

Special Inquiry into St Andrew's Hostel

Hearing

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

Friday, 9 March 2012 at 2.17pm
(Day 10)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Please be seated. We have Mr Trezise here.
2 And, Mr Rafferty, you have some further cross-examination?
3
4 MR RAFFERTY: May it please your Honour, I do.
5
6 HIS HONOUR: Yes. .
7
8 <DAVID TREZISE, recalled:
9
10 <FURTHER CROSS-EXAMINATION BY MR RAFFERTY:
11
12 MR RAFFERTY: Q. Mr Trezise, on the last occasion you
13 gave evidence that you had a conversation with John Jolly
14 in 1985; is that correct?
15 A. That's right.
16
17 Q. And the context of that conversation was that McKenna
18 was fiddling with kids?
19 A. Well, that wasn't the only conversation I had with
20 him; but, yes --
21
22 Q. Okay.
23 A. -- that he did that.
24
25 Q. And you would have clearly discussed what Jolly told
26 you at the time with your wife?
27 A. I'm not sure about that.
28
29 Q. Well, if somebody told you that somebody who's a
30 teacher at your daughter's former school was fiddling with
31 kids, I would suggest to you that would be a normal thing
32 for you to then discuss with your wife?
33 A. I probably did, yes.
34
35 Q. It's difficult to recall conversations 25, 26 years
36 after they occurred, so --
37 A. 27 year ago, yes.
38
39 Q. Yes. You also gave evidence that you would have
40 discussed the letter your wife wrote to Colin Philpott
41 dated 17 September 1986 with her; correct?
42 A. Yes.
43
44 Q. And you would have read it before she sent it;
45 correct?
46 A. No, not necessarily.
47

1 Q. You're not saying you didn't read it, you just don't
2 know whether you did or you didn't?
3 A. I couldn't tell you whether I did or I didn't. I
4 doubt I did because there's one line in that two or
5 three pages which, as I told you before, I didn't agree
6 with.
7
8 Q. You say that now --
9 A. I said it the other day.
10
11 Q. Yes, you say that now in 2012, but you clearly accept
12 that the statement made by your wife is that:
13
14 We think he runs an excellent hostel.
15
16 A. Yes.
17
18 Q. It's used in the plural; correct?
19 A. Yes, that's one line and three pages of facts.
20
21 Q. Has your wife been approached by the Commission to
22 give a statement?
23 A. No.
24
25 Q. She's with us, isn't she?
26 A. Yes.
27
28 Q. In fact, unfortunately, you may have forgotten this on
29 the last occasion, is today her birthday?
30 A. It is.
31
32 Q. And you --
33 A. I haven't forgotten it.
34
35 Q. And she's here today in court --
36 A. She is.
37
38 Q. -- or hearing, I should say. It's not a courtroom,
39 but she's never been asked to give a statement in relation
40 to that particular letter?
41 A. No.
42
43 Q. And it's also the case, isn't it, that you say that
44 your wife Coral was present during the course of the
45 conversation that you say you had with Mr Philpott in the
46 car park in Lake Grace?
47 A. No, it wasn't the car park, it started in the middle

1 of the road outside the Lake Grace hall.
2
3 Q. Does it really matter where it occurred? You know
4 where I'm talking about, don't you?
5 A. Well, on the road, yes.
6
7 Q. Yes. And she was present when you say that
8 conversation occurred, wasn't she?
9 A. My wife, yes.
10
11 Q. Yes. Okay. Now, on your own evidence, you would have
12 clearly been aware of what you say McKenna was up to prior
13 to 17 September 1986?
14 A. Yes.
15
16 Q. And on your own evidence you were frustrated at the
17 inaction of those who you say you told things to about
18 McKenna's behaviour?
19 A. Yes.
20
21 Q. It's the case, isn't it, that if you're unhappy about
22 the way something has been dealt with, you then work the
23 chain of command, don't you?
24 A. Yes.
25
26 Q. You're a former serviceman?
27 A. Yes.
28
29 Q. And that's what former servicemen do. If you're not
30 happy with the way something is dealt with at one level --
31 A. Yes.
32
33 Q. -- you go to the next level. If you're not happy
34 there, you keep working that chain of command.
35 A. Yes.
36
37 Q. That is exactly what you did in relation to the issue
38 of the school fees, isn't it? You worked at the chain of
39 command?
40 A. Yes, yes.
41
42 Q. You started off with McKenna, who was the warden at St
43 Andrews in Katanning?
44 A. Yes.
45
46 Q. You then moved to Garth Addis, when you had a verbal
47 conversation with him?

1 A. Yes.
2
3 Q. You then went to Mr Philpott?
4 A. Mr Parks first, I think.
5
6 Q. Mr Parks?
7 A. No, maybe not, yes.
8
9 Q. Doesn't matter?
10 A. No, no.
11
12 Q. I'm putting Addison and Parks on the same level --
13 A. Yes.
14
15 Q. -- because they're on the board.
16 A. Yes.
17
18 Q. But the next rung up from that would have been Mr
19 Philpott?
20 A. Mr Philpott would never give us an appointment.
21
22 Q. No, that's not the question I asked you. I'm just
23 talking about what you did?
24 A. Yes.
25
26 Q. You worked the chain of command. You went to Mr
27 Philpott. You weren't happy with him. You made a
28 complaint to the Ombudsman.
29 A. And the Minister for Education.
30
31 Q. I'm getting to that. And then after that you went to
32 the Minister of Education?
33 A. I think it might have been the other way around.
34
35 Q. It doesn't matter, it's still working up the
36 hierarchy, you agree?
37 A. Yes.
38
39 Q. The highest point or the apex of that --
40 A. Yes.
41
42 Q. -- would be the Minister --
43 A. Yes.
44
45 Q. -- and we have contemporaneous correspondence, don't
46 we, from that period, of the times that you made
47 complaints?

1 A. We had correspondence here, yes.
2
3 Q. Contemporaneous, 1986?
4 A. Probably since '85.
5
6 Q. All right. And we have a letter from the Ombudsman
7 dated 30 June 1986, within the context of you working the
8 chain of command - you weren't happy about the way the
9 school fees were dealt with. You complained to the
10 Ombudsman. You complained to the Minister, and that's - I
11 should have outlined the exhibit numbers for the benefit of
12 your Honour, 11.3. You complained to the Minister for
13 Education, who is then Mr Bob Pearce, and that's
14 exhibit 11.2; is that correct?
15 A. Yes.
16
17 Q. And you complained to Mr Philpott, exhibit 11.1?
18 A. Yes.
19
20 Q. And all those are by way of correspondence?
21 A. Yes.
22
23 Q. And just to be precise, we don't have the complaint
24 you made to the Ombudsman, but we have his response which
25 details what you had complained about?
26 A. Yes, but he didn't get all about - there was no
27 mention there of the letters that we sent forward to him.
28 All he - all he talked about was a point of law, which was
29 right, he - you had to give three month's notice --
30
31 Q. Yes.
32 A. -- but the two letters that I would have hoped would
33 have gone to him never went to him.
34
35 Q. No. No. The one that refers to a "suspicious
36 suggestion" and nothing more; correct?
37 A. Both those letters --
38
39 Q. Yes.
40 A. -- and the time frame.
41
42 Q. One saying "suspicious suggestion"; correct?
43 A. Yes.
44
45 Q. And you and your wife were very passionate about not
46 having to pay for the fees for the hostel; correct?
47 A. Well, to put it for want of a better word, we were

1 just being screwed, compared to other parents.
2
3 Q. Don't disagree with you in any way, shape or form, but
4 you felt very passionately about that at the time,
5 particularly people suggesting that you didn't have enough
6 money to pay?
7 A. Yes, well, that was a red herring.
8
9 Q. I'm not saying it is one way or the other, I'm just
10 saying, well, it made you upset at the time?
11 A. Yes.
12
13 Q. And as a result of being upset, you wrote letters
14 going along the chain of command?
15 A. Yes.
16
17 Q. See, what I suggest to you, Mr Trezise, is if you had
18 of known anything about Mr McKenna fiddling with kids - I'm
19 using your term there - in 1985 or 1986, you would have
20 worked at the chain of command --
21 A. Yes.
22
23 Q. -- correct?
24 A. Yes.
25
26 Q. Now, you say that you had a conversation with Mr
27 Addison and Mr Parks; correct?
28 A. Mm.
29
30 Q. And you weren't satisfied with their response?
31 A. No, they didn't want to talk about it.
32
33 Q. That's right. I'm just saying you were not satisfied
34 with their response. So again being - the way you behaved
35 at that relevant time, that contemporaneous period, if you
36 had of known about what McKenna was up to, you would have
37 then gone to Mr Philpott?
38 A. Yes.
39
40 Q. And on your own evidence you were not satisfied with
41 the way Mr Philpott spoke to you in Lake Grace; correct?
42 A. No.
43
44 Q. Well, if you had of done what you would normally do in
45 that period of time, the next person you would have gone to
46 is either the Minister or the Ombudsman; correct?
47 A. Yes.

1
2 Q. And you didn't?
3 A. I think we did.
4
5 Q. Well, we have contemporaneous correspondence before
6 the Inquiry - I'll get it right this time, I kept saying
7 Commission last time. Do you agree that his Honour has no
8 contemporaneous correspondence about you making any form of
9 complaints about - let me finish, Mr Trezise, it makes it
10 go quicker - there is no contemporaneous complaints from
11 you, working that chain of command that I've outlined, that
12 suggests anything about your knowledge of Mr McKenna
13 fiddling with kids - yes or no?
14 A. No.
15
16 Q. No, there is not. Correct?
17 A. Well, probably not written correspondence, but in '85
18 - I'm pretty sure it was '85 or early '86 - when my
19 daughter was going to Lake Grace, she was awarded a State
20 award, and Mr Pearce had to present it. And after he
21 presented - there was probably three or four awards - I -
22 my wife and I fronted him and we wanted to discuss this,
23 and he just put his hands up and said, "I've got other
24 commitments", and wouldn't talk to us.
25
26 Q. There's no mention of that in any - either of the two
27 statements you've provided the Commission, is there, about
28 what you say Mr Pearce has done. Are you suggesting to --
29
30 MR URQUHART: Are you going to let the witness answer that
31 question.
32
33 MR RAFFERTY: No, I thought he'd finished.
34
35 Q. Are you suggesting --
36
37 MR URQUHART: No, no. Hold on, you --
38
39 MR RAFFERTY: No, no, I am asking the question in a
40 different way.
41
42 MR URQUHART: Well, withdraw the question then.
43
44 MR RAFFERTY: No, I'm asking it this way. I don't need to
45 be told what to do.
46
47 MR URQUHART: No. Well, it's just --

1
2 MR RAFFERTY: The question is this - - -
3
4 MR URQUHART: No, look, wait a minute. No, I'm going
5 to --
6
7 MR RAFFERTY: Yes.
8
9 MR URQUHART: -- interject here, see.
10
11 MR RAFFERTY: Yes.
12
13 MR URQUHART: If my learned friend does not want the
14 witness to answer the question that he's just asked, he
15 should make that clear to everyone before he asks the next
16 one. And he does that by just saying, "I withdraw that
17 question", or, "Stop now, I'm going to ask you the question
18 in another way", rather than the manner in which he dealt
19 with it, because that would prevent me from having to get
20 to my feet to ask Mr Rafferty to allow the witness to
21 answer the question.
22
23 MR RAFFERTY: All right. I don't understand my friend's
24 objections.
25
26 HIS HONOUR: Well, what was the first question.
27
28 MR RAFFERTY: It's been so long ago, sir, I've forgotten.
29 I'll ask it this way.
30
31 Q. Are you suggesting --
32
33 HIS HONOUR: Well, put your question.
34
35 MR RAFFERTY: I will, sir.
36
37 HIS HONOUR: And you'll have plenty of time to answer it,
38 okay.
39
40 MR RAFFERTY: Thank you, sir.
41
42 Q. Are you suggesting that you told the Minister for
43 Education in '85 or '86, Bob Pearce, about Mr McKenna's
44 activities?
45 A. Well, there's documentation here to say that we did.
46
47 Q. What documentation?

1 A. It's in a letter here somewhere. We wrote to Mr
2 Pearce and he - he - he was --
3
4 Q. Sorry, can I just get the date of that letter, please,
5 because I don't seem to have that letter.
6 A. I'll have to go through it. There's more than one
7 page here.
8
9 Q. I understand that. But is this a letter that you've
10 given the Commission?
11 A. Well, it's one that they gave me.
12
13 HIS HONOUR: I've just been handed a letter addressed to
14 the - Mr B Pearce, Minister for Education, dated 6 October
15 1986. It's not an exhibit, is that right?
16
17 MR RAFFERTY: I've never seen it, sir. Can I have a brief
18 look at that, please.
19
20 HIS HONOUR: Yes.
21
22 MR RAFFERTY: I certainly don't want to suggest to the
23 witness he hasn't done something when he has.
24
25 MR URQUHART: It's 11.2, isn't it?
26
27 MR RAFFERTY: It is so. Yes. That's fine.
28
29 HIS HONOUR: It's exhibit 11.2.
30
31 MR RAFFERTY: It is 11.2. I haven't seen the point that
32 the department - that the witness is referring to.
33
34 Q. Sorry, whereabouts in that particular letter do you
35 say, and it is exhibit 11.2, there's a reference to Mr
36 McKenna fiddling with kids?
37 A. Well, he had - he had McPharlin's letter.
38
39 Q. No, no, no, no. You've just given evidence to his
40 Honour, the Inquiry, that in that letter to the Minister
41 you outlined what you say McKenna was doing. Have a look
42 at that letter, please, Mr Trezise, and tell me whereabouts
43 on that letter, exhibit 11.2, that I'll find that notation?
44 A. Well, I'll have to go through it.
45
46 Q. Well, then, take your time please, Mr Trezise?
47 A. But when these --

1
2 Q. No, Mr Trezise. Please have a look at the letter.
3 A. Well, right up front here it says:
4
5 Nowhere does he acknowledge the fact that
6 we forwarded letters from both parents in
7 the same situation.
8
9 Q. Where does it say in that letter, Mr Trezise?
10 A. Well, there's two letters.
11
12 Q. Pardon me?
13 A. Well, one of the letters.
14
15 Q. Which letter are you referring to?
16 A. McPharlin's letter that went with --
17
18 Q. No, no, no, Mr Trezise. You're not listening to my
19 question. I'm asking you about the letter you sent. You
20 referred to his Honour a moment ago that you had told the
21 Minister about Mr McKenna fiddling with kids. Where in
22 that letter that you've just referred to will I find that
23 notation?
24 A. I'll keep reading. But what I'm getting to is --
25
26 Q. No, no, no. Please, please answer the question.
27 A. Yes.
28
29 MR URQUHART: To cut a long story short, sir, it's not
30 there. Okay. I don't know why the witness needs to go
31 through it all, it's not there.
32
33 MR RAFFERTY: No, it's not, and I could have said that.
34
35 MR URQUHART: So let's move on.
36
37 MR RAFFERTY: You'll get your turn, yes. My learned
38 friend gets his turn. My client has been given notice at
39 80 years of age that there may be an adverse finding
40 against him. This witness is one of those people who I'm
41 told may be the basis of that, and from what I've heard so
42 far, may be the most significant witness. It is not for my
43 learned friend to be dismissive at the Bar table in
44 relation to my questioning. I'm going to ask him to stop.
45
46 HIS HONOUR: Anyway, you can continue.
47

1 MR RAFFERTY: Thank you, sir.
2
3 HIS HONOUR: Yes.
4
5 MR URQUHART: I don't necessarily agree with that
6 description, sir.
7
8 HIS HONOUR: Well, I think we'll get on with the
9 questions.
10
11 MR RAFFERTY: It will go a lot quicker, sir.
12
13 Q. So you agree with me that it's no longer in that
14 letter?
15 A. Well, apparently not.
16
17 Q. No.
18 A. But there were those other letters with that.
19
20 Q. You see, what I'm suggesting to you, Mr Trezise, is if
21 you had of known - I accept that entirely, you are a good
22 citizen. If in 1985 or 1986 you specifically had knowledge
23 that Dennis McKenna was fiddling with kids, which he
24 clearly was, but if you had of had knowledge about that,
25 and as a good citizen you would have done something
26 significant about it, and you didn't.
27 A. Yes, I did.
28
29 Q. You agree with me that you never wrote to Mr Philpott
30 to outline - no, no, let me finish, no, no. You never
31 wrote to Mr Philpott to tell him that Mr McKenna had been
32 fiddling with kids?
33 A. Have you got the letter 17th of September?
34
35 Q. I do. Exhibit 11.1.
36 A. Right.
37
38 Q. You may have a look at my copy.
39 A. Well, he had the benefit of those letters, and that's
40 why we followed him out of the hall at Lake Grace to talk
41 about that.
42
43 Q. Do you agree with me that nowhere in that letter on
44 the 17th of September 1986 - I'm happy for Mr Urquhart to
45 make the concession again - there is nowhere in that letter
46 about my client - about you making my client aware that
47 McKenna had been fiddling with kids. It's just not there,

1 is it?
2 A. Well, I have to read this.
3
4 Q. Okay. Take your time, Mr Trezise. I don't want to
5 rush you.
6 A. Well, I can tell you that he obviously knew because we
7 wanted to talk to him about it, and --
8
9 Q. Mr Trezise, I am going to interrupt you because I have
10 asked you a specific question.
11 A. Yes.
12
13 Q. It does not appear in that letter, does it?
14 A. Well, he - he was - he must have been notified --
15
16 Q. Mr --
17 A. -- he knew what it was all about. He must have had
18 correspondence --
19
20 Q. Mr Trezise, I'm not going to argue with you.
21 A. -- from the board at Katanning --
22
23 Q. Mr Trezise?
24 A. -- because he knew dam well what was going on.
25
26 Q. Mr Trezise, there is nothing in that letter, is there,
27 about telling Mr Philpott that McKenna was fiddling with
28 kids. I'm specifically referring --
29 A. Not in - not in this letter.
30
31 Q. -- to exhibit 11.1. And there are no other letters
32 that were sent to Mr Philpott?
33 A. Well, there was letters from McPharlin.
34
35 Q. I'm not talking about those letters, I'm talking about
36 letters from you.
37
38 MR URQUHART: Well, to be correct, to be - I don't wish to
39 be pedantic, but there actually was a letter from this
40 witness, written by Mr McPharlin, that the witness sent to
41 Mr Philpott.
42
43 MR RAFFERTY: Yes, I'll refer to that. I'm talking about
44 a letter from you saying, "Dear Mr Philpott, Mr McKenna is
45 fiddling with kids", signed by you or your partner --
46 A. No.
47

1 Q. -- or your wife, Coral?
2 A. No, I --
3
4 Q. There's no letter is there?
5 A. No, no, I never --
6
7 Q. No.
8 A. -- I never wrote that at all, no.
9
10 Q. And what I'm suggesting to you is if you had of been
11 upset at the way that Mr Philpott dealt with you in Lake
12 Grace, then you would have either complained to the
13 Minister's office or to the Ombudsman, much in the same way
14 that you complained about the school fees issue?
15 A. Well, we did go to the Ombudsman. We went to two
16 board members. We went to Mr Philpott, the head of the
17 Country High Schools Hostel --
18
19 Q. Mr Trezise, that's not the question. You're not
20 answering the question I asked you.
21 A. We went all the way to the Ombudsman.
22
23 Q. Mr Trezise - - -
24 A. Where else could we go?
25
26 Q. Mr Trezise. And you agree with me that the letter
27 from the Ombudsman dated 30 June 1986, makes no mention
28 about you complaining about Mr McKenna fiddling with kids,
29 does it?
30 A. How --
31
32 Q. Mr Trezise, please answer the question, it's a very
33 simple question?
34 A. No.
35
36 Q. No, it doesn't.
37 A. Maybe not, but it - if you read the letter from their
38 lawyers, obviously he knew --
39
40 Q. No, Mr Trezise, you can't say that. You can't say
41 that because you're guessing. The issue is this though, Mr
42 Trezise --
43 A. Well, this was sent by --
44
45 Q. -- you never complained to the Minister that you
46 hadn't received sufficient --
47 A. My wife --

1
2 Q. -- recognition --
3 A. My wife wrote that letter.
4
5 Q. You did not receive from the Minister, or you did not
6 complain to the Minister about the inaction of those below
7 him in relation to a suggestion that McKenna had been
8 fiddling with kids, did you?
9 A. My wife wrote --
10
11 Q. No?
12 A. Yes - well, there's a letter there about --
13
14 Q. I'm talking about fiddling with kids.
15 A. -- about not interfering with the kids.
16
17 Q. Yes.
18 A. How would I look if I'd have gone up, knowing that I'd
19 already spoken to people who I took into my confidence, and
20 what - what would - what would he have done, which he
21 threatened to do, was sue me.
22
23 Q. That never happened, Mr Trezise.
24 A. That never happened, because --
25
26 Q. No.
27 A. -- unfortunately I didn't go to court --
28
29 Q. No.
30 A. -- and I should have done --
31
32 Q. Mr Trezise, Mr Philpott --
33 A. -- because they didn't want me to go to court.
34
35 Q. Mr Trezise, Mr Philpott never threatened to sue you?
36 A. He did threaten to sue me.
37
38 Q. Well, you gave two statements - I'll withdraw that
39 question to make my learned friend happy. All right. You
40 then refer to this conversation in Lake Grace which, let's
41 say for argument's sake is either '85 or '86, based on what
42 you said so far; is that correct?
43 A. Yes, it would have been one of those --
44
45 Q. Yes.
46 A. -- of those times, yes. Probably '85, probably.
47

1 Q. Probably '85?
2 A. Could have been, yes.
3
4 Q. So much longer before you send the letter in September
5 '86?
6 A. I guess so.
7
8 Q. Yes. And you say that Mr Philpott was mad as a
9 hornet --
10 A. Sure was.
11
12 Q. -- during the course of the conversation?
13 A. Yes.
14
15 Q. Now, you gave the investigator - not the investigator,
16 one of the investigating officers in this matter, two
17 statements in relation to this matter, didn't you?
18 A. What are the statements I gave him?
19
20 Q. Well, you spoke with him on the 14th of February this
21 year, Valentine's Day; correct?
22 A. Yes, could have been. I'm not too sure.
23
24 Q. And you provided a signed statement on 22 February
25 2012; correct?
26 A. Yes.
27
28 Q. And when you sat down with the investigator, as always
29 with investigators, they ask you for as much information as
30 possible; correct?
31 A. Yes.
32
33 Q. He made that very clear to you, "Give me as much
34 detail as you remember"; correct?
35 A. Yes.
36
37 Q. And you agree - have you seen those statements since
38 then? Has Mr Urquhart given you a copy of those
39 statements?
40 A. I'm pretty sure I've got those statements, yes.
41
42 Q. Have you had a chance to look at them, because if you
43 haven't, I'll give you an opportunity to do so.
44 A. Yes, I would have done.
45
46 Q. And you agree with me that neither of those statements
47 - either on 14 February 2012 or 22 February 2012 - is there

1 any reference to Mr Philpott being mad as a hornet. What
2 I'm going to do, Mr Trezise, I'm going to make it easier
3 for you. I've got marked copies that I'll assist you with.
4 Now, have a look at those two statements there?

5 A. Which one are you talking about?

6

7 Q. Have a look at the other one first.

8 A. Which one's that - the one that's underlined in green?

9

10 Q. No, stop. Have a look at the statement underneath
11 first?

12 A. Yes.

13

14 Q. Now, first of all, what I want you to confirm is have
15 a look at the portion that's boarded in orange, and you
16 agree that that is the sum total of what you put in your
17 statement in relation to this conversation you say you had
18 with Mr Philpott. Just read the bit in orange first and
19 see if you agree with that proposition.

20

21 MR URQUHART: Can you just let me know what you're
22 referring to?

23

24 MR RAFFERTY: I'm about to. He's got my statement.

25

26 MR URQUHART: No, can you tell me?

27

28 MR RAFFERTY: I can't remember. He's got my statement.

29

30 MR URQUHART: Is it the first one or second one?

31

32 MR RAFFERTY: First one.

33

34 THE WITNESS: This is the one.

35

36 MR RAFFERTY: Q. First of all, before you go to the next
37 one, can you outline what paragraph numbers that I've
38 highlighted there.

39 A. 10 --

40

41 Q. They're on the left-hand side?

42 A. 10, 11, 12 and 13.

43

44 Q. So do you agree with the proposition that in that
45 first statement that you gave on 14 February 2012, that the
46 only things you've mentioned appear at paragraphs 10
47 through 13. You can have a look through the rest, if you

1 wish?
2 A. Just say that again?
3
4 Q. Do you agree that the only mention you made of this
5 conversation with Mr Philpott and what you say happened
6 appears at paragraphs 10 through 13?
7 A. Well, at that stage, yes.
8
9 Q. And that's important.
10 A. We were - after that, the investigator came to our
11 place and we had the - the - a bit more time to think about
12 it.
13
14 Q. Mr Trezise, I'm not criticising you for one moment. I
15 just have to clarify for the sake of clarification.
16 A. Yes.
17
18 Q. Now, the next statement. Again, can you look at the
19 portion that's boarded in orange.
20 A. Yes.
21
22 Q. And you agree that's the statement you gave on 22
23 February 2012, and just see if you agree with the
24 proposition that that's all that you mentioned about this
25 conversation with Mr Philpott?
26 A. Yes. And --
27
28 Q. Go to the next page, please --
29 A. Yes.
30
31 Q. -- there's two more paragraphs, or maybe one.
32 A. Yes.
33
34 Q. And can you just tell us again what number paragraphs
35 they are?
36 A. 38 through to 43.
37
38 Q. All right. I'll ask the question I asked to begin -
39 do you agree that there is no portion in there where you
40 referred to my client as having behaved as mad as a hornet
41 during the course of that conversation, in either of those
42 statements, is there?
43 A. I remember that Philpott accused me of writing the
44 letter, which I refused, from William. I remembered that
45 Philpott then threatened me with legal action.
46
47 Q. There is no portion in there where you say --

1 A. And there's --
2
3 Q. -- he behaved as mad as a hornet, is there?
4 A. Well, maybe not, but he was.
5
6 Q. You also agree that you gave evidence on 28 February
7 2012 - and I'm specifically referring to transcript page
8 546 for the benefit of your Honour and my friend. You
9 said:
10
11 That's easy to prove. We'll do a writing -
12 easy to prove. Our writing's nothing the
13 same. Get some correspondence from each of
14 us --
15
16 That, again, doesn't appear in either of the statements you
17 gave to the investigator, is there?
18 A. I don't know whether I told him that or not.
19
20 Q. Well, it doesn't appear in your statement, does it?
21 A. No, but I told - I told you here - I told you here
22 under oath.
23
24 Q. I'm not suggesting otherwise. I'm just saying you've
25 given evidence to his Honour that you sat down with an
26 investigator and gave him as much detail as you could
27 possibly remember, and this suggestion that you said, "Get
28 a writing comparison" and things of that nature --
29 A. Yes.
30
31 Q. -- does not appear in either of your statements, does
32 it?
33 A. I can't recall.
34
35 Q. No. You have got the statements in front of you. It
36 doesn't appear in either of them, does it?
37 A. Well, it mightn't appear there, but I can tell you
38 that's what was said.
39
40 Q. It's a yes or no answer, Mr Trezise. It doesn't
41 appear in either of those statements, does it?
42 A. It probably doesn't appear in these statements.
43
44 Q. Probably doesn't, or doesn't?
45
46 HIS HONOUR: Q. I think the easy way is do you accept
47 that the statement doesn't contain that? You need to check

1 yourself, but you are being told it's not there.
2
3 THE WITNESS: Yes.
4
5 MR RAFFERTY: That's what I'm asking - that's what I
6 thought I was asking very explicitly, sir. Maybe I wasn't.
7
8 THE WITNESS: No, I thought I explained that to the
9 investigator, but anyway.
10
11 MR RAFFERTY: Q. It's not in your statement?
12 A. If it's not there, it's not there.
13
14 Q. And the suggestion that you said:
15
16 Well, nobody's taking any notice here,
17 we'll see you in court.
18
19 That doesn't appear there either, does it?
20 A. No, but they obviously got the message.
21
22 Q. No, that's not what I'm asking, Mr Trezise, please.
23 I'm asking very simple questions. You agree that they do
24 not appear in your statement?
25 A. No.
26
27 Q. You've added things to the Commission that you've
28 never previously mentioned before; correct?
29 A. Well, I would have - I must have added that, yes.
30
31 Q. And you agree with me, Mr Trezise, that between this
32 so-called conversation in either '85 or '86, the next time
33 you ever had to sit down and recall the contents of that
34 conversation was 2012?
35 A. Yes, here.
36
37 Q. Yes. Conversation occurs in either '85 and '86, and
38 the next time you actually have to specifically recall the
39 contents of a conversation is somewhere in the vicinity of
40 26 to 27 years later; correct?
41 A. Well, it's not something you forget.
42
43 Q. No, but it's a specific question - yes or no?
44 A. Yes, we put it all behind us.
45
46 Q. You never contacted the police about these allegations
47 that you say you'd heard about?

1 A. No. I heard what had happened to a friend when he did
2 contact the police.
3
4 Q. And I suggest to you that the conversation at Lake
5 Grace with Mr Philpott - you never ever mentioned anything
6 about a suggestion that Mr McKenna was fiddling with kids?
7 A. Yes, I did. And I swear under oath I did, and I'll
8 swear under oath that he - Philpott accused me of writing
9 that letter, and I said, "It won't be hard to prove, we'll
10 see you in court".
11
12 Q. Yes. And then 26, 27 years later is the next time you
13 have to think about that conversation?
14 A. Well, we didn't have to go to court. They rang up and
15 they --
16
17 Q. Thank you, sir.
18 A. -- they pulled - they pulled out.
19
20 HIS HONOUR: Yes, Mr Urquhart.
21
22 MR URQUHART: Just one question, sir.
23
24 <FURTHER RE-EXAMINATION BY MR URQUHART:
25
26 MR URQUHART: Q. Mr Trezise, just the one question, and
27 I'll only ask it once. The exhibit 11.1 - have you got
28 that? That's the letter that your wife wrote to Mr
29 Philpott, dated 17 September 1986?
30 A. Yes, I've got one here. Yes.
31
32 Q. See that there?
33 A. And the title of that letter - see how your wife's put
34 a reference or a title on the top of the letter,
35 "Withdrawal of child from St Andrew's Hostel"?
36 A. Yes.
37
38 Q. See that?
39 A. Yes.
40
41 Q. Is that what the letter was all about --
42 A. Yes.
43
44 Q. -- you having read it?
45 A. Yes, I've read that.
46
47 MR URQUHART: Thank you. That's the only matter, sir. I

1 just want to thank you.
2
3 HIS HONOUR: Well, thank you, Mr Trezise. That completes
4 your evidence. Thanks very much. I'm sorry you had to
5 come back a second time, but thank you very much. You're
6 free to go.
7
8 <THE WITNESS WITHDREW
9
10 HIS HONOUR: And I shall adjourn.
11
12 MR URQUHART: Yes, sir. Sir, I'll just announce as to
13 when the tribunal will be reconvened again.
14
15 HIS HONOUR: Yes.
16
17 MR URQUHART: There'll be no further evidence today.
18 There'll be no public hearings next week. Our schedule to
19 recommence on Monday, 19 March at 10am.
20
21 HIS HONOUR: Very good. We'll adjourn to Monday, 19 March
22 at 10am.
23
24 MR URQUHART: Thank you, sir.
25
26 AT 2.46PM THE HEARING ADJOURNED TO
27 MONDAY, 19 MARCH 2012 AT 10AM
28
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