

1. Introduction

Until 2009, the St Andrew's Hostel at Katanning offered residential care to students from outlying areas who were attending the Katanning Senior High School. The Hostel opened in 1964 and with increasing student numbers, Katanning soon became "a booming, busy town with parents from the surrounding areas who had kids at the hostel coming into town on Fridays and Mondays to collect and drop off their children."¹

Between 1975 and 1990 the warden of the Hostel was Dennis John McKenna ("Dennis"), and for the last five years of that period, the senior male supervisor was his brother Neil Vincent McKenna ("Neil").²

These two men held very high level responsibilities for the wellbeing of the students who were entrusted to their care. However, they each breached those responsibilities as well as the trust placed in them by parents, by committing serious offences of sexual abuse against some students.

In that regard, Dennis was convicted of a total of 29 offences of a serious sexual nature committed on 11 male students between 1977 and 1990. In 2012, Neil was convicted of three offences committed on a female student in 1991. Dennis was first convicted of 19 offences following a District Court trial in 1991, and it was not until 2011 when he pleaded guilty to a further 10 offences that the full picture started to emerge.³

Following Dennis' pleas of "guilty" in August 2011 there was extensive media coverage which raised the question of why his vast offending had been able to continue for a lengthy period. Questions were asked in Parliament, and a number of concerned people came forward to allege that certain public officials had been made aware of the suspected criminal behaviour by Dennis at various times during the 15 year period it was occurring.

Consequently, the Premier, the Hon. Colin Barnett MLA directed the Public Sector Commissioner to arrange for a Special Inquiry under s.24H(2) of the *Public Sector Management Act 1994* ("the PSM Act"). This in turn resulted in my appointment on 22 November 2011 as Special Inquirer to conduct an Inquiry into "the response of government agencies and officials in regard to allegations of sexual abuse at St Andrew's Hostel in Katanning".

My terms of reference for the Inquiry were as follows:

1. *Examine when any allegations were made, who they were made to, what action was taken in response to those allegations, and the appropriateness of any action taken.*
2. *Consider any evidence of allegations of sexual abuse by any person at or connected with the hostel or related organisations.*
3. *Report with:*

¹ Potter, P 2012, *Inquiry Statement*, in possession of the Inquiry, 12 June, p.4.

² The McKennas are referred to by their first names in order to distinguish between them, and not as any sign of familiarity or informality.

³ See Chapter 6.

- *Findings about why the behaviour of staff the subject of allegations at St Andrews Hostel was able to continue for an extended period; and*
- *Recommendations on:*
 - *any disciplinary action that should be taken against any public official as a consequence of the findings; and*
 - *any changes that should be made to the policies, procedures or operations of relevant government agencies as a consequence of the findings.*

Any issues which go to criminal behaviour that arise in the course of the inquiry will be referred to the WA Police.

This report makes a number of findings in respect of some individual public officers and government agencies. Before making these findings, the Inquiry received information from the public, sourced agency records, undertook extensive investigations, and had evidence presented by way of statements or under oath (or affirmation). Importantly, in reaching my findings, I have taken reasonable measures to achieve procedural fairness towards all agencies and individuals that are adversely affected by them.⁴

As a consequence of my findings, I have also examined the many changes to policies, procedures and operations of government agencies that have occurred since 1990. I also have made a number of recommendations where I believe there is still a need for change or for further change.

In addition to setting out my findings and recommendations this Report summarises further information which has been adduced at the public hearings of the Inquiry or which is pertinent to my terms of reference, including:

- how the Inquiry was conducted, specifically in relation to gathering information, records and conducting public hearings (Chapter 3)
- the extent of alleged abuse at St Andrew's Hostel (Chapter 7)
- the characteristics of grooming for the purposes of abusing a child and the ways in which Dennis was able to groom the community of Katanning (Chapters 8 & 9)
- what has changed within government agencies and the legal environment since 1990 to bring about greater safety for children (Chapters 18 & 19)
- where there are still opportunities for improvements (Chapter 20).

Importantly the Inquiry has analysed factors to do with the then prevailing legal and cultural environment, conditions within St Andrew's Hostel, as well as its system of governance which enabled Dennis McKenna's offending to continue for 15 years.

In this regard I acknowledge the excellent work of the Inquiry's Principal Research Officer Dr Jeannine Purdy who has authored Chapter 18 *The Legal environment prior to 1990* as well as the very extensive review of relevant information contained in Appendix 1 *Accolades and Amateurs: Hostel Governance 1975 – 1990* to this report.

⁴ See Chapter 3.

2. The ambit of the Inquiry

The PSM Act vests a Special Inquirer with powers which are appropriate to the conduct of an investigation as well as a hearing of the matters the subject of the terms of reference. Accordingly, the Public Sector Commissioner has provided me with a wide range of resources and personnel necessary to complete both of these tasks, including a team of investigators, a team of researchers, an Instructing Solicitor and an Assisting Counsel.

As Special Inquirer, I have been responsible for the proper conduct of the investigation and for the gathering of evidence relevant to the Terms of Reference. While supervising and monitoring these investigative aspects of the Inquiry I also have had to keep an open mind about my ultimate findings of fact based upon the evidence which has been gathered.

Under the first Term of Reference I am required to determine the 'appropriateness' of any action that was taken by a public official in response to allegations of sexual abuse at St Andrew's Hostel. The evidence will show that on most such occasions, public officials took no action in response to the allegations. In these instances, it is obviously implicit in the first Term of Reference that I should also decide whether inaction was an appropriate response.

The 'appropriateness' of the official conduct in any instance (whether action or inaction) turns upon whether or not it was a suitable or befitting way to respond to an allegation in the particular circumstances which presented themselves at the time. That issue must be determined in accordance with the standards of appropriate conduct which prevailed, and could reasonably have been expected of public officers at the relevant time. The issue should not be judged by the standards of official conduct today, which are mostly governed by written guidelines and standard procedures which did not exist at the material time.

The appropriateness of any particular conduct must also be determined in accordance with the circumstances that were known to the public official at the time and not in accordance with what has become known since. With the wisdom of hindsight virtually all official failures to act would seem to be inappropriate, and it is very important to bear in mind that the public officials did not have the benefit of that hindsight when making their decisions.

It is important to note that my Terms of Reference do not require any investigation into the full extent of the sexual abuse committed at St Andrew's Hostel. The focus of the Inquiry is into the actions (or inactions) of public officials who are said to have been made aware of sexual abuse at the time that it was occurring. This focus on the behaviour of public officials is consistent with the Inquiry's fundamental purpose of assisting the Public Sector Commissioner in his management and administration of the public sector.

The role of any Inquiry under s.24H(2) of the PSM Act is to promote the efficiency and/or effectiveness of the Public Sector by identifying any failure by public officials to meet proper standards, and recommending any improvements to the way in which they conduct official business in the future.

Nevertheless, the implementation of this Inquiry has resulted in numerous former hostel students coming forward to give plausible accounts of alleged acts of sexual abuse which are not yet the subject of any convictions. The Inquiry has also received evidence which indicates that further acts of sexual abuse may have been committed against other former students who have not come forward. Under my Terms of Reference it is not my role to

decide whether or not these further alleged acts of sexual abuse did in fact occur. I am required to refer these new allegations to the police, and ultimately it will be for the courts to determine whether or not this further sexual abuse occurred.

As the scope of the Inquiry is limited to the conduct of public officials it obviously does not extend to the actions of people who were not public officials. The term “public official” is not defined in the PSM Act, but must be construed consistently with the provisions of that legislation. It follows that the term “public official” necessarily encompasses all of those public sector personnel who are subject to instructions from the Public Sector Commissioner under Division 2 of part 3A of the PSM Act.

At an early stage of the Inquiry I requested specific advice from the then Acting Solicitor General as to the scope of the phrase “public official”, and the advice which he then forwarded to me is Appendix 2 to this Report. Having considered that advice I am satisfied that it is correct. (The Acting Solicitor General’s advice was also circulated to all counsel appearing at the Inquiry, and none of them have taken any issue with it).

Accordingly, I have decided that the public officials in respect of whom I may make adverse findings or recommendations for disciplinary action include any of the following:

1. The chairman and board members of the Authority appointed from time to time under s.4 the Country High School Hostels Authority Act 1960 (W.A.) (“the CHSHA Act”).
2. Officers and employees of the Authority as appointed under s.10(1) of the CHSHA Act.
3. The secretary or any other officers of the Authority, whose services were co-opted under s.10 of the CHSHA Act.
4. Any member of a hostel board appointed by the Authority under s.7(1) (ba)(iv) of the CHSHA Act.
5. Any staff member at a hostel engaged under s.7(1)(ba)(iii) of the CHSHA Act.
6. School teachers, nurses, and other staff members employed in the Department of Education or its predecessors.

It is clear that police officers and local government councillors are not ‘public officials’ within the meaning of the PSM Act. Accordingly, they do not directly fall within the scope of my Terms of Reference and cannot be the subject of any recommendations for disciplinary action. Nevertheless, I may make findings in relation to any allegation of sexual abuse which was made to the police or to local government officials if what happened in that regard had a bearing on the response by any public official to that same allegation (It is in this context that I have made adverse findings against one police officer and one local government councillor).

Under my third Term of Reference I am also required to make findings as to why the offending behaviour was able to continue for as long as it did. This requires me to determine the causes of that state of affairs, which in turn involves findings as to the actions or inactions of some individuals who were not public officials.

The third Term of Reference includes a requirement for recommendations in relation to any disciplinary action that should be taken against any public official. There is very little scope

for me to make such a recommendation because all but three public officials who might have been subject to disciplinary action under Part 5 of the PSM Act are now deceased or retired (It is not possible for the Public Sector Commissioner to take retrospective disciplinary action against a retired official in respect of any conduct which occurred prior to 1 October 1994).¹

My third Term of Reference also requires me to recommend “*any changes that should be made to the policies, procedures or operations of relevant government agencies as a consequence of the findings*”. During a public hearing on Friday 29 June 2012, Mr John Hammond, Counsel representing a number of victims of McKenna, requested that I specifically consider a recommendation that there should be monetary compensation to victims of McKenna. I invited the State Solicitor’s Office to seek instructions in respect of that request and was later informed that the response was in the negative. As my Terms of Reference cannot be reasonably construed to encompass such a recommendation I am not in a position to make it.

The Terms of Reference did not require any investigation into the full extent of sexual abuse at St Andrew’s Hostel in Katanning. If any issues arose during the course of the Inquiry which went to criminal behaviour, I was required to refer these matters to the Western Australia Police (WA Police).

During the course of its investigations, the Inquiry was made aware of a number of matters of alleged criminal behaviour and as a result they were referred as soon as practicable and on an ongoing basis to the WA Police.

If it was unclear whether any disclosure had been made to WA Police about a particular matter or if it was known that it had not been made, then I referred it formally to the Western Australia Police Commissioner. Once a matter was referred to the WA Police it was not investigated by the Inquiry unless there were aspects that related specifically to the Inquiry’s terms of reference. A total of 11 such matters were referred in this way to the WA Police. These included:

- Nine individuals who disclosed allegations of sexual abuse at a Hostel operated by the Country High Schools Hostel Authority.
- One individual who disclosed allegations of sexual abuse involving a non-Government organisation.
- Evidence of an inappropriate relationship by a person in authority.

I acknowledge the valued assistance of the WA Police to the Special Inquiry. I also commend the level of interaction and co-operation between the Child Abuse Squad and the Inquiry’s Investigation Unit and recognise that this relationship has contributed to the high level of support provided to individuals who came forward and made disclosures.

¹ *Public Sector Management Act 1994* commenced on 1 October 1994

3. Conducting the Inquiry

3.1 Announcement of the Inquiry

When the Special Inquiry was announced on 17 November 2011¹ a very lengthy period had elapsed since the events in question. For this reason it was important to move quickly to identify as many key elements as possible and to encourage anyone with information to contact the Inquiry.

The Inquiry implemented the following means of gathering information:

- Public notices (partnered with media coverage) in regional and metropolitan newspapers inviting submissions.²
- A freecall 1800 Hotline³ in conjunction with Western Australia Police (WA Police) and the Department for Child Protection's *Crisis Care*.⁴
- An Inquiry specific email address which was complementary to the hotline for providing information.
- A webpage available via the Public Sector Commission's website.
- The development of strong working relationships with relevant public sector agencies, specifically the Country High School Hostels Authority, the Department of Education and the State Records Office.⁵

3.2 Hotline: A holistic approach to those contacting the Inquiry

The options available on the 1800 hotline were developed to meet the primary needs of people coming forward to the Inquiry. Individuals disclosing criminal matters were provided with the option of speaking directly to the WA Police. (In addition, all disclosures to the Inquiry which revealed criminal behaviour were referred appropriately to the Police⁶).

A further paramount consideration was the need to ensure support for individuals coming forward with personal matters that they previously may not have disclosed to anyone. The Inquiry was also conscious that there would be individuals coming forward who were not primary victims, but who nevertheless may have been impacted by sexual offending as family members or partners. Accordingly people calling the 1800 hotline also had the option of accessing confidential counselling which was provided through Crisis Care.

¹ Department of the Premier and Cabinet 2011, Premier's media release, Western Australia, viewed 25 July 2012 <http://www.mediastatements.wa.gov.au>

² Public notices were published in the Great Southern Herald, Bunbury Mail and the West Australian 30 November 2011; Albany Advertiser 1 December 2011 and Great Southern Herald 18 January 2012.

³ See Chapter 4.

⁴ Crisis Care is a telephone information and counselling service for people in crisis that operates 24 hours a day, 7 days a week and is free of charge <http://www.dcp.wa.gov.au/crisisandemergency/pages/crisiscare.aspx>

⁵ Refer to Chapter 4 for detailed overview of information invited and sourced by the Inquiry and the importance of records being available.

⁶ See Chapter 2.

3.3 Providing support throughout the Inquiry

Complementing the link to Crisis Care via the hotline, the Department for Child Protection also provided direct support by making Crisis Care personnel available for the duration of the Inquiry. Significant use was made of these services, particularly following the announcement of the Inquiry and during the public hearings. Crisis Care made itself available to anyone associated with the Inquiry, including all victims, all witnesses, their families and other people who had contacted the Inquiry with information.

The provision of counselling and support services evolved as required and at the commencement of the Inquiry, Crisis Care arranged the following:

- Counselling services were made available within Katanning and the surrounding region upon commencement.
- There was broad dissemination of relevant information including electronic and print distribution points over the 19 Shires in the Great Southern District.
- Met with key stakeholders across the community.
- Conducted informal meetings in Tambellup (26 people in attendance), Nyabing (9 people in attendance) and Katanning (8 people in attendance).
- Counselling, guidance and support services were provided.
- Facilitated an agreement with Southern Ag Care to provide services on an ongoing basis.

After the public hearings commenced in February 2012, Crisis Care continued to assist the Inquiry with the following:

- A counsellor was present for the duration of the Hearings and available to provide pre and post evidence counselling to all witnesses as well as informal and formal support to their loved ones. This service was extended to Hearings held in Katanning as well as to those who were giving evidence by videolink from interstate or regionally. Support was provided face-to-face, via phone, via email, one to one or in groups.
- A total of 63 individuals were supported through the Inquiry and had ongoing communication with Crisis Care's representative and a further 26 contacts were made through the Crisis Care counselling line.
- Providing counselling options to persons seeking ongoing support.
- Crisis Care also provided the same support and telephone counselling for people participating and connected with the criminal trial of Neil McKenna (held concurrently with the Inquiry in May 2012).

3.4 Staff supporting the Special Inquirer

As Special Inquirer I have been fortunate to enjoy the support of an experienced, talented and diverse team. I have also benefited from the expertise of the Inquiry's Assisting Counsel and Instructing Solicitor. The staff were in two units: the Investigation Unit and the Research

and Administration Unit. While supporting me, these Units also supported the Assisting Counsel and Instructing Solicitor in their respective roles.

The main task of the Assisting Counsel was to adduce and present evidence which would assist me in my deliberations and particularly in relation to the first Term of Reference to *“examine when allegations were made, who they were made to, what action was taken in response to those allegations, and the appropriateness of any action taken”*.

The Research and Administration Unit included the expertise of a Principal Research Officer and my Associate, and was assisted further by an Investigation Analyst, Graduate Research Officer and a Business Officer. Its task included the planning and management of the public hearings, research and identification of critical information, seeking submissions, and analysing information throughout the Inquiry.

The Investigation Unit comprised at least four officers at any one time throughout the duration of the Inquiry. This collectively diverse unit provided varied skills and experience which made them an expert team. The Investigation Unit was responsible for identifying witnesses, obtaining statements and following through on all leads and new information as the Inquiry progressed. By the completion of the Inquiry, the Investigation Unit had made contact with 319 people, obtained 127 signed statements, recorded 146 file notes and conducted 25 formal interviews. The support of the WA Police under a Memorandum of Understanding greatly assisted the investigators, and approximately 180 police searches were made relating to addresses, criminal offences and vehicle record checks.

Individual members of the staff of the Inquiry were seconded from the Corruption and Crime Commission, Department for Child Protection, Office of the Auditor General, Public Sector Commission, WA Police and Working with Children. I thank all of those agencies for providing this assistance, and for their generosity in making do without some of the key members of their staff.

3.5 Location and support of the Inquiry

There was early recognition that the location of the Inquiry's staff would be important in ensuring accessibility and in facilitating the need to hold public hearings. The Western Australian Industrial Relations Commission (WAIRC) played an important role in accommodating the Inquiry within their offices at 111 St Georges Terrace. These facilities included office space and hearing facilities which were publicly accessible and enabled the Inquiry to conduct its hearings. The WAIRC also provided a high level of support for the Inquiry, with information technology and corporate information services. I extend my sincere appreciation to the staff of the WAIRC for all that they have done in making the Inquiry welcome in their premises.

3.6 The challenges faced in gathering oral evidence

The Inquiry faced a considerable task in gathering evidence about events which had occurred many years ago. In some instances nearly 37 years had elapsed since the events in question. It was quite understandable that potential witnesses experienced a great deal of difficulty in remembering all relevant details.

It was therefore most important to unearth whatever contemporaneous and relevant records still existed.⁷ These records offered the prospect of not only establishing what had in fact happened, but also assisting witnesses with their recollections.

The lapse of time also impacted on the availability of potential witnesses. This was not so much an issue with witnesses who were children at the material time and now mostly have a high level of recall. However, many of those who were middle-aged in the 1970s and 80s, are now deceased or in their dotage. Some of those potential witnesses also had medically diagnosed conditions which significantly affected their memories and in some instances, their ability to testify. For these reasons, it was not possible to call all of the oral testimony that might have been available if the Inquiry had taken place a decade or so earlier.

Another hurdle to be overcome was the reluctance of some witnesses to be publicly identified or to be subjected to the full glare of publicity. This was particularly evident with some child abuse victims who only agreed to assist the Inquiry if they were guaranteed anonymity. For this reason, in appropriate circumstances some witnesses were permitted to make anonymous written statements which were then read into evidence without them being named. For others who gave evidence in person, the use of a pseudonym was introduced and the anonymity of the person's name remains. Nevertheless, I am quite certain that there are other potential witnesses in the position to provide relevant evidence who chose not to come forward because of the fear of publicity.

I am grateful for the respect that members of the media have shown for the Inquiry's protocol⁸ particularly in respect of victims who did not want to be identified. This cooperation was very much appreciated and resulted in a degree of comfort for some witnesses, particularly for some of the witnesses who agreed to participate in the first phase of the Inquiry.⁹

A further factor which has hindered witnesses from coming forward is the psychological trauma that they experience when remembering (and reliving) the relevant events. This is particularly so with former victims, and the Inquiry has been reluctant to press such witnesses for information which would add to their trauma. In a few instances the Inquiry has also had to bear in mind the warnings from counsellors or medical practitioners of possible suicide risks (and not only in respect of former victims).

3.7 Summons and witness assistance

All witnesses appearing before the Inquiry were summonsed to attend in accordance with the PSM Act.¹⁰

Appropriate measures were put in place to ensure that witnesses, who were summonsed to give evidence, would not incur significant costs in attending, and the Inquiry provided reimbursement of expenses for travel and necessary accommodation by means of formal

⁷ See Chapter 4.

⁸ Inquiry Media Protocol, available www.publicsector.wa.gov.au

⁹ See 3.8 in this Chapter; For further information in relation to "phase 1" (and "phase 2") please see the Counsel Assisting Opening Address, Inquiry Transcript of Evidence, pp. 4-8.

¹⁰ See s. 24I, Schedule 3

guidelines.¹¹ This was important given the number of people summonsed as witnesses who resided outside Perth. All efforts were made to facilitate the convenience of witnesses, including three hearing days held in Katanning, and the use of video link facilities.

The power to subpoena the production of documents was utilised frequently to obtain documents from individuals and agencies. For the most part this was not used to compel production because of any unwillingness to assist but as a means of obtaining information free of any concerns about the confidentiality and protection of documents.

3.8 Public hearings

Section 24J of the PSM Act stipulates that I am not bound by the rules of evidence and I can inform myself as I think fit when making findings of fact.¹² However, I must act in accordance with equity and good conscience and the substantial merits of the case.¹³ I must also act without regard to technicalities and legal forms.¹⁴ To the extent that the practice and procedure of the Inquiry is not prescribed by or under the PSM Act, it is as I determine.

Given that I am permitted to inform myself as I think fit, it has been open for me to do so by way of either public or private hearings, or simply by reference to other relevant materials. In respect of most non-controversial or “background” facts I have considered it sufficient to inform myself by reference to contemporaneous government records, or to written statements of witnesses (which statements have been read into evidence). However, in respect of more substantial matters going to the heart of my Terms of Reference, I have (to the maximum extent possible) heard oral evidence in public.

It is a well-established principle that the hearings of an inquiry into matters of substantial public interest and controversy should be held in public. This principle recognises the desirability that members of the public be able to scrutinise an Inquiry’s findings against the evidence on which those findings are based. It is only if an Inquiry’s hearings are conducted openly and transparently in this way that the public can have confidence that everything possible has been done to arrive at the truth of the matters being inquired into.¹⁵

Nevertheless, some of the evidence on which my findings are based would not have come to light without the offer of confidentiality to the witnesses who provided it. In nearly every instance where such evidence has been received it came from a person who claimed to be a victim of either Dennis or Neil McKenna, and there were good reasons why the witness desired to keep his or her identity confidential. This being so, I considered that it was appropriate and in the public interest that the evidence of these witnesses be received (whether orally or by way of written statements) without their identities being disclosed.

In one single instance I heard evidence in private from a witness who did not claim to be a victim of either of the McKennas. That witness was Keith Stephens, and my decision to hear

¹¹ At the commencement of the Inquiry, *Guidelines for Reimbursement* were developed by the Inquiry for this purpose, which included the Inquiry providing reasonable accommodation and a reimbursement form for other associated reasonable costs.

¹² See specifically s. 24J(3)(a).

¹³ S. 24J(3)(b).

¹⁴ S. 24J(3)(b).

¹⁵ *Independent Commission Against Corruption v Chaffey* (1993) 30 NSW LR 21,30).

his evidence privately was based upon a specialist medical report advising that this step was necessary for reasons to do with his health. Notwithstanding my decision to conduct that hearing in private, the transcript of Mr Stephens' evidence was made available to the public.

3.9 Procedural fairness

The public hearings of the Inquiry were conducted in two main phases. The first phase involved witnesses who were either victims or who claimed to have made disclosures to public officials at various times between 1976 and 1990 concerning the criminal behaviour of Dennis or Neil McKenna. Most of the witnesses who testified during the second phase of the hearings were persons alleged to have been the recipients of such information.

It followed that most of the witnesses in phase two were potentially subject to adverse findings by the Inquiry. Irrespective of this possibility they were also at risk of unfair reputational damage simply as a result of the evidence of their alleged conduct being given in public and being subject to media commentary. Accordingly, it was necessary for the Inquiry to implement measures which would ensure procedural fairness for phase two witnesses and also minimise the risk of unnecessary or unfair damage to their reputations. To this end, the following steps were taken:

1. As far as possible, phase two witnesses were given advance written notice of the names of phase one witnesses who might give evidence which could be adverse to them, as well as a summary of that anticipated evidence.
2. Prior to the phase one hearings, phase two witnesses were informed of their entitlement to legal representation and of their right to cross-examine the relevant witnesses.
3. Phase two witnesses had access to the transcripts of all phase one evidence.
4. Phase two witnesses were provided with the opportunity (at their choice) of being interviewed by the Inquiry's investigators. The witnesses were also advised of their entitlement to have a legal representative present during the interview.
5. Prior to giving their evidence, the phase two witnesses were provided with copies of documents which were relevant to any allegations against them. (It was also important for them to have access to such documents in order to refresh their memories about events which had occurred between 20 and 35 years ago).
6. After being examined by Counsel Assisting the Inquiry, all phase two witnesses were entitled to be examined by their own counsel, and to call any other material evidence.
7. Following the completion of all evidence relating to any particular phase two witness, an assessment was made by Counsel Assisting as to the likelihood of any adverse finding against them. When Counsel Assisting determined not to press for an adverse finding the phase two witness was immediately advised of that decision.
8. When determining whether he should recommend adverse findings against any person, Counsel Assisting came to that conclusion independently of myself. However Counsel Assisting did consult with me before advising any phase two witness that he

would not be recommending adverse findings. (Procedural fairness required that there be some certainty about the outcome of such a recommendation).

9. Phase two witnesses were provided with written notice of submissions by Counsel Assisting the Inquiry concerning any proposed adverse findings against them. They also had the opportunity of presenting their own written and oral submissions in response to those of Counsel Assisting.
10. The phase two witnesses were also given subsequent notice of any adverse finding that I proposed to make which had not been the subject of submissions by Counsel Assisting, and again allowed the opportunity to respond.

The Inquiry's public hearings were guided by the Special Inquiry's Practice Directions that were publicly available and provided to each witness summoned to attend a hearing.

By the conclusion of the Inquiry, there had been 40 days of hearings, 85 witnesses had appeared and 64 statements were read in. All transcripts of the Inquiry's hearings were published within one working day of the hearing being held and were made available on the Public Sector Commission website.

3.10 Dennis McKenna's evidence

After the Inquiry had obtained much of the evidence and submissions on which this report is based it decided to interview Dennis McKenna in an attempt to clarify some of the issues that had arisen.

In making this decision the Inquiry recognised that any information that McKenna would provide might not be truthful or consistent with other evidence and information, given that truthful answers could possibly incriminate him in further offences.

The Inquiry put considerable effort into conducting a number of interviews with McKenna at Acacia Prison and when these were completed also decided that he would be required to give evidence at a public hearing.

In those instances where McKenna's evidence was of any value it is referred to in this Report.

3.11 Standard of proof

In reaching my findings I have applied the civil standard of proof which requires my "reasonable satisfaction" as to the particular fact in question. The materials and evidence that have been sufficient to bring about that degree of persuasion have varied depending upon the nature of the particular issue which was being determined. As Dixon J said in *Briginshaw v Briginshaw* (1938)¹⁶:

"...it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood

¹⁶ *Briginshaw v Briginshaw* (1938) 60 CLR at 336 362-3

of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal...the nature of the issue necessarily affects the process by which reasonable satisfaction is attained."

In other words the more serious the allegation, the higher the degree of probability that is required before I can be reasonably satisfied as to the truth of that allegation¹⁷.

In those instances where a former public official the subject of potential adverse findings is now deceased, I have had regard to that circumstance when determining whether or not I am reasonably satisfied as to the truth of the relevant allegation. This has been a significant consideration to be taken into account because there is no way of knowing whether or not there might have been contradictory evidence. It follows that the evidence in support of an adverse finding against a deceased person needs to be fairly compelling before that finding can be made.

¹⁷ See also *Hornal v Neuberger Products Pty Ltd* (1956) 3 All ER 970)

4. Information received and the importance of government records

It was mainly as a result of information from members of the public that my investigators were able to identify persons of interest and lines of inquiry. Through these leads my research officers were able to work with the investigators to identify the vital records required to clarify and test the information that had been received. In addition, the valuable information provided by members of the public assisted the Inquiry to uncover abuse that had occurred in other relevant hostels within similar timeframes.

Because of the time that had elapsed since the abuse occurred, the memories of public informants were fallible, and their recollections of relevant events often differed. This made the work of the Inquiry's research officers (who located relevant records) extremely important.

Locating and examining pertinent documentary evidence was critical in identifying lines of inquiry, and in supporting, clarifying or challenging the evidence and recollections of witnesses. These records also provided context in relation to the environment at various hostels, community values and attitudes, and the government policies and processes which applied at the material time.

4.1 Information from the public

The Inquiry received information and submissions via the Inquiry hotline and email, as well as by post¹. All potential leads that were generated in these ways were followed up by my investigators. At times these leads came to dead ends, but sometimes the leads produced significant evidence. I am grateful for the public's cooperation in this information gathering process, and am astounded by the level of interaction and effort by some people in assisting the Inquiry with information, such as names and contact details of relevant persons, documents, or their own research into relevant issues.

4.2 Inquiry Hotline and Email

A free call Inquiry hotline provided members of the public with the ability to easily:

- report a criminal matter to the Western Australia Police (WA Police)
- speak privately with a Crisis Care counsellor (free, government run, 24 hour counselling service)
- provide information to the Inquiry.

¹ See Appendix 3.

Members of the public were also invited to e-mail information to the Inquiry at a general email address which was monitored by all Inquiry staff.

A total of 160 individuals made initial contacts with the Inquiry by means of the hotline, email or post. These individuals included:

- 69 former students of St Andrew's Hostel
- 25 parents of former St Andrew's Hostel students
- 38 persons with information regarding St Christopher's Hostel
- 11 persons with information related to other hostels under the Country High School Hostel Authority
- 17 relating to other matters and general enquiries.

4.3 Submissions from organisations and experts

As part of the investigation and evaluation process, I invited submissions from a range of government and non-government organisations, as well as academics and professionals. The submissions covered a range of issues including government agencies' past and present policies, current deficiencies in legislation, processes or policies, and recommendations for improvements. The expert information gathered via these submissions has been crucial in informing the Inquiry and facilitating discussion regarding final recommendations.

The submissions received were from the following government and non-government organisations:

- Care Leavers of Australia Network
- Commissioner for Children and Young People
- Country High School Hostels Authority (Authority)
- Corruption and Crime Commission
- CREATE Foundation
- Department for Child Protection (DCP)
- DCP's Working with Children Screening Unit
- Department of Education
- Department of Health
- Department of the Attorney General
- Disability Services Commission
- Ombudsman
- Public Sector Commission
- WA Police.

The Inquiry also received submissions from the following experts:

- Mrs Rosemary Cant (Consultant and Director of Social Systems and Evaluation)
 - Submission regarding the characteristics of grooming in relation to child sexual abuse; the reasons why children and adolescents (particularly males) tend not to make complaints; and increased suicide rates of sex abuse victims.
- Professor Michael Gillooly (Professorial Fellow/Associate Dean (Research) at the University of Western Australia)
 - Submission in relation to defamation and protection laws, as well as appropriate reforms.
- Professor John Sutton (Deputy Director, Department of Cognitive Science at Macquarie University)
 - Identification of resources regarding cognitive sciences, particularly memory recall.

4.4 Records

4.4.1 Parliamentary records

The Inquiry's research officers obtained a copy of the Twentieth Report of the Legislative Council's Standing Committee on Government Agencies concerning its *Review of the Country High School Hostels Authority* (which was published in 1988). The Report revealed the existence of transcripts and submissions which had not been made public and were likely to assist the Inquiry. On 7 February 2012, I requested the Legislative Council to grant me and my staff access to these records.

On Thursday 8 March 2012, the Legislative Council passed a Resolution authorising access to the requested records for the purpose of taking notes, but not publishing that material. As these records are subject to the *Parliamentary Privileges Act 1891*, their contents cannot be publicly disclosed. However they proved to be very useful in identifying new leads for investigation.

I am grateful to the Legislative Council for authorising access to these parliamentary records, and particularly thank Mr Malcolm Peacock, the Clerk of the Legislative Council, who after a thorough search identified additional relevant materials to which the Legislative Council also granted access on 27 March 2012.²

4.4.2 Government and non-government records

The Inquiry sought assistance from a large number of government and non-government organisations in locating and producing records relevant to the Terms of Reference. Nearly

² See Appendix 2.

all of these organisations fully cooperated in producing these records. Where necessary a summons was served to protect organisations from potential breaches of confidentiality.

The Inquiry received a large volume of files and other documents. Regrettably, due to tight timeframes, only those records relevant to specific lines of inquiry could be examined in great detail. Due to the age of the requested materials the Inquiry did not always receive complete records and it was common for pages to be missing from files.

4.4.2.1 The State Records Office

The State Records Office (SRO) was of great assistance by providing critical records, including police occurrence books and the Country High Schools Hostel Authority (Authority) Board meeting minutes, agendas and papers (Appendix 3). SRO also assisted by holding aside the requested records for access by the Inquiry's research officers. I thank the SRO for its support and cooperation, which significantly contributed to the efficiency of the investigation and hearing process.

4.4.2.2 Other organisational records

The Department of Education and the Authority were both very forthcoming in providing requested departmental and personnel records, and in volunteering other information and records which they considered to be potentially relevant. The Department of Education and the Authority always responded to requests in a timely manner, and went to great lengths in identifying all relevant records. As the custodian of Authority's historical records, Department of Education also assisted with the production of old Hostel Board minutes and Wardens' reports, working documents, policies and publications, which were required to corroborate witnesses' evidence and identify new lines of inquiry. I commend the Department of Education and the Authority for their consistent and very vital assistance to the Inquiry.

The WA Police was also of great assistance by providing large volumes of materials and conducting wide ranging and time consuming searches. Amongst other things, WA Police identified the contact details for persons of interest, provided crucial records in relation to police operations pertinent to the Inquiry³ and identified contemporaneous complaints of sexual abuse at Hostels other than St Andrews.

My research officers made full and extensive use of records held at the State Library of Western Australia, including Hansard and the microfilms of newspapers at the Battye Library (Appendix 3). The microfilms of the Great Southern Herald newspaper were particularly valuable. These public records filled significant gaps where government records had not been located, or had been damaged or destroyed.

Another valuable source of information came from trial and hearing transcripts and case files held by the Director of Public Prosecutions and the Western Australian Industrial Relations Commission, the minutes of meetings of the Shire of Katanning, and records of interview from media outlets, (particularly from the Australian Broadcasting Corporation).

³ See Chapter 18.3.1

4.5 Deficits

Given the lapse of time since the relevant events it is not surprising that there were difficulties in locating particular records. Some government records of interest to the Inquiry had been destroyed as authorised by the *State Records Act 2000* and in accordance with the official Retention and Disposal Schedule. The only known instance of unauthorised destruction of potentially vital records was undertaken by the then Department of Employment and Training (now the Department of Training and Workforce Development) in the early 1990's in respect of files relating to the Westrek program.⁴ The absence of these records hampered the Inquiry's investigation of the Westrek affair⁵ and proved to be a significant hurdle standing in the way of establishing the facts of that matter.

In some instances where records were successfully located, they were incomplete or damaged. For example the files from one hostel were found in a former board Chairman's garage. The Chairman had become custodian of the files following the hostel's closure, and the records were water damaged, mouldy and infested with insects. This situation was a reflection on some record keeping practices at the time. Ironically however, if these records had been correctly managed according to government record keeping practices it is likely that they would have been destroyed and would never have become available to the Inquiry.

The search for records to assist the Inquiry provided an insight into some of the specific issues affecting individual agencies' record keeping, and also public sector-wide difficulties. Because historical police records have been so critical to much of the Inquiry's work, the destruction of these records has been particularly significant. The loss of police records that may have been of assistance to the Inquiry has been the result of both sector-wide and agency-specific record keeping rulings, for example:

- The 1971 Public Service Board direction that personnel files were to be destroyed after two years.⁶
- The 1977 WA Police policy of destroying occurrence books after five years (with clearance from the State Archivist) and destroying offence reports after three years if finalised.⁷
- The destruction in 1974 of CIB (Criminal Investigation Branch) files going back to 1945. These files had been held in the loft above the old Police stables but were destroyed when the CIB Transport Section moved to a new building.⁸

A submission from WA Police provides further information:

"[T]here are records issues to consider and the WA Police is not an 'orphan organisation' in terms of problems that have arisen. There have always been sector-wide factors at work:

⁴ State Records Office 2012, *Advice on retention and disposal of specific records of former Training Department*, 14 June.

⁵ See Chapter 11.13.

⁶ Public Service Board 1971, Circular to Permanent Heads No. 22/71, 29 October.

⁷ Acting Assistant Commissioner (Admin) 1977, Letter to Senior Inspector, Police District Office Broome, 22 September.

⁸ Superintendent CIB Perth 1974, Memorandum to Commissioner of Police, 8 May.

1. *The State Archives were established in 1945, after a long period of lobbying and argument – the Police Secretary of the day and former WA Police clerical staff played leading roles in achieving this milestone.*
2. *Records management across the sector had already been badly affected by Depression Era (1929-1939) and Wartime (1939-1945) paper shortages – gaps in major police records because of paper recycling issues can be detected.*
3. *In the 1950s many public agencies began a period of expansion, including the WA Police. This put pressure on the State Archives because of storage space issues. In 1955 the State Archivist wrote to the Police Commissioner about certain records ‘dating from 1900 to recent years’, indicating there ‘was no objection to their destruction’. There are now numerous black holes in police station records from the 1930s up to the 1980s, notably the metropolitan area and the south-west - Northam, Albany, Bunbury, Narrogin, Katanning, etc.*
4. *In 1960 the Public Service Commissioner indicated to the Police Commissioner that he would prefer personal files ‘to be retained for a period’ and then ‘destroyed in lieu of transferring them to the proposed Records Repository’. Only a basic record of service was required for retention. The request resulted in the loss of much data right up until the 1980s, although police personnel managed to save a good many files and get them archived from 1960 onwards. The loss of the files of CIB detectives had implications as their career summary sheets did not include any data on transfers within the CIB.*
5. *From 1960 until 1976 arguments can be detected within the WA Police about records loss... The loss of data included major crime files.*
6. *The arrival of the computer era for the WA Police in about 1983 generated further records management problems and other gaps opened up, including another one affecting personnel records in 1989...*
7. *As mentioned earlier, these are sector wide issues... Reports on the Dept. of Employment and Training and other public service departments were created and kept by the Public Service Commission... But then the Commission itself was closed down another serious loss of records seems to have occurred.⁹*
8. *In 2001 the State Records Office announced that it could no longer receive records from public sector agencies, including the WA Police. They had/have no more storage room. Until new archives holding centres are established,*

⁹ SRO has conducted a search of its records and confirmed that it does not hold archival materials such as the early Public Service Commission minutes (Deputy Director of State Recordkeeping (SRO) 2012, Email to Inquiry Principal Research Officer, 25 July). However, as referred to in the Police submission, SRO has been unable to accept archival material for the past decade and such records may be stored by a relevant agency. SRO have confirmed that following enquiries with relevant agencies, the minutes have not currently been located (Deputy Director of State Recordkeeping (SRO) 2012, Email to Inquiry Principal Research Officer, 27 July).

*public agencies must simply endeavour to manage their records as best they can.*¹⁰

The Department of Commerce's Labour Relations Division also highlighted difficulties in locating records due to changes from physical to electronic record keeping practices in the early 1990's. Labour Relations informed the inquiry that at this time an electronic storage system was introduced. All physical files would have been catalogued into the system, but electronic versions of the documents located within the files were not necessarily created in the system. In addition, given that the record keeping process changed 20 years ago, Labour Relations could only assume that correct procedures had been followed when cataloguing the physical files. Labour Relations also believes that all records had been successfully migrated when new systems have been introduced over the last two decades.¹¹

Further to the difficulties in relation to record keeping practices, there was one instance where a file relevant to the Inquiry was not identified by the government department. It was only through a search of the records at the SRO by one of my research officers in the last week of the Inquiry, that the file belonging to this former department was identified.

The above record keeping difficulties have had some impact upon the Inquiry. Despite these difficulties and the destruction or deterioration of some records, the Inquiry was nonetheless able to locate and examine a large volume of records from a range of organisations which contributed greatly to the Inquiry's investigation process (Appendix 3).

4.6 Special thanks

I am grateful to all individuals, government and non-government organisations who have provided information and records to the Inquiry. Without the insight of members of the public and access to the records of various organisations, the Inquiry would not have been able to complete a thorough investigative process. I also thank all organisations that made staff available to respond to requests from the Inquiry, and to conduct extensive record searches.

I particularly extend my sincere thanks to the following individuals and organisations that went beyond the call of duty in searching tirelessly for vital records and information which would assist the Inquiry:

- Mr Peter Rose, Senior Policy Analyst, Legal Services Branch, Department of Education
- Ms Marion Seboa, Principal Consultant, Legal Services Branch, Department of Education
- Mr Gary Good, Customer Support and Training Officer, Corporate Information Services, DoE
- Mr Jim Hopkins, Director, Country High School Hostels Authority
- Ms Sarah Pritchard, Administrative Assistant, Country High School Hostels Authority
- Mr Kevin Askew, Information Officer, Crime File Coordination Team, WA Police

¹⁰ Police Historian (Western Australia Police) 2012, *Submission to the Inquiry*, 19 July.

¹¹ Principal Industrial Advocate (Department of Commerce) 2012, *Email to Inquiry Graduate Officer*, 4:36pm 16 July.

- Mr Peter Conole, Police Historian, WA Police
- Ms Peta Ifould, A/Compliance Officer (Electronic Document Records Management System), WA Police
- Mr Peter Meyerkort, Executive Manager, Records Management Centre, WA Police.
- Mr Hamish Milne, Registrar, Anglican Diocese of Perth
- Reverend Lindy Rookyard – Rector of St Andrew’s, Katanning
- Ms Liz Guidera, ex-councillor and President, Shire of Katanning
- National Archives of Australia.

5. Background matters

5.1 General History

For many years some country senior high schools in Western Australia have benefited from an associated hostel which accommodates students who ordinarily live too far from the school for daily travel. For most of these students the only alternative would be to attend a boarding school in Perth which is usually a much more expensive option. Accordingly, for many students, the availability of a regional school hostel is the key to their secondary education.

From the early 1900s, the churches (particularly the Anglican Church) and the Country Women's Association (CWA) took up the responsibility of establishing and managing individual hostels so that country students could attend schools within their regional areas. The towns at which these hostels were originally established included Albany, Geraldton, Merredin and Northam.¹ In most instances it was a local group in each town which seized the opportunity to acquire a suitable underutilised building near their high school, and the Anglican Church and CWA featured prominently in this activity.² The management of each hostel was generally undertaken by a volunteer committee comprising Church or CWA representatives, local people involved in community affairs, and school principals.³

5.2 The creation of the Country High School Hostels Authority

The opening up of new farming land in the 1950s and 1960s resulted in new demands for hostel accommodation as well as an increasing need for government funding of hostel infrastructure.⁴ The need for a better system of funding improvements and expansion of hostel facilities was recognised with the enactment of the *Country High School Hostels Authority Act 1960* (the "CHSHA Act") which created the Country High School Hostels Authority (the Authority). The Authority had the statutory duty of providing hostel accommodation for isolated students enrolled in secondary schools throughout Western Australia.⁵

Over the decade which followed there was an uneasy relationship between the Authority and the various bodies which had been operating the existing hostels. However in return for the funding of much needed facilities at these hostels the Authority gradually gained control until it was responsible for the operation of all country hostels associated with state government high schools.

¹ Country High School Hostels Authority 2012, *Submission to the Inquiry*, 19 March 2012, p. 2.

² Country High School Hostels Authority 2012, *Submission to the Inquiry*, 19 March 2012, Attachment 1/File No. 30: *Corporate Planning CHSHA 1986*, p. 7.

³ Country High School Hostels Authority 2012, *Submission to the Inquiry*, 19 March 2012, p. 3.

⁴ See Appendix 1.

⁵ Country High School Hostels Authority 2012, *Submission to the Inquiry*, 19 March 2012, Attachment 1/File No. 30: *Corporate Planning CHSHA 1986*, p. 7.

By the end of the 1970s the management of each of these hostels was subject to a “letter of arrangement” with the Authority. This letter specified the responsibilities of each local board in the day-to-day management of its hostel but also recognised that the Authority had ultimate control.⁶

In this regard the CHSHA Act conferred on the Authority the power to appoint a local committee (vis board) in respect of any hostel and to delegate to that committee all or any of its powers.⁷ In the event of any such delegation of powers the local board was able to exercise those powers as if they had been directly conferred by the Act.⁸

5.3 The History of St Andrew’s Hostel

The St Andrew’s Hostel in Katanning was established by the Anglican Diocese of Bunbury in 1964 with funding provided by the Authority. The Hostel was built on land leased from the Authority and it was managed in accordance with the Diocese of Bunbury’s Church Hostels Statute 1961. This statute provided for a hostel board which comprised a mix of ex-officio, elected and appointed members. At least three of its members were clergymen and the headmaster of the Katanning Senior High School was also an ex-officio member.⁹

St Andrew’s Hostel remained under church administration until 1970, and throughout that period its day-to-day management was in the hands of a “warden” assisted by a “matron”(which positions were usually held by a married couple).

In the late 1960s there was a dispute between the Authority and the Bunbury Diocesan Council over the relatively minor matter of whether or not an honorarium should be paid for the services of the Parish Rector as Chairman of the Board. This dispute was not resolved and as a result the church withdrew from the administration of the Hostel from the end of 1970.

From 1971 onwards a board was established under a “letter of arrangement” with the Authority.¹⁰ Nevertheless the church continued to be represented on the board up until 1974 when the local Rector, Reverend Michael Harford (who was its Chairman) retired.¹¹

During 1974 and 1975 there was some instability on the Board which had a succession of three different chairmen. The last of these chairmen was a relatively young farmer, Keith Stephens, who had had only a few months experience on the Board when he took up that position. He accepted the position reluctantly because there was no other candidate.¹² Mr Stephens was nevertheless anxious for the hostel to succeed because he had five children (who had either entered or were approaching their high school years) who would be in need of accommodation for their schooling.

⁶ Exhibit 88.

⁷ CHSHA Act, s. 7(ba)(iv).

⁸ CHSHA Act, s. 7(ba)(iv), and s. 9(2).

⁹ The Church Hostels Statute, 1961-1967, s. 7.

¹⁰ Exhibit 88.

¹¹ Stephens, LOK, 2012, *Inquiry Transcript of Evidence*, p. 2826-7.

¹² *ibid*, p. 2827.

When St Andrew's Hostel commenced in 1964 it had a capacity for 48 students (divided evenly between the sexes). The Hostel was fully occupied by the following year, and in 1968 new buildings were constructed with funding from the Authority which increased its capacity to 96 students.

By 1970 the Hostel was fully booked with 100 students in residence.¹³ However following the Hostel's transfer from church administration it went into a gradual decline. In 1974 there were only 69 students in residence and by the following year this number had fallen to 50.¹⁴ This may well have been due to the fact that there had been a succession of at least five different wardens in as many years, and that the Hostel had also encountered financial difficulties. The Board members as well as parents who had students at the hostel were very concerned that it might be forced to close.¹⁵

5.4 The Hostel staff

At all times, the employment and dismissal of Hostel staff was the responsibility of the local hostel board. Hostel employees were paid by the local board from the revenue received from student fees and fundraising. The conditions on which staff were engaged varied considerably. Up until 1980 many part-time staff were teachers from local schools who were provided with board and lodging in exchange for their services in supervising students and providing tutoring.¹⁶ However, all of these casual arrangements ceased as a result of Industrial Agreements in 1979 which applied to all hostels.

The Authority was the only signatory to the Industrial Agreements even though local boards continued to handle the employment and other matters relating to hostel staff. The staffing of the Authority itself was very minimal and there was a good deal of confusion as to industrial arrangements.¹⁷ This may well have been a factor which contributed to Dennis McKenna gaining control over the employment of staff at St Andrew's Hostel.

5.5 Dennis McKenna's appointment as Warden

During 1975 there was a continuing turnover of staff at St Andrew's Hostel and in the last half of that year the Board advertised a position of "housemaster". At that time, Dennis McKenna was 29 years of age and working temporarily as an Assistant Manager at the Freecorns store in Narrogin. Regrettably, (given the fate of many young students in later years) McKenna saw the advertisement in the local newspaper and decided to apply for the position. His written application provided fairly minimal information and in response to a request for details of "experience applicable to position" he inserted simply "NIL".¹⁸ He also provided the names of a Priest and a Nun as referees.

¹³ Unknown newspaper 1982 St Andrews: They're proud of their happy home, 22 September, page unknown.

¹⁴ Department of Education, 1974, Annual Report – Country High School Hostels Authority

¹⁵ See Chapter 9.

¹⁶ Bentley, L 2012, *Transcript of Evidence*, p. 40; Perris, K C 2012, *Transcript of Evidence*, p. 485.

¹⁷ Country High School Hostels Authority 2012, *Submission to the Inquiry*, 19 March 2012, p. 4.

¹⁸ Exhibit 78, p. 1.

McKenna was interviewed for the position by three Board members, Messrs Stephens, Renk and Laffer.¹⁹ McKenna told the interviewing panel that his fiancée had recently died and that he enjoyed working with children because of the time he had spent working with a Catholic youth group. After the interview Mr Laffer contacted the Catholic youth group and was given a “glowing reference” for McKenna.²⁰ Out of a number of applicants interviewed McKenna was considered to be “by far the best” and he was appointed to the position of housemaster.²¹ He commenced his duties supervising the boys’ dormitory on 9 September 1975.²²

Over the following two or three months there were successive resignations of the warden and the matron and on 6 December 1975 the Board advertised for applicants for both of these positions.²³ Pending the appointment of a replacement warden, the Board Chairman Mr Stephens appointed Dennis McKenna as Acting Warden.²⁴

There were a number of applicants for the vacant positions including a married couple with experience working with children who were described by Mr Laffer at the time as “quite impressive”. Dennis McKenna applied for the warden’s position with a written application which contained only a few lines.²⁵ Despite his relative lack of experience a Board meeting in February 1976 appointed him as warden. At least one Board member dissented from this decision, and it is the evidence of that former Board member Ms Elaine Brown that:

“I was asking questions about his suitability as I had some concerns that he was a single man and wondered how appropriate he would be for the job. I was concerned that other than the Board, there would be no-one to support him in his role as warden.”²⁶

5.6 Dennis McKenna’s accommodation arrangements

Prior to his appointment as warden McKenna occupied the quarters which had always been set aside for the “housemaster” supervising the boys’ dormitory. These quarters were a small flat comprising a lounge-dining area, bedroom and bathroom, situated off the corridor which led to the boys’ dormitory.

Significantly, at the end of the corridor which was furthest from the boys’ dormitory there were doors separating the rest of the hostel which were always locked at night. What this meant was that McKenna was locked into the same area as the hostel boys overnight, and no other person could gain entry without him unlocking the doors.

¹⁹ This was disputed by Mr Stephens during his evidence to the Inquiry, *in camera*; Stephens, LOK 2012, *Inquiry Transcript of Evidence*, p. 2830.

²⁰ Laffer, J B 2012, *Inquiry Transcript of Evidence*, p. 3200.

²¹ *ibid*, p. 3199.

²² McKenna D J 2012, *Inquiry Transcript of Evidence*, p. 1201.

²³ Exhibit 35.

²⁴ *The Queen v Dennis John McKenna* 1991 Trial Transcript, p. 176; McKenna D J 2012, *Inquiry Transcript of Evidence*, p. 1203; Stephens, LOK 2012, *Inquiry Transcript of Evidence*, p. 2830; *The Queen v Dennis John McKenna* 1991 Trial Transcript, p. 176.

²⁵ Exhibit 35.

²⁶ Brown, E 2012, *Inquiry Transcript of Evidence*, p. 1048.

As warden, McKenna was entitled to occupy a house separate from the main buildings which had been specially set aside for the person who held that position. However, McKenna elected to stay in his small flat adjacent to the boys' dormitory and he remained in those quarters until his arrest in 1990.²⁷

5.7 The employment of McKenna's family members as staff

Dennis McKenna's parents (Doug and Mary McKenna) had six sons, of which he was the eldest. Over his time as warden two of his brothers (Wayne and Neil), and four of his brothers' wives (Robyn, Wendy, Christine and Gunda) were appointed to fill vacant staff positions at the hostel.²⁸

With the exception of Christine McKenna (for part of her time at the hostel) all of these appointments were to supervisory positions. This required them to supervise students by monitoring the hostel routine, actively supervising study periods, and assisting with sporting and social activities. They were also required to assist with any administrative duties as directed by the warden. Wayne and Neil McKenna were generally responsible for the supervision of the boys' at the hostel, whereas the female McKenna family members were responsible for the girls.²⁹

The first of these appointments was in 1976 when Dennis McKenna offered Wayne and Robyn positions as housemaster and female supervisor respectively. They moved into the warden's house at the end of 1976 and commenced their employment at the beginning of the 1977 school year.³⁰ Robyn ceased to be employed by St Andrew's Hostel in December 1983 and Wayne finished in February 1985.

Wendy McKenna was a student boarder at St Andrew's Hostel from 1975 until 1979.³¹ She first met Neil McKenna in 1976 when Dennis took her on a trip to Perth and visited his parents' house. Wendy became a supervisor at St Andrew's Hostel in 1982 and she married Neil in that same year. In 1985 Neil was also appointed a supervisor and they both remained at the hostel until October 1991. Neil became acting warden of the hostel following Dennis' arrest in September 1990.

Christine McKenna (the wife of Dennis McKenna's brother Graham) was employed as a laundry / kitchen hand at the Hostel from November 1985 until May 1989. She was then appointed to a supervisory position and remained at the hostel until 1992. She did not apply for those positions but was recruited to them by Dennis McKenna.³²

Gunda McKenna (a former wife of Dennis McKenna's brother Brian) was employed by Dennis as a senior supervisor at the hostel after she separated from Brian in 1988. She

²⁷ See Chapter 8.

²⁸ Exhibit 36; endorsed by McKenna, D J 2012, *Inquiry Transcript of Evidence*, p. 1237-1244.

²⁹ *The State of Western Australia v Neil Vincent McKenna* [2012] WADC 50, p. 9.

³⁰ McKenna, R L 2012, *Inquiry Transcript of Evidence*, p. 2892; McKenna, W L 2012, *Inquiry Transcript of Evidence*, p. 2927.

³¹ McKenna, W 2012, *Inquiry Transcript of Evidence*, p. 2985.

³² McKenna, C M 2012, *Inquiry Transcript of Evidence*, p. 3020; McKenna, G 2012, *Inquiry Transcript of Evidence*, p. 3034.

remained at the hostel for two years and throughout that period carried out her duties at Reidy House (which was a separate annex to the hostel).

None of the McKenna family members employed by Dennis had previous experience working with children or of supervising children in a similar environment.³³ With the exception of the position offered to Gunda McKenna, none of the vacancies were formally advertised³⁴ and none of them were interviewed by Hostel board members prior to being appointed.³⁵

During his evidence to the Inquiry on 28 March 2012 Dennis McKenna confirmed that he had “simply employed” his family relatives without any formalities.³⁶ He also agreed on one of the reasons why he had appointed his family members to fill supervisory positions at the hostel:

Q: See, wasn't one of the reasons, Mr McKenna, this: that a child who had been sexually abused by you in the hostel environment would find it difficult to confide in a person who is a relative of the abuser?

A: I would agree with that, yes.

³³ McKenna, R L 2012, *Inquiry Transcript of Evidence*, p. 2894; McKenna, W L 2012, *Inquiry Transcript of Evidence*, p. 2927; McKenna, G 2012, *Inquiry Transcript of Evidence*, p. 3035; In evidence, Dennis McKenna admitted that he employed his family members mainly because they were relations and not because they had any qualifications, stating that he “knew they were good” (McKenna, D J 2012, *Inquiry Transcript of Evidence*, p. 1243).

³⁴ McKenna, D J 2012, *Inquiry Transcript of Evidence*, p. 1244.

³⁵ McKenna, R L 2012, *Inquiry Transcript of Evidence*, p. 2893; McKenna, W 2012, *Inquiry Transcript of Evidence*, p. 2987-2988; McKenna, G 2012, *Inquiry Transcript of Evidence*, p. 3034.

³⁶ McKenna, D J 2012, *Inquiry Transcript of Evidence*, p. 1244.

6. The convictions relating to St Andrew's Hostel

"You occupied a position of authority. You acted in loco parentis. In fact you were more than a father figure you were intimately involved with the growing up of these youths. You abused your position of trust. You took advantage of your special relationship. For your own gratification you took advantage of these youths' inexperience, their vulnerability and you preyed on the young and the innocent."

Judge O'Dea, Dennis McKenna's 1991 Sentencing, 26 July 1991

6.1 Dennis McKenna – 1991 and 2011 convictions

Dennis McKenna has been convicted twice for offences that were committed against numerous male Hostel students during the period between 1975 and 1990. The first set of convictions for 19 offences committed against five victims followed a trial by a judge and jury in the District Court in Albany in 1991.¹ McKenna was sentenced to a total of seven years imprisonment with parole, and after serving the non-parole period was released back into the community (in April 1993).

By 2010 six further victims of sexual abuse committed prior to 1990 had come forward, and as a result McKenna appeared in the Perth District Court on 4 August 2011 and pleaded guilty to 10 additional offences.² He is currently serving a term of six years and four months imprisonment in respect of these most recent convictions

Altogether Dennis McKenna has been convicted of a total of 29 offences committed against 11 complainants who were all aged between 14 and 16 years at the time. It is important to note that some of these convictions were for "representative" offences, each of which was representative of a course of conduct over a period of time.³ The total of 29 offences the subject of convictions comprised the following:

- Three offences of unlawful and indecent assault
- 21 offences of gross indecency
- Five offences of carnal knowledge against the order of nature.

6.2 A general summary of the facts of these 29 offences

All but one of these offences were committed in Dennis McKenna's flat adjacent to the boys' dormitory in the Hostel. The victim typically was one of a small group of boys invited to the

¹ *The Queen v Dennis John McKenna*

² *The State of Western Australia v Dennis John McKenna*

³ In sex abuse cases involving numerous offences of a very similar nature which were repeatedly committed over a period of time it is common for the Prosecution to lay a single "representative charge" in respect of them all. The court sentencing an offender for such an offence takes account of the fact that it is representative of a course of conduct and was not an isolated offence on its own.

flat after lights out to watch movies or television. Quite often McKenna would ply the group with alcohol, and he also sometimes showed them pornographic movies so that they would become sexually aroused. The chosen victim would then be asked to stay behind while the other boys went off to bed. On other occasions McKenna would invite an individual boy to his flat after going to him in the dormitory after lights out and making some gesture such as tapping him on the leg.

Once the victim was on his own in the flat he would be persuaded by various stratagems to remove his clothing and join McKenna in bed. McKenna would then fondle the boy's penis which would often lead to mutual masturbation and sometimes to oral sex. With some boys this sexual activity culminated in anal penetration (sometimes by the boy, and sometimes by McKenna).

6.3 Charges currently pending against Dennis McKenna

On 20 April 2012 McKenna was charged with an additional 66 sexual abuse offences allegedly committed prior to 1990 against 16 former Hostel students (15 of whom were new complainants). These charges comprise:

- 26 counts of indecent dealing between males
- Three counts of permitting carnal knowledge against the order of nature
- One count of attempted carnal knowledge against the order of nature
- Four counts of carnal knowledge against the order of nature
- 24 counts of unlawful and indecent assault
- 8 counts of indecent dealing with a child under the age of 14.

At the time of preparation of this report these charges are still pending.

6.4 The convictions against Neil McKenna

In March 2012 Neil McKenna stood trial before Judge alone in the Perth District Court on ten charges of sexual offences (including one in the alternative) which were allegedly committed against three female students at St Andrew's Hostel. Neil McKenna was acquitted of all but three of these charges. The three convictions were for offences which had been committed against a 15 year old girl and comprised:

- Two offences of unlawful and indecent assault of a girl under 16 years of age
- One offence of sexual penetration without consent of a girl under 16 years of age.⁴

When acquitting McKenna of the remaining charges the trial Judge nevertheless found that he had committed some of the sexual acts alleged. In that regard it was an element of some charges that Neil McKenna had been a "schoolmaster" at the material time and the evidence did not establish that McKenna's employment as a Hostel supervisor fell into that category. In respect of other charges the prosecution failed to prove a necessary element that the

⁴ *The State of Western Australia v Neil Vincent McKenna* (2012) WADC 50.

sexual activity had occurred without the girl's consent. Some charges were also dismissed because the trial judge did not accept the evidence of one or other of the complainants that the alleged events had happened.

6.5 The facts as found against Neil McKenna in respect of his offences and other matters

The evidence in relation to the offences of which Neil McKenna was convicted satisfied the trial Judge that:

*"...the accused was during his time at the Hostel not only sexually interested in teenage girls but was also willing to act on that interest by engaging in significant sexual activity, including sexual intercourse, with girls who were living at the Hostel."*⁵

At the time of the offences of which McKenna was convicted the complainant had been a naïve 15 year old girl who had never had any meaningful relationship with a boyfriend. McKenna first made approaches towards her when she was working as an usherette in the Hostel cinema and he would touch her on the arm or a leg. He committed the first offence while the Hostel students were on a camp at Albany when he gave her a "full frontal kiss" without her consent.⁶

Thereafter he continued to flirt with the girl and he committed the most serious of the three offences while they were both on a Hostel bus which he had been driving. After other students had been dropped off and the two of them were alone on the bus he had sexual intercourse with her on the back seat of the bus without her consent. It was a premeditated offence because McKenna had told the girl to wear loose clothing prior to the bus trip. It was also the first such sexual experience for the young girl.⁷ The remaining offence of unlawful and indecent assault involved McKenna fondling the complainant's breasts.⁸

Two charges of sexually offending against one of the other complainants were dismissed because Neil McKenna was not a "schoolmaster" within the meaning of the law (as it then stood).⁹ The trial judge nevertheless accepted the evidence of the complainant in respect of one of those charges and was satisfied beyond reasonable doubt that McKenna had committed the sexual acts as alleged.¹⁰

The relevant facts were that the girl regularly worked as an usherette in the Hostel cinema. One night when she was 16 years old Neil McKenna sat down alongside her at the back of the cinema. He then molested her by touching her in her genital area and by placing her hand on his penis (on the outside of his clothing). McKenna then put his hand inside her clothing and digitally penetrated her vagina.¹¹

This same complainant was accustomed to doing domestic chores for Neil McKenna and his wife which meant she was sometimes alone with him in his house. On these occasions

⁵ *The State of Western Australia v Neil Vincent McKenna* [2012] WADC 50 at 766.

⁶ *ibid*, at 289-305.

⁷ *ibid*, at 308-329.

⁸ *ibid*, at 334-342.

⁹ *ibid*, at 662-668.

¹⁰ *ibid*, at 741-780.

¹¹ *ibid*, at 66-73.

McKenna had a habit of coming up behind her and hugging, kissing or touching her inappropriately. On one particular occasion when he did this he took her into the main bedroom of the house, pulled down her underwear, and then had sexual intercourse with her while she was bent forwards over his bed. She had never had sexual intercourse before and he did not seek her consent for what happened.¹²

Following his convictions Neil McKenna was sentenced to six years and three months imprisonment with parole, and he is currently serving that term.

¹² *The State of Western Australia v Neil Vincent McKenna* [2012] WADC 50 at 75-86.

7. The extent of alleged offending

The extensive evidence which the Inquiry has heard as to the circumstances surrounding the offending by Dennis McKenna and other staff members at hostels has referred not only to offending which is the subject of convictions but also to other alleged offending which is yet to be dealt with by the courts. (In that regard the Inquiry has been made aware of numerous alleged victims who have chosen not to come forward).

As stated earlier in this Report it is not the role of this Inquiry to determine the full extent of Dennis McKenna's offending or the offending of anyone else. That is entirely a matter for the courts and it would be very wrong for the Inquiry to make any findings in that respect. Nevertheless the Inquiry must have regard to the full extent of **alleged** offending if it is to properly address its Terms of Reference.

This Chapter analyses all of the alleged offending at St Andrew's Hostel, and for legal reasons I will not name all of the alleged offenders. There are numerous factors which prevent any precise estimate of the true extent of alleged offending by staff at the Hostel. These include, but are not limited to:

- where and to whom disclosures were made
- the relative lack in efficiency of legislation and legal proceedings at the material time¹
- the inadequate policy approaches of various Government agencies at the time in capturing disclosures
- the community's lack of understanding of child sexual abuse matters
- the unwillingness of victims to report offences.

7.1 Sources from where disclosures are obtained

The Inquiry has obtained information on disclosures of sexual abuse at the Hostel from three main sources:

- Western Australia Police (WA Police)
- Redress WA (Redress)
- Individuals who have contacted this Inquiry.

7.1.1 WA Police

The information passed on to the Inquiry by WA Police (including information on criminal prosecution) concerning individual disclosures, falls into four main categories, being:

- An individual disclosure where the victim provided sufficient particularisation for a prosecution.
- An individual disclosure where the victim provided insufficient particularisation for a prosecution.

¹ See Chapter 18.

- An individual disclosure where the victim provided sufficient particularisation for a prosecution but for whatever reason did not wish to proceed.
- Other disclosures where alleged abuse was considered.

7.1.1.1 An individual disclosure where the victim provided sufficient particularisation for a prosecution

As is well known, the WA Police have prosecuted a number of staff from the Hostel commencing in 1990 when the first individual disclosures were made via Operation Paradox².

To date, a total of 31 victims have individually disclosed allegations of abuse to WA Police and these resulted in Dennis John McKenna, Neil Vincent McKenna and another staff member being charged with numerous child sex offences.

Dennis John McKenna

Between 1990 and 1991, five (5) victims made disclosures to WA Police which resulted in Dennis McKenna being convicted and sentenced to imprisonment.³

By 2011, a further six (6) victims made disclosures resulting in charges to which Dennis McKenna pleaded guilty resulting in yet another custodial sentence.⁴

During 2012, an additional sixteen (16) alleged victims made sufficient disclosures to the WA Police for Dennis McKenna to be charged for the third time. Given that these matters are currently *sub judice*, they will not be the subject of any comment.

The table below sets out the number of students allegedly abused each year at the Hostel by Dennis McKenna. Some of these students were allegedly abused over consecutive years and the table illustrates that in each year McKenna was allegedly offending against a number of victims during that period.

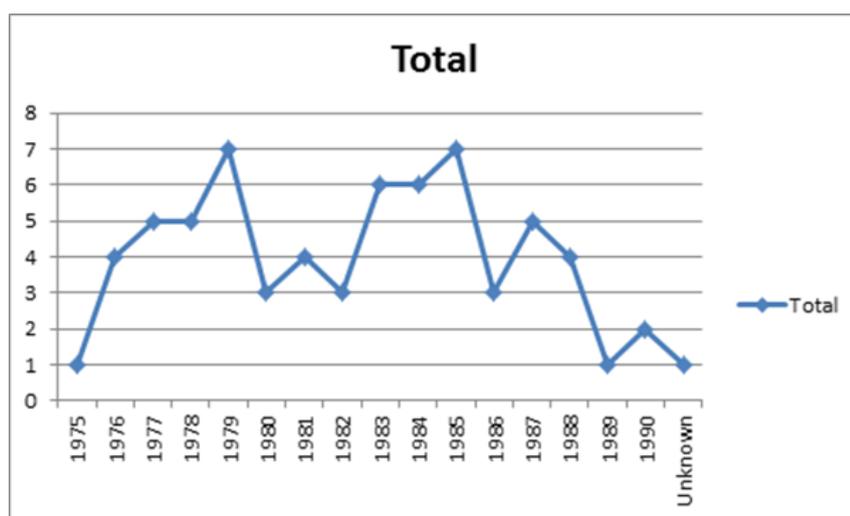


Table 7.1: Number of victims allegedly abused at the Hostel each year (individuals identified by year in which the alleged abuse occurred, including multiple years).

² See Chapter 18.3.1

³ See Chapter 6

⁴ See Chapter 6

Neil Vincent McKenna

Three (3) victims made sufficient disclosures for the WA Police to charge Neil Vincent McKenna in 2011.

Chapter 6 provides information on the 2012 convictions of Neil McKenna and on other factual findings by the trial judge.

Third staff member

In 2012, one (1) victim made a sufficient disclosure for the WA Police to charge another staff member.

7.1.1.2 Individual disclosures where victims have provided sufficient particularisation for prosecution but for whatever reason did not wish to proceed

Records of WA Police show that since 1990 a further 10 alleged victims have disclosed abuse of a sexual nature but have chosen not to proceed with a prosecution.

- 5 (five) of these individuals have made allegations against Dennis McKenna
- 4 (four) have done so against Neil McKenna
- 1 (one) individual has disclosed allegations against both Dennis and Neil McKenna

The Inquirer has personally interviewed this last victim who did not proceed (referred to as 'B') and her experience is referred to later in this Chapter.

7.1.1.3 An individual disclosure where the victim provided insufficient particularisation for a prosecution

The Inquiry has obtained records which reveal that 1 (one) victim has disclosed allegations against another staff member, but with insufficient particularity for WA Police to prosecute.

7.1.1.4 Information still being considered by WA Police

As a result of recent referrals from this Inquiry, there are 3 (three) individuals who have alleged sexual offending by Dennis McKenna which matters are still being investigated by WA Police.

7.2 Redress WA

Redress WA was a State Government initiative which commenced on 3 December 2007. It enabled victims, who claimed to have experienced sexual, emotional or physical abuse in a State run facility to receive compensation.

Records obtained under summons from Redress WA have indicated that a total of 18 applications were lodged for claims for compensation in relation to former residents of St Andrew's Hostel. Twelve applications related to alleged sexual abuse.

Nine of the 12 applicants who lodged claims alleging sexual abuse are captured in the WA Police data above with the exception of 3 who chose not to have their applications referred to WA Police. These 3 individuals alleged sexual abuse by Dennis McKenna.

7.3 St Andrews Hostel Inquiry

As a result of the work undertaken by the Inquiry's Investigators further victims made disclosures of sexual offences. Under my Terms of Reference, these issues which went to criminal behaviour were referred to WA Police. The allegations of sexual abuse by those individuals which relate to the Hostel are captured in the WA Police data above.

7.4 Allegations against Dennis and Neil McKenna by the former female student "B"

There is only one former female student from the Hostel who claims to have been a victim of sexual abuse by Dennis McKenna. She is also the only former Hostel student to allege that some episodes of sexual abuse involved adults who were not staff members at the Hostel. In order to preserve the anonymity of this former student I am giving her the pseudonym "B", and will not state when she was at the Hostel other than to indicate that it was during the 1980s.

The Inquiry became aware of "B's" allegations when it obtained a copy of a very lengthy statement that she gave to WA Police in 1992. That statement detailed innumerable alleged instances of sexual and physical abuse by Dennis McKenna which commenced when "B" was aged 12 and continued for approximately three years. The statement also alleged that Neil McKenna was sometimes present during these acts of sexual abuse, and that there was one occasion when "B" was taken by Dennis to a house in the Perth metropolitan area where she was sexually abused by approximately half a dozen other adult men. The sexual abuse by Dennis McKenna was said to have included vaginal and anal intercourse as well as penetration with other objects.

The WA Police file also shows that the investigation of these matters was delayed when "B" made a near successful attempt at suicide which required a lengthy period of treatment and rehabilitation. Ultimately, the detectives were advised by solicitors acting for "B" and her parents that she was "withdrawing her complaint" and for that reason no charges were laid.

When "B" was first contacted by the Inquiry she was very cooperative, but nevertheless reluctant to discuss her experiences at the Hostel. She explained that she had been able to get on with her life and to achieve significant success in her chosen career by putting those experiences behind her. Furthermore, she still had serious health problems and found it very traumatic to revive her memories of what had happened to her at the Hostel.

In light of these understandable concerns I arranged for a face to face meeting with "B". At that meeting I requested "B's" permission to investigate the allegations she had made in 1992, but she politely declined this request. She said that she stood by the truth of the allegations she had made in 1992, but was not willing to undergo the psychological trauma of having to deal with them again. All she wanted to do was to put these matters behind her and to continue on with her life. As there was no doubt as to the sincerity of "B's" concerns in this regard I decided that the Inquiry should respect her wishes.

Although I am not in the position to make any findings in respect of "B's" allegations I have had the opportunity of lengthy discussions with her about peripheral matters and she impresses me as a very genuine and credible individual. "B's" statement to the police in 1992 alleged some very bizarre behaviour by Dennis McKenna and others, but I nevertheless consider the account she then gave to be plausible.

7.5 The under-reporting of sexual abuse

Studies worldwide show that there is a significant under reporting of child sexual abuse particularly in respect of offences committed against boys. In this regard, Rosemary Cant has provided the following evidence of a survey of over 2500 people in the United States⁵:

"Randomly selected survey of the general population. They found that 27% of women and 16% of men reported a history of child sexual abuse. Of those who did report that they had in some way been sexually abused, 42% only had reported - had disclosed the incident of abuse within a year of the incident and that disclosure could be to anyone. So it's not a disclosure to authorities. Then 27% told of the event later and 38% had never told anyone up to the point of that survey. So the survey itself was the first time that they had told anybody of the incident.

Q. Does that include men and women?

A. That includes men and women, and if we look at the abused men, by the time of the survey 42% of men had never disclosed the abuse compared to a third of the women."

If the results of this survey were to be valid in Australia it would suggest that perhaps 42% of males abused at the Hostel have not yet disclosed their sexual abuse to anyone. However such rates may vary, and it is obviously not possible to determine the extent of under reporting of sexual abuse at the Hostel.

7.6 Conclusions

The Inquiry has determined that a total of 48 individuals have disclosed allegations of sexual abuse which are said to have occurred while they were residing at St Andrew's Hostel. Of these alleged victims 38 have made complaints against Dennis McKenna, 7 against Neil McKenna and 2 against a third staff member. In addition, one individual, "B", alleges that Dennis and Neil were both perpetrators. The age of the individuals when the alleged abuse commenced is set out in the table below, with 13 and 14 years being the predominant ages. Many victims allege that the abuse occurred over consecutive years whilst they were at the Hostel.

⁵ *Inquiry Transcript of Evidence*, p. 884

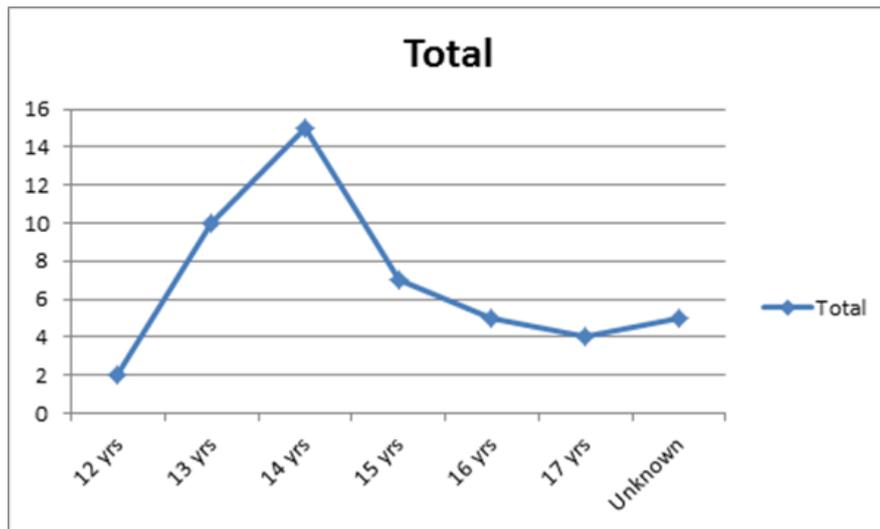


Table 7.2: Age of St Andrew's Hostel resident when alleged abuse commenced.

The evidence of disclosure rates as validated by studies in the USA, Canada and Australia establishes with a high degree of probability that there are many more former students who may have been sexually abused but do not wish to disclose or to pursue criminal charges.

Whilst I believe that there are many former students who are yet to come forward, unfortunately I am not in a position to speculate about this number.

8. Fear and favour – how the Hostel operated

One of the significant factors which enabled Dennis McKenna to avoid justice for so many years was his ability to create a veil of secrecy around his sexual activities with boys at the Hostel. He achieved this in a variety of ways which involved a mixture of favouritism and intimidation.

His methodical approach to maintaining secrecy was based upon tight control of the behaviour of Hostel students and over their interactions with others. Obviously these methods were very successful because he was able to continue offending and to remain untouched for 15 years.

8.1 Hostel Routine

The daily routine for Hostel students was a regimented affair conducted in a very orderly manner. Because of the numbers of students, it was obviously necessary that there be some rules, routines and arrangements in place but Dennis McKenna's regime was unduly oppressive and tended to isolate Hostel students from any outside influences (including their parents).

It can be seen from the timetable below in a Student's Handbook, that out of school activities on weekdays were highly structured, and were regulated by use of the Hostel siren:

7:15am	Siren	All rise
8:00am	Siren	Breakfast (all duties to be carried out by 8:00am)
8:35am	Siren	Dormitory Inspection
12:40pm		Lunch
1:10pm	Siren	All return to School
3:30pm		Canteen, Bank (Mon-Thurs)
4:00pm	Siren	Sports training, House Projects and activities
5:25pm	Siren	Prepare for evening meal
5:30pm	Siren	Evening meal
6:25pm	Siren	Prepare for study
6:30pm	Siren	Study for all years
8:00pm	Siren	All leave study - supper
8:30pm	Siren	Compulsory study Yrs 11 and 12
9:15pm	Siren	All to Dorms – prepare for bed
9:30pm		Lights out, Yrs 8, 9 and 10
10:30pm		All lights out

This routine allowed the students very little time for personal activities with only 30 minutes allocated each weekday for this purpose. Rostered community activities on weekends also limited the opportunities for students to return home which meant that they spent most of the school term at the Hostel.

8.2 Strict Rules at the Hostel:

8.2.1 Uniforms

The compulsory wearing of the St Andrew's Hostel uniform was one of many outward symbols by which McKenna increased the reputation of the Hostel within the community. This uniform differed from the Katanning Senior High School uniform and made hostel boarders stand-out from the other students while at school and elsewhere in the community.¹

The required standard of dress was specified in the Hostel Student's Handbook. It stated:²

"We at St Andrews take pride in our standing within the school and local community and in order that our good name should continue, we expect a high standard of dress and conduct when at school and in public.

Dress: The general tone of the Hostel and its standing within the community and the school, depends very largely on the way we present ourselves.

School: ... By being well dressed, we lead the way in setting and maintaining a good standard of dress generally at the school. Whilst some other students may wear gym boots and look a bit scruffy, we should not follow suit and lower our own standards."

Ian Parker, a Hostel student during 1977 and 1978, remembers that the uniform requirements for Hostel students were much more stringent than those for other high school students. Hostel students could not wear joggers or sports shoes and had to wear complete school uniforms, including ties. The other Katanning Senior High School students did not have any enforceable uniform code.³

Kylie Haddow, a Hostel student from 1984 until 1986, has testified about Dennis McKenna's insistence that all uniforms of Hostel students be exactly the same: Hostel students "had to wear exactly the same sort of shoe and exactly the same sort of skirts and shirt and tie and jacket". Students and their families were instructed where to buy footwear; and "if yours were even slightly not looking like the other ones there would be comments and you would be in trouble or your parents would be told to buy new ones".⁴

This insistence on a very high standard of dress for Hostel students was McKenna's way of publicly demonstrating his purported professionalism, and also enhanced the reputation of the Hostel in the community. This was all part of his grooming of the local community.⁵

8.2.2 The ban on close relationships

Sharon Parker was a student at the Hostel during 1983 and 1984 (while in Years 11 and 12). Another student at the Hostel was a close friend whom she had known since the age of seven. It is Ms Parker's evidence that:

¹ Edwards, T M 2012, *Inquiry Transcript of Evidence*, 1 March, ppp.694-5; Galluccio, J L 2012, *Inquiry Transcript of Evidence*, 3 May, p.2399.

² St Andrew's Hostel, [undated circa 1987], *St Andrews High School Katanning Student's Handbook*, pp. 5, 8.

³ Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February p.92.

⁴ Haddow, K J 2012, *Inquiry Transcript of Evidence*, 24 February, p.373.

⁵ See Chapter 9.

*"To begin with, we were next to each other in the dormitory, but Dennis split us up very early on and really tried hard to sort of split our friendship up. So he continually would call me down to the office and say that my friend was dragging me down and that she was the problem and then, in the meantime, he would have her down to the office and say that I was the problem... But he was also calling my parents and saying that my friend was the problem and he was calling her parents and saying that I was the problem. So he really seemed quite determined to destroy our friendship."*⁶

It is also Ms Haddow's evidence that McKenna "didn't allow anyone to have proper friendships and didn't even allow siblings to take care of each other or function properly as a family". When Ms Haddow commenced at the hostel in Year 8 she was homesick. Initially McKenna allowed her older sister to comfort and protect her from other students, but this ceased when he instructed the sister that she could no longer do so.⁷

Many witnesses have testified about a strict rule that students could not have boyfriends or girlfriends.⁸ According to Mr Parker McKenna sometimes victimised male students and gave them extra duties in order to prevent them from interacting with girls.⁹

Another former female student who was at the Hostel during the early 1980's recalls:

*"There was a couples book that you would be written into if you were seen more than three times in the same week talking to the same girl. I know this because the rules were told to me as I was a vice house captain in year ten. We had to report this. I was in the book when I was "going out" with a boy."*¹⁰

8.2.3 The rule against consorting with "townies"

"Townies" was the name that Hostel students gave to day students at Katanning Senior High School as well as to other children not living at the Hostel. The evidence shows that Dennis McKenna often instructed Hostel students not to mix with town children. Deborah Wallwork, a Hostel student in 1985 and 1986, has testified that "he would say to me that basically I had to stop being so friendly with the townies...we weren't allowed to talk about what went on at the hostel with the townies."¹¹ Former Hostel students still at the high school were also treated as "townies", and after Ms Parker left the Hostel the students who ceased to mix with her included those whom she had previously thought were "really friends".¹²

⁶ Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, p.178

⁷ Haddow, K J 2012, *Inquiry Transcript of Evidence*, 24 February, pp.364, 365.

⁸ Galluccio, J L 2012, *Inquiry Transcript of Evidence*, 3 May, p.2398; McKenna, R I 2012, *Inquiry Transcript of Evidence*, 10 May, p.2905; Brown, J 2012, *Inquiry Transcript of Evidence*, 18 June, p.3697; Hilder, M F 2012, *Inquiry Transcript of Evidence*, 21 February, p.126; Brown, J A 2012, *Inquiry Transcript of Evidence*, 24 February, p.397; Edwards, T M 2012, *Inquiry Transcript of Evidence*, 21 March, p.693; Brown, E 2012, *Inquiry Transcript of Evidence*, 19 March, p.1050.

⁹ Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, p.110.

¹⁰ Matters, J 2012, *Inquiry Submission*, 27 February.

¹¹ Wallwork, D M 2012, *Inquiry Transcript of Evidence*, 18 June, p.3652. See also, Williams, A M 2012, *Inquiry Transcript of Evidence*, 28 February, pp.506, and 516,-517 and, Edwards, T M 2012, *Inquiry Transcript of Evidence*, pp.694-695.

¹² Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, pp.189-190.

8.2.4 Restrictions on communication

The evidence clearly establishes that McKenna habitually accessed Hostel students' private communications. At a time when young people did not have mobile phones the Hostel landline was a critical mode of communication between the Hostel students and their families and friends. Ainslie Evans has testified that McKenna positioned the Hostel's telephone outside his office window so that he could supervise phone calls by students. This was because "he wanted to know (which) students were using the telephone and he had reason to ask who they were phoning".¹³

Ms Parker also confirms that:

*"there was a telephone located right outside Dennis' office, which meant that every time you made a phone call he was there watching you. Which is why in those early days that I described when I was homesick, you really almost couldn't ring your parents because of course when you talk to your parents you get upset and you start crying and then you're right outside his office and he can see you and...that would then just make him get even more annoyed with you. So the telephone was not a good way of communicating."*¹⁴

Ms Haddow and her older sister, Jody Brown (formerly Haddow), have said that they rang home "just about every day" to inform their parents of what was happening at the Hostel. While they were doing this McKenna would sit in his office listening to their conversations. According to Ms Haddow it was because she and her sister had told their parents how they were being treated at the Hostel, that McKenna introduced new rules that students could call home only once a week and parents could ring them only once a week.¹⁵

McKenna also opened and read Hostel students' incoming and out-going mail.¹⁶ Wayne McKenna, a Supervisor at the Hostel from 1977 to 1984, remembers that at one stage the envelopes for outgoing mail were not being sealed, but he did not know why. He also remembers his brother reading letters which were not addressed to him.¹⁷

Dennis McKenna sometimes made improper use of the information he had gleaned by listening to telephone conversations or reading students' mail. Ms Parker has testified that the letters she sent to very close friends were dropped at McKenna's office for stamping and posting. She later had reason to suspect that these were being read because the private information in them was being repeated back to her by other students. Ms Parker then tested these suspicions by planting information in a letter which "absolutely nobody else knew and in fact was not true." This information was repeated to her by another student within a couple of days.¹⁸

It is reasonable to conclude that the restriction and monitoring of students' communications by McKenna was a deliberate strategy to make students realise that he had complete control over their lives at the Hostel. This strategy had the desired effect of minimising students'

¹³ Evans, A V 2012, *Inquiry Transcript of Evidence*, 12 April, p.1688.

¹⁴ Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, p.182.

¹⁵ Haddow, K J 2012, *Inquiry Transcript of Evidence*, 24 February, pp.364 -365.

¹⁶ Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, pp.181-182.

¹⁷ McKenna, W L 2012, *Inquiry Transcript of Evidence*, pp.2967-2970,

¹⁸ Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, pp.181-182.

contacts with outsiders and reducing the risk that they might complain or talk to others about his sexual abuse.

8.2.5 Spies and reporting

The evidence also shows that McKenna organised a system by which students were required and encouraged to report other students' transgressions against his rules.

When Ms Williams was in Year 9, she was told by a male student that he had been instructed by McKenna to search through her cubicle and some other girls' cubicles for their diaries. He warned her not to continue writing in her diary. According to Ms Williams, McKenna "had plenty of people to... for want of a better word, spy on you... mainly students".¹⁹

Ms Parker also confirms that "prefects were meant to report on what other people were doing and I'm not saying that all prefects did that by any means but... they felt approved by Dennis and they wanted to get more approval from him and telling things other students had said or done was just a way of them getting more approval and being more safe in the group".²⁰

McKenna also instructed students to report on the number of times that any other male and female students were seen talking to each other so that this could be recorded in the "couples book".

8.3 Emotional and psychological abuse

A number of witnesses have testified about Dennis McKenna's psychological or emotional abuse of particular students he did not like. He did this in a variety of ways including spreading gossip about the alleged sexual habits of female students,²¹ embarrassing them about their body weight or physical appearance,²² giving them humiliating nicknames,²³ playing cruel pranks or humiliating them in some way in front of other students,²⁴ and showing mixed groups of students grossly violent horror movies.²⁵

Accordingly, particular girls would be called "sluts" or "slags". McKenna also gave some boys humiliating nicknames which reflected the size or physical characteristics of their genitals.²⁶ Students were encouraged to use these nicknames or descriptions of particular students, and encouraged to speak disparagingly about those he had chosen to humiliate.

¹⁹ Williams, A M 2012, *Inquiry Transcript of Evidence*, 28 February, pp.507,514-515.

²⁰ Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, p.183.

²¹ Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, p.181; Haddow, K J 2012, *Inquiry Transcript of Evidence*, 24 February, p.357-8, 378; Parker, D M 2012, *Inquiry Transcript of Evidence*, 1 March, p.626, 643; "F", 2012, *Inquiry Transcript of Evidence*, 18 June, p.3627; Williams, A M 2012, *Inquiry Transcript of Evidence*, 28 February, p.517-8.

²² Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, p.184, 186.

²³ "S" Chapter 11.2, Parker, I G, 2012, *Inquiry Transcript of Evidence*, 21 February, p.102.

²⁴ Edwards, T M, 2012 *Inquiry Transcript of Evidence*, 1 March, p.695-698; Taylor, M A, 2012, *Inquiry Transcript of Evidence*, 1 March, p.789;

²⁵ Reddington, J E, 2012, *Inquiry Transcript of Evidence*, 2 March, p.833

²⁶ "S", 2012, *Inquiry Transcript of Evidence*, 19 March, p.928; Parker, I G, 2012, *Inquiry Transcript of Evidence*, 21 February, p.102, 116.

Sharon Parker recalls McKenna announcing over the PA system of the Hostel that he had dedicated a song to her which had the title: "Nice legs, shame about the face".²⁷ Ms Parker has a Ph.D in psychology, and has the expertise (with the benefit of hindsight) to provide the following description of the techniques used by McKenna to divide and control the Hostel students and others:

"Dennis McKenna was an incredibly powerful person. Students, teachers and many other respectable people in the town blindly idolised him, going to incredible lengths to gain his approval. Teachers joined slandering sessions about other teachers; parents reported on the private lives of other parents; students constantly battled to gain his approval, slaving in the kitchen, the garden or wherever they would be seen. They told stories about other students - the more shocking and victimising the tale, the more attention. All these things to be in.

Being in with Mr McKenna meant all sorts of benefits - pizzas at night, free visits to nice places, prefect's badges. Most of all, it meant approval from Dennis. Approval that made you feel superior than the rest, approval that made you selectively attend to what was going on, shutting out the negative realities.

But if you couldn't shut out reality, if you couldn't be in with Dennis, then life at the hostel was tough. There were simple but cruel pranks, like placing a huge washing bowl of cereal at your breakfast plate if you thought you were overweight; like broadcasting over the PA song titles with slight modifications - eg, "Nice legs, shame about the face".

There was public psychoanalysis, such as the frequent late-night sessions in the girls' dormitories, where he slandered all those not present - all those who had better things to do than sit up until 2am in the morning listening to malicious gossip.

There was the endless violation of privacy, the reading of our mail, the all-seeing and all-saying prefects reporting back to Dennis, the constant watching of our every mood and every move.

There was the guilt you were made to feel for studying - you should be doing things for Dennis; guilt for wanting to go home; guilt for liking a boy - you shouldn't like boys unless you are a slut; guilt for not joining in the tale-telling, the ridiculing, the lies. You should trust Dennis enough to say these things.

And then perhaps hardest of all was reconciling all this against the espoused values of goodness and decency, the sheer hypocrisy of Dennis McKenna.

I was not sexually abused by Mr McKenna, I was emotionally abused. He attacked things deep inside of me - my confidence, my sense of self-worth, my esteem. He ridiculed, he slandered, he psychoanalysed, he victimised me. He wanted to destroy me."²⁸

²⁷ Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, p.186.

²⁸ Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, p.191-3.

8.4 Dennis McKenna's accommodation arrangements

I have already referred to McKenna's decision when appointed Warden to remain in his flat within the boys' dormitory area and not move to the larger Warden's house (Chapter 5).

He has testified that he liked where he was and was happy in the flat. When asked why he was happy there his response was "well, it's obvious I presume... some of the sexual abuse was there".²⁹ Clearly his decision to stay in the flat was a deliberate stratagem to assure him of access to his victims at night time. In this regard there was only one entrance to the boys' dormitory area (apart from the emergency exits), and after lights out this entrance was locked with McKenna retaining the keys. These arrangements ensured that he was the only adult within the locked boys' dormitory area overnight.³⁰ Accordingly he was free to pick and choose his victims, and to sexually abuse them without any fear of being disturbed.

8.5 Grooming of students and modus operandi of offending

Rosemary Cant, a clinical psychologist and an expert in child sexual abuse, has made the obvious point that children who are not subject to parental oversight are more easily targeted by child sex offenders. The Hostel students were especially vulnerable to McKenna's offending because their parents had placed them in his care in the belief that they would be properly supervised and cared for. Mrs Cant has also testified that the children of separated parents or children with low self-esteem are particularly vulnerable.³¹

McKenna used various techniques to groom chosen students so that they would succumb to his wishes. These techniques all depended upon his ability to gain the trust or control of each victim by a process of rewards and threats.

The rewards included:

- Allowing selected students to stay up late³²
- Allowing them to watch TV and movies in his flat³³
- Providing them with soft drinks and confectionary³⁴
- Supplying alcohol to selected students³⁵
- Selecting students to go on "special" trips³⁶

²⁹ McKenna, D J 2012, *Inquiry Transcript of Evidence*, p.1204.

³⁰ *ibid*, p.1203.

³¹ Cant, R L 2012, *Inquiry Transcript of Evidence*, 6 March, p.877.

³² Bentley, L 2012, *Inquiry Transcript of Evidence*, 20 February, pp.44-46; McKenna, D J 2012, *Inquiry Transcript of Evidence*, 28 March, p.1233; McKenna, R L 2012, *Inquiry Transcript of Evidence*, 10 May, p.2903.

³³ Jefferis, C M 2012, *Inquiry Transcript of Evidence*, 1 March, p.764; McKenna, W L 2012, *Inquiry Transcript of Evidence*, 10 May, p.2961; McKenna, W 2012, *Inquiry Transcript of Evidence*, 10 May, p.3004; Shiner, R A 2012, *Inquiry Transcript of Evidence*, 18 June, p.3641.

³⁴ Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, p.98; McKenna, W L 2012, *Inquiry Transcript of Evidence*, 10 May p.2961.

³⁵ 'S' 2012, *Inquiry Transcript of Evidence*, 19 March, p.932; Stephens, K R 2012, *Inquiry Transcript of Evidence*, 20 February, p.36.

- Appointing students to positions of authority over other students (such as Hostel prefects).³⁷

The threats, real or implied, were:

- Imposing particular hostel duties which were disliked as punishment (such as toast or bathroom duty)³⁸
- Arranging scraggings³⁹
- Organised humiliation of designated students in front of other hostel students⁴⁰
- Informing parents that their child had been smoking⁴¹
- Suspensions and expulsions⁴²
- Threatening prosecution for defamation.⁴³

Kerryn Stephens has testified that as early as 1976 McKenna “promoted what you might call privileges, such as going to the flat... after lights out” and “privileged trips away for selected few – all that sort of things”. Mr Stephens has also stated that McKenna would nominate the Hostel prefect positions and generally it was those boys who had privileges. According to Mr Stephens the previous Hostel wardens had not conferred any of these privileges.⁴⁴

8.6 Student showers

Each of the junior and senior boys’ dormitories had a set of showers. During Dennis McKenna’s time as Warden these showers lacked any doors or curtains.⁴⁵ Accordingly anyone entering the bathroom had a plain view of naked students while they were showering.⁴⁶

³⁶ Stephens, K L 2012, *Inquiry Transcript of Evidence*, 20 February, p.30; Haddow, K J 2012, *Inquiry Transcript of Evidence*, 24 February, p.362.

³⁷ Stephens, K L 2012, *Inquiry Transcript of Evidence*, 20 February, p.33; Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, p.179; Moore, R K 2012, *Inquiry Transcript of Evidence*, 24 February, p.410.

³⁸ Moore, R K 2012, *Inquiry Transcript of Evidence*, 24 February, p.410; McKenna, W L 2012, *Inquiry Transcript of Evidence*, 10 May, p.2938; Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, pp.95,96; Haddow, K J 2012, *Inquiry Transcript of Evidence*, 24 February, p.364.

³⁹ ‘S’ 2012, *Inquiry Transcript of Evidence*, 19 March, p.928.

⁴⁰ Stephens, B 2012, *Inquiry Transcript of Evidence*, 20 February, p.59; Parker, S K 2012, *Inquiry Transcript of Evidence*, 21 February, pp.184,186; ‘S’ 2012, *Inquiry Transcript of Evidence*, 19 March, p. 928; Williams, A M 2012, *Inquiry Transcript of Evidence*, 5 April, pp.513,514; ‘F’ 2012, *Inquiry Transcript of Evidence*, 18 June, p.3627; Haddow, B 2012, *Inquiry Transcript of Evidence*, 2 March, p.839.

⁴¹ Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, pp.83-85.

⁴² See Chapter 8.8 below.

⁴³ Shiner, R A 2012, *Inquiry Transcript of Evidence*, 18 June, p.3642.

⁴⁴ Stephens, K R 2012, *Inquiry Transcript of Evidence*, 20 February, pp.19,30.

⁴⁵ Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, p.96.

⁴⁶ *ibid*, 21 February, p.96.

The evidence establishes that Dennis McKenna would frequently:

- take photographs of boys while they were naked in the showers⁴⁷
- enter the shower area to speak to them and pass on messages⁴⁸
- stand and watch boys while purportedly timing the period that each student spent under the shower⁴⁹
- stand and watch particular boys in the shower and openly comment on their bodies and the size of their penis.⁵⁰

One student recalls that these activities occurred on almost a daily basis, while others say that they happened "quite often".⁵¹

The photographs were taken with an instamatic polaroid camera and the images produced were kept in a photo album in Dennis McKenna's office. This type of camera did not require film to be developed and therefore McKenna was able to avoid the risk that outsiders might become aware of this activity.⁵²

8.7 Alcohol, movies and pornography

There is evidence that McKenna sometimes provided his victims with alcohol as a prelude to them being sexually abused.

According to Mr Stephens during 1976 McKenna often provided him with scotch and beer in his flat once all other students had gone to bed and were asleep. It was after Mr Stephens had drunk the alcohol that he would be sexually abused.⁵³

It was also in about 1976 that Livia Bentley was told of boys drinking alcohol and staying up late watching television in McKenna's flat.⁵⁴ Michael Hilder who was a student at the Hostel between 1978 and 1982 was often supplied with alcohol while with groups of boys in McKenna's flat.⁵⁵ Mr Hilder has also described a trip to Perth when McKenna purchased a bottle of scotch for him and another boy to drink on the return journey.⁵⁶

Bruce Carmichael has testified that in the early 1980s his daughter reported to him that alcohol was being provided to boys while they watched "late night... pornographic films" with McKenna.⁵⁷ It was also during the early 1980s that "S" was plied with alcohol and

⁴⁷ Hilder, M F 2012, *Inquiry Transcript of Evidence*, 21 February, p.129.

⁴⁸ Stephens, K L 2012, *Inquiry Transcript of Evidence*, 20 February, p.25.

⁴⁹ Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, p.96.

⁵⁰ Hilder, M F 2012, *Inquiry Transcript of Evidence*, 21 February, p.129.

⁵¹ Stephens, K R 2012, *Inquiry Transcript of Evidence*, 20 February, p.25; Hilder, M F 2012, *Inquiry Transcript of Evidence*, 21 February, p.129.

⁵² Hilder, M F 2012, *Inquiry Transcript of Evidence*, 21 February, p.129.

⁵³ Stephens, K R 2012, *Inquiry Transcript of Evidence*, 20 February, pp.22, 23.

⁵⁴ Bentley, L 2012, *Inquiry Transcript of Evidence*, 20 February, p.55.

⁵⁵ Hilder, M F 2012, *Inquiry of Transcript of Evidence*, 21 February, p.122.

⁵⁶ *Ibid*, pp.124-126.

⁵⁷ Carmichael, B D 2012, *Inquiry Transcript of Evidence*, 28 February, p.608.

shown movies before being sexually abused by McKenna.⁵⁸ The victim who spoke to Maggie Dawkins in 1985 was another former Hostel student who complained of being given alcohol before being sexually abused.⁵⁹

There is clear evidence that with the availability of VHS technology from the early 1980s, Dennis McKenna regularly used this medium to show boys pornographic movies in his flat. Young teenage boys were easily enticed into this activity and it was part of McKenna's grooming behaviour to sexually arouse them in this way. The X rated movies were in three categories:

1. Cartoon or animated movies of a pornographic nature.⁶⁰
2. Movies depicting a range of sexual activities between adults.⁶¹
3. Violent bestiality pornographic movies.⁶²

The evidence also suggests that there may have been some selectivity in the type of pornographic movies that McKenna showed to particular students. For example, "S", who was a 14 year old in Year 9, can only recall that (other than horror movies) he was shown cartoon or animated pornographic movies.⁶³ However other students introduced to pornography in this way were shown movies depicting adult sexual acts.⁶⁴

8.8 Threats, allegations of stealing and expulsions

McKenna regularly intimidated students and ensured that they complied with his wishes by telling them of his influence with the Authority and the Hostel board. He would quite often boast that he "had enough influence with the Authority to have wardens at other hostels removed". He also sometimes said to a student that "if I expel you from here I can make very, very certain that you do not go to another state run hostel".⁶⁵ For students from families who could not afford a boarding school at Perth, this was a very potent threat. For them, any expulsion would raise the prospect that they might not be able to complete their secondary education.

A particular example of the way in which McKenna would use the threat of expulsion to control student behaviour has come from Ian Parker. Mr Parker recalls an occasion after lights out when he and another boy were discussing the questionable manner in which McKenna was handling Hostel finances. McKenna crept into the dormitory to listen in to this conversation and then suddenly "popped his head around the corner". He told the two boys that they "would have some explaining to do".

⁵⁸ 'S' 2012, *Inquiry Transcript of Evidence*, 19 March, pp.932-934.

⁵⁹ Dawkins, M A 2012, *Inquiry Transcript of Evidence*, 23 February, p.251.

⁶⁰ 'S' 2012, *Inquiry Transcript of Evidence*, 19 March, p.931.

⁶¹ Hilder, M F 2012, *Inquiry Transcript of Evidence*, 21 February, p.122.

⁶² Moore, R K 2012, *Inquiry Transcript of Evidence*, 24 February, p.413; Jolley, J, 2012, *Inquiry Transcript of Evidence*, 27 February, p.498.

⁶³ "Shame of the Jungle", "Fritz the Cat" and "The case of the Smiling Stiff".

⁶⁴ Michael Hilder recalls being shown "Deep Throat" and "Debbie does Dallas" (Hilder, M F 2012, *Inquiry Transcript of Evidence*, 21 February, p.122).

⁶⁵ Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, p.82.

On the following morning when the other students went off to school, Mr Parker had to remain behind so that he could be chastised by McKenna. He was told that he had been “bitching” and “white anting” and he was threatened with expulsion.⁶⁶ According to Mr Parker other students had been expelled by McKenna “for things like what he used to term “bitching”, which is spreading discontent or complaining. There were [also] a number of people that were expelled for stealing or, you know, offences that seemed out of character with those people”.⁶⁷

McKenna also used the threat of expulsion as a means of ensuring that his victims did not complain about their sexual abuse. An example was the 14 year old boy “S” who was a Ward of the State and had no home to return to while his foster parents were overseas. Prior to each visit to the Hostel by “S’s” case officer, McKenna would warn him to the effect “Just remember, you have nowhere else to go”.⁶⁸

Although it was the Board which had the power to expel students the Inquiry is aware of only one instance where it did not do McKenna’s bidding in this regard.⁶⁹ McKenna had the power to suspend students, and it would seem that once this occurred, expulsion was more or less automatic. As early as 1977 a complaint by one of McKenna’s victims to the Head Prefect that he had been sexually abused resulted in his immediate expulsion.⁷⁰

Nevertheless not even McKenna could have someone expelled without a purported reason, and the common reason given was a fabricated assertion that the student had been caught stealing.⁷¹ Regardless of the reason, these expulsions happened fairly frequently and often very suddenly. The expelled student was sometimes driven home the same day, or alternatively told to pack his bags and wait at the front door to be collected by his parents.⁷²

For many of these students their expulsion was the end of their secondary education.⁷³ Consequently McKenna was able to use his power of expulsion as a very potent means of control.

8.9 Conclusion

The evidence shows that Dennis McKenna ruled St Andrew’s Hostel with an iron fist, and that he played favourites with some selected students while at the same time targeting others for vilification. He was able to orchestrate campaigns to humiliate particular students with impunity.

Favoured students, predominantly boys, were granted privileges including visits to McKenna’s flat after lights out when they would be allowed to watch television and be

⁶⁶ *ibid*, pp.93-94.

⁶⁷ Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, pp.105-106.

⁶⁸ “S” 2012, *Inquiry Transcript of Evidence*, 19 March, p.930.

⁶⁹ Deborah Wallwork (See Chapter 11.14).

⁷⁰ See Chapter 11.3.

⁷¹ Hilder M F, 2012, *Inquiry Transcript of Evidence*, 21 February, p.131;; Groves B J, 2012, *Inquiry Transcript of Evidence*, 1 March, p.666;; Parks, A H, 2012 *Inquiry Transcript of Evidence*, 10 April, p.1407;; Stephens, L O K, 2012, *Inquiry Transcript of Evidence*, 9 May, p.2867-8;; “S” Chapter 11.7.

⁷² Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, pp.105-6, Chapter 11.3.

⁷³ Parker, I G 2012, *Inquiry Transcript of Evidence*, 21 February, p.82, 103.

treated to free cool drinks and lollies taken from the canteen. So began the grooming of groups of boys from which he ultimately selected those to be sexually abused.

McKenna's favoured students were also allowed access to alcohol, and with his purchase of a VCR in the early 1980s they were permitted to watch videos after hours in his flat. Sometimes pornographic movies were shown for the purpose of further grooming and sexually arousing the boys.

Dennis McKenna also controlled student behaviour within the Hostel in ways which reduced the risk of any complaint or reporting of his sexual misconduct. He made boasts and threats of his ability to expel students and to ensure that they could not be re-enrolled. He also restricted telephone calls to parents and friends, and opened students' mail. Friendships with "townies" were not tolerated.

This mixed environment of intimidation and favouritism within the Hostel was one of the significant contributing factors which enabled McKenna to evade justice for his crimes for a period of 15 years.

9. Grooming the community

Rosemary Cant (a clinical psychologist and specialist in the area of child sexual abuse) has provided the Inquiry with expert evidence on the subject of grooming behaviour by paedophiles. Mrs Cant has defined grooming as:

“process by which a person prepares a child, significant adults and the environment for the abuse of this child. Specific goals include gaining access to the child, gaining the child’s compliance, and maintaining the child’s secrecy to avoid disclosure. This process serves to strengthen the offender’s pattern of abuse as it may be used as a means of justifying or denying their actions.”¹

Mrs Cant described three types of grooming being:

1. Grooming the environment.
2. Grooming of significant others.
3. Self-grooming.

Mrs Cant explained that even very respectable members of the community can sexually abuse children, and that those who have these tendencies seek situations where they will have access to children. This type of behaviour is defined as institutional grooming where they find their way into an institution and groom that organisation to accept them in a positive light (so that they can gain access to children and also safeguard themselves against complaints).²

McKenna was able to find his way into the position of Warden at the St Andrew's Hostel and be accommodated within the Hostel in a situation which gave him ready access to young students overnight with little risk of being discovered by other adults. This situation left the children absolutely vulnerable and as Mrs Cant has noted was akin to a *fox guarding a hen house*. Mrs Cant has also pointed out that in circumstances where independent adult scrutiny of McKenna's behaviour was eliminated because of key staffing positions being held by his relatives then there was nowhere the children could go within the institution to complain.³

9.1 Volunteer work by students for the elderly

During his time as Warden, McKenna promoted and in some cases forced, the Hostel students to engage in community activities including voluntary work. He organised the students to visit the elderly, and specifically widows who had lost their partners. The students were required to spend time with these elderly people chatting over cups of tea and attending to household chores such as mowing lawns and tidying gardens. This

¹ 2012, *Inquiry Transcript of Evidence*, p. 866. Craven 2006, *Sexual Grooming of Children: Review of Literature and Theoretical Considerations*, Journal of Sexual Aggression.

² 2012, *Inquiry Transcript of Evidence*, p. 868-869.

³ *ibid*, p. 870.

voluntary service by Hostel students for elderly members of the community was a deliberate strategy by McKenna to improve the Hostel's reputation in the Katanning community.⁴

McKenna also used the Hostel to host pensioner functions including four course dinners combined with entertainment provided by students. McKenna later sent circulars to the parents of the students stating: "You would have been proud to witness your children working and getting pleasure out of doing their part in something for the oldies".⁵

9.2 Community activities

Throughout McKenna's reign as Warden he involved Hostel students in a wide range of voluntary community activities, including:

- doorknocking for the Red Shield Appeal⁶
- cleaning the verge of the Great Southern Highway for The Keep Australia Beautiful Council⁷
- operating stalls at the Katanning Show⁸
- conducting the St Andrew's Annual Fete⁹
- tree planting for desalination¹⁰
- picking up sticks and rocks on farms¹¹
- conducting street stalls and raffles¹²
- cleaning up the showgrounds of the Katanning Agriculture Society¹³
- litter drives¹⁴
- rubbish collection from Katanning road verges¹⁵
- helping meals on Wheels.¹⁶
- fundraising for the Freedom from Hunger Campaign¹⁷

⁴ Stephens K R 2012, *Inquiry Transcript of Evidence*, p. 20.

⁵ McKenna D J, *Katanning Parents Circular*, 23 March 1979, p. 1; McKenna D J, *Warden Report*, 10 September 1980.

⁶ McKenna D J, *Warden Report*, 16 July 1980.

⁷ McKenna D J, *Warden Report*, 16 April 1980. Brown J A *Inquiry Transcript of Evidence*, p. 386.

⁸ McKenna D J, *Warden Report*, 17 October 1979.

⁹ Parker I G *Inquiry Transcript of Evidence*, p. 91.

¹⁰ Brown J A *Inquiry Transcript of Evidence*, p. 386; Great Southern Herald 1985 *Beautifying Dam Area*, 24 July, p. 1.

¹¹ Stephens K R *Inquiry Transcript of Evidence*, p. 20.

¹² *ibid.*

¹³ McKenna D J, *Warden Report*, 19 November 1980.

¹⁴ McKenna D J, *Warden Report*, 21 July 1982; Great Southern Herald 1987 *Student litter drive*, 21 October, p.5.

¹⁵ Great Southern Herald 1988 *Student's record rubbish haul*, 9 March, p.16.

¹⁶ St Andrews Hostel Annual Magazine, 1988, p. 4.

¹⁷ *ibid.*

- Hospital visits and fundraising for donations.¹⁸

Kevin Brown, a Hostel student between 1979 and 1983, has testified that McKenna developed a close relationship with the police in Katanning. This resulted in arrangements for police cadets stationed at Katanning to be boarded at the Hostel and for them to act as part-time supervisors during evenings and on weekends.¹⁹

McKenna was highly successful with these endeavours to ingratiate the Hostel (and more importantly himself) with the local community. A story in a local newspaper in April 1977 reported that the then Premier Sir Charles Court had opened a plant nursery at the Hostel. This article quoted the Premier as saying that the Hostel students had set “a fine example of young people doing something for themselves and earning their own money to better their amenities instead of asking the government for handouts.” The article went on to quote the Premier as stating that McKenna “had been able to enthuse the students magnificently”, and that “it was largely due to his commitment to the welfare and spiritual needs of the students that the Hostel had achieved so much”.²⁰

McKenna gained that very favourable local publicity less than 15 months after becoming the Hostel's Warden. Virtually overnight he had become the toast of Katanning for his untiring efforts and seemingly good intentions to make the lives of his students more productive and enjoyable.

9.3 Sport

The Hostel boarders were also provided with the opportunity to participate in structured sporting competitions, including:

- football²¹
- netball²²
- basketball²³
- inter-Hostel sporting carnivals²⁴
- squash.²⁵

Archery, canoeing, cycling, indoor hockey, cricket, tennis, golf, badminton and volleyball were also available sometimes to Hostel students.²⁶

¹⁸ *ibid.* Great Southern Herald 1985 *Students work for hospital*, 3 April, page 2. Great Southern Herald 1989 *Hostel students demonstrate their concern*, 12 April, page 22. Unknown Newspaper 1979 *St Andrew's Speech Night*, 7 December, page unknown.

¹⁹ *Inquiry Transcript of Evidence*, p. 73. Todd W A *Inquiry Transcript of Evidence*, p. 1093. St Andrew's Hostel Katanning Minutes of Board Meeting, 15 July 1981.

²⁰ Unknown newspaper *Sir Charles Court visits St. Andrew's Hostel, Katanning*, unknown date and page.

²¹ McKenna D J, *Warden Report*, 17 October 1979.

²² *ibid.*

²³ *ibid.*

²⁴ *ibid.*

²⁵ McKenna D J, *Warden Report*, 17 September 1980.

²⁶ *ibid.*

McKenna personally involved himself in these sporting activities by coaching, performing administrative tasks and transporting the players to games in the local community and throughout the State.²⁷

9.4 Improvement in Hostel facilities

Prior to McKenna becoming Warden, the Hostel had limited facilities. However, between 1975 and 1990 he was responsible for dramatic improvements in this regard. The new facilities included:

- a theatrette²⁸
- a coffee shop²⁹
- an 8 person sauna
- a swimming pool³⁰
- a gymnasium
- a nursery
- a Nissen Hut with a modular stereogram
- a roller skating rink
- an indoor cricket area
- new recreational facilities for badminton, disco, pool, table tennis, table soccer, darts, television, radiogram, piano and reading
- buses used for sporting events, outings and camping trips.³¹

From the local community's perspective these were remarkable additions to the Hostel which would attract more students and improve its economic viability as well as benefit the town.

Ian Parker, a Hostel student in 1977 and 1978, has described the circumstances surrounding the establishment of a nursery within the Hostel grounds. The nursery was a business enterprise set up by the Hostel staff and built by the Hostel students. According to Mr Parker "a tractor and a plough were sourced from a local farmer, and an area of the Hostel grounds was ploughed up and planted to bulbs to produce commercially flowers and bulbs for sale." McKenna and other Hostel staff also made frequent trips to wholesale nurseries in Perth to buy plants for resale. The nursery was staffed by students and was open to the general public on weekends for the purchase of plants.³²

²⁷ St Andrews Hostel Annual Magazine, 1987, p. 18.

²⁸ McKenna D J, *Warden Report*, 16 July 1980. Great Southern Herald *St Andrews theatre*, 8 June, p.8.

²⁹ McKenna D J, *Warden Report*, 16 July 1980; Unknown Newspaper 1985 *St Andrew's in show business*, 21 August, page unknown.

³⁰ Unknown Newspaper 1979 *St Andrew's Speech Night*, 7 December, page unknown.

³¹ The Great Southern Herald 1988 *Huey joins Dewey and Louie*, 29 June, page 4.

³² *Inquiry Transcript of Evidence*, p. 91.

During the first seven years of McKenna's time as Warden, the students purportedly raised more than \$70,000 (increasing to \$100,000 after ten years) for improvements to the Hostel and surrounding buildings. In that time the Hostel's acquisitions included two buses, two televisions, a video machine, organ, café bar, carpets, curtains, pot plants, paintings, tents, canoes and a \$10,000 swimming pool. A recreation shed was also built with a grant from the Country High School Hostels Authority.³³

McKenna continually requested, proposed and undertook capital works projects. Funding came from various sources including student fundraising, parent donations³⁴, local businesses and government grants. These capital works projects include two new lounge rooms, a kitchen renovation, a new toilet/shower block, air conditioning, dormitory and laundry extensions, new recreation areas, improved facilities in staff flats, and a bus shed.³⁵

In 1988, a Parliamentary Committee reviewed the Authority and later stated in its Report that "Katanning's Hostel is a magnificent example of self-help, with many of the facilities being the result of the initiative of the warden and students (an example being the very well set out cinema which serves as a community entertainment facility)."³⁶

The numbers of students attending the Hostel increased from 61 in 1976³⁷ to a peak of 141³⁸ in 1989. From 1978 until 1988 this increase was nearly 55% which was the largest increase amongst the nine government run Hostels at the time. The Hostel was also one of only two Hostels in 1988 that were at or very near to maximum capacity.³⁹

9.5 Use of Hostel facilities by the public

In 1980 the Student Hostels Association of WA held its Annual Conference at the Hostel. The program for the conference stated that "St Andrew's has a theatrette, coffee shop and a 8 people (sic) sauna which has all been constructed by our students, and are all available for your enjoyment".⁴⁰ The theatrette and coffee shop were officially opened by Mr Colin Philpott, Chair of the Country High School Hostels Authority, in September 1980.⁴¹

The Hostel recreational facilities were frequently used by members of the public and various clubs and associations. In addition, the Hostel was also used for such things as:

- weddings⁴²

³³ Peacock, J 1982, Unknown newspaper *St Andrews: They're proud of their happy home*, 22 September, page unknown. Fraser P, 1985, Great Southern Herald *Honour for St Andrew's*, 24 October, p.1.

³⁴ The Great Southern Herald 1988 *Huey joins Dewey and Louie*, 29 June, page 4.

³⁵ The Great Southern Herald 1981 *Extensions under way*, 14 May, page unknown. Unknown newspaper 1982 *He's got a room with a view*, 25 August, page unknown.

³⁶ Standing Committee on Government Agencies, Western Australia, Legislative Assembly, 1988 *Twentieth Report – A Review of the Country High School Hostels Authority*, 20 September, p.37.

³⁷ Beechan, A, 1984 Investigation into Country High School Hostels provided by State of Western Australia.

³⁸ McKenna D J, *Warden Report*, 3 March 1989.

³⁹ Standing Committee on Government Agencies, Western Australia, Legislative Assembly, 1988 *Twentieth Report – A Review of the Country High School Hostels Authority*, 20 September, p.25.

⁴⁰ Annual Conference Programme, 1980

⁴¹ McKenna D J, *Warden Report*, 16 July 1980.

⁴² McKenna D J, *Warden Report*, 20 March 1980.

- conferences⁴³
- meetings⁴⁴
- dinners⁴⁵
- catering⁴⁶
- overnight accommodation during trips from Perth to Albany⁴⁷
- school reunions⁴⁸
- state conventions⁴⁹
- sporting camps
- seminars⁵⁰
- P&C Quiz nights⁵¹
- Miss Australia entrant concert⁵²
- church services and plays⁵³
- fashion parades⁵⁴
- youth activities that included discos, roller skating, indoor sports, youth clubs and use of the theatre and coffee shop.⁵⁵

These events were all catered for by the Hostel and students would act as waiters at large functions for up to hundreds of people.

In 1985 the Hostel also leased its Kartanup premises (which was a former convent) to the State Government's Westrek project, and in 1987 this building became an annex to provide additional accommodation for Hostel students.⁵⁶

⁴³ McKenna D J, *Warden Report*, 16 April 1980.

⁴⁴ McKenna D J, *Warden Report*, November 1979.

⁴⁵ McKenna D J, *Warden Report*, 17 October 1979; McKenna D J, *Warden Report*, 19 August 1981.

⁴⁶ McKenna D J, *Warden Report*, 17 October 1979.

⁴⁷ McKenna D J, *Warden Report*, 19 September 1979.

⁴⁸ Evans A V, *Inquiry Transcript of Evidence*, p. 1672

⁴⁹ St Andrews Hostel Katanning Board Minutes, 20 July 1983.

⁵⁰ McKenna D J, *Warden Report*, 17 September 1980.

McKenna D J, *Warden Report*, 24 April 1982.

⁵¹ McKenna D J, *Warden Report*, 17 March 1982.

⁵² McKenna D J, *Warden Report*, 24 April 1982.

⁵³ *ibid.*

⁵⁴ The Great Southern Herald 1988 *Cavalcade of Fashion*, 21 September, page 5.

⁵⁵ The Great Southern Herald 1985 *New Dimensions for hostel*, 27 February, page 3. The Great Southern Herald 1985 *Providing Place for Katanning's youth*, 24 April, page 8.

⁵⁶ St Andrews Hostel Katanning Board Minutes, 21 August 1985. The Great Southern Herald 1987 *Reidy House to cater for 25*, 4 February page 9.

Sharon Parker was a student at the Hostel during 1983 and 1984. Ms Parker has testified with regard to students volunteering their time:

"You felt obliged to participate in fundraising because again if you were not seen to be doing these things then, you know, you were not being loyal and worshipping him enough and stuff. So I participated in some. I also did not participate in others but then suffered the consequences. But at the time that I was at the Hostel he was quite advanced in his fundraising, so he was doing weddings and things like that. So the students would, under supervision, I guess cook the food but also deliver it, serve it up to people and things. But at the time that I was there also, you know, I remember other young kids every morning got up at 6 o'clock, ridiculous early times, and they would clean. They would vacuum the corridors and go down to the kitchen and scrub the floor and they were doing it because this was a way of gaining favour with Dennis and I'm really just saying that to give an example of how I guess it's sort of extreme. That people thought this was normal that 15 year old or 13 year old kids should get up at 6 o'clock in the morning and just clean."⁵⁷

9.6 Patronage of particular stores

In 1990 following a disagreement with a shop owner in the Katanning Plaza Shopping Complex McKenna wrote informing him that he would no longer benefit from any business from the Hostel or from the 135 families associated with it.⁵⁸ This type of behaviour was consistent with his regular encouragement of Hostel students to attend particular shops in the town, mainly the BKW Co-operative and the chemist.⁵⁹

Mr Parker has stated that:

"There were two other businesses in town that Dennis McKenna and his family had either direct involvement in or partial involvement in. One was a fruit and veggie store that was opened up in one of the streets in Katanning, and plants from the nursery were part of the stock that was sold down there along with some of the cut flowers from the gladioli. They were sold there. In the town, Wagin, which is 50 kilometres away, the warden had leased a building there as well, which had been a panel beater's workshop, and Hostel students went to that, cleaned it out, and basically set it up, and it was retailing plants, and I'm not sure what else - whether fruit and veg was going through as well, but certainly the students were involved in the set-up and the running of these businesses, and the staffing of them as well."⁶⁰

Graeme Norrish has been an employee of BKW Co-operative since 1977 and its Manager since 1987. He has confirmed that McKenna was friendly with the previous Manager, Len Wilkinson who was the Chairman of the Hostel Board. He has also stated that McKenna was a frequent visitor to the shop with students from the Hostel.⁶¹

⁵⁷ *Inquiry Transcript of Evidence*, p. 186

⁵⁸ Letter dated 1 August 1990.

⁵⁹ Edwards T M *Inquiry Transcript of Evidence*, p. 695.

⁶⁰ *Inquiry Transcript of Evidence*, p. 92.

⁶¹ Statement, 27 April 2012.

9.7 Economic benefits of the Hostel to the town

Peter Potter, a farmer who was once involved in the scout movement, has testified that when McKenna became Warden he seemed to keep the students at the Hostel on weekends and also encouraged parents to stay away. This had a negative impact on businesses in town as previously parents had done their weekly shopping in Katanning while picking up and dropping off their children each weekend.⁶² Mr Potter has also stated that following McKenna's convictions in 1991 the numbers of students attending the Hostel declined and farming families sent their children to board in Perth. Many of these students schooled in Perth did not return to the community to work on the land and consequently the Great Southern has probably lost two generations.⁶³

Councillor Ainslie Evans, a Shire Councillor since 1983 has expressed a slightly different view. According to her the economic benefits of a large and successful Hostel in the town were considerable and the town was appreciative of that. She attributes the success of the Hostel in large measure to McKenna.⁶⁴

9.8 Accolades for Dennis McKenna

McKenna became the Katanning Citizen of the Year in 1984, and received the award for "his significant contribution to the Katanning community".⁶⁵

Mrs Evans states that this award was for McKenna's work in involving the Hostel students in various community activities. (The Citizen of the Year award is conferred by the Premier and is an annual event for local government entities. Advertisements are placed in newspapers requesting that nominations be sent to the local Shire Council. A Committee then considers these nominations and makes a recommendation to the Shire Council which is usually accepted).⁶⁶

McKenna's name was not removed from the Katanning Citizen of Year Honorary Notice Board until 2012. Mrs Evans has stated that "people from the public wrote to the Shire and asked for it (McKenna's name) to be removed, and it was the vote at Shire Council that it be removed".⁶⁷ Mrs Evans also maintains that McKenna was responsible for the Hostel regaining a good reputation.⁶⁸

A newspaper article in 1982 stated that "It is hard to believe that seven years ago St Andrews had only 39 students and was on the verge of closing. Its reputation among the townspeople was somewhat less than favourable. Today, all 110 of its beds are filled and there is a two year waiting list. Businessmen, teachers and townspeople speak highly not only of the Hostel, but also of the students that live there."⁶⁹

⁶² *Inquiry Transcript of Evidence*, p. 3606.

⁶³ *ibid*, p. 3611.

⁶⁴ *ibid*, p. 1673.

⁶⁵ Unknown newspaper 1984 *Katanning's top citizens*, 1 February, page unknown.

⁶⁶ *Inquiry Transcript of Evidence*, p. 1669-1671.

⁶⁷ *ibid*, p. 1668.

⁶⁸ Evans A V 2012, *Inquiry Transcript of Evidence*, p. 1671.

⁶⁹ Unknown newspaper 1982 *St Andrews: They're proud of their happy home*, 22 September, page unknown.

In 1982 the Hostel Board also received correspondence from the Minister of Education congratulating the Warden on the standard of the Hostel.⁷⁰ In 1985 the Hostel received an award from the Federal Minister for Education for its “outstanding community involvement which was fostered by its warden, Dennis McKenna.”⁷¹

By 1986 the Hostel had a waiting list of prospective boarders who wished to make bookings up until 1995. That same year the “Great Southern Herald” described the Hostel as “one of the best Hostels in the State and one that ten years prior was not worth mentioning.”⁷²

In 1988 an Upper House Committee report examining the Country High School Hostels Authority named the Hostel as the “State’s leader in supervisor training and the provision of top quality recreation facilities.” This report also stated that McKenna’s work over the previous 13 years was widely acknowledged as contributing to the Hostel’s success.⁷³

The evidence also shows that McKenna constantly sought favourable publicity from the local newspaper the “Great Southern Herald”. He did this by feeding it stories about the good things the Hostel students were doing such as catering for functions and fundraising.⁷⁴

However Mr Parker has stated in his submission to the Inquiry that the Hostel’s “spectacular success” must be viewed in another context and should not be entirely attributed to McKenna:

“the truth is completely different; Katanning High School Hostel achieved full capacity due to an accident of demographics more than any other factor. The influx of hundreds of young families with similar economic backgrounds who required their children to be available to assist in farming operations over weekends and holidays, into the Katanning Hostel’s catchment area, assured that the facility would rapidly reach capacity as those children reached high school age. A change to the minimum age for school leavers prolonged the growth, albeit for a short period of time. During the 1990’s, numbers of young people began to decline across the region as a generation was subject to socio-economic drift and the retention of facilities both educational and sporting became increasingly difficult.”⁷⁵

9.9 Conclusion

It is Mrs Cant’s opinion that McKenna was very good at grooming the community. He lifted the reputation of the Hostel by increasing enrolments, involving the students in community service, and organising fundraising activities for facilities at the Hostel which brought accolades upon himself.⁷⁶

Mrs Cant has also referred to a 2006 textbook ‘The Socially Skilled Child Molester: Differentiating the Guilty from the Falsely Accused’ which states:

⁷⁰ St Andrews Hostel Katanning Board Minutes, 8 December 1982.

⁷¹ Fraser P, 1985, Great Southern Herald *Honour for St Andrew’s*, 24 October, p.1.

⁷² The Great Southern Herald 1986 *Waiting list to join St Andrew’s happy family*, 7 May, page unknown.

⁷³ Fraser P, 1988, Great Southern Herald *St Andrew’s the State’s Top Hostel*, 19 October, p.1.

⁷⁴ Brokenshire S J *Inquiry Transcript of Evidence*, p. 1345.

⁷⁵ Parker I G, Submission *Child Abuse in Boarding Schools*, undated.

⁷⁶ *Inquiry Transcript of Evidence*, p. 873.

“child molesters groom the parents, school, church, clubs or any other organisations where children congregate into accepting them as upstanding in the community. These child molesters are known, loved, trusted or possibly feared, and their conduct is unfortunately assumed to be above reproach. As a result these offenders obtain continued free access to the victims by the very adults responsible for the protection of children... their skill of efforts often result in a variety of public accolades, including awards such as Man of the Year, Volunteer of the Year and Teacher of the Year; expressions of community gratitude for their good works.”⁷⁷

This description of the typical characteristics of a skilled and sophisticated child molester is clearly a very good fit for McKenna. Quite obviously he achieved all that he set out to achieve by his grooming of the Katanning community.

⁷⁷ *ibid*, p. 874.

10. The credibility of witnesses generally

This Inquiry has heard from a total of 149 witnesses, 64 of whom gave evidence about mostly non-controversial (or less controversial) matters and had their statements read into the transcript. The remaining 85 witnesses have given oral evidence which to a greater or lesser degree concerns matters about which other witnesses disagree. The evidence generally covers a wide variety of different incidents spanning the 15 year period between 1975 and 1990.

In the many instances where two or more witnesses differ as to a particular issue of fact this can be due to a number of factors. It may be that one or more of them is unwilling to be honest because it is not in the interest of that witness to tell the truth of what happened. More often, the differences in the evidence will be attributable to the poor memories of witnesses. Nearly every witness has experienced problems with accurately recollecting events which occurred so long ago. Particularly with peripheral matters (such as dates, times of day, the precise words used in a conversation) it would be a very rare witness who is capable of a completely reliable and accurate account of an event which happened more than 22 years ago.

Over the past few decades there have been numerous scientific studies into the reliability of human memory of events which occurred a long time previously. In 2008 the Research Board of the British Psychological Society prepared a summary of these scientific studies for the purpose of assisting all participants in the justice system. It also issued some "Guidelines on Memory and the Law" containing certain "key points" which included the following:

"Key points

- i. Memories are records of people's experiences of events and are not a record of the events themselves. In this respect, they are unlike other recording media such as videos or audio recordings, to which they should not be compared.***
- ii. Memory is not only of experienced events but it is also of the knowledge of a person's life, ie schools, occupations, holidays, friends, homes, achievements, failures, etc. As a general rule memory is more likely to be accurate when it is of the knowledge of a person's life than when it is of specific experienced events.***
- iii. Remembering is a constructive process. Memories are mental constructions that bring together different types of knowledge in an act of remembering. As a consequence, memory is prone to error and is easily influenced by the recall environment, including police interviews and cross-examination in court.***
- iv. Memories for experienced events are always incomplete. Memories are time-compressed fragmentary records of experience. Any account of a memory will feature forgotten details and gaps, and this must not be taken as***

any sort of indicator of accuracy. Accounts of memories that do not feature forgetting and gaps are highly unusual.

- v. **Memories typically contain only a few highly specific details.** Detailed recollection of the specific time and date of experiences is normally poor, as is highly specific information such as the precise recall of spoken conversations. As a general rule, a high degree of very specific detail in a long-term memory is unusual.
- vi. **Recall of a single or several highly specific details does not guarantee that a memory is accurate or even that it actually occurred.** In general, the only way to establish the truth of a memory is with independent corroborating evidence.
- vii. **The content of memories arises from an individual's comprehension of an experience, both conscious and non-conscious.** This content can be further modified and changed by subsequent recall.
- viii. **People can remember events that they have not in reality experienced.** This does not necessarily entail deliberate deception. For example, an event that was imagined, was a blend of a number of different events, or that makes personal sense for some other reason, can come to be genuinely experienced as a memory, **(these are often referred to as "confabulations")."**¹

These "key points" resonate with my own experiences (as a Counsel and then a Judge) in respect of countless witnesses over many years, and provide a helpful framework within which to consider the reliability of the evidence from particular individuals. I consider key points vii and viii to be particularly significant in the circumstances of the present Inquiry where many witnesses have had cause to reflect on relevant events on a number of occasions over the intervening years.

During 1990 and 1991 nearly all of the witnesses who played a role in the events the subject of this Inquiry had cause to repeatedly remember what happened as a result of Dennis McKenna being charged, going to trial, and then being sentenced for his first set of convictions. These witnesses had further cause to reflect on the relevant events in the course of 2010 when McKenna was again arrested, charged and sentenced for his second set of convictions. There were yet further occasions when they would have recollected the relevant events as a result of the publicity surrounding the present Inquiry, being contacted and questioned by the investigators, and then being summonsed to appear as witnesses.

Each time that an event is remembered it is possible for the memory of it to be subtly and subconsciously modified. Over a lengthy period of time that memory can significantly change, and from my own experience with the justice system it will usually change in a way which favours the self-esteem and self-image of the individual who is remembering the particular event. For these reasons it is possible for a witness to give an honest account of a long distant event in which he or she was intimately involved, but still be completely wrong about what happened.

¹ The British Psychological Society, 2008, *Guidelines on Memory and the Law: A report from the Research board*, United Kingdom, p 2.

Nevertheless, a witness is more likely to retain an accurate recollection of the substance of an event than about matters of detail. The recollection is also more likely to be reliable if the event had a traumatic impact at the time it happened, was a unique experience, or occurred on some memorable occasion. (For example most people can remember where they were and what they were doing when they first learned that Princess Diana had died, or when the World Trade Centre was attacked).

In the end, and in relation to the evidence of each witness at this Inquiry, I have had to assess whether that witness did his or her best to tell the truth, and if so, to what extent I can accept the evidence as being accurate and reliable. These assessments of the truthfulness and accuracy of any evidence are not necessarily mutually exclusive and in some instances I have come to the conclusion that a witness' evidence is unreliable without being certain of the cause.

Some witnesses whose credibility is in issue enjoy high reputations in the community for the good work they have done in the past (and in some instances continue to perform). Some also have received honours or awards for their service to the community. Obviously I should have regard to the past good reputation of a witness when deciding whether to accept that he or she is being truthful. However, that past reputation cannot be determinative of the question of whether or not their evidence is reliable. In the end, my findings must be based upon the facts as established by the evidence overall and irrespective of any particular witness' past reputation.

Given the nature of the events the subject of this Inquiry, as well as the particular people involved, it is inevitable that my findings will damage the reputations of some individuals. That is an unavoidable consequence of revealing the truth of what happened. In that regard, my role as Special Inquirer is not to judge the character of any particular witness, but to establish the true facts of the matters encompassed within my terms of reference. Although the truth can hurt, it needs to be remembered that all humans are capable of mistakes. Even very good people can make very serious mistakes.

During the period which elapsed between 1975 and 1990 there were numerous incidents or episodes when public officials or other individuals were, might, or should have become aware of the possibility of sexual abuse occurring at St Andrew's Hostel. In the following Chapters 11.1 to 11.20 I set out each of these incidents in approximate chronological order by summarising the evidence and making the relevant findings of fact. Nearly all of these incidents were missed opportunities to have the ongoing offending of Dennis McKenna brought to an end.²

In Chapter 11.21 I deal with an incident of similar importance which was relevant to the offending of Neil McKenna. Chapter 12 sets out the evidence and findings in respect of allegations made to public officials in the mid-1970s concerning sexual abuse which was occurring at St Christopher's Hostel in Northam. Chapter 13 addresses the issues arising from the handling of similar allegations of sexual abuse at Adamson House in Northam, Hardie House in South Hedland, and at the Narrogin Hostel. Finally, Chapters 14 and 15 relate to findings generally in respect of St Andrew's Hostel and the Country High School Hostels Authority.

² Transcript referencing in subsequent pages relating to missed opportunities and findings are intentionally in-text to assist with cross referencing of the Inquiry Transcripts of Evidence. All other referencing is by footnote for full identification.