement  
9 regarding this, and this is the incident that led to Roy  
10 Wenlock's resignation, the incident in 1977. He says, at  
11 paragraph 70 of page 10 of his statement:

12  
13 The next morning Tim Blee and I alerted  
14 Fred Killick, who was the Secretary of the  
15 St Christopher's Hostel board, of the  
16 incident involving the boy and Wenlock.

17  
18 Killick was also the Mayor of Northam. He  
19 held the position of Mayor for a great  
20 number of years.

21  
22 Killick advised us he would contact Bishop  
23 Challen and alert him of the matter.  
24 Challen was the Chairman of the St  
25 Christopher's Hostel board at that time.

26  
27 All right?

28 A. I don't know whether it is right, but still.

29  
30 Q. Your recollection is that it was Mr McIver, the  
31 politician?

32 A. Absolutely. Mr Killick may have intended to do so  
33 but, as far as I can recall, he never made contact with me  
34 about this matter.

35  
36 Q. You see, Bishop, the 1977 report of Roy Wenlock's  
37 inappropriate behaviour regarding wrestling, we have had  
38 accounts given by Michael Kalajzic, the boy involved. We  
39 have had an account from Walter Dennison, who was the  
40 deputy warden who was advised, and we have also had the  
41 evidence given by Timothy Blee, the teacher who Mr Kalajzic  
42 originally went to. Now, none of them say that Ken McIver  
43 was involved in that particular incident. Okay. Yes. You  
44 have just shrugged your shoulders there?

45 A. I mean, we got the evidence of the son being alerted,  
46 he alerted the father, and that's how McIver contacted me.

47

1 Q. But, Bishop, they say that was 1966?  
2 A. Sorry, I missed that.  
3  
4 Q. Yes, the other witnesses who speak about Ken McIver's  
5 involvement all say that that was in 1976. Do you see?  
6 A. But did they give me a message?  
7  
8 Q. We have had all the witnesses who talk about your  
9 involvement at the same time as Ken McIver's nominates that  
10 as 1976?  
11 A. Sorry, I get your point. I'm sorry, I get your point.  
12  
13 Q. Or I should say a member of the clergy. They all say  
14 1976?  
15 A. Well, how many times have I said it?  
16  
17 Q. I know. Again, Bishop, I'm just --  
18 A. As I said to you much earlier, I can't make sense of  
19 these statements that have been brought to my attention. I  
20 would like to but the timing seems to be quite wrong.  
21 That's if the dates given are accurate.  
22  
23 Q. Bishop, that's why I am going to put it to you that  
24 the person who has got the timing wrong is, in fact,  
25 yourself?  
26 A. You can say that.  
27  
28 Q. Yes, but you don't agree with that?  
29 A. No.  
30  
31 Q. Notwithstanding all that --  
32 A. Yes.  
33  
34 Q. -- evidence that I have taken you through today, you  
35 still don't accept you were told this in 1976?  
36 A. There is no way I sat on this matter for 12 months.  
37  
38 MR URQUHART: All right then, Bishop, thank you for that,  
39 sir.  
40  
41 HIS HONOUR: Mr Jenkin, have you got any questions?  
42  
43 MR JENKIN: No, thank you sir.  
44  
45 HIS HONOUR: Ms Morgan?  
46  
47 MS MORGAN: No, thank you

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

HIS HONOUR: Mr Rafferty?

MR RAFFERTY: Very briefly, sir.

<CROSS-EXAMINATION BY MR RAFFERTY:

Q. Bishop Challen, you were asked questions by counsel assisting about my client, Mr Philpott --

A. Yes.

Q. -- where you had a conversation with him after you informed the Authority that Mr Wenlock had resigned. Do you recall those questions?

A. Yes.

Q. Do you have any independent recollection of whether you discussed the matter with my client, Mr Philpott?

A. I have no recollection of having, you know, an extensive conversation with regard to that. If that did occur it would be after an Authority's meeting because that's the only way I would meet him.

Q. And if any conversation was had - you can't remember whether there was but if any conversation was had, you certainly didn't suggest to Mr Philpott that there had been any sexual impropriety on Mr Wenlock's behalf?

A. No, I have never assumed that there was sexual impropriety.

Q. Because you always put it in the context of professional impropriety?

A. Yes, and furthermore, there is no way I could know it was actual sexual activity. I mean, we can speculate but in terms of faith --

Q. I'm not asking you to speculate. So if you had a conversation with Mr Philpott in 1978, it would have been along the lines of he simply said he has resigned on the basis of professional impropriety and that was it?

A. Yes.

MR RAFFERTY: Thank you for that, Bishop Challen. I have nothing further.

HIS HONOUR: Yes, Mr Bevilacqua?

1 <CROSS-EXAMINATION BY MR BEVILACQUA:  
2

3 MR BEVILACQUA: Q. Just to wrap up, Bishop, the board of  
4 the committee of St Christopher's, the board that were  
5 overseeing the management of that hostel - and you gave us an  
6 indication of where the board members came from who  
7 appointed them - do you know how many resided within the  
8 area of Northam of those, whilst you were chairman?

9 A. I think when the rector - when there was a rector at  
10 Northam, that would be when Mr Killick would have been  
11 local and I think all the others were some distance out.  
12

13 Q. And you yourself, at this time whilst you were  
14 chairman of the board, you resided in Perth?

15 A. Yes, and most of my responsibilities were pursued in  
16 Perth.  
17

18 Q. How much of your time was devoted to the management of  
19 St Christopher's, being Chairman?

20 A. Well, not much over and above meeting with Mr Wenlock  
21 before board meetings and the actual board meeting, and, of  
22 course, if there was any action that had to come out of the  
23 meeting, there would be time allocated then. But I would  
24 have to say that it wasn't my main responsibility in terms  
25 of time.  
26

27 Q. Did you spend any time in the Northam area, aside  
28 from when you were there for your responsibilities as  
29 chairman of that board?

30 A. I went to social events at St Christopher's and I  
31 think Adamson House. Obviously I had preached at the  
32 local St John's several times but I can't say, you know, I  
33 was a familiar figure up and down the main street of  
34 Northam.  
35

36 Q. All right, so it is fair to say you had no material  
37 connection with the area --

38 A. No.  
39

40 Q. -- involvement in any local activities over a period  
41 of time?

42 A. Sorry, did you ask a question?  
43

44 Q. You didn't have any material involvement in the local  
45 community over that period of time?

46 A. No, no.  
47

1 Q. It has been mentioned that there was a reference to a  
2 special committee in the minutes?  
3 A. Yes.  
4  
5 Q. That set out the fact that Roy Wenlock had resigned,  
6 and you had been through the process of how you got  
7 Ms Smith involved because you wanted a lady and she was  
8 respected and she was experienced to come along and speak  
9 to Mr Wenlock with you. The reference to "special committee", do  
10 you have any idea where that came from?  
11 A. I doubt if I would use that term myself. I think I  
12 would have informed the board that, you know, Mrs Smith and  
13 myself dealt with the matter. It could have been - it  
14 could have come from - I don't know for sure, of course -  
15 from the minute secretary.  
16  
17 Q. You gave evidence about the purple that the bishop  
18 wears. I think you put it in terms you are just not  
19 allowed to wear the purple until consecration?  
20 A. Until you are consecrated, yes.  
21  
22 Q. And that was June 1978?  
23 A. Yes, June the 24th, 1978.  
24  
25 Q. And prior to then it was black and white?  
26 A. That's right.  
27  
28 Q. In the area in 1976, how many other, shall we say,  
29 archdeacons or reverends would have been around the area  
30 perhaps attending board meetings?  
31 A. Attending the board meetings? It would be the rector  
32 TJ Hugh McGuinness, who I have mentioned. When there was a  
33 rector at Northam there would be that person but, of  
34 course, I think my time of going in '76, that that rector,  
35 it was Bishop Bryant who has moved to Dalkeith, so that  
36 parish was vacant - was without a priest then. I think  
37 that's about it.  
38  
39 Q. Thank you. I have no further questions.  
40  
41 HIS HONOUR: Nothing arising?  
42  
43 MR URQUHART: Just very briefly, sir.  
44  
45 <RE-EXAMINATION BY MR URQUHART:  
46  
47 Q. Bishop, if you were aware that Roy Wenlock was getting

1 sexually aroused by this wrestling, would have you told  
2 Colin Philpott that?  
3 A. I mean these hypothetical questions are very  
4 difficult. I don't know. I don't know. I perhaps  
5 probably would.  
6  
7 Q. Probably?  
8 A. Yes. How does one know in advance what one is going  
9 to do?  
10  
11 Q. Why only probably?  
12 A. I might have my own hang-ups about sex.  
13  
14 MR BEVILACQUA: Come on. How does this assist the  
15 inquiry; asking the Bishop about his own proclivities? At  
16 the end of the day he has given evidence that this is what  
17 occurred, this is what he did and this is what he said.  
18  
19 HIS HONOUR: But there are contrary versions where one  
20 witnesses said that Bishop Challen was told exactly what  
21 happened and it is relevant; it is just all concerned with  
22 Mr Philpott, obviously.  
23  
24 MR BEVILACQUA: Yes.  
25  
26 HIS HONOUR: And he said he doesn't recall any discussion  
27 with Philpott. He is now being asked, if he did know those  
28 things, would he have told Mr Philpott. That's a  
29 reasonable question.  
30  
31 MR BEVILACQUA: But it is speculation, "What would you  
32 have done", and I think the witness has answered that "I  
33 don't know".  
34  
35 HIS HONOUR: Well, if that's his answer, that's his  
36 answer, but it's a proper question.  
37  
38 MR BEVILACQUA: That's what I thought he said at the start  
39 but he keeps being pressed.  
40  
41 HIS HONOUR: Well it's reasonable. When an answer is  
42 given which the questioner contends is not a logical or  
43 reasonable answer it is reasonable to challenge that  
44 answer.  
45  
46 MR BEVILACQUA: If your Honour pleases.  
47

1 HIS HONOUR: Mr Urquhart?  
2  
3 MR URQUHART: And my last question that I asked was only  
4 in follow-up to an explanation the Bishop put forward.  
5  
6 Q. Bishop, I just want to explore that, as to why you  
7 would only probably tell Colin Philpott and not tell him  
8 straight-out?  
9 A. I can't add anything more.  
10  
11 Q. Bishop, if you were to tell him in that hypothetical  
12 situation you are not telling him the complete story, are  
13 you?  
14 A. But do I have to?  
15  
16 Q. Well that's what I was going to ask you. Why wouldn't  
17 you?  
18 A. Because he was accountable to the board and to me. I  
19 was accountable to the Archbishop, I wasn't accountable to  
20 the Authority.  
21  
22 Q. But the board is accountable to the Authority?  
23 A. Not on the matters of management.  
24  
25 Q. Sorry, are you saying on matters of management the  
26 Authority --  
27 A. Let's go back a few steps. I was never given any  
28 advice, any instructions, any protocols from the Authority.  
29 It was clear that the Authority was concerned about land  
30 and property, in maintenance and extensions and financial  
31 grants et cetera, and the management of the hostel was the  
32 business of the diocese and that's what became a  
33 controversial matter later on and indeed led to the  
34 Authority taking over the Anglican hostels.  
35  
36 Q. So are you saying that if Mr Philpott, in his position  
37 as chairman of the Authority, asked you what were the  
38 reasons why Roy Wenlock was removed or left the hostel, if  
39 you were aware that he was getting sexually aroused by this  
40 wrestling you may not have told him?  
41 A. You have brought in the sex thing now but - if he asked  
42 me I would have told him but I would not tell him on my own  
43 accord for all the reasons I have just reiterated.  
44  
45 Q. Because the board is not accountable to the authority?  
46 A. -- Authority on this matter. The church appoints the  
47 warden, not the Authority.

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

Q. Might a reason also be to keep it as few people as possible knowing about it?

A. That could be an element but that's not the real reason. I was very keen on maintaining boundaries between the church and the Authority.

HIS HONOUR: Very well. That completes your evidence, thank you, Bishop. Thank you for coming in and you are now free to go.

THE WITNESS: Thank you.

<THE WITNESS WITHDREW

HIS HONOUR: Yes, Mr Urquhart?

MR URQUHART: Thank you, sir. The other witness this afternoon is Colin Philpott. He should be outside, thank you, sir.

<COLIN LINDSAY PHILPOTT, SWORN:

<EXAMINATION-IN-CHIEF BY MR URQUHART:

Q. Mr Philpott, I understand from the evidence you have given previously that you and Richard Stowell were responsible for creating the Student Hostels Association?

A. Correct.

Q. In about 1973?

A. Yes.

Q. And were you aware that on its letterhead, after the association was created, it stated that "An association of persons and organisations concerned for students in high school hostels in WA"?

A. No, I wasn't aware of that but I would have read that at some time.

Q. Would you agree with that, that that's what the association was for?

A. Basically was a bit expansive, I think.

Q. A little expansive?

A. Yes.

1 Q. In what way?  
2 A. Well really, it was formed originally to be a forum by  
3 which an exchange of ideas between interested hostels and  
4 to give a learning experience to people in those hostels  
5 because there was nothing before that.  
6  
7 Q. But the whole purpose of the association was because  
8 of its members' connections with student hostels?  
9 A. Yes.  
10  
11 Q. Mr Philpott, have you been following the evidence  
12 which has been given in the course of this week?  
13 A. As much as I can. There is so much of it.  
14  
15 Q. What is your reaction now to the fact that the  
16 association you helped create had Roy Wenlock as its  
17 chairman for its first three years?  
18 A. I'd rather speak about what it was like at that time.  
19 He was a very well-organised warden that handled meetings  
20 very well and was acknowledged by other people because they  
21 nominated him and elected him.  
22  
23 Q. I was asking about your reaction now. Are you a  
24 little embarrassed?  
25 A. Greatly disappointing, greatly disappointing.  
26  
27 Q. Are you embarrassed?  
28 A. Yes, I would think probably to some degree.  
29  
30 Q. Mr Philpott, in 1977, I accept that you were then the  
31 chairman of the Authority but it has come to light that in  
32 1977, when you were still chairman, one of its three  
33 executive committee members was a warden by the name of  
34 Dennis McKenna?  
35 A. Yes.  
36  
37 MR RAFFERTY: Your Honour, I am going to object. In  
38 relation to questions about the Student Hostels  
39 Association, which has nothing to do with the terms of  
40 reference in relation to this panel, I do object. My  
41 client may have set up that organisation. He explained on  
42 a previous occasion the basis upon which that occurred but  
43 that association, which was independent of the Authority,  
44 was independent of the hostels, it had nothing to do with  
45 the running of any of those places and does not fall within  
46 your terms of reference, sir. I do object to there being  
47 asked any questions in relation to that.

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

HIS HONOUR: What do you say, Mr Urquhart?

MR URQUHART: I say it is entirely relevant, sir, and I can take my friend to what the purposes of the association was, and that was to liaise with the Authority with respect to the running of student hostels. It is entirely relevant.

MR RAFFERTY: Sorry, if I can respond to that. I'm not going to turn it into a tennis match. The association was an independent association. By the time my learned friend asks questions about it, he had nothing to do with it.

HIS HONOUR: By which time?

MR RAFFERTY: My learned friend has just asked questions about a time when Mr McKenna was on the executive, if that's the right term for it. My client was chairman of the Country High School Hostels Association at that time and had nothing to do with the association.

MR URQUHART: Well, he was a co-op-op --

MR RAFFERTY: If I can finish.

HIS HONOUR: Yes.

MR RAFFERTY: My client was the chairman of the Country Hostels Authority. I'm not saying he had nothing to do with the association. He had nothing to do with the running of the association, and as far as the association is concerned, it has no bearing on the terms of reference. Just because you are a member of the association, it doesn't mean it automatically becomes relevant, which seems to be my learned friend's argument.

HIS HONOUR: All right, what do you say?

MR URQUHART: In 1977, sir, which was the year I was asking the witness about, he was actually - correct me if I am wrong - a co-opted member of the committee.

HIS HONOUR: Well perhaps you better establish that by evidence.

MR URQUHART: Q. Do you accept that?

1 A. I don't know when I ceased to be a co-opted member of  
2 the Student Hostels Association. I assume it was when I  
3 became chairman of the Authority.  
4

5 Q. But if, in fact, the records state that you continued  
6 to be a co-opted member after that, would you accept that?

7 A. Look, I can't recall. It's 40 years ago.  
8

9 HIS HONOUR: Are you going to call evidence to show that  
10 that's a fact?  
11

12 MR URQUHART: We can get that, sir, if need be. I wasn't  
13 exactly going to take the witness to it. It's in the  
14 material that's been provided to him.  
15

16 MR RAFFERTY: We don't have to. I maintain the objection  
17 about anything to do with the association.  
18

19 HIS HONOUR: All right. Perhaps you better elaborate on  
20 that, why you say it is, why you say it doesn't fall within  
21 the terms of reference.  
22

23 MR RAFFERTY: At the end of the day, sir, my understanding  
24 of this Inquiry is that it in a broad sense relates to the  
25 manner in which McKenna was able to get away with his  
26 activities, and, also, in a broader sense, in relation to  
27 the management of hostels and the running of the Authority.  
28 Now, the association was not a government instrumentality,  
29 it had nothing to do with the day-to-day running of hostels  
30 and it would appear that it was set up on the basis,  
31 originally, for the sharing of ideas between people  
32 involved in hostels but it was independent of those  
33 hostels. It had nothing to do with the running of hostels,  
34 it had no say in the running of the hostels but its  
35 members, it would appear, were wardens.  
36

37 HIS HONOUR: It was primarily an association for wardens  
38 of hostels, including McKenna.  
39

40 MR RAFFERTY: Indeed.  
41

42 HIS HONOUR: Including Wenlock.  
43

44 MR RAFFERTY: Indeed. But simply because they were  
45 members of that association does not mean that it falls  
46 within the terms of reference because it itself had nothing  
47 to do with the running of the hostels. It itself had no

1 authority in relation to the running of hostels. At the  
2 end of the day, it appears to be something along the lines  
3 of a lobby group or a group that shared information between  
4 each other but nothing further than that, and in the  
5 context of having no authority per se in the running of  
6 hostels it doesn't become relevant, in my respectful  
7 submission, particularly at a time just because again you  
8 are a co-opted member.  
9

10 HIS HONOUR: Yes.

11  
12 MR RAFFERTY: It takes it no further, sir.

13  
14 HIS HONOUR: All right. Yes, Mr Urquhart?

15  
16 MR URQUHART: The very fact, sir, it was a lobby group  
17 does make it relevant, with respect. We have got, as I  
18 understand it, virtually every single warden of these  
19 hostels that fell under the governance of the Authority  
20 were members and it was, it would seem, a very powerful  
21 lobbying group. Now, this witness created it, he continued  
22 serving on it and, in my submission, I can ask questions of  
23 him regarding the people who fulfilled important positions  
24 within that association because it just so happened to be  
25 that two of them were Roy Wenlock and Dennis McKenna.  
26

27 HIS HONOUR: All right. By reference to the terms of  
28 reference, perhaps you can relate the relevance of what  
29 happened at the association to the terms of reference.  
30

31 MR URQUHART: All right. This would potentially go to how  
32 it was these two men were able to continue their offending  
33 for such an extended period of time.  
34

35 HIS HONOUR: All right. It has to relate the relevant  
36 term of reference as to findings about why the behaviour of  
37 staff the subject of allegations at St Andrew's Hostel was  
38 able to continue for an extended period, so there is that.  
39 I am also considering evidence of allegations of sexual  
40 abuse by any person at or connected with the hostel or  
41 related organisations, they could be the only two terms  
42 which could possibly - to which the events of the  
43 association might conceivably form --  
44

45 MR URQUHART: Well, the association is a related  
46 organisation as well. These two people that have been the  
47 subject matter of some intense scrutiny at the Inquiry -

1 one was a chairman, the other one was an executive  
2 committee member.  
3  
4 HIS HONOUR: All right. As to that, is there any evidence  
5 of allegations of sexual abuse by any person at or  
6 connected with the hostel or related organisations? So why  
7 do you say that applies to the Student Hostels Association?  
8  
9 MR URQUHART: It's a related organisation, in the sense  
10 that it was a lobbying group for the Authority.  
11  
12 THE WITNESS: No, no, no.  
13  
14 MR RAFFERTY: Colin, sh. That's my job.  
15  
16 THE WITNESS: Sorry.  
17  
18 HIS HONOUR: So perhaps if you put that again.  
19  
20 MR URQUHART: Q. Sir, in fact, I don't know why we're  
21 doing all this because I just wish to bring to this  
22 gentleman's attention those two were on that association.  
23 That's as far as I was going to take it. And my learned  
24 friend objected to it, and now we've had this discussion.  
25 I'm not going to take it any further than that, in any  
26 event.  
27  
28 HIS HONOUR: Don't we already have evidence that they're  
29 on the - that they were members of the association?  
30  
31 MR RAFFERTY: They were tendered on the last occasion,  
32 sir, yes, the minutes.  
33  
34 HIS HONOUR: Yes. All right. So is there anything you  
35 wish --  
36  
37 MR URQUHART: No.  
38  
39 HIS HONOUR: -- to take beyond that?  
40  
41 MR URQUHART: I just said that, no.  
42  
43 HIS HONOUR: All right, then. Well, that's it then.  
44  
45 MR RAFFERTY: That's enough.  
46  
47 HIS HONOUR: Very well.

1  
2 MR URQUHART: Q. At the time it happened, or shortly  
3 after - first I should ask you this: Mr Philpott, do you  
4 recall the resignation of Roy Wenlock?  
5 A. Only that it was recorded at the - at the Authority  
6 meeting, and I'm not sure exactly when, but that's - that's  
7 how it came - that's how I came to know of it.  
8  
9 Q. Well, his resignation, from your recollection, was  
10 very sudden, was it not?  
11 A. Yes.  
12  
13 Q. And at the time he was the most experienced warden in  
14 this State?  
15 A. Yes.  
16  
17 Q. And regarded by you as one of the best?  
18 A. Yes. He rated up with several others.  
19  
20 Q. Relatively young, just 45 years of age?  
21 A. No, I'd like to say that I - I hadn't met Roy Wenlock  
22 very often. I'd only - when we're talking about - this is  
23 a recent - relatively recent time after I was appointed,  
24 and in talking with him he did mention to me that he was  
25 thinking about retirement. He had been there for a while  
26 and he said, "In this sort of situation you can't go on  
27 forever, and I'm actually thinking about retirement".  
28  
29 Q. And did he say --  
30 A. Now, it was a --  
31  
32 Q. Did he say what he was going to do?  
33 A. No.  
34  
35 Q. And when do you say this was?  
36 A. It wasn't terribly long before - it wasn't terribly  
37 long after that that he actually was - whatever - relieved  
38 of his duties.  
39  
40 Q. And did you become aware at that time or shortly  
41 after, why it was that he was relieved of his duties?  
42 A. No, I did not.  
43  
44 Q. Did you bother to ask?  
45 A. I thought about this for some time, and I honestly  
46 must say that I can't recall whether I had a discussion  
47 with Bishop Challen or not.

1  
2 Q. You see, it would be something that you would be  
3 interested in knowing, would it not, to why it was that he  
4 was leaving?  
5 A. You've got to understand the situation that existed  
6 between the Anglican Church and the Hostels' Authority.  
7 They were - they never signed a letter of agreement with  
8 us. They had an Anglican Church's Hostels Statute, and we  
9 signed that. Now, that gave them pretty well total  
10 control - although we were in the overarching thing of it,  
11 it gave them the complete control of the - of all their  
12 hostels.  
13  
14 Q. That might well be so, Mr Philpott, but I asked you  
15 weren't you interested in finding out why it was he had  
16 resigned quite suddenly?  
17 A. No, not - not really, I wasn't, because Bishop Challen  
18 either in his - the pre-statement he made to the Authority,  
19 or his concluding statement to the Authority, left it that  
20 he had it under control, and there was 10 very experienced  
21 and keen-minded people on the Authority at that time, and  
22 we never saw that we needed to inquire further.  
23  
24 Q. Did he not tell you - can you recall this being  
25 discussed at a meeting of the Authority?  
26 A. No, I think he just made a statement like he had a  
27 peculiar position, of course, because he - he represented  
28 several hostels, and so he just made - when it came to  
29 Northam, he would make a statement about it.  
30  
31 Q. Do you recall being told by Bishop Challen privately  
32 as to why it was --  
33 A. No.  
34  
35 Q. -- that he left?  
36 A. I say to you that I honestly can't recall whether we -  
37 whether he spoke to me or he didn't. However, if he did  
38 speak to me, he would have left me in no - no doubt that he  
39 would just have made a statement, and there would have been  
40 nothing in that that required me to make further Inquiry.  
41  
42 Q. Well, what if he told you that Roy Wenlock had left  
43 because he behaved in a way that was harmful to students?  
44 A. Well, he didn't tell me.  
45  
46 Q. If he had told you that?  
47 A. He didn't tell me.

1  
2 Q. If he had?  
3  
4 MR RAFFERTY: Well, no, I --  
5  
6 THE WITNESS: Well, why if?  
7  
8 MR RAFFERTY: Sorry, sir. I object to that question. A  
9 hypothetical is appropriate when somebody says, "I don't  
10 recall", in my respectful submission, because that really  
11 does need to be fleshed out. But when somebody says, "No,  
12 that didn't happen", in my respectful submission that is  
13 not an appropriate basis, even in the absence of the rules  
14 of evidence to that follow-up question on a hypothetical  
15 basis - and I know your Honour's already ruled questions of  
16 that nature inadmissible previously.  
17  
18 HIS HONOUR: Yes, but - and I don't want what Bishop  
19 Challen has said a little while ago to be repeated --  
20  
21 MR RAFFERTY: No.  
22  
23 HIS HONOUR: -- but he was, shall we say - well, I won't  
24 say, but --  
25  
26 MR RAFFERTY: We haven't discussed anything either, sir.  
27  
28 HIS HONOUR: No, I know, but I think it does leave open  
29 that proposition to put it to him.  
30  
31 MR RAFFERTY: That it was said in that matter?  
32  
33 HIS HONOUR: Yes. Not in exactly that manner. I think  
34 you need to be a little bit more specific.  
35  
36 MR RAFFERTY: Thank you, sir.  
37  
38 HIS HONOUR: I mean, I don't think there's any suggestion  
39 that Bishop Challen used the words "harmful to children".  
40  
41 MR URQUHART: Q. If Bishop Challen had used words to the  
42 effect of that he had been removed because he had behaved  
43 in an inappropriate manner towards hostel students -  
44 behaved in such a way where it could cause them harm, words  
45 to that effect - firstly, you say he never said that to  
46 you, and if he --  
47

1 HIS HONOUR: Well, I think they are things that he said  
2 that the - that he behaved inappropriately towards  
3 children, towards students.  
4

5 MR URQUHART: Q. So if he said that to you, would have  
6 you done anything by way of follow-up?  
7

8 MR RAFFERTY: Sorry, sir, just before my client answers  
9 that question, I think, again, this is a significant issue.  
10 I think the term we ended up dealing with was "professional  
11 inappropriate" because "inappropriate" on its own has a  
12 number of connotations. So in my respectful submission,  
13 the question should be predicated on the basis of what was  
14 adopted by the witness - well, I won't go that far.  
15

16 HIS HONOUR: I've got to bear in mind the evidence of  
17 other witnesses.  
18

19 MR RAFFERTY: Yes, I understand that.  
20

21 HIS HONOUR: They say they told the Bishop --  
22

23 MR RAFFERTY: Yes.  
24

25 HIS HONOUR: -- and the content of what they told the  
26 Bishop; and, if so, what he might have said to your client  
27 if asked, or if there was a discussion on the subject?  
28  
29

30 MR RAFFERTY: I understand that.  
31

32 HIS HONOUR: So if he had knowledge - assuming the Bishop  
33 was an honest man, and would have been frank - then based  
34 on what other witnesses may have told him, he might have  
35 relayed that to you.  
36

37 MR RAFFERTY: Which must be still looked at in the context  
38 of the evidence that Bishop Challen has given, which went  
39 no further; and, your Honour - sorry, I won't do that in  
40 front of my client. Your Honour is aware of the  
41 re-examination today, and as far as that went and what he  
42 accepted and also my questions as well. So that's why I  
43 say the questions should be predicated on the basis of  
44 "professional" --  
45

46 MR URQUHART: It's not, sir, confined to what the evidence  
47 of the Bishop was. It's all the evidence that your Honour

1 has heard relative to this particular matter, in my  
2 submission.  
3  
4 HIS HONOUR: All right. I don't think anyone's used the  
5 word "harm".  
6  
7 MR RAFFERTY: No.  
8  
9 MR URQUHART: No.  
10  
11 HIS HONOUR: None of the witnesses who said they told  
12 Bishop Challen what happened, would have used the word  
13 "harm".  
14  
15 MR URQUHART: No, that was --  
16  
17 HIS HONOUR: You can restrict your question to the  
18 language of what you say Bishop Challen was told, and what  
19 he might have conveyed to you - Mr Philpott.  
20  
21 MR URQUHART: Q. So Bishop Challen conveyed to you that  
22 Roy Wenlock was behaving in a manner that was inappropriate  
23 towards boys?  
24 A. What I say to you in respect to this is that I can't  
25 honestly remember or recall that he ever told me anything  
26 about that.  
27  
28 Q. I know all that, Mr Philpott, but I'm asking you if he  
29 told you that, would have you done anything?  
30 A. Yes, I would have. I would have made further inquiry  
31 with him about what it meant.  
32  
33 Q. Okay. And if he had been told that, in fact, what  
34 that involved was inappropriate behaviour regarding  
35 wrestling for the purposes of this warden becoming sexually  
36 aroused - had you been told that?  
37 A. I would have encouraged the Bishop then to make  
38 contact with the Education Department Special Group and  
39 have it further investigated.  
40  
41 Q. Why do you say that would be the responsibility of the  
42 Bishop?  
43 A. Because he's in charge of all that, and had the  
44 responsibility for overseeing the whole of the hostel  
45 system that he had under his control.  
46  
47 Q. But the Authority oversaw the management of the

1 hostels managed or run by the Anglican Church, did it not?  
2 A. Yes, but we got on together.  
3  
4 Q. See, it's just that in your previous evidence you said  
5 where the Authority becomes - correct me if I'm wrong - the  
6 Authority becomes aware of a matter involving sexual  
7 misconduct by a hostel staff member, it is the Authority  
8 that refers it to the Department of Education --  
9 A. Well, we had a different --  
10  
11 Q. So - let me finish - so in this instance where the  
12 hostels were managed by the Anglican Church, there was a  
13 different system in place, wasn't there?  
14 A. There was a different - there was a different  
15 consideration between us and the other hostels that were  
16 under a letter of arrangement. They - the Bishop had the  
17 control - total control over these hostels, so we would  
18 have worked together. I would have made Inquiry with him  
19 and suggested that that's what we did, that we went and saw  
20 the Education Department.  
21  
22 Q. So it would have been a combined effort, are you  
23 saying, of the Authority and the Board?  
24 A. If he hadn't and he had indicated that there was  
25 something of a sexual nature, I would have taken it to the  
26 Education Department.  
27  
28 Q. Do you think the Authority should have been told by  
29 the Board that Roy Wenlock was effectively forced to  
30 resign, rather than voluntarily resigning?  
31 A. No, because this is the difference between us and the  
32 letter of arrangement of hostels. The Bishop had the  
33 control of everything to do with those hostels. They'd  
34 been running them for years.  
35  
36 Q. But wasn't the letter of arrangements the same with  
37 respect to non-Anglican Church hostels and Anglican  
38 Church-run hostels, where the Board had the Authority to  
39 hire and dismiss --  
40 A. Yes.  
41  
42 Q. -- hostel staff?  
43 A. Yes.  
44  
45 Q. Yes. Well, with respect to non-Anglican  
46 Church-operated hostels, you would have expected the  
47 Authority to be notified if a warden, for example, had been

1 dismissed?  
2 A. Yes.  
3  
4 Q. But not the case though, with the Anglican Church-run  
5 hostels?  
6 A. Well, no, not really, because the Bishop ran the  
7 hostels and we - we would have to work in liaison with him,  
8 but in an overarching thing, if there's something came up  
9 of a sexual nature, we would become involved in it.  
10  
11 Q. After his resignation, was Roy Wenlock given a job at  
12 the Authority?  
13 A. Good heavens, no. Never worked ever for the  
14 Authority.  
15  
16 Q. In charge of the bulk ordering/purchasing of food?  
17 A. Why would we do that? The answer is no.  
18  
19 Q. Well, I asked you - well, it just seems that we've  
20 heard evidence that he was.  
21 A. Yes, I'd like --  
22  
23 Q. Yes, and - and we've already heard evidence that  
24 Dennis McKenna was given a job at the Authority?  
25 A. He was done that because I was told to do it.  
26  
27 Q. All right. But the same favour wasn't extended to Roy  
28 Wenlock?  
29  
30 MR RAFFERTY: I object to this question, your Honour. My  
31 learned friend has still not established - and he can't  
32 because he knows there's no evidence - that my client was  
33 aware of any form of sexual impropriety by Mr Wenlock. So  
34 the questions that my learned friend is asking, which  
35 suggest that any form of favours were done by my client on  
36 behalf of Mr Wenlock in the same manner suggested in  
37 relation to Mr McKenna, are entirely unfair, because my  
38 learned friend knows well there is no suggestion that my  
39 client knew anything about Mr Wenlock's activities.  
40  
41 HIS HONOUR: So what's the question that you're objecting  
42 to?  
43  
44 MR RAFFERTY: My learned friend is suggesting that there  
45 has been the same favouritism or favours done for Mr  
46 Wenlock, by giving him some job which my client says he  
47 never got, in the same context that was given to Mr

1 McKenna. Problem is it would only be a favour if you had  
2 any idea what he was up to, and there was no evidence to  
3 that effect.  
4

5 HIS HONOUR: All right. Well, I think what you should do  
6 is put the question without using the word "favour"  
7 because --  
8

9 MR URQUHART: Well, to start with, sir, I wasn't making  
10 the connection between the sexual impropriety of Dennis  
11 McKenna and the knowledge that this particular witness had.  
12 I was just simply saying was a favour extended to Roy  
13 Wenlock; was he offered a job at the Authority, because on  
14 Mr Philpott's account there would be no basis for him not  
15 being given a job if, in fact, Mr Philpott's knowledge was  
16 that he simply resigned.  
17

18 MR RAFFERTY: Well then, it wouldn't be a favour, sir. My  
19 learned friend should follow the logic.  
20

21 MR URQUHART: Well, you see, the thing is Mr Philpott was  
22 quite emphatic in his denials that he offered a job to Mr  
23 Wenlock, so I'm going to ask him now --  
24

25 MR RAFFERTY: No, he was emphatic in the sense that he  
26 didn't work for the Authority, sir. They're very different  
27 things.  
28

29 HIS HONOUR: Well, look, we've got evidence from someone  
30 who said that he was employed by the Authority, so let's  
31 just pursue that.  
32

33 MR URQUHART: Yes.  
34

35 Q. There's evidence from someone who says he was  
36 employed - I'll make this clear, sir - he was employed at  
37 the Authority, and he was responsible for the ordering and  
38 purchasing of bulk order supplies for the hostel?  
39

40 A. Categorically no.  
41

42 Q. Did the Authority have any involvement in that sort of  
43 role?  
44

45 A. No.  
46

47 Q. Are you sure about that?  
48

49 A. Well, certainly not at the Authority - the Authority  
50 level, no. It may be that the administrative manager did  
51

1 have something with some hostels. I knew nothing about  
2 that.  
3  
4 Q. Sorry, the administrative officer who was employed by  
5 the Authority?  
6 A. Yes.  
7  
8 Q. Well, then it did have something to do with the  
9 Authority then?  
10 A. I don't - I don't know, because I never came across  
11 anything to do with people at the Authority ordering goods  
12 or services - goods, not services.  
13  
14 Q. So to your knowledge did he work at the Student  
15 Hostels Association?  
16 A. Did he work at that?  
17  
18 Q. Yes. After he resigned?  
19 A. I can't recall.  
20  
21 Q. Mr Philpott, in your capacity as Chairman of the  
22 Authority, would you have any criticism of a Board, in  
23 particular Chair of a Board, who, if this was to happen,  
24 simply gave a warning to the warden about him being  
25 sexually aroused as he wrestled with teenage boys under his  
26 care?  
27 A. I wouldn't be happy about it.  
28  
29 Q. Would you have intervened if you found out about that?  
30 A. If you were referring to Bishop Challen, I would have  
31 addressed the matter with him to find out what basis that  
32 was made on.  
33  
34 Q. Well, precisely that, that he was wrestling with boys  
35 for the purposes of getting sexually aroused, and in his  
36 underpants, and the boys' underpants?  
37 A. I would not have been happy about that.  
38  
39 HIS HONOUR: Q. Would you have seen that as - if you had  
40 been informed if that was happening, would you have seen  
41 that as part of the Authority's function to do something  
42 about it?  
43 A. Yes, I think I would.  
44  
45 HIS HONOUR: Right.  
46  
47 MR URQUHART: Q. And I know it's hypothetical - what

1 would have you done?  
2 A. Again, I would have first addressed it with Bishop  
3 Challen, and suggested that we go to the Education  
4 Department's Special Group.  
5  
6 Q. Would you not have advised that he ought to be  
7 dismissed?  
8 A. No, not if it was Bishop Challen again. He had  
9 control of that. That was one of the additional  
10 authorities that he had. He was dealing with the staff.  
11  
12 Q. So are you saying that the setup was that the  
13 Authority would not be able to override the decision of a  
14 Board that was run by the - the Board of a hostel that was  
15 run by the Anglican Church - you wouldn't be able to  
16 override their decision?  
17 A. Of course - of course we could override it. We had  
18 the overarching Authority.  
19  
20 Q. So in this instance, Mr Philpott, I've given you that  
21 example of where the Chair of the Board has been told the  
22 circumstances of this wrestling, and it's been resolved  
23 that that warden would simply get a warning.  
24 A. Well, I never knew anything about this, sir.  
25  
26 Q. I know all that, Mr Philpott. I'm just saying if.  
27 I'm just trying to establish what position the Authority  
28 would have taken in those circumstances. You said you  
29 would have referred it to the Department of Education?  
30 A. Yes.  
31  
32 Q. But isn't there a paramount concern regarding the  
33 wellbeing of students?  
34 A. Of course there is.  
35  
36 Q. So in those circumstances, are you saying that you  
37 would not have overridden the Bishop's decision had this  
38 warden dismissed --  
39 A. Under the circumstances that exists with the Anglican  
40 Church and all the hostels that they ran under Bishop  
41 Challen, I wouldn't have gone over his head without first  
42 discussing the matter with him.  
43  
44 Q. Yes. And if he said, "Yes, I've given him a warning,  
45 that's all I intend doing. If he does it again, he's out"?  
46 A. Well, it wouldn't be me that makes that decision, sir,  
47 that would be the Authority.

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

Q. I appreciate that, but would you have put to the Authority at its next meeting that in these circumstances this warden must be dismissed by the Authority?

A. I don't know that I would say he would be dismissed. I was the Chairman. I would say the Authority, very skilled people, would make that decision.

Q. What would have your view been?

A. I don't - I don't put my view over the top of people as capable as the Authority.

Q. Mr Philpott, what would have your view been - whether privately or expressed to the meeting?

A. I would not - I would not have been happy with it, and probably would have agreed with you that he should have been removed, but that was not my decision.

Q. So you'd only put it as high as that. You'd suggest or you'd believe that he would probably be removed. You believe he probably should have been removed?

A. Yes, that's - depending on all the circumstances that were conveyed to me, and the discussion that took place at the Authority meeting, that's what I would leave it at. It would be the Authority, 10 skilled people, who would make that decision.

Q. So from your answer I take it then you would not have been forceful in insisting that this warden be dismissed?

A. It's not my --

MR RAFFERTY: Stop, stop, stop, stop. Your Honour, I do object to this. This is now in the realms of the fanciful. If there was some legitimate forensic basis for the asking of these questions, if it was along the lines of - that my client could have possibly known this at a particular time, then absolutely, it would have absolute relevance to your Honour's determination in this matter, in relation to my client's credibility.

HIS HONOUR: There's a more general relevance, and that is the attitude of the Authority towards allegations of sexual abuse --

MR URQUHART: Yes.

MR RAFFERTY: In circumstances where it's not suggested

1 that they had any - in 1970 - my learned friend can "Mm" as  
2 much as he likes. I'm addressing your Honour.  
3  
4 HIS HONOUR: No, well, there is evidence --  
5  
6 MR HAMMOND: In 1970 - - -  
7  
8 HIS HONOUR: - - - there is evidence, depending what  
9 findings I make, that the Authority did have knowledge of  
10 some alleged sexual abuse --  
11  
12 MR RAFFERTY: In 1978 --  
13  
14 HIS HONOUR: -- in relation to the St Andrew's Hostel at a  
15 later time.  
16  
17 MR RAFFERTY: I have no issue with that, but my learned  
18 friend is prefacing this on the basis of, and in relation  
19 to the issue with Bishop Challen.  
20  
21 HIS HONOUR: These questions are really directed to the  
22 attitude of what the Chairman of the Authority had towards  
23 what should be done about sexual abuse, and that attitude  
24 is relevant generally to my findings as to whether or not  
25 the Authority acted properly in relation to --  
26  
27 MR RAFFERTY: Absolutely.  
28  
29 HIS HONOUR: -- other matters.  
30  
31 MR RAFFERTY: And if the question is asked directly, which  
32 I ask my learned friend to do, then it would not be  
33 objectionable. But going around a circuitous route to ask  
34 a very simple question, "What was your attitude to sexual  
35 abuse as Chairman of the Authority, and what would you have  
36 done?" --  
37  
38 HIS HONOUR: No, what's happening now --  
39  
40 MR RAFFERTY: -- would be an easy way of doing it.  
41  
42 HIS HONOUR: No, what's happening now is a means of  
43 questions where we're ascertaining what Mr Philpott's view  
44 was of such matters.  
45  
46 MR RAFFERTY: Well, he's not being asked directly, with  
47 respect, sir, and if he is, I won't object.

1  
2 HIS HONOUR: You can continue, Mr Urquhart.  
3  
4 MR URQUHART: Thank you, sir.  
5  
6 Q. Would you like to answer the question, Mr Philpott?  
7 A. Yes, I would not be happy with it at all.  
8  
9 Q. But I'm asking you, it seems from your answer is that  
10 you would not have even - you would not have been  
11 forcefully insisting that this warden be fired?  
12 A. With all that evidence that you've brought forward,  
13 yes, I would have. With the - with the assent of the  
14 Authority.  
15  
16 Q. We've heard evidence from Bishop Challen, which you  
17 were out of the room for, in which he said that he didn't  
18 believe it was necessary for the Authority to be advised of  
19 all the circumstances surrounding a warden leaving a  
20 hostel. So we're talking about in this context of after  
21 you'd been appointed as Chairman.  
22 A. Mm-hmm.  
23  
24 Q. Is that a view that you agree with?  
25 A. Taking it back 40 years ago when this all happened, I  
26 guess that's - they've been so used to all the time coming  
27 through handling any situation of a nature like this, I  
28 guess that was his thoughts, and it wouldn't really be my  
29 thoughts, but it would - it would be his.  
30  
31 Q. Yes. Well, wasn't it the case, wasn't it the view of  
32 the Student Hostel Association, that boards should bring to  
33 the attention of the Authority when it is that a warden  
34 leaves a hostel? Do you recall something like that coming  
35 up in your time there?  
36 A. I don't know if it was when a warden removes - when  
37 any person, any person that was considered unsuitable to be  
38 a warden, was passed on to the Authority, who then passed  
39 it on to the Education Department.  
40  
41 Q. Yes, yes, that's exactly right, yes. So in this  
42 instance though, it seems that that information wasn't  
43 conveyed to at least you as the Chair, and looking at  
44 the minutes of the meeting that dealt with it on 26 January  
45 1978 - it wasn't brought to the attention of the Authority.  
46 A. No, that's correct.  
47

1 Q. So who do you say then was responsible for that  
2 breakdown in that communication between the Authority and  
3 the Board in this instance?

4 A. I guess Bishop Challen.  
5

6 Q. But, you see, what if - what if no guidelines or  
7 procedures were provided to him by the Authority, as to  
8 what the Board should do in those circumstances?

9 A. Then the history of how they handle those things  
10 before would have dominant.  
11

12 Q. But how would Bishop Challen know that if he's only  
13 just assumed this role as Chairman of the Board a year or  
14 two earlier?

15 A. Well, how would of he?  
16

17 Q. Well, he wouldn't know, would he, unless the Authority  
18 had given him some sort of guidance in that regard?

19 A. Well, the Authority - and I had only had 12 months  
20 experience at that time myself. I don't know how the  
21 Authority would, and why hadn't they before.  
22

23 Q. I'm just asking whether - we seem to be taking  
24 circuitous routes. I would have thought that if the  
25 Authority was of the view that they should be notified of  
26 this, because the reasons for being notified are extremely  
27 important, aren't they - is to ensure that these people  
28 aren't re-employed somewhere else in another hostel --

29 A. Yes.  
30

31 Q. -- is that right, is that the reason why?

32 A. Yes, yes.  
33

34 Q. Yes. So, therefore, if a warden or any hostel staff  
35 member is going to be removed from the warden - from the  
36 hostel because of inappropriate behaviour, then that's  
37 something that the Authority needs to know about, yes?

38 A. Yes.  
39

40 Q. So then if a Chairman of not just one board, but  
41 actually five, in the position of Bishop Challen, was  
42 unaware of that, where does the responsibility lie for that  
43 failure to tell him that?

44 A. Well, I don't know. It was never told to me either.  
45

46 Q. I'm asking you whose responsibility was it to ensure  
47 that chairmans of hostel boards were aware of that

1 procedure?  
2 A. I would think the Authority.  
3  
4 Q. Did you take any measures when you took over to ensure  
5 that that is what the Boards were aware of?  
6 A. I was in a very early stage of it. I was taking some  
7 time to catch up with it, and so the answer to that is,  
8 "No".  
9  
10 Q. And did you ever?  
11 A. Yes, we did - yes. It would have been dealt with.  
12  
13 Q. And I'm going to suggest to you that would have been  
14 around about the time that Dennis McKenna was charged?  
15 A. Well, certainly it was renewed then.  
16  
17 Q. Renewed or, in fact, that was the first time that it  
18 was dealt with?  
19 A. Well, there hadn't - to my knowledge there hadn't been  
20 any of that behaviour before, so --  
21  
22 Q. Well, you wouldn't necessarily know, would you, if the  
23 boards didn't know about this practice that the Authority  
24 be notified?  
25 A. I would be surprised if the chairmans of the boards  
26 weren't of the opinion that they had to let the Authority  
27 know something of this nature happened.  
28  
29 Q. Well, we've heard it from Bishop Challen, and you  
30 recall my questioning of you last time regarding the lack  
31 of knowledge that Board members at Katanning had --  
32 A. Yes.  
33  
34 Q. -- about procedures?  
35 A. Yes.  
36  
37 Q. So I know you said that Katanning should have known  
38 better, but this isn't a case here of Bishop Challen, in  
39 your view, should have known better?  
40 A. Well, Bishop Challen had the same opportunity as I  
41 did. He joined the Board somewhere around about the same  
42 time. He was on the Authority, he got the same information  
43 as I got, so --  
44  
45 Q. Well, you see, that's what is going to be my next  
46 point - that Bishop Challen was not just a chairman of a  
47 number of hostel boards, but he was also on the Authority

1 as well?

2 A. Correct.

3

4 Q. And he still didn't know about the procedures that we  
5 are talking about?

6 A. So why wasn't it informed to him further?

7

8 MR RAFFERTY: Sorry, your Honour. Sorry, sorry. I don't  
9 have any recollection, having sat through today, of Bishop  
10 Challen talking about, in a specific sense, not knowing  
11 what to do in relation to a situation where there's an  
12 issue of impropriety. He was unaware of his  
13 responsibilities necessarily to the Authority in a broader  
14 context. There is no suggestion, and he actually explained  
15 in some detail why he didn't tell the - why he didn't tell  
16 the Authority.

17

18 HIS HONOUR: No, he said he was under no obligation to  
19 notify the Authority of any inappropriate behaviour by  
20 staff, but if he'd been asked, he would have.

21

22 MR RAFFERTY: That's right, but my learned friend's not  
23 prefacing his question on that basis, he's putting it in a  
24 much different context, in the absence of any form of  
25 knowledge as to how he was meant to deal with the  
26 Authority, and in my respectful submission that was  
27 inconsistent with the evidence that was given by Bishop  
28 Challen, as your Honour's just outlined, from this morning.

29

30 HIS HONOUR: Well, Bishop Challen's evidence makes it very  
31 clear he had no - he didn't think he was obliged to notify  
32 the Authority of any inappropriate behaviour by staff,  
33 which clearly --

34

35 MR RAFFERTY: Because of his unique position. I won't  
36 take that issue any further.

37

38 HIS HONOUR: I think it's quite proper to put the  
39 questions being put. Mr Philpott's asking who's  
40 responsible for ensuring that chairman of boards know that  
41 they're supposed to do this.

42

43 MR RAFFERTY: But it was specific to Bishop Challen, I  
44 thought, your Honour, and Bishop Challen wasn't saying this  
45 morning that he was unaware of any obligation. He simply  
46 made a decision not to because of the hats that he was  
47 wearing.

1  
2 HIS HONOUR: Right.  
3  
4 MR RAFFERTY: In a broad context, sir, I accept that. But  
5 in the specific context, Bishop Challen is very different.  
6  
7 HIS HONOUR: It's implicit in his evidence that he was  
8 unaware of this procedure.  
9  
10 MR RAFFERTY: With respect, sir, that's contrary to the  
11 evidence that I wrote down this morning, but if that's your  
12 Honour's recollection, I'm not going to enter into an  
13 argument with your Honour.  
14  
15 HIS HONOUR: I said implicit.  
16  
17 MR RAFFERTY: Implicit.  
18  
19 HIS HONOUR: Yes.  
20  
21 MR RAFFERTY: Well, with respect, sir, he said he made a  
22 decision not to because of the different hats, and I won't  
23 say that in front of my client, because of the different  
24 positions he was in.  
25  
26 HIS HONOUR: All right. What's your next question, Mr  
27 Urquhart?  
28  
29 MR URQUHART: Q. I'll ask it straight out like this, Mr  
30 Philpott: do you - in your capacity as Chairman of the  
31 Authority, you expect that you accept any responsibility  
32 for what seems to be a breakdown in the communication  
33 between the Boards that Bishop Challen chaired and the  
34 Authority, regarding this requirement that the Authority be  
35 made aware of a hostel staff member who's employment has  
36 been terminated because of inappropriate behaviour?  
37 A. Can you say that again?  
38  
39 HIS HONOUR: Perhaps if I ask this question.  
40  
41 Q. In relation to Katanning Hostel there's evidence that  
42 the Chairman --  
43 A. Yes.  
44  
45 Q. -- didn't know he was supposed to tell the Authority  
46 when there was --  
47 A. Yes.

1  
2 Q. -- sexual misbehaviour. Now, you said it's a matter  
3 of commonsense, they should have done that?  
4 A. Yes.  
5  
6 Q. That's what you said then. Now, here we've got  
7 evidence again that a Chairman of a Board is aware of -  
8 there's evidence, if accepted --  
9 A. Yes.  
10  
11 Q. -- that the Chairman was aware of sexual misbehaviour  
12 and didn't notify the Authority. What do you say about  
13 that?  
14 A. Yes, sir, I think it's - it's a decision made by  
15 Bishop Challen to not pass that on. I still think it's  
16 commonsense that this is such a serious matter that it  
17 would be passed on to the Authority.  
18  
19 Q. So you think it was a matter of commonsense?  
20 A. Yes, I do.  
21  
22 Q. It should have happened?  
23 A. Yes.  
24  
25 HIS HONOUR: All right.  
26  
27 MR URQUHART: Okay.  
28  
29 Q. And that if all the Authority was told was that Roy  
30 Wenlock had resigned, was it your view that the Authority  
31 had not received sufficient information?  
32 A. Well, I don't know, I can't recall what he prefaced  
33 his remarks with, or he concluded his remarks with, but it  
34 was sufficient to satisfy the Authority not to pursue the  
35 matter further. However, if there'd been any indication of  
36 any sexual activity, I'm certain they would have inquired  
37 further.  
38  
39 HIS HONOUR: Q. And you'd remember that, wouldn't you?  
40 A. Yes.  
41  
42 Q. You'd remember if there'd been some mention of  
43 sexual --  
44 A. Yes.  
45  
46 Q. -- activity associated with Wenlock's departure?  
47 A. Yes.

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

Q. Yes.

A. Yes.

MR URQUHART: Q. Now, Mr Philpott, what was the reputation of Roy Wenlock? How would you describe his reputation, as far as you were concerned, up until the time he resigned in December 1977?

A. My recollection of that, sir, was that he was a very efficient - very efficient warden, and there is evidence of - that he ran a good hostel. I do recall at one stage there were about 28 students went for their final leaving, and 27 of them got a Commonwealth scholarship. And I should probably add, like McKenna, out in the community he was very well received.

Q. Have you had a look at the material that the Inquiry's provided you --

A. Yes.

Q. -- this week? And have you been able to read all of that?

A. Yes.

Q. I'm sorry about that. Wasn't it the case that the Authority actually relied extensively, to your knowledge, of input and guidance from Roy Wenlock?

A. When?

Q. To your knowledge - both when you took over and presumably prior to that?

A. No.

Q. No?

A. No, more than several other wardens, if that's what's said.

Q. All right. I'm just going to show you now a Student Hostels Association Annual General Meeting, Sunday, 29 January 1978, and that's barcode number 0478. This is a document that's previously been provided to you, Mr Philpott. If we go to the second page, "6", "THE CHAIRMAN'S REPORT" at the top of that page. It's evident that you were in attendance --

A. Yes.

Q. -- at this AGM. And I'll just read that out:

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

THE CHAIRMAN'S REPORT appended to these minutes, was presented by the Chairman, Mr. Roy Wenlock, and this was received on the motion of Mr. John Sibson M.L.A. who, while moving that the minutes be adopted, spoke appreciatively of the contribution made as Chairman by Mr. Roy Wenlock since the formation of the Association. Mr. Wenlock had resigned as warden from St. Christopher's, Northam, and this meant his retirement as Chairman of this Association, a fact which was deeply regretted. Mr Sibson praised Mr. Wenlock for the business-like and worthwhile manner in which he fulfilled the role of Chairman and thanked him for his participation in Conferences, at Executive meetings, and in visiting hostels. These remarks and the motion were seconded by Mr. Colin Philpott, Chairman of the Country High School Hostels' Authority, who spoke of his own commitment depending so much upon the challenges accepted and issued by Roy Wenlock. The Authority had itself made use of Mr. Wenlock's talents, and congratulations were extended to him on a job well done.

Now, I accept that this is from an AGM 34 years ago. Would you question the accuracy of those minutes?

A. No, no.

Q. And do you actually recall this?

A. I have some recollection of it.

Q. What challenges had Roy Wenlock accepted?

A. Like other hostel wardens throughout the State, we asked them to attend other hostels, at times to run them, or to give aid to the staff there, and Roy Wenlock, in fact, did that - I don't know where, but at times that's what he did.

Q. Yes. And he was one of the first picks to have that sort of job, wasn't he?

A. Not necessarily. We had --

1 Q. I said "one of".  
2 A. -- Narrogin, we had - who else - Geraldton. These  
3 weren't selected just for - I tried to spread it around to  
4 try and make people feel as though they were in a team, and  
5 if they showed ability, then I would use it.  
6  
7 Q. And what challenges had he issued?  
8 A. Had he what?  
9  
10 Q. What challenges had he issued? You said:  
11  
12 -- who spoke of his own commitments  
13 depending so much on the challenges  
14 accepted and issued by Roy Wenlock.  
15  
16 Can you recall what you meant by that?  
17 A. No, I don't understand "issue".  
18  
19 Q. :  
20  
21 The Authority had itself made use of Mr.  
22 Wenlock's talents --  
23  
24 A. Yes.  
25  
26 Q. :  
27  
28 -- and congratulations were extended to him  
29 on a job well done.  
30  
31 A. And - and a man leaving - leaving the thing without me  
32 knowing anything else, what else would I say?  
33  
34 Q. Yes. Well, indeed, if you had known more --  
35 A. He wouldn't have been at that meeting.  
36  
37 Q. Mr John Sibson, MLA?  
38 A. Yes.  
39  
40 Q. John Sibson, who was he?  
41 A. A very active member for Bunbury. He was trying to  
42 re-establish the hostel in Bunbury, which only lasted for a  
43 couple of years, but he was a very active MLA.  
44  
45 Q. And it would seem very active with respect to this  
46 particular subject matter, student hostels; is that right?  
47 A. Yes, yes, he was.

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

Q. And do you know why it was that he had such an interest in that?

A. Only because we were - I guess he was invited to attend, and like everyone there, pulled their weight.

HIS HONOUR: Q. Did he have much to do with hostels generally, Mr Sibson?

A. Yes, he did.

Q. There was one hostel in Bunbury?

A. Yes, that's the only one that I do recall.

Q. Are you aware of him having involvement in other hostels?

A. No, I don't think so, sir.

PROBLEM WITH RECORDING EQUIPMENT

SHORT ADJOURNMENT

HIS HONOUR: Right, take a seat, thanks.

MR URQUHART: Sir, I understand --

HIS HONOUR: Do we know how much we lost?

MR URQUHART: Yes, it might have been the last question, which your Honour asked, which was of Mr Philpott, as to whether he was aware whether Mr Sibson had an involvement in other hostels, apart from Bunbury.

HIS HONOUR: Right. And your answer was, no, I think.

THE WITNESS: Yes.

HIS HONOUR: Q. At one time, I think I'm correct, am I, that you, Sibson and Dennis McKenna were all on the committee of the Students Hostels Association?

A. Yes, I think so.

Q. How did Sibson and McKenna get along?

A. Well, everyone on that Association got on very well.

Q. Are you saying they were friends to each other?

A. Yes, I would think so.

1 HIS HONOUR: Right. Thank you.  
2  
3 MR URQUHART: Thank you, sir. I'll just tender that  
4 Annual General Meeting of the Student Hostels Association  
5 of 29 January 1978.  
6  
7 EXHIBIT #125 ANNUAL GENERAL MEETING OF THE STUDENT HOSTELS  
8 ASSOCIATION DATE 29/1/78  
9  
10 MR URQUHART: And if Mr Philpott could be shown  
11 the minutes of the Executive Meeting, number 16, which was  
12 also held on that same day, 29 January 1978, which is  
13 barcode 0477.  
14  
15 THE WITNESS: Thank you.  
16  
17 MR URQUHART: Q. Now, Mr Philpott, you clearly attended  
18 the AGM of the Student Hostels Association. Can you recall  
19 the reason why you did that?  
20 A. No. Other than I had an interest in it.  
21  
22 Q. Did you continue to attend AGMs --  
23 A. Yes.  
24  
25 Q. -- of the Association?  
26 A. From memory I did.  
27  
28 Q. Will you just have a look at the minutes of the  
29 Executive Meeting, which I would expect you wouldn't have  
30 been in attendance; but, like, it commenced after the AGM  
31 had finished. And, indeed, we can see who was present. It  
32 didn't include you. I'm just looking at number 3,  
33 "Co-Opted Members":  
34  
35 It was moved by Mr J Sibson MLA and  
36 seconded by Mr Moreton that Mrs J Hardy,  
37 Mrs E Morne and Mr R Wenlock be coopted as  
38 members of the committee. This was agreed  
39 to and these three persons were admitted  
40 and welcomed to the meeting.  
41  
42 Now, I am sure you'd agree with me now, with hindsight,  
43 that really wasn't a very appropriate appointment?  
44 A. Well, with current hindsight, no.  
45  
46 Q. Yes. But we had seen though, at the AGM where Mr  
47 Sibson and yourself were highly praised.

1 A. Yes, we've gone through that.  
2  
3 Q. Yes. So you see this is - and I suppose I should show  
4 you now that the minutes of the Country High Schools Hostel  
5 Authority meeting that was just three days before, which  
6 was exhibit 122, Madam Associate, in which this was the  
7 meeting that Bishop Challen announced that Mr Wenlock had  
8 resigned --  
9 A. Yes.  
10  
11 Q. I am sure you've read this document, haven't you?  
12 A. Yes.  
13  
14 Q. Because I only want to take you to two lines --  
15 A. Yes.  
16  
17 Q. -- on page 7:  
18  
19 The Authority noted the resignation of Mr R  
20 Wenlock as Warden of St Christopher's  
21 Hostel.  
22  
23 A. Correct.  
24  
25 Q. So I think you agree that the Authority should have  
26 received some more information regarding that?  
27 A. With current hindsight, yes.  
28  
29 Q. But back then, in your view, the Board, the  
30 Chairman --  
31 A. I say again, I don't know how he prefaced his remarks  
32 or concluded the remarks, but it didn't warrant the  
33 Authority seeking further information.  
34  
35 Q. You see, so it would appear that a number of people  
36 within not just the Authority, but also the lobby group,  
37 the Association Student Hostels Association, did not appear  
38 to be fully aware of the reasons why --  
39 A. Absolutely.  
40  
41 Q. -- Roy Wenlock left Northam. Do you agree with that?  
42 A. Yes, I do.  
43  
44 Q. And so can you see here that there's a flow-on effect  
45 with that shortcoming, in that firstly we have him being  
46 co-opted as a committee member of the Student Hostel  
47 Association. That's one example where if everyone had the

1 full picture, that shouldn't have happened. Do you agree  
2 with that?  
3 A. I would think so.  
4  
5 Q. And also, as I understand it, if the Authority had  
6 received information, he - there would have been, for want  
7 of a better word, a mark alongside his name to ensure that  
8 he wasn't employed elsewhere within the hostels that fell  
9 within the Authority's jurisdiction?  
10 A. Are we talking now after he was resigned and left?  
11  
12 Q. Yes, I'm talking about that point in time.  
13 A. Well, he - I would be surprised he wouldn't have gone  
14 to try to go to any other hostels. With current hindsight  
15 he wouldn't have tried to go to any other hostels.  
16  
17 Q. But if he had, and all you had as the - when I say  
18 "you", I mean the Authority - all you had was he seemingly  
19 voluntarily resigned?  
20 A. I would expect Bishop Challen would have come out  
21 very, very quickly to inform us fully so that he wasn't  
22 employed at any other hostel.  
23  
24 Q. Should not the moment to have done that been at that  
25 meeting of January 1978?  
26 A. With hindsight, yes.  
27  
28 Q. With even foresight at the time. That was the whole  
29 purpose of the Authority being notified of these types of  
30 hostel staff who had been effectively dismissed, so that --  
31 A. Yes.  
32  
33 HIS HONOUR: Q. I think the position is, isn't it, if  
34 Bishop Challen knew that Wenlock had committed  
35 inappropriate sexual type behaviour and been removed for  
36 that reason, he should have notified the Authority. That's  
37 your position, isn't it?  
38 A. Yes.  
39  
40 Q. Yes.  
41 A. Yes.  
42  
43 Q. For all of these reasons?  
44 A. Yes.  
45  
46 Q. So he wouldn't have been employed in the hostel  
47 again --

1 A. No, he would not.  
2  
3 Q. -- he wouldn't have anything to do with the hostel's  
4 association et cetera?  
5 A. Correct.  
6  
7 ASSOCIATE: Can we just pause for about 10 seconds?  
8  
9 HIS HONOUR: We have to pause for about 10 seconds for  
10 some reason.  
11  
12 PAUSE WHILST AUDIO EQUIPMENT IS CHECKED  
13  
14 HIS HONOUR: Right. We are right to continue.  
15  
16 MR URQUHART: We are. Thank you, sir.  
17  
18 ASSOCIATE: If you can talk for a minute and check the  
19 recording.  
20  
21 MR URQUHART: All right, then. I'll just see where we're  
22 going with that. Okay?  
23  
24 ASSOCIATE: Happy with that.  
25  
26 MR URQUHART: Are we right to go?  
27  
28 ASSOCIATE: Yes.  
29  
30 MR URQUHART: Q. Mr Philpott, during your time as  
31 Chairman of the Authority, were there occasions when you  
32 became aware of someone who had worked for a long time  
33 either as a Board member or as part of the hostel staff and  
34 had resigned, that a letter of appreciation would be sent  
35 to them --  
36 A. No.  
37  
38 Q. -- by the Authority?  
39 A. No, not by the Authority.  
40  
41 Q. Sorry, are you saying that --  
42 A. No.  
43  
44 Q. -- that never happened?  
45 A. I'm trying to go back over 40 years. I really can't  
46 recall.  
47

1 Q. Okay. Because always expect the unexpected. I  
2 suggest to you there was an occasion where Mr Len  
3 Wilkinson, the Chairman of the Katanning Board - when the  
4 Authority was advised of his resignation, that it was  
5 actually stated in the minutes that a letter would be sent  
6 to him?

7 A. I can't recall that, sir.

8  
9 Q. Okay. But if that was --

10 A. It is not a general - it was not a general thing that  
11 took place --

12  
13 Q. No.

14 A. -- but it could have been.

15  
16 Q. Yes. I'm just thinking though, in circumstances where  
17 there's no suggestion of any impropriety or improper  
18 behaviour by a warden who had served at one hostel for  
19 14 years, which was the case with Roy Wenlock, that  
20 there's - a suggestion at least the Minister concerned,  
21 that he was extended a letter of appreciation?

22 A. No. And that letter of appreciation would have come -  
23 should have come from the church. That's really, as he  
24 understood it, we understood it, the outside world  
25 understood it, he was employed by the Anglican Church.

26  
27 Q. Do you know what job he eventually had after he left  
28 Northam Hostel?

29 A. I understand that he went to the WACA.

30  
31 Q. Yes. And were you aware of what position he had at  
32 the WACA?

33 A. Only that I heard his voice over the PA and I know  
34 that he did - founded a museum there. That's the only two  
35 areas I know he was occupied in.

36  
37 Q. Well, the information that we've received, that when  
38 he was employed by the WACA in 1979, he held the position  
39 of a development officer, which actually meant coaching -  
40 which involved coaching young boys cricket. Were you aware  
41 of that?

42 A. No, I was not.

43  
44 MR URQUHART: If you bear with me for one minute, please.

45  
46 HIS HONOUR: Did you want to tender the minutes of the  
47 executive meeting.

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

MR URQUHART: Sorry, which one's that?

EXHIBIT #126 MINUTES OF THE EXECUTIVE MEETING

MR URQUHART: Sorry, the minutes of the executive meeting. Yes, sir, thank you. In fact, I was checking to see if I'd done that. Thank you, sir. That's all the questions I have for Mr Philpott.

HIS HONOUR: Right. Nothing from Mr Jenkin or Ms Morgan.

MR JENKIN: Thank you.

MS MORGAN: No, thank you.

HIS HONOUR: Mr Rafferty?

MR RAFFERTY: Thank you, sir.

<CROSS-EXAMINATION BY MR RAFFERTY:

MR RAFFERTY: Q. Mr Philpott, Bishop Challen was on the Authority for just over a couple of years; was that correct?

A. Correct.

Q. It may have been longer than that.

MR URQUHART: Five years.

MR RAFFERTY: Five years, I was about to say. I was looking at the minutes, but it was actually five years.

Q. During the course of that five years, do you agree that there was some tension between the Authority's overarching role with respect to hostels, and the church's involvement in the five hostels that it managed?

A. As I grew into the Chairmanship, I found out that there was some tension between the local - the state Treasury and the Anglican Church.

Q. Can I just stop you there?

A. Okay, sorry.

Q. We'll go through this slowly for the benefit of his Honour?

1 A. Sorry.  
2  
3 Q. Was there a member of Treasury, in 1978, on the  
4 Hostels' Authority?  
5 A. Mr Dransfield.  
6  
7 Q. So that's Mr M R Dransfield?  
8 A. That's him.  
9  
10 Q. What was his first name, for the benefit of his  
11 Honour?  
12 A. I can't help you.  
13  
14 Q. It started with an "M"?  
15 A. It's 40 years ago.  
16  
17 Q. I understand that. But he was effectively Treasury's  
18 delegate on the Authority?  
19 A. Correct, correct.  
20  
21 Q. And obviously had significant interest in the way that  
22 the authority dealt with its funds?  
23 A. Yes, very much so.  
24  
25 Q. And the funds were obviously State Government funds?  
26 A. Correct.  
27  
28 Q. That were being filtered out through the - I think  
29 there were 12 hostels at the time; is that correct?  
30 A. Yes, I'd say 12, yes.  
31  
32 Q. But five of those hostels were effectively being  
33 independently run by the Anglican Church; is that correct?  
34 A. At least five. There's the south-west too.  
35  
36 Q. Is it the case that that's where the tension arose,  
37 that there was a church-run organisation that was receiving  
38 State-run funds and that the Authority wasn't necessarily  
39 having the control that it required?  
40 A. Yes.  
41  
42 Q. And did that become somewhat of a bone of contention  
43 between - and not in a nasty way - but it became a bone of  
44 contention between yourself and Bishop Challen during the  
45 time of your Chairmanship?  
46 A. We got on very well, I thought. But I guess on that  
47 particular point there probably was some strain.

1  
2 Q. And as far as 1977/1978, at that time, whilst you  
3 accept that the Authority had the overarching control or  
4 overarching responsibility for Anglican Church-run hostels,  
5 it was actually the church themselves that specifically ran  
6 those hostels?  
7 A. Certainly was.  
8  
9 Q. And any staff were employed by the Anglican Church?  
10 A. As they understood it, yes.  
11  
12 Q. Was there any - I'm trying to remember the term that  
13 we used last time - deeds of arrangement or anything like  
14 that --  
15  
16 HIS HONOUR: Letter of arrangement.  
17  
18 MR RAFFERTY: Thank you, sir.  
19  
20 Q. Letters of arrangement with the Anglican Church-run  
21 hostel?  
22 A. Yes, they had an Anglican Church hostel's statute.  
23  
24 Q. Right. So within the church there was a statute. I'm  
25 talking about was there any letter of arrangement between  
26 the Hostels Authority and those church-run hostels?  
27 A. No, the statute took that place.  
28  
29 HIS HONOUR: Q. So there was a statute that pre-existed  
30 the Authority that just continues, is that what you're  
31 saying?  
32 A. Yes.  
33  
34 MR RAFFERTY: That's my next question, thank you, sir.  
35  
36 Q. And no one had any difficulties --  
37  
38 HIS HONOUR: Q. And this is a statute passed by the  
39 Anglican synagogue?  
40 A. Yes, correct.  
41  
42 MR RAFFERTY: Q. And that had been in existence before  
43 you became Chairman in 1976?  
44 A. Certainly was.  
45  
46 Q. And it continued for a time after you became Chairman  
47 in 1976?

1 A. It did.  
2  
3 Q. But certainly you were very keen, given the  
4 Authority's legislative role, to take greater Authority and  
5 control over Anglican-run hostels?  
6 A. Yes. That's the Treasury sort of kept nagging me  
7 about that; so, yes, it was.  
8  
9 HIS HONOUR: Q. Just to clarify: what authority did the  
10 Authority have over the Anglican Church hostels?  
11 A. We had an overarching Authority over them all, which  
12 they acknowledged, but most underneath all that was really  
13 the Anglican Church.  
14  
15 Q. So what you're saying, I think, they were left to run  
16 themselves --  
17 A. Yes.  
18  
19 Q. -- but you were in a position to step in and --  
20 A. Yes.  
21  
22 Q. -- overrule them if you wished?  
23 A. Yes.  
24  
25 Q. Is that right?  
26 A. Correct.  
27  
28 HIS HONOUR: Okay.  
29  
30 MR RAFFERTY: Thank you, sir.  
31  
32 Q. And we'll finish on this note. Did you at any stage  
33 up until allegations came out recently, know that Roy  
34 Wenlock had been behaving inappropriately with students in  
35 Northam?  
36 A. No, I did not.  
37  
38 Q. Again, as a father of five, what would you have done  
39 if you had of known that children were being sexually  
40 abused?  
41 A. I would have absolutely done something about it.  
42  
43 MR RAFFERTY: Thank you, sir, I have nothing further.  
44  
45 HIS HONOUR: Thank you, sir. Anything arising?  
46  
47 MR URQUHART: Yes.

1  
2 <RE-EXAMINATION BY MR URQUHART:  
3  
4 MR URQUHART: Q. And who do you attribute responsibility  
5 for that, for you not being advised about Roy Wenlock's  
6 behaviour?  
7 A. I would say Bishop Challen.  
8  
9 Q. Entirely?  
10 A. Well, he was on the Board, on the Authority; so, yes,  
11 I think I would say entirely. Perhaps the Board.  
12  
13 Q. All right, sir.  
14 A. They were a very good Board. Had the Mayor of Northam  
15 on it; but, yes, I'd say Bishop Challen.  
16  
17 Q. So the only person that you would attribute  
18 responsibility for who was on the Authority would be Bishop  
19 Challen --  
20  
21 MR RAFFERTY: Sorry, responsibility for what, sir.  
22  
23 THE WITNESS: Yes, I was just going to.  
24  
25 MR URQUHART: Q. Responsibility for the fact that the  
26 other members of the Authority were not told or not aware  
27 of Roy Wenlock's behaviour?  
28 A. No, they weren't.  
29  
30 Q. So the only person on the Authority you say was  
31 responsible for that was Bishop Challen?  
32 A. Yes.  
33  
34 Q. And you don't take any responsibility for the  
35 Authority generally --  
36 A. Yes --  
37  
38 Q. -- for what happened?  
39 A. Yes, I do.  
40  
41 HIS HONOUR: In that respect. In that respect you mean.  
42  
43 MR URQUHART: Q. In that respect, yes. In that respect?  
44 A. Without knowing about it, how could I?  
45  
46 Q. I suppose it gets back to the same question, that if  
47 the Boards weren't aware of their responsibilities towards

1 the Authority, where the blame lies or who was responsible  
2 for that - and I've already asked you that. I gather from  
3 what you say it's commonsense, and the Authority couldn't  
4 be held responsible for that?  
5 A. In the long term the Authority is responsible for the  
6 lot, but in - in specific things such as this, I would say  
7 having to sheet home the blame, I would probably say Bishop  
8 Challen should have advised the Authority.  
9  
10 Q. All right. So it seems that these two matters that  
11 we've investigated - this incident regarding Roy Wenlock  
12 and Dennis McKenna - that the responsibility for the lack  
13 of communication between the Authority and the Boards, in  
14 your view, both the responsibility for that both lied with  
15 the Boards.  
16  
17 MR RAFFERTY: Sorry, your Honour, that's not --  
18  
19 THE WITNESS: Yes.  
20  
21 MR RAFFERTY: -- that wasn't my client's answer to that  
22 question in relation to the issue in relation to --  
23  
24 HIS HONOUR: Well, he did say in relation to Katanning --  
25  
26 MR RAFFERTY: Yes.  
27  
28 HIS HONOUR: -- that the Katanning Board was responsible.  
29  
30 MR RAFFERTY: I understand that, but that's not the way my  
31 learned friend just prefaced the question, because he said  
32 both, because in relation to Northam he said it was Bishop  
33 Challen who was also a member of the Authority at the same  
34 time. So my learned friend should put it in the context of  
35 the evidence. He can - oh, he's upset - it was not the  
36 evidence. It should be put in an evidentiary context  
37 because if it's going to be an adverse finding or  
38 potentially an adverse finding, the specificity of  
39 questions - as much as my learned friend doesn't like this  
40 - is important. It is crucial and it's where he's got into  
41 trouble before, and I asked him to make the question  
42 specific.  
43  
44 MR URQUHART: Look, I'm going to interrupt my learned  
45 friend there because his client had already said that he  
46 also attributed responsibility to the Board with respect to  
47 the Northam matter.

1  
2 MR RAFFERTY: No.  
3  
4 MR URQUHART: And he did that, yes.  
5  
6 HIS HONOUR: All right.  
7  
8 MR URQUHART: My learned friend's got to get things right  
9 if he's going to make an objection. And that's what Mr  
10 Philpott said.  
11  
12 HIS HONOUR: Well, I think ask your question again and  
13 we'll get the answer.  
14  
15 MR URQUHART: Q. The two matters that we've investigated  
16 in this Inquiry of significance has been the matters  
17 involving Dennis McKenna and the matters involving Roy  
18 Wenlock. I'm trying to summarise what I understand your  
19 evidence to be, and that is this: that in the matter  
20 regarding Dennis McKenna and the lack of communication  
21 between the Board and the Authority, the responsibility lay  
22 with the Board; correct?  
23 A. Correct.  
24  
25 Q. And that with respect to the matter involving Roy  
26 Wenlock, the responsibility for the lack of communication  
27 between the Authority and the Northam Hostel regarding  
28 that, Northam Hostel Board, was Bishop Challen, and you  
29 also added the Board as well?  
30 A. I would say more it would be Bishop Challen, because  
31 he was a member of the Authority.  
32  
33 Q. And the point I'm trying to make though, is you don't,  
34 in your view, believe that the Authority, aside from the  
35 fact that Challen, Bishop Challen, was a member of the  
36 Authority in this instance - that the Authority was in any  
37 way responsible for this lack of communication?  
38 A. I'd say my answer to that would be the ultimate in the  
39 end responsibility overall would rest with the Authority.  
40 But, the handling of matters such as - such as this at  
41 Northam is in the hands of the local Board and in this  
42 instance an Authority member.  
43  
44 Q. So --  
45 A. So we should possibly say then, for what you are  
46 saying, we should go back a long way and find out why it  
47 wasn't boards weren't informed along the way.

1  
2 Q. So for want of a better word, although you say that  
3 the Authority was ultimately responsible, by that you're  
4 certainly not saying that the Authority was to blame for  
5 this lack of communication?  
6 A. It wasn't.  
7  
8 MR URQUHART: Thank you, sir, that's the only other  
9 matters.  
10  
11 HIS HONOUR: All right. Well, that's fine. Well, that  
12 completes the evidence. Thank you, Mr Philpott, you're  
13 free to go. And I shall adjourn until when, Mr Urquhart?  
14  
15 MR URQUHART: One more matter, sir, that we can deal with,  
16 if we can. Mr Rafferty can be excused, as can Mr Philpott,  
17 because it doesn't concern them.  
18  
19 HIS HONOUR: All right then. So you're free to go, thank  
20 you very much.  
21  
22 <THE WITNESS WITHDREW  
23  
24 MR RAFFERTY: I understand Mr Philpott is going to be  
25 required again, sir, so we need to sort out a date.  
26  
27 HIS HONOUR: All right. We're still receiving  
28 information.  
29  
30 MR RAFFERTY: I understand.  
31  
32 HIS HONOUR: It's a bit of a flood of information at the  
33 moment, so I don't know where it will lead to.  
34  
35 MR RAFFERTY: No, I've spoken to Mr Urquhart, and  
36 apparently we'll try and work out a date, sir.  
37  
38 HIS HONOUR: Yes.  
39  
40 MR URQUHART: Yes, sir, this I indicated in my opening on  
41 Wednesday, that the Inquiry anticipated that it may well be  
42 able to get a statement from a relative of Mr Wenlock's, in  
43 light of the fact that Mr Wenlock died five years ago.  
44 We've been able to do that. This relative requested that  
45 their name not be revealed, but I just simply read into  
46 evidence a short statement they've prepared, and I'll do  
47 that now, sir. It's titled "Statement From Roy Wenlock's

1 Relative":

2  
3 I feel great sadness at this inquiry.

4  
5 He was very much loved by his Mother,  
6 Father, Sister, Aunties, Uncles, Cousins  
7 and a huge circle of friends - men and  
8 women.

9  
10 His niece and nephew adored him. Two great  
11 nieces and three nephews also adored him.  
12 The great nephews always wanted to visit  
13 him for - 1st a coke and a mars bar, 2nd a  
14 chat.

15  
16 Never once was there any indication of  
17 wrongdoing.

18  
19 He never tried to push religion, sport etc.  
20 on any of his friends or family. If anyone  
21 asked him for an opinion on something he  
22 always gave an honest reply. Encouragement  
23 or otherwise!

24  
25 And there's an exclamation mark after "otherwise":

26  
27 As for religion - I know he would have been  
28 praying as hard as any of us when a great  
29 nephew was the victim of a hit and run that  
30 left him in a mentally handicapped  
31 situation for the rest of his life.

32  
33 Wish he was here to speak for himself.

34  
35 It's been signed by the relative and it's dated, sir, 24  
36 May 2012, which was just yesterday.

37  
38 HIS HONOUR: Right, thank you for that.

39  
40 MR URQUHART: Now, sir, where we go from here. As of  
41 Friday, 1 June of 2012, the Inquiry will not really be able  
42 to accept any further information from the public that  
43 would enable it to conduct a proper investigation of that  
44 material prior to the requirement of it reporting by 18  
45 July.

46  
47 So, sir, the scheduled timetable is this - that by

1 Friday, 8 June 2012, persons will be advised in writing of  
2 counsel assist's recommendations of potential adverse  
3 findings against them, and the reasons for that. And that  
4 by Friday, 15 June, there be a written response to those  
5 recommendations. It will be required that the written  
6 response be made available by then. At this stage it's  
7 scheduled for 21 and 22 June, will be set aside for oral  
8 submissions from counsel assisting and persons who may  
9 still be the subject of those recommendations of potential  
10 adverse findings by counsel assisting.

11

12 Having said all that, sir, it is likely that further  
13 evidence is to be called between now and 21 June. It will  
14 be a case of sooner rather than later, given that  
15 timetable. A notice of those hearing days will be provided  
16 on our website as soon as they are determined. And,  
17 finally, sir, I should add that it's not anticipated that  
18 the Inquiry would require any extensions beyond the date of  
19 Wednesday, 18 July, to hand down its report.

20

21 HIS HONOUR: I think the caveat to that is if between now  
22 and 1 June there's information which is relevant to the  
23 terms of reference and which requires any extensive  
24 investigation, then the position might be different.

25

26 MR URQUHART: Indeed.

27

28 HIS HONOUR: At this stage we do not anticipate that  
29 there'll be any requirement for an extension beyond 18  
30 July.

31

32 MR URQUHART: Yes, sir, that's right. That's why I said  
33 it's not anticipated.

34

35 HIS HONOUR: That's right.

36

37 MR URQUHART: But, of course, things could always change.

38

39 HIS HONOUR: Very well.

40

41 MR URQUHART: That's the situation as it stands.

42

43 HIS HONOUR: I'll simply adjourn to a date to be fixed.

44

45 HIS HONOUR: Yes.

46

47 MR URQUHART: Yes, thank you, sir, and as much notice as

1 possible will be given on the Inquiry's website of when  
2 that date will be.

3  
4 HIS HONOUR: Yes, thank you for that.

5  
6 MR URQUHART: Thank you, your Honour.

7  
8 HIS HONOUR: I'll now adjourn.

9  
10 AT 4.43PM THE HEARING ADJOURNED TO  
11 A DATE TO BE FIXED

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47