

Special Inquiry

into

St Andrew's Hostel, Katanning  
(including St Christopher's Hostel, Northam)

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

Thursday, 12 July 2012 at 10.12am  
(Day 40)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Please be seated. Mr Sefton, you appear  
2 today for the State Solicitor?

3  
4 MR SEFTON: Yes, your Honour --

5  
6 HIS HONOUR: Yes, very good, thank you.

7  
8 MR SEFTON: -- if it pleases the court.

9  
10 HIS HONOUR: Yes, Mr Urquhart.

11  
12 MR URQUHART: I thank you very much, sir. Now, as was  
13 mentioned during closing addresses on 29 June, the Inquiry  
14 anticipated that it would reconvene its public hearings in  
15 order to have some further statements read into evidence.  
16 Now, that is the purpose of today's sittings.

17  
18 Sir, I propose reading into evidence a number of  
19 witness statements that the Inquiry has received since 29  
20 June. They cover a number of areas that the Inquiry has  
21 investigated, and I'll briefly summarise what area each of  
22 these statements relate to before I read them out.

23  
24 Sir, the first two statements concern that part of the  
25 Inquiry's investigations into the matter involving the  
26 direction that Mr Brian Humphries says he was given not to  
27 investigate a complaint made by a student at the Katanning  
28 Hostel, which Mr Humphries has estimated was some time in  
29 the early 1980s.

30  
31 The first statement will be from a John Anthony  
32 McDermott, and the second is going to be a further  
33 statement from Mr Humphries.

34  
35  
36  
37 John Anthony McDermott:

38  
39 I am semi-retired and I reside in  
40 Townsville, Queensland.

41  
42 I am commonly known as Tony.

43  
44 I started in 1972 in the department, which  
45 I believe was called the Department of  
46 Community Services. The office was located  
47 in Victoria Park, Perth.

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I was the supervisor of the Victoria Park Divisions. I supervised the staff in the metropolitan area.

I was the Senior Supervisor from around 1978 for about three years, and was based in the Perth office. There were also two other people who had the same kind of role as the Senior Supervisor.

The social work officers in the southern region of the State reported to me in this position.

I believe I reported to Des Semple --

Spelt S-E-M-P-L-E:

-- who was the head of the Divisional sections.

Des Semple reported to the Director, who was Keith Maine.

There was a big restructure at the department, and I left the Senior Supervisor position. I recall Michael Hepburn taking over this role at that time.

After this time I went back to being a supervisor and ran the offices at Armadale and Kelmscott. I did this position for five years, and then I left the department.

Around 1991 I left Western Australia to go live in Townsville, Queensland.

I knew nothing about the St Andrew's Hostel in Katanning, and still don't know anything about the hostel.

I do not recall any information about Brian Humphries being stopped from investigating a complaint at the hostel.

Brian Humphries never told me about a

1 complaint at the hostel.

2

3 I am sorry to hear that this was going on,  
4 but I didn't know anything about the  
5 hostel.

6

7 I declare that this statement is true and  
8 correct to the best of my knowledge and  
9 belief, and that I have made this statement  
10 knowing that if it is tendered in evidence,  
11 I will be guilty of a crime if I have  
12 wilfully included in this statement  
13 anything which I know to be false, or I do  
14 not believe to be true.

15

16 It's then been signed, or it does appear to be signed by Mr  
17 McDermott. I was just trying to make out whether that's  
18 actually his signature or the witness's signature, but in  
19 any event it's dated 4 July 2012.

20

21 Sir, now the next statement I mentioned a moment ago  
22 is from Mr Humphries, and I'll read that out:

23

24 Statement of Brian Ross Humphries.

25

26 I, Brian Ross Humphries of Albany in the  
27 State of Western Australia, state as  
28 follows:

29

30 I am 79 years old, a retired Department of  
31 Child Protection employee, and I reside in  
32 Albany.

33

34 I gave sworn testimony to the St Andrew's  
35 Hostel on 20 February 2012 at Perth, before  
36 his Honour Mr Blaxell.

37

38 In March 2012 I made a written statement  
39 providing further information to the  
40 evidence I gave in February 2012.

41

42 I'll just stop there for a moment and say, sir, I read that  
43 statement of Mr Humphries' into evidence at the Inquiry's  
44 public hearings on 19 March of this year, and it appears at  
45 pages 950 to 953 of the transcript. Now, Mr Humphries'  
46 current statement continues:

47

1 This statement is made in furtherance to  
2 the statement I made in March 2012.

3  
4 In the statement that I made in March 2012,  
5 I stated the following:

6  
7 *"Bill Howell took over from Robert Wilson  
8 and supervisor (sic) for a couple of years.*

9  
10 *There were things that Bill Howell did and  
11 ways that he operated that I did not agree  
12 with.*

13  
14 *Mr Howell was not the supervisor who I  
15 spoke with regarding the Katanning Hostel.*

16  
17 *If Bill Howell had given me that  
18 instruction, I probably would have gone  
19 against his instruction."*

20  
21 In late March 2012, I was spoken to by a  
22 person from the St Andrew's Hostel Inquiry  
23 ("the Inquiry") who wished to clarify some  
24 matters. We spoke about my recollections  
25 and I told the person certain things.

26  
27 After giving evidence in February 2012 and  
28 making the statement in March 2012, I have  
29 given a great deal of thought to the events  
30 surrounding my travel to Katanning  
31 approximately 30 years ago to investigate  
32 the allegation of ill-treatment of a child  
33 as St Andrew's Hostel ("St Andrew's").

34  
35 In addition to thinking a great deal about  
36 those days, I followed the evidence given  
37 by Mr Robert Wilson ("Mr Wilson"), a former  
38 work colleague known as Rowdy --

39  
40 R-O-W-D-Y:

41  
42 -- to the Inquiry.

43  
44 Whilst I have followed Mr Wilson's evidence  
45 and read reports about the Inquiry, I want  
46 to make clear that what I state now is my  
47 recollection of events with one proviso,

1 which I will explain later.

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N-A-M-O-U-R:

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In relation to my previous written statement, I now want to say that I should not have so strongly said that Mr Bill Howell ("Mr Howell") was not the supervisor who gave me the direction to cease the investigation of an allegation of ill-treatment of a child at St Andrew's.

I should not have so strongly said that it was not Mr Howell, but I did not want to speak ill of the dead, and it is difficult to make a statement about Mr Howell without saying negative things.

In the whole of the district, Mr Howell only got on well with one other department employee, and that was Mr Sam Namour.

It is enough for me to say that Mr Howell was not well regarded because of the way he performed his work functions and his willingness to go outside normal practice and procedure.

Whilst I cannot be totally certain, because of the number of years since this matter, I believe it was Mr Howell who gave me the direction to cease the investigation of an allegation of ill-treatment of a child at St Andrew's.

When I was given the direction to cease the investigation, I argued with the supervisor who gave me the direction because it was such a strange order.

I believe it was Mr Howell who gave me the order, and even though it was Mr Howell, and I did not like him, I gave in and followed the order because it came from a supervisor.

The assertion in my previous statement that

1 I would not have followed the order if it  
2 was from Mr Howell, was perhaps more a  
3 comment of what I would like to have done,  
4 with the benefit of hindsight.

5  
6 The supervisor definitely mentioned the  
7 name Logan and it was mentioned in words  
8 to the effect, "Logan has told us not to go  
9 ahead".

10  
11 I have no doubt that it was the name  
12 "Logan" in relation to where the order was  
13 supposed to have originated from for me to  
14 cease the investigation.

15  
16 As far as I can recall, Mr Howell did not  
17 mention that it was Logan who had spoken  
18 directly to Mr Howell.

19  
20 I have no direct knowledge about how  
21 "Logan" was involved, but simply followed  
22 the direction.

23  
24 At the time I was given the direction to  
25 cease the investigation at St Andrew's I  
26 believe that Ms Fran Crowley was working at  
27 the Albany office.

28  
29 I went to Katanning with the intention of  
30 attending at St Andrew's to interview the  
31 warden about serious allegations made by a  
32 student residing at the hostel.

33  
34 Before I drove to Katanning to attend at St  
35 Andrew's, I did not ring the warden in  
36 advance.

37  
38 I did not ring in advance because it was  
39 not my practice to do so.

40  
41 I always had more than one file to attend  
42 to, so if the warden was not at St Andrew's,  
43 I would have had other jobs in Katanning to  
44 attend to.

45  
46 It was my intention to speak with the  
47 warden first, even though the complaint was

1           that those looking after the student had  
2           done something bad to the student.

3  
4           And this next paragraph is number 28, sir, which is  
5           relevant to a reference to a paragraph that Mr Humphries  
6           later makes in his statement. So paragraph 28 reads:

7  
8           Having regard to everything I have learnt  
9           from following the proceedings at the  
10          Inquiry and with the benefit of having  
11          thought a great deal about this matter for  
12          many months, I believe the student I was  
13          going to St Andrew's to inquire about was a  
14          ward of the State.

15  
16          And then paragraph 29 reads:

17  
18          All of the circumstances and information I  
19          have become aware of, point toward the  
20          student having been a ward, and it seems  
21          the most reasonable explanation for my  
22          involvement.

23  
24          And that is the end of paragraph 29. The statement then  
25          continues:

26  
27          I had previously been asked about the name  
28          "Sibson", and I recognise the name from the  
29          past.

30  
31          And Sibson is spelt S-I-B-S-O-N:

32  
33          Other than saying it has not been because  
34          of reading about the Inquiry, I cannot say  
35          why I recognise the name "Sibson".

36  
37          The name "Sibson" was not mentioned by the  
38          supervisor when I was given the direction  
39          to cease the St Andrew's investigation.

40  
41          I have previously been asked about the name  
42          --

43  
44          And then, sir, Mr Humphries uses the initial that we've  
45          used for this particular student at St Andrew's, and it's  
46          "S", and then he gives the full name of "S" in his  
47          statement, which I won't repeat. So I'll just read that



1 paragraph again:  
2

3 I have previously about asked about the  
4 name "S", and I recognise the name from the  
5 past.  
6

7 Other than saying it has not been because  
8 of reading about the Inquiry, I cannot say  
9 why I recognise the name "S".  
10

11 The name "S" sounds familiar to me, but as  
12 far as I can remember, it was not mentioned  
13 by the supervisor when I was given the  
14 direction to cease the St Andrew's  
15 investigation.  
16

17 In relation to areas where I am not as  
18 search of things as compared to other  
19 memories, I am certain about - I simply say  
20 that the passing of 30 years has affected  
21 my memory.  
22

23 It is very hard to recall some things, no  
24 matter how important they might be now,  
25 that occurred 30 years ago, but some events  
26 are more certain than others.  
27

28 It is likely, too, that hearing other  
29 accounts of events during the last  
30 six months has jogged and assisted my  
31 memory, but what I have stated in this  
32 statement are my recollections with one  
33 proviso.  
34

35 At paragraphs 28 and 29 I have made clear  
36 that I have included other persons'  
37 information in arriving at my view that the  
38 student at St Andrew's must have been a  
39 ward of the State.  
40

41 I am certain of the name Logan, and it was  
42 raised in the manner I have described in  
43 this statement, my previous statement, and  
44 during my evidence in February 2012.  
45

46 This statement is true to the best of my  
47 knowledge and belief. I have made this

1 statement knowing that if it is tendered in  
2 evidence, I will be guilty of a crime if I  
3 have wilfully included in this statement  
4 anything which I know to be false or that I  
5 do not believe to be true.

6  
7 It's then dated 28 June 2012 and it has been signed by Mr  
8 Humphries.

9  
10 Now, sir, just before I move on to the next area, in  
11 light of what Mr Humphries has now said about Mr Bill  
12 Howell - and, of course, Mr Bill Howell is now deceased -  
13 investigators from the Inquiry are making efforts to locate  
14 a relative of Mr Howell's to see if they wish to provide a  
15 statement - as we have done with respect to a number of  
16 other persons who have been deceased - and I refer  
17 specifically to Mr Logan and also to Mr Wenlock.

18  
19 Now, if a statement is forthcoming, sir, then that  
20 will be read into evidence at - publicly - and I anticipate  
21 hopefully that can be done some time next week, when I'll  
22 address at the end of this hearing a proposed course of  
23 action of the Inquiry.

24  
25 Sir, the next statement is from a police officer  
26 Debbie Maree - "Maree" is spelt M-A-R-E-E - Brown. Her  
27 statement, sir, relates to my questioning of Bishop Michael  
28 Challen, regarding an interview he had with police in 2002,  
29 that dealt with questions regarding Roy Wenlock:

30  
31 Debbie Maree Brown

32  
33 states

34  
35 I am a Detective Sergeant, registered  
36 number 7371, currently attached to the  
37 Child Assessment and Interview Team (CAIT).

38  
39 In 2002 I was a Detective Sergeant Team  
40 Leader working at the Child Abuse Unit  
41 (CAU).

42  
43 On Tuesday, 26 June 2012, I was spoken to  
44 by an Investigator from the St Andrew's  
45 Hostel Inquiry about an investigation in  
46 2002 I had undertaken whilst I was  
47 stationed at CAU.

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I was told by the investigator that the investigation file related to an interview which Detective Senior Constable Tom Cogan --

C-O-G-A-N:

-- registered number 7080, and I conducted with a Bishop Michael Challen.

Initially I had no recollection of the investigation, or Bishop Challen. However, after I was given the opportunity to read the contents of the file, I did remember the job.

I remember the file came via the Office of the Commissioner of Police (COP) for investigation.

I now remember that it related to a gentleman, Mr Galbraith, complaining to the COP (in broad terms) about a child abuse issue. Bishop Challen was referred to in the complaint, but there was no specific allegation against him.

The essence of Mr Galbraith's --

I'll spell Galbraith, G-A-L-B-R-A-I-T-H:

-- complaint was that Bishop Challen (in his official capacity) had dealt with allegations of child abuse by clergy through "pastoral counselling" rather than referring the matters to the police for investigation.

Looking at the - my running sheet on the file, I note an entry on 13.08.02 @ 0940 hours, serial number 14, Officers 7371 and 7080 to --

And then it gives an address which I won't read out:

-- speak with Michael Challen. Notes

1           *taken.*

2

3           I also see the following entry (serial  
4           number 15) on my running sheet refers to me  
5           typing up my notes and placing them on the  
6           file.

7

8           I have located a copy of those notes  
9           (including the typed version) which I took  
10          during my interview with Michael Challen,  
11          and I acknowledge those notes were made by  
12          me and, from recollection, is an accurate  
13          record of what I spoke to Michael Challen  
14          about.

15

16          Whilst I acknowledge I took notes of the  
17          interview, I do not actually recollect  
18          interviewing Bishop Challen.

19

20          It would appear from reading my notes that  
21          Bishop Challen spoke of his involvement to  
22          remove Mr Wenlock from St Christopher's  
23          Hostel, Northam, along with a reference to  
24          an issue involving a priest --

25

26          Who is then named:

27

28                 -- who was charged after an incident in the  
29                 Supreme Court Gardens.

30

31          I don't intend naming that priest, sir, because it's not  
32          relevant to our Inquiry. The statement continues:

33

34                 Had he mentioned anything other issues  
35                 relating to any matter of criminal  
36                 behaviour, I would have recorded it in my  
37                 notes, so the absence of any other issues  
38                 tells me that he only spoke about the two  
39                 issues.

40

41          I also found on the file a list of  
42          students' names for St Christopher's  
43          Hostel, which was provided to me by Jim  
44          Hopkins from the Country High School Hostel  
45          Authority.

46

47          Jim Hopkins sent me the list of students as

1 a result of a request I put through to him.  
2 I would have done this as a matter of  
3 completeness.

4  
5 When I look at the entries on my running  
6 sheet, I notice that I spoke with a Bishop  
7 Kyne --

8  
9 Spelt K-Y-N-E:

10  
11 -- but I have no recollection of speaking  
12 with this person either.

13  
14 I did not interview any of the students on  
15 the list provided by Hopkins, for the  
16 simple reason that there was no specific  
17 allegation against any person, and it is  
18 not the role of the WA Police to solicit  
19 complaints from potential victims.

20  
21 The aim of my investigation was to address  
22 the critical points raised in Mr  
23 Galbraith's letter of complaint to the COP.

24  
25 I wrote this file off consistent with the  
26 complaint lodged by Mr Galbraith.

27  
28 This statement is true to the best of my  
29 knowledge and belief. I have made this  
30 statement knowing that if it is tendered in  
31 evidence, I will be guilty of a crime if I  
32 have wilfully included in the statement  
33 anything that I know to be false, or that I  
34 do not believe is true.

35  
36 It has not been signed by this witness, sir, however it has  
37 been endorsed by way of email in which he has written at  
38 the bottom of that declaration:

39  
40 I have read this statement and it is true  
41 and correct to the best of my knowledge and  
42 belief. Debbie Maree Brown, 11.47am,  
43 3/7/2012.

44  
45 Now, sir, I do propose tendering the handwritten notes that  
46 this detective refers to, plus the typewritten account that  
47 she has also prepared, that she referred to in her

1 statement. It's barcoded number 0455. I understand, sir,  
2 that will become exhibit 146.

3 HIS HONOUR: That is exhibit 146.

4  
5 EXHIBIT #146 HANDWRITTEN AND TYPED NOTES OF DETECTIVE BROWN, 0455

6  
7 MR URQUHART: Sir, the next statement is from Bernard  
8 Benjiman Mouritz. Mouritz is spelt M-O-U-R-I-T-Z. This  
9 statement, sir, relates to my questioning of Colin Philpott  
10 on 20 June of this year, and this questioning regarded the  
11 lack of supervision at night-time of boys that were  
12 residing at the Merredin Hostel over a period of time in  
13 1978, and a period of time in 1979.

14  
15 Mr Mouritz was the author of the email I read out to  
16 Mr Philpott, at pages 3869 to 3872, and which became  
17 exhibit 135. So this typewritten statement, sir, is an  
18 amplification of those matters that were contained in Mr  
19 Mouritz's email that he provided to the Inquiry. It is of  
20 some considerable amplification, because it was 20 pages in  
21 length, but I will read that out. Where appropriate, sir,  
22 I have identified hostel staff simply by an initial:

23  
24 Bernard Benjiman Mouritz

25  
26 states

27  
28 I am 47 years old, self-employed and live  
29 in Wattle Grove.

30  
31 I contacted the Inquiry as I wished to  
32 raise my concerns in relation to the  
33 Country High School Hostels Authority  
34 (CHSHA), and it's failure, I believe, in  
35 its duty of care given to the borders at  
36 the St Michael's Hostel in Merredin in the  
37 latter part of 1978, and the same in 1979.

38  
39 I also want to emphasise that to my  
40 knowledge there was no sexual abuse  
41 whatsoever, only brutal physical abuse  
42 during the times there was no supervision  
43 on site.

44  
45 I was raised by my parents and my eight  
46 brothers and sisters in Hyden. The closest  
47 high school with boarding facilities to our

1 place was St Michael's Hostel in Merredin.  
2 It also offered a train service to Perth,  
3 which enabled me to catch up with family  
4 there. Organising nine kids to the one  
5 point at any time is a mission, so this  
6 solved the issue of me getting to Perth.

7  
8 I resided at the hostel for four years,  
9 from Feb 1978 to the end of 1981, between  
10 the ages of 12 ½ to 16 ½  
11 years old. There were some good times  
12 there.

13  
14 I made some good friends and still talk  
15 with them till this day.

16  
17 In July 1978 the warden of the hostel  
18 was --

19  
20 And he names this warden, sir, but I'll simply refer to him  
21 as "P":

22  
23 He had a nervous breakdown and left the  
24 hostel in late July. This happened after  
25 he walked in on a fight between two boys  
26 who were friends, who were made to fight  
27 each other. His trusted prefects were  
28 standing in the group, watching the fight.

29  
30 I was in the room when "P" came in and  
31 yelled, "WHAT IS GOING ON HERE?" He was  
32 devastated and ashamed. He turned around  
33 and left the room. He left the hostel the  
34 next morning, and I never saw him again  
35 until he came back one time when I was in  
36 third year, and we generally talked.

37  
38 At this time there was an Assistant Warden,  
39 Peter Butler. He was a good man whom did  
40 all he could for us kids. He was in his  
41 late 60s and lived across the road from the  
42 hostel. He was British, ex-army and had a  
43 passion for old cars and mechanics. I got  
44 on well with him as I had a flare for cars,  
45 et cetera.

46  
47 There was then no on-site warden. A couple

1 of housemasters came and went, but there  
2 were many times when there was no one on  
3 site of authority at all during the hours  
4 of 9.30pm and 6.30am. The boys' side of  
5 the hostel ran itself during those times.

6  
7 You also need to keep in mind that these  
8 Housemasters had jobs in town and couldn't  
9 be expected to stay up all night and then  
10 work all day. Their task was to supervise  
11 study sometimes, and the odd weekend during  
12 the day, and that was about it. This was  
13 in lieu of them paying board. The  
14 Housemasters were mostly young men as well,  
15 which made it hard for them.

16  
17 In 1979, the Hostel was assigned a Warden  
18 by the name of --

19  
20 Who he names, but I'll simply refer to him as "B":

21  
22 -- and an assistant named Vern Williams.  
23 Vern may have helped out at the end of 1978  
24 when "P" left, but I can't be sure. Vern  
25 lived in town with his family, and he  
26 stayed working at the hostel till after I  
27 left at the end 1981.

28  
29 "B" took no crap and there were no issues  
30 of bullying like before. My mum got on  
31 well with "B", as she could see that he was  
32 having an affect on the bullying side of  
33 things. This was good for all kids, not  
34 just hers. He was a good man, but us kids  
35 weren't ready for the type of discipline he  
36 wanted to instil in the Hostel. I  
37 remember my mother also kept in touch with  
38 "B" for a few years, as she was involved  
39 with the P&C.

40  
41 I was a messy kid. I was a little bloke,  
42 broke 5 foot tall when I was 16 years old.  
43 I also had a mouth on me when required, so  
44 I could give as good as I got, if not  
45 better.

46  
47 Every time "B" had a dorm inspection, my



1 clothes would fall on the floor when he  
2 opened my cupboard. On one occasion we  
3 told him at an inspection that it was like  
4 a prison camp. He said he would treat us  
5 like it was if we wanted. Myself and Mark  
6 Raine promptly saluted to Hitler, and it  
7 was then down the office for the cuts. We  
8 thought it was funny. "B" didn't.

9  
10 I fell out with "B" and over time he caned  
11 me many, many times for what I thought was  
12 trivial stuff. He was very strict and us  
13 kids didn't like it that much. I don't  
14 remember getting the cane for something I  
15 didn't do, but to us kids he had gone too  
16 far the other way. Where we had no  
17 supervision before, we now had someone who  
18 was extremely strict.

19  
20 At some stage he told me he wasn't going to  
21 cane me any more because it was of no use.  
22 I had sore knuckles and puffed-up fingers  
23 from the caning, so I was happy about that  
24 as my hands were so sore when I went home  
25 on the weekends. They seemed to be just  
26 getting so I could move them easily, then  
27 something would happen on a Friday, and I'd  
28 get six again.

29  
30 I am not proud of it, but I was probably  
31 one of the reasons "B" had migraines. I  
32 remember one time his wife asked me to tell  
33 her if I wanted them to leave because they  
34 would. She had just lost her baby  
35 (miscarriage) and could see what it was  
36 doing to "B". It was taking its toll on  
37 him. Due to illness/migraines et cetera,  
38 he left around September of 1979.

39  
40 During the times that "B" and "P" left,  
41 there was two periods that the male borders  
42 had no on-site warden. This was between  
43 the hours of 9.30pm until 6.30am, for a  
44 four month period in the latter part of  
45 1978 when "P" left, and a three month  
46 period in 1979 when "B" left.

47

1 Between these times of no supervision, the  
2 older students ran amok, bullying.  
3 Sometimes the bullies would come up behind  
4 you and "bear hug" you so tight until you  
5 passed out. Some boys were beaten  
6 severely.

7  
8 It was standard you would have to peek  
9 around corners to check if older kids you  
10 didn't get on with were there, or risk  
11 being beaten. If they were there, you went  
12 somewhere else to avoid being beat.

13  
14 No one spoke out about the cruel  
15 treatment --

16  
17 Sorry, I'll start again:

18  
19 No one spoke out about the cruel treatment  
20 from the older boys, as there was no  
21 protection for them from the others if they  
22 did. I never said to my parents that I was  
23 being beat up - you couldn't. You said you  
24 were getting picked on. My father would  
25 have been as mad as hell if he knew what  
26 the other kids were doing to us.

27  
28 In the latter part of 1978 there was dorm  
29 warfare. Two students, whom were initially  
30 friends, fell out. It was over a girl.  
31 Things were heating up to a point where  
32 kids were walking around with bandages on  
33 their wrists so that they could protect  
34 themselves when fighting.

35  
36 I was friends with the one that was in  
37 another dorm, so when four students called  
38 me about 2am on this Thursday night and  
39 said, "The guys in the other dorm wanted  
40 me" I thought that this was it.

41  
42 I put my dressing-gown over my shorts and  
43 T-shirt and walked up the corridor to the  
44 other dorm. At this point they yelled,  
45 "Get him." I was attacked and belted, then  
46 held down and was rubbed on my stomach and  
47 towards my groin area with Oil of Cloves,

1 which reminds me of the smell of a  
2 dentist's surgery.

3  
4 My mother told me as she was driving me to  
5 the hostel for the first time about being  
6 wary of drugs and such at the "hut", but  
7 she said nothing about this type of thing  
8 happening. The hut was the name used for  
9 where the boarders stayed.

10  
11 I then became enraged and yelled out,  
12 "YOU'RE GONNA CUT ME UP YOU BASTARDS." I  
13 punched and kicked my way out of there.

14  
15 Two of the guys were in first year, and the  
16 other two were in second year. I managed  
17 to fight my way free and ran back toward my  
18 cubicle because they had blocked off the  
19 exit. They chased me. I knew my window  
20 was open, but they had just put a new  
21 flyscreen in. It was about two and a half  
22 feet from the ground. So I jumped through  
23 the window and the flyscreen, destroying  
24 it, and ran towards the back perimeter  
25 fence. I sat there behind a shrub that was  
26 growing near the fence. It was quite light  
27 that night. It seemed like half hour, but  
28 it was probably five minutes.

29  
30 It was at this point I had to decide if I  
31 should jump the fence to go to my uncle's  
32 place in Throssell --

33  
34 Spelt T-H-R-O-S-S-E-L-L:

35  
36 -- Road, just past the school, or should I  
37 go back to my bed. Knowing full well that  
38 this would blow the lid on what was  
39 happening if I jumped the fence, and that I  
40 would get the crap beat out of me if I went  
41 to bed. I had had enough of this, and  
42 climbed the fence. I walked along it to  
43 find that the gate was open, so I could  
44 have just walked out anyway, instead of  
45 climbing the fence.

46  
47 I walked down past the school and banged on

1 my uncle's door at about 2.30am. I told  
2 him that I had been beat up and needed a  
3 bed for the night. My uncle rang my  
4 father, and he was in Merredin by about  
5 school time that morning. I was in the  
6 school's front office, stinking of Oil of  
7 Cloves. My folks weren't very happy at  
8 all.

9  
10 Now, the golden rule back then, and still  
11 is amongst kids, is that you don't dob.  
12 This made it difficult for me, so I didn't  
13 name names. However, the hostel staff knew  
14 there were issues with some students, and  
15 they weren't allowed back the next year.  
16 Now, I generally have a very good memory,  
17 but the next few weeks of my time at the  
18 hostel are missing from it.

19  
20 One time in 1978 when the boys were in the  
21 shower complex, this bully made one boarder  
22 scrub his acne-covered shoulder and back  
23 with a scrubbing brush. There was blood  
24 and pus running all over his back and  
25 buttocks. This guy was crying as he  
26 scrubbed his back with left hand, back and  
27 forth over his right shoulder.

28  
29 This was in between getting hit as hard as  
30 this older guy could hit him in the chest,  
31 yelling, "SCRUB, FUCKING SCRUB", between  
32 this poor kid's sobs.

33  
34 The guy hitting him was about 5 foot 10 and  
35 thickset. He was an arsehole. He left the  
36 day he turned 15, thank goodness. I went  
37 to his funeral a few years back, and I saw  
38 what he was going to miss out on. I felt  
39 sad for his family.

40  
41 But the real issue here was that there was  
42 no one to look after us or catch the bully  
43 out. I can't blame him completely for the  
44 end result of not enough supervision at the  
45 hostel.

46  
47 Another occasion, on a late Saturday night

1 in 1979, two boys - one Year 10 and one  
2 Year 11 boy - had been out and had come  
3 back to the hostel drunk. One of these  
4 boys had thrown a tomahawk at a Year 8 boy.  
5 This boy came to me and told me what had  
6 happened.

7  
8 At first I didn't believe him, but after  
9 seeing his locker door had been split with  
10 a tomahawk, and had been ripped off its  
11 hinges with about five or six other doors,  
12 I knew we had to do something, or there was  
13 going to be hell. I said to him that we  
14 will go down the quarry for the night.

15  
16 It was about 8.30pm in late spring, and was  
17 dark. We didn't have a torch, but I knew  
18 who did. I went to the live-in dorm master  
19 --

20  
21 Who he names, but I'll just simply refer to as "R":

22  
23 -- who wasn't much bigger than me. He wore  
24 John Lennon glasses and weighed about 50  
25 kilograms max. I am fairly sure he worked  
26 at the bank. He hadn't been there long.

27  
28 He wouldn't part with his torch, so I told  
29 him that two drunken students who were  
30 staying at the hostel on their last night  
31 before they went home at the end of the  
32 year had gone berserk. I asked him if he  
33 wanted to join us, but he declined.

34  
35 I told "R" there was going to be some big  
36 stuff going down, so we were leaving so we  
37 didn't get hurt, and we would be back at  
38 6.30am the next morning. "R" loaned me the  
39 dolphin torch before he locked himself in  
40 his room.

41  
42 Along with about a dozen other kids in  
43 second year and first year we packed our  
44 beds with clothes to look as if we were  
45 sleeping in them, and walked about one and  
46 a half kilometres from the hostel, and took  
47 refuge at the quarry. We had four cans of

1 beer and a stereo out of a car, and the  
2 battery. We lit a fire and the boys took  
3 turns at lookout. We discussed what we had  
4 to do if they came after us.

5  
6 At 6.30am the next morning we came back to  
7 the hostel. I returned the torch to "R",  
8 and nothing was said between us. He left  
9 later the same week. Us kids really became  
10 close after that.

11  
12 Could you imagine if you found out a dozen  
13 kids had left the premises for an evening  
14 because they feared for their lives? I  
15 didn't think about it at the time, but when  
16 I think back, it was the only real time at  
17 the hostel that I thought that we were in a  
18 position where someone could get killed.

19  
20 In late 1978 a despicable sexual act was  
21 forced upon one of the boarders in front of  
22 his friends and all who were in the showers  
23 that morning. One of the bullies made a  
24 hole in a bar of green Palmolive soap, and  
25 the boy was made to root it. By that I  
26 mean stick his penis in the hole in the  
27 soap and humiliate himself.

28  
29 I have never seen a person as upset as him  
30 after this. He was not the same person  
31 after that particular incident. It was  
32 silent when we came back to the dorm from  
33 the showers.

34  
35 I remember at some stage telling my dad  
36 about getting picked on at the hostel. He  
37 said this sort of thing had been going on  
38 for years. It happened when he was at high  
39 school, and basically I was to "toughen  
40 up".

41  
42 There were many instances of heavy physical  
43 abuse amongst the boarders, but too many to  
44 put into detail. This gives some ideas of  
45 the results of having no warden on site  
46 during the periods stated.

47

1 The only way we could get back at the older  
2 kids who bullied us was to tip out some of  
3 their Loxene shampoo that was in the shower  
4 recess, and refill it with urine. When  
5 they washed their hair, while we were in  
6 the showers, we just had a small sense of  
7 satisfaction that we got one on them.  
8 Sometimes I think a few of us had the same  
9 idea, as the shampoo was really runny and  
10 didn't want to lather too well. We would  
11 have been dead if we got caught.  
12

13 Another time we managed to find "P"s  
14 liquor. The older kids were very annoyed  
15 that the first-year boys had found his grog  
16 and were drunk. They made this one guy run  
17 up and down the dorm until he vomited  
18 everywhere.  
19

20 This was one of the times I remember Peter  
21 Butler coming over to see what the raucous  
22 was about. We, as first years, had drunk  
23 "P"s booze and as punishment had to do the  
24 dishes and scab duty till the end of the  
25 year.  
26

27 In 1980 the hostel was assigned a warden by  
28 the name of --  
29

30 Again, he names the warden, but I will simply refer to that  
31 warden as "V":  
32

33 -- who came from Swanleigh. He had left  
34 the Merredin Hostel a few years earlier.  
35 There were rumours about him, as to why he  
36 left Merredin.  
37

38 He had connections to Dennis McKenna, the  
39 warden from the St Andrew's Hostel in  
40 Katanning. Between "V" and McKenna, they  
41 organised a series of student exchanges  
42 between the two hostels. This happened  
43 once while I was there, and I believe after  
44 I left.  
45

46 A recent conversation with a good friend of  
47 mine, who is an ex-student of St Michael's,

1 and he was an exchange student. He assured  
2 me that there was no "hanky panky" - that  
3 is, things of a sexual nature going on with  
4 him there.

5  
6 On our first day back to school when "V"  
7 was introduced to another old schoolmate of  
8 mine, Mark Raine, "V" asked us where we  
9 were from. When we said "Hyden", he said  
10 he knew all about us "Hyden boys". We said  
11 he knew nothing about us, but would learn.

12  
13 We didn't feel comfortable around "V" as he  
14 was a "touchy feely" kind of person. He  
15 was nicknamed "the phantom" as we would  
16 never know where he would be until you saw  
17 him - whether it be in the showers or the  
18 dorms, et cetera. I had doubts about him  
19 and his sexual preference, although he was  
20 married.

21  
22 Now, you can be in the showers and have  
23 your presence known, but he would make you  
24 feel as though he was checking you out. To  
25 avoid him watching you, you would turn your  
26 back on him, which in hindsight may not  
27 have been the right thing to do.

28  
29 A complaint was made to the hostel board by  
30 parents of some of the boys about "V"  
31 watching us in the shower. I believe I  
32 know who put the complaint in, but I would  
33 need to confirm it.

34  
35 However, nothing changed with the  
36 complaint, so we decided to sort it --

37  
38 Out - to sort it - sorry, I'll read that again:

39  
40 However, nothing changed with the  
41 complaint, so we decided to sort it  
42 ourselves. We decided to place buckets of  
43 water on the top of both doors that led  
44 into the shower complex. "V" always was  
45 dressed well, very neat, old school and  
46 attention to detail was paramount for him.

47



1 When "V" opened the door, the bucket fell  
2 over and water went all over him. He was  
3 soaked and angry. I had never seen him go  
4 off like that. He yelled at us to try and  
5 find out who did it. However, no one told  
6 him. He left via the other door, and the  
7 second bucket of water fell on him. We  
8 were all laughing at this stage. I don't  
9 remember him watching us in the shower  
10 after that.

11  
12 I distinctly recall on at least two  
13 occasions when I woke up in the middle of  
14 the night to find "V" standing at the foot  
15 of my bed looking down at me with his arms  
16 folded. I have told numerous people about  
17 him standing at the foot of my bed in the  
18 middle of the night. When I asked "V",  
19 "Sir, what are you doing? You're scaring  
20 me!" "V" replied, "I'm just looking after  
21 my boys."

22  
23 I assure you these things happened. I'm  
24 telling the truth. I have no reason to lie  
25 about it. I know "V" can't speak for  
26 himself, as he died in a bus crash with  
27 nine students on board 30 years ago this  
28 year. I knew seven of them very well. We  
29 were like family. My mother and father  
30 always said that you "don't speak ill of  
31 the dead".

32  
33 I do carry some guilt here as I feel my  
34 behaviour, whilst at the hostel, was partly  
35 the reason "B" left and "V" was in charge,  
36 and then the bus crash killed them all. I  
37 have to live with that.

38  
39 Our parents sent us kids to be educated,  
40 not humiliated and abused like we were.  
41 There are some men out there whom had the  
42 bejesus beaten out of them as 12-year-olds  
43 because we had no one to look after us. We  
44 were just 12-year-old kids for god's sake.  
45 We needed looking after.

46  
47 We were vulnerable and the CHA --

1  
2 Sir, that's a short acronym, obviously, to the Authority or  
3 the Country High School Hostels Authority - so I'll read  
4 that paragraph again:  
5

6 We were vulnerable and the CHA should have  
7 known that. We were in a government-run  
8 hostel, specifically for kids whom were too  
9 far from a high school to get educated on a  
10 daily travel basis. Surely there was a  
11 duty of care here to look after the  
12 12-14-year-old boys during these times?  
13 Our parents trusted the CHA with their  
14 flesh and blood, and look what happened to  
15 us.  
16

17 I was with a friend one time and asked Vern  
18 Williams why there was no replacement for  
19 "B". He told us there was no money. He  
20 said at the time the hostel was nearly  
21 broke. It may have to close down.  
22

23 Things were that bad that he would only  
24 light the hot water for about half an hour  
25 before shower time, to save diesel. This  
26 meant that many times our showers were only  
27 lukewarm, if not cold, and if you had to  
28 shower out of shower times, it would be  
29 cold for sure.  
30

31 With the wardens leaving, there must have  
32 been funds not used as wages, that should  
33 have prompted questions from the CHA?  
34

35 I believe the CHA was neglectful in  
36 supplying the basic supervisory needs. Why  
37 did the CHA not know we had no warden? And  
38 if the CHA did know we didn't have one, why  
39 didn't they do something about it, and put  
40 someone as warden?  
41

42 If the CHA allowed the situation with us at  
43 Merredin to occur, then how can they  
44 honestly say that they knew nothing of what  
45 was happening at other hostels? If they  
46 say they didn't know we had no one on-site  
47 to look after us, then what did they exist

1 for? To me, they should have made it their  
2 business to know what was going on in  
3 Merredin during these times.

4  
5 Now, one thing I would like to put up here.  
6 The staff at the hostel was --

7  
8 Should read "were":

9  
10 -- good caring people whom did their best  
11 with what resources they had. I am a firm  
12 believer that you will not stop kids from  
13 picking on other kids. It is going to  
14 happen until man ceases to exist. I accept  
15 that. I have been through it. Most, if  
16 not all boarding kids have.

17  
18 But all we needed at the hostel was some  
19 on-site supervision at night. Someone to  
20 make sure we were okay. Someone on our  
21 side. Someone to stick up for us kids, to  
22 keep the abuse to a minimum.

23  
24 I never told my parents what really  
25 happened at the hostel. They both have  
26 recently passed away and would have been  
27 distraught to know that they unknowingly  
28 had allowed me to be in an environment as  
29 such.

30  
31 After 35 years, you know, you would think  
32 that writing about this wouldn't upset me,  
33 but it has. I see some of these kids in my  
34 head who really got a beating, and just  
35 wonder how they have got on in life since  
36 then.

37  
38 Thank you for taking the time to listen to  
39 what happened to myself and some 20 other  
40 kids at Merredin during a very challenging  
41 time in my life. I do hope we can get some  
42 answers here, as we sure as hell deserve an  
43 explanation as to how things could go so  
44 wrong when we were supposed to be in good  
45 care, supplied by the government.

46  
47 This statement is true to the best of my

1 knowledge and belief. I have made this  
2 statement knowing that if it is tendered in  
3 evidence, I will be guilty of a crime if I  
4 have wilfully included in the statement  
5 anything that I know to be false, or that I  
6 do not believe is true.

7  
8 Sir, it hasn't been - the statement hasn't been signed by  
9 Mr Mouritz. However, it's been emailed to him, and he  
10 emailed the statement back with this addition at the bottom  
11 of the declaration, which reads:

12  
13 This is a true recollection of my time as a  
14 student at Merredin Senior High School  
15 Hostel between the years of February 1978  
16 through to end of 1981. Also known as St  
17 Michael's House in CAW --

18  
19 I'll spell that C-A-W:

20  
21 -- Street, Merredin.

22  
23 I am also prepared to attend in person to  
24 answer any questions if required.

25  
26 Yours  
27 Bernard Benjiman Mouritz.

28  
29 He then gives his motor driver's licence number, which I  
30 don't need to read out, and it's dated 6th day of July  
31 2012.

32  
33 Now, sir, the next five statements all relate to the  
34 investigations by the Inquiry concerning the evidence of  
35 Maggie Dawkins and, in particular, her account as to why it  
36 was that management had her removed from the Westrek  
37 Project in Katanning. Now, I say it relates to that aspect  
38 of the Inquiry's investigations. It does, however, concern  
39 an issue that is peripheral to that, but nevertheless  
40 inquiries were undertaken in regards to that.

41  
42 I refer to the peripheral issue - it will become  
43 clear. It regards a - yes, records that the Inquiry  
44 obtained from the police, which detailed an allegation that  
45 was made by a Westrek participant towards a group leader.  
46 That is predominantly the subject matter of these next  
47 statements. However, the statements do cover other matters

1 more particular to the account given by Mrs Dawkins.

2  
3 Now, the first statement I will read out is from Janet  
4 Lee Holmes a Court. The second statement I will read out  
5 is - that person won't be identified. He'll be identified  
6 simply by the initial "I", and I'll explain the reasons for  
7 that when I get to his statement, but I will first deal  
8 with Mrs Holmes a Court's:

9  
10 Janet Lee Holmes a Court:

11  
12 I was appointed as the first Chairman to  
13 the Westrek Committee.

14  
15 I became involved in the Westrek Project at  
16 the request of Peter Dowding, who I had  
17 known for many years and who knew I was  
18 interested in these types of initiatives.

19  
20 In broad terms, the Westrek Project was  
21 about setting up a program for young,  
22 unemployed people, or at-risk youth, and  
23 taking them away from their peer group to  
24 work on conservation-based projects.

25  
26 Some of the participants may have been  
27 homeless, had drug addictions, or had  
28 previously been in a reformatory. That was  
29 the point of the program.

30  
31 I may have had involvement in the working  
32 group prior to being appointed as Chairman,  
33 but cannot now recall.

34  
35 It was an action committee more than a  
36 management committee. I do not now recall  
37 where meetings were held, how often they  
38 were held, or who was on the committee.

39  
40 I believe Graeme Edwards, the former  
41 politician, may have been a member of the  
42 project.

43  
44 I was in close contact with the  
45 departmental people who ran the project.

46  
47 I was not involved in the day-to-day

1 running of the project, although I probably  
2 had a greater involvement in the project  
3 than the other committee members.

4  
5 At that time in my life I was spending a  
6 lot of time in Melbourne and London.

7  
8 I mostly dealt with a person named Peter  
9 Sherlock, who was the General Manager or  
10 Administrator of the Westrek Project.

11  
12 I believe Peter Sherlock reported to the  
13 committee when it met.

14  
15 I recall having a number of conversations  
16 with Mike Cross, the head of the Department  
17 about the project.

18  
19 I also dealt with Peter Kenyon, Ian Carter,  
20 and Elizabeth Stroud, from the Westrek  
21 Project.

22  
23 My late husband, Robert Holmes a Court must  
24 have provided some funds to the project. I  
25 may have been referred to as a patron due  
26 to the provision of this money.

27  
28 I visited various projects and saw the work  
29 the young people were doing in the project.

30  
31 The committee was involved with  
32 decision-making about the funding for the  
33 project.

34  
35 We also set the five basic rules for the  
36 project. These rules included the use of  
37 alcohol, sexual relationships, and working  
38 in groups.

39  
40 The committee was not involved in the  
41 hiring of staff for the project. I believe  
42 the Westrek management team was already in  
43 place before I became the Chairman. The  
44 committee was not involved in choosing the  
45 participants for the project.

46  
47 The dealings they had with Maggie Maruff --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
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41  
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43  
44  
45  
46  
47

Who, of course, is now Maggie Dawkins - I'll read that paragraph again:

The dealings I had with Maggie Maruff were primarily at Katanning, when she was the supervisor, and I visited the project.

I saw her once at (I think it was) Hillston --

Spelt H-I-L-L-S-T-O-N:

-- at a final wrapping-up session for that particular --

Appears to be a word missing:

It degenerated into unpleasantness. What that unpleasantness actually was, I don't now recall. I just remember it was a very unpleasant experience, and I was subsequently told that Maggie threw food at me.

I have no recollection of what the project was in Katanning, and I don't recall who I met in Katanning when I was there.

I do not recall any discussion with --

And she then identifies the person who we know as "I":

-- about the appropriateness of his involvement in the project.

I do not recall a Westrek participant named Terry Baker.

I do not recall meeting Councillor Ainslie Evans, or Dennis McKenna. I may have done, but I meet thousands of people.

I absolutely do not recall Maggie Maruff making any complaints to me, or raising any concerns about Dennis McKenna. I am confident I would still recall such matters

1 if they had been made.

2

3 I knew of Maggie Maruff's political  
4 connections, and knew she was the  
5 girlfriend of John Dawkins, who was the  
6 Federal Minister who would be providing the  
7 funds for the project.

8

9 I was told that the people who employed  
10 Maggie Maruff for that job would not have  
11 employed her if it had not had been for  
12 political pressure.

13

14 I can't really recall if there were any  
15 issues in relation to trying to find  
16 suitable group leaders.

17

18 If there were any issues with group  
19 leaders, it would be raised at the  
20 committee level.

21

22 There were issues raised with the committee  
23 about Maggie Maruff's unsatisfactory  
24 performance as a group leader and her  
25 inappropriate behaviour. This is about the  
26 only thing that I remember very clearly  
27 about Westrek.

28

29 I was told about four or five different  
30 pieces of inappropriate behaviour by Maggie  
31 Dawkins. That behaviour was inappropriate  
32 because it was against the rules of  
33 Westrek. Although I am not entirely  
34 certain, I think I was told this by Peter  
35 Sherlock. I cannot now recall when I was  
36 told.

37

38 It was brought to the committee's attention  
39 because she was moved to the Bunbury  
40 project.

41

42 I do not recall if it was told to me as the  
43 Chairperson, or if it was brought to the  
44 attention of the whole committee.

45

46 I can't recall being told of any  
47 inappropriate behaviour by Maggie Maruff in



1 her dealings with the Katanning Community  
2 Liaison Officer for the Westrek Project.

3  
4 I do not recall any allegations --

5  
6 "About" - "that Maggie Maruff" - sorry, I'll read that  
7 again:

8  
9 I do not recall any allegations that Maggie  
10 Maruff raised about Dennis McKenna, being  
11 raised with the committee.

12  
13 I do not recall any information being  
14 raised with the committee about Dennis  
15 McKenna's problems with Maggie Maruff.

16  
17 I do not recall there being a proposal that  
18 was put to Maggie Dawkins to resign from  
19 the Westrek Project, but it wouldn't  
20 surprise me.

21  
22 I do not recall any complaints about the  
23 conduct of Westrek participants at  
24 Katanning, in relation to alcohol and  
25 drugs.

26  
27 I do not recall anything about a fire at  
28 Kartanup, where Westrek participants were  
29 staying, or the need to replace a Westrek  
30 participant's personal effects due to the  
31 fire.

32  
33 I don't recall an alleged sexual assault by  
34 male group leader against a female Westrek  
35 participant in Katanning.

36  
37 It was reported to me that a senior person  
38 on the Westrek Project (who was not in head  
39 office) suggested to a couple of the males  
40 on the project that they should rape a  
41 lesbian woman who was on the project.  
42 Other people found out about it and it  
43 didn't happen.

44  
45 When it was reported to me it had already  
46 been stopped, and the person had been  
47 disciplined by being moved somewhere else.

1           This was one of a number of complaints I  
2           had heard about this person.

3  
4           Sir, just - I pause there. The only relevance that  
5           particular matter is, is just to simply indicate that is  
6           the only account that Mrs Holmes a Court recalls of a  
7           sexual nature with respect to anything to do with the  
8           Westrek Project, and that's the extent of its relevance.  
9           Mrs Holmes a Court's statement continues:

10  
11           I was friendly with many of the people  
12           running the project because I was  
13           interested in the project. I was  
14           passionate about the project and could see  
15           the fantastic things happening. So if  
16           there were things to report to me, they  
17           would often ring me up, rather than wait to  
18           tell me at the next committee meeting.

19  
20           I don't recall why I left Westrek, but it  
21           could possibly be that it was one of many  
22           positions I left after my husband passed  
23           away.

24  
25           The Westrek pilot project was under  
26           pressure to succeed as it needed to secure  
27           future funding. I do recall the project  
28           was started quite quickly.

29  
30           I was always optimistic the project would  
31           work, and it did become a very successful  
32           project.

33  
34           I do not recall any issues in the first  
35           year being brought to my attention that  
36           could potentially cause the pilot program  
37           not to succeed.

38  
39           I have had communication with Ian Carter  
40           and Elizabeth Stroud about this matter,  
41           after I was contacted by an ABC journalist.  
42           I have also had communication with Peter  
43           Sherlock about this matter. He telephoned  
44           me last week to tell me that someone by the  
45           name of --

46  
47           And then she just gives the first name of the witness who's

1           been identified as "I":

2  
3           -- had given evidence that he had flown  
4           with me somewhere in my private jet (which  
5           is not correct). He then sent me a copy of  
6           the relevant transcript.

7  
8           There's a declaration:

9  
10           I declare that this statement is true and  
11           correct to the best of my knowledge and  
12           belief, and that I have made this statement  
13           knowing that if it is tendered in evidence  
14           I will be guilty of a crime if I have  
15           wilfully included in this statement  
16           anything which I know to be false or I do  
17           not believe to be true.

18  
19           It has been signed by Mrs Holmes a Court, and it's dated 11  
20           July 2012.

21  
22           Sir, the next statement is that of "I". He requested  
23           that his identity not be disclosed publicly, and because he  
24           was the subject matter of an allegation of a sexual nature  
25           for which he was not charged, the Inquiry will adhere to  
26           that request. So he'll be simply referred to as "I". So  
27           "I" states:

28  
29           I am 51 years old, and live in --

30  
31           Then he gives the place where he lives:

32  
33           I am currently going through divorce  
34           proceedings.

35  
36           Now, sir, the next three paragraphs then sets out a number  
37           of personal issues which, in the interests of protecting  
38           "I"s privacy, I will not disclose. Then his statement then  
39           continues at paragraph 5:

40  
41           I was recently contacted by an Investigator  
42           from the St Andrew's Hostel Inquiry in  
43           relation to my involvement in the Westrek  
44           Project at Katanning in the 1980s.

45  
46           I was also contacted by Maggie Dawkins last  
47           year, in relation to this matter --

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Then "last year" is repeated again:

Maggie was my co-worker when we worked with Westrek in Katanning. Maggie contacted me to see what I could remember about my time there. She was known as Maggie Maruff then, but I now know her as Maggie Dawkins.

I was given the job as a youth worker on the Westrek Project by a Canadian lady who had worked on a similar scheme in Canada. Her name was Elizabeth Stroud.

I met Elizabeth Stroud in 1985 when I was in a seven-month rehab program at Palmerston Farm for my cannabis use. She offered me a job with Westrek.

Then he refers to a previous place he'd been to regarding his drug use, which I need not disclose. His statement then continues:

I recall that she was the "fly in/fly out" --

No, I'll start that again:

I recall that she was the "fly in/fly out" manager and we mainly dealt with Peter Sherlock at head office in Perth. He was my main point of contact.

Westrek was pretty high profile. It was a pilot scheme run by the State Government, that the Federal Government wanted to run.

I remember Dennis McKenna, who was the warden of the St Andrew's Hostel in Katanning. I recall that I was quite suspicious of how he related to the young people involved with Westrek, and those young people who boarded at the hostel.

I recall one of our participants in the Katanning project was found a job by Dennis McKenna at the hostel in Albany. This

1 appeared to happen quite quickly, and  
2 without the young man having any  
3 qualifications. His name was Simon. I do  
4 not recall his last name.

5  
6 I mentioned my concerns about McKenna to  
7 Maggie Dawkins. She had been in Katanning  
8 working on Westrek before I got there.  
9 Maggie also told me that she had concerns  
10 about Dennis McKenna. She told me that she  
11 had raised them with head office. I do not  
12 know the names of the staff she spoke to  
13 there.

14  
15 Around the same time as this, there were  
16 some "street kids" that came to join the  
17 Westrek Project in Katanning. One of the  
18 girls made sexual accusations against me  
19 and said I was coming onto her. I was in a  
20 relationship with Maggie at the time and  
21 the allegations she made was not true. I  
22 remember that this girl tried to set fire  
23 to the place they were staying in.

24  
25 I think that Maggie raising the concerns  
26 about McKenna with head office, and the  
27 allegation the girl made against me,  
28 happened within a period of about two  
29 weeks. I think that Maggie raised the  
30 concerns with head office before the girl  
31 made the complaint about me.

32  
33 Also, just before that, I recall that Janet  
34 Holmes a Court visited the project and  
35 brought a young man named Terry with her.  
36 Terry was one of our second rotation of  
37 participants, and he was gay. I think that  
38 they flew down together in a private jet.  
39 I remember that Janet Holmes a Court tried  
40 to talk me into leaving the project as she  
41 said it wasn't good PR to have a junkie  
42 working with young people.

43  
44 I remember that Maggie was unwell and was  
45 in hospital, and Ainslie Evans used to come  
46 and help me with the Westrek kids. I was a  
47 bit of an amateur group worker and needed

1           some help.

2

3           My recollection is that Maggie got moved  
4           from Katanning to Bunbury, when she raised  
5           the concerns. I was moved to head office  
6           at the same time. We were told that we  
7           were not allowed to have contact with each  
8           other. One time I caught a taxi down to  
9           see her in Bunbury, and Peter Sherlock  
10          found out and he reprimanded me for doing  
11          this.

12

13          My recollection is that Maggie was a good  
14          worker and a good advocate for young  
15          people, despite what has been said to the  
16          Inquiry about her being unsuitable. When  
17          she was moved to Bunbury, she was in charge  
18          of another group of 12 young people by  
19          herself, so she was clearly thought to be  
20          suitable to do this.

21

22          When I was at head office, I had daily  
23          contact with Elizabeth Stroud and Peter  
24          Sherlock. They had to try to find a job  
25          for me, and gave me the job of compiling  
26          all of the essays that had been written by  
27          the Westrek kids.

28

29          I believe that I was based in head office  
30          for four months. During that time I was  
31          not encouraged by management to debrief  
32          about my experience, but I was supported  
33          privately by colleagues that worked in  
34          street youth services.

35

36          Not long after this I got involved with the  
37          National Youth Council of Australia and  
38          went to Melbourne.

39

40          Then, sir "I" goes through what happened to him as a result  
41          of the stressors that was caused to him at Westrek. I  
42          don't need to go into those details. But he then states:

43

44                 I feel that these problems would prevent me  
45                 from giving evidence to the Inquiry, but I  
46                 am happy to provide a statement regarding  
47                 my involvement.

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

It's then been signed by "I" on 27 June this year. Now, sir, "I" refers to a Westrek participant making allegations of a sexual nature against him, which he maintained were false. Now, the Inquiry has the records of the police investigation of that complaint, and I can confirm from those records that "I" was never charged with any offence arising out of those allegations, the reason being - and I quote from the records:

There is insufficient evidence to charge the suspect with any offence.

Now, my errors seem to be increasing when I'm re-reading out this transcript, sir. As with time moves on, maybe if we can just have a short break --

HIS HONOUR: Very good.

MR URQUHART: And we can continue. But I anticipate we'll finish well before lunch.

HIS HONOUR: Yes, good. We'll adjourn for a short time.

MR URQUHART: Thank you, your Honour.

SHORT ADJOURNMENT

HIS HONOUR: Please be seated. Yes, Mr Urquhart.

MR URQUHART: Thank you, sir. Now, earlier this month Ian Carter, Peter Kenyon, Peter Sherlock and Elizabeth Stroud were provided with a copy of "I"s statement. A covering letter to that statement gave each of these persons the opportunity to either respond to the contents of "I"s statement by way of a formal statement, or to appear and give evidence at a public hearing.

They all elected to provide a formal statement and the

1 Inquiry is now in possession of those. Before I go to  
2 those, your Honour, I just want to deal with page 2 of that  
3 covering letter, which accompanied "I"s statement, because  
4 it covers the areas that these witnesses were invited to  
5 respond to.

6  
7 So page 2 of my letter to these persons dated 2 July  
8 2012, reads:

9  
10 Should you provide a statement it will be  
11 read into evidence at the public hearing.

12  
13 Then it continues:

14  
15 Should you elect to provide a statement,  
16 your responses to the following would be of  
17 assistance to the Special Inquirer:

18  
19 (1) What knowledge do you have of the  
20 events described in "I"s statement?

21  
22 (2) What knowledge do you have of any  
23 impact those events may have had on Ms  
24 Maggie Dawkins' transfer from Westrek in  
25 Katanning to Bunbury?

26  
27 (3) What knowledge do you have of any  
28 impact these events may have had on efforts  
29 made subsequent to Ms Dawkins' transfer to  
30 Bunbury, to secure her resignation from  
31 Westrek?

32  
33 (4) What do you say to "I"s recollection  
34 that (Ms Stroud) offered him a job at  
35 Westrek while he was participating in a  
36 rehabilitation program?

37  
38 (5) What knowledge do you have of Ms Janet  
39 Holmes a Court trying to talk "I" into  
40 leaving the project because "she said it  
41 wasn't good PR for a junkie to be working  
42 with young people"?

43  
44 (6) What knowledge do you have of a young  
45 man named Terry, who was brought into the  
46 Katanning Westrek Project second rotation,  
47 by Ms Holmes a Court?



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(7) What knowledge do you have of Ms Ainslie Evans assisting "I" with the Katanning Westrek project while Ms Dawkins was unwell?

(8) If you have no recollection of any of these matters, would you have expected to be informed about them?

(9) Other than yourself, please state who you would have expected to be made aware of the above matters at the Department of Employment and Training.

And then in square brackets underneath that this appears:

*[Please note that in addition to "I"s statement that he had daily contact with Ms Stroud and Mr Sherlock while at Head Office, in recent email correspondence with an Inquiry Investigator, "I" identified photographs (correctly) as Mr Kenyon, and (incorrectly) as Mr Sherlock, and stated that he expected that both would have been informed of the complaint to police against him "as they report to the Minister [and] they were both on the admin team, I think." Some hours later, unprompted, he sent a second email (correctly) stating "on reflection, the first photo may be an Ian Carter, who was also on the management team."]*

Just to clarify, that photo was the one that he had earlier identified as being Mr Sherlock. And then (10):

What contact did you have with "I" while he was at Westrek's head office?

Then there is - in square brackets after that, there is this notation:

*[The police records, as previously advised, indicate that following the incident at Katanning, "I" was transferred to the Perth office of Westrek at the Superannuation Building, 32 St Georges Terrace, Perth.*

1           *"I" states he was in head office for*  
2           *approximately four months. This timeframe*  
3           *is broadly consistent with the nine month*  
4           *contract for Westrek Group Leaders*  
5           *advertised in March 1985, given that "I"*  
6           *appeared to have commenced in June/July*  
7           *1985.]*

8  
9           And (11):

10  
11           If you have no recollection of "I" being at  
12           Westrek's head office, could you provide an  
13           explanation of how he might be located  
14           there, possibly for some months, and while  
15           undertaking duties on behalf of Westrek,  
16           without you being aware of this?

17  
18           The reason why I read those out, sir, is that a number of  
19           these statements refer to those numbered questions in  
20           response.

21  
22           I'll deal now with Mr Carter's statement, which is in  
23           the format of a witness statement:

24  
25           Ian Leslie Carter

26  
27           States

28  
29           I make this statement in response to an  
30           invitation by Counsel assisting the St  
31           Andrew's Hostel Inquiry (Inquiry) in its  
32           letter of 2 July 2012.

33  
34           I make this statement in the knowledge that  
35           the Inquiry proposes to have it read into  
36           evidence.

37  
38           This statement is additional to the  
39           evidence that I provided the Inquiry when I  
40           appeared on 11 April 2012.

41  
42           As I referred to in my evidence to the  
43           Inquiry on 11 April 2012, I was involved in  
44           the start-up phase of the Westrek program.  
45           Despite being part of the management team  
46           in the Community Employment Initiative  
47           Unit, I was not involved in the Westrek

1 Advisory Committee processes which were  
2 chaired by Janet Holmes a Court, and had  
3 Peter Sherlock, Peter Kenyon and Mike Cross  
4 on it from the Department of Employment and  
5 Training.  
6

7 I was not involved in the day-to-day  
8 running of the Westrek program. Such  
9 matters were primarily left to Peter  
10 Sherlock and Elizabeth Stroud. I was  
11 responsible for hiring Peter Sherlock, who  
12 in turn was responsible for hiring  
13 Elizabeth Stroud. They were both people in  
14 whom I had trust and confidence, and I left  
15 them to attend to their responsibilities in  
16 an autonomous way. This is consistent with  
17 my management style, which I will describe  
18 as a "hands-off" approach to management.  
19

20 After an initial involvement in assisting  
21 with the setup of the Westrek program, when  
22 I wasn't on leave for the birth of my  
23 second son and moving house, I was  
24 attending to my responsibilities as a  
25 manager within the Community Employment  
26 Initiatives Unit, which required me oversee  
27 a range of community initiatives -  
28 including the Joblink, Jobmate and  
29 employment development schemes. My roles  
30 changed through much of this period as new  
31 programs were instigated, including the  
32 Youth Employment Schemes (YES) program.  
33

34 With the above in mind, I was not privy to  
35 much detail concerning the day-to-day  
36 running of the Westrek program.  
37

38 Sir, I just stop here to say that where these witness  
39 statements refer to "I"s full name, I were to simply say  
40 it's "I". So, Mr Carter's statement continues:  
41

42 I do not remember a youth worker in the  
43 Westrek program called "I". Nor do I  
44 remember any matters pertaining to his  
45 involvement, actions and interactions in  
46 the program, including any allegations of  
47 sexual misconduct by "I", involving a

1 participant in the Westrek program.

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I remember an issue that concerned Maggie Dawkins, and an allegation that she was involved in a sexual relationship with her co-worker at Katanning, but I was unaware who this person was. On the basis of the material that has been provided to me, I understand that that - this person may have been "I".

I also remember that Maggie Dawkins was moved to Bunbury as a result of issues concerning her behaviour and a breakdown with the Katanning community. I recall the issues included her taking the Westrek participants to the local pub and getting drunk with them, and creating problems in the street. I'm not aware of there being any other reason for Maggie Dawkins transfer to Bunbury.

I do not recall the other worker with whom Maggie Dawkins had the relationship being moved to Perth (or anywhere else for that matter).

I also do not recall a man named "Terry", who may have been brought to Katanning by Janet Holmes a Court.

I am unaware of any efforts to secure Maggie Dawkins' resignation from Westrek. As I have said previously, I don't recall being involved in a meeting where such discussions took place, nor would I expect to be involved in such a meeting. Such matters would normally be attended to by Peter Sherlock and Elizabeth Stroud.

The Westrek program did involve a number of people involved with the project moving in and out of head office and around the State. These people came through head office because they were in between postings, attending to discrete tasks or completing training.

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I was not involved in decisions as to why these people --

It says "where" but should read "were":

-- moved, or who was moved.

Head office at the time consisted of officers at the May Holman Centre at 32 St Georges Terrace, over the three or four floors, including floors six, seven and 12. The number of people in the office changed from time to time, but could at times be as many as 80 - 100 staff.

The office in which I worked was a closed office, and the general layout of the office was a mixture of closed offices and open plan.

The environment in which I worked was friendly, but because of the number of people passing through the office, I tended not to communicate with people in the office in a substantive way unless they were relevant to the tasks that I was completing.

I have no recollection of "I" ever working at head office, although it is possible that he may have done so.

It would appear from "I"s statement that he was placed at head office for a short period, that his daily contact was with Elizabeth Stroud and Peter Sherlock, and that he was working on "compiling all of the essays that had been written by the Westrek kids".

In carrying out my responsibilities I did not have any occasion or need to perform tasks that "I" asserts he was completing whilst at head office.

In the circumstances, it is not surprising

1 to me that I do not recall "I". It is  
2 possible, however, that "I" may have seen  
3 me or may know what I look like from his  
4 time at head office.

5  
6 Peter Sherlock and Elizabeth Stroud were  
7 directly responsible for the day-to-day  
8 management of the Westrek program. As  
9 such, most issues relating to the program  
10 would have been known to them, or if raised  
11 at the Westrek Advisory Committee by Peter  
12 Kenyon, and perhaps also Mike Cross.

13  
14 Given my hands-off approach to management  
15 and my limited involvement in the Westrek  
16 program after being involved in its initial  
17 setup, it is not surprising to me that the  
18 issues associated with the day-to-day  
19 running of the program were not reported to  
20 me. That said, if reports of sexual  
21 misconduct between a Westrek program leader  
22 and a participant were ever reported, then  
23 I would expect such matters would be  
24 brought to my attention, given the serious  
25 nature of the allegations.

26  
27 For the avoidance of doubt, I can confirm  
28 that I have no recollection of ever having  
29 been informed of any reports of sexual  
30 misconduct by a program leader with a  
31 participant in the Westrek program. Nor  
32 was I ever informed of the allegations  
33 concerning Dennis McKenna and his sexual  
34 misconduct whilst at Katanning until such  
35 matters were raised in the media many years  
36 following.

37  
38 Had such matters been reported to me, then  
39 I would expect that I would recall such  
40 reports being made. I say this because the  
41 reports would obviously have related to a  
42 very serious subject matter, and because my  
43 recollection of detail from the relevant  
44 period is good, in respect of matters of  
45 significance that I observed and which were  
46 reported to me. For example, and as I have  
47 said previously, I recall managing an issue

1 concerning the presence of crocodiles at  
2 Wyndham. And I also recall the issues that  
3 we had with Maggie Dawkins, that I have  
4 referred to in my previous evidence to the  
5 Inquiry, and earlier in this statement.  
6

7 This statement is true to the best of my  
8 knowledge and belief. I have made this  
9 statement knowing that if it is tendered in  
10 evidence I will be guilty of a crime if I  
11 have wilfully included in the statement  
12 anything that I know to be false, or that I  
13 do not believe is true.  
14

15 It's been signed by Mr Carter and is dated 6 July 2012.  
16

17 Turning now, sir, to Peter Kenyon. Mr Kenyon  
18 responded by a letter dated 3 July 2012. That letter, sir,  
19 addresses other matters in addition to the requested  
20 response to the contents of "I"s statement. I will only  
21 read out those portions that contain Mr Kenyon's response  
22 to the statement. Mr Kenyon has been advised of that fact  
23 by email.  
24

25 That email also states that - your Honour will, of  
26 course, have and will read the other portions of his letter  
27 that don't touch upon "I"s statement. As it's in a letter  
28 format, sir, it's not set out in a statement format as Mr  
29 Carter's response was. That is because Mr Kenyon, it would  
30 seem, sir, has advised the Inquiry that he's not currently  
31 engaging any legal representation.  
32

33 Now, sir, those passages that I am going to read out  
34 do descend at times into submissions, as it makes  
35 references to person's credibility, Mr Kenyon's own  
36 opinion, but I will read out those portions as well.  
37

38 So, sir, I intend to commence at page 4 of Mr Kenyon's  
39 letter dated 3 July, with the second paragraph there that  
40 starts off "Now, in respect to your email dated 2 July",  
41 and I will then read down to the halfway down page 6. So,  
42 it reads:  
43

44 Now, in respect to your email dated 2 July  
45 2012 regarding "I"s testimony, before  
46 responding to your specific questions, can  
47 I make several points, namely -

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First dot point:

He was in a certain relationship with Ms Dawkins which was against the protocols of the program, and contributed to the difficulties of this project. The intensity of this relationship is evidenced by his need to take a taxi to Bunbury to see her!

Second dot point:

He **confirms my limited engagement with the project** and specifically mentions that he "*only saw me once to memory at head office*". His awareness/knowledge of me does come through Westrek, but --  
--

I would think, sir, that should read "not" after "does":

-- but comes through my involvement from his student days and my previous involvement in the youth affairs sector, and struggles with recognition of photos.

**It confirms my lack of involvement in the day-to-day running of the Westrek and especially the Katanning project.**

Third dot point:

His statement that "*the Federal Government wanted to run*" Westrek shows his total of understanding of the reality of the situation - at no stage did the Federal Government offer support or a willingness to take it over. In fact, there was an unrealistic hope that the program could get that Federal buy-in, and this added to the direction from above that, we could not



1 sack Ms Dawkins.

2

3 Fourth dot point:

4

5 He confirms --

6 he's obviously referring to "I":

7

8 He confirms the issue of drugs and the real

9 concerns of the Board, Chairperson,

10 Mrs Holmes a Court. The above also

11 confirms the concerns of the Westrek

12 participant in the police report dated

13 13/10/85.

14

15 The next two dot points:

16

17 He confirms that both of their transfers

18 occurred at the same time, and in light of

19 the accusations by participants (para 18)

20 further strongly confirms what I have been

21 arguing above.

22

23 And final dot point:

24

25 Finally, he does not specifically mention

26 in his testimony being told by Ms Dawkins

27 about the allegation of sexual abuse. He

28 only refers to his "*suspensions*", and Ms

29 Dawkins "*concerns*" in respect to Mr

30 McKenna. Perhaps this is why he never

31 reported the matter verbally or in writing

32 to the police, Child Protection or the

33 department!!

34

35 The letter continues:

36

37 Now, to your specific questions -

38

39 1. I have no recollection of any of the

40 events raised by "I" above, except

41 remembering him as the Westrek leader

42 involved in an intimate relationship with

43 Ms Dawkins that went against the protocols

44 of the project.

45

46 2. As far as I recall, Ms Dawkins was

47 transferred from Katanning due to

1 inappropriate professional behaviours -  
2 now, not just confirmed by a recently  
3 discovered police report, but "I"s own  
4 testimony about being transferred at the  
5 same time as Ms Dawkins (para 18 of his  
6 testimony).  
7

8 Now, sir, I need to clarify a matter there in fairness,  
9 because this might be read the wrong way, because he says  
10 that Ms Dawkins was transferred from Katanning "due to  
11 inappropriate professional behaviours now, not just  
12 confirmed by a recently discovered police report".  
13

14 It's my understanding, it would appear, sir, Mr  
15 Kenyon's reference to a "police report" is actually the  
16 police report relating to the allegation of indecent  
17 dealing against "I". Now, it should therefore be put on  
18 the record that - (a) Maggie Dawkins was not mentioned as  
19 having any involvement in that allegation in those police  
20 records; and (b) let it be thought that there is another  
21 police report regarding Ms Dawkins' supposed inappropriate  
22 professional behaviours.  
23

24 Ms Dawkins, as far as this Inquiry is aware, has never  
25 been the subject of any police report while she was a group  
26 leader in Katanning. Sir, again, over the page to 3:  
27

28 3. As mentioned before in my testimony,  
29 seeking her resignation or sacking was not  
30 an option given by my boss or the  
31 Minister's office - *"we had to manage her"*!  
32 This is a misleading question given my  
33 previous evidence.  
34

35 4. I had no knowledge of this fact or  
36 link to Ms Stroud, but have always given  
37 her credence for her professionalism.  
38

39 5. I am completely in the dark as to  
40 Mrs Holmes a Court's comment to "I". This  
41 needs to be clarified with Mrs Holmes a  
42 Court. As mentioned for the umpteenth  
43 time, I was not engaged in the day-to-day  
44 running of this program, as it was being  
45 directed by a private/public foundation.  
46 This is precisely why I suggested you  
47 contact Mrs Holmes a Court.

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However, this statement does yet again aptly serve to illustrate the inappropriate behaviours associated with the project.

6. I have no knowledge of this young man Terry and his connection to Mrs Holmes a Court. Personally, I see into relevance in this question, nor "I"s reference to his sexual orientation. But, again, it illustrates the day-to-day control of the program by Mrs Holmes a Court and the Westrek Board.

7. I have stated in my testimony and submission that I had absolutely no idea as to Mrs Ainslie Evans' involvement in this project - I discovered her connection only through this Inquiry, a fact confirmed very strongly by Mrs Evans in her testimony (T1685, 1730).

8. Given my lack of involvement in the program, especially by October 1985, it is hardly surprising that I was not aware, nor could I recollect these events. Given the fact that my boss, Mr Michael Cross, had assumed major responsibility, as demonstrated by all the strong evidence that I have proffered.

9. As mentioned before, any police complaint would have gone to Mr Cross. I have no recollection of this ever being raised with me by Mr Cross, but as mentioned before, I was fully involved during those months in establishing a massive new initiative - the New Enterprise Incentive scheme. Please check departmental records.

1 Contrary to the statement by "I", I did not  
2 report to the Minister. It was Mr Cross  
3 who did. I was also not on the Westrek  
4 Administrative Team.  
5

6 10. I have no recollection of "I" at head  
7 office. You need to check departmental  
8 records to check this did, in fact, happen  
9 or did "I" move to the new Westrek  
10 headquarters in the hills? For someone  
11 claiming to be at head office for four  
12 months, with daily contact with Mr  
13 Sherlock, I am surprised he misidentified  
14 Mr Sherlock in a photo!!  
15

16 11. As mentioned, I have no record of "I"  
17 at head office. Even he mentions that he  
18 may have seen me once!! We were a  
19 department of approximately 300+ people.  
20 Also, I suspect that the Westrek program  
21 moved about this time to the Hills. I do  
22 not believe that I ever visited this new  
23 program headquarters.  
24

25 The letter continues:

26  
27 I request you to take strong note of the  
28 fact, that "I" in his testimony did not --  
29  
30

31  
32 ever mention specifically the allegation  
33 of sexual abuse by McKenna. In  
34 paragraph 11 he states, "*I recall that I*  
35 *was quite suspicious of how he related to*  
36 *the young people involved with Westrek, and*  
37 *those young people at the hostel*".  
38

39  
40  
41 "I" claims that he raised his "*concerns*"  
42 with Ms Dawkins, who also mentioned that  
43 she had "*concerns*" about McKenna and "*had*  
44 *raised them with head office*" (para 13).  
45  
46  
47

1 I reiterate at no point in his testimony  
2 does "I" mention the specific allegation of  
3 sexual abuse that Ms Dawkins claims that  
4 she raised with management in Perth. These  
5 "concerns" could very well have been issues  
6 to do with the perceived excessive control  
7 by McKenna, that Ms Dawkins raised with  
8 Mrs Evans (T1687) or issues/concerns that  
9 arose from personality clashes/professional  
10 jealousy as mentioned by Ms Dawkins to Ms  
11 Gill? (T1381) and confirmed in Ms Dawkins'  
12 testimony (T235). "From the outset we  
13 viewed each other with suspicion".  
14 (Dawkins T235).  
15  
16  
17

18 I find it seriously disquieting that Ms  
19 Dawkins did not mention the allegation of  
20 sexual abuse to "I", given the fact that  
21 "I" was the co-leader and had raised his  
22 "concerns" with Ms Dawkins.  
23  
24  
25

26 Ms Dawkins, in her testimony, does not  
27 refer to any of the aforementioned. I find  
28 this exceedingly suspect, and it could be  
29 argued that she chose not to implicate "I"  
30 because of their past intimate  
31 relationship, and the impact this could  
32 have on her credibility? Mr Elliott had to  
33 ask a lot of questions before Ms Dawkins  
34 very reluctantly admitted that they were  
35 involved in an intimate relationship! This  
36 would cast a further crucial aspersion on  
37 her credibility.  
38  
39  
40

41 Now, sir, could I just make this observation about  
42 that last suggestion that Mr Elliott had to ask a lot of  
43 questions before Ms Dawkins very reluctantly admitted that  
44 they were involved in an intimate relationship. Mr  
45 Elliott, of course, was counsel for Mr Carter. Questions  
46 regarding relationships and what could and could not happen  
47 between Westrek participants and group leaders regarding

1 relationships was Mr Elliott would never contend that it  
2 was inappropriate and against protocols for group leaders  
3 to have a sexual relationship; but, as I said, these  
4 questions are from page 283 through to 287.  
5

6 There were some objections taken by me, and some  
7 questions asked of your Honour, of Mr Elliott, which takes  
8 up the substantial amount of those passages. But at  
9 page 287, Mr Elliott asked - and this is the only time I  
10 could find him asking this question - asked Mrs Dawkins:

11  
12 Did you have a relationship with the other  
13 group leader?  
14

15 To which Mrs Dawkins replied:

16  
17 Yes, I did, I did have a relationship. We  
18 were single. We were --  
19

20 And she was about to say something further, and then Mr  
21 Elliott cut her off and said he didn't require any more  
22 detail regarding that particular matter, and then he moved  
23 on. So I cannot find where it is in the transcript where  
24 Mr Kenyon says that Mr Elliott had to ask a lot of  
25 questions before Ms Dawkins' very reluctantly admitted they  
26 were involved in an intimate relationship.  
27

28 That now takes us to about halfway through page 6.  
29 The balance of that letter deals with matters that don't  
30 concern "I"s statement. Therefore I don't intend to read  
31 into evidence, but on the last page, page 7:

32  
33 This statement is true to the best of my  
34 knowledge and belief. I have made this  
35 statement knowing that if it is tendered in  
36 evidence, I will be guilty of a crime if I  
37 have wilfully included in the statement  
38 anything that I know to be false or that I  
39 do not believe to be true.  
40

41 It's then been signed by Mr Kenyon on 3/7/2012.  
42

43 HIS HONOUR: Now, I just make the observation that clearly  
44 a lot of content of what's just been read out from Mr  
45 Kenyon is not evidence as such, it's comment and  
46 submissions, but nevertheless he's entitled to have those  
47 submissions read in, and I will deal with that statement

1 appropriately --

2

3 MR URQUHART: Yes.

4

5 HIS HONOUR: -- and treat what should be regarded as  
6 evidence as evidence, and what should be regarded as  
7 submissions as submissions.

8

9 MR URQUHART: Yes. And it's clear, sir, that Mr Kenyon  
10 didn't seek legal advice before he provided that statement.  
11 And I have done my best to be fair to him, and read out  
12 those portions of his letter that refers to "I" - sorry,  
13 "I"s statement - and I'll ask Madam Associate to make a  
14 note of that oversight there of mine, so that can be  
15 redacted from the transcript. And so I have read out  
16 those - yes, matters that are clearly comments.

17

18 Sir, we turn attention now to Mr Sherlock's statement.  
19 That is dated 4 July 2012, and that's how - at least, the  
20 date on the covering page, but has signed it on 6 July of  
21 this year. Like Mr Kenyon, this statement also contains  
22 submissions that do not address "I"s account. I will  
23 simply read out those extracts relevant to "I"s statement.

24

25 It may be the case, sir, that from time to time it  
26 does provide his opinion and comments regarding that  
27 evidence. So, sir, I'm going to commence reading Mr  
28 Sherlock's response at page - about a third of way down,  
29 the fifth paragraph - so page 3 of 6, sir. The  
30 paragraph commencing "The forwarding". Has your Honour  
31 found that.

32

33 HIS HONOUR: Did you say page 6 or page 3?

34

35 MR URQUHART: Page 3 of 6, sorry.

36

37 HIS HONOUR: Yes, all right. And I've got that open.  
38 Yes.

39

40 MR URQUHART: Fifth paragraph, about a third of the way  
41 down, commencing "The forwarding".

42

43 HIS HONOUR: Right.

44

45 MR URQUHART: Yes, so I'll read from there:

46

47 The forwarding (Mr Urquhart's letter of 7

1 June 2012) of the police report summary of  
2 the indecent assault incident did not  
3 retrieve any memories at all, and the  
4 reading of "I"s later statement has also  
5 had no trigger affect.

6  
7 I have no further explanation of this fact,  
8 except to say that after 27 years some  
9 memories are intact, whilst others have  
10 simply disappeared. This is a known  
11 natural phenomenon in many, many human  
12 beings.

13  
14 And then under the heading "Comments on "I"s statement", he  
15 repeats the questions that were asked in my letter to him  
16 dated 2 July:

17  
18 **1. What knowledge do you have of the**  
19 **events described in "I"s statement?**

20  
21 And then, sir, he refers to numbered clauses, but what he's  
22 clearly referring to there is paragraphs of "I"s - sorry,  
23 "I"s statement again - if Madam Associate can make a note  
24 of that:

25  
26 Clause 8: Elizabeth Stroud did recruit "I"  
27 - I think it was after I started with  
28 Westrek, but I cannot recall the  
29 recruitment method.

30  
31 Clause 9: I know nothing about Ms Stroud  
32 being a "fly in fly out" manager or me  
33 being a main point of contact. I was under  
34 the impression it was the other way around  
35 except for the "fly in fly out" provision.

36  
37 Clause 10: As far as I know the Federal  
38 Government was not in any way involved with  
39 Westrek. They would not even consider  
40 amending the works test to allow unemployed  
41 people to retain their unemployment  
42 benefits.

43  
44 Clause 14: As I said elsewhere I was aware  
45 of a fire in the hostel, but have no  
46 recollection of the accusations.

47



1 Clause 16: I have commented elsewhere (5  
2 and 6 below).

3  
4 Clause 17: Commented at 7 below.

5  
6 Clause 18: I have no recollection of any  
7 of this except the move of Ms Dawkins to  
8 Bunbury.

9  
10 Clause 19: I do not recollect Ms Dawkins  
11 being the only coordinator in Bunbury, but  
12 have no idea of who else may or may not  
13 been there.

14  
15 Clause 20: I have no memory of any of this  
16 and do not rule that Westrek participants  
17 wrote any essays.

18  
19 Clause 21: No knowledge or comment.

20  
21 Clause 22: No comment.

22  
23 Then, the letter - or the statement repeats the second  
24 question that was asked in my letter dated 2 July:

25  
26 **2. What knowledge do you have of any**  
27 **impact those events may have had on Ms**  
28 **Maggie Dawkins' transfer from Westrek in**  
29 **Katanning to Bunbury?**

30  
31 Extract from my letter to Mr Urquhart of  
32 11/6/2012 in response to the same question:  
33 I also cannot now recall the sequence of  
34 events in terms of when the fire occurred  
35 relative to when Ms Dawkins was moved to  
36 Bunbury, but her letter to you of 9/1/2012  
37 seems to suggest that it occurred after she  
38 had left Katanning.

39  
40 If this was the case I cannot see that the  
41 fire/witchcraft event could have had any  
42 impact on her transfer to Bunbury.

43  
44 **3. What knowledge do you have of any**  
45 **impact those events may have had on efforts**  
46 **made subsequent to Ms Dawkins' transfer to**  
47 **Bunbury to secure her resignation from**

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**Westrek?**

As stated in my testimony (p1614)

"Q. I mentioned just a moment ago the resignation letter that you were asked about and I think you said you have absolutely no knowledge of that and you repudiate her account?

A. Correct".

As I do not recall these events and have no knowledge of a resignation letter, I am not in a position to answer this question.

4. What do you say to "I"s recollection that Ms Elizabeth Stroud offered him a job at Westrek while he was participating in a rehabilitation program?

My understanding was that "I" had successfully completed the rehabilitation program.

5. What knowledge do you have of Ms Janet Holmes a Court trying to talk "I" into leaving the project because "she said it wasn't good PR for a junkie to be working with young people."

I have no knowledge of this at all and doubt that Mrs Holmes a Court would have approached any coordinator in this way.

Mrs Holmes a Court cannot recall anything of this (4/7/2012). She expressed surprise at the idea that she would speak directly to any staff in this way, but instead would have discussed the matter with me. Her comment is consistent with the way we worked together over the whole five years of our Westrek relationship.

6. What knowledge do you have of a young man named Terry who was brought into the Katanning Westrek Project second rotation by Ms Holmes a Court?

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There was a "Terry" at Katanning who subsequently had his belongings burned evidently by another participant - I was subsequently chastised for the incorrect use of a Local Purchase Order (page 1591 of 11/4/2012 transcript) to replace his things. I do not know of any other, and, again, would have been surprised if Janet Holmes a Court would ever have been involved at that level. I certainly had no knowledge of such action.

Mrs Holmes a Court cannot recall anything of this (4/7/2012). Similarly, she expressed surprise at the idea that she would deal directly with a participant in this way but instead would have discussed the matter with me. Her comment is consistent with the way we worked together over the whole five years of our Westrek relationship.

**7. What knowledge do you have of Ms Ainslie Evans assisting "I" with the Katanning Westrek project while Ms Dawkins was unwell?**

None at all.

**8. If you no recollection of any of these matters, would you have expected to be informed about them?**

Extract from my letter to Mr Urquhart 11/6/2012: *"I cannot imagine why I would not have known about the whole complaint at the time especially as I interviewed the participant whose property was burned, and who was obviously involved in the incident".* That is not to say that these events did not occur, but to state that I have no recollection of them.

**9. Other than yourself, please state who you would have expected to be made aware of the above matters at the Department of**

1                   **Employment and Training?**

2  
3                   And then Mr Sherlock also sets out what I state in square  
4                   brackets in my letter on 2 July, which I don't propose to  
5                   read out again because I've already read that into evidence  
6                   previously, but his answer was - is:

7  
8                   Extract from my letter to Mr Urquhart,  
9                   11/6/2012: *"I cannot imagine other Westrek  
10                  or departmental personnel being aware of  
11                  the police involvement if I was not."*

12  
13                  Mr Carter and Mr Kenyon were my superiors,  
14                  but each had a great deal of  
15                  responsibilities other than Westrek. The  
16                  program was run by a committee as outlined  
17                  in my original submission of 22/3/2012:  
18                  *"At about this time a committee was set up  
19                  by the Department to oversee the program.  
20                  I was the departmental representative at  
21                  its meetings and provided reports on the  
22                  different projects.*

23  
24                  *Ms Janet Holmes a Court was chair. Other  
25                  members included the OIC of the State's  
26                  Youth Bureau (I don't recall his name), and  
27                  the chaplain from Curtin University (I  
28                  don't recall his name and the institution  
29                  was called something else in 1985), plus a  
30                  couple of others I don't recall at all."*

31  
32                  The "management team" was more myself, Ms  
33                  Stroud and the committee rather than me, Mr  
34                  Carter and Mr Kenyon. Hence my earlier  
35                  statement of 11/6/2012 by which I meant  
36                  that if they knew of the incident it would  
37                  most likely have been via me.

38  
39  
40  
41                  **10. What contacts did you have with "I" while**  
42                  **he was at the Westrek's head office?**

43  
44                  And again he then repeats what was in the square brackets  
45                  after that question, which I won't repeat:

46  
47                  I can recall no contact with "I", or him

1 being at the Westrek Head Office. My only  
2 recollection of him, once the Katanning  
3 project was underway was meeting him at the  
4 farewell function at Hillston, Stoneville  
5 in December 1985.

6  
7 **11. If you have no recollection of "I"**  
8 **being at Westrek's Head Office, could you**  
9 **provide an explanation of how he might be**  
10 **located there, possibly for some months and**  
11 **while undertaking duties on behalf of**  
12 **Westrek, without you being aware of this.**

13  
14 I have no explanation other than that  
15 offered in the preamble section of this  
16 Statement. To summarise: After 27 years,  
17 some memories are intact possibly due to  
18 their more attention grabbing nature,  
19 whilst others less demanding have simply  
20 disappeared. This is a known natural  
21 phenomenon in many, many human beings.

22  
23 And then under the heading "Attestation":

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

32  
33 It's then been signed by Mr Sherlock, and dated 6 July  
34 2012.

35  
36 Turning then finally to Ms Stroud's response that is  
37 dated 2 July 2012, and is in the format of a letter  
38 addressed to me. I will read that letter out in its  
39 entirety:

40  
41 Dear Mr Urquhart

42  
43 Re: St Andrew's Hostel Special Inquiry:-  
44 letter 2 July 2012

45  
46 Thank you for the opportunity to submit a  
47 formal statement in response to further

1 evidence received today, 2 July 2012.

2

3 In my response I will follow the questions  
4 outlined on page 2 and make comments  
5 accordingly. Secondly, I will make general  
6 comment on "I"s sworn statement.

7

8 **1. What knowledge do you have of the**  
9 **events described in "I"s statement?**

10

11 And then it appears that she identifies the paragraphs that  
12 appear in "I"s statement, so paragraph:

13

14 1-5: No awareness.

15

16 Point 6 --

17

18 Which would be paragraph 6:

19

20 I was told by Ms Dawkins in the second  
21 phone conversation she would not know where  
22 to find "I". No awareness that they spoke.

23

24 7 and 8: Yes, I offered "I" a job while he  
25 was a voluntary resident of Palmerston Drug  
26 Rehabilitation Farm for use of cannabis.  
27 This is consistent with evidence given on  
28 10 April 2012. It is my memory he was an  
29 exemplary participant in the program and  
30 was ready to leave the program and was  
31 aiming to return to youth work.

32

33 Ms Stroud then stated that she was unaware of the personal  
34 issue that "I" refers to in his statement, and which I did  
35 not go into any detail:

36

37 9: I agree Peter Sherlock was the main  
38 point of contact.

39

40 10: His opinion of the program being high  
41 profile, no interest by federal government it  
42 became a foundation.

43

44 That's how - that's Ms Stroud's response to paragraph 10.  
45 Paragraphs 11 and 12, "No awareness." 13:

46

47 Personal conversation between "I" and

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Maggie --

"I" being the identity of the fellow group leader, not Ms Stroud. So:

Personal conversation between "I" and Maggie. No awareness of expression of concern raised with head office (except the final phone call to Peter Sherlock's phone as given in my evidence 10 April 2012).

Paragraph 14, "No awareness.":

It is my memory that participants joined the program for six months, a three-month rotation in two separate communities. I am unaware of "street kids" or any new participants joining the initial pilot program. Acknowledge the personal relationship between Maggie and "I" --

As in the other group leader:

-- as fact and agreed. I left after the pilot program.

"I" being a reference to Ms Stroud:

February/March 1986.

Paragraph 15:

15. Unaware of timing or allegations against "I".

16. No awareness of either point.

17. "Unaware".

18. Agree the timing of Mrs Dawkins raising the issue and being relocated to Bunbury. No awareness of "I" moving to Head Office or the issue of him taking a taxi to Bunbury or being told not to see each other or "I" being reprimanded or

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being performance managed by Mr Sherlock.

19: "I"s opinion - no comment.

20. I have no personal memory of "I" being in the Head Office; my job was out in the field and limited time in the office, spending days absent from the office therefore refute that I would have daily contact with "I". Nor do I have any memory of "essays" written by the participants, as this was not a program requirement.

21: I have no memory of "I" being in Head Office or the allegation made against "I".

22-24. No response required:

**2. What knowledge do you have of any impact those events may have had on Ms Maggie Dawkins' transfer from Westrek in Katanning to Bunbury?**

I am uncertain as to what events this point refers; therefore I will address it in two different interpretations:

If it is the events of "I" and the allegations, I am unaware of any impacts on Mrs Dawkins.

If it is the event of Mrs Dawkins raising the issue of Dennis McKenna and sexual assault, I believe this has been adequately addressed in evidence provided to the Inquiry on 10 April and I stand by my testimony.

**3. What knowledge do you have of any impact those events may have had on efforts made subsequent to Mrs Dawkins' transfer to Bunbury to secure her resignation from Westrek?**

No knowledge. I do not believe there were



1 any subsequent or other actions made to  
2 secure Mrs Dawkins' resignation. It was  
3 made clear by Mr M Cross that Mr Sherlock  
4 was to manage Mrs Dawkins.  
5  
6  
7

8 **4. What do you say to "I"s recollection that**  
9 **you offered him a job at Westrek while he**  
10 **was participating in a rehabilitation**  
11 **program?**  
12

13 I support "I"s claim that I offered him a  
14 job while he was participating in a  
15 rehabilitation program. It is my memory  
16 that he had "graduated" or fulfilled his  
17 treatment and was seeking to return to  
18 youth work in Perth. I believe I made full  
19 disclosure to the office at the time I was  
20 employed.  
21  
22  
23

24 **5. What knowledge do you have of Mrs Janet**  
25 **Holmes a Court trying to talk "I" into**  
26 **leaving the project because, "she said it**  
27 **wasn't good PR for a junkie to be working**  
28 **with young people?"**  
29

30 Absolutely none.  
31  
32  
33

34 **6. What knowledge do you have of a young man**  
35 **named Terry who was brought into the**  
36 **Katanning Westrek Project while Ms Dawkins**  
37 **was unwell?**  
38

39 Absolutely none.  
40  
41  
42

43 **7. What knowledge do you have of Ms Ainslie**  
44 **Evans assisting "I" with the Katanning**  
45 **Westrek project while Ms Dawkins was**  
46 **unwell?**  
47

Absolutely none.

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**8. If you have no recollection of any of these matters, would you have expected to be informed about them?**

The issue of Mrs Holmes a Court having a discussion with "I" I would not expect to be informed for two reasons, one that it was a personal conversation between the chair of Westrek and a group leader. The second reason is that performance management was the responsibility of Peter Sherlock, which I was not responsible.

Again, that is an anomaly outside of the project and would have no impact on my position so I would not need to be made aware of such.

The issue of Mrs Evans supporting the group leader would be a project issue and would not expect that anyone be informed of such.

**9. Other than yourself, please state who you would have expected to be made aware of the above matters at the Department of Employment and Training.**

First point of contact Mr Peter Sherlock, second Mr Ian Carter.

**10. What contact did you have with "I" while he was at Westrek's Head office?**

Unaware of contact with "I" in Westrek Head Office.

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11. If you have no recollection of "I" being at Westrek's Head Office, could you provide an explanation of how he might be located there, possibly for some months and while undertaking duties on behalf of Westrek, without you being aware of this?

There is no logical explanation to offer. I have absolutely no memory of "I" being in the --

Sorry:

I have no memory of "I" --

Again, Madam Associate, if you can make a note of that:

I have absolutely no memory of "I" being in the Perth Head Office. When I read the correspondence dated 7 June 2012 seeking comment on allegations of "I" I was absolutely categorically stunned.

The office was a single room, measuring approximately 70 square metres. There was a large planning table and three desks, one of which was planned as a space for visitors to the office. Initially Ms T Thompson was seated at this desk, until Mr Sherlock had her relocated into the Department's open plan office and out of sight and earshot of our work area. That office was at the opposite end of the 9th floor, 32 St Georges Terrace. My only assumption is that "I" could have been seated at that end of the floor near Ms Thompson. This still does not offer an adequate rationale as I would assume they would need to find another desk for visitors to our office.

I am staggered and cannot believe "I" was

1 in fact in the Perth office for  
2 four months. My memory of the group leader  
3 positions was that "I" remained in  
4 Katanning and Maggie Dawkins went to  
5 Bunbury. That on the last night of the  
6 project "I" and Maggie sat together with  
7 the Katanning group.  
8

9 That last sentence, of course, is an "I" - is not an "I" in  
10 the sense of a reference to Ms Stroud. Then under the  
11 heading "General Comments", her letter continues:  
12

13 I wish to highlight on page 5, point 9, "I"  
14 concurs with my evidence that Mr Peter  
15 Sherlock was in fact the point of contact  
16 for the Katanning project.  
17

18 It is my memory that there was only one  
19 single intake of participants for the pilot  
20 program of Westrek, 1985. Participants  
21 signed up for a six-month program,  
22 participating in two separate project and  
23 communities. This was intentional to  
24 provide maximum exposure and opportunity  
25 for participants in gaining life  
26 experience.  
27

28 I resigned from the program at the end of  
29 the pilot program and finished with the  
30 Department some time in February 1986 to  
31 take up a job with the Health Department, 3  
32 March 1986. The program was then  
33 established as a foundation run out of  
34 Hillston in the Mundaring area.  
35

36 Please don't hesitate to contact me again  
37 should you think I can assist the Inquiry  
38 further.  
39

40 Yours sincerely

41  
42 Elizabeth Stroud  
43

44 And then it reads:

45  
46 This statement is true to the best of my  
47 knowledge and belief. I have made this

1 statement knowing that, if it is tendered  
2 in evidence, I will be guilty of a crime if  
3 I have wilfully included in the statement  
4 anything that I know to be false or I do  
5 not believe to be true.  
6

7 It's then been signed by Ms Stroud, and dated 2 July 2012.  
8 I should also add, sir, that all the statements and/or  
9 letters provided by Mr Carter, Mr Sherlock, Ms Stroud and  
10 Mr Kenyon, were witnessed as well.  
11

12 Now, sir, we will finish before lunch. The next  
13 statement is from Lawrence Charles Hamilton. His statement  
14 relates, amongst other matters, to the evidence of Ian  
15 Murray, the Katanning Senior High School principal from  
16 1988 to 1990, who testified that he was given directions by  
17 the District Guidance Officer and the Country High School  
18 Hostel's Authority as to what counselling Nikola MacLennan  
19 could provide to hostel students:  
20

21 Lawrence Charles Hamilton

22  
23 States

24  
25 I'm currently the Regional Executive  
26 Director, Goldfields Education Region.  
27

28 In 1988 I was the District Guidance Officer  
29 stationed at the Albany District Education  
30 Office. I took another position in another  
31 location during the 1989 academic year.  
32

33 Prior to 1988 Katanning was not part of my  
34 area of responsibility. However, due to a  
35 re-zoning of the Education District  
36 boundaries, Katanning was included in the  
37 Albany district from 1988.  
38

39 The effect of the re-zoning was that the  
40 school psychologist (or Guidance Officers  
41 as they were then known) based at  
42 Katanning, had a reporting obligation to me  
43 as their Line Manager.  
44

45 The Guidance Officer at that time in  
46 Katanning was Nikola MacLennan, who was  
47 based at the Katanning Senior High School

1 (KSHS), and she provided psychological  
2 services to KSHS and the other schools in  
3 Katanning, as well as to schools in some of  
4 the towns nearby.

5  
6 The principal at KSHS was Ian Murray, to  
7 whom Nikola was responsible by virtue of  
8 being based there, and effectively being  
9 one of the staff there. As such she was  
10 required to meet normal staff obligations  
11 whilst working in that school.

12  
13 Whilst Nikola was obliged to satisfy the  
14 school principal regarding the service she  
15 provided to the school, she was required to  
16 satisfy me about the professional standards  
17 she applied to her work.

18  
19 Nikola was a Central Office appointment.  
20 In other words, she was selected by Central  
21 Office and sent to KSHS, so our district  
22 had nothing to do with her appointment  
23 which, as was normally the case, a  
24 probationary appointment.

25  
26 Part of my responsibility to Nikola was to  
27 determine if she met the appropriate  
28 professional standards in her work, and to  
29 support her to meet them if she did not.

30  
31 In assessing Nikola's suitability for  
32 permanency I was required to take into  
33 account the service she was providing the  
34 various schools in the Katanning catchment  
35 area.

36  
37 I did this by obtaining feedback from  
38 principals of the schools, reviewing her  
39 records, discussing cases with her, and  
40 speaking with her colleagues, parents and  
41 some teachers.

42  
43 Whilst the principal's judgment about the  
44 service they were receiving from her was  
45 not insignificant, it was not the only  
46 factor I took into consideration when  
47 determining her suitability for permanency.

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The relationship between Nikola and Ian Murray was problematic and appeared to me to be not easily amenable to improvement.

I did have some concerns about Nikola's professional competence and her capacity to satisfy the standards required for permanency. I conveyed to her that she would benefit from much closer support, supervision and guidance which was more readily available in a location where "I" and other guidance officers were based, which is why I invited her to take a position based in Albany at the District Education Office.

During my time as Nikola's line manager, she was offered considerable support from myself and from colleagues to help improve and meet professional performance standards.

I have read portions of Nikola's transcript evidence relating to her performance management ratings, and without reviewing her personal file, I'm not in a position to make any comments except to say that in some areas Nikola was rated as much more capable than in other areas.

It was clear to me that Nikola did get on well with some people she worked with, but failed to develop a productive working relationship with a significant number of others.

Nikola's professional competence was questioned by some principals.

My recollection is that Nikola was certainly more comfortable with the very traditional assessment tasks which were more common in primary school settings.

From memory, Ian Murray very clearly formed the view that his school was not getting a

1 good service from Nikola, and he made this  
2 point very clear to me - both in our  
3 conversations and in written  
4 correspondence.

5  
6 I encouraged him to be very clear and  
7 direct with instructions to Nikola about  
8 the type of services he wanted from her for  
9 his school.

10  
11 At no time with either Ian or Nikola was I  
12 ever made aware of any issues with Nikola  
13 dealing with hostel students.

14  
15 Guidance officers could receive referrals  
16 from either of three sources. Those were:

- 17  
18 (a) schools/school staff through the  
19 principal;  
20 (b) parents or;  
21 (c) students through self-referral.

22  
23 The department's policy around schools  
24 referring students to the guidance officer  
25 is that a parent's permission would first  
26 be required and would need to be provided  
27 before a psychological assessment could be  
28 undertaken of a student.

29  
30 If a student was to self-refer, the seeking  
31 of permission from parents would largely  
32 depend on the nature of the issue.

33  
34 Typically, if self-referred because of  
35 social or emotional issues and where no  
36 assessment was required, the parents may  
37 not be notified, and permission may or may  
38 not have been sought. However, in cases of  
39 behavioural or academic issues, then the  
40 parents would definitely be notified.

41  
42 I have read Nikola's transcript evidence  
43 where she claims I instructed her to "do  
44 what the principal says". This is an  
45 inaccurate statement.

46  
47 My recall around this point is that I



1 provided direction that the service to the  
2 school as required by the principal was to  
3 be a priority, and that Nikola was to  
4 develop a productive working relationship  
5 with Ian Murray, and do her best to provide  
6 the service he required.

7  
8 With regards to any of her professional  
9 matters, that she would need to direct  
10 those issues to me.

11  
12 In respect to any conflict where Nikola  
13 thought her professional obligations were  
14 different to any directions she got from  
15 Ian Murray or any other principal, I was to  
16 be consulted and I would take up the issue  
17 with them personally to resolve the  
18 conflict.

19  
20 With regards to hostel students, no such  
21 conflict was ever brought to my attention  
22 by either Nikola or Ian Murray, and I  
23 certainly did not instruct Ian Murray  
24 verbally or otherwise that Nikola was not  
25 to deal with hostel matters as stated in  
26 his evidence to the Inquiry.

27  
28 Nikola never raised any issue with me in  
29 regards to conversations she may have had  
30 with Ian Murray relating to hostel  
31 students, and contrary to her public  
32 evidence she was not autonomous in her  
33 role.

34  
35 Given that she was a probationary staff  
36 member, I had concerns that she far too  
37 infrequently sought my advice and counsel.

38  
39 Had Nikola come to me and told me she had  
40 received an instruction from Ian Murray  
41 that she was to first get permission from  
42 Mr McKenna before dealing with any student  
43 who self-referred, I would have told her  
44 that this was not required, especially if  
45 it was a social or emotional issue, and  
46 would have taken this up with Ian Murray.  
47 I would much more likely have involved the

1 child's parents regarding the referral,  
2 than I would have the hostel manager and  
3 would have guided Nikola similarly.  
4

5 It is important to note that whilst Mr  
6 McKenna was in loco parentis, if parental  
7 permission was needed, it should have been  
8 sought from the student's actual parents.  
9

10 In terms of Nicola not being made  
11 permanent, I always kept the District  
12 Superintendent aware of my concerns, and of  
13 the support she was being offered to help  
14 rectify her professional shortcomings.  
15

16 The decision to recommend Nikola not be  
17 granted permanency was not a decision which  
18 I took lightly and my deliberations were  
19 both thorough and were later reviewed by  
20 the District Superintendent and my line  
21 manager within the Guidance Branch.  
22

23 This statement is true to the best of my  
24 knowledge and belief. I have made this  
25 statement knowing that if it is tendered in  
26 evidence, I will be guilty of a crime if I  
27 wilfully included in the statement anything  
28 that I know to be false or that I do not  
29 believe is true.  
30

31 It has been signed by a Mr Hamilton, and witnessed at  
32 10.37am this morning, on 12 July 2012.  
33

34 Now, sir, there is just one final matter that I need  
35 to deal with, and then I'm going to invite Mr Sefton to  
36 make a submission to your Honour regarding a letter that  
37 was forwarded by the SSO to the Inquiry yesterday. But  
38 that matter, sir, is Reverend Norman Apthorp, who was  
39 interviewed by Inquiry Investigators on 2 July 2012.  
40

41 Now, Mr Apthorp, or Reverend Apthorp, was at one time  
42 the Chairman of the St Christopher's Hostel Board when Roy  
43 Wenlock was warden. Now, Reverend Apthorp was invited to  
44 address two matters - the first was Bishop Challen's  
45 evidence that he gave before the public hearings of this  
46 Inquiry, that Reverend Apthorp was one of two persons who  
47 told him after he'd obtained Roy Wenlock's resignation,

1 that they were aware of rumours of Roy Wenlock's  
2 inappropriate conduct when wrestling boys, and according to  
3 Bishop Challen's evidence, he was told by these two people  
4 that these rumours existed prior to Bishop Challen becoming  
5 Chairman of the Board.

6  
7 And then the other matter was that the witness  
8 identified only as "Q", who had his statement read into  
9 evidence on 19 June of this year, at pages 3739 to 3752.  
10 Now, just in summary, "Q" says, in 1971, during seven or  
11 eight wrestling sessions he had with Roy Wenlock in his  
12 unit on a Sunday, that a clergyman from the local church  
13 who gave addresses at school assemblies would watch. "Q"  
14 said that this person stated that his name was Michael,  
15 which was the same Christian name as "Q"s.

16  
17 Now, the Anglican Rector at Northam in 1971 was  
18 Reverend Norman Apthorp. And he was also Chairman of the  
19 hostel board for St Christopher's during Roy Wenlock's time  
20 as warden. Now, as I said, sir, he agreed to be  
21 interviewed by Inquiry Investigators on Tuesday, 2 July.  
22 That interview went for approximately 25 minutes, and a  
23 transcript has been obtained of that interview.

24  
25 I will just intend, your Honour, to go to the salient  
26 points which addressed these two matters which I have just  
27 outlined. At page 5, line 20, Ms McCready, an Investigator  
28 for the Inquiry asked:

29  
30 Did you ever hear any rumours or concerns  
31 about Roy Wenlock's behaviour?

32  
33 And Reverend Apthorp answered, "No". Then at page 8, line  
34 1, Ms McCready asked:

35  
36 It was on 12 December 1977, and in his  
37 evidence --

38  
39 And that is Bishop Challen's evidence:

40  
41 -- he said that yourself and another Board  
42 member approached them saying that you'd  
43 heard some rumours about Roy Wenlock.

44  
45 And Reverend Apthorp answered, "Well, that is quite  
46 untrue." Then Ms McCready asked at line 25 on line 8,  
47 "Okay, so you didn't hear any concerns?". Reverend Apthorp

1 says, "No". "Or any reports?" Answer, "No, okay." And  
2 then Ms McCready asked at line 44:

3  
4 Did you ever hear anything about the  
5 wrestling?

6  
7 And Reverend Apthorp answered:

8  
9 Well, I heard that - I knew that when, you  
10 know, they'd been doing school all day and  
11 then prep at night, they just needed to let  
12 off steam, and they had some romping about.

13  
14 Ms McCready then said, "Okay", and Reverend Apthorp  
15 continued:

16  
17 And then lights were out. So I only knew  
18 it as a cheerful rough and tumble to let  
19 off steam at the end of a boys' school day.

20  
21 Ms McCready then asked then:

22  
23 And can I ask how did you hear about that?

24  
25 Reverend Apthorp answered:

26  
27 Well, that was, I think, known at the time,  
28 that, you know, they needed a break.

29  
30 Ms McCready then asked:

31  
32 So, like, when you say it was "known at the  
33 time", I suppose what I'm wondering is how  
34 would you know something like that was  
35 going on.

36  
37 Reverend Apthorp answered:

38  
39 Well, I was Chairman of the Board, and it  
40 came out at Board meetings, I expect.

41  
42 Ms McCready said, "Okay." Reverend Apthorp said:

43  
44 I can't remember specifically which Board  
45 meeting.

46  
47 Ms McCready answered, "That's okay. Okay." Reverend

1 Apthorp then said:

2  
3 But nobody suspected anything out of order;  
4 simply a human experience of letting off  
5 steam after a busy day with a crowd of  
6 boys.

7  
8 And then later on in the interview, your Honour, at pages  
9 10 and 11, portions of "Q"s statement were read out to  
10 Reverend Apthorp, and those portions were relevant to "Q"s  
11 statement regarding a clergyman viewing the wrestling  
12 sessions with Roy Wenlock. And Reverend Apthorp answered  
13 at page 12, line 9:

14  
15 -- it's completely foreign to me. I don't  
16 know anything about it.

17  
18 Ms McCready then asked at line 20, on page 12:

19  
20 And did you ever witness him wrestling with  
21 students?

22  
23 Answer, "No, no":

24  
25 And can I ask have you ever been known as  
26 "Michael" or "St Michael"? .

27  
28 Answer:

29  
30 I've never been known as that, no.

31  
32 And they are the relevant answers that Reverend Apthorp  
33 gave with respect to those two matters. And, finally, sir,  
34 I should also state on the public record that "Q" has not  
35 been able to positively identify Reverend Apthorp as being  
36 that clergyman who was in Roy Wenlock's office - unit,  
37 rather - from photographs that have been shown to him, that  
38 were taken of Reverend Apthorp at or around 1971.

39  
40 So, sir, that deals with that matter, and that deals  
41 with all the matters that I intend to deal with today.  
42 But, sir, I did mention a moment ago regarding my learned  
43 friend Mr Sefton's letter to the Inquiry which dealt with  
44 Mr Hammond's submission back on 29 June, regarding whether  
45 your Honour could make, as a Special Inquirer, any comments  
46 regarding ex gratia payments.

1           So, sir, I should just turn now to Mr Sefton so that  
2 he could give a response from the State Solicitor's Office  
3 regarding that request that was made by Mr Hammond.

4  
5 HIS HONOUR:    Yes, Mr Sefton.

6  
7 MR SEFTON:     Yes, if it pleases your Honour.

8  
9 HIS HONOUR:    I'm sorry you've had to wait all this time.

10  
11 MR SEFTON:    Not a difficulty at all, sir. In respect of  
12 this we have in correspondence which was forwarded to the  
13 Inquiry yesterday, set out the State's position in respect  
14 of the two questions which, following on from Mr Hammond's  
15 submission, you invited submissions from the government in  
16 relation to.

17  
18           Perhaps it would - it's for the public record - if I  
19 just briefly identified --

20  
21 HIS HONOUR:    Thank you.

22  
23 MR SEFTON:    -- the key substance of what those brief  
24 submissions were. The two questions, of course, were  
25 whether it's within the ambit of the Inquiry to make a  
26 recommendation in relation to the payment of compensation.  
27 And the second question then being if the State's of the  
28 view that it is, whether your Honour should do so, and what  
29 the reason would be, in my submission, if, in fact, we  
30 suggested it wouldn't be appropriate.

31  
32           In response to that, we refer to the terms of  
33 reference of the Inquiry, and I don't propose to repeat  
34 them here --

35  
36 HIS HONOUR:    No.

37  
38 MR SEFTON:    -- they are available on the website.

39  
40 HIS HONOUR:    They certainly don't specifically refer to  
41 any issue of compensation payments.

42  
43 MR SEFTON:    No, and they certainly don't, and then the  
44 question really becomes whether it's within the purview of  
45 them, notwithstanding they don't expressly refer to  
46 compensation, having regard to whether, in fact, it's  
47 within your power. In that respect we say it is very clear

1 that the terms of reference don't confer jurisdiction on  
2 the Inquiry in relation to questions of compensation, and  
3 that, therefore, with respect we say you don't have power  
4 to inquire into or make any recommendations regarding that  
5 issue, be it compensation by the State or its agencies or  
6 any other person.

7  
8 And in those circumstances we respectfully say it  
9 wouldn't be appropriate to make any recommendations or  
10 comments in that regard. We go on to observe that any  
11 questions about compensation are no doubt going to be  
12 complex, whether they're attempted through the legal  
13 process or by way of applications for ex gratia payments.  
14 These are properly matters for the executive government to  
15 consider and respond to upon receipt of your Honour's  
16 report in due course.

17  
18 Even if it were within jurisdiction for your Honour to  
19 make observations, in our submission it wouldn't be helpful  
20 in this case because to do so we suggest you'd need to  
21 fully consider the facts and circumstances of each person  
22 who may claim such an entitlement, and you have, in our  
23 respectful submission, probably not done this in this case,  
24 and accordingly in any event no comments directed to that  
25 would be appropriate.

26  
27 HIS HONOUR: No. Well, I certainly haven't had it in mind  
28 at any stage of the Inquiry that I would be considering  
29 such a question.

30  
31 MR SEFTON: Yes. And we forward a copy of that by  
32 facsimile to Mr Hammond, as requested previously.

33  
34 HIS HONOUR: All right. And thank you for that.

35  
36 MR SEFTON: If it please, yes.

37  
38 HIS HONOUR: Now, I understand we're likely to have  
39 evidence next week.

40  
41 MR URQUHART: We are, sir, yes. That will be the case.  
42 We haven't, at this stage, obtained a date for that. Once  
43 we do, that'll be subject to witnesses' availability, we  
44 will post that on our website.

45  
46 HIS HONOUR: Very well.

47

1 MR URQUHART: I don't expect that would take very long.

2

3 HIS HONOUR: So I'll simply adjourn to a date to be fixed  
4 next week.

5

6 MR URQUHART: Thank you very much, sir, yes.

7

8 HIS HONOUR: Very good, thank you.

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10 AT 1.12PM THE HEARING ADJOURNED  
11 TO A DATE TO BE FIXED

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