

Special Inquiry into St Andrew's Hostel

Hearing

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

Monday, 27 February 2012 at 10.06am
(Day 5)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Yes, Mr Urquhart.
2
3 MR URQUHART: I thank your Honour. The first witness that
4 will be called today is Nikola MacLennan, and
5 Mrs MacLennan is in the back of the hearing room and she
6 will take the affirmation.
7
8 <NIKOLA MARY MacLENNAN, affirmed:
9
10 <EXAMINATION-IN-CHIEF BY MR URQUHART:
11
12 MR URQUHART: Q. Ms MacLennan, your full name is Nikola,
13 and you've got a middle name, haven't you?
14 A. Mary.
15
16 Q. Mary MacLennan. And do you reside in the Perth
17 metropolitan area?
18 A. Yes.
19
20 Q. And your current occupation?
21 A. School psychologist.
22
23 Q. Is that with the Department of Education?
24 A. Yes.
25
26 Q. Ms MacLennan, would you be able to tell us, please,
27 your qualifications? Obviously you have a degree in
28 psychology, but do you also have other degrees?
29 A. I have an Honours degree in psychology from London
30 University.
31
32 Q. When did you get that?
33 A. 1971, I think. I have a teaching certificate from
34 Claremont Teachers College - that was a teaching
35 certificate to make me qualified as a four year teacher,
36 and I have a further qualification in special education - a
37 graduate diploma.
38
39 Q. If I could go through your work history. Your first
40 job was what?
41 A. Very, very first job?
42
43 Q. No, just in the area with respect to those degrees.
44 Were you a teacher first?
45 A. Yes, yes. I qualified as a teacher in 1974, spent two
46 years in Wagin teaching primary, had a break for family
47 reasons, did - yeah, I took maternity leave, came back as a

1 part-time teacher. I had another leave for maternity
2 reasons, and in that time I got my qualifications in
3 special education and then I think it was 1985 or 1986
4 I worked on getting my status appropriate as an overseas
5 qualification to do school psychology, so I had to get
6 ratification that my London degree was equivalent to the
7 degrees here.

8

9 Q. Were you able to get that qualification by 1988?

10 A. Yes.

11

12 Q. Did you have your first posting as a school
13 psychologist that year?

14 A. 1988.

15

16 Q. Yes.

17 A. No, that was 1987, wasn't it?

18

19 Q. I apologise, 1987, yes.

20 A. Narrogin, yes.

21

22 Q. 1987. Is it the case that someone such as yourself
23 embarking on a career in school psychology, that you are on
24 a probation period?

25 A. Yes.

26

27 Q. Can you explain to us how that works?

28 A. Well, it's one of those little odd things. As a
29 teacher, I got my permanency from working for two years, so
30 I was permanent as a schoolteacher. Permanency lapsed, and
31 in those days you then had to go right back to the
32 beginning and redo your permanency. So I entered as a
33 school psychology and then had to establish my permanency
34 again, so I had two years working full time under
35 supervision basically.

36

37 Q. So 1987 you were at Wagin?

38 A. I worked in Narrogin in the office.

39

40 Q. Sorry, Narrogin, my apologies.

41 A. Yes.

42

43 Q. After that year you went to Katanning.

44 A. Yes.

45

46 Q. Where did you teach in Katanning?

47 A. I was doing school psychology work - guidance work

1 they called it then, they changed the name - at all the
2 primary schools in the Katanning region - Catholic primary
3 schools as well, and the outlying ones - Broomehill,
4 Woodanilling, and the high school. So I had two days for
5 the primary schools in all the whole region and three days
6 I was attached to the high school.

7
8 Q. Whilst on probation, people such as yourself, are they
9 subject to assessment reports by those people who are
10 supervising you?

11 A. Yes.

12
13 Q. So in 1987 can you recall who it was who did the
14 assessment report when you were at Narrogin?

15 A. That was Mr Kilkeny.

16
17 Q. What position did he hold?

18 A. District guidance officer.

19
20 Q. In 1988, did you have assessment reports prepared that
21 year?

22 A. Yes.

23
24 Q. Who was responsible for preparing those?

25 A. The district guidance officer who was based in Albany
26 for the Albany region, and that was Mr Hamilton, and he did
27 that in conjunction with the principals I was working for.

28
29 Q. You'll have to keep your voice up, if you can,
30 Ms MacLennan, because that microphone is not actually going
31 to amplify your voice.

32
33 The principal at the Katanning high school?

34 A. That was Mr Murray.

35
36 Q. Is that Ian Murray?

37 A. Ian Murray.

38
39 Q. You said that these reports were done in conjunction.
40 How did that work, do you know?

41 A. Essentially, the school psychologist, the guidance
42 supervisor, was responsible for my professional development
43 in situ in the schools, so basically, if the schools had a
44 complaint about me, one should be assisted to address those
45 complaints, and that would be overseen by the guidance line
46 management.

1 Q. Were you aware who actually completed these assessment
2 reports? Was it the people based at the school, or was it
3 the guidance officer, Mr Hamilton?
4 A. Certainly Mr Murray, because I had the most amount of
5 time with him, had the overriding influence, and that was
6 my understanding, that his assessment carried more weight.
7
8 Q. So you mentioned that Mr Hamilton was in Albany,
9 I think; is that right?
10 A. Yes.
11
12 Q. How frequently would you see him when you were in both
13 places, both Narrogin and Katanning?
14 A. In Narrogin the situation was different. I was based
15 in what we had the district office, so I was working in a
16 small office in Narrogin, all the psychologists were there,
17 except for the ones based in a high school. When you were
18 based in a high school you have an office in the high
19 school and you're a little bit more autonomous. So with
20 Mr Kilkenny, we were working very closely, because we would
21 go out and work together and show me the ropes. When I got
22 to Katanning, the office was two hours drive away in
23 Albany, and one-to-one I saw Mr Hamilton infrequently.
24
25 Q. I want to ask you now about your time at the time
26 Katanning senior high school in 1988, because you said that
27 you worked there three days a week and at the other primary
28 schools for two days a week. How many other primary
29 schools were there, about, that you worked at?
30 A. St Patrick's, Braeside, Katanning primary, Woody -
31 Woodanilling, I think Broomehill and I do remember going to
32 Kojonup - it was a bit of a shared responsibility I think -
33 and pre-primaries as well. So there was a lot of places to
34 address.
35
36 Q. Can I take you, please, to a particular incident at
37 the Katanning senior high school in 1988 and a time there
38 where you had only been at the school for about a month,
39 and do you recall a particular incident?
40 A. It was a Monday morning. It was close to the
41 beginning of the school day, and a year 8 student came to
42 me in considerable distress.
43
44 Q. Where did he come to see you?
45 A. To my office.
46
47 Q. Where was your office --

1
2 HIS HONOUR: Q. It was a boy, was it?
3 A. A boy.
4
5 MR URQUHART: Q. Where was your office?
6 A. The school is built around a courtyard, and one end of
7 the courtyard was the library, and I think it was the
8 eastern side of the library that was the guidance office.
9 So it was accessible from the playground, because these
10 courtyards doubled as playgrounds, or where you ate and
11 moved between classes, so it was freely accessible. And
12 the door was open. There was no window, so I usually kept
13 the door open when I was there, so people would know I was
14 there. So this young man came in and he was extremely
15 distressed, sobbing his heart out.
16
17 Q. Did he say anything to you?
18 A. He wanted to ring his mum.
19
20 Q. Did you allow him to do that?
21 A. I said, "Here's the phone."
22
23 Q. Did he get through to someone on the other end?
24 A. Initially he didn't get through, because I had omitted
25 to give him - say, "Look, you have to dial an outside
26 line." You know, he was very distressed and I was, you
27 know, wondering why it was - I was perhaps - so anyway he
28 got through to the school nurse and then got through to his
29 mum. I must have sorted it out.
30
31 Q. So I gather there was a brief conversation with the
32 school nurse while that mistake was sorted out?
33 A. The school nurse had an office at a different area. I
34 don't know what he said to her, but he certainly got
35 through to his mum.
36
37 Q. Did you hear what he was saying to his mother?
38 A. No, I didn't.
39
40 Q. Can you recall what happened --
41 A. I stepped out of the office while he was talking to
42 his mum.
43
44 Q. To allow him some privacy; is that right?
45 A. Yeah - yes.
46
47 Q. Did you know whether this particular boy was in a

1 special class?
2 A. When I followed up, so to speak, yes, he was in the
3 class that we called - it was a support class for children
4 who do not - are not as highly skilled in the literary, so
5 they need support. They can't really cope with the full
6 curriculum. These children are generally identified by the
7 school psychologist and actually a fair amount of our work
8 is covered in assessing children and making sure that they
9 are in the appropriate class. So, clearly, this child was
10 having difficulties at school.
11
12 Q. Are you aware whether anybody else was alerted to this
13 phone call that this boy wanted to make to his mother,
14 apart from the school nurse?
15 A. Yes, because I was then met by Mr Murray.
16
17 HIS HONOUR: Q. How long after the phone call?
18 A. I should think within half an hour. Mr Murray must
19 have sought me out.
20
21 MR URQUHART: Q. Can you --
22 A. Because he had been alerted to the phone call by the
23 school nurse.
24
25 Q. So that was about half an hour.
26 A. Possibly, yes.
27
28 Q. Did you go and meet with Mr Murray?
29 A. Yes. I did meet him face-to-face, yes.
30
31 Q. Do you know where that was?
32 A. It could have been outside his - the administration
33 office or in the - as I say, there was a yard between my
34 office and the administration office and between the
35 staff room. The administration and the staff room are
36 close together, so, as I say, certainly he was alerted. He
37 was alerted to the fact by the nurse that I had allowed
38 this boy to contact his mum.
39
40 HIS HONOUR: Q. Did he tell you that, did he? How did
41 you know that?
42 A. He would have - he told me.
43
44 HIS HONOUR: Q. That's what I'm asking. He told you
45 that?
46 A. Yes.
47

1 HIS HONOUR: Q. That he had been alerted by the nurse to
2 the phone call.
3 A. Yes, yes. Sorry.
4
5 MR URQUHART: Q. Apart from what he said to you there,
6 do you recall any other conversation that he had with you?
7 A. Later I was asked - and I think - I'm sorry about the
8 hesitation, but I'm not 100 per cent certain, but I'm
9 almost certain Mr Murray said to me, "Look, you have to go
10 to the hostel, see Mr McKenna and the boy's mum." So when
11 the boy's mum came to the hostel, I met with Dennis
12 McKenna, the boy's mum, and the boy.
13
14 HIS HONOUR: Q. About how long after the phone call was
15 that?
16 A. It would have been about lunchtime by then.
17
18 HIS HONOUR: Q. So the same day?
19 A. Oh, yes. The boy's mum came straight away - came to
20 the hostel and it would have been - yeah, it was towards
21 lunchtime, the middle of the day.
22
23 MR URQUHART: Q. I gather you are aware that there were
24 a number of students at the high school who stayed at the
25 hostel there?
26 A. Oh, yes.
27
28 Q. We're referring to that as the "Katanning hostel", but
29 I think other people refer to it as the "St Andrew's
30 hostel".
31 A. Yep.
32
33 Q. What do you prefer to call it? What name did you know
34 it as?
35 A. I think we knew it as "the hostel".
36
37 Q. Did you know what connection this boy had, if any, to
38 the hostel?
39 A. He was a boarder.
40
41 Q. Did you know that at the time you allowed him to make
42 the phone call to his mother, can you recall?
43 A. Yeah, he was - I knew he was a hostel student. He
44 said - he told me. He boarded - it was a weekend - it was
45 after a weekend, yes.
46
47 Q. So you went to the hostel?

1 A. Went to the hostel.
2
3 Q. And there did you meet with Dennis McKenna?
4 A. Met with Dennis McKenna, the boy, and the mum.
5
6 Q. Can you recall whether Mr McKenna said anything to
7 you?
8 A. The conversation was not really directed to me, but
9 the conversation was from Mr McKenna. He looked
10 patronisingly to the boy and the mum, and he said - the
11 words I cannot recall exactly, but to the effect to the
12 mum, "We look after your child. We can make him happy
13 here. We look after him if there's any difficulties. We
14 go on camps, we have fun. Don't worry about his emotional
15 happiness," and Mr McKenna was most reassuring to the mum.
16 The boy said absolutely nothing.
17
18 Q. Can you recall what happened after that insofar as
19 that group was concerned? Did you see the mother leave?
20 What happened to the boy?
21 A. I didn't see mum leave. I imagine that between the
22 boy and the mum and McKenna they sorted out whatever the
23 problem was.
24
25 Q. Was there any conversation by anyone regarding the
26 fact that this boy had called his mother?
27 A. Later I was asked to see Mr Murray.
28
29 Q. We will move on to that. When you say later you were
30 asked to see Mr Murray --
31 A. Yes.
32
33 HIS HONOUR: Q. How much later?
34 A. Good question. Sorry. I think it was later on in the
35 afternoon, but I --
36
37 HIS HONOUR: Q. So the same day?
38 A. Yeah, I'm pretty certain it was the same day.
39
40 MR URQUHART: Q. And if not the same day?
41 A. It was the next afternoon. It was, yeah, very soon
42 after. I was asked to see Mr Murray.
43
44 Q. Can you recall where that meeting took place?
45 A. In his office, which was westward-facing in the
46 administration block.
47

1 Q. Do you remember that conversation?
2 A. This conversation has just remained with me for - and
3 I remember it clearly. I was - in a sense, the tone was,
4 "You don't need to have anything to do with the hostel
5 students." I looked blankly, and Mr Murray went on to say,
6 "It's the best-run hostel in the State." I don't remember
7 making any comment at all, but he went on to explain that
8 Mr McKenna was a very good psychologist, and I looked
9 blankly at him. And then he said, "He's a very good
10 amateur psychologist." I did not respond - I don't
11 remember what I said if I did respond, but I must have
12 said, "Well, what do I do if hostel students want to come -
13 to use my services, so to speak?" I was there as the
14 school psychologist, the counsellor, who has slightly
15 separate and our own professional responsibilities and our
16 own professional code of conduct - code of ethics that
17 children, people, staff, students, parents can see us
18 confidentially. That's what the job is. And Mr Murray
19 said for hostel students I should let Mr McKenna know
20 first, and that was probably the end of our conversation.

21
22 Q. So, as I understand it, if you were to see a hostel
23 student --

24 A. I should let them know first.

25
26 Q. -- you should let Mr McKenna know first.

27 A. That was my instruction.

28
29 Q. Had you received that instruction before you started
30 work there?

31 A. No.

32
33 Q. Do you recall this topic of the conversation being
34 raised with you by anybody else at around this time?

35 A. I didn't speak to any - you mean who do I --

36
37 Q. Did anybody else remind you or tell you that this was
38 now going to be --

39 A. No, nobody - nobody, but if I raised this matter with,
40 like, Mr Hamilton, who was the professional supervisor and
41 the next person in line management of me, in conjunction
42 with Mr Murray, his instruction was that I have to do what
43 the principal says. That was my instruction.

44
45 HIS HONOUR: Q. So if you just go back over that, I'm
46 not quite sure whether you are saying you were told that by
47 Mr Hamilton or what.

1
2 MR URQUHART: I was going to clarify it as well.
3
4 Q. Are you saying that you spoke to Mr Hamilton about
5 this?
6 A. Well, I raised it with Mr Hamilton.
7
8 Q. So what did you say to him?
9 A. Look, I can't recall that conversation exactly.
10 I can't recall when it happened. Remember, Mr Hamilton is
11 in Albany. It might have been a phone call at some stage.
12 Essentially, I was autonomous in Katanning and would only
13 refer to Mr Hamilton on a needs basis and, if I raised this
14 matter, I might have raised it in conjunction with this
15 feeling that I wasn't getting on too well with Mr Murray -
16 if I raised this matter of not seeing hostel students, his
17 response was to do what Mr Murray said.
18
19 Q. So you raised this matter about having to speak to
20 Dennis McKenna before you saw a hostel student. You had
21 that conversation about that topic with Mr Murray and
22 Mr Hamilton. Did you have any conversation with Mr McKenna
23 regarding this subject matter?
24 A. Mr McKenna came to my office. It possibly was that
25 same afternoon, the next afternoon - I know it was an
26 afternoon.
27
28 HIS HONOUR: Q. Which afternoon?
29 A. Look, I'm sorry, whether it was that same afternoon,
30 the second afternoon, I know --
31
32 HIS HONOUR: Q. After the boy came to you?
33 A. Yes.
34
35 HIS HONOUR: Q. So you are talking about all within the
36 first two days after this incident?
37 A. Yes, after the incident with the boy, after seeing
38 Mr Murray.
39
40 HIS HONOUR: Q. You just have to establish timing of
41 things, you see.
42 A. Well - yeah.
43
44 HIS HONOUR: Q. That's all right. We now know what you
45 are saying.
46 A. Sorry, Mr McKenna came to my office within two days -
47 maybe that afternoon, maybe the second afternoon.

1
2 MR URQUHART: Q. Before or after the meeting with
3 Mr Murray where he told you --
4 A. Afterwards. Mr McKenna came into my office. There's
5 an outside door. On the right is my desk. You walk in the
6 door, there are two chairs where people sit so we can sort
7 of, you know, have a conversation. He sat down. He said,
8 "You don't need to have anything to do with hostel
9 students." And he went on, "If they're homesick," or
10 something like that "I counsel them. I sit on their bed
11 and I counsel them. This is my job." And that was about
12 the extent of the conversation - no more, no less.
13
14 Q. Can you recall his demeanour when he was saying this
15 to you?
16 A. It was - it's hard to find exactly the right words.
17 He was casual about it, I would say. It was certainly not
18 the sort of normal meeting I would have with a fellow
19 professional who we'd sort of established credibilities
20 with or with, you know - there weren't many sort of
21 introductions, no. He seemed to just come in, plonk
22 himself down, and tell me to - that my services weren't
23 required for hostel students; he dealt with them.
24
25 Q. Did you make any attempt to question that with him?
26 A. No.
27
28 Q. Any reason for that?
29 A. I was probably so astonished I didn't know where to
30 start, and I just had the instruction from Mr Murray.
31 I didn't - no, it wasn't the appropriate - well, I didn't
32 think it at the time, I didn't judge it appropriate to have
33 a discussion about it.
34
35 Q. I asked you, Ms MacLennan, about assessment reports
36 that you received during this period of probation as
37 providing counselling services. Do you recall now that you
38 received four such assessment reports from 1987 through to
39 1989?
40 A. Four?
41
42 Q. Yes.
43 A. Look, I have three on file, but --
44
45 Q. When you say "three on file", on your own file?
46 A. I have three which were on my Education Department
47 file. I haven't kept copies. When I moved house, I tossed

1 everything out.
2
3 Q. I am going to show you a number of reports now. I'll
4 deal with one that is titled "1987" and maybe it might be
5 best if your Honour's associate could bring those up on the
6 screen. The first one will be 0034.
7
8 Ms MacLennan, would you rather look at the screen
9 there, or would you like your own hard copy in front of
10 you?
11 A. I can see that okay from here.
12
13 Q. Can you see that?
14 A. I'll use this.
15
16 Q. That might be easier. Just look at that. Do you
17 recognise that as a personal appraisal which was for you
18 for term 4 of 1987?
19 A. Yes.
20
21 Q. Is this the one that was completed, and I think you've
22 already mentioned his name earlier, by Mr Kilkenny?
23 A. That's right.
24
25 Q. There are a number of pages. We'll go through each
26 one. Does that first page indicate how the marks are
27 assessed inside the report and the numbering system?
28 A. Yes.
29
30 Q. From 1 through to 5, and 5 being the highest mark you
31 can get for "outstanding", right through to 1 being
32 "unsatisfactory, intensive help needed".
33 A. Yes.
34
35 Q. If we can now go to the second page, insofar as this
36 report has been prepared, the first heading is "Consultant
37 skills". Can you see the marks that you were graded
38 there - 4, 4, 5 and 3?
39 A. Yes.
40
41 Q. Then going down to Communication Skills and the
42 various subcategories there, you received marks of 4, 5,
43 4 and 4. Yes?
44 A. Yes.
45
46 Q. Going on to the next page, the next category is
47 Intervention Plan. In the seven subcategories there did

1 you obtain marks of 4, which means highly satisfactory?
2 A. Yes.
3
4 Q. The final category is Professional Characteristics and
5 once more, did you, in that case, achieve three marks of 5
6 and two of 4?
7 A. Yes.
8
9 Q. Do you see that? Right?
10 A. Yes.
11
12 Q. If you go on to the final page, there are some
13 comments made by the writer of this report:
14
15 Ms MacLennan has completed an excellent
16 first year in guidance. Her posting in
17 1988 is to Katanning, where she will extend
18 her activities into senior high school
19 work. At Katanning she will also be placed
20 in a position of greater independence and
21 responsibility. Supervision in 1988 to be
22 undertaken by the Albany guidance staff.
23 This will mean exposure to different styles
24 of operation.
25
26 A. Yes.
27
28 Q. At the bottom of that page, Mr Kilkenny has signed it
29 and dated it 15 December 1987, and is that your signature
30 as well, is it?
31 A. Yes, yes.
32
33 Q. Just by way of summary there, it appears that the
34 marks that you got, there was just one mark of 3, which
35 means satisfactory, and the others were gradings of 4 and
36 5?
37 A. Yes.
38
39 MR URQUHART: That will be tendered, sir, in due course
40 but I might just do that as a bundle with the four.
41
42 HIS HONOUR: Yes, by all means. They will all become
43 Exhibit 6.
44
45
46 EXHIBIT #6 BUNDLE OF FOUR ASSESSMENT REPORTS FOR
47 NIKOLA MacLENNAN, 1987 TO 1989

1
2 MR URQUHART: Q. I will show you another one now, which
3 is for 1988, which has the barcode number 0295. In a
4 moment you will be getting the hard copy, Ms MacLennan.
5 A. Thank you.
6
7 Q. That is in a slightly different format than the
8 previous document that we looked at, but does it have
9 exactly the same criteria and assessments?
10 A. Yes.
11
12 Q. Is that right?
13 A. Yes.
14
15 Q. This one, do you recognise this as being for
16 semester 1, 1988?
17 A. Yes.
18
19 Q. The assessment was made whilst you were at Katanning
20 high school?
21 A. Yes.
22
23 Q. Once more, the first page - the district
24 superintendent's name there is Murray Gatti?
25 A. Yes.
26
27 Q. But he was not the district superintendent you had in
28 1987; is that right?
29 A. Yes.
30
31 Q. There was somebody else?
32 A. In 1987, a different superintendent, yes.
33
34 Q. Do you recall who that was?
35 A. I think it was John Reid.
36
37 Q. Once more, it sets out the rating system: 1,
38 unsatisfactory, through to 5, outstanding. If we go to the
39 first page, I understand, from what you have said, this
40 assessment would have been made, and there is a date - if
41 you can just go through to the date, at the last page,
42 before we just go through that.
43 A. Yes.
44
45 Q. There are two days there, 16 June 1988 and 20 June
46 1988. So this is definitely after that incident regarding
47 the year 8 boy?

1 A. Yes.
2
3 Q. Thank you. Let's go back up now to the second page.
4 You will see under section A, which is Consultant Skills,
5 you have been given marks of 3, 2, 2 and 3. Is that right?
6 A. Yes.
7
8 Q. 2 is graded as "Areas of weakness; further help
9 needed"; is that right?
10 A. Yes.
11
12 Q. Then 3 is just "Satisfactory". If we go through to
13 the next one, section B Communication Skills, under the
14 subcategories there you received marks of 2, 3, 2 and --
15 A. 1.
16
17 Q. Is that actually a 1, is it?
18 A. Yes.
19
20 Q. That is "Rapport with teachers and administrators",
21 and a description is given there:
22
23 Interacts positively with classroom
24 teachers and administrators. Mutual
25 respect is evident.
26
27 On to the next page, Intervention Plan, marks of 3, 4, 3,
28 2, 3, 2 and 3; is that right?
29 A. Yes.
30
31 Q. For Professional Characteristics, you received marks
32 of 2, 2, 4, 2 and 2. That ends the assessment side of
33 things, doesn't it. With respect to that, you received a
34 4 for ethics?
35 A. Yes.
36
37 Q. The only other 4 you received on that assessment is
38 the second one from the top of that page for Data
39 Collection; is that correct?
40 A. Yes, yes.
41
42 Q. Can I just ask you about the comments there on
43 section B under Professional Characteristics. It has been
44 written:
45
46 In recent times, Nicky has shown dramatic
47

1 development in these aspects of her work.
2 This change has, in this evaluation, been
3 overshadowed by earlier circumstances, yet
4 continued development will see a
5 significant improvement in the assessment
6 given.

7
8 Do you have any idea what these "earlier circumstances"
9 were?

10 A. I have no - I can't tell you. It was not given to me;
11 it was not presented to me. The only time I recall being,
12 in a sense - what's the right word - given a directive by
13 Mr Murray was over the hostel incident. I don't remember
14 any other situations when my performance was challenged or
15 that I had done something or upset anybody. There was
16 nothing on paper. There was nothing put down in terms of,
17 "Whoops, you've stuffed up there; can you put it right?" I
18 don't recall and I don't believe I was given any indication
19 as to what this was about.

20
21 Q. Ms MacLennan, your earlier evidence has been that you
22 disagreed with that direction that was given to you about
23 not seeing hostel students unless you first went and told
24 Mr McKenna?

25 A. Yes.

26
27 Q. Although you disagreed with it, did you abide by that
28 direction that was given to you?

29 A. Yes.

30
31 Q. Did you actually ever, in that year that you were at
32 Katanning senior high school, speak with a hostel student
33 insofar as offering your counselling services?

34 A. I saw a lot of students when it came to career
35 counselling and subject placement and subject selection,
36 which was not actually confidential counselling in that
37 sense.

38
39 Q. I see. Yes?

40 A. And hostel students I might have discussed - seen them
41 then, yes, for sure. I did not distinguish them. But in
42 terms of personal counselling, I did not follow up on this
43 boy who was upset. I was in close contact with his teacher
44 in this special class, who was very caring.

45
46 Q. Can you recall who that teacher was?

47 A. Should I say her name?

1
2 Q. Yes.
3 A. I think - I'm pretty certain that it was Margaret
4 Taylor but, you know - I think so. I can remember the name
5 of the school nurse, too. Do you want her name as well?
6
7 Q. Well, if you want. If you can remember her name, yes?
8 A. She was Shirley Marshall, I think. So she kept an eye
9 on this young man and I know, in the context of following
10 up, "How is he going?", she would say to me, "Nicky, you
11 won't have anything to do with hostel students." That was
12 a well-known fact after I'd been there some time, and I was
13 really totally - I was surprised at this instruction.
14
15 Q. We can go to the final page now. There is the
16 Induction Plan and there are three points?
17 A. Yes.
18
19 Q. Down a bit further, can we see your signature
20 appearing as the first one and the date 16/6/1988?
21 A. Yes.
22
23 Q. The appraiser's signature, do you recognise the first
24 one there?
25 A. That's Ian Murray.
26
27 Q. The second one? The photocopy is not too good but --
28 A. That's Larry Hamilton.
29
30 Q. Larry?
31 A. Hamilton.
32
33 Q. That is the person you referred to earlier?
34 A. Professional supervisor, yes.
35
36 Q. Who was based in Albany?
37 A. Yes.
38
39 Q. That is dated 16 June 1988?
40 A. Yes.
41
42 Q. The district superintendent's comment is "Report
43 noted", and --
44 A. And that's --
45
46 Q. -- Mr Gatti's signature?
47 A. Yes.

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Q. That is dated 20 June 1988. Ms MacLennan, can you recall the circumstances in which you signed that assessment report? I notice that your signature and the signatures of Mr Hamilton and Mr Murray were all on the same day?

A. Yeah.

Q. Is there some sort of meeting that takes place where it is presented to you?

A. Yeah, I - there was a meeting.

Q. Did you go through the contents of the report with those two gentlemen; can you recall?

A. I don't have a good memory of that meeting at all. I think the reason I don't remember it was that I was quite disturbed about it. I felt that that appraisal was totally unjustified.

Q. Speak up a bit, if you can. You said "totally unjustified"; is that right?

A. That appraisal was unjustified.

MR URQUHART: Again, sir, that will be tendered. Will that just be part of exhibit 6?

HIS HONOUR: That is part of exhibit 6, yes.

EXHIBIT #6 ASSESSMENT REPORT FOR 1988 BARCODED 0295 ADDED TO EXHIBIT 6

MR URQUHART: Q. If I can go to the next one, please, which is barcoded 0016.

A. Thank you.

Q. Do you recognise that document, Ms MacLennan, as being the personal appraisal form that was completed for you at term 4, semester 2, 1988?

A. Yes.

Q. Again, I will ask you now to go through that one, please, in the same exercise as you did before. On the second page, for Consultant Skills you have again received marks of 3, 3, 2 and 3. The comments there are:

Nicky works hard and has a caring,

1 concerned approach to her work. She has
2 developed a clearer understanding of the
3 information needed (particularly) in high
4 school work. Two aspects of her
5 performance limit her success in the
6 consultancy area: her skills in
7 communicating effectively with a variety of
8 people and her initiative in taking a more
9 dynamic and positive role in consultancy
10 work.

11

12 You had essentially been prevented from taking a more
13 "dynamic and positive role in consultancy work" insofar as
14 it related to hostel students, hadn't you?

15 A. Of course.

16

17 Q. What was your relationship with Mr Murray? How would
18 you describe it after this incident involving the year 8
19 boy?

20 A. I would describe it as professional but it wasn't - it
21 wasn't particularly collegiate or supportive. We didn't
22 have a brilliant relationship, no.

23

24 Q. Dennis McKenna, did you have any contact or much
25 contact with him after the incident regarding the year 8
26 boy?

27 A. No, no.

28

29 Q. We will have a look now at section B, Communication
30 Skills. There are marks of 2, 3, 2 and 2. The comment is:

31

32 This aspect of Nicky's work causes the most
33 concern to many of her colleagues. She got
34 off to an unfortunate start in this regard
35 and not only has she since been the victim
36 of some poor expectations, but she has
37 reacted, in part, with a deal of
38 uncertainty and hesitance. The result of
39 this has been that in some circumstances
40 she appears brusque and confused. Several
41 incidents have occurred where her
42 communication with others was misconstrued.

43

44 Now, this is under the heading Communication Skills,
45 Ms MacLennan. Can I ask you whether you have any
46 recollection or can provide us with some assistance as to
47 what the "unfortunate start" was that you had in this

1 regard?
2 A. No. That was never made clear to me.
3
4 Q. "Several incidents have occurred where her
5 communication with others was misconstrued"?
6 A. That was never made clear to me.
7
8 Q. We go now to the next page, the Intervention Plan.
9 Again, marks of 3, which is categorised as "satisfactory",
10 save and except for 4 with data collection. The comments
11 there regarding section C, this Intervention Plan:
12
13 Nicky's work in this area has been more
14 obvious in the primary school she serves.
15 She has not been given the opportunity to
16 utilise her skills in the high school to
17 the same extent. In this aspect of her
18 work, she has demonstrated sound skills.
19
20 In fact, is it the case that, insofar as this section is
21 concerned under the heading Intervention Plan, that is
22 where you received your highest grades with respect to each
23 category?
24 A. In this report, yes.
25
26 Q. Yes?
27 A. Yes.
28
29 Q. If we go to section D, Professional Characteristics,
30 there are marks of 3, 2, 4, 2 and 2. Once more, you have
31 received a 4 in ethics?
32 A. Yes.
33
34 Q. Go on to the final page now. Under the heading
35 Induction Plan, there are four points. The first is:
36
37 Nicky should work more closely with the
38 district guidance officer for professional
39 development. This would most appropriately
40 occur in a more favourable work location.
41
42 Did you agree with that observation?
43 A. That I should work more closely with the district
44 guidance officer?
45
46 Q. Well, that you should work - yes?
47 A. Did I agree with that?

1
2 Q. Yes. Did you feel you needed to work more closely
3 with the district guidance officer for professional
4 development?
5 A. That was not my - I wouldn't have made that - I didn't
6 agree to that comment.
7
8 Q. Once more, if we can just go down --
9 A. But the second part --
10
11 Q. Sorry?
12 A. If you finish on number 1, he is suggesting that I
13 relocate.
14
15 Q. That's right.
16 A. So I was - you're not - the comment then was, and I
17 don't know when it was made, "Look, you're not going to get
18 your permanency in Katanning. We'll offer you a job in
19 Albany.", and I was offered a job in Albany.
20
21 Q. Can you recall who made that comment to you?
22 A. It was Mr Hamilton.
23
24 Q. If we just go down to the bottom half of that page, it
25 has your signature and Mr Murray's and Mr Hamilton's; is
26 that right?
27 A. Yes.
28
29 Q. The date is 20 October 1988?
30 A. Yes.
31
32 Q. Then Mr Gatti's signature appears again?
33 A. Yes.
34
35 Q. On 27 October 1988. He being the district
36 superintendent, under the district superintendent's comment
37 is the handwritten note:
38
39 Report noted and discussed with
40 Mr I Murray, principal Katanning SHS,
41 Ms MacLennan and Mr L Hamilton, student
42 services team, Albany district education
43 office.
44 Now, do you recall what that handwritten note refers to?
45 A. No. "Report noted", that's referring to this report.
46
47 Q. Yes, but I am referring to "and discussed with

1 Mr I Murray, principal Katanning SHS, Ms MacLennan and
2 Mr L Hamilton"?
3 A. Look, I don't recall the occasion of this report, but
4 I signed it.
5
6 Q. But do you recall having a meeting with Mr Murray --
7 A. Mr Hamilton.
8
9 Q. -- Mr Hamilton and Mr Gatti?
10 A. Look, I can't - I don't recall it clearly at all. Not
11 at this stage. I mean --
12
13 MR URQUHART: That is okay. Sir, again, that will become
14 part of the bundle that is exhibit 6.
15
16 HIS HONOUR: Yes.
17
18 EXHIBIT #6 ASSESSMENT REPORT BARCODED 0016 ADDED TO
19 EXHIBIT 6
20
21 MR URQUHART: Q. Before we have a look at the next
22 document, you were not offered permanency at the end of
23 1988; is that correct?
24 A. Yes.
25
26 Q. Normally, though, it is a two-year process, isn't it,
27 probation?
28 A. Yes, yes.
29
30 Q. Were you given an extension --
31 A. Yes.
32
33 Q. -- of your probation?
34 A. Yes.
35
36 Q. Do you know who authorised that or allowed that to
37 happen? If you do not, that is fine.
38 A. Yeah.
39
40 Q. You don't?
41 A. I don't recall.
42
43 Q. Oh, sorry.
44 A. I mean, that was part of the process. I presume it
45 was Mr Hamilton because I did speak to Mr Hamilton more
46 about professional matters, so to speak, as opposed to
47 day-to-day - you know, I worked for Mr Murray in the high

1 school but, in terms of one's status as a school
2 psychologist - a guidance officer, as we were called then -
3 Mr Hamilton was more in tune with the organisation.

4
5 Q. I see.

6 A. So he would have said, "Look, you've got an extension"
7 and it was - I got a letter from the department. The
8 letter is on file.

9
10 Q. Yes. You mentioned there that you were offered a
11 position in Albany?

12 A. Yes.

13
14 Q. Was that going to be with you as a permanent employee?

15 A. I assume not. I assume that I would have - I knew I
16 had an extension. The reports weren't so bad that I was
17 going to be terminated immediately, but there were areas
18 that I needed to work on - that was their assessment of me
19 - and Mr Hamilton's opinion was I would get a more
20 favourable report rating for performance if I relocated to
21 Albany and was not in Katanning.

22
23 HIS HONOUR: Q. Could you just explain that, why a change
24 in geographical location would result in a more favourable
25 report? I mean, in terms of what you were told?

26 A. I wouldn't get my permanency with Mr Murray and these
27 reports - the influence of Mr Murray on these reports were
28 sufficient to say "You are not suitable".

29
30 Q. Are you saying you were told this or that is what you
31 assumed?

32 A. I had a more informal, collegiate relationship with
33 Mr Hamilton.

34
35 Q. Please answer my question. Are you saying you were
36 told these things or is it what you assumed at the time?

37 A. I was told by Mr Hamilton that I am not going to get a
38 favourable report in Katanning with Mr Murray, such that it
39 would be more suitable to move.

40
41 MR URQUHART: Q. Did you take up that offer, though, of a
42 position in Albany?

43 A. No.

44
45 Q. That would have been for 1989, would it?

46 A. Yes.

47

1 Q. Was there a reason why you did not take up that offer
2 of a position in Albany?
3 A. I was living in Wagin and Wagin is two and a half
4 hours drive from Albany.
5
6 Q. So it would be very difficult for you to commute daily
7 then?
8 A. Yes.
9
10 Q. Wagin from Katanning, what was that distance?
11 A. 50 k's - 40, 50 minutes, 60 minutes - an hour.
12
13 Q. From your own personal observations and not what you
14 may have been told from others, are you able to indicate
15 what you observed of the relationship between Mr Murray and
16 Dennis McKenna?
17 A. They had a close relationship. Mr Murray did a lot of
18 work in the hostel. He would often go - he told us, he
19 would - yeah, in staff room conversation I remember him
20 saying he helped - he would go to the hostel to help the
21 students.
22
23 Q. Ms MacLennan, you had an extension of your period for
24 probation. What did you then do in 1989?
25 A. I continued in my employment, exactly the same job
26 with the high school for three days and the primary school
27 for two days.
28
29 Q. That was 1989?
30 A. Yes.
31
32 Q. You continued to work at Katanning --
33 A. Yes.
34
35 Q. -- senior high school. Once more, insofar as your
36 offering of counselling services to hostel students, did
37 you honour that direction that had been given to you the
38 previous year?
39 A. I did.
40
41 Q. Can you recall whether a further personal appraisal
42 report was prepared for you in the first term of 1989?
43 A. Yes, it was.
44
45 Q. I will ask you to look, please, at the document
46 barcoded 0296. Do you recognise that?
47 A. Yes.

1
2 Q. Was that report prepared by somebody other than
3 Mr Murray?
4 A. Yes.
5
6 Q. Will you just go down the page a little bit. You can
7 see it was written by a Mr Malcolm McLean?
8 A. Yes.
9
10 Q. As it indicates there, was he the principal of
11 Braeside primary school?
12 A. Yes.
13
14 Q. That was situated in Katanning, was it?
15 A. Yes.
16
17 Q. If we go to the second page, under Consultant Skills
18 you will see that you, so far as Mr McLean was concerned,
19 achieved gradings of 4, 3, 3 and 4?
20 A. Yes.
21
22 Q. Going down the page, for Communication Skills there
23 are four scores of 4?
24 A. Yes.
25
26 Q. There are comments on section B, typewritten:
27
28 I feel communication skills have improved
29 over the last three quarter months.
30 Discussion with primary staff is now more
31 confident and direct. This needs to be
32 maintained and improved by relating to
33 these people in a more relaxed manner. I
34 feel this also goes for parents.
35
36 Now, can I ask you something about this: the working
37 relationship you had with - well, the relationship you had
38 with this principal, how did that compare with the
39 relationship that you had with Mr Murray.
40 A. It was very collegiate. I felt very comfortable
41 working with him. I had - yes.
42
43 Q. If you go on to the next page, the intervention plan
44 achieved marks of "5", "4", "4", "3", "4" and "4", and the
45 first line of the comments is, "All this area's of a high
46 order".
47 A. Yes.

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Q. And then go down to section (d), "Professional Characteristics", marks of "4", "3", "5", "4" and "4"?
A. Yes.

Q. Again, you rated very highly with respect to ethics. In this instance you got a "5", and from recollection Mr Murray actually gave you one of his - not very often, but he didn't give you many fours, but he gave you a four for that one?
A. Yes.

Q. Okay. And now onto the next page, back a bit, down further, we'll look at the signatures now. We have your signature and Mr McLean's signature, and it's 2 March 1989?
A. Yes.

Q. Just going back down, there's no - that hasn't been endorsed or signed by the district superintendent?
A. No.

Q. Do you know whether there's any reason for that?
A. I can't tell you.

Q. Well --
A. No.

MR URQUHART: Thank you. I tender that document. I tender that document, sir, it should be the final in that bundle.

HIS HONOUR: That will be exhibit 6.1 to 6.4 in date order.

EXHIBIT #6.1 PERSONNEL APPRAISAL, TERM 4 1987

EXHIBIT #6.2 PERSONNEL APPRAISAL, TERM 1 1988

EXHIBIT #6.3 PERSONNEL APPRAISAL, TERM 4 1988

EXHIBIT #6.4 PERSONNEL APPRAISAL, TERM 1 1989

MR URQUHART: Q. Ms MacLennan, did Mr McLean subsequently seek to have you employed?
A. Yes, he did.

Q. Right. Can you just tell us the circumstances of

1 that?
2 A. Mr McLean, Mr Murray, Mr Hamilton were the three
3 people who were responsible for, as I saw, signing off on
4 the last performance appraisal. As you can see from this
5 report, Mr McLean has no issue with my work or my
6 performance. When I said to him, "I haven't got the
7 documents" - and I don't think the documents exist when the
8 three of them signed off on that final document to say I
9 was not suitable, Mr McLean was happy with my work. I
10 said, "Well, you were on the same panel as Mr Murray, and
11 Mr Hamilton." He explained to me that because the greater
12 part of my work was with Mr Murray in the high school, that
13 he carried further influence. And clearly Mr Hamilton made
14 no opinion whatsoever other than to agree with Mr Murray's
15 assessment of me. Anyways, as a result of having a
16 substandard report, I had a - I knew the result of this was
17 that my employment was terminated by the department.

18
19 Q. And can you recall who signed off on that?

20 A. No. The letter is on the file.

21

22 Q. Yes.

23 A. So I was without the --

24

25 HIS HONOUR: Q. That's the final appraisal which we
26 don't have, which is no longer available. You're saying
27 the final assessment was a poor one overall?

28 A. Yes. I don't know where it is.

29

30 Q. No.

31 A. But the three people on the panel were Hamilton,
32 McLean and Murray.

33

34 Q. Yes.

35 A. And they would have put that in, and then because it
36 was really substandard performance, it went to Murray
37 Gatti, the Superintendent, to say, "Do you agree with
38 this?" He came up to Katanning, interviewed me for a day,
39 wrote a report and that was essentially upholding the
40 decision of this panel. So I was without a job and
41 Katanning was without a school psychologist. Mr McLean had
42 no problems with my work, and the other primary school
43 principals never indicated that there was a problem. I'd
44 been offered work in Albany. Mr McLean said, "Well, we
45 need you", and all these schools were saying, "Well, we've
46 got nobody to service us"; and, in fact, there was a
47 question asked in parliament, "Why haven't we got a school

1 psychologist?", and Mr McLean offered me work, working from
2 his - his school to cover the primaries for two days a
3 week, doing exactly what I was doing before.

4

5 Q. Just pause there because we need to understand what
6 you are saying. Your position with the Education
7 Department was terminated?

8 A. Yes.

9

10 Q. Was Mr McLean at Braeside primary school - a private
11 school or what was it?

12 A. No, it's a state school.

13

14 Q. So how was he able to make arrangements for you to be
15 employed by the Education Department when you'd had a
16 previous position terminated?

17 A. He couldn't. It was only an offer. He offered to
18 have me, wrote to the superintendent.

19

20 MR URQUHART: Q. Was that the case before your --

21 A. Before I was terminated?

22

23 Q. Yes, before you were denied permanency, was it the
24 case that Mr McLean put that proposal forward?

25 A. I think it was after.

26

27 HIS HONOUR: Well, I'm not clear on what happened.

28

29 MR URQUHART: Okay.

30

31 HIS HONOUR: How it could be that you get terminated by
32 the Education Department, and then that doesn't happen?
33 I'm not clear on that.

34

35 THE WITNESS: It doesn't often happen that you're
36 terminated and then someone says, "Well, I'm happy for you
37 to work here".

38

39 MR URQUHART: Maybe it can be explored with other
40 witnesses at a later date.

41

42 HIS HONOUR: Q. Well, perhaps if I ask you this: did you
43 end up with a new job working for the primary schools?

44 A. No. Mr Gatti - there's a letter on file - said, "No,
45 Mrs McLennan cannot be employed". In fact, there's two
46 letters, because there's one from another person, Stephanie
47 Bennett, who said, "I'm happy for you to work here." She

1 then took over Murray - Larry Hamilton job.
2
3 Q. So all you got was, in effect, an offer from Mr McLean
4 to try and get you a job working for just the primary
5 schools --
6 A. Yes.
7
8 Q. -- but that didn't happen?
9 A. It didn't happen.
10
11 HIS HONOUR: All right, I understand. Thank you.
12
13 MR URQUHART: This may establish something here, yes.
14
15 I'm going to show you two documents if I can. I'll
16 just show my learned friends. Maybe if we can put that
17 straight up on the screen. We haven't got barcodes for
18 those, but that might - those two documents should clarify
19 things so far as dates are concerned, and when things
20 happened.
21
22 HIS HONOUR: Yes, thank you.
23
24 MR URQUHART: Q. Ms McLean, I think we are going to put
25 these documents straight up on the screen - sorry, we won't
26 be able to do that, will we.
27
28 COURT OFFICER: I can have a look through.
29
30 MR URQUHART: If you can give them to Ms McLennan, and if
31 you can find those documents in our system, I'd appreciate
32 it, otherwise we'll do it the old-fashioned way.
33
34 HIS HONOUR: So what the witness has been shown is a
35 letter signed by whom?
36
37 MR URQUHART: It's a letter signed by Mr Gatti, addressed
38 to Mr McLean, and then there's also a document that's been
39 signed by Mr Gatti, indicating that permanency is not going
40 to be granted to Ms McLennan. So one I think is dated 23
41 May 1989, and the other one 26 July 1989.
42
43 THE WITNESS: The Mr Gatti one is 26 May.
44
45 MR URQUHART: Sorry, 26 May 1989.
46
47 Q. And the letter?

1 A. The letter is 26 July --
2
3 Q. 26 July --
4 A. -- 1989.
5
6 Q. -- 1989. That's the one, yes. Ms McLennan, I think
7 that's the same document as the one in front of you?
8 A. Yes.
9
10 Q. It's called a "Human Resource Service Branch, Ministry
11 of Education Report on Teacher Whose Probation Has Been
12 Extended"?
13 A. Yes.
14
15 Q. And indicates it's in relation to you. And your
16 position has been guidance officer, and the
17 recommendation - you can tick one of two boxes. One which
18 says:
19
20 Satisfactory professional development
21 teaching has been displayed, and permanent
22 status should be confirmed.
23
24 And then the second:
25
26 A satisfactory standard of professional
27 development has not been displayed,
28 permanency is not recommended, and
29 probation should be cancelled, a report
30 attached.
31
32 And that's been ticked. Can you see that that's been
33 signed by Murray John Gatti, District Superintendent of
34 Education, Albany, and the date, 26 May '89?
35 A. Yes.
36
37 MR URQUHART: I suppose we should tender that, sir, and it
38 will be given a barcode in due course.
39
40 EXHIBIT #7.1 HUMAN RESOURCE SERVICE BRANCH, MINISTRY OF
41 EDUCATION REPORT ON TEACHER WHOSE PROBATION HAS BEEN
42 EXTENDED, SIGNED BY MURRAY JOHN GATTI, DISTRICT
43 SUPERINTENDENT OF EDUCATION, ALBANY, DATED 26/5/1989
44
45 MR URQUHART: And then the second one, if you can just
46 have a look at that and that will come up on the screen
47 shortly.

1
2 Q. Is that, from what you can see of that, Mr Gatti's
3 response to Mr McLean's offer or attempt to have you
4 employed as a school psychologist at the primary schools in
5 Katanning?
6
7 MR URQUHART: If we can't get that, that's fine. I can -
8 I can get the witness to read it out.
9
10 HIS HONOUR: I suggest you read it out, Mr Urquhart.
11
12 MR URQUHART: All right, sir. Okay.
13
14 THE WITNESS: No, Mr Urquhart wants to read it.
15
16 MR URQUHART: It comes back to me.
17
18 HIS HONOUR: Give it back to Mr Urquhart.
19
20 MR URQUHART: Q. You've recognised that letter, haven't
21 you, Ms McLennan --
22 A. Yes.
23
24 Q. -- as the letter Mr Gatti wrote to --
25 A. Mr McLean.
26
27 Q. -- Mr McLean.
28
29 MR URQUHART: Thank you, sir. It's on the Albany District
30 Education Office letterhead, it's dated 26 July 1988, it's
31 addressed to Mr M McLean, Principal, Braeside primary
32 school, Carinya - spelt C-A-R-I-N-Y-A - Gardens, Katanning,
33 6317:
34
35 Dear Malcolm,
36
37 I refer to your letter of 24 July 1989 --
38
39 No, nineteen eighty --
40
41 HIS HONOUR: It would be '89.
42
43 MR URQUHART: Yes, 1989:
44
45 -- relating to possible re-employment of
46 Mrs M McLennan as a temporary 0.4 FTE
47 primary guidance officer --

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47

And that's up on the screen now, sir:

-- to service schools in the Katanning area. I understand that Mrs McLennan's permanent on probation status as a guidance officer was terminated from the end of semester one 1989. You are well aware that her services were discontinued because of unsatisfactory communication skills with parents and teachers. I fail to see how these serious shortcomings for a guidance officer could be overcome by a change of status from permanent on probation to temporary. As a consequence I do not support the re-employment of Mrs McLennan in a guidance officer capacity in schools. I have asked Mrs Stephanie Bennett, Coordinator of Student Services at the Albany District Education Office to explore ways whereby the shortfall of guidance officer time in primary schools in the Katanning area can be overcome. I trust that this service shortfall will be resolved in the near future.

Yours sincerely,
Murray Gatti.

Signed by Mr Gatti. His name appears underneath District Superintendent of Education, Albany. So, thank you, sir, I tender that as well.

EXHIBIT #7.2 LETTER DATED 26/7/1988 FROM MR GATTI TO MR M MCLEAN, PRINCIPAL, BRAESIDE PRIMARY SCHOOL, CARINYA GARDENS, KATANNING, 6317

MR URQUHART: Q. Now, Ms MacLennan, had you been offered permanency at the end of either 1988 or part way through 1989, where would you have worked?

A. I - I would have assumed I would have stayed on in Katanning.

Q. So spending three days a week at the Katanning high school, two days a week at the other primary schools?

A. Yes. My other option, if I had permanency, would be to go back to the Narrogin area?

1
2 Q. Right.
3 A. Because we were living right between the border of the
4 two education districts. So Narrogin was accessible
5 Katanning was accessible.
6
7 Q. And are you aware of how long it was before Katanning
8 got another psychologist?
9 A. It was well into term. I don't know how long.
10
11 Q. Which - which year was that?
12 A. Well, I left in - after - in June/July.
13
14 Q. Yes.
15 A. It was some time before September, the end of August
16 probably. I don't know.
17
18 Q. If you don't know, that's fine. You mentioned there a
19 little while ago before we started looking at those two
20 documents, that you had a meeting with Mr Gatti in
21 Katanning. This was at or around the time before your
22 permanency was denied?
23 A. I met with Mr Gatti in Albany. I was there for a
24 meeting.
25
26 Q. In Albany, sorry. Can you recall who was at that
27 meeting?
28 A. I think it was just himself and myself. I knew that
29 these adverse reports were going in, and essentially he was
30 signing off on my termination of employment.
31
32 Q. I think we saw a lady's name who was employed by the
33 Education Department in that letter that Mr Gatti wrote to
34 Mr McLean --
35 A. Yes.
36
37 Q. -- a Stephanie Bennett.
38 A. Yes.
39
40 Q. Was she at that meeting?
41 A. Certainly. Stephanie Bennett - Mr Hamilton got a job
42 in Perth and his position was taken over by Stephanie
43 Bennett.
44
45 Q. I see.
46 A. And as you can see, as she was then my line manager,
47 but she came up to witness the meeting I had with Mr Gatti

1 in my office in Katanning, and I've got notes on that
2 meeting.

3

4 Q. Well, that's what I want to ask you about, that
5 particular meeting.

6 A. Yes.

7

8 Q. Can you recall - for want of a better word - the
9 manner in which that meeting was conducted. Was it a
10 cordial meeting or was it --

11

12 HIS HONOUR: Which meeting are we talking about? Are you
13 saying a meeting in Katanning, did you?

14

15 MR URQUHART: That's Katanning now.

16

17 THE WITNESS: Katanning, with myself and Stephanie
18 Bennett, when Mr Gatti came up to endorse, I suppose, the
19 appraisal that I was not suitable to continue employment
20 because of my performance, so Mrs Bennett came and she
21 was --

22

23 HIS HONOUR: Sorry, I can't hear you.

24

25 THE WITNESS: Mrs Bennett came to this meeting as a
26 witness support person between myself and Mr Gatti, because
27 I knew that it was going to be difficult.

28

29 MR URQUHART: Q. So you requested Mrs Bennett to be
30 there?

31 A. Yes.

32

33 Q. Right. And did it turn out to be difficult?

34 A. Yes.

35

36 Q. In what way?

37 A. I don't think he listened to a word I said. It was
38 entirely evident that he had made up his mind that he was
39 going to endorse - he was not objective.

40

41 Q. Can you tell us, please, the course of your employment
42 after this episode? So May 1989, the recommendation was
43 made that you not be made permanent as a guidance officer.
44 What did you then do?

45 A. I got it established that I was not actually - and
46 this was really odd, and I don't imagine there was any
47 other case like it. The department deemed that I was

1 suitable to be an education support teacher, I was suitable
2 to be a primary school teacher, I was not suitable for
3 guidance work.
4
5 Q. So did you go back to teaching?
6 A. I was offered a job in Narrogin doing ed support. I
7 didn't take up that until October, I think.
8
9 HIS HONOUR: Q. So what was the job in Narrogin?
10 A. Teaching.
11
12 MR URQUHART: Q. And how long did you teach for,
13 approximately?
14 A. Two and a half years, maybe.
15
16 Q. And then after that?
17 A. I - I had a job with the Department of Child
18 Protection as a temporary - as a graduate welfare officer.
19
20 Q. And - all right.
21 A. And I had various, perhaps, resting periods, and then
22 I took up a job with the Independent Schools Psychology
23 Services and I was employed under the auspices of the
24 Catholic Education System.
25
26 Q. And how long was that for?
27 A. Four years, four and a half years.
28
29 Q. And does that take us to around 2002?
30 A. Yes.
31
32 Q. And for the last 10 years, what have you been doing?
33 A. School psychology work.
34
35 Q. With?
36 A. The Education Department.
37
38 HIS HONOUR: Q. With who sorry?
39 A. The Department of Education and Training.
40
41 MR URQUHART: Q. And how did that work? Did you have to
42 go through this probation period again?
43 A. Yes.
44
45 Q. And on that occasion, did you have any problems --
46 A. No.
47

1 Q. -- gaining permanency?
2 A. No.
3
4 MR URQUHART: Thank you, sir. That's all the questions I
5 have.
6
7 HIS HONOUR: I think I'll take a break at this stage, and
8 there'll be some further questions, I am sure, after that.
9 So I'll take a 10 minute break.
10
11 SHORT ADJOURNMENT
12
13 HIS HONOUR: Sorry the break was longer than I
14 anticipated. I had an urgent matter to attend to. Yes,
15 now, Mr Jenkin, do you have a question?
16
17 MR JENKIN: No, thank you, sir.
18
19 HIS HONOUR: Mr Saayman?
20
21 MR SAAYMAN: No, sir.
22
23 HIS HONOUR: All right. Yes, Mr Manera.
24
25 <CROSS-EXAMINATION BY MR MANERA
26
27 MR MANERA: Q. Ms MacLennan - sorry, it's Mrs MacLennan,
28 isn't it?
29 A. Mrs.
30
31 Q. Mrs. Thank you, great. In relation to the decision
32 not to make your probationary status into permanent status,
33 do you personally hold Mr Murray at least part responsible
34 for that?
35 A. Well, he was influential on the appraisal.
36
37 Q. So answer that question though, do you --
38 A. Yes.
39
40 Q. -- at least partly responsible for that?
41 A. Yes, yes.
42
43 Q. In fact, you find him a very significant part in that
44 result?
45 A. Yes.
46
47 Q. Okay. Mr Urquhart read, as I recall it, a report back

1 in 1987 from - it was a performance report back in 1987
2 that made reference to you starting to work in high school
3 the following year?

4 A. Yes.

5

6 Q. Do you remember that?

7 A. Yes.

8

9 Q. And as I understand it, it made reference to you
10 starting in high school the following year, and there being
11 greater independence in the role that you were to take on
12 in the high school?

13 A. Yes.

14

15 Q. Right. And was it the case that there was a different
16 role that you had working in high school, compared to
17 working in a primary school?

18 A. There were evident difficulties, differences,
19 obviously.

20

21 Q. And different responsibilities as well?

22 A. Not really. I was still doing counselling and
23 assessments.

24

25 Q. But certainly greater independence as that report
26 suggested there would have been?

27 A. Yes, yes.

28

29 Q. Okay. All right. And Katanning senior high school
30 was the first high school that you had worked in?

31 A. First senior high school.

32

33 Q. Right. As a guidance officer?

34 A. Yes.

35

36 Q. I should be more specific. As a - was your title a
37 counselling assistant or a guidance officer?

38 A. Guidance officer then.

39

40 Q. So in terms of high school, and you working as a
41 guidance officer, was Katanning senior high school the
42 first high school that you worked at?

43 A. I'd had limited exposure to high school work in the
44 first year that I was working, so it wasn't entirely new.

45

46 Q. What do you mean by that, I'm sorry?

47 A. I was working the Narrogin district, and there was a

1 Narrogin senior high school, and the local schools are high
2 schools, so I wasn't unfamiliar working with high schools.
3
4 Q. Had you ever been attached to a high school?
5 A. Not in the established sense that I was in Katanning.
6 It was a new position.
7
8 Q. All right. And had you ever worked in that position
9 before Katanning?
10 A. No.
11
12 Q. Okay. All right. Now, in terms of these reports that
13 you received, were you aware of a system whereby you could
14 challenge or appeal against negative or adverse reports?
15 A. If there was a system was I aware?
16
17 Q. Sorry, if there was a system.
18 A. No, I don't know how to answer that. Not really, no.
19
20 Q. All right. When you got these reports that had
21 negative comments in them, did you challenge them? These
22 are the ones that were referred to in 1988?
23 A. Yes.
24
25 Q. All right. Did you take those negative comments to
26 your superior, Mr Hamilton, as I understand it?
27 A. Yes.
28
29 Q. Or Mr Gatti --
30 A. Yes.
31
32 Q. -- after each of those reports?
33 A. No, Mr Hamilton was part of the performance report,
34 and I would say I would have - I would have said to him, "I
35 disagree with you".
36
37 Q. And did you tell him - how many reports did you get
38 during 1988?
39 A. Two.
40
41 Q. And after each of those, did you tell him that you
42 didn't agree with him?
43 A. I can't remember.
44
45 Q. Did you ask him to meet with you and review the
46 comments that were in there. You can't remember?
47 A. I didn't.

1
2 Q. All right. I think you have said that your
3 relationship with Mr Murray during 1988 was professional;
4 yes?
5 A. Yes, yes.
6
7 Q. And I think you said but not collegiate and not
8 supportive?
9 A. Yes.
10
11 Q. But it was certainly professional?
12 A. Yes.
13
14 Q. You said that Mr Urquhart discussed with you a report
15 in 1989, so in the following year, and that was by report
16 from Mr McLean?
17 A. Yes.
18
19 Q. And Mr McLean made reference to you having evidenced
20 some improvement --
21 A. Yes.
22
23 Q. -- in 1989?
24 A. Yes.
25
26 Q. Is that right?
27 A. Yes.
28
29 Q. Would you agree that you had improved in your
30 capabilities or your ability to carry out your role leading
31 up to that report in 1989? So do you think Mr McLean's
32 report in that sense; there had been an improvement during
33 1988?
34 A. Yes, I was mindful of the comments, yes.
35
36 Q. Do you think any of the reports that you would
37 consider to be negative or suggestive that improvement was
38 required in 1988 were justified?
39 A. Could you repeat that?
40
41 Q. Any of the comments that you considered to be negative
42 in the reports that were done in 1988, do you think that
43 any of those negative comments were justified?
44 A. They were not justified.
45
46 Q. Do you think there was any need for improvement in
47 your performance during 1988?

1 A. Those comments weren't justified.
2
3 Q. Do you think there was room for improvement in your
4 performance during 1988?
5 A. In general terms there is always room for improvement.
6
7 Q. But in your particular case but did you think you
8 needed to improve in any aspects of your work during 1988?
9 A. No, I was comfortable. My work was okay. My work was
10 okay.
11
12 Q. I'm sorry, Mr MacLennan, I'm just going through
13 ticking off bits that you have already addressed, so I will
14 just be a moment, if I may. Just to clarify: your
15 immediate supervisor at that time in 1988, that was
16 Mr Hamilton?
17 A. Yes.
18
19 Q. And his superior was Mr Gatti?
20 A. Yes.
21
22 Q. When you started at Katanning senior high school in
23 1988, was it your understanding that Mr Murray, that was
24 his first semester at that high school as well?
25 A. No. I don't --
26
27 Q. Were you aware how long Mr Murray had been there?
28 A. No, I'm not. No, no; no idea.
29
30 Q. So you weren't aware that that was his first semester
31 working at that high school as well?
32 A. I wasn't aware of that. I - look --
33
34 Q. That's fine. Thank you. In terms of the workings of
35 the hostel, were you aware, at the time when you were
36 approached shortly after the beginning of that semester in
37 1988, of any processes that the hostel had to deal with
38 issues such as homesickness by students that were staying
39 at the hostel?
40 A. I was not aware of any processes they had.
41
42 Q. Did you attempt, at the time when you were approached
43 by this boy, to make any inquiry as to whether there was
44 any processes at the hostel? Did that prompt --
45 A. I didn't, no.
46
47 Q. Did you ask the boy before you facilitated the phone

1 call as to what lengths, if any, had been made to
2 facilitate the phone call at the hostel?
3 A. No, I didn't. This boy was very distraught.
4
5 Q. Sure. Your understanding at the time was that he was
6 homesick; he missed his mum and dad?
7 A. I can't tell you what his problem was.
8
9 Q. Is that because you didn't know?
10 A. He wanted to speak to his mum.
11
12 Q. When you met with Principal Murray, following the
13 phone call you facilitated for the boy, did he tell you
14 that he'd received a complaint from Dennis McKenna?
15
16 HIS HONOUR: This is the first meeting after the phone
17 call?
18
19 MR MANERA: Yes.
20
21 Q. The first meeting after the phone call did
22 Principal Murray say to you words to the effect of "I've
23 received a complaint from Dennis McKenna"?
24 A. I don't recall that.
25
26 Q. Perhaps I will go further. I will be more specific.
27 "I received a complaint from Dennis McKenna you interfered
28 in the process by allowing a student to call his mum and
29 dad"; you don't remember that?
30 A. I don't recall him spelling it out like that but it
31 was quite evident that he was acting on that - information
32 to that effect.
33
34 Q. Did Mr Murray relay to you that Mr McKenna was unhappy
35 that you hadn't discussed that with the hostel before you
36 did it?
37 A. I asked Mr Murray what I should do then if hostel kids
38 come to me.
39
40 Q. I am just asking you what the nature of what Mr Murray
41 relayed to you. Did he say that Mr McKenna was unhappy
42 because --
43 A. He didn't mention Mr McKenna in that meeting.
44
45 Q. Did he mention to you that you hadn't contacted the
46 hostel before you facilitated the phone call?
47 A. He told me that's the process I should have followed.

1
2 Q. You were annoyed when Mr Murray approached you about
3 this matter?
4 A. It's the - "annoyed", not the right term. It's the -
5 I'm trying to think of the right word that you feel when
6 you're pulled up in front of the principal and told you
7 have done the wrong thing and reprimanded in such --
8
9 Q. You were unhappy about it?
10 A. "Unhappy" is not the right term either.
11
12 Q. How did it make you feel?
13 A. I suppose more humiliated, probably.
14
15 Q. Do you remember Mr Murray saying to you, in that first
16 meeting, after the phone call was facilitated for the boy
17 "You shouldn't interfere" - I will be specific - "You
18 shouldn't interfere with behavioural matters of students at
19 the hostel"?
20 A. No, that - I don't recall that. That's not in my
21 evidence.
22
23 Q. He went on to say, and do you recall, "They were
24 acting" - meaning the hostel - "The hostel is acting as
25 parents"; do you remember him saying that?
26 A. I don't remember him saying that.
27
28 Q. Do you remember him asking you whether you had first
29 discussed it with the hostel?
30 A. He knew I didn't - hadn't discussed it with the
31 hostel.
32
33 Q. Do you recall Mr Murray then saying to you "Do you
34 know the hostel process for matters such as this?"
35 A. I don't remember him saying that.
36
37 Q. What I am putting to you specifically is that
38 Mr Murray did not give you a blanket prohibition on dealing
39 with hostel students, the prohibition was only in relation
40 to dealing with them on what he referred to as behavioural
41 matters, such as homesickness. What do you say to that
42 proposition?
43 A. My understanding was that I had a blanket instruction
44 to have no dealings with hostel students, such that
45 I regret that I did not follow up on this lad.
46
47 Q. Can I ask you this: your role as a guidance

1 officer --
2 A. Yes.
3
4 Q. -- involves advising students on what I can refer to
5 as vocational issues?
6 A. Yes.
7
8 Q. Courses that might be available?
9 A. Yes.
10
11 Q. What courses they could do that might best suit them
12 for a particular career, et cetera, et cetera?
13 A. Yes.
14
15 Q. Did you give any of that kind of advice to any of the
16 students that was also a student at the hostel?
17 A. Possibly. I saw lots of students at that time. I did
18 not distinguish but that wasn't the personal counselling,
19 the social/emotional counselling.
20
21 Q. So you continued to give that type of vocational
22 advice --
23 A. Yes.
24
25 Q. -- and counselling to all students --
26 A. Yes.
27
28 Q. -- whether they be at the hostel or otherwise after
29 this meeting with Mr Murray?
30 A. Yes.
31
32 Q. You have told us you said that the prohibition was on
33 having any dealings with hostel students. Is that your
34 understanding of the prohibition that Mr Murray had imposed
35 on you?
36 A. Yes.
37
38 Q. But you would agree now that you did continue to have
39 dealings with them in relation to those vocational and
40 scholastic issues; is that right?
41 A. Yes, yes.
42
43 Q. So I come back to that point again: do you accept
44 that Mr Murray's advice to you was that you should not have
45 any dealings with the students in relation to behavioural
46 matters such as homesickness?
47 A. I'll clarify. Homesickness is not a behavioural, it

1 is a social/emotional problem.
2
3 Q. But his advice to you was you should not have any
4 dealings with hostel students in relation to behavioural
5 issues?
6 A. He did not give me that advice specifically, he said
7 blanket "You are not here to counsel hostel students, they
8 deal with it themselves".
9
10 Q. So when you said to Mr Urquhart that you honoured the
11 direction that was given to you by Mr Murray --
12 A. Now (indistinct).
13
14 Q. -- that's not entirely correct then, is it?
15 A. In the broader sense it's not correct.
16
17 Q. What I am suggesting to you is that you didn't honour
18 it because his advice to you was in relation to types of
19 matters that involved the care for the students at the
20 hostel, such as homesickness, you should leave that to the
21 hostel?
22 A. Yes.
23
24 Q. When you received the direction, as I think we've
25 referred to it as, from Mr Murray, early in 1988, did you
26 raise this with either Mr Hamilton or Mr Gatti?
27 A. I wouldn't have - not with Mr Gatti, I had nothing to
28 do with Mr Gatti.
29
30 Q. Did you raise it with Mr Hamilton?
31 A. I'm sure I did.
32
33 Q. Did you take any notes of your meeting with Mr Murray?
34 A. No.
35
36 Q. This first meeting?
37 A. No.
38
39 Q. Did you have any meetings confirming or did you take
40 any notes of any meeting or any conversation you had with
41 Mr Hamilton where I think you are suggesting you relayed --
42 A. I haven't got notes on those meetings.
43
44 Q. But is it your belief that you raised it with
45 Mr Hamilton?
46 A. I'm certain.
47

1 Q. Sorry?
2 A. I'm certain.
3
4 Q. You're certain you raised it with Mr Hamilton?
5 A. Certain.
6
7 Q. What was his response?
8 A. "Do what the principal says".
9
10 Q. In terms of these adverse reports, I think the reports
11 that have been provided suggest that during 1988 the
12 reports - the numbers you got, the scores you got - seemed
13 to range between 2 and 4; would you agree with that?
14 A. 1988?
15
16 Q. Yes.
17 A. No, they were all 4 and 5. Oh, 1988, pardon me, 1987.
18
19 Q. No, I'm talking about 1988. So when you're doing
20 three days a week at Katanning --
21 A. Yes.
22
23 Q. -- senior high school, the score range seems to be
24 from 2 to 4?
25 A. Yes.
26
27 Q. I think the scores you received in 1989, so the
28 following year - in 1987 you were working in primary
29 school, weren't you?
30 A. Little - yes, a little bit of high school, yes.
31
32 Q. The score range you got on the reports that you
33 received during 1987, so that's the year before you started
34 at Katanning, the score range seemed to be from 3 to 5;
35 would you accept that?
36 A. Yes.
37
38 Q. So 2 to 4s in 1988 at Katanning senior high school?
39 A. Yes.
40
41 Q. And 3 to 5s in 1987, before you started at Katanning
42 senior high school? Yes?
43 A. Yes.
44
45 Q. How many meetings did you have with Mr Murray in
46 relation to this issue of you facilitating the phone call
47 for the boy early in 1988; was it just the one?

1 A. I think so.
2
3 Q. You said in your evidence that Mr Murray's assessment
4 carried more weight. Is that your opinion or have you
5 actually been told that?
6 A. Can you say "almost certain"; the discussion I had
7 with the primary principal, certainly Mr McLean who was on
8 the panel, said that Mr Murray, in a sense, had the final
9 say because I had more time at his school than the
10 primaries. So his assessment carried more weight, yes.
11
12 Q. Are you saying that's what McLean --
13 A. Told me.
14
15 Q. -- actually told you?
16 A. Yes.
17
18 Q. Which words did he use?
19 A. I - look - sorry.
20
21 Q. If you don't remember, then that's fine.
22 A. The interpretation is that the high school had greater
23 say in the final appraisal.
24
25 Q. So that is your impression of what Mr McLean had said
26 to you?
27 A. Yes.
28
29 Q. Yes?
30 A. Yes.
31
32 Q. In your evidence before you said that this boy was in
33 a special class, I think it was with some sort of reading
34 or some sort of scholastic issue?
35 A. Difficulties, yes.
36
37 Q. Did you know that at the time when he approached you
38 wanting to call his mum?
39 A. I didn't know him then at that stage but
40 I subsequent --
41
42 Q. Do you know what class he was in?
43 A. No, no.
44
45 Q. You found out later on that --
46 A. Yes.
47

1 Q. -- he was in that class?
2 A. Yes, yes.
3
4 Q. I think your evidence was that among other things
5 Mr Murray told you that if you are dealing with hostel
6 students you should let Dennis McKenna know first?
7 A. Yes.
8
9 <RE-EXAMINATION BY MR URQUHART:
10
11 MR URQUHART: Q. Mrs MacLennan, you mentioned there at
12 one stage, in answer to a question from my learned friend,
13 that there was a new position at Katanning hostel for you
14 as a psychologist?
15
16 HIS HONOUR: The school, you mean?
17
18 MR URQUHART: Q. Sorry, Katanning high school, yes.
19 Sorry, yes. Do you know if there was a psychologist there
20 at the high school before --
21
22 MR MANERA: I'm sorry to interrupt my friend, your Honour,
23 there is just a matter that I saw that I didn't ask and
24 I should perhaps do that.
25
26 HIS HONOUR: Please put it, yes.
27
28 <FURTHER CROSS-EXAMINATION BY MR MANERA:
29
30 Q. I'm sorry, Ms MacLennan, there is one matter here
31 I need to put to you specifically. When you had this
32 meeting with Mr Murray, do you remember him saying words to
33 the effect of "The hostel were acting as parents"?
34 A. No, he didn't say that to me.
35
36 Q. At no time has he ever said to you "The hostel act as
37 parents"?
38 A. No.
39
40 Q. "Is supposed to act as parents"?
41 A. No.
42
43 Q. Or "in a position of loco parentis"?
44 A. He didn't use that expression.
45
46 MR MANERA: Thank you. Nothing further, I'm sorry.
47

1 <FURTHER RE-EXAMINATION BY MR URQUHART:
2

3 MR URQUHART: Q. Mrs MacLennan, I just want to clarify
4 because you referred to your position as the psychologist
5 at the Katanning high school as a new position. I just
6 want to clarify with you: do you know if you replaced a
7 psychologist there or were --

8 A. Yes, I did, yes.
9

10 Q. You did? So there was a psychologist there before
11 you?

12 A. Oh, yes. There's been continuous psychologists all
13 the time.
14

15 Q. Can you recall the name of the psychologist you
16 replaced?

17 A. Yes.
18

19 Q. Who was that?

20 A. You want me to tell you?
21

22 Q. Yes, please.

23 A. I suppose you can look it up otherwise. He's a
24 colleague still of mine. Graham Singleton. I think he -
25 I'd replaced him and there was also Megan Rimes and I'm not
26 quite sure - both were there. They were my - I think my
27 immediate predecessors.
28

29 Q. Megan?

30 A. Megan Rimes. They're both with the department now.
31 Did you do anything to have the decision not to make you
32 permanent reviewed or looked at again by somebody else?

33 A. Yes.
34

35 Q. Can you just say what you did?

36 A. I got advice from the union.
37

38 Q. Yes; that's the State School Teachers' Union?

39 A. Yes.
40

41 Q. Did you also write to somebody else?

42 A. I did. I phoned somebody else who was at that stage
43 in a bit of a slightly higher line management position than
44 Larry Hamilton. His advice was slightly complicated and
45 technical because at the same time as a new psychologist
46 you are working under professional supervision, strictly
47 psychological. You have to be a member of the - then it

1 was the West Australian Board of Psychologists, now it's
2 something else and the name is escaping me, but you worked
3 for two years under supervision to get professional
4 registration, like your (indistinct) and the person
5 I phoned was saying "Well, Mr Hamilton signed off on your
6 professional registration", because at the same time as we
7 were doing performance management he was doing my
8 professional registration management. Mr Hamilton did not
9 sign off on my professional registration, which was way
10 beyond the normal time that you were expected to do.
11 You're expected to do two years. By the time it came to
12 the May - the June, I'd already done two and a half years.
13 Mr Hamilton did not endorse suitability for professional
14 registration. He - the advice was that I get a new
15 supervisor and the person I rang, in terms of "Could you
16 please investigate the situation where I've been judged
17 adversely, I'd like you to investigate it", he said "Well,
18 you might get more weight if Mr Hamilton endorsed you for
19 professional registration".

20
21 Q. But insofar as raising this matter in writing with
22 anyone?

23 A. Who did I write to?

24
25 Q. Yes.

26 A. Oh, I wrote to Carmen Lawrence, sorry. There was a
27 letter on the file.

28
29 Q. In what capacity did you write to her?

30 A. She was Minister of Education and a psychologist, so
31 two things. So I wrote to Carmen Lawrence. Yes, there's a
32 letter on file, I have that.

33
34 Q. Finally, you said in examination from Mr Manera that
35 you didn't give any personal counselling to hostel students
36 after --

37 A. No.

38
39 Q. -- you had that meeting with Mr Murray?

40 A. Yes.

41
42 Q. You also referred to that, as I understand it, as
43 "socio-emotional"?

44 A. Yes.

45
46 Q. Could you just explain what that encompasses?

47 A. A whole range of things. It's what we call effective

1 behaviour. It's feeling unhappy, it's feeling - not
2 getting on with your peer relationships, you're being
3 bullied, you've got issues at home. Anything interpersonal
4 which is affecting your standing relationships with school
5 teachers, with peers, with parents and yourself. Feelings
6 of depression and self-worth. Mental health issues.

7
8 Q. How important is that component of a guidance
9 officer's duties at a high school?

10 A. It's very important. It's a large component to be
11 there for students when they need help socially and
12 emotional.

13
14 MR URQUHART: Thank you, Ms MacLennan, that's all the
15 questions I have.

16
17 HIS HONOUR: Thank you, Mrs MacLennan. That completes
18 your evidence, thank you. You are now free to go, thank
19 you.

20
21 THE WITNESS: Thank you. Good.

22
23 <THE WITNESS WITHDREW

24
25 HIS HONOUR: Yes, Mr Urquhart.

26
27 MR URQUHART: The next witness is Kenneth Charles Perris.

28
29 MR MANERA: I wonder if I may be excused, your Honour.

30
31 HIS HONOUR: Certainly, Mr Manera.

32
33 MR MANERA: Thank you.

34
35 MR URQUHART: Mr Perris is in the back of the hearing room
36 and Mr Perris will take the affirmation, sir.

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1 <KENNETH CHARLES PERRIS, affirmed:
2
3 <EXAMINATION-IN-CHIEF BY MR URQUHART:
4
5 Q. Your full name, is that Kenneth Charles Perris?
6 A. Yes.
7
8 Q. How old are you?
9 A. I'm 49.
10
11 Q. And do you reside in the Perth metropolitan area?
12 A. Yes, I do.
13
14 Q. And do you currently hold an executive position with
15 the Department of Education?
16 A. Yes.
17
18 Q. Do you have qualifications as a teacher?
19 A. Yes, I do.
20
21 Q. When did you complete those qualifications?
22 A. I completed my Bachelor of Teaching at the end of 1984
23 and I completed my Bachelor of Education at the end of
24 1987.
25
26 Q. In 1985, is that the first year that you actually
27 taught?
28 A. Yes.
29
30 Q. Were you the physical education teacher at the
31 Katanning primary school three days a week?
32 A. Yes.
33
34 Q. Did you also then do two days a week at the Braeside
35 primary school in Katanning?
36 A. Yes.
37
38 Q. Both government schools?
39 A. Both government schools.
40
41 Q. At that stage, by my calculations, you would be in
42 your early 20s; 22 or thereabouts?
43 A. Yes.
44
45 Q. Where did you initially stay when you moved to
46 Katanning for those positions?
47 A. There was limited government accommodation available

1 in Katanning at the time. Initially, it was at one of the
2 hotels. There were then a number of private residences up
3 until March and then I was invited to take on a caretaker
4 role with two teachers from the Catholic primary school at
5 a house called Kartanup House on Amherst Street in
6 Katanning.

7
8 Q. That is around about March, was it, or thereabouts?
9 A. Approximately March.

10
11 Q. Was there some arrangement as well in addition to the
12 care-taking role whereby you and the other teachers
13 wouldn't have to pay any rent?

14 A. Yes.

15
16 Q. What was that?

17 A. The arrangement was that we would do two evenings of
18 homework supervision at St Andrew's hostel in lieu of rent.

19
20 Q. The other two teachers, were they female teachers?
21 A. Yes.

22
23 Q. At Catholic primary schools?
24 A. Yes.

25
26 Q. In Katanning?
27 A. Yes.

28
29 Q. Can you recall about how long you did this tutoring
30 for at St Andrew's hostel?

31 A. It commenced approximately the middle of March and
32 I concluded my time at St Andrew's hostel in a homework
33 supervision role towards the middle of 1985.

34
35 Q. Was the reason for that move that you had the
36 opportunity to go into a private rental?

37 A. Correct.

38
39 HIS HONOUR: Q. It sounds like about three months, was
40 it, something like that?

41 A. Yes.

42
43 MR URQUHART: Q. The two lady teachers, can you recall
44 their names?

45 A. Yes - Mary Batista and Lina Bertolini.

46
47 Q. What did this tutoring involve, what would you do?

1 A. It involved general supervision of homework and
2 assisting students with any number of tasks to do with
3 mathematics, English, or other learning areas that they may
4 have had some challenges with, during the evenings.
5
6 Q. When you undertook those roles yourself, did you
7 concentrate with the boys or the girls, or did you share it
8 half and half; how did it work?
9 A. It was a mixture of, but predominantly with the boys.
10
11 Q. Did you, early on during that, meet the warden who was
12 there, a man by the name of Dennis McKenna?
13 A. I was introduced to Mr McKenna on my first evening
14 doing homework supervision.
15
16 Q. And thereafter did you have much contact with him?
17 A. Limited contact.
18
19 Q. How long would you be there tutoring on a normal
20 evening?
21 A. From my recollection, it was approximately two hours
22 per evening.
23
24 Q. Starting at about what time?
25 A. 7pm.
26
27 Q. Through to 9pm?
28 A. Yes.
29
30 Q. Was there something that you needed to do at the end
31 of each evening before you left the hostel?
32 A. Part of the agreement was we would have time sheets
33 signed at the conclusion of each of our shifts at the
34 hostel.
35
36 Q. That's each particular evening?
37 A. Yes.
38
39 Q. Who would sign those?
40 A. Dennis McKenna.
41
42 Q. Would you have to go and find him, or would he find
43 you at the end of the evening; how would it work?
44 A. Invariably, I would have to find Dennis McKenna.
45
46 Q. Invariably, would he be at one particular place?
47 A. Not in one particular place.

1
2 Q. Where would you find him?
3 A. Often I would find him in his flat.
4
5 Q. And where else?
6 A. Other locations throughout the hostel - it may have
7 been the dining room or it may have been towards the exit
8 as we were leaving, but it was more an informal passing.
9
10 Q. When you found him in his flat, did you notice
11 anything about that when you went into his flat?
12 A. I noticed that there were often numerous boys in his
13 flat.
14
15 Q. Where would they be - what room in the flat?
16 A. It was his lounge room.
17
18 Q. Did you notice something about the way that lounge
19 room was set up?
20 A. It was a modular lounge that was located into the
21 corner of the flat. It had a bench or a wooden platform on
22 the top of the modular lounge suite and there were often
23 boys laying on the couch or on the bench on the top of the
24 couch.
25
26 Q. This bench, it wasn't affixed to the lounge, was it?
27 A. I couldn't be certain if it was fixed, but it was
28 obviously strong enough to hold boys that were laying
29 across that part of the lounge suite.
30
31 HIS HONOUR: Q. What were the approximate dimensions of
32 this bench?
33 A. Your Honour, it was approximately two metres in an
34 L-shape - two metres by two metres.
35
36 HIS HONOUR: Q. That's the lengths each way.
37 Approximately how wide was the bench?
38 A. My recollection, it would have only been 20 to 30
39 centimetres, wide enough for a child to lay side on.
40
41 MR URQUHART: Q. Or possibly sit there with his legs
42 hanging over the side?
43 A. Yes.
44
45 Q. Was that one way?
46 A. Yes.
47

1 Q. Are you able to recall on how many occasions when you
2 went into the flat to have your time sheets signed would
3 you see boys in the lounge room?
4 A. My recollection is that on all occasions that I went
5 in there to have time sheets signed there were boys in the
6 lounge room.
7
8 HIS HONOUR: Q. About what time of the night was this
9 usually?
10 A. Your Honour, approximately 9pm.
11
12 MR URQUHART: Q. Can you recall whether there would be
13 the same number of boys approximately there on these
14 occasions?
15 A. A similar number.
16
17 Q. Can you give any indication of that approximate
18 number?
19 A. Six to eight.
20
21 Q. When you went into the lounge room on these occasions,
22 where would Dennis McKenna be?
23 A. Dennis invariably would be in the corner of the lounge
24 suite facing the television.
25
26 Q. Did you notice on these occasions whether the
27 television was on or off?
28 A. On most occasions my recollection is that the
29 television was on.
30
31 Q. Did you ever take any particular notice of what was
32 being shown on the television?
33 A. No.
34
35 Q. You mentioned when you saw the boys lying on this
36 platform. Where would the other boys be?
37 A. The other boys would be either seated or laying on the
38 couch.
39
40 Q. With respect to the boys who were laying on the couch,
41 did you notice anything about whereabouts these boys would
42 be resting their head on the couch?
43 A. I often noticed that the boys would either have their
44 head on either Dennis's leg or his lap whilst watching
45 television.
46
47 Q. With respect to those particular boys, are you able to

1 help us with how old they might have been?
2 A. They were high school boys. They appeared to be
3 younger boys.
4
5 Q. On these occasions when you went in to have your time
6 sheet signed, are you able to explain, for want of a better
7 word, the "atmosphere" of this room?
8 A. The atmosphere appeared relaxed. As I indicated, the
9 boys were watching television and often they may have been
10 in small conversation.
11
12 Q. Am I right in saying that you never witnessed any
13 sexual abuse of boys by Dennis McKenna?
14 A. No, I didn't.
15
16 Q. Do you recall what your reaction was, though, to these
17 arrangements when you went in to have your time sheets
18 signed?
19 A. At the time, and given my age, I just thought it
20 was odd not so much for the boys to be in the lounge room
21 watching television, but the younger boys and how they were
22 laying and with their head resting in the positions that
23 I outlined earlier.
24
25 Q. Mr Perris, do you recall who the Katanning primary
26 school principal was this first year that you taught there?
27 A. Mr Ron Byrne.
28
29 Q. How long did you end up working at the primary school
30 for?
31 A. I worked at Katanning primary school and Braeside
32 primary school during 1985 and 1986.
33
34 Q. Was Mr Byrne the principal of the Katanning primary
35 school in 1986?
36 A. No, only during my time in 1985.
37
38 Q. Can you tell us, please, what you thought of Mr Byrne
39 as a primary school principal?
40 A. I held Mr Byrne in the highest regard. He was
41 thorough, he was professional, and he took a deep interest
42 in my personal interests, my sporting interests, but also
43 equally in my development as a teacher.
44
45 Q. Would you have regular meetings with Mr Byrne during
46 your first year there at the Katanning primary school?
47 A. They weren't regular, but I had meetings with

1 Mr Byrne.
2
3 Q. And the purpose of those meetings?
4 A. More often than not they were to provide me with
5 feedback on my teaching and the progress that I was making,
6 and I always felt comfortable in Mr Byrne's presence. His
7 feedback was honest and constructive and, as I said, I felt
8 very confident in his presence and the intent behind the
9 conversations was to assist me in developing as a beginning
10 teacher.
11
12 Q. You mentioned a little earlier that you left Kartanup
13 House around, I think, June of that year?
14 A. Yes.
15
16 Q. 1985. Do you recall a particular occasion when you
17 were speaking to Mr Byrne in one of these meetings after
18 that time?
19 A. I do.
20
21 Q. Can you tell me, please, the conversation that you had
22 with Mr Byrne that's relevant to this Inquiry?
23 A. Mr Byrne made a comment to me that he had noticed that
24 I had changed residential addresses, having moved from
25 Kartanup House to a private residence in town. I explained
26 to him that I had, and he asked me the basis for the move.
27 My response to that was that an opportunity for a private
28 rental had come up, given that I was aware that the
29 Kartanup House could become available at any time for
30 additional accommodation for the students from St Andrew's
31 hostel. In addition to that, on a number of occasions when
32 I returned from Perth for a weekend away --
33
34 Q. How often would you go away on weekends?
35 A. During the early part of 1985 I was playing first
36 grade cricket in Perth, so it was on each weekend, less
37 frequent once the cricket season had concluded.
38
39 Q. What about the two female teachers who also had that
40 caretaker role at Kartanup House, what would they do on a
41 weekend, generally?
42 A. Generally the girls would go back to Collie, as they
43 had family in that town.
44
45 Q. Was this something that you raised with Mr Byrne at
46 this meeting?
47 A. Well, it wasn't a meeting as such, but Mr --

1
2 Q. When you were with him.
3 A. Yes.
4
5 HIS HONOUR: Q. So you're giving reasons why you had
6 shifted; is that right?
7 A. Yes, your Honour.
8
9 HIS HONOUR: Q. You had the opportunity of the private
10 accommodation. You were also telling him something about
11 the weekends.
12 A. The point that I was getting to was, in response to
13 Mr Byrne's comment about the change of address, I made the
14 point that I wasn't entirely unhappy about leaving Kartanup
15 House, because I felt uncomfortable about Dennis McKenna
16 being in the house on a number of occasions when I returned
17 from my trips away.
18
19 MR URQUHART: Q. What made you feel uncomfortable about
20 that?
21 A. I was uncertain as to - given that some furniture had
22 been moved around in the spare room, I was uncertain as to
23 whether Mr McKenna had been in my room or the other
24 teachers' rooms at that time, and I felt like it was an
25 invasion of our privacy.
26
27 Q. Did you notice on those occasions when you saw
28 Mr McKenna at Kartanup House after you returned from being
29 away for the weekend whether he was with anybody else?
30 A. Yes, he was. On each of the occasions he was with
31 boys. On some occasions it was two or three; on one
32 occasion that I recall it was with one boy.
33
34 Q. Did you recognise these boys?
35 A. No, I didn't. I recognised them as hostel students,
36 but I didn't recognise them or could identify them by name.
37
38 HIS HONOUR: Q. At what time and what day would you
39 usually get back on a weekend when you saw him with these
40 boys?
41 A. Generally on a Sunday, your Honour, and approximately
42 3pm in the afternoon. I'd endeavour to get back mid
43 afternoon on a Sunday.
44
45 HIS HONOUR: Q. When you say furniture had been moved,
46 could you go into that in a bit of detail, what you were
47 referring to there?

1 A. There were a number of rooms at Kartanup House.
2
3 HIS HONOUR: Q. Is this the former convent?
4 A. Yes.
5
6 HIS HONOUR: Q. How many rooms were in that?
7 A. I can't recall exactly. It was a large facility,
8 two-storey, a kitchen facility on the first floor. There
9 were other rooms on the first floor. There were additional
10 rooms on the second floor.
11
12 HIS HONOUR: Q. How were these rooms furnished, what
13 sort of fashion?
14 A. Very simple furniture - beds, chest of drawers,
15 wardrobes. I recall specifically, though, for a short
16 period of time we were hosting a representative from the WA
17 Historical Society, and on one occasion when I came back
18 I observed that furniture from his room had been rearranged
19 whilst Dennis McKenna was there with boys.
20
21 HIS HONOUR: Q. What type of rearrangement of furniture
22 are you referring to?
23 A. The beds were set up - two single beds were adjoined
24 to create a double bed. When we returned, the beds were
25 separated and relocated into single formation.
26
27 HIS HONOUR: Q. And that happened more than once, did
28 it?
29 A. The furniture was moved on more than one occasion,
30 your Honour.
31
32 HIS HONOUR: Q. And in what way, with the different bed
33 arrangements?
34 A. Yes, your Honour.
35
36 MR URQUHART: Q. On approximately how many occasions did
37 you observe Dennis McKenna at Kartanup House when you
38 returned with boys, or a boy?
39 A. It was at least three occasions that I recall.
40
41 Q. Would he ever give any explanation to you as to why he
42 was there?
43 A. His comments would obviously be along the lines that
44 he was checking on the facilities with a view to the
45 potential for students to be relocated at some point to
46 Kartanup House from St Andrew's hostel, or if there was
47 additional numbers at the hostel that couldn't be

1 accommodated.
2
3 Q. Would you lock up Kartanup House before you left on
4 your weekend back to Perth?
5 A. If I was the last to leave the house, I would lock up.
6
7 Q. Was that the rule that was put in place with the
8 others as well?
9 A. The arrangement that the three of us had was that the
10 last to leave on a Friday morning or Friday afternoon, if
11 we were heading away for the weekend, would be to lock up.
12
13 Q. Do you know then how it was that Dennis McKenna could
14 get into the house or Kartanup House?
15 A. I wasn't aware how he was able to get into the house.
16 I assume that he had keys.
17
18 Q. On those occasions where you came back and you saw him
19 at the Kartanup House, were you the first of the occupants
20 to return on those particular weekends?
21 A. I was.
22
23 HIS HONOUR: Q. Can I clarify again: this rearranging of
24 the beds, are you saying that when the house was left on
25 the Friday, were the beds in these rooms in a single
26 situation or a double situation?
27 A. A double situation, your Honour.
28
29 HIS HONOUR: Q. You would come back on the Sunday and
30 they would be separated into singles?
31 A. Yes, your Honour.
32
33 MR URQUHART: Q. Would that be one room, or more?
34 A. I can only recall one room, as that was the room that
35 was being used by the representative from the WA Historical
36 Society who we were hosting at the time.
37
38 Q. If we can go back, please, to that time when you were
39 speaking to Mr Byrne, the primary school principal.
40 A. Yes.
41
42 Q. We went off a bit on a tangent there, which is fine,
43 but if we can go back to that conversation you had with
44 him. Can you take us through again what it was you said to
45 him?
46 A. As I mentioned, Mr Byrne made reference to the fact
47 that I had - he observed the fact that I had moved to a

1 private residence and I explained that I had, and the
2 conversation went along the lines that I wasn't entirely
3 unhappy, because of the fact that I observed Dennis McKenna
4 at Kartanup House when I returned and I felt that privacy
5 had then become an issue and, in the course of the
6 conversation, I made a point that, you know, I thought that
7 behaviour was unusual, that we hadn't been informed, and
8 I also commented on the fact of observations that I had
9 made whilst doing homework supervision at the hostel where
10 I observed boys in his flat - or in his lounge room,
11 rather, in an unusual position, laying across his lap,
12 laying across the top of the lounge suite, and that's what
13 I conveyed to Mr Byrne at the time.

14
15 Q. You actually told him about what you observed --

16 A. Yes.

17

18 Q. -- in his lounge room and also what you observed at
19 Kartanup House?

20 A. Yes.

21

22 Q. Can you recall whether you went into the specifics
23 regarding Kartanup House? Did you mention any furniture
24 being moved?

25 A. I can't recall that I mentioned the furniture issue to
26 Mr Byrne. It was only the presence of Dennis McKenna and
27 the boys at Kartanup House when I returned on weekends.

28

29 Q. When you raised this with Mr Byrne, can you recall
30 whether he said anything to you?

31 A. Mr Byrne said that he would make a note of that, and
32 my understanding was that it was either a mental note -
33 given his thoroughness, though, and I had assumed also that
34 he may have made a note in his diary or the school journal,
35 and Mr Byrne had made mention about the school journal in
36 other forums - in other professional forums where that
37 journal would be used for events of significance, critical
38 incidents, or other information that had come to his
39 attention.

40

41 Q. Indeed, in your later career as a teacher, were you
42 aware of schools having such journals?

43 A. I was in my first position as a principal whereby
44 school journals were then used to record critical
45 incidents, events of significance as such.

46

47 Q. Did you see that Mr Byrne had such a journal, or not?

1 A. I didn't see it, but I was aware that Mr Byrne had
2 referred to it on a number of occasions in professional
3 forums.
4

5 Q. So how was Mr Byrne's response to what you were saying
6 to him?
7 A. I felt comfortable in making those comments to
8 Mr Byrne. I wasn't demeaned in any way and, as I indicated
9 earlier, in terms of the regard in which I held Mr Byrne,
10 I took it that by him saying that he would make a note of
11 it, it would be in some form, as I indicated, a mental note
12 of it for future reference, or a diary entry, or something
13 in the journal.
14

15 Q. Did he say anything to you about Dennis McKenna?
16 A. The only comment that I can recall, he made reference
17 to the fact that Dennis McKenna had been a citizen of the
18 year in Katanning, but he said it in such a way not to
19 demean me in any way. It was just really a statement of
20 fact as part of the conversation.
21

22 Q. I gather then from what you are saying he was
23 receptive to what you were saying to him.
24 A. Yes.
25

26 Q. He didn't dismiss you?
27 A. No.
28

29 Q. Was this particular matter raised either by you to
30 Mr Byrne, or by Mr Byrne to you again?
31 A. No, it wasn't.
32

33 Q. You mentioned what you did on a weekend, how you would
34 often go back to Perth. Were you aware of what Mr Byrne
35 would do as well on a weekend?
36 A. Mr Byrne spent very little time in Katanning on
37 weekends, as I understood. He had children of his own that
38 were attending university, I understood, back in Perth, so
39 Mr Byrne and his wife would often leave on Friday afternoon
40 and return late on Sunday afternoons.
41

42 Q. Thank you, Mr Perris.
43

44 MR URQUHART: That's all the questions that I have, sir.
45

46 HIS HONOUR: Any questions from other counsel.
47 Mr Saayman?

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MR SAAYMAN: Yes, sir, just the one.

<CROSS-EXAMINATION BY MR SAAYMAN:

MR SAAYMAN: Q. Mr Perris, in respect to the discussion you had with Mr Byrne about your concerns, you used the word "unusual". Is that the highest you put it during that discussion?

A. It would have been.

Q. Did you describe the behaviour in any other manner?

A. I don't recall - I don't recall describing it in any other way.

Q. In terms of Mr Byrne saying that he would make a note of that, did you feel satisfied that he was actively considering your concerns?

A. Absolutely.

MR SAAYMAN: No further questions, thank you, sir.

HIS HONOUR: Q. You describe it as unusual but were you trying to convey anything at all in terms of what you considered in what way it was unusual?

A. The description about it being unusual wasn't the fact that there were boys in Dennis McKenna's lounge room at that time, given the nature of the hostel; more with the focus of the boys that were - I often observed laying on the couch with their head on either Dennis McKenna's leg or his lap.

Q. It might seem obvious but what did you consider to be disturbing about that?

A. It just didn't seem proper to me.

Q. In your conversation with Mr Byrne did you convey that concern of that nature?

A. I think my concerns were conveyed, in that I felt that the fact that boys were laying on the couch with their head on Dennis McKenna's lap or leg was to be improper and that was combined with the issues of - the privacy issues at Kartanup House.

HIS HONOUR: Thank you very much, Mr Perris, that completes your evidence. You're free to leave.

1 THE WITNESS: Thank you, sir.

2

3 <THE WITNESS WITHDREW

4

5 MR URQUHART: Thank you, sir. That completes the
6 witnesses we intend calling today to give oral testimony.
7 There is, however, two statements of witnesses that it
8 would be convenient to read in at this point in time.

9

10 HIS HONOUR: Yes, please do.

11

12 MR URQUHART: The first one has asked for his name not to
13 be disclosed, as he was one of the complainants in relation
14 to the District Court trial in Albany concerning Dennis
15 McKenna back in 1991. It reads:

16

17 To whom it may concern, I am one of the
18 first five students to lay charges against
19 Dennis McKenna back in 1991. I hope the
20 information I provide can shed some light
21 on the St Andrew's Inquiry.

22

23 I did not report anything to anyone at the
24 time the offences were committed against
25 me. A family member, who was also a
26 student of the St Andrew's residential
27 college, somehow just knew something was up
28 and, with his father, approached me with
29 detectives for a statement, basically
30 making me report what had happened. While
31 I never told anyone, I am grateful someone
32 helped me press charges.

33

34 The offences are not something a
35 14-year-old boy would like to tell someone
36 and, as Dennis was such a prominent figure
37 in the community, who would believe you
38 anyway? To my knowledge it was not spoken
39 about amongst the boys in the dorms or at
40 school, even though some of them knew what
41 was going on and when it could have been
42 happening. Those things are hard enough to
43 talk about now. Back then you would never
44 have considered speaking about it.

45

46 Dennis McKenna was a very controlling man,
47 who knew how to manipulate all the kids,

1 parents, staff and community. He
2 threatened parents that if they spoke out
3 about things they saw and heard he would
4 make their parents lose their farms and
5 send the police out to them, putting the
6 fear of God into the students. He also had
7 parents bluffed with the same line about
8 taking them to court and getting the police
9 involved.

10
11 Dennis would degrade students by belittling
12 them in front of the student body, while
13 crushing their self-esteem. I believe this
14 was just another way of his to make sure
15 you did not have the confidence to stand up
16 to him. He would keep the quiet kids fed
17 up on treats and special outings - God only
18 knows what happened to them - while the
19 outspoken kids were suspended or given
20 kitchen duty, the worst jobs, to try and
21 keep them quiet. Those that spoke up the
22 loudest were expelled. I was suspended and
23 asked not to return for what was wrestling.
24 During my time at the hostel, on many
25 closed weekends when I didn't go home,
26 along with many other boys we were shown
27 many porn movies.

28
29 I believe this was to get us aroused so he
30 could then, in turn, try to take advantage
31 of us.

32
33 Dennis was supposed to be an upstanding
34 community member but it was the kids who
35 did everything and he got the good
36 reputation for it. I helped build the
37 cinema which is on the residential college
38 site. It was the kids who went into
39 Bethshan and Kerry Lodge (old peoples home)
40 and sat with the oldies for hours; also
41 catering many weekends of the year for
42 sometimes up to 100-plus community members.
43 It was the kids who got him his reputation
44 and then he used that to gain the trust of
45 the community.

46
47 Even on the day I went to court, a

1 community member who was also a board
2 member, who I considered my second father,
3 told me I was doing the wrong things (by
4 pressing charges). He still believed
5 Dennis was innocent right up to the last
6 minute and probably believed it for many
7 years after. Another person manipulated by
8 Dennis McKenna to believe his lies and
9 stories.

10
11 The parents who lived in surrounding towns
12 to Katanning such as Nyabing, Pingrup,
13 Borden, Ongerup, Newdegate, Frankland,
14 Tambellup and Jerramungup - to name a few -
15 put their children in the trust of this
16 man, who degraded them in all forms; sexual
17 abuse, mental abuse and emotional abuse.

18
19 He used the board members to become almost
20 part of his sick world by making them
21 believe everything he had to say and never
22 questioning anything. You would think
23 someone would wonder why a grown man would
24 take 13 to 14 year old boys alone on night
25 trips to Perth.

26
27 I would also like to make comment on the
28 fact that as one of the first five students
29 to press charges back in 1991, we were not
30 offered any sort of counselling or support
31 from anyone, and still nothing to this day.
32 I hope that for any past and future victims
33 that come forward, the government are able
34 to at least provide some counselling.
35 Yours sincerely.

36
37 Then this gentleman's name appears and it is dated
38 7/2/2012.

39
40 Sir, the other statement to be read in is a statement
41 by a man named Nicholas Finnbar Christy. For reasons that
42 will become apparent as I read out his statement, it is
43 proposed not to call him to give oral evidence at this
44 hearing. The statement that he has provided to the Inquiry
45 reads - Nicholas Finnbar Christy states:

1 I am Nicholas Finnbar Christy, known as
2 Barry Christy. I live in Albany and was
3 the manager of Amity House (Albany
4 residential college) from 1987 until 2001.
5

6 Some time in 1989, I do not recall the
7 exact date, I had to visit the St Andrew's
8 hostel in Katanning. Whilst there I
9 witnessed Dennis McKenna, who was the
10 warden there, in his pyjamas in the boys'
11 dorm. He was holding hands with two boys.
12 I had to speak to McKenna to ask him to
13 open the doors to the hostel to allow me to
14 leave, as it was locked.
15

16 Following this, I got in touch with either
17 Colin Philpott or Peter Bachelard-Lammas to
18 raise my concerns about Dennis McKenna
19 behaving in an inappropriate manner in the
20 hostel with boys. I cannot remember if
21 this was in writing or verbally. I had no
22 response in relation to this.
23

24 After Dennis McKenna was arrested, Colin
25 Philpott arranged for him to be moved to
26 head office to write a handbook on pastoral
27 care. Whenever we went to head office for
28 meetings, Dennis would always be there. I
29 was very concerned about him writing this
30 handbook as I did not think it was
31 appropriate given the charges against him,
32 and I wrote to Colin Philpott. I received
33 a letter of reprimand in response,
34 suggesting that I had been unprofessional
35 and unsupporting of a colleague in raising
36 these concerns.
37

38 Some time later I was at a wardens' meeting
39 in Geraldton and Jim Hopkins gave out the
40 document that Dennis had been working on
41 and asked us to assess it. Myself, Don
42 Dixon and David Smart were present and we
43 refused to assess this document and give it
44 back.
45

46 HIS HONOUR: "And gave it back."
47

1 MR URQUHART: "And gave it back". Sorry, I will read it
2 out again:
3

4 Myself, Don Dixon and David Smart were
5 present and we refused to assess this
6 document and gave it back. We later wrote
7 a new document to replace this one, which
8 was adopted and became policy.
9

10 When I worked at the hostel, we would often
11 have jamborees with the other hostels. It
12 would be normal practice to stay at the
13 hostel that was hosting the jamboree. I
14 remember that whenever Dennis had the
15 Katanning kids at the jamboree, they would
16 always stay somewhere else, away from the
17 other students.
18

19 A few years ago I was fishing down at the
20 jetty at Albany and got talking to an older
21 fellow there about working at the hostel.
22 I do not know his name. He asked me if I
23 knew Dennis McKenna or Colin Philpott and
24 said that he had been the chairman of the
25 hostel after Colin Philpott. He told me
26 that he had reported Dennis McKenna to
27 Colin Philpott in relation to him abusing
28 the boys and that, as a result, Colin
29 Philpott had him removed from the board.
30 He appeared to be angry and hold bitter
31 feelings towards Colin Philpott.
32

33 I stopped working at the hostel in 2001 as
34 I had a heart attack at work. Since then,
35 I have had a number of health issues and do
36 not cope well with stressful situations. I
37 am happy for my statement to be made
38 available as part of the Inquiry, but do
39 not want to give evidence as a witness, due
40 to my health.
41

42 This statement is true to the best of my
43 knowledge and belief and I have made this
44 statement knowing that if it is tendered in
45 evidence, I will be guilty of a crime if I
46 have wilfully included in the statement
47 anything that I know to be false or that I

1 do not believe is true.

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Sir, whilst that statement has not been signed by Mr Christy, he has, by email, endorsed it as being true and correct and that was on 8 February of this year.

Sir, it is now 1 o'clock. That completes the evidence I propose adducing today. If we start again tomorrow at 10 o'clock, I anticipate we will have a full day of testimony then.

HIS HONOUR: Looking at all of the witnesses listed for tomorrow, it will be a fairly heavy day.

MR URQUHART: Yes.

HIS HONOUR: It includes a witness who was originally to come last Wednesday. Do you think we need to start earlier?

MR URQUHART: That might have been appropriate, sir. However, we do have a video link for the first witness at 10 o'clock.

HIS HONOUR: All right. I just simply note that we may end up sitting a bit late tomorrow.

MR URQUHART: That may well happen instead, sir, yes.

HIS HONOUR: Very well. Thank you. I will adjourn now until 10 o'clock tomorrow.

AT 1.03PM THE HEARING ADJOURNED TO TUESDAY, 28 FEBRUARY 2012 AT 10AM.