

Special Inquiry into St Andrew's Hostel

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

Thursday, 3 May 2012 at 9.07am
(Day 24)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Please be seated. Now, Mr Rafferty, you are
2 appearing today.
3
4 MR RAFFERTY: May I please, your Honour, I do. Just
5 before Mr Urquhart starts, Mr Philpott will be called this
6 morning. I understand it is going to go most of today,
7 having spoken to Mr Urquhart.
8
9 HIS HONOUR: Right.
10
11 MR RAFFERTY: Mr Philpott is 80 years of age. In fact,
12 today is his birthday. He has a heart condition and he has
13 his medication, so that shouldn't be an issue, however, he
14 does get tired very quickly. So what I have advised him,
15 that if he becomes weary during the course of the day, to
16 address that with your Honour, and no doubt you will be
17 able to accommodate him.
18
19 HIS HONOUR: There is no problem at all taking breaks at
20 any stage. So whenever he would like a break, he just
21 needs to say so.
22
23 MR RAFFERTY: Thank you, sir
24
25 HIS HONOUR: And I understand that we would have naturally
26 not wanted him to testify on his birthday. I understand he
27 chose to do so because of your availability.
28
29 MR RAFFERTY: That's my availability, sir.
30
31 HIS HONOUR: Yes, right.
32
33 MR RAFFERTY: And I wasn't saying that by way of any
34 implicit criticism, it is just the only day on which I am
35 available.
36
37 HIS HONOUR: Very well.
38
39 MR RAFFERTY: Thank you sir.
40
41 HIS HONOUR: Thanks for that. Yes, Mr Urquhart.
42
43 MR URQUHART: Thank you very much, sir. Before I call
44 Mr Philpott, I'm just going to read into evidence two
45 relatively short statements. My learned friend,
46 Mr Rafferty, has signed copies of these now and they
47 concern just one matter that Mr Philpott will be examined

1 about today, so it's appropriate that we deal with these
2 now, sir.

3
4 The first one is from Jacqueline Llma, spelt L-L-M-A,
5 Galluccio, G-A-L-L-U-C-C-I-O. It's a four-page statement,
6 sir, and I'll read it out in its entirety. Jacqueline Llma
7 Galluccio states:

8
9 I am 40 years old and I live in Clackline,
10 WA with my husband and two children.

11
12 I am employed as a nurse at Hollywood
13 Private Hospital.

14
15 My parents are David and Coral Trezise who
16 live in Perth.

17
18 I lived in Pingrup with my parents until I
19 left home aged 17 years to go to
20 University.

21
22 I attended primary school in Pingrup but
23 when I reached Year 8 I went to Katanning
24 Senior High School and boarded at the
25 St Andrew's Hostel in Katanning.

26
27 This was because there was no other option
28 at that time due to the distance between
29 home and school.

30
31 When I started at the hostel in 1984 Dennis
32 McKenna was the warden. At that time his
33 brother Wayne McKenna worked there as did
34 Neil and Wendy McKenna. Neil and Wendy
35 lived at the girls end of the hostel.

36
37 I hated the hostel, I found it really
38 controlling and there was a horrible
39 atmosphere.

40
41 I got on well with some of the older girls
42 but I was not to hang around with them.

43
44 There were strict rules that hostel
45 students were not allowed to have
46 boyfriends or girlfriends.

1 If Dennis was unhappy about something he
2 would bring it up at student meetings in
3 the dining hall. He would not use your
4 name but you would know he was talking
5 about you.
6
7 There was a real divide between the hostel
8 students and the town kids who were known
9 as "townies".
10
11 When we went down town in Katanning we had
12 to wear our uniforms so we stood out and it
13 could be seen that we were from the hostel.
14
15 I recall that Dennis McKenna often had us
16 out doing things in the community to make
17 himself look good.
18
19 I recall that Dennis always had his little
20 group of followers with him who were his
21 favourite male students. He would allow
22 them to go into his unit in the evenings.
23
24 At the time I did not think any of this was
25 unusual, Dennis would usually have the male
26 students with him and the female students
27 had Wendy to go to if need be.
28
29 With hindsight and after hearing about
30 McKenna's convictions I can see that some
31 of his behaviour was concerning but I did
32 not view it in this way when I was a
33 student.
34
35 I recall that I thought that Dennis was
36 gay, this was because of the way he
37 dressed, walked and his hand gestures.
38
39 At that time I knew about homosexuality but
40 would have had no idea what a paedophile
41 was.
42
43 I hated my time at the hostel and told my
44 parents that I did not like it there
45 whenever I was at home for weekends and
46 holidays.
47

1 I do not recall raising any specific
2 concerns with my parents about Dennis
3 McKenna, just that I did not like him and
4 that I hated the hostel.

5
6 When I went home for the Christmas holidays
7 at the end of 1984 I was still very unhappy
8 about being at the hostel.

9
10 My parents made arrangements for me to
11 start at Lake Grace High School in 1985 and
12 I never returned to the hostel after the
13 Christmas holidays.

14
15 I would describe the year I spent at the
16 hostel as one of the worst years of my
17 life.

18
19 And there is a declaration at the end:

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

28
29 It has then been signed by the witness and it is dated 2
30 May 2012.

31
32 The next statement, sir, is one by Coral Trezise. It
33 reads "Coral Trezise states":

34
35 I am 62 years old and live in Bull Creek
36 with my husband David.

37
38 I suffer from a condition called
39 Olivopontocerebellar Atrophy. This is a
40 degenerative disease and affects my vision,
41 memory, mobility and my ability to cope
42 with the heat. I was diagnosed with this
43 condition when I was aged 47 or 48.

44
45 I have 6% vision and my vision has been
46 significantly impaired since I was 12 years
47 old.

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We previously lived in Pingrup and my husband was a farmer but we eventually had to move from there to Perth because of my health problems.

When we lived in Pingrup I was the secretary of Pingrup Primary School. Although my vision is impaired I was taught to type by the blind school.

We have 3 children, Jacqueline, Tim and Brooke.

Jacqueline attended Pingrup Primary but when she moved to high school the only option available was Katanning Senior High School.

This meant that she had to board at the St Andrews Hostel in Katanning due to the distance between our home and Katanning.

Jacqueline started at Katanning in the first term of 1984 whether she was aged 12.

I recall that she did not like the hostel and when she came home for weekends she would not want to go back.

Jacqueline told us she did not like the warden Dennis McKenna and said that he always had boys around him and had boys sitting on his lap sometimes. She also told us that she thought that Dennis was gay.

Jacqueline stayed at the hostel for one year and then we took her out because she hated it.

I recall we took her out of the hostel at the end --

It reads "on", it should read "of":

-- 1984 and made arrangements for her to

1 go Lake Grace High School at the start of
2 the new term in 1985. This coincided with
3 a bus service starting up that took her
4 from Pingrup to Lake Grace.

5
6 My husband and I had been writing letters
7 to try to get this bus service started for
8 about 2 years before it was finally
9 started.

10
11 After Jacqueline left the hostel I remember
12 that the hostel wanted to charge us fees
13 for the entire year instead of one term.
14 We wrote to our local member, the Ombudsman
15 and Colin Philpott from the Country High
16 Schools Hostels Authority about this.

17
18 I do not recall the content of these
19 letters but I remember I dictated them to
20 my friend who typed them on my behalf and
21 then I signed them.

22
23 I am now aware of the contents of these
24 letters as they were read to me during my
25 interview with the Inquiry.

26
27 I believe the comments I made about Dennis
28 McKenna in those letters were based on the
29 fact that I had nothing against him
30 personally although I knew that my daughter
31 did not like him.

32
33 I am aware that when we were writing these
34 letters we also got a letter from William
35 McPharlin who was a neighbour of ours. I
36 do not recall how we got that letter and
37 did not recall the content of the letter
38 until it was read to me during my interview
39 with the inquiry.

40
41 I have no recollection of receiving any
42 defamation letters in relation to letters
43 that we sent in relation to the hostel fees
44 but am sure I would not have signed any
45 response to these.

46
47 I do not recall very much about these

1 events due to both the passage of time and
2 my medical condition.
3
4 I believe we ended up paying around \$600 of
5 the hostel fees.
6
7 This statement is true to the best of my
8 knowledge and belief. I have made this
9 statement knowing that, if it is tendered
10 in evidence, I will be guilty of a crime if
11 I have wilfully included in the statement
12 anything that I know to be false or that I
13 do not believe is true.
14

15 It has then been signed by Mrs Trezise. It's witnessed at
16 Bull Creek on 27 April 2012 by Elaine McCready
17

18 HIS HONOUR: Thank you.
19

20 MR URQUHART: So that takes care of those matters, sir. I
21 now call Colin Lindsay Philpott, please.
22

23 HIS HONOUR: Right, just come through to the witness box,
24 Mr Philpott.
25

26 <COLIN LINDSAY PHILPOTT, sworn:
27

28 HIS HONOUR: Right, take a seat. Thanks, Mr Philpott.
29 Remember, if you need a break at any stage, just say so.
30

31 THE WITNESS: Thank you,
32

33 <EXAMINATION-IN-CHIEF BY MR URQUHART:
34

35 Q. Now, Mr Philpott, your full name is Colin Lindsay
36 Philpott?
37

38 A. Correct.
39

40 Q. And judging from what your lawyer said this morning, I
41 can work out that your date of birth would be 3 May of
42 1932. Is that right?
43

44 A. Today.
45

46 Q. Yes. You reside in the Perth metropolitan area?
47

A. I do.
48

49 Q. And you are now retired?
50

1 A. I am.
2
3 Q. Now, you have a glass of water there, so feel free to
4 take that, if you like?
5 A. Thank you.
6
7 Q. And, as I said, it was made abundantly clear, we are
8 in no particular hurry. You take as long as you like and
9 have as many breaks as you like.
10 A. Thank you.
11
12 Q. And if you don't understand a question I ask of you,
13 just say so and I will repeat it.
14 A. Good.
15
16 Q. Now, if I can just go through just briefly your work
17 history, if I may. I understand that you worked in various
18 positions for Wesfarmers between 1950 and 1996?
19 A. Correct.
20
21 Q. Does that sound about right?
22 A. Correct.
23
24 Q. And that job required you to go to various country
25 towns?
26 A. Correct.
27
28 Q. Including Katanning, in 1951, for a couple of years?
29 A. Correct.
30
31 Q. And then again in Katanning from 1966 to I think you
32 have said in your statement 1973?
33 A. 74 or '3, yes.
34
35 Q. Might it have been January of 1974?
36 A. Yes.
37
38 Q. And that you became a member of the St Andrew's
39 Katanning Hostel in 1968?
40 A. Correct.
41
42 Q. And you remained a board member there until you left
43 Katanning essential?
44 A. Correct.
45
46 Q. Is that right?
47 A. Yes.

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Q. And then you were also chairman of the board from 1971 to 1973. That is the Katanning board?

A. Correct.

Q. And you were transferred by Wesfarmers, which took you back to Perth, it would seem, yes, the beginning of 1974?

A. Yes.

Q. However, you remained with the hostel system by creating, and I think with somebody else, an association called the Student Hostels Association?

A. Richard Stole of Swanleigh, yes.

Q. And was that created in 1974?

A. I think we started in 1973 and the first meeting, I think, was in 1974.

Q. And then you became chairman of the Country High School Hostels Association in 1976?

A. Correct.

HIS HONOUR: "Authority", do you mean?

MR URQUHART: "Authority", sorry.

Q. "The Authority", yes.

A. Correct.

Q. And, in fact, from now on, Mr Philpott, given that it's a bit of a mouthful, I will simply refer to it as "the Authority" and hopefully not "the Association"; so "the Authority". Would you agree it seems it was about the middle of the year that you became --

A. Yes, I think it was June or July.

Q. And you weren't a member of the Authority before that?

A. No.

Q. I see, you just came straight in as the chair?

A. Correct.

Q. Was that something you applied for or were you invited?

A. I was invited by the minister then to take up the position.

1 Q. Can you recall who the minister was?
2 A. Yes, Ian --
3
4 Q. MacKinnon?
5 A. MacKinnon.
6
7 Q. Had you had any dealings with him before he asked you?
8 A. No.
9
10 Q. And am I right in saying that you remained chairman of
11 the Authority until 1999?
12 A. Correct.
13
14 Q. And so you held that position for 23 years?
15 A. Yes.
16
17 Q. And it was a voluntary position, at least at first?
18 A. It was up until the last three years where they then
19 paid a sitting fee.
20
21 Q. So from 1976 you only were paid I think it was
22 described as a travel allowance?
23 A. That's all.
24
25 Q. Yes, and so that's a travel allowance for when you
26 would travel to the various hostels throughout the State
27 from time to time?
28 A. In my own time, yes.
29
30 Q. In the late 80s, can you recall whether a member
31 allowance was paid, something called that?
32 A. No.
33
34 Q. No, you can't recall that?
35 A. No.
36
37 Q. But you were paid a small stipend in or about 1996?
38 A. 1996, yes.
39
40 Q. And can you recall how much that was?
41 A. I think it was \$250 a sitting, I think.
42
43 Q. I see. And you would have monthly sittings. Is that
44 right?
45 A. Yes.
46
47 Q. So you can't recall being paid any sort of allowance,

1 other than the travel allowance, before 1996?
2 A. Time is too long ago, I can't recall.
3
4 Q. Yes, that's fine. And aside from your involvement in
5 the student hostels area and, of course, your job at
6 Wesfarmers, I understand you were heavily involved in
7 country football here in WA for many decades?
8 A. Yes.
9
10 Q. And you were awarded the Order of Australia medal in
11 2003?
12 A. Correct.
13
14 Q. And was that for service to the rural communities of
15 WA?
16 A. It was.
17
18 Q. Particular in your capacity as chairman of the
19 Authority?
20 A. Correct.
21
22 Q. And do you know what group or the name of the
23 individual who nominated you for that award?
24 A. No, I don't. It's not available.
25
26 Q. But someone hasn't come up to you afterwards and said?
27 A. No. I'd like to know.
28
29 Q. Now, Mr Philpott, you have also provided a 12-page
30 typewritten statement to the Inquiry which is dated just
31 early this week, 30 April?
32 A. Correct.
33
34 Q. And which you have signed?
35 A. Yes.
36
37 Q. And it includes a declaration at the end which is very
38 similar, if not the same --
39 A. Yes.
40
41 Q. -- as the declaration that I read with respect to
42 those two witness statements?
43 A. Yes.
44
45 Q. And that is, that it includes that you declare the
46 statement as true to the best of your knowledge and belief?
47 A. Correct.

1
2 Q. However, given that the statement largely recounts
3 events from the 1970s and 1980s, it's important to stress,
4 I gather, that its contents are to the best of your
5 recollection?
6 A. That's correct.
7
8 Q. Now, Mr Philpott, on the subject matter of your
9 recollection, has that been assisted in any way from
10 documentary material that the Inquiry has provided to you
11 and your lawyer over the past 10 days?
12 A. Yes, it has refreshed it.
13
14 Q. And have you read the transcript of any evidence
15 that's been led to the Inquiry?
16 A. I ploughed through quite a bit of it.
17
18 Q. Right, yes. I think we were up to about two and a
19 half thousand pages?
20 A. 23, yes.
21
22 Q. And have you tried to keep up-to-date as best you can
23 with the information that's coming to light?
24 A. I've tried to.
25
26 Q. Mr Philpott, have you communicated with anyone that
27 you worked with at the Authority about the subject matter
28 of the Inquiry in the past six months?
29 A. No, other than the only two people - two people have
30 rung me and we haven't spoken about the Inquiry stuff, just
31 what it's all about.
32
33 Q. And who have they been?
34 A. Dick Cairnes and Sue Wilding.
35
36 Q. And when did they ring you, about, about when?
37 A. It's hard to recall. In the very early stages.
38
39 Q. Was it some time around November of last year. That's
40 when the Inquiry was announced?
41 A. I think after Christmas.
42
43 Q. After Christmas, okay.
44 A. Yes.
45
46 Q. And Dick Cairnes, what was his role in the Authority
47 when you were there?

1 A. He - he acted as deputy for me.
2
3 Q. And have you spoken to him at all --
4 A. No.
5
6 Q. -- since the --
7 A. No.
8
9 Q. -- Authority days?
10 A. No.
11
12 Q. No?
13 A. Since that meeting, since that --
14
15 Q. No, no, well prior to him calling you after Christmas,
16 had you --
17 A. No.
18
19 Q. -- kept in contact with him?
20 A. No.
21
22 Q. Since you left the --
23 A. Haven't been in contact with anybody.
24
25 Q. So what did he say to you. Can you recall. I'm not
26 asking you to be word for word precisely, just generally?
27 A. I think all I asked - all I asked him was "Can you
28 recall, during the time that they are talking about the
29 Inquiry, did we ever get any information about Dennis
30 McKenna's deviant behaviour?" and he said "No".
31
32 Q. And when you say "deviant behaviour", you are
33 referring to that behaviour that he has now been convicted
34 of?
35 A. Yes.
36
37 Q. You said that he initiated this phone call to you, so
38 what was he ringing you up about?
39 A. I guess just that the Inquiry had been in the paper.
40
41 Q. I see. And was he asking you anything as to your
42 recollection?
43 A. No, I asked him. He said - I'm trying to recall a
44 very short conversation. I think I said to him - he said
45 to me "Have you been called in" and I said "Yes", and I
46 said "There's just one thing I want to ask, is had we any
47 indication that McKenna had this deviant behaviour?".

1
2 Q. And when you say "had we had any indication"?
3 A. The Authority.
4
5 Q. The Authority. And he replied "No"?
6 A. "No".
7
8 Q. And what about your recollection as at that time?
9 A. No, we definitely didn't.
10
11 Q. Sue Wilding was the other person you mentioned?
12 A. Yes.
13
14 Q. So she contacted you?
15 A. She contacted me.
16
17 Q. Was that by phone or was it --
18 A. By phone, and she lives in Northam.
19
20 Q. I see. And what was her role in the Authority?
21 A. Asking about it. I'd be called - basically the same
22 thing. Had I been called to the Inquiry, and I said,
23 "Yes". I said "Just one thing to ask you, Sue. Can you
24 recall anything that was brought up about Dennis's
25 behaviour before he was convicted?" and she said "No, it
26 isn't, and I'm prepared to come here and swear that. If
27 you need me you let me know".
28
29 Q. Okay. But why was she ringing you to start with?
30 A. Again, because she had seen --
31
32 MR RAFFERTY: Sorry, your Honour, I object to that.
33
34 HIS HONOUR: "What did she say to you"?
35
36 MR RAFFERTY: Yes.
37
38 THE WITNESS: Had I -
39
40 MR URQUHART: Q. She contacted you?
41 A. Correct.
42
43 Q. So what was she saying, if anything, as to why she was
44 contacting you?
45 A. Just because she'd seen the Inquiry in the paper and
46 on the news and asked me had I been called.
47

1 Q. And did you ask her if she had been called?
2 A. No.
3
4 Q. And so you asked her that, whether she had any
5 recollection?
6 A. Correct.
7
8 Q. And she said "No", and again were you just
9 concentrating on any sexual abuse allegations that had been
10 made against Dennis McKenna?
11 A. Yes.
12
13 Q. Do you have any recollection of any complaints being
14 received by you or by the Authority about complaints
15 regarding Dennis McKenna's behaviour?
16 A. At the level of the Authority, no.
17
18 Q. When you say "at the level of the Authority" --
19 A. On day-to-day stuff, all wardens have some people who
20 are unhappy and they may - someone may say something about
21 it, but no, at the Authority level, no.
22
23 Q. So you are saying that might have been raised at
24 another level but not at the Authority level?
25 A. At no time did devious behaviour ever get raised at
26 any level.
27
28 Q. Mr Philpott, I'm just asking you about any behaviour
29 that was complained of by Dennis McKenna. Did that ever
30 come to your attention as chairman of the Authority?
31 A. Well, that's hard for me to recall but there - from
32 all wardens, sometimes people who have had to leave the
33 hostel will have said they don't like their behaviour or
34 the way that they have been handled.
35
36 Q. And what did the Authority do in those instances?
37 A. The Authority did nothing. This was personal between
38 me and whoever the person was.
39
40 Q. What did you, in your capacity as chairman of the
41 Authority, do in response to those matters that were raised
42 with you?
43 A. Generally nothing because it was not between me, it
44 was between McKenna, the local board and the person.
45
46 Q. So in those instances, would you advise the person
47 that it had nothing to do with you or did you go further

1 and tell them where they should take this matter up?
2 A. I would - at most, I would say to them "You should
3 take it up with the board".
4
5 MR RAFFERTY: Sorry, just to be clear, so that's a
6 reference to the person making the complaint.
7
8 MR URQUHART: Yes.
9
10 HIS HONOUR: Indeed.
11
12 MR URQUHART: Q. And in the instances where, say, this
13 person would say "Well I've already raised it with the
14 board and I'm not happy with their response", what would
15 you do in those instances?
16 A. I wouldn't know about it. They will have raised it
17 with the board and dealt with the board.
18
19 Q. Yes, can't you ever recall an occasion where a parent
20 would be unhappy with the board's conclusion or response
21 and would, therefore, take it to another level, ie the
22 Authority?
23 A. Well I can't recall any time it came to the Authority.
24
25 Q. All right. Putting your hypothetical hat on, if that
26 was to happen, what would your response be to that?
27 A. I'd have the administrative officer go and investigate
28 what the complaint was.
29
30 Q. And how would you instruct the administrative officer
31 to do that?
32 A. I'd just relate to him the conversation I'd had and
33 I'd say "You should go to the board or to the warden and
34 discuss it".
35
36 Q. And, in that instance, would you expect the
37 administrative officer to report back to you?
38 A. Generally he would report back to me. Not necessarily
39 if he solved the problem.
40
41 Q. And would you expect those sort of matters to be
42 minuted --
43 A. No.
44
45 Q. -- at meetings?
46 A. No.
47

1 Q. Or raised at meetings?
2 A. No. At Authority meetings?
3
4 Q. Yes.
5 A. No, they are higher than that.
6
7 Q. Sorry?
8 A. The Authority meetings are run on a higher level than
9 local chitchat.
10
11 Q. I see. So the Authority wouldn't bother with these
12 sort of matters, or at least a meeting the Authority
13 wouldn't bother with these sorts of matters?
14 A. I don't think it would get to the Authority.
15
16 Q. Sue Wilding, I think I asked you a moment ago, what
17 position did she hold within the Authority?
18 A. She was just a board member, just an Authority member.
19
20 Q. How long was she an Authority member for, about. Can
21 you recall?
22 A. No, I can't.
23
24 Q. So there was just the one conversation you had with
25 each of these two people?
26 A. Correct.
27
28 Q. Mr Cairnes and Ms Wilding?
29 A. Correct.
30
31 Q. Peter Bachelard-Lammas --
32 A. Yes.
33
34 Q. -- has he spoken to you --
35 A. No.
36
37 Q. -- about this?
38 A. No.
39
40 Q. Emailed you?
41 A. No.
42
43 Q. Written to you?
44 A. No.
45
46 Q. Have you tried to contact him?
47 A. No. I don't know where he is.

1
2 Q. Have you communicated with anyone from the Student
3 Hostels Association?
4 A. No.
5
6 Q. Again I'm referring to since this Inquiry was
7 announced?
8 A. No.
9
10 Q. Have you spoken to or contacted, or tried to contact,
11 anyone who was a board member at the Katanning hostel?
12 A. No.
13
14 Q. So, Mr Philpott, can you just tell us, please, what
15 you regarded your responsibilities as the Authority's
16 chairman?
17 A. I was to chair meetings on a monthly basis and dealt
18 with items concerning the financial status of the whole
19 Authority - not just Katanning, the whole Authority - for
20 matters concerning buildings and the like and other
21 incidental items that would be raised that required
22 Authority approval or otherwise.
23
24 Q. Such as?
25 A. I have difficulty recalling over the time, but matters
26 dealing with the minister, matters dealing with the
27 Education Department and the likes.
28
29 Q. And approximately how many hours, either as a week or
30 a month, that you would devote to your responsibilities as
31 Chairman of the Authority?
32 A. Usually half a day for the Authority meeting, and
33 maybe just a call into the office; sometimes not at all in
34 a week or in a month; maybe two or three times in that
35 period.
36
37 Q. So when you say "that period", are we talking about
38 monthly?
39 A. Yes.
40
41 Q. Okay. So half a day a month, and drop in several
42 times a month?
43 A. Correct.
44
45 Q. Who then was responsible for the day-to-day running of
46 the Authority and --
47 A. The --

1
2 Q. -- if it changed over the long time that you were
3 Chairman --
4 A. Yes, yes.
5
6 Q. -- please say so.
7 A. In the early part of the - when I first joined, Peter
8 Hepper was the Secretary, and half of - he had half a lady,
9 secretary, to do his typing, and he was in charge of the
10 day-to-day stuff. Now, in those days the hostels were all
11 run independently under a letter of arrangement or the
12 Anglican Church Hostel Statute. And they virtually ran all
13 that.

14
15 Then I think it was Peter Bachelard-Lammas came after
16 him and it was basically the same up until the time that
17 the Crown Law Department passed a decision to us based on
18 the fact that unions had come into our field and there was
19 to be a change in hours, numbers of people, long-service
20 leave and the likes. So we obtained this information from
21 the Crown Law Department, and stated that they were - all
22 staff were actually members of the Authority.

23
24 So from then on we had to become more involved - the
25 church - for instance, the church got rid of the statute
26 they had, and they were taken over by a letter of
27 arrangement, so we had a lot more, as an Authority, a lot
28 more to do with advising hostels on things like
29 long-service leave and the like.

30
31 Q. And when were those changes?
32 A. About '86, I think, '7 or somewhere; mid '80s, I would
33 say.

34
35 Q. However, the powers of the Authority were delegated to
36 these boards, weren't they?
37 A. Correct.

38
39 Q. And so therefore what was your view as to the role
40 that was to be played by each Board of a hostel that fell
41 within the jurisdiction of the authority?

42
43 HIS HONOUR: Perhaps before we ask that, I think it's
44 possibly two different periods, before and after the
45 Crown --

46
47 THE WITNESS: Yes.

1
2 HIS HONOUR: -- Law Department.
3
4 THE WITNESS: Yes.
5
6 HIS HONOUR: So perhaps start off first with what the
7 situation was first.
8
9 THE WITNESS: They had - they had full delegated powers,
10 just like a contract, and they - they really had the
11 responsibility and the running of the total thing of the
12 Board - of the hostel. After '86 - '86 - much the same, it
13 still was a letter of arrangement, but the administrative
14 officer, up until today, has much more power in respect to
15 things such as staffing. He sits on all matters of senior
16 appointments at hostels and the like.
17
18 MR URQUHART: Q. And that's been, what, since the mid
19 '80s or '86, '87, some time around there?
20 A. Yes, there was a - there was a mixed time around about
21 that time when we were dealing with unions and the like,
22 until Jim came along in about 1990 or '91 and all things
23 started to change because the financial arrangements of the
24 hostel system changed.
25
26 HIS HONOUR: Q. Who was Jim? Who was Jim?
27 A. Sorry?
28
29 Q. Yes.
30 A. He's still the manager now, they call him.
31
32 HIS HONOUR: Yes, just to put it on the transcript.
33
34 MR URQUHART: Q. What's his name?
35 A. Sorry, Jim Hopkins.
36
37 HIS HONOUR: Right. Yes.
38
39 MR URQUHART: Q. Okay. Do you accept though, that both
40 during the period prior to the mid '80s and after the mid
41 '80s, that the Authority was to retain oversight of these
42 boards?
43 A. Well, I do know that now; but, yes, I would say we did
44 know.
45
46 Q. So you'd say that. You say you know that now?
47 A. Well, yes, we do know that now.

1
2 Q. Well, does that mean you had a different view when you
3 were actually Chairman?
4 A. No, definitely not.
5
6 Q. I see. Yes.
7 A. The short answer to that is, yes, we did.
8
9 Q. And is it the case also during your period of time as
10 Chairman - so that's up to the mid '80s and after the mid
11 '80s - do you accept that it was the Authority who had
12 ultimate responsibility over the Boards?
13 A. Yes, it - yes, it did, but we gave full autonomy to
14 each respective hostel board to run their hostel.
15
16 Q. Right. Was there ever an occasion though, that the
17 authority would override a decision made by a Board?
18 A. I can't recall that there was, but there quite
19 possibly could have been.
20
21 Q. Like, for example, if the Board wanted to terminate
22 the employment of a hostel staff member?
23 A. No, we wouldn't interfere with that. That is
24 autonomous to the local board.
25
26 Q. So you can't even recall an occasion where that
27 happened?
28 A. No, I can't recall.
29
30 HIS HONOUR: Q. Does that answer refer to prior to 1986,
31 or the whole period?
32 A. The whole period.
33
34 HIS HONOUR: The whole period, right.
35
36 MR URQUHART: Q. Now, Mr Philpott, during your time as
37 Chairman of the Authority, did the Authority make a point
38 of ensuring that it received the minutes of the meetings
39 that the various hostel boards would have?
40 A. It never was discussed at a Board - at an Authority
41 meeting. That would be an administrative officer's
42 responsibility.
43
44 Q. Right. And --
45 A. I'd say he would receive them, yes.
46
47 Q. Did you make sure that - well, was there a policy in

1 place that the Boards had to forward their meeting minutes
2 to the Authority?
3 A. Yes, but I would not know whether he did or he didn't.
4 That's administrative.
5
6 Q. Would you expect that that ought to have been the
7 case?
8 A. That they would send --
9
10 Q. Yes. Because otherwise it's a little difficult to
11 oversee these Boards?
12 A. Yes, I would have expected that they would - and they
13 would have sent the - their monthly minutes to the
14 authority.
15
16 Q. Do you know, if they didn't, whether that was chased
17 up by the Authority?
18 A. I can't - I can't recall that we did, but if it was
19 raised by the administrative manager, yes, we would have.
20
21 Q. In your view, what role did a warden of the hostel
22 have with the Board of that hostel?
23 A. He was responsible for the running of the hostel, and
24 was responsible to report to the local Board.
25
26 Q. And was there a requirement that he was, or she, as
27 the case may be, required to attend the board meetings?
28 A. There - that was determined by the local board.
29 Normally I would say, yes, they always did, but there might
30 be times, of course, when they weren't invited to, for
31 reasons that the Board wanted to discuss in private.
32
33 Q. I see. Well, did you regard a warden then as a member
34 of the Board, or was it just one who was invited to attend
35 the meetings?
36 A. No - I would say from here that he was a member of the
37 Board. I mean, he'd have to report on what happened
38 through the month.
39
40 Q. Yes. Now, again, if there's a difference between the
41 mid '80s, prior to the mid '80s, and after the mid '80s,
42 please identify that. But which body had the
43 responsibility to deal with complaints against a hostel
44 staff member? I gather you were going to say it was the
45 Board.
46 A. Correct.
47

1 HIS HONOUR: That's the local board?
2
3 MR URQUHART: The local board, yes.
4
5 THE WITNESS: The local board, yes.
6
7 MR URQUHART: Q. Can you see a difficulty that may arise
8 then when a - say a complaint was made against a warden.
9 Can you see a difficulty arising with the hostel discussing
10 that at a meeting in which the warden was invited to
11 attend?
12 A. Yes. The point I make, that they would ask him to
13 leave.
14
15 Q. Was that ever made clear to these boards by the
16 Authority?
17 A. I don't think it would have had to have been.
18
19 Q. It's just that some evidence that we've heard at the
20 Inquiry - I don't know if you've read it or not - where it
21 seemed that - at least by one Board member that we've
22 questioned, he'd - he thought it would be a real
23 difficulty. He didn't really contemplate the fact that the
24 warden could be asked to leave.
25 A. Well, I wouldn't see how, and in the 10 or 11 hostels
26 that are around the place, there would only be one then
27 that that would occur at.
28
29 Q. Well, talking about Katanning.
30 A. I guess so, because that's what you've seen in
31 the minutes - in the evidence.
32
33 Q. Yes. Have you read that evidence? Can you recall
34 reading that?
35 A. Yes, I think I have.
36
37 Q. And were you surprised when you read that?
38 A. I'm very surprised at a lot of what I've read.
39
40 Q. Yes. And can you recall reading evidence from
41 ex-Board members at Katanning, because they are the only
42 Board members we've called at this Inquiry, for obvious
43 reasons. It seems that they - at least the ones that we've
44 called, were quite confused about what the role of the
45 Board was?
46 A. Yes, and it's hard to understand why, because there
47 is - there isn't any doubt that says that each new Board

1 member should receive the letter of arrangement to know
2 exactly what they are - have been employed to do.
3
4 Q. Yes, yes, I think that was an edict that was
5 determined by your predecessor.
6 A. Probably.
7
8 Q. Yes. Well, I might, in fact, show you the minutes of
9 that --
10 A. Yes.
11
12 Q. -- in due course --
13 A. Yes.
14
15 Q. -- and I was actually going to ask you, but I may as
16 well do this now, but we will get to that: was that a
17 policy that you continued to adopt - or edict rather?
18 A. Yes, it's a policy I would have had.
19
20 Q. Yes, that they would get a copy of the letters of
21 arrangement, and also there was - well, we might get to it
22 a bit later, but in your view, if things ran properly, a
23 newly appointed Board member should have been aware of his
24 or her responsibilities, and the responsibilities of the
25 Board?
26 A. From the local Board, yes.
27
28 Q. Or did the Authority deem it necessary to provide this
29 material to a newly appointed Board member?
30 A. No.
31
32 Q. Would the authority be aware of an appointed Board
33 member?
34 A. Clearly they weren't aware in the certain situation
35 you're talking about, but there's other hostel wardens here
36 would tell you that every new member that came in would be
37 given a letter of arrangement so they knew exactly what
38 their - their requirements were.
39
40 Q. What about anything beyond the letter of arrangement -
41 because the letter of arrangement is only a two-paged
42 document, isn't it?
43 A. Well, some - I don't know what hostels provided
44 additional, but some did have little booklets of - I don't
45 know, by-laws or whatever you'd like to call them, and were
46 given with the letter of arrangement.
47

1 Q. So do you say it was the Board's responsibility --
2 A. Yes.
3
4 Q. -- to make sure? Now, Mr Philpott, I'm going to show
5 you the first of what's going to be a number of documents,
6 and that is - I think you already are fully aware of this.
7 It's an article that was in the 'Great Southern Herald'
8 edition of 31 July 1991. It's already been tendered as an
9 exhibit on your behalf by Mr Rafferty on a previous
10 occasion. It's exhibit 15, sir.
11
12 MR RAFFERTY: Your Honour, just while Mr Philpott's
13 looking at it - I'm not objecting, so Mr Urquhart can
14 relax. I notice my client's moving around a lot in that
15 chair, it looks like a very uncomfortable chair. I'm just
16 wondering if --
17
18 HIS HONOUR: Q. Is that uncomfortable for you?
19 A. No, no, it's fine.
20
21 MR RAFFERTY: It's going to be a long day. I'm just
22 looking at those chairs over there. I'm just wondering if
23 at some stage we can change them.
24
25 HIS HONOUR: You can have whatever chair you like, and I'm
26 very happy for that to be done.
27
28 Q. Would you prefer a more comfortable chair?
29 A. It looks very comfortable.
30
31 MR RAFFERTY: I'm obliged, sir. Thank you for that.
32
33 HIS HONOUR: Okay. Well, we'll do a swap.
34
35 MR RAFFERTY: Thank you, sir.
36
37 THE WITNESS: Thank you, very much. Yes, that's more
38 comfortable. Lovely.
39
40 MR URQUHART: Mr Rafferty could have the other one if he
41 wants.
42
43 MR RAFFERTY: I might use it on Mr Urquhart.
44
45 MR URQUHART: Q. Now, Mr Philpott, for the moment I just
46 want to confirm with you that you would have said this
47 quote, and it's the one that appears in the middle column,

1 the third column, and it's about two-thirds of the way down
2 there, and that you've been quoted as saying:

3

4 The greatest thing we have to consider is
5 the protection of the children.

6

7 A. Correct.

8

9 Q. All right. It's just coming up on the screen there.
10 There. And then the paragraph immediately above that
11 reads:

12

13 If there had ever been any question or
14 doubt, good God we would have had a look at
15 it.

16

17 Now, this is a quote from 21 years ago, but you dispute
18 that you've - you would have said those things?

19 A. No, I would agree with that.

20

21 Q. And, indeed, it's an obvious question, but I'll ask it
22 of you - that the protection of children who Board at
23 hostels that fell within the Authority's control was not
24 just the primary or paramount consideration of the hostel
25 board that oversaw that hostel, but also, of course, the
26 Authority.

27 A. Of course.

28

29 Q. Would you agree with that?

30 A. I agree.

31

32 Q. Now, you can put that to one side there. And I
33 confirm with you that was your belief the entire time that
34 you were Chairman of the Authority?

35 A. Yes.

36

37 Q. And that it applied to all hostels equally?

38 A. Yes.

39

40 Q. And can I ask you this question now, Mr Philpott: of
41 all the wardens that were in charge of hostels during the
42 first 14 years of your - I was going to call it reign, but
43 in your position as Chairman of the Authority, who at the
44 time - I must stress "at the time" - would you have rated
45 as the best warden - and not using the advantage now of
46 hindsight?

47 A. Don Dixon.

1
2 Q. Don Dixon?
3 A. Yes.
4
5 Q. Yes.
6 A. Narrogin's warden.
7
8 Q. I see. Yes. And anyone else up in the top bracket?
9 A. Yes. At that time I would have also said Dennis
10 McKenna. He was doing - to the outside world - doing
11 spectacular things.
12
13 Q. And did that outside world include the Authority?
14 A. Yes, I would - well, I'm speaking on behalf of myself
15 here, so I would say that's my opinion.
16
17 Q. Okay.
18 A. So they are quite capable of speaking --
19
20 Q. Well, did any member of the authority, during your
21 time as Chairman, proffer a different view as to what they
22 thought of Dennis McKenna as a warden?
23 A. No, I don't think they did.
24
25 Q. No. Because I'm going to suggest to you that it was
26 pretty much across the Board?
27 A. Yes, it was.
28
29 Q. That he was regarded as a perfect example of
30 everything a warden should be?
31 A. Correct.
32
33 Q. And I know you've referred in your statement that
34 you've made to the Inquiry, something that David Smart said
35 in his evidence, where he - he was the warden who was
36 appointed to take over the Esperance Hostel in 1989 --
37 A. Correct.
38
39 Q. -- and he said in a conversation that he had with you
40 at that time that if you had any queries - I'm paraphrasing
41 here - he should raise it with Dennis McKenna because he
42 was the guru of boarding. And I think you can't recall
43 whether you said that to him or not; is that right?
44 A. No, I don't, but it wouldn't have mattered. Had we
45 been talking at the time about Don Dixon, I would have said
46 the same statement.
47

1 Q. Yes, but you wouldn't dispute that you said that?
2 A. No, I - it is possible that I would have said that.
3
4 Q. So you say that to the outside community - I think
5 were your words - outside community, outside world - Dennis
6 McKenna was an outstanding warden. Asking you personally,
7 why did you hold that view?
8 A. Because everything that was perceived of him in the
9 outside world led me to that conclusion. Things that he
10 did with the children were so good to the community that he
11 was always being - there was editorial in the local paper;
12 there was letters to the editor in the paper, and people
13 that you met, everyone was saying how outstanding he was
14 with the students.
15
16 Q. Well, you said that he was so good to community --
17 A. Yes.
18
19 Q. -- can you recall examples of that, that you either
20 became personally aware or were told?
21 A. No, but I refer to things like he made the nursery and
22 he did the cinema and things like that, all for the benefit
23 of the children in the hostel, and to integrate with the
24 children in the town. And these things were all good in
25 people's mind. Now, if I add to that I wasn't the only
26 person that thought that. You've got evidence from
27 Ministers of the Crown to the same effect.
28
29 Q. Are you referring to a letter that he received from
30 the Minister for Education in 1980?
31 A. Correct.
32
33 Q. Yes. So you're familiar with that?
34 A. Yes.
35
36 Q. And I think that Minister said, from all accounts - I
37 was going to show it to you in a moment - but from all
38 accounts he said that, "It's evident you're doing an
39 outstanding job as warden", or words to that effect, and
40 we'll get that letter in a moment, but would that be
41 feedback the Minister would have got from the Authority?
42 A. I'm not sure where they would have got that feedback,
43 but just evidence of this. I recall Mrs Cant, an expert
44 psychologist that spoke to this Tribunal --
45
46 Q. Yes.
47 A. -- saying the perfect paedophiles - "perfect" being

1 the wrong word, I know, but - had the unique ability to
2 exclude the real world from their deviant behaviour, and in
3 the real world they produced things that were beneficial to
4 the community, and all around they would bring them things,
5 such as citizen - Citizen of the Year, he doubled the size
6 of the hostel. This - all this was evidence that was
7 available to anybody, and that's what would help you form
8 that opinion.

9
10 Q. That's right. And Mrs Cant - you obviously read her
11 account, haven't you?

12 A. Very good.

13
14 Q. Yes. And she also goes on to say because of this
15 impression they create to the community, if there was a
16 complaint made against them --

17 A. Yes.

18
19 Q. -- of a sexual abuse nature, it is far more likely
20 that the victim who's come forward wouldn't be believed?

21 A. Correct.

22
23 Q. Yes. And if - I only say "if", Mr Philpott - you,
24 yourself, became aware of a complaint against Mr McKenna of
25 a sexual nature involving abuse of a child, given that
26 outstanding reputation he had, you would have found it very
27 difficult to believe?

28 A. No.

29
30 Q. You wouldn't?

31 A. Anything to do of a sexual nature I would have
32 immediately done something about it - put the protocols
33 into place.

34
35 Q. See, I'm going to suggest to you - and we'll get to it
36 in more detail later on - is that you actually didn't do
37 that, that you - when you got word of a complaint, or found
38 out that Mr McKenna may not have been all that he was
39 supposed to be, that you disregarded it?

40 A. I welcome to hear that.

41
42 Q. Okay. And you do realise, do you not, what Mrs Cant
43 is saying is like a - it's almost - I was going to use the
44 expression get out of gaol free card, but she says that if
45 someone was told that, that this highly respected man was
46 engaging in child sexual abuse, there is very good reasons
47 why that person would not believe it. So, again, you're

1 saying that you never even got anything to suggest that
2 Dennis McKenna may have been engaged in inappropriate --
3 A. Yes.
4
5 Q. -- sexual behaviour towards his students?
6 A. That's right.
7
8 Q. What about more generally of inappropriate behaviour.
9 Do you say that you never --
10 A. That would fit more into the category that you're
11 talking about from Mrs Cant that, depending who it came
12 from, and you would do some investigation.
13
14 Q. Why would it depend on who it came from?
15 A. Well, there's some people who when the child is
16 removed from a hostel, they go bonkers about the person.
17
18 Q. Yes.
19 A. And so you've got to worry about whether you believe
20 exactly what they're saying, but not if they talk about
21 sexual behaviour.
22
23 Q. Why do you draw the distinction, Mr Philpott?
24 A. Because there can be other sort of behaviour that
25 you've got to ascertain the severity of, but when it comes
26 to sexual behaviour, it's different.
27
28 MR RAFFERTY: So just in fairness, it was my learned
29 friend's question that delineated between the two.
30
31 MR URQUHART: Q. The inappropriate behaviour that you
32 talk about, what about allegations of psychological abuse
33 upon a student. Is that something that you wouldn't regard
34 as particularly serious?
35 A. Yes.
36
37 HIS HONOUR: Q. I think in fairness, today we've got
38 terminology for these things. Back then we didn't, you
39 know.
40 A. Yes, that's correct.
41
42 Q. And back in those days I don't think the terminology
43 "sexual abuse" existed. It's something that's come along
44 in the 1990s, so in trying to remember back now what you
45 thought at the time, and you must be careful to think in
46 terms of what you --
47 A. Yes.

1
2 Q. -- your belief system was at the time, as distinct
3 from what it is now, with hindsight?
4 A. Yes.
5
6 HIS HONOUR: So I understand the questions are being
7 directed to what you thought at the time - is that right?
8
9 MR URQUHART: Well, yes, exactly, sir, yes. So at his
10 time as Chairman, yes, exactly.
11
12 HIS HONOUR: Or back in the '70s or the '80s.
13
14 MR URQUHART: Yes.
15
16 HIS HONOUR: We are really concerned with what happened up
17 until 1990.
18
19 MR URQUHART: Yes, that's right. From 1970 - mid '70s
20 through to 1990.
21
22 HIS HONOUR: That's right.
23
24 MR URQUHART: Yes.
25
26 HIS HONOUR: Yes.
27
28 MR URQUHART: Q. So a complaint that there has been
29 psychological abuse by a warden towards a student?
30 A. What would we do about it, or what would I do about
31 it?
32
33 Q. Yes, back then. And it was raised in the context of
34 the parent having withdrawn the child from the hostel?
35 A. If it was brought to me as the chairman, which it
36 would be very unlikely that it would, for the availability
37 of myself, I would have it looked into. But generally a
38 psychological thing would be dealt with at board level and
39 presumably they would do something at that level.
40
41 Q. Do you agree with me that often these hostel boards
42 comprised of members from rural communities like, for
43 example, parents of children?
44 A. Yes.
45
46 Q. I think there was an effort made to ensure that there
47 was some representatives from members of the community who

1 come from professions?
2 A. Correct.
3
4 Q. It seems to be the case someone who would work in a
5 bank wouldn't often be on a board?
6 A. Yes.
7
8 Q. I gather that would be to handle the financial
9 matters?
10 A. Correct.
11
12 Q. Given the make-up of these boards - again I am
13 concentrating on mid-1970s through to 1990 - do you think
14 that they were sufficiently experienced to cope, or to
15 carry out an investigation regarding these sorts of
16 matters; let's stay with the psychological abuse example.
17 A. Well, all other boards did and they had a variance of
18 people on them. It is just possible that that board didn't
19 have the balance.
20
21 Q. Who was to oversee whether they had the right balance
22 though?
23 A. Generally, because they ran the hostel at that stage,
24 it was the chairman of the board. If he had difficulty he
25 would make contact with the administrative manager who
26 could give wider experience to help.
27
28 Q. Was that made clear to the chairmen of these boards?
29 A. Well, I would say yes, because any other problems they
30 had they would make contact with the day-to-day manager,
31 the administrative manager. Remembering, we only met once
32 a month.
33
34 Q. I appreciate that. But do you agree with me that the
35 make-up of those members of the authority with their wider
36 ranges of experience would be better placed to consider a
37 complaint - I will use an example - of, say, psychological
38 abuse?
39 A. Yes, they were quite a broad spread of people. But
40 they wouldn't do that. They would receive that and pass it
41 on to the resources of the education department who would
42 investigate.
43
44 Q. Cross the boards were voluntary organisations as well?
45 A. Correct. Yes.
46
47 Q. As I understand, correct me if I am wrong, for example

1 parents who were on these boards would often have to travel
2 great distances to make the meetings?
3 A. Correct.
4
5 Q. Am I right in saying that they weren't paid a travel
6 allowance, for example?
7 A. Correct.
8
9 Q. Am I right also in saying you had regular contact with
10 Dennis McKenna when you were chairman, that is from 1976 to
11 1990?
12 A. No more than any other warden in the state.
13
14 Q. The question was: Did you have regular contact with
15 him?
16 A. Define "regular"?
17
18 Q. How often would you see him during the course of any
19 one year, leaving aside the latter months of 1990?
20 A. Three or four times a year.
21
22 Q. How often would you speak to him on the phone?
23 A. Never.
24
25 Q. Would you at least agree, you may well say it is the
26 same as the other wardens, if you want to by all means, but
27 you had a very good working relationship with Dennis
28 McKenna?
29 A. Yes, I did.
30
31 Q. You mentioned Mr Dixon --
32 A. Yes.
33
34 Q. -- as being someone who was a highly regarded or
35 someone you thought as extremely competent and a good
36 warden?
37 A. Correct.
38
39 Q. But Dennis McKenna really, I am going to suggest to
40 you, from about 1980 onwards was, for want of a better
41 term, the "pin-up warden" as far as the authority was
42 concerned?
43 A. Well, I wouldn't say the "pin-up", no. I wouldn't
44 place him anywhere ahead of Don Dixon.
45
46 Q. On the same level as Don Dixon?
47 A. For what he ran, and from the outside looking at them,

1 probably yes. Because he doubled the numbers of the hostel
2 that would put him in the good books.
3
4 Q. He seemed to be committed to the well-being of his
5 students?
6 A. There were plenty of parents who decided to send their
7 kids there that weren't unhappy about it.
8
9 Q. He seemed to be dedicated to his job?
10 A. Yes.
11
12 Q. I think it was referred to in the Minister for
13 Education's letter to Mr McKenna in 1980 that he stated
14 that he believed that the Katanning hostel had been
15 identified as the best hostel in WA?
16 A. Flowery language from a politician.
17
18 Q. You would disagree with him?
19 A. Oh, yes, I would disagree. He wasn't better than
20 Narrogin.
21
22 Q. He was just as good as Narrogin?
23 A. Yes, I think so.
24
25 Q. Given Dennis McKenna's reputation, you mentioned he
26 was Citizen of the Year. Were you actually aware? Can you
27 recall whether you were aware that he was named Citizen of
28 the Year for Katanning for 1984 at that time?
29 A. No.
30
31 Q. No?
32 A. No.
33
34 Q. Didn't you retain links with Katanning, the people
35 there, given the fact that you lived there for eight years,
36 or 10 years in total?
37 A. I certainly did. I certainly do now.
38
39 Q. Did you have any relatives living in Katanning between
40 the mid-1970s and 1990?
41 A. Yes.
42
43 Q. Your daughter?
44 A. Oh, yes, my daughter.
45
46 Q. You had a daughter there?
47 A. Yes.

1
2 Q. What years was she there? By all means if you want to
3 get assistance from your wife --
4
5 MRS PHILPOTT: '79.
6
7 MR URQUHART: About how many years?
8
9 MRS PHILPOTT: Still there.
10
11 MR URQUHART: Still there.
12
13 Q. So you visit your daughter?
14 A. I said I would, but I rarely did.
15
16 Q. You have maintained links with friends that you made
17 in Katanning?
18 A. Yes. We do have links, yes.
19
20 Q. So you might say that maybe more so than the other
21 hostels you had your finger on the pulse with respect to
22 the standard in this particular hostel in Katanning?
23 A. I tried not to appear that way. I would go to
24 Katanning without going to the hostel. I don't think I had
25 more linkage to them than to some of the other hostels.
26
27 Q. You never ever, through those contact, you never ever
28 heard a rumour or gossiping or anything of that nature
29 regarding Dennis McKenna's behaviour in the running of that
30 hostel?
31 A. Which absolutely staggers me that I didn't.
32
33 Q. And does it absolutely stagger you because of the
34 evidence that you've heard in this Inquiry?
35 A. Yes.
36
37 Q. Does that include the evidence of those people who
38 said that they did alert persons in authority - excluding
39 you - but they were alerting other persons in authority
40 about what Dennis McKenna was up to?
41 A. I never heard about that.
42
43 Q. Yes, I know that. But does it surprise you now that
44 you never heard --
45 A. It absolutely surprises me. Everybody comes out now
46 and says, "Oh, we knew about that". Well, nobody knew
47 about it or said anything about it in those days.

1
2 Q. The question I am trying to ask, does it surprise you
3 now that if in fact - leave aside what people say about you
4 - but if in fact they are right about what they said to
5 other persons - I use the phrase loosely - "other persons
6 in authority", does it surprise you that you never ever
7 heard even a whisper or rumour or gossip that this might be
8 happening at Katanning hostel?

9 A. I agree, that I am surprised that I never heard it
10 from somebody in Katanning area.

11
12 Q. Given Dennis McKenna's reputation and the personal
13 opinion that you had of him as a warden, am I right in
14 saying that you were shocked when you became aware that
15 he'd been charged with sexual abuse of a student?

16 A. Certainly was.

17
18 Q. Amazed?

19 A. Yes, I think I could say even amazed.

20
21 Q. When you were first told about that, I suggest to you,
22 those were allegations that you found impossible to
23 believe?

24 A. No. Because it came to me from the police so I knew
25 they would have done their investigations.

26
27 Q. Yes, but they were just allegations at that stage.

28 A. Correct.

29
30 Q. I suggest to you that your initial reaction would have
31 been "this is" - I won't say "impossible" - "extremely hard
32 to believe"?

33
34 MR RAFFERTY: I do object to the question. I think there
35 is a fear of my asking that question. I appreciate that.
36 **I know there rules of evidence.** Did he turn his mind to the
37 question of belief one way or the other? The question is
38 then asked in relation to a particular belief positive or
39 negative.

40
41 HIS HONOUR: I would have thought there would be little
42 difficulty in remembering what one thought about at the
43 time.

44
45 MR RAFFERTY: Not difficulty with that. "Did he turn his
46 mind to a question of belief" is what I am saying is the
47 fairer question.

1
2 HIS HONOUR: I do not think that is a valid objection
3 because I do not think one's mind thinks in those terms.
4 You hear an allegation, it was something which was a
5 dramatic allegation, you remember what you thought at the
6 time; you may or may not.
7
8 MR RAFFERTY: I am not putting it on the question of what
9 he prefers, sir. Does he remember whether he turned his
10 mind to a question of belief one way or the other.
11
12 HIS HONOUR: I do not think that is part of the ordinary
13 thinking process of any human being that they turn their
14 mind to whether or not they are thinking about something or
15 turn their mind to whether or not they believe something.
16
17 RAFFERTY: No. Sorry, I am not making the objection very
18 clear, sir. There may well have been a belief, but did he
19 turn his mind to the question of whether he believed the
20 allegation or not? It is a question you have to ask first,
21 whether you actually turned your mind to the inferred --
22
23 HIS HONOUR: No, well I --
24
25 MR RAFFERTY: Or: Was it an issue that you needed to turn
26 your mind to?
27
28 HIS HONOUR: I do not accept the substance of your
29 objection.
30
31 MR RAFFERTY: I will deal with it in due course then.
32
33 MR URQUHART: Q. You were told about those allegations
34 and I am going to suggest to you that you found it very
35 difficult to believe, given the outstanding reputation this
36 man had?
37 A. My understanding of what I thought at the time is that
38 no, there could be substance to it because it had come from
39 the police.
40
41 Q. Why did it necessarily have to come from the police?
42 A. Well, they're the final arbitrators before it goes to
43 a trial.
44
45 Q. So do you --
46 A. They usually do their work thoroughly.
47

1 Q. Do you draw that as a distinction between what
2 particular party is bringing to light allegations of sexual
3 abuse?
4 A. Do I - sorry? Again?
5
6 Q. Did you make a distinction between who it is that is
7 advising you that someone's engaging in sexual abuse of
8 children?
9 A. No. No, I can't quite understand the question.
10
11 Q. You just said because it was the police that was
12 saying this --
13 A. Yes.
14
15 Q. -- there may well be an element of truth about it?
16 A. True.
17
18 Q. So if, for example, you had found out this through a
19 parent of the school, would you not place so much reliance
20 on that than if it had come to your attention via the
21 police?
22 A. If I had something from someone from the school it
23 would have been a different approach. It would have gone
24 back and we would have put it through the usual protocol.
25
26 Q. Mr Philpott, am I right in saying that you, as
27 chairman of the authority, would have commended Dennis
28 McKenna over the years up to 1990 about the manner in which
29 he ran the hostel?
30 A. Correct.
31
32 Q. You also would have commended him highly to other
33 people as to the manner in which he ran the hostel?
34 A. I would say yes.
35
36 Q. So out of the, I think, 11 wardens - I gather there
37 would be more wardens, who were wardens from the years 1975
38 to 1990, because there would have been a turn-over --
39 A. Yes, there was.
40
41 Q. -- for 11 hostel or thereabouts, he was one of the top
42 two?
43 A. No, I wouldn't say, "top two" because there were
44 others quite capable.
45
46 Q. Okay. I thought we had established that, but we
47 haven't. That is fine.

1 A. There's one here today who's very capable.
2
3 Q. But this was no ordinary warden. This was a warden --
4 A. Not - not star in the sky stuff. He just was an
5 efficient warden.
6
7 HIS HONOUR: When we come to the right moment I would like
8 to adjourn for about 10 minutes.
9
10 MR URQUHART: I was going to suggest that we do that, sir.
11 In fact, I will just finish up again with this.
12
13 Q. Are you saying, Mr Philpott, that when you were
14 initially told, initially made aware that Dennis McKenna
15 had been charged with sexual abuse of an ex-student your
16 initial reaction wasn't "This can't be true"?
17 A. No, I must say that because it was done by the police
18 that I accepted there must be some substance to it.
19
20 MR URQUHART: That might be an appropriate time, sir.
21
22 HIS HONOUR: We will take a break for about 10 minutes.
23
24 **SHORT ADJOURNMENT**
25
26 MR URQUHART: Q. Mr Philpott, I want to try and avoid as
27 much as possible going back to a topic that has already
28 been discussed, but I just need to draw your attention to
29 one matter I would like to ask you about. You may recall
30 that you said that the authority, you didn't recall, or the
31 authority did not over-ride a decision by a hostel to sack
32 a hostel staff member. Do you recall giving that evidence?
33 A. Yes.
34
35 MR RAFFERTY: The evidence was "Can't recall, sir".
36
37 THE WITNESS: I just add to that, though. However, it
38 depended on the severity of somebody wanting to retain
39 someone after it was obvious in an instance like this that
40 they were accused of some deviant behaviour.
41
42 MR URQUHART: Q. Do you recall something happening in
43 1987 regarding the Esperance hostel warden, a gentleman by
44 the name of David Kent?
45 A. Yes.
46
47 Q. Do you recall on that occasion the board actually

1 sacked him and the authority over-ruled that decision?
2 A. I can't remember.

3
4 Q. Okay. I'm just going to show you a newspaper article
5 which was part of that bundle of documents that was
6 supplied you to and Mr Rafferty. The copy that I had had a
7 hole punch in it. I have written over there what I believe
8 the words are. I just show Mr Rafferty. That's the first
9 column, Mr Rafferty. This was reported in the Esperance
10 Express Newspaper on 22 December 1987. If you have
11 difficulty reading that I will be able to assist. In fact,
12 shall I just read out to you the first column for you, at
13 least?

14 A. Yes, if you could.

15
16 Q. "Attempts to sack hostel warden riles authority", is
17 the heading.

18
19 **Country High Schools Hostel Authority is**
20 **likely to take action over further attempts**
21 **to sack Esperance senior high school hostel**
22 **warden David Kent. This follows claims by**
23 **authority chairman Colin Philpott at a**
24 **meeting held by the local hostel management**
25 **board last Tuesday night was**
26 **"unconstitutional".**

27
28 You get the gist of it?

29 A. Yes, I do. I can answer that.

30
31 Q. Do you agree there that that is an example of where
32 the board's decision was over-ruled by the authority?

33 A. In an instance like this the authority wouldn't do
34 anything until it had the acquiesce of the industrial
35 relations of the staff. They clearly would have told us
36 then if that was unconstitutional or "you can't do that".
37 And that's why the authority would have come in and
38 over-ruled it. We never sacked anybody without it being
39 agreed to by --

40
41 Q. Sorry, Mr Philpott. I am listening, I can assure you.
42 I am not being rude. I just want to clarify something. I
43 am listening. Sorry, yes, go on.

44 A. I finished.

45
46 HIS HONOUR: Q. You said you never sacked anyone without
47 the agreement of the local board, is that what you are

1 saying?
2 A. Not necessarily, sir. The industrial relations.
3
4 Q. The Industrial Commission?
5 A. Yes.
6
7 MR URQUHART: Thank you for that. I will tender that, for
8 what it is worth, given that photocopy and the first
9 column. I have made some notations there.
10
11 HIS HONOUR: That is exhibit 69.
12
13 **EXHIBIT #69 NEWSPAPER ARTICLE REPORTED IN THE ESPERANCE**
14 **EXPRESS NEWSPAPER ON 22 DECEMBER 1987 BARCODED 0119**
15
16 MR RAFFERTY: It is conceded what Mr Urquhart has written
17 down would have been what was there.
18
19 MR URQUHART: Thank you. If the witness can be shown that
20 letter from the Minister of Education from 1982, which is
21 exhibit 38 that has already been referred to in
22 Mr Philpott's evidence; barcode 0331, exhibit 38.
23
24 Q. That is the letter that we have been talking about and
25 I have incorrectly identified the year as 1980. I wasn't
26 too far away; 30 November 1982. It is a letter addressed
27 by the then Minister For Education to Dennis McKenna. I
28 will just read out that second paragraph into the
29 transcript:
30 I must say I have heard nothing but praise
31 for the efficient manner in which the
32 hostel is administered. I congratulate you
33 for your efforts in developing what is the
34 most impressive hostel in Western
35 Australia.
36
37 Mr Philpott, was that description justified "the efficient
38 manner in which the hostel is administered"? Do you think
39 that description was justified?
40 A. In 1982 probably was.
41
42 Q. Wasn't it the case that for much of the time of Dennis
43 McKenna's position as warden of the Katanning hostel that
44 the hostel accrued significant debts?
45 A. The debt that Katanning ran up is no different to all
46 other hostels in the state, with the exception of Narrogin.
47 The financial arrangements for hostels and the birth

1 population of the rural areas meant there was highs and
2 lows. All hostels, except Narrogin, who had a critical
3 mass of students would have times when they had asset
4 problems.
5
6 Q. The question I asked you, though, and I will ask you
7 it again, wasn't it the case for much of Dennis McKenna's
8 reign at Katanning hostel the hostel accrued significant
9 debts? That was just the question?
10 A. Yes, I would agree that he had debts, maybe more than
11 most hostel.
12
13 Q. Yes. From your evidence earlier this morning, it was
14 that financial affairs of these hostels, you say, was the
15 focus of the authority's attention at its monthly meetings?
16 A. Correct.
17
18 Q. I just want to show you some minutes that have already
19 been provided to you and Mr Rafferty which demonstrates, in
20 my submission, of all the hostels that Katanning was far
21 above the others insofar as, firstly, management of their
22 funding and the accruing of their debt. We will have a
23 look at those minutes first and then I will ask you for
24 your views on that.
25 A. I get to recall what you are saying.
26
27 Q. Yes.
28 A. From Katanning's point of view there were things done
29 there that created query in the authority. But the
30 administrative manager was told to get down to the board,
31 or we would have an audit done of the books and then they
32 were told that they couldn't get any more money, they had
33 to work it off.
34
35 Q. I am going to suggest to you that by the time Dennis
36 McKenna was arrested the problem hadn't really been solved.
37 Their debt kept on accruing.
38 A. Only in the latter half.
39
40 Q. I am starting with the 1980s.
41 A. Oh, okay.
42
43 Q. Let us have a look at some of these minutes.
44 A. Yes.
45
46 Q. The first one, sir, is going to be the minutes of the
47 authority of 17 August of 1983. So, Mr Philpott, this is

1 the minutes --
2 A. Yes.
3
4 Q. -- from Wednesday, 17 August 1983. You can see, so
5 far as the minutes are concerned, that you were present?
6 A. Yes.
7
8 Q. Together with seven other - well, five other members,
9 the administrative officer and the secretary. I just want
10 to draw your attention to paragraph 7 on page 5, which is
11 just the second page, under the heading "Katanning"?
12 A. Yes.
13
14 Q. And (iii). I will just read out, for those who may
15 not be able to read what's up on the screen, the paragraph
16 that I want to draw your attention to:
17
18 The chairman advised that he had attended a
19 meeting of 3 1/4 hours duration at
20 Katanning in an endeavour to induce better
21 relations between the Authority and the
22 Board. He felt that this had been achieved
23 by the meeting.
24
25 He explained the circumstances surrounding
26 the purchase in good faith by the Board of
27 three (3) washing machines and referred to
28 the snowballing effect of a 1978 deficit of
29 \$13,000 and hinted that the Authority might
30 have to have a look at paying this deficit.
31
32 Mr Philpott went on to say that the new
33 theatre-cinema building was very good and
34 that P.W.D. and Public Health approval had
35 been obtained.
36
37 Now, I know it's a long time ago, Mr Philpott, but it would
38 appear there that you had to have a rather lengthy meeting
39 down at Katanning?
40 A. Correct.
41
42 Q. Would you be able to recall that because I would think
43 that --
44 A. The only thing I can recall about it was to do with
45 finance and in particular these washing machines that they
46 had bought. They did it without authority.
47

1 Q. Well, when you say "they", actually, it was Dennis
2 McKenna that had done it without authority?
3 A. Yes, but the board accepted that.
4
5 Q. Yes. I'm going to suggest to you this is just one
6 example that the Authority and you four were aware of where
7 it would seem that Dennis McKenna would incur expenditure
8 without getting the approval of the board?
9 A. And that's more the reason we went down there as a
10 group, to explain to them what the financial
11 responsibilities of the board was.
12
13 Q. Yes, but would you agree with me, though, that it
14 seemed that the board had difficulty managing Mr McKenna's
15 over-expenditure, even with the advice from the Authority?
16 A. Yes, and I think you are right. I think they did have
17 difficulty in dealing with it but when it came up to us,
18 the administrative officer would bring it to our attention
19 and we would send an audit or send him down, but this - on
20 this occasion, to get clear thinking to the board of their
21 responsibility, an Authority went down.
22
23 MR URQUHART: All right. I tender that document, please,
24 sir.
25
26 HIS HONOUR: It's exhibit 70.
27
28 **EXHIBIT #70 COUNTRY HIGH SCHOOL HOSTELS AUTHORITY MINUTES**
29 **OF MEETING DATED 17/8/83 BARCODED 0147**
30
31 MR URQUHART: And then show Mr Philpott the next one,
32 which is a memo to him. It is entitled "Memo":
33
34 TO: COLIN PHILPOTT - CHAIRMAN
35 RE: KATANNING.
36
37 It would seem to be contemporaneous, sir, to those minutes.
38
39 Q. In fact, it is the case, Mr Philpott, that you know
40 what is about to be shown to you?
41 A. Yes.
42
43 Q. You have had a look at that one as well?
44 A. Yes, yes.
45
46 Q. So it is just a two-page document. Would you be able
47 to remember who would have provided that to you. Because

1 he or she hasn't indicated their name at the bottom of the
2 document?
3 A. No, I don't. It is possible that we sent a specialist
4 officer from the Education Department down to go through
5 the books.
6
7 Q. Yes. Well, whoever prepared this short report with
8 respect to the subheading "Theatrette", the last line
9 reads:
10
11 Question: Where is the finance coming
12 from?
13
14 A. Yes.
15
16 Q. Then it refers to the washing machines and then also
17 the bus. And then, right at the bottom of the first page:
18
19 NB: With a present overdraft because of
20 previous expenditure as pointed out above,
21 how can the Board finance:-
22 1) Theatrette - cost not known
23 2) Washing machines - \$1,560
24 3) 2nd Mazda bus - \$1,800 approx.
25 4) Pay off overdraft = \$30,000 approx.
26
27 And then the author states:
28
29 We are lead --
30
31 It should read "led":
32
33 -- to believe that there are planned fund
34 raising events of considerable proportions
35 which will off-set all the above
36 expenditure. However, it appears the
37 policy of the local Board is to spend now
38 pay later!
39
40 Question: Is this desirable management?
41
42 I suppose that's a somewhat rhetorical question?
43 A. No, it is not desirable management. Is it possible
44 that when we went down it was after this?
45
46 Q. It may well have been.
47 A. I think so.

1
2 Q. Unfortunately, that document is not dated?
3 A. Yes.
4
5 Q. I'm relying on the fact it would be contemporaneous
6 because it refers to the washing machine?
7 A. Yes, and it's unusual for the Authority as a group to
8 go down to the hostel to reinforce.
9
10 Q. Yes. So at least insofar as 1983 is concerned, the
11 financial problems with Katanning were greater than the
12 other hostels.
13 A. Yes.
14
15 HIS HONOUR: Q. So when you say the Authority as a group
16 went down, who went down?
17 A. Did you have those names?
18
19 Q. The whole Authority board, is that what you mean?
20 A. No, not the whole Authority. Did you read out some
21 names?
22
23 MR URQUHART: Q. Sorry, I might have confused you,
24 Mr Philpott. I apologise. I was reading out the names of
25 the people who actually attended the meeting on 17 August
26 1983?
27 A. Yes.
28
29 HIS HONOUR: Q. No, I was just trying to clarify, you
30 said the Authority as a group went down. I was wondering
31 whether you were referring to the board or something like
32 that, the board of the Authority?
33 A. Yes. No, no, the board then that was - I think two or
34 three members of the Authority came down.
35
36 MR URQUHART: Q. I will just remind you, Mr Philpott,
37 for the sake of clarity, the minutes, which is now exhibit
38 70 from August 1983, said:
39
40 The chairman advised that he had attended a
41 meeting of 3 1/4 hours duration at
42 Katanning
43
44 So it may well have been just yourself. I don't think much
45 turns on it but it is not a case that you would travel to a
46 hostel often to have to discuss matters of a financial
47 nature?

1 A. Nearly every time I went anywhere I had to discuss
2 financial matters. But the limitations the government put
3 on us in those early 80s, until the time that Carmen
4 Lawrence agreed to deficit funding of hostels, they always
5 had financial problems.
6
7 Q. But not necessarily of this magnitude that Katanning
8 had in 1983?
9 A. I'd say this was unusual.
10
11 Q. Because if we go to that second page of the memo - I
12 agree with you, Mr Philpott, it would make sense that you
13 would go down and see the board as a result of this memo?
14 A. Yes.
15
16 Q. And this is 1983 sums we are talking about. There is
17 an overdraft approaching \$50,000 and that's not even
18 allowing for the cost of the theatrette?
19 A. Yes.
20
21 Q. So did you want to say anything more about that if I'm
22 going to move on now to 1984?
23 A. No. No, I think I've said enough.
24
25 MR URQUHART: All right, thank you. I will tender that
26 document entitled "Memo", thank you, sir.
27
28 HIS HONOUR: Exhibit 71.
29
30 **EXHIBIT #71 MEMO TO COLIN PHILPOTT BARCODED 0212**
31
32 MR URQUHART: And the next, sir, is going to be the
33 Country High School Hostels Authority minutes of a meeting
34 10 April 1984:.
35
36 Q. Mr Philpott, in this instance I just wanted to take
37 you to that section of the minutes - you were present at
38 this meeting - which deals with Katanning?
39 A. Correct.
40
41 Q. Which is at page 14, the last page?
42 A. Yes.
43
44 Q. I don't know if you've had an opportunity of looking
45 at this more recently?
46 A. No.
47

1 Q. Okay, I will just again read it out for the benefit of
2 those who haven't got copies. With respect to Katanning,
3 it reads:

4
5 5) KATANNING -

6
7 The Chairman expressed serious concern
8 about the financial position at Katanning.
9 Some investigation by the local Board has
10 taken place and already restrictions on use
11 of cheque books have been instigated.

12
13 After discussion the Authority decided that
14 the Internal Audit section of the Education
15 Department be instructed to make a thorough
16 investigation into the Hostel's present
17 financial position. Other recommendations
18 made were:-

19
20 And it deals with three matters, and the third was:

21
22 In reply to the request by the Hostel for
23 assistance in deficit funding that it be
24 clearly pointed out that no provision has
25 been made for such funding and therefore a
26 special case would have to be submitted by
27 the Board to the Hon. Minister for
28 Education.

29
30 Concern also should be expressed at the
31 present position of certain accounts:

- 32 a) Operating Account
33 b) Canteen Account
34 c) Bus Account

35
36 So, Mr Philpott, a properly run hostel should, before it
37 makes expenditure on infrastructure or items or whatever,
38 ensure that there would be provision for funding to meet
39 those costs?

40 A. It is part of the presentation, yes.

41
42 Q. And, in this instance, it appears that you were
43 expressing concern that no provision had been made for
44 assistance in deficit funding?

45 A. That's correct.

46
47 Q. And, therefore, a special case had to be made to the

1 minister?
2 A. Correct.
3
4 Q. That's not a regular occurrence, is it?
5 A. No, it is not.
6
7 Q. If you can't recall this by all means say so, but am I
8 right in saying that the feedback you were getting from
9 board members at Katanning was that this was largely the
10 doing of their warden, Dennis McKenna?
11 A. As it turned out in the end, yes, that's what they
12 indicated it was and that's when we went down and advised
13 them that they change the cheque book rules and what not.
14
15 Q. You may be able to recall Mr Parks' evidence to this
16 Inquiry about Dennis McKenna's use of the cheque books,
17 which weren't authorised by the board. Do you remember
18 that?
19 A. Yes, I seem to recall something about it, yes.
20
21 Q. And so he and your recollection there is the same.
22 Now, would you like to say anything about those passages
23 that I have referred to in those minutes?
24 A. No, other than in the background consideration of all
25 this, of course, is the benefits there were to the children
26 and what was going on, and the fact that what he had done
27 had created a lot of goodwill and good feedback. So our
28 role was to straighten up the finance part of it but, on
29 the other side of the ledger, to see what benefit there
30 was.
31
32 MR RAFFERTY: Sorry, just before my learned friend goes
33 on, some objection. My learned friend said that "It seems
34 that your recollection is the same as Mr Parks'". I'm not
35 sure he was accepting that he was aware of the unauthorised
36 use of cheque books by Mr McKenna or he was aware of the
37 evidence. I think that has to be clarified. I didn't jump
38 up because my --
39
40 HIS HONOUR: Q. What do you want to say about that?
41 A. I wasn't.
42
43 HIS HONOUR: He wasn't, okay.
44
45 MR RAFFERTY: Thank you, sir.
46
47 MR URQUHART: Q. All right. So rather you are saying

1 because of all the other good things that Dennis McKenna
2 was doing, he was afforded some leeway by, it would seem,
3 not only the board but also the Authority?
4 A. Not by the Authority, he wasn't. He might have been
5 by the board but not by the Authority.
6
7 Q. But wouldn't there come a time when the Authority
8 would have to step in?
9 A. We did.
10
11 Q. And I was actually going to say go further and say
12 "Look, Dennis McKenna, unless you stop doing this, unless
13 you stop accruing all this debt, we are going to be
14 recommending you to the board or making a decision
15 ourselves that your employment be terminated"?
16 A. No, we never got to that stage. I think, from what
17 memory I can recall, from that point on there was no major
18 expenditure. Where McKenna got into trouble was his food,
19 the food costs. He always had better food than anywhere
20 else.
21
22 Q. And wasn't it also the case that the Authority had to
23 often stress - and this is a good example if you look at
24 (ii) there on the minutes - that the Katanning hostel
25 wasn't charging much by way of fees?
26 A. That's another problem.
27
28 Q. Yes.
29 A. We insisted, you will see in the minutes, that they
30 put their fee up to the same as the others. They say
31 their - their thought about that was to attract more
32 customers.
33
34 Q. Yes, which it seemed to.
35 A. Well, only - that was only part of the deal. The real
36 deal was the - what the kids got out of the hostel.
37
38 Q. But Dennis McKenna was playing an integral part in
39 significantly increasing the numbers of students --
40 A. Correct.
41
42 Q. -- at that hostel within a very short space of time
43 after he became warden?
44 A. Correct.
45
46 Q. And correct me if I'm wrong, but if a hostel is at
47 full capacity, there should be a better scope for making a

1 profit, or, at the very least, breaking even?
2 A. Correct.
3
4 Q. Yes, but that wasn't happening for Katanning though,
5 was it?
6 A. Well it was, but he kept including new things to make
7 it more attractive.
8
9 Q. Yes. And it seems to me, and correct me if I'm wrong,
10 that he wasn't ever reigned in, or if he was reigned in, it
11 started up again a very short time after that?
12 A. Well I'm not sure that it went on for too long. I
13 think the minutes show that when I went down there we put
14 an end to the use of his cheque book and they had to do
15 something about bringing that deficit down.
16
17 Q. But they weren't being successful, were they. When I
18 say that, I gather you mean the board?
19 A. I think they were fairly successful up to that - after
20 that point.
21
22 Q. All right, we will have a look.
23
24 MR URQUHART: I will tender that document, thank you, sir.
25
26 HIS HONOUR: I think you have, 71. No, I beg your pardon,
27 exhibit 72.
28
29 **EXHIBIT #72 COUNTRY HIGH SCHOOL HOSTELS AUTHORITY MINUTES**
30 **OF MEETING DATED 10/4/1984 BARCODED 0148**
31
32 MR URQUHART: Q. I just want to take you now,
33 Mr Philpott, to the next meeting of the Authority which was
34 on 15 May of 1984, bar code 0149. I will take you first to
35 page 6?
36 A. Yes.
37
38 Q. And (iii). Again it is to do with the deficit. I
39 will just read it out for those of us again who don't have
40 the benefit of hard copies:
41
42 A letter from the chairman of the board --
43
44 I'm sorry, I do apologise, this is to do with Katanning?
45 A. Yes.
46
47 Q. We know that from the previous page, yes:

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A letter from the Chairman of the Board commented on the 1983 deficit incurred by the Hostel and stated that the major contributing factors to the deficit were;.

Construction of the cinema	\$15,161
Capital Expenditure	\$9,518
Wages for additional staff member and back pay	\$17,000.

It was stated that there were many other minor areas which contributed to the overall deficit but these should be analysed properly.

The Chairman of the Authority advised that the Local Board were making efforts to offset this deficit. However, a deputation from the Authority would meet the Katanning Board on a date to be arranged.

So it appeared there, whilst the board is saying it's trying to overcome this deficit, it is clear that the Authority wants to keep tabs on that progress?

A. Correct

HIS HONOUR: Q. Just before you leave that page, if you look at the next item, "8. Narrogin", it says:

The Authority approved the appointment of Mrs. M. Marsh of Kalgarin to the Narrogin Board of Management.

Was that the normal procedure, that the Authority approved members of the board to management?

A. Yes.

Q. Local boards?

A. Yes, local boards had the right to --

Q. So they otherwise had to be approved by the Authority?

A. Yes, selected capable people to --

Q. Right.

MR URQUHART: Q. So did the Authority itself have some

1 sort of guidelines that it would have been able to provide
2 a new hostel board member?

3 A. The Authority never had it but the local boards had
4 the level of arrangement plus their own particular by-laws
5 or whatever.

6
7 Q. I see. So you are of the view then, that even
8 though - well, did you believe now, with hindsight, that it
9 would have been appropriate for the Authority, given the
10 fact that the Authority was overseeing the role of hostels,
11 that it ought to have been the Authority that had prepared
12 some guidelines to local board members?

13 A. No, I think a properly run board will do that quite
14 capably and I think nearly every other hostel, in fact,
15 does do that.

16
17 Q. We haven't got any evidence to refute that --

18 A. No.

19
20 Q. -- but we are only --

21 A. Dealing with, yes.

22
23 Q. -- dealing with the Katanning hostel and it seems that
24 they didn't have --

25 A. It seems a breakdown on the chairman of the board or
26 the secretary that when a new person came on they ought to
27 have - the minimum they should have been given is a letter
28 of arrangement.

29
30 Q. But if this process was confined to the Authority to
31 arrange, it would have been quite easy, though, for the
32 Authority, upon receiving advice of appointment and
33 approving that appointment, that a copy of the letter of
34 arrangement and some sort of guidelines could have been
35 sent to a new board member?

36 A. It could have but that's not the way we operate. We
37 operate as a fully autonomous board. It had all the rights
38 and responsibilities to do things like you are saying.

39
40 Q. You see, using Katanning, for example, it might reach
41 a point where the board members have all never received a
42 copy of the letter of arrangement or any guidelines as to
43 what their roles were. Can you see that --

44 A. It is possible, yes, and I'm alarmed.

45
46 Q. Yes. Well it is a cause of some concern, isn't it.

47 A. Well, it would be, yes.

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Q. And, in those circumstances, where a voluntary board is not quite aware of its roles or responsibilities, can you, therefore, see the potential for a warden, who has been around for a number of years, of exploiting that situation?

A. I wouldn't - I wouldn't expect so if there were capable people running the board.

Q. But do you see the potential for that eventuality?

A. There's potential but I don't think that well run - a well run board would, in fact, allow a warden to take over.

Q. From what you followed of the evidence been given at the Inquiry, it looks like that may well have happened at Katanning. I'm not suggesting that you knew back then but from what you have read now of the evidence at the Inquiry?

A. It's possible.

HIS HONOUR: Q. Just on that, I think I might as well ask you this, but there is a suggestion from some of the witnesses and the board members at various times that effectively Dennis McKenna would choose who became board members and recruit them and things of that nature. Have you got any comment about that?

A. I would doubt that.

Q. You doubt that?

A. I would doubt that.

MR URQUHART: Sorry, my learned friend has got something to ask me.

HIS HONOUR: Yes.

MR URQUHART: Q. Now, Mr Philpott, I know with the passage of time you can't remember everything that's been discussed at meetings and that's the advantage of having minutes, but just on that subject matter, I just want to show you page 2 of those minutes of 15 May 1984?

A. Yes.

Q. It's under the heading "Administrative officer's report"?

A. Correct.

Q. And this is the last paragraph there. I will read it

1 out:

2

3 The majority of Members were in favour of
4 the retention of Hostel Boards for varying
5 reasons - one of which was that if Boards
6 were abolished a bureaucracy would be
7 established and many existing staff would
8 lose their jobs.

9

10 Now, this is to do with a board meeting he attended at
11 Merredin. And then it goes on:

12

13 The chairman advised --

14

15 And that would be not you, the chairman of the Merredin
16 hostel:

17

18 The chairman advised that Boards generally
19 were not aware of their respective roles
20 and some education was necessary. With
21 regard to the appointment of supervisory
22 staff the Administrative Officer was
23 requested to be present at all interviews
24 of such staff.

25

26 All right, so it would seem there that the chairman of
27 another hostel was bringing it to the attention of the
28 Authority's admin officer that they were generally not
29 aware of their respective roles and some education was
30 necessary. So this is 1984?

31 A. Yes.

32

33 Q. Are you aware whether the Authority did implement any
34 education in this area?

35

36 A. Let me make a statement on education. Why I joined -
37 why I came to the Authority is to - it was just a
38 higgledy-piggledy of 10 or 12 hostels totally divorced from
39 one another and when I came into it I could see that we
40 needed to have education. We raised this issue with the
41 government, saying that if we were in deficit funding we
42 didn't have the funding to be able to train the people that
43 were running these hostels, and it wasn't until the deficit
44 funding came in that now they meet every 12 months for
45 educational purposes.

45

46 Q. Sorry, again, Mr Philpott, I am listening?

47

A. Yes, I understand. For educational purposes, and from

1 the time that we are talking about until from about '88
2 onwards, considerable change has been made in the field of
3 staff and board education.

4
5 HIS HONOUR: I must say, you've put it to Mr Philpott that
6 the chairman referred to there was the Merredin chairman.
7 The way I read it, it is referring to the chairman of the
8 Authority. Am I wrong?

9
10 MR URQUHART: In fact, that's what my learned friend to my
11 right was just raising with me and, in fact, that might
12 well be the position.

13
14 Q. I do apologise, Mr Philpott, but it might be. Can I
15 give you a moment --

16 A. Yes.

17
18 Q. -- to have a look at that page in its entirety?

19 A. I have read it.

20
21 Q. You have read it. In fact, have I made an error
22 there; that it appears that the chairman is, in fact,
23 yourself?

24 A. I would think it probably would be, as long as it was
25 me that was there. It could be any chair, anyone that
26 acted as chairman.

27
28 Q. If you go to the front page, we can see that you were
29 present at that meeting?

30 A. Well, it would be me.

31
32 Q. Yes, okay then. So you mentioned the problems that
33 you had with funding in that answer that I asked you?

34 A. Yes, yes.

35
36 Q. But was some education carried out?

37 A. No, there was no money for education. It wasn't until
38 a change of financial arrangement that we immediately put
39 in, like today, education's a key element of the Authority.

40
41 HIS HONOUR: Q. And when did that happen, approximately?

42 A. About - well, the only - if I can just go back a
43 shade. The only education that came about was paid for by
44 the wardens and boards themselves when they attended the
45 Student Hostels Association, the thing I formed with
46 Richard Stole. Because when I came into this I couldn't
47 work out whether we were paying our warden enough or were

1 paying our staff enough or anything of this nature. They
2 were individuals. So I formed that and annually we would
3 meet and we would have expert outside industrial relations
4 and this type of thing and so we slowly got some education,
5 but it wasn't really what it's like today and what was
6 obviously necessary.

7
8 Q. So it seems that back in 1984 you recognised this was
9 a problem, the lack of education?

10 A. Definitely.

11
12 MR URQUHART: Q. If there wasn't the appropriate funds
13 to educate, could you not have advised the administrative
14 officer just to prepare what I have spoken about before, a
15 booklet setting out some fundamental guidelines of the
16 responsibilities of a hostel board and that that be
17 distributed to the boards?

18 A. It could have happened but that would have been
19 interfering with the running of every individual hostel,
20 when, in those days, the boards had the total - and
21 basically now, still have the full responsibility to run.
22 So that's their role.

23
24 Q. But, Mr Philpott, you are identifying here, in fact
25 you are the chairman --

26 A. Yes.

27
28 Q. -- that the boards generally were not aware of their
29 respective roles?

30 A. Yes, I don't disagree with that.

31
32 Q. So, therefore, a potential way of avoiding that was to
33 at least provide them with some written material from the
34 Authority?

35 A. I think the only thing that the - accountability to
36 the Authority was a letter of arrangement which everyone
37 should have been given.

38
39 Q. But, Mr Philpott, if you're identifying a problem,
40 don't you want to fix it?

41 A. Yes, I do.

42
43 Q. Even if it's not the perfect solution, if you can't
44 undertake an educative process, then there are other
45 options available, and one that I'll identify, which seems
46 to be a pretty obvious one.

47 A. Yes, but I'm saying that that's not our role. The

1 role of the Authority - of the local Board is to make the
2 person coming in welcome, to give him a letter of
3 arrangement and any by-laws or anything they have
4 concerning their hostel.

5
6 Q. In an ideal world then, who did you think was going to
7 educate these boards about their roles? Whose
8 responsibility would that be?

9 A. The overall responsibility for that would be the
10 Authority, if they had the resources to do so.

11
12 Q. Yes, all right. There would have been the resources
13 to produce a booklet or a document that simply set out some
14 advisable guidelines.

15 A. What's wrong with the letter of arrangement?

16
17 Q. But it would seem - but, Mr Philpott, by the very fact
18 that you're stating here that the Board generally are not
19 aware of their respective roles, and that they all should
20 have their letters of arrangement, would suggest that
21 something more is required?

22 A. Yes, provided by the local boards, because it is local
23 by-laws and things that are needed respectively in their
24 areas.

25
26 Q. But where could the Board go for advice about their
27 roles, other than to the Authority?

28 A. Well, what I would say to that, that they could get
29 local expertise, but not that they would need it. They
30 would know what the by-laws and things that their hostel
31 is, and it could be provided to each member as they joined.
32 Had we had the money, your question would have been
33 differently answered.

34
35 HIS HONOUR: There's something I'd like to raise here.

36
37 Q. If you look at the next sentence on page 2 of
38 those minutes. After stating that - you saying that the
39 boards generally were not aware of their respective roles
40 and some education was necessary, the Minister goes on to
41 state:

42
43 With regard to the appointment of
44 supervisory staff the Administrative
45 Officer was requested to be present at all
46 interviews of such staff.

47

1 So is that a new policy adopted at that time?
2 A. Yes, it was.
3
4 Q. And was that policy implemented thereafter?
5 A. Yes, it still is now. In fact, it's more --
6
7 Q. All right.
8 A. -- intense now than it was then.
9
10 Q. All right. And supervisory staff to - it means what
11 it says, obviously, but that would preclude any supervisors
12 of dormitories and the like?
13 A. Yes, anyone dealing with the kids in that manner.
14
15 Q. All right. Now, we've heard evidence that at the
16 Katanning Hostel, Dennis McKenna appointed members of his
17 family as supervisory staff. Now, when those appointments
18 occurred after 1984, does that mean that the administrative
19 officer was always present to supervise that, to monitor
20 that engagement?
21 A. I must say that I'm not aware of whether he was or he
22 wasn't.
23
24 Q. But that was the policy of the Authority?
25 A. Yes.
26
27 HIS HONOUR: Very well.
28
29 MR URQUHART: Q. Well, it would be a bit difficult to
30 implement, wouldn't it, because we've got interviews taking
31 place for all corners of this vast State?
32 A. No, no. No, no. As I understand, they would be
33 invited to the hostel for their interview.
34
35 Q. Yes. And the admin officer from the Authority would
36 be present?
37 A. Yes.
38
39 Q. That would be a bit difficult.
40 A. Why?
41
42 Q. Well, for example, the Port Hedland Hostel, the --
43 A. That would have gone out by the time this came in.
44
45 Q. All right. Well, okay. Esperance hostel - for this
46 to work, the admin officer would have to fly from Perth
47 down to Esperance.

1 A. He did.
2
3 Q. For the purposes of interviewing of staff?
4 A. Well, you're not interviewing the whole staff at once,
5 it's only a staff member --
6
7 Q. Yes, that's right.
8 A. -- or --
9
10 Q. Yes.
11 A. Yes.
12
13 Q. So there were funds available to do that?
14 A. Yes, he had - he had funding to travel. In fact, he
15 travelled extensively.
16
17 HIS HONOUR: Q. So can I ask you, is it your belief now,
18 knowing everything you know, what you do know about
19 Katanning Hostel, that the administrative officer must have
20 been present when these staff members of Dennis McKenna's
21 family were appointed?
22 A. I honestly can't say that he was or he wasn't.
23
24 Q. But you expect that he would have been?
25 A. I would have expected he would have been.
26
27 MR URQUHART: Q. That's if there were interviews?
28 A. Yes.
29
30 Q. Yes.
31 A. Yes.
32
33 Q. Well, there weren't for Mr McKenna's relatives?
34 A. I must say I'm appalled to know that so many family
35 members were in a hostel.
36
37 Q. Right. Okay. Well, we will come to that --
38 A. Yes.
39
40 MR URQUHART: -- in a moment. Maybe not in a moment, but
41 eventually. Sir, can I tender that exhibit, please.
42
43 HIS HONOUR: That's exhibit 73.
44
45 **EXHIBIT #73 MINUTES OF THE 261ST MEETING OF THE CHSHA, HELD**
46 **AT THE HERITAGE COMMITTEE ON 15/5/1984 BARCODED 0149**
47

1 MR URQUHART: Q. Mr Philpott, are you able to continue?
2 A. Yes, certainly.
3
4 Q. If you don't mind taking - if you would like to take a
5 break, by all means, please say so, because we've extended
6 that invitation to - you're not the first witness. We've
7 extended it to others, and no one's ever taken up the
8 offer.
9 A. No.
10
11 Q. I get the impression witnesses think it's a sign of
12 weakness --
13 A. I think we all want to get it over with.
14
15 MR URQUHART: -- but - yes.
16
17 HIS HONOUR: Yes, I think that's right. Everyone wants to
18 get out of this.
19
20 THE WITNESS: Yes.
21
22 MR URQUHART: Yes. All right then, but let us know, okay.
23
24 Q. The next one is going to be minutes from 12 July 1985,
25 and I stress in this instance you weren't present at this
26 particular meeting. And we can see that there from the
27 front of the page.
28 A. Yes.
29
30 Q. But I would gather in the ordinary course of things,
31 if you couldn't attend a meeting, you would be provided
32 with the minutes?
33 A. No, not necessarily, unless there was a specific item
34 out of the report.
35
36 Q. Okay. Well, with respect to this one, I'm going to
37 take you to page 2, and it's under the major heading
38 "Finance", and under the subheading "Visits to Albany and
39 Katanning", and the final paragraph deals with the
40 administrative assistant attending the Katanning Hostel.
41 And it reads as follows:
42
43 There appeared to be anomalies with
44 Katanning's financial statement in
45 comparison to other Hostels in the area of
46 provisions and wages. It appears
47 provisions and wages applicable to catering

1 are being charged to the Hostel's
2 provisions account while the catering
3 account shows a healthy profit. In view of
4 all this it was decided the catering
5 account should be kept separate from the
6 hostel account and any further catering
7 will need approval in writing from the
8 Authority together with costing sheets and
9 a profit and loss statement presented after
10 the catering event.

11

12 So, again, I appreciate you weren't at that meeting, but it
13 appears that additional measures were being undertaken by
14 the Authority to keep account of at least that part of
15 Katanning Hostel's finances?

16 A. As it shows, yes.

17

18 HIS HONOUR: Q. Just to get the context there, the
19 hostel was running catering events for outside people who
20 were not students; is that right?

21 A. Yes.

22

23 MR URQUHART: Q. So would that be an example there for
24 where - although a local Board is supposed to be
25 autonomous, there are situations where the Authority has to
26 intervene?

27 A. Well, we have to intervene when it's out of kilter,
28 when the presentation shows it's out of kilter.

29

30 MR URQUHART: Yes. I tender that document, now, sir.

31

32 **EXHIBIT #74 MINUTES OF THE 274TH MEETING HELD AT THE SOUTH**
33 **WEST REGIONAL OFFICE, BUNBURY, DATED 12/7/85 BARCODED 0150**

34

35 MR URQUHART: Q. And we are now going to go to
36 some minutes from 1987. So we're getting toward the end --

37 A. Yes.

38

39 Q. -- getting closer to 1990, but I just wanted, in
40 fairness to you, Mr Philpott, I wanted to show to you
41 these minutes to indicate --

42 A. Yes.

43

44 Q. -- these financial problems that Katanning was
45 incurring, were not being confined or curtailed. In fact,
46 they were - they weren't getting better and the deficit was
47 actually growing, yes. So the next one is June 9,

1 1987 minutes - its barcode number 0154, sir. And you were
2 present at this meeting, Mr Philpott?
3 A. Yes.
4
5 Q. And the relevant page is the final page.
6 A. Yes.
7
8 Q. It's under the heading "Financial Report", which we
9 see on the 2 page.
10 A. Yes.
11
12 Q. And it's small roman number "(v)" ?
13 A. Yes.
14
15 Q. It reads:
16
17 A report on expenditure items for Katanning
18 Hostel for 1986/87. The Authority resolved
19 that the Local Board be sent copies of the
20 report for comment. It was further
21 resolved that the Local Board devise a plan
22 of action to reduce the deficit and examine
23 its current management structure.
24
25 Then it goes on to refer to the administrative officer who
26 is to attend a Local Board meeting to be held on 12 June,
27 1987. Now, so, again, still the same problems, it would
28 seem, as before. Would you agree with that --
29 A. Yes.
30
31 Q. -- for Katanning? And it was resolved that the Local
32 Board was to examine its current management structure?
33 A. Correct.
34
35 Q. And would you agree with me that that again centred
36 around the manner in which the warden organised expenditure
37 for this hostel? Do you have a recollection of that - that
38 it kept on coming back to Dennis McKenna, these problems?
39 A. I would hope not. There was a very good - I don't
40 know when he retired out of the Board. There's a very good
41 bank man there on the figures side of it, and I'm - I'm
42 just surprised to see - repeatedly seeing this come up.
43
44 Q. John Renk?
45 A. Yes.
46
47 Q. Does that name ring a bell?

1 A. Yes. Commonwealth Bank.
2
3 Q. Yes. Have you read his evidence, incidentally?
4 A. I think I did.
5
6 Q. Yes. And you recall that he's not particularly
7 helpful because of his memory loss - yes.
8 A. Yes, and he probably is, too.
9
10 Q. Okay.
11 A. He's a genuine bloke.
12
13 Q. Thank you. Were you aware of the relationship he had
14 with Dennis McKenna?
15 A. No, I have no idea of relationships any of the Board
16 had.
17
18 Q. You can't shed any light on that?
19 A. No, I'm sorry.
20
21 Q. But your recollection is that he was an efficient and
22 capable person, insofar as financial matters were
23 concerned?
24 A. Other than these - other than these sort of things
25 that would come up; but we, as an authority, were
26 continually on the job to send down an audit or thing, and
27 bring the Board back to realise that they've got to stop.
28
29 MR URQUHART: Yes. So we've now - we are tracing events
30 from 1983 now through to 1987, and I just want to show -
31 I'll tender that, thank you sir.
32
33 **EXHIBIT #75 MINUTES OF THE 295TH MEETING HELD AT THE**
34 **COUNTRY HIGH SCHOOL HOSTELS AUTHORITY, 184 ST GEORGE'S**
35 **TERRACE, PERTH, DATED 9/6/1987, BARCODED 0154**
36
37 MR URQUHART: And the next one is going to be 1989,
38 some minutes from the Authority's meeting on 11 April of
39 that year.
40
41 THE WITNESS: Thank you.
42
43 MR URQUHART: Q. And if you can just confirm that you
44 were present at that meeting, according to the minutes?
45 A. Yes.
46
47 Q. And "Matters Arising" - it's just item 4.1.2 on

1 page 1.
2 A. Yes.
3
4 Q. Under the heading "Katanning Hostel":
5
6 1998 deficit of \$67,403 will need to be
7 traded out of this year, as no funding will
8 be available from Head Office.
9
10 "Head office" being the Authority?
11 A. Correct.
12
13 Q. So clearly a decision had been made by the Authority
14 that they've --
15 A. Cut it off.
16
17 Q. It won't be assisting - yes.
18 A. Yes.
19
20 Q. And can you recall - would you be able to offer any
21 explanation as to why that would have been the case?
22 A. No, other than I think it probably come to that stage
23 over the years of - that it had been climbing.
24
25 Q. Yes, yes.
26 A. But remember, it was a full hostel of 130-odd kids,
27 and they ought to have been able to trade out of that.
28
29 Q. Yes, but it clearly was the case that it wasn't?
30 A. Well, from this point - from this you're quite right.
31
32 Q. Yes.
33 A. But he was always innovative, wanting to do something
34 more.
35
36 Q. Well, that's right, but it seems like he wasn't being
37 reined in very effectively by the Board. Would you agree
38 with that?
39 A. Yes, I would.
40
41 Q. And when that happens, wouldn't it be important then
42 for the authority to exert its authority?
43 A. Well, they did. The administrative officer would go
44 down and he would even do an audit and he would tell the
45 Board. So what's the answer, sack the Board?
46
47 Q. No, I would suggest to you the answer is that the

1 warden be sacked.
2 A. Doing as good as he did for kids for the better of
3 their education?
4
5 Q. But, Mr Philpott, when you've got a deficit that's
6 just blowing out over a number of years --
7 A. That is not an unmanageable deficit. That could be
8 traded out in a year.
9
10 Q. Well, I'm going to show you now, the fact is that it
11 wasn't. I'll tender that now, sir.
12
13 **EXHIBIT #76 MINUTES OF THE 317TH MEETING HELD AT THE**
14 **MINISTRY OF EDUCATION, DATED 11/4/1989 BARCODED 0132**
15
16 MR URQUHART: Q. Mr Philpott, sorry, it's the Acting
17 Administrative Officer's Report for February 1990 now, I'm
18 going to show you. So this is now February 1990. It's the
19 year that Dennis McKenna was charged with child sex
20 offences, and --
21
22 HIS HONOUR: But before he was.
23
24 MR URQUHART: Sorry, before - it was the year he was, and
25 it was before he was. Thank you, sir, yes. It was
26 7 months before.
27
28 THE WITNESS: Yes.
29
30 MR URQUHART: Q. So, Mr Philpott, under the heading,
31 "Katanning Residential College" on page 1, on 2 February
32 1990 a Special Meeting was arranged to discuss the
33 estimated \$109,503 overdraft in April of this year. It
34 shows --
35 A. Yes, sorry, can I just --
36
37 MR RAFFERTY: First page.
38
39 THE WITNESS: First page.
40
41 MR URQUHART: Yes, sorry, first page.
42
43 THE WITNESS: Yes.
44
45 MR URQUHART: Q. See that?
46 A. Item --
47

1 Q. 1.1, sorry.
2 A. Okay.
3
4 Q. There we go.
5 A. Yes.
6
7 Q. So the Acting Admin Officer's Report. A Special
8 Meeting was arranged. McKenna was there, Mr Ian Murray was
9 then principal; then we had the clerical assistant for the
10 hostel, Mrs Campbell, Mr Sheriff was Treasurer, and Mr
11 Rakich, who was the Acting Admin Officer.
12
13 HIS HONOUR: Q. So it was quite a lot of money in
14 those days, wasn't it?
15 A. Yes, yes, it was.
16
17 MR URQUHART: Q. And this is at crisis point, is it not?
18 A. No.
19
20 Q. No?
21 A. No, no.
22
23 Q. But even though nothing had - this continued to grow
24 for seven or eight years?
25 A. Yes. However, I don't know what the difference is
26 made between last time you spoke and this particular time,
27 but it would be - it certainly would have been taken into
28 account by the Authority, audited and something done about
29 it.
30
31 Q. But we can go on there, 1.2:
32
33 At this meeting it was pointed out to those
34 present that food costs at Katanning were
35 higher than at Narrogin and Geraldton.
36
37 A. Correct.
38
39 Q. :
40
41 When compared to Narrogin, the student
42 numbers were over 100 less.
43
44 And then it gives the numbers:
45
46 Bar charts were produced to allow those
47 present to see for themselves.

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A. Yes.

Q. And, again, it looks like Mr McKenna is again trying to say that everything is going to be okay because at 1.3 it reads:

In defence the Warden claimed if the deficit from 1988 of \$34,994 were paid, he could break even this year. Mr Sherriff --

Who is the Treasurer of the Board:

-- agreed with the warden.

Mr Rakich said:

My reply was that until the Audit by the Ministry has been cleared the deficit it would not be paid. (Dissection of the Cash Book is delaying the audit at present.)

HIS HONOUR: Can I just clarify something there?

MR URQUHART: Yes.

HIS HONOUR: Q. Paragraph 1.2, it was pointed out that the food costs at Katanning were higher than at Narrogin and Geraldton, and that Narrogin student numbers were 100 more than Katanning, so was that saying the total food - it's not the cost per head of student, but the total food costs were more expensive at Katanning, even though it had 100 students less than Narrogin?

A. Correct.

Q. Is that right? So the total food costs --

A. Yes, the total food costs.

MR URQUHART: Q. So this is cause for some concern though, isn't it?

A. Yes, it is cause for some concern. However, we were - wanted the analysis of what that \$109 represented. There may be things in there that we were - we would - we may have authorised. And it made just the deficit more.

Q. Was it ever, to your recollection, discussed by the Authority, or did you ever raise it with Authority members;

1 or, indeed, the Hostel Board members, that to resolve this
2 matter steps will have to be taken to reprimand Dennis
3 McKenna?
4 A. Yes, and it was done every time that an audit person
5 would go down there.
6
7 Q. I get back to my point though - he was ignoring those
8 reprimands, wasn't he?
9 A. To a degree, yes, he was.
10
11 Q. Well, I'm going to suggest to a significant degree?
12 A. No, not - knowing a hostel of 134, I think it was, and
13 if something significant like the food costs or something,
14 you could end up with a - with a deficit something like
15 that. There would have been accumulated arrear deficits
16 that brought this up.
17
18 Q. So I'll ask it this way then: it never reached a point
19 where the Authority said, "Unless this improves
20 drastically, unless the next financial year that a profit
21 is made, Dennis McKenna would have to go"?
22 A. No. It was never discussed in that manner. Again,
23 it's to do with the analysis of that. He could have been
24 doing some very good things in that 109,000 which, from
25 here onwards, would be changed because the deficit - the
26 funding from the Government changed.
27
28 Q. Well, we'll go through - that's fine. A little bit
29 later on, in fact, some suspect things were happening
30 regarding wages for staff members, for example?
31 A. I never knew any - ever any of that took place, and
32 I'd say the audit was good enough to pick that up.
33
34 Q. All right. You see, he wasn't managing the finances
35 very well at this hostel. Would you at least agree with
36 that?
37 A. He shouldn't have been managing the finances.
38
39 Q. The fact was he was, wasn't he?
40 A. It seemed that he had a fair part to do with it.
41
42 Q. And he wasn't managing it very well, was he?
43 A. It doesn't appear to be so, except he wasn't putting
44 it away. It didn't seem that he was ever putting it away.
45 He was doing it for the benefit of the children.
46
47 Q. Do you think he nevertheless deserved the description

1 of a guru?
2 A. Yes, I think that the - that was early on. I think
3 that was just an expression of - that I made.
4
5 Q. This is 1989. No, Mr Smart says you said that to him.
6 A. And, yes, I would say as distant as I was from
7 Katanning, with the feedback that I got, I would say that's
8 not an unreasonable description, as the Minister or anyone
9 else said similar.
10
11 Q. Do you accept now, with the advantage of hindsight,
12 that Dennis McKenna was able to use funding from the
13 Authority - I'm saying with the advantage of hindsight -
14 was able to use funding from the Authority to perpetuate
15 this image that he had within the community of being a
16 highly regarded and excellent warden?
17 A. Yes. I think the answer to that would be, yes, it
18 would be.
19
20 MR URQUHART: If I can just confer for one moment, if I
21 may, sir.
22
23 HIS HONOUR: Yes.
24
25 MR URQUHART: Excuse me, Mr Philpott.
26
27 HIS HONOUR: Thank you, sir. Are you tendering that as
28 exhibit 77.
29
30 MR URQUHART: Sorry, I tender that final Acting
31 Administrative Officer's Report.
32
33 **EXHIBIT #77 ACTING ADMINISTRATIVE OFFICER'S REPORT DATED**
34 **FEBRUARY 1990 BARCODED 0213**
35
36 MR URQUHART: Q. Am I right in saying, therefore, that
37 if this hostel didn't have all the improvements, other
38 improvements that Dennis McKenna had created for it with
39 the increasing numbers and the like, that the financial
40 position that existed for Katanning would have been dealt
41 with more strictly by the Authority, it would have come
42 down harder than what it did?
43 A. No, I don't think so. I think we kept good insight
44 into what was happening. We had it audited regularly. We
45 had the administrative officer, but there were all other
46 hostels also that were not as - not as well off as
47 Katanning, that we were probably more - as sympathetic too.

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Q. But not to the same degree insofar as deficits were concerned?

MR RAFFERTY: Your Honour, I'm going to rise at this stage. There's material I've been provided with by the Inquiry which shows that in 1990, the period my learned friend is talking about, Merredin had a deficit over what appears to be a two year period, somewhere in the vicinity of \$99,000, and that there then had to be funding made for the following year in the sum of \$40,000 from Merredin.

So with the greatest respect from my learned friend, sir, the focus to be on Katanning, which I understand this Inquiry is, in the context of funding, is unfair when the Inquiry has provided us with material which shows that there are other hostels which were experiencing the same difficulties.

HIS HONOUR: All right. Well, the questions have to be put in the full context.

MR URQUHART: That's right, yes.

HIS HONOUR: So perhaps if you want to put your question again.

MR URQUHART: Q. But I'm talking in the context here where unlike Merredin there had been decisions made by the Authority that it wouldn't be provided funding to reduce the deficit?

A. Well, I don't know about Merredin, I haven't been given any information.

Q. So do you see the distinction there. I'm drawing the distinction.

A. Yes, I do understand what you're saying.

Q. There might be good reason why a particular hostel has got a deficit, and the Authority would agree to fund that deficit?

A. Yes.

Q. But here in Katanning - and I've taken you through those minutes - there are instances there where the authority has said, "No", there won't be any more funding from it?

1 A. Yes.
2
3 Q. So there is a distinction there between the two, isn't
4 there?
5 A. Yes.
6
7 Q. There might be legitimate reasons.
8 A. The point is there was no more funding.
9
10 Q. Yes, well --
11 A. That's why it became a deficit, or whatever you're
12 saying.
13
14 Q. And when they asked for further funding. I referred
15 it to you there on occasions, it was denied and, for
16 example, one instance, a special approach would have to be
17 made to the Minister for Education?
18 A. Correct.
19
20 Q. Yes. So do you see there that Katanning - the
21 situation with Katanning throughout the 1980s was quite
22 unique compared to the other hostels?
23 A. Well, yes, unique, except that in the overall - the
24 overall pattern of the whole of the hostel, and how it was
25 performing, I don't see - the deficit was not unmanageable.
26 The point was he simply had to be reined in, and from an
27 Authority point of view, that's what we did.
28
29 Q. So you believe the reining in was successful?
30 A. Yes, to a - in the manageable side of deficits, yes.
31
32 MR URQUHART: All right. I was rather hoping that you
33 would still have exhibit 16 there - or 15 there in front of
34 you, which is the 31 July '91 report from the Katanning
35 local newspaper. It's one that's already been shown, Madam
36 Associate.
37
38 MR RAFFERTY: I've got two.
39
40 THE WITNESS: Thank you.
41
42 MR URQUHART: Q. Okay. That's - are you familiar with
43 that article, aren't you? Yes. Okay, I just want to take
44 you now to the first column there, the bottom of the first
45 column, and the report is - and you'll correct me if you
46 think that it's been misreported at any point, Mr
47 Philpott --

1 A. Yes.
2
3 Q. -- but in intending to do that, I'll take it that it
4 has been accurately reported.
5 A. Yes.
6
7 Q. Is it all right if we work on that basis?
8 A. Understand.
9
10 Q. Yes. The last paragraph there on the first column:
11
12 Country High School Hostels Authority
13 chairman Colin Philpott has vigorously
14 defended the procedure under which McKenna
15 was appointed hostel warden in 1975.
16
17 He called it the 'very best' screening
18 procedure available at the time for
19 employment of staff which involved
20 referees, interviews and the presentation
21 of an impeccable record.
22
23 Then you're quoted as saying:
24
25 "I would like you to tell me how, or by
26 using what other method, we could possibly
27 detect such a flaw in a person's
28 character?" Mr Philpott said.
29
30 Do you accept that that's an accurate account of what you
31 said, or not?
32 A. To the paper, yes, it would be.
33
34 Q. Yes. Can I ask you how - how you were able to defend
35 the appointment of Dennis McKenna?
36 A. I would have taken the understanding that the Board,
37 who was responsible for employing him, had gone through
38 these procedures.
39
40 Q. And which procedures were they?
41 A. That - and I am sure they would have checked out, for
42 instance, that he wasn't on the list that was in Perth -
43 people never to be employed.
44
45 Q. I see. Yes, I will ask you about that. So you expect
46 that they would have done that?
47 A. Yes.

1
2 Q. Okay. Did you actually - can you recall if you
3 actually found out from --
4 A. No, I'm distant from that. The administrative officer
5 would have had this responsibility.
6
7 Q. Yes. No, I'm talking before you stated to the press
8 that - before you defended the position of his appointment,
9 did you try and find out --
10 A. No.
11
12 Q. -- what it was or what procedures were adopted or
13 anything like that?
14
15 MR RAFFERTY: Sorry, I'm going to object to my learned
16 friend's use of the words "defending his employment".
17
18 MR URQUHART: No.
19
20 MR RAFFERTY: If you read the article, and that was the
21 term that my learned friend just used then, it's the
22 procedure by which he was employed. It's not Mr McKenna's
23 employment that he was defending, it was the procedure, and
24 there is a distinction.
25
26 HIS HONOUR: All right. Well, I think that's fair enough.
27 I think rather than characterising it, just simply ask
28 questions about what was said and what happened.
29
30 MR URQUHART: Q. Yes, I thought - yes, if I haven't done
31 it as precisely as I should have, I ought to admit I am
32 talking about the procedure upon which --
33 A. Yes.
34
35 Q. -- Mr McKenna was employed. So, I mean, you didn't
36 talk to any of those people who were involved in his --
37 A. No.
38
39 Q. -- selection process?
40 A. No. I would have been approached by Pat Fraser to, on
41 this business, when she asked me that. That is the normal
42 procedure that would have been employed, and I assume that
43 the staff would have done that.
44
45 Q. All right. So you never actually saw or was told
46 about the application --
47 A. No.

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Q. -- that Dennis McKenna submitted for that?

A. No.

Q. Or, indeed found out from those Board members who employed him whether they had been provided with references or whether they interviewed him?

A. No, I don't - I don't know that at all.

Q. Because I'm - on this --

HIS HONOUR: Well, I'd like to know what the standard procedure was --

MR URQUHART: Yes.

HIS HONOUR: -- back at the time of McKenna's engagement, as far as the Authority was concerned.

MR URQUHART: Yes.

Q. Did you hear that?

A. Yes.

MR RAFFERTY: Sorry, your Honour, there's only one issue with that. I'm not sure my client can answer that because it was in 1975, which is the year before he became --

HIS HONOUR: I see, all right.

MR HAMMOND: -- which is the year before he became Chairman of the Authority.

HIS HONOUR: Understood, yes. That's fair enough, yes.

Q. So what about when you became Chairman, were you aware of some procedure in place at that time, for appointment of wardens?

A. I can't really recall --

Q. Right.

A. -- it's too far back, but down the track procedures and things were put in place up to the point today that the manager of the Authority attends each appointment.

Q. Well, when you said to the paper --

1 MR RAFFERTY: He's got to stand up at times.
2
3 THE WITNESS: I've got a cramp, I'm sorry.
4
5 HIS HONOUR: Q. Are you all right?
6 A. Yes, I've got a cramp.
7
8 Q. Would you like a break?
9 A. No, no.
10
11 MR URQUHART: I'd like a break, Mr Philpott; so, yes.
12
13 HIS HONOUR: We'll take a break. When we resume, I'm most
14 interested in whether or not there were any standard
15 procedures at the time when McKenna was appointed.
16
17 MR RAFFERTY: There's reference in the article, actually,
18 sir, if that assists you. It doesn't say specifically what
19 they were.
20
21 HIS HONOUR: No, I mean, I'm really interested in knowing
22 why Mr Philpott was able to say what he said to the
23 reporter.
24
25 MR RAFFERTY: I just made the observation, and I'm not
26 criticising my friend.
27
28 MR URQUHART: Well, I hope not Mr Rafferty.
29
30 MR RAFFERTY: I'll do that outside. There are three
31 paragraphs after that which refer to screening procedures
32 which my learned friend didn't refer to before, when he was
33 reading it out. I don't know if that assists your Honour.
34
35 HIS HONOUR: All right. Well, I'll adjourn for how long
36 is desirable.
37
38 **SHORT ADJOURNMENT**
39
40 MR URQUHART: Q. Mr Philpott, his Honour was just asking
41 that question of you before you had the stretch of your
42 legs. Are you able to answer it? Would you like it
43 repeated?
44 A. No. I'll answer it. Just reading what is here, sir,
45 I think that's what I understood the procedure was in 1976.
46 Now, I might have been taking a little licence because this
47 is 1991. This is certainly what we did in 1991, but in

1 terms of referees, interviews and impeccable record, I
2 think that would stand up in 1970 - whenever it was.

3
4 Q. 1975?

5 A. I wasn't there then.

6
7 Q. My line of questioning was to find out whether you
8 were relying on that. You have already told us about that.
9 You haven't spoken to any of the people who interviewed him
10 and offered him the job and nor did you see what documents
11 that he had provided?

12 A. No.

13
14 Q. I don't know whether you have read that part of the
15 evidence in this hearing where Mr McKenna's application for
16 the position of warden was tendered as an exhibit. One has
17 not been provided to you in the bundle of documents that we
18 have sent you, but I am going to show it to you now. You
19 may well have already read it in the transcript. If you
20 haven't, take as long as you like to have a look at it.
21 This would be the application letter that Dennis McKenna
22 wrote applying for the warden's position. It should
23 already be tendered as an exhibit. Madam Associate should
24 have copies of it available. Exhibit 35. Have you come
25 across that document already?

26 A. Yes.

27
28 Q. So that was it.

29 A. Let me right from the start say, getting trained
30 people into the country for a position in the hostel was
31 extremely difficult. When hostels were brought about in
32 1960, and for a good while after that, we would have a
33 warden and a matron, and a supervisor staff would be
34 teachers from the local school. Now, I found out when I
35 first started that that wasn't a very desirable way to have
36 things, because they were really at school 24 hours a day.
37 There was no break for the children to have a home and to
38 have a school. So about this time Dennis McKenna came
39 about. Getting staff into the country was extremely
40 difficult. This probably would be a good application.

41
42 Q. I'll just read it out for those of us who may not be
43 able to read it on the screen there.

44
45 Dear sir, I would like to apply for the
46 warden's position as advertised in the
47 Western, Saturday December 6th. I know I

1 have only been employed here for one term,
2 but as I like it so much and would like to
3 settle here, you can be assured I do have
4 the students' and the hostel's problems at
5 heart.

6
7 As I can see, there is a lot can be done to
8 improve our hostel and make it something to
9 be proud of, in the way of fundraising to
10 enable us to improve amenities, et cetera,
11 and possibly attract more enrolments.
12 Hoping you give my application some
13 thought. Yours faithfully, Dennis McKenna.

14
15 It's conspicuous by its brevity, isn't it?

16 A. Oh, yes. Yes. But most of those that would have come
17 in - it's not like today where you've got dossiers this big
18 (indicating). To get people into the country qualified was
19 very difficult. At least this bloke, he had some exposure
20 in the system already and the board must have thought he
21 was okay.

22
23 Q. Had you known that was the extent of his written
24 application would you have said the same things that you
25 said to the reporter back in 1991?

26
27 MR RAFFERTY: I rise at this stage. Has there been any
28 checking to see whether - I will go back a step. It says
29 "I know I have only been employed here for one term". He
30 is a current employee. Has there been any checking by the
31 Inquiry to see if there was an application in relation to
32 his original employment?

33
34 HIS HONOUR: Yes.

35
36 MR RAFFERTY: I have not noted anything in the transcript.

37
38 HIS HONOUR: Perhaps it would be fair to put everything
39 that was before the Local Court at the time.

40
41 MR RAFFERTY: Thank you, sir. I appreciate it.

42
43 MR URQUHART: I do not mind doing that at all.

44
45 Q. It speaks for itself that you have already identified
46 the fact that he had already applied for a position.

47 A. Yes.

1
2 MR URQUHART: We do have that. It should be - I don't
3 have a barcode number. That is it.
4
5 MR RAFFERTY: Sorry, sir, I just didn't know if it
6 existed.
7
8 MR URQUHART: It is the next document I was going to show
9 him. We were going to show it to him, but we will do it
10 now.
11
12 HIS HONOUR: It is a new document we have not got as an
13 exhibit yet. It is barcode number 0217. Can I have a
14 description of what that document is?
15
16 MR URQUHART: It would be an application for advertised
17 position of house master.
18
19 Q. Have you had a look at that there?
20 A. Yes.
21
22 Q. All it shows by way of previous work experience is
23 work in - certainly no work in this particular area, do you
24 agree? It seems to be sales?
25 A. Correct.
26
27 Q. Bones, Walsh's Family Business?
28 A. Correct.
29
30 Q. Free Corns Pty Ltd?
31 A. Yeah.
32
33 Q. There are some referees although no provision of
34 telephone numbers for those referees - if you have a look
35 at page 2. Do you see that?
36 A. Yes.
37
38 Q. From what you were saying in your evidence is that
39 these positions are hard to fill?
40 A. Very.
41
42 Q. That you are not likely to get someone who has had
43 previous experience in this area?
44 A. How many of those applications came in?
45
46 Q. There were other applications that came in. One of
47 which a husband and wife, because they were applying for

1 the position of matron and warden, actually had had
2 previous experience working in a hostel environment with
3 children.

4
5 HIS HONOUR: It was a Methodist home for children.
6

7 MR URQUHART: Mr McKenna's application was not the only
8 one. There was actually an application by a couple who had
9 had previous experience.

10
11 HIS HONOUR: Just to get the record straight, at the time
12 the St Andrews Hostel was advertising for both a warden and
13 a matron.

14
15 MR URQUHART: Yes, sir.
16

17 Q. I am talking about now the application for warden
18 rather than house master. Would you at least agree with me
19 that those with previous experience would at least have a
20 significant advantage than others?

21 A. It depends. You would need to make contact with the
22 previous employer to find out why they are changing.

23
24 Q. Given the material there, had you been aware of that
25 would you have made the same sort of comments you made to
26 the newspaper in 1991?

27 A. I wouldn't relate too much - in 1991 wouldn't relate
28 too much to back in 1970 - I would be referring, I think,
29 as a general - the general application of anyone applying
30 through the years for a house master's position. It is
31 hard to recall back from 1991 when you are facing a
32 reporter to face back what happened in 1970 something.

33
34 Q. Should not your comment therefore have been "I don't
35 know. I can't comment"?

36 A. No, I think it was worth showing the world what way we
37 did go about employing people.

38
39 Q. But you weren't entirely au fait with the procedure
40 that was in place in 1975?

41 A. In 1970, that's correct. But it was in 1991 when that
42 was made.

43
44 MR URQUHART: The application for the warden's position has
45 already been tendered as exhibit 35. I tender now the
46 application for advertised position regarding the house
47 master.

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HIS HONOUR: That will be exhibit 78.

**EXHIBIT #78 APPLICATION FOR ADVERTISED POSITION REGARDING
THE HOUSE MASTER BARCODED 0217**

MR URQUHART: Q. I am going to ask now if exhibit 15 can actually remain with Mr Philpott. Mr Philpott, I want to take you to another passage there which appears in the third column, the first full paragraph which reads: "He also said" which is yourself:

He also said that no complaints about McKenna concerning sex related matters had been made to the authority during his 15 years of employment.

I think you have also said something similar in the statement that you provided to the Inquiry dated the 30th of April, paragraph 14. I will just read it out to you:

Prior to my becoming aware of the allegations in 1990 no-one had ever made any complaints to me or the authority regarding the conduct of Dennis McKenna.

Do you stand by --

A. Yes, I do.

Q. -- that comment you made in 1991?

A. Yes.

Q. And that statement --

A. Yes.

Q. -- that you stated in your statement?

A. To my knowledge now that's so.

Q. The Inquiry has heard evidence, and no doubt you have read it, a complaint was made to the authority in 1980 by a parent who had children at the hostel by the name of Noel Parkin. Have you read his evidence?

A. Well, I can't recall that.

Q. Certainly. I understand that. I will just let you know what he said. It starts at page 581 where he gives some background as to how he made his way to the hostel.

1 What he is saying is he went to the offices of the
2 authority here in Perth in 1980 with his son Bradley. I
3 appreciate, and I fully understand that you weren't
4 full-time there at the authority's head office, that's why
5 I asked if you attended; several times, three or four times
6 a month you'd pop in, and then you would be there for the
7 monthly meeting.

8 A. Monthly meeting, yeah.

9
10 Q. I will just remind you of what Mr Parkin said. It is
11 about a page. I want to appreciate that you fully
12 understand it. It is at the top of page 582, line 5:

13
14 MR RAFFERTY: I do not have that. Can that be put up on
15 the screen so I can read it too?

16
17 HIS HONOUR: Yes, we can do that.

18
19 MR URQUHART: Q. At line 5 he describes it:

20
21 So I went to the hostel board and made a
22 thing --

23
24 I don't want to read everything out, but he has incorrectly
25 identified that because he spoke about going to a head
26 office here in Perth.

27
28 -- I wanted to make a complaint about this
29 McKenna interfering with boys.

30
31 Q. Can you describe to us how that office
32 area was set up or that place that you went
33 to?

34 A. Well, we were - when you went to go
35 through a door, so it was facing that way
36 (witness indicates). Went through the door
37 and there was a counter there.

38
39 Q. So you went to the counter?

40 A. Yes, and I just wanted to talk to
41 someone. I asked to see if there was Colin
42 Philpott was there because I knew he was
43 the head of the hostel board.

44
45 So he refers to the authority as the "hostel board".

46 A. Yes.

47

1 Q. It goes on:
2
3 Q. Sorry, who did you ask for?
4 A. Colin Philpott but - by chance he may
5 be there but I know he did work for them,
6 he was a chairman of the hostel authority
7 there.
8
9 So he gets it right. It continues:
10
11 Q. So did you speak to Mr Philpott?
12 A. They said "no" and he said "What are
13 you going to complain about?" I said,
14 "Like, I've come to complain about this
15 thing that was McKenna, you know, he
16 interferes with boys" and the bloke said
17 "You're off your head."
18
19 Q. So this bloke that you described he
20 was just serving people behind the counter,
21 was he?
22 A. No, the one I went to first, he went
23 and got another bloke from a cubicle or the
24 board out the back there.
25
26 Q. And you don't know who that person
27 was?
28 A. No.
29
30 Q. You said what you have just said, you
31 were here to report that Dennis McKenna is
32 a paedophile?
33 A. Yes.
34
35 Q. What happened then?
36 A. I said to him - they said "No, we
37 can't take any complaint". I said "What,
38 you're his bum boy as well".
39
40 Q. "Are you his bum boy as well"?
41 A. Yes, that's McKenna's, yes.
42
43 Q. I am expecting then - you probably can
44 recall what happened next, can you.
45 A. Yes. He said "If you don't leave I'll
46 call the police" and he asked for someone
47 - I said "I'm not going to go until you

1 hear someone about it" and he said - he got
2 someone to call the police and I waited for
3 another two or three minutes and I thought
4 "Oh, well" - I thought more about it and
5 (indistinct) should go and yes.
6
7 He explained he was upset and angry and as he was leaving a
8 police car actually had arrived. Okay. So can you recall
9 how many staff would be at the authority?
10 A. One.
11
12 Q. One?
13 A. One.
14
15 Q. At all times?
16 A. All times.
17
18 Q. In 1980?
19 A. In 1980.
20
21 Q. And who would that be?
22 A. Peter Bachelard-Lammas.
23
24 Q. I don't think Mr Bachelard-Lammas started until 1982?
25 A. What time did you?
26
27 Q. This is 1980?
28 A. '80?
29
30 Q. Yes. 1980.
31 A. That makes it even more the fact there was only one
32 person. Oh, Hepper. It might have been Hepper. Other
33 than that I can't recall.
34
35 Q. Do you know if Mr --
36 A. But it was only one person.
37
38 Q. You are saying at all times there was only one person
39 ever at the head office?
40 A. Sir, I doubt if he ever did get to the hostel
41 authority. The hostel authority were never attached to the
42 education department. They were along the Terrace or Billa
43 Lake. It is quite possible he ended up at the education
44 department or somewhere of that nature.
45
46 Q. Well, you had your meetings, did you not --
47 A. Always at the authority.

1
2 Q. Yes, in 1980?
3 A. Correct.
4
5 Q. They were all on the Terrace, were they not?
6 A. Yeah.
7
8 Q. He says "Adelaide Terrace" and he got the address from
9 the telephone book, which existed back in 1980.
10 A. Hm.
11
12 Q. He looked up the hostel authority. The Country High
13 School Hostel Authority would have their address and phone
14 number in the book?
15 A. Correct.
16
17 Q. So if you looked up Country High School Hostel
18 Authority in the white pages back then you would be able to
19 find their address?
20 A. Well, let me answer the question by saying I've never
21 heard of that, what you've stated.
22
23 Q. Yes, well, it is a complaint though, isn't it? If
24 that is correct he has said he has made a complaint about
25 Mr McKenna interfering with boys?
26 A. Mmm-hmm.
27
28 Q. So if this is correct the authority did receive a
29 complaint about Dennis McKenna interfering with boys in
30 1980?
31 A. Providing where he went to was the authority, you are
32 right.
33
34 Q. If he did go to the authority, should he have been
35 treated in the manner he says that he was if in fact he was
36 treated that way?
37 A. I can't believe he was treated that way, if it was the
38 authority.
39
40 Q. Are you suggesting it may have been some other --
41 A. Yes, I think it must have been some other place. I
42 don't know because I never heard of it.
43
44 Q. Would have you expected to have heard about it?
45 A. Yes, I would have expected to hear about it.
46
47 Q. Even if the person behind the counter is of the view

1 that it is just a false allegation?
2 A. I couldn't - I couldn't answer that as a person behind
3 the counter.
4
5 Q. Given what the person behind the counter has said --
6
7 HIS HONOUR: It probably didn't help that Mr Parkin's said
8 to whoever it was that he was one of "McKenna's bum boys".
9 I imagine that would have provoked a bit of a response.
10
11 THE WITNESS: I am quite surprised that I didn't hear
12 anything about it.
13
14 MR URQUHART: Q. It doesn't seem to be a polite
15 complaint, Mr Parkin admitted as much, that he was angry
16 and upset and he was making, it would seem, somewhat of a
17 scene. But even in those circumstances if the person
18 behind the counter stated he did not believe him, even
19 though Mr Parkin personally insulted that man, you would
20 expect some sort of written note to be made or --
21 A. Not necessarily. I think they would have communicated
22 it to me. If we had of got something of that nature I
23 would have assured you we would have done something about
24 it.
25
26 Q. And what would have you done?
27 A. Contacted the industrial relations section of the
28 education department special area that handles this thing.
29
30 Q. For what? For advice or for them to take up the
31 investigation?
32 A. For advice. Just to advise them that that had been
33 conveyed to us.
34
35 Q. I gather you were aware this is the procedure that
36 would have been followed in 1980, right?
37 A. Yeah.
38
39 Q. And then what would follow on from there?
40 A. I don't know. It was up to them. They are a special
41 group that handle this area.
42
43 Q. Would you be required, however, to at least find out
44 the identity of the person making the complaint?
45 A. I would have been told, I would have thought, when
46 they convey that to me for me to on-sell it to the
47 industrial group.

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Q. It seems the person behind the counter there is not suggesting Mr Parkin identify himself or introduced himself, and there is no suggestion that the person behind the counter asked for his name?

A. It's starting to sound a bit loose when they don't let their name be known or the name of the person that was the victim.

Q. Well, is it, Mr Philpott, when the person making the complaint gets that sort of reaction, if in fact it occurred, and that is essentially, "we can't take any complaint"?

A. I have no idea about that. I can't make a comment on something like that.

Q. Were staff trained as to how to deal with a complaint such as this --

A. Not at the --

Q. -- at the authority?

A. Not at that point in time. There was no finances.

Q. Do you need finances to instruct a staff member as to what to do when a complaint is made?

A. I don't know about that, because he comes from the education department. It's not my role, or the authority's role, to actually instruct people in that nature.

Q. So you never advised your staff as to what to do in this situation?

MR RAFFERTY: It is not any suggestion that it is his staff. The authority's staff. Sure, he is chairman of the authority. There is no suggestion in any way or form that he has any authority in relation to that.

HIS HONOUR: Rephrase your question.

Q. As chairman of the board you instruct the staff of the authority as to what to do when a complaint of this nature was made?

A. No, I haven't told them at any time. I would expect that it would be normal procedure.

Q. To do what?

A. To advise - to advise the authority if something of

1 this nature turned up.
2
3 Q. Yes. But the complaints received over the counter?
4 A. That's what you say, it was received over the
5 authority counter. We don't know that.
6
7 Q. Accepting it happened, okay.
8 A. If it happened, yes. But it didn't happen, because
9 I'm sure he would have passed it on, and it was never
10 passed on.
11
12 Q. It should have been passed on?
13 A. If it happened.
14
15 Q. You would expect that it to be passed on?
16 A. Yes.
17
18 Q. But from your knowledge no staff as of 1980 had been
19 given instructions as to how to deal with a complaint like
20 that?
21 A. And why I doubt that, sir, is the person that I am
22 suggesting, as I said to you, would never indulge in a way
23 that you have mentioned.
24
25 Q. You see, it might have something to do, might it not,
26 with the fact that the allegation that was being made was
27 against a warden who seems, for all intents and purposes,
28 even in 1980, regarded extremely highly and was very well
29 respected?
30 A. Well, he was only just moving into the area of
31 becoming a - you know, guru, as I said. I'd say no. Too
32 early for that.
33
34 Q. So if you had been notified you would have sought
35 advise from the industrial relations section of the
36 education department?
37 A. Correct.
38
39 Q. Where had you got that knowledge from that that would
40 be your course of action?
41 A. It was - it was an understanding that the hostel's
42 authority had with the education department. We had no
43 resource. They were the people that had the resource.
44
45 Q. If the same complaint, though, was made to a hostel
46 board, what were they supposed to do?
47 A. Yes, if they passed that on to us - if they passed

1 that on to us that's the procedure that would be invoked.
2
3 Q. Would they be required to pass it on, or would they be
4 required to carry out their own investigation?
5 A. It would be up to them to use their own knowledge of
6 whether it should be passed on or whether it should be
7 dealt with at their level.
8
9 Q. You see, we haven't just got Mr Parkin's account of
10 him going to the authority's head office, there is also
11 other evidence which shows that Dennis McKenna knew about
12 this visit by Mr Parkin to the authority's head office. Do
13 you have any idea how Dennis McKenna would come to know
14 that?
15 A. Absolutely not. No.
16
17 Q. You see, Alan Parks - I think you might have read Alan
18 Parks' evidence?
19 A. Quite early on, I think.
20
21 Q. Just to remind you of who he was, he was chairman of
22 the board, a long standing member of the Katanning board,
23 from 1979 to 1992. He had two stints as chairman. He
24 wasn't chairman throughout the entire 13 years. He was a
25 board member at that time.
26 A. Yes.
27
28 Q. He recalled - page 1429-1430:
29
30 Dennis McKenna told the Katanning hostel
31 board that Noel Parkin had caused a stir at
32 the authority's head office and the police
33 were called in to have him removed.
34
35 Okay?
36 A. Yes.
37
38 Q. Later he said - page 1431:
39
40 Later the board was told by a board member
41 that Noel Parkin was telling people that
42 Mr McKenna was interfering with boys.
43
44 Mr McKenna was interfering with boys, okay?
45 A. Mmm.
46
47 Q. So it seems, if that is in fact correct, that Dennis

1 McKenna was aware of Noel Parkin --
2 A. Well, I certainly wasn't aware that he was aware.
3
4 Q. It's not the only possibility but one possibility is,
5 that Dennis McKenna became aware because someone from the
6 Authority notified him?
7 A. Well, I can't answer that. That - that is supported
8 by other board members who - who claim that at no time in
9 that period did we know anything about admin --
10
11 HIS HONOUR: Q. When you say "board members", you mean
12 Authority board members?
13 A. The Authority board, yes.
14
15 MR URQUHART: Q. I just want to read out to you now what
16 Mr Parks said regarding this. You have got two pieces of
17 information. The first one from Dennis McKenna, that Noel
18 Parkin was making --
19
20 MR RAFFERTY: Causing a stir.
21
22 MR URQUHART: Q. Causing a stir - thank you
23 Mr Rafferty - causing a stir at the head office of the
24 Authority and that he later got further information from a
25 fellow board member - he thinks it might have been, he is
26 not certain, it was Garth Addis - the complaint regarding
27 Dennis McKenna, by Noel Parkin, was that he was interfering
28 with boys at the hostel. Okay. And this is what Mr Parks
29 said in his evidence once the board had that information.
30 At the bottom of page 1432, line 44:
31
32 Q. What did the board do about that?
33 A. I'm not sure whether they contacted
34 the Authority or not.
35
36 Q. Well if you were the chairman of the
37 board --
38 A. Would have passed it on to - to the
39 Country Hostel Authority.
40
41 Q. Do you know if that was done though?
42 A. Couldn't tell you. Can't say. I
43 don't recall.
44
45 Q. Did you not think that the Board
46 itself should undertake some investigations
47 of its own?

1 A. Well I don't think the Board believed
2 it.
3
4 Q. Is that why it may well have been the
5 case that it was never referred on to the
6 Authority?
7 A. I would say so. Probably, yes.
8
9 Q. So the Board seems to take the
10 position that it didn't believe it, without
11 ever undertaking any of its own inquiries?
12 A. Well, I'd say they didn't believe it.
13 I don't know about inquiries.
14
15 Q. Including you. You didn't believe it?
16 A. No, I didn't believe it.
17
18 Q. How would you know whether there's any
19 truth to it or not, unless it's
20 investigated?
21 A. I wouldn't know.
22
23 Q. You see, Mr Parks, there, seems to be disarmingly
24 frank about it. He says "I didn't believe it", and I'm not
25 suggesting at all that the board raised it with the
26 Authority. It would seem, once they had clarified that
27 with Mr Parks, that, in fact, it seems the Authority wasn't
28 notified?
29 A. They didn't or we would have done something about it.
30
31 Q. Yes, but if, in fact, Mr Parkin's account is correct,
32 the reaction by whoever it was behind the counter - and
33 again let's assume it was an Authority staff member - it
34 appears that that complaint was brushed aside. Do you
35 accept that --
36 A. Yes.
37
38 Q. -- if Mr Parkin's account is correct?
39 A. Yes.
40
41 Q. And had you been told about Noel Parkin's complaint in
42 1980, I'm going to suggest that you, too, would not have
43 believed it?
44 A. Anything - anything that is relating to sexual
45 activity I would have handed on immediately to the
46 Industrial Relations, and the other point I would like to
47 raise, who was the second person in the office?

1
2 Q. I don't know. But, in any event, I'm asking the
3 questions?
4 A. Sorry.
5
6 Q. I know you've said that there only would have been one
7 person present there and I've asked you, you can't
8 categorically say there would have only ever have been one
9 person in the Authority office at all times throughout
10 1980, can you?
11 A. No, not really, but it's very suspicious.
12
13 Q. Do you also agree with me that it's very suspicious
14 that Dennis McKenna, it seems, knew about this complaint
15 that had been made to someone at the head office at the
16 Authority and you hadn't been?
17 A. What I read about --
18
19 MR RAFFERTY: Sorry, sir, I should ask that the question
20 be premised on the basis that Mr Parks said that Mr McKenna
21 knew because my recollection of Mr McKenna's evidence is
22 that he said he didn't know about that.
23
24 HIS HONOUR: Mr McKenna is not to be believed.
25
26 MR RAFFERTY: I'm just saying, sir, it should be premised
27 on the basis - I'm not saying you place --
28
29 HIS HONOUR: Accepting Mr Parks' evidence --
30
31 MR RAFFERTY: I'm not saying you place any weight --
32
33 HIS HONOUR: It is on the basis of Mr Parks' evidence or
34 versions, correct, yes.
35
36 MR RAFFERTY: Yes, thank you sir.
37
38 MR URQUHART: I thought that was abundantly clear.
39
40 MR RAFFERTY: Well, it wasn't.
41
42 MR URQUHART: Well, I've just read out Mr Parks' evidence,
43 Mr Rafferty.
44
45 Q. All right, do you agree that it seems suspicious, to
46 use your word, that Dennis McKenna, on Mr Parks' account,
47 is aware of Mr Parkin coming to the head office of the

1 Authority and you were not aware?
2 A. I think it's unusual, very unusual that I was not
3 aware. However, so much has happened in Katanning. I am
4 very surprised at that, what happened in Katanning.
5
6 Q. You see, one possibility about Dennis McKenna knowing
7 about this visit by Noel Parkin to the head office, I know
8 there is other possibilities, one possibility, and it's a
9 reasonable possibility, I suggest to you, is that someone
10 from the Authority contacted him --
11 A. I would hope that wouldn't be the case but it's
12 possible.
13
14 Q. -- and told him about it and Mr McKenna would have
15 denied it and that could have well been the end of the
16 matter?
17 A. It's possible that but I find improbable.
18
19 Q. But whoever it was who was behind the counter, they
20 might not necessarily have known about the procedure if a
21 complaint such as this is received by the Authority; that
22 is, it's to go to the Industrial Relations section of the
23 Department of Education?
24 A. I think the matter is so serious that they would have
25 mentioned it to me.
26
27 Q. Yes, but would they have been aware of that procedure?
28 A. He's from the Education Department. I'd suggest he
29 did.
30
31 Q. When you say "he", you're referring to --
32 A. Well, whoever the person is we are talking about:
33 administrative officer at 1980.
34
35 Q. Who I think we have identified is the one who was
36 before Mr Bachelard-Lammas, who was Mr Hepper.
37
38 Q. Do you know if he is still alive?
39 A. No, I - no. No, he's not. It's a pity because he's a
40 very straight person.
41
42 Q. Mr Philpott, when you said earlier that generally
43 complaints made by hostel staff members were to be dealt
44 with by the hostel board, the relevant hostel board - do
45 you remember giving that evidence?
46 A. Yes.
47

1 Q. Was it different for complaints of a sexual nature?
2 A. Very different.
3
4 Q. And again, how would a local board know that between
5 1975 and 1990?
6 A. Just on commonsense grounds, that's the most serious
7 that you could have and I would expect that they would
8 contact the Authority and we put the protocol in.
9
10 Q. But, you see, you say you would expect that but I've
11 already shown to you about the concerns you had in 1983, I
12 think it was, about boards not understanding their roles?
13 A. Yes.
14
15 Q. Again, this would be another example where a simple
16 guideline from the Authority would have helped; procedures
17 for dealing with complaints?
18 A. Yes, but doesn't commonsense in every normal person
19 say that sexual activity is the worst of the worst and
20 would do something about it?
21
22 Q. Well, should not the board be taking it to the police
23 rather than the Authority?
24 A. Yes, they could have taken it to the police but I find
25 that the police require evidence before they take to that.
26 I think the best thing would be to send it to the
27 Authority, where we have got a special group that knows how
28 to handle it.
29
30 Q. It would seem that that wasn't common knowledge at
31 least amongst the Katanning hostel board?
32 A. Well that's true, it wasn't obviously.
33
34 HIS HONOUR: Q. So you say that if that's the way things
35 happened, the board didn't show much commonsense?
36 A. Reluctantly I say that, yes.
37
38 MR URQUHART: Q. After Dennis McKenna was charged in
39 1990, did he say anything to you about the allegations?
40 A. He has not spoken to me since the time I suspended him
41 and asked him to be removed from Katanning.
42
43 Q. So the answer to that is no?
44 A. No.
45
46 Q. You never spoke to him once about it even though he
47 was working out from head office?

1 A. I should clarify that, sorry. He was working at the
2 Authority but no, he never mentioned anything of that
3 nature.
4
5 Q. And did he, at the very least, deny them to you?
6 A. No, we never spoke about those things.
7
8 Q. I am now, sir, going to move on to another area.
9
10 HIS HONOUR: Probably a good time to have lunch, I think.
11
12 MR URQUHART: Yes, and it might not be an area that can be
13 completed - well it won't be an area that can be completed
14 before lunch. So, Mr Philpott, will that suit you?
15
16 HIS HONOUR: I think it is appropriate to take an earlier
17 break, given the earlier start today.
18
19 MR URQUHART: It may be, if it is convenient for all here,
20 particularly Mr Philpott, if he could come back maybe at
21 quarter to 2.
22
23 HIS HONOUR: Q. Are you happy with that?
24 A. Yes.
25
26 HIS HONOUR: All right, so we will adjourn until quarter
27 to 2.
28
29 **LUNCHEON ADJOURNMENT**
30
31 HIS HONOUR: Please be seated. Yes, Mr Urquhart.
32
33 MR URQUHART: Thank you very much, sir.
34
35 Q. Now, Mr Philpott, you are going to be handed back
36 exhibit 15, please, which is the newspaper report from July
37 1981 which we have looked at a number of times now. I want
38 to draw your attention to some other passages here. It is
39 in the middle column?
40 A. Yes.
41
42 Q. And we have already I think looked at some of these
43 areas but again I will just clarify it with you again. In
44 the middle column there, starting with the first full
45 paragraph - this is yourself:
46
47 He also said that no complaints about

1 McKenna concerning sex-related matters had
2 been made to the Authority during his 15
3 years of employment.
4
5 Mr Philpott did not know if any such
6 complaints had been made to the board but
7 he 'had no hesitation in saying that if a
8 'complaint of any substance' had been made
9 it would have been thoroughly investigated.
10
11 "It is staggering how all these things have
12 come out of the woodwork since", he said.
13
14 "If there had ever been any question or
15 doubt, good God, we would have had a look
16 at it".
17
18 Now, once more, Mr Philpott, I'm going to ask you, assuming
19 that you either said those comments?
20 A. Yes, I would have, I think.
21
22 Q. Had you said those, do you stand by those comments?
23 A. Yes.
24
25 Q. I am going to ask you about a matter that you no doubt
26 are very familiar with, given the evidence that has been
27 given at the Inquiry. It concerns David Trezise. I gather
28 you have read his account --
29 A. Yes.
30
31 Q. -- that he gave back in February now to this Inquiry,
32 and he talks about a meeting that he had with you at Lake
33 Grace?
34 A. Yes.
35
36 Q. So as I understand it correctly, in your statement you
37 have referred to the fact that that meeting - and this is
38 at paragraph 15 in your statement dated 30 April - that the
39 meeting that Mr Trezise referred to is outlined in the
40 minutes of the Authority meeting on 11 March 1986. I am
41 going to suggest to you that it may well have been the case
42 that that meeting had taken place in November of 1986?
43 A. I can't recall.
44
45 Q. Yes, but I appreciate that the minutes from March 1986
46 refer to you attending Lake Grace to discuss the question
47 of building a hostel at Lake Grace?

1 A. Correct.
2
3 Q. I just want to show you some minutes from 11 November
4 1986 to see whether it may well have been the case that it
5 was at some time around that time. Madam Associate, can we
6 have a look now at the 11 November 1986 Authority minutes?
7 We can see that you were in attendance at that meeting,
8 according to the minutes?
9 A. Correct.
10
11 Q. And on the first page we need to, for a change, look
12 at a heading under "Lake Grace" rather than "Katanning"?
13 A. Yes.
14
15 Q. And we see there, on the front page, (iii) of point 4?
16 A. Yes.
17
18 Q. And I will read it out:
19
20 Mrs C Mercer (Member) reported on a meeting
21 held between parents and the Authority at
22 Lake Grace on November 5, 1986. The
23 Authority resolved to include the
24 construction of a hostel at Lake Grace in
25 its 1987/88 budget.
26
27 And if we just turn over the page now - it is actually page
28 3 - and we can see there, it is not a very good photocopy
29 but (viii) "Trezise Matter". Do you see that?
30 A. Roman numeral --
31
32 Q. (viii), about halfway down. (Viii) "Trezise Matter",
33 underneath the heading "Trezise Matter"?
34 A. Yes. Yes.
35
36 Q. You've got that there:
37
38 The Chairman advised that he met with the
39 Trezise's and that the resolution of the
40 matter remained with the Katanning Hostel
41 Board.
42
43 A. Correct.
44
45 Q. It might be testing your memory but do you recall
46 attending Lake Grace for this particular meeting?
47 A. Yes, I do.

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Q. On 5 November 1986?

A. Well, yes, the data dates.

Q. Certainly, yes. But do you recall just the one meeting or do you recall a meeting with the Trezises down at Lake Grace when the purpose of it was for a meeting.

A. Yes, I do.

Q. And I'm going to suggest to you that it would look like putting two and two together, that this meeting you had with the Trezises may well have been at the same time as that Lake Grace meeting between parents and the Authority took place?

A. Yes, I would suggest it was.

MR URQUHART: I will tender that document, thank you, sir.

EXHIBIT #79 COUNTRY HIGH SCHOOL HOSTELS AUTHORITY MINUTES OF MEETING DATED 11/11/1986 BARCODED 0218

Q. Now, I'm just going to read to you, although I have no doubt you've already read it, but the passage of Mr Trezise in Mr Trezise's evidence about his recollection of something that was discussed with you and him at Lake Grace?

A. Yes.

Q. You recall what I'm talking about?

A. Yes, I do.

Q. There was a meeting with the Authority and parents regarding the construction of a hostel at Lake Grace?

A. Correct.

Q. Now, he says - this is 545 - at the top of line 3 he says:

It could have been late in 1985 or into 1986. I can't recall exactly.

So he's not certain?

A. No.

Q. I know you've said in your statement - I understand your process of reasoning for saying it was in March of 1986 but I have taken you to those minutes in November of

1 1986 in which you said it may well have been on that
2 occasion as well?
3 A. Correct.
4
5 Q. And then, line 40 of this page - on p.545 - I will put
6 it up on the screen as well, Mr Philpott. I will read it
7 out to you whilst we are waiting for that, or if we can get
8 it up there quickly we will wait. Maybe I'll start?
9 A. Yes.
10
11 Q. :
12
13 Q. Did you speak to Mr Philpott at all at
14 this meeting?
15 A. Yes, I did.
16
17 Q. When was it in relation to the
18 meeting?
19 A. After the meeting, when the meeting
20 was finished. My wife and I followed him
21 out and we stopped him on his way to his
22 car and said there were matters that we
23 wanted to talk about and we wanted to talk
24 about those letters and the fact that we
25 were singled out when our children were
26 taken away from the school to pay extra -
27 the fees.
28
29 Q. So you raised with him the subject
30 matter of the fees?
31 A. Yes.
32
33 Q. Did you raise with him any other
34 subject matter?
35 A. Yeah, the matter of information I'd
36 had about boys being fiddled with.
37
38 Q. Can you recall what you said to him in
39 that regard?
40 A. Yeah. I said to him to look at the
41 letter from Bill McPharlin and take it as
42 read.
43
44 Q. Did you say anything else?
45 A. I did eventually. He was as mad as a
46 hornet and he said, "You wrote that letter
47 and forwarded it to people." And I said,

1 "That's easy to prove. We'll do a
2 writing - easy to prove. Our writing's
3 nothing the same. Get some correspondence
4 from each of us."
5

6 Q. When you were saying to him to read
7 the letter, what were you referring to?

8 A. I was referring to the whole letter.
9

10 His Honour then asked:
11

12 Q. Was he suggesting that you forged that
13 letter, is that what you are saying?

14 A. He suggested that I forged the letter
15 and wrote the letter. When he accused me
16 of doing that, I said, "Well, nobody's
17 taking any notice here. We'll see you in
18 court."
19

20 Now, just so we can put this in context, Mr Philpott, I
21 gather you can understand the letter that he's talking
22 about?

23 A. No.
24

25 Q. All right. Okay. Well, I will --

26 A. Unless that's the one you mean from the two people.
27

28 Q. Yes, it's the sort of handwritten --

29 A. Yes.
30

31 Q. -- half page letters that accompany a letter dated 27
32 September 1986 that Mrs Trezise sent a letter to the
33 Authority marked for your attention, "Mr Colin Philpott".
34 So it was addressed to "Mr Colin Philpott"?

35 A. Yes.
36

37 Q. Okay, we will get to that in a moment. Now, I take it
38 from your statement that you have provided to the Authority
39 - and it is in paragraph 14 of your statement, that:
40

41 Mr Trezise never made such a comment to me
42 and had he done so, the matter would have
43 been treated seriously and dealt with in
44 accordance with Authority protocols.
45

46 A. Correct statement.
47

1 Q. Sorry?
2 A. Correct statement.
3
4 Q. And you stand by that, okay. So if, in fact, this
5 meeting you had with the Trezises was the one that's
6 reported in the November 11, 1986 minutes, you would say
7 the only matter that was discussed was this question
8 regarding "their matter", namely, their fees, the payment
9 of their fees. Is that right?
10 A. That's absolutely correct.
11
12 Q. And I gather from what you are saying then, that if,
13 in fact, some allegation is to be made about Dennis McKenna
14 fiddling with boys, it would have been something you would
15 have followed up?
16 A. Would have taken it up and done something about it.
17
18 Q. Mr Philpott, his Honour has already made the comment
19 that we use different terminology for describing sexual
20 abuse now than what might have been used in the 80s?
21 A. Very much so, yes.
22
23 Q. But had, in fact, someone said to you a phrase to the
24 effect of or accusing someone of "fiddling with boys",
25 would you have understood that to mean something of a
26 sexual nature?
27 A. Not necessarily.
28
29 Q. What do you think. I know it may be difficult to cast
30 your mind back. Any idea how you would have interpreted
31 that?
32 A. "Fiddling with boys" could have been wrestling with
33 them, something in the showers or something of that nature.
34 Not necessarily would it have been sexual abuse.
35
36 HIS HONOUR: Q. When you say "in the showers", what do
37 you mean by that?
38 A. I think there was some relevance in the minutes
39 somewhere that McKenna used to go into the showers and view
40 the boys and strap them or something.
41
42 MR URQUHART: Q. I don't think that's in the minutes
43 anywhere but it certainly was the evidence that was given
44 at the Inquiry, yes. So you wouldn't necessarily link a
45 description of "fiddling with boys" to sexual abuse?
46
47 HIS HONOUR: Back then, we are talking about.

1
2 MR URQUHART: Back then. Sorry, back then, sorry, yes.
3
4 THE WITNESS: Yes, I probably would.
5
6 MR URQUHART: Q. I was going to suggest to you that you
7 most likely would have?
8 A. Yes.
9
10 Q. That notwithstanding the changes in terminology now --
11 A. Yes.
12
13 Q. -- that the "fiddling" --
14 A. Yes.
15
16 Q. -- is something that does suggest --
17 A. Yes.
18
19 Q. -- sexual misconduct, even back in the 80s?
20 A. Yes.
21
22 HIS HONOUR: Q. Well I think that was a fairly common
23 expression back then to mean what we now call "sexual
24 abuse"?
25 A. Yes.
26
27 MR URQUHART: Q. Now, I'm going to show you the letter
28 now, Mr Philpott, and copies have been provided to you and
29 they have been referred to at some length in evidence
30 already. That is exhibit 11.1, which is - I said 27
31 September. It is actually 17 September 1986. It's a
32 typewritten letter signed by Mrs Coral Trezise and
33 addressed to "Mr C Philpott, Country High School Hostels
34 Authority, 184 St Georges Terrace, Perth, 6000". And while
35 we are at it, also exhibits 8 and 10, too, please, which
36 are the attachments. Familiarise yourself with those now?
37 A. Yes.
38
39 Q. And Mr Philpott, is it the case that those documents
40 you actually provided to Inquiry investigators when they
41 served a summons upon you some time ago now, earlier this
42 year?
43 A. I wouldn't know.
44
45 Q. That is your recollection?
46 A. Well, I assume that they are but I wouldn't know. I
47 knew nothing in those files. I handed them over as they

1 were.

2

3 Q. Because this was correspondence that was in your
4 personal possession --

5 A. Okay.

6

7 Q. -- at your house, and there was other material
8 relating to correspondence involving your time as chairman
9 of the Authority. Can you provide his Honour with an
10 explanation as to why it was that you kept this
11 correspondence - I'm talking generally now - in a file in
12 your own possession?

13 A. Yes, if I make a brief statement about it. As
14 chairman of the Authority, we would meet once a month.
15 So - and all the other working days of the month I was
16 working for Wesfarmers. If a personal item - a personal
17 letter came in to me it would be popped in the mail and
18 forwarded out to me to read, which I did in this case, and
19 I decided that it should be further investigated. I told
20 the administrative officer to forward it to the chairman of
21 the local board for further inquiry, and then I would have
22 popped these into that file and you found them 28 years
23 later.

24

25 Q. So when you told the administrative officer to forward
26 it to the local board for further inquiry, that inquiry
27 was, what, in relation to the matter of the fees?

28 A. No, it was - it was more a matter - the fees one -
29 from memory, was a long-term thing being dealt with with
30 the Trezises. The main thing I was concerned about was
31 reference 6. There was an item at the bottom said:

32

33 The children were removed because of
34 suspicious suggestions made to them by the
35 house master, Dennis McKenna.

36

37 And so I thought that was needed to be further inquiries.

38

39 Q. Why?

40 A. Well, suspicious suggestions, I didn't think that it
41 was - I didn't relate it to the sexual activity but I
42 thought it was suspicious enough for further inquiry to be
43 made.

44

45 Q. Do you accept, though, that it may well have related
46 to sexual activity?

47 A. It could have but it could have related to many other

1 things, such as money.
2
3 Q. Money?
4 A. Money.
5
6 Q. For what?
7 A. Well, it could have - the suspicious - how money was
8 handled through the canteen or through whatever these
9 children had found out.
10
11 Q. You have lost me there?
12 A. What I'm saying, there's not only one interpretation
13 for suspicious suggestion.
14
15 Q. Okay, and you mentioned money?
16 A. Well, it could have been - it could have been some
17 item that they had found out about the way he handled money
18 there. It could have been - he could have been pinching
19 it.
20
21 Q. And why would that be a suspicious suggestion made to
22 these boys by Dennis McKenna?
23 A. I can't reply to that.
24
25 Q. I would suggest to you that reading that, one would
26 immediately suspect that it did have something to do with
27 sexual activities?
28 A. No, I don't relate to it being in that way.
29
30 Q. All right, you have given me one example about money
31 and I have questioned you further about that and I think
32 you might have conceded it wasn't a very good example. Can
33 you think of another one?
34 A. Well, let's leave money - let's leave money out of it.
35
36 MR RAFFERTY: Sorry, sir, can I ask, are we looking at
37 this in the context of when they were received in 1986, or
38 are we talking about this in retrospect, because I think
39 there is a fundamental difference.
40
41 HIS HONOUR: Well, that's what we - we're probably talking
42 about it at the time --
43
44 MR RAFFERTY: Yes.
45
46 HIS HONOUR: -- what he's --
47

1 MR URQUHART: Absolutely, it's pointless asking them now,
2 yes, it's 1986.

3
4 MR RAFFERTY: Good.

5
6 THE WITNESS: I certainly didn't raise it at that time to
7 be something identified to be sexual activity.

8
9 MR URQUHART: All right.

10
11 Q. Can you give us any explanation now as to what else
12 you would consider it to be?

13 A. No, I just had a broader aspect that it might be. It
14 could be a number of things. I can't put a point to it at
15 the moment, but I considered - it was worth further
16 Inquiry.

17
18 Q. Not by the Authority?

19 A. No, I didn't think so at that point.

20
21 Q. Why not?

22 A. Well, I thought it was the local - a local matter, the
23 Chairman of a Board would have the right to investigate.

24
25 Q. Would you agree with me that when you read that back
26 in 1986, you would have at least thought it may well have
27 related to sexual activities?

28 A. It could have been a consideration, but not a total
29 consideration.

30
31 Q. Therefore wouldn't it have been appropriate to refer
32 the matter on to the IR section of the Department of
33 Education?

34 A. No, I thought, on a broader context, is you'd start to
35 get more evidence by giving it to the Chairman of the
36 Board.

37
38 Q. And what direction did you give to the Chairman of the
39 Board?

40 A. I just asked the administrative officer to return -
41 these are copies, of course - so he had the original, to
42 return them to the Chairman of the Board and ask him to
43 make further Inquiry.

44
45 Q. But did you specify that it wasn't just to be a
46 further Inquiry in relation to the unpaid fees, but also
47 the other matters raised in those attachments?

1 A. Well, in essence, to be quite honest, I thought more
2 about the unpaid fees that were mentioned in three-quarters
3 of that letter and her letter, than the final three lines
4 in - on that page.
5
6 Q. Yes. So I suggest to you if that's the case then, it
7 might have been that you didn't even bother to draw the
8 administrative officer's attention to the fact that you
9 wanted those matters looked at as well?
10 A. I can't recall what I said to him, but he would have
11 sent a letter saying, "Read this and give a full
12 explanation".
13
14 Q. So you're saying he would have written a letter to the
15 Board?
16 A. I would say so.
17
18 Q. And would that be - I suggest it would be minuted,
19 would it not?
20 A. It would be in the correspondence file.
21
22 Q. Yes. See, I'm going to suggest to you that, in fact,
23 that wasn't done - that what, in fact, it was resolved to
24 do was you would respond to Mrs Trezise's letter?
25 A. I did. I wrote her a letter.
26
27 Q. Yes. Well, I thought you were referring to, to the
28 Board to take care of that?
29 A. Of - of this letter, of the reference 6.
30
31 Q. Hold on. You're showing up the handwritten letter
32 that refers to "suspicious suggestions"?
33 A. Correct.
34
35 HIS HONOUR: Q. So that's all you referred to the admin
36 officer, the suspicious suggestions part of that letter; is
37 that right?
38 A. Sorry.
39
40 Q. So all that you referred to the administration officer
41 was not the general question of fees, but just the --
42 A. It was the --
43
44 Q. -- just the suspicious suggestions part?
45 A. Yes.
46
47 Q. Is that right?

1 A. Yes.
2
3 MR URQUHART: Q. So if I understand your evidence, Mr
4 Philpott, because this was - this "suspicious suggestion"
5 phrase could be viewed as ambiguous, that it was,
6 therefore, to go to the local Board for investigation. And
7 harping back to what Mr Parkin - the way Mr Parkin
8 described what he was complaining about back in 1980 - he
9 said that Dennis McKenna was interfering with boys - could
10 it not well be the case that the person behind the counter
11 there, when they said, "We can't deal with this complaint",
12 was, in fact, taking the same approach that you say you
13 took with respect to these "suspicious suggestions" --
14 A. Absolutely not.
15
16 Q. -- in that, "This is not the scope of the Authority,
17 this is not - this doesn't fall within the Authority's
18 matters to investigate"?
19 A. Absolutely not. I'd say that I read that on a broader
20 aspect than you are. You're specifically settling on what
21 "suspicious circumstances" meant. I just can't think of
22 something at the moment, but there's a number of things
23 that could have referred to, and so it went to the place it
24 should have gone, the Board Chairman, to investigate.
25
26 Q. But you say together with the question of the unpaid
27 fees?
28 A. No, I don't think I did say that.
29
30 MR RAFFERTY: No, your Honour.
31
32 MR URQUHART: Well, no --
33
34 MR RAFFERTY: He did not say it went together. One went
35 one way, and he dealt with the fees issue. That's exactly
36 what his evidence was.
37
38 THE WITNESS: Have you a copy of my --
39
40 MR RAFFERTY: Hang on, hang on, hang on.
41
42 THE WITNESS: -- letter that I sent to Mrs Trezise?
43
44 MR URQUHART: Yes. We're going to get to that in a
45 moment.
46
47 THE WITNESS: Sorry.

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MR URQUHART: You see, just looking at what you said in your statement - paragraph 17 - regarding that handwritten letter. It's the last line on page 6:

I do not recall seeing the letter in 1985 or 1986, however if I had have perceived the "suspicious suggestions" referred to sexual abuse of children by McKenna or any other inappropriate behaviour by him towards students, I would have had the matter dealt with in the appropriate manner.

So what then was "the appropriate manner"?

A. Well, if that had come up, it would have gone through the protocol, of course.

Q. Which is off to the Department of Education?

A. Yes.

Q. But you said here that:

-- if I had perceived that "suspicious suggestions" related to sexual abuse of children by McKenna or any other inappropriate behaviour by him towards students, I would have had the matter dealt with in the appropriate manner.

So are you suggesting there there would be scope for referring it to the Department of Education, where it was --

A. My memory of this is that there wasn't sufficient evidence at that time to put it forward to the Education Department. We needed more investigation, and that's why it went to the Chairman of the Board.

Q. Well, how about making a simple phone call to Mrs Flanigan or Mr McPhail to ask what they meant by that? Wouldn't have that solved the problem?

A. Well, that is part of the investigation. It would have been done by the Board, I would hope.

Q. Why couldn't the Authority have done that?

A. Well, I didn't see it that way. I saw it that we should send it to the Board, the Chairman of the Board, who

1 would be able to do that investigation.
2
3 Q. But why couldn't it have been done by the Authority?
4 A. No reason at all, except that that's not the way I saw
5 it.
6
7 Q. But that would be the time saving and straightforward
8 exercise to do, would it not?
9 A. It might be, but it's not as I saw it.
10
11 Q. But you see, Mr Philpott, it seems to me the logical
12 commonsense thing to do. You ring up the authors of that
13 letter. You clarify with them what they meant by
14 "suspicious suggestions" --
15 A. Well, why couldn't the Board get it out?
16
17 Q. -- and then - let me finish - and then you can make
18 the decision as to whether to refer it straight on to the
19 Department of Education, or refer it to the Board?
20 A. That would have - well, I would have seen that as the
21 role of the Chairman of the Board.
22
23 Q. But as I understand it, it's not the role of the
24 Chairman of the Board to conduct investigations of sexual
25 abuse?
26 A. I didn't - I didn't think or put emphasise at that
27 point in time that that was a sexual - reference to a
28 sexual activity.
29
30 Q. Well, what emphasis did you place on it?
31 A. Just on a - well, I was asking what was it referring
32 to. I wasn't making decisions about what it meant. I was
33 asking what did it mean.
34
35 Q. You know now in hindsight, if you've read the evidence
36 of Mr McPhail - McPharlin, rather, what you would have been
37 told had you bothered to ring?
38 A. I can't recall Mr McPharlin.
39
40 Q. Well, he said one of the boys stated that he went in
41 to Mr McKenna's office or room, and Mr McKenna reached over
42 and undid the zip of his pants --
43 A. Good god.
44
45 Q. -- and he pulled - the boy pulled the zip of his pants
46 back up again, and Mr McKenna pulled the zip of the pants
47 down, and the boy had to pull the zip back up again.

1 A. Never read anything about that.
2
3 Q. No, but if you'd bothered to make the call to those
4 parents, that's what you would have been told --
5 A. Yes, but I didn't.
6
7 Q. -- and - let me finish - and had you been told that,
8 you would have been abundantly clear in your mind, would
9 you have not --
10 A. Yes --
11
12 Q. -- that this was --
13 A. -- and with hindsight.
14
15 Q. -- an allegation of sexual impropriety?
16 A. With hindsight that's as it seems, but it wasn't
17 30 years ago.
18
19 Q. Just excuse me one moment, sir. So can you recall -
20 when you say that you referred this matter on to the Hostel
21 Board - you got your administrative assistant to do that.
22 Can you recall the response you got back from the Board in
23 relation to this?
24 A. No, I can't, and that sort of indicates to me that it
25 was satisfactory and there was no further investigation or
26 action from my end.
27
28 Q. I see. It's all right, sir. The letter dated 17
29 September '86 and the two attachments, they have both
30 already been exhibited. I will now ask if Mr Philpott can
31 be shown the minutes for 14 October 1986. Before I ask you
32 that - it's all right. You referred at page 15 of
33 those minutes under the heading - the second page -
34 "Trezise Matter", "The Authority" --
35 A. Yes.
36
37 Q. :
38
39 -- noted correspondence from Ms Trezise re:
40 the payment of fees and resolved the
41 Chairman correspond reinforcing the finding
42 of the Parliamentary Commissioner for
43 Administrative Investigations.
44
45 Is that right?
46 A. Yes.
47

1 Q. Okay. And is that what you recall doing, that you
2 corresponded?

3 A. I couldn't remember that far back, but if it's in
4 the minutes, that's what would have happened.

5

6 MR URQUHART: I tender that now, sir.

7

8 **EXHIBIT #80 MINUTES OF THE 288TH CHSHA MEETING DATED**
9 **14/10/86 BARCODED 0152**

10

11 HIS HONOUR: You did say - I was looking at 14 November.
12 That was 14 October, was that right?

13

14 MR URQUHART: 14 October, sir, yes.

15

16 HIS HONOUR: Yes, all right. Thank you.

17

18 MR URQUHART: It's exhibit 80.

19

20 Q. The next correspondence I'm going to show you is 24
21 October 1986, a letter that you've written to Mrs Trezise.

22 A. Thank you.

23

24 Q. Have you been able to read a copy of that letter more
25 recently, or would you like time to read it now?

26 A. No, no, I know it.

27

28 Q. Yes. The last sentence that appears there is:

29

30 I do regret that you believe you have been
31 treated unfairly, but on analysis the facts
32 would indicate that the St Andrews
33 committee have been consistent.

34

35 Now, can you recall what facts you were relying on there to
36 draw that conclusion?

37 A. No, except that she had a response from the Ombudsman.
38 She had a response from the Minister of Education, and she
39 had my letter.

40

41 Q. You see, what I'm going to suggest to you is by
42 sending it out in that way, that "the St Andrew's Committee
43 has been consistent", is to suggest that you did not pay
44 any attention to the contents of the two handwritten
45 letters that accompanied --

46 A. No --

47

1 Q. -- Mrs Trezise letter?
2 A. -- this is a separate issue.
3
4 Q. A separate issue from what?
5 A. The fees.
6
7 Q. Yes, this is --
8 A. Nonpayment of fees.
9
10 Q. But if you had paid attention to the contents of those
11 two handwritten letters, I want to suggest to you, you
12 would not have said that "the St Andrew's Committee had
13 been consistent"?
14 A. Oh, you're saying one lot paid and one lot didn't?
15
16 Q. Exactly.
17 A. All over the State people that don't - start again.
18 Finance was a very important thing in every hostel's life,
19 and they used to budget fee finance to meet the end of the
20 year. Now, if at the end of the year, like Mrs Trezise,
21 they didn't pay, you're that far down and it could be two
22 or three that didn't pay. However, if there were
23 extenuating circumstances for people - and I don't know if
24 this is the case - but it could have been for those two
25 people you're talking about, they didn't have to pay, where
26 there was no extenuating circumstances for the Trezises.
27
28 Q. But did you bother to find that out in this particular
29 instance?
30 A. Of course we did, because we followed the - this was
31 extensive. It went to the Minister for Education.
32
33 Q. I know that. But in this instance here you've been
34 provided with two letters to show that the St Andrew's
35 Hostel had not been consistent?
36 A. They would have let us know that - I shouldn't say
37 that because I can't recall it, but I'm suggesting to you
38 they would have let us know that. The last thing we want
39 to do with parents is to sue them. The last thing.
40
41 Q. You don't agree with me that the last sentence there
42 may well suggest that you paid little attention to any of
43 the contents of those two handwritten letters?
44 A. No, I wouldn't say that.
45
46 Q. All right. I tender that letter, thank you, sir.
47

1 EXHIBIT #81 LETTER FROM MR PHILPOTT TO THE TRESIZES, DATED
2 24/10/86 BARCODED 0220
3

4 MR URQUHART: Q. From an answer that you've just given
5 there a moment ago, I gather you've read the evidence of
6 some Board members who were on the Katanning Hostel Board
7 at the time, and asked about their recollections of
8 investigations, "suspicious suggestions" - the "suspicious
9 suggestions" letter, is that right?

10 A. Yes, I think I have, if I recall it.
11

12 Q. And do you agree that their recollection doesn't
13 accord with yours about the Board being told by the
14 authority to investigate these matters?

15 A. Well, I can assure you it did happen, so --
16

17 Q. But it's not recorded in that part of - the resolution
18 of this matter isn't recorded in the Authority's minutes
19 for the following month, is it?

20 A. Not the minutes. It would be in the correspondence.
21

22 Q. Do you know how long the Authority would retain their
23 correspondence files when you were --

24 A. No idea.
25

26 Q. -- chairman?

27 A. No idea. Administratively it's not our level.
28

29 Q. No. But you wouldn't be surprised, would you, to hear
30 that those files are no longer in existence, given the fact
31 that this happened?

32 A. Well, being a government department, I would be
33 grossly disappointed if they weren't.
34

35 Q. Well, you might be disappointed --

36 A. However, we have shifted several times, so --
37

38 Q. You see, there's no record in the Hostel
39 Board's minutes for the relevant time saying that it
40 investigated this allegation of "suspicious suggestions".

41 A. I doubt if it would have come up out of something I
42 instructed the admin officer to deal with a local Board
43 Chairman.
44

45 Q. So do you have a clear independent recollection of
46 doing that?

47 A. Yes, I do remember telling - when that was in my

1 possession, of telling the admin officer to send it to the
2 local Board Chairman for further Inquiry.
3
4 Q. And you were referring to the two handwritten letters?
5 A. Yes. No.
6
7 Q. No?
8 A. I was talking about the one that had - had the bit on
9 the bottom about "suspicious circumstances".
10
11 Q. What about the other one?
12 A. Well, I heard nothing on that. That was to do
13 with minutes.
14
15 Q. The other handwritten note, exhibit 10:
16
17 We removed our daughter from St Andrew's
18 Hostel without a term's notice because she
19 was on the verge of a nervous breakdown?
20
21 A. Yes.
22
23 Q. You didn't bother about that matter being referred?
24 A. Well --
25
26 MR RAFFERTY: Well, was it a complaint?
27
28 THE WITNESS: No (inaudible) no.
29
30 MR URQUHART: I don't want my learned friend dropping
31 hints to the witness while he could be --
32
33 MR RAFFERTY: I'm not dropping - no, with respect, sir,
34 I'm not dropping hints to the witness.
35
36 MR URQUHART: Let me finish. It could be inferred that
37 he's doing it in that way, and it's really not appropriate
38 that he should make a comment while he's seated, in that
39 way.
40
41 MR RAFFERTY: Well, your Honour's known me long enough to
42 know that that certainly wouldn't happen.
43
44 MR URQUHART: Let's not --
45
46 MR RAFFERTY: And for my learned friend to even make
47 that - for my learned friend to even make that

1 suggestion --
2
3 MR URQUHART: Let's not get any comment.
4
5 MR RAFFERTY: -- is offensive. And with the greatest of
6 respect to my friend --
7
8 MR URQUHART: Right.
9
10 MR RAFFERTY: -- perhaps he should start putting some
11 precision to the questions, because he's had this issue
12 before.
13
14 MR URQUHART: My learned friend should not be making those
15 sorts of comments from the Bar table because it could be
16 open to misinterpretation. That's all.
17
18 HIS HONOUR: All right. The point's been aired and I
19 think we should get on with it, so perhaps you better ask
20 the question again.
21
22 MR URQUHART: I was no way suggesting that my learned
23 friend deliberately did that, that's why I said the word -
24 it could be "inferred". All right.
25
26 HIS HONOUR: All right.
27
28 MR URQUHART: So I want to make that abundantly clear.
29
30 Q. See, wasn't this of some concern to the Authority,
31 that this was a letter complaining that she had to say
32 that their daughter left because she was on the verge of a
33 nervous breakdown?
34 A. No, that - it certainly doesn't rate in the field of
35 sexual activity.
36
37 Q. The "suspicious suggestions" didn't rate in the field
38 of sexual activity according to you either?
39 A. Not in the same emphasis that you're applying to it.
40
41 Q. What was the difference then in your view between
42 "suspicious suggestions" and the other reason that their
43 daughter was on the verge of a nervous breakdown?
44 A. We often - did not, not often - we occasionally did
45 have kids with problems, but it wasn't referred to us.
46 That was dealt with by the local doctors, and --
47

1 Q. Mr Philpott, the question was what distinction did you
2 draw between the suggestion - or the statement for
3 "suspicious suggestions" as the reason why the two sons
4 were removed, as distinct from this daughter being on the
5 verge of a nervous breakdown?
6 A. One is specifically - could be referred to as a
7 problem, a major problem. The other was a medical.
8
9 Q. And the major problem being, is that this would
10 suggest that it was a matter relating to sexual
11 impropriety?
12 A. The second one?
13
14 Q. No, the first one.
15 A. Not totally. I didn't put the same emphasis on it as
16 you're putting. There was nothing to suggest anything like
17 that coming out of Katanning from parents or anybody.
18
19 Q. See, Mr Philpott, I gather as Chairman of the
20 Authority, you didn't want a warden behaving in a
21 suspicious manner towards children under his care. Would
22 that be correct?
23 A. I would say that would be true.
24
25 Q. To such a degree that the parents were saying they had
26 taken the drastic step of removing their children from the
27 hostel?
28 A. No, I don't - I wouldn't put so much of an emphasis on
29 it.
30
31 Q. No?
32 A. No.
33
34 Q. But, you see, you say that "suspicious suggestions"
35 didn't necessarily mean sexual misconduct?
36 A. Correct.
37
38 Q. But the fact is you don't agree with me that it must
39 have been something very serious to warrant these parents
40 removing their two children from the hostel?
41 A. But every time people say it is very serious when they
42 have to take a child out of - irrespective of what it is.
43
44 Q. But given the fact that this is - the fact that they
45 are saying these suspicious suggestions --
46 A. No, I'm suggesting - you're using current hindsight to
47 put so much emphasis on this particular phrase. I say I

1 didn't put the same emphasis on it as you have.
2
3 Q. But you put enough emphasis on it to regard this as
4 different to the matter in the other letter, yes?
5 A. No, I don't think so. I think there was sufficient
6 other possibilities to warrant it being further - further
7 looked at.
8
9 Q. If your greatest consideration was the protection of
10 children --
11 A. Absolutely.
12
13 Q. -- then I would suggest to you that in this matter it
14 should have been an investigation that was at least
15 initiated by the Authority?
16 A. We did initiate it. I asked the Chairman of the Board
17 to do further Inquiry.
18
19 Q. And if the Chairman of the Board's recollection is
20 correct, that they weren't asked to do any investigation,
21 do you accept that if that was the case - I'm saying "if",
22 I'm not saying it was, but if that was the case - then
23 would you be prepared to concede that the Authority
24 didn't --
25 A. No, I would not because I --
26
27 Q. -- respond - no, let me finish - no, let me finish -
28 didn't respond in the appropriate manner?
29 A. No, I would not because I issued out an instruction
30 for it to be put to the lawyer, and I'm quite sure it
31 arrived in his box.
32
33 Q. Who was that instruction to?
34 A. Chairman of the board.
35
36 Q. Who was the instruction with? An administrative
37 assistant that you gave the instruction to?
38 A. Oh, to the administration assistant.
39
40 Q. Who was that?
41 A. You tell me then. Is it Peter Bachelard-Lammas?
42
43 Q. It would have been whoever was - I thought you had an
44 independent recollection of this. Maybe you do not.
45 Mr Bachelard-Lammas was at the point of resigning at about
46 this point in time. Sorry, I apologise. That was 1990.
47 It would have been Mr Bachelard-Lammas. So if

1 Mr Bachelard-Lammas's recollection is sound then his
2 account would be that, yes, you did forward this letter on
3 to him with instructions that the board was to investigate
4 this allegation regarding "suspicious suggestions", yes?
5 A. Yes.

6
7 Q. I'm assuming now - let's just assume - that you didn't
8 refer the matter on to Mr Bachelard-Lammas so that he could
9 forward it to the board. If you did not do that would you
10 accept that the authority did not conduct proper
11 investigation into that allegation?

12 A. Under those circumstances, strictly to those
13 circumstances, yes.

14
15 HIS HONOUR: Q. Do you remember who the chairman was at
16 that time of the Katanning hostel?

17 A. No, I actually don't, sir. I didn't keep track of
18 them. It was probably Parks.

19
20 Q. According to our records it is Mr Wilkinson.

21 A. Very good chairman.

22
23 Q. Do you have a recollection of getting any response
24 from Mr Wilkinson?

25 A. No. I don't recall getting it. But I'm sure that we
26 would have got some feedback, but it was nothing implying
27 to me that I had to take it further.

28
29 Q. So what, you said you didn't get a response; is that
30 what you think?

31 A. Sorry?

32
33 Q. You said you didn't get a response back from
34 Mr Wilkinson?

35 A. Yes, I think we did.

36
37 Q. You think you did?

38 A. I think we did. There was nothing adverse about it
39 requiring me to take further action.

40
41 MR URQUHART: Q. What would you have expected the board
42 to have done by way of investigation?

43 A. Well, I would have hoped that they would have
44 contacted those people on the sheet; that they would have,
45 I guess, would have spoken to the warden and --

46
47 Q. Mr Philpott, if they didn't do even that basic task of

1 contacting Mr McPharlin or Mrs Flanigan would you concede
2 that they hadn't carried out a proper investigation?
3 A. It doesn't surprise me, sir, that they haven't when I
4 read your transcripts. There's many things that they
5 should have done.

6
7 Q. By this stage, Mr Philpott, wasn't it evident to you
8 that at least insofar as financial management was
9 concerned, and we're talking about 1986, the Katanning
10 board wasn't very efficient?

11 A. No. You're balancing one part with a lot of other
12 things that were projected out of Katanning that were very
13 good.

14
15 Q. I'm just concentrating on that for the moment.

16 A. Yes. But it is not having the emphasis as the rest of
17 it.

18
19 Q. The rest of it is to do with Dennis McKenna, isn't it?
20 The financial management of the hostel is the
21 responsibility of the board?

22 A. Yes.

23
24 Q. You would have to admit, because we have gone through
25 this exercise this morning of going through the various
26 authority minutes, the problems that were manifesting
27 themselves with the finances of Katanning at the hostel
28 weren't being fixed?

29 A. From our point of view and authority point of view the
30 deficits they created were manageable and so it was just
31 necessary for us to have audits to keep it under control.

32
33 Q. So you were confident then with your knowledge of this
34 particular board that they would conduct a proper
35 investigation into this allegation made by Mr McPharlin and
36 Mrs Flanigan?

37 A. I wouldn't know. I'm just trusting that they would.
38 I'm not in a day-to-day situation with these people so --

39
40 Q. But this isn't just a mundane matter. This is an
41 allegation that on the face of it may well have been an
42 allegation of sexual misconduct.

43 A. It could have been, but it could have been other
44 things.

45
46 Q. Yes, but the fact is, Mr Philpott, is that no-one, it
47 seems, bothered to contact the authors of that letter to

1 find out what "suspicious suggestions" meant?
2 A. I had no idea that they hadn't.
3
4 Q. Well, that's an incredible oversight by whatever
5 organisation was responsible for investigating it; do you
6 at least agree with that?
7 A. It should have been done.
8
9 Q. Is an extraordinary oversight?
10 A. It should have been done.
11
12 Q. And you would agree with me that is an extraordinary
13 oversight?
14 A. Yes. You could put it in that context.
15
16 Q. Because, you see, Mr Philpott, what happened is, on
17 8 October of 1986 lawyers sent a letter to Mr McPharlin and
18 Mrs Flanigan and the Trezise threatening court action for
19 the libelous comment made in that handwritten letter; you
20 are aware of that, aren't you?
21 A. No, I'm not. I'm not aware - I'm aware --
22
23 Q. I should say you are aware of that now?
24 A. Oh, yes.
25
26 Q. You see there, that would suggest, would it not, that
27 if the board was tasked with this investigation and
28 Mr McPharlin and Mrs Flanigan hadn't been spoken to by
29 anyone from the board, they may well have spoken to
30 Mr McKenna, who has denied it, and then legal action that
31 he's threatened unless retractions are made?
32 A. I would want to follow that up with the board and find
33 out just what was said and was done.
34
35 Q. I can tell you, there was absolutely no evidence to
36 support the contention that anybody bothered to call
37 Mr McPharlin or Mrs Flanigan; didn't bother to call them or
38 write to them?
39 A. A let down.
40
41 Q. Sorry?
42 A. A let down.
43
44 Q. They were let down badly, weren't they?
45 A. I would think so.
46
47 Q. Not so much them, because their boys are now out of

1 the school, but it's a let down, is it not, for those boys
2 who are sexually abused after 1986?

3 A. I feel absolutely sorry for everything that happened
4 to those boys; and, yes, they could be thought to be let
5 down.

6
7 Q. But it may well have been that this offending could
8 have stopped in 1986 if a proper inquiry or investigation
9 was done in relation to what Mr McPharlin and Mrs Flanigan
10 were saying; do you agree with that?

11 A. It could have been.

12
13 Q. It could have been. Because it would have emerged --
14 A. Why - why did the chairman of the board say he never
15 did that?

16
17 Q. Well, it seems to suggest that - I am just relying on
18 the minutes - there is no suggestion that they did any
19 investigation. What it is clear that they did is they
20 launched or they threatened to launch civil or legal
21 proceedings against these people?

22 A. Well, McKenna must have had much more pull over them
23 than we think.

24
25 Q. Well he did, didn't he? I am going to suggest to you
26 that that would have been evidenced to you as chairman of
27 the authority in 1986?

28 A. But that's wrong.

29
30 Q. I am not necessarily talking about whether he is able
31 to cover up his sexual abuse, but the influence he had over
32 the board - and again I come back to these questions of the
33 finances.

34 A. But we had that under control.

35
36 Q. The question that he is able to employ so many of his
37 relatives?

38 A. Again, a problem of the board.

39
40 Q. Not the problem of the authority, if it was aware of
41 it?

42 A. Well, it certainly wasn't aware. I certainly had no
43 idea he had that number of family there. I would not - I
44 would not have it.

45
46 HIS HONOUR: Q. Was there policy on that subject?

47 A. No, there wasn't. But, for instance, down in Albany

1 we had a family. We had inherited the family that was
2 running the hostel down there and I had to go down to tell
3 them that that couldn't go on.
4

5 Q. From your point of view back then what was wrong with
6 having family members and staff along with the warden from
7 the same family?

8 A. Because he used to agree too easily with things that
9 needed to be done. There was no, I suppose, discussion
10 about it. Whoever was the boss they all went along with.
11 Not keen at all to have families - or at least more than
12 one.
13

14 Q. Now the evidence shows that there are many years where
15 Dennis McKenna had members of his family there, and quite a
16 number of them. How would that have escaped your notice?

17 A. I would probably not have asked when I went there who
18 was on the staff. I just knew that Wayne and his wife and
19 himself. That's the most I knew that he ever had there.
20

21 MR URQUHART: Q. Mr Philpott, I gather, given the fact
22 that you said that the authority's main concern was to do
23 with the financial side of the board running these hostels;
24 is that right? Is that how I understand your evidence?

25 A. Very important part.
26

27 Q. And that, therefore, you would read the audit reports
28 that had been prepared in relation to hostels?

29 A. Only if there were anomalies.
30

31 Q. Or certainly would have read audit reports for
32 Katanning during the course of the 1980s?

33 A. And taken action on.
34

35 Q. I am going to show you now an audit report for the
36 period 1 February 1983 to 31 January 1984. There is one
37 dated 30 March 1984 and it was received by the authority on
38 3 April 1984. Madam Associate, this is towards the back of
39 your bundle of documents. I am going to suggest to you,
40 Mr Philpott, this is an example of Mr McKenna getting
41 preferential treatment by the authority, in light of your
42 evidence just then. This is a document headed "Director of
43 Administration Audit Report B76. Audited Accounts
44 Katanning Senior High School Hostel period 1 February 1983
45 to 31 January 1984". Okay?

46 A. Yes.
47

1 Q. And this was an audit that was undertaken during that
2 time there where the Katanning books were being looked at
3 carefully?
4 A. Yes.
5
6 Q. We have already gone through those minutes. Have a
7 look there at the third page entitled "Back Pay
8 Calculations"?
9 A. Yes.
10
11 Q. One "paid \$271.84 McKenna, supervisors" underneath
12 that "Robyn, Wayne and Wendy"?
13 A. Yeah.
14
15 Q. So there's a record that the authority had which
16 indicated that as of 1984 there were three supervisors all
17 with the same surname "McKenna"?
18 A. Yep. What's the question?
19
20 Q. The question is: Given what you have said to his
21 Honour about what the authority would have done if it knew
22 about the number of relatives that were working at
23 Katanning hostel, why wasn't questions asked about this?
24 A. I would imagine it would have been asked concerning
25 that. However, it doesn't mean that this was passed
26 through the authority. It could have been just as far as
27 the administrative officer.
28
29 Q. Have a look at the stamp on the second page; "Country
30 High School Hostel Authority received 3 April 1984".
31 A. Yes. It still doesn't mean it went to the authority.
32
33 Q. The acting senior administrative officer. It's been
34 received by the authority. When you say, "the authority"
35 are you talking about yourself or the authority in general?
36 A. Yes, I'm talking about me and the group. But there is
37 the other level, which is the administrative manager, who
38 had the day-to-day running of hostels.
39
40 Q. But, Mr Philpott, I didn't ask you about the fact
41 whether you would in the ordinary course of things read
42 audit reports, particularly those that had anomalies. I
43 also asked you specifically about the Katanning audit
44 reports in the 1980s.
45 A. Mmm-hmm.
46
47 Q. I am going to suggest to you in the ordinary course of

1 things you would have read this document. I am not
2 suggesting you have independent recollection of reading it
3 now, but in the ordinary course of things you would have?
4 A. Not necessarily.
5
6 Q. All right. Well, let me ask it this way, Mr Philpott:
7 If you had read it and you'd seen the fact that there were
8 three supervisors that all had the surname "McKenna" and
9 the warden was one "Dennis McKenna", what would you have
10 done?
11 A. Certainly raised it with the local board.
12
13 Q. Well, again, there doesn't seem to be any evidence, at
14 least of a documentary nature, of people's recollections
15 that that was raised?
16 A. And you would be right, because I had no idea this
17 number of supervisors - or the rest of the authority, I
18 might add, had any idea that this number of McKenna's were
19 employed.
20
21 Q. Mr Philpott, someone on the authority must have known?
22 A. Yes. The administrative officer, he is required to go
23 through the audits to catch what was --
24
25 Q. If nothing was raised with the board it seems like
26 this was overlooked by the authority, would you accept
27 that?
28 A. It's possible.
29
30 Q. Mr Philpott, if it wasn't raised with the board
31 clearly it had been overlooked?
32 A. Correct.
33
34 Q. Or, another way of describing it, is just brushed
35 aside or swept under the carpet?
36 A. Nothing was swept under the carpet. If we don't see
37 it and don't do anything about it, it doesn't mean that it
38 was swept under the carpet.
39
40 Q. You had an administrative officer attending Katanning
41 not infrequently, isn't that correct?
42 A. Correct.
43
44 Q. It would have been evident, I would suggest, that they
45 would be aware of who were on the hostel staff?
46 A. I would say he would.
47

1 Q. If he had known that there were three supervisors all
2 related to Dennis McKenna then if he was doing his job
3 properly, on your own evidence, he should have raised that
4 with the authority?
5 A. I'm disappointed that he hasn't. But it wasn't raised
6 with me. I was astounded when I read your stuff over the
7 computer to know that there were four McKenna's employed.
8
9 Q. This is not evidence that has come to light this year.
10 I have shown you a document there that is part of the
11 authority records which show that if anybody had read that
12 document from the authority they would have seen that?
13 A. You're right.
14
15 Q. Are you saying, Mr Philpott, when you attended, on
16 your estimate, three or four times a year to the Katanning
17 hostel you never were aware that there was always, at the
18 very least, an extra McKenna working as part of the hostel
19 staff?
20 A. Yes, I did know.
21
22 Q. How many did you know were working there?
23 A. Wayne and Robyn are a unit. They were married.
24
25 Q. So they count as one?
26 A. And - well, I'm not sure when Wendy ever came in. I
27 didn't know that Wendy was employed. Wayne and Robyn -
28 Wayne and Robyn, yes. That was his wife's name.
29
30 HIS HONOUR: Q. Did you know that Neil McKenna was
31 employed there?
32 A. No, I didn't know. Not at the same time.
33
34 MR URQUHART: I will tender that document now.
35
36 HIS HONOUR: That is exhibit 82. I would think, it is
37 3 o'clock, we might take another break.
38
39 MR URQUHART: Good idea, sir.
40
41 **EXHIBIT #82 DOCUMENT HEADED "DIRECTOR OF ADMINISTRATION**
42 **AUDIT REPORT B76. AUDITED ACCOUNTS KATANNING SENIOR HIGH**
43 **SCHOOL HOSTEL PERIOD 1 FEBRUARY 1983 TO 31 JANUARY 1984"** BARCODED 0226
44
45 **SHORT ADJOURNMENT**
46
47 HIS HONOUR: Please be seated. Yes, Mr Urquhart.

1
2 MR URQUHART: Yes, thank you sir. Madam Associate, if
3 Mr Philpott could be shown exhibits 9 and 11.3, please.
4
5 Q. Mr Philpott, these are the letters I was referring to
6 a little while before the break there about the action
7 taken against the Trezises and Mrs Flanigan and
8 Mr McPharlin. They have earlier been provided to you. I
9 don't know if you've had an opportunity of looking at it?
10 A. No.
11
12 Q. So just have a look at the first one, which is exhibit
13 9?
14 A. Exhibit 9. To whom?
15
16 Q. Addressed to Mr McPharlin and Mrs Flanigan?
17 A. Yes.
18
19 Q. And the letter dated 22 August 1985 is that
20 handwritten letter with "suspicious suggestions" written on
21 it?
22 A. Yes.
23
24 Q. Do you see?
25 A. Yes.
26
27 Q. So that was a response by the board that Mr McPharlin
28 and Mrs Flanigan were going to be potentially issued with a
29 writ unless - and if you go over the page and have a look
30 at that - unless they signed a letter which was addressed
31 to Mr McKenna stating, amongst other things, that they
32 unreservedly withdrew the statement and any imputation of
33 impropriety it conveyed. I'm going to suggest to you,
34 doesn't that indicate that as far as the board was
35 concerned, they regarded these suspicious suggestions as a
36 grave imputation of impropriety such to an extent that they
37 have engaged lawyers?
38 A. Correct.
39
40 Q. And then the other letter is something very similar,
41 addressed to Mr and Mrs Trezise, in which the first half of
42 the letter refers to the debt that's outstanding, but also,
43 that letter, from a firm of solicitors, says that they were
44 also - this is the fifth paragraph:
45
46 Also, we are instructed to respond to
47 Mrs. Trezise's letter to the Country High

1 School Hostels Authority dated 17 September
2 1986 and in particular the letter attached
3 to it bearing date 22 August 1985.
4

5 And again they isolate that particular sentence where it
6 says "suspicious suggestions" with the sentence immediately
7 below that:

8
9 This statement is libelous. By you
10 publishing this statement you are a party
11 to the defamation.
12

13 So those letters are dated 8 August 1986 - sorry, 8 October
14 1986?

15 A. October, yes.
16

17 Q. Thank you for that. Now, I'm just going to show you
18 the hostel board's minutes document as to the action taken
19 in relation to this matter. Madam Associate, that is the
20 minutes of the St Andrew's Hostel board dated 22 October
21 1986. It should be the one that appears after those two
22 letters in your file.
23

24 MR RAFFERTY: 348.
25

26 MR URQUHART: Thank you, Mr Rafferty. 348, apparently;
27 0348.
28

29 MR RAFFERTY: Sir, to speed it up, of course I'm happy to
30 give mine to my client.
31

32 HIS HONOUR: Yes, that's in these file notes, yes.
33

34 MR URQUHART: I'm obliged to my friend.
35

36 Q. Mr Philpott, you will see that it's the minutes of the
37 board meeting of 22 October 1986?

38 A. Yes.
39

40 Q. And you also note that the people who were present
41 includes Lammas, which I would suggest to you would be
42 Mr Bachelard-Lammas?

43 A. Yes.
44

45 Q. So he is there as a representative from the Authority?

46 A. Yes.
47

1 Q. And then, underneath the subheading
2 "Correspondence" --
3 A. Yes.
4
5 Q. -- we can see, about halfway down the page, it starts:
6
7 B Hendry and seconded by J Ireland -
8 "Board endorses action taken by the
9 Chairman and Warden in recent
10 correspondence concerning Trezise's".
11 Carried.
12
13 Q. Do you see that?
14 A. That at least says that the letter went.
15
16 Q. Yes, that's right, and the letters, it would seem,
17 refer to 8 October 1986, the ones I have just shown you?
18 A. Mmm.
19
20 Q. Given the fact that the Authority had referred the
21 board to investigate this matter on your account, it would
22 be the responsibility of Mr Bachelard-Lammas, would it not,
23 to make sure that that investigation was properly carried
24 out?
25 A. I can't speak for Mr Bachelard-Lammas but I would
26 imagine he would have to get some reporting back on it.
27
28 Q. Yes, and if that report was "Well, we have only spoken
29 to Mr McKenna about that", if Mr Bachelard-Lammas was doing
30 his job he would have told the board that that's not good
31 enough?
32 A. I don't know. You'd have to ask him that. He might
33 have considered the debate that took on prior to that
34 motion being put was satisfactory and didn't proceed
35 further.
36
37 Q. But, Mr Philpott, how could it be satisfactory if an
38 account hadn't been obtained from Mr McPharlin and
39 Mrs Flanigan?
40 A. How could it?
41
42 Q. Yes, how could an investigation be satisfactory
43 without that?
44 A. An account? You mean for fees?
45
46 Q. No, an account from those two parents --
47 A. Of the --

1
2 Q. -- about what "suspicious suggestions" meant?
3 A. I would agree with you. There would be unfinished.
4
5 HIS HONOUR: Q. Would you expect Mr Lammas to have told
6 you about the lawyers' letters. Should he have told you
7 about that?
8 A. I can't recall that he did.
9
10 Q. No, but I mean do you think, given the circumstance
11 where you have asked him to have the report investigated,
12 he should have told you - maybe he did but do you think he
13 was required to inform you what action had been taken?
14 A. Yes, in thinking it through, I would expect that he
15 would have told me that there was lawyers' letters.
16
17 Q. I think it is your evidence you didn't know about
18 those lawyers' letters?
19 A. Correct.
20
21 Q. So that must mean he didn't, would that be right, or
22 don't you know?
23 A. I did not know, I did not know.
24
25 MR URQUHART: Q. Were you aware of a department called
26 the Secondary Education Authority?
27 A. I've heard of it.
28
29 Q. Was that responsible for handling correspondence that
30 came into the Authority?
31 A. No. No, the Authority's mail would all come to the
32 Authority. We were never - we were never in the same
33 building until recently of the Secondary Education.
34
35 MR RAFFERTY: Sorry, sir, if my friend has finished with
36 that can I just grab that document back?
37
38 HIS HONOUR: Certainly.
39
40 MR RAFFERTY: Thank you. Are you tendering that?
41
42 MR URQUHART: It's already been tendered, sir. It's
43 exhibit 54.
44
45 HIS HONOUR: It's exhibit 54. Yes.
46
47 MR URQUHART: Q. The Secondary Education Authority do

1 the administration duties of the Authority?
2 A. No.
3
4 Q. No?
5 A. Not to my knowledge they don't. We're a separate
6 independent statutory body, so we do use the resources of
7 the Education Department but I don't think the Secondary.
8
9 Q. Do you recall whether the Authority paid for the legal
10 fees incurred in the Trezise matter?
11 A. The legal - paying for the legal fees for the Trezises
12 wouldn't surprise me at all. We had a lot of involvement
13 in that, firstly from the minister, secondly from the
14 Ombudsman, and thirdly, from ourselves. But trying to keep
15 everything in order, we would have advised the Katanning
16 hostel that they could now recover the fees and probably we
17 told them they could charge it to us.
18
19 Q. Yes, but that also included, did it not, the fees that
20 were incurred for Mr McKenna's threatened defamation
21 action?
22 A. Well that was something that was added that I didn't
23 know anything about but I don't - I don't hold that really
24 against them. If there was two matters to be dealt with by
25 the lawyers, it could go in one letter.
26
27 Q. But why would the Authority pay for threatened
28 defamation action by Dennis McKenna?
29 A. I don't know that we knew about it but we would have
30 just received the invoice and passed it.
31
32 Q. If the Authority had paid that aspect of the legal
33 fees, would you say that was a proper use of the
34 Authority's funds?
35 A. I'd prefer that it wasn't in the letter.
36
37 Q. Sorry?
38 A. I'd prefer it wasn't in the --
39
40 Q. You'd prefer if the Authority didn't pay that part of
41 the legal fees?
42 A. Well, it included something about McKenna.
43
44 Q. Yes, so from what you are answering, is it the case
45 that you'd say it wouldn't really be a proper use of the
46 Authority's funds
47 A. Quite happy about the fee we are reclaiming but not

1 happy about the McKenna aspect.
2
3 Q. Didn't the Crown Law Department normally act for the
4 Authority or its boards in legal matters?
5 A. Crown Law won't go to recover fees and we decided - I
6 think we had a policy that we would use the local
7 solicitors, where necessary.
8
9 Q. So, Mr Philpott, if I said to you that the Crown Law
10 Department had acted for either the Authority or its boards
11 in the recovery of outstanding fees, that wouldn't accord
12 with your recollection?
13 A. No, I can't recall that they had but I don't - I'm not
14 surprised if that did happen.
15
16 Q. You see, it would be a more improper use of the
17 Authority's funds --
18 A. No.
19
20 Q. I haven't asked the question yet - to pay for
21 Mr McKenna's threatened defamation proceedings if, in fact,
22 they hadn't properly investigated to see whether that
23 action was justified?
24 A. We put a lot of faith in local committees and if they
25 decided to issue out those instructions to a solicitor, I
26 would imagine we would have gone along with it.
27
28 HIS HONOUR: Q. So can I just establish, to your
29 knowledge, did the Authority pay those fees?
30 A. Yes, I think we did pay. I think we paid only the
31 fees to Trezise - is that correct - not to McPharlin and
32 Flanigan.
33
34 MR URQUHART: Q. I can show you something. If you need
35 to, I can show you the minutes of the board for Tuesday, 8
36 December 1987, which is "Payments for Ratification", and it
37 says:
38
39 Taylor Nott & Murray
40 Legal fees Trezise case \$370.
41
42 A. Yes, Trezise.
43
44 Q. Yes?
45 A. Not the other one.
46
47 Q. "Trezise case"?

1 A. I don't know, but I'm just saying.
2
3 Q. That's to say if that included the payment of the fees
4 for Mr McKenna's threatened defamation action, then --
5 A. I think it's a little twixt --
6
7 Q. It would have been better if that hadn't been done?
8 A. Yes, it would, it's twixt and between.
9
10 Q. I will finally ask you this. You are denying, are
11 you, that Mr Trezise said to you, at that meeting in 1986,
12 that Dennis McKenna was fiddling with boys?
13 A. Categorically deny it.
14
15 Q. Would you agree with me that that is a certainly far
16 more obvious expression to use, to suggest sexual abuse,
17 than "suspicious suggestions"?
18 A. What did he say?
19
20 Q. He says he told you that Dennis McKenna was fiddling
21 with the boys?
22 A. It would certainly raise the hackles.
23
24 Q. Yes, and then, if he was also to say - I have read out
25 his account to you --
26 A. Yes.
27
28 Q. -- that he also said, in the context of that
29 conversation, re the letter - this is on page 546:
30
31 I said to him to look at the letter from
32 Bill McPharlin and take it as read?
33
34 A. But he - it was like --
35
36 Q. Let me finish. If he had said that to you - I know
37 you are denying that, aren't you?
38 A. Yes.
39
40 Q. But if he had said that to you then, you would be able
41 to infer that, in fact, "suspicious suggestions" could well
42 have related to an allegation that --
43 A. It could possibly be.
44
45 Q. -- it was more so than just simply looking at the
46 phrase "suspicious suggestions"?
47 A. Yes, but let me just state --

1
2 Q. Certainly?
3 A. -- it read like a carton - a Carter Brown novel.
4
5 Q. Sorry, I missed that. It read like a--
6 A. What he's saying, he said it reads like a Carter Brown
7 novel. It is supposed to be "I went off like a blowfly,
8 I" --
9
10 HIS HONOUR: "Mad as a hornet", he said.
11
12 MR URQUHART: "Mad as a hornet"?
13
14 THE WITNESS: "That I was going to get writing experts and
15 I was going" - it's ridiculous.
16
17 MR URQUHART: Q. No, he says that you accused him or you
18 suggested to him that he had forged that letter, and what
19 he was saying is "Well, that's easy to prove that I didn't.
20 Go and get a handwriting comparison. His writing and my
21 writing are nothing the same".
22 A. Let me restate what happened that night from my point
23 of view.
24
25 Q. Yes, it was going to be my next question. Yes?
26 A. After the meeting was over, I was going out to my car.
27 I was four hours away from the city, so I wasn't going to
28 spend a lot of time. I was approached by Mr Trezise and I
29 think his wife and he proceeded to tell me about his
30 daughter leaving the hostel and that the hostel were
31 pressing him to pay his fees. I let him proceed on simply
32 to explain that and I simply said to him, in reply, "That
33 is a local board member and you'll have to deal with the
34 local board on that matter, cease" --
35
36 HIS HONOUR: Q. I think what YOU meant to say was "a
37 local board matter", is that right. You said "local board
38 member", you meant "matter"?
39 A. Yes, yes. And that's where it finished and I got in
40 the car and proceeded home. I think I had another
41 Authority member with me. There was an educational
42 hierarchy there who spoke but I can't remember who was with
43 me.
44
45 MR URQUHART: Q. So you are saying that Mr Trezise made
46 no mention or allegation to you that McKenna was fiddling
47 with boys, or words to that effect, or that he referred you

1 to the handwritten letter from Mr McPharlin and
2 Mrs Flanigan?
3 A. Yes, that's what I'm saying.
4
5 Q. And if - had he done that, had he done that. I'm not
6 saying "if", had he done that, would you accept, if that
7 was the case, that he was saying that he was fiddling with
8 boys and in that context he referred to the handwritten
9 letter, had that have happened, do you accept that you
10 ought to have done something further with respect to that
11 matter?
12 A. If that had happened, I would have done sometimes
13 further.
14
15 Q. By doing that?
16 A. I'd have gone back, put the protocol into place. I'd
17 have contacted the Education's industrial officer -
18 officers. That fantasy. I can't get over it.
19
20 Q. What, a fantasy that that had been brought to your
21 attention?
22 A. That he went on like that.
23
24 Q. Why do you say that?
25 A. Because it never happened.
26
27 Q. But you have read his evidence?
28 A. Yes.
29
30 Q. It is evident that he was quite passionate about two
31 things, the fee payment, and, secondly, also, what he had
32 been told about Dennis McKenna's behaviour?
33 A. I think that he was trying to make up a story to fit
34 his - his story.
35
36 Q. So you are saying he is making up a story to fit his
37 story, what, now, 26 years later?
38 A. Yes, I guess that's what I - what I am saying to you.
39 Because it never happened, sir.
40
41 Q. You have raised that now but can I ask you, can you
42 give any plausible explanation why he would be doing that?
43 A. No idea at all.
44
45 Q. So it doesn't make much sense, does it. I mean the
46 matter involving the term's fees was resolved long ago?
47 A. No, they weren't. He was deceive - when did he pay

1 the fee?
2
3 Q. He ended up paying the fees shortly or some time in
4 1988/89, somewhere around there, but it was paid. One
5 term's fees was paid. So it's gone, it's finished. But
6 this man has --
7 A. Why did he come - why did he approach me in the first
8 place?
9
10 Q. The fees were still outstanding in 1986?
11 A. Yes, that's right.
12
13 Q. He has mentioned that to you and he is also raising
14 with you about the behaviour of Dennis McKenna?
15 A. Never happened.
16
17 Q. But your explanation, he is making that up just 25
18 years later?
19 A. I'm just putting a bypass. It's a bypass. I'm just
20 making a comment about it.
21
22 Q. Now, if this meeting had happened with Mr Trezise in
23 November, and bearing in mind that this "suspicious
24 suggestions" letter was attached to a letter that had been
25 written by Mrs Trezise, did you bother to raise it with
26 them in that conversation you had with them regarding the
27 McPharlin allegation?
28 A. No.
29
30 Q. No. And why was that?
31 A. Well, why would I do that?
32
33 Q. Well, because you have referred the matter off to the
34 board. It is obviously something serious enough to warrant
35 that?
36 A. Yes, from back then, yes.
37
38 Q. So now it's November, if that's when this meeting
39 happened?
40 A. And why I didn't tell - I didn't talk to the Trezises
41 on any matter except the girl not going back and the unpaid
42 fee. I made one statement to him and said he'd have to
43 deal with the local board.
44
45 Q. I am going to say to you, Mr Philpott, as I'm obliged
46 to do, that you simply ignored what was in that handwritten
47 letter regarding "suspicious suggestions" --

1 A. No, that's not true.
2
3 Q. Now let me finish - because they were alleging
4 impropriety against a warden who, by that stage, was very
5 highly respected and regarded?
6 A. And what you are saying, you are putting total
7 emphasis on sexual deviation. I didn't see that in that
8 letter as being the only reason that it might have
9 represented the phrase they made.
10
11 Q. I termed "alleged impropriety" for a reason. Because
12 what I'm saying to you is that even if it was nonsexual,
13 given all the accounts you had received about what an
14 outstanding warden this man was, that whatever the
15 allegation was, whether it was sexual or nonsexual, it
16 couldn't possibly be true?
17 A. No, I disagree with that and I think I took the right
18 action. When I got that letter I sent it back to the
19 chairman of the board, local board, who run totally
20 autonomously our hostels, to investigate it.
21
22 Q. I just want to now ask you something about what
23 Nicholas Christy has said that he possibly said to you. He
24 was the manager of Amity House in Albany --
25 A. Yes, I remember him.
26
27 Q. -- from 1987, and he says, at p.500, at line 6:
28
29 Some time in 1989, I do not recall the
30 exact date, I had to visit the St Andrew's
31 Hostel in Katanning. Whilst there I
32 witnessed Dennis McKenna, who was the
33 warden there, in his pyjamas in the boys'
34 dorm. He was holding hands with two boys.
35 I had to speak to McKenna to ask him to
36 open the doors to the hostel to allow me to
37 leave, as it was locked.
38
39 Following this, I got in touch with either
40 Colin Philpott or Peter Bachelard-Lammas to
41 raise my concerns about Dennis McKenna
42 behaving in an inappropriate manner in the
43 hostel with boys. I cannot remember if
44 this was in writing or verbally. I had no
45 response in relation to this.
46
47 Q. Did he raise that with you?

1 A. No, he did not.
2
3 Q. Is that you can't recall or you can categorically say
4 he didn't raise it with you?
5 A. No, definitely he did not raise it.
6
7 Q. If he raised that with you, what would you have done,
8 and again I emphasise "if"?
9 A. I would have had some concern. I would probably have
10 spoken to the chairman of the board and with him spoken to
11 McKenna.
12
13 Q. Probably?
14 A. Yes, probably.
15
16 Q. Wouldn't the case be definitely?
17 A. Depending on the circumstance, I would, yes,
18 definitely.
19
20 Q. And if you raised it with Mr Bachelard-Lammas, what
21 would you have expected him to do if he was carrying out
22 his duties properly?
23 A. Probably without mentioning it to me, I'd say he'd
24 probably do the same thing. I'd just like to say something
25 about this gentleman.
26
27 Q. Who is this. Is this Mr Christy?
28 A. Yes.
29
30 Q. All right?
31 A. Has a very strong jealousy of Katanning.
32
33 Q. Yes, and?
34 A. That's it.
35
36 Q. He has a strong jealousy of Katanning?
37 A. Correct.
38
39 Q. I gather a lot of wardens would have, given how it
40 was --
41 A. I don't know.
42
43 Q. -- had all this public adulation?
44 A. He might have. I don't know. I didn't --
45
46 Q. So are you saying that's a --
47 A. It was a known thing, that Christy had a - had a

1 strong jealousy of Katanning right alongside them, and he
2 was - he was pinching the people from Ongerup, Jerramungup,
3 through there, who should have really been going to the
4 Albany hostel.
5
6 Q. Well if he was jealous of Katanning and if he saw
7 anything that he believed that Dennis McKenna was doing
8 that wasn't quite proper, it may well be the case that he
9 would be the first to raise that concern?
10 A. And that's right, it should be.
11
12 Q. Yes, but you say he didn't raise it with you?
13 A. No, he definitely - no, he didn't speak to me about
14 it.
15
16 Q. And if Mr Bachelard-Lammas was to say the same thing?
17 A. Then you'd have to enquire whether it really happened.
18
19 Q. What, whether he actually saw --
20 A. Yes.
21
22 Q. -- Dennis McKenna holding hands with the boys?
23 A. Yes.
24
25 Q. Or whether he made a report to you about it?
26 A. Either.
27
28 Q. We have heard an abundance of evidence that that's
29 what Mr McKenna did?
30 A. With hindsight.
31
32 Q. Yes, all right. Well there's corroboration in that
33 regard that Dennis McKenna did hold hands with the boys?
34 A. I have no doubt that you are right.
35
36 Q. Now, Mr Philpott, how are you going?
37 A. Okay.
38
39 Q. Okay. All right then. I'm just going to refer to
40 something else that Mr Christy has said - it's page 501,
41 sir, line 19:
42
43 A few years ago I was fishing down at the
44 Jetty at Albany and got talking to an older
45 fellow there about working at the hostel.
46 I do not know his name. He asked me if I
47 knew Dennis McKenna or Colin Philpott and

1 said that he had been the chairman of the
2 hostel after Colin Philpott. He told me
3 that he had reported Dennis McKenna to
4 Colin Philpott in relation to him abusing
5 the boys and that, as a result, Colin
6 Philpott had him removed from the board.
7 He appeared to be angry and hold bitter
8 feelings towards Colin Philpott.
9

10 Now, that's an account that he has given to the inquiry?
11 A. And is not true.
12

13 Q. Firstly, it's not true insofar as you never had a
14 Chairman of the Katanning Hostel complain to you that
15 Dennis McKenna was abusing boys?
16 A. Correct.
17

18 Q. And as a result you had that person removed from the
19 Board?
20 A. It didn't happen.
21

22 Q. All right.
23 A. He says it was the Chairman that followed me. The
24 Chairman that followed me was the Reverend Michael Harford.
25

26 Q. Harford, yes.
27 A. And he certainly didn't do anything like that.
28

29 Q. The Chairman though, after Harford, the Reverend
30 Harford, was Keith Stephens?
31 A. Well, I - I know - I know Keith Stephens, but
32 certainly I never had him removed. I had nothing to do
33 with that side of it.
34

35 Q. Because - wait there - I'm just talking about Keith
36 Stephens now. Do you recall an incident involving Dennis
37 McKenna with one of Keith Stephens's sons, when he was hit
38 by a bus that Dennis McKenna was driving?
39 A. No, I don't. I found that quite fascinating, really.
40

41 Q. Obviously you don't recall --
42 A. They've used - they've taken licence to use my name.
43

44 Q. Yes. Okay. Because you know what Mr Stephens has
45 said about that in an interview that he's had with
46 investigators?
47 A. Yes, I read that.

1
2 Q. He said that there was a settlement about to take
3 place, and you intervened and - I'm just paraphrasing
4 here - you intervened and said that settlement wasn't going
5 to go ahead because it would be damaging --
6 A. To the hostel.
7
8 Q. Yes, to the hostel, if it was settled. You didn't -
9 you didn't --
10 A. I'm so fascinated by things that are brought up in
11 that manner. I had no idea of anything that happened to
12 Keith Stephens' son. Why would I stop a - it's ludicrous.
13
14 Q. All right.
15 A. Why would I stop a boy from getting a third party
16 insurance?
17
18 Q. As Mr Stephens said, you were concerned about the
19 reputation to the hostel?
20 A. Rubbish. Kids - kids are the most important thing of
21 the whole lot, we've agreed. If he was to get a
22 compensation, I'd never do anything like that, but I knew
23 nothing about it.
24
25 Q. Paragraph 22 of your statement you've said:
26
27 At no stage after he was charged --
28
29 That is, Dennis McKenna:
30
31 -- did I do anything that constituted
32 support for Mr McKenna.
33
34 A. That's correct.
35
36 Q. Do you stand by that?
37 A. Yes.
38
39 Q. He was charged by police on 27 September of 1990, and
40 he was then suspended shortly after that by the Board - or
41 I should ask you, can you recall whether he was actually
42 sacked or was he suspended by the Board?
43 A. I personally suspended him.
44
45 Q. Yes. What did the Board initially do.
46 A. The Board, I don't think, came into it. I instructed
47 the Board that he was to be suspended. This is all under

1 instruction from the Industrial Relations - of the
2 Education Department. He was to be suspended and exited
3 from Katanning.
4
5 Q. I was right - no, I was wrong there, he was actually
6 suspended shortly after by the Board, and the Authority
7 then reinstated him as warden of the hostel, subject to
8 certain conditions, 12 days after he was charged. Do you
9 have a recollection of that?
10 A. No, I don't. I see it in the minutes.
11
12 Q. Okay. Well, maybe I'll just show you the minutes.
13 A. No, I know it.
14
15 Q. Well it's - for everybody else - it's Tuesday, 9
16 October 1990.
17 A. But I can assure you the one thing I can guarantee you
18 about, nothing happened in respect to that. I think
19 there's also a minute there where we went to the
20 Government, respective government department.
21
22 Q. Well, let's just stay for the moment with
23 those minutes of 9 October 1990. I'm going to show them to
24 you --
25 A. Yes.
26
27 Q. -- because they - because you're present there at that
28 meeting --
29 A. Yes.
30
31 Q. -- and if the minutes are correct, and we're looking
32 at page 4 of 7 --
33 A. Yes.
34
35 Q. -- under 7.2, the heading "Katanning Residential
36 College":
37
38 Warden charged with an offence concerning
39 an incident with a student in 1979. He has
40 been remanded until 11.12.90.
41
42 7.2.2 Local Board suspended the warden.
43
44 7.2.3 Authority reinstated the warden on
45 the following conditions .
46 . Work within "normal" hours.
47 . Continue as Warden with no supervisory

- 1 role.
- 2 . Off campus at night.
- 3 . Local Board to arrange 'working time'.
- 4 . Suspension is to be on full pay.

5
6 Now, I'm going to suggest to you that you endorsed that
7 decision by the Authority?

8 A. I doubt that I did, because if you go on to 7.2.4:

9
10 A Crown Law ruling is to be obtained in
11 instances where the Public Service Act
12 applies and the Government Employees Act is
13 silent on a matter.

14
15 I think what I said - would have said at that time, "I will
16 do research into this to find out what the position is with
17 McKenna now, and if everything is okay, we'll instigate
18 your motion, otherwise we'll put it aside." We put it
19 aside.

20
21 Q. But, you see, are you saying you would have been a
22 dissenting voice to this decision, to the Authority being
23 restated?

24 A. As Chairman I didn't have to agree --

25
26 Q. Yes, but --

27 A. -- I could be neutral.

28
29 Q. All right. Well, isn't it the case that you either -
30 judging from the minutes, you either were in neutral or you
31 agreed? Would that be fair to say?

32 A. I would have been neutral to the point that we needed
33 further information.

34
35 Q. Yes. But you didn't speak --

36 A. Because nothing happened after that - that motion was
37 put. Nothing happened.

38
39 Q. But you didn't speak out against the warden being
40 reinstated?

41 A. I don't have to talk against it. The authority put
42 the debate forward, and if there are a majority, that's
43 what happens.

44
45 Q. Wouldn't the majority have been reflected in
46 the minutes?

47 A. I don't know.

1
2 Q. Well --
3 A. Not necessarily.
4
5 Q. Well --
6 A. Just the fact that it's stated there is probably fact
7 that it happened.
8
9 Q. Yes. Would you at least agree with me that that
10 action by the Authority was demonstrating support for
11 Dennis McKenna?
12 A. It probably was at that time.
13
14 Q. Well, I would have thought that if your paramount
15 consideration was one for the protection of children --
16 A. Yes.
17
18 Q. -- you would have been speaking out quite strongly
19 that a man charged with sexual offending of an ex-student
20 should be anywhere near the hostel where that offending had
21 taken place?
22 A. I think the point you're really making supports what
23 I'm saying - that I went to get further information about
24 this before we instigated it, and we didn't instigate it.
25
26 HIS HONOUR: Q. So you're saying that resolution was
27 passed as per 7.2.3 - 7.2.3 - but it wasn't implemented.
28 Is that what you're saying?
29 A. It wasn't implemented.
30
31 Q. And that was your decision or the Board's decision?
32 A. I am sure that I said - it's hard to remember. I am
33 sure I said to the Authority, on this matter here that
34 you've put, because I was told by the Education Department
35 group he wasn't to associate with any children or hostel,
36 and so I don't know when that was done, to how close it was
37 to his conviction, but I --
38
39 Q. Presumably when this meeting of 9 October --
40 A. Yes.
41
42 Q. -- closed, that was a resolution as per 7.2.3, is that
43 right?
44 A. Yes. And me having said at that meeting that I would
45 do further investigation - in fact, that there was nothing
46 wrong with what they just said.
47

1 Q. All right. So 7.2.4 said --
2 A. -- but we found out there was something wrong.
3
4 Q. --:
5
6 A Crown Law ruling is to be obtained --
7
8 A. Yes.
9
10 Q. So that's what you are referring to?
11 A. Yes.
12
13 HIS HONOUR: All right.
14
15 MR URQUHART: Q. So you wanted to see if the Crown Law
16 ruling would validate that action?
17 A. About what we all - who was the other group in there -
18 Crown Law --
19
20 Q. Industrial Relations Commission?
21 A. "The Public Service Act and the Government Employees
22 Act is silent on the matter" - yes, the Crown Law. They
23 were most useful to us.
24
25 MR URQUHART: I tender that document, sir.
26
27 **EXHIBIT #83 MINUTES OF 331ST MEETING OF THE CHSHA, DATED**
28 **9/10/1990 BARCODED 0135**
29
30 MR URQUHART: Q. I understand you've been given a copy
31 of exhibit 64, which is a "Dear friends" letter --
32 A. Yes.
33
34 Q. -- written by Dennis McKenna --
35 A. Yes.
36
37 Q. -- in which he names you --
38 A. Yes.
39
40 Q. -- as - in a very favourable light?
41 A. I would hope every warden in the State would do that.
42
43 Q. Yes, but what about one that's been charged with
44 serious offences of sexual abuse?
45 A. I have no idea why he would have included me in that
46 letter. Only explanation I give is that because we
47 continued his employment while he was - after he was

1 charged, he may have decided that, you know, I was a good
2 fellow.

3

4 Q. Or that you were supporting him?

5 A. Not necessarily. I certainly wasn't supporting him
6 from the day the police ran.

7

8 Q. But, Mr Philpott, you - he was suspended without pay -
9 sorry, he was suspended with pay. That was the advice?

10 A. That was what had to happen.

11

12 Q. Yes. Suspended with pay. But you actually gave him a
13 job to do at the Authority?

14 A. What were we going to do for a couple of months if we
15 didn't keep his idle hands occupied?

16

17 Q. All right. So you're saying that by having him
18 employed, it was going to lessen the risk of him
19 reoffending?

20 A. Not at all. The --

21

22 Q. So what were you saying about the "idle hands" then?

23 A. The public - the group - the industrial group told me,
24 firstly, "Suspend him"; secondly, "Get him out of
25 Katanning"; thirdly, "You've still got him as an employee
26 and you're paying him, so put him in some place away from
27 children and so he can't mix with another hostel", and the
28 only place that the Authority - Hostels Authority had was
29 their head office. So the only place we could put him was
30 in the head office.

31

32 Q. But you gave him the job of writing a pastoral care
33 book, of all things?

34 A. Yes, we discussed what we would do. We had to keep
35 him occupied. What --

36

37 Q. Well, can you see why that could be argued it's
38 actually demonstrating support for him?

39 A. No, I can't, not --

40

41 Q. Because --

42 A. -- knowing the facts; no, I can't.

43

44 Q. Because aren't you saying here, here's a person who
45 you believed would be able to write a book about how hostel
46 staff can best look after and care for children under their
47 care?

1 A. Yes, and what's wrong with that?
2
3 Q. Well, what's wrong with that, that author, that
4 proposed author, is facing charges that he had engaged --
5 A. Yes, but how does that affect what he does in the
6 hostel for good?
7
8 Q. -- but he - no, let me finish. Yes, no, no. But at
9 the time he's facing charges that he had, including other
10 things, engaged in sodomy with young boys under his care.
11 A. Yes.
12
13 Q. Yes.
14 A. Yes. Yes, well, if he had - say he had the best
15 examples in the State of how to motivate and create stuff
16 for the community to give respect to the kids, why wouldn't
17 you look at him writing something like that?
18
19 Q. Well, a pastoral care document is more than that.
20 It's a document or a handbook that sets out how supervisory
21 staff should go about looking after children, doesn't it?
22 Do you agree with that?
23 A. Yes.
24
25 Q. So you're giving that task to an ex-warden who is
26 suspended on pay on charges - I know they're only charges
27 of sexually abusing young boys. You're giving him that
28 job. Can't you see that he would see that as a support for
29 him? "The Authority believes you are the appropriate man
30 to write this book".
31 A. What I see about it is we had to give him something to
32 do, and to keep him occupied for several months is
33 something that he would be - could be interested in, so
34 that's number one, to keep him occupied. And do you think
35 that in that book he would have put anything about the
36 deviant behaviour that he was doing?
37
38 Q. Mr Philpott, you're asking an alleged paedophile to
39 write a book as to how to care for children. Don't you see
40 the problem with that?
41 A. The point being, without debating that point, it was
42 really to give him a job to do.
43
44 Q. Did you see the problem with that at the time?
45 A. No.
46
47 Q. Do you see the problem with that now?

1 A. Not really, because the book - the book that he was
2 doing would only be on things that projected to the
3 community.
4

5 Q. Well, have you read what his fellow wardens thought
6 about that decision of the Authority?
7 A. And we took notice of that, and the book has never
8 been used.
9

10 Q. Well, did you take notice of what they were saying at
11 the time?
12 A. One.
13

14 Q. Well, can I ask whether you agree or disagree with
15 this - Mr Smart's evidence, sir, at page 1036, line 24:
16

17 Q. What about yourself personally, Mr
18 Smart. Were you affronted at all by the
19 fact that this man was being asked to
20 prepare an important document representing
21 to pastoral care of your students?
22 A. I was insulted by the fact that the
23 Authority would put a man who was on
24 charges for child abuse to be producing a
25 document that we would be expected to put
26 into our colleges as a document to be used
27 and established as a pastoral care policy
28 that we would have to use for the next
29 20 years, and I was outraged and insulted
30 by it.
31

32 A. Totally incorrect. Wipe out the last two-thirds of
33 that sentence. We were never intending to put it into
34 hostels.
35

36 Q. But it's a book about hostel care?
37 A. Doesn't matter. We were occupying the man's time.
38

39 Q. Why didn't you tell the wardens that?
40 A. We would have at the end. How much effort do you --
41

42 Q. If you're never going to use the document, just give
43 him some other task. He can count paperclips for what it's
44 worth, but why give him that particular job?
45 A. Because he was interested in that, and had the ability
46 to produce a book, but it was to fill in time.
47

1 Q. But, Mr Philpott, he went to wardens' meetings, he
2 went to an Authority meeting --
3 A. Yes.
4
5 Q. -- where he spoke about this. What was the point of
6 doing that?
7 A. You mean he went while he was writing the book?
8
9 Q. After he completed it. He went and showed - he went
10 to a wardens' meeting up in Geraldton.
11 A. I can't recall that, but that could have happened. I
12 can't recall that.
13
14 Q. That would be a pointless exercise if, in fact, all
15 that was done was to occupy his time. There wouldn't be
16 any need to do that, would there?
17 A. Well, what else would we do with him?
18
19 Q. No, can you answer that question. If what you're
20 saying is correct, it wouldn't be - it would be a pointless
21 exercise sending him to a wardens' meeting to tell them
22 about this book, if it was never going to be introduced?
23 A. Well, it certainly wasn't going to be introduced after
24 the wardens made their --
25
26 Q. Before that. Do you agree with me it's a pointless
27 exercise?
28 A. No, I just think --
29
30 Q. You don't? Okay.
31 A. -- it wasn't a bad idea to get him - to keep him
32 occupied. He had to do something.
33
34 Q. He was, in doing this, having contact with, do you
35 agree with me, other wardens?
36 A. No, I don't - did he - did he have contact?
37
38 Q. Mr Philpott, it's rather disconcerting. You keep on
39 looking to other people as if you're searching for your
40 answer. If you don't recall, just say that.
41 A. I don't recall.
42
43 Q. Okay. Thank you. See, I asked Mr Smart this also at
44 page 1036:
45
46 Q. Did you become aware during the course
47 of those meetings of what work Dennis

1 McKenna was doing in preparing this
2 pastoral care document?
3 A. Yes, it became fairly obvious that he
4 had to research to get the evidence he
5 needed to produce the document. And we
6 became aware that he was visiting private
7 schools in Perth to get some insight into
8 how their pastoral care policies worked.
9 And we were embarrassed by our reputation
10 being bandied around in that way because
11 all these people would have known who this
12 man was and, yes, we were embarrassed by it
13 and we knew we were a bit of a laughing
14 stock around the boarding fraternity.
15
16 A. No, I didn't know anything about that.
17
18 Q. You weren't aware that Dennis McKenna was --
19 A. No, I --
20
21 Q. -- going to private --
22 A. No, I was not.
23
24 Q. -- boarding schools?
25 A. No, I did not, no.
26
27 Q. And had you known that, what would you have done?
28 A. I would probably have suggested to him that he didn't
29 do that.
30
31 Q. See, I also asked Mr Smart this - line 24 at
32 page 1039:
33
34 Do you recall what the authority's view
35 was, particularly Mr Philpott's, after
36 Dennis McKenna had been charged?
37 A. I believe the message that came to us
38 very strongly was that we should be loyal
39 to a colleague until such time as he was
40 proven to be guilty. That was difficult
41 for us to do. We felt the charges were
42 that serious that we would - I, speaking on
43 behalf of myself, would not be prepared to
44 do. I would rather just sit back and see
45 what happened.
46
47 Were you aware of what - this view that the Authority had

1 that was being put to --
2 A. No.
3
4 Q. -- the wardens in the way that Mr Smart describes?
5 A. No, I was not.
6
7 Q. So, wasn't it the case that Mr McKenna was being
8 supported by the Authority, and in particular yourself?
9 A. Absolutely - as from when?
10
11 Q. As from the time he was charged?
12 A. Absolutely not.
13
14 Q. You see, am I right in saying that the Authority, on
15 your view, was never going to allow Dennis McKenna to,
16 after you received that advice from the Industrial
17 Relations Commission, that he was not going to be attending
18 any hostel, have any interaction with students?
19 A. That's correct. That was the instruction handed out
20 to him.
21
22 Q. Well, I'm going to show you now the minutes of the
23 authority meeting on 13 November 1990. So this is about
24 one and a half months after he had been charged. And I
25 don't think, Mr Rafferty, you've got a copy of that, the
26 Authority, page 5. See that 7.4, "Katanning Residential
27 College"?
28 A. 7.4?
29
30 Q. Yes, 7.4, page 5.
31 A. Yes.
32
33 Q. And bearing in mind I emphasise that you weren't
34 present at this meeting. See that?
35 A. Yes, I do.
36
37 Q. Under "Katanning Residential College", 7.4.1:
38
39 Mr D McKenna was granted permission to
40 attend the Annual Awards Night on 1
41 December 1990.
42
43 A. Correct.
44
45 Q. Now, had you been there, I gather you would have been
46 opposed to that?
47 A. Yes, I would have.

1
2 Q. So it would - were fellow members of the Authority
3 aware of what Dennis McKenna ought not be doing during his
4 time whilst he was on bail, awaiting his trial?
5 A. They would have been of the - the earlier points I
6 made - yes, they would.
7
8 Q. Well, if they were aware that he wasn't to have any
9 contact with students, then he should not have been granted
10 permission, should of he?
11 A. He shouldn't have been granted permission, but I can
12 understand from the Authority's point of view that, you
13 know, he had - he was charged, but not committed - that a
14 one-off night could be acceptable.
15
16 Q. But not acceptable to you?
17 A. I wouldn't have been keen for it because I was the one
18 who had the discussion with the Education Departments -
19 group.
20
21 Q. I'll just ask you this: would it be of concern to you
22 that Mr McKenna attended a Finance Committee of the
23 Katanning Hostel Board in December 1990 - so that is two or
24 three months after he'd been charged?
25 A. Would it be of concern?
26
27 Q. Yes.
28 A. That he actually attended in Katanning?
29
30 Q. Yes.
31 A. Yes, it would be a concern.
32
33 Q. At the St Andrew's Katanning Residential College?
34 A. Yes.
35
36 Q. Well, had you not at least told him of the terms of
37 his employment?
38 A. Yes, I did.
39
40 Q. Did you explain to him that he was not to have any
41 contact or interaction --
42 A. That's correct, I did.
43
44 Q. -- with what?
45 A. That he wasn't to go to any - any students - be
46 associated with any students or hostel in the State.
47

1 Q. Did that include wardens' meetings?
2 A. Not necessarily.
3
4 Q. All right. Well, I'm just going to show you - and,
5 again, this is another document. It's titled, "Notes From
6 Finance Committee Meeting Held on 4 December 1990." And
7 the last document we'll tender, sir, the Authority minutes
8 for 13 November 1990.
9
10 **EXHIBIT #84 MINUTES FOR CHSHA 332ND MEETING, DATED**
11 **13/11/1990 BARCODED 0221**
12
13 MR RAFFERTY: Can I just say, sir, it's not implicit
14 criticism, but we haven't seen these documents before.
15
16 MR URQUHART: Yes.
17
18 HIS HONOUR: Sorry, what was that?
19
20 MR RAFFERTY: It's not an implicit criticism, but so you
21 can put Mr Philpott's evidence into context, we haven't
22 seen the last document or this document before.
23
24 HIS HONOUR: All right, understood. Yes, thank you.
25
26 MR URQUHART: Yes, that's right. And I've said it's not
27 (inaudible).
28
29 HIS HONOUR: So what's the date of the present document?
30
31 MR URQUHART: I'll clarify for the record, sir. These
32 matters - these matters arise out of the contents of Mr
33 Philpott's statement.
34
35 HIS HONOUR: All right. And what's the date of the --
36
37 MR URQUHART: The date of the document is 4 December 1990.
38
39 HIS HONOUR: Right.
40
41 MR URQUHART: Can you see there - so it's 4 December 1990.
42 So it's just three days after Mr McKenna had gone to the
43 Annual Awards Night, and you can see there that he's a
44 guest as - present as a guest. Yes.
45
46 Q. Do you see that, as present? He's the last name
47 there.

1 A. Yes.
2
3 Q. And down the bottom of the first page --
4 A. Yes.
5
6 Q. -- under the subheading "Mr Dennis McKenna":
7
8 Applied for first lot of Long Service Leave
9 at this stage. Effective January, 1991.
10
11 But I'm more concerned with this, that (2):
12
13 Request permission to run Staff Training
14 Day at end of holidays.
15
16 (3) Dennis introduced his Pastoral Care
17 Policy that he has written for the
18 Authority.
19
20 See that?
21 A. Yes.
22
23 Q. So, if, in fact, you - so given what you told Mr
24 McKenna, it would seem that he was ignoring what you'd said
25 to him because here he is attending a St Andrew's
26 Residential College and not just sitting in on a meeting,
27 but also offering to run staff training days?
28 A. Yes. To my knowledge he never did.
29
30 Q. But he's offering to though?
31 A. Yes, but that - yes, but he never did.
32
33 Q. But that might be the case, but he's not - he's
34 ignoring your directions to him?
35 A. Correct.
36
37 Q. Yes.
38 A. Yes.
39
40 Q. So he's - it seems, Mr Philpott, this is another
41 example - and you can agree or disagree with me or not -
42 that he just - he was a law unto himself?
43 A. In something like that, yes, he has been.
44
45 Q. And there doesn't seem to be any checks or balances
46 made on what he's doing.
47 A. I am sure that's not correct. He would have been

1 under the auspices then of the administrative manager, and
2 maybe this is what he asked for then, but --

3
4 Q. Yes. Okay.

5 A. -- but, yes. I don't know how these things came
6 about.

7
8 Q. But if you had given that direction, he's clearly
9 ignoring it?

10 A. Yes.

11
12 MR URQUHART: Yes. All right. Can I just approach my
13 learned friend for a moment. Thank you, sir. I am obliged
14 for that.

15
16 HIS HONOUR: Are you tendering those notes?

17
18 MR URQUHART: I do, thank you, sir.

19
20 **EXHIBIT #85 NOTES FROM FINANCE COMMITTEE MEETING HELD ON**
21 **4/12/1990 AT ST ANDREW'S KATANNING RESIDENTIAL COLLEGE BARCODED 0222**
22

23 HIS HONOUR: There is something I want to raise with
24 Mr Philpott.

25
26 Q. Before lunch, I think it was in the context of that
27 policy which was adopted in 1984 of having an
28 administrative officer sitting on interviews with
29 supervisory staff at all hostels. You said something along
30 the lines that the administrative officer would check that
31 any applicant wasn't on the list of inappropriate staff
32 kept at Perth. Could you just explain what the list was
33 about?

34 A. We, the authority, had a list of people that were
35 undesirable, for whatever reason. But we also used to
36 check with the police department. The education department
37 had an area that you could take it to and they would run it
38 through and come back and either "approve" or "disapprove".
39

40 Q. There was a list of inappropriate staff, inappropriate
41 because of suspicious suggestions, might I put it that way?

42 A. Yes.

43
44 Q. So it mightn't necessarily have been anything proven;
45 it was thought that there was something a bit suss about
46 these people, is that the position?

47 A. Yes.

1
2 Q. Who actually kept the list?
3 A. I think we used to run our names across the education
4 department's list.
5
6 Q. So it was an education department list?
7 A. Yes, yes.
8
9 Q. Do you know what part of the education department kept
10 it?
11 A. No. Probably the staff - staffing area.
12
13 MR URQUHART: Q. Just on that point, I was going to ask
14 you about it, I will do it now. Did you use that list when
15 you were chairman?
16 A. In Katanning?
17
18 Q. Well, in your role as chairman did you have reference
19 to that list?
20 A. I didn't have to. That was the administrative
21 officer's role.
22
23 Q. Do you know whether the administrative officer --
24 A. I would say that he did. Yes, I would say definitely
25 he did.
26
27 Q. Did the boards know whether this list existed?
28 A. I think they would have been told along the way. I'm
29 not sure.
30
31 Q. It would be a bit of a pointless exercise to have the
32 list if the boards were employing staff and they didn't
33 know whether to check it or not?
34 A. Well, they had to get in touch with the administrative
35 officer, so I would say he would have recorded it and sent
36 it across.
37
38 Q. You say that --
39 A. I'm not absolutely sure at what year that bit came
40 into place that is there now.
41
42 Q. There is a reference in some minutes from 1975 and
43 1976, before you were appointed, Mr Philpott, which refers
44 to a list.
45 A. It refers to a list?
46
47 Q. Yes. It would seem to be that that is the list that

1 you are referring to?
2 A. I would say so.
3
4 Q. Whose responsibility was it to add names to the list?
5 A. If we had anyone we would pass it on to the education
6 department, but they would gather it up from the police or
7 wherever.
8
9 Q. So what if you had received notice of an allegation of
10 a sexual nature against a hostel staff member, would you --
11 A. That would go across to the education department.
12
13 Q. Do you know whether Dennis McKenna's name was added to
14 that list?
15 A. I have no idea, but I would say he'd be definitely on
16 it.
17
18 Q. Would that have taken place at the time he was charged
19 or only after he was convicted?
20 A. After he was convicted.
21
22 Q. I just want to return back to what another warden has
23 to say about the authority's attitude - what the
24 authority's attitude was towards Dennis McKenna after he
25 was charged; after he was charged and before he was
26 convicted. This is Mr Christy's statement. You are not
27 convinced about the veracity of this account already?
28 A. No. Anyway, I am happy to receive it.
29
30 Q. I am obliged to do that. Line 24 page 500:
31
32 After Dennis McKenna was arrested Colin
33 Philpott arranged for him to be moved to
34 head office to write a handbook on pastoral
35 care.
36
37 That's correct, isn't it?
38 A. Under instructions, that's correct.
39
40 Q. "Whenever we went to head office for meetings Dennis
41 would always be there"?
42 A. That's probably right.
43
44 Q. "I was very concerned about him writing this handbook
45 as I did not think it was appropriate, given the charges
46 against him." Can you see that --
47 A. Well, that's fair enough. That's as appeared.

1
2 Q. "And I wrote to Colin Philpott"?
3 A. He never wrote to me.
4
5 Q. "I received a letter of reprimand in response" --
6 A. Oh.
7
8 Q. -- "suggesting that I had been unprofessional and
9 unsupporting of a colleague in raising these concerns"?
10 A. Did not happen.
11
12 Q. You see, there are some parallels there with what Mr
13 Smart was saying, that the impression he got from --
14 A. And where did that come from? Where did the parallels
15 come from?
16
17 Q. The impression Mr Smart was getting from the
18 authority.
19 A. Sounded too close to me to be just a closeness.
20
21 Q. Hold on. Have you got something to say about
22 Mr Smart?
23 A. No. No. I have not.
24
25 Q. You don't place him in the same category as
26 Mr Christy?
27 A. A good warden.
28
29 Q. He's a good warden?
30 A. Good warden.
31
32 Q. I read that out to you a moment ago.
33 A. Yes. I can understand that he might make that
34 statement. I would accept that. But this one I query it.
35
36 Q. Because it is Mr Christy?
37 A. Yes.
38
39 Q. Given the fact that he was very jealous of Mr McKenna,
40 it would be something that you would expect him to do, to
41 write to you complaining about this job that had been given
42 to Mr McKenna, would you not?
43 A. I would be very surprised if Christy ever wrote to me.
44 I didn't have an axe to grind with this fellow, but it was
45 his actions.
46
47 Q. Did you ever move any other hostel staff member who

1 had been suspended? Did you ever move any of them to head
2 office?
3 A. No.
4
5 Q. So it was only Mr McKenna, wasn't it?
6 A. Correct.
7
8 Q. Other hostel staff members who had been suspended,
9 they were suspended on pay and not given any other duties?
10 A. I had nothing to do with that, but that's what would
11 have happened, yes.
12
13 Q. So why was the different treatment extended to Dennis
14 McKenna?
15 A. Because the instruction I had from the education
16 level.
17
18 Q. I accept that the instruction that you got was that if
19 he was to be suspended it would have to be on pay.
20 A. And I was advised by that department that we should
21 take him and put him in some other area. I said, "Well,
22 that can't be because of the students". And he said, "Of
23 course not. He mustn't go near students or another country
24 high schools authority hostel".
25
26 Q. But the advice that you got from that government
27 department was that you had to place him on other work
28 duties?
29 A. Yes, it was.
30
31 Q. You are sure about that?
32 A. Yes, I am very sure about that because I thought we
33 could have just let him loose.
34
35 Q. Even though the suggestion was that did happen with
36 other hostel staff members, previous staff?
37 A. No-one has been in this category.
38
39 Q. There was a female warden in Northam in 1987 who was
40 being investigated by police for sexual misconduct
41 allegations. Do you recall who that was? She was just
42 suspended whilst those investigations were under way and
43 she wasn't placed on any other duties; do you recall that?
44 A. No. I don't recall that. But that's quite likely
45 because '87, somewhere about that time was when the
46 Anglican church gave up the statute, and otherwise they
47 controlled the staff.

1
2 Q. All right. Mr Philpott, what you were saying about
3 Mr McKenna writing this pastoral care document is that the
4 document wasn't going to go anywhere. No need to have it
5 tabled with the authority or anything?
6 A. No. The answer to that - the short-term answer to
7 that is no.
8
9 Q. Do you agree with me that it actually was?
10 A. No, it wasn't. The other wardens wouldn't accept it.
11
12 Q. No, no, but it was tabled at the authority?
13 A. It could have been, yes.
14
15 Q. I am going to show you document 19th of March 1991.
16 It is the minutes from the authority. It is barcode number
17 0137. Page 2 of 10 it is, Pastoral Care Document Part 2.
18 "This document is to be tabled at the next meeting of the
19 authority. Mr D McKenna will address the document after
20 his court case."
21 A. It didn't happen, did it.
22
23 Q. Why then was the document being tabled in the next
24 meeting?
25 A. I think we gave some legitimacy to it to see the
26 contents of it and what might be able to be used. We put
27 it out to the wardens and they refused to accept it, so it
28 died.
29
30 Q. Yes. "Mr D McKenna will address the document after
31 his court case".
32 A. It didn't happen.
33
34 Q. Reading that it suggests that the authority was of the
35 view that he would be able to do that?
36 A. Well, they might have, but it didn't happen.
37
38 Q. Why would the authority be thinking that, including
39 yourself?
40 A. That he could present it?
41
42 Q. Yes, that he will?
43 A. Because it could have some legitimacy in the system.
44
45 Q. But "he is going to address the document after his
46 court case", which would suggest that the authority had
47 formed the view that he was going to be acquitted?

1 A. I think that's a typographical error.
2
3 Q. So what should it have read?
4 A. Well, just that he would be at the next meeting or
5 something of that nature.
6
7 MR URQUHART: I tender that document, please, sir.
8
9 **EXHIBIT #86 MINUTES FROM CHSHA DATED 19/3/1991,**
10 **BARCODE 0137**
11
12 MR URQUHART: Q. So you are saying what it should have
13 said, "Mr Dennis McKenna may address the document after his
14 court case"?
15 A. I don't know. Play on words.
16
17 MR URQUHART: Are you happy to continue?
18
19 HIS HONOUR: Yes.
20
21 MR URQUHART: Q. I am trying to get through this as
22 quickly as I can, Mr Philpott. I do need to ask you about
23 this. Do you recall attending the Katanning hostel on
24 15 October 1990? I will put this in context. There was a
25 meeting that had been organised by parents and it took
26 place in the recreational shed down there, and you and, I
27 think, at least one other officer from the authority
28 attended. Does that ring a bell for you?
29 A. Yes, it does.
30
31 Q. There is also some evidence, or quite a bit of
32 evidence has been given from parents who attended there,
33 including a lady by the name of Lynley Day?
34 A. I believe that was her name, yes.
35
36 Q. Todd Jefferis' mother?
37 A. Right.
38
39 Q. It is evident from one of those authority meeting
40 minutes that the authority was aware that Dennis McKenna
41 had been arrested for allegations dating back to some
42 11 years earlier, 1979; yes?
43 A. I think so, yes.
44
45 Q. I gather you have read Mrs Day's evidence?
46 A. I need to be refreshed about that.
47

1 Q. I thought that might be the case. I have no problems
2 doing that. It is at 751, sir.
3
4 MR RAFFERTY: Perhaps, in the late hour, sir, it might
5 assist if I give him my copy.
6
7 HIS HONOUR: Yes, by all means.
8
9 MR RAFFERTY: Thank you, sir.
10
11 MR URQUHART: I am obliged to my friend.
12
13 Q. Starting at page 750, Mr Philpott - we will go to it
14 in a moment. I will tell you what I want you to look at.
15 Is your recollection the same as hers that everybody there
16 appeared to be in support of McKenna?
17 A. 150 people, who I estimate 148 for and two against.
18
19 Q. Two against. Okay. I asked her at the top of
20 page 751:
21
22 Q. So what did you do?
23 A. Well, there was someone on the table
24 out the front stood up and gave a glowing
25 character reference for McKenna and then I
26 remember Philpott asking if there was
27 anyone who wanted to get up and say
28 something and I stood up and said, "Yes, I
29 want to tell my story of my son's sexual
30 abuse and what happened and how I went and
31 saw Ian Murray" and he was not in the least
32 bit interested in what had happened to
33 Todd, and that my son's character had been
34 sullied by McKenna to cover his own dirty
35 track.
36
37 Q. And did you say what type of sullyng
38 that was?
39 A. Yes. He had been accused of stealing
40 from the canteen, that he had lied about
41 the sexual abuse from McKenna and that he
42 been expelled, which he hadn't, because we
43 had taken him out of the school.
44
45 Q. You said, "school", you mean --
46 A. Out of the hostel, sorry.
47

1 Q. Were you able to give this account
2 uninterrupted?
3 A. No.
4
5 Q. What happened?
6 A. Well, you know, I had murmurings and
7 booings around me and also Philpott told me
8 to sit down.
9
10 Q. Was that after you had completed --
11 A. No. No I said, "I'm not going to sit
12 down, I'm going to finish what I have to
13 say".
14
15 Q. And what was the manner in which he
16 told you to sit down.
17

18 Her answer was "very abrupt". Now, in order to speed
19 things along I'll just read out what your comment was at
20 paragraph 25 of your statement. If you feel like you want
21 to add something further, by all means say so:
22

23 My request for Mrs Day to regain her seat
24 should not be construed as support for
25 Mr McKenna and was never intended to
26 constitute support in any way.
27

28 A. Correct.
29

30 Q. And you also go on to say how the crowd was becoming
31 unruly?
32

33 A. Yes.
34

35 Q. Did you want to add anything further to that?
36

37 A. Only you pretty well said it quite right. I went down
38 there, was asked to chair the meeting. Knew that I had a
39 bombshell on my hands, 148 for, two against, and to keep
40 some balance and order it was going to be difficult, and it
41 was. She did have a say, incidentally. She did cover her
42 ground.
43

44 Q. Yes.
45

46 A. And then there was the edging and booing had started,
47 so I asked her if she would sit down, because she was
highly emotional - and I don't blame her. I don't blame
her for that.

1 Q. Because, you agree with me, do you not, that she was
2 making a complaint that Dennis McKenna had sexually abused
3 her son?
4 A. Yes. I can't quite remember exactly what she said,
5 but that was in the vein of what it was.
6
7 Q. She was stating that in regards to her son, and she
8 mentioned Ian Murray, how she was disappointed with the
9 attitude taken by Mr Murray - you knew at the time that Ian
10 Murray was the principal of the school?
11 A. The principal.
12
13 Q. Obviously it is something that is alleged to have
14 occurred recently?
15 A. I don't think I ever saw it quite that way but --
16
17 Q. Well, it wasn't something that happened back in 1979?
18 A. No.
19
20 Q. Was it?
21 A. No.
22
23 Q. Am I right in saying that in this case you did nothing
24 to follow up that matter that she was alleging?
25 A. I can't - I can't recall coming away from that
26 thinking that I had anything I had to follow-up. So what
27 she is actually saying may not have taken place, but she
28 certainly had her say.
29
30 Q. But her say, Mr Philpott, would have to have been the
31 subject matter on her mind, that is, that her son had made
32 an allegation of sexual abuse against Dennis McKenna?
33 A. That's what she's saying.
34
35 Q. But it would have had to be that given the reaction
36 from the crowd?
37 A. Not necessarily.
38
39 Q. Mr Philpott, are you disputing that she said that?
40 A. I don't know whether she said it or not. But if she
41 actually said, "sexual abuse" I would have been - I would
42 agree with you, I would have taken that up to follow it
43 through.
44
45 Q. Exactly. You didn't?
46
47 MR RAFFERTY: Sorry, sir. Just to put this in context,

1 are we talking about after Mr McKenna had been charged?
2
3 THE WITNESS: Yes, I think we were.
4
5 MR RAFFERTY: We are talking about the meeting on
6 17 October 1990, which is 20 days after Mr McKenna has been
7 charged.
8
9 MR URQUHART: I have laid the ground work there.
10
11 MR RAFFERTY: No, I am just trying to work out the time
12 frame, thank you, sir.
13
14 THE WITNESS: So what was I going to investigate if the
15 police had it all under control?
16
17 MR URQUHART: Q. Mr Philpott, they hadn't, because at
18 that point in time Mr McKenna had only been charged for
19 allegations against a boy from 1979. This was a lady that
20 was making an allegation of sexual abuse in your presence
21 regarding her son and a complaint about the way in which
22 the school was handling it.
23
24 HIS HONOUR: It is a separate matter.
25
26 MR URQUHART: It is a separate matter all together.
27
28 HIS HONOUR: In which McKenna was charged.
29
30 THE WITNESS: Yes, I quite honestly can say I don't recall
31 her saying, "sexual abuse" in her - mind you - mind you,
32 she is highly emotional and it was a bit hard to understand
33 exactly what she was saying. But I'm not sure I would have
34 acted to do anything once he'd been charged.
35
36 MR URQUHART: Q. But he hadn't been charged.
37 A. He'd been charged.
38
39 Q. No, with respect to this particular boy.
40 A. Oh. I wouldn't --
41
42 HIS HONOUR: Q. McKenna had been charged with sexual
43 abuse of a boy called Michael Hilder. That went back to
44 1979. She was raising an issue of her very recent
45 allegation of sexual abuse only two months previously.
46 A. I understand what you are coming from.
47

1 MR RAFFERTY: Can I clarify. Was that under investigation
2 at that stage?
3
4 MR URQUHART: It doesn't matter, sir.
5
6 MR RAFFERTY: For my benefit.
7
8 HIS HONOUR: The evidence is a little bit equivocal about
9 that.
10
11 MR RAFFERTY: In relation to the meeting with Mr Murray
12 and then the police?
13
14 HIS HONOUR: What date was Operation Paradox again?
15
16 MR URQUHART: Operation Paradox started in September.
17 Michael Hilder made the complaint under Operation Paradox.
18 The 4th of August was the date of the allegation of Dennis
19 McKenna by Todd Jefferis.
20
21 HIS HONOUR: What date was he charged with the Todd
22 Jefferis matter?
23
24 MR URQUHART: Beginning of January 1991.
25
26 MR RAFFERTY: I was trying to work out when the
27 investigation for that matter began.
28
29 HIS HONOUR: I think probably it had, but it is not
30 entirely clear.
31
32 MR RAFFERTY: I am just trying to marry up what was said
33 by the witness in relation to the conversation with
34 Mr Murray and whether they went to the police straight away
35 and whether that has been investigated, again because that
36 would pre-date this matter, obviously.
37
38 MR URQUHART: It doesn't matter for the purpose of this
39 line of questioning.
40
41 MR RAFFERTY: No, no. I was just saying to clarify.
42
43 MR URQUHART: Q. You see, Mr Philpott, you didn't follow
44 this up with this lady, did you, as to what the status was
45 of these allegations?
46 A. No, I didn't.
47

1 Q. You didn't follow it up with anybody else?
2 A. No, I didn't.
3
4 Q. You see, wasn't it incumbent upon you to do that if,
5 in fact, your paramount consideration was the safety and
6 well-being of her child?
7 A. No, not really. This was being said in the context of
8 an emotional meeting, and I honestly can say to you that I
9 didn't - I don't recall hearing her say, "sexual abuse".
10
11 Q. Had she said that and had she also recounted what
12 she'd told the Inquiry about her disappointment of the
13 behaviour of the school principal and that her son had been
14 falsely accused about stealing from the canteen and had
15 been expelled from the hostel when he hadn't, and that
16 accusations were being made that he lied about the sexual
17 abuse. Isn't this a matter, as chairman of the authority
18 who has heard that complaint firsthand - wasn't it
19 incumbent upon you to follow it up?
20 A. If we are looking hindsight now back to it, I would
21 probably say yes. At the state of that meeting at the
22 time, I probably didn't take that in. I was more worried
23 about the orderliness of the meeting.
24
25 Q. Mr Philpott, if you had an open mind about these
26 allegations, which it seems to suggest you are stating
27 today, if you had an open mind about these allegations and
28 if it was your concern that the consideration of the child,
29 the children, is always of paramount importance, don't you
30 think you ought to have followed this matter up with this
31 lady?
32 A. I don't know. I say that again because it just could
33 be that I considered that he was charged and the
34 investigation would cover what the lady was saying. I
35 don't - I can't recall what I --
36
37 Q. You wouldn't know that unless you made some inquiries?
38 A. About what?
39
40 Q. About whether he had been charged, what the status of
41 it was, what precisely were her complaints?
42 A. But we knew what - we knew what he was charged with.
43
44 Q. We have clarified this, Mr Philpott. He hadn't been
45 charged with anything in relation to this boy?
46 A. I know, no.
47

1 Q. And I would suggest to you that would have been very
2 obvious to you because when you attended that meeting on 15
3 October, it is evident that you were aware that the only
4 charges against him were for 1979?
5 A. I don't even know that I can remember that but I know
6 that he was charged with pedophilia.
7
8 Q. Look, Mr Philpott, let's put it on a hypothetical.
9 That if, in fact, this woman was making it clear that her
10 son had been sexually abused and that he was being
11 ostracised by the school principal for that, and that her
12 son - and there had been no charges made by the police
13 against McKenna as a result of those, should not you have
14 followed it up maybe in the cold light of the following day
15 and investigate that matter?
16 A. On a hypothetical case, yes, but that's not as the
17 circumstance I took at the time.
18
19 Q. Because it would have been apparent, is it not, that
20 you provided no support whatsoever for this mother or her
21 son?
22 A. Well, that might be so at the hostel level.
23
24 Q. And you were one of those 148 people who were in
25 support of Dennis McKenna?
26 A. Quite right.
27
28 Q. Well, Mr Philpott, if you were an entirely objective
29 person at that meeting, then your ears would have been
30 pricked up as a result of this further allegation being
31 made of sexual abuse --
32 A. No, I tell you she was --
33
34 Q. -- and you would have done something about it?
35 A. I'm telling you that she presented everything in a
36 very hyped up way and, in fact, I can recall that she was
37 hard to understand, but - no.
38
39 Q. Sorry, continue. I'm just having a look at something
40 here to my right?
41 A. (No verbal answer).
42
43 Q. You see, Mrs Jefferis received a letter from the
44 lawyers for Dennis McKenna. You see, I don't know if you
45 have read this evidence. I'm going to summarise it for
46 you, given the lateness of the hour, but Karen Davies, who
47 is Lynley Day's sister, she gave evidence that she wrote to

1 you about Ian Murray's response to Todd Jefferis's
2 allegations of sexual abuse by Dennis McKenna, and she also
3 wrote to the board, and this was done around 9 October of
4 1990, so this is actually before the meeting, and she
5 received no response from either you or the Authority?
6 A. And the letter never ever came.
7
8 Q. Are you saying you never got that letter?
9 A. I never received that letter, nor did the Authority
10 receive that letter.
11
12 Q. Are you saying that what happened you have got a clear
13 memory of that?
14 A. Clear enough because again it would have prompted me
15 to do something about it.
16
17 Q. Well, yes, but if the letter had been sent to the
18 Authority and it had been received, again, if she got no
19 response, that means nothing was done and it is a very
20 similar scenario to what happened six days later when her
21 sister spoke at that meeting?
22 A. Well, it didn't - it didn't - it did not happen. It
23 did not arrive, the letter to the Authority.
24
25 Q. What support, if any, did you extend to the five
26 ex-students who had come forward in 1990 and then in 1991?
27 A. What did we do?
28
29 Q. Yes. What support did you extend in your capacity as
30 chairman of the Authority or what did the Authority do?
31 A. I think the only thing that we did was arrange for
32 counsellors to be made available to parents or staff -
33 parents or victims.
34
35 Q. I'm going to suggest to you some minutes would support
36 this but that wasn't until after May of 1992. I am just
37 talking about the five students who had come forward in
38 1990 and thereabouts and then gave evidence at Dennis
39 McKenna's trial in 1991. Did you extend any support --
40 A. No --
41
42 Q. Did the authority extend any support to those
43 students?
44 A. No, I - I don't think we - I don't think we did. But
45 what were we expected to do?
46
47 Q. Well, I'm sorry, I thought that the protection of the

1 hostel's children was the greatest thing that the Authority
2 had to consider?
3 A. Yes, it is, but they weren't at the hostel when that
4 happen. They were older people.
5
6 Q. But they are alleging they had been sexually abused at
7 the hostel?
8 A. Yes, so what should have we done?
9
10 Q. I'm going to suggest maybe it would be incumbent upon
11 the Authority to try and write to them expressing their
12 concern and regret that this is what has happened?
13 A. Well, I can assure you, we had plenty of concern and
14 plenty of regret but I don't remember that we wrote
15 individually to them.
16
17 Q. Don't you think that might have been the appropriate
18 action to take, particularly after Dennis McKenna had been
19 convicted in June 1991?
20 A. It could have been a consideration but it wasn't.
21
22 Q. Can I ask why?
23 A. I don't think it was ever raised.
24
25 Q. Not something that you thought of raising?
26 A. No, I don't think that I did.
27
28 Q. Did you ever consider, before Dennis McKenna's trial
29 in 1991, that given that these allegation spanned over a
30 decade- because there were five complainants complaining
31 about activity starting, from memory, from 1978 right
32 through to 1990 - did the authority - I will use the term
33 "Authority" rather than you personally - did the Authority
34 ever consider that there might be other children who had
35 been sexually abused by Dennis McKenna?
36 A. No, no. It was - it was really in the hands beyond
37 us, the police or someone of that nature. We didn't really
38 have the resource to do that. It would - it's somebody
39 like the police that would need to do that.
40
41 Q. I know you have mentioned there that the counselling
42 services were offered but that wasn't your attitude
43 immediately after Dennis McKenna's convictions in 1991, was
44 it?
45 A. No, I spoke with a lady from Tambellup --
46
47 Q. Mrs Groves?

1 A. Yes, Mrs Groves. She's a nice lady.
2
3 Q. But I'm going to say that was the following year. I'm
4 just talking about after Dennis McKenna had been convicted.
5 I'm referring to that newspaper report that may or may not
6 still be on your desk there. It is exhibit 15. You can
7 probably handed back the transcript to Mr Rafferty?
8 A. Yes. What part of that?
9
10 Q. Madam associate, this is the last time I'm going to
11 refer to exhibit 15. It is just the fourth column now?
12 A. Yes.
13
14 Q. The second full paragraph about one quarter of the way
15 down --
16 A. Yes.
17
18 Q. :
19
20 Mr Philpott also discounted the possibility
21 that the students would require counselling
22 services to help them recover from any
23 possible trauma relating to McKenna's
24 conviction. "I don't think that is
25 necessary", he said. "Speaking to the
26 parents of kids, things generally seem
27 happy there. If the drift of what I am
28 hearing is right, then things are good.
29 This has been an unfortunate event in their
30 lives but in many ways the St Andrew's
31 Hostel is a wonderful hostel. A hell of a
32 lot of students have benefitted from the
33 work done by Dennis McKenna."
34
35 It seems, reading that, Mr Philpott, that you are extending
36 support to Mr McKenna, notwithstanding his convictions?
37 A. No, I'm extend - I'm extending support to the hostel,
38 not Mr McKenna.
39
40 Q. Well:
41
42 A hell of a lot of students have
43 benefitted --
44
45 A. And every part of that is true.
46
47 Q. :

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A hell of a lot of students have benefitted from the work done by Dennis McKenna.

A. Absolutely they have. There is hundreds down there now will tell you their life through the hostel was not hell, that it was very good.

Q. Mr Philpott, I don't know, it may not have been reported here, but can you recall stating to this journalist the regret that the Authority has for what had happened to the boys who were victims of Dennis McKenna?

A. If it's - if it's not there, I certainly did in real life. I think it was disgraceful.

HIS HONOUR: Q. Do you have an appreciation of the devastation it has caused to many young lives?

A. Yes.

Q. The young who have died?

A. Absolutely.

Q. Died as a result of their own hands, as a result of self-destructive behaviour?

A. Yes.

Q. Because they are victims?

A. Yes. Yes, I understand the problem that it created.

Q. And the damage is continuing?

A. Yes. Yes, it's unbelievable when you sit here now with hindsight and see what's happened.

Q. And there are still people today at the risk of suicide because of what Dennis McKenna did?

A. Yes. Terrible.

MR URQUHART: Q. Could I also suggest something else that is unbelievable, and that is that the replacement warden for Dennis McKenna, after he was charged, was his brother Neil?

A. Let me add something to that.

Q. Before we get there, do you agree with that description, that too is unbelievable, or not?

A. No, I don't.

1 Q. Can I ask then, do you agree with other evidence we
2 have heard that that was the Authority's decision to have
3 Neil McKenna as the acting warden?
4 A. Not exactly the Authority's decision. What happened
5 is that we - I think I went down to the hostel. I think
6 there was a meeting in which I told them that we had tried
7 throughout the system to get a replacement temporary warden
8 to run the hostel. Now, again finances are the problem
9 throughout the whole system. No-one was prepared to
10 release a person to be a temporary warden. So I had to say
11 to the board "Is there somebody here that would be able to
12 become acting warden?" and they said "McKenna's brother".
13
14 Q. So whose decision was it, do you say, to have Neil
15 McKenna appointed as acting warden?
16 A. The board.
17
18 Q. You have read the evidence?
19 A. We had no-one else.
20
21 Q. But you have read the evidence, haven't you, that some
22 members of the board, for example Mr Ian Murray, says it
23 was the Authority's?
24 A. No, that would only be the fact that I was at the
25 meeting.
26
27 Q. I would have thought that you would do your utmost to
28 get somebody, anybody, anybody other than --
29 A. You have no idea how much --
30
31 Q. -- other than the brother of the warden who has been
32 charged with sexual abuse?
33 A. Yes, you are quite right. I did everything possible
34 to find, from anywhere in the State, that we could borrow a
35 person to run that hostel after that event.
36
37 Q. But you say it was the board's decision?
38 A. Well they agreed in the end that McKenna would be
39 useful and they put him in as acting warden. You have got
40 that there, I take it, that he was acting warden.
41
42 Q. Yes, that's right. I said it was acting warden, yes,
43 from the outset. But, Mr Philpott, I guess it is more the
44 debacle because the warden who ended up replacing Neil
45 McKenna --
46 A. I know.
47

1 Q. Was Con Burro?
2 A. Yes.
3
4 Q. Yes, and Con Burro actually gave character evidence
5 for Dennis McKenna at his trial?
6 A. I know. I can't believe it.
7
8 Q. Who do you say was responsible for Con Burro's
9 appointment?
10 A. I would say that we probably found Con Burro and
11 offered them to the board and they accepted to put him in.
12
13 Q. It wasn't a --
14 A. It's not a hoist in thing or anything. Everything
15 would have been done in proper context.
16
17 Q. But in either of those instances with Neil McKenna and
18 Con Burro, what if there were other students who wanted to
19 come forward with allegations of sexual abuse?
20 A. Why didn't they? Why didn't their parents?
21
22 Q. No, I'm talking about - let me finish the question. I
23 know it's late in the day and I'm trying to get to the
24 point as quickly as I can, but can you see the difficulties
25 with appointing Neil McKenna as the acting warden?
26 A. Yes, yes.
27
28 Q. And it would be so difficult for a child at the hostel
29 who had been subject to sexual abuse by Dennis McKenna, it
30 would be impossible for that child, I would suggest to you,
31 to approach the warden --
32 A. Yes.
33
34 Q. -- with that disclosure. And, similarly, with the
35 warden who replaced him if it was known that he gave
36 character evidence for Dennis McKenna?
37 A. Yes, that could be interpreted that way but I would
38 have thought Con had a lot more ability and sense than
39 that.
40
41 Q. Given the contents of that newspaper article, can you
42 see why people might think that you were still supportive
43 or you were supporting, I should say, Dennis McKenna?
44 A. Well, they might think it but it never happened, I can
45 assure you of that.
46
47 Q. But do you agree, reading that article in the paper,

1 that it would read that way?
2 A. I would hope that they would read that I was
3 supporting the hostel, not McKenna.
4
5 Q. I just want to go through one final matter. I just
6 want to show you one more exhibit, Mr Philpott. Thank you
7 for your patience. It is exhibit 63 and it is a Great
8 Southern Herald newspaper story again, and again this is
9 not something that was provided to my learned friend,
10 although it has been referred to in transcript during
11 Mr Murray's evidence. Again this is an article from the
12 Great Southern Herald, exhibit 63. I just want to make
13 sure you are on the right page, Mr Philpott. It might be
14 the other page:
15
16 Mother wants longer term for pedophile.
17
18 A. Yes.
19
20 Q. Did you read Mr Murray's evidence?
21 A. Yes, I think I did.
22
23 Q. It hasn't taken you entirely by surprise then because
24 I pointed out this passage when I questioned him and it is
25 the fourth column down, and it starts:
26
27 In a newsletter dated September 28 --
28
29 A. Wait a moment.
30
31 Q. The fourth column down?
32 A. One, two, three, four, yes.
33
34 Q. It is about one third of the way down?
35 A. Yes.
36
37 Q. :
38
39 In a newsletter dated September 28 --
40
41 To put that into context, that's the day after --
42 A. He was charged.
43
44 Q. -- he was charged, that's right, in 1990, thank you:
45
46 -- which was written at the time McKenna
47 was charged and soon after another

1 complaint concerning sexual molestation,
2 Mr Murray informed parents that McKenna had
3 been charged with obscene behaviour.
4 "Dennis appeared in court today and will
5 have to go to trial in December", Mr Murray
6 wrote.

7

8 And this is what I want to ask you about:

9

10 He intends to vigorously defend the charges
11 and I, the board and the chairman of the
12 Hostel Authority are certain as we can be
13 that Dennis will be found innocent.

14

15 A. I don't know where he got that from.

16

17 Q. If I need to I can show you some handwritten notes
18 that you made on a pad --

19

A. Yes.

20

21 Q. -- which would suggest that you actually did speak to

22

Ian Murray shortly after --

23

A. That's possible.

24

25 Q. Yes. Do I need to show you those?

26

A. No, no. No, no, no.

27

28 Q. And then also Mr Parks gives evidence --

29

A. Yes.

30

31 Q. -- that Ian Murray actually contacted you the night

32

that Dennis McKenna was charged, which was 27 September?

33

A. I can't recall that.

34

35 Q. It would appear here that Mr Murray had spoken to you

36

prior to 28 September, if, in fact, that's correct, and

37

told you that McKenna had been charged?

38

A. Now, he didn't need to tell me. I knew. I think I

39

was the first to know.

40

41 Q. Had you been notified by somebody else?

42

A. By the police.

43

44 Q. Okay, all right. Then even better, yes. But he is

45

saying there --

46

A. That I was supporting him and that's not true.

47

1 Q. Well, you say:
2
3 -- certain as we can be that Dennis will be
4 found innocent.
5
6 So that's not true?
7 A. Not true.
8
9 Q. You wouldn't have said that to him or conveyed that?
10 A. No, no, I'm sure I didn't. I'm sure he's just taken
11 licence there to add my name to it.
12
13 Q. Mr Philpott, do you believe any fault should be
14 attributed to the Authority for the fact that Dennis
15 McKenna's offending extended for such a long period of
16 time?
17 A. I look back from it now and wonder what could have
18 happened, but I think in the context of the time and as
19 things went on day to day to day, as an Authority, we had
20 no reason to understand or to doubt that McKenna was doing
21 a good job or that he was engaging in deviant behaviour.
22 So on the one hand I'm seeing, from all the evidence, that
23 perhaps - perhaps there were parts that maybe we should
24 have done better, but generally, as an Authority, I believe
25 that we carried out our duties.
26
27 Q. Can you say now what parts of it you should have done
28 before. I appreciate this is with hindsight?
29 A. It's so - so much through --
30
31 Q. If you can't, that's fine.
32 A. No, I can't recall but I do recall that there are odd
33 times when --
34
35 Q. Might one of those be, for example, following up with
36 Mrs Day when she made that complaint?
37 A. Well, I don't - I don't really see that. I know my
38 concentration was on the meeting and keeping it orderly.
39 It was very difficult to do.
40
41 Q. I will try to help you out there. Maybe a better
42 follow up with respect to the "suspicious suggestions"
43 letter?
44 A. If I put the emphasis on that you do, yes, and I
45 didn't.
46
47 Q. Noel Parkin's complaint, if he did make one, to the

1 head office of the Authority?
2 A. I'm just so sure that he never made that complaint.
3
4 Q. So you say that the Authority could have done things
5 better. Do you find that some other organisation or entity
6 or person was at fault for causing this offending to occur
7 for such a long period of time?
8 A. No, I can't.
9
10 Q. No. Not the Authority - sorry, not the board, the
11 Katanning hostel board?
12 A. It's clearly the board. They were in touch with what
13 was going on but I don't say that any of them actually
14 knew. It's interpretation of what's told to you or what
15 happens on that day, so I'm not sure that they - but I'm
16 sure they were closer to the action.
17
18 Q. And the apparent lack of understanding by at least
19 some members of the hostel board as to what their role
20 was --
21 A. Katanning?
22
23 Q. Yes, I'm talking about Katanning.
24 A. Unquestionably.
25
26 Q. Do you take any responsibility as the Authority, in
27 your case as Chairman of the Authority - do you take any
28 responsibility for that?
29 A. In a way no, because it really is the responsibility
30 of the local Board to fully run the hostel, and that is
31 part of running the hostel.
32
33 Q. But you don't see your - the overriding responsibility
34 that the Authority has - there wasn't any failings in that
35 regard with respect to this particular Board, and that's
36 during your time as Chairman up until 1990?
37 A. Up until 1990, no, or in the latter half of 1980
38 things changed considerably, and I - I would be surprised
39 today if every Board member in the State doesn't get a - at
40 least a copy of the letter of agreement together with the
41 by-laws of - by-laws of their local hostel.
42
43 MR URQUHART: All right. Thank you very much, Mr
44 Philpott. That's all, sir.
45
46 HIS HONOUR: Nothing for you, Mr Jenkin?
47

1 MR JENKIN: No, thank you, sir.
2
3 HIS HONOUR: Ms Morgan, do you have any questions?
4
5 MS MORGAN: No, thank you.
6
7 HIS HONOUR: Yes, Mr Rafferty.
8
9 <CROSS-EXAMINATION BY MR RAFFERTY:
10
11 MR RAFFERTY: Q. Mr Philpott, you were asked some
12 questions by Mr Urquhart about Dennis McKenna's activities
13 in Katanning in December 1990, after you basically told
14 him, "Don't go to Katanning"; correct? You have to speak,
15 because everything is supposed to be transcribed.
16 A. Yes.
17
18 Q. And you gave evidence that you weren't aware that he'd
19 gone to Katanning in December 1990; is that correct?
20 A. Correct.
21
22 Q. I don't say this to upset you or bring back any bad
23 memories, but is it the case that your daughter passed away
24 on 1 November 1990?
25 A. Yes, it is.
26
27 Q. Is it the case that as far as your involvement with
28 the Authority was concerned for a period of time after 1
29 November 1990, you had nothing to do with the Authority,
30 obviously the grief and --
31 A. Quite right.
32
33 Q. -- dealing with family issues was your priority;
34 correct?
35 A. Correct.
36
37 MR RAFFERTY: All right. I didn't raise that to upset
38 you, Mr Philpott.
39
40 HIS HONOUR: Q. And can I just ask, was your daughter's
41 death unexpected?
42 A. 28 years of age, cancer.
43
44 Q. So it was a process leading to it, as I understand it?
45 A. Yes, it had been going on for --
46
47 MR RAFFERTY: Yes, I was about to ask that question, your

1 Honour, because I've only just been made aware of this.
2
3 Q. Had your daughter been ill for some time?
4 A. Yes, for - how long, I --
5
6 Q. You don't have to ask your wife how long, but it was
7 for a period of time; is that correct?
8 A. Yes.
9
10 Q. All right. You had a passion for hostels; is that
11 correct?
12 A. Yes, I did.
13
14 Q. When did that begin?
15 A. It's a bit of a story.
16
17 Q. Tell his Honour.
18 A. With Wesfarmers I went out to a station, a pastoral
19 station in the Murchison, with a friend of a colleague of
20 mine, to talk to a pastoralist about an overdue account
21 that he had. During the morning tea I went into the
22 kitchen and there was the wife crying. She had - she had a
23 couple of - she had one or two kids that were doing
24 distance education. She had a group of shearers out on the
25 thing she had to give morning tea to, and she was crying
26 and I said to her, "What's the problem?", and she said,
27 "Well, what I'm really crying about is my kid's education
28 next year. We can't afford to send them to a private
29 school in Perth, and I don't know what I'm going to do". I
30 said to her, "Why don't you send them to Geraldton because
31 you'll get Government assistance and you'll get hardship
32 assistance and there's nothing wrong with the Geraldton
33 school." She did that and I understand she's very happy.
34 And after that I said, "Every isolated child in this State
35 deserves that respect", and that's why I took on this -
36 this job, and did it for so long. I would never have been
37 a Chairman for as long as this, except for that.
38
39 Q. Now, isn't it the case that there was an interim
40 period between your involvement at Katanning on the St
41 Andrew's Board and then you becoming Chairman of the
42 Hostels Authority?
43 A. Correct.
44
45 Q. And during that period of time you formed another
46 body, being the Student Hostels Association; correct?
47 A. Correct.

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Q. And that - you gave a speech in 1974 correct?

A. Correct.

MR RAFFERTY: If I can just hand you this document. These are materials I've been provided with, sir. I've taken two copies so I can tender the copies I've been provided.

HIS HONOUR: All right.

MR RAFFERTY: Q. You agree that that's a copy of the speech titled "The Hostels Authority And Its Relationship With the Hostels"?

A. It had to be a good one. This is it.

Q. All right. If I can take you to the second page, and I've highlighted everything that's relevant in pink. You agree that that states at paragraph 4:

An important aspect that must be raised here is that the Authority is not directly responsible for the day to day management of the hostels. This function is handled by a local committee or Board who declare policy, recruit staff and see all administrative details are put into effect.

A. Correct.

Q. Was that your understanding in 1974 as to how the Hostel Authority should work?

A. That's correct.

Q. And did that remain your understanding for the duration of the time that you were the Chairman of the Authority?

A. Yes, except it improved quite a bit.

Q. We'll come to that in due course. If I can take you to the last page under the heading "Conclusion" - and that's the third paragraph, sir, on that particular page - and I would have told you barcode numbers, but there aren't any on the copies I've got, sir, I apologise.

HIS HONOUR: Right.

MR URQUHART: Can I just have the date, again?

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MR RAFFERTY: Yes, the document - January, 18-28, 1974 - sorry, I should have let my learned friend know. I haven't cross referenced them with the materials (inaudible).

Q. In any event, you state there:

I have been privileged to have my children at home during their schooling and by my association with the hostel it has made me conscious and interested in bettering the lot of the hostel students.

A. Correct.

Q. Up until you finished in 1999, did that ever change as far as what your goal was --

A. No.

Q. -- as to your involvement in hostels?

A. No.

MR RAFFERTY: Your Honour, I tender that document. .

EXHIBIT #87 SPEECH TITLED "THE HOSTELS AUTHORITY AND ITS RELATIONSHIP WITH THE HOSTELS" BARCODED 0116

MR RAFFERTY: I'll show you a copy.

MR URQUHART: Yes, got it.

HIS HONOUR: Q. So your own children never went to a hostel?

A. No.

HIS HONOUR: No.

MR RAFFERTY: Q. Now, you've given a lot of evidence today, Mr Philpott, about things such as letters of arrangement; correct?

A. Correct.

Q. And my understanding is that under the Act, under section 7, that sets out the duties of the Authority; correct?

A. Correct.

1 Q. And they're the duties under the Country High School
2 Hostels Authority Act of 1960; correct?
3 A. Correct.
4
5 MR RAFFERTY: I trust your Honour's got a copy of that
6 particular Act, so I won't be tendering it, your Honour.
7
8 HIS HONOUR: Yes, that's correct.
9
10 MR RAFFERTY: Thank you for that.
11
12 Q. And you agree that under section 7, the Authority is
13 given the ability to appoint committees in respect of
14 hostels?
15 A. Correct.
16
17 Q. And to delegate any such authority to those particular
18 hostels?
19 A. Correct.
20
21 Q. And section 9 then sets out how the powers are
22 delegated to a particular local Board; correct? Sorry, you
23 have to say yes or no, it's being transcribed.
24 A. Yes.
25
26 Q. All right. Thank you. And you've been provided with
27 a copy of an undated and unsigned letter of arrangement by
28 the Inquiry; correct?
29 A. Correct.
30
31 Q. If I can show you this document. And this is a
32 document titled "Country High Schools Hostels' Authority
33 Letter of Arrangement" - Appendix 5, for the benefit of my
34 friends. Does that particular document set out all of the
35 duties of a local Board?
36 A. Yes, it does, in fact.
37
38 Q. Can I just stop you there.
39 A. It might --
40
41 Q. We don't know where this particular document came
42 from, but having gone through that particular document, is
43 that the type of letter of arrangement that was entered
44 into during the course of your time on the Authority?
45 A. The whole - whole of the time.
46
47 Q. And the first of them - I'm not going to go through

1 each of them, sir, it's getting late, but the first of
2 those is probably the most significant:

3
4 The local committee to engage or dismiss
5 staff and pay all accounts incurred in
6 connection with the control and conduct of
7 the hostel, including the wages and
8 salaries of all members of the staff.
9

10 Is that correct?

11 A. Correct.

12
13 Q. So it was for the local Board to deal with questions
14 of engaging and --

15 A. Yes.

16
17 Q. -- putting off staff?
18

19 MR RAFFERTY: Your Honour, I tender that document.
20

21 **EXHIBIT #88 DOCUMENT TITLED "COUNTRY HIGH SCHOOLS HOSTELS**
22 **AUTHORITY LETTER OF ARRANGEMENT" BARCODED 0115**

23
24 HIS HONOUR: Q. And just to clarify there, because you
25 did say, I think, it was from 1984, it might have been 1986
26 that the Authority adopted this new policy that supervisory
27 staff, the administrative officer had to sit in on the
28 interview. Did that result in any change to the letters of
29 arrangement?

30 A. No, no.

31
32 Q. Right.

33 A. That letter of arrangement came into effect as the
34 statute of the Anglican Church went out.
35

36 Q. I see.

37 A. The Protestant Church changed, and CWA.
38

39 HIS HONOUR: Right. Thank you.
40

41 MR RAFFERTY: Hopefully that clarifies your Honour's
42 question.
43

44 HIS HONOUR: Yes.
45

46 MR RAFFERTY: If the witness could be provided, please,
47 with exhibit 54, which is the minutes of the Board meeting

1 held on 22 October 1986 at the St Andrew's Hostel. And
2 just before I ask questions, if that could be provided.

3

4 Q. You've read the evidence of Mr Hendry, who was a
5 member of the Board at Katanning?

6 A. Yes.

7

8 Q. And you recall that he seems to have given some form
9 of evidence that he really wasn't sure as to what his
10 duties and roles were as a member of the Board; is that
11 correct?

12 A. Correct.

13

14 Q. It's also - he referred to it as being a bit of a golf
15 club, I think; is that right?

16 A. Yes.

17

18 MR RAFFERTY: In fact, I have a spare copy here. There
19 you go. And for your benefit, sir, this is exhibit 54.

20

21 HIS HONOUR: Yes, and I'm just checking --

22

23 MR RAFFERTY: I'll let you grab that, sir.

24

25 HIS HONOUR: I might have that here.

26

27 MR RAFFERTY: Your Honour's probably been swamped by
28 papers.

29

30 HIS HONOUR: I have. I am, yes. Thank you.

31

32 MR RAFFERTY: Thank you.

33

34 Q. Can I take you to the correspondence in that
35 section there, Mr Philpott --

36 A. Yes.

37

38 Q. -- under (a). It says "CHSHA" - which is the
39 Authority - "Letter of Arrangement"; correct?

40 A. Yes.

41

42 Q. "Moved by G Addis" - who was Garth Addis, who was a
43 Chairman at some stage --

44 A. Correct.

45

46 Q. -- not this time, but Len Wilkinson was; and seconded
47 by B Hendry, that the letter be signed and it was carried.

1 A. Correct.
2
3 Q. So that is a minute to the effect that the Board had
4 received --
5 A. Correct.
6
7 Q. -- the letter of arrangement in 1986, much in the
8 terms that we've just tendered; correct?
9 A. Correct.
10
11 Q. You would expect as a matter of commonsense that it
12 would have been considered by those at the meeting?
13 A. Absolutely.
14
15 Q. And then it's signed to the effect that they're
16 prepared to abide by the letter of arrangement?
17 A. Correct.
18
19 Q. And this is at a time when Mr McKenna is the warden of
20 the hostel; correct?
21 A. Absolutely.
22
23 Q. But we've heard evidence from Mr Hendry that he didn't
24 really know what was going on?
25 A. Which starts to make you wonder.
26
27 MR RAFFERTY: That's been tendered, sir, so I won't --
28
29 HIS HONOUR: Yes, thank you.
30
31 MR RAFFERTY: Q. As far as people who chaired the Board,
32 generally what would - across the State - and we are
33 talking about 11 hostels - generally what would you say
34 about the capabilities of those who were chairman of local
35 boards?
36 A. Very thorough, very good. The Chairman usually was
37 well selected and ran a good hostel.
38
39 Q. Len Wilkinson?
40 A. I would have thought that he was quite good. He was
41 manager of the local Co-op. He seemed to talk sense to me
42 every time that I spoke with him. So I would have
43 considered him to be a capable Chairman.
44
45 Q. And you had no difficulties communicating with Mr
46 Wilkinson?
47 A. No.

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Q. And if there was any - anything that the local Board had any difficulty with, did you have an open door policy as far as approaching you?

A. Yes, I did. With all of them I had an open-door policy.

Q. And did you ever receive - putting aside an issue in 1983, after that, did you receive any approaches from Board Chairman saying, "Listen, we've got a problem, we're not sure what our duties are under the Act" or under the letter of arrangement I should say?

A. No, I actually can't recall at all having that problem.

Q. So your evidence to this Inquiry is the letters of arrangement that was sent to local boards set out very clearly what the duties of those local boards were?

A. Correct.

Q. And what the expectation the Authority had of those local boards were?

A. Correct.

Q. And that was all done pursuant to an Act passed by the parliament of Western Australia?

A. Quite right.

HIS HONOUR: Q. You said a moment ago that all chairman were selected. You said the chairman selected were very good. Now, what was your understanding of the way in which the chairman would be selected?

A. It would be - it would be decided by the current Board members who would make a suitable chairman, and he was then approached.

HIS HONOUR: Right. Thank you. Yes.

MR RAFFERTY: Q. And as far as best practice, was that considered an appropriate way of dealing - of choosing people?

A. At that time, yes, it was.

Q. Now, you been asked a number of questions in relation to Mr Trezise?

A. Yes.

1 Q. And there was a suggestion that there was a discussion
2 at Lake Grace, and that - and you say that solely related
3 to the issue of fees; correct?
4 A. Correct.
5
6 Q. Can you explain to his Honour how many times did you
7 go to Lake Grace to discuss the setting up of a hostel
8 there?
9 A. Once.
10
11 Q. Once and once only?
12 A. Once and once only.
13
14 MR RAFFERTY: I can provide you, sir, with this copy. I
15 don't think this has been tendered. I could be wrong.
16 The minutes of the Authority dated Tuesday, 11 March 1986.
17
18 HIS HONOUR: I'm not sure.
19
20 MR RAFFERTY: I've got a copy, and it's getting late,
21 so --
22
23 THE WITNESS: Thank you.
24
25 MR RAFFERTY: Q. Can I take you to the third page?
26 A. Yes.
27
28 Q. And what's been highlighted in green.
29
30 HIS HONOUR: What was the date again?
31
32 MR RAFFERTY: Sorry, sir, that is the minutes of the
33 authority dated Tuesday, 11 March 1986. I'll tender my
34 copy if it hasn't already been tendered.
35
36 HIS HONOUR: That's fine.
37
38 MR RAFFERTY: Q. Now, under point 2 on that page, which
39 is the third page of what we've got, it appears to be the
40 12th page of the minutes, it's under the heading, "Lake
41 Grace Parent's Group" --
42 A. Yes.
43
44 Q. -- "the Chairman" - that being you, correct?
45 A. Yes.
46
47 Q. :

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Advised the authority he had met with a delegation of parents in the Lake Grace region who were seeking establishment of a hostel at Lake Grace. The authority was addressed by Mr --

Was Mr Hengate Planning Director of Education?

A. That's him, that's him.

Q. :

-- he provided statistics for possible regional school enrolments and trends for Lake Grace.

Do you know where that meeting occurred?

A. It occurred in Lake Grace, at the district hall.

Q. So if you've only been to one meeting in Lake Grace, that's the one that's referred to in the minutes of 11 March 1986; is that correct?

A. Well, I think there's some debate about - but, yes, this is correct.

Q. All right. Your Honour, if it hasn't been tendered, I tender that particular document.

EXHIBIT #89 CHSHA MINUTES MEETING DATED 11/3/1986 BARCODED 0151

MR RAFFERTY: Q. Now, if that meeting occurred on - that reference to that meeting was on 11 March 1986, as a matter of commonsense, the meeting's occurred prior to that meeting of the Authority; correct?

A. Yes.

Q. And that would have been the only time that you would have met with Mr Trezise in --

A. That's the only time I ever met with Mr Trezise.

Q. -- in Lake Grace? And then subsequently you received the letter from Mrs Coral Trezise --

A. Correct.

Q. -- on 17 September 1986, which is exhibit 11.1.

A. Right.

1 Q. Do you agree in that letter that there is a reference
2 to the fact that, "We have nothing against McKenna. We are
3 quite happy with him" - or words to that effect?
4 A. That's correct.
5
6 Q. "We" being plural --
7 A. Yes.
8
9 Q. -- her and her husband?
10 A. Husband and her.
11
12 Q. And also to the fact that they have nothing against
13 McKenna, and thinks he runs a wonderful hostel, or words to
14 that effect?
15 A. That's what they said.
16
17 Q. Having read that particular letter, would you have had
18 any concerns at that time in September 1986 as to conduct
19 of Dennis McKenna at the Katanning Hostel?
20 A. No, I would not.
21
22 Q. As far as Mr Trezise, your recollection of events is
23 the only thing Mr Trezise was ever really interested in
24 following up with you was the issue of fees?
25 A. Correct.
26
27 Q. And just to reiterate, had you been told anything at a
28 meeting at Lake Grace about McKenna fiddling with kids, you
29 would have done something about it?
30 A. No doubt about that.
31
32 Q. Can I ask you this: did you ever have anything to gain
33 by covering up for Dennis McKenna, or to use the words used
34 by Mr Urquhart, sweeping things under the carpet?
35 A. Not at all.
36
37 Q. As a father of five, in 1986, what was your opinion of
38 child abuse?
39 A. I could not harbour it at all. Terrible.
40
41 Q. What was your opinion of those evil persons who
42 indulge in that activity?
43 A. Dreadful. Dreadful act to undertake.
44
45 Q. Would you have abided by any person working in any
46 hostel in the State of Western Australia that you had any
47 knowledge of behaving in a sexual manner towards children?

1 A. Not at all.
2
3 HIS HONOUR: Can I just raise a matter while I remember
4 it?
5
6 MR RAFFERTY: Certainly. I'm just checking my notes.
7
8 HIS HONOUR: Q. You say that the meeting at Lake Grace
9 with the Trezises on 11 March - sorry, was --
10
11 MR RAFFERTY: Before.
12
13 HIS HONOUR: Yes.
14
15 THE WITNESS: Yes, 11 March.
16
17 HIS HONOUR: 11 March '86 or thereabouts.
18
19 MR RAFFERTY: Sorry, that's the minutes of the Hostel
20 Authority.
21
22 HIS HONOUR: They were the minutes, yes, but there's a
23 reference there to the Authority going to Lake Grace,
24 New South Wales.
25
26 THE WITNESS: Yes.
27
28 HIS HONOUR: Q. And you say that must have been the
29 meeting with the Trezises?
30 A. Yes.
31
32 Q. In the minutes of 11 November 1986, under the heading,
33 "Trezise Matter":
34
35 The Chairman advised that he met with the
36 Tresize's and that the resolution of the
37 matter remained with the Katanning Hostel
38 Board.
39
40 Now, did you have another meeting with the Trezises?
41 A. No, no, I didn't. I only had one meeting.
42
43 Q. So that's why I'm a little bit confused because --
44 A. That's what I mentioned about.
45
46 Q. Because you were the Chairman of that meeting, you
47 were reporting in November you had a meeting with the

1 Trezises, so either you had two meetings --
2 A. No.
3
4 Q. -- or the one --
5 A. I only had one.
6
7 Q. -- at Lake Grace, or the one at Lake Grace must have
8 been in - somewhere near November.
9
10 MR RAFFERTY: Or, alternatively, sir, he could have been
11 referring to the earlier meeting, which I could put as a
12 proposition, but there's no - it's a matter for your
13 Honour.
14
15 HIS HONOUR: Q. What would you say about - do you want
16 to see that again?
17 A. No, no, I know what you're talking about. I don't
18 have a --
19
20 MR URQUHART: The only minutes, sir, that refer to the
21 meeting actually taking place at Lake Grace, was November
22 '86 minutes.
23
24 HIS HONOUR: Well, it doesn't - there's a - under Lake
25 Grace, stated matters arising:
26
27 Mrs C Mercer (Member) reported on a meeting
28 held between parents and the Authority at
29 Lake Grace on November 5, 1986. The
30 Authority resolved to include the
31 construction of a hostel at Lake Grace in
32 it's 1987/88 budget.
33
34 Q. That was the first item of those minutes?
35 A. Yes.
36
37 Q. And then under the heading "Trezise Matter":
38
39 The Chairman advised that he met with the
40 Tresize's and the resolution of the matter
41 remained with the Katanning Hostel Board.
42
43 MR RAFFERTY: Can I do it this way, sir, given what you've
44 just raised.
45
46 Q. Do you recall being at a meeting with Mrs Mercer in --
47 A. No, I was never at a meeting with Mrs Mercer.

1
2 Q. -- at Lake Grace?
3
4 HIS HONOUR: Right. And by the way, I was just reading
5 from exhibit 79.
6
7 MR RAFFERTY: Certainly, sir. Thank you for that.
8
9 Q. Now, after - I'll go back a step. I've got to put
10 this too. Did David Trezise ever at any stage complain to
11 you that McKenna had been fiddling with children?
12 A. No, he didn't.
13
14 Q. And what do you say to the suggestion you were
15 covering up for Dennis McKenna?
16 A. Definitely was not.
17
18 Q. Now, after McKenna was charged in 1990, you were
19 notified as Chairman of the Authority; correct?
20 A. Correct.
21
22 Q. And you spoke with a number of different people in
23 relation to that matter?
24 A. I did.
25
26 Q. You became aware of the name of the operation, that
27 being "Operation Paradox"?
28 A. Paradox.
29
30 Q. You spoke to one of the parents from Newdegate, I
31 think, Mr John Brett?
32 A. Yes.
33
34 Q. I'll come back to the significance of him in due
35 course. You even spoke to Mr McKenna?
36 A. Yes.
37
38 Q. He was an employee. You spoke with the Education
39 Department, the Industrial Relations people --
40 A. Correct.
41
42 Q. -- I think it's Joan Harris who was in that area, who
43 was the acting manager?
44 A. I can't remember the name --
45
46 Q. Okay.
47 A. -- but that's where I spoke.

1
2 Q. Did you also speak with the police themselves?
3 A. I think I did. I think it was the police who
4 finally - who rang me to tell me that he - that they
5 removed McKenna from the hostel.
6
7 Q. You even rang the Minister, Dr Geoff Gallop, didn't
8 you, to advise him - or his car phone?
9 A. He - he was in a motor car, and I rang him to inform
10 him.
11
12 Q. So you agree with me, far from trying to sweep all
13 this under the carpet, you were pretty much advising
14 everyone and liaising with everybody --
15 A. Well --
16
17 Q. -- as to what's going on in relation to McKenna after
18 he was being charged?
19 A. Of course I was.
20
21 Q. And was that your responsibility as Chairman of the
22 Authority?
23 A. I think so.
24
25 Q. So you took the lead in relation to how this matter
26 was dealt with?
27 A. This particular matter, yes, because of the
28 seriousness of it.
29
30 Q. And did you perceive that to be your role, to stand in
31 where matters were serious?
32 A. Yes, I would accept that.
33
34 Q. You were a manager at Wesfarmers, weren't you?
35 A. I was.
36
37 Q. Was leadership something that was important to you?
38 A. Very important.
39
40 Q. Now, you've also been shown minutes where it's - the
41 Authority has apparently overturned the decision of the
42 local Board to suspend Mr McKenna; correct?
43 A. Correct.
44
45 Q. Whose decision was it for McKenna to be suspended as
46 warden of the hostel?
47 A. Maggie.

1
2 Q. Whose decision was it to get McKenna out of town?
3 A. Maggie.
4
5 Q. Were either of those acts meant to be a show of
6 support for Dennis McKenna?
7 A. No.
8
9 Q. Were those acts done to protect the students who were
10 left at Katanning?
11 A. Correct.
12
13 Q. And everything you did in relation to where McKenna
14 went afterwards, was based on the advice you received from
15 the Industrial Relations Unit within the Department of
16 Education; correct?
17 A. That he would be brought back into the - the only area
18 we had where there were no children.
19
20 Q. And did you continue to deal with the McKenna issue
21 after that point in time where he - when he was brought
22 back to earth?
23 A. I kept an overview on - on it.
24
25 Q. Did you receive some correspondence from a gentleman
26 named John Brett --
27 A. Yes, I did.
28
29 Q. -- asking you - sorry, I need to get the letter -
30 asking you to chair the meeting?
31 A. Yes, I did.
32
33 Q. Is this a copy of that letter? Just have a look at it
34 and then I'll take it back because I'll read it.
35 A. Yes, that's it.
36
37 Q. Thank you. If you can hand that back, please. And
38 that's a letter from Mr John Brett in Ravensthorpe to you
39 at your home address:
40
41 Dear Colin,
42
43 Further to our telephone conversation I am
44 enclosing a copy of the letter sent to
45 parents to notify them of the meeting to be
46 held on Monday, 15 October, at 2pm at St.
47 Andrews.

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As explained by phone, it is important that your authority gains first hand knowledge of the views of the parents and I would be most appreciative if you could attend this meeting.

Is that correct?
A. That's correct.

MR RAFFERTY: And signed, "Yours Faithfully, John Brett". I tender that document, sir.

EXHIBIT #90 LETTER FROM JOHN BRETT TO COLIN PHILPOTT, DATED 7/10/1990 BARCODED 0118

MR RAFFERTY: Q. John Brett was a person who supported Dennis McKenna; correct?

A. Very much so.

Q. And you were asked by him directly to attend the meeting so you could begin an overview of a particular group of people's opinion?

A. Correct.

Q. Did you see it as important in your role as Chairman to subsequently attend that meeting?

A. Yes, I did. I thought that I ought to gain the - gain the understanding of what the group was thinking.

Q. No doubt you took time off work to go to that particular meeting?

A. I did.

Q. In fact, in October 1990, it would have taken up a considerable amount of your time?

A. It was a busy time of the year.

Q. You subsequently attended the meeting. You were Chairman of that meeting. How did that come about?

A. I was asked to chair the meeting.

Q. Who by?

A. John Brett, I think.

Q. As far as your chairing of that meeting, did you have a particular view one way or the other?

1 A. No, I tried to remain, as a Chairman, to be neutral,
2 and try to keep an orderly condition with - throughout the
3 meeting.
4
5 Q. Is that what you did?
6 A. Yes, I think I successfully did that on the day. It
7 was difficult to do, because you've got a mass on one side
8 wanting to put a point of view, and two on the other, very
9 difficult.
10
11 Q. How hard a time was Mrs Day getting at that meeting?
12 A. How hard did she get?
13
14 Q. Yes.
15 A. She was difficult.
16
17 Q. No, sorry, I didn't mean that. Were the people there
18 giving her a hard time?
19 A. Yes.
20
21 Q. Sorry, I'm slipping into the vernacular, it's getting
22 late.
23 A. Yes, they were.
24
25 Q. All right. Did you have any concerns about that?
26 A. Yes, I was concerned that she was getting a little
27 more emotional as the time went on, and it could - it could
28 bring more agitation from the other side, and breaking that
29 down, or stopping that was important.
30
31 Q. When you asked her to sit down, was that in any way,
32 shape or form a suggestion of support for Dennis McKenna?
33 A. None whatsoever.
34
35 HIS HONOUR: Q. Her evidence is to the effect she
36 thought you were trying to shut her up?
37 A. Yes, she --
38
39 Q. Do you think she could have mistaken you as doing
40 that?
41 A. I would hope not, but it could have been. She was
42 highly emotional at the time, and I thought she'd had long
43 enough to have a say anyway, but I just simply asked if
44 they could sit down.
45
46 MR RAFFERTY: It also bears noting, sir, that other people
47 who attended that meeting have given evidence and haven't

1 mentioned anything about that. We'll deal with that in due
2 course.
3
4 Q. You've heard evidence from a number of people
5 associated at Board level and with the Katanning High
6 School that they went and gave character evidence for Mr
7 McKenna at his trial in 1991. Do you recall seeing that in
8 the transcript - people went and gave evidence, character
9 evidence?
10 A. Do I remember people doing that?
11
12 Q. No, have you read that in the transcript, people like
13 Ian Murray went and gave character evidence?
14 A. Yes, yes.
15
16 Q. Did you give character evidence for Mr McKenna?
17 A. No, I did not.
18
19 Q. Would it have been appropriate for you to give
20 character evidence for Mr McKenna?
21 A. No, it would not.
22
23 HIS HONOUR: Q. Were you asked to?
24 A. No, I was not.
25
26 MR RAFFERTY: You've taken the words out of my mouth. I
27 was about to ask that, sir.
28
29 Q. If you had of been, would you have?
30 A. No, I would not at that stage.
31
32 Q. You also understand that - I've got so many documents
33 here - you understand that you've given evidence today that
34 up until the time that McKenna was charged, you had a very
35 positive attitude of the work that he was doing at
36 Katanning?
37 A. I did.
38
39 Q. And that was based on personal observations when you
40 went through Katanning?
41 A. Yes, and from support - feedback that came from
42 parents.
43
44 Q. It wasn't just parents, it was also Mr
45 Bachelard-Lammas; correct?
46 A. Yes, he was quite good.
47

1 Q. Your Honour, I'm referring to the minutes of 11
2 September 1990, which I think have been tendered. You used
3 to receive a written report - or the Authority would
4 receive a written report from Mr Bachelard-Lammas; correct?
5 A. We did.
6
7 Q. And that was the Administrative Assistance Report?
8 A. Correct.
9
10 Q. This particular one says:
11
12 What can one say about Katanning? It is
13 still the leader in providing a complete
14 service to the isolated child. A pastoral
15 care program has been in existence
16 for years, and end product is evidence to
17 this. Such programming should be
18 encouraged by all centres through the
19 recent circular from the office on pastoral
20 care programming. A follow-up is essential
21 to the progress in this area, and
22 (inaudible) should be sought from all
23 Boards of Management.
24
25 Do you agree with me that that is a glowing endorsement of
26 what was happening in Katanning; correct?
27 A. Yes.
28
29 Q. It was a glowing endorsement from the administrative
30 assistant who had the day-to-day running of the Hostel
31 Authority; correct?
32 A. Correct.
33
34 Q. Was there anything else that you could have thought
35 other than a positive light based on material that you were
36 given like that?
37 A. No, you can't. The man was a freak.
38
39 Q. That's not Mr Bachelard-Lammas. I take it you're
40 referring to --
41 A. No, no.
42
43 Q. -- Mr McKenna?
44 A. Mr McKenna.
45
46 Q. All right. You were also asked a number of questions.
47 We'll do it this - I'll do it shorthand. What Mr Urquhart

1 is effectively suggesting to you is that Katanning got
2 special treatment in relation to financial matters?
3 A. No, I - I would deny that. I would say there were
4 plenty of other hostels with the same sort of deficit
5 problems, and I don't see that they got any special - no,
6 it was all considered by the Authority, and all work within
7 the budget, and what was a manageable deficit.
8
9 Q. And in relation to that particular - that last
10 document I referred to, 11 September 1990, Mr Urquhart
11 referred - sorry, it wasn't that particular document. In
12 relation to another document, it was contemporaneous in
13 1990, he referred to the deficit in Katanning being
14 \$109,000. Do you recall that?
15 A. Yes.
16
17 Q. And you considered that to be manageable --
18 A. Yes, it was manageable.
19
20 Q. -- they could have traded out of that?
21 A. 134.
22
23 Q. It wasn't the only hostel with a very large deficit,
24 was it?
25 A. Definitely not at that - there was only one in the
26 State that was ahead.
27
28 Q. Trading deficit for the year 1990 to date at the time
29 of 11 September 1990 from Merredin was in the sum of
30 \$80,000; correct?
31 A. Yes, similar to that.
32
33 Q. And the Authority was having to mete out funds or
34 approve payments to get other hostels out of deficit;
35 correct?
36 A. Yes, we were always in a deficit problem.
37
38 Q. I'll put it in these terms. The greatest problem that
39 each hostel in the State had was finance; correct?
40 A. Correct.
41
42 Q. Trying to balance the budget?
43 A. Yes --
44
45 Q. Which then became the - sorry, I interrupted you, you
46 go?
47 A. All to do with the population rise and fall. When you

1 had a big intake for the year, and the budget was often
2 met, but when you had those downturns, always a deficit.
3
4 Q. And that then became the Hostel Authority's greatest
5 issue to deal with; is that correct?
6 A. Yes, it was a big one.
7
8 Q. And you've been asked a number of questions by Mr
9 Urquhart in relation to issues of funding in Katanning in
10 the 1980s, correct?
11 A. Yes.
12
13 Q. You agree that the Inquiry has documents in its
14 possession that relate to audits that were done of that
15 particular hostel in Katanning?
16 A. Yes.
17
18 Q. And also reports back from the administrative
19 assistant of the hostel's authority?
20 A. Yes.
21
22 Q. You agree with me that there was never any suggestion
23 of any "misappropriation" - is the word I would use?
24 A. Yes, correct.
25
26 Q. Perhaps money not used in the way it should have been
27 used or decisions taken --
28 A. Yes.
29
30 Q. -- that shouldn't have been taken, but specific
31 misappropriation of funding. If there had of been would
32 there have been action taken?
33 A. Oh, yes, there would have been. There would have been
34 action taken, inquiry made.
35
36 Q. Because that could have been construed as a legal --
37 A. Yes, correct.
38
39 Q. I will just put in very blunt terms, did Katanning
40 ever receive any preferential treatment because Dennis
41 McKenna was the warden?
42 A. My answer to that would have to be no. I think it
43 could be perceived at times that maybe they were, but they
44 weren't.
45
46 Q. Why? Why that perception? That is an interesting
47 comment you make. Why? Why was that perception there?

1 A. Because there were odd things that happened. Like
2 there was a business of a bus, and instead of making them
3 get rid of it we afforded them to keep the bus. Now, that
4 was very well used by the kids. It was necessary. It was
5 just that we didn't have funds to be able to supply it.
6 But McKenna worked out somehow how to get it, and so we
7 rode along with that. Now, that could be seen as special,
8 but it wasn't. It was well documented and well inquired
9 into before they got that.

10

11 HIS HONOUR: Just before you go on, the minutes of
12 11 September 1990 have not been tendered.

13

14 MR RAFFERTY: I tender those, sir.

15

16 **EXHIBIT #91 MINUTES OF 11/9/1990 BARCODED 0134**

17

18 MR RAFFERTY: Sorry, sir, it is death by document. I
19 apologise I keep turning around.

20

21 Q. Did you also receive in relation to the issues of
22 finance information from the local boys themselves in
23 relation to deficits?

24

A. Did we?

25

26 Q. No, I said do you recall?

27

A. Oh --

28

29 Q. Let me show you this document. It is the only one I
30 have got. It is a letter dated 17 April 1984 from Mr Len
31 Wilkinson titled "1983 Deficit St Andrews Hostel?"

32

A. This would be a special --

33

34 Q. Just have a quick look at it. Would you accept that
35 that is a letter to you?

36

A. Yes.

37

38 Q. Just briefly read it. Is that a letter regarding the
39 finance of the hostel at Katanning?

40

A. It certainly is.

41

42 Q. Is it set out basically?

43

A. It is a very well constructed letter.

44

45 Q. Is that setting out the reasons for the deficit in
46 that particular year?

47

A. Yes.

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Q. Once you received that, and audits and things like that, do you then accept them at face value?

A. No. We don't necessarily accept them at face value. We accept that this is the opinion from the responsible people and we give it consideration. We don't necessarily accept it.

Q. After that audits were done in relation to Katanning, weren't they?

A. Yes, they were.

MR RAFFERTY: Your Honour, I tender that particular letter.

EXHIBIT #92 LETTER DATED 17/4/1984 FROM MR LEN WILKINSON TITLED "1983 DEFICIT ST ANDREWS HOSTEL" BARCODED 0120

MR RAFFERTY: I am just checking the statement. I am almost done.

Q. You stayed on in relation to the hostel long after Mr McKenna was convicted in 1991, correct?

A. Correct.

Q. And continued to fulfil the role as chairman of the authority?

A. Yes, for several - seven or eight years.

Q. Seven or eight years?

A. Yes, I could always see the goal never being fulfilled with no-one fighting terribly hard for those isolated kids. It used to be a challenge to get to the ministers and put submissions to them, and in the end it was all to provide an equal opportunity for isolated kids as for city kids.

Q. Do you have any criminal convictions?

A. Me?

Q. Yes?

A. Good heavens no.

Q. You volunteered 20 years of your life to the country hostels authority; is that correct?

A. More than that.

Q. I'm talking about voluntary capacity?

1 A. Oh, yes.
2
3 Q. In the last three there was some remuneration. Is
4 everything you did in that role done in good faith?
5 A. I believe so.
6
7 Q. Have you ever done anything that had the potential to
8 harm children?
9 A. No.
10
11 Q. His Honour put to you the effect --
12
13 HIS HONOUR: I did that because I wanted to make sure he
14 wasn't ignorant of those things.
15
16 MR RAFFERTY: Oh, no, he certainly is not, sir. I am
17 going to ask how he thinks about that. It was entirely
18 proper.
19
20 Q. You understand the effect that McKenna's evil
21 behaviour has had on so many people who attended Katanning?
22 A. It's devastating.
23
24 Q. I was going to say, how do you feel about that?
25 A. Bad. Devastated that it happened on my shift. Can't
26 believe it, to be honest.
27
28 Q. Did you in any way knowingly, deliberately or
29 willfully assist Dennis McKenna --
30 A. No.
31
32 Q. -- to perpetrate those evil acts?
33 A. No. Definitely not.
34
35 MR RAFFERTY: Thank you, sir. I have nothing further.
36
37 HIS HONOUR: Anything arising?
38
39 MR URQUHART: Yes, briefly, sir.
40
41 <RE-EXAMINATION BY MR URQUHART:
42
43 MR URQUHART: Q. Going back to when you would have
44 spoken to the Trezises about these fees or this matter.
45 A. Yes.
46
47 Q. You said you only met with them once?

1 A. Yes.
2
3 Q. Could you say if that happened in March, if you met
4 them in March to discuss those fees, could you tell me why
5 you would be reporting about those discussions in November
6 of that year?
7 A. No. I made a comment earlier about it that the dates
8 were confusing to me, but if Mrs Mercer was there I wasn't
9 there.
10
11 Q. Do you accept though that if you had this conversation
12 with the Trezises in March you wouldn't be recording a
13 minute or a note of that conversation in November of that
14 year?
15 A. Or vice versa. If I had it in November why would I be
16 reporting it in March?
17
18 Q. No. Well, you wouldn't have been reporting it in
19 March if you didn't have the conversation until November.
20 Do you agree with me, logically that conversation you had
21 with the Trezises would have been at or around the time of
22 the meeting in which it is recorded you were having that
23 conversation?
24 A. I can't really specifically tell you what the date,
25 whether it was November or March.
26
27 Q. I know. But logically it would be at or around the
28 time that you reported to the authority at the monthly
29 meeting?
30 A. Yes, but would that be either March or November?
31
32 Q. If you had a conversation in March - you've had
33 monthly meetings in April, May, June, July, August,
34 September, October with the authority and you've eventually
35 decided to have it minuted in November. Logically that
36 doesn't make any sense, does it?
37 A. It doesn't seem to.
38
39 Q. No, whereas if you had the meeting with the Trezises
40 in November of 1986 then logically you would report it in
41 the minutes of the meeting immediately after that?
42 A. I just do not know, Mr Urquhart, whether - the dates
43 are unfamiliar to me. I have difficulty recalling it.
44
45 MR RAFFERTY: This is a matter for submission at the end,
46 sir. I think we have done this to death. My witness has
47 now been sitting there for nine hours. It really is a

1 matter for submission.
2
3 MR URQUHART: My learned friend --
4
5 MR RAFFERTY: Sorry, I have not finished, sir. I ask that
6 your Honour curtail this now because these really are
7 matters for closing submissions. You have the evidence
8 before you.
9
10 HIS HONOUR: I do not think you are going to get anything
11 more from Mr Philpott.
12
13 MR URQUHART: No. My friend raised it in examination so I
14 felt obliged to clarify it. I have done that.
15
16 Q. I am going to show you just one more document, because
17 we are talking about letters of arrangement and the like.
18 I am just going to show you something that was a minute
19 from 28 August of 1975. A long, long time ago, because it
20 is a day after my 10th birthday, and I accept that it is
21 not when you were chairman of the authority. It is 0143.
22 This would have been provided as part of the bundle of
23 documents. Again, I want to make it clear that this seemed
24 to be something that was put in place by the authority the
25 year before you took over. I just want to take you to the
26 second page that was actually page 3. "Title 5: Business
27 arising out of minutes".
28 A. Yes.
29
30 Q. The very last sentence just before dot point 6
31 "Albany".
32
33 It was decided to supply all appointees
34 with a letter of appointment and guidelines
35 on their functions and duties as committee
36 members.
37
38 Do you see?
39 A. Yes.
40
41 Q. So the decision was made at that point in time for the
42 authority to provide a letter of appointment and guidelines
43 on their functions and duties. As I understand it, though,
44 that wasn't the practice in place when you were chairman of
45 the authority?
46 A. What I can say about that is that it is quite possible
47 that there was changes of administrative officers. At

1 times the education department put somebody across there
2 and took the other person away. There was no period where
3 they worked together to pass over the job. It is just
4 possible that the new, probably Peter Bachelard-Lammas may
5 not have known that.
6

7 Q. The question was, that wasn't the policy. It is not a
8 criticism. It just appears, doesn't it?

9 A. No. It was the policy. It was the policy that
10 everybody receive a copy of the letter of arrangement.
11

12 Q. The chairman received a copy?

13 A. Oh, yes.
14

15 Q. So everybody who was appointed as a board member would
16 be supplied with a letter of appointment and, more
17 importantly, guidelines on their functions and duties as
18 committee members?

19 A. Yes. That's as I understand it did happen, or should
20 have happened.
21

22 Q. I am not quite sure whether that was your evidence
23 earlier. If that is your evidence now --

24 A. Yes.
25

26 MR URQUHART: I tender that, sir.
27

28 **EXHIBIT #93 MINUTE OF MEETING FROM 28/8/1975, BARCODED 0143**
29

30 MR URQUHART: Sir, thank you. That is all.
31

32 HIS HONOUR: Thank you, Mr Philpott. That completes your
33 evidence, you would be glad to know. I will now adjourn
34 until 12 o'clock tomorrow.
35

36 <THE WITNESS WITHDREW>
37

38 **AT 5.53PM THE HEARING ADJOURNED TO FRIDAY,**
39 **4 MAY 2012 AT 12PM**
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47