

12. St Christopher's Hostel, Northam

12.1 Background and history

In 1941 the Anglican Church established the St Christopher's Hostel at Northam to provide residential accommodation for boys attending Northam High School. Because of the nature of the buildings in which the Hostel was originally housed it was nicknamed by its boarders as "the hut", and it continued to be known by that name during the 1970s. Girls attending at Northam High School were accommodated in a separate hostel (established in 1938) known as Adamson House. When St Christopher's Hostel closed in 2003 it was replaced by Adamson House which became a co-educational hostel for both girls and boys.

The Anglican Church continued to administer St Christopher's Hostel after the Country High Schools Hostel Authority (the Authority) was formed in 1960. The Authority used its powers under its Act to delegate responsibility for this continuing administration of the Hostel to the Anglican Church. Accordingly the Church remained responsible for the Hostel's day-to-day management, and also selected the members of the St Christopher's Board.

The Board members were chosen in accordance with a statute of the Synod of the Anglican Diocese of Perth. Its Chairman was the Archdeacon of Northam and other ex-officio members were the Principal of Northam Senior High School, and a nominee of the Northam Town Council. The parents of students boarding at the Hostel were entitled to elect two Board members, and the remaining two members were elected by Synod (t 3456).

By 1976 the title of Archdeacon of Northam had merged with a position of greater authority known as "Archdeacon of the Country". The holder of that title was responsible for overseeing the management of all five Anglican country hostels in the Diocese (at Esperance, Moora, Merredin and Northam) and also was Chairman of each of their Boards. The incumbent in that position from 1976 until 1979 was the then Archdeacon (and now Bishop) Michael Challen who was also a Board Member of the Authority. It is Bishop Challen's evidence that there was never a clear boundary line between the responsibilities of the Authority and the responsibilities of the Church. The Authority was responsible for basic matters such as land, buildings, and finances, and while it also had an interest in all other matters, these remained within the purview of the Church. Certainly Bishop Challen regarded any appointment or dismissal of the Warden of St Christopher's as a matter within his responsibility as Chairman of the Hostel Board (t 3519-3520).

However, it would seem that in the early 1960s the power to appoint wardens to Anglican hostels had belonged to the Archbishop. On 7 October 1963 the St Christopher's Board recommended to the Archbishop that Roy Wenlock be appointed as Warden of its Hostel, and in November that recommendation was approved. Mr Wenlock was then a single man aged 31 years working as a bank officer in Merredin where he was also part-time Warden of the St Michael's Hostel. In order to transfer to Northam he had to resign from his employment with the bank and he then became the full time Warden at St Christopher's. He had strong connections with the Anglican Church and had been appointed a lay reader (entitling him to wear robes during services) at the age of 18.

As Warden of St Christopher's Mr Wenlock soon gained a high reputation in the Northam community. The general view was that the Hostel was being run well, and its students gained high academic results. Mr Wenlock also was a member of the local Rotary and Repertory clubs, a regular participant in community events, and mixed with prominent people in the town. He was regarded as "a man of presence" who was good at public speaking and very pleasant and cordial towards people generally. Mr Wenlock also required Hostel students to participate in activities such as community fundraising, and collecting rubbish from the sides of roads. By the 1970s he had become "revered in the community" and was widely considered to be a man beyond reproach (t 3242, 3253, 3274, 3398, 3413).

12.2 Mr Wenlock's reputation amongst Hostel students

For most of the time that Mr Wenlock was Warden, St Christopher's Hostel had a complement of approximately 150 students. He applied high standards of discipline, ensured that students did their homework, and encouraged them to achieve high academic results. He also encouraged students to participate in sporting and leisure pursuits, and coached the Hostel cricket team. Accordingly, some former students have very good memories of their time at St Christopher's Hostel (t 3324, 3336, 3468-9).

However the great majority of former students from St Christopher's who have contacted the Inquiry have expressed very negative sentiments towards Mr Wenlock (nicknamed "Snoz"), and the following is a typical example:

"Wenlock was a powerful man with an intimidating presence. I would describe him as calculated and cunning.

He was someone that you could never say "No" to. Whatever he said you had to do or you knew there would be consequences.

If you fell into Wenlock's bad books so to speak he would set about making life hard for you.

He would get his chosen Prefects to single you out and bully you or remove privileges like being able to go into town on weekends. Things that don't seem much to an adult but to a kid at boarding school, it was a big deal." (t 3328)

Wenlock also either encouraged or tolerated the practice of "nuggetting" which involved boys being stripped of their clothing by fellow students and then having their genitals rubbed with shoe polish, toothpaste, or sometimes more harmful substances (t 3238-3240, 3334). (Of my own knowledge nuggetting was a fairly common practice at most secondary schools up until that time). Wenlock also had what most former students regarded as an obnoxious habit of watching boys while they were showering each morning:

"Wenlock...watched all the boys shower every morning.

Wenlock's excuse for watching the boys shower was to do a daily roll call.

There was no privacy in the showers. About fifteen boys at a time lined up alongside each other and showered in an open bathroom.

This has always stood out in my mind as weird as it was pretty obvious to all the boarders that Wenlock did the roll call in the showers each day for the sole purpose of perverting on the boys while they were naked.

On the odd occasion that Wenlock was unable to do the morning roll call, he gave the task to one of the House Masters.

When a House Master did the roll call they always faced away or stood outside the shower room and ticked us off while we were in our dressing gowns as we walked into the bathroom area." (t 3329)

12.3 The system of discipline including caning

Wenlock imposed a strict system of discipline within the Hostel including fairly detailed rules which students were required to obey. The prefects appointed by Wenlock would monitor compliance with these rules. Upon observing any breach a prefect would either inflict some form of punishment himself (including caning) or report the matter to Wenlock so that it could be dealt with (t 3342).

Up until at least 1971 the cane would be applied either to a boy's bare buttocks while bent over (t 3329, 3342), or to an extended hand (t 3330, 3340, 3405, 3406). However in his later years as Warden, Wenlock restricted caning to boys' hands.

The cane was used frequently and even for very trivial breaches such as arriving five minutes late for study (t 3275, 3295, 3330, 3340). Wenlock had an unusual variety of "canes" including at one time a straightened out piece of plastic hula hoop (t 3244, 3741). When punishing a student he would raise the cane to a great height and bring it down with such force that it caused many who saw it to cringe (t 3330, 3340). A boy who received this punishment sometimes had difficulty afterwards in using the affected hand to hold a pen or cutlery (t 3340).

There were at least two instances of caning by Wenlock which caused permanent injury to the boy's hand (t 3284, 3746). One of these happened to a 14 year old boy in 1971:

"Somewhere in the middle of the year, I was caught smoking again. The next day I had to go see Wenlock. He said he'd been told I'd been smoking. That's when I got the caning of all canings. Snoz, made me pick one of his canes. I picked the smallest one.

Wenlock kept caning me, trying to make me cry but I wouldn't break. I couldn't tell you how many times he hit me but he kept going and going until he couldn't anymore and had to stop.

During the caning I could see my little finger was bent into an "L" shape. Wenlock broke my finger. He shit himself. He told me to get dressed out of my pyjamas and he drove me in his personal car to the Northam Hospital.

Wenlock said something like...just tell them you did it at football.

When we got to the hospital...I told the Nurse or Doctor I'd hurt it at football, like Wenlock told me...Either the Doctor or Nurse said I had to go to Perth to get it fixed.

On the way back to the Hostel, Wenlock said it was my fault for smoking. He said he would have to tell my parents and they wouldn't be happy if I got expelled. So I said I would just leave it.

As a result of the caning by Wenlock my little finger was badly damaged and is still bent and twisted.” (t 3746, 3747)

There were also occasions Wenlock would cane numerous students all at the one time. “C” has described an incident which happened when he was 12 years old when he was one of a large group of boys, some of whom had “caused a commotion”:

“...Wenlock responded and insisted on the boys providing the culprits, and everybody refused to talk so he started caning, and we just kept on walking through and getting onto the back of the line until he gave up, so I think probably on that occasion I would have ended up being hit about a good dozen times...There would have been close to 25 to 30 boys just continually going through the cycle...” (t 3245)

Ultimately, the Hostel Board decided to ban the use of the cane by prefects, and to restrict its use by Wenlock himself. The minutes of 15 September 1975 recorded that:

“The Board was glad to hear the report from the Warden on the subject of caning of students. The cane could be used by the Warden only and only when absolutely necessary”

When Bishop Challen first visited the Warden's Office (upon becoming Chairman of the Board) he noticed a cane on Wenlock's desk. He asked Wenlock what it was for and was told “for punishing boys”. Bishop Challen then said to Wenlock “well I don't want you to use that” (t 3467).

There is also evidence which shows that Wenlock was sometimes inconsistent in his application of discipline, and an example was with students caught smoking. It was a rule of the Hostel that students were not to smoke cigarettes, and those caught doing so were often caned (t 3244, 3284, 3366, 3746). However on other occasions, and particularly when Wenlock invited students to his flat, he would sometimes offer them a cigarette (e.g. t 3269-70, 3279, 3405-6, 3745, 3849).

12.4 Wenlock's “wrestling” (also known as “bruting”)

It was against the background of this brutality and discipline that Wenlock regularly directed individual boys to report to his flat on some pretext and then required them to engage in “wrestling”. For reasons which will become apparent, the boys gave Wenlock's wrestling the different name of “bruting” (and given that it was not really wrestling I will call it by that name). None of the boys enjoyed being “bruted” and there was regular speculation and teasing about who would be the next one to be summoned to Wenlock's flat. It was also well known that Wenlock would insist on a boy being bruted upon his birthday, and for that reason students who celebrated a birthday while at home on a weekend considered themselves very fortunate to have missed out.

The bruting always involved the same bizarre and ritualistic form of physical contact which the boys had to perform for Wenlock's sexual pleasure. He invariably made the boy strip down to his underpants while he did the same. Sometimes there was then a pretence of

some form of normal wrestling but it would always end up with Wenlock on his back on the floor. Wenlock would then require the boy to straddle him across his pelvic area so that the boy's buttocks were resting on top of his groin. The boy then had to lean forward and grip Wenlock very hard under each of his armpits. Once the boy was in this position Wenlock would bounce around and pretend to try to buck the boy off while at the same time continuously moaning and repeating the words: "you brute", "you brute" (t 3297, 3332).

The effect of this was that the boy's anal area would bump and grind against Wenlock's groin. Some former students distinctly recall Wenlock's erect penis rubbing against their bodies (t 3270-1, 3266, 3332, 3364) and of him ejaculating as a result (t 3250). Others recall him immediately going off to his bathroom once the bruting had finished (t 3266, 3745-6). The bruting itself could last for up to one or two hours (t 3250, 3266), and Wenlock's up and down motions would cause the two of them to move around the room. One witness remembers one particular bruting when he was moved through Wenlock's lounge room and into the bedroom (t 3297).

Sometimes there were variations to Wenlock's normal bruting procedure. Occasionally more than one boy was present and they took it in turns to straddle Wenlock (t 3247, 3249, 3331, 3348). Wenlock often required particular boys to change into "leopard skin jocks" or "jock-style bathers" before the bruting commenced, and he also sometimes changed into something similar (t 3266, 3270, 3272, 3275, 3323, 3332, 3742). On a few occasions boys were not required to remove any clothing at all (t 3346, 3952), and there were also two instances when the bruting occurred in the Hostel's music room (t 3343-7).

A total of 18 former students of the Hostel have come forward to the Inquiry to give plausible accounts of being bruted in this fashion (t 3249-50). There are also many others who have not come forward but who were seen to go off to Wenlock's flat and to return at a later time complaining of having been bruted or looking upset (t 3318, 3371). Some boys were chosen by Wenlock to be bruted only once or twice, but others had to attend such sessions very frequently. The witness "C" experienced his first session at the age of 12 and the brutings then continued as frequently as once a week for the whole of his five years at the Hostel (t 3249). For other students it would seem that their brutings ceased once they became prefects (t 3323).

Nearly all of the witnesses who were subjected to this treatment have stated that they did not enjoy the bruting sessions, and some say that after each session they felt disgusted and upset (t 3301, 3333). (One describes dry-retching as a result – t 3333). As to the reasons why they complied with Wenlock's wishes, the following is a good summary:

"...I was 13 or 14 years old. It was a different era in those days. Kids...in those days weren't encouraged as perhaps children are now to have rights and be forward about those rights. We were taught that adults told you what to do and you complied. Further to that, I was 100 miles away from my parents. I had to live there and this person had...any power he liked over you...I didn't feel as if I had any alternative." (t 3297)

A further compelling reason to comply was that any failure to do so resulted in punishment. One 14 year old boy who suddenly decided that he had had enough of bruting put Wenlock in a headlock during his last session, and "really hurt him". After that Wenlock caned him for "anything and everything", made his life "unbearable", and ultimately expelled him from the

Hostel. As the boy had nowhere else to stay he ceased his secondary schooling and joined the navy (t 3271).

Another boy, "W", who rejected Wenlock's sexual advances (see 32.5 below) received similar treatment. Wenlock victimised him and used the "smallest possible excuse" to berate or to cane him. An example was when he was punished for allowing a small portion of a coloured t-shirt to be visible above the collar of his outer shirt. This incident escalated and the boy was expelled, but the expulsion was later rescinded as a result of his mother's intervention. "W" had been academically bright and at the top of his class when he commenced his secondary schooling. However as a result of Wenlock's victimisation he became despondent, gave up, and failed his junior exam (t 3285-9).

12.5 Evidence of sexual misconduct other than bruting

There is evidence of two separate instances when Wenlock's sexual predation went beyond that involved in mere "bruting" sessions (and it is reasonable to infer that these were not the only instances). The first involved the witness "W" who commenced boarding at St Christopher's Hostel in 1970 when he was 13 years of age. After he had been at the Hostel about three months he was instructed to go to Wenlock's flat, and "W" went there with some trepidation because he thought he was in trouble. However when he knocked on the door of the flat he was invited in and asked by Wenlock to sit next to him on a couch. Wenlock then chatted with "W" amiably, and provided him with initially a cigarette, and then a glass of beer. "W" finished the beer very quickly hoping that he would be allowed to leave, but Wenlock filled the empty glass from a bottle and topped it up again.

While continuing to chat to "W" Wenlock placed his hand on the boy's leg and left it there for a while. Wenlock then moved his hand up to the boy's genital area and started rubbing him through his clothing. "W" panicked and stood up, but didn't know what to do. When he said that he would like to go back to his dormitory Wenlock responded that "everything was okay". "W" then insisted on returning to the dormitory but before he was allowed to go Wenlock obtained his assurance that he "wouldn't mention this to anybody" (t 3279-3280). However that did not stop Wenlock from later victimising the boy in the manner I have outlined above.

The second instance of such misconduct was much more serious. The witness "Q" commenced to board at St Christopher's in 1971 in his second year of high school while aged 14. He describes himself as being a "good looking, quiet kid who always had a fit body". One day he was caned for smoking and later told to report that night to Wenlock's flat.

When "Q" arrived at the flat Wenlock told him that "you shouldn't be smoking and let's forget it". Wenlock also said "let's do a little bit of wrestling". "Q" was then made to change into some "leopard skin jocks" that Wenlock produced, and Wenlock did the same. Wenlock then lay down on his back on the floor and instructed "Q" on how to participate in his first bruting session. It ended with Wenlock ejaculating and telling "Q" that it was time to go (t 3742). It is "Q's" evidence that thereafter:

"Wenlock had either a Prefect or House Master call me up to his flat every time after he caned me. It felt like he caned me every week, sometimes 3 times a week, sometimes less. He seemed to have all sorts of reasons to cane me and then offer 'solace' in his flat afterwards by wrestling me." (t 3742-3)

"Q" also had to undergo "wrestling" sessions whenever he reported to Wenlock after playing sport or going into town. Wenlock also introduced "Q" to alcohol and allowed him to smoke cigarettes (which confused "Q" because he was caned whenever he was caught smoking outside Wenlock's flat).

One day "Q" asked Wenlock about the purpose of the wrestling sessions and "what he was doing". Wenlock responded by saying "it's all about the birds and the bees". He went on to say that when you become a man you have erections and also spoke of "discharge and a feeling of nirvana". Wenlock then pulled his penis out of his pants and said "it's easier if someone else strokes it". He also instructed "Q" on how to masturbate him to ejaculation and did the same to "Q". From then on:

"The routine was a quick wrestle after a smoke or a drink, sometimes both, then I would masturbate him and he would do the same to me. Then he would wash me in the shower." (t 3746)

This routine was briefly interrupted for about four weeks as a result of the caning incident when "Q" broke his little finger (as outlined in 32.4 above). After that, on the many occasions that "Q" was called to Wenlock's flat:

"We didn't wrestle for as long anymore. I think the wrestling was the way he could covertly get me into the shower with him after the wrestling got him a little bit excited. I would masturbate him and he would do the same to me and then he would wash me in the shower." (t 3747)

This routine progressed to mutual oral sex and ejaculation while they were both in the shower. However once this had happened: "he couldn't get you out quick enough. He would have a look of shame on his face" (t 3748). Importantly, it is also "Q's" evidence that:

"Again, towards the end of the year, I can't remember when it started, Wenlock asked me to wash his car with him. Then I went with him to his flat. There was a knock on the door and a bloke turned up.

Wenlock said this bloke was a friend of his who liked to watch our wrestling matches. I was uncomfortable that the bloke was there and that he wanted to watch Wenlock wrestle me.

I recognised this bloke as a person who addressed us at St Christopher's School Assemblies. He was the head honcho. By that I mean he was a high profile person from the local Church. He was always in a suit and collar. He was the one in power, even over Wenlock.

He wore glasses, had black hair which was thinning at the sides. I can't remember if he had an accent and I'm not sure if I would recognise him again after such a long time.

I have seen Michael Challen on the news and I didn't recognise it to be him or remember if he was at the Hostel at any stage.

Wenlock introduced me to the bloke as Michael and the bloke said he was also called Michael.

He said something like, 'It's a lovely name. It's the same as mine, St Michael.'

He never spoke after that or participated. The bloke just sat on a single chair while Wenlock wrestled with me.

Wenlock lay down on the floor. He told me to sit on top of him and put my hands under his armpits and squeeze. He bucked his hips around to try and get (me) off him. He got excited as he usually did and then told me to get off. Wenlock said I can go now. I left straight away. Nothing else happened.

This bloke watched about 7 or 8 times. It became a Sunday ritual.” (t 3749)

All of these events occurred in 1971 when “Q” was either 14 or 15 years old. It is “Q’s” evidence that he was relatively naïve when the sexual abuse started and did not understand its significance at that time. At a later stage he became uncomfortable about what Wenlock was doing but continued to participate because of threats that were made to him. The threats from Wenlock were to the effect that “Q” could get expelled for smoking and that if this happened his parents would be unhappy and he might be made a Ward of the State (t 3750). Because of particular circumstances in “Q’s” background (of which Wenlock was aware) there was reason for him to believe these threats.

12.6 Evidence as to the possible identity of the other priest

The Archdeacon of Northam in 1971 was the Venerable Norman Apthorp who had been ordained as a priest in 1951 on Michaelmas (i.e. St Michael’s Day). Venerable Apthorp is now 87 years of age and in a fragile condition, and living in a retirement home.

For the purpose of assisting “Q” to identify the priest who sat in on some of his “wrestling” sessions with Wenlock, he was asked to participate in a rudimentary process of identification. He was shown a series of five photographs taken from the period around 1971 depicting groups of people including priests. Three of these photographs included Venerable Apthorp, one of which showed him face on in an open collared shirt, another being a side view whilst conducting a service, and the last a full face photograph of Venerable Apthorp alone. “Q” identified (only) the side view of Venerable Apthorp as the priest who had attended the wrestling sessions, but did not identify him in the other photographs. In all of the circumstances this is not a reliable identification.

Venerable Apthorp has been interviewed by the Inquiry’s investigators and denies that he ever sat in on any wrestling sessions between Wenlock and any boys. During the interview, the Venerable Apthorp was also asked to respond to the evidence that in 1977 he told Bishop Challen that he had been aware of rumours of “misbehaviour” by Wenlock (see further detail in 12.9). Venerable Apthorp responded that it was “quite untrue” that he had said that to Bishop Challen and he was then asked:

“INVESTIGATOR: ...we’ve had a lot of people giving evidence about the kind of wrestling sessions. Did you ever hear anything about the wrestling?”

REV APTHORP: Well, I heard that – I knew that when, you know, they’d been doing school all day and then prep at night, they just needed to let off steam, and they had some romping about.

...

REV APTHORP: And then lights were out. So I only knew it as a cheerful rough and tumble to let off steam at the end of a boys' school day.

INVESTIGATOR: And can I ask how did you hear about that?

REV APTHORP: Well, that was, I think, known at the time, that, you know, they needed a break.

INVESTIGATOR: So, like, when you say it was "known at the time", I suppose what I'm wondering is how would you know that something like that was going on.

REV APTHORP: Well, I was Chairman of the Board, and it came out at Board meetings I expect.

...

REV APTHORP: But nobody suspected anything out of order; simply a human experience of letting off steam after a busy day with a crowd of boys." (transcript of interview 2 July 2012 p 8-9)

While I accept "Q's" evidence that a "head honcho" priest did sit in on approximately seven or eight of the "wrestling" sessions between him and Wenlock, there is insufficient evidence for me to reliably determine who that priest was. Regrettably, that is a question which will have to remain unresolved.

12.7 1975: The first known complaint against Wenlock

The Inquiry's investigations reveal that the witness "P" (who boarded at St Christopher's Hostel from 1975 onwards) was the first boy known to have made a formal complaint against Wenlock. "P" grew up on his family's farm in the central wheatbelt and during his final year of primary school tended to "hang around" with older boys from the Hostel when they were home on holidays. These older boys warned him "not to mess with Wenlock" and to make sure that he was never alone in a room with him. As a naïve 12 year old "P" really didn't understand what the older boys meant when they teased him by saying:

"You'll be fresh meat, he likes young blonde haired blue eyed boys" (t 3340).

Soon afterwards "P" commenced his first year at St Christopher's and he was unaccustomed to the regime of strict rules and discipline. He was caned numerous times by Wenlock who "wielded the cane like he was fencing". On one occasion the lashings from the cane were so severe that "P" was unable to hold cutlery to eat his dinner that night. Another time when he was caned in the morning before school he was unable to hold a pen in his hand (t 3340).

There were a number of handpicked prefects who exercised a supervisory role, and according to "P" they "danced to Wenlock's tune well and truly". One of these prefects was a "huge lad, much bigger in build and taller than any of the other boarders" who would cane junior students whenever he felt there had been a breach of a Hostel rule. Prefects would cane boys for the most trivial of breaches such as talking to each other after lights out. Prefects also threatened younger boarders that they would force them to commit homosexual acts with each other (masturbation and "head jobs") if they continued to breach any rules. The intimidation and fear that this caused to "P" was "horrific" (t 3342).

One day during "P's" first few months at the Hostel a senior prefect forced him to stand at the end of his bed while he was repeatedly punched in the stomach and ribs. As a result of the injuries received "P" was in agony that night and his parents were contacted by someone at the Hostel. His parents collected him from the Hostel on the following day and he was taken to a doctor who treated him for broken ribs and bruising (t 3342-3).

"P's" parents were outraged by what had happened, and during a confrontation at the Hostel his father warned Wenlock that "it better not happen again". According to "P" there is "no doubt that Wenlock knew about the beatings prefects dished out to boarders" and he does not recall that any reprimand was ever given to the prefect who had beaten him (t 3343).

During "P's" first term at Northam High School he commenced piano lessons. The Hostel had a sports pavilion with a room attached where the musical instruments were stored. "P" was keenly interested in music and would go to this room whenever he could to play around with the instruments.

One Saturday morning in 1975 "P" was in the music room alone with the door closed while tinkering around with instruments. Wenlock came into the room without warning and locked the door from the inside. Wenlock then told "P" that he would show him some ways to defend himself if he ever had any trouble with bullies. "P" was very wary of Wenlock given the warning he had received before coming to St Christopher's but felt that he had no choice but to comply with this demand. According to "P":

"Wenlock initially showed me shoulder restraint type moves then after a short time, took off his shirt and wrestled me to the ground. He lay flat on his back and told me to sit on top of him with my backside seated over his groin. There was no doubt that his penis was knocking on my back door so to speak.

I could feel that he had an erection.

He told me to pinch him under his armpits while I was sitting on him and repeatedly said to me "A boy like you could hold me down, you have to fight harder."

After a while of me straddling Wenlock and pinching his armpits, he flipped me over so that I was lying with my back on the ground and he was on top of me.

From this position, he pinched me under the armpits and basically rubbed his erect penis against my groin.

Wenlock placed his face very close to mine and looked right at me as he did this. It was very freaky.

The situation Wenlock put me in was just awful. I was a thirteen year old kid and I felt like he was looking for some sort of positive reaction from me to what he was doing.

It's sick that the Warden of a hostel of school aged boys would sit a thirteen year old on his erect penis.

This so called wrestling with Wenlock went on for about fifteen or twenty minutes. I think he realised I was afraid of him so he stopped, got up off the floor and said "Keep practicing those moves."

Wenlock was standing in front of me and I was still seated on the ground. I vividly recall seeing him standing there with a full blown erection. He was wearing long slacks and a white singlet.

I felt awful. It was like my whole world had changed. I learnt that day what other boarders meant when they spoke about Wenlock's bruting.

Wenlock put his shirt on, unlocked the door and left the room." (t 3344-5)

"P" felt very scared by what had happened but did not know what to do, and did not inform anyone of this first bruting session with Wenlock. Later that same year (while "P" was still 13 years old) he experienced a second bruting in very similar circumstances. He was playing with some musical instruments when Wenlock once again walked into the room and locked the door. This time Wenlock stripped down to his underwear and forced "P" to participate in a bruting session for nearly an hour. "P" was then made to position himself on his hands and knees facing away from Wenlock while "he rubbed his erect penis against ("P's") backside" (t 3346).

This ceased when Wenlock was disturbed by people knocking on the door of the music room wanting to come in. Wenlock then got up, dressed himself, opened the door and left. "P" gave up playing music from that day forth so that Wenlock would never have the opportunity to get him again (t 3347).

When "P" next went home on holidays he told his mother what Wenlock had done. He informed her of all of the details, and she was so outraged that she went to the Northam Police. Accordingly, when "P" returned to school at the beginning of the next term, he was taken out of class and spoken to by a Northam detective. "P" cannot recall the detective's name, but remembers being taken to the front of the school, and talking to him inside a police car. It is "P's" evidence that:

"I was questioned intensively by the Detective. I told him what Wenlock did to me and he told me he'd heard about Wenlock's behaviour but that "It wasn't enough" and to call him if Wenlock did anything more.

I didn't hear of any further Police inquiries into Wenlock's behaviour but about three or four months later the same Detective came to the school to deal with a spate of thieving.

A lot of students were spoken with and when it came to be my turn, the Detective asked me if Wenlock had done anything more to me or other boarders that I knew of.

I told the Detective nothing more had happened. He gave me his business card and again said to call him if I had any further issues." (t 3347-8)

The Hostel records show that Wenlock was on long service leave during the second term of 1975 and went overseas on a world trip visiting schools and hostels (with a letter of introduction from the Minister of Education). The first term ended on 9 May and Wenlock was away between 26 May and 22 August 1975. The third term commenced on 8 September 1975 which means that there was no time for the second bruting to have occurred between 22 August and the commencement of the fortnight's school holidays. The only reasonable inference in these circumstances is that both brutings occurred during first term and that "P" must have informed his mother during the school holidays which commenced on 9 May

1975. "P's" birthday was on 26 January 1962, which means that he was 13 years old at the time of each bruting.

Regrettably no records have been found which refer to the 1975 police investigation or which identify the Detective who was involved. Assuming that "P" informed the detective of the same facts that are now the subject of his evidence, then these facts established that there had been two offences of indecent dealing with a child under 14 years of age (contrary to section 183 of the then Criminal Code). However, from what the Detective said to "P" he obviously did not consider that the evidence was sufficient to prosecute Wenlock. No doubt the Detective came to this view because of the lack of any evidence to corroborate "P's" story. (See Chapter 18)

Given the passage of time it is not now possible to determine whether or not the Detective exercised a sound judgment in deciding not to prosecute Wenlock. However, it is clear that the Detective did care about "P's" wellbeing because he followed up a few months later to check whether there had been any further episode of abuse. That unknown Detective is to be commended for his caring attitude and for treating "P's" complaint seriously.

12.8 Evidence of further complaints during 1976 and 1977

12.8.1 Background and general comments

During 1976 and 1977 there were three separate instances when an individual student who had undergone bruting sessions with Wenlock made complaints to authority figures either inside or outside the Hostel. There are issues on the evidence as to precisely when each of these complaints was made. In this regard, it is very apparent that some witnesses are confused about the sequence of events and that their memories of separate incidents may have merged into one.

Whenever the relevant events occurred, the complaints that were made ultimately resulted in the resignation of Wenlock as Warden of the Hostel. This resignation occurred in December 1977 and it was effectively forced on him by Bishop Challen acting as Chairman of the Hostel Board.

I will now summarise the evidence of the witnesses in what I consider to be the most appropriate chronological order given the likely sequence in which the relevant events occurred.

12.8.2 The evidence of "L"

After completing his first three years of secondary schooling at another high school, "L" commenced as a fourth year student at Northam Senior High school in 1975. He boarded at St Christopher's Hostel during 1975 and 1976.

When "L" arrived at the Hostel he was well aware of Wenlock's bruting sessions because he had been informed of these by his elder brother who had commenced the previous year. His elder brother had also warned him that if he was ever summoned to Wenlock's flat he should decline any offer of a soft drink because if he did accept a drink "he would grab you and give you a bruting" (t 3361).

Accordingly, when "L" was first summoned to Wenlock's flat, he refused the offer of a can of cool drink and thought that he was "safe". To his dismay he was not safe because Wenlock "jumped off his chair, grabbed me, threw me on the ground" and made him undergo a bruting which lasted one or two hours:

"He lay there and he was writhing - you know, his head was going back and he was going "You brute, you brute, you brute" and at the same time he was bucking from his hips and I could feel his penis pushing into my back...buttocks area." (t 3364)

Afterwards Wenlock left "L" alone until his last year at the Hostel (1976). "L's" second bruting occurred when he reported to Wenlock's flat upon his return to the Hostel after an outing. It was a rule of the Hostel that a student had to check-in in this way, and the checking in process usually involved only a brief exchange at the doorway to Wenlock's flat. However on this particular occasion "L" was taken inside and subjected by Wenlock to another "attempted bruting session".

"L" cannot remember all that happened but he recalls feeling Wenlock's penis while he was on top of him, and then losing control. He knew that Wenlock had a weak heart so he started "smashing him on his chest". "L" struck Wenlock hard about three times in the area of his heart, and then jumped up and ran out of the flat. As he did so Wenlock ripped the cheesecloth shirt that he was wearing (t 3369-3370).

"L" then ran to the unit of one of the housemasters Timothy Blee, and told Mr Blee what had happened. At that time he was feeling very upset because he had "tried to kill" the Warden. Mr Blee invited him inside his unit and played some music to settle him down. In the course of this "L" went into "one hundred per cent" detail and told Mr Blee "exactly what's going on" (t 3371). "L" then left the unit and he has no recollection that Mr Blee said anything about taking the matter further (t 3372).

"L" later complained to his mother about what Wenlock had done but she did not "really believe" him. "L" also told his friend Brett McIver (a student at Northam High School who was not a Hostel boarder) about the bruting (t 3373). "L" also remembers that another Hostel student (Ted Thompson) was bruted "later on" and that he "went to the McIvers" (t 3376).

12.8.3 William ("Ted") Thompson's evidence

William Thompson boarded at St Christopher's Hostel between 1972 and 1976 for all five years of his secondary schooling. During the whole of his time at the Hostel he experienced many bruting sessions.

These brutings by Wenlock always made Mr Thompson feel "very uncomfortable for somebody of my upbringing and I hated every minute of it" (t 3301). As he grew older he became increasingly upset by what was happening and he decided to speak to a friend who was not a Hostel student and lived nearby. In that regard:

"I was in my last year there and there was very little for me left to lose and Roy Wenlock's hold on me was going to be gone very shortly and I remember being very angry and very upset" (t 3304)

Mr Thompson's friend was Brett McIver who was the son of the local Member of Parliament Mr Ken McIver MLA. Mr Thompson had been to the McIver house socially a number of times

and knew where Brett Mclver's bedroom was. Accordingly, one night he crept out of the Hostel via the fire escape, went to Brett Mclver's house, and tapped on his bedroom window. Brett Mclver allowed him to climb inside and Mr Thompson then "discussed the matter with him at great length" (t 3303-4).

A few days later Brett Mclver approached Mr Thompson at school and told him that he had spoken to his father about the matter. He also said that his father wanted to meet Mr Thompson to discuss what had happened. A meeting was then arranged and Mr Thompson is fairly sure that he took another student with him whom he believes was the Head Boy at the Hostel, Adrian Gamble (t 3305).

Mr Thompson also believes that the meeting took place at Mr Mclver's house, and he recollects that apart from Mr Mclver "a member of the clergy" was there. He was told (either at the meeting or by Brett Mclver beforehand) that the other person present was a "prominent member of the clergy and he would be listening and he would do something about the situation" (t 3306-7).

Mr Thompson's "best memory" of the meeting is that it was the clergyman who asked most of the questions. As he considered himself to be in the position of "in for a penny, in for a pound" he told them everything he knew. He also gave Mr Mclver and the clergyman the names of at least half a dozen other Hostel students who would be able to confirm what he told them (t 3308-9). Mr Thompson had gone to the meeting expecting not to be believed, but left it one or two hours later feeling that he had been given a good hearing:

"I remember being very impressed. I was a bit in awe of Ken Mclver. He was a very important man, and I was very impressed that he would even take the time to meet with me, let alone take what I had to say seriously, but I was very happy with the reception I got from both men, and my impression was that they listened to me and they made no indication that they disbelieved me." (t 3309)

When the meeting finished Mr Thompson was not told by either of the men what they intended to do. It was not his expectation that they would tell him because back then "adults didn't tell you what they were going to do next. You were dismissed and they did what they wanted to do" (t 3310). Mr Thompson is certain that these events occurred during 1976 which was his last year at school. He is also "convinced" that his meeting with Mr Mclver and the clergyman took place late in that year (t 3310).

12.8.4 Michael Kalajzic's evidence

Michael Kalajzic attended St Christopher's Hostel for the whole of his secondary schooling between 1974 and 1978. Mr Kalajzic was not subjected to any bruting during his first three years at the Hostel, and it was only during his fourth year in 1977 that such an incident occurred.

It happened after Mr Kalajzic returned late to the Hostel after a weekend in Perth with his girlfriend. It was the first time that he had ever arrived late to the Hostel and he was required to check-in with Wenlock at his flat. When he did so, Wenlock invited him inside the flat.

Wenlock then started an arm wrestle with Mr Kalajzic which turned into a "friendly grandfather type wrestle". At some stage Wenlock was "only wearing his jocks and a robe" (t

3390). When Wenlock asked Kalajzic to take off his shirt the latter said "no".

The wrestling continued for about ten minutes until Mr Kalajzic felt that he had had enough. He told Wenlock that he was going, and "raced out of his room". Wenlock ripped Mr Kalajzic's shirt as he was leaving (t 3391).

It is Mr Kalajzic's evidence that he felt "freaked out" by what had happened, and when he returned to his dormitory he immediately told some other boys. The housemaster Mr Blee then came to the dormitory and said to Mr Kalajzic that he looked as "white as a ghost". When Mr Kalajzic described what had happened he recalls Mr Blee saying "that's enough" (t 3390).

Mr Blee then took Mr Kalajzic to see the Deputy Warden Mr Walter Dennison and his wife, and also described to them what had happened. Mr Kalajzic does not have a clear recollection of subsequent events but remembers that a meeting was held. He believes that those present apart from himself were his mother, Mr and Mrs Dennison, Mr Blee, and Michael Challen who was "a member of the Anglican Church". The next thing he knew was that, not long after the meeting Roy Wenlock resigned. This was done "very quietly", and Mr Kalajzic believed that it was the meeting involving him which had "instigated Roy leaving town" (t 3391-2).

An Inquiry investigator has spoken to Mr Kalajzic's mother Patricia Kalajzic and she does not have a good memory of these events. All she can recall is that her son complained about an incident involving an "arm wrestle" with Wenlock, and that she then attended a meeting. She does not have any memory of the details of the meeting or who else was there. However she does remember that Wenlock resigned "almost straight after the meeting or a short time after" (t 3392).

12.8.5 Timothy Blee's evidence

Timothy Blee was a teacher at Northam Senior High School for all of the school years from 1974 until 1978. When he arrived at Northam he arranged free accommodation at St Christopher's Hostel in return for being a "housemaster" supervising Hostel students during the evenings.

Later in 1974 Mr Blee moved out of the Hostel into private accommodation following a disagreement with Mr Wenlock about the latter opening his mail. However in February 1976, at Wenlock's request, he shifted back into the Hostel and resumed his housemaster duties. While at the Hostel he heard rumours about Wenlock wrestling with students which he thought was "a bit odd". He also heard "jokes and sniggers amongst the students about the wrestling but had no concerns that anything sexual was happening" (t 3409-3411).

Mr Blee is able to recall only a single incident when he attended to a distressed boy with a torn shirt who had complained of an incident involving Wenlock. His "best guess" is that the incident occurred in 1977, but it may have been 1976, and he does not think that it was 1978 (t 3413). His recollection is that he answered a knock on the door of his unit to be confronted by a very angry and distressed boy with a torn t-shirt. It is his recollection that this boy was accompanied by Michael Kalajzic who was "hovering in the background", and that they had both been involved in the one incident (t 3414-5).

Mr Blee does not remember inviting the boy into his unit or playing some music to try and calm him down. He does not think that he was told of any detail of what had happened but recalls saying that it was a “serious matter and I would send it on to the next line of command”. He also told the distressed boy:

“This could get rough because Roy is a very powerful person but, you know, if you want to proceed, proceed we shall” (t 3415)

Mr Blee then remembers “passing this information on to Wally Dennison and having a discussion with him about it”. The next thing he remembers is that he was asked to go to a meeting which he believes was attended by the School Principal (David Carlson) and Bishop Challen. He does not remember whether anyone else was present at the meeting but does “seem to recall” that Bishop Challen said something along the lines of “it’s all over, he’s been warned before”. He was also told that Wenlock would be leaving the Hostel and he thinks that this happened “pretty quickly” after the meeting (t 3416-3418).

It is important to note that David Carlson did not become the Principal of Northam Senior High School until 1977.

12.8.6 Brett Mclver’s evidence

Brett Mclver’s father, Ken Mclver, was the Member of the Legislative Assembly for Northam from 1969 until 198 and passed away in 1988. Brett Mclver attended Northam Senior High School between 1971 and 1976 (which included a repeat year). With regard to the timing of the events described by Mr Mclver it is important to note that he left Northam on the day that he completed his schooling in November 1976, and that he never returned to live there again.

During Brett Mclver’s time at Northam Senior High School he was friendly with many Hostel students and heard gossip about “bruting sessions” involving the Warden, Roy Wenlock, wrestling with boys. However he was not provided with any details of what happened during these bruting sessions until his final year at school in 1976. It was then that he was visited at home by some Hostel students who told him what had happened to them.

The first Hostel student to do so was “L”, and the second student who visited him was Ted Thompson. Each of them came to his house at night and knocked on his bedroom window. He then let each of them in without disturbing his parents. Brett Mclver’s evidence as to what happened (starting with the visit by “L”) is as follows:

“A. Well, he came around one night and tapped on the window and he was pretty upset. He was shaking and, you know; so he came in and we sat down and he told me what had happened to him, that he'd had, you know, had one of these sessions, and he was really upset about it.”

Q. So “L” was the first one?

A. Definitely. Well - he was the first person...that directly said to me what had happened to him, rather than just being general gossip and rumour, okay. He was specific in what he was talking about, you know. It was from the horse's mouth so to speak.

Q. And roughly how much later was it that Ted Thompson came around, do you think?

A. *I'm not sure...But it wouldn't have been long - a matter of days, weeks maybe.*

Q. *Now, once "L" had told you about that, did you ask him anything? Did you say anything to him?*

A. *I don't remember exactly what was discussed...*

Q. *Following that conversation you had with "L", did you then speak to any other students --*

A. *Yes. Well, subsequent to that night, another night Teddy Thompson came over and did the same thing and tapped on the window and he was telling me how he was upset and what had happened to him. And we discussed what we could do about it, and I said, "I'll tell dad".*

Q. *You didn't have any of that sort of discussion with "L"?*

A. *...I don't really remember, but sort of my recollection is that he wasn't that interested because of the trouble that he could get into taking it formally any further. I might be wrong on that.*

Q. *...So you spoke to Ted about raising this with your father and anybody else?*

A. *Adrian Gamble I also spoke to about that. He was the head boy at the hostel...And when I spoke to my father about it. He asked for me to set up a meeting with Adrian, as the head boy.*

Q. *...And how clear is your recollection on that?*

A. *Not very clear at all because it actually might have been Ted Thompson who had the meeting with dad...in my mind it's always been Adrian, and I just think of it that way, but it could have been Ted, come to think of it.*

Q. *What was your father's reaction when you told him what they'd had to say?*

A. *Well, he was pretty taken aback and he just said "Leave it with me and I'll sort something out".*

Q. *Can you recall whether anybody else was involved in this that was in authority?*

A. *From my memory, he set up a meeting with himself and Adrian and the minister...the Anglican minister at the time who was...the head of the board, chair of the board, whatever, of the hostel.*

Q. *And you didn't know what happened as an outcome of that meeting because your dad didn't mention it to you?*

A. *No..." (t 3383-6)*

Brett Mclver is certain that these events occurred in 1976 because of the fact that he left Northam for good in November 1976. He also thinks that it was during his last spring in Northam "perhaps around September" that he was visited by "L" and Ted Thompson and when the meeting with his father was arranged.

Mr Mclver also (wrongly) believes that it was in 1976 that Wenlock resigned as Warden of the Hostel, but he concedes that he may be mistaken about that because he visited Northam "quite a bit" during 1977 and kept up-to-date with local gossip (t 3387-8).

12.8.7 Adrian Gamble's evidence

Adrian Gamble boarded at St Christopher's Hostel between 1971 and 1976. In 1975 he became the Head Boy of both the Hostel and the Northam Senior High School.

During his third year at the Hostel Wenlock would sometimes invite him to have a "wrestle" with him. Wenlock required him to wear a pair of swim trunks "so my clothes would not get ripped". Wenlock would also wear swim trunks and they would wrestle on the floor of his lounge. Although at the time Mr Gamble did not have it in his mind that any sexual contact was taking place, he realised years later that it may have been done for the purpose of Wenlock gaining sexual satisfaction. When Mr Gamble became Head Boy his relationship with Wenlock changed and the "wrestling" stopped (t 3323).

Mr Gamble remembers that during his last year at the Hostel in 1976 there was an incident involving a student who had his shirt ripped while leaving Wenlock's flat one night. He does not recall the student's name.

Following that incident there was an "informal discussion" between some of the prefects about the bruting sessions and "how, if shirts were being ripped, it would need to stop". Mr Gamble was also aware at that time that "L", Ted Thompson and perhaps another student had spoken with Brett McIver who was the son of Ken McIver the local Member of Parliament.

Mr Gamble did not himself attend any meeting but he understood at the time that a meeting had taken place with Mr McIver and the Anglican Minister who was the Chairman of the Hostel Board. It was also his understanding that the Anglican Minister had then spoken to Roy Wenlock and told him that he was to stop having students in his flat unsupervised. These events were common knowledge among the prefects at the Hostel but perhaps not amongst Hostel students generally (t 3325).

After this happened Mr Gamble does not recall Wenlock ever inviting students to his flat. At the end of 1976 Mr Gamble left the Hostel and went to the USA for a 12 month Rotary exchange program. It is his evidence that while overseas during the following year:

"I heard that there had been another problem with Wenlock having a student in his flat and the student made a complaint. I believe that Wenlock was asked to move on as he had reneged on his arrangement to not have students in his flat. I heard that he left the Hostel" (t 3325-6)

12.8.8 Walter Dennison's evidence

Walter Dennison and his wife Margaret emigrated to Western Australia from England in 1975 when they were both aged in their early 50s. Approximately nine months after their arrival in Perth they obtained employment as the Deputy Warden and Matron respectively at the St Christopher's Hostel in Northam. They took up those positions in the latter part of 1975.

Mr and Mrs Dennison had a positive working relationship with Mr Wenlock but did not socialise with him after hours. They were completely unaware of Wenlock's behaviour and ill-treatment of boarders until an incident which happened towards the end of 1976. Mr Dennison does not recall the date or month of that incident but it occurred late one evening between 9 and 10pm. It is his evidence that:

"Tim Blee, a teacher at Northam High School and housemaster at the hostel, came to our door in company with a student.

I don't remember the lad's name, but I recall he had been out for an evening meal with his parents and was under instruction from Wenlock to report to him when he returned to the hostel from his outing.

I clearly remember this boy was a small framed but good looking boy. He was wearing a white shirt that was torn from the collar down one side.

Margaret spoke with this boy and gave him some comfort and reassurance. He seemed very frightened and somewhat upset.

I spoke with Tim Blee who told me that the boy had gone to his flat shortly before Blee brought him to our flat.

Our flats were right next door to one another. The boy told Blee that he reported to Wenlock's flat to let him know he was back at the hostel after his outing with his parents.

When he spoke with Wenlock...he was invited into his flat...

The boy refused to go into the flat and told Wenlock he was going to go to his dormitory.

As he turned to walk away, Wenlock grabbed him by his shirt and a struggle of some sort occurred. The boy was of the impression Wenlock was trying to force him inside the flat.

The boy broke free and ran straight to Tim Blee's flat to tell him what Wenlock had done.

I didn't speak directly with the boy and I didn't press Blee for further details.

I was satisfied that something significantly wrong had occurred for the boy to turn up to our flat with a torn shirt and in such a frightened state.

The next morning Tim Blee and I alerted Fred Killick, who was the Secretary of the St Christopher's Hostel board, of the incident involving the boy and Wenlock.

Killick was also the Mayor of Northam. He held the position of Mayor for a great number of years.

Killick advised us he would contact Bishop Challen and alert him of the matter. Challen was the Chairman of the St Christopher's Hostel board at that time.

Within a few days of this incident, Bishop Challen sacked Wenlock as the Warden of the hostel." (t 3430-2)

It is important to note that Mr Dennison is clearly wrong in his recollection that Bishop Challen "sacked" Wenlock at the end of 1976, as Wenlock's resignation was in December 1977. It is also relevant that in his written statement Mr Dennison mistakenly asserted that he and his wife emigrated to Western Australia in 1976 when in fact the minutes of Hostel Board meetings show that they commenced their duties as Deputy Warden and Matron during 1975.

12.8.9 Claude Riordan's evidence

Claude Riordan was the Principal of Northam Senior High School during the school years of 1975 and 1976. He recalls that towards the end of his final year at Northam his two sons (who were students at his school) spoke to him about Roy Wenlock. They told him that they had heard stories that Roy Wenlock was inviting boys to his flat and making them wrestle with him in underpants. His sons also said that this would happen on the boys' birthdays. It is Mr Riordan's evidence that after being told this:

"I contacted Bishop Challen who was the head of the hostel board. We had a meeting in my office and I told him about what my sons had said.

I explained that there might be something of concern but I did not have any other evidence other than the stories my sons had told me about.

I did not think it was for me to look into these concerns but if it had been, I would have gone to the Police. I am not certain if the Police would have done anything as I did not have any evidence other than what my sons told me.

Bishop Challen told me that "we are aware of the situation and we have it in hand".
(t 3356)

Not long afterwards Mr Riordan was diagnosed with cancer and had to leave the school. When he left, Roy Wenlock was still Warden at the Hostel, but he later heard that Roy Wenlock had been transferred to work in Perth.

12.8.10 Gary Bradley's evidence

In 1976 Gary Bradley was in his final year at Northam Senior High School (but was not a boarder at St Christopher's Hostel). His father was an engineer with Westrail and also a volunteer ambulance officer.

As an ambulance officer Mr Bradley had been provided with a special "open phone" which was separate to the normal home phone line. The open phone was a telephone system which allowed simultaneous communication between the houses of a number of key people in the event of an emergency. Accordingly, everyone connected to the open phone line could speak to each other at the one time. This also meant that it was possible to eavesdrop on anyone using the open phone line for a normal telephone call.

Gary Bradley recalls a particular occasion just before dinner one day in 1976 when his father (who has since passed away) told him of a conversation he had overheard on the open phone earlier that day.

His father told him that after hearing the open phone "dinging" (which was the noise it made when someone was using the line) he had picked up his telephone to listen in. Mr Bradley's father went on to say that he had overheard the local church minister talking to a church representative in Perth about "how Wenlock was dealing with the boys and that he needed to be moved from Northam" (t 3505).

Gary Bradley did not remain in Northam after completing his schooling in 1976. He went to Perth for a short time before moving to Karratha where he became employed by MMA

Airlines. He recollects that when he left Northam in 1976 Wenlock was still the Warden at St Christopher's Hostel.

12.8.11 Jennifer Leggoe's evidence

Jennifer Leggoe is a former school teacher and retired primary school principal. She grew up in Northam where her father was an earth moving contractor. Her father (who passed away in 1992) was a good friend of Fred Killick who was a long-term member of the St Christopher's Hostel Board as well as the Mayor of Northam. Mr Killick (who is also now deceased) was a regular visitor to the family home and Mrs Leggoe was accustomed to calling him "Uncle Fred".

Mrs Leggoe left Northam for good when she completed her schooling in 1958. However she frequently returned to Northam to see her parents, and during the 1980s she had a regular routine of visiting her parents' home on Sundays. On most of those Sundays, "Uncle Fred" was also a guest at the family home.

It would seem that Mrs Leggoe's parents enjoyed traditional arrangements within their household which are far less common in present times. Each Sunday morning her father and Uncle Fred would go off to the "session" at the local hotel while her mother and herself stayed home to cook the roast dinner and await their return. When the men eventually arrived back home the roast would be served and they would all sit down around the dining table for the meal.

It is Mrs Leggoe's evidence that she remembers one particular Sunday during the 1980s when her father and Uncle Fred returned from the Hotel while in the middle of a conversation about Roy Wenlock. Her father at that time was a member of the Northam Rotary Club, and the subject of the conversation was that Roy Wenlock had been the guest speaker at a Rotary meeting earlier that week to talk about cricket at the WACA. Their conversation continued at the dining table and it was clear from what her father said that he had walked out of the Rotary meeting when Wenlock had arrived. The reason why he had done that was the subject matter of the discussion. In that regard:

"They were talking about the fact that Roy Wenlock had been dismissed from St Christopher's House for being...too familiar with the boys" (t 3440)

There was no doubt in Mrs Leggoe's mind that the expression "too familiar" as used by the men was code for interference of a sexual nature by Wenlock with the boys. She was amazed to hear such a discussion at the dinner table because her father normally "didn't speak about these sorts of things in front of women" (t 3439). It also happened to be a subject on which Mrs Leggoe held very strong views because of her recent experiences as a primary school teacher with children who had been sexually abused (t 3445).

For this reason Mrs Leggoe was "not shy" in putting her own thoughts forward and there was a vigorous discussion mainly between her father and herself while Mr Killick listened quietly (t 3439-3441). In the course of that discussion her father and Mr Killick both said that "they couldn't leave (Wenlock) there because of the way he was carrying on with the boys". The reason that Mr Killick gave for the decision to have Wenlock dismissed was:

"...that for the sake of St Christopher's, it was better to just get him out of the way, make sure he couldn't do it anymore, and that would sort the thing out." (t 3441)

The main point that Mrs Leggoe made in response to this assertion was that it had not been enough simply to get him out of the way because:

“These people do it habitually and they don’t stop, and if you don’t tell somebody about it, this man will go on doing what he’s doing.” (t 3440)

Mrs Leggoe also told the men that Wenlock managing the junior cricket at the WACA seemed to be a “perfect scenario”. She said to her father and Mr Killick: “what do you think he’s doing at the WACA now?”. It is her evidence that she “just wanted them to know that men who interfere with little boys don’t stop doing it” (t 3443).

Mr Killick responded to Mrs Leggoe’s argument with the statement that “it had been done and dealt with as far as he was concerned”. He also said that for the sake of the Hostel he had not wanted “to bring a bad reputation down on St Christopher’s” and that to have dealt with it quietly had been “the best way to go” (t 3442-3).

12.9 Bishop Challen’s evidence

At the time of becoming Chairman of the St Christopher’s Board the then Archdeacon Challen did not know Roy Wenlock but was well aware of his reputation. In that regard St Christopher’s was considered to be a very well-run hostel and it was held up as a good example to other Anglican Hostels (t 3466).

When Bishop Challen visited St Christopher’s Hostel his first impressions confirmed what he had heard about Roy Wenlock. There was a good routine at the Hostel, the boarders had “interesting and satisfying weekends”, and apart from Wenlock’s use of the cane, he appeared to be doing everything that he would have wanted in a Warden (t 3467-9).

It is Bishop Challen’s evidence that it was not until 1977 that he first became aware of Wenlock’s “inappropriate wrestling” with boys. He learned of this as a result of Ken McIver MLA contacting him to request that he meet the parents of a boy who had made a complaint. The complaint was that Wenlock had wrestled with the boy while the boy was in his underpants (t 3471). Bishop Challen agreed to the meeting which took place in 1977 and not 1976. The meeting was held at Mr McIver’s business office and not at his home. As to what Bishop Challen was then told, it is his evidence that:

“It was always in terms of wrestling, and I did ask a specific question as to whether there was any sexual activity and, of course, it is a bit difficult for the parents to answer that but, as far as they were aware, it all depends upon what the boy - did someone shower with him. There had not been any, but as far as I was concerned, to invite boys into the lounge, granted often in pairs, but to ask them to strip down to their underpants and for him to be in just a pair of black shorts only and to wrestle, and that’s how it was put to me...”(t 3473)

It is also Bishop Challen’s evidence that the parents of the boy made it very clear that they did not want the matter to become public or for it to be reported to the police. Bishop Challen felt bound by this request for confidentiality, and this had an impact on his subsequent actions including his decision not to report the matter to the Hostel Board (t 3474).

Bishop Challen considered that as Chairman of the Board he had the authority to dismiss Wenlock but decided that he should first consult with someone more senior in the Church. As his Archbishop was then overseas he raised the matter with the Bishop temporarily in charge of the Diocese and said "I want to dismiss him". The Bishop advised that he should "sleep on it for 24 hours". After doing so, Bishop Challen remained of the view that he should confront Wenlock and bring about his removal from the Hostel (t 3474).

Bishop Challen arranged for a former Board member (Connie Smith - who is now deceased) to accompany him to the confrontation with Wenlock. He did this because Connie Smith was well known and respected in the Northam region and he wanted her to be present to witness what happened. He confronted Wenlock about three working days after the meeting at Mr McIver's office. It is Bishop Challen's evidence that:

"I just simply asked him "Have you been behaving like this: Having boys in your room, wrestling with them, wrestling with them with only your shorts on and asking them to leave (on) only their underpants or their togs?". He said "Yes". I said "Well, here's a piece of paper. You could write your letter of resignation". And...I either gave him 24 hours or 48 hours to get out but I immediately appointed the deputy warden, Walter Dennison, as the acting warden. I then informed the board at its next meeting - I didn't call a special meeting, I just informed them what had taken place and gave them reasons and asked them to keep it all confidential because of the parents' and boys' wishes and subsequently I informed the Authority informally at one of its meetings." (t 3474)

The minutes of the Hostel Board meeting on 12 December 1977 recorded that Wenlock had resigned on 2 December 1977 and that "the action of the Special Committee is endorsed". The resignation was to take effect on 16 December 1977 and Wenlock was to be paid until 2 January 1978.

It is Bishop Challen's evidence that following that Board meeting he was approached by two Board members (including Venerable Apthorp) who advised him that they had previously heard rumours of "misbehaviour" by Wenlock. They also said words to the effect that "it had been going on for some time". Bishop Challen was very angry to hear this because he believed that the Board should have investigated these rumours to see if there was any substance to them (t 3475-6).

As to Bishop Challen's reasons for allowing Wenlock to resign rather than be dismissed it is his evidence that "I thought it was a nice way of doing it" (t 3479) and he "did not want to prejudice unnecessarily his employment future" (t 3538). In that regard:

"I wasn't protecting the Hostel, really. I thought it was a better thing for him. At least if he goes to another job, he doesn't have to say he's dismissed" (t 3479)

Furthermore Bishop Challen's "dominating motivation" in pursuing the matter in the way that he did was to respect the wishes of the victim's family that it not be publicised nor any report be made to the police (t 3537).

Bishop Challen is adamant that he was not made aware of any complaint against Wenlock during 1976, and that he did not give him any warning about his conduct in that year (t 3492, 3514). In this regard, he agrees that the only appropriate action when he first found out about Wenlock's behaviour was to have the Warden removed (t 3513).

Bishop Challen was not concerned at that time (nor is he now) that the resignation (as distinct from a dismissal) may have made it easier for Wenlock to move to another position which involved contact with teenage boys:

“...I make the assumption that a potential employer would ask for the applicant's work history, in particular, the last appointment. And then I would expect the employer, if he or she had concerns, would contact that employer and, in effect, seek a reference, which nobody has ever contacted me about Mr Wenlock's employment after the hostel. I would have gladly given them a report if it was to do with...young people.

Q. What would that report have been?

A. That he has this disposition of wrestling with young boys in a semi-naked condition.

Q. You would have done that?

A. Yes.” (t 3494)

Bishop Challen is similarly unconcerned that in his 1978 report to the Synod of the Archdiocese he referred to Wenlock's departure in the following terms:

“In December 1977 the board and St Christopher's boys bid farewell to Mr R Wenlock, who had served the hostel with enthusiasm, determination and dedication for the past 13 years. His imaginative administration brought numerous improvements to St Christopher's. We wish him well in his new field of work.” (t 3495)

12.10 Wenlock's subsequent employment and activities

After Wenlock departed from Northam he continued to be actively involved in the Anglican Church. He became the Rector's Warden for the Floreat Parish (t 3756).

In 1979 the West Australian Cricket Association (WACA) created a new position of Development Officer which was filled by Wenlock. In this position he was required to engage in various cricketing activities with young teenagers, and he would sometimes invite individual boys back to his home (t 3290, 3754). There is ample evidence to show that Wenlock would engage in grooming behaviour with these boys (t 3755) and then encourage them to engage in “wrestling” (t 3755, 3760).

The reputation that Wenlock acquired as a result of these activities was such that young cricketers would warn their friends: “whatever you do, don't go to his house” (t 3759).

12.11 Events during 2002

During early 2002, Stephen Galbraith was a Perth businessman who was actively involved in the Anglican Church. He was conducting research for a paper that he was writing on “the contribution of bishops within the Anglican Church”. For this reason he had discussions with many clergy of all ranks within the Church, and on 12 March 2002 he met with Bishop Challen.

In the course of this discussion Bishop Challen revealed to Mr Galbraith that he had counselled members of the clergy of the Church who had sexually offended against people.

Mr Galbraith did not ask for any further details about these matters but expressed the strong view to Bishop Challen that he “could not collude with him on this issue and he should tell the Archbishop”.

Mr Galbraith later wrote to the Archbishop of Perth seeking action to ensure that the Church did not continue to deal with these types of matters “in house”. When the Archbishop confirmed that this was occurring in the Church Mr Galbraith (on legal advice) also wrote to the Commissioner of Police to express his concerns. His main objective in doing so was:

“To ensure the Church introduces protocols that set guidelines for the clergy within the Church to deal with allegations of a sexual nature with consistency and allow police involvement to investigate the allegations.” (written statement dated 14 May 2002)

The police then conducted an investigation to ascertain whether there was evidence of any offence having been committed as a result of the failure of the Church to bring complaints of sexual abuse to the notice of the civil authorities. As part of this investigation two detectives interviewed Bishop Challen at his home on 13 August 2002. In the course of that interview one of the detectives made the following note of what Bishop Challen then said concerning the complaint that had been made against Wenlock:

“Michael Challen is aware of only one allegation involving children. It was prior to 1978 when he was in the position of Archdeacon country. His role involved keeping an eye on the hostels run by the Anglican Church for secondary schools in Esperance, Merredin, Moora and two in Northam; St Christophers the boys hostel and Addison House the girls hostel. Michael Challen was the chair of the board for these two hostels. Michael Challen was approached by the local member for Northam. The local member (whose name Michael Challen cannot recall) called a meeting at his home address which Michael Challen attended with the deputy chair. The local member informed Michael Challen that the warden of the St Christophers hostel Roy WENLOCK has his own flat on hostel premises, would invite a couple of the boys over to watch telly and would wrestle (playfully) with the boys and would handle (fondle) the boys. Some of the boys found the behaviour unacceptable. Michael Challen called a special meeting of the committee and it was agreed that Challen should interview WENLOCK in the presence of the deputy chair. Michael CHALLEN confronted the warden who admitted this behaviour and dismissed him from his position. No children or parents ever came forward and Michael Challen never spoke to or discovered the identity of the children.”

The accuracy of this note has been verified in a formal statement by Detective Sergeant Logan, and it is self-evident that this earlier account by Bishop Challen is significantly different from his evidence to the Inquiry. (I will refer to these differences shortly). It is also significant that the description of the particular complaint by “the local Member” does not appear to bear any relationship to the conduct as alleged by any of “L”, William Thompson, or Michael Kalajzic.

12.12 Findings

In determining the facts of what happened in 1976 and 1977 it is appropriate to start with those findings which are overwhelmingly obvious and can most readily be made. Perhaps the best starting point is the evidence of Claude Riordan who was the Principal of Northam Senior High School up until the end of 1976. Mr Riordan would have no possible motive to be untruthful and it is highly unlikely that he would be mistaken about the significant event which he distinctly remembers.

I accept Mr Riordan's evidence that towards the end of 1976 and shortly prior to his unexpected departure from Northam his sons told him stories about Wenlock making Hostel boys wrestle with him in their underpants. As School Principal he took the very responsible course of passing that information on to the Chairman of the Hostel Board, the then Archdeacon Challen. Bishop Challen's response to what he was told by Mr Riordan was that "we are aware of the situation and we have it in hand".

The fact that Bishop Challen was then aware of complaints of that nature is corroborated by the evidence from each of "L", William Thompson, and Brett McIver. Further corroboration comes from Adrian Gamble's description of the conversations amongst the Hostel prefects towards the end of his last year at school. There is also the evidence from Gary Bradley of what his father told him about a conversation which had been overheard on the open telephone line during his last year at school.

Brett McIver and Gary Bradley are each very certain that the events they described occurred in 1976 because they left their parents' homes at the end of that year and never lived in Northam again. Adrian Gamble is similarly certain that the conversations amongst Hostel prefects took place in 1976 because that was his last year at school and he was in the United States during 1977.

Accordingly, I have no hesitation accepting the evidence of all of these witnesses that it was in 1976 that the events they described occurred. It follows that I am also satisfied that it was in that year that "L" and William Thompson separately visited Brett McIver to complain about what Wenlock had done to them. I consider that Timothy Blee's recollections are not entirely reliable because he has confused two separate events (involving "L" and Michael Kalajic) and merged them together. Similarly, Mr Dennison is mistaken in his recollection that it was the incident involving "L" which was the reason why Wenlock left the Hostel.

In my view, it is also obvious that Bishop Challen's evidence of the relevant events is unreliable. In this regard, all that needs be done is to contrast the version of events that Bishop Challen gave to the detectives in 2002 with his evidence to this Inquiry. Presumably Bishop Challen had a fresher recollection in 2002, and it is significant that at that time he made the following assertions:

1. That the meeting with Ken McIver MLA was at Mr McIver's home address (and not at Mr McIver's office as stated in evidence).
2. That Bishop Challen attended the meeting with the Deputy Chair of "the Committee" (i.e. the Hostel Board). That occurred after the Board first met and agreed that Bishop Challen should interview Wenlock in the presence of the Deputy Chair. (The fact that the Deputy Chair Connie Smith resigned from the Hostel Board at the end of

1976 is further confirmation that the confrontation with Wenlock could not have occurred in 1977).

3. After confronting Wenlock Bishop Challen “dismissed” Wenlock rather than requesting his resignation. (However in fairness, the word “dismissed” could perhaps encompass either of these actions).
4. The complaint came from Mr McIver (and not from any student or parent).
5. No children or parents ever came forward to complain, and Bishop Challen never spoke to or discovered the identity of the children.

This last assertion cannot be reconciled with Bishop Challen’s evidence that when responding in the way he did to the complaint against Wenlock his “predominant motivation” was to respect the wishes of the parents of the child involved.

Having regard to the evidence as a whole I am satisfied that Bishop Challen first became aware of complaints about Wenlock’s behaviour in 1976 when he was contacted by Mr Ken McIver MLA. Bishop Challen then attended a meeting at Mr McIver’s house which was the meeting that William Thompson has referred to. It is possible that another student was also present, but the evidence does not enable me to determine who that student was.

I am satisfied that the outcome of that meeting was substantially along the lines that Adrian Gamble remembers being discussed amongst the Hostel prefects in late 1976. Essentially the decision was made to give Wenlock the opportunity to mend his ways and he was warned that he should not invite boys back to his flat. That warning was given by Bishop Challen, and it is possible that he took that step in consultation with Connie Smith who was then a member of the Hostel Board.

Wenlock failed to heed the warning that he was given, and as a result there was the incident involving Michael Kalajzic in late 1977. That incident came to the attention of Mr Dennison who notified Fred Killick, the Secretary of the Hostel Board. Given the statements that Mr Killick later made to Mrs Leggoe during the 1980s I am satisfied that he participated in the decision that was then made to request Wenlock’s resignation rather than to dismiss him. (It may well be that Killick was a member of the “Special Committee” referred to in the Board minutes of 12 December 1977).

Irrespective of whether it was the Board, the Special Committee or Bishop Challen alone who made that decision I am satisfied that the primary motivation in handling the matter in that way was to protect the reputation of the Hostel. I base that conclusion on Mrs Leggoe’s evidence of what Mr Killick told her, namely: “that for the sake of St Christopher’s it was better to just get him out of the way” and to “make sure he couldn’t do it anymore”. (Clearly the “it” that Mr Killick was referring to was his concern that Wenlock would otherwise continue to molest the students at St Christopher’s Hostel). Mr Killick also told Mrs Leggoe that for the sake of the Hostel he had not wanted to “bring down a bad reputation on St Christopher’s”.

Nevertheless, I accept Bishop Challen’s evidence that he was also motivated to make it easier for Wenlock to find future employment. He wanted to ensure that when Wenlock “goes to another job, he doesn’t have to say he is dismissed”.

Bishop Challen has conceded during evidence that the only appropriate action when he first found out about Wenlock’s “wrestling” behaviour was to remove him as Warden. By failing

to take that action in 1976 the Bishop not only failed to act appropriately but also failed in his duty of care towards the Hostel students over the intervening period until Wenlock was removed.

Wenlock's behaviour again came to notice in 1977 and the question arises whether Bishop Challen and Fred Killick acted inappropriately by allowing him to resign rather than having him dismissed. By allowing him to leave "quietly" they gave a higher priority to the reputation of the Hostel than to any concern for the future wellbeing of teenage boys with whom Wenlock might come into contact. Furthermore Bishop Challen increased the likelihood that Wenlock would be able to repeat his behaviour by providing the 1978 Synod with a misleading report as to the circumstances of his departure from St Christopher's. Even by the standards of those times, these decisions by the then Archdeacon Challen revealed a questionable sense of moral priorities for a clergyman. In my view the community could reasonably have expected higher standards of care and concern for the wellbeing of young people generally.

However these moral issues do not fall within the terms of reference of this Inquiry. The question to be determined is whether in 1975 Bishop Challen was obliged as a "public official" in his capacity as Chairman of the St Christopher's Hostel Board to have regard to the wellbeing of the wider public when deciding how to deal with Warden Wenlock. A significant factor in the consideration of that issue is that Wenlock had not denied the allegation against him but had admitted his misconduct with a student.

Bishop Challen's primary responsibility was for the wellbeing of the St Christopher's Hostel students, but he was also in the position to adopt a course of conduct which would have reduced the prospects of Roy Wenlock being able to misconduct himself in a similar fashion in the future. If he had dismissed Wenlock rather than allowing him to resign, this would have increased the prospects that a future employer would be put on notice that something untoward had occurred. Likewise, Bishop Challen could have easily avoided the possibility of a future employer being misled by his favourable references to Wenlock in his report to the Synod.

In my view, any public official who exercises statutory responsibilities is under an obligation to fulfil those responsibilities in a way which avoids unnecessary harm to members of the public generally. It is also my view that Bishop Challen failed to have regard to that obligation when he allowed Wenlock to resign rather than be dismissed and when he later gave him what was effectively a glowing reference.

12.13 Conclusions

- 1 In 1976 and 1977 Bishop Challen (as the then Archdeacon Challen) was a "public official" within the meaning of the PSM Act in his capacity as Chairman of the Board of St Christopher's Hostel at Northam.
- 2 In late 1976 at a meeting at the house of Ken McIver MLA Bishop Challen heard allegations from one or more students of misconduct by the Hostel Warden which raised reasonable grounds for a belief that the misconduct was sexual in nature.
- 3 Bishop Challen failed to respond appropriately to those allegations in that he:

- 3.1 Merely gave the Warden Roy Wenlock a warning and did not dismiss him or remove him from the Hostel.
- 3.2 Did not pay sufficient regard to the future wellbeing of Hostel students who would remain under Wenlock's supervision.
- 4 In December 1977 Bishop Challen was again informed of misconduct by the Warden which was similar in nature to that which had been reported to him before and which was admitted by Wenlock. On this occasion Bishop Challen did have regard to the wellbeing of St Christopher's students by requiring Wenlock to resign from his position and to leave the Hostel.
- 5 Nevertheless, in his position as a "public official", Bishop Challen failed in his responsibilities to the wider public by allowing Wenlock to resign rather than be dismissed, and by describing him in glowing terms in a report to the Anglican Synod. By these actions Bishop Challen increased the prospects that Wenlock would be able to sexually misconduct himself with young males in a similar fashion again.

13. The handling of other episodes of sexual misconduct

13.1 The procedures for dealing with sexual complaints against hostel staff members

The early records of the Country High School Hostels Authority show that prior to 1975 there had been a number of instances of staff members at hostels being dismissed or removed from their employment for inappropriate conduct. The details of those instances of inappropriate conduct are not available, but it can be assumed that at least some of them involved allegations of sexual misconduct against students.

It is also clear that by 1975 the then Chairman of the Authority (Mr Ernest Lange) had put in place a system to ensure that any former staff member who was dismissed for inappropriate conduct would not be reemployed at any hostel. This was achieved by means of a "forbidden list" to which the names of such staff members were added from time to time. An example of this can be found in the minutes of an Authority meeting on 24 July 1975 (Exhibit 137) which referred to a list of seven previous hostel employees who should not be employed in school hostels because of events during their employment. The Secretary was authorised to advise the Department of Community Welfare of these names so that they could be added to the "forbidden" list kept by that Department. This meeting of the Authority also restated their policy that all "administrative appointments" at school hostels were to be referred to the Secretary prior to appointment.¹

The evidence also shows that this policy of vetting all new appointments of staff to hostels not only existed in name but was actively enforced. In that regard newsletters and reports circulated by the Student's Hostels Association to its members drew attention to the following:

*"It was generally agreed that hostels must inform the Association and the Authority of the names of any staff dismissed as being undesirable for work among teenagers. No reasons were to be committed to the Association's written records but names so listed could always be referred back to the hostel supplying the name if this was necessary."*²

*"The Secretary/Treasurer has, in answer to the circular sent out last term, received the names of two persons whose past record could be referred to another hostel. These names are not necessarily 'black-listed'. However, hostels are reminded that the Authority itself possesses a 'black list' and if there are any doubts about any 'unknown' applicants, reference can be made to the Authority."*³

¹ Exhibit 137,p.2

² Report of the Conference and Annual General Meeting of the Student Hostels' Association 25-26 January, 1975

³ Student Hostels' Association Newsletter: August, 1975

“APPOINTING STAFF: Hostel Wardens and Committees are advised to check with the Authority and/or the Association before appointing new staff as there are persons (one recently seen about the environs of a couple of hostels) who should not be re-employed by certain hostels caring for teenage students.”⁴

Furthermore this system of vetting staff appointments embraced not only the nine country hostels operated by the Authority but also the metropolitan hostels (such as Swanleigh) which had representatives in the Students’ Hostel Association.

The Inquiry has made a diligent search through old government files to find any record of the “forbidden list” and has also questioned former public servants about the matter. Although these efforts have not borne fruit, Colin Philpott has confirmed that when he took over the Chairmanship of the Authority in 1976 such a list did exist. However, it is Mr Philpott’s belief that the list was kept by the Authority itself rather than by any other Department (t 3883, 3889). It is also Mr Philpott’s evidence that the Authority’s Administrative Officer (Mr Peter Bachelard-Lammas) was responsible for maintaining the list and ensuring that inappropriate staff were not engaged at any hostel (t 3884-5).

It is therefore dismaying and disappointing that Mr Lammas appears to have had no knowledge of the list’s existence:

“Q. Regarding that female supervisor from Northam, and the male supervisor in Port Hedland. Were you aware whether either or both of those names were placed on what was called a list of those people that the Authority should not employ to work in hostels?

A. No, I was not aware.

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

A. No, I --

Q. -- that had --

A. I can’t recall that.

Q. Okay. You’ve got no recollection of that?

A. No.

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

A. No.” (t 2795)

In these circumstances the only reasonable inference is that the “forbidden list” (which may well have been the State’s first functioning if somewhat rudimentary paedophile register) had fallen into disuse by the time that Mr Lammas joined the Authority in 1982.

At all material times the Authority was in the position to utilise the resources of the Education Department to carry out any necessary investigation into complaints against staff members (t 2821). However as there was only one instance known to the Inquiry when that ever occurred it is important to examine the various ways in which the Authority did deal with allegations of sexual misconduct or otherwise inappropriate behaviour by hostel staff members during the period from 1975 until 1990.

⁴ Student Hostels’ Association Newsletter: November, 1977

13.2 1985 – Hardie House South Hedland

The first such incident of sexual misconduct known to the Inquiry occurred at the hostel known as Hardie House in South Hedland. This hostel was unique at that time because it did not have a functioning Board of management and was administered directly by the Authority (t 2765). The hostel had a female Warden (Joy Fisher), a female Senior Supervisor (Pamela Mason), and two male Supervisors (one of whom I shall refer to as “D”).

In 1985 one of the male boarders at Hardie House was 14 year old “P” whose parents lived on Koolan Island. One weekend towards the middle of the year “P” was asleep in his bed and was awoken by “D” tapping him on the shoulder. “D” then invited “P” to his unit for a “smoke”. “D” was the masseur for the hostel football team, and after arriving at the unit he suggested to “P” that he should give him a massage. In the course of what followed “D” sexually molested “P” and performed oral sex on him. “D” also tried to penetrate “P” anally, and had him masturbate him (t 3850).

“P” did not wish to participate in these activities but when he had tried to get out of the room “D” stopped him from leaving. As all other students had gone home for the weekend, “P” was the only child in the hostel. For this reason he did not try to yell or call out for help (t 3850).

On the following day (a Sunday) “P” complained about what had happened to some other students who had returned to the hostel. They then accompanied him to see the female Supervisor Ms Mason who was the most senior staff member present. (The Warden Joy Fisher was away on a tour of the Pilbara). “P” made a complaint to Ms Mason and to her credit she immediately called in the police. The police interviewed “P” and took away the underwear he had worn at the time of the incident with “D” for forensic examination (t3853, 2768).

Ms Mason also telephoned “P’s” mother “K” and informed her of what had happened. It is “K’s” evidence that she was shocked to learn that her son had been molested and said to Ms Mason that she would immediately come to Port Hedland to see him. However, Mrs Mason reassured her that it wasn’t necessary for her to do that because the detectives were handling the matter. During another telephone conversation with a detective soon afterwards, “K” was told that she “was not to come down because he had it under control” (t 3853). According to “K” she was crying on the phone and wanted to go to Port Hedland but was told “no, we don’t want you down here” (t 3853).

For this reason, “K” contacted her daughter and son-in-law who were about to fly from Perth to Koolan Island via Port Hedland. She arranged for them to stop at the hostel, pick up her son, and bring him home to her (t 3853).

Importantly (in light of what subsequently transpired), it is “K’s” evidence that she at no time told any hostel staff or the detective that she disbelieved “P’s” complaint or said anything to the effect that “he would make something like this up” (t 3854).

It is Ms Mason’s evidence that when “P” complained to her she thought the matter was sufficiently serious for her to instruct “D” to immediately leave the hostel (which he did). She then telephoned the Warden and the Chair of the local Board to inform them what had happened. As already noted Ms Mason also contacted the police, as well as “P’s” mother.

Ms Mason agrees that she told "P's" mother that it was not necessary for her to come to the Hostel. She said this because she knew that "K" lived far away, and that her son was no longer at risk because she had removed the male Supervisor "D" from the hostel (t 4026).

Ms Mason does not recall "K" saying that "she thought her son was lying and making up the allegation, nor that the boy had done this sort of thing before when he wanted to get his way" (t 4027).

Ms Mason did not raise the matter with anyone at the Authority, and did not speak to Mr Lammas about the incident. It is her evidence that when the Ms Fisher returned to the hostel a day or so later "it is highly probable that we did speak about it" (t 4027). Ms Fisher is now deceased, but it is Ms Mason's evidence that:

"Joy Fisher was an extremely good Warden. She was very honest and straight by the book...I do not believe that Joy would have told any person that the boy's mother told her that her son was lying about what had happened to him" (t 4025,4027)

However, it is Mr Lammas' evidence that he particularly remembers the Hardie House incident because "it turned out to be a false alarm, a bit of an embarrassment" (t 2764). The reason for this was that his initial assumption had been that the boy was telling the truth, but it later turned out that he had made a false complaint because he wanted to get back home (t 2770).

It is Mr Lammas' evidence that when he was first informed of the incident by telephone he was told that the police were already involved (t 2764-5). Nevertheless he decided that he should fly there himself "just in case it got ugly" and was authorised by the Chairman of the Authority Mr Philpott to do so (t 2765). When Mr Lammas arrived at the hostel the young male Supervisor "D" had been suspended. However, he interviewed "D" who denied any "association with the student". He also spoke to the police who advised him "a couple of days" later that there was no case to answer (t 2768).

Notwithstanding this outcome Mr Lammas "didn't like the idea of the young man "D" staying around and thought it might be best if he got off site" (t 2768). Mr Lammas discovered that at the time of the alleged incident "D" had been intoxicated which was a "dismissible offence" (t 2768) but he "couldn't actually dismiss him or get him to actually resign without being sure that the police didn't want him for further questioning" (t 2769). Accordingly the matter was resolved by "paying him out" and flying "D" back to Perth (t 2769).

It is Mr Lammas' evidence that he later had cause to regret taking this action when he was informed that "P" had made a false complaint. He was told this by the Ms Fisher who telephoned him and said:

"I have just had a conversation with the mother and she's informed me he's done this before to get back home." (t 2770)

Mr Lammas accepted the word of the Warden that she had been told by the mother that "P" was prone to make false complaints in order to get back home. In that regard, Mr Lammas believed Ms Fisher to be a very reliable individual (t 2770).

There is no doubt that what Mr Lammas claims to have been told by Ms Fisher was factually incorrect. I have no hesitation accepting the evidence of "P" that he was sexually assaulted by "D". I also accept "K's" evidence that she was very concerned for the welfare of her son when she learned of what had happened to him, that she had never known him to make

false complaints, and that she did not tell Ms Mason or anyone else that he had previously made false complaints in order to get home.

There is no evidence that Ms Fisher ever spoke directly to "K" concerning "P's" complaint, and it is difficult to understand why she might have wished to give Mr Lammas false information about what "K" had said to anyone else. It is also most unlikely that a Warden with the good qualities as described by Ms Mason would have done so. However, given that Ms Fisher is now deceased it is not possible for me to make a conclusive determination as to the truth of what was said between her and Mr Lammas. Obviously, this is a most unsatisfactory state of affairs, but it is entirely due to the lapse of more than 25 years since the events in question.

13.3 1987 – Adamson House Northam

Adamson House was the Anglican Hostel in Northam which accommodated girls attending Northam Senior High School. In August 1987 a number of girls at the hostel complained that a female Supervisor had inappropriately touched them on either their breasts or their buttocks. The evidence does not establish to whom this complaint was first made, but when the Hostel's Board of management became aware of this situation it requested the assistance of the Authority in resolving the matter.

On 31 August 1987 Mr Lammas attended a special Board meeting to discuss the alleged sexual interference by the female Supervisor ("Mrs V"). Mr Lammas later reported to the Authority on the results of that meeting as follows:

"After considering the information before the sub-committee, it was felt there was a case to answer and that Mrs V should be dismissed failing a satisfactory explanation.

To avoid the unpleasantness associated with this sort of situation, it was suggested that Mrs V be given the opportunity to bow out gracefully and, therefore, I suggested that I discuss the issue with her privately.

On meeting with Mrs V, I indicated that the discussion was unofficial and an opportunity to talk the matter through before taking it further. The alleged statement was shown to Mrs V who indicated surprise and shock. She couldn't believe the students could do such a thing, referring to the list of statements made by the students.

Mrs V protested her innocence, indicating she would fight to clear her name. I indicated that this was her pejorative [sic - prerogative] and if she so wished, she could do so.

I also indicated to Mrs V the implication of such action and in discussion she stated that she could not possibly continue to work at Northam with this sort of accusation being made. It was resolved that she needed time to think about whether she should resign or stand her ground and fight the allegations.

At no point in the discussion did I mention the term "molesting" or indicate that Mrs V should not pursue the matter if she so wished.

Mrs V requested time to think about her position as obviously her creditability would be seriously affected. Mrs V suggested that she would give an answer by Friday, September 4, as to whatever action she would take.

It was indicated to Mrs V that in this type of situation, staff are removed from the premises while an investigation takes place and in this instance, it could involve police. She was reassured that she would be on full pay.” (Exhibit 141)

Although Mrs V was offered the opportunity to “bow out gracefully” she failed to do so and within a few days complained to the media about her treatment. This resulted in considerable media publicity and on 9 September 1987 Mr Philpott as Chairman of the Authority wrote to the Minister for Education to request that the Education Department carry out an investigation into the students’ complaints.

It would seem that the complaints were also investigated by the Police but no charges were laid (t 2760). The Board also proceeded to dismiss Mrs V and she then instigated proceedings (presumably for wrongful dismissal) in the Industrial Relations Commission. In the meantime Mrs V was suspended on full pay and it was not until 13 October 1987 that the dismissal took effect (t 2760).

It is also of considerable significance that the Education Department (independently of the Authority) arranged for counselling of all of the affected students (t 2761). This is the only instance known to the Inquiry where counselling was arranged for students following an allegation of sexual misconduct by a Hostel staff member.

13.4 1989 – Inappropriate behaviour by Dennis McKenna

Between 1987 and 2001 Nicholas Christy (commonly known as “Barry” Christy) was the Warden (or Manager) of Amity House at Albany. He sometimes visited St Andrew’s Hostel in Katanning, and he has given the following evidence of one of those occasions which although somewhat sparse I accept as being accurate:

“Sometime in 1989, I do not recall the exact date, I had to visit the St Andrew’s Hostel in Katanning. Whilst there I witnessed Dennis McKenna, who was the warden there, in his pyjamas in the boys’ dorm. He was holding hands with two boys. I had to speak to McKenna to ask him to open the doors to the hostel to allow me to leave, as it was locked.

Following this, I got in touch with either Colin Philpott or Peter Bachelard-Lammas to raise my concerns about Dennis McKenna behaving in an inappropriate manner in the hostel with boys. I cannot remember if this was in writing or verbally. I had no response in relation to this.” (t 500)

It is Mr Philpott’s evidence that Mr Christy definitely did not raise this matter with him (t 2534). Mr Lammas has no recollection of it (t 2814). This being so it can be assumed that the Authority did not seek any further clarification of the allegation from Mr Christy nor respond in any way to it.

13.5 1990 – Sexual misconduct by a Supervisor at Narrogin Hostel

In 1990 Don Dixon was the Warden of the Narrogin Hostel, and another staff member there was a male Supervisor, "S".

"S" commenced his duties at Narrogin Hostel in May 1990 after transferring from a similar position at the Swanleigh Hostel in Midland where he had been employed for approximately four years. Unbeknown to Mr Dixon "S" had left Swanleigh under a cloud following a complaint by a parent that he had indecently dealt with a male student (t 4086).

The Warden of Swanleigh Hostel at that time was Richard Stowell (now deceased) who was very well known and had a high reputation for his leading role in the hostel industry. (Mr Stowell had been instrumental in the formation of the Student Hostels Association).

Michael Schuts was one of the housemasters at Swanleigh Hostel during 1990. It is his evidence that:

"I remember that "S" had a complaint made against him by a boy's parents.

The complaint was that "S" indecently dealt with the boy whilst driving him home to his family farm.

I cannot remember the name of the family that made that complaint against "S".

...

I'm not exactly sure how we (the staff) came to know that "S" was offered a deal by Richard Stowell that if he (that is "S") resigned then he (Stowell) would write him a glowing reference.

I have a sense that "S" actually told staff that he was offered the deal by Stowell.

I think Stowell spoke with the family of the boy and negotiated the deal so Swanleigh would not get a bad name.

I remember "S" left very quickly from Swanleigh and I heard he had got a job at Narrogin Hostel, which surprised us all" (t 4086)

At that time the Narrogin Hostel had coincidentally advertised for applicants to fill a vacant position as a male Supervisor. "S" successfully applied for that position with the help of the "glowing" written reference that he had been given by Mr Stowell (t 3777). (Regrettably it has not been possible to locate this reference amongst the old records at Narrogin Hostel). In his report to the first Hostel Board meeting after "S's" appointment Mr Dixon referred to the fact that he had come "strongly recommended" by Mr Stowell (t3793). Mr Dixon had trusted this recommendation because of Mr Stowell's good reputation (t3776).

Approximately six weeks later one of the Narrogin parents complained to Mr Dixon that her son had been molested by "S". The boy who was in Year 8 and about 13 years old at the time had told his mother that "S" had fondled his genitals through his clothing (t 3778).

Upon being informed of this complaint Mr Dixon immediately contacted the Chairman of the Hostel Board Doug Fairclough (a prominent local citizen and Justice of the Peace who is now deceased; t 3778-9). They interviewed the boy and found his story to be quite credible. That same day Mr Fairclough and Mr Dixon interviewed "S" who denied the allegation but did so in a manner that they did not find to be very convincing (t 3779).

Mr Dixon also telephoned Richard Stowell (he thinks in the presence of "S") who "spluttered" and "was not happy that he got the call" (t 3780). Mr Stowell told Mr Dixon that he was in a hurry to get to church and that he would ring him back later.

Mr Stowell did telephone Mr Dixon later, and I will refer to that second telephone conversation shortly. However, (as I understand the evidence) prior to that second call the issue of what should be done with "S" was resolved in the following way:

Q. ...Mr Dixon, how then was this matter resolved with "S". You said that he resigned. So when did that happen?

A. Well, at the end of it we said that we weren't happy with his explanations and he was very unconvincing and we thought that he was an inappropriate person for the job and, therefore in our – Doug and I's assessment, that he should move on.

Q. Was he dismissed or has he --

A. No, we gave him the opportunity to resign.

Q. It would seem though, would you agree, that what you had heard, that there were good grounds for actually dismissing him?

A. Yes.

Q. But you gave him the option to resign?

A. Yes, we were very keen on getting him off the premises away from the kids.

Q. But you could see there, though, that if he just simply resigned he may not necessarily have a black mark alongside his name that he would have if he was dismissed?

A. Yes, yes.

Q. So can I ask you why it was that you gave him that opportunity to resign rather than just dismissing him outright?

A. I guess I've got to go back to what I said. We wanted him out of the place and as quick as possible and away from the kids.

HIS HONOUR: Q. But you would [achieve] that by dismissal as well, wouldn't you?

A. Yes...I'm not sure why we went down that path. That's the weak point of the whole story.

MR URQUHART: Q. When you say "we", I gather you are referring to Mr Fairclough as well?

A. Mr Fairclough, yes, I am.

Q. So you got some input from him?

A. Yes.

Q. And was he of this view, that he should be offered the opportunity to resign?

A. Yes.

Q: Rather than be dismissed?

A: Yes. We just want him out of the place.

...

HIS HONOUR: Q. So just to clarify now – obviously nothing was done about reporting it to the police?

A. No.

Q. And was there any reason for that?

A. No, I can't come up with any reason at all.

Q. Was that ever discussed with the mother?

A. The mother left it to the Board to make that decision.” (t 3788-3791)

In this regard, it is the mother's evidence:

“Don told us that he had rung around all the Board members and spoke to those that he managed to get hold of. They had a discussion about involving police, but the majority did not want to involve the police, and the decision was made to dismiss the member of staff.

I do not remember us being asked if we wanted police involvement, and am sure that my son was not asked about it. I do not remember anyone speaking to my son about the details” (t 3806)

When Richard Stowell rang back later he simply gave Mr Dixon the telephone number and name of the father of the boy from Swanleigh Hostel who had made the previous complaint against “S”. He told Mr Dixon that if he telephoned that number “he would get the answers he was looking for” (t 3781).

It was as a result of telephoning that number that Mr Dixon learned what had happened to the another boy at Swanleigh. The father was “clearly upset” to receive Mr Dixon's telephone call (t 3782-3). When Mr Dixon asked if anything had been done about the boy's complaint he was told:

“No, because I am only just starting to get my son back and I don't want to put him through it again” (t 3782)

Mr Dixon understood the boy's father to mean by this that his son had already suffered enough trauma and that he did not want him to undergo any further trauma that may come with continuing the complaint, such as legal proceedings (t 3782).

Mr Dixon was angry to learn of “S's” past history at Swanleigh. As he saw it, Mr Stowell had “unloaded” a problem at Swanleigh by passing the problem on to another hostel. In his experience this had never happened before and has not happened since. Although Mr Dixon was completely unaware of any “forbidden list” maintained by the Authority, it is his evidence that there was an informal system amongst Hostel Wardens which enabled them to warn each other about staff from any hostel who had been removed for misconduct (t 3787).

In my view, given the lack of any guidelines in 1990 as to how hostel Wardens should handle complaints of sexual misconduct by staff, Mr Dixon did all that could be reasonably expected of him in the circumstances involving “S”. In any event, he was subject to the directions of the Hostel Board via its Chairman Doug Fairclough who had made the decision that S” should be given the opportunity to resign (t 3802-3).

The problems arising from the lack of any system or standard procedure to deal with such situations was demonstrated by the fact that after “S” left the Narrogin Hostel he was employed at the Rocky Bay Village for Disabled Children (t 3798).

13.6 Conclusions

1 Hardie House

1.1 The initial response to the allegation at Hardie House was very appropriately handled by the supervisor on duty (Ms Pamela Mason) at the time it was made. However this was because of the supervisor’s individual initiative rather than as a result of any established procedures for handling such complaints.

1.2 The staff member the subject of the allegation was allowed to resign rather than be dismissed. Given that the allegation was denied by the staff member there was really little option other than to follow that course.

2 Adamson House

2.1 The Hostel Board’s initial decision to dismiss the female supervisor failing a satisfactory explanation was a very appropriate response to the allegation.

2.2 Despite the subsequent attempt to have the supervisor “bow out gracefully” the matter in the end was dealt with very appropriately. The Police were notified, the Education Department conducted an investigation, the alleged victims were counselled, and the supervisor was dismissed.

3 The allegation by Barry Christy

3.1 During 1989 the Authority received information from Barry Christy that he had seen Dennis McKenna in his pyjamas holding hands with two boys at St Andrew’s Hostel.

3.2 The Authority failed to take any action in response to this allegation thus breaching its fundamental obligation to ensure the wellbeing of Hostel students.

4 Narrogin Hostel

4.1 The Warden of Narrogin Hostel responded very appropriately to the complaint from a parent that a supervisor had sexually molested her son.

4.2 The decision to allow the supervisor to resign rather than be dismissed was appropriate given his denial of wrongdoing.

4.3 Nevertheless in the absence of any objection from the boy or his parents, the Chairman of the Board should have reported the allegation to the Police.

14. General findings concerning St Andrew's Hostel

14.1 Hostel staff members

When the parents of students at Katanning Senior High School arranged for them to be boarded at St Andrew's Hostel they were entrusting them to the care of the Warden and staff of the Hostel. That responsibility to care for the students was not one of simply accommodating and feeding them, it also extended to supervising their behaviour and so far as possible ensuring that they did not encounter any moral hazards while at the Hostel. (In that regard the staff were obliged to fulfil the Hostel's mandate to provide students with wholesome board).¹

The evidence as a whole shows that from at least 1976 through until 1990 Dennis McKenna habitually engaged in the touching and fondling of many male students who were under his care. This involved him having boys sit on his lap or knee², placing his hands up boys' shirts, rubbing their backs,³ and sometimes placing a hand inappropriately on a boy's leg near the groin.⁴ According to two former students McKenna also had a habit of flicking or grabbing at boys' genitals as they walked past.⁵ McKenna behaved in this way not only with the younger male students, but sometimes with older boys.⁶

This behaviour by McKenna was not limited to the confines of his flat or the boys' dormitory. It frequently occurred in open areas of the Hostel including his office where it could be seen through a glass window by people in the breezeway,⁷ and in the dining room.⁸ Sometimes it occurred away from the Hostel while McKenna was with the students on outings or at camps (t 3646).

Although the worst excesses of his offending behaviour occurred in private, McKenna did not try to hide his touching and fondling of boys. For this reason it was often observed by female Hostel students,⁹ teachers supervising homework,¹⁰ and even by parents and others.¹¹

¹ See Chapter 15 and Appendix 1

² Pilatti, M 2012 *Inquiry Transcript of evidence* p.3632; Wallwork D, 2012 *Inquiry Transcript of Evidence* p.3661.

³ Haddow, K 2012 *Inquiry Transcript of evidence* p.360; Brown, J 2012 *Inquiry Transcript of Evidence* p.386-7, Moore, R 2012 *Inquiry Transcript of Evidence* p.408.

⁴ Haddow, K 2012, *Inquiry Transcript of evidence* p.360.

⁵ "S" 2012 *Inquiry Transcript of Evidence* p.929; Parker, I 2012 *Inquiry Transcript of evidence* p.79.

⁶ Bourke, A 2012 *Inquiry Transcript of Evidence* p.1989, p.1970.

⁷ Bourke, A 2012 *Inquiry Transcript of Evidence* p.1969; Bentley, L 2012 *Inquiry Transcript of evidence* p.43.

⁸ Wallwork, D 2012 *Inquiry Transcript of Evidence* p.3648

⁹ Haddow, K 2012 *Inquiry Transcript of evidence* p.360; Moore, R 2012 *Inquiry Transcript of Evidence* p.407; Brown J 2012 *Inquiry Transcript of Evidence* p.386-7; Trezise, D 2012 *Inquiry Transcript of Evidence* p.536; Wallwork, D 2012 *Inquiry Transcript of Evidence* p.3647; p.3648, p.3649.

Other former Hostel staff members who were questioned about this behaviour by McKenna all deny having seen it (Wayne McKenna does admit to seeing a boy on Dennis' knee two or three times – t 2478).¹² However Kylie Haddow has testified that she can recall occasions when Dennis McKenna touched or fondled boys and one of either Neil, Wendy, or Wayne McKenna was present (t 361-362).

Irrespective of this evidence, the irresistible logic of the circumstances surrounding McKenna's inappropriate touching of boys is that any supervisory staff member who worked at the Hostel for a lengthy period must necessarily have seen it happen from time to time. It is simply not credible that so many students and teachers could have seen and been troubled or offended by the behaviour, but that staff members never saw it at all.

The full time supervisory staff were on duty for at least five days a week and worked long hours. Those of them who were employed at the Hostel for very lengthy periods of more than two or three years were all McKenna family members (Robyn from 1977 to 1984, Wayne from 1977 to 1985, Wendy from 1982 to 1992, and Christine for two separate periods totalling six and a half years). However Christine McKenna's employment was different from the others in that her first four years at the Hostel were spent in the laundry and kitchen and not as a supervisor, and from February 1990 her supervisory duties were part-time. Furthermore Christine McKenna never resided at the Hostel but lived with her family at Broomehill from where she would commute each day.

In all of these circumstances the evidence overall establishes to my satisfaction that Robyn, Wayne and Wendy McKenna must necessarily have seen Dennis McKenna touching and fondling boys on many occasions. I am not so satisfied in respect of Christine McKenna.

I am also not satisfied that Gunda McKenna was necessarily in the position to witness this behaviour by Dennis McKenna. She worked at the Hostel for less than three years and did not have any duties within the main building. No witness has given evidence that Dennis McKenna was seen touching or fondling boys in Reidy House where Gunda McKenna worked. Therefore I do not make this finding in respect of her. (Likewise I do not make this finding in respect of other staff members who were at the Hostel for significantly lesser periods than Robyn, Wayne and Wendy McKenna).

It may well be that Robyn, Wayne and Wendy McKenna became so accustomed to their brother or brother-in-law's behaviour towards boys that they saw nothing unusual in it. However, any reasonably objective person in their situation would have realised that Dennis' physical handling of the boys was inappropriate if not sinister. That this was so is shown by the number of witnesses who were troubled or offended by the behaviour and tried to do something about it. At the very least, the long term staff members who saw that behaviour should have brought it to the attention of the Chair of the St Andrew's Hostel Board or the Administrative Officer at the Country High School Hostels Authority. By failing to do so they

¹⁰ Bentley, L 2012 *Inquiry Transcript of evidence* p.43, p.44; Carmichael, B 2012 *Inquiry Transcript of Evidence* p.608; Pilatti, M 2012 *Inquiry Transcript of Evidence* p.3631, p.3632; Perris, K 2012 *Inquiry Transcript of Evidence* p.488, p.499.

¹¹ Parkin, N 2012 *Inquiry Transcript of Evidence* p.580; Christy, N F 2012 *Inquiry Transcript of Evidence* p.500.

¹² McKenna, W 2012 *Inquiry Transcript of Evidence* p.3002; McKenna, W L 2012 *Inquiry Transcript of Evidence* p.2947, McKenna, R L 2012 *Inquiry Transcript of Evidence* p.2908; McKenna, C M 2012 *Inquiry Transcript of Evidence* p.3025

did not to fulfil their responsibilities for the welfare and wellbeing of the male students under their care.

14.2 Hostel Board members

In Chapters 11.3, 11.12, 11.14 and 11.20 I have made adverse findings against individual members of the St Andrew's Hostel Board in respect of particular incidents that arose during the time that Dennis McKenna was Warden. In Chapters 11.6, 11.12, 11.20 and 11.21 I have also made adverse findings against the Board members generally at the time of each of the Parkin affair, the Trezise affair, the complaint by Todd Jefferis, and the removal of Neil McKenna.

Quite apart from the culpability of individual Board members and of the Board members generally in respect of these matters, the evidence overall shows a more widespread failure by other unknown Board members in fulfilling their responsibilities towards Hostel students. I have come to this conclusion on the basis of the inevitable inferences which arise from all of the relevant circumstances.

In this regard, the evidence shows that from about 1980 there was an increasing awareness within the Katanning community about rumours which were circulating in relation to alleged sexual misconduct by McKenna at the Hostel. The reasons why these rumours came into existence are quite obvious. Commencing from at least 1976 McKenna had committed frequent, serious and serial sexual offences against chosen students. Other students were aware of this, and word of what McKenna was doing had leaked out.

The earliest example of this happening was in 1976 when Susan Cox would sit on the school oval with female students and try to pick out the boys who were being sexually abused by McKenna.¹³ It was also in 1976 that two of McKenna's victims made disclosures to their scoutmaster resulting in Peter Potter's approaches to three local religious leaders and a Katanning policeman in an endeavour to have something done.¹⁴ So it was that the rumours began to spread.

As the years rolled on new victims spoke to their friends as well as to others about what was happening, and the circle of awareness that something might be wrong grew larger. By 1982 Noel Parkin was actively telling everyone he could that Dennis McKenna was a paedophile. David Trezise has testified that by 1985:

"The old town grapevine was growing well, and it was being well fertilised, and there were rumours around that things were going on at the hostel" (t 540)

Mr Trezise's wife had also heard things. She ran a dancing school and her dance students used to tell her about "the fiddling of boys" and the way McKenna "was treating some of the kids" (t 541). According to David Trezise his daughter had also told him what was going on (as had Bruce Carmichael's daughter as early as 1980 – t 608).

When parents were told by their daughters what was happening, steps were taken to warn their younger brothers and other boys about McKenna before they commenced at the

¹³ Chapter 11.2

¹⁴ Chapter 11.1

Hostel.¹⁵ The awareness of the danger that faced young boys at the Hostel was such that one father (Tom Fisher t 842) even warned McKenna that he would end up in hospital if he interfered with either of Mr Fisher's two sons.¹⁶

During the early 1980s young teenage "townies" at Katanning Senior High School would also tease the "Head Boy" from the Hostel by telling him that he was called that name because he had to perform fellatio on McKenna (t 1375). The evidence generally shows that there was widespread awareness amongst the high school students from as early as 1976 that Hostel boys were being sexually interfered with. The same rumours were also spreading amongst the adult population of the town and in outlying areas. The evidence of "M" the barmaid at the Federal Hotel in 1985 shows that this was a very common topic of conversation and that many people were aware of "kiddie fiddling" at the Hostel. Shirley Brokenshire also heard that rumour but from conversations "around the town" and not at a Hotel. No doubt most of the local citizens who heard the rumour had the same thought as her and "just hoped that it wasn't true" (t 1351).

Given that these rumours had become very widespread within the local community by the mid-1980s one would expect that the Hostel Board members would have been amongst the first to hear them. However, out of the total of 15 former Hostel Board members still alive who were interviewed by the Inquiry's investigators only two (Alan Parks and John Peacock) were willing to admit that they had heard of such allegations or rumours prior to 1990. For obvious reasons I have great difficulty in accepting that all of the denials by the other former Board members can be correct.

Certainly, and as I have found in Chapter 11.6, the members of the Board in 1982 were made aware of Noel Parkin's allegation. The Board members in October 1986 who approved the correspondence sent to the Trezises must also have been aware that this correspondence related to allegations of sexual misconduct by Dennis McKenna. Likewise other individual Board members were specifically informed of such an allegation at various times (e.g. John Renk by Mr Carmichael in 1980 and Len Wilkinson by Deborah Wallwork in 1986).

In my view, the only reasonable inference from all of these circumstances is that from about 1982 an unknown and larger number of individual Board members must have been aware that there were allegations floating around in the local community concerning sexual misconduct at the Hostel. They chose to ignore those rumours, and did so almost certainly because (like Mr Parks and Mr Peacock) they did not believe them to be true. Nevertheless, there was one Board member who (to his credit) realised that he had an obligation to investigate the truth of the rumour even though he did not believe it to be true.¹⁷ Mr Peacock's acceptance of that responsibility displayed the standard of conduct that should have been adopted by all Board members who became aware of the allegations or rumours.

It has been submitted on behalf of one or two individuals that the standards of conduct that could be expected of them as volunteer Board members were not as high as they would have been if they had been paid for taking on their responsibilities. It is true that many community bodies and institutions such as school hostels would be unable to function if it was not for the good work of volunteers. Although volunteers cannot be expected to

¹⁵ Brown, J 2012 *Inquiry Transcript of Evidence* p.387, Moore, R 2012 *Inquiry Transcript of Evidence* p.418

¹⁶ Chapter 11.6.4

¹⁷ Chapter 11.8

observe the same stringent standards as the fully paid officers in any organisation, the conferral of any power to make decisions always carries with it certain fundamental responsibilities. In that regard and in almost every situation whether voluntary or not, authority and responsibility are two sides of the same coin.

In the case of a school hostel, the Board members who accept the authority to make management decisions also have the commensurate responsibility of ensuring that those decisions are made in the best interests of their students. When an allegation is made that a Hostel staff member is sexually interfering with students, a decision to do nothing cannot be a responsible decision. In the present instance, I am satisfied that between approximately 1982 and 1990 a significant number of the St Andrew's Hostel Board members failed to fulfil their fundamental responsibility to safeguard the wellbeing of male Hostel students by choosing to ignore the allegations of sexual abuse which they heard. That failure on their part was a significant contributing factor to McKenna's ongoing ability to offend.

14.3 Conclusions

1. The St Andrew's Hostel staff members Wendy McKenna, Wayne McKenna and Robyn McKenna failed in their responsibility to safeguard the welfare of students by ignoring Dennis McKenna's frequent and inappropriate fondling or touching of boys.
2. An unknown number of individual St Andrew's Hostel Board members between 1982 and 1990 failed in their responsibilities to safeguard the wellbeing of Hostel students by ignoring allegations and rumours of sexual abuse by McKenna.

15. General findings in respect of the Country High School Hostels Authority, its Chairman, and its staff

15.1 The Authority's statutory powers and responsibilities

Throughout the lengthy period of the sexual offending the subject of my Terms of Reference the Country High School Hostel Authority (Authority) had the primary responsibility under the *Country High School Hostels Authority Act 1960* (the CHSHA Act) for the proper supervision and management of the hostels where that offending occurred.¹

The CHSHA Act permitted the Authority to appoint "Committees" (i.e. boards of management) in respect of hostels and to delegate to those boards all or any of its statutory powers.² In the event of such a delegation of powers the Hostel board was entitled to exercise those powers as if they had been directly conferred by the CHSHA Act and not by delegation from the Authority.³ Nevertheless, when exercising those powers the board remained subject to the control of the Authority.⁴

In respect of each of the hostels referred to in this report where offending occurred (with the possible exception of Hardie House in South Hedland) the Authority had delegated its powers of supervision and management to the board of that hostel. It did so by way of a "letter of arrangement"⁵ which delegated specific powers and responsibilities including:

"3. Supervise the management and control of the hostel and to be responsible to the Authority for the provision of clean lodgings and **wholesome** board to the students residing therein" (emphasis added)

Although the CHSHA Act did not expressly provide that the Authority was responsible for the moral wellbeing of Hostel students while they were at a Hostel, this was a fundamental obligation which was necessarily implied in the legislation. That the Authority realised it had this obligation is shown by its delegation to Hostel boards of the specific responsibility to provide **wholesome** board to the students. "Wholesome" as defined in the shorter Oxford English Dictionary (1985) means:

"Conducive to wellbeing in general, esp. of mind or character; tending or calculated to do good; beneficial, salutary".

Although each hostel board was obliged to fulfil this fundamental obligation, the board was subject to the overall control of the Authority. What this meant was that each local board

¹ s7 CHSHA Act

² s7(ba)(iv) CHSHA Act

³ s9(2) CHSHA Act

⁴ s7(1)(ba)(iv), s9(1)(b) CHSHA Act

⁵ Exhibit 88

had full autonomy in the management of its hostel, but could be overridden at any time by the Authority. Accordingly, the Authority bore the ultimate responsibility for the proper operation of each hostel.

The evidence as a whole shows that there were a number of systemic failures by the Authority in its oversight of the management of Hostels generally. The evidence also shows that these systemic failures contributed to the environment within particular hostels which enabled offending by staff members to continue for lengthy periods. These failings by the Authority were in three key areas of its oversight of the hostels, which were as set out below.

15.2 The failure to provide guidelines to board members

Colin Philpott became the Chairman of the Authority in 1976 following the unexpected death of his predecessor Mr Ernest Lange in August 1975. It would seem that Mr Lange had identified some shortcomings in the way in which the Authority conducted its operations, and shortly prior to his death had implemented a process of reform. (These reforms included the establishment of the “Forbidden List” referred to in Chapter 13).

At its meeting on 24 July 1975 the Authority resolved that it would cancel its agreements with a number of Hostel Boards as from 19 December 1975. Those Boards were at Bunbury, Carnarvon, Katanning, Narrogin and Port Hedland. In place of the existing arrangements (amongst other things) the members of each of these Boards were to be appointed annually by the Authority’s Secretary.

Mr Lange died on 13 August 1975 and the next monthly meeting of the Authority was on 28 August 1975. At that meeting there was vigorous opposition to the previous recommendation that the members of the five Hostel Boards would be appointed by the Authority’s Secretary. It was instead resolved that each Hostel Board would retain responsibility for nominating its own members. Significantly however, there was a further resolution that all appointees to these Boards would receive a letter of appointment together with written guidelines about their roles and responsibilities.

Such guidelines would have been of considerable assistance to new members joining hostel boards, particularly at those hostels where there was no governance or backup available from either the Anglican Church or the Country Women’s Association. The guidelines would have been particularly useful to those new board members who came from farms which were distant from country towns. The evidence shows that many board members at country Hostels had never sat on boards before, and certainly not on any board which had the significant responsibility of managing a residential facility for large numbers of students.

However, the evidence also indicates that the Authority never implemented its resolution to provide guidelines to new Hostel board members. Most of the witnesses who were members of the St Andrew’s Hostel Board during Dennis McKenna’s time as Warden have stated that they received no training or guidance from the Authority about their role as Board members. These witnesses also had no recollection of ever receiving any guidelines or a copy of the letter of arrangement that existed between the Authority and the Board.⁶

⁶ Parks, A H (2012), *Inquiry transcript of evidence*, 10 April, pp.1396; Hendry, R L (2012), *Inquiry transcript of evidence*, 17 April, pp. 1899-1900; Murray, I W (2012), *Inquiry transcript of evidence*, 20 April, pp.2212- 2213;

Most of these witnesses claim to have had no knowledge of the letter of arrangement even though the minutes of Board meetings in 1983 and on 22 October 1986 make reference to the document. (Given the regular turnover in Board membership this lack of knowledge on the part of some of them is quite understandable).

A number of the St Andrew's Board members have also testified that they believed that McKenna as Warden was responsible for the hiring and firing of Hostel staff.⁷ (Which helps to explain why McKenna was able to appoint close members of his family as staff members). Some of these Board members also believed that the Warden had authority to expel students from the Hostel, and that their role was merely to "rubberstamp" his recommendations as to the expulsion or suspension of students.⁸ (The evidence shows that McKenna used this power, as well as the threat of this power, to great effect in removing victims who were likely to cause trouble, as well as intimidating others into silence).

It is clearly evident that from the time of Mr Philpott's appointment as Chairman of the Authority in 1976 until McKenna was convicted in 1991 that there was no system in place to advise new Hostel Board members of their functions and responsibilities. It would seem that at one stage of his Chairmanship Mr Philpott recognised that this was a problem. The minutes of the Authority's meeting on 15 May 1984 record that: "the Chairman advised that boards generally were not aware of their respective roles and some education was necessary". However, in his evidence to the Inquiry Mr Philpott has denied that the Authority had any role in providing guidance to new hostel board members:

"Yes, but I'm saying that that's not our role. The role...of the local Board is to make the person coming in welcome, to give him a letter of arrangement and any by-laws or anything they have concerning their hostel."⁹

Mr Philpott's observation in May 1984 that "boards generally were not aware of their respective roles" was undoubtedly correct because it is consistent with the evidence that the Inquiry has heard from former St Andrew's Hostel Board members. It was therefore most unfortunate that throughout the time that McKenna was Warden at the Hostel the Authority never provided guidance to new Hostel Board members in accordance with its resolution in 1975.

15.3 The failure to provide adequate oversight of hostels

The evidence generally indicates that the Authority did not always effectively monitor the performance of boards at particular hostels in fulfilling their responsibilities under the

Marriott, G E (2012), *Inquiry transcript of evidence*, 4 May, p.2649; Stephens, L O K (2012), *Inquiry transcript of evidence*, 9 May, pp.2826-2867; Wilkinson, L A (2012), *Inquiry transcript of evidence*, 11 May, pp.3055, 3058, 3124, 3125; Laffer, J B (2012), *Inquiry transcript of evidence*, 14 May, p.3207.

⁷ Parks, A H (2012), *Inquiry transcript of evidence*, 10 April , pp.1414, 1416; Hendry, R L (2012), *Inquiry transcript of evidence*, 17 April , p.1901 ; Stephens, L O K (2012), *Inquiry transcript of evidence*, 9 May,p.2836; Wilkinson, L A (2012), *Inquiry transcript of evidence*, 11 May, pp.3057, 3058, 3067.

⁸ Peacock, S J (2012), *Inquiry transcript of evidence*, 20 March, pp.1150, 1152; Parks, A H (2012), *Inquiry transcript of evidence*, 10 April, pp. 1410, 141 1; Hendry, R L (2012), *Inquiry transcript of evidence*, 17 April, p. 1906; Murray, I W (2012), *Inquiry transcript of evidence*, 20 April, p.2075; Young, G H (2012), *Inquiry transcript of evidence*, 4 May, p.2617; Stephens, L O K (201 2), *Inquiry transcript of evidence*, 9 May, p.2837).

⁹ *Inquiry transcript of evidence* pp. 2553-2554.

“letters of arrangement”. Given the lack of any system of guidelines or training for incoming hostel board members, it was all the more important that the Authority should have maintained effective oversight of the operations of the various boards.

The Authority’s failure to do this is best illustrated by events at St Michael’s Hostel in Merredin during 1978 and 1979. (As these events are not directly relevant to my terms of reference I will describe them only very briefly). During those years there were at least two periods of three or four months when the Warden’s position was vacant and there was no male supervisor residing in the Hostel overnight. Consequently, there was no night time supervision of the male students, and the behaviour of some of them degenerated to the extent that a number of individual boys were brutalised and victimised. The description of some of the incidents that occurred during those times are very reminiscent of William Golding’s: “*Lord of the Flies*”.¹⁰

In fairness to the Authority it may well be that the events at Merredin escaped its notice because St Michael’s Hostel was being administered by the Anglican Church and was perhaps assumed to have good governance. Nevertheless, the absence of a Warden and the lack of any overnight supervision of male students for three or four months at a time was something that should have come to the attention of the Authority if it had been maintaining oversight in even a very basic way.

At St Andrew’s Hostel in Katanning the Authority’s lack of effective oversight (combined with the lack of any system for vetting staff appointments in accordance with its 1975 policy) contributed to the failure of successive boards to fulfil their mandate. This resulted in McKenna gaining control over decisions (such as the hiring of staff and the expulsion of students) which were properly the function of the Board. The power that McKenna was able to wield in this way assisted him in the creation of an environment within the Hostel which enabled him to continue his offending against students relatively unhindered.

15.4 The Authority’s failure to implement its own policy for investigating complaints of a sexual nature

Throughout the period from 1975 until 1990 the Authority had very minimal resources of its own with which to fulfil its responsibilities. However, it had arrangements in place which enabled it to call upon the resources of the Education Department as and when required, which included the investigative capacities within the Industrial Relations Unit of that Department. It is Mr Philpott’s evidence that in the event of the Authority becoming aware of any alleged sexual misconduct within a hostel it was able to have that allegation investigated by the Education Department.¹¹

The evidence before the Inquiry shows that there was only ever one instance of the Authority arranging for an investigation of a sexual matter by the Department. This was in 1987 at Adamson House in Northam after a number of girls had complained about sexual misconduct by a female supervisor (see Chapter 13).

¹⁰ Mouritz, B. (2012) *Inquiry transcript of evidence pp. 4204-4218.*

¹¹ *Inquiry transcript of evidence pp. 2821.*

In the case of St Andrew's Hostel at Katanning there were two instances when the Authority became aware of an allegation of sexual misconduct involving Dennis McKenna but failed to arrange for any investigation by the Education Department. These instances were the complaint in 1980 by Noel Parkin (see Chapter 11.6) and the letter received by the Authority from Coral Trezise in 1986 which referred to McKenna's "suspicious suggestions" (see Chapter 11.12).

The Authority not only failed to have these matters properly investigated, but in each instance it responded very inappropriately by conveying the substance of the allegation to McKenna and using him as its channel of communication with the Board. This had the inevitable consequence that McKenna was able to manipulate to his own advantage the way in which the Board responded to each of these allegations. This enabled him to escape scrutiny, and in relation to the Trezise incident also enabled him to engage solicitors (at the Authority's cost) to have the complainants silenced by the threat of legal proceedings.

15.5 Comments on other aspects of the Authority's conduct

It has been submitted that I should make adverse findings against the Authority in relation to its conduct immediately following the arrest and charging of McKenna in September 1990. It is submitted that the Authority failed to respond to a complaint by Lynley Day (made at a public meeting) that her son Todd Jefferis had been sexually assaulted by McKenna. (In this regard Mr Philpott was aware that the charge then pending against McKenna related to an incident in 1979 involving another complainant). It is also said that the Authority acted inappropriately following McKenna's arrest by assigning to him the task of preparing a Pastoral Care Handbook for the Authority.

Although there is some substance to these submissions I have decided that I should not make such findings because they do not fall within my terms of reference. In this regard, they bear no relationship to the question of why McKenna was able to continue his offending throughout the 15 year period up until his arrest.

15.6 Responsibilities within the Authority

At all material times the policies and decision-making processes of the Authority were subject to the control of its Board. It is clear from all of the evidence that Mr Philpott had a very robust personality as Chairman and that he was a very strong presence on the Board. However, the responsibility for the systemic failures of the Authority during the 15 years from 1975 until 1990 must rest with the successive boards as a whole over that period. As far as Mr Philpott individually is concerned he simply must live with the knowledge that these failings all occurred on his watch.

Throughout the same period the Authority's policies and decisions were implemented by initially its Secretary (Peter Hepper) and then by its Administrative Officer (Peter Lammas). While each of these two men bore responsibility for their actions within their areas of authority, their positions were the equivalent of mid-level positions¹² and their authority

¹² Hepper was a C-II—3/4 progressing to a C-II-4/5 and Lammas was C-II-7 when initially appointed in 1982 and was reclassified to a C-II-8, the equivalent of a Level 5 in 2012.

was somewhat limited. In these circumstances it would be unfair to make adverse findings against them in respect of the Authority's systemic failures. If the Authority had provided them with good policies to implement, then each of them would no doubt have "done as he was told".¹³

¹³ Bachelard-Lammas, P (2012), *Inquiry transcript of evidence*, 8 May p. 2778

16. Systemic factors which allowed Dennis McKenna's offending to continue

16.1 General comments

In Chapter 11 I have detailed many instances of missed opportunities to expose Dennis McKenna's offending during the 15 year period that it continued. Undoubtedly there were many more such instances which are unknown to the Inquiry because the people involved have not come forward.

From the evidence overall a picture has emerged which shows that there were many common factors which contributed to these failures to expose McKenna's offending. These "systemic" factors can be broken down into three categories:

1. Those factors of a general nature which at the time made the reporting of child sexual abuse very difficult.
2. Factors specific to the victims of sexual abuse which either made them unwilling, or made it very difficult for them to report what was happening.
3. Factors impacting on people who became aware of allegations of sexual abuse at the Hostel, which made them reluctant to pass that information on to the appropriate authorities.

16.2 General factors which hindered the reporting of sexual abuse

16.2.1 The legal and cultural environment prior to 1990

In Chapter 18 the Inquiry's Principal Research Officer has compiled an admirable and very thorough outline of the legal and cultural environment that prevailed throughout the period of the offending.

It is of great significance that the Criminal Code at the time made all homosexual activity illegal regardless of the ages of the participants, and did not focus on homosexual acts committed by paedophiles against teenage boys aged 14 years and over as a separate and more serious category of crime.

Boys aged 14 years or more who consensually engaged in any homosexual act with a male adult, as a matter of law were equally culpable. (Although in such a situation the courts sentencing the offenders would obviously deal with the child more leniently than the adult).

The evidence generally shows that most of Dennis McKenna's victims were enticed or lured into sexual activity and initially (at least) consented to what he did to them. In respect of the youngest boys the fact they consented to what he did was irrelevant and McKenna committed the offence known as indecent dealing with a child under the age of 14 years. However with the victims who were 14 years and older their consent made them just as

guilty as McKenna. Obviously any awareness that they had of their legal culpability would have made them unwilling to report McKenna.

In any event the community's attitudes generally were consistent with the laws at the time and tended to be hostile towards homosexuality. Many people regarded homosexual acts between adult males as being just as bad as homosexual acts between an adult male and a teenage boy. A good example of this attitude can still be found in the evidence of a witness to this Inquiry who could not see any difference between a paedophile and a "poofter" (even though he was well aware of the meaning of the term "paedophile").¹

Given this background of the laws and community attitudes at the time it is quite understandable why teenage boys subjected to sexual abuse by McKenna were very reluctant to tell their parents what was happening. It also would have been extremely difficult for them to go to the Police or to report McKenna's activities to other authority figures (such as a school teacher or their principal) without first speaking to their parents.

16.2.2 Low awareness of paedophilia prior to 1990

Prior to 1990 the community generally, and rural communities in particular, were not very aware of the propensity of paedophiles to target institutions or organisations where children gathered. The following description of how such offenders typically ingratiate themselves within a community helps to explain why the people of Katanning were so easily fooled by McKenna:

*"They groom the parents, school, church club, or any other organization where children congregate, into accepting them as upstanding citizens 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 victims by the very adults responsible for protection of children."*²

Most people at the time were only aware of the "stranger danger" type of paedophile. However in her evidence to the Inquiry Rosemary Cant stated "there's a clear comment in some of the literature that, in fact, this overemphasis on stranger danger has distracted attention from the very real dangers where the abuser is actually part of the child's network."³

Mrs Cant went on to say "well, essentially they find their way into an institution that gives access to children, be it a child care facility, a hostel as in this case, a school, sporting organisation, and they essentially groom that organisation to accept...them to see them in a positive light in order to ensure that they can get access to the children, and as...a defence, if you like, against complaints, you know, "This person wouldn't do that because they are such nice...such a nice person, so helpful, et cetera..."⁴

Mrs Cant also points out that McKenna had free access to the children at the Hostel during the night when they were locked in with no other adults to supervise – "That clearly leaves

¹ See Chapter 18; *Inquiry Transcript of evidence* p.606.

² Report of Rosemary Cant to the Inquiry – paragraph 19 quoting van Dam, C. (2006) *The Socially Skilled Child Molester: Differentiating the Guilty from the Falsely Accused*.

³ *Inquiry Transcript of evidence* p.872.

⁴ *Inquiry Transcript of evidence* p.869.

the children absolutely vulnerable to that person. And, you know, it's the exact situation of a fox guarding a hen house. There is absolute free access to the children without hindrance.”⁵

In my view the evidence overall supports the conclusion that when McKenna first sought employment at St Andrew's Hostel he had targeted it as an ideal environment in which to fulfil his paedophilic desires. This conclusion finds particular support in the circumstances that he commenced his offending almost immediately, and that some of these earliest offences were of the worst kind (involving anal penetration of children). Furthermore within three months of commencing at the Hostel he was provided with the opportunity of transferring his accommodation from a cramped flat adjacent to the boys' dormitory to the more spacious and comfortable Warden's house. The fact that he chose to remain in the more inferior accommodation is a clear indication that he preferred the environment in which he was free to continue his predatory activities in the dormitory.

Because the community had no real understanding of paedophilia it was also vulnerable to being “groomed” by McKenna in ways which have been identified by experts as being common to paedophiles of his type around the world.⁶ The evidence shows that McKenna was a very manipulative individual. He was able to cultivate a persona which made a very favourable impression on the many adults in the Hostel community, the school community, and the town of Katanning generally. In this way he was able to insulate himself from any criticism, and to create an environment in which any allegation or complaint about his offending was unlikely to be believed.

16.2.3 The lack of focus by government agencies on paedophilia

Given the general lack of awareness in the community about paedophilia it is not surprising that government agencies had very little focus on the problem. Certainly the evidence has shown that allegations of crimes involving the sexual abuse of children did not cause any consternation to the police officers who were informed of them.⁷ It was not until 1982 that WA Police established a Child Care Unit (later known as the Child Abuse Unit), and even then a number of years were to elapse before this Unit started to pursue crimes of the type that McKenna was committing, or for it to investigate cases in regional areas.⁸

During the early 1980s this State's Department of Community Welfare gained a justified reputation throughout Australia for the leading role it played in drawing awareness to the problems of child abuse.⁹ Nevertheless the initial emphasis in DCW programmes was on child physical abuse.¹⁰ When these programmes were later widened to include child sexual abuse the initial focus was on intra-familial rather than extra-familial cases of abuse.¹¹

⁵ Inquiry Transcript of evidence p.869.

⁶ Cant, R 2012 Inquiry Transcript of Evidence p.868.

⁷ See Chapters 11.6, 11.11, and 11.13.

⁸ WA Police 2012 *Submission to the Inquiry*, 20 March, p.2.

⁹ Maine, K. 2012, *Inquiry Transcript of Evidence* p.997, 1001.

¹⁰ Maine, K 2012, *Inquiry Transcript of Evidence* p.998.

¹¹ Department for Child Protection 2012 *Submission to the Inquiry* 19 April p.1.

16.2.4 The poor quality of sex education for children

In many (if not most) families during the 1970s and 1980s matters to do with sex were not discussed between parents and children. Children were left to fend on their own in developing their sexual awareness and the most common source of information for them was from their peers.

Formal sex education at school was also of a very low quality and usually limited to occasional warnings of the “stranger danger” variety. The standard stereotype of child molesters being old men in raincoats sidling up to the schoolyard was very misleading for children. Studies have shown that in the majority of cases of child sexual abuse the offender is someone known to the child.¹²

Accordingly McKenna’s victims were very vulnerable to his grooming behaviour. All young teenage boys are very curious about matters to do with sex, and the boys at the Hostel would have leapt at the opportunity to go to McKenna’s flat after hours to watch a pornographic movie. Once they had been sexually aroused and plied with alcohol they would have succumbed very readily to his wishes. The sexual naiveté of some younger Hostel boys in particular made them especially vulnerable, and they believed McKenna when he told them that what he was doing was “normal”.¹³

16.2.5 The power imbalance between victims and authority figures

The evidence has shown that even adult but newly qualified teachers were hesitant to approach their principal or other authority figures to voice their concerns about McKenna.¹⁴ There was also an almost universal uncertainty as to the appropriate ways of handling allegations or complaints about inappropriate behaviour at the Hostel.¹⁵

Quite obviously if adults had these problems it would have been even worse for the children involved. It is therefore unsurprising that many of the victims have testified to the effect that they “did not know where to go”.¹⁶ An added problem for the victims was that virtually all of the supervisory staff at the Hostel were close relatives of McKenna. As McKenna has frankly admitted in his evidence, his appointment of his relatives to these positions reduced the possibility of any complaint about his offending.¹⁷

The essential problem for child victims was that there was no known method by which they could safely report the abuse without retribution. Their access to telephones within the Hostel was restricted, and even if they could make a private telephone call they would not have known who to contact. Other authority figures at school were remote and distant and unlikely to be receptive to any complaint against McKenna.¹⁸

¹² Cant, R 2012 Inquiry Transcript of Evidence p.868.

¹³ Stephens, K 2012 Inquiry Transcript of Evidence p.22 Parker, I 2012 Inquiry Transcript of Evidence p.79.

¹⁴ See Chapters 11.4 and 11.10.

¹⁵ See Chapters 11.1, 11.4, 11.8, 11.9, 11.10, 11.11, 11.13, and 11.18.

¹⁶ Edwards, T 2012 Inquiry Transcript of Evidence p.701, Hilder, M 2012 Inquiry Transcript of Evidence p.133, 134, Parker, S 2012 Inquiry Transcript of Evidence p.187, 188, Stephens, K 2012 Inquiry Transcript of Evidence p.34).

¹⁷ *Inquiry Transcript of Evidence*, p. 1244.

¹⁸ See Chapter 11.20.

In any event, the professionals and other officials who might be likely to receive any such complaint were uncertain as to how such allegations should be dealt with. The Board members at the Hostel did not receive any guidance or training at all on how they should discharge their responsibilities, and McKenna was present at all Board meetings. The Authority did not have any system in place for the reporting of sexual allegations against Hostel staff members. It was not until 1987 that the Department of Education provided limited advice to teaching staff on how they should deal with allegations of a sexual nature. Even then that advice was couched in the form of only “guidelines” rather than explicit instructions to staff as to what they should do.¹⁹

16.3 Factors which made victims unwilling to complain

16.3.1 General factors

I have already referred to general factors which impacted on the willingness, or the ability of McKenna's victims to make complaints about his offending, namely the:

- legal culpability of victims 14 years and over for the homosexual acts committed upon them by McKenna which had happened consensually
- homophobic attitudes of the community generally
- unwillingness to confide in their parents about the offending
- unwillingness to complain to McKenna's close relatives who held nearly all supervisory positions within the Hostel
- power imbalance between the victims and authority figures external to the Hostel
- lack of any independent “child friendly” official external to the Hostel to whom they could confidently make a complaint
- uncertainties as to how they should go about making a complaint (vis the lack of any established procedure for doing this)

16.3.2 The shame experienced by victims

I have already referred to the sexual naiveté of some victims, and their vulnerability to grooming by McKenna which was designed to entice them into sexual misbehaviour. For many victims this enticement included the viewing of pornographic movies which aroused them sexually. It is a well-known phenomenon that when child sex offences are preceded by the normal involuntary physical responses to sexual stimulation the victim (particularly a boy who experiences an erection) will feel responsible for what happened. Consequently, it is very common for a child subjected to sexual abuse to feel considerable shame and guilt about what happened. If no immediate complaint is made and the offending is repeated, the child feels trapped in a situation from which there is no escape.

At St Andrew's Hostel many victims were subject to repeated offending by McKenna. It is highly probable that the shame they experienced because of their continuing participation in

¹⁹ Exhibit 59

these homosexual acts resulted in a situation in which they felt they were in no position to complain.

16.3.3 The lack of any established terminology for sexual abuse

Even if a student wanted to complain, there was the problem of how he should describe the sexual abuse when making the complaint. In this regard, the term “sexual abuse” was coined by academics and professionals in about the late 1970s, but was not a term which was widely used in the community prior to 1990.

The law at the time provided little assistance in describing the activities involved in sexual abuse. For example the Criminal Code gave the act of anal sexual penetration the very colourful and anachronistic name of “carnal knowledge against the order of nature”.

Prior to 1990 the terms commonly used in the community to describe sexual activity of the type which was happening at St Andrew’s Hostel included “molesting”, or “interfering”, “fiddling”, and “mucking around” with boys. Although the perceived meaning of each of these terms probably varied from person to person, it was generally understood that they referred to some form of sexual interaction between the individuals involved.

In a society where there was very little open discussion between adults and children about matters to do with sex, it would have been extremely difficult for a young boy subjected to sexual abuse to go to some seemingly gruff official to articulate his complaint. For such a complaint to be effective it almost certainly would have required the adult hearing the complaint to display some patience and sympathy. Even so, for a 14 year old victim like “S” all he was able to convey to a sympathetic female case officer was a complaint along the lines that McKenna was “doing something bad” to him.²⁰

16.3.4 Fear of Reporting

Many of McKenna’s former victims have testified that at the time of the offending they were fearful of making any complaint. The environment within the Hostel was such that they were always anxious to please McKenna, and they knew that if they went against his wishes they would be humiliated or punished in some way.²¹

The ultimate fear for any victim was that he would be expelled from the Hostel, thus disappointing his parents and possibly bringing to an end his secondary education. The victims also knew that it was McKenna who wielded the power of expulsion and that if he exercised that power his decision would be “rubber-stamped” by the Board. McKenna would boast of his power to expel students from the Hostel²² and he arranged for expulsions to happen sufficiently often for his victims to know that this power was real.²³ McKenna also made it clear that he had considerable influence with the Authority and with other hostels and was able to determine whether or not an expelled student would be able to re-enrol elsewhere.²⁴

²⁰ See Chapter 11.7.

²¹ Parker, I 2012 Inquiry Transcript of Evidence p.82.

²² Parker, I 2012 Inquiry Transcript of Evidence p.82.

²³ Parker, I 2012 Inquiry Transcript of Evidence p.104-106 Haddow, K 2012 Inquiry Transcript of Evidence p374-377 Hilder, M 2012 Inquiry Transcript of Evidence p127-128.

²⁴ Parker, I 2012 Inquiry Transcript of Evidence p.82, 83 Williams, A 2012 Inquiry Transcript of Evidence p.510

Many former victims have also testified that they knew they would not be believed if they made any complaint.²⁵ In this regard they were aware of McKenna's high reputation in the community generally and with the Hostel Board, parents, and high school staff. They also knew that if they made a complaint and were not believed, then they were likely to suffer retribution²⁶ (the experiences of Todd Jefferis following his complaint confirms the validity of these fears).²⁷

16.4 Factors which hindered people who heard allegations from passing information on to appropriate authorities

16.4.1 Disbelief of the allegations

When Dennis McKenna was appointed Acting Warden in 1974, St Andrew's Hostel had been through a difficult period of instability within its Board, constant turnover of staff, and a decline in student numbers resulting in conjecture that it might have to be closed.²⁸ Once McKenna was appointed Warden there was a significant turnaround in the Hostel's fortunes²⁹ in that there was a steady increase in student numbers,³⁰ new facilities were added³¹ and it gained a reputation for being one of the best run hostels in the state.³² Irrespective of whether McKenna was fully responsible for these improvements he was certainly given the credit for what had been achieved.³³ It was important to the economic and social wellbeing of the town of Katanning that the Hostel should continue to be viable and successful.³⁴ McKenna's grooming of the community also played its part and by 1984 he had become so widely admired in Katanning that he was appointed Citizen of the Year.³⁵

McKenna's high standing in the community had the effect that most people who were told of allegations or who heard rumours of sexual abuse at St Andrew's Hostel simply did not believe them to be true.³⁶ Only a very few people who heard the allegations or rumours

²⁵ e.g. Stephens, K 2012 Inquiry Transcript of Evidence p.34

²⁶ Hadlow, B 2012 Statement in possession of the Inquiry p.1; Brown, J 2012 Inquiry Transcript of Evidence p3697-3698; Brown, K 2012 Inquiry Transcript of Evidence p.74

²⁷ See Chapter 11.20

²⁸ See Chapter 5

²⁹ See Chapter 9

³⁰ *ibid*

³¹ *ibid*

³² *ibid*

³³ *ibid*

³⁴ Evans, A 2012 Inquiry Transcript of Evidence p.1673, 1713 Norrish G 2012 Statement in possession of the Inquiry p.2-3

³⁵ see Chapter 9

³⁶ Dawkins, M 2012 Inquiry Transcript of Evidence p.238-240, Jefferis, T 2012 Inquiry Transcript of Evidence p.714, 721-722, Pringle, P 2012 Inquiry Interview p.9-10 Evans, A 2012 Inquiry Transcript of Evidence p.1696 Parks, A 2012 Inquiry Transcript of Evidence p1434 Sherlock P, 2012 Inquiry Transcript of Evidence p.1554,1565

were willing to give them any credence.³⁷ Some other people who heard the rumours simply “hoped that they were not true”.³⁸

The evidence shows that with the exception of one person,³⁹ everyone who positively disbelieved the allegations or rumours took no steps to alert the appropriate authorities, or to investigate or pursue the truth of what they had heard. Nearly all Hostel Board members who heard the allegations were in this category, and even though they were responsible for the wellbeing of the Hostel students they took no action in response simply because they did not believe those allegations to be true.⁴⁰

Accordingly, McKenna’s successful grooming of the Katanning community and his high standing amongst its citizens were significant contributing factors to his ability to continue offending up until 1990.

16.4.2 Desire to uphold reputation of hostel

As already noted, the continued success of the Hostel was important to the economic and social wellbeing of the Katanning community generally. The parents of the students who were boarding or who might board at the Hostel in future were also anxious that the Hostel should remain viable for the sake of their children’s secondary education.

The success of the Hostel was largely dependent upon it maintaining a good reputation amongst the parents of children in the farming communities surrounding Katanning. In the event that the rumours or allegations of sexual abuse were given any credence then this would potentially have damaged the Hostel’s reputation and had a devastating impact on its continuing viability. Although there is no direct proof of the fact, I am satisfied that the desire to avoid any damage to the Hostel’s reputation was one of the reasons why people who heard allegations or rumours of sexual abuse failed to take any steps in response to them.

16.4.3 Fear of defamation proceedings

A very significant factor which inhibited the reporting of allegations of sexual abuse was that many people who otherwise would have done so were fearful of the risk that they would be sued for defamation if they did. (The submission from Professor Michael Gillooly⁴¹ which is appended to this report shows that those people had good reasons for their fears).

Chapter 18 refers to 11 specific instances where people were either threatened with defamation proceedings because of something they said or did, or were explicitly warned of defamation proceedings if they did anything in response to allegations of sexual abuse at St Andrew’s Hostel. The evidence shows that McKenna used these threats as a very effective weapon to prevent exposure of his sexual abuse. He even successfully manipulated the Authority into paying the legal costs for his solicitor’s letters threatening defamation proceedings against four parents who had circulated correspondence referring to his

³⁷ Dawkins, M 2012 Inquiry Transcript of Evidence p.238-240 Fisher, 2012 Inquiry Transcript of Evidence p.841-848

³⁸ Brokenshire. S 2012 Inquiry Transcript of Evidence p.1347, 1351

³⁹ See Chapter 11.8

⁴⁰ See Chapter 14

⁴¹ Appendix 7

“suspicious suggestions”. This strategy had the outcome he intended, and all further mention of the “suspicious suggestions” ceased.⁴²

But for this fear of defamation proceedings it is probable that McKenna's offending would have been exposed in 1976.⁴³ It was only because of that fear that Peter Potter abandoned his efforts to have the complaints of two of McKenna's victims properly addressed.

⁴² See Chapter 11.12

⁴³ See Chapter 11.1

17. The impact of the abuse

Throughout this Inquiry it has received evidence and information from former Hostel students concerning not only the sexual abuse they endured, but also the impact that this has had, and continues to have on their lives. For many former St Christopher's students their participation in the Inquiry was the first time that they had spoken about their experiences since leaving that hostel, and some of them had not even discussed these matters with closest members of their families. These former students were also now in the situation of not being able to progress a complaint with the Police because the perpetrator of their abuse is deceased.

From the Inquiry's perspective (and as detailed in Chapter 3) it was important that victims and their families should be supported while coming to terms with what had happened to them so long ago. Crisis Care has provided this high level of support throughout the Inquiry, and it has been of great assistance to many of the witnesses. Crisis Care has always remained independent of the Inquiry and has not disclosed any confidential information to Inquiry staff without permission from the relevant witness. However the evidence generally as well as the feedback received from Crisis Care does indicate that many former victims of sexual abuse continue to experience:

- feelings of anger, fear, depression and anxiety
- difficulty in relationship development and nurturing because of betrayed trust issues
- confusion of sexual relationships and sexual identity
- addictive and compulsive behaviour
- guilt and self-blame
- feelings of isolation and dissociation.

Some victims have expressed guilt and remorse that they were unable to report their abuse at the time that it happened. In this regard some were also unaware at the time that there were other victims and they feel great regret that they did not take steps to prevent the abuse from continuing. Others who witnessed inappropriate behaviour by Dennis McKenna towards students feel guilty because they consider that they did not do enough to report their concerns at the time.

Rosemary Cant's statement to the Inquiry summarises the reasons why male victims tend to under-report sexual abuse. These reasons include the victims' confusion about what is happening to them as well as feelings of guilt, shame and embarrassment in relation to their experiences.¹

These feelings and behaviours can continue indefinitely and impact on every part of an individual victim's life, and in many cases also impact on the lives of their families. In that regard the Inquiry is reliably informed that the abuse suffered by some former St Andrew's students has impacted on their family members who acknowledge feeling:

¹ Cant, R 2012, Statement in possession of the Inquiry, p.8

- Shock, guilt
- Bewilderment and denial
- Anger, anxiety, sadness and depression.

Some parents who have testified to the Inquiry have confirmed that the abuse suffered by their children continues to impact on them to this day.²

When interviewed by the Inquiry's investigators some former students have also said that the abuse has significantly affected their schooling, academic achievements and further education. In addition (and ironically given that one of the objectives of Hostels was to create a mechanism which kept young people within regional areas) some former students have stated that as a result of the abuse they departed the region where they grew up as soon as they could.

In her expert evidence, Rosemary Cant has also summarised research into the potentially destructive behaviours and feelings of those who suffer child sexual abuse. This research confirms certain matters and propositions that have been regularly raised with the Inquiry since its commencement. In this regard the Inquiry has heard anecdotal evidence of destructive behaviours among former St Andrew's students and of the fact that a number of them have died prematurely from suicide or through recklessly dangerous and self-destructive behaviour. The Inquiry has followed this information through where possible but is unable to establish the precise number of former students who have died in these ways.

Certainly the results of recent research confirm that there is a nexus between child sexual abuse and the rates of subsequent suicides. Mrs Cant, in her evidence draws on figures relating to the prevalence of suicide ideations in a 2010 study which concluded that "male child sexual abuse victims were 14 times more likely to commit suicide or die of a fatal drug overdose".³

Nevertheless many of the former students who testified at the Inquiry were academically successful despite their experiences at the Hostel. Some have gone on to become doctors, lawyers, teachers and successful business people. Most have raised their own families and many have continued to be involved in farming. They have managed to live what might be considered successful lives despite the profound impacts that the same or similar Hostel experiences have had on other former students' lives.

One former male student has described the continuing impacts of his Hostel experiences in the following terms:

*"Still to this day I have problems being able to get rid of those demons that grabbed me at the boarding school for the three years that I went there. I am not willing to let the hurt continue. I feel that it has affected me for the rest of my life. I have tried a lot of things to get over the effects of what happened, but they are always in the background. One thing that I have problems with is that I should have done something about it, said something to someone, but the problem was there was no one that I could trust."*⁴

² Parkin, N 2012, Inquiry Transcript of Evidence p.598

³ Inquiry Transcript of Evidence, p. 892

⁴ Inquiry Transcript of Evidence, p.61

Apart from the evidence of sexual abuse there is ample proof that a large number of students suffered emotional abuse during their time at St Andrew's Hostel. Emotional abuse can be described as the sustained, repetitive, inappropriate ill treatment of a child through behaviours such as threatening, humiliating, teasing or bullying.

One former student was so affected by this emotional abuse that she attempted to commit suicide whilst living at the Hostel in 1986. She has stated that she continues to feel the impact of what happened to her at the Hostel to this day.⁵ Another former student still suffers from nightmares and insomnia and underwent several years of counselling as a result of the emotional abuse that she endured at the Hostel. She has been unable to return to Katanning for more than 30 years.

Another student at St Andrew's Hostel during the mid-1980s has testified:

*"Many children - girls and boys - suffered sexual abuse and hundreds also suffered bullying at its worst, torment, marginalisation, victimisation and we were belittled, vilified and treated as worthless human beings. Because of this disgusting and disgraceful treatment of hundreds of innocent children the ripple effect it has (had) on families and communities is unquantifiable. Siblings haven't spoken to each other for decades. Parents are dissociated from their children. Whole communities hold beliefs about children - who are now adults - and their families that (were) completely fabricated by Dennis McKenna and his cohorts. Us as children now - we're adults - we have our own cause and effect of broken marriages, lost jobs, inability to function within authorities. Our children suffer the scars. There are many with addictions and ongoing psychological issues. Parents who paid for us to be there are now in shock and distress at learning the enormity of it all and there are those of us who have taken our lives."*⁶

Feedback from Crisis Care indicates that some of the victims have found that their participation in the Inquiry has been a positive process in that it has allowed them to tell their story, to be listened to, and to be taken seriously. For some this was the first time they had revealed what had happened to them. Others have found that the support that they have been able to give to each other in the course of the Inquiry has generated beneficial feelings of camaraderie. Mr John Hammond, the lawyer who acts for 25 of Dennis McKenna's victims, stated in his closing submission that the Inquiry had been of "enormous benefit" to his clients. He also described the Inquiry as being part of the healing process for his clients.⁷

The effects of the abuse are likely to continue for many of the victims and their families; and it is important for their future wellbeing that those who have rejected them in the past⁸ should begin to show them some empathy. Until this happens the wrongs that were done to them will continue to fester and Katanning will remain a broken community.⁹

I acknowledge that each individual is different and that there are many who have not spoken of their experiences because they feel uncomfortable in doing so. Nevertheless, I am

⁵ Inquiry Transcript of Evidence, p.3696

⁶ *ibid*, p.382

⁷ *ibid*, p.4143

⁸ Perhaps the worse example of this was the death threat made to one of the initial complainants (t 133)

⁹ Inquiry transcript of evidence p.3607

buoyed by those people who have come forward and I can only encourage the others, when they are willing, to do the same. They should also bear in mind that assistance is always available through services like Crisis Care and other Government service providers.