

Special Inquiry into St Andrew's Hostel

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

Tuesday, 8 May 2012 at 10.05am  
(Day 26)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Yes, Mr Urquhart.  
2  
3 MR URQUHART: Thank you very much, sir. We just have one  
4 witness today. That will be Peter Bachelard-Lammas.  
5 Mr Bachelard-Lammas is in the back of the hearing room and  
6 he will take the oath. Thank you, sir.  
7  
8 HIS HONOUR: Very well. Yes, come forward.  
9  
10 <PETER BACHELARD-LAMMAS, sworn:  
11  
12 <EXAMINATION-IN-CHIEF BY MR URQUHART:  
13  
14 MR URQUHART: Q. Your full name is Peter  
15 Bachelard-Lammas?  
16 A. Correct.  
17  
18 Q. Can I just clarify with you, before we started this  
19 morning, you don't mind being referred to by "Mr Lammas",  
20 although the correct surname of yours is  
21 "Bachelard-Lammas", as appears on your passport; is that  
22 right?  
23 A. Correct. I'd have to sign "Peter Bachelard-Lammas",  
24 but I am known as "Peter Lammas".  
25  
26 Q. We have seen from a number of documents that you are  
27 recorded as simply "Peter Lammas", for example. I will  
28 call you Mr Lammas from now on. Sir, how old are you?  
29 A. Sixty eight this September.  
30  
31 Q. So you are 67 at the moment?  
32 A. Correct.  
33  
34 Q. You reside in the Perth metropolitan area?  
35 A. Yes.  
36  
37 Q. You are retired now?  
38 A. Yes.  
39  
40 Q. Your qualifications?  
41 A. They're English. I'm Diploma in Youth and Community  
42 Work. I'm also registered through that department in the  
43 UK. I am also registered as a childcare officer.  
44  
45 Q. You were born in the UK?  
46 A. Correct.  
47

1 Q. When did you move to Western Australia?  
2 A. 1980.  
3  
4 Q. So you have been now in Western Australia for 32  
5 years; does that sound about right?  
6 A. Yeah.  
7  
8 Q. Are you able to just give us a brief description of  
9 your work history here in Western Australia?  
10 A. When I first came over I was a tourist. There was the  
11 last amnesty in relation to illegal immigrants or illegal  
12 people staying in Australia. If they came forward they  
13 were given automatic PR. Now, I wasn't illegal, but part  
14 of the deal was if you applied for PR during a certain time  
15 frame, if you re-applied it would be automatic. Now, I  
16 did. I went in three times to try and get the PR but they  
17 told me in no uncertain terms that I had buckleys!  
18  
19 Q. And "PR" is "permanent residence"?  
20 A. Yes, sorry. So I rang them up when this amnesty came  
21 about and there was a long silence and he said, "We'll  
22 consider your application". Part of the deal was that I  
23 had to work in the north-west, get a job in the north-west  
24 and also talk to people in north-west who are "illegal" and  
25 persuade them to come forward. So I got a job for Poon  
26 Brothers as foreman and I ended up in a place called Shay  
27 Gap, which was just outside.  
28  
29 Q. How long did you have that job for?  
30 A. About 12 months-ish. I'm not too sure of the details  
31 on that. But my ex-wife came across and wanted to try  
32 again, but unfortunately didn't like Australia, didn't like  
33 Australians. She was French. Found Australians rather  
34 brash and crude. So we called it a day. She went back and  
35 I stayed.  
36  
37 Q. Then from there did you end up as executive officer?  
38 A. Not quite.  
39  
40 Q. I was going to say, "end up". I gather you did  
41 something else before you did that?  
42 A. I had to come back to Perth because my ex-wife was in  
43 town, as it were. They couldn't employ me in Shay Gap  
44 because they couldn't get married quarters. So I came back  
45 to Perth. She went back to England. I looked around for a  
46 job - two jobs I actually applied for. One was trainee  
47 manager for Hungry Jacks and the other one was - I heard

1 that the - I think it was called Social Services Department  
2 in those days, were looking for somebody to go and run the  
3 hostel in Port Hedland. I applied for that and got that.  
4 So I hadn't actually done the application for Hungry Jacks  
5 at that point. So I got that job.

6  
7 I worked in that environment for about another 18  
8 months to two years - probably not quite two years, but  
9 that sort of duration.

10  
11 Q. Was that the warden's position in Port Hedland?

12 A. Yes, in Port Hedland. And then - yes, that's right -  
13 the hostel was being run - why it was being run by the  
14 Social Services Department I don't know, and not Country  
15 High Schools Hostel Authority I don't understand that, but  
16 it was being run - they appointed me. It was took over by  
17 Goldsworthy Mining. It was a huge cost factor. They had  
18 vested interests in having accommodation for their students  
19 in Port Hedland. They took over the running of it, so they  
20 appointed their own person to run Port Hedland. So I had  
21 to come back to Perth.

22  
23 That's when I applied for the trainee managementship  
24 for Hungry Jacks. The job for the Country High School  
25 Hostels Authority executive officer was also advertised. I  
26 did rather well with Hungry Jacks. They were going to  
27 appoint me. In the interim I also had an interview with  
28 the - can I call it "the authority"?

29  
30 Q. Yes, by all means. We have been referring to it as  
31 that. You don't need to use the full title.

32 A. With the authority. I actually got that, so I had to  
33 knock back the Hungry Jacks.

34  
35 Q. We are not quite sure whether your job description was  
36 "executive officer" or "administrative officer". It seems  
37 those two terms are used interchangeably. It was  
38 essentially the same thing, was it not?

39 A. Now you've got me thinking. Essentially the same  
40 thing.

41  
42 Q. The records that we've obtained would suggest that you  
43 commenced that position with the authority in 1982, does  
44 that sound about right?

45 A. Correct.

46  
47 Q. It was a salary job, wasn't it?

1 A. Correct.  
2  
3 Q. It was full-time?  
4 A. Correct.  
5  
6 Q. We have also found your resignation letter, which I  
7 hadn't intended to show you, but it simply states that you  
8 intended to resign on 27 September 1990.  
9 A. Mmm-hmm.  
10  
11 Q. Did you resign on the same day that you intended to  
12 resign at the authority?  
13 A. I see a copy of that too. I resigned, I think, in  
14 August to finish on the 27th of September.  
15  
16 Q. Yes. I think that is the position.  
17 A. Yeah.  
18  
19 Q. You may not know this. That, coincidentally, was the  
20 day that Dennis McKenna was first charged with child sex  
21 abuse offences. Were you aware of that previously?  
22 A. No.  
23  
24 Q. Following that --  
25 A. Excuse me. The 27th of September?  
26  
27 Q. Yes.  
28 A. No.  
29  
30 Q. From that resignation letter that you tendered it says  
31 that you were intending to take up a position as chief  
32 executive officer of the Association for Autistic Children?  
33 A. Correct.  
34  
35 Q. Is that what you subsequently did?  
36 A. Correct.  
37  
38 Q. How long did you hold that position for?  
39 A. About three months. It was an unfortunate move. They  
40 were financially floundering. They really shouldn't have  
41 taken me on. So I spent three months re-jigging their  
42 finance so that the president could actually run it as a  
43 volunteer. I got a job from there - I think I went to  
44 Richmond Fellowship as the director of - it's an  
45 accommodation service for people with mental disabilities.  
46 We were responsible for that phase when they come out of  
47 hospital and go back into the community. We were trying to

1 get them to adjust to fit better into the community.  
2  
3 Q. Sort of the halfway house?  
4 A. We didn't like being called "halfway house".  
5  
6 Q. I figured that.  
7 A. But, yeah.  
8  
9 Q. From there?  
10 A. From there I ran the programs for Holyoake, which is  
11 the largest drug and alcohol rehabilitation service - it  
12 was in my day, I'm not so sure about today. It was the  
13 largest, in the sense that our throughput was greater than  
14 anybody else. The reason for that is that we used to group  
15 process rather than one-on-one counselling. So in a year  
16 we would get through between 1200 and 1500 clients. In my  
17 period of running those programs - I went on and did other  
18 things after that within the organisation - within that  
19 eight-year period we probably served around 10,000 clients.  
20  
21 Q. My calculations takes us into the 2000s, does it not,  
22 after you finished there? Did you have any other  
23 employment after that?  
24 A. I stayed with Holyoake. I stepped down - it was an  
25 economy. They were going through difficult financial  
26 times. I stepped down from that role and took a part-time  
27 job running a job team in Midland, but I still worked for  
28 Holyoake. I can't actually remember the date.  
29  
30 Q. That is all right. That is why I am not asking you  
31 about the actual dates. Was there any positions you held  
32 after that, after those two?  
33 A. After that, yes there are. I went from Holyoake to -  
34 I think it might have to be ARFMI. ARFMI is a service for  
35 - it is an umbrella service for significant others, if I  
36 can use that term, carers of people with a mental illness.  
37  
38 Q. Could you describe ARFMI for the purposes of the  
39 transcript? Is that an acronym?  
40 A. It is.  
41  
42 Q. If you could spell that? If you can't it doesn't  
43 matter. They will do the best they can.  
44 A. I have to write it down actually, to get it right.  
45  
46 MR URQUHART: That is all right. Mr Jenkin, with his usual  
47 assistance, is going to let us know what that stands for.

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

MR JENKIN: I think it stands for the Association of Relatives and Friends of the Mentally Ill, sir.

THE WITNESS: Correct.

MR URQUHART: There we go. The transcribers will be able to work that out. Thank you, Mr Jenkin.

Q. Is that your final occupation that you had?

A. No. Then I moved for a while back - I got a job on a contract working for the chief psychiatrist. What I did was monitor the hostels in Perth. So I went around inspecting hostels in Perth. From there I was desperately wanting to retire, but I got a job with an organisation called Foundation Housing, which provided accommodation for people on low income. My particular area, I was manager of lodgings. It was called Lodging and Shared, but really we were housing street people. Eighty percent of them would have been affected by mental health or substance of some form or another.

Q. Mr Lammas, if you can return now to the job that you held with the authority. Rather than asking you if you can just site from memory your duties in regard to that role, what I am going to do is just show you a document titled "Executive Officer Country High School Hostel Authority", which might assist. It is barcode number 0235. Have you been recently provided with that document?

A. I have seen it, sir.

Q. Does that appear to be an accurate summary of your duties --

A. Section 2 it says "relating to hostel staff, to act as a hostel administrator when required". Presumably that is to take the role on as warden?

Q. Possibly.

A. I never did that. "Provide the leadership and support" - in an indirect way to staff, but I didn't have a responsibility for staff. "Provide professional expertise in the field of childcare and residential management" - well, I did that by suggestion to the authority, not to the field. "Be responsible for staff training, including service training" - I did actually manage to get in-service training off the ground.

1 Q. You did or you didn't?  
2 A. We did. I think we did. I'm sure we did. I did  
3 inspect hostels and I did attend a number of board  
4 meetings.  
5  
6 Q. That is 3.1?  
7 A. Yes. When I visited hostels it was really a walk  
8 around. What I was looking for was damage that hadn't been  
9 picked up; whether or not it was clean, obviously, and  
10 warden furniture. Working on the principle one broken  
11 window will actually encourage a second broken window; one  
12 broken chair would encourage a second broken chair. Making  
13 sure that the place was presentable and up to speed.  
14  
15 HIS HONOUR: Q. In 3 there is a term "Field Supervisor".  
16 Was that interchangeable with "executive officer", was it?  
17 See under 3 "in addition the Field Supervisor shall"?  
18 A. "In addition".  
19  
20 Q. What I am pointing out is there is a name "Field  
21 Supervisor" which seems to be --  
22 A. A person - it's not a person.  
23  
24 Q. It is not referring to anyone else, it was referring  
25 to you, presumably?  
26 A. Yeah, presumably.  
27  
28 MR URQUHART: Q. Did you undertake those duties that are  
29 set out underneath 3? Obviously you refer to 3.1. 3.2?  
30 A. With "staffing needs" I had nothing really to do with  
31 staff per se, except the appointment of wardens.  
32  
33 Q. What was your role in the appointment of wardens?  
34 A. Be in attendance of the interview.  
35  
36 Q. Were they the only interviews that you sat in on?  
37 A. Yes.  
38  
39 Q. Were they interviews undertaken by that particular  
40 hostel's board?  
41 A. Yes.  
42  
43 Q. You didn't sit in on any interviews regarding  
44 supervisors at hostels?  
45 A. If somebody requested it I would sit in, but I didn't  
46 actually sit in on those appointment.  
47

1 Q. There is a distinction, isn't there, between a warden  
2 and a supervisor?  
3 A. Yes. 3.4 - well, we did do a few PR exercises, where  
4 possible. I think on one occasion we had one or two public  
5 meetings.  
6  
7 Q. It goes a bit beyond PR exercise and public meetings,  
8 does it not, 3.4?  
9 A. I think we were just seeing them as, you know, PR in  
10 the sense of what they thought the needs were for their  
11 kids to have. I mean, essentially we were trying to supply  
12 a home from home.  
13  
14 Q. I will just take you back up the page to 1.3. Was  
15 that a role that you undertook in your eight years as the  
16 executive officer?  
17 A. Not in that detail. I didn't get involved too much in  
18 what went on in the day-to-day basis in the hostels in  
19 relation to their care standards. Certainly not catering.  
20 Not sure what is meant by "health". Staff selection was  
21 done by local boards. Training and education, I tried to  
22 influence that by bringing in some in-service training.  
23  
24 HIS HONOUR: Q. Were you given a duty statement when you  
25 took on the job?  
26 A. I hadn't got it on file, sir, so --  
27  
28 Q. Do you remember if you were given one?  
29 A. I keep everything, so I haven't got a copy.  
30  
31 Q. Does that mean you didn't get one?  
32 A. Presumably. To my surprise, I'm surprised what I have  
33 actually got on file.  
34  
35 MR URQUHART: Q. Is there anything else you'd like to  
36 add to your duties that may not appear there, or wish to  
37 clarify anything there --  
38 A. I was basically a conduit between the boards and the  
39 authority; a two-way street. I wasn't always a popular  
40 visitor because I would take information back to the  
41 boards. Sometimes it was - reluctant to use the word  
42 "direction", because I didn't have the authority to give  
43 direction - but I was relaying back to the boards of  
44 management "this is what the authority would like you to  
45 do". One had to use a lot of empathy and be very  
46 diplomatic, in the sense I was the sandwich - the meat in  
47 the sandwich.

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

HIS HONOUR: Q. Can I ask you this: When you commenced back in 1982, do you remember who it was that gave you the briefing as to what you were doing, or gave you riding instructions, so to speak?

A. If anybody gave me a low-down on what I should do over all would have been Colin Philpott, the chairman. He had a fairly clear stamp on it, on the autonomy of a board. I wasn't to interfere. I couldn't usurp the board unless I was directed to by the authority.

MR URQUHART: Q. When you say unless you were directed by the authority, was that the members of the authority or would it be from time to time just the chairman?

A. Because the authority only met once a month I used the authority members - had to be made up of certain people. There had to be a treasury rep. There had to be an education rep and there had to be rural representation from the rural community. I suppose the two people I wished to lean on in events of question were the representative from the treasurer on finance and the other gentleman was Kerry O'Neil, he was a director within the education department. I would lean on him quite a bit in relation to the situation around Katanning, for instance. If we knew about that he's the first person I would have contacted.

Q. Why him?

A. We had instance in the past in relation to this sort of thing and --

Q. Sorry, when you say, "this sort of thing"?

A. What went down in Katanning. Put it in one big basket, "improper behaviour", and I would always seek - I'm not an expert in it. My job is not to actually judge the situation. My job is to make sure something happened; to follow through and make sure that the appropriate authorities could pick it up and run with it. So I would always, if I had a curly one, I would go to Kerry and he would point me in the right direction.

Q. Why him in particular?

A. Well, the authority has no resources. So, for instance, say we put in some psychological counsellors into a school or a hostel to find out whether there was any wrongdoing, well, I am not the authority to do that. I would have to go to Kerry and say, "We have got a problem. It need this sort of approach. Can you assist?"

1  
2 HIS HONOUR: Q. What was his name? Kerry Kirby, did you  
3 say?  
4 A. No, Kerry O'Neil.  
5  
6 Q. Where did he come from?  
7 A. He was a director within - I don't know what he was a  
8 director of, but he was a director within the education  
9 department. We had to have somebody on the authority that  
10 was a representative of the education department. That's  
11 how I understood it.  
12  
13 MR URQUHART: Q. Do you know if he is still alive now?  
14 A. No. I couldn't answer that question.  
15  
16 Q. Any idea what his approximate age would have been at  
17 the time that you were at the authority?  
18 A. Well, I was around about mid-forties. Kerry would  
19 probably be in his fifties. I'm guessing.  
20  
21 Q. If we have finished with that document, as far as you  
22 are concerned, Mr Lammas, I will tender that now. Is that  
23 right? Is there anything else you want to draw our  
24 attention to?  
25  
26 HIS HONOUR: To clarify its source, where has that come  
27 from? It is exhibit 98.  
28  
29 MR URQUHART: I am not certain, sir.  
30  
31 HIS HONOUR: It must have come from the authority's files.  
32  
33 MR URQUHART: I would have expected that would be the  
34 case.  
35  
36 HIS HONOUR: It has a date on it "October 1981". Was that  
37 date written on the document at the time it was found in  
38 the files?  
39  
40 MR URQUHART: It was. It is a handwritten notation on the  
41 original. That would be approximately eight months prior  
42 to Mr Lammas' starting at the authority.  
43  
44 **EXHIBIT #98 DOCUMENT TITLED "EXECUTIVE OFFICER COUNTRY HIGH**  
45 **SCHOOL HOSTEL AUTHORITY", BARCODED 0235**  
46  
47 THE WITNESS: Can I add one more comment to that?

1  
2 Q. Certainly.  
3 A. Prior to me taking my position the only support the  
4 authority had was committee secretary. That's all we did.  
5 I think there was some assessment that that was not enough  
6 to maintain an appropriate link with the boards of  
7 management. One of the selection criteria issues was "must  
8 be prepared to do country travel". The gentleman that held  
9 the position of secretary - that's all his job was,  
10 secretary; in other words, take minutes, file and stuff  
11 like that, and deal with correspondence as it came in -  
12 that was the limit of his expectation. My expectation --  
13  
14 HIS HONOUR: Q. What was his name?  
15 A. Peter Hepper. The expectation for me was actually get  
16 out of the office.  
17  
18 Q. What staffing was there in the office when you  
19 arrived?  
20 A. Minimal.  
21  
22 Q. When you arrived?  
23 A. Two.  
24  
25 Q. Who were they? Peter Hepper was one?  
26 A. Peter Hepper was one and the other one was a clerk.  
27 She actually proved to be inadequate for the job, if I can  
28 put it that way. She flustered a lot and I actually got  
29 her transferred across to the education department -  
30 reappointed.  
31  
32 MR URQUHART: Q. Was she responsible for answering the  
33 phone, those sort of tasks?  
34 A. And reception - if you can call it reception. It was  
35 a very small office.  
36  
37 HIS HONOUR: Q. Where was the office then?  
38 A. 184 St Georges Terrace.  
39  
40 MR URQUHART: Q. Did it have a front counter, can you  
41 recall?  
42 A. I wouldn't call it a counter. It was early open plan.  
43 I mean, you are talking 20 years ago.  
44  
45 Q. Thirty, I think. Thirty years this year. You started  
46 in 1982.  
47 A. Is it?

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

Q. Yes.

A. Sorry. Yeah.

HIS HONOUR: Q. So when a member of the public walked into the office what would they see if it wasn't a counter?

A. Virtually bump into a desk. I don't remember a formal reception area. We did have the office upgraded. Eventually we had a finance officer plus myself plus somebody looking after reception. That was a team of three. That was it.

MR URQUHART: Q. I was actually going to ask you whether it changed over the years that you were there?

A. Well, the way I view it at that time, the authority was trying to be more accountable, trying to develop a better service with the boards of management, trying to maintain a better link with the boards of management and working towards being far more accountable.

Q. Do you think it was successful in that regard?

A. By the time I'd finished, which was 1990, I thought we'd crossed a few bridges. When I was leaving - actually, thinking about leaving well before I left, but didn't get the right job, as it were - we'd entered into a program of building upgrades. The buildings were, from my perspective - out of the UK and the work that I had done there - pathetic. To expect between 80 - one of the largest hostels would have been Narrogin - to live in dormitories and a dining room, and that was it, 24/7, was just not on. So the authority saw that as a problem, so we entered into a building program and systematically went around the state trying to upgrade that.

We tried to look at staffing, but the authority had the Act which it operated under, then it had a letter or arrangement --

Q. Yes, we are aware of those.

A. That delegated what the Act said the authority should be doing. Really, from my perspective, coming in as an outsider and first time being exposed to the rural community, if you like, it was the only way to run it. Because of the distance factor it is the only way to keep on top of it, is to have a local committee running it. From their perspective the built-in safeguards was it was

1 predominantly parents. They were parents coming to the  
2 hostel. Therefore, I think the methodology was that  
3 everybody would make sure they provide the best service  
4 they could.  
5  
6 Q. You mentioned there a little earlier, the authority  
7 lacked resources. The same could be said for the boards,  
8 could it not?  
9 A. The whole thing lacked resources.  
10  
11 Q. But particularly the boards?  
12 A. Their only resource was me, if I could go in. If they  
13 asked questions I would try and answer those questions but  
14 also I would take that back. That was the improvement on  
15 the previous model, which only had a minute secretary. So  
16 if they expressed concerns I'd have to take that back and  
17 express that. I'd always ask them to put it in writing as  
18 well, otherwise I was just sometimes left holding the baby,  
19 as it were  
20  
21 Q. Yes.  
22 A. I had to safeguard my own back. But always insisted  
23 on anything that anybody came to me with, that they should  
24 - they have to put it in writing.  
25  
26 Q. But did you see a problem with the makeup of these  
27 boards, in the sense that they largely comprised of parents  
28 of children who might not necessarily be very experienced  
29 in being on a board?  
30 A. I think in hindsight you could, but at the time when I  
31 joined the organisation, this was what I was presented with  
32 and this is what I had to work with and I wasn't in a  
33 position to judge one way or the other; I just had to  
34 service these groups of people the best way I could.  
35  
36 Q. But as the years went by, did you identify that as a  
37 problem?  
38 A. I thought, with the Authority trying to address that  
39 and plus the fact it was also doing an assessment on  
40 itself, on whether it was the best way to operate - we were  
41 under review. I did a lot of work in trying to put stuff  
42 together so the people who were doing the review had a  
43 better picture of us and I was hoping, of course, that  
44 under that review we would get better resources and there  
45 would be better support for the boards.  
46  
47 Q. I'm not saying that these boards comprised entirely of

1 parents, because they didn't.  
2 A. No.  
3  
4 Q. As I understand it, they're --  
5 A. Business people.  
6  
7 Q. -- business people from the local community. But they  
8 were voluntary positions?  
9 A. Yes.  
10  
11 Q. To get the right business people, who were dedicated  
12 to their tasks, wouldn't be an easy exercise; would you  
13 agree with that?  
14 A. Yeah. I suppose, from my perspective, it was being  
15 run - can I use the term - "on the cheap"? It was the  
16 cheapest way of running the service. It was the most  
17 effective way of running the service with limited  
18 resources. That's the way I view it.  
19  
20 Q. Given that arrangement, it being run "on the cheap",  
21 there may be circumstances that arose that would be  
22 difficult for the board to manage the hostel?  
23 A. That's an obvious conclusion.  
24  
25 Q. A lot of the responsibility of running a hostel rested  
26 with the warden?  
27 A. Mmm.  
28  
29 Q. Do you agree with that?  
30 A. Yes.  
31  
32 Q. The warden is responsible for the day-to-day running  
33 of it?  
34 A. Yes.  
35  
36 Q. The hostel board would meet once a month?  
37 A. Yes.  
38  
39 Q. I am just looking at Katanning because we are  
40 interested in that. They only met ten times a year. They  
41 didn't meet over the Christmas break. Does this seem to  
42 accord with your recollection as to when the boards met?  
43 A. Yes, because they were shut down over the Christmas  
44 break.  
45  
46 Q. Yes. So in those sorts of circumstances, with a  
47 meeting that may last an hour or an hour and a half and,

1 from what we have seen of the records at Katanning also, a  
2 number of parents often could not make these meetings due  
3 to harvesting and matters of that nature, a lot of the  
4 responsibility was actually vested in the hostel's warden  
5 and that responsibility may not always have been as closely  
6 monitored as it ought to have been? What would you say  
7 about that?

8 A. Well, you have more information than I had, in the  
9 sense if people weren't actually attending at board  
10 meetings. I suppose I looked at the big picture and noted  
11 that - I think we had ten hostels all-up at one time.

12  
13 Q. About 11 or 12, I think.

14 A. Yeah.

15  
16 Q. I think that's about right.

17 A. A couple of them closed down in the time I was there  
18 for one or two other financial reasons. I got the  
19 impression that the hostels were run quite well.

20  
21 Q. Across the board?

22 A. Across the board. There were some very dedicated  
23 people; some very dedicated staff and some very dedicated  
24 people on boards. That doesn't mean to say that the model  
25 was perfect.

26  
27 Q. All right. I went off on a bit of a tangent and  
28 that's okay, but I want to get back now to what I was  
29 originally asking you about. You have already advised his  
30 Honour of the staff who were there at the Authority when  
31 you started in 1982. By 1990, what was the makeup of the  
32 staff? There was obviously yourself?

33 A. Still only three.

34  
35 Q. So there was yourself?

36 A. Yes.

37  
38 Q. Was there an administrative assistant; was that the  
39 other position?

40 A. Yeah. Actually, it was a finance whiz kid, if you  
41 like, who was on secondment from Treasury.

42  
43 Q. Was that Mr Baker?

44 A. Over my term of office, I probably had four or five.  
45 Baker doesn't ring a bell.

46  
47 Q. That was a full-time position?

1 A. I can actually give you the names.  
2  
3 Q. All right.  
4 A. I need my bag.  
5  
6 Q. No, that's fine. Well, you --  
7 A. I couldn't remember them.  
8  
9 Q. So the administrative assistant, the admin or  
10 executive officer - yourself?  
11 A. I tend to call them finance officer.  
12  
13 Q. Okay.  
14 A. They didn't actually - if you say "assistant" then it  
15 means they would have done some of my work.  
16  
17 Q. Yes.  
18 A. So I couldn't say that. They only did finance. What  
19 they actually did was monitor their accounts. When I first  
20 took over, monitoring the accounts was quite difficult, it  
21 was quite tedious. Somebody had to go on site for several  
22 days and do a mini audit. Then, fortunately - the only  
23 electronic aid we ever had was fax machines. Fax machines  
24 came into being and that was, for me, the best thing since  
25 sliced bread. I used to then get their spreadsheets every  
26 month and I had somebody in Perth go through all their  
27 spreadsheets.  
28  
29 Q. So the admin officer and the finance officer. And the  
30 third?  
31 A. A clerk. The reception clerk.  
32  
33 Q. All three were full-time positions?  
34 A. Yes.  
35  
36 Q. I am going to ask you something now about the  
37 chairman, Colin Philpott. What did you regard his role as?  
38 A. He was the chairman.  
39  
40 Q. Yes, okay. His responsibilities?  
41 A. His responsibilities were to lead the Authority. I  
42 had an immense respect for the man. He gave me a hard  
43 time, in the sense that he was a task master; I had to  
44 perform, I had to ensure that I could service the boards  
45 the best way I could.  
46  
47 Q. His position was unpaid?

1 A. Yes.  
2  
3 Q. Were you aware or did you become aware of  
4 Mr Philpott's background?  
5 A. He worked for the company, the agricultural company.  
6  
7 Q. Wesfarmers?  
8 A. Yes.  
9  
10 Q. Did you know what he did at Wesfarmers?  
11 A. I didn't know his actual role. He was a manager. I  
12 assumed he was fairly high up in the structure of the  
13 company.  
14  
15 Q. Did you become aware whether he had any connection to  
16 Katanning, and I am just talking about the town of  
17 Katanning?  
18 A. I was always under the impression he had a daughter  
19 living in Katanning.  
20  
21 Q. Yes, and were you aware that he once lived there  
22 himself?  
23 A. No, I wasn't aware of that.  
24  
25 Q. Were you aware that he once was on the Katanning  
26 hostel board? No?  
27 A. No.  
28  
29 Q. You just have to answer, for the purpose of the  
30 transcript.  
31 A. Sorry.  
32  
33 Q. That's okay.  
34 A. "No".  
35  
36 Q. Did you become aware, given his position in management  
37 at Wesfarmers, what his contacts were in the rural  
38 community?  
39 A. I had the impression that he serviced ag posts, if I  
40 can call them that, out in the community, out in the  
41 different townships. In those days as I travelled around,  
42 every - well, not "every" but a number of towns had a  
43 Wesfarmers building, so I presumed he was connected with  
44 that aspect of the industry. I don't quite know what they  
45 did in those outposts but that was my association.  
46  
47 Q. From speaking to the man, did you find that out, that

1 he --  
2 A. Not really. We didn't discuss his job and what he  
3 did. I was aware, because I saw him a couple of times on  
4 TV, that he was an auctioneer, but no more than that.  
5  
6 Q. From your observations, was he committed to his job as  
7 chairman of the Authority?  
8 A. Oh, I found him a very committed, dedicated man to the  
9 isolated student. That was a term he used quite  
10 frequently, "the isolated student".  
11  
12 Q. How would you define that commitment to "the isolated  
13 student"?  
14 A. To provide, as best we could, a home-from-home  
15 environment.  
16  
17 Q. It goes without saying that that would be a safe  
18 environment?  
19 A. Oh yes.  
20  
21 Q. You did not perceive him - no disrespect to some  
22 chairpersons, but it might the case that some chairpersons  
23 do not take their role - they are not particularly  
24 committed to their role, particularly if it is unpaid. You  
25 would not put him in that sort of category?  
26 A. I thought he was very committed.  
27  
28 Q. Yes. He was not merely just a figurehead for the  
29 authority?  
30 A. No - "figurehead" in what way?  
31  
32 Q. Well, a figurehead in the sense that he just held the  
33 position but did not pay much attention?  
34 A. Oh no, no, no.  
35  
36 Q. I am not suggesting that he was at all.  
37 A. No.  
38  
39 Q. I am just using that as a comparison.  
40 A. Mmm.  
41  
42 Q. Have you spoken to Mr Philpott over the past six  
43 months?  
44 A. No. When all this went down, there was a natural urge  
45 to contact people that I knew, but I gave that a second  
46 thought, that that may not be a good idea because if this  
47 is going to be a court situation, we could be accused of

1 conferring, so I didn't.  
2  
3 Q. Was Mr Philpott one of those people?  
4 A. Yes.  
5  
6 Q. Any others?  
7 A. Well, he was the only one that I would probably have  
8 spoken to, apart from going in to the Country High School  
9 Hostels office, but I refrained from doing that.  
10  
11 Q. This is no criticism if you have, but have you been  
12 reading the transcript of the public hearings of this  
13 Inquiry?  
14 A. No. I have read the press - some of the press stuff,  
15 which is unavoidable.  
16  
17 Q. Yes, of course.  
18 A. And the TV stuff.  
19  
20 Q. As I said, it is no criticism.  
21 A. Mmm.  
22  
23 Q. But you haven't read the transcripts?  
24 A. No.  
25  
26 Q. You haven't read the evidence of Mr Philpott?  
27 A. No.  
28  
29 Q. Were you aware, though, when he gave evidence?  
30 A. No.  
31  
32 Q. I mean from reports?  
33 A. No.  
34  
35 Q. Mr Lammas, who would you say was responsible for the  
36 day-to-day running of the Authority during your time there?  
37 A. The day-to-day?  
38  
39 Q. Yes?  
40 A. That would be me.  
41  
42 Q. You. This might be too general a question, but if a  
43 problem emerged, how would you deal with that if you had to  
44 consult with somebody else about the problem?  
45 A. There were often problems and most of them I would  
46 deal with.  
47

1 Q. Yes?  
2 A. If there was a problem - for instance, if somebody was  
3 accused of wrongful behaviour - I always notified the  
4 chairman. Always. The (indistinct) in running the  
5 Authority was we had to really try and be as proactive and  
6 as pre-emptive as possible, in that we tried to avoid  
7 compromise. The Minister of the day - because the Minister  
8 for Education was responsible for the Authority. Not that  
9 we could do anything about the incident, but if there was  
10 ever a question in parliament, Colin would decide whether  
11 to pass the information I passed on to Colin to the  
12 Minister, in case there was a question. With sex offences  
13 in particular, the press tends to get hold of it very  
14 quickly and you've got choppers landing on the oval and all  
15 sorts of things going down, and the Minister doesn't know  
16 anything about it. Now, you can't stop that but you can at  
17 least warn people, "This is likely to go down."  
18  
19 Q. That was Mr Philpott's responsibility, was it, as to  
20 whether information would be forwarded on to the Minister?  
21 A. Well, if I thought it was sensitive to the Minister,  
22 I'd always tell Colin.  
23  
24 Q. Yes?  
25 A. If I thought it was an issue which is - to make sure,  
26 you know, the action was carried out, I'd usually go to  
27 Kerry O'Neil because Kerry could do something about it, as  
28 Colin couldn't actually tell the Education Department to  
29 put a team of people in and investigate that area. I mean,  
30 each situation really required a different response.  
31  
32 Q. Well, Mr Philpott might not be able to tell the  
33 Education Department to do that but he could certainly  
34 request it, could he?  
35 A. Yes. Oh yes.  
36  
37 Q. Using that broad description "wrongful behaviour", you  
38 mentioned that you would always notify the chairman. Would  
39 you also notify Mr O'Neil?  
40 A. Yes, and discuss it.  
41  
42 Q. I will show you another document now, Mr Lammas. It  
43 is the Authority's minutes from 21 June 1983. It is  
44 barcode number 0146. As I understand it, Mr Lammas, this  
45 document has already been provided to you. We can actually  
46 see there that your description appears in those minutes as  
47 "admin officer"?

1 A. Yes.

2

3 Q. So if I revert to that description of you, that would  
4 be the reason for it. Now, I am not expecting you to have  
5 instant recall of any of the contents of these minutes.  
6 However, of course, the very purpose of minutes is to  
7 record what has been discussed so that at a later date  
8 those present at the meeting can have their memories  
9 refreshed by it. I just want to take you, please, to page  
10 5 of that document. It is only the second page, so it  
11 might be on the back there. Under (ix), the heading Review  
12 of the Act, I will read out the first paragraph there:

13

14 The Authority reviewed the Act step by  
15 step, following the study of Crown Law  
16 opinion. Mr Lammas advised for years the  
17 Authority had only concerned itself with  
18 the buildings and finance, but times had  
19 changed and the accent might be put on  
20 caring for students. The success of the  
21 hostel depended on the staff employed and  
22 if a good standard was not attained, the  
23 results were irreparable.

24

25 You made that comment, it would seem, a year after you  
26 joined the Authority. Can you recall what made you make  
27 that observation that "the accent might be put on caring  
28 for students"?

29 A. That's probably - I mean, I'm thinking back to that  
30 date.

31

32 Q. Yes. I know it is difficult, yes.

33 A. But my background was Care in the UK, and the  
34 organisation - the Authority, when I first came into it,  
35 was only really interested in bricks and mortar, providing  
36 the buildings, and that was it. I felt there was a need  
37 for greater involvement in the day-to-day care of those who  
38 were using the bricks and mortar, so I expressed that  
39 opinion.

40

41 Q. When you say "those", particularly the students?

42 A. Well, I mean the students, yes.

43

44 Q. Yes.

45 A. The consumer.

46

47 Q. Yes. The following sentence that appears there is:

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

The success of a hostel depended on the staff employed and if a good standard was not attained, the results were irreparable.

That just sounds like commonsense to me but it seems that you articulated that at this meeting. Did you have some concerns at all about the standard of hostel staff at that point in time?

A. Oh no, I wasn't reflecting on current personalities within the organisation, I was reflecting on an over - you know, the big-picture overview. It was my personal belief that the success of any organisation like this, where you're dealing with the public, is that - the success revolved around the quality of your staff.

HIS HONOUR: Q. At that time when you made the comment that the Authority had only been concerned with buildings, obviously from when you came to the position you had all their files and that sort of thing. Did you ever see anything on the files to indicate that in the past they had showed any - there had been any issues about student care, as distinct from buildings or bricks and mortar?

A. I hadn't noticed any reference to that. It was predominantly bricks and mortar.

HIS HONOUR: Very well.

MR URQUHART: Q. Mr Lammas, did you believe that the necessary emphasis was placed on the care of students by the Authority for the seven years that followed that meeting and when you were still there at the Authority?

A. There was no big bang, as it were, when we changed direction. It was a slow process.

Q. Was it a successful process?

A. Well, we did actually get in-service training, which means that the staff were hopefully more in tune with what they should be doing and how they should be doing it. We had made huge advancements in the bricks and mortar. We made the - we tried to make the surroundings more practical and more homely. So, from my point of view, when I made the choice to move on, I felt I'd achieved what I could achieve but it was really - there was still a lot of growth and still a lot of work to be done on accountability. Somebody else really ought to come in and do that.

1 Q. When you say "accountability", accountability by the  
2 Authority or by --  
3 A. Across the board.  
4  
5 Q. By the hostel boards or by --  
6 A. Across the board. The way I viewed it was the big  
7 picture, so there needed to be accountability right the way  
8 across the board.  
9  
10 Q. Where did the buck ultimately stop, though?  
11 A. Well, it was up to the Authority, obviously, to follow  
12 that through and it was - from my perspective, thinking  
13 back that long, they were attempting to do that.  
14  
15 Q. But would you have preferred it if this progress  
16 towards the care of students was accelerated a little more?  
17 A. From a professional point of view, yes.  
18  
19 Q. Did you make any attempts to speed up that process?  
20 A. Only by writing comments like this every now and then  
21 and bringing it to the attention of the Authority. That  
22 was the limit to what I could do.  
23  
24 Q. Did you believe the Authority paid enough emphasis to  
25 what you were identifying?  
26 A. I think they were openly looking at it.  
27  
28 Q. "Openly looking at it"?  
29 A. Well, they weren't shying away from it.  
30  
31 Q. But were there solutions to the matters that you were  
32 identifying?  
33 A. Well, probably because it would have required a lot  
34 more funding, unfortunately, a lot of the emphasis was on  
35 deficit funding, keeping that deficit funding to a minimum.  
36 So I think, unfortunately, because of the deficit funding  
37 scenarios, the care theme slipped to a low priority.  
38  
39 Q. Did you believe or have an understanding whether your  
40 concerns regarding the care of students actually made their  
41 way to the Minister?  
42 A. Well, I wouldn't know that.  
43  
44 Q. No?  
45 A. I wouldn't know that.  
46  
47 MR URQUHART: I tender that document now, please, sir.

1  
2 **EXHIBIT #99 MINUTES OF AUTHORITY, DATED 21/6/1983, BARCODED**  
3 **0146**  
4

5 HIS HONOUR: Q. Is it your evidence that by the time you  
6 left, there had not really been any significant advances in  
7 this area of care of students because of lack of funding?

8 A. Say that again?  
9

10 Q. Well, I understand the general thrust of what you are  
11 saying is that the Authority was open to doing more about  
12 student care, as distinct from bricks and mortar, but I  
13 understand you to say that by the time you left, there had  
14 not been a great deal of progress made --

15 A. No.  
16

17 Q. -- and that was largely because of lack of funding?

18 A. Yes. Lack of resources.  
19

20 Q. Lack of resources?

21 A. Yes.  
22

23 MR URQUHART: Q. Was that a frustration for you?

24 A. Yes.  
25

26 Q. How do you think the problem could have been solved?

27 A. Outside consultants coming in, assessing what the need  
28 really was. You always get a better result from outside  
29 consultants, that's my experience. If you try to look at  
30 it internally, you're too close; you can't see the wood for  
31 the trees. An external assessment would have been useful.  
32

33 Q. Yes?

34 A. And probably involving people or experts in care would  
35 have been a useful way of going about it. I mean, I can  
36 say that now in hindsight and it's something I have  
37 operated since in other organisations, but that would have  
38 been useful.  
39

40 Q. But I gather these ideas would have crossed your mind  
41 whilst you were there at the Authority?

42 A. Yeah.  
43

44 Q. Did you ever raise those matters with the Authority?

45 A. Not in a direct sense, other than in dialogue I would  
46 say, "We really need to be looking at the care.", trying -  
47 lifting our game.

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

Q. Would this outside sourcing also have included an assessment of the way in which the hostel boards were constructed?

A. I don't think I was as bold as that.

Q. Looking back on it --

HIS HONOUR: Q. You were present at all meetings of the Authority during your time there, weren't you?

A. Absolutely.

Q. Did the Authority ever resolve to seek more resources from the Minister?

A. I can't remember whether they did or they didn't.

Q. Do you remember whether or not the Authority was ever refused any request for resources from the government?

A. Oh, I don't think they were refused. I don't think we were refused.

Q. So it looks like the Authority never got around to really making a request for what was required in this area; would that be right?

A. From memory.

HIS HONOUR: Thank you.

MR URQUHART: Q. Mr Lammas, can I ask you now questions regarding Dennis McKenna. What sort of relationship did you have with Dennis McKenna at the time you were executive officer with the Authority?

A. The same as the other ten. They all had strengths and weaknesses. Dennis, by his end result of what he had in Katanning and what other people - how they saw Katanning, he tended to be put on a bit of a pedestal. So, in actual fact, I couldn't use Katanning - when I moved around and I saw a good idea, the last thing I would say is, "Well, Katanning is doing this." It was counter-productive because there was a little bit of envy around the glam that Katanning used to get.

The other hostels were performing just as well but they didn't do as much community work, they didn't involve the community as much, but the work that the other hostels were doing, as far as looking after students and creating a home-from-home, was on par with Katanning. There were

1 subtle differences in the sense that Katanning always  
2 looked bright and cheerful. Every now and then you'd see  
3 cut flowers, and things like that which you can't really  
4 expect, in the dining room. So there were differences, but  
5 really the other hostels were working just as hard to  
6 provide a home-from-home service.

7  
8 Q. Am I right in saying, though, that those wardens did  
9 not have the same degree of reputation or high reputation  
10 that Dennis McKenna had?

11 A. No.

12  
13 Q. You mentioned that Mr McKenna had been placed "on a  
14 bit of a pedestal" was the phrase you used. Who was  
15 responsible, do you say, or what was responsible for  
16 placing him on that pedestal?

17 A. Well, the grapevine; sort of, goss around what he was  
18 doing. There was a number of articles in local newspapers  
19 about how well they were doing. There was quite a bit of  
20 positive comment coming out of Katanning about Katanning.

21  
22 Q. Did this high regard that he had seem to be warranted,  
23 in your view?

24 A. Oh, I used to drag an architect around the State for  
25 the different building programs we had and I always used to  
26 ask - plus engineers, and I would always ask them, you  
27 know, "Which hostel do you like best? Which one do you  
28 think is actually doing a better job?" Now, this is a  
29 completely independent voice, not in any shape or form  
30 connected with the Authority or its service, although they  
31 were working for us, and inevitably they would always say,  
32 "Katanning stands out". That is a totally independent  
33 point of view. Why they saw that, I really can't answer  
34 that. That's how it seemed to appear.

35  
36 Q. So it was your view then that --

37 A. It had some pluses. I mean, I did come across kids  
38 who were always cheerful. One thing I did note about  
39 Katanning, when I went into Katanning - we didn't have much  
40 contact with students - but they would all say, "hello". I  
41 could go into other sites and they would all walk past you.  
42 So that always impressed me, that they would always say  
43 "hello". That, for me, was probably the only difference I  
44 could make about the students. They always looked happy.  
45 But they always looked happy at other sites too. The one  
46 thing that stood out for me was, it is funny how they  
47 always say, "hello". There was acknowledgment. For me

1 that was the difference.

2

3 Q. Of course it goes without saying, but I will ask you  
4 in any event, the reputation that the Katanning hostel had  
5 during the '80s when you were on the authority reflected  
6 well for the authority itself, did it not?

7 A. Yes, it did.

8

9 Q. You mentioned that every warden had their strengths  
10 and their weaknesses. You have already covered the obvious  
11 strengths Mr McKenna appeared to have. Of course we have  
12 hindsight here, but if you can place yourself in the 1980s  
13 as best you can, did you identify any weaknesses with this  
14 man?

15 A. I personally found him egotistic, always pushing his  
16 wheelbarrow, as it were, which in relation to the other  
17 hostels became quite counter-productive. But my exposure  
18 to Dennis McKenna was only for half-an-hour here, couple of  
19 hours there, if he was attending meetings. It was limited,  
20 as per the other managers at different sites.

21

22 Q. Isn't it the case the very fact that he was able to  
23 push his own wheelbarrow that he was able to get things  
24 done for his hostel where other hostels might not have?

25 A. He had to do it the right way. If I put the finance  
26 hat on, it could be said he was a very poor manager in the  
27 sense he over-spent.

28

29 Q. I was going to ask about that.

30 A. From our perspective, I mean, we obviously talked in  
31 the office, whoever was in the position of finance officer,  
32 we always thought him to have an incredible gift of the gab  
33 to get away with some things that he wanted to do.

34

35 Q. Well he did, didn't he? He had the gift of the gab  
36 from your own experiences with him, isn't that right?

37 A. Hm.

38

39 Q. I intend asking you a little bit more about the  
40 expenditure of Katanning hostel. Before I get to that,  
41 Mr Lammas, if I can just ask you whether --

42

43 HIS HONOUR: Q. Can I just clarify something? When you  
44 say he had a remarkable gift of the gab to get away with  
45 what he did, you mean what he did financially, is that what  
46 you are saying?

47 A. Yes, I am referring to the finance.

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

MR URQUHART: That's what I thought as well, sir.

Q. A warden has already given evidence at the Inquiry, a gentleman by the name of David Smart. I don't know whether you would be able to recall him or not. He became the warden of Esperance the year before you resigned.

A. I can't actually place the face to a name.

Q. That is okay. He believed, from what he observed, there was quite a strong friendship between you and Dennis McKenna. That appeared at page 1035 of the transcript. It was evidence he gave a couple of months ago. Would you agree or disagree with that description that you --

A. I would disagree with that. I actually didn't allow myself to get too close to any of the wardens. At some stage they actually developed a wardens' group. They met. It was mooted that perhaps I should get involved in that. I didn't think that was a good move. Several reasons: one is, it probably inhibits discussion, because I think they saw me as the authority's policeman, so they wouldn't discuss things creatively with me sitting in on their discussions. I felt it was more advantageous for me not to sit in on that meeting.

If we had things that we could circulate, it was a marvellous opportunity to circulate new ideas or policies or whatever it is. I used to send the finance officer. So I never really - I made it part of my day-to-day business not to get too close to any of the wardens. At some stage I might have to go in and read the riot act. So if I go up close in friendship that could compromise me.

Q. Did you ever read the riot act to Dennis McKenna, that you can recall?

A. We had to climb on his back in relation to finance repeatedly saying, "You can't do this. You can't do that". It was water off a duck's back in some respect.

Q. I am going to suggest to you that he actually ignored that advice, largely, or he may have followed your advice for a short while but then went back to his old ways?

A. Obviously from the finance track record he ignored the advice.

Q. Am I right in saying he never appeared to be sanctioned for that?

1 A. You are talking about finance now?

2

3 Q. Yes, I am staying with finance.

4 A. The authority had a method of picking up deficit  
5 funding. That meant that a hostel needed a certain amount  
6 of dollars to operate. In certain circumstances beyond  
7 their control, if I can put it that way, they couldn't  
8 balance the books it is impossible because the revenue fell  
9 short of their running costs, so that became a legitimate  
10 deficit. We picked that up. But we had to prove it was  
11 legitimate.

12

13 At Katanning I would rather use the word "deficit" -  
14 they had a shortfall or a loss, loss of profit, but it  
15 wasn't an appropriate loss. It was outside the day-to-day  
16 general expenditure. Now when you talk about deficit  
17 funding you are talking about taxpayers' money. So for the  
18 authority to offset that bad management with deficit  
19 funding would be an absolute no-no, because it is a false.  
20 It shouldn't have happened. So what happened with  
21 Katanning, is they actually did develop a loss but were  
22 told to trade out of it. They had the capacity to trade  
23 out of it.

24

25 So not only had he had the capacity to pay the debt  
26 off but also make a small profit, and then be profitable  
27 for the next year. That went on while I was in post for  
28 seven to eight years.

29

30 Q. Are you saying they always --

31 A. They weren't always in deficit, but every now and then  
32 they would go into deficit and they would always ask for  
33 that to be paid off. We would send somebody in to do the  
34 figures. We have to analyse the figures. We would say,  
35 "No, we can't pick that up".

36

37 HIS HONOUR: Q. How many lifestyles were in deficit over  
38 that period?

39 A. I wouldn't be able to --

40

41 Q. A majority or just a few of them?

42 A. If I was working on percentages, 75 per cent.

43

44 Q. So the majority?

45 A. Yeah.

46

47 Q. Were the deficits of the other hostels just as large

1 as Katanning or did Katanning stand out?  
2 A. I can't remember that. But what stood out at  
3 Katanning is that it should never have happened.  
4  
5 MR URQUHART: Q. I suppose there is a distinction  
6 between "appropriate deficits" and "inappropriate  
7 deficits", would that be one way of describing it?  
8 A. In lay terms, yes. I am not an accountant so --  
9  
10 Q. Well, nor are we here.  
11 A. The way I used to rationalise it is it was  
12 unacceptable loss.  
13  
14 Q. "Acceptable loss" and "unacceptable loss"?  
15 A. Yes.  
16  
17 Q. From what his Honour has asked you there, the other  
18 hostels would have acceptable losses?  
19 A. Yes.  
20  
21 Q. Which would be picked up by the authority?  
22 A. Yes.  
23  
24 Q. But then Katanning, as I understand it, you are saying  
25 that stood out from the other hostels because it seems to  
26 always have unacceptable losses?  
27 A. I will demonstrate that better by an example.  
28  
29 Q. Yes, by all means.  
30 A. We supplied a mini bus to all sites. But of course a  
31 12-seater bus wasn't much good for 80 kids or 120 kids, or  
32 whatever it was. So they really wanted to have a 30-seater  
33 bus. We couldn't provide that. That wasn't part of our  
34 mandate, so we wouldn't accept that. But they could  
35 fundraise and buy the bus themselves. Running costs had to  
36 be kept separate from the books, because it should be  
37 self-financed from fees taken - if they want to go to a  
38 football match or a social event the students would pay for  
39 that and it would cover the running costs of maintaining  
40 that vehicle.  
41  
42 At Merredin they wanted the same sort of vehicle.  
43 They fundraised separately and they bought a vehicle and  
44 they maintained it with ongoing fundraising to operate it.  
45 Katanning put it through its books.  
46  
47 HIS HONOUR: Q. So it didn't fundraise for it?

1 A. No, from my knowledge. If they did they must have had  
2 a short-fall. This is a long time ago. We couldn't  
3 sanction that.  
4  
5 MR URQUHART: Q. They should never have done that,  
6 should have they?  
7 A. No.  
8  
9 Q. When I say, "they", really we are talking about he,  
10 aren't we?  
11 A. Yes.  
12  
13 Q. This was Dennis McKenna's idea?  
14 A. He had a number of ideas like that.  
15  
16 Q. That would be just one example where he knew the view  
17 the authority would take on an item of expenditure but he  
18 would nevertheless go ahead with that expenditure contrary  
19 to what the views were of the authority?  
20 A. I don't want to sound as though I am defending the  
21 man, but he would defend that by saying it was offering a  
22 better service to the student.  
23  
24 Q. Am I right in saying the authority accepted that  
25 explanation?  
26 A. They didn't accept that explanation when it came to  
27 those sort of purchases, because it wouldn't pay for the  
28 bus.  
29  
30 Q. So what we would have there is Katanning hostel having  
31 to be overdrawn in their accounts?  
32 A. They would take out a bank loan.  
33  
34 Q. Ultimately, if the board defaulted on that bank loan  
35 somebody would have to pick it up?  
36 A. But we wouldn't pick it up.  
37  
38 Q. Ultimately it would have to be the authority, wouldn't  
39 it?  
40 A. It didn't happen, so I can't really comment on it.  
41  
42 Q. Hypothetically?  
43 A. Hypothetically. But it was their responsibility.  
44  
45 Q. Yes. But if they couldn't pay it then ultimately the  
46 responsibility lay with, shall we call it, the department  
47 of education?

1 A. Yes. I think these days they were all incorporated,  
2 which does away with that. But in that day that was the  
3 situation.  
4  
5 Q. Is this where, how you have described it, his gift of  
6 the gab came to the fore?  
7 A. I suppose from the office's point of view, because it  
8 went on for so long, we really couldn't believe that he  
9 could get away with it. But he got away with it. But we  
10 were the stopper.  
11  
12 Q. Sorry?  
13 A. We were the stopper. We wouldn't sanction it.  
14  
15 Q. But it didn't stop though, did it?  
16 A. No.  
17  
18 Q. So the time that you left - I wasn't going to take you  
19 through this now - but there seemed to be an overdraft in  
20 the magnitude of about \$100,000?  
21 A. I think on one occasion it reached that. We did the  
22 figures and we worked out that they could trade out of  
23 that.  
24  
25 Q. When you did the figures it was the same result, they  
26 will be able to trade out of this?  
27 A. Hm.  
28  
29 Q. But they didn't though, did they, not the time that  
30 you were there?  
31 A. I'm not sure what their status was when I left.  
32  
33 Q. We will have a look at that in a moment. I suggest to  
34 you it wasn't very good. From what you could see of this  
35 was it your impression that the Katanning hostel board was  
36 out of its depth in controlling this expenditure by its  
37 warden?  
38 A. Well, I'm not too sure of our view that they were out  
39 of their depth. I think I viewed it that it was gross  
40 manipulation.  
41  
42 Q. By?  
43 A. Dennis McKenna.  
44  
45 Q. It would seem that the board wasn't able to reign him  
46 in?  
47 A. It would appear so.

1  
2 Q. It would also appear that the authority couldn't  
3 either?  
4 A. Well, we felt that by saying, "Look, we are not going  
5 to pay this out", and having a debt of that nature they  
6 have to borrow on would have been a very, very strong  
7 message to get their act together.  
8  
9 Q. It seems that they didn't?  
10 A. It would appear so.  
11  
12 Q. Surely a point must be reached where the authority  
13 could have said, "Right, this has gone on for too long. We  
14 are making a recommendation to the board that it terminate  
15 the services of Dennis McKenna"?  
16 A. I think that would have been a rather bold move at  
17 that time.  
18  
19 Q. What, even if he had been given some warnings, that  
20 "If this was to continue your services are likely to be  
21 terminated"?  
22 A. It's the obvious conclusion.  
23  
24 Q. Yes. It seems to be a logical conclusion. One that  
25 wasn't implemented; is that right?  
26 A. Mmm-hmm.  
27  
28 Q. And might that be because of the reputation that this  
29 warden had, that he was able to present a hostel that was  
30 so highly regarded in the community?  
31 A. In hindsight, yes.  
32  
33 Q. I am going to suggest to you, Mr Lammas, if in fact he  
34 wasn't running a very good hostel that there were  
35 criticisms of the way it operated, that it had dwindling  
36 student numbers, that the infrastructure was not there,  
37 then in those circumstances a warden who was mismanaging  
38 the funds that Dennis McKenna was would have been given his  
39 marching orders?  
40 A. A logical conclusion.  
41  
42 Q. So why then was this allowed to happen?  
43 A. I can't answer that question.  
44  
45 HIS HONOUR: Q. One thing you did say is that you  
46 thought that there was gross manipulation of the board by  
47 Dennis. Can you elaborate on that? What made you think

1 that?  
2 A. Because he kept coming up. Apart from me going to  
3 board meetings and saying "You've got to do something about  
4 this", I also took a treasury rep to actually try and  
5 emphasise the fact that they have got to get their act  
6 together. Even with all that sort of direction they still  
7 allowed this man to come up with ideas, and they got into  
8 debt. I tended to view that as he got them in the palm of  
9 his hand and he was manipulating the process. He would  
10 always argue that it was for the betterment of the students  
11 but --

12  
13 HIS HONOUR: Are you going to be raising food costs  
14 specifically?

15  
16 MR URQUHART: Yes, I will be, sir.

17  
18 HIS HONOUR: I will leave that to you.

19  
20 MR URQUHART: Q. I am going to ask you, Mr Lammas, why  
21 is it that you couldn't answer that question I asked you  
22 before as to why the logical steps weren't taken in regard  
23 to this?

24 A. I don't know why we didn't take those steps. I don't  
25 know why the board didn't actually discipline the man.

26  
27 Q. But then it is the authority that oversees the board,  
28 yes?

29 A. Hm.

30  
31 Q. The authority was clearly aware of the manipulation by  
32 Dennis McKenna, as you have described it. I gather you  
33 were reporting to the authority the situation?

34 A. I'm not sure the authority were aware of the  
35 manipulation. I'm saying my interpretation was that  
36 McKenna must have manipulated the board. I am not sure  
37 that the group known as "the authority" were aware of that.

38  
39 Q. Would you not have informed them of that?

40 A. I would express it in other terms like "it's  
41 worrying".

42  
43 Q. Okay. Not using the word "manipulation", but you  
44 certainly drew it to the authority's attention?

45 A. Yes.

46  
47 Q. That you were concerned about this?

1 A. And they were concerned.  
2  
3 Q. What was their response to that? You are expressing  
4 your concerns about this?  
5 A. I think they were probably falling back on the notion  
6 that we didn't actually appoint - we didn't actually  
7 appoint the person. It was a responsibility for the board  
8 to deal with disciplinary action in relation to any member  
9 of staff. I hear what you are saying --  
10  
11 Q. That is a bit of a cop-out though, isn't it?  
12 A. But it was their responsibility. In other situations  
13 that probably would have happened.  
14  
15 Q. Mr Lammas, it becomes the authority's responsibility  
16 if in fact the debt was to reach such a stage where the  
17 hostel itself couldn't trade out of it, do you agree?  
18 A. True. And then probably - in hindsight, so probably  
19 they may have stepped in.  
20  
21 Q. But we are not just talking about an isolated year  
22 here?  
23 A. No.  
24  
25 Q. It happened year after year. If I were to suggest to  
26 you with hindsight it was apparent that Dennis McKenna  
27 received some preferential treatment from the authority  
28 would you agree with that?  
29 A. It wasn't - it wasn't obvious to me. I thought with  
30 the authority standing up to the fact that they weren't  
31 prepared to pay for the deficit funding was a stand by the  
32 authority not to go along with that expenditure. So I  
33 didn't actually see that as giving in to the man. It was  
34 standing their ground saying, "We can't pay this".  
35  
36 Q. I hear what you say, but that threat didn't seem to  
37 have any impact; do you agree with that?  
38 A. In hindsight. But at the time it seemed that they  
39 were actually doing something about it and "we won't pick  
40 that up".  
41  
42 HIS HONOUR: When you come to the appropriate point we  
43 will take a break.  
44  
45 MR URQUHART: I was going to suggest that might be the  
46 appropriate time. I have explained to Mr Lammas that we  
47 will be sitting a bit later into the lunch break. I

1 advised him that we probably would take a break around half  
2 past 11, quarter to 12. It would be appropriate now.

3  
4 HIS HONOUR: We will break now then. Very well.

5  
6 **SHORT ADJOURNMENT**

7  
8 HIS HONOUR: Yes, Mr Urquhart.

9  
10 MR URQUHART: Thank you, sir.

11  
12 Q. Mr Lammas, I will show you some documents in relation  
13 to the financial position of Katanning hostel. Before I do  
14 that can I ask you some other questions? Were you ever  
15 able to observe whether a relationship ever existed between  
16 Colin Philpott and Dennis McKenna?

17 A. No.

18  
19 Q. Were you ever in Mr Philpott's presence when he would  
20 mention Dennis McKenna, that you can recall?

21 A. Obviously McKenna's reputation from time to time would  
22 come up in discussion in the authority as a whole. I think  
23 it would be fair to say Colin thought he was doing a damn  
24 good job. But my impression of Colin was it's okay while  
25 it's going well, but when it goes wrong he would say so.  
26 So whilst, from my perspective, I was doing the job well  
27 everything is fine, but if I did something that wasn't that  
28 well he would jump on me.

29  
30 Q. I see.

31 A. So I would have assumed that would be the same case  
32 with Dennis McKenna. While everything was going well it is  
33 fine, but I would assume he would adopt the same approach.

34  
35 Q. In your time at the authority would you agree with  
36 this, that Dennis McKenna was essentially the "pin-up"  
37 warden, the warden that others should aspire to?

38 A. Not by everybody.

39  
40 Q. What, not everyone on the authority?

41 A. They acknowledged the success, as they ought to  
42 acknowledge the success elsewhere. "Pin-up boy" - he stood  
43 out and he had a reputation. They probably would - it is a  
44 long time ago. Trying to think back to analyse at that  
45 time rather than be cloudy by what is going on - yeah, he  
46 was the leader of the bunch.

1 Q. We have heard evidence, Mr Lammas, from an Ian Murray.  
2 Mr Murray was the principal of the Katanning high school  
3 from 1988 through to 1990. Before he assumed that position  
4 he recalls he had a meeting with a person he describes as  
5 the CEO or the chief executive officer of the authority.  
6 That would have been some time in 1987 or early 1988 before  
7 the school term started. He said he spoke to that person  
8 about Katanning high school and also Katanning hostel. He  
9 said the person he spoke to wasn't Colin Philpott, but it  
10 would seem from his description that that person might well  
11 have been you. Can you recall meeting --

12 A. Did he say he came into the office?

13

14 Q. Yes. Came in and had a meeting.

15 A. I can't remember personally anybody of note coming  
16 into the office. Now, a principal is "someone of note".  
17 Furthermore, if it was a principal and we sat down and  
18 talked I would assume next time I went to Katanning I could  
19 pick the man out from members of that board and I would be  
20 sociable enough to say, "Hello. How's it going?" I never  
21 did that.

22

23 Q. I will read out to you what this person said to him  
24 and see whether it would be something that you would have  
25 said. This is going back to late 1987. It might have been  
26 early 1988. It is at page 2073, line 30:

27

28 Q. Can you recall what you were told  
29 about the Katanning hostel?

30 A. Well, first of all I was told that it  
31 was the best hostel in the state. A model  
32 for all the others to follow.

33

34 Q. Can you remember if that was the  
35 chief, the person in charge, who told you  
36 that?

37 A. Yes.

38

39 I said:

40

41 Sorry, I interrupted.

42

43 And Mr Murray continued:

44

45 I was also told that they had superb  
46 systems in operation in handling all sorts  
47 of issues that might or might not come up

1 in a hostel. I was told I was very lucky  
2 to be there at that hostel because it  
3 worked so well. And I was told that the  
4 Board was an advisory board that worked  
5 with the hostel and the Authority to make  
6 sure that things went okay.

7

8 All right. And we'll just pause there. Might that have  
9 been a description you would have given of the Katanning  
10 Hostel at that time?

11 A. No.

12

13 Q. No?

14 A. They're not my - that's not the way in which I would  
15 describe Katanning, or putting across in that way.

16

17 Q. Well, it might not have been the exact words that were  
18 used, but you would not have described it as the - or one  
19 of the best hostels in the State?

20 A. I come back - I come back to - are we talking about  
21 whether we met, or are we talking about what I might say?

22

23 Q. Talking about what was said at this meeting. This was  
24 the principal going to the Authority --

25 A. Yes.

26

27 Q. -- to find out information about the hostel and what  
28 role he had to play as being a member of the Hostel Board?

29 A. But I have no recollection of having that conversation  
30 with Mr Murray.

31

32 Q. I appreciate that. So, therefore, I'm asking you if  
33 you did have that conversation with him, would you disagree  
34 that you would have described the hostel not exactly like  
35 that, but in a similar way - that is, that it was the best  
36 hostel, or one of the best hostels in the State?

37 A. Okay.

38

39 HIS HONOUR: Perhaps just focus on the thrust of what's  
40 said, because when people remember conversations of 20,  
41 30 years ago, they can't remember exact words, and just  
42 sort of really remembering what impression they gained from  
43 what was told to them.

44

45 Q. So if you look at the general thrust of what he says  
46 he was told, does that sound like the sort of thing you  
47 would have said?

1 A. I just said that it was - it has a reputation. I'm  
2 not - I would acknowledge the reputation, and then I would  
3 have gone on to the more legal speak because he's a - he  
4 was the principal and he was going to be sitting on the  
5 Board of Management; showing him or giving him a copy of  
6 the Act, giving him a copy of the letter of arrangement,  
7 and generally talking - I think you said an Advisory Board.  
8 Well, I'd never say that.

9  
10 MR URQUHART: Q. Yes. Well, again, as his Honour said,  
11 the thrust of it was that it was a Board that worked with  
12 the hostel and the authority to make sure that things went  
13 okay?

14 A. I would point out if it had been me I would be  
15 pointing out responsibilities of the Board of Management.

16  
17 Q. I have no doubt that whoever he spoke to went into  
18 some --

19 A. Yes.

20  
21 Q. -- more detail than simply that, but as his Honour  
22 said, the general thrust of the thing. I'm concentrating  
23 more on the description that was given of the hostel?

24 A. In those days I would have probably have said it - it  
25 sometimes stands out from the rest. I never used to gloat  
26 too much about any one hostel, I didn't think it was good  
27 form.

28  
29 Q. But in this instance you would have been speaking to  
30 someone who's about to become principal of the school that  
31 would be associated with the hostel, so in those  
32 circumstances I suggest, you might say some things that you  
33 wouldn't necessarily say if it was expressed more  
34 generally, to a more general audience, rather. Would you  
35 agree with that?

36 A. Mm.

37  
38 Q. Okay. I'm just going to cite to you something he said  
39 over the page at 2074, line 15, sir:

40  
41 Q. Do you recall any discussions at that  
42 meeting specifically about the warden of  
43 the Katanning hostel?

44 A. I was told he was an exemplary person;  
45 he ran the hostel brilliantly. I was told  
46 about the tremendous growth in numbers of  
47 the students at the hostel. I was told

1 about the parent satisfaction of the  
2 hostel, and given a glowing report. So it  
3 certainly put me in a very good frame of  
4 mind.

5  
6 Q. Again, can you recall who it was who  
7 told you about that?

8 A. Again, it was the same chairman or -  
9 it wasn't chairman, sorry, wrong word - it  
10 was the same person I was talking to.

11  
12 Q. Again --

13 A. The chief, the boss of the - the chief  
14 executive officer, or whatever his title  
15 was. I don't know what his title was.

16  
17 Then I asked him if he could recall how old that person  
18 was. He said, "No." So, again, as his Honour said, just  
19 the general thrust of description that you would give of  
20 the warden at the hostel at that time?

21 A. I don't think in such glowing terms. I would have  
22 probably have described Dennis as obviously as affected by  
23 what - the reputation of the hostel, but I don't think I'd  
24 overdo the positives.

25  
26 Q. Well, he ran the hostel brilliantly. I mean, what if  
27 he says something along the lines he ran the hostel  
28 extremely well, I suppose. Leaving the financial side of  
29 things out of the picture, would that be a fair assessment?

30 A. But because of the financial things, I wouldn't say he  
31 runs the hostel extremely well, you see. I'd say he runs -  
32 the hostel has a reputation as being one of the best in the  
33 State, and leave it at that.

34  
35 Q. Okay:

36  
37 I was told about the tremendous growth in  
38 numbers of the students at the hostel.

39  
40 Well, that was, in fact, correct, wasn't it, that the  
41 numbers --

42 A. It had grown, yes.

43  
44 Q. :

45  
46 I was told about the parent satisfaction of  
47 the hostel --

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

A. I don't think I'd say that.

Q. All right then. Yes, he said that meeting - just to put it in context - that was a meeting with one in particular, and a couple of others, in a morning tea sort of meeting. And, indeed, there was only about three of you there at the time. Isn't that the case?

A. Well, if I wasn't there, there was only two.

Q. Yes. Yes. And who would generally have the task about speaking to a principal about those sort of matters?

A. If there's only two people in the office, it's I couldn't see the receptionist/clerk - I mean, a conversation with the principal. It would only be the finance officer.

Q. Yes. All right. I am returning now to the financial state of the Katanning Hostel and, Mr Bachelard-Lammas, I'm going to show you some documents. It's not an exhaustive list of all those documents we found from the Authority that mentions the state of financial affairs of Katanning Hostel. A number of documents have already been shown to Mr Philpott, so the purpose I'm doing here is to try and give you some sort of flavour of the documents. If you have a recollection that there might be another document that would be relevant, you've mentioned that to us, or if you - if you don't agree that the document I'm showing you is in the - is in its right context, please let me know, okay, because I've got to stress it's not an exhaustive list, otherwise we could be here for a little while longer than what I hoped to be, okay. So they will be, however, in chronological order. So the first one is barcode number 0236, and it's from the Secretary to the Authority, which is Mr Hepper, and it's dated 22 March 1984. That's why I do think this is one of the documents that were provided to you, although there were a number. So if you would like to just have a look at that, and I'm going to take you to some items in particular.

A. Mm-hmm.

Q. All right. Do you want me to do that now, because under that Roman numeral (i) on the first page, and this letter is addressed to the Chairman. It says:

There appears to be something amiss with the provisions figure when looking at

1 comparative figures:

2

3

Costs of provisions per student - 1983.

4

5

And then it lists seven hostels. And Katanning was at the very top, with a cost of \$981.70, and then the other hostels it was \$646 or less, dropping down to \$463. So that's a significant discrepancy, would you agree with that?

9

10

A. Yes.

11

12

Q. And then under "Motor Vehicles" it says:

13

14

The Katanning Hostel is in the business of accommodating students but appears to be running a bus service as well.

15

16

17

18

I think you might be aware of that - that would be the case?

19

20

A. Mm-hmm.

21

22

Q. Yes. And then it mentions the expenditure on motor vehicles for 1983, and once more Katanning's expenditure is far greater than the others. Then over the page, paragraph 5:

23

24

25

26

27

The figures are suspect because \$35,000 is shown as transferred inwards and \$6,678 transferred out. In addition long service leave expenditure appears twice on the statement.

28

29

30

31

32

33

And (6):

34

35

The financial statement was not signed by the Warden as requested.

36

37

38

And that there's some matters I'm highlighting to you, and also "Accounts Payable at the end of the year" - that's the top of page 2, "totalled \$44,599.84. So would you agree with me this is an example of a document that did set out some clear anomalies with Katanning being compared to other hostels?

39

40

41

42

43

44

A. Mm.

45

46

Q. Yes.

47

A. Yes.

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

MR URQUHART: I tender that exhibit, sir. I tender that document, rather.

**EXHIBIT #100 LETTER FROM THE SECRETARY TO THE AUTHORITY, MR HEPPER, DATED 22/3/1984, BARCODED 0236**

MR URQUHART: The next document is one that's already been exhibited, it's exhibit 82. It has a barcode number 0226. And, Mr Lammas, this is an Audit Report for the Katanning Senior High School Hostel for the period 1 February '83 to 31 January 1984. And once more, this item has been forwarded to you previously, has been prepared by a W Princeton K-R-E-N-T-Z-I-N, Clerk in Charge, Internal Audit. If we could just go to the second page there, Mr Lammas, we can see there a handwritten notation:

The Acting Senior Administrative Officer,  
30 March 1984, Admin Officer, CHSHA, for  
your attention, please.

And that would be yourself, wouldn't it? This was to come to you. And this is an Authority stamp which indicates it was received on 3 April 1984. And I just wanted to take you to page 2 of that under the heading 6, "Financial Position." And it sets out the financial circumstances of the hostel as of the period 1 February '83 to 31 February 1984, and the third-last paragraph there indicates as giving a final figure of \$75,294.55 being owed by the hostel to Westpac Banking Corporation. The next paragraph reads:

An application apparently was not made to treasury to fund the 1982 deficit. And no funds were received from this course.

Now that is, to use your description earlier - well, that would be an example of a deficit that was - I think you used the phrase inappropriate. You described it as --

HIS HONOUR: Unacceptable, wasn't it?

MR URQUHART: Unacceptable, yes.

THE WITNESS: Yes, unacceptable.

MR URQUHART: Q. Would that be an example of an

1 unacceptable deficit?  
2 A. Mm-hmm.  
3  
4 Q. Yes. Is there any item there that you'd like to raise  
5 with the Inquiry?  
6 A. (No audible answer).  
7  
8 MR URQUHART: No.  
9  
10 HIS HONOUR: Q. Can I just refer you to one item on the  
11 first page under "Receipting", number 2, 2.1. There's an  
12 item:  
13  
14 -- or list of receipts which were not  
15 carbon copies of the originals.  
16  
17 Which, to a layperson like me, that's the sort of thing  
18 which would raise eyebrows, wouldn't it, if the carbon  
19 copies of receipts didn't match originals?  
20 A. I presume that's why it's been written and it's been  
21 commented on.  
22  
23 Q. But do you recall that type of problem arising at  
24 Katanning?  
25 A. I don't recall that, no.  
26  
27 HIS HONOUR: Right.  
28  
29 MR URQUHART: Sir, as I've said, that has already been  
30 exhibited, exhibit 82.  
31  
32 HIS HONOUR: That's exhibit 82, yes.  
33  
34 MR URQUHART: Now, the next document, sir, is barcode  
35 number 0237, dated 11 May 1984, and the title is "Audit of  
36 Accounts, Katanning Senior High School Hostel, St  
37 Andrew's". And, again, it's a report - a 10 page report  
38 prepared by W Krentzin, who was responsible for the  
39 previous document and, as I said, sir, it's 11 May 1984.  
40 Now this is a comprehensive audit, Mr Lammas. It's been  
41 carried out for the Katanning Senior High School.  
42  
43 Q. Could I just ask you: who from the Authority would  
44 make a request for an audit?  
45 A. We had a treasurer representative sitting on the  
46 Authority. I wouldn't recall who actually asked for that.  
47 It could have been the chairman.

1  
2 Q. Right.  
3 A. It wouldn't have been me.  
4  
5 Q. I was going to ask you would it have been you?  
6 A. No.  
7  
8 Q. No. That would have to come from --  
9 A. Yes.  
10  
11 Q. -- a member of the --  
12 A. Yes.  
13  
14 Q. -- of the Authority. All right. All right. Now, I  
15 don't intend to take you through every item, although can  
16 you recall that there was always a - a concern of the  
17 Authority regarding the cost of the cinema that had been --  
18 A. Yes.  
19  
20 Q. -- erected within the recreation shed?  
21 A. Mm.  
22  
23 Q. Yes. Well, that's detailed at page 2. It goes into  
24 items relating to the canteen. I suppose the most  
25 important matter to look at is the "Summary" at page 9, and  
26 just past halfway down there "Actual Total Hostel Deficite"  
27 - it has an added "e" added to it. It was \$84,827.87?  
28 Now, underneath that it reads:  
29  
30 The variance between the above statement  
31 showing the approximate deficit and the  
32 real deficit was due to the following:  
33  
34 A. Postings for both receipts and payments  
35 were not consistant and in some cases  
36 appeared inaccurate.  
37  
38 B. Revenue and expenditure for specific  
39 cost centres overlapped into various  
40 different accounts.  
41  
42 C. Expenditure voucher provided for audit  
43 sighting mainly consisted of statements  
44 quoting invoice or docket numbers, but no  
45 information on actual items purchased.  
46 This meant in many cases it was not  
47 possible to verify actual postings.

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

D. In some cases revenue had not been received, and even when receipts had been issued, they did not have any supporting documentation.

And over the page:

E. Insufficient records kept for the various enterprises carried out by the hostel.  
i.e. catering, cinema, skating, canteen and various social functions.

And then it reads:

Generally speaking it would appear that as no evidence of misappropriation was discovered during the audit, the deficit was solely caused by overspending in the non operating amenities area. The warden and local committee have admitted to this and they claim that the Country High Schools Hostels Perth Office should have been aware of the fact too, as worthy financial statements had been submitted.

And so again, Mr Lammass, would you agree that this document portrays a picture of this hostel having serious deficit difficulties?

A. Yes.

Q. And once more, to use your description, deficits that were unacceptable?

A. I'm not sure whether this is unacceptable. I mean, I can't remember that far back, as to what this is all about.

Q. Right.

A. And you'd have to - we'd have to go through the expenditures to what was unacceptable and what was acceptable, and I wouldn't do that. That would be the finance officer.

Q. Okay.

A. And then a decision would be the Authority's.

Q. But would you agree with me with respect to those

1 items (a) through to (e) on pages 9 and 10, that  
2 appropriate records were not being kept --

3 A. Mm.

4

5 Q. -- if it says so?

6 A. Yes.

7

8 Q. And is it your recollection that this was, in fact, a  
9 recurring theme with the Katanning Hostel at the time that  
10 you were at the Authority?

11 A. I couldn't - I couldn't say that was a recurring  
12 theme. I could remember that was a recurring feel.

13

14 Q. Did you want to add anything to what I have taken the  
15 hearing to in that?

16 A. Not as yet.

17

18 MR URQUHART: No. Thank you. I'll tender that now as an  
19 exhibit, sir.

20

21 **EXHIBIT #101 REPORT TITLED "AUDIT OF ACCOUNTS, KATANNING**  
22 **SENIOR HIGH SCHOOL HOSTEL, ST ANDREW'S", DATED 11/5/1984,**  
23 **PREPARED BY W KRENTZIN, BARCODED 0237**

24

25 MR URQUHART: The next item, sir, will be some minutes of  
26 the Authority. It's exhibit 74, barcode number 0150.  
27 Minute, Mr Lammas, from 12 July 1985. On the front page  
28 there the minutes record you as being present, and that Mr  
29 K O'Neil is actually Acting Chairman, as Mr Philpott is an  
30 apology. Sir, this is now 1985, Mr Lammas. I just want to  
31 take you to page 2, under the heading, "Finance", and Mr  
32 Hagarty, the Administrative Assistant, paid visits to  
33 Albany and Katanning. Whilst there appeared not to be too  
34 many major issues at Albany, what is minuted is this - that  
35 last paragraph on page 2:

36

37 There appear to be anomalies with  
38 Katanning's financial statement in  
39 comparison to other hostels in the area of  
40 provisions and wages. It appears  
41 provisions and wages applicable to catering  
42 are being charged to the Hostel's  
43 provisions account while the catering  
44 account shows a healthy profit. In view of  
45 all this it was decided the catering  
46 account should be kept separate from the  
47 hostel account and any future catering will

1           need approval in writing from the Authority  
2           together with costing sheets and a profit  
3           and loss statement presented after the  
4           catering event.

5  
6           Now, in that instance there, with the requirement that with  
7           respect to the catering account, that any future catering  
8           will need approval in writing from the Authority, together  
9           with costing sheets and a profit and loss statement  
10          presented after the catering event, it shows a higher  
11          degree of oversight by the Authority. Would you agree with  
12          that.

13         A.    Oversight by the Authority?

14  
15         Q.    Sorry?

16         A.    Oversight by the authority?

17  
18         Q.    Oversight by the Authority, yes.

19         A.    In what way?

20  
21         Q.    Well, it just seems there that that's - that same sort  
22          of degree of oversight wasn't in place for other  
23          expenditure items, it seems. I mean, it wouldn't be  
24          required for each hostel, for example, to provide that sort  
25          of detail and receive permission from the Authority?

26         A.    What you're saying is that the Authority was applying  
27          some sort of control?

28  
29         Q.    Yes.

30         A.    Yes.

31  
32         Q.    Over and above the control it had, or thought that it  
33          needed to exercise over other hostels?

34         A.    Yes.

35  
36         Q.    Would you agree with that?

37         A.    Yes.

38  
39         Q.    I must say, that's as far as I intend to take Mr  
40          Lammas with respect to that document, sir. As I said, it's  
41          already been tendered. The next document, sir, is titled,  
42          "Report on Expenditure Items 1986 to 1987, St Andrew's  
43          Hostel Katanning", with a barcode 0184. Mr Lammas, this is  
44          another substantial document that has been prepared for the  
45          Katanning Hostel, as I said, for the period 1986/'87. And  
46          just on the second page there, Mr Lammas, it refers to the  
47          terms of reference of the investigation conducted by the

1 acting administrative assistant and his assistant. Now,  
2 the acting administrative assistant would not have been  
3 you, and there's a description given of his assistant. By  
4 this stage were there actually two finance officers  
5 employed?

6 A. These positions were secondments from Treasury.

7

8 Q. I see.

9 A. So this gentleman must have felt that he needed two to  
10 do the audits.

11

12 Q. I see, right.

13 A. And he would have taken a colleague.

14

15 Q. Yes. Okay.

16 A. That would be my way of working that one out. We  
17 didn't have two people in the office.

18

19 Q. Okay. Now, I would just like to take you to that  
20 page, which is about nine pages in, which is titled  
21 "Conclusion." So it's not the last page, because there's  
22 some appendix attached to that. It's the last page of the  
23 report?

24 A. Yes.

25

26 Q. Sir, this is now 1986/'87, Mr Lamm, a conclusion:

27

28 I'm of the opinion that the Warden has come  
29 to the realization that large scale project  
30 undertaken contribute substantially to the  
31 financial difficulties. No items of a  
32 capital nature were noted for the 1987 year  
33 to date. The only extraordinary items for  
34 the year are for ongoing costs in keeping  
35 the projects in operation. A number of  
36 items are however cause for concern such as  
37 the allocation of certain items to the  
38 chart of accounts, the food costs per head,  
39 and the non-production of Monthly  
40 Reconciliation Statements.

41

42 And then there are the "Recommendations":

43

44 (1) That periodic checks of that nature are  
45 continued, perhaps by the Administrative  
46 Officer after Board of Management meetings,  
47 at which he is present.

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

(2) That a person with expertise in bookkeeping be employed should the Senior Supervisor continue to experience problems in preparing Reconciliation Statements.

(3) That the Board of Management be made aware of the contents of this report and advise of what corrective action is proposed. I would suggest that the ratification of accounts after the event is not satisfactory and that all expenditure be approved by the Board prior to the ordering of goods/services.

So, dealing with those in turn, the first one:

The periodic checks of this nature are continued, perhaps by the Administrative Officer after Board of Management meetings, at which he is present.

Well, that was yourself, was it not? Can you recall whether these sorts of checks were undertaken by you?

A. I wouldn't, because I wouldn't have the skills, so it would have to be done by the financial officer rather than myself.

Q. Well, can you recall whether some means were put in place?

A. I can't recall whether it was put in place.

Q. Number 2 - this was a rather serious problem, it seems, because the Senior Supervisor had problems in preparing reconciliation statements. I know you don't come from an accountancy background; but, nevertheless, it's a fairly important task, isn't it, reconciliation statements?

A. (No audible answer).

Q. Now, do you know whether a person with expertise in bookkeeping was employed to replace that Senior Supervisor?

A. I always had a concern about the finance, in relation to somebody that's been picked to come in to run a hostel has got to have people skills, and quite often you can't get an animal that's got people skills and is good at accounts. You might have a good accountant who's got terrible people skills, but people skills quite often

1 weren't that really good at figures, so I was of the  
2 opinion that the bookkeeping appointment should be across  
3 the Board because all wardens found monitoring and handling  
4 the finance was difficult. What happened there was there  
5 was an appointment made, and I think it was a position  
6 shared with Narrogin.

7  
8 Q. Well, the Senior Supervisor that was at Katanning at  
9 this time was one Neil McKenna. With the advantage of  
10 hindsight now, it might be that he didn't have very good  
11 people skills either, but leave that to one side. So we  
12 have here the brother of the warden who was tasked with the  
13 responsibility of preparing the reconciliation statements.  
14 Would you agree with me that's not an ideal situation?

15 A. I'd agree with that, but I wasn't aware of that.

16  
17 Q. Okay. And item (3) on the "Recommendations", the  
18 proposal was "that the ratification of accounts after the  
19 event is not satisfactory", so this is ratification of  
20 accounts made by the Hostel Board. Well, that really is a  
21 no-brainer, isn't it?

22 A. Mm.

23  
24 Q. "And that all expenditure be approved by the Board  
25 prior to the ordering of goods and services"?

26 A. Mm.

27  
28 Q. I mean, isn't that something that should have been in  
29 place?

30 A. Finance should have been approved at each meeting in  
31 one form or another.

32  
33 Q. And it would seem that wasn't the case, at least  
34 insofar as this Board was concerned?

35 A. According to this report.

36  
37 Q. Yes. All right. Well, sir, I tender that report as  
38 well. Unless, Mr Lammas, there's something else that you  
39 wanted to raise with that?

40  
41 **EXHIBIT #102 "REPORT ON EXPENDITURE ITEMS, 1986 TO 1987, ST**  
42 **ANDREW'S HOSTEL KATANNING", BARCODED 0184**

43  
44 MR URQUHART: Q. Was there anything you'd like to say  
45 about that?

46 A. No.

1 Q. Okay. Thank you. Now, the next document I want to  
2 show is the minutes of the meeting that actually referred  
3 to that report on expenditure items: and that is  
4 exhibit 75, sir, barcode number 0154. It's the minutes of  
5 the authority's meeting which was heard on 9 June 1987.  
6 And that report on those expenditure items is referred to  
7 at page 3 of those minutes, Mr Lammas. I'll see if I can  
8 take you to that now, under small Roman numeral (v):  
9

10 A report on expenditure items for Katanning  
11 Hostel for 1986/87. The Authority resolved  
12 that the local Board be sent copies of the  
13 report for comment. It was further  
14 resolved that the Local Board revise a plan  
15 of action to reduce the deficit and examine  
16 its current management structure.  
17

18 Would you agree with me that that essentially means that  
19 the examination of the current management structure was to  
20 essentially reconsider the manner in which the warden was  
21 managing the finances; yes?

22 A. I'd agree with that.  
23

24 Q. And here I think you'd already mentioned that in fact  
25 this was the case, that the administrative officer advised  
26 of the appointment of a clerical assistant to perform  
27 bookkeeping functions. Can you recall whether there was an  
28 improvement with the changes that were supposed to be  
29 implemented for Katanning after this?

30 A. I can't recall one way or the other, but we would have  
31 expected some sort of improvement.  
32

33 MR URQUHART: All right. Well, sir, that document has  
34 already been tendered as an exhibit.  
35

36 Q. Now, the next item is 0238, a copy of a letter written  
37 by Dennis McKenna to the Country High School Hostels  
38 Authority, dated 13 February 1989. And can you recall what  
39 position Mr Ralph Hernandez held in the Authority?

40 A. No, it's - I can't.  
41

42 Q. He didn't appear to be present at the previous meeting  
43 we looked at?

44 A. With the documentation, certainly his name's come up a  
45 couple of times. I can only assume it might have been one  
46 of the acting financial officers.  
47

1 Q. Right. That might well be the case. I just want to  
2 draw your attention to the fact that he was advising the  
3 Authority that the deficit of \$67,000 had increased, which  
4 increased \$32,000 over 1987. And then he provided an  
5 explanation as to why that had occurred, but it would seem  
6 that there weren't any inroads made in the deficit for the  
7 year 1987. Does that appear to be the case?

8 A. According to this.

9  
10 MR URQUHART: I tender that document, sir.

11  
12 **EXHIBIT #103 COPY OF A LETTER WRITTEN BY DENNIS MCKENNA TO**  
13 **THE COUNTRY HIGH SCHOOL HOSTELS AUTHORITY, DATED 13/2/1989,**  
14 **BARCODED 0238**

15  
16 MR URQUHART: Q. The next, Mr Lammas, I want to show you  
17 is the minutes of an Authority meeting for 14 February  
18 1989. It's barcode number 0239. From the front, first  
19 page of those minutes, we can see that you were present at  
20 this meeting. And I just wanted to take you to page 6 of  
21 7, of those minutes. Item 12, the heading, "Deficit  
22 funding", 12.1:

23  
24 Katanning Hostel appears to be  
25 over-spending as they had achieved an  
26 unexpected deficit. It was resolved that  
27 an explanation be sought and an audit  
28 carried out to establish the reasons.

29  
30 So, Mr Lammas, this is two years on from that report of  
31 expenditure items that I have already shown you, and what  
32 changes the Authority implemented for that as a result of  
33 that report. So now we've got February 1989, and it's  
34 evident that the overspending is continuing, and 12.2  
35 reads:

36  
37 From the documentation tabled by the Acting  
38 Finance & Budget Officer, approval should  
39 be sought for \$212,390 to clear operating  
40 deficits for 1988 and protected interim  
41 deficit funding of \$109,767 for deficit  
42 hostels up to 30 June 1989.

43  
44 Now that is, of course, concerns operating deficits, it  
45 seems, for all hostels, or is that --

46 A. All hostels.

1 Q. It is all. Yes. And then at 12.3:  
2  
3 Mr Bachelard-Lammas and Mr R Hernandez are  
4 to meet with Treasury to discuss budget  
5 deficits of the hostels.  
6  
7 But concentrating on 12.1 though, Mr Lammas, it's readily  
8 apparent that the overspending at Katanning Hostel is  
9 continuing?  
10 A. Yes.  
11  
12 Q. And it would seem that a resolution was passed that  
13 yet another explanation be sought, and yet another audit be  
14 carried out?  
15 A. Yes.  
16  
17 Q. Is it your recollection that more audits were carried  
18 out at Katanning during the time that you were with the  
19 Authority, than any other hostel?  
20 A. It's my recollection that it was an ongoing problem.  
21  
22 MR URQUHART: Okay. Now, I tender that document.  
23  
24 **EXHIBIT #104 MINUTES OF AN AUTHORITY MEETING FOR 14/2/1989,**  
25 **BARCODED 0239**  
26  
27 MR URQUHART: Q. And the next one, Mr Lammas, I want to  
28 show you - I've discussed this with your Honour's  
29 associate. We should be able to resolve this. The first  
30 is the front page of this meeting of the Authority of 23  
31 April 1990, which is barcoded 0133. The purpose I want to  
32 refer to that, and the document underneath, is also to  
33 explain that the document underneath, which has already  
34 been an exhibit, number 77, was part of the appendix that  
35 was attached to that minute.  
36  
37 HIS HONOUR: Well, let's make the minute part of  
38 exhibit 77.  
39  
40 MR URQUHART: Thank you, sir, I was going to suggest that.  
41  
42 **EXHIBIT #77 ADDITION OF FRONT PAGE OF MINUTE OF MEETING OF**  
43 **THE AUTHORITY OF 23/4/1990, BARCODED 0133**  
44  
45 MR URQUHART: And, Mr Lammas, we can see that you were  
46 present at this particular meeting in which this appendix  
47 was attached. So if we can deal now with that appendix,

1 which is described as "Appendix B - Acting Administrative  
2 Officer's Report For February 1990". Might that be the  
3 case, that given that it was the acting administrative  
4 officer's report, that it was someone that was assuming  
5 your position whilst you might have been on leave, or  
6 something like that?

7 A. Yes, and as he was finding space, probably the best  
8 person to be representing us on that occasion, but I  
9 wouldn't know whether I was on leave or still in the  
10 office.

11  
12 Q. I see. Because it was a financial matter, it was -  
13 the task was given to somebody --

14 A. It could have been.

15  
16 Q. It could have been, yes. Yes, it was actually Frank  
17 Rakich who conducted this. Did he have more experience in  
18 financial matters than you did - than you had, can you  
19 recall?

20 A. I can't recall whether he did or he didn't.

21  
22 Q. Okay.

23 A. My financial background is limited.

24  
25 Q. Yes. Certainly. Okay, so this is - it's dated  
26 February 1990, this report, and it's - I just want to  
27 concentrate on what was carried on with respect to the  
28 Katanning Residential College. 1.1 reads:

29  
30 On 2/2/90 a special meeting was arranged to  
31 discuss the estimated \$109,503 overdraft in  
32 April this year.

33  
34 It describes who was present at the meeting - Mr McKenna,  
35 Mr Murray, Mrs Campbell, Mr Sherriff and Mr Rakich.

36  
37 1.2:

38  
39 At this meeting it was pointed out to those  
40 present that food costs at Katanning were  
41 higher than at Narrogin and Geraldton.  
42 When compared to Narrogin the student  
43 numbers were over 100 less (Katanning 141,  
44 Narrogin 245 in 1988, and 135:234 in 1989).  
45 Bar charts were produced to allow those  
46 present to see for themselves.

47

1 So what we've got here is that Mr Rakich has apparently  
2 doing the sums and seen that the food costs at Katanning  
3 were higher than, for example, Narrogin, even though there  
4 are over 100 less students at Katanning. And this does  
5 seem to be another one of these ongoing concerns, because  
6 I'd shown you earlier about - this was a problem that  
7 existed back in the early '80s - I think 1983 it was.  
8 A. (No audible answer).  
9  
10 Q. You're just nodding your head, sir. Are you agreeing  
11 with that?  
12 A. I agree with that.  
13  
14 Q. Yes. So, again, there seems to be that with respect  
15 to food costs - and I think the example that was given  
16 previously was the cost of provisions for each student, and  
17 it was way higher at Katanning than what it was for the  
18 other hostels. It was obviously a concern for the  
19 Authority back then. And it seems now, seven years later,  
20 it still remains a concern. Do you agree with that?  
21 A. As per this document, yes.  
22  
23 Q. Do you have any recollection about this particular  
24 matter?  
25 A. I can't recall any detail around this, no, but the  
26 ongoing issues around food costs has been around for a  
27 while.  
28  
29 Q. Yes. And those ongoing matters don't seem to have  
30 been addressed?  
31 A. It would appear so.  
32  
33 Q. Can I ask you this, Mr Lammas - whose responsibility  
34 was it to ensure that these concerns were being addressed?  
35 A. From - I can't remember the detail, what detail went  
36 down in discussion around these issues in an Authority  
37 meeting that far back, but the Authority would have to go  
38 back to the Board and say what is going on.  
39  
40 Q. And presumably it did?  
41 A. Mm.  
42  
43 Q. And presumably the answers that were given - whatever  
44 answers were given, were not satisfactory?  
45 A. I can't recall what the outcome was, but it would have  
46 got - the issue would have been taken up, because this - I  
47 presume this meeting took place in Katanning.

1  
2 Q. Yes, it would seem so, because --  
3 A. There was a - if you like, a meeting around the  
4 finance at Katanning to explain the situation, that the  
5 Authority wasn't happy with what was going on. That's what  
6 I'm assuming from this.  
7  
8 Q. Yes. And this overdraft that was referred to in 1.1,  
9 that is a very significant overdraft, isn't it?  
10 A. Estimated, yes.  
11  
12 Q. Yes.  
13 A. I don't think it came about, but it was estimated.  
14  
15 Q. Yes. Well, 1.3:  
16  
17 In defence the Warden claimed if the  
18 deficit from 1988 of \$34,994 were paid, he  
19 could break even this year.  
20  
21 As far as that deficit, if it was to be paid, that meant it  
22 was paid by the Authority?  
23 A. If it was paid.  
24  
25 Q. Yes.  
26 A. I don't think it was paid.  
27  
28 Q. No, no, because that was not an acceptable deficit?  
29 A. Yes.  
30  
31 Q. And, again, it seems that we've got this ongoing  
32 assurance by the warden that if this was done, then he  
33 would be able to break even for the year?  
34 A. Correct.  
35  
36 Q. So, again, was this another example, if you can recall  
37 it, of Mr McKenna using his powers of persuasion and his  
38 gift of the gab?  
39 A. That's how we would - that's how we would - when I say  
40 "we", in that instant that's how the office would see it.  
41  
42 Q. The office of the Authority?  
43 A. Mm.  
44  
45 Q. That is, those salaried staff members; is that right?  
46 A. Correct.  
47

1 Q. And if that's how you saw it, I gather that ought to  
2 have then been those views then being conveyed to the  
3 Authority?

4 A. Well, the Authority must have instructed us to do  
5 this.

6  
7 Q. Yes. And, indeed, 1.4, we can see there:

8  
9 My reply was that until the Audit by the  
10 Ministry has been cleared the deficit it  
11 would not be paid.

12  
13 That doesn't quite read correctly, but it does accord with  
14 your recollection of the matter, doesn't it?

15 A. I'm going on what's been said here, not my memory.

16  
17 MR URQUHART: Okay. Well, now, sir, as I understand it,  
18 the front page of that minute is going to be attached as  
19 part of exhibit 77.

20  
21 HIS HONOUR: Yes.

22  
23 MR URQUHART: Q. Did you want to say anything else about  
24 this matter, Mr Lammas?

25 A. (No audible answer).

26  
27 Q. No. You're shaking your head, so --

28 A. No.

29  
30 Q. Now, this is going to be the last item that I'm going  
31 to show you with respect to the question of finances. It's  
32 exhibit 91, and it's for the minutes - and it would appear  
33 this would have been the last meeting you would have  
34 attended, because it's 11 September 1990.

35 A. Correct.

36  
37 Q. So exhibit 91, barcode number 134, sir. Now, the  
38 reason why this has got a number of pages is that it's part  
39 of Attachment B to these minutes. Was that - it was your  
40 final report that you prepared for September 1990, and you  
41 actually - if we can go to that - so that would be the  
42 ninth page that appears there, Attachment B. Have you got  
43 that?

44 A. Ninth page.

45  
46 Q. Well, I'm just trying to assist there, but it's page 1  
47 of 9. It's attachment B, your report for each of the

1 hostels.  
2 A. Bottom of 9, yes.  
3  
4 Q. Yes. So you refer to each of the hostels, I want to  
5 take you to page 4 now of that, at "Katanning Residential  
6 College" - have you got that, 5.1, page 4 of 9?  
7 A. Got it.  
8  
9 Q. :  
10  
11 What can one say about Katanning? It is  
12 still the leader in providing a "complete"  
13 service to the isolated child. A pastoral  
14 care programme has been in existence  
15 for years and end product is evidence to  
16 this. Such programming should be  
17 encouraged by all centres through the  
18 recent circular from the office on Pastoral  
19 Care programming. A follow-up is essential  
20 to the progress in this area. A commitment  
21 should be sort from all Boards of  
22 management.  
23  
24 HIS HONOUR: Just pausing there.  
25  
26 Q. Was Katanning Hostel seen as the leader in pastoral  
27 care at that time?  
28 A. That's how it was viewed, sir.  
29  
30 MR URQUHART: Q. And then that will be consistent then  
31 with the recollection that Mr Murray had of the description  
32 that was given to him of the Katanning Hostel, and this is  
33 back in 1987/'88?  
34 A. That's how the office interpreted it, yes.  
35  
36 Q. Yes. And you see paragraph 5.1 - am I right in saying  
37 that essentially what you were portraying there, that it  
38 was, in fact, the best hostel in the State?  
39 A. I think what I was trying to do there is use Katanning  
40 to push for a greater awareness of pastoral care across the  
41 service.  
42  
43 Q. Using Katanning as an example?  
44 A. Yes.  
45  
46 HIS HONOUR: Q. It's highly ironic with what we know  
47 now, in what we know now, isn't it?

1 A. Absolutely. Absolutely.  
2  
3 MR URQUHART: Q. Now, I'm just going to take you now to  
4 5.2, "Summary of Present Position", and 5.2.1:  
5  
6 Katanning has 134 students operating at 99%  
7 capacity with a balanced trading figure for  
8 1990.  
9  
10 Do you see that?  
11 A. Yes.  
12  
13 Q. The previous document that I've shown you though,  
14 notwithstanding that, there was an overdraft, an expected  
15 overdraft of \$100,000.  
16 A. Expected, but it didn't happen. So obviously I would  
17 have checked my figures on file. For me to have actually  
18 put that in, I must have checked to see that that was the  
19 outlook.  
20  
21 Q. Sorry, that that was the --  
22 A. The outlook.  
23  
24 Q. The outlook, right. If we go over the page, 5.2.2,  
25 there's a reference to the operation by Katanning of Reidy  
26 House, which I don't know if you can recall, that was an  
27 off-site accommodation facility to accommodate a greater  
28 number of students. Do you remember that?  
29 A. Vaguely.  
30  
31 Q. 5.2.3 it reads:  
32  
33 Dennis McKenna will be acting Warden for  
34 Geraldton during Graham Greenaway's Long  
35 Service Leave. This type of movement could  
36 be most beneficial to the movement as a  
37 whole. To place Dennis at different  
38 centres could be one way of developing  
39 "program pastoral care" in a very positive  
40 way. Dennis would need support from the  
41 office and clear guidelines as to avoid  
42 conflict at a local level.  
43  
44 We know now that this never took place because September  
45 was the month that Mr McKenna was going to be arrested for  
46 the first of a number of times, but hindsight is a  
47 wonderful thing. But at this time you regarded that this

1 sort of movement by Dennis McKenna to Geraldton could be  
2 most beneficial; is that right?  
3 A. I'm not so sure it was the movement of Dennis himself,  
4 but I actually saw some benefit in the warden's moving  
5 around from hostel to hostel.  
6  
7 MR URQUHART: Right.  
8  
9 HIS HONOUR: Q. Well, what you've said was you were  
10 recommending to place Dennis at different centres as a way  
11 of developing program pastoral care in a very positive way?  
12 A. I almost thought that at the time, sir.  
13  
14 Q. Yes. So you thought it would be a good idea if he  
15 went around to show the other hostels how it should be  
16 done, in terms of pastoral care?  
17 A. I must have thought that at the time.  
18  
19 MR URQUHART: Q. Well, no criticism of you, Mr Lammas,  
20 at this point in time, but it's evident that that was  
21 clearly not a very good move?  
22 A. In hindsight.  
23  
24 Q. In hindsight, yes.  
25 A. Yes, that's right.  
26  
27 HIS HONOUR: Q. But he must have been very highly  
28 regarded by you and others at that time in this area?  
29  
30 MR URQUHART: Just before we get there, sir, Mr Lammas was  
31 shaking his head to that last question --  
32  
33 HIS HONOUR: Was he?  
34  
35 MR URQUHART: -- I posed to him. Yes. We've got to try  
36 and get that on transcript, Mr Lammas, that's all.  
37  
38 THE WITNESS: Ask the question again.  
39  
40 MR URQUHART: Yes, if you say, "No", rather than shaking  
41 your head, okay, in future. Now, his Honour's just asked  
42 you a question.  
43  
44 HIS HONOUR: I've forgotten what it was.  
45  
46 MR URQUHART: Well, you must have --  
47

1 MR JENKIN: You said that you thought it must have been -  
2 he must have been thought well of.  
3  
4 HIS HONOUR: Yes.  
5  
6 Q. He must have been regarded very highly in the area of  
7 pastoral care for you to recommend that he should go around  
8 to the other hostels to show them how to do it?  
9 A. Yes sir.  
10  
11 Q. So he had a high reputation in that area?  
12 A. Yes, sir.  
13  
14 Q. And --  
15  
16 MR URQUHART: I'm sorry, sir.  
17  
18 HIS HONOUR: You continue, yes.  
19  
20 MR URQUHART: Q. It does go on there, 5.2.3:  
21  
22 Dennis would need support from the office  
23 and clear guidelines as to avoid conflict  
24 at a local level.  
25  
26 Can you recall what sort of conflict you were referring to  
27 there?  
28 A. I think I would be concerned that it didn't over-push  
29 his will. Barry had a tendency to push a wheelbarrow, so I  
30 would be concerned as to - he went in there, did the  
31 relief, and leave it at that, rather than try to change too  
32 much, because the person was only going on long-service  
33 leave.  
34  
35 Q. I see.  
36 A. But it's difficult to remember that far back.  
37  
38 HIS HONOUR: Q. So just thinking back to where - if Mr  
39 Ian Murray did speak to you, and I know you don't remember  
40 that, but if he did, you would have praised Dennis McKenna  
41 in this area, wouldn't you, of pastoral care?  
42 A. Someone may have, but I have no recollection.  
43  
44 Q. I know you don't, but if you'd been asked by Mr Murray  
45 at the time what you thought of Dennis McKenna, you would  
46 have praised him, referring to the pastoral care?  
47 A. Obviously - obviously he stood - he stood out, sir.

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

HIS HONOUR: Right, yes.

MR URQUHART: Q. Now, if we can just go back to 5.1, if we can, Mr Lammas. At this stage it seems to be the view that Katanning was still the leader in providing a "complete" service to the isolated child. Now, Mr Lammas, we know it's the case that at the end of this month you resigned from your position, and so, therefore, you weren't involved in any decisions that were made, of course, by the Authority after 27 September 1990. However, I want to pose a hypothetical to you - and that is this: that if you were still employed by the Authority, would you have supported the decision that Dennis McKenna be given the task of writing a pastoral care handbook for hostel staff whilst he was awaiting trial on allegations of serious child sexual abuse?

A. Never.

Q. I don't know whether you're aware of it, but that is, in fact, exactly what happened - that the Authority, whilst Dennis McKenna was suspended, and that it was quite correctly decided that he was - could not possibly go back to his job of running the hostel, what would be done is that he would be given the task of writing a pastoral care handbook. So when you say that you would never support that, could you tell us why it would be that you would not support that?

A. My attitude towards this sort of offence is that they shouldn't come anywhere near the organisation. He should have been sent home. It might have cost us a dollar, but he stays at home and we disassociate completely with Dennis McKenna.

Q. And that if the Authority decided that he should be given a job, the job of writing a pastoral care handbook would not have been one that you believe, or that you would have recommended he be given?

A. I would suggest it's an error of judgment.

Q. A serious error of judgment, in your view?

A. I recall when this actually went down, even though I was no longer in the organisation, being extremely angry. It would disturb me greatly if he was involved in producing a document of that kind.

Q. Given the fact that you were extremely angry, would

1 you then agree with my observation that - or comment - that  
2 it was - or question, that it was, in fact, a serious error  
3 of judgment?

4 A. Yes, sir.

5

6 Q. To go further, to add another description to that,  
7 that it would be an unbelievable error of judgement. I know  
8 you have high respect for Mr Philpott, but would it be your  
9 view that this would be an unbelievable error of judgment?

10 A. I would be totally disappointed if he was involved in  
11 any shape or form in producing a document for the  
12 Authority. It's against my nature to speak bad of anyone,  
13 but I would agree that it was not the thing to have done.

14

15 Q. Now, to - in fairness to what Mr Philpott's  
16 explanation for this was - because I know you've already  
17 told us you did not read his evidence - that he said that  
18 this handbook that Mr McKenna was going to write would  
19 never have been introduced and used as a handbook. Okay.  
20 But it does beg the question, would you agree, that why  
21 bother getting him to write a handbook in the first place?

22 A. I can't recall how I first started this, but my  
23 approach would be total disassociation with the Authority.

24

25 Q. So you wouldn't enter into the idea of writing a  
26 handbook. Yes. Now, those minutes have already been  
27 tendered as an exhibit, sir, exhibit 91. And his Honour's  
28 Associate will just take that back from you now, Mr Lammas.  
29 But getting back now to the question regarding the  
30 financial circumstances that existed for the Katanning  
31 Hostel from 1982 through to 1990, when you were employed  
32 by - employed in a position of the Authority. Would you  
33 agree with this proposition that a hostel at full capacity  
34 should not be running at a loss?

35 A. Certainly.

36

37 Q. Now, it would seem that given the substantial  
38 improvements that Katanning Hostel had made - that had been  
39 made under Dennis McKenna's stewardship - and the increased  
40 student numbers, that the hostel had been able to have, and  
41 it's reputation within the community - do you agree that  
42 Katanning Hostel was granted more leeway in its  
43 overspending than might otherwise have been the case?

44 A. I'm not sure I can think that far back as to how I  
45 felt at the time, but I felt - I am sure I would have been  
46 concerned there ought to have been firmer action to bring  
47 the spending into line.

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

Q. But we know now that that action wasn't taken?  
A. And at that time, me being in that position, I was of the firm belief that was the responsibility of the Board of Management.

Q. Yes. But if the Board of Management continued to fail in that regard --

A. Then it was the responsibility of the Authority to step in.

Q. I know I've already mentioned this, but would it be the case that the Board, and then by extension the Authority, was more forgiving regarding overspending of Katanning Hostel. An example of this will be the theatre that was built. Would you agree with that?

A. I'm not so sure that the Authority was more lenient or more generous towards this attitude to spending. I think they were very frustrated by the fact that the Board didn't act as they would wish them to act.

Q. Yes. And whilst that frustration might have existed, and whilst that frustration might have been conveyed to the Board, the fact is that the overspending continued?

A. Correct.

Q. And the theatre, though it seemed to run at a loss, but because it brought the community to the hostel and provided a benefit to the community, was it the case that because of that, it was still allowed to run at a loss for a number of years?

A. I don't think the Authority would have allowed it to run at a loss.

Q. But it was running at a loss?

A. It was running at a loss, but I don't think it was with the blessing of the Authority.

Q. But it was, wasn't it, Mr Lammas, because the Authority did not put its foot down?

A. Well, it did try to get its message across to the Board to get their act together many, many, many times. If what you're saying is it didn't make the ultimate decision, that was for the Authority to make, not for me to make.

Q. Yes. By all means, yes. The fact is the Authority did not make that decision?

1 A. I recognise they did not make that decision. It  
2 wouldn't be for me to tell them to make that decision.  
3  
4 Q. It might not be your role to tell the Authority that,  
5 but would you agree it would be your role to advise the  
6 Authority?  
7 A. I can't think how I was thinking that far back. In  
8 hindsight, perhaps, but I can't think that far back how I  
9 felt at that time. I don't think I would be - I'd feel I  
10 was in a position to tell the Authority what it should be  
11 doing.  
12  
13 Q. But there is a distinction between telling the  
14 Authority what it should be doing, and providing sage  
15 advice as to what it should be doing. Would you agree with  
16 that. Let's forget sage, let's say advice.  
17 A. At the time I can't think that far back, how I  
18 actually felt at that time. I don't think I would have  
19 felt I was in a position to tell the Authority what to do.  
20 I was told what to do.  
21  
22 Q. Given the fact that you were responsible for the  
23 day-to-day management of the Authority, given the fact that  
24 you were a salaried officer of the Authority, do you not  
25 think it would be your job to provide such advice to the  
26 Authority?  
27 A. I wouldn't have seen my role as offering that advice.  
28  
29 Q. Why not?  
30 A. I didn't really know enough about finance, I didn't  
31 know enough about what was actually going on. I left that  
32 to auditors and people who were far more skilled than I was  
33 with finance.  
34  
35 Q. But you see there, I gather that if the auditors were  
36 asked that, they would say, "Well, no, it was my job simply  
37 to present the figures to the Authority." What the  
38 Authority did with those figures, it was up to that, to the  
39 Authority.  
40 A. Well, no, honestly, I wasn't - I never saw myself with  
41 the skills around finance to advise anybody on finance.  
42 The stuff was tabled. It was discussed at the meeting, and  
43 then the Authority made its decisions. And I didn't see I  
44 had the skills to point out to them that this should be  
45 doing, or that should be doing in relation to finance.  
46  
47 Q. All right. I'll ask you this then: do you think that

1 the decisions that were made by the Authority regarding the  
2 finances of Katanning were good ones?  
3 A. From my perspective they tried hard to pull him into  
4 line, and pull the Board into line. That's how I viewed  
5 it, in the sense they refused to pay the deficits. I saw  
6 that as a considerable slap around the face for the Board,  
7 to get their act together. Other than that, I couldn't see  
8 what else they could do.  
9  
10 Q. Well, if the Board didn't rein in its warden's  
11 overspending, then a point is reached where a drastic  
12 measure would have to be taken?  
13 A. Well, that was the role of the Authority, not my role.  
14  
15 Q. Yes. But do you agree with that?  
16 A. That the Authority should step in.  
17  
18 Q. Yes.  
19 A. Well, when any situation gets drastic, the Authority  
20 would have to step in.  
21  
22 Q. And do you agree that that decision - that that point  
23 had been reached with respect to Katanning.  
24 A. I wasn't in a position to make that?  
25  
26 Q. Yes. Well, in fairness to - it seems that the books  
27 had been balanced as of 1990?  
28 A. Well, that's what I thought when I left, it wasn't at  
29 balance.  
30  
31 Q. But for a number of years prior to that they weren't?  
32 A. Agreed.  
33  
34 Q. Okay. Now, Mr Lammas, I'm going to move on now from  
35 that. I'm going to ask you now about this. Do you recall  
36 providing a typewritten statement to the Inquiry dated 20  
37 February 2012?  
38 A. Correct.  
39  
40 Q. If I could just read out a paragraph from page 2 of  
41 that statement. You said this:  
42  
43 If I or any member of the Authority were  
44 informed of activity or behaviour that was  
45 unacceptable or inappropriate by any member  
46 of staff or Board member at any hostel,  
47 there would have been immediate follow up

1 and appropriate reporting to the necessary  
2 authorities.  
3  
4 Now, do you recall stating that in that statement?  
5 A. Yes.  
6  
7 Q. Yes. Do you stand by that?  
8 A. Yes.  
9  
10 Q. And you also said on that same page:  
11  
12 I can confidently state that while in  
13 office there was no reporting, whether  
14 verbally or written, to me, or any  
15 Authority member as I am aware, of any  
16 situation or behaviour that would cause  
17 concern to the wellbeing of students at  
18 Katanning Hostel by Dennis McKenna.  
19  
20 Do you stand by that?  
21 A. I believe that to be true.  
22  
23 Q. Do you stand by that, having read the material that  
24 was provided to you by the Inquiry in more recent times?  
25 A. Which material would that be?  
26  
27 Q. Well, the documents that have been provided to you?  
28 A. In relation to --  
29  
30 Q. Just in relation to the documents that have been  
31 provided to you, do you still stand by that assertion that  
32 you made on 20 February?  
33 A. I was never aware of the hidden agenda that McKenna  
34 had in relation to Katanning.  
35  
36 MR URQUHART: Okay.  
37  
38 HIS HONOUR: Q. When you say "hidden agenda", what are  
39 you referring to there?  
40 A. His devious activities --  
41  
42 Q. Yes.  
43 A. -- with minors.  
44  
45 MR URQUHART: Q. Now, was it also the case that  
46 following that statement you provided to the Inquiry, that  
47 you accepted an offer by the Inquiry to participate in an

1 interview with its investigators?  
2 A. Yes. I thought that was what you were referring to.  
3  
4 Q. No, that was the - I was just reading from you - I was  
5 reading from you some extracts from your typed - your  
6 typewritten statement that you provided to the Authority on  
7 20 February, yes, or dated 20 February. Now, with respect  
8 to that interview you gave to investigators, do you  
9 recall - and this is at page 17, sir, of the transcript of  
10 that interview - that you said this, that when you were  
11 asked:  
12  
13 What was your relationship with Dennis  
14 like?  
15  
16 You replied:  
17  
18 I had a fairly good working relationship  
19 with Dennis. He was running a very good  
20 ship, as it were, from the outside looking  
21 in. We - I never had any suspicion of this  
22 activity. Any suspicion of the activity  
23 would have meant that we would have thrown  
24 in some resources to find out. So we had  
25 no idea, no idea at all.  
26  
27 And do I understand it to mean that when you say you never  
28 had any suspicion of this activity, once more that was Mr  
29 Dennis McKenna's activity with respect to his --  
30 A. Abuse of children.  
31  
32 Q. His abuse of children. Now, Mr Lammas, do you stand  
33 by that?  
34 A. I stand by that.  
35  
36 Q. That you never had any suspicion of such activity?  
37 A. I do.  
38  
39 Q. And that any suspicion of such activity would have  
40 meant that we - I gather you mean the Authority - would  
41 have thrown in some resources to find out?  
42 A. Correct.  
43  
44 Q. When you say that "We had no idea, no idea at all",  
45 you mean the Authority?  
46 A. I would be talking the royal "we", yes.  
47

1 Q. Yes, and yourself?  
2 A. And myself, yes.  
3  
4 Q. Again, you might think this is a silly question, but I  
5 will ask you it. Is it the case that the Authority - that  
6 insofar as the Authority is concerned, that the safety and  
7 wellbeing of students residing at a hostel must take  
8 precedence over everything else?  
9 A. Yes.  
10  
11 Q. Their safety and wellbeing must take precedence over  
12 any potential negative publicity that the Authority might  
13 suffer?  
14 A. Absolutely.  
15  
16 Q. That the safety, wellbeing of students must take  
17 precedence over any potential loss of revenue for a  
18 particular hostel?  
19 A. Absolutely.  
20  
21 Q. Or a loss of reputation for a particular hostel?  
22 A. Absolutely.  
23  
24 Q. And that the safety and wellbeing of students residing  
25 at a hostel must take precedence over any potential damage  
26 that might be incurred to the image of the Authority?  
27 A. Absolutely.  
28  
29 Q. Even if it involves allegations of inappropriate  
30 conduct by a highly respected and much admired staff member  
31 of that Authority?  
32 A. Absolutely.  
33  
34 Q. When I say "staff member" of that Authority, I do  
35 include hostel staff members. Do you understand that?  
36 A. Yes.  
37  
38 Q. And, Mr Lammas, I do agree that that's an ideal and  
39 commendable policy to adhere to. Do you say that whilst  
40 you were at the Authority, that that policy was always  
41 followed in practice?  
42 A. Well, I can only comment on my own experience.  
43  
44 Q. Yes.  
45 A. And in relation to my own experience, I never came  
46 across anything that would indicate we had a problem at  
47 Katanning in that respect.

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

Q. And when you say "in that respect", it is in the respect of inappropriate conduct by any of its staff towards students?

A. Yes.

Q. I am, of course, talking about the time that you worked there at the Authority with respect to these questions. Can I ask you who was responsible in your view for investigating allegations of sexual misconduct by a hostel staff member?

A. It would - well, the situations that I was exposed to, and if I give them as examples, it was a situation in Port Hedland where a young male student accused a staff member, and he actually went straight to staff and complained about it, and that was reported - because it was a straight-out accusation, and that went straight to police. On another occasion in Northam, there was a female member of staff, mature woman, who was alleged - and I think that was through - that was referred through the system by a parent, that the - her behaviour was, again unacceptable. In that case, the Education Department sent in a team of people to interview all the girls, and started to collect information in relation to that incident. So they are quite different approaches. We had a couple of instances down in Albany, and again they were through the system, through a referral, either to a Board member or the warden himself, and they acted on that, and due diligence was followed through. So with Katanning, if we got any indication of something was going down with Mr McKenna, we would probably do the education thing, send in a team of - when I say "we", I mean the government would send in, through the Education Department, a team of interviewers to interview one of the students.

Q. Okay. So in the instance of the Authority becoming aware of an allegation of sexual misconduct by a hostel staff member, at your time there, what was to be done was that it would be referred to the Department of Education?

A. To the most appropriate Authority in - so, I mean, if it's already been reported to police, it's outside our hands.

Q. Yes, certainly.

A. If it's a suspicion, I personally don't have those skills, so I would refer that to the Education Department. Say we need to go in, carry out an investigation, and

1 establish what is going on, and what happened at Northam,  
2 and I can only recount what happened at Northam, a team of  
3 interviewers went in to interview all the girls.  
4

5 Q. Yes. Interviewers from the Education Department?

6 A. Education Department.  
7

8 Q. All right. So I was going to ask you that. If the  
9 information received only gave rise to a suspicion that  
10 there might be misconduct of a sexual nature by a hostel  
11 staff member, do you say that instance, if that information  
12 is received by the Authority, it's to be referred to the  
13 Department of Education?

14 A. It would have to be substantiated. Someone would have  
15 to come with an issue, and if they came to me, it would  
16 be - well it - got to have this in writing at some stage.  
17 You need to think about what you're saying, because it has  
18 serious complications. I would possibly coach them in how  
19 they put that together, because it's not easy to put  
20 something like that together. I would probably ask them if  
21 there were other witnesses in the area that could vouch for  
22 what they're saying, were the names of the students  
23 involved known - so as much information as possible could  
24 be collected, and then put into a letter format or an  
25 official complaint, if you like, and then followed through.  
26

27 Q. Yes. Complaint of a non-sexual nature against a  
28 hostel staff member. To use an example, bullying or  
29 victimisation. If a complaint of that nature came to the  
30 attention of the Board, let's say it came to your  
31 attention - sorry, it came to the attention of the  
32 Authority I mean, not Board, came to your attention, what  
33 do you do? Did you have a procedure in place for that  
34 instance?

35 A. There was no - there was no actual procedure in place,  
36 no.  
37

38 Q. Okay. So a complaint of that nature - so it's  
39 non-sexual, it's against a hostel staff member - and I gave  
40 that example of, say, bullying or intimidation of students.  
41 What would you do in that instance? And if - if there was  
42 a different practice that you had from when you started to  
43 when you finished, please let us know.

44 A. If a complaint came in, it would be discussed, and  
45 you're saying it comes to the Authority?  
46

47 Q. Comes to the Authority, yes.

1 A. It would be discussed in a meeting, presumably,  
2 because it's an official complaint to the Authority, then a  
3 form of action would be developed, and then followed  
4 through.  
5  
6 Q. Would it have to be an official complaint? What if  
7 you received correspondence which suggested inappropriate  
8 behaviour by a hostel staff member that - that clearly  
9 wasn't of a sexual nature.  
10 A. So it was of a - clearly not of a sexual.  
11  
12 Q. Yes. Yes. So you received correspondence?  
13 A. I can't recall receiving - I can't recall any of that  
14 sort of incident.  
15  
16 Q. If you had received one, wasn't there some sort of  
17 policy in place?  
18 A. There was no policy in place, no.  
19  
20 Q. No.  
21 A. It would be up to the meeting that that letter was  
22 tabled, as to what action would take place.  
23  
24 Q. Okay. Putting your hypothetical ad hoc, what would  
25 you expect would happen in that instance?  
26 A. Well, I would expect some of the Authority members  
27 would be quite disturbed, and they would want to follow  
28 through. Of a non-bullying nature, I suppose you'd have to  
29 go back to the local.  
30  
31 Q. So non-sexual nature, I think.  
32 A. Sorry, non-sexual nature - you'd have to go back to  
33 the Board as well that the complaint came from, the hostel  
34 it came from. Unless - unless somebody on the Authority  
35 thought, "Well, we really need to handle this ourselves, we  
36 really need to take this away from the Board and handle  
37 this ourselves", it's hypothetical, I'm --  
38  
39 Q. Yes, I know that.  
40 A. You know.  
41  
42 Q. Yes, I realise that. Yes, a circumstance in which it  
43 ought to be taken away from that, the hands of the Board,  
44 would such an instance be where the allegation is made  
45 against the warden?  
46 A. Against anybody, I think.  
47

1 Q. What about against the warden, because bearing in mind  
2 as we understand it, the wardens were supposed to attend  
3 Board meetings --  
4 A. Yes.  
5  
6 Q. -- for example. Can you see a situation there where  
7 it would be uncomfortable, inappropriate for a Board to  
8 deal with an allegation that's been made against a warden?  
9 A. I see what you're getting at.  
10  
11 Q. Yes.  
12 A. You're talking about an allegation going to a Board,  
13 not the Authority.  
14  
15 Q. Well, I'm saying - you're saying there, for example,  
16 if the Authority got some correspondence which indicated an  
17 allegation being made against - I'm now saying a warden.  
18 Again, we were talking about a hostel staff member - you  
19 said, "Well, the Authority might decide or may well decide  
20 to refer it to the Board", so I'm giving you an example  
21 there where the complaint has been made against the warden.  
22 This question of whether it ought to go back to the Board  
23 in that instance because, of course, the warden would be  
24 part of that, or at least would attend those Board's  
25 meetings.  
26 A. I don't think I'm following.  
27  
28 HIS HONOUR: Q. So in other words, what you're being  
29 asked, where as a complaint, say, about bullying of a  
30 warden which comes to the notice of the Authority, would  
31 you send it back to the local Board to deal with, knowing  
32 that the warden is going to be sitting at the meeting which  
33 deals with it?  
34 A. I think it would be sent back to the Board to notify  
35 them that they've had a complaint about their warden, but  
36 we didn't have a process that we had to follow - whether  
37 that should be an independent investigation, or whether it  
38 should be an investigation by the local Board. I do see  
39 what you're getting at, but I don't remember an instance of  
40 this nature.  
41  
42 Q. So you're being asked as hypothetically, and I think  
43 what you're being asked is it appropriate to refer a  
44 complaint back to a local Board about a warden, if the  
45 warden, under the normal procedures, would be sitting with  
46 the Board?  
47 A. Probably not.

1  
2 Q. Right. Was thought ever given to that at any time,  
3 you know, while you were at the Authority, as to how to  
4 handle such a complaint?  
5 A. I don't think we ever considered procedures of that  
6 nature, sir.  
7  
8 HIS HONOUR: Right. It might be a good time to adjourn  
9 for lunch, unless you'll be able to --  
10  
11 MR URQUHART: Yes, sir. It would be, I suppose, yes. On  
12 the basis we could adjourn until quarter to three.  
13  
14 HIS HONOUR: All right. We'll adjourn until quarter to  
15 three.  
16  
17 **LUNCHEON ADJOURNMENT**  
18  
19 **UPON RESUMPTION:**  
20  
21 HIS HONOUR: Yes, Mr Urquhart.  
22  
23 MR URQUHART: Thank you, very much, sir.  
24  
25 Q. Mr Lammas, just before the break you recounted an  
26 occasion that you recall regarding two incidents, one which  
27 occurred in Port Hedland; is that right?  
28 A. Yes.  
29  
30 Q. And the other in Northam Hostel. Now, just staying  
31 with the Northam Hostel for the moment, you might have  
32 already said this before lunch, are you able to recall  
33 independently about an occasion when a female supervisor at  
34 the Northam Hostel had a complaint made by a number of  
35 female students about inappropriate physical contact?  
36 A. I didn't know the number of students who complained,  
37 but I knew that it was - there had been a complaint.  
38  
39 Q. Didn't know by how many students?  
40 A. No.  
41  
42 Q. Our inquiries have shown that that was in August of  
43 1987. Does that sound about right?  
44 A. Yep.  
45  
46 Q. Our inquiries have shown that you may well have spoken  
47 to this female supervisor yourself that month. Have you

1 got a recollection of that?  
2 A. Not really.  
3  
4 Q. Do you remember if anyone from the authority spoke to  
5 her?  
6 A. I can't recall that.  
7  
8 Q. Do you recall that she was in fact suspended on full  
9 pay at one point?  
10 A. I know that because in the documents you sent me  
11 that's referred to.  
12  
13 Q. Yes.  
14 A. I couldn't recall that was the case.  
15  
16 Q. Then she was dismissed on full pay - yes, she was  
17 subsequently then dismissed?  
18  
19 HIS HONOUR: Suspended on full pay and then dismissed.  
20  
21 MR URQUHART: Q. Suspended on full pay and then  
22 dismissed on 13 October.  
23 A. I really couldn't recall dates.  
24  
25 Q. Now, is it your recollection that the police  
26 investigated this matter but no charges were laid?  
27 A. My memory of it is a bit different to that, in the  
28 sense that it had been investigated. It got an awful lot  
29 of publicity. I think they cashed in on the headline of  
30 "grandma" or "grandmother", et cetera, et cetera. And the  
31 investigation is still going on. But she disappeared.  
32  
33 Q. I am going to suggest to you that what in fact  
34 happened - your memory is partly right - in fact, police  
35 determined that no charges were to be laid and then she  
36 instigated proceedings in the Industrial Relations  
37 Commission regarding her dismissal. Those proceedings  
38 didn't get very far because she in fact left the country  
39 and returned to the country from which she came from?  
40 A. Mmm-hmm.  
41  
42 Q. That's not quite what your recollection is, but does  
43 that help jog your memory as to whether that might have  
44 been the case?  
45 A. Sounds about right.  
46  
47 Q. Do you say on that occasion that the authority - I use

1 it generally - did refer the matter to the education  
2 department?  
3 A. Again, the way I remember that is that once another  
4 body, a third party, got involved I stepped back. It was  
5 when I couldn't get involved, it was either the police or  
6 in this case it was the education department. From memory,  
7 I remember Kerry O'Neil saying, "we're investigating it".  
8  
9 Q. Do you know what section of the education department  
10 these sort of matters would go to?  
11 A. I can't recall. I can't even recall what area Kerry  
12 would have been involved in.  
13  
14 HIS HONOUR: Q. Can I just clarify something here? Was  
15 Kerry O'Neil called in by you to organise that  
16 investigation?  
17 A. No. I chased up what we should do and it was already  
18 in process.  
19  
20 Q. How did it get referred to the education department  
21 for investigation?  
22 A. It must have been through the school.  
23  
24 Q. There must have been a complaint made at the school  
25 which resulted in the education department becoming  
26 involved?  
27 A. Yeah.  
28  
29 MR URQUHART: Thank you, sir.  
30  
31 Q. Am I right in saying that from your recollection the  
32 authority, after this, after it was decided that there  
33 would be no charges laid, the authority arranged for  
34 counselling for the children who had made the complaints?  
35 A. I can't recall that.  
36  
37 Q. I am referring to something you said in your interview  
38 with the investigators last month regarding that. You  
39 indicated there that Kerry O'Neil - bottom of page 4 -  
40 arranged for a psychologist to come and interview the kids?  
41 A. That's how I remembered it. They were professional  
42 staff that had been brought in.  
43  
44 Q. That was an arrangement made by?  
45 A. The education department.  
46  
47 Q. What, at the behest of Kerry O'Neil?

1 A. Well, whether he started them that far. He referred  
2 to me that there was an investigation going on and I  
3 assumed he'd been involved in it.  
4  
5 Q. What hat was he wearing for this? The hat as being a  
6 member of the authority or his hat that --  
7 A. Both.  
8  
9 Q. Both?  
10 A. Both.  
11  
12 Q. The way in which this matter was handled, the  
13 authority becomes aware of it, of the allegations?  
14 A. Yes.  
15  
16 Q. They might have got that information either from the  
17 hostel?  
18 A. Hm.  
19  
20 Q. Or the police? Yes?  
21 A. Yep.  
22  
23 Q. If the police aren't involved the authority ought to  
24 notify the police; is that right?  
25 A. It depends on the situation. It would be discussed  
26 with - I discuss it with Kerry O'Neil, and then I would  
27 assume he would take over that investigation, because the  
28 education department have got the resources to do it. I  
29 had no resources to do it. Especially when it is a  
30 complaint it has to be proven. So, therefore, somebody has  
31 to go in and carry out an investigation. In the Port  
32 Hedland situation it was a straight out accusation.  
33  
34 Q. We will come to that one in a moment. I am just  
35 staying with this one for now. The authority though is  
36 tasked with the situation of what to do with the suspect,  
37 is it not?  
38 A. Not really. The authority met monthly. These things  
39 can't wait for authority meetings.  
40  
41 Q. When I say, "authority" I am actually referring to  
42 you.  
43 A. Oh.  
44  
45 Q. Yes. Don't you actually take some pro-active role  
46 into making a determination?  
47 A. The role I would take is that I would seek advice, and

1 that usually in these sort of situations would be via the  
2 education department and be guided by them. They would  
3 then take over. I then step back.  
4

5 Q. Was it your experience that in situations like this  
6 the staff member would be suspended?

7 A. Yes.  
8

9 Q. Would be suspended with pay?

10 A. At that time - and I don't know why, I can't explain  
11 it - but we were hounded by the union. We couldn't make a  
12 move without union interfering. They got heavy with us on  
13 numerous occasions. So we probably would have been  
14 approached by some union reps saying that "innocent until  
15 proven guilty", and therefore they were entitled to full  
16 pay. So we might be very reluctant to do that, but once  
17 advised we've got no choice if it's industrial law.  
18

19 HIS HONOUR: Q. And advised by whom on that subject?

20 A. If we are seeking advice on industrial law we go to  
21 what was the government's industrial relations people. I  
22 can't remember the title. We go there. Again, we don't  
23 have the expertise so we would be relying on their support.  
24

25 MR URQUHART: Q. Are you aware whether that was within  
26 the education department or was it a separate entity?

27 A. The industrial advice was separate from the education  
28 department.  
29

30 Q. So it would be the Industrial Relations Commission?

31 A. Yes, yes.  
32

33 HIS HONOUR: Q. The Industrial Relations Commission, you  
34 say?

35 A. Yeah. We were on a couple of occasions up before the  
36 commission in relation to industrial issues.  
37

38 MR URQUHART: Q. Now, you would agree with me that the  
39 offering of psychological counselling or services to  
40 students in the situation that existed at Northam is a  
41 sound idea and a sound policy?

42 A. It's warranted.  
43

44 Q. Would you accept that counselling service would be  
45 made available not only to those students - the student who  
46 may have made a complaint, but also other students who may  
47 have been affected by a staff member's behaviour?

1 A. I would assume that would take place, but I didn't get  
2 involved in it.  
3  
4 Q. But it is a logical step, isn't it?  
5 A. I would assume, yes. We had a very tragic - and I  
6 can't remember the date of that either - accident in  
7 Merredin. It was travel back from football. A bus rolled  
8 over and we lost six students and a manager. In that  
9 instance the education department were amazingly supportive  
10 and brought in counsellors for grief et cetera, et cetera.  
11  
12 Q. Can you remember when that happened? Some time in the  
13 '80s, was it?  
14 A. It was within my time. I couldn't give you a date.  
15  
16 Q. Now, I don't need you to name who this female  
17 supervisor was, even if you can remember. Am I right in  
18 saying that she didn't have the glowing reputation that  
19 Dennis McKenna had prior to these complaints being made  
20 against her?  
21 A. Until the actual incident I never really knew her.  
22  
23 Q. The other matter that you referred to in Port  
24 Hedland --  
25 A. Yes.  
26  
27 Q. -- if I said to you that took place again the same  
28 month but a different year, 1985, you would take issue with  
29 that?  
30 A. I couldn't give you dates it took place.  
31  
32 Q. Can you just recount what your recollection is of  
33 that? To start with, how did you receive notice of that  
34 incident, can you recall?  
35 A. I can't recall. I only remember it in a sense that it  
36 turned out to be a false alarm, a bit of an embarrassment.  
37  
38 Q. We will get to that. Let us take it step-by-step.  
39 You can't remember how you found out about it; is that  
40 right?  
41 A. Hm.  
42  
43 Q. Do you know how many students it involved?  
44 A. One.  
45  
46 Q. Just the one. When you found out about it can you  
47 recall whether the police were already involved?

1 A. Oh, yes. By the time - yes, somebody had called the  
2 police, logically.  
3  
4 Q. Obviously you received some sort of communication from  
5 someone up there?  
6 A. Yeah.  
7  
8 Q. Would that be fair to say?  
9 A. Yeah.  
10  
11 Q. Was it you personally or was it the authority, can you  
12 remember?  
13 A. Me personally or the authority what?  
14  
15 Q. That received this advice?  
16 A. I was notified that it had happened. Port Hedland is  
17 a long way away, so I got there on the first available  
18 plane.  
19  
20 Q. Did you do that on your own accord or did you contact  
21 someone in authority, do you remember?  
22 A. I can't remember the detail, but I would have probably  
23 have mentioned it to Mr Philpott and said, "I need to go to  
24 Port Hedland".  
25  
26 Q. And why did you need to go?  
27 A. Well, just in case it got ugly.  
28  
29 Q. In what sense, what could get ugly?  
30 A. Well, that particular hostel at that particular time,  
31 if I can remember correctly, didn't actually have a board  
32 of management. It was sort of handled from the office, in  
33 loose terms. So I felt --  
34  
35 Q. Can you recall how that came about?  
36 A. It's all - well, no, I can't recall when that came  
37 about.  
38  
39 Q. Was it just that hostel?  
40 A. Just the one hostel.  
41  
42 Q. Is that a firm recollection or you're not sure?  
43 A. I can't remember the detail. It was different from  
44 the other hostels. And in that situation I thought "I'd  
45 better go up and see what's going on". In the distance the  
46 only form of communication at that time was the telephone.  
47 It was a long way away, so I felt I better go up.

1  
2 Q. To do exactly what? You said, "in case things got  
3 ugly"?  
4 A. Well, to support staff. To support the manager.  
5  
6 Q. What about the staff member who was allegedly involved  
7 in this incident?  
8 A. At that time he'd been suspended, I think.  
9  
10 Q. Who would have made that decision?  
11 A. Locally.  
12  
13 Q. Locally?  
14 A. I can't remember the detail.  
15  
16 Q. You see, but if there was no board up there it  
17 couldn't have been locally?  
18 A. The manager.  
19  
20 Q. You are talking about the warden?  
21 A. Yes.  
22  
23 Q. The warden would have suspended the person?  
24 A. Yep.  
25  
26 Q. Again, we don't need to know names. So your  
27 recollection - I know it is a long time ago - your  
28 recollection is that the warden may well have suspended  
29 this person. What else was there for you to do then?  
30 A. Well, as I said, to give the warden some support, find  
31 out exactly what went on. It was just too far away and we  
32 hadn't got enough information. So I went in to find out  
33 what would have gone down.  
34  
35 Q. And to do what else?  
36 A. In order to find out about that particular incident  
37 anything else. Well, what they were doing - what's the  
38 follow-up.  
39  
40 Q. The follow-up in respect of what?  
41 A. Everything, really. What actions had been taken, what  
42 was the situation, were we prosecuting, et cetera, et  
43 cetera.  
44  
45 Q. Can you recall who the warden was?  
46 A. No.  
47

1 Q. You can answer "yes" or "no" to that?  
2 A. No.  
3  
4 Q. You don't. Don't know whether it was a male or a  
5 female?  
6 A. I've got a feeling it was female. I've got a feeling  
7 it was female.  
8  
9 Q. How long were you up there for?  
10 A. I can't recall how long I was up there.  
11  
12 Q. You mentioned to provide support for the warden and  
13 the staff. What about support to anyone else?  
14 A. Well, because of the distance I didn't know what  
15 actually went down. I must have interviewed the young man  
16 that was being accused, but I also spoke to the police.  
17  
18 Q. So you also interviewed the hostel staff member  
19 involved?  
20 A. Yep. And talked to the --  
21  
22 Q. For what purpose was that?  
23 A. To establish what went down.  
24  
25 Q. Can you recall what he said to you?  
26 A. Not really. He did admit to being - from memory - he  
27 did admit that he had a drink or two.  
28  
29 Q. This was an allegation of a sexual nature, wasn't it?  
30 A. Yes.  
31  
32 Q. Did he make any admissions in that regard?  
33 A. No. No. He categorically said he was not involved.  
34  
35 Q. He said he had a drink or two at the time of the  
36 alleged incident?  
37 A. Yes.  
38  
39 Q. Did he say anything as to whether he was with this  
40 student when the student says they were together?  
41 A. From memory, he denied any association with the  
42 student.  
43  
44 HIS HONOUR: Q. Was it a male or female student?  
45 A. It was a young male student.  
46  
47 MR URQUHART: Q. Can you recall how old the male student

1 was?  
2 A. I'm sorry.  
3  
4 Q. So you spoke to the police?  
5 A. Yep.  
6  
7 Q. What did you speak to the police about, can you  
8 recall?  
9 A. It concerned me - I don't know what you call him in  
10 law, the person that was accused --  
11  
12 Q. Yes, exactly that "the accused".  
13  
14 HIS HONOUR: Q. He was supervisor?  
15 A. He was a young male supervisor.  
16  
17 Q. Well call him a "supervisor".  
18 A. Yes. He was still around and it concerned me, well,  
19 we don't know whether it's true or not. The police can't  
20 charge. That was based on - I rang the local sergeant - it  
21 was based on the fact that the clothing had been sent to  
22 Perth for forensic, and as far as they were concerned there  
23 was no case to answer.  
24  
25 MR URQUHART: Q. Did you find that out at the time or  
26 was that subsequent?  
27 A. I found that out at the time when I was in Port  
28 Hedland.  
29  
30 Q. And you had gone up there very shortly after this  
31 alleged incident?  
32 A. Correct.  
33  
34 Q. How long did you stay there for about?  
35 A. Well, it must have been for a couple of days because  
36 I've got to stay overnight and then come back.  
37  
38 Q. So your recollection is that you were advised within  
39 that short space of time that the police were of the view  
40 that there was no case to answer?  
41 A. Yes.  
42  
43 Q. They might not have used exactly those words, but --  
44 A. Yep. I didn't like the idea of the young man staying  
45 around and thought it might be best if he got off site.  
46 Now, he come back intoxicated so that was a dismissible  
47 offence, but he had been accused of a serious crime, so I

1 couldn't actually dismiss him or get him to actually resign  
2 without being sure that the police didn't want him for  
3 further questioning.  
4  
5 Q. How did you resolve the matter?  
6 A. We paid him out, and because he was appointed from  
7 Perth we had to pay for an airfare and flew him back to  
8 Perth.  
9  
10 Q. What happened him to? Did he remain with you?  
11 A. Oh, no, no, no, no. He left the - he left our  
12 workforce.  
13  
14 Q. Do you know what happened to him?  
15 A. No, sir.  
16  
17 Q. Did you make that decision yourself, that he was to be  
18 paid out?  
19 A. I rang again the chairman and said, "This is the  
20 situation. I don't like the idea of him being on site  
21 because we don't know whether he's guilty or not guilty.  
22 We have got insufficient evidence. That doesn't mean he's  
23 guilty, but it doesn't also mean he's not guilty". And it  
24 concerned me he was still on site.  
25  
26 Q. Now, this particular instance, was any offer of  
27 counselling services made?  
28 A. To?  
29  
30 Q. To anybody who might be affected by this incident; for  
31 example the student?  
32 A. The outcome was that we assumed the student to be  
33 telling the truth and when eventually we got contact with  
34 the mother --  
35  
36 Q. We will get to that in a moment. That was some time  
37 later, was it not?  
38 A. It was days later, yes. He lived in a very isolated  
39 location. There was no mention by phone. I don't know how  
40 the mother was contacted, but she was eventually contacted.  
41  
42 Q. So who contacted the mother?  
43 A. The local people. So it would be the warden - I'm  
44 assuming it would be the warden.  
45  
46 Q. The warden contacted the mother. Did you speak to the  
47 mother yourself?

1 A. No.  
2  
3 Q. Where did you get this information from; what the  
4 mother's views were on this?  
5 A. The mother. The warden rang me and informed me that  
6 "I've just had a conversation with the mother and she's  
7 informed me" - and you know what that outcome is.  
8  
9 Q. What did the warden say to you?  
10 A. "He's done this before to get back home".  
11  
12 Q. Did he end up get back home, in this occasion, are you  
13 aware?  
14 A. I don't know. Can't remember.  
15  
16 Q. Did you just accept the word of the warden or did you  
17 make some inquiries yourself?  
18 A. I can't recall. The warden was very reliable. I  
19 would probably accept the word of the warden.  
20  
21 Q. Why is that?  
22 A. I would accept the word of the warden. She was a very  
23 reliable individual.  
24  
25 Q. Were any arrangements going to be made to offer  
26 counselling services up at the hostel?  
27 A. I can't recall.  
28  
29 Q. Certainly no psychologist went up there?  
30 A. No. Nobody flew up. But it may have been handled  
31 locally. I really don't recall.  
32  
33 Q. When you were up at Port Hedland, so before the warden  
34 told you about what the mother had said to the warden, did  
35 you consider that there might be other students this  
36 supervisor sexually abused?  
37 A. No, I can't recall.  
38  
39 Q. Isn't that a factor that you ought to take into  
40 account?  
41 A. Perhaps. In hindsight.  
42  
43 Q. Did the warden say anything to you about other  
44 incidents that this supervisor might have been involved in,  
45 a similar kind?  
46 A. I can't recall. I thought, had that gone down, if  
47 they had, she would have.

1  
2 Q. She would be obliged to do that, wouldn't she?  
3 A. Yes.  
4  
5 Q. If she heard of anything?  
6 A. Yes.  
7  
8 Q. If she heard of another student coming forward with a  
9 similar allegation?  
10 A. Yeah.  
11  
12 Q. In fact, what would a warden do in that instance?  
13 A. Well, in Port Hedland she would probably have to seek  
14 some assistance from next door, which was the school.  
15  
16 Q. I'm talking about a hostel student?  
17 A. Yes.  
18  
19 Q. So another hostel student would come forward?  
20 A. Well, they would have to seek some assistance from the  
21 school for counselling.  
22  
23 Q. Would that warden be obligated to notify the  
24 authority?  
25 A. Yes.  
26  
27 Q. Particularly in this instance if in fact there was no  
28 hostel board?  
29 A. Yes.  
30  
31 Q. Did the authority get any? To your knowledge the  
32 authority didn't get advice on that?  
33 A. From my recollection of the incident, no.  
34  
35 Q. Had that occurred, though, that you would be aware  
36 that some inquiries would be taken up in regard to that?  
37 A. Yes, he would have to follow that up.  
38  
39 Q. Now, I am going to ask you if you can cast your mind  
40 back to 1986, all right. This is around about the time of  
41 those two matters, the one in Northam and the one in Port  
42 Hedland. In fact, it is the year in between. If the  
43 authority received correspondence that the parents of two  
44 boys, had them removed from a hostel because the two boys  
45 had both complained of suspicious suggestions made to them  
46 by the warden, what is your view as to what action the  
47 authority should take?

1 A. I don't recall the event. But if the event took place  
2 we should follow that up.  
3  
4 Q. Would that have been your view back in 1986?  
5 A. Yes.  
6  
7 Q. When you say they should follow that up, what would  
8 that follow-up involved?  
9 A. Is this hypothetical or? If it has gone down it  
10 should have been discussed at the authority meeting.  
11  
12 Q. So "if it had gone down"?  
13 A. Well, if it happened.  
14  
15 Q. Sorry, if what happened? If the correspondence had  
16 been received?  
17 A. Yes. That was to be discussed. It would be tabled at  
18 the meeting and that would be discussed. And then as a  
19 whole the authority would make a decision as to what to do.  
20 That's how I would see it.  
21  
22 Q. So this complaint, it is only in the context of a  
23 suspicious suggestion is made by the warden. Now, in those  
24 circumstances do you agree that that description raises a  
25 strong inference that it may well involve sexual  
26 impropriety?  
27 A. The obligation is duty of care, and whilst it is only  
28 a suspicion it needs to be investigated.  
29  
30 Q. In particular, you would take into account the fact  
31 that these parents were so concerned by what had happened  
32 that they actually removed their boys from the hostel, so  
33 took them out all together. Would that have an impact on  
34 the seriousness that you would regard this matter?  
35 A. Well, obviously they were very discontented. It  
36 compounds the issue, in a sense. Some action really needs  
37 to take place.  
38  
39 Q. If it is tabled there at the meeting of the authority  
40 and it was recommended that an investigation ought to take  
41 place, because really that is the only decision that could  
42 be made in that instance --  
43 A. Hm.  
44  
45 Q. -- what would happen then? This is 1986.  
46 A. I would assume that the education department would be  
47 involved in and set up a similar process they set up for

1 Northam.  
2  
3 Q. That is because of the fact that the description that  
4 has been given of the warden's behaviour could well be  
5 suggested of some sexual impropriety?  
6 A. Yeah.  
7  
8 Q. Do you ever remember sighting correspondence which  
9 alleged precisely that in or around 1986?  
10 A. No, I don't remember.  
11  
12 Q. Is that something you would expect to remember because  
13 you have got - when you wrote to the Inquiry back in  
14 February you actually recounted the Port Hedland and  
15 Northam incidents, didn't you?  
16 A. Yes.  
17  
18 Q. Now that I mention this particular one --  
19 A. It doesn't come to mind.  
20  
21 Q. -- would you have expected it to come to mind given  
22 the subject matter?  
23 A. It doesn't come to mind.  
24  
25 Q. I am going to show you some documents in a moment.  
26 They have already been provided to you. Before I do that  
27 could I ask you this: The subject matter of outstanding  
28 fees, would you regard that as the responsibility of the  
29 authority or the board of the hostel concerned?  
30 A. That would be considered to be the board's  
31 responsibility.  
32  
33 Q. Why is that?  
34 A. Because they are responsible for the financial  
35 locally.  
36  
37 Q. Documents I am about to show you now are  
38 exhibits 11.1, 8 and 10. These documents stem from a long  
39 standing dispute regarding the non-payment of fees by two  
40 parents who had a daughter at Katanning hostel, and their  
41 names were David and Coral Trezise, spelt T-R-E-Z-I-S-E.  
42 You have been shown this, 11.1. Do you remember reading  
43 this document in the last week or so - in the last few  
44 days?  
45 A. Yes.  
46  
47 Q. You have. You are now being shown exhibit 8 and

1 exhibit 10, two handwritten documents. They are short  
2 letters, about half a page long. Okay?

3 A. Mmm-hmm.

4

5 Q. When you looked at those documents more recently did  
6 that jog your memory as to whether you had sighted them,  
7 going back to your time as an employee of the authority?

8 A. It didn't ring any bells.

9

10 Q. You see the typewritten letter, which is two pages  
11 long?

12 A. Mmm-hmm.

13

14 Q. It is addressed to Mr C Philpott, Country High School  
15 Hostels Authority, 104 St Georges Terrace, Perth, 6000. It  
16 is dated 17 September 1986. It is titled "Withdrawal of  
17 Child From St Andrews Hostel". It essentially concerns  
18 these parents' concerns about having to pay for a term's  
19 fee because they withdrew their child from the hostel  
20 without the adequate notice. Just go over the page, the  
21 first full paragraph there on page 2. It says:

22

23 We have sent you copies of letters from  
24 parents who pulled out their children from  
25 the hostel without a term's notice. This  
26 you state in your letter to the Ombudsman  
27 we couldn't do.

28

29 There is no conjecture or argument, Mr Lammas, that those  
30 copies of letters referred to in that paragraph are in fact  
31 those two handwritten letters that have been provided to  
32 you, exhibit numbers 8 and 10. Okay?

33 A. Mmm-hmm.

34

35 Q. If you have a look at exhibit 8, which is dated  
36 22/8/85 - have you got that one there?

37 A. Yes.

38

39 Q. It says:

40

41 To whom it may concern. We wish to advise  
42 that our two children weren't re-enrolled  
43 at St Andrews Hostel Katanning for the 1985  
44 school year. We gave no notice to them  
45 whatsoever of our intentions. Neither have  
46 we heard anything or had any correspondence  
47 from them in relation to our decision to

1 send them to LK Grace High School.

2

3 The relevant sentence is the following:

4

5 The children were removed because they both  
6 complained of suspicious suggestions made  
7 to them by the house master, one Dennis  
8 McKenna. Yours faithfully.

9

10 It has been signed by a Mr McPharlin and a Mrs Glenys  
11 Flanigan. Okay.

12 A. Yep.

13

14 Q. Then, for the sake of completeness, the other letter,  
15 which is exhibit 10, dated 20/8/85 reads:

16

17 To whom it may concern. We removed our  
18 daughter from St Andrews Hostel without a  
19 term's notice because she was on the verge  
20 of a nervous breakdown. We wrote to the  
21 hostel board stating our case and nothing  
22 more was heard or said about it from the  
23 board. I remain yours truly.

24

25 It has been written Mrs Neve, N-E-V-E, CNF - that might be.  
26 Okay. You don't have a recollection of ever sighting those  
27 letters?

28 A. No, I don't.

29

30 Q. What about the covering letter that accompanied those  
31 two handwritten letters, the one that was addressed to Mr C  
32 Philpott?

33 A. I don't recall.

34

35 Q. I already asked you previously about the question of  
36 receiving correspondence in which two parents are stating  
37 they removed their children because they both complained of  
38 suspicious suggestions made by a house master. This is the  
39 context in which I asked you those questions. Do you still  
40 maintain that what should have occurred here is that the  
41 contents of that letter be discussed at an authority  
42 meeting?

43 A. If it was tabled at the authority meeting the  
44 authority should have discussed the letter, yes.

45

46 Q. Is there any reason why it should not have been  
47 tabled?

1 A. No. I don't see one of my stamps on it, though.  
2  
3 Q. Although it is not suggested it wasn't received, it  
4 certainly was received. In those circumstances, if those  
5 letters were received by Mr Philpott ordinary course of  
6 things it should have been tabled in the authority's  
7 meeting for discuss?  
8 A. Correct.  
9  
10 Q. From what I understand your evidence is, with respect  
11 to the outstanding fees issue, that should have gone to the  
12 board?  
13 A. Correct.  
14  
15 Q. With respect to this other matter, say in that first  
16 letter which is exhibit 8, the children were removed  
17 because they both complained of suspicious suggestions made  
18 to them by the house master, one Dennis McKenna, that, in  
19 your view, ought to have been forwarded to the department  
20 of education for further investigation?  
21 A. Well, I would have been guided by whatever the  
22 authority said it wanted to do, if that was tabled at a  
23 meeting. The people who sit on the authority is a  
24 representative from the education department, treasury, and  
25 a number of notable people from the community - rural  
26 communities. They are all part of the authority. They, I  
27 would have assumed, if this was tabled, they would all  
28 discuss that and I would be given a direction.  
29  
30 Q. I gather from your evidence you expect that direction  
31 to be --  
32 A. There should be some investigation.  
33  
34 Q. By?  
35 A. Well, we would have to lean on the department.  
36  
37 Q. It is a potentially serious accusation, isn't it; do  
38 you agree?  
39 A. Yeah.  
40  
41 Q. Notwithstanding the fact that it lacks any detail?  
42 A. Yeah.  
43  
44 Q. Would you expect, if this actually happened, if this  
45 was tabled to the authority at a meeting, would you expect  
46 to be tasked with any follow-up in that regard, or would it  
47 simply go to the department of education?

1 A. It would simply go to the department of education if  
2 there was a directive. I presume, again, would have  
3 probably involved Kerry - I forgot his name.  
4  
5 Q. O'Neil.  
6 A. O'Neil. It would have involved his services.  
7  
8 Q. I gather from what you are saying regarding  
9 particularly the Northam matter, he seemed to be quite  
10 committed to investigating these sorts of matters, would I  
11 be right in that regard?  
12 A. One would assume so, in a sense that the action had  
13 taken place and it was off and running.  
14  
15 Q. All right. The other letter, I am going to ask you  
16 about that. That one says that Mrs Neve removed her  
17 daughter from the St Andrews Hostel without a term's notice  
18 because she was on the verge of a nervous breakdown?  
19 A. In my opinion they both should be investigated at the  
20 same time.  
21  
22 Q. By the same --  
23 A. Well, whoever was taking on that responsibility, yeah.  
24  
25 Q. Even though that might not suggest any impropriety of  
26 a sexual nature?  
27 A. It would be a good idea to find out what's created  
28 that stress.  
29  
30 Q. You mentioned there about looking for a stamp from the  
31 Country High School Hostels Authority. Is that a stamp  
32 that the authority had which said it was received?  
33 A. We had to stamp everything that came into the office  
34 with that stamp.  
35  
36 Q. There is a stamp, if you have a look at exhibit 11.1.  
37 There is a stamp. Is that the one you are referring to?  
38 A. 11.1 - yes, that stamp, yeah.  
39  
40 Q. We can see there it was received on 19/9/86?  
41 A. Yep.  
42  
43 Q. Can you recognise that signature there, or the  
44 initials? Is that yours?  
45 A. It is PBL.  
46  
47 Q. That's yours?

1 A. That's mine.  
2  
3 Q. So how come you've signed that, or initialled that, at  
4 least?  
5 A. It means I've seen it. It has to be tabled.  
6  
7 Q. We can actually see a notation there as to the action  
8 taken. It might not appear very well on your copy, but is  
9 that your writing, your handwriting?  
10 A. It probably is.  
11  
12 Q. "Forward copy to hostel chairman. Table at next  
13 meeting"?  
14 A. Yes.  
15  
16 Q. From that --  
17 A. That's probably two tasks; "forward to hostel  
18 chairman" and "table at the authority's next meeting".  
19  
20 Q. Thank you for that. "Forward a copy to hostel  
21 chairman", "table at next meeting". Now, Mr Lammas, from  
22 the inquiries made by this Inquiry it does not appear that  
23 those other two letters are attached to that typewritten  
24 letter and were forwarded on to the department of  
25 education. Actually, they too, it appears, were sent with  
26 typewritten letter to the hostel chairman?  
27 A. Mmm-hmm.  
28  
29 Q. As I understand your evidence, you would have thought  
30 that those two letters ought to have gone to the department  
31 of education?  
32 A. Well, there should have been some follow-up. The only  
33 follow-up we could have used would have been the department  
34 of education.  
35  
36 Q. Mr Philpott's evidence last week was that he told you  
37 to forward the correspondence, which is exhibit 8, the  
38 suspicious suggestions letter, to the chairman of the  
39 Katanning hostel board so that he, the chairman there,  
40 could conduct further investigations about this allegation?  
41 A. He may have done that.  
42  
43 Q. That doesn't seem, though, the action that you would  
44 have thought ought to have taken place?  
45 A. But I would have to do what I was told.  
46  
47 Q. Had you been told to do that would you have questioned

1 it at all?  
2 A. Not really.  
3  
4 Q. Why is that?  
5 A. The chairman said do that and I would do that.  
6  
7 Q. But, as I understand your evidence, you would have a  
8 different view as to the course of action?  
9 A. But that's here and now. At the time if - I don't  
10 know what I was thinking at that particular time, but if  
11 the chairman directed me to do that then I would do that.  
12  
13 Q. What if it was just the chairman individually rather  
14 than the authority that had made that recommendation?  
15 A. I would still do that.  
16  
17 Q. You would still do that?  
18 A. Yeah.  
19  
20 Q. Why would that be decided?  
21 A. He was my boss, as such.  
22  
23 Q. But you couldn't think of any circumstance in which if  
24 you were of the view the boss would need your input on a  
25 matter that you would give it?  
26 A. I may have challenged - I don't know. I can't  
27 remember. But I may have challenged whether he would be  
28 followed up and he said, "the board will follow it up".  
29  
30 Q. Can you see the potential difficulties, though, for a  
31 board following this up?  
32 A. Absolutely.  
33  
34 Q. That is the fact that the warden, who is the subject  
35 of the complaint, in the ordinary course of things would be  
36 present at the board meeting?  
37 A. Yes.  
38  
39 Q. If you were tasked with forwarding that on to the  
40 board, would there be a covering letter to the document?  
41 A. It might be just a complimentary slip with the  
42 documents all stapled to it put in an envelope and sent.  
43  
44 Q. As I understand Mr Philpott's evidence, he said he  
45 only just sent you - gave you that one to forward on. That  
46 is exhibit 8, the handwritten letter that says, "suspicious  
47 circumstances"?

1 A. I can't really recall the detail around then.  
2  
3 Q. He said with respect to the second handwritten one,  
4 that wasn't actioned at all.  
5 A. Well, if he says that, that's probably the case.  
6  
7 Q. Would you agree with me that that ought to have been  
8 actioned?  
9 A. In hindsight, yes.  
10  
11 Q. Not so much in hindsight, what about at the time?  
12 A. I don't know at the time. It's too far for me to  
13 recall that detail at that time.  
14  
15 Q. Just yourself personally, wouldn't you be concerned if  
16 you had received correspondence stating that a student at a  
17 hostel had to leave because they were on the verge of a  
18 nervous breakdown?  
19 A. I probably would have been guided by what Colin  
20 Philpott told me.  
21  
22 Q. If Colin Philpott had told you "we don't need to  
23 pursue this"?  
24 A. I'd have to be guided by that.  
25  
26 Q. Shouldn't you also be guided about ensuring that the  
27 well-being of students remained a paramount concern to the  
28 authority?  
29 A. In hindsight, probably. But the other issue is that I  
30 had been directed by my boss, so I just followed through  
31 with what he said that I needed to do.  
32  
33 Q. So if, in fact, you were tasked with sending that  
34 letter with the suspicious suggestions reference in it, the  
35 covering letter just would have said simply?  
36 A. I'm not too sure if I can remember the detail how we  
37 go about that. But there would be some explanation that  
38 "this was brought up probably at the authority meeting and  
39 you've been asked to follow through". I can't recall.  
40  
41 Q. Would you have, in the ordinary course of things, give  
42 any advice to the board as to what it should do?  
43 A. I don't think so.  
44  
45 Q. What do you think the board ought to have done if it  
46 did receive that letter with a covering letter saying, "the  
47 authority would like you to investigate this matter"?

1 A. To investigate it.  
2  
3 Q. How? How would you think the board was doing it in a  
4 proper manner carrying out proper investigation; what would  
5 you have expected it to have done?  
6 A. Bring in some third party counsellors to counsel the  
7 persons concerned.  
8  
9 Q. Do you think the board had the means of doing that?  
10 A. Means in what way?  
11  
12 Q. To have the capacity to order that?  
13 A. I would have expected so.  
14  
15 Q. So psychological counsellors?  
16 A. Again, probably using the resources of the school.  
17  
18 Q. Bearing in mind, though, that the two students are no  
19 longer there, because they have been removed - removed the  
20 previous year - sorry, yes, they have been removed the  
21 previous year.  
22 A. Can't recall, sir.  
23  
24 Q. Wouldn't the first obvious thing for any investigation  
25 in this sort of matter would be to contact the parents and  
26 find out what the suspicious suggestions were?  
27 A. I can't recall being told to do that.  
28  
29 Q. No, no. You can't be. I'm just asking you what do  
30 you think the appropriate cause this investigation would  
31 take. Wouldn't be the obvious first thing to do is to find  
32 out what the "suspicious suggestions" were?  
33 A. Somebody needs to ask that question, yes.  
34  
35 Q. If they didn't ask that question of the parents it  
36 would be an inadequate investigation, would it not?  
37 A. Yes.  
38  
39 Q. If the parents, if they were asked that question, said  
40 that the suspicious suggestions involved Dennis McKenna  
41 pulling the fly down of their boys' pants on two occasions  
42 whilst the boy was wearing the pants, what ought to have  
43 happened then, Mr Lammas?  
44 A. If that was conveyed to anybody they would have to  
45 involve authorities to carry out an investigation.  
46  
47 Q. When you say, "the authorities", what do you mean by

1 that?  
2 A. Somebody would have to be involved in doing that.  
3  
4 Q. So the board would have to --  
5 A. Yes, carry out - bring somebody in or go to Children's  
6 Services. They would have to investigate this.  
7  
8 Q. What, it would be out of their hands at that stage,  
9 wouldn't it? Would you expect them to continue  
10 investigating it if that is what they were told?  
11 A. It would have to be third party.  
12  
13 Q. The information the Inquiry has is that these parents  
14 weren't even spoken to by anyone. Do you have any  
15 recollection of what actually happened to those parents?  
16 A. No.  
17  
18 Q. I am going to ask the witness please, Madam Associate,  
19 if he could be shown exhibits 9 and 11.3, please. I  
20 understand, Mr Lammass, that these documents have also been  
21 provided to you in the last few days. They are two  
22 letters. One is addressed to Mr B McPharlin and Mrs G  
23 Flanigan. They are the two parents who signed the  
24 "suspicious suggestions" letter. It is dated 8 October of  
25 1986. It is a letter from a law firm. Have you been able  
26 to peruse the contents of that? You can see in fact that  
27 letter is demanding that they both sign the enclosed  
28 apology addressed to Mr Dennis McKenna?  
29 A. Correct.  
30  
31 Q. That they were to unreservedly withdraw the statement  
32 they made regarding the suspicious suggestions and any  
33 imputation of impropriety conveyed and they were to admit  
34 that the statement is without foundation. The lawyer's  
35 letter also says that they have told Mr McKenna that he has  
36 a firm basis for the issue of a writ against those authors  
37 as stated, but if they sign and return that enclosed form  
38 of action he will consider not taking any further action.  
39  
40 Then the second letter, if you just have a look at  
41 that. That is addressed to Mr and Mrs Trezise. First four  
42 paragraphs concern the question regarding the outstanding  
43 fees. The other concerns this matter. Once more there was  
44 an attached document to that letter that Mrs Coral Trezise  
45 was to sign?  
46 A. Yeah.  
47

1 Q. They too were threatened with the issue of a writ  
2 unless that apology is returned signed. That, Mr Lammas,  
3 was what the board did with respect to this matter. I am  
4 going to suggest to you that you were fully aware of this  
5 action taken by the board because you were at the board's  
6 meeting when this was discussed. Do you have any  
7 recollection of that?

8 A. No, I don't.

9  
10 Q. I am now going to show you --

11 A. Is that the meeting that I was asked to leave?  
12

13 Q. I am not certain.

14 A. I was at the meeting in Katanning when they got some  
15 business and I was asked to leave the meeting.  
16

17 Q. I do have a recollection of that. Before we do that,  
18 I am going to show you this meeting which might jog your  
19 memory, whether it was that particular meeting or not. It  
20 is dated 22 October 1986. It is the minutes of the  
21 St Andrew's Hostel Board Meeting. It is exhibit 54. Have  
22 a look at that there. This is 22 October 1986. It is two  
23 weeks after the date of those two letters; a month and five  
24 days - just over a month after the typewritten letter with  
25 the two handwritten letters were received by the authority.  
26 You can see there he was present at this meeting of the  
27 hostel board.

28 A. Mmm-hmm.  
29

30 Q. It included yourself and Mr McKenna?

31 A. Mmm-hmm.  
32

33 Q. And then correspondence in and item E, just above  
34 halfway down the first page it says:

35  
36 Trezise. Discussion followed by the motion  
37 moved by B Hendry and seconded by J  
38 Ireland. Board endorses action taken by  
39 the chairman and warden in recent  
40 correspondence concerning Trezises carried.  
41

42 Can you recall that discussion?

43 A. I can't recall it at all.  
44

45 Q. You do recall an occasion when you had to leave a  
46 meeting at the Katanning Hostel Board?

47 A. Yes.

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

Q. Was that just the one occasion?

A. It's - obviously I was a bit miffed by it because I actually reported that in one of my reports back to the Authority.

Q. Yes. And now that you've jogged my memory on that, I do remember seeing that somewhere, and I'm pretty certain it's one of the documents that's already been tendered as an exhibit either through you or Mr Philpott, and we will certainly have a look at that and see if it was at or around this time. Okay. You're certainly right there, there is a note made of that fact, but I don't - I won't be able to locate it right at this moment, okay, but I can assure you the Inquiry will look at that, but you can't state whether it was at this meeting or not?

A. No.

Q. No?

A. I can't recall the actual time. And when they passed correspondence, it doesn't mean I actually saw it.

Q. I'm sorry, what was that?

A. In the minutes it says correspondence was approved and passed.

Q. Yes.

A. That doesn't mean I actually sighted it.

Q. No. We've heard from at least one Board member that correspondence was generally read out, okay, for the "correspondence in". If these minutes were properly kept, would you agree with me that there ought to be a note in the minutes if, in fact, someone who is present at the meeting was asked to leave? It should be noted there as to when they left and when they came back. I'm not - that's how it should be properly recorded. I'm not suggesting that these minutes were properly recorded or not, but there's just no indication there of that fact.

A. Mm.

Q. And I gather then you can't recall what discussion took place regarding this?

A. No.

Q. Would I be right in saying though, that this item would be of interest to you in your capacity as a

1 representative of the Authority if, in fact, the Authority  
2 had requested the Board to investigate the subject matter  
3 of the McPharlin-Flanigan letter?  
4 A. I can't recall the detail around that. In hindsight I  
5 could say I could have followed it up, but I don't know how  
6 it was tabled, how it was read out, but I can't remember  
7 ever seeing anything that was written down in any of the  
8 Board meetings that I attended. I've just sat in on the  
9 meetings.  
10  
11 Q. Yes, all right. But there would have been some  
12 introduction to this particular matter?  
13 A. Well, as almost as the minutes, perhaps.  
14  
15 Q. Yes.  
16 A. I don't know.  
17  
18 Q. And I'm just assuming Mr Philpott's version is the  
19 correct one, and that is that he tasked you with the job of  
20 sending that letter down to the Board to carry out its  
21 investigations. Now, if that is what happened, then I  
22 would suggest to you that this item is obviously one of  
23 interest to you --  
24 A. Yes.  
25  
26 Q. -- because by the very manner of the description  
27 "suspicious suggestions", you've already said that would  
28 suggest possible sexual impropriety. Now, if this matter  
29 came up and you were asked to leave, that would not make  
30 any sense, would it?  
31 A. No.  
32  
33 Q. Would you not have said something about that?  
34 A. Well, from what I've said in the minutes about being  
35 asked to leave, I wasn't told why I was asked to leave, or  
36 make the comment that it concerned me.  
37  
38 Q. See, if you were present though at this particular  
39 meeting when this matter was discussed, I would suggest to  
40 you that you would ask the obvious question as to what  
41 investigations the Board had carried out. If that hadn't  
42 been described to you.  
43 A. I can't recall.  
44  
45 Q. All right. I'm saying that if you were there. Again,  
46 hypothetically speaking, you would be wanting to know that,  
47 wouldn't you?

1 A. I can't recall.

2

3 Q. No, no, but let's assume that you were there. Let's  
4 assume that Mr Philpott's version of events is correct. I  
5 know you say that that wouldn't have been your  
6 recommendation, but let's - assuming that, you're down at  
7 the meeting, this matter comes up, and I can also say to  
8 you as well that Mr Marriott, who's one of the persons  
9 present at the meeting - just appears as "Marriott" - he's  
10 actually the high school principal. I'm not asking you to  
11 expect you to remember that, but Mr Marriott wasn't the  
12 minute taker at this meeting, but as was his practice, he  
13 would jot down notes of meetings that he attended,  
14 including this one, and what's more, he's actually kept  
15 those notes, and his notes regarding that particular  
16 subject matter included "allegations against DMck  
17 defended". Okay. So there was a discussion and it was  
18 said at this meeting that the allegations - and that could  
19 only mean the allegations surrounding that phrase  
20 "suspicious suggestions" - were going to be defended. Yes.  
21 Now, I would have thought, Mr Lammas, if you were present  
22 during that discussion, you would want to know what  
23 investigations the Board had carried out in order for them  
24 to reach the conclusion or support the resolution that the  
25 allegations were going to be defended?

26 A. I can't recall that particular meeting and what went  
27 down.

28

29 Q. Sorry?

30

31 HIS HONOUR: Q. Perhaps you can explain in light of what  
32 you've been told, and the propositions put to you by Mr  
33 Urquhart's questions are the evidence, so you have a  
34 situation where the Flanigans, or Mr Flanigan and his  
35 partner, they had two sons at the hostel. They've  
36 withdrawn, according to Mr Flanigan, because Dennis McKenna  
37 pulled down the fly of both boys, or one of the boys, and  
38 they wrote that letter, which obviously was received by  
39 you. You've signed the receipt, and you've said that that  
40 should have been investigated. You were at the meeting -  
41 it seems it did end up with the Hostel Board. The Board  
42 decided, or the Chairman of the Hostel Board, decided that  
43 the matter should go to the lawyers and that there's  
44 defamation letters that should be sent, and you were  
45 present at the hostel - the next Hostel Board meeting, and  
46 it would seem the matter was discussed because of what Mr  
47 Marriott, the high school principal has written in his

1 notes, that McKenna was defending the allegations in the  
2 letter. So assuming that those were the facts, what would  
3 you say as to why you would have allowed that to go through  
4 in terms of what happened at the meeting. Can you proffer  
5 any - I know you don't recollect, but can you proffer some  
6 explanation why you might have not objected to that course?  
7 A. The Board had carried out a thorough investigation.  
8 They knew what they were doing.  
9  
10 Q. So you might have assumed they had investigated it and  
11 there was nothing to it?  
12 A. (No audible answer).  
13  
14 Q. All right. I understand, yes.  
15 A. Thank you for making that clear.  
16  
17 Q. Sorry?  
18 A. Thank you for making that clear. There's - your  
19 question.  
20  
21 HIS HONOUR: I just wanted to know, you know, accepting  
22 that those are the facts, what sort of explanation you  
23 could provide as to why you wouldn't have objected to that  
24 course, or you would have just not had a say about it, yes.  
25  
26 MR URQUHART: Q. And had the response been, in that  
27 hypothetical, "Well, Dennis here denies the allegations so  
28 we're in support of this further action to defend the  
29 matter?  
30 A. If I had a gut feeling, a suspicion that there was a  
31 bit of a cover-up or it shouldn't have gone down, I  
32 probably would have not challenged the Board as such,  
33 but may have challenged the Board, I don't know, but I  
34 would have been - I would have been concerned about it in  
35 that hypothetical situation.  
36  
37 Q. Yes. Because the concern is they haven't bothered to  
38 get an account from --  
39 A. Yes.  
40  
41 Q. -- Mr McPharlin and Mrs Flanigan.  
42 A. M,  
43  
44 Q. Yes. And I'm going to suggest to you that if you were  
45 aware of that, then it was incumbent on you to ensure a  
46 proper investigation was carried out?  
47 A. I must have felt that the Board was in control of the

1 situation, and they knew what they were doing. It's a long  
2 time ago. I really can't recollect any more detail than  
3 that.

4  
5 Q. Mr Lammas, this is a potentially serious allegation  
6 that had the parents been spoken to, they would have  
7 conveyed that to either the Board or you or the Authority,  
8 and the last four years - events that happened in the last  
9 four years might not have ever transpired - and I'm talking  
10 the last four years from 1986 to 1990.

11 A. I can't recall the meeting and the detail around it,  
12 sir.

13  
14 Q. You see, Mr Lammas, I'm going to suggest to you that  
15 you would have some recall because of the significance, the  
16 potential significance of this matter, just like you're  
17 able to recall what happened in Port Hedland, and what  
18 happened in Northam. This here is another potential  
19 allegation of a sexual nature against not just a supervisor  
20 who - no offence to her, no one seems to remember, but  
21 Dennis McKenna, a warden with an extremely high profile,  
22 and an extremely good reputation.

23 A. I would have been guided by the way the meeting was  
24 going. I didn't suspect there was an attempt to cover up.

25  
26 Q. Is that because you had taken the view that there was  
27 nothing to cover up; that, in fact, this sort of allegation  
28 could not possibly be true?

29 A. I don't think I would think of it in that way. I  
30 would be more inclined to think that the Board was asking  
31 in good faith, and they'd gone about due diligence. So you  
32 would be prepared to just simply accept their word if they  
33 were to say in the presence of the alleged offender, "Mr  
34 Lammas, we've covered this, we've investigated, there's  
35 nothing to it"?

36 A. Yes.

37  
38 Q. If you were present at this meeting, wouldn't of you,  
39 at the very least, asked for Mr McKenna to leave whilst  
40 this matter was discussed?

41 A. In hindsight probably, but I really can't remember the  
42 detail around this meeting.

43  
44 Q. Mr Lammas, it's not a question of hindsight. If  
45 someone is present at a meeting and they're going to  
46 discuss - the meeting is going to discuss a matter to do  
47 with that person, it's a common practice that that person

1 leaves the meeting while that matter is discussed, yes.  
2 A. Yes.  
3  
4 Q. Right. So here there was a discussion regarding  
5 potentially serious allegations being made against Dennis  
6 McKenna. In the ordinary course of things, he ought to  
7 have left the meeting?  
8 A. Yes.  
9  
10 Q. Yes. Well, and if he - if someone there - the  
11 chairman, or whoever is chairing the meeting - didn't ask  
12 him to leave, I would have thought it would be incumbent  
13 upon you to raise that fact because, Mr Lammas, again we're  
14 assuming that the account given by Mr Philpott is correct -  
15 that you were tasked with handing this matter over for the  
16 Board to investigate.  
17 A. I was putting more faith into the Board and hoping  
18 that the Board had done the right thing, I presume.  
19  
20 Q. No, I'm concentrating here on the question that it  
21 seems Mr McKenna remain at the meeting. That shouldn't  
22 have happened, should it?  
23 A. Perhaps not.  
24  
25 Q. How could people speak freely about - if they had any  
26 concerns, if Dennis McKenna was present?  
27 A. Well, I can't remember the actual detail, but --  
28  
29 Q. Well, you don't have to remember the detail for this  
30 line of questioning?  
31 A. It would be an oversight on my part.  
32  
33 Q. Yes. And an oversight on your part if you hadn't done  
34 it, making further inquiries as to this investigation?  
35 A. I would have been reliant on what the Board was doing.  
36  
37 Q. But, Mr Lammas, let's assume during the course of this  
38 discussion, nothing is said about what the parents are  
39 saying this meant, what it was that these suspicious  
40 suggestions were. So that was - there was nothing  
41 mentioned about it. If that was the situation, surely if  
42 you were doing your job properly, you would have said,  
43 "Well, hold on, what have the parents got to say about  
44 this?"  
45 A. In hindsight.  
46  
47 Q. Well, it's not a question of hindsight, Mr Lammas.

1 Why do you need hindsight to ask that basic question?  
2 A. Because I can't remember what actually went down at  
3 the meeting. I can't remember the detail of the meeting.  
4 I don't know - I can't recall what actually went down.

5  
6 HIS HONOUR: Perhaps I could ask you this.

7  
8 Q. The fact that the Board was approving action  
9 threatening defamation on behalf of the Board against the  
10 people who had written this letter, that obviously is  
11 taking the position that they'd said something which was  
12 false, that they had deliberately said something which was  
13 false?

14 A. Mm-hmm.

15  
16 Q. Now, the Board seems to be taking the view that this  
17 called for the threat of an action for defamation because  
18 the assertion was false. Does that ring any bells? Was  
19 anything said along those lines?

20 A. I can't recall. I really can't recall the detail  
21 around this meeting. I didn't have a sense that something  
22 was wrong. I didn't have a sense that something was being  
23 covered up, otherwise if I had of had a sense, I would  
24 probably have acted on that.

25  
26 MR URQUHART: Q. Probably have acted?

27 A. Would have acted on that, if I would have had a sense  
28 that something was wrong.

29  
30 Q. And had you been told that Mr McPharlin and  
31 Mrs Flanigan had not even been spoken to, what would you  
32 have done?

33 A. Well, they ought to have been spoken to.

34  
35 Q. But what would you have done? The Board's already  
36 made its mind up. It's endorsing the legal action taken by  
37 Dennis McKenna. What would you have done?

38 A. Asked for them to be contacted and find out what was  
39 going on.

40  
41 Q. You would have asked the Board to do that?

42 A. I probably - if I was suspicious something was being  
43 covered up, I would have to come back to Perth and discuss  
44 that with somebody.

45  
46 Q. Yes. And who would that somebody be?

47 A. Well I'd probably talk to Kerry O'Neil and be advised

1 as to what we should be doing about that.  
2  
3 Q. Would you really need to seek somebody's advice?  
4 A. Well, yes, because I'm taking on a Board, taking on  
5 the organisation itself. At my level I never thought I had  
6 that sort of authority, so I would have to go back and seek  
7 advice on what to do.  
8  
9 Q. So you'd have to seek some advice yourself before you  
10 would make a phone call to these two parents. I mean, just  
11 simply find out, Mr Lammas, if, in fact, they are making it  
12 up, or if there's something to the allegation they were  
13 making?  
14 A. As I say, I can't recall it went down.  
15  
16 Q. I know all that and it - obviously I didn't get a gut  
17 feeling that there was something wrong, otherwise I would  
18 have acted on it, and I probably wouldn't have taken the  
19 Board on in that situation, but I would have sought some  
20 advice on because I would be going against the Board.  
21  
22 Q. You've done that before, haven't you?  
23 A. There have been times - yes, but usually under advice.  
24  
25 Q. As I understood your evidence, if you had seen that  
26 evidence letter first off, you would have already had that  
27 gut feeling that something wasn't quite right?  
28 A. I would want to have it investigated, yes.  
29  
30 Q. Would it surprise you to know that the Authority  
31 apparently paid the legal fees incurred --  
32 A. I never knew.  
33  
34 Q. -- in that threat for the legal proceedings?  
35 A. I never knew that.  
36  
37 Q. Well, did that surprise you?  
38 A. Did it surprise me? Yes, I suppose it does in a way.  
39 I would have thought it would have been the cost of the  
40 Board.  
41  
42 Q. And would you have expected at the very least before  
43 the Authority agreed to pay those legal fees, that it would  
44 find out whether there was a basis for those legal fees?  
45 A. Perhaps, yes.  
46  
47 Q. Yes. Like finding out on what basis the Board decided

1 that these allegations were false?  
2 A. Perhaps.  
3  
4 Q. Yes. And if the Board was to tell the Authority, "Oh,  
5 we just took Dennis's word for it", that wouldn't be a very  
6 good explanation now, would it?  
7 A. It wouldn't. Correct.  
8  
9 Q. So if, in fact, that was the case, Mr Lammas, that Mr  
10 McPharlin, Mrs Flanigan weren't even spoken to, who do you  
11 say was responsible for this inadequate investigation?  
12 A. Well, I would see it as the responsibility of the  
13 Board to carry out a thorough investigation.  
14  
15 Q. Yes. So the Board is entirely to blame?  
16 A. Well I'd expect them to carry out the investigation.  
17  
18 Q. Yes. And if they hadn't, it's clear they hadn't,  
19 because they didn't even bother speaking to the parties who  
20 wrote that letter, so they haven't carried out an adequate  
21 investigation, have they?  
22 A. It would appear so.  
23  
24 Q. So are they entirely to blame for that?  
25 A. The only thing that's running about in my mind is  
26 there would be an expectation for the Board to have carried  
27 out a proper explanation.  
28  
29 Q. The question is not going to go away, Mr Lammas. Do  
30 you therefore say that the Board was entirely to blame for  
31 this inadequate investigation, or can blame also be  
32 attributed to the Authority?  
33 A. Well, yes, I suppose so, yes.  
34  
35 HIS HONOUR: Q. With the benefit of hindsight, in what  
36 way to you think the Authority failed to do things properly  
37 even in this respect, assuming those facts are true,  
38 which --  
39 A. The initial correspondence coming in should have  
40 probably been investigated by a third party from Perth. By  
41 that I mean independent.  
42  
43 Q. Such as the Education Department?  
44 A. Yes. Not by us.  
45  
46 Q. And obviously that facility was readily available to  
47 you?

1 A. Yes. I always found the Education Department very  
2 accommodating.  
3  
4 MR URQUHART: Q. And the Education Department, I would  
5 expect you would agree, would not be persuaded by Dennis  
6 McKenna's gift of the gab?  
7 A. Not in the slightest.  
8  
9 Q. Whereas in this instance here, we've had a - as of  
10 1986 - a warden who had been at the same hostel for  
11 11 years, who had a very good reputation. Would it be  
12 difficult, would it not, on your assessment, for a Board to  
13 carry out an impartial and objective investigation of the  
14 matter?  
15 A. Yes.  
16  
17 Q. It really should never have gone to them in the first  
18 place, should it?  
19 A. Correct.  
20  
21 Q. And that was such a - if that happened, it was such a  
22 fundamental error, that should you not have brought that to  
23 your boss's attention?  
24 A. In hindsight, yes, but at the time --  
25  
26 Q. Well --  
27 A. I mean, I was only a Level 5, no more than a clerk,  
28 really. So if my Chairman says, "You do X, Y, Z", I did X,  
29 Y, Z.  
30  
31 Q. Might you ought not to have gone to Mr O'Neil?  
32 A. Well, I probably would have done if I'd seen the  
33 correspondence.  
34  
35 Q. When you say that, you're talking about that  
36 handwritten letter?  
37 A. Yes.  
38  
39 Q. I'm going to suggest you must have seen that letter.  
40 Your initials are on the - on the typewritten one, and if,  
41 in fact, you were instructed to send it off to the Board,  
42 you would have to have read the contents of that material  
43 in order to work out the proper covering letter?  
44 A. When I had these papers and saw the two covering  
45 letters, I was - that, to me, was the first time I'd seen  
46 them.  
47

1 Q. Even though that's your initial on the stamp?  
2 A. On the top letter.  
3  
4 Q. Yes.  
5 A. But I had a tendency to stamp everything that came. I  
6 would have stamped the letter.  
7  
8 Q. You're talking about the handwritten letter?  
9 A. Yes.  
10  
11 Q. Both handwritten letters?  
12 A. Yes.  
13  
14 Q. What, even if they were stapled to the typewritten  
15 letter?  
16 A. They'd still be stamped.  
17  
18 HIS HONOUR: Q. Mr Lammas, it's been put to you that you  
19 should have questioned Mr Philpott's instructions to send  
20 the letter to the Hostel Board for investigation. In  
21 fairness to you, I think it was asked - this question, that  
22 is: was Mr Philpott the type of man that would welcome any  
23 questioning of his directions?  
24 A. Not exactly.  
25  
26 Q. What would you like to say about that?  
27 A. I wouldn't argue with him.  
28  
29 HIS HONOUR: Right.  
30  
31 MR URQUHART: Was Mr - sorry, have you finished?  
32  
33 HIS HONOUR: Yes.  
34  
35 MR URQUHART: Q. Was Mr O'Neil more approachable.  
36 A. Far, far.  
37  
38 Q. And you mentioned your level there. Were you just a  
39 Level 5 to start with?  
40 A. Always.  
41  
42 Q. Always. You remained a Level 5?  
43 A. (No audible answer).  
44  
45 Q. All right. Mr Lammas, you can hand those documents  
46 back to Madam Associate now. And just on that matter  
47 regarding your mention somewhere, I do recall it, you

1 mentioned somewhere in your report, or something you  
2 prepared, that you were excused, you were told to leave a  
3 Board meeting, and that you were concerned about that.  
4 We'll find that for you, and we'll let you know what the  
5 date was of that document. Okay?

6 A. Thank you.

7

8 Q. Now, Mr Lammas, I want to move on to another area now.  
9 Would you agree with me that it's imperative that  
10 competent, well-qualified staff were employed to work in  
11 hostels during the time that you were at the Authority?

12 A. In an ideal world. It was extremely difficult to  
13 attract workers to rural locations, extremely difficult.  
14 In an ideal world they should have had some sort of  
15 qualifications.

16

17 Q. Thank you. Now, just on that, that just reminds me of  
18 something I should have asked you. Regarding that female  
19 supervisor from Northam, and the male supervisor in Port  
20 Hedland. Were you aware whether either or both of those  
21 names were placed on what was called a list of those people  
22 that the Authority should not employ to work in hostels?

23 A. No, I was not aware.

24

25 Q. Are you aware of a list that had been prepared --

26 A. No, I --

27

28 Q. -- that had --

29 A. I can't recall that.

30

31 Q. Okay. You've got no recollection of that?

32 A. No.

33

34 Q. And that it was also with another department that --

35 A. (No audible answer).

36

37 Q. No. Okay. Ideally, what qualifications should those  
38 hostel staff who are tasked with the job of supervising  
39 students have?

40 A. I don't know what the terminology is, but it would be  
41 at least a Certificate 4 in Child Care of some form or  
42 another.

43

44 Q. Because such staff are essentially assuming the role  
45 of de facto parents, aren't they?

46 A. Yes.

47

1 Q. Would you agree with me that it would be inappropriate  
2 for the warden of a hostel to employ a family relative of  
3 his or hers?  
4 A. I think it leads to all sorts of complications,  
5 actually. It's not a good thing to employ family members.  
6  
7 Q. Particularly if they weren't qualified?  
8 A. In any circumstances.  
9  
10 Q. But in particular if they weren't qualified, if the  
11 positions that they filled weren't even advertised?  
12 A. It sounds a little incestuous.  
13  
14 Q. Particularly if there was no interview process - yes?  
15 A. Yes.  
16  
17 Q. And particularly if the Hostel Board simply  
18 rubber-stamped the decision by the warden to employ his  
19 relatives?  
20 A. Correct.  
21  
22 Q. I'm just going to show you now some other  
23 Authority minutes. The first one is dated 13 July 1982,  
24 it's barcoded number 0145.  
25 A. Thank you.  
26  
27 Q. Just before I do that - we can see from the front page  
28 that you were in attendance at this meeting some 30 years  
29 ago, and I don't expect you to recall what was discussed in  
30 this. I take you to page 7, to the paragraph that's small  
31 Roman numeral (vi), and I'll just read that out:  
32  
33 The Chairman drew the attention of the  
34 Authority to staffing problems, and in  
35 particular the quality of the supervisory  
36 staff currently employed. He stated that  
37 an endeavour should be made to improve  
38 qualifications and to employ staff with  
39 qualifications which would match the salary  
40 offered. He would like the opportunity to  
41 bring the administrative officer into the  
42 appointment of staff, but there were  
43 inherent difficulties in this regard  
44 because of the way the Authority was  
45 structured.  
46  
47 Now, so as of July 1982, the Chairman is expressing

1 concerns about that. I'm just going to show you another  
2 document in relation to the subject matter. I'll tender  
3 that now, sir.

4  
5 **EXHIBIT #105 AUTHORITY MINUTES DATED 13/7/1982, BARCODED**  
6 **0145**  
7

8 MR URQUHART: The next one's going to be exhibit 73,  
9 barcode number 0149, and this is from 15 May 1984, so  
10 nearly two years after those minutes. Once more we can see  
11 on the first page that you were in attendance at this  
12 meeting. And I'll just take you to page 2, to something  
13 written underneath "Administrative Officer's Report"?

14 A. Yes.

15  
16 Q. And looking at the final paragraph there, starting the  
17 fifth line down:

18  
19 The Chairman advised that Boards generally  
20 were not aware of their respective roles  
21 and some education was necessary.  
22

23 And the next sentence:

24  
25 With regard to the appointment of  
26 supervisory staff the Administrative  
27 Officer was requested to be present at all  
28 interviews of such staff.  
29

30 Now, just dealing with the first sentence there:

31  
32 The Chairman advised the Boards generally  
33 were not aware of their respective roles  
34 and some education was necessary.  
35

36 Was that your experience, that Boards generally were not  
37 aware of their respective roles?

38 A. I thought the Boards generally were fully aware of  
39 their roles.  
40

41 Q. Okay. Were you aware of any education taking place  
42 regarding teaching them their respective roles?

43 A. I wasn't aware. I can't recall.  
44

45 Q. And that second sentence that I've read out, that:

46 -- the Administrative Officer was requested  
47

1 to be present at all interviews of such  
2 staff.  
3

4 Did that consistently take place?

5 A. No. From a practical point of view, in the end, that  
6 got reduced to me being involved with the appointment of  
7 all wardens.  
8

9 Q. I see. So that was all?

10 A. That's all. It was really based on workload. I  
11 couldn't do everything else and attend.  
12

13 Q. I was going to ask you, it wouldn't really be  
14 practical, would it?

15 A. Practical?  
16

17 Q. Practical to fly you to all parts of WA just to attend  
18 interviews?

19 A. I covered an average 40,000km a year in a government  
20 car which couldn't be used for private use. I was away  
21 from home for many days, I really couldn't do any more  
22 visits than those I was already doing.  
23

24 Q. So that this - whoever made this request that you be  
25 present at all interviews of such staff - it was never  
26 going to happen, was it?

27 A. Not really.  
28

29 HIS HONOUR: Q. Just on that, it was Mr Philpott's  
30 evidence that that was implemented, and you were required  
31 to do that, but that's not your recollection?

32 A. My recollection is that whilst that was a good idea,  
33 it wasn't actually feasible. And I can recall being told  
34 by a colleague on one occasion that, "You must try and get  
35 to every" - when there was an appointment of a warden, that  
36 I must try and get to those interviews.  
37

38 HIS HONOUR: Right.  
39

40 MR URQUHART: Q. And were you able to get to those  
41 interviews?

42 A. From memory I think I did, and on one occasion it was  
43 at Northam; I wasn't comfortable with the first choice, and  
44 expressed that because the person was eastern states,  
45 ex-eastern states, recent, and I asked that referees should  
46 be vigorously looked at. It was a clergy gentleman in the  
47 meeting. He sat on the Board. He undertook to do that

1 because he had contacts in the eastern states with the  
2 church, and when they investigated, the man turned out to  
3 be most inappropriate.  
4  
5 Q. Just from memory, wasn't it the case that he had prior  
6 convictions for child sexual abuse?  
7 A. Something like that. I can't remember the detail but  
8 I know I had a very strong gut feeling I wasn't comfortable  
9 with.  
10  
11 Q. I was going to ask you whether you had that gut  
12 feeling?  
13 A. Yes, I had a very strong gut feeling.  
14  
15 Q. As I understand it, am I right in saying that you only  
16 ever were aware of Dennis McKenna having one brother  
17 working at the hostel?  
18 A. Yes, and I sort of came across it accidentally in the  
19 sense that he introduced himself to me when I was passing  
20 through. Occasionally, if I was going to Esperance, I'd  
21 take the back road, which went out the back of Katanning,  
22 and because that was quite a long trip I would scrounge a  
23 cup of coffee in Katanning's kitchen and I met - I bumped  
24 into this gentleman, I asked who he was and he said he was  
25 Senior House Master, I think, from memory, and it was his  
26 brother.  
27  
28 Q. So that was the only relative that you were aware of?  
29 A. It was the only relative I was aware of and I - that  
30 was a surprise, to find out that he was a relative.  
31  
32 Q. Yes, so it was only quite by chance?  
33 A. By chance.  
34  
35 Q. So you were never aware of any other relatives?  
36 A. No.  
37  
38 Q. So when did you become aware, in fact, that there was  
39 more than just one brother?  
40 A. At the interview I had with the investigators. They  
41 brought up the issue of was I aware of the number of family  
42 members, and I was aware of one.  
43  
44 Q. And had you been aware that there were several at any  
45 one time --  
46 A. I wouldn't have thought that would have been  
47 appropriate.

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

Q. Yes, and what action would you have taken?

A. Well, there is not much - when people are appointed, I did mention earlier that we were tending to be hounded by the union. To actually go through a process of dismissing them would have been horrendous. They weren't in posts and I assumed - when I was told how many were in post, I was shocked, but I would assume they had - the board was fully aware.

HIS HONOUR: Q. I will also ask you, and I assume from your answer you have just given that there was no record kept in Perth of the staff employed at all the various hostels other than wardens. Is that right?

A. They only kept a record on FTEs, so it would be an allocated number of supervisors, an allocated number of what we call "ancillary staff", which is cleaning staff.

Q. So just the positions you kept a record of?

A. That's correct.

Q. And not the occupants of the positions?

A. No. I was fully aware, obviously, of wardens because I dealt with them, but in relation to other staff, I wouldn't have an idea of the personalities.

Q. So the Authority didn't mandate any system for vetting of --

A. No.

Q. -- a staff being appointed?

A. No.

Q. These days, of course, there are always background checks with the police etc. None of that happened?

A. None of that was in situ as it were. None of that existed.

Q. There weren't instructions that were given to hostel boards as to what procedures they should adopt in making sure they were appointing the right people?

A. I can't recall.

HIS HONOUR: Yes.

MR URQUHART: Q. I am going to suggest to you, Mr Lammas, that there were at least two occasions when you

1 were employed in the Authority that you would have been  
2 aware that Dennis McKenna had no less than three of his  
3 relatives working for him, or with him at any one time. If  
4 I was to suggest that to you what would your response be?  
5 A. Well, was I aware?  
6  
7 Q. Yes?  
8 A. Well, I can't recall. I do remember the one brother.  
9  
10 Q. I am going to show you the document which has already  
11 been tendered. That's exhibit 82, which you have already  
12 had a look at. This is the audit report for the period 1  
13 February 1983 to 31 January 1984. It was shown to you  
14 before lunch. It seems evident from the second page there  
15 that this report was forwarded on to you. You can see the  
16 handwritten notation at the bottom of Mr Krentzin  
17 signature. Do you see that?  
18 A. Yes.  
19  
20 Q. So turn over the page now. You can see there the  
21 title "Back Pay Calculations"?  
22 A. Which page?  
23  
24 Q. Sorry, the next page after that, the following page?  
25 A. Yes, sorry.  
26  
27 Q. "Back Page Calculations". Now, if, in fact, that page  
28 was attached to this audit report, you ought to have been  
29 aware, I suggest, that, as of 27 January 1984, there were  
30 three supervisors at Katanning with the names Robyn, Wayne  
31 and Wendy McKenna?  
32 A. It didn't register, obviously.  
33  
34 Q. It didn't register. Well, I'm simply saying if that  
35 was attached to the audit. Because I have --  
36 A. All I've got - excuse me, but all I've got here is  
37 Robyn, Wayne and Wendy. There is no last name after those  
38 names.  
39  
40 Q. No, but see, read it all. It's:  
41  
42 Paid 27/1/84 McKenna.  
43  
44 Do you see that:  
45  
46 Supervisors - Robyn, Wayne and Wendy,  
47 second year supervisors.

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

A. I fail to make that connection.

Q. I am also saying to you that if that was attached, that's all, because I've noted now, as I'm looking at that, that there are some numbering systems in the top right-hand corner. Do you see that. The first page of the audit report is number 27, the next page, but these two are numbered 25 and 24. Do you see that?

A. Mine are page 27 on the front and the other one is page 25 on the front.

HIS HONOUR: Q. It looks like the old folio system that the State government used to have where you start at the bottom and as the documents go up you number each folio?

A. Something like that.

Q. You, presumably, had that system because the fact that these numbers start with "27" at the top and go down to "24" at the bottom suggest it's the old folio system that used to apply back in those days in most State government departments, which would suggest that that sheet must have been right under the letter or the audit report.

MR URQUHART: Maybe not, sir, because page 2 then of the audit report should have read "26".

HIS HONOUR: It is probably there under the staple somewhere.

MR URQUHART: No, it reads "28".

HIS HONOUR: Does it?

MR URQUHART: We will have to look at the original there. That's a matter that we can clarify.

HIS HONOUR: Yes, it says "28", yes.

MR URQUHART: Yes. It sounded like a good idea, your Honour.

HIS HONOUR: Perhaps it is upside down on the file.

MR URQUHART: Yes.

Q. You can hand that back now, Mr Lammas. I am going to

1 show you something else now. It is a document with the bar  
2 code number 0240. This is titled "WA Government Employment  
3 Statistics, Country High School Hostels Authority, December  
4 1986", and if you can just go to page 3, which will be  
5 actually the fourth page of that document, can you see that  
6 it appears that you had prepared this document. It is  
7 dated December 18, 1986?

8 A. Yes.

9  
10 Q. I have sighted the original of this and it is actually  
11 in that. You can see on the left-hand side it is actually  
12 in a binder similar to this binder you see there. So this  
13 was all the one document, and if you could go to the page  
14 after where your name appears on page 3, so the next page  
15 after that, if you go down that page and do you see under  
16 the heading "Katanning".

17 A. Yes.

18  
19 Q. And this is under the major heading, "CHSHA Ancillary  
20 Personnel"?

21 A. Yes.

22  
23 Q. Do you see there, there is a "C McKenna"?

24 A. Yes.

25  
26 Q. "Female, kitchen hand, part-time", "C McKenna". And  
27 if you go over the page now under the heading "CHSHA  
28 Supervisory Personnel", under "Katanning" can you see there  
29 that there is "D McKenna, W McKenna and N McKenna, warden,  
30 senior supervisor and supervisor" all with full-time  
31 positions?

32 A. Yes.

33  
34 Q. So, therefore, Mr Lammas, I am going to suggest to you  
35 that in December 1986 you must have been aware that there  
36 were three other people with the same surname as Dennis  
37 McKenna working at Katanning?

38 A. I can't argue with this.

39  
40 Q. So that would suggest you were aware of it?

41 A. It would suggest so.

42  
43 Q. If you were aware of it, you did nothing?

44 A. Well, I wasn't in a position to do anything.

45  
46 Q. Why do you say that?

47 A. Well, they have already been appointed and they have

1           been appointed by the board. I wouldn't be able to change  
2           that as an individual.  
3  
4           Q. But could you do something to prevent that happening  
5           again?  
6           A. Possibly, yes. I could put it to the Authority that  
7           that should cease but it never got picked up. This  
8           document was tabled to the Authority and they didn't pick  
9           it up.  
10  
11          Q. No, but it's your document, Mr Lammas?  
12          A. Yes.  
13  
14          Q. You are the author of it?  
15          A. All I'm doing, though, is making a recording of three  
16          - of the numbers of staff, regardless of sites, and I take  
17          it that that has been approved by others and deemed to be  
18          okay.  
19  
20          Q. It doesn't seem that at any time Dennis McKenna was  
21          ever spoken to about the number of staff that he was  
22          employing that were his family or relatives?  
23          A. I can't recall, no. I can't recall.  
24  
25          Q. And, you see, we have heard evidence from hostel board  
26          members that they did not think they could intervene in the  
27          matter and that what Dennis McKenna was doing with them was  
28          simply stating to them "my sister-in-law" or "more brothers  
29          starting work "or "has started work at the hostel". One  
30          board member was of the view there was nothing they could  
31          do about that. Does that surprise you?  
32          A. It does.  
33  
34          Q. Does it surprise you, though, that that sort of thing  
35          happened at the Katanning board?  
36          A. On reflection, no.  
37  
38          HIS HONOUR: Q. Do you think it's a matter that the  
39          Authority could have given instructions to boards generally  
40          about?  
41          A. It was within their jurisdiction to do that.  
42  
43          Q. The Authority?  
44          A. Yes.  
45  
46          Q. Do you think they should have?  
47          A. Well, as I say, I produce this stuff and I table this

1 at meetings and there are six or seven people at the  
2 meetings. If they haven't picked up on that and they  
3 haven't issued any instruction, I don't issue the  
4 instruction. Whether they should or shouldn't is - that's  
5 a decision you have to make.

6  
7 Q. See, I have heard evidence from many of the victims  
8 that they felt they had no-one to go to because they were  
9 all McKennas there?

10 A. A valid reason for not having family members.

11  
12 MR URQUHART: I tender that document now.

13  
14 **EXHIBIT #106 WA GOVERNMENT EMPLOYMENT STATISTICS, COUNTRY**  
15 **HIGH SCHOOLS HOSTELS AUTHORITY DECEMBER 1986, BARCODED 0240**

16  
17 MR URQUHART: Q. You say it is the responsibility of the  
18 Authority but all the minutes that we have examined over  
19 this period of time, it doesn't appear that it was ever  
20 raised once at an Authority meeting that this ought to stop  
21 at Katanning?

22 A. I can't recall - I can't recall it ever being raised.

23  
24 Q. And the fact is, that since January 1977 right through  
25 to when Dennis McKenna was suspended in 1990, he always had  
26 at least two family members working with him?

27 A. Mmm.

28  
29 Q. It just slipped under the radar, did it, it would  
30 seem?

31 A. It would appear so, yes.

32  
33 Q. And at one stage in 1990 he had four relatives  
34 employed as supervisors?

35 A. 1990?

36  
37 Q. 1990. Three full-time supervisors and a part-time  
38 supervisor?

39 A. Mmm.

40  
41 Q. I mean, from the outside looking in, Mr Lammas, I  
42 suggest that a blind eye was simply turned to that fact?

43 A. I'm not sure it's correct to say a blind eye. It's  
44 decisions made locally which, once they had been made, we  
45 can't really do much about. If we realised that a large  
46 number of his family were employed and they were actually  
47 in situ, it's too late to actually do something about it.

1  
2 Q. But if the matter had been addressed when that audit  
3 report was prepared and if, in fact, the back pay  
4 calculations sheet was attached to that which indicated  
5 there may well have been three McKennas working with Dennis  
6 McKenna at the time, then if a stop was put to it at that  
7 stage in 1984, well another three of his relatives may not  
8 have been employed or would not have?  
9 A. Correct.  
10  
11 Q. Including Neil McKenna --  
12 A. Correct.  
13  
14 Q. -- who started his employment on 15 September of 1985.  
15 There is just several matters I need to go through with  
16 you, Mr Lammass, but it won't take as long as those others  
17 have now. I would expect to hope to finish by around about  
18 5 o'clock. Are you okay. Would you like a break?  
19 A. I'm fine.  
20  
21 Q. You mentioned about the fact that the wardens would  
22 get together. Are you referring to when they would have  
23 meetings with each other?  
24 A. They formulated a group and they used to meet I think  
25 on a regular basis.  
26  
27 Q. That wouldn't be the Student Hostel Association, would  
28 t?  
29 A. No, it was their own. It was their own - it was their  
30 own idea.  
31  
32 Q. Yes, I know the one you're talking about.  
33 A. They felt there was some value in it and I felt there  
34 was some value in it.  
35  
36 Q. And wasn't it the case that you would attend from time  
37 to time. Not every occasion but time to time?  
38 A. I actually from memory don't ever recall attending any  
39 meeting, from memory.  
40  
41 Q. That makes it a bit difficult. You don't recall any  
42 occasion in which you would give them general advice from  
43 the Authority because this would be the perfect time to do  
44 it, wouldn't it, because they would all be in the one spot?  
45 A. Yes, it would. I think when it came about I was  
46 seriously looking at moving on and I didn't think it was  
47 fair to get involved in that and set something up and then

1 there was no-one to carry it on. So I felt that in the  
2 interim, between me leaving and somebody else coming in,  
3 the finance - financial officer would attend the meetings  
4 as and when there was a need to. It was an excellent  
5 platform to give out circulars or information in relation  
6 to the Authority.  
7

8 Q. But you don't recall ever doing that?

9 A. No.

10  
11 Q. Do you ever recall someone from the Authority speaking  
12 to the wardens about the dos and don'ts of contact with  
13 children?

14 A. I don't recall that, no.  
15

16 Q. I'm going to ask you about another matter now and it  
17 is some evidence that was given by Alan Parks, and he was a  
18 longstanding board member of Katanning from 1979 to 1992.  
19 He also had several stints as a chairman of the board. He  
20 has given an account which commences, sir, at - I've got  
21 here 1398 and also 1450, and 1451, and 1452 and 1453. Now,  
22 I'm just going to give you a summary of that because he  
23 goes into some detail but it was in 1986, he recalls, and  
24 he had a complaint from parents of twin boys who were  
25 staying at the hostel. They were upset about something and  
26 he described himself going to the hostel and seeing Dennis  
27 McKenna to speak to him about the fact that these twin boys  
28 were upset about something and he saw Dennis McKenna with a  
29 person he has described as from the Authority. This person  
30 was male, in his 30s and of slim build. And so you might  
31 have been in your early 40s then but it certainly wasn't  
32 Mr Philpott, he recalls, and it seems by the process of  
33 elimination it might well have been you. Now, I gather you  
34 don't have any recollection of this and I think this has  
35 already been asked of you by the investigators in your  
36 interview last month?

37 A. Yes.  
38

39 Q. But I will just remind you of what he said. That he  
40 asked Dennis McKenna about this, whether there were any  
41 problems regarding these boys, and Dennis McKenna said that  
42 he hadn't heard anything and all was fine, and this was  
43 said, if you were talking to Dennis McKenna, it was inside  
44 your earshot. And then Mr Parks gives an account of the  
45 following day he received a phone call from the chairman of  
46 an association called the Isolated Parents and Children  
47 Association. As I understand it, what you said to the

1 investigation is you didn't have a recollection of that  
2 association at the time?  
3 A. No.  
4  
5 Q. What about subsequent to that. No. And he says that  
6 the chairman there threatened that Mr Parks could be taken  
7 to court for what he had said to Dennis McKenna. Would you  
8 agree with me at least if that had happened, that would  
9 have been entirely inappropriate?  
10 A. To get to court.  
11  
12 Q. Yes, that a chairman of an association connected with  
13 the hostels would make such a comment to a board member who  
14 was simply following up an inquiry?  
15 A. Yes.  
16  
17 Q. I'm just saying to you that there is a common theme to  
18 the evidence we have heard in this Inquiry that Dennis  
19 McKenna would frequently threaten anyone who, therefore,  
20 might be criticising him or making comments about him. He  
21 would threaten them with legal proceedings. We have  
22 already got the examples that I showed you regarding the  
23 Trezises and Mr McPharlin and Ms Flanigan. So I have put  
24 that to you, Mr Lammas, in fairness to you, but that  
25 account I have given to you doesn't ring any bells?  
26 A. It doesn't and the gentleman that would - might have  
27 been talking to Dennis McKenna could have been the  
28 financial officer.  
29  
30 Q. I see, yes.  
31 A. It could have been at the time that he was doing the  
32 internal audit. The other issue which is of interest to me  
33 is - you mentioned is twins.  
34  
35 Q. Yes.  
36 A. That would have really interested me in the sense I  
37 had an experience with twins many years ago and I've always  
38 been fascinated about twins ever since. So if - if the  
39 subject of twins came up, I would actually probably follow  
40 that up because I have an interest in twins.  
41  
42 Q. Do you have any experience of twins in a hostel  
43 context or not?  
44 A. In a youth centre.  
45  
46 Q. I see.  
47 A. I won't bore you with the story but basically --

1  
2 Q. That's fine. What you are saying is that if he had  
3 mentioned twins --  
4 A. My ears would have gone "bing".  
5  
6 Q. The other matter I want to ask you about is something  
7 that you have already given an account of in the  
8 typewritten statement you have provided to the Inquiry back  
9 in February and also as the subject of some questions of  
10 you by the investigators last month, and it concerns  
11 contact being made to you by Mr Philpott when you were down  
12 in the South West --  
13 A. Yes.  
14  
15 Q. -- to follow up a matter about Katanning. Can you  
16 recall that now?  
17 A. Yes.  
18  
19 Q. All right, can you tell us please about that? Can you  
20 recall that now?  
21 A. Yes.  
22  
23 Q. All right. Can you tell us, please, about that.  
24 Firstly, when you think that was about?  
25 A. I couldn't remember the details of time until probably  
26 further reflection, but it would appear it was fairly close  
27 to when I left, so I don't know what dates it was, but I  
28 had a phone call from Mr Philpott. He said that a parent  
29 was obviously distressed. I can't remember the name of the  
30 town they were from, and we ought to find out what the  
31 situation is. So I think I was on route somewhere else. I  
32 made a detour and popped in to Katanning and I approached  
33 Dennis McKenna and a gentleman I thought was actually the  
34 chairman, and put it to them that there was a parent that  
35 was obviously distressed, is there anything that the  
36 Authority should know about? And they assured me that  
37 there wasn't. And I haven't got a clue what the issue was.  
38  
39 Q. Well, when you say you haven't got a clue, is that  
40 now, or back then?  
41 A. Back then.  
42  
43 Q. All right. So what Mr Philpott simply said to you,  
44 there's a person distressed --  
45 A. Yes.  
46  
47 Q. -- from a town --

1 A. Somewhere.  
2  
3 Q. -- surrounding Katanning, and I gather he also told  
4 you it was to do with the Katanning Hostel --  
5 A. Yes.  
6  
7 Q. -- rather than Narrogin or Albany?  
8 A. Yes. No, it was to do with Katanning.  
9  
10 Q. Yes. And that he said you'd find out what it's all  
11 about. Well, did you ask him any further questions about  
12 that?  
13 A. No. I just asked what - you know, was it serious,  
14 did - should the Authority know about it. I got the  
15 impression it was something to do with - more to do with  
16 fees, but it was under control.  
17  
18 Q. So you got the impression it was to do with fees?  
19 A. Paying accounts.  
20  
21 Q. Yes. And, again, that impression - was it from  
22 something Mr Philpott said to you or was just --  
23 A. No, it was from what the second person with Dennis  
24 said. I got the feeling he was a Chairman.  
25  
26 Q. And what did the second person with Dennis say to you?  
27 A. He said that, "It's nothing to worry about, we've got  
28 it under control."  
29  
30 Q. So why would you make the connection to that being  
31 about fees?  
32 A. I got the impression that it was more to do with  
33 finance than anything else.  
34  
35 Q. All right.  
36 A. And, again, I didn't sense that anything was wrong.  
37  
38 Q. So you were pretty much going in blind then, weren't  
39 you, if you didn't - if Mr Philpott said to you, "There's a  
40 parent distressed from a town", obviously gave the name of  
41 the parent, "Go and find out what it was about", you didn't  
42 have much to go on, did you?  
43 A. Not a lot.  
44  
45 Q. It might have been something particularly serious?  
46 A. I said back to Colin Philpott what I had been told,  
47 and we discussed it, and thought that, "Well, okay, it

1 appears to be in hand", no further action.  
2  
3 Q. What made you think it would appear to be in hand?  
4 A. The comment from the Chair, the Board representative,  
5 because I'm not sure - I mean, I said in my letter it was  
6 the Chairman. I'm not sure whether it was the Chairman.  
7 It could have been the Treasurer.  
8  
9 Q. Okay.  
10 A. But it was a Board member. I got the impression that  
11 everything was okay. He assured me that everything was  
12 okay.  
13  
14 Q. Did you also remember stating in your typewritten  
15 statement from 20 February this year that:  
16  
17       However, if I thought or I'd known that the  
18       complaint was connected in any way with  
19       immoral misconduct, I would have followed  
20       up my meeting with Dennis McKenna, and his  
21       Chairman --  
22  
23 And I accept now you may say it was the Treasurer:  
24  
25       -- with a home visit of the parent.  
26  
27 A. Yes.  
28  
29 Q. --:  
30  
31       Nothing led us to believe that this was the  
32       case.  
33  
34 A. Yes.  
35  
36 Q. Given the lack of detail that you got from Mr  
37 Philpott, how do you know it might not have been related to  
38 immoral misconduct?  
39 A. It wasn't unusual for parents to be upset from time to  
40 time; different locations. Colin didn't express any true  
41 anxiety around the issue, other than we need to find out  
42 what it is, or is it of concern. So I asked Dennis  
43 McKenna, in front - I have asked him in front of a Board  
44 member; I had to be sure that the Board member would ratify  
45 what Dennis was saying, and I was assured there was nothing  
46 to worry about.  
47

1 Q. I would have thought you would have spoken to the  
2 Chairman privately if it had something to do with Dennis  
3 McKenna, it would be best to discuss it privately.  
4 A. We didn't know what the subject matter was.  
5  
6 Q. Like I said, this is - I'm just curious as to why you  
7 weren't more curious and request further details from Mr  
8 Philpott?  
9 A. Well, because often parents had complaints.  
10  
11 Q. Yes, I appreciate that, but it could be a wide  
12 spectrum of complaints.  
13 A. Well, I suppose at the time I was satisfied with the  
14 answer from the Board representative. I mean, he didn't  
15 give any indication of anxiety or issue of --  
16  
17 Q. Look, I accept that Mr Philpott might have - you  
18 weren't very high ranking, and he may be quite imposing at  
19 times, but surely you wouldn't fear asking him for more  
20 information on this occasion?  
21 A. I don't know whether I asked for more information. I  
22 didn't get any more information. I was told, "Look,  
23 everything is under control, there's nothing to do."  
24  
25 Q. No, no, no, I'm talking about the information from  
26 Colin Philpott first, so you could make a proper inquiry of  
27 this --  
28 A. Well --  
29  
30 Q. -- not just simply approach the Board member and Mr  
31 McKenna and say, "Look, a parent's upset, distressed", name  
32 the parent, "from this town. Is there anything that the  
33 Authority should be concerned about?" There's a complete  
34 lack of detail.  
35 A. True, but Colin said, "Find out if it's an issue", so  
36 I asked if it was an issue and was assured by the Board  
37 representative that it wasn't an issue.  
38  
39 Q. But you didn't know what the issue was?  
40 A. No.  
41  
42 Q. Wasn't that a problem?  
43 A. Well, it seemed to satisfy me at the time. I did go  
44 back to Colin to say what went down, "What do you want me  
45 to do?", and we discussed and he said, "Well, it sounds as  
46 though nothing to worry about."  
47

1 Q. Did he tell you what it was about?  
2 A. No.  
3  
4 Q. And that didn't seem odd to you?  
5 A. Again, I was asked to do something, I followed it  
6 through, I went back with what went down, and then I was  
7 told, "Okay".  
8  
9 Q. The other matter I jut want to finally ask you about  
10 is some evidence has been given by Barry Christy, or his  
11 first name was Nicholas - I think he's known as Barry.  
12 A. That's correct, yes.  
13  
14 Q. He was appointed a warden at the Albany Hostel in  
15 1987. How did you regard him?  
16 A. Barry ran a pretty good hostel. It's one of the  
17 hostels I actually liked. It was in a good location.  
18 Barry wasn't too unfriendly, and he ran it fairly  
19 effectively.  
20  
21 Q. Did you and he get on well with each other in the  
22 three years that your positions overlapped?  
23 A. Barry was a very strong personality, and he had a  
24 view, and he could be hard to handle at times in the sense  
25 of putting that view across, but I had enough respect for  
26 him to admire what he was doing.  
27  
28 Q. Okay. I don't know if you are aware of this or not,  
29 because you haven't been reading the transcript. If you  
30 haven't, I'll just read out to you a portion of a statement  
31 of Mr Christy's - a portion of a statement that he made to  
32 the Inquiry, which was read out on 27 February, which is at  
33 page 500, sir. He says this:  
34  
35 Some time in 1989, I do not recall the  
36 exact date, I had to visit the St Andrew's  
37 hostel in Katanning. Whilst there I  
38 witnessed Dennis McKenna, who was the  
39 warden there, in his pyjamas in the boys'  
40 dorm. He was holding hands with two boys.  
41 I had to speak to McKenna to ask him to  
42 open the doors to the hostel to allow me to  
43 leave, as it was locked.  
44  
45 Following this, I got in touch with either  
46 Colin Philpott or Peter Bachelard-Lammas to  
47 raise my concerns about Dennis McKenna

1           behaving in an inappropriate manner in the  
2           hostel with boys. I cannot remember if  
3           this was in writing or verbally. I had no  
4           response in relation to this.

5  
6           Now he doesn't say whether it was either you or Mr  
7           Philpott. Do you recall whether he raised it with you?  
8           A. I have no recollection of it. And if I had of been  
9           approached, I would have started a process in the sense I  
10          would have wanted to know a little bit more. First of all,  
11          because it's Barry, I probably would have wanted some  
12          reassurance from him that it wasn't - it didn't have  
13          malicious intent, because there was some animosity between  
14          those two sites. Once I would have established that, then  
15          I would have asked him to give me the story and try to  
16          elicit from him were there any witnesses, did he actually  
17          gain the names of the boys, et cetera, et cetera, and he'd  
18          really need to have put this down in writing, and express  
19          his concerns and post it - and address it to the Chairman  
20          of the Authority. Now, that sounds like a bit of a cop out  
21          in the sense it wouldn't stop there, but from my  
22          perspective, I couldn't take that back to Perth without  
23          something in writing, or at least he was going to put it in  
24          writing and post it, but if that was - if we had this  
25          conversation, I would also - whether I had the letter or  
26          not, the first thing I would do is get in touch with Kerry  
27          O'Neil and say, "We could have a problem, it looks as if we  
28          might have a problem".

29  
30          Q. And why would you approach Kerry O'Neil, rather than  
31          Colin Philpott?

32          A. Because I felt that was a more appropriate approach to  
33          deal with the situation.

34  
35          Q. Did you feel he would be - he would deal with it in a  
36          more effective manner?

37          A. I suppose I did.

38  
39          Q. Yes. Why do you say that?

40          A. He's in the business. He's in the business of looking  
41          after children. And also, I suppose, from my perspective,  
42          is the one with Authority to actually activate something.  
43          If - I mean, really I'm talking about an hypothetical,  
44          because I actually knew nothing about that, but even from  
45          my perspective, he was the person that would swing it into  
46          gear, and it would happen.

47

1 Q. Now, you said there that if - you would have  
2 approached Mr Christy to find out whether this was  
3 malicious or not?  
4 A. Well, Barry was a very forceful character. And I  
5 would have to establish that - I suppose, really, I hurt a  
6 bit after Port Hedland, in the sense that a young lad had  
7 accused a supervisor, so I would have to establish, "Well,  
8 this is dinkum, you're sure about this, you're absolutely  
9 positive, it has serious consequences", and he'd probably  
10 say, "I don't know, it's hypothetical as far as I'm  
11 concerned, in the sense it did or did not take place", but  
12 once I was confident it wasn't a malicious rumour he was  
13 trying to activate, I would then have said, "Well, you need  
14 to put this down in black and white, and you need to put it  
15 down in a factual way and try to remember as much as  
16 possible, anything that would verify the situation.  
17  
18 Q. And this would raise concerns with you if this was, in  
19 fact, correct, that he was - Dennis McKenna was in his  
20 pyjamas, holding hands with two boys?  
21 A. Yes. And it's coming from another warden, which means  
22 he obviously must have perceived there was something wrong.  
23  
24 Q. You mentioned you don't recall this conversation, but  
25 if it did happen, would I be right in saying you would have  
26 remembered it --  
27 A. Yes.  
28  
29 Q. -- even with this passage of time?  
30 A. Yes, I think so.  
31  
32 Q. You see, Mr Philpott has denied that Mr Christy raised  
33 this subject matter with him. So all three accounts can't  
34 be correct?  
35 A. I can only speak for myself, sir.  
36  
37 Q. Yes. I appreciate that, but it's an unfortunate  
38 situation that we have here?  
39 A. Yes.  
40  
41 HIS HONOUR: There has been a number of them.  
42  
43 MR URQUHART: Finally, Mr Lammas, I'm going to ask you  
44 some general questions.  
45  
46 Q. Do you accept that the Authority could have done more  
47 to prevent Dennis McKenna's offending from occurring over

1 such a long period of time, and in your case I'm talking  
2 about from 1982 onwards?  
3 A. I think from my perspective it's most unfortunate it  
4 didn't surface earlier.  
5  
6 Q. Yes, obviously.  
7 A. And I'm actually quite surprised it didn't surface  
8 earlier. His colleagues, his peer group, weren't fond of  
9 him. They were closer to the rural community than I was.  
10 I drifted in and out for different reasons, and I was there  
11 for a short space of time, but I am really, to this day,  
12 amazed if not dumbfounded that it didn't leak out.  
13  
14 Q. Well, wasn't there a leaking out of it with respect to  
15 the letter that Mr McPharlin and Mrs Flanigan wrote? That  
16 was a leak that when straight to the Authority, yes?  
17 A. I note that comment, yes.  
18  
19 Q. Well, with respect to that particular instance, do you  
20 accept the Authority should have done more in following up  
21 that investigation?  
22 A. It's regrettable that it didn't, we didn't.  
23  
24 Q. And Mr Christy's complaint. You'd include him as one  
25 of the peer groups of Dennis McKenna --  
26 A. Yes, yes.  
27  
28 Q. -- who you say Dennis McKenna wasn't very popular  
29 with?  
30 A. Yes.  
31  
32 Q. So if he made that complaint in 1989, if he did make  
33 that complaint to either yourself or Mr Philpott. Would  
34 you accept that it doesn't seem to have been followed  
35 through?  
36 A. It would appear so.  
37  
38 Q. The failure to monitor effectively who he's employing  
39 as his staff. I gather you would also say it was an  
40 oversight of the Board, but shouldn't the Authority also  
41 accept some responsibility for that?  
42 A. It's a bit after the event, but perhaps we should have  
43 probably notified the hostel that they should cease  
44 appointing family members.  
45  
46 Q. And, really, that was too broad a question here.  
47 Another thing the Authority could have done was ensuring

1 the Board was monitoring him properly?  
2 A. In more ways than one.  
3  
4 Q. Yes. You see, the Board meetings that you attended.  
5 I think you said to the investigators you attended two or  
6 three a year --  
7 A. Yes.  
8  
9 Q. -- and, indeed, your recollection is pretty much  
10 spot-on with that because we had a look at the minutes of  
11 those who were in attendance from 1982 to 1990, and you  
12 seemed to be - you regularly appear in either two or three  
13 times a year, but when you attended those meetings, I  
14 suggest to you that Dennis McKenna pretty much got what he  
15 wanted at those meetings.  
16  
17 A. It certainly appeared that way.  
18  
19 Q. Yes. And unfortunately at the same time it also  
20 appeared he was getting pretty much whoever he wanted at  
21 night time in the hostel's dormitory. Would you agree with  
22 that?  
23 A. I'm not aware of what went on and the offences  
24 involved, because I'd already left.  
25  
26 Q. You see, my final question to you is this, Mr Lammas:  
27 if the Authority didn't properly act on that letter it  
28 received from Mr McPharlin and Mrs Flanigan, then what was  
29 it going to take to have the Authority do something about  
30 Dennis McKenna?  
31 A. I take your point.  
32  
33 MR URQUHART: Thank you, sir.  
34  
35 HIS HONOUR: Nothing from you, Mr Jenkin.  
36  
37 MR JENKIN: I just want to ask one question, if I may,  
38 sir.  
39  
40 <CROSS-EXAMINATION BY MR JENKIN:  
41  
42 MR JENKIN: Q. Mr Lammas, my instructions from the  
43 Education Department - I act for the Education Department  
44 and the Authority - are that they're having difficulty  
45 tracking down Mr Kerry O'Neil. Now, do you recall the  
46 spelling of that person's names?  
47 A. As in the minutes.

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

Q. Sorry?

A. As in the minutes. His name's recorded in the minutes.

Q. Okay. All right. And you can't recall what position he held with the department?

A. No. I know he was a director.

Q. He was a director. And this was definitely with the State Education Department. It would obviously have been with the State department?

A. Absolutely.

MR JENKIN: All right. Thank you.

HIS HONOUR: Ms Morgan?

MS MORGAN: Nothing from me, your Honour.

HIS HONOUR: You don't have anything arising from Mr Jenkin's three questions?

MR URQUHART: No, thank you sir. Were you going to invite Mr Lammas - to ask him if he wanted to add anything else?

HIS HONOUR: Yes. Thank you for reminding me.

Q. Now, if you wish to you can add anything you want to, you feel there's something we haven't covered with the questioning, or if there's anything you want to say which you think we might have overlooked. So is there anything else you want to say?

A. I really - I'm a bit exhausted.

Q. I can understand that, it's been a long day.

A. I can't think of anything.

Q. Well, if there is anything that does occur to you, you can send us a letter and set out whatever matters you think should be brought to my attention.

A. Thank you.

HIS HONOUR: Very well, that completes your evidence, thank you, you're free to go. And I'll adjourn until Thursday.

1 <THE WITNESS WITHDREW  
2  
3 MR URQUHART: Yes, sir, and we'll send a letter to Mr  
4 Philpott once we find that reference that he made to being  
5 asked --  
6  
7 HIS HONOUR: To Mr Lammas.  
8  
9 MR URQUHART: Sorry, Mr Lammas, when asked to leave the  
10 meeting of the hostel.  
11  
12 HIS HONOUR: Right, yes.  
13  
14 MR URQUHART: I'll forward those details to him as well,  
15 and he might care to comment on that as is the case. Thank  
16 you, sir.  
17  
18 HIS HONOUR: All right. Now, we're adjourn until -  
19  
20  
21 MR URQUHART: Yes, we are, sir, the public  
22 hearings will continue on Thursday.  
23  
24 HIS HONOUR: So it's Thursday we're adjourning to -  
25  
26  
27 MR URQUHART: As far as public hearings are concerned, we  
28 are adjourning to Thursday.  
29  
30 HIS HONOUR: Thursday, the 10th, 10am.  
31  
32 MR URQUHART: Yes, that's right, sir.  
33  
34 HIS HONOUR: Thank you.  
35  
36 **AT 5.17PM THE HEARING ADJOURNED TO**  
37 **THURSDAY, 10 MAY 2012 AT 10AM**  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47