

Special Inquiry into St Andrew's Hostel

Hearing

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

Monday, 14 May 2012 at 12.34pm  
(Day 30)

Before: The Hon Peter Blaxell

1 HIS HONOUR: Yes, please be seated. Now, Mr Watters, you  
2 are appearing today.  
3  
4 MR WATTERS: Your Honour, I do. Not on a grainy image  
5 from Katanning. Instructed by Jackson McDonald for  
6 Mr Clayton. Can I just indicate, Mr Clayton will take the  
7 oath and he suffers from a fairly severe hearing loss. He  
8 has got hearing aids but I'm just raising that for the  
9 benefit of my learned friend and the court.  
10  
11 HIS HONOUR: All right. Any time you have trouble, just  
12 say so, Mr Clayton. If you have trouble hearing, just say  
13 so.  
14  
15 MR CLAYTON: Thanks, your Honour.  
16  
17 HIS HONOUR: All right, yes, Mr Dobson.  
18  
19 MR DOBSON: Thank you, your Honour. As you can see, I'm  
20 taking proceedings today. Mr Urquhart is away and the  
21 first witness, Mr Bernard John Clayton, is in the witness  
22 box and there is another one to follow afterwards, your  
23 Honour.  
24  
25 HIS HONOUR: Right.  
26  
27 <BERNARD JOHN CLAYTON, sworn:  
28  
29 <EXAMINATION-IN-CHIEF BY MR DOBSON:  
30  
31 Q. Your full name is Bernard John Clayton  
32 A. Yes.  
33  
34 Q. And you live at an address known to the Inquiry?  
35 A. Yes.  
36  
37 Q. And you are now retired. I understand you were  
38 formerly the principle of Katanning Senior High School?  
39 A. Yes.  
40  
41 Q. And when was that, please?  
42 A. From 1991 to 1993.  
43  
44 Q. And before that you were a deputy at another high  
45 school?  
46 A. That's right.  
47

1 Q. Was that Thornlie Senior High School?  
2 A. Thornlie Senior High School.  
3  
4 Q. And at the time you went to Katanning, how long had  
5 you been teaching for, please?  
6 A. How long I'd been - how long had I been teaching?  
7  
8 Q. How long had you been, yes.  
9 A. Well, I started in 1966, so through to '91 would make  
10 that roughly 30 - I've got to work that out.  
11  
12 Q. It was '66.  
13 A. '66 is when I first started teaching.  
14  
15 Q. 25 years.  
16 A. 25 years, yes.  
17  
18 Q. Is it also correct - and I've had the benefit of  
19 reading some other papers and you can correct me if I get  
20 any of this wrong - to say that you learnt of your  
21 appointment to the position of deputy at Katanning in the  
22 previous year, 1990?  
23 A. During 1990, yes.  
24  
25 Q. And did you have the opportunity to travel down to  
26 Katanning during 1990?  
27 A. During 1990, yes, my wife and I went down to  
28 Katanning.  
29  
30 Q. And was that to have a look around?  
31 A. To have a look at the school, yes, to see what I was  
32 stoking up.  
33  
34 Q. And did you also go to St Andrew's Hostel?  
35 A. I did.  
36  
37 Q. And was that with your wife?  
38 A. Yes.  
39  
40 Q. How did you come to go to St Andrew's Hostel. Do you  
41 recall that?  
42 A. Mr Murray said to us that we will go across and meet  
43 the warden at St Andrew's.  
44  
45 Q. All right, and Mr Murray was the then principal of  
46 Katanning Senior High School  
47 A. That's right.

1  
2 Q. And you had been advised that you would replace him at  
3 the completion of 1990, moving into the school year of '91?  
4 A. That's right.  
5  
6 Q. Prior to taking you to St Andrew's, did he tell you  
7 anything about the warden?  
8 A. No.  
9  
10 Q. Did he tell you the name of the warden?  
11 A. Probably on the way over he would have mentioned his  
12 name.  
13  
14 Q. And that person is Dennis McKenna?  
15 A. That's right.  
16  
17 Q. What did you do at the hostel?  
18 A. We went across and all the students were coming into -  
19 at the hostel to have lunch and we went across and sat in  
20 the dining room with the students during the course of  
21 lunch and Mr Murray and Mr McKenna sat with us during lunch  
22 and chatted.  
23  
24 Q. That's a long time ago. Do you remember any of the  
25 subjects that were discussed?  
26 A. Probably the only thing that I remember discussing was  
27 how well behaved the students seemed to be but I don't  
28 recall anything else.  
29  
30 Q. Was that something that you noticed during the time of  
31 your visit to the hostel?  
32 A. Yes, yes.  
33  
34 Q. What was it about the behaviour?  
35 A. Just very orderly, very quiet students, went about  
36 getting their lunch, sitting down quietly and going about  
37 their business.  
38  
39 Q. Did Mr Murray say anything to you about the purpose of  
40 taking you over to the hostel before you went?  
41 A. No, just - I guess it just fitted in with the schedule  
42 for the day of me getting to know my new environment.  
43  
44 Q. And apart from that purpose, going down there to have  
45 a look around the school and so on, I understand you also  
46 went and had a look at your house. Is that correct?  
47 A. That's correct.

1  
2 Q. So it was a bit of a familiarisation trip in advance?  
3 A. That's right.  
4  
5 HIS HONOUR: Q. Could I just ask something here now.  
6 With regard to your hearing aid, we have got a hearing  
7 loop?  
8 A. No, your Honour, my hearing aids - I'm too severely  
9 death for that to work for me.  
10  
11 Q. All right, not a problem. I just thought I would  
12 check, yes.  
13 A. Thank you  
14  
15 MR DOBSON: Q. You will tell me if you have any  
16 difficulty?  
17 A. Yes. Yes, so far I've managed reasonable.  
18  
19 Q. All right, thanks for that.  
20 A. I'm trying to lip read as much as possible as well, so  
21 I am looking at you.  
22  
23 Q. So did you, in fact, commence at Katanning Senior High  
24 School in 1991?  
25 A. Yes.  
26  
27 Q. And was that at the commencement of the school year?  
28 A. I probably went into school - I always had a practice  
29 of going into school before school starts a few weeks and  
30 just get myself familiar with the school, so I spent a  
31 little bit of time doing that beforehand.  
32  
33 Q. When the school year started, did you commence any  
34 role on the St Andrew's Hostel board?  
35 A. When I first started, the school would have probably  
36 operated for about a week and then somebody said to me  
37 "There will be a board meeting. You are expected to be  
38 attending St Andrew's board".  
39  
40 Q. And do you know in what capacity you were on that  
41 board?  
42 A. My capacity was there as the principal of the high  
43 school to sort of look after the, I guess, conditions of  
44 the students coming into my high school; in other words, to  
45 make sure that they wore the school uniform, they knew the  
46 school hours and those sort of things.  
47

1 MR WATTERS: Sorry, can I just clarify, because I think  
2 Mr Clayton said "conditions of the students coming into my  
3 high school". Because I just didn't want the transcript to  
4 pick it up as if he said the word "hostel". Just because  
5 I'm sitting very close to him, that's what I heard him say,  
6 anyway.  
7  
8 HIS HONOUR: Right, I think that's right.  
9  
10 MR DOBSON: I heard "high school" as well.  
11  
12 HIS HONOUR: Yes.  
13  
14 MR DOBSON: Thank you, your Honour.  
15  
16 Q. You weren't an elected member of the board, were you,  
17 Mr Clayton?  
18 A. Yes.  
19  
20 Q. Was it your understanding that you were there almost  
21 as an ex officio appointment because of your role as the  
22 principal?  
23 A. I've not - could you just clarify that, what you mean  
24 by that?  
25  
26 Q. Well you were on the board by virtue of being the  
27 principal of the school as opposed to being a parent or  
28 someone similar who had put themselves forward?  
29 A. That's right.  
30  
31 Q. Had you been a member of any other boards before the  
32 St Andrew's Hostel board?  
33 A. No, never.  
34  
35 Q. Did you receive any training --  
36 A. No.  
37  
38 Q. -- before you went on the board?  
39 A. No.  
40  
41 Q. Did you receive any documents or other materials to  
42 explain your role on the board?  
43 A. Not at all.  
44  
45 Q. Did you receive any notification as to ultimately who  
46 was responsible for running that hostel?  
47 A. No.

1  
2 Q. So does it follow you weren't made aware of the - and  
3 I always mess this up, his Honour normally has to correct  
4 me - I think it is the Country High School Hostels  
5 Authority? Did you receive any notification about them?  
6 A. No.  
7  
8 HIS HONOUR: Q. Did you get to know about them at any  
9 stage while you were on the board?  
10 A. Yes, when I was on the board I did become aware of the  
11 role that they played.  
12  
13 MR DOBSON: Thank you, your Honour.  
14  
15 Q. Prior to coming here today, I expect that you have  
16 been made aware, through our communication with you and  
17 through Mr Watters, of our interest, firstly, in a  
18 particular board meeting and then contact with two young  
19 ladies that followed very quickly after that board meeting.  
20 Are you aware of that?  
21 A. I'm not aware of the board meeting.  
22  
23 MR WATTERS: I think the board meeting came after. If it  
24 is the one we came about last time, I think the board  
25 meeting followed his meeting with the girls, sorry.  
26  
27 MR DOBSON: I can explain to the witness, your Honour.  
28 Because on the last occasion I think he was here while  
29 Mr Burro gave evidence.  
30  
31 HIS HONOUR: Right.  
32  
33 MR DOBSON: Q. On the last occasion, you were in the  
34 room before we adjourned --  
35 A. Yes.  
36  
37 Q. -- your examination. Did you listen while Mr Burro  
38 explained that there had been a board meeting and an issue  
39 was raised by a parent who I named as "Tom" and immediately  
40 afterwards there was a conversation between you and  
41 Mr Burro about the issue that Tom raised?  
42 A. That was the first that I'd heard of it. I had no  
43 recollection of a board meeting or the person that you are  
44 referring to.  
45  
46 Q. So just to make sure we clearly locate that board  
47 meeting that I have referred to Mr Burro explaining, this

1 is before either Tania Groves or the other girl - I will  
2 refer to her as "N" - before either of those complained to  
3 you and Mr Burro. So are you saying you have no  
4 recollection of a board meeting where a parent raised an  
5 allegation about Neil McKenna?

6 A. I'm - yes, I'm saying no, I didn't, but I have no  
7 recollection of that.

8

9 Q. Putting aside that recollection of the meeting, can  
10 you recall what Mr Burro said - I think it was 13 April -  
11 sorry, your Honour. Can you recall sitting here and  
12 listening to Mr Burro's evidence about that board meeting  
13 and the parent complaining?

14 A. I do remember Mr Burro talking about that.

15

16 Q. Yes, and I want to be clear about that. We are now  
17 talking about Mr Burro's evidence and do you recall  
18 Mr Burro saying that it was raised at a board meeting and  
19 then, afterwards, he met with you and there was a  
20 discussion about the issue raised and the need to do  
21 something about it?

22 A. I do recall being in the court here and hearing  
23 Mr Burro say that.

24

25 Q. Now, independently of hearing Mr Burro saying that, is  
26 it your evidence that you can't recall that actually  
27 happening in real time at St Andrew's?

28 A. That's correct, I do - I can't recall that.

29

30 Q. In any event, we get to a point --

31

32 MR WATTERS: Sorry, can I just clarify one thing? Is my  
33 friend talking about a board meeting that Mr Clayton was at  
34 or a board meeting where it was raised and then Mr Burro  
35 has later told him about it?

36

37 HIS HONOUR: What is the answer to that?

38

39 MR DOBSON: Mr Clayton was said to be at the board  
40 meeting, according to Mr Burro's evidence. That's the  
41 reason why I have perhaps not gone into the detail that I  
42 would normally, your Honour, because Mr Clayton did hear  
43 all of that evidence.

44

45 HIS HONOUR: All right.

46

47 Q. So you understand that it has been put to you --



1 A. Yes, I do, your Honour, but I - I have to be very  
2 honest about this. I don't recall that meeting at all.  
3 The situation with Mr Jenkin that I rang him to find out  
4 about the information about the Inquiry when I was first  
5 called, he will recollect that he reminded me that there  
6 were two meetings of the board. My memory was so bad of  
7 the whole situation that he actually said "Well you were  
8 actually at a couple of board meetings". So I have no  
9 recollection of those two meetings until after I'd been  
10 informed of it and asked to see the minutes of those  
11 meetings, but the one beforehand, I'm not saying I wasn't  
12 at that board meeting but I have no recollection whatsoever  
13 of it.

14  
15 MR DOBSON: Thank you, your Honour. Thank you Mr Clayton.

16  
17 Q. All right. Let's put aside Mr Burro's recollection.  
18 Do you remember there comes a point when you speak with a  
19 young lady named Tania Groves?

20 A. Yes.

21  
22 Q. Was that in your principal's office?

23 A. Yes.

24  
25 Q. Do you recall who else was present?

26 A. Sorry?

27  
28 Q. Do you recall who, if anyone else, was present?

29 A. Yes, Mrs Groves was present and the girl that we are  
30 talking about was present and Mr Burro's was present.

31  
32 Q. You say Mrs Groves and her daughter, Tania, were  
33 there. Do you recall how they came to get to your office?

34 A. I believe that I'd heard some rumour about some  
35 allegation going to be raised with the board and, based on  
36 what I've heard from Mrs Groves' testimony, I rang her and  
37 asked her to come in and talk to us and so she made an  
38 appointment to come in and see myself and Mr Burro that  
39 afternoon.

40  
41 Q. All right, let me just clear that up, if I can.  
42 Independent of Mrs Groves' testimony, do you recall making  
43 a phone call to her?

44 A. No, I can't really say I can recall that.

45  
46 Q. Are you able to say that she's wrong, she didn't make  
47 the phone call - sorry, you didn't make a phone call to her

1 to alert her?  
2 A. I would say she's correct. That kind of seems like  
3 the sort of thing that would have happened.  
4  
5 Q. I will ask you anyway. Any recollection of what was  
6 said during the phone call. Not her recollection, of  
7 course. Just do you have any recollection?  
8 A. No, I have no recollection.  
9  
10 Q. Do you remember, without being able to refer to  
11 anything, the day and date of this meeting?  
12 A. The meeting was the 23rd of October '91.  
13  
14 Q. And it was in your office at the Katanning Senior High  
15 School?  
16 A. That's right.  
17  
18 Q. And this chap, Neil McKenna, were you aware at the  
19 time where he was?  
20 A. No.  
21  
22 Q. So you have got yourself, Mr Con Burro, Mrs Groves and  
23 the daughter, Tania?  
24 A. Yes.  
25  
26 Q. Can you recall what took place, please?  
27 A. Yes, initially they came in and we talked to them  
28 about the situation that we believe that there may be -  
29 they wanted to disclose something about abuse by Neil  
30 McKenna and we talked for a period of time and the  
31 discussion was about mainly verbal material and there was  
32 nothing really of an abuse situation in that, and then the  
33 meeting was mutually closed because there was nothing more.  
34  
35 Q. I will just stop you there, if I may. You initially  
36 started to use, or you did use, the word "abuse"?  
37 A. Yes.  
38  
39 Q. And then you went on to clarify no physical, more  
40 verbal, but is that a word that was used at the time or are  
41 you using a term from this day and age, if I can put it  
42 that way. Do you remember what they --  
43 A. I probably need to clarify what you --  
44  
45 Q. Did either of those people use the word "abuse" or is  
46 that a word that you are using now?  
47 A. No, I can't recollect that.

1  
2 Q. Do you recall making notes?  
3 A. Yes, I did.  
4  
5 Q. Of that interview?  
6 A. Yes.  
7  
8 Q. You did. Have you had the benefit of looking at them  
9 before you came here today?  
10 A. Yes, I have. I have a copy of them here if that's  
11 helpful.  
12  
13 Q. I think you will have to be shown the ones that we  
14 have got because they have already gone into evidence - if  
15 I can just check, please, your Honour.  
16  
17 HIS HONOUR: Exhibit 51.  
18  
19 MR DOBSON: Yes, they are barcoded 0054. 51, thank you,  
20 your Honour. Perhaps if Mr Clayton could be shown exhibit  
21 51, please, Madam Associate.  
22  
23 Q. Do you see those notes there?  
24 A. Yes.  
25  
26 Q. And do you recognize them?  
27 A. Yes.  
28  
29 Q. That is your handwriting?  
30 A. That's from my handwriting.  
31  
32 Q. And then, over the page, it seems to say that it  
33 commenced on Wednesday, 23 October '91?  
34 A. That's right.  
35  
36 Q. :  
37  
38 Interview with Tania Groves in the presence  
39 of her mother, Mrs. Barbara Grove on --  
40  
41 on that date:  
42  
43 -- in the Principal's office at Katanning  
44 Senior High School. The interview was  
45 conducted by Bernie Clayton (Princ) and Con  
46 Burro (Warden).  
47

1 And then over on the page 2 it said that the interview was  
2 concluded at approximately 5pm. Do you see that?

3 A. Yes, yes.

4

5 Q. And do you recognise any of the signatures alongside,  
6 please?

7 A. Yes, my signature and Mr Burro's.

8

9 Q. In relation to that first meeting, you say that you  
10 had heard a rumour - I may be paraphrasing but you heard a  
11 rumour that something was going to be raised about Neil  
12 McKenna at a board meeting?

13 A. Yes.

14

15 Q. And then you called the meeting?

16 A. Yes.

17

18 Q. Are you able to recall what the rumour was. You have  
19 mentioned this rumour?

20 A. I do believe that it was of an abuse nature, probably  
21 sexual abuse.

22

23 Q. And can you recall the source?

24 A. No.

25

26 Q. Can you recall the location of the source. For  
27 example, was it within the high school environment, was it  
28 from the board environment, was it from the hostel as  
29 opposed to an individual. Can you recall perhaps the --

30 A. I don't - I don't specifically recall but I think that  
31 it was from Mr Burro.

32

33 Q. Now, you think it was from Mr Burro. Is that a  
34 recollection of your own or is that based on listening to  
35 him and others. Are you able to differentiate, please?

36 A. No, I can't differentiate.

37

38 Q. You had the meeting, what I will call "the first  
39 meeting", if I may?

40 A. Okay.

41

42 Q. Because there was another one a short time later with  
43 the two girls?

44 A. Yes.

45

46 Q. Can you recall what came of the first meeting, what  
47 was mentioned and what was the outcome?

1 A. Well basically the girls talked about the --  
2  
3 Q. No, the first one. You said "girls". You just said  
4 plural?  
5 A. With Tania and her mother?  
6  
7 Q. Yes.  
8 A. It was about Tania feeling awkward in the presence of  
9 Mr Burro and that he seemed to be showing her --  
10  
11 Q. Mr Burro?  
12 A. Sorry, Mr McKenna.  
13  
14 Q. Yes.  
15 A. Showing her, you know, extra attention, I guess.  
16  
17 Q. Did she say what the extra attention was?  
18 A. Well I've recorded it as that he - he would find  
19 excuses to come and talk with her.  
20  
21 Q. Yes. Anything else?  
22 A. That was basically it. That he would say things to  
23 her and she felt a little bit uncomfortable by the  
24 attention.  
25  
26 Q. Put aside whatever you may have learnt since but in  
27 that year or in that time, 1991, did you have any knowledge  
28 of what is commonly called "grooming behaviour" now, and  
29 it's been referred to during earlier evidence in this  
30 Inquiry, but in 1991, have you ever heard of either that  
31 phrase or the type of behaviour that they refer to when  
32 paedophiles are said to be grooming young people?  
33 A. No, no, I had no knowledge of that.  
34  
35 Q. Putting aside the actual term, did it cross your mind  
36 that that sort of behaviour, singling her out, might have  
37 been setting her up for further attention or setting a girl  
38 up for further attention?  
39 A. I never thought about it.  
40  
41 Q. Do you recall that during that meeting Tania indicated  
42 that other girls had felt the same or did feel the same way  
43 about Neil McKenna?  
44 A. Yes, I did make a note of that effect.  
45  
46 Q. It seems that she wasn't asked - when I say "she",  
47 Tania wasn't asked who the other girls were. Is that

1 correct?  
2 A. That's correct.  
3  
4 Q. Are you able to recall, at the time, why you didn't  
5 ask her, what was the reasoning at the time?  
6 A. Probably the girl was feeling very awkward about  
7 telling us what she was telling us at that stage and  
8 probably didn't want to be exposed to naming other girls  
9 that would later on sort of tease her about the situation.  
10  
11 Q. Was that your feeling?  
12 A. Yes.  
13  
14 Q. Could you have asked her, in any event, and then made  
15 a decision whether or not to pursue the matter?  
16 A. I think had the second meeting not taken part,  
17 probably further investigations may have taken place.  
18  
19 Q. But you weren't to know that at the time, were you?  
20 A. No.  
21  
22 Q. Is it correct to say that before the interview  
23 concluded you also wrote:  
24  
25 Based on this evidence we consider that no  
26 further action can be taken.  
27  
28 A. Did I write that, yes.  
29  
30 Q. Do you remember writing that?  
31 A. Yes. That was a mutual statement after the discussion  
32 with Mrs Groves and Tania.  
33  
34 Q. Yes. And is that the mutual statement of you and  
35 Mr Burro?  
36 A. And Mrs Groves. She was there.  
37  
38 Q. At that stage you have got the discussion with Tania  
39 Groves and her mother. Correct. You had that. You can  
40 see it at the top of the page?  
41 A. Yes, yes.  
42  
43 Q. And then, do you recall if you went outside to discuss  
44 the complaint with Mr Burro?  
45 A. No.  
46  
47 Q. In private?

1 A. No.  
2  
3 Q. You didn't do that?  
4 A. Didn't do that.  
5  
6 Q. In any event, you didn't ask Tania Groves to name the  
7 other girls?  
8 A. No.  
9  
10 Q. Hindsight is a wonderful thing. We have heard a lot  
11 about hindsight during the Inquiry but sitting here now  
12 with the benefit of hindsight, do you think you should have  
13 asked Tania Groves before you let her go about the other  
14 girls?  
15 A. I think given the environment at the time and the  
16 upset with the parent and the child, it was fairly hard to  
17 think about that sort of thing. If you are asking me in  
18 hindsight would that be a good thing, I would probably say  
19 yes.  
20  
21 Q. The only reason I ask that is because of that line:  
22  
23 No further action can be taken.  
24  
25 Now, you wrote that there and you and Mr Burro signed off  
26 on it. Correct?  
27 A. That's correct.  
28  
29 Q. Does it also follow that had Tania Groves not returned  
30 with the girl named "N", then no further action would have  
31 been taken?  
32 A. I don't believe that to be the case. I think that  
33 more than likely there would have been thinking about what  
34 needed to happen.  
35  
36 Q. But wouldn't that have meant going back to the same  
37 position, that you would have been asking Tania to name the  
38 other girls?  
39 A. I'm not sure.  
40  
41 Q. Well looking back, isn't that the only further action  
42 you could have taken with the knowledge that you had?  
43 A. No, there were allegations or concern about Neil  
44 McKenna's behaviour and I guess it would have been up to  
45 the board to tell him that he was acting inappropriately.  
46  
47 Q. But it says here:

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No further action can be taken.

There is no mention of the board?

A. Well, you know, that - that basically was no other action with the parent and the child.

Q. So are you saying now it is your recollection that at the time you and Mr Burro intended to take this to the board?

A. I'm not sure what my intention was at that stage.

Q. That's what I'm trying to establish. Because it seems clear - tell me if I'm wrong - that if Tania had not returned with the girl named "N" , the only further action you were left with was to ask Tania to chase her up again and say "Can you please name those girl?".

MR WATTERS: Your Honour, I don't think, with respect --

THE WITNESS: A. I don't think --

MR WATTERS: Just wait. I don't think, with the greatest respect to my friend, that is particularly fair. I appreciate I will get a chance to ask questions at the end but I object to the fairness because Mr Clayton's evidence was that if there hadn't been the second meeting - that is one 20 minutes later - he said "If there hadn't been the second meeting, I would have made further inquiry". So, I mean, we could be asked what were those inquiries. He didn't limit it to Tania but it's not fair to say that he wasn't going to do anything further. His answer about 10 minutes ago was "I would have made further inquiries if that second meeting didn't occur".

HIS HONOUR: All right. Well, having regard to that evidence, are you asking the question?

MR DOBSON: I'll ask further questions if you like, your Honour.

HIS HONOUR: Okay.

MR DOBSON: Q. If you were to make further inquiries about this matter, aside from taking it to the board, what would those inquiries have been?

A. I can't say at this stage. It happened 20 years ago.



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Q. The reason why I'm asking you in this manner is I'm actually trying to be entirely fair to you. Because it seems - and you can comment, I am putting a proposition to you - that the best person to inquire with was Tania Groves at the time she presented with her mother because she had alerted you to the fact that there were other girls who had the same feelings?

A. I'm not saying that I would not have followed it up with Tania and the notes don't say that, and I'm not saying that there may not have been other avenues which I may have explored. Mr McKenna may have been put under observation or whatever.

Q. So is it your evidence that the words "Based on this evidence, we consider that no further action can be taken" have further meaning than what we see from the words on the paper?

A. I think that was written at the end of a very long school day, and it was just a summary of what had happened during the course of an interview, and I don't believe that every single word has exact meaning.

Q. Well --

A. I mean --

Q. -- you see this --

A. -- what I'm saying there is the meeting came to an end.

Q. And no further action was going to be taken?

A. Well, that might be what's written there, but it doesn't mean emphatically that I would not have considered other action.

Q. Fine. You can't remember what you would have done then. What about while you are sitting here now? What other action could you have taken?

A. Well, I would have thought it through and tried to find out what avenues I could find out - find out what was going on.

Q. All right.

A. I believe that - I believe that I did try to find out about this while getting Mrs Groves to come and talk to me in the first instance.

1 Q. Yes. And Tania spoke to you?  
2 A. That's right.  
3  
4 Q. And Tania said there were other girls who had the same  
5 feeling about Mr McKenna?  
6 A. Well, we're talking about feelings, about feeling  
7 uncomfortable --  
8  
9 Q. Right.  
10 A. -- in his presence, because of remarks he makes.  
11  
12 Q. Yes. And Tania named other girls?  
13 A. Sorry?  
14  
15 Q. Tania Groves - sorry, said that there were other girls  
16 who felt the same way?  
17 A. Now, whether or not Tania --  
18  
19 Q. Yes or no?  
20 A. -- would name other girls --  
21  
22 Q. Just --  
23 A. -- I'm not sure.  
24  
25 Q. She said there were other girls who felt this way; is  
26 that correct?  
27 A. She did say that.  
28  
29 Q. What was stopping you while you had Tania and her mum  
30 in the room? What was to stop you from saying, "Can you  
31 name those girls, please?"  
32 A. Probably - probably their emotional state.  
33  
34 Q. Why would that stop you?  
35 A. I didn't want to try and put words in their mouth, or  
36 to --  
37  
38 Q. You don't have to put words in their mouth. She told  
39 you, hadn't see, Mr Clayton?  
40 A. Could you just ask that again, please?  
41  
42 Q. You're not putting words in her mouth, she told you  
43 that there were other girls who felt the same way?  
44 A. Well, I didn't think to ask.  
45  
46 Q. All right. When Tania Groves left with her mum, did  
47 you sit down with Mr Burro and discuss what might be done

1 next?  
2 A. I can't recall what conversations were about, it was  
3 over 20 years ago.  
4  
5 Q. All right. I have the transcript here, but I haven't  
6 got it in front of me. I think a fair summary would be  
7 that Mr Burro's evidence was that at this stage, 5pm, when  
8 you signed off on the notes, that was the end of the  
9 matter. Did you hear his evidence and do you disagree with  
10 my summary of his evidence?  
11 A. I can't say whether I agree or disagree with it. I  
12 can't - can't recall it.  
13  
14 Q. Sorry, not at the time, but do you recall being in the  
15 hearing room and hearing his evidence, and I just  
16 summarised it "at the end of that 5pm time slot, that was  
17 the end of the matter."  
18 A. Mr Dobson, as I explained earlier, I'm very severely  
19 hearing impaired and I did not hear a lot of Mr Burro's  
20 testimony, sitting back there.  
21  
22 Q. All right. All right. So me telling you now - I'll  
23 tell you now --  
24 A. Yes.  
25  
26 Q. -- a summary is that at 5 pm when you and Mr Burro  
27 signed off on the notes, after the sentence:  
28  
29 Based on this evidence we consider that no  
30 further action can be taken.  
31  
32 A summary of what he said on 13 April is that to his mind,  
33 his view, that was the end of the matter. What's your view  
34 about him saying that?  
35 A. I don't believe that's accurate.  
36  
37 Q. All right. And then we go on - is it correct that at  
38 5.30pm Tania Groves and "N", the girl named "N", returned?  
39 A. Yes.  
40  
41 Q. And have you had the benefit of reading your notes  
42 about that return visit, Mr Clayton?  
43 A. Yes.  
44  
45 Q. If I may summarise them, it seems that some fairly  
46 serious sexual offending was disclosed by both young  
47 ladies?

1 A. Yes.  
2  
3 Q. And offending against each of them as separate  
4 individuals. Would that be fair to say?  
5 A. Yes.  
6  
7 Q. And in fairness to you and Mr Burro, is it correct  
8 that you tried - well, you did - made sure that you got the  
9 parents in before you spoke about those things with those  
10 young ladies, those young girls?  
11 A. The girls disclosed information to us, and as a  
12 consequence of that, we got their parents back in.  
13  
14 Q. Yes. All right. Now, at the end of that portion of  
15 the interview, can you recall what the action was to be  
16 taken in relation to this matter?  
17 A. During the course of the discussion with the - once  
18 the girls had given the statements in front of their  
19 parents and advised them what had been happening, then they  
20 were advised that they could go to the police, and they  
21 were fairly adamant that they didn't want to do that. I  
22 rang the Sexual Assault Referral Centre, did not get  
23 anybody, and so the parent then asked could they go away  
24 and make a decision.  
25  
26 Q. All right. You mentioned you called the Sexual  
27 Assault Referral Centre. Why did you - is that after the  
28 first visit with Tania and Mrs Groves, or is it after the  
29 second visit when the offending was disclosed. Do you  
30 recall which --  
31 A. It was after the second visit, when the offending was  
32 indicated.  
33  
34 Q. I just wonder whether I might be able to remind you  
35 that - do you recall that you tried to ring them and  
36 couldn't get through?  
37 A. That's correct.  
38  
39 Q. Okay. And you say that you didn't call the police  
40 because - is that because Ms Groves and Tania and the other  
41 parent and "N" didn't want the police involved?  
42 A. That's correct.  
43  
44 Q. Okay. And on that night statements were obtained from  
45 both girls - do you recall?  
46 A. No, the only information that had been obtained from  
47 the girls was what I had written.

1  
2 Q. Okay. Was there a subsequent follow-up interview  
3 where a gentleman surnamed Doak, D-O-A-K - I think he was a  
4 JP who also sat on the Board - do you recall a subsequent  
5 interview where he was involved and statements - written  
6 statements were obtained from both girls?  
7 A. I do recall that he did take statements from both  
8 girls.  
9  
10 Q. Do you remember when that was?  
11 A. I believe that it was probably sometime on the 24th,  
12 the following day.  
13  
14 Q. Okay. Let's finish off with the events on the 23rd,  
15 if we could, please. Your notes say at approximately  
16 5:30pm Tania Groves and "N", they return?  
17 A. Yes.  
18  
19 Q. And I've already mentioned they both disclosed sexual  
20 offending against them by Neil McKenna?  
21 A. Yes.  
22  
23 Q. And you made notes of that, that visit by them; is  
24 that correct?  
25 A. Sorry?  
26  
27 Q. You made notes of what they were telling you during  
28 that visit?  
29 A. Yes.  
30  
31 Q. Now, page 3 - and I think this is a reference you made  
32 to sexual assault, halfway down:  
33  
34 On the basis of what we were told by the  
35 girls, a phone call was made to the  
36 Sexual --  
37  
38 You call it the Sexual Abuse Centre:  
39  
40 -- for advice. However there was no answer  
41 at this time.  
42  
43 A. That's right.  
44  
45 Q. Okay. Did you - this is on the first night. Did you  
46 speak to anyone else for advice on the first night?  
47 A. No.

1  
2 Q. No other government authority - no one?  
3 A. No.  
4  
5 Q. All right. Then the girls were asked to get their  
6 mother to come in and another interview was set for  
7 approximately 7.30pm; is that right?  
8 A. Yes.  
9  
10 Q. You made a note that they waited in the staff room",  
11 and then when the parents arrived - and I think I can read  
12 them --  
13 A. "The girls" --  
14  
15 Q. -- but can you tell me --  
16 A. -- "repeated the above allegations in front of their  
17 mothers."  
18  
19 Q. I was going to ask you - so that's that second-last  
20 paragraph, bottom of page 3:  
21  
22 Parents arrived and the girls --  
23  
24 A. Yes.  
25  
26 Q. And is that word "repeated"?  
27 A. Yes, it's "repeated", yes.  
28  
29 Q. All right:  
30  
31 -- the above allegations in front of their  
32 mothers.  
33  
34 All right. Again, in fairness to you, you go on: "The  
35 girls and" - looks like "mothers" --  
36 A. "And mother" - "mothers", yes.  
37  
38 Q. :  
39  
40 -- were asked what further action they  
41 considered should be contemplated. The  
42 parents requested time to make a  
43 decision --  
44  
45 Have I read that right?  
46 A. Yes.  
47

1 Q. And the further appointment was made for 4pm Thursday?  
2 A. That's right.  
3  
4 Q. And it finishes off:  
5  
6 At this stage the Chairman of the Board Mr  
7 G. Addis, was phoned and was informed --  
8  
9 Could be "phoned", I suppose:  
10  
11 -- and was informed of all proceedings to  
12 this stage.  
13  
14 And then we've got 9.05pm, 23/10/91, and is that your  
15 signature there?  
16 A. Yes.  
17  
18 Q. And below that, who's that?  
19 A. Mr Burro's.  
20  
21 Q. All right. If you could hand that back to Madam  
22 Associate, please. Thank you. Now, 9.05pm you finished,  
23 you sign off on the notes to the girls and their parents or  
24 whatever, go away - they've gone at the time?  
25 A. I think so.  
26  
27 Q. Did Mr Burro stay with you?  
28 A. I don't recall.  
29  
30 Q. Did you have any discussion about what to do?  
31 A. I don't recall.  
32  
33 Q. I asked you earlier if at the time you were aware of  
34 the location of Neil McKenna, where he was. When this  
35 interview finished the first night, second interview - so  
36 it's 9.05pm or thereabouts - did you ask - do you recall  
37 whether or not you asked Mr Burro, "Where is Neil McKenna  
38 now?"  
39 A. I was told by Mr Burro somewhere along the line that  
40 it was away from the hostel.  
41  
42 Q. When you say "somewhere along the line", I'm directing  
43 you to a specific time. Immediately after the girls have  
44 left, they finished disclosing serious sexual offending  
45 against both of them, did you ask Mr Burro anything along  
46 the lines of, "Where is Neil McKenna?"  
47 A. No, I don't recall.

1  
2 Q. No, or --  
3 A. No, I don't recall. I can't recall that sort of  
4 detailed information.  
5  
6 Q. Sitting here now, looking back, do you think that if  
7 you'd done that, that's something you would recall?  
8 A. No, I can't recall it.  
9  
10 Q. Were you aware at the time that he was a - I believe  
11 his title was supervisor at St Andrew's Hostel?  
12 A. Yes.  
13  
14 Q. And supervisor meant that he was supervising students  
15 who were boarding at that hostel?  
16 A. Yes.  
17  
18 Q. And it follows that he was responsible for their  
19 safety and wellbeing?  
20 A. Yes.  
21  
22 Q. Were you aware of that?  
23 A. Yes.  
24  
25 Q. Immediately after the 9.05pm conclusion, did it cross  
26 your mind to find out where Neil McKenna was, because he  
27 was in charge of children?  
28 A. It probably did. I can't recall.  
29  
30 Q. When you say "it probably did" then, then I'd ask if  
31 you were to have turned your mind to it, what did you do  
32 about it that night?  
33 A. Well, my understanding is, from what I've heard, that  
34 he wasn't there at the hostel.  
35  
36 Q. Well, you didn't know that at the night. I'm just  
37 asking you --  
38 A. I can't say whether I knew or not. I cannot recall  
39 precisely that.  
40  
41 Q. All right. Did you do anything that night in relation  
42 to him being in charge, in control, of children, that  
43 night?  
44 A. Gees, I can't recall.  
45  
46 Q. The reason why I ask you is we're in the middle of a  
47 school period, aren't we? This is not school holidays, not



1 middle of, but it's a school period; correct?  
2 A. True.  
3  
4 Q. So St Andrew's is being used by boarders?  
5 A. True.  
6  
7 Q. And ordinarily Mr McKenna would be at St Andrew's?  
8 A. That's true.  
9  
10 Q. With that in mind, did it cross your mind at any time  
11 immediately after you'd heard those offences disclosed, did  
12 it cross your mind to find out where he was, and to take  
13 steps regarding the safety and wellbeing of children?  
14 A. I can't specifically recall what the conversations  
15 were on that night, but probably, yes.  
16  
17 Q. All right. Well, Mr Burro has said that those things  
18 didn't happen, nothing was done that night in relation to  
19 Neil McKenna. What do you say about that?  
20 A. I'd say when I read the transcript of Mr Burro's  
21 evidence, there's quite a lot of inaccuracies in it.  
22  
23 Q. All right. What was done there about Neil McKenna? I  
24 mean, that night.  
25 A. Well, my understanding is he was not at the hostel.  
26  
27 Q. No, he was at another hostel, Merredin Girls and Boys,  
28 at Merredin, and you seem to have an expectation that  
29 something was done, so I'm asking you, what was done that  
30 night, please?  
31 A. I can't recall.  
32  
33 MR DOBSON: Okay. I won't take that any further, your  
34 Honour. Is there anything you, at this stage, before I  
35 move on to the next --  
36  
37 HIS HONOUR: No, not at all. That's all right.  
38  
39 MR DOBSON: Thank you.  
40  
41 Q. Now, moving on to the next day - and we touched on  
42 this earlier - did you have a recollection of that man - a  
43 man becoming involved to take statements off the girls, or  
44 is the fact that I named him, has that assisted you in any  
45 way that someone else took some statements. Do you recall  
46 that?  
47 A. I believe that Mr Doak did take statements.

1  
2 Q. Is that something you found out since, Mr Clayton, or  
3 was that your --  
4 A. No, no, at the time --  
5  
6 Q. Yes, go on. I can hear you while --  
7 A. Yes, okay. At the time I think Mr Addis or somebody  
8 from the hostel had got Mr Doak to come and take  
9 statements.  
10  
11 MR DOBSON: All right. Sir, the statement of "N" is  
12 barcoded 0105, and the statement of Tania Groves is  
13 barcoded 0107. I'll just check.  
14  
15 THE WITNESS: Your Honour, I've not seen those.  
16  
17 MR DOBSON: I'm just about to have them shown to you, Mr  
18 Clayton. I'm sorry, your Honour, I'm just checking, your  
19 Honour. It doesn't seem that they've been tendered yet.  
20  
21 HIS HONOUR: No, I don't think they have been.  
22  
23 MR DOBSON: Madam Associate, if you could please, firstly,  
24 hand both up perhaps at the same time, and then firstly if  
25 you could have a look at the lesser number, 0105, at the  
26 bottom, and it will be the statement of "N", and it's not  
27 her other name there, but we don't want the names read out  
28 for her, please. If you just have a look at that, over the  
29 page, and then on page 3, so it's not so much the content  
30 that I expect you to be aware of, but on page 3, if you  
31 could just have a look at what's written on page 3, please,  
32 Mr Clayton.  
33  
34 Q. There's a signature of "N", and then statement sworn  
35 24 October 1991 in the presence of a mother, Mr and Mrs  
36 Groves, B Clayton, C Burro.  
37 A. Right.  
38  
39 Q. And then I mentioned the chaps name, Mr Doak --  
40 A. Yes.  
41  
42 Q. -- D-O-A-K. Do you see that there?  
43 A. Yes.  
44  
45 Q. Has that assisted your recollection at all of what  
46 happened on the 24th?  
47 A. No.

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Q. Do you accept though that not necessarily you - you mentioned Mr Addis - some arrangements have been made to take a formal statement off "N"?

A. Yes.

Q. And that's on the - on the 24th?

A. That's right.

MR DOBSON: Okay. I'll seek to tender that if I may, thank you, your Honour.

**EXHIBIT #109 STATEMENT OF "N", BARCODED 0105**

MR WATTERS: Sorry, was that 189?

HIS HONOUR: 109.

MR WATTERS: Thank you.

MR DOBSON: Just hold that there, but then have a look at the next document, top right-hand corner, barcoded 0107, statement of Tania Marie Groves. Again, please, Mr Clayton, turn to the third page. Same final statement, statement sworn, and then in the presence of the same people, and then signed off by Mr Doak.

Q. Do you see that there?

A. Yes.

Q. All right. Has that helped your recollection at all about the events on that day leading up to the statement being obtained?

A. No, I just don't recall that, that particular occasion at all.

Q. All right. But do you accept that someone has taken steps to again to get a formal statement off Tania Groves?

A. I do.

MR DOBSON: I seek to tender that as well, may it please.

**EXHIBIT #110 WITNESS STATEMENT OF TANIA MARY GROVES, BARCODED 0107**

MR DOBSON: Q. All right. Now, I think you've already made clear - you made comment about my friend at the table

1 here, Mr Jenkin, and conversation - previous conversation  
2 you had with him, and it seems you've mentioned that you've  
3 been told about two board meetings. So now and for the  
4 benefit of my friend, Mr Watters, I'm not going anywhere  
5 near that board meeting that Mr Burro talked about. This  
6 is after the event, after the girls had disclosed the  
7 offending. Do you recall attending a Board meeting after  
8 the disclosure of the offending?

9 A. I mean, given that I've seen the minutes of those  
10 meetings, I do know they've occurred --

11  
12 Q. Right.

13 A. -- but I don't recall being at those meetings.

14  
15 Q. That's all right.

16 A. I know I must have been, but I don't recall.

17  
18 Q. Yes, no, that would be the next thing that I need to  
19 clarify, sir. Is that independently with anything you've  
20 been shown recently to do with this Inquiry? Have you got  
21 any independent recollection of attending Board meetings  
22 after the disclosure?

23 A. No.

24  
25 Q. Well, what I'll do - you have acknowledged it, but  
26 just for completeness, I have here - just for the benefits  
27 of my friend, your Honour, and you - it's barcoded  
28 0360, Minutes of a Special Meeting of the Board of St  
29 Andrew's Katanning Residential College, 24 October 1991.  
30 I'll just read into the transcript, your Honour, the  
31 initial part:

32  
33 Meeting held in Mr B Clayton, Principal  
34 Katanning Senior High School, Office.

35  
36 Meeting opened : 8.30 p.m.

37  
38 And it goes on to record who's present. It mentioned Garth  
39 Addis, the Chairperson, and a number of other people,  
40 including Mr Doak, Mr Clayton, and Mr Burro. So perhaps --

41  
42 HIS HONOUR: That's exhibit 52.

43  
44 MR DOBSON: It's already in, thank you, your Honour.  
45 Could that be shown, please.

46  
47 MR WATTERS: Sorry, what was the number, your Honour?

1  
2 HIS HONOUR: Exhibit 52.  
3  
4 MR DOBSON: 52. And perhaps if you can hand back, while  
5 Madam Associate is near you, the two that have just been  
6 tendered, the handwritten statements.  
7  
8 THE WITNESS: Sorry?  
9  
10 MR DOBSON: Yes.  
11  
12 THE WITNESS: You want those back?  
13  
14 MR DOBSON: Yes, please. Just so we can keep track of  
15 them.  
16  
17 THE WITNESS: Okay.  
18  
19 MR DOBSON: Thank you very much.  
20  
21 Q. Mr Clayton, can you just have a look at the top and  
22 just check the material I just read out is, in fact,  
23 correct - Minutes of a Special Meeting - and just check  
24 those present, please.  
25 A. Do you want me to check what's specific there?  
26  
27 Q. No, just check who is present, to confirm that I've  
28 mentioned Mr Addis, Mr Doak --  
29 A. Yes.  
30  
31 Q. -- mentions you and Mr Burro?  
32 A. Yes.  
33  
34 Q. Now, rather than go through all of it, I might be able  
35 to cut this down a bit. Have you had the opportunity to  
36 read this document before --  
37 A. I did get a copy of it previously, yes.  
38  
39 Q. Okay. And, again, just in fairness to you, I'll raise  
40 it again, but it seems you've already said that aside from  
41 reading this document, you don't have any independent  
42 recollection of this meeting?  
43 A. No.  
44  
45 Q. All right. Thank you for that. Now, we mentioned two  
46 meetings, and Mr Jenkins seems to have spoken to you about  
47 two meetings. Can you just have a look where it says

1 "Motioned" and underlined - "Motioned" is underlined?  
2 A. Yes, "Motion" underlined, yes.  
3  
4 Q. Then it goes on to say:  
5  
6 A Special Full Board Meeting to be held in  
7 Principal's Office at K.S.H.S. at 7.30  
8 p.m. on Friday, 25th. October --  
9  
10 You can see that there?  
11 A. Yes.  
12  
13 Q. All right. Do you have any recollection,  
14 independently of this document or anything else, of a  
15 second Board meeting, second Special Board Meeting?  
16 A. No, no recollection.  
17  
18 Q. Seeing that now, on that paper, does that assist you?  
19 A. I believe that happened.  
20  
21 Q. So you accept it happened, you don't have any  
22 recollection?  
23 A. I don't have any recollection.  
24  
25 Q. All right. Thank you for that. Sorry, your Honour,  
26 just checking for some papers. All right. Now, I wonder  
27 if I can ask you, please, do you remember - you said that  
28 you can't, but I've got to be fair to you, do you remember  
29 anything being raised about media releases, media  
30 statements, or anything similar?  
31 A. The only thing about a media statement was the bottom  
32 of Mr - of the minutes of the 25th, Mr Addis said any  
33 information was to be given by himself on the - at the  
34 bottom of the minutes of the 25th --  
35  
36 Q. All right.  
37 A. -- but I don't specifically recall that, but it was in  
38 those minutes.  
39  
40 Q. All right. Do you recall preparing a media release at  
41 all?  
42 A. I do recall making notes in case I needed to recall  
43 the facts or the press, should the parents follow our  
44 advice and go to the police.  
45  
46 Q. All right. I'll just see if you can be shown a  
47 document barcoded 0108, and then if there's - I'm not sure

1 what else would be there - maybe your own papers. That's  
2 right. If you just have a look at that, please, Mr  
3 Clayton. Up the top is says, "Re Neil McKenna"?  
4 A. Yes.  
5  
6 Q. "Possible press statement"?  
7 A. Yes.  
8  
9 Q. Whose writing is that, please?  
10 A. That's my writing.  
11  
12 Q. All right. Then it goes on points 1, 2 - and it  
13 appears to stop with two, but then there's two areas down  
14 the bottom that have got dot points around it.  
15 A. Yes.  
16  
17 Q. And is that all of your writing?  
18 A. Yes.  
19  
20 Q. Now, I just - I just want to take you to paragraph 2,  
21 if I could please:  
22  
23 The Board did question Mr Neil McKenna  
24 about the allegations. He told the Board  
25 that he had not done anything incorrect and  
26 that there were possible --  
27  
28 Some words have been --  
29 A. No, that part is crossed out, scratched out so it  
30 reads:  
31  
32 He told the Board that he had not done  
33 anything incorrect and that because of --  
34  
35 Those two little dots mean because of, three dots --  
36  
37 Q. Right.  
38 A. :  
39  
40 -- of what happened to his brother - he  
41 would continue to be faced with such  
42 allegations.  
43  
44 Q. Okay. So do you agree then that this is - this  
45 document has been written after the Board meeting where Mr  
46 McKenna was spoken to?  
47 A. Yes.

1  
2 Q. It follows from reading it. Do you have any  
3 recollection though as to when this was written, aside from  
4 perhaps inferring that it was done after McKenna was  
5 questioned? Do you have any independent recollection about  
6 writing this document?  
7 A. No.  
8  
9 Q. Don't know if it was done at someone else's direction?  
10 A. I don't believe that to be the case.  
11  
12 Q. Do you think it was done at your own instigation --  
13 A. Yes.  
14  
15 Q. -- your own volition? All right. And do you have any  
16 recollection of McKenna being spoken to. When I "say  
17 "McKenna, there's a few of them, so Mr Neil McKenna being  
18 spoken to at a Board meeting at this time?  
19 A. Having read through the minutes of the meeting, that's  
20 brought back some sort of memory that he was at the Board  
21 meeting of the 25th.  
22  
23 Q. The Friday Board meeting?  
24 A. The Friday Board meeting.  
25  
26 MR DOBSON: All right.  
27  
28 HIS HONOUR: Q. Can I just ask you - the document, the  
29 possible press statement - does that come to a finish at  
30 the bottom of that page, or does it run over, do you know?  
31 A. That's all there was to it, your Honour.  
32  
33 Q. So what's the last words, "the Board accepted"?  
34  
35 MR DOBSON: Accepted.  
36  
37 THE WITNESS: It simply says that for the sake of St  
38 Andrew's, he would have no option but to resign, the Board  
39 accepted.  
40  
41 HIS HONOUR: Q. Just accepted full stop?  
42 A. The Board accepted, full stop.  
43  
44 HIS HONOUR: All right, thank you.  
45  
46 MR DOBSON: Q. All right. Do you recall that last  
47 thing, that last "because" sign, and then "for the sake of



1 St Andrew's" - were they his words or was that the Board  
2 putting it to him that for the sake of St Andrew's he had  
3 to resign. Do you have any recollection?

4 A. Yes, that's his words.

5

6 Q. Okay. Do you recall - would you have made the press  
7 release, as in spoken to the media, or was it to be someone  
8 else? Do you know if that was discussed, can you recall?

9 A. No, this is totally in my office at some time well and  
10 truly after the final Board meeting. I don't know exactly  
11 when, but it would have just been me writing something down  
12 as a summary of the events, if the parents were - had  
13 followed up on my advice and gone to the police, then if  
14 the press came this was a summary for my purpose in order  
15 to speak to the press.

16

17 HIS HONOUR: Q. So is this document entirely for your  
18 purposes, not broad purposes?

19 A. Entirely for my own purpose, your Honour.

20

21 Q. Yes, right.

22 A. I have a fairly poor memory at the best of times and  
23 basically it was just a set of points if I should need to  
24 have to recall stuff to talk to the press.

25

26 MR DOBSON: All right.

27

28 Q. Point 1, where you said:

29

30 Some allegations were made - indicated  
31 possible impropriety.

32

33 Do you read that there?

34 A. Yes.

35

36 Q. I appreciate they are allegations but would you agree  
37 that impropriety is probably downplaying the conduct  
38 alleged against Neil McKenna?

39 A. Well, I think impropriety covers a whole gamut of  
40 behaviours. So it doesn't state exactly the nature of it.

41

42 Q. You are saying he has done something improper?

43 A. Yes.

44

45 Q. But, in fact, it was allegations of serious sexual  
46 offending. You were clear about that, weren't you?

47 A. Yes.

1  
2 MR DOBSON: Sir, has that been tendered?  
3  
4 HIS HONOUR: No, it hasn't been.  
5  
6 MR DOBSON: I'd seek to tender that, if I may, please,  
7 your Honour.  
8  
9 **EXHIBIT #111 NOTES FOR PRESS STATEMENT, BARCODED 0108**  
10  
11 HIS HONOUR: I don't think there are any minutes for the  
12 second meeting.  
13  
14 MR DOBSON: No, I have been searching for those as well.  
15 I think this came up previously.  
16  
17 HIS HONOUR: Q. I think, Mr Clayton, you said that you  
18 have seen something of the second minutes. Is that right  
19 or not?  
20 A. Yes. Yes, your Honour. On the 25th there was another  
21 meeting.  
22  
23 HIS HONOUR: Have you got those, Mr Dobson?  
24  
25 MR DOBSON: No, we don't, your Honour. I'm pretty sure  
26 this came up previously with Mr Burro.  
27  
28 HIS HONOUR: I wonder if you could produce those minutes  
29 to Mr Dobson to see them, thank you, yes.  
30  
31 MR WATTERS: I have got a copy I can hand to my friend. I  
32 have just put some highlighter here, your Honour.  
33  
34 HIS HONOUR: All right.  
35  
36 MR DOBSON: I'm sorry, your Honour.  
37  
38 Q. So you have got those minutes there, the special  
39 meeting --  
40 A. Yes.  
41  
42 Q. -- 25 October?  
43 A. Yes.  
44  
45 Q. And I have already made it clear with you, you are  
46 saying now you were present at a special meeting?  
47 A. Yes.

1  
2 Q. You didn't have an independent recollection but you  
3 have used this to refresh your recollection, these minutes?  
4 A. Yes.  
5  
6 Q. Put aside your recollection assisted by these minutes.  
7 Do you recall how it was that Neil McKenna came to, shall  
8 we say, agree to leave St Andrew's, he resigned. Do you  
9 recall how that occurred?  
10 A. Sorry, could you --  
11  
12 Q. Do you recall how it was that Neil McKenna agreed to  
13 resign. Do you know what led up to his resignation?  
14 A. He was called in by the board and the allegations were  
15 put before him and, as a result of that, he felt or he said  
16 that he felt, because of what his brother had been accused  
17 of, he would always face such allegations and that for the  
18 sake of the students at St Andrew's he had no recourse but  
19 to resign.  
20  
21 HIS HONOUR: Q. Was there any toing-and-froing about  
22 that. Do you remember?  
23 A. I don't think there was, your Honour.  
24  
25 Q. I have heard evidence from another person who was  
26 present to the effect that he needed a bit of persuasion?  
27 A. To my - my feeling, there was no need for persuasion.  
28 He was faced with the allegations. He was given the  
29 opportunity to think about it and he declined that  
30 opportunity and immediately wrote out his resignation.  
31  
32 MR DOBSON: Q. Do you recall at any point during that  
33 meeting - do you recall Neil McKenna leaving the meeting,  
34 he wanted to go away and speak with his wife or anything  
35 along those lines?  
36 A. I don't recall that.  
37  
38 Q. Do you recall - and this expands perhaps upon what his  
39 Honour has just raised - anyone saying that if he didn't  
40 resign the police were going to be called in?  
41 A. I don't recall anybody saying that.  
42  
43 Q. What about you. Did you at any time say to him "If  
44 you don't resign we're going to have to call the police  
45 in"?  
46 A. I don't ever recall speaking to Neil McKenna at all.  
47 He would have been at the board meeting. I don't think I

1 even spoke to him there and I don't recall speaking to him  
2 after the board meetings.

3  
4 Q. If you could just move down about a third of the way  
5 down that minutes page, please. I'm not sure if we can get  
6 this up just for the benefit of other people in the room,  
7 whether they want to see this or not. Thank you, Madam  
8 Associate. After the present, Mr Addis welcomes people.  
9 You can see there:

10  
11 Mr Addis then asked Mr B Clayton if he  
12 would explain to Mr Neil McKenna the  
13 allegations made against him.

14  
15 It goes on:

16  
17 Mr Clayton explained to Neil the  
18 allegations were of a sexual nature.

19  
20 And you can read there about statements being taken,  
21 presence of a JP, invited to answer. Does that assist your  
22 recollection at all, seeing that?

23 A. I don't recall the actual details but I believe what's  
24 in that statement is correct.

25  
26 Q. What's in the board minutes. Is that what you are  
27 calling a "statement"?

28 A. Yes, yes, the board minutes.

29  
30 Q. So what we see typed there in those board meetings,  
31 you are accepting that that is an accurate accounting of  
32 what took place. Is that right?

33 A. I think so, yes.

34  
35 MR DOBSON: I seek to tender those minutes, if I may,  
36 please, your Honour.

37  
38 **EXHIBIT #112 MINUTES OF SPECIAL MEETING OF THE ST ANDREW'S**  
39 **HOSTEL BOARD DATED 25/10/1991, BARCODED 0359**

40  
41 MR DOBSON: Q. I am jumping back here a little bit but I  
42 am being fair about it. I want you to know exactly the  
43 point I am taking you back to. It is after the second  
44 meeting on the first night. So the two girls have left,  
45 Tania and "N", they leave with their parents. You are left  
46 with Mr Con Burro. You have said you can't recall any  
47 discussion so put that to one side. I will just ask you if

1 you did a series of things at all. Did you notify anyone  
2 from the Country High School Hostels Authority of the two  
3 sets of allegations from Tania Groves and "N"?

4 A. I personally didn't but I contacted Mr Garth Addis  
5 immediately to advise him that that was the case and my  
6 assumption would be that he, being the chairperson for the  
7 board, would contact the Hostels Association.

8  
9 Q. Just to be fair to you, just to make it clear, that  
10 was on the night after the girls left?

11 A. Yes.

12  
13 Q. You contacted Mr Garth Addis?

14 A. Yes, I think it says at the end of my statement that I  
15 did contact Mr Garth Addis and that that's before I signed  
16 off. So Mr Addis was phoned and was informed of all the  
17 proceedings to that stage. So the board chairperson, who I  
18 believe would have had connections with the Authority, was  
19 contacted.

20  
21 Q. Did you notify anyone from the Education Department?

22 A. I would have notified my district director at some  
23 stage. I'm not sure when. I don't recall specifically  
24 when.

25  
26 Q. So I still have to ask you though. Was that the next  
27 day?

28 A. As I said, I can't recall when.

29  
30 Q. What was the name of the district director that you  
31 notified?

32 A. Mr Murray Gatti.

33  
34 Q. Did you make a note of that, either in a private diary  
35 or the school diary. Do you recall?

36 A. I can't recall if I did that.

37  
38 Q. Given the serious nature of the alleged conduct by  
39 Neil McKenna against the girls, do you feel now, looking  
40 back, that that is something that you would have noted in  
41 the school diary or in a personal diary, that you had  
42 informed your superior?

43 A. You mean looking back now whether I would have done  
44 that?

45  
46 Q. Made a note of it?

47 A. It would be the sort of thing that generally I would

1 do.  
2  
3 Q. Can you actually recall making any diary entry or any  
4 notes?  
5 A. No, I can't recall that.  
6  
7 Q. So no notes over and above the notes you made on the  
8 night. You haven't got a note saying "12.50pm, Friday",  
9 whatever, "Telephoned Murray Gatti at Albany". You don't  
10 have a note like that?  
11 A. No, I don't.  
12  
13 Q. Do you recall ever having such a note?  
14 A. No, I don't recall that.  
15  
16 Q. That's what I'm saying to you. Given the serious  
17 nature and given that you bothered to make the handwritten  
18 notes that you did, wouldn't you have kept a note if you  
19 had advised your superior. Wouldn't you have kept that  
20 note together with the other notes?  
21 A. Not necessarily.  
22  
23 Q. Why not?  
24 A. I mean, you make the phone call to your district  
25 director or you see him in person and you tell him what's  
26 happened and what you have done so far. You don't write  
27 all that down.  
28  
29 Q. You don't?  
30 A. Not necessarily.  
31  
32 Q. At the very least, the school has a - I'm calling it a  
33 diary. It may have been referred to something differently.  
34 His Honour may recall. I'm sorry.  
35  
36 HIS HONOUR: It might have been a journal or something.  
37  
38 MR DOBSON: A school journal. It belongs to the school.  
39 It is something that is there for the Katanning Senior High  
40 School.  
41  
42 Q. Did you make an entry in the school journal - thank  
43 you, your Honour, and Mr Jenkin?  
44 A. Your Honour, there was no school journal. There was  
45 no school journal kept in those notes. The only diary was  
46 my own personal diary for use for making my appointments.  
47

1 Q. Wouldn't it be more important then, given what you  
2 have just said, no journal, only a personal diary, to make  
3 a handwritten note like the ones you did if you had  
4 contacted Mr Murray Gatti about something so serious?  
5 A. I don't think so. I just would do certain things  
6 automatically that needed to be done. I mean, these were -  
7 these notes that I took were notes on that specific night  
8 about a disclosure to myself but I - you know, and then I -  
9 you know, I did keep notes about the board meetings or  
10 things like that.

11  
12 MR DOBSON: I'm just wondering, your Honour, I think Madam  
13 Associate has a copy of these guidelines, "Guidelines for  
14 Identification and Notification of Child Abuse and  
15 Neglect".

16  
17 Q. I believe a copy of these have been sent out to you?  
18 A. Yes.

19  
20 Q. And they are dated 1987, so in fairness I will say  
21 that from the outset?

22 A. Yes.

23  
24 Q. In addition, just again in fairness to you, I am not  
25 aware if these were actually shown to you during the  
26 interview by our investigators but they did get a mention  
27 during the interview from the point of view, as I  
28 understand it, that you said you weren't aware of these at  
29 the time. Is that correct?

30 A. That's correct.

31  
32 Q. So I have stated that correctly. So in total fairness  
33 to you, when you were interviewed by Inquiry investigators  
34 and there may have been mention about guidelines, you said  
35 "Well, I wasn't aware of any guidelines at the time"?

36 A. That's correct.

37  
38 Q. Have you had the opportunity to go through those  
39 guidelines?

40 A. Yes, I have.

41  
42 Q. Has that in any way assisted your recollection of  
43 knowledge of guidelines in 1991?

44 A. No. I don't recall seeing these guidelines at any  
45 stage.

46  
47 Q. That was going to be my next question. Thank you,

1 Mr Clayton. Thank you. That particular document in 1991  
2 when this - when I say "this complaint", this matter with  
3 Tania Groves and "N" - was brought to your attention, you  
4 didn't know about this document?

5 A. I did not.

6

7 Q. Do you accept that on face value, at least, it had  
8 been in existence for about four years but I can assist you  
9 because it is our understanding it was December 1987, I  
10 believe, that this came into existence. So you had not  
11 seen it while you were at Thornlie?

12 A. I had not seen them.

13

14 Q. Had you heard anything discussed about guidelines?

15 A. No.

16

17 Q. Either in the planning stage, formulation, anything at  
18 all?

19 A. No.

20

21 MR DOBSON: I will just check the bar code, your Honour.  
22 These may have already been tendered.

23

24 HIS HONOUR: They may have been.

25

26 MR DOBSON: Yes, in relation to previous principals.  
27 Perhaps if you could hand those back to Madam Associate.

28

29 HIS HONOUR: I will just check. Have we had those  
30 tendered already? 59, thank you.

31

32 MR DOBSON: 59, I think. Thank you.

33

34 Q. You have had the benefit of going through those  
35 guidelines since?

36 A. Yes.

37

38 Q. I'm not talking about at the time. We are quite  
39 clear, you didn't know at the time. Having read them  
40 recently, would you agree that in addition to telling the  
41 local district supervisor above you that you should have  
42 gone to the police and/or the Department of Community  
43 Welfare at the time?

44 A. Did I know about those --

45

46 Q. No, I've been very careful. I have prefaced it by  
47 saying "Had you known about those guidelines at the time"?



1 A. Would have - have I followed those guidelines?  
2  
3 Q. Yes.  
4 A. Most definitely.  
5  
6 Q. Do you agree - and I'm not saying you knew, I'm being  
7 very careful - had you known about the guidelines at the  
8 time, you said you followed them. Are you saying you would  
9 have gone to the police and the Community Welfare and  
10 notified them about these girls?  
11 A. If I had seen those guidelines, yes. Because I hadn't  
12 seen them, I went to SARC. I rank SARC for my advice.  
13 That's the Sexual Assault Referral Centre to get that  
14 advice.  
15  
16 Q. I understand. Did you get through to someone on that  
17 night?  
18 A. I didn't on that night but subsequently I did.  
19  
20 Q. It seems that you have accepted that after the meeting  
21 finishes where both girls have been with you and disclosed  
22 the offending with their parents, it seems that you have  
23 accepted that personally, on a person level, and I may have  
24 this wrong but you either can't recall or you didn't make  
25 any effort about doing something in relation to Neil  
26 McKenna being in charge of children. Which is it. Do you  
27 accept you didn't do anything or you simply can't recall?  
28 A. I can't recall.  
29  
30 Q. Aside from what you did do because a lot of what we  
31 are dealing is so far in the past, but sitting here now  
32 looking back, given the nature of the offending and that he  
33 has got children in his custody, care and control, do you  
34 think that is something that you should have done; taken  
35 steps to locate him and get him removed from being in  
36 charge with children?  
37 A. I'm quite certain if it came into my focus I would  
38 have.  
39  
40 MR DOBSON: I will just check my notes, if I may, your  
41 Honour, please.  
42  
43 HIS HONOUR: Just while you do, I will ask this question.  
44  
45 Q. You said that you didn't get through to SARC that  
46 night but you did subsequently. What did you do later in  
47 terms of SARC?

1 A. I rang SARC again to make sure that I could provide  
2 information about what had happened. So I rang SARC. They  
3 informed me that it was not mandatory for me to report to  
4 the police and said that it was better for the girls and  
5 their parents to make the report to the police first-hand.  
6 It was better for the information to come from the girls  
7 and their parents rather than from anything that I would  
8 have to say.  
9

10 Q. When did you ring that, get that advice?  
11 A. Probably the very next day.  
12

13 Q. The next day. So you are saying that overall you  
14 followed the advice that you did get from SARC?  
15 A. Yes.  
16

17 MR DOBSON: May I continue, your Honour?  
18

19 HIS HONOUR: Yes, please do.  
20

21 MR DOBSON: Thank you.  
22

23 HIS HONOUR: Can I just clarify his answer?  
24

25 Q. Which day. "The next day", you mean on the 25th.  
26 Would that have been in between the two meetings?  
27 A. It was - I had the meeting with the parents on the  
28 23rd and probably on the 24th I would have rung SARC during  
29 the daytime and got that message and then I would have  
30 relayed that message to Mrs Groves, and she does bear that  
31 out in her evidence, that she was spoken to about SARC and  
32 given the phone number for SARC.  
33

34 Q. So that's the next day, 24 October?  
35 A. Either the 24th - yes, your Honour.  
36

37 Q. Thank you.  
38 A. Because they were coming in to talk to us about what  
39 they wanted.  
40

41 HIS HONOUR: Right. Yes, Mr Dobson.  
42

43 MR DOBSON: Q. I am just wondering, if I can ask your  
44 reasoning, why did you ring SARC and not ring someone from  
45 your department for direction?  
46 A. Well, what I had heard during the course of that night  
47 was that these girls had been sexually abused and so I

1 thought that "This is a sexual nature, I need to get advice  
2 directly from people that are involved in sexual assault  
3 referral cases" and so I rang SARC.  
4

5 Q. I may have written this I think in an interview but  
6 did you actually associate the Sexual Assault Referral  
7 Centre as being in some way associated with the Western  
8 Australian Police?

9 A. Yes, I believe that they were a branch of the police  
10 when I rang them that night.  
11

12 MR DOBSON: I will just have another look at my notes, if  
13 I may, your Honour.  
14

15 Q. Are you aware, your own recollection, of course, when  
16 and where it was that Mr Neil McKenna was first confronted  
17 with this issue, the allegations raised by the two young  
18 ladies?

19 A. My belief is it occurred at the board meeting. There  
20 may have been --  
21

22 Q. Sorry, I'm interrupting you but just so we are clear,  
23 the Thursday night special meeting or the Friday night  
24 special meeting?

25 A. The Friday night meeting. In the meantime, I'd sort  
26 of become aware that he was not at the hostel and what I've  
27 written here is that he was called back by members of the  
28 hostel or the board. So the very first time that I knew of  
29 his presence was at that meeting of the 25th.  
30

31 Q. You have already said this but are you certain or you  
32 can't recall. We have already touched on it, I should say,  
33 but I'm a bit unclear. You never said to him "Resign or  
34 the police will be called". Now, are you certain of that  
35 or you can't recall?

36 A. I certainly can't recall saying that to him. I can't  
37 recall even seeing him, let alone saying that to him.  
38

39 Q. What about any of the other gentlemen and ladies on  
40 the board?

41 A. I have no knowledge of that. I don't recall anything  
42 to do with anybody saying that.  
43

44 Q. And you have become aware since that Mr Neil McKenna  
45 has been charged and convicted of serious offending  
46 against --

47 A. Yes.

1  
2 Q. Including the girls we have mentioned, that they were  
3 part of the charges?  
4 A. Yes.  
5  
6 Q. What was your reaction when you heard that he had been  
7 convicted?  
8 A. Very pleased.  
9  
10 MR DOBSON: I have nothing further, thank you, your  
11 Honour. Thank you, Mr Clayton.  
12  
13 HIS HONOUR: Now, is there anything from you, Ms Morgan?  
14  
15 MS MORGAN: No, thank you.  
16  
17 HIS HONOUR: Nothing for you, Mr Jenkin?  
18  
19 MR JENKIN: No, thank you.  
20  
21 HIS HONOUR: Yes, anything from you, Mr Watters?  
22  
23 MR WATTERS: Thank you, your Honour.  
24  
25 **<CROSS-EXAMINATION BY MR WATTERS:**  
26  
27 MR WATTERS: I just wonder if your associate could perhaps  
28 have the exhibits at hand. It might help.  
29  
30 Q. Mr Clayton, firstly, could you just go through slowly  
31 the chronology of how those meetings came about in your  
32 office with Tania Groves and her mother. I think you told  
33 my learned friend, Mr Dobson, that you had heard some  
34 rumours and then you called Ms Groves. Is that correct?  
35 A. Yes, I believe that's correct.  
36  
37 Q. Was it the same day that you heard the rumours that  
38 you called her?  
39 A. Yes.  
40  
41 Q. Do you recall where or who you heard any rumours from?  
42 A. No, I don't recall who I heard the rumours from.  
43  
44 Q. When you travelled down to Katanning to take up your  
45 position at the beginning of 1991, Mr Neil McKenna had  
46 already been appointed by the board to the position he held  
47 at the hostel. Is that correct?

1 A. That's correct.  
2  
3 Q. And I think, is it correct, that as far as you were  
4 aware, that the previous board, that's the hostel board,  
5 had kept Mr McKenna on as an Acting Warden after his  
6 brother had been charged. Was that your understanding?  
7 A. That's correct, yes.  
8  
9 Q. In light of that, what views did you have as to the  
10 soundness of any decisions made by the board, given that  
11 that was the appointment they had made?  
12 A. I - at the time when I first found out that they had  
13 made the decision to keep Dennis McKenna's brother, Neil,  
14 on as the acting warden, I was quite staggered by it and  
15 thought that that wasn't a good decision. In fact, I  
16 raised it at an early board meeting and somebody kind of  
17 said how uncharitable I was being.  
18  
19 HIS HONOUR: Q. Do you remember who it was who said  
20 that?  
21 A. Your Honour?  
22  
23 Q. Do you remember which board members it was who said  
24 that to you?  
25 A. No.  
26  
27 MR WATTERS: Q. I appreciate that I am in the company of  
28 experts but just for completeness, the hostel was literally  
29 across the road from the school oval. Is that right?  
30 A. It's across the back of the school, yes.  
31  
32 Q. Once you took up your position as principal, you have  
33 told his Honour about when you went down there initially  
34 you went across and had a lunch there when you met  
35 Mr McKenna?  
36 A. Yes.  
37  
38 Q. Once you had started as the principal, how often, if  
39 ever, would you ever go across to the hostel?  
40 A. I'd never go across there at all. I had my hands  
41 fairly full at the high school. I was also on committee  
42 meetings at the District Office in Albany so that meant a  
43 fair bit of travel time as well. So very rarely did I have  
44 anything more to do with the hostel other than at board  
45 meetings.  
46  
47 Q. The meeting you had with Tania Groves, that's exhibit

1 51, perhaps if you could be shown that. Now, that meeting  
2 was held in your office. Is that correct?  
3 A. Yes.  
4  
5 Q. And present was Tania Groves and her mother and  
6 Mr Burro?  
7 A. Yes.  
8  
9 Q. Do you recall approximately what time that meeting  
10 commenced?  
11 A. No, I don't.  
12  
13 Q. Would it have been after school?  
14 A. It would have been some time after school.  
15  
16 Q. Would it have been fairly close to school finishing?  
17 A. I believe it would have been fairly close to school  
18 finishing because Mrs Groves, I believe, worked at the  
19 local primary school just down the road and when she had  
20 finished there she would have come across.  
21  
22 Q. So are we talking, it was around sort of the half past  
23 3, 3.45?  
24 A. It would have been around about then.  
25  
26 Q. Is there anything you would like to add to that  
27 written statement as to what was said at the first meeting  
28 by Tania or does that pretty well encapsulate all that she  
29 said?  
30 A. I think that more or less captures it.  
31  
32 Q. You have mentioned a number of times to my learned  
33 friend to the effect that "given their emotional state",  
34 "given how they were in the meeting"?  
35 A. Yes.  
36  
37 Q. What do you mean by that. Can you tell us how they  
38 were?  
39 A. This is a girl that had not specifically come to talk  
40 to us about sexual abuse originally, it was because I had  
41 rung her mother and the mother and her had come in and  
42 discussed it.  
43  
44 Q. So you had rung the mother that day?  
45 A. Yes.  
46  
47 Q. And you basically said "Can you come to the school."

1 I'd like to have a meeting with you and Tania"?

2 A. Yes, yes.

3

4 Q. And then that meeting commenced fairly soon after

5 school finished?

6 A. Yes.

7

8 Q. But talking about them separately, Tania and her

9 mother, how was their emotional state through the course of

10 the meeting?

11 A. I think they were fairly distressed.

12

13 Q. I mean were they crying. What makes you say that?

14 A. In - I know in the subsequent part of the meeting

15 there was a lot of crying.

16

17 Q. Sorry, are you talking there about after 5.30 or are

18 we still talking about the first meeting?

19 A. In the first part of the meeting there was quite a bit

20 of distress between the mother and the daughter.

21

22 Q. What did you say they should do. Did you mention the

23 police?

24 A. Repeatedly Mrs Groves and her daughter were told that

25 they could take it to the police, that they should, in

26 fact, go to the police.

27

28 Q. And what did they respond to that?

29 A. They didn't want to.

30

31 Q. Did they say why?

32 A. Yes, the girls wanted to get on with their lives.

33 They just didn't want to face McKenna any more. They were

34 quite distressed. It was something up to the end of the

35 year and they just wanted to get on with their schooling.

36 They didn't want any more harassment, they didn't want to

37 be teased by other kids at the hostel.

38

39 Q. Now that teasing, was there any reference to whether

40 those girls were prefects or house captains or anything

41 like that, or what sort of teasing are you talking about?

42 A. I can't - I can't really say, Simon. I know that in

43 school situations kids are under pressure or things like

44 that, and kids pick up, and very quickly, and do tease.

45

46 Q. Right. Sir, when that meeting finishing --

47 A. I mean, if I --

1  
2 Q. Sorry?  
3 A. -- can take you back to my notes, handwritten notes --  
4  
5 Q. Exhibit 51?  
6 A. -- that I've just had, yes:  
7  
8 Tania indicated that Neil's comments were  
9 open to interpretation --  
10  
11 Q. It's around point "D" on the - sorry, it's around  
12 point "D" on the page, your Honour, thank you.  
13 A. On the very first page, about two-thirds --  
14  
15 Q. It's all right, we said point "D"?  
16 A. -- of the way down.  
17  
18 Q. Yes, sorry, if you could read that?  
19 A. :  
20  
21 Tania indicated that Neil's comments were  
22 open to interpretation and though there  
23 might be no intention in his remarks  
24 because other people had made comments to  
25 her --  
26  
27 So there's an indication there that kids are commenting  
28 about her and Neil McKenna.  
29  
30 Q. Right.  
31 A. So if she's been teased already --  
32  
33 Q. All right. Did you call SAR during that meeting?  
34 A. I did. The first part of the meeting, no, the second  
35 part of the meeting I did.  
36  
37 Q. That's the one that starts around 5:30?  
38 A. That's right.  
39  
40 Q. Okay. So --  
41  
42 HIS HONOUR: Can I just check on something here now?  
43  
44 MR WATTERS: Yes, thank you, your Honour.  
45  
46 HIS HONOUR: Q. When you arranged this first meeting,  
47 what was motivating you? You heard a rumour --



1 A. Yes.  
2  
3 Q. -- was it? How did you come to decide to call a  
4 meeting?  
5 A. Well, there's a child that's distressed and obviously  
6 needs to talk about sexual abuse, your Honour.  
7  
8 Q. Right. So just go back to the very beginning. I mean  
9 how did you know she was distressed, and how did you know  
10 it was sexual abuse?  
11 A. Well, from what Mr Burro must have told me, your  
12 Honour.  
13  
14 Q. Right. And do you recall what he told you?  
15 A. No, I don't, your Honour.  
16  
17 Q. So the information you had --  
18 A. There was a rumour - there was a rumour.  
19  
20 Q. Right.  
21 A. I heard a rumour, and as it says in the notes, that  
22 there was a rumour that there was something to do with  
23 sexual abuse of a student.  
24  
25 Q. It says:  
26  
27 Based on a comment to members of the Board  
28 regarding a --  
29  
30 A. Yes. Well, that had been brought to my attention. I  
31 don't know how it was brought to my attention, but based on  
32 that I felt there was a need to deal with it.  
33  
34 Q. So did anyone on the Board ask you to do something  
35 about it?  
36 A. No.  
37  
38 Q. Did Mr Burro ask you to do something about it?  
39 A. No.  
40  
41 Q. But you heard something from Burro, did you?  
42 A. I think that's where I heard it.  
43  
44 Q. And you thought that you should do something about it?  
45 A. I felt it had to be dealt with.  
46  
47 Q. And just explain a bit more why you thought that?

1 A. Well, I just don't think that if a child is making  
2 comments to somebody that something's going on, that it  
3 should be left to rest - you should follow it up. You  
4 know, you can't have a child being sexually molested or  
5 whatever, so that would have motivated me to try and find  
6 out what was really going on.

7

8 Q. All right. Now, I've heard evidence to suggest that  
9 as a school principal, you're only responsible for anything  
10 going on within the school grounds.

11 A. Sorry, your Honour, I didn't quite --

12

13 Q. I've heard the suggestion in evidence that as a school  
14 principal, you'd only be responsible to do something about  
15 something that happened within the school grounds, whereas  
16 this is something allegedly happening in the hostel; is  
17 that right?

18 A. That's right, your Honour.

19

20 Q. So why did you think you should be doing something  
21 about it?

22 A. My view is that I have a duty of care for all of my  
23 students, and this was a student of mine at my school.

24

25 Q. So even - for a duty of care for things that happened  
26 off the premises as well as in the school?

27 A. There's a degree of that, yes, your Honour. I mean,  
28 one of the things that teachers are instilled in is that on  
29 the way home from school they have a responsibility in the  
30 surrounds of the school, and basically this is a student in  
31 my school, and there's allegations floating that  
32 something's happening, and I felt that it was my duty of  
33 care to follow it up.

34

35 Q. All right. Now, do you see it as your duty of care  
36 purely as principal, or because you were a member of the  
37 Board as well, or what? I mean, did the fact that you were  
38 a Board member - did that have a bearing on it or not?

39 A. No, your Honour. It's just that I felt I owe my  
40 students a duty of care.

41

42 Q. Right. I hope you don't mind me exploring this, but  
43 say you had heard a rumour about sexual abuse within a  
44 student's home - you know, not at a hostel, but within the  
45 student's home at that time - would you have thought it  
46 appropriate to do something about it?

47 A. Definitely, your Honour, yes.

1  
2 HIS HONOUR: All right. Thank you. I've heard contrary  
3 evidence from other principals, but not to worry.  
4  
5 MR WATTERS: Thank you, your Honour. You haven't heard  
6 from Mr Clayton yet.  
7  
8 Q. Mr Clayton, can I ask you this - and I want to clarify  
9 this, and I want to go straight to it. In October 1991,  
10 right, the time these girls come to you, the time of the  
11 Board meeting, the time Neil McKenna leaves, did you at any  
12 time hear anyone make any allegations of the word "rape" or  
13 sexual penetration by Mr McKenna of any girl?  
14 A. No. It was more of a touching nature --  
15  
16 Q. Right.  
17 A. -- that I was aware of.  
18  
19 Q. If you had ever heard back then in October 1991 of the  
20 allegations reaching that degree of severity - that is  
21 sexual penetration or colloquially referred to as rape -  
22 what would you have done, irrespective of the wishes of the  
23 parents, about the police?  
24 A. I would have automatically gone to the police.  
25  
26 Q. Right. Now, when that first meeting that starts after  
27 school finishes, at 5pm and Tania and her mother leave your  
28 room, what's your partying comment to them as to what were  
29 they told to do, or what were they going away to think  
30 about. What was said?  
31 A. I can't recall.  
32  
33 Q. All right. Were they going away from that first  
34 meeting to decide any course of action they wanted?  
35 A. I believe they would have been going away to talk more  
36 about it, and decide whether they were going to come and  
37 talk more with us later on.  
38  
39 Q. Right. And then the second meeting starts at 5.30.  
40 How did that come about, given they've left your office at  
41 five? Who contacted who?  
42 A. What happened was that I was still in the office at  
43 that stage and the girls knocked on the door, this time  
44 very, very distressed, crying, and asked if they could talk  
45 to us more, and said they had more to reveal.  
46  
47 Q. Was Mr Burro still in your office then?

1 A. Yes, he was.  
2  
3 Q. All right. Did he share your office or was he just in  
4 there with you?  
5 A. He just was in my office.  
6  
7 Q. All right. And then at 5.30pm "N" and Tania come in  
8 and they make, perhaps, more specific allegations about Mr  
9 McKenna; is that correct?  
10 A. That's right.  
11  
12 Q. And then is it during that meeting - and that meeting  
13 ran from 5.30 through to 9 o'clock, 9.05pm?  
14 A. That's correct.  
15  
16 Q. Right. And I think you made reference to my learned  
17 friend before, about a long school day. What time did you  
18 generally start work each day?  
19 A. About 8.15.  
20  
21 Q. So during the course of that meeting with those girls,  
22 you rang SARC; is that correct?  
23 A. That's right.  
24  
25 Q. And you've told my learned friend Mr Dobson that you  
26 thought that was associated with who, or what?  
27 A. I believe SARC was actually a branch of the Police  
28 Department at that stage.  
29  
30 Q. At that - do you remember when it was during that  
31 period, that 5.30 to 9pm? Do you recall approximately when  
32 it was that you would have rung SARC - sort of, beginning,  
33 middle, end?  
34 A. It could have been somewhere around about 6.30,  
35 7 o'clock.  
36  
37 Q. And I think did you tell his Honour that you didn't  
38 get any response --  
39 A. That's true.  
40  
41 Q. -- is that correct?  
42 A. That's true.  
43  
44 Q. Was it an answering machine or did it just ring out?  
45 A. It was no answering machine, it just rang out.  
46  
47 Q. And then I think you told his Honour that - was it -

1 am I correct it was the next day that you rang SARC?  
2 A. I believe it was the next day.  
3  
4 Q. And that would have been during business hours, was  
5 it?  
6 A. That's right.  
7  
8 Q. And you spoke to someone there?  
9 A. That's right.  
10  
11 Q. And they told you - can you just repeat for us what  
12 they told you?  
13 A. Well, basically --  
14  
15 Q. How did that conversation go? Did you identify  
16 yourself?  
17 A. I told them who I was, I told them where I was, and I  
18 told them what had happened.  
19  
20 Q. What did you say when you said what had happened? Can  
21 you just encapsulate?  
22 A. Well, basically I said, "I've got a couple of girls  
23 who have given me a disclosure about sexual abuse, and  
24 basically I'm ringing to find out what my response needs to  
25 be, what action I need to take." Their response to me was,  
26 "Well, get the parents and the girls to come down and  
27 report it to the police." They said that, "It's not  
28 mandatory for you to do it, it's better if the disclosure  
29 comes directly from the girls themselves, because they'll  
30 have first hand information, you'd only be adding your bit  
31 and that may not be accurate for police evidence."  
32  
33 Q. All right. Now, I appreciate you hadn't seen that -  
34 you've never seen the guidelines back at that time?  
35 A. True.  
36  
37 Q. That's exhibit 59. But I'm referring here to page 4,  
38 your Honour. I just want to ask you this, Mr Clayton.  
39 Second-last paragraph on page 4 it says:  
40  
41 It is not suggested that teachers and other  
42 school staff have the responsibility to  
43 determine whether or not child abuse or  
44 neglect has occurred. It is the  
45 responsibility of school personnel to  
46 protect the children in their care by  
47 referring their concerns to the appropriate

1 agency.  
2  
3 As far as you were aware, was SARC the appropriate agency?  
4 A. Well, that's what I thought on that night.  
5  
6 Q. Yes. Now, with regard to the time you made that call  
7 to SARC on the night, I think you said around - towards  
8 6pm. Is that what you said?  
9 A. Yes, it would have been around about that time,  
10 because the meeting with the girls --  
11  
12 Q. All right.  
13 A. -- started again at 6.30, and there was quite a lot  
14 of --  
15  
16 Q. All right.  
17 A. -- discussion before we got to that.  
18  
19 Q. All right. Did you have a number, or an after-hours  
20 number for the police in Katanning?  
21 A. I don't recall.  
22  
23 Q. All right. What had the parents or the girls told you  
24 specifically about whether they did or didn't want to go to  
25 the police?  
26 A. The girls had not wanted to go to the police  
27 basically.  
28  
29 Q. All right. Okay. At 6pm, was there an Education  
30 Department number you could ring?  
31 A. At 6pm, no.  
32  
33 Q. Now, on page 8 of those guidelines it says - top of  
34 the page:  
35  
36 Individual schools must decide the most  
37 appropriate and accessible --  
38  
39 I'll emphasise that:  
40  
41 -- and accessible agency to contact when  
42 reporting becomes necessary.  
43  
44 At 6pm that night, as far as you were aware, was SARC the  
45 most appropriate and accessible agency to call?  
46 A. That's what I thought.  
47

1 Q. Right. Okay. Thank you. Now, if you just bear with  
2 me for a moment. Now, just bear with me. Now, the  
3 statements of the girls - and I'll just refer to the  
4 exhibit numbers - exhibit 109 and 110 that you were shown -  
5 and it was said to you at the end, it was said:  
6

7 Statement sworn 24th October 1991 in the  
8 presence of Mrs C. Hughes, Mr and Mrs K.  
9 Groves, B Clayton, C Burro.

10  
11 Do you see that?

12 A. Yes.

13  
14 Q. All right. Now, do you recall in which office those  
15 statements were prepared?

16 A. I believe they were prepared in my office.

17

18 Q. And how did that come to be? Why was that?

19 A. Probably - in fact, I think what happened was that  
20 people had got together at the hostel and then came over to  
21 my office.

22

23 Q. That's those people named at the foot?

24 A. That's right, yes.

25

26 Q. When you say they "got together" --

27 A. Yes.

28

29 Q. -- like the parents and the girls and things like  
30 that?

31 A. Yes.

32

33 Q. Do you recall actually being present when those  
34 statements were taken?

35 A. I can't - I can't recall being present when those  
36 statements taken.

37

38 Q. All right. Were you present when it was signed? Did  
39 someone say, "Can you come back into the room and witness  
40 the signing"?

41 A. I don't recall witnessing.

42

43 Q. So although your office was used, your recollection  
44 was, "I wasn't actually in my office when it occurred"?

45 A. More than likely.

46

47 Q. Okay. Do you recall if it was a morning or an

1 afternoon or a lunchtime when they were done?  
2 A. I can't recall, sorry.  
3  
4 Q. Now, now, regarding that media press release - that's  
5 exhibit 111 - you said they were notes - you told his  
6 Honour - "notes written for my own personal use". What are  
7 you like as a public speaker?  
8 A. Pretty poor. Most people will tell you I'm not a good  
9 speaker. I need notes continually --  
10  
11 Q. Right.  
12 A. -- if I'm going to give any address or speeches.  
13  
14 Q. All right. So can you just encapsulate for us why did  
15 you prepare that document?  
16 A. Well, we had stated very clearly to the parents  
17 that --  
18  
19 Q. "We" being?  
20 A. Mr Burro and myself. We reiterated, after speaking to  
21 SARC, that the parents should report it to the police, and  
22 they could go at any time to report it to the police.  
23  
24 Q. If the matter went to the police and Mr McKenna was  
25 charged, was it your view or your belief that the matter  
26 would then go public, if I can call it that?  
27 A. Yes, I believe it would have went quite public.  
28  
29 Q. So what was your concern if you were contacted as the  
30 principal of the school by the media? Why did you write  
31 that out?  
32 A. Well, I would need to recall the details of what  
33 occurred.  
34  
35 Q. It was more - was it more like a memo for you if you  
36 were contacted by the press, as to what had occurred?  
37 A. Yes.  
38  
39 Q. Did you ever intend that you would stand before a  
40 camera and read that out?  
41 A. No, definitely not.  
42  
43 Q. Now, because it's trite to say we're talking about  
44 days pre-mobile phones and pre-emails and things like that.  
45 A. That's correct.  
46  
47 Q. All right. And so with regard to those guidelines,



1 if - well, I'm not suggesting they didn't, but if they are  
2 published by the Education Department - and I think my  
3 learned friend - and I'm happy to be corrected - said, I  
4 think December 1987, back in those days, how - in your  
5 experience, I guess I'm talking here about as the Deputy  
6 Principal, I think it was at Thornlie High School?

7 A. Yes.

8

9 Q. How would these sort of things come to principal's and  
10 teacher's notice?

11 A. They probably would have come into the principal's  
12 office, and he probably would have disseminated those.

13

14 Q. Like photocopied and give them out --

15 A. I'm not - I'm not --

16

17 Q. -- or put them up on a noticeboard?

18 A. I'm not sure how many copies were ever sent out of  
19 that. I hadn't seen it, so I don't know --

20

21 Q. All right. So you --

22 A. There were a lot of documents coming up from the  
23 Education Department at that time. We had unit curriculum  
24 starting at that particular stage --

25

26 Q. Would something like this, for example - and I  
27 appreciate it might be a degree of speculation - for  
28 example, would it be put with a drawing pin up on a staff  
29 noticeboard in the staff room or something?

30 A. I don't think so, it's not --

31

32 Q. Okay. So your evidence is, "I don't recall ever  
33 seeing this, and it was never drawn to my attention by  
34 anyone"?

35 A. That's right. I've never seen it before.

36

37 Q. All right.

38 A. And it was brought up at the interview.

39

40 Q. Okay. That was the interview with the investigators  
41 for this Inquiry?

42 A. That's right.

43

44 Q. Okay. I think my learned friend asked you some  
45 questions about, in the press release statement, about what  
46 Mr McKenna had apparently done. I think you said there he  
47 continued to face such allegations. Did you have any

1 concerns about speaking to the press and expressing a view  
2 one way or another as to his guilt or innocence?

3 A. Sorry, Simon.  
4

5 Q. Did you have any concerns back then about speaking to  
6 the press and expressing a view one way or the other as to  
7 Mr McKenna's guilt or innocence?

8 A. I can't recall what I thought.  
9

10 Q. Okay. Now, with the minutes of the Board meeting -  
11 that's exhibits 52 and 112 - I wonder if you can just have  
12 a look at exhibit 112 for a minute. I notice the screens  
13 are off, but anyway. Does your Honour have that handy,  
14 or --  
15

16 HIS HONOUR: No, I don't, unfortunately.  
17

18 MR WATTERS: I wonder if we can actually display for your  
19 Honour. I just wanted to clarify something in the minutes.  
20 Do you have a copy of that there?  
21

22 HIS HONOUR: Yes, I've got it now.  
23

24 MR WATTERS: Thanks.  
25

26 Q. Do you have minutes of 25 October, Mr Clayton?  
27

28 A. I do.  
29

30 Q. All right. If you just see there, around line, point  
31 B, it says that Mr Clayton explains that in view of the  
32 allegations are of a sexual nature - do you see that?  
33

34 A. Yes.  
35

36 Q. Yes. Then the next two paragraphs, "Mr McKenna was  
37 told", "Mr McKenna was then invited" - it doesn't say who  
38 told him and it doesn't say he was invited. Was that - you  
39 see, it doesn't - can you recall did someone else tell you?  
40

41 A. My view would be that the Chairman of the Board would  
42 be talking.  
43

44 Q. Right. So as far as what you said, what you said  
45 ended with that line:  
46

47 Mr Clayton explained to Neil the  
allegations were of a sexual nature.

And then the next two paragraphs you would ascribe to Mr

1 Addis?  
2 A. Yes.  
3  
4 Q. All right. Because who was running those meetings?  
5 A. Mr Addis would have been running those meetings.  
6  
7 Q. All right. I mean, my learned friend asked you about  
8 the Country High Schools Hostels Authority. As far as you  
9 were aware as the principal who, in effect, had an ex  
10 officio spot on the St Andrews Board, what was your  
11 obligations or duties toward the Country High Schools  
12 Hostels Authority?  
13 A. I believe I had no direct connection or responsibility  
14 to the Country Hostels Authority. I believe that anything  
15 to do with them would go automatically through Mr Addis,  
16 the Chairperson of the Board.  
17  
18 Q. Right. Was it your understanding that basically if  
19 you left the school as principal, you'd finish - you'd end  
20 on the St Andrew's Board, and the next principal would come  
21 in and he would be sitting on that Board?  
22 A. Exactly.  
23  
24 Q. Right. So who ran those Board meetings, who would run  
25 them?  
26 A. The Chairman of the Board would run them, Mr Addis.  
27  
28 Q. Right. Okay. All right. You made mention to my  
29 learned friend about - I think you said Mr Murray Gatti was  
30 your Deputy District Director?  
31 A. Yes.  
32  
33 Q. I think you actually said he was - sorry, no?  
34 A. He was the District Director, yes.  
35  
36 Q. So District Director?  
37 A. Yes.  
38  
39 Q. Okay. You said:  
40  
41 I would have notified him at some stage.  
42  
43 If you would have done that, or you recalled that, would it  
44 have been by telephone or in person?  
45 A. I can't recall, Simon.  
46  
47 Q. All right. How --

1 A. I was regularly --  
2  
3 Q. Sorry?  
4 A. -- at meetings in Albany. As because I was on  
5 committees there, but can't say whether I phoned  
6 immediately or not. I don't recall.  
7 A. Thank you.  
8  
9 Q. And I think you've told my learned friend that the  
10 meeting with Tania and her mother, and then Tania and "N",  
11 was 23 October.  
12 A. Yes.  
13  
14 Q. And Mr Burro told you that night that Mr Neil McKenna  
15 was away at the Merredin hostel?  
16 A. Yes.  
17  
18 Q. And then the Board meeting was convened the following  
19 day, the 24th; is that correct?  
20 A. I can't - I can't specifically recall when I learnt  
21 about Neil McKenna being at - away at Merredin.  
22  
23 Q. Right.  
24 A. There's a lot of this now is because I've read it here  
25 and I've heard Mr Burro.  
26  
27 Q. Right. So it's not necessarily something that you  
28 independently recall?  
29 A. I don't recall that.  
30  
31 MR WATTERS: All right. Okay. Thank you, your Honour, if  
32 you could just bear with me for a moment.  
33  
34 Q. After the meeting with Tania and "N" on 23 October  
35 that went from 5.30 to 9 o'clock, and bearing in mind what  
36 they told you --  
37 A. Yes.  
38  
39 Q. -- as you sit there now, do you think you would have  
40 let them go back to the hostel if Mr McKenna was there?  
41 A. Definitely not.  
42  
43 Q. Right. So could we infer from that that Mr Burro must  
44 have told you --  
45 A. He must have told me, yes.  
46  
47 Q. -- that he wasn't at the hostel, he was at Merredin?

1 A. That's right.  
2  
3 Q. Okay. Did you have any concerns about members of the  
4 Board and their disposition toward Neil McKenna, given his  
5 appointment prior to you arriving?  
6 A. I don't recall any specific disposition.  
7  
8 Q. No. All right. Did you have any concerns about the  
9 views any - or the disposition of any Board members towards  
10 Mr Neil McKenna?  
11 A. No, I don't recall.  
12  
13 MR WATTERS: Thank you, your Honour. I'm just reading  
14 through the end of my notes. I just want to check to make  
15 sure that I've got everything. Can I just check one final  
16 document. Yes, thank you I've got no further questions.  
17 Thank you, Mr Clayton.  
18  
19 HIS HONOUR: I just want you to clarify something.  
20  
21 Q. You said at an earlier Board meeting you found out  
22 that they had kept on Dennis's brother --  
23 A. Yes.  
24  
25 Q. -- and you raised it and someone said how uncharitable  
26 you were. Now, what was your --  
27  
28 MR WATTERS: How uncharitable - sorry?  
29  
30 THE WITNESS: That I --  
31  
32 HIS HONOUR: How uncharitable.  
33  
34 MR WATTERS: Yes.  
35  
36 HIS HONOUR: Q. What was your concern about Neil being -  
37 staying on after Dennis's conviction?  
38 A. Well, I just think you've got a brother that's been  
39 accused of doing something very serious, and then you've  
40 got a family member taking up his position on - at the  
41 hostel. In the eyes of the parents, I thought that that  
42 would have been not a good thing. Brothers talk to one  
43 another and so on, but this person more or less felt that I  
44 was being uncharitable.  
45  
46 HIS HONOUR: Right. Now, have you got any questions, Mr  
47 Dobson.

1  
2 MR DOBSON: Just a couple, may it please, your Honour.  
3  
4 <RE-EXAMINATION BY MR DOBSON  
5  
6 MR DOBSON: Q. Mr Clayton, just while that document is  
7 still on the screen, and my friend Mr Watters took you to  
8 who may have said parts of it and pieces of it --  
9 A. Yes.  
10  
11 Q. -- do you recall - you've got the name there,  
12 "Reverend J Taylor", Reverend John Taylor.  
13 A. Yes, I see that.  
14  
15 Q. Can you recall him telling Neil McKenna, "If you don't  
16 leave, we're going to call the police"?  
17 A. No, I don't recall that.  
18  
19 Q. All right. And you've just spoken to - you've been  
20 spoken to about your knowledge of Dennis McKenna, and that  
21 he'd been the warden charged, gone, and then they made a  
22 day - the Board made him the acting --  
23 A. Neil McKenna.  
24  
25 Q. -- made Neil McKenna the acting warden. And you  
26 formed a view that that was probably not a wise thing to  
27 have been done, but it wasn't - I make clear, it wasn't  
28 part of your doing, was it?  
29 A. Absolutely.  
30  
31 Q. Right.  
32 A. He was - that decision was well and truly before I  
33 ever attended anything at St Andrew's - Board meetings at  
34 St Andrew's.  
35  
36 Q. Okay. I just want to make sure about that. And then  
37 it seems arising out of almost a process of deduction,  
38 you're saying that - well, you seem to have agreed with my  
39 friend Mr Watters that if Neil McKenna had been at St  
40 Andrew's Hostel, there is no way you would have let those  
41 two girls return to the hostel; is that correct?  
42 A. That's true.  
43  
44 Q. And based on that you felt that Con Burro must have  
45 told you that Neil McKenna was at another hostel, or at  
46 Merredin?  
47 A. I feel that he must have told me that he was not at St

1 Andrew's. I'm not sure whether he said Merredin or whether  
2 he just said he was away.  
3  
4 Q. All right. Can you recall asking then where Neil  
5 McKenna was?  
6 A. No.  
7  
8 Q. The reason why I wonder about that is wouldn't your  
9 concerns about Neil McKenna's whereabouts be heightened by  
10 the fact that his older brother had already been charged  
11 with offending against children from that same hostel?  
12 Wouldn't you have been on red alert as perhaps compared to  
13 another person?  
14 A. No, I don't think so.  
15  
16 Q. Okay. I've only just received instructions about  
17 this: but just in fairness to you - and my learned friend  
18 Mr Watters spoke with you about your call to SARC - sorry,  
19 the Sexual Assault Referral Centre?  
20 A. Sexual Assault Referral Centre.  
21  
22 Q. Yes. I'm instructed that in 1991 SARC was serviced  
23 out of hours by Crisis Care, an organisation called Crisis  
24 Care, and that they answered the phones. Now, I think  
25 you've said that the phones weren't answered when you made  
26 your phone call on first night?  
27 A. Yes, I recorded that in my notes, yes.  
28  
29 Q. All right. Now that I've mentioned this to you, does  
30 that change your recollection of your phone calls on the  
31 first night?  
32 A. No.  
33  
34 Q. So you're saying you phoned the SARC number, and  
35 there's no answering service; is that correct?  
36 A. That's correct.  
37  
38 Q. And at least two calls that night weren't answered by  
39 anyone; is that correct?  
40 A. I'm not sure how many calls I made, which I definitely  
41 did ring.  
42  
43 Q. I'm sorry, I may have misunderstood that. I thought  
44 there was one between the girls' visits. I may have  
45 misunderstood. There wasn't one afterwards, was there?  
46 A. There was one the next day.  
47

1 Q. Okay. No, out of hours. On the first night out  
2 of hours?  
3 A. I probably rang several times and it would ring out.  
4  
5 Q. In any event, not answered on the first night?  
6 A. Not answered, yes.  
7  
8 Q. Out of hours; is that right?  
9 A. That's true.  
10  
11 MR DOBSON: Okay, then. I have nothing further, thank  
12 you, your Honour.  
13  
14 HIS HONOUR: Do you want to ask anything about that  
15 extra --  
16  
17 MR DOBSON: Thanks, Mr Clayton.  
18  
19 HIS HONOUR: -- extra bit, Mr Watters? I think I've got  
20 everything he wanted to say about it. I'm still giving you  
21 the opportunity.  
22  
23 MR WATTERS: I don't think so. I mean, I'm just - this  
24 witness can't talk about, of course, switching from one  
25 department to another and things like that, so, I mean, his  
26 evidence is if it rang out, it rang out. No, thank you for  
27 the opportunity.  
28  
29 HIS HONOUR: Well, that completes your evidence, thanks,  
30 Mr Clayton, and you're free to leave.  
31  
32 THE WITNESS: Thank you, your Honour.  
33  
34 <THE WITNESS WITHDREW  
35  
36 HIS HONOUR: We're adjourning now until 3 o'clock; is that  
37 right?  
38  
39 MR DOBSON: That's correct, your Honour. I understand  
40 that Mr Laffer has been told 3pm.  
41  
42 HIS HONOUR: Very well.  
43  
44 MR DOBSON: I hope that doesn't cause any great  
45 difficulties.  
46  
47 HIS HONOUR: I'll be available if he turns up earlier. So



1 I'll adjourn until 3 o'clock.

2

3 MR DOBSON: Thank you, your Honour. We may be able to try  
4 and arrange that. Thank you.

5

6 **SHORT ADJOURNMENT**

7

8 HIS HONOUR: Please be seated. Yes, Mr Dobson.

9

10 MR DOBSON: Your Honour, if we can call James Bruce  
11 Laffer, please. For the transcript, L-A-F-F-E-R.

12

13 HIS HONOUR: Right.

14

15 <JAMES BRUCE LAFFER, sworn:

16

17 <EXAMINATION-IN-CHIEF BY MR DOBSON:

18

19 Q. Mr Laffer, you are 68 years old, retired, and you live  
20 in the Perth metropolitan area with your wife?

21 A. Yes, that's true.

22

23 Q. And were you previously employed by the Department of  
24 Family and Children Services and you retired from that  
25 organisation?

26 A. Yes, in nineteen - 2002, thereabouts.

27

28 Q. We now call it the Department of Child Protection. Is  
29 that correct?

30 A. Yes.

31

32 Q. Where did you originally work in relation to this line  
33 of employment?

34 A. I was the officer in charge of the Katanning District  
35 Office from July/August of 1972 until late December of  
36 1979.

37

38 Q. When you say "the District Office, Katanning", is that  
39 the Department of Community Welfare

40 A. It's the Department of Community Welfare.

41

42 Q. I believe you actually joined that department in  
43 February 1967, originally. Is that correct?

44 A. Well, it's predecessor, yes, indeed.

45

46 Q. It has had numerous name changes. It seems to follow  
47 that before you went to Katanning you had worked at other -

1 again the predecessors' names, but other departments?  
2 A. I worked at Gnowangerup, Kellerberrin and Narrogin and  
3 was then transferred to Katanning.  
4  
5 Q. So it would be fair to say that you had had a good  
6 little of that line of work in the country?  
7 A. I would think so, yes. As good as any in those days.  
8  
9 Q. I suppose in particular Gnowangerup is reasonably  
10 close to Katanning, in any event. Similar locality?  
11 A. Similar locality.  
12  
13 Q. Were you the senior officer at Katanning?  
14 A. I was.  
15  
16 Q. Can you recall other staff members or staff numbers?  
17 A. The - during that period, from 1973 just '78, John  
18 Hancock, who I think has just retired from the department  
19 from a Director of Country Services.  
20  
21 Q. You don't have to name them but did you have any  
22 office support, sector admin people?  
23 A. We had a variety of admin people. Joan Clarke,  
24 Mrs Corttle, others.  
25  
26 Q. Tell me if I assume wrong but I'm assuming you dealt  
27 with normal child welfare issues, things like adoption?  
28 A. Adoptions. In those days the department was  
29 responsible for juvenile justice, so we would attend court  
30 for Aboriginal kids for the Aboriginal Legal Services.  
31 Numerous white kids who were in trouble with the law,  
32 adoptions, fostering, child neglect, the whole gamut of  
33 child welfare matters.  
34  
35 Q. Are you able to tell me, the Katanning office, what  
36 areas it covered, please?  
37 A. It went east-west to Kojonup, east to Lake King, Lake  
38 Grace, south to Broomehill and north Wagin.  
39  
40 Q. And obviously you included the town of Katanning?  
41 A. And including the town of Katanning, yes.  
42  
43 Q. Were you ever on the board of St Andrew's Hostel,  
44 please?  
45 A. Yes, I was - I can't recollect how or why I became a  
46 member of the board, whether I was invited or whether it  
47 was a position I inherited from my predecessor but I was on

1 the board, from memory, from about 1970, could have been  
2 late 1972, I would have thought 1973 until - I'm not  
3 entirely sure. I suspect until when I left Katanning in  
4 1979.  
5  
6 Q. We actually have those records. You are probably not  
7 surprised about that. I think you are pretty close but, in  
8 any event, not much will turn on that. You say you believe  
9 you might have inherited this role from your predecessor?  
10 A. Yes.  
11  
12 Q. That's the person working in the government  
13 department?  
14 A. In the same department.  
15  
16 Q. Was that Mr Henry White. Do you recall?  
17 A. That was Henry James White.  
18  
19 Q. I thought I had the document. It would seem that your  
20 first appearance in the board minutes is July 1977?  
21 A. July 1977?  
22  
23 Q. But that can't be correct?  
24 A. No.  
25  
26 Q. You said about 1972?  
27 A. No.  
28  
29 Q. And then you finished in December 1979. So that  
30 accords with your recollection?  
31 A. Yes, yes.  
32  
33 Q. And you think more like 1972 that you started?  
34 A. It was '72 or '73.  
35  
36 Q. Or '73, okay?  
37 A. It was certainly, I would have thought, a year before  
38 Dennis was appointed.  
39  
40 Q. I was about to ask you about that. When you say he  
41 was appointed, are you talking about being appointed  
42 warden?  
43 A. As - appointed as a staff member.  
44  
45 Q. Supervisor?  
46 A. Yes.  
47

1 Q. Do you recall who was the warden when you first joined  
2 the board, please?  
3 A. I can't think of his name but from recollection he was  
4 a retired or defrocked Anglican priest.  
5  
6 Q. Do you recall his name?  
7 A. No, I can't.  
8  
9 Q. Did you have an opportunity to form a view as to his  
10 work as the warden?  
11 A. One would have thought supremely incompetent.  
12  
13 Q. And when you first joined the board, again do you  
14 recall who the chairman of the board was?  
15 A. I'm not sure. I have suspicion it was Michael  
16 Harford, Reverend Michael Harford.  
17  
18 Q. That's your recollection?  
19 A. Yes. Because I do recollect later David Rourke was  
20 the chairperson but I think in the early days it was  
21 Michael Harford but I'm not absolutely sure of that.  
22  
23 HIS HONOUR: Q. Do you remember the Reverend Harford  
24 retiring from the board?  
25 A. Yes, I remember Reverend Harford.  
26  
27 Q. Very briefly, what was the reason for him retiring?  
28 A. He moved to Albany. Albany - the Anglican church in  
29 Albany suited him down to the ground, an old established  
30 church.  
31  
32 MR DOBSON: Q. You mentioned David Rourke. You believe  
33 that a chap named David Rourke took over from Reverend  
34 Harford?  
35 A. I can't be absolutely sure of that but my guess would  
36 be that David would have taken over from Reverend Harford.  
37  
38 HIS HONOUR: Q. So he was the Anglican minister who came  
39 in place, was he?  
40 A. No, he was the principal of the school.  
41  
42 Q. I beg your pardon.  
43  
44 MR DOBSON: I was about to ask that, your Honour.  
45  
46 Q. He was a high school principal. Is that correct?  
47 A. High school principal.

1  
2 Q. Do you recall a chap named Keith Stephens?  
3 A. Yes, I do. I remember Keith well.  
4  
5 Q. Was he on the board?  
6 A. He was on the board.  
7  
8 Q. Do you remember when?  
9 A. My recollection, he was on the board when I joined and  
10 I can't - I can't recollect whether he ever resigned from  
11 the board. He may well have done but I can't recollect  
12 that.  
13  
14 Q. When you say you can't recollect whether he resigned,  
15 of course you are talking about during your time?  
16 A. During my time of course, yes.  
17  
18 Q. Do you remember if he was ever the chairman?  
19 A. I think he might have become the chairman later in the  
20 latter stages, in the latter part of the 1970s.  
21  
22 Q. How would you describe your relationship with Keith  
23 Stephens?  
24 A. I thought my relationship with Keith Stephens was  
25 good. We would occasionally have chats after board  
26 meetings, you know, if something had come up which Keith  
27 was a bit concerned about we would discuss it. I mean,  
28 this I suppose is diverting a little bit. I took a - a  
29 friend of ours who was on a farm, we killed an old cow. We  
30 took it out to Stephens' and turned it into sausages. I  
31 recollect I left about 6 o'clock one morning with this  
32 cut-up bold cow on the back of a vehicle and went out to  
33 Stephens'. We started making sausages about 6 o'clock and  
34 finished about 6 o'clock at night. So I mean that - that's  
35 somewhat reflective of probably the relationship I had with  
36 him.  
37  
38 Q. Have you become aware of some of the evidence of  
39 Mr Stephens in relation to his boys and their time at the  
40 hostel?  
41 A. I read the piece in the paper recently which indicated  
42 that Keith had found one of his boys in bed with Dennis  
43 McKenna.  
44  
45 Q. Was any of the information that you become aware of in  
46 the paper and so forth conveyed to you at the time?  
47 A. None at all, at all.

1  
2 Q. You have mentioned Dennis McKenna. When do you first  
3 - when I say "when do you", during your time on the board -  
4 become aware of Dennis McKenna?  
5 A. When we interviewed him for the position of assistant  
6 warden or house master.  
7  
8 Q. Now "we", is that personally or are you talking about  
9 the board?  
10 A. I can't recollect whether it was the whole board but  
11 certainly there were at least three of us, possibly four.  
12 I would - again from recollection, John Renk, probably  
13 Michael Harford.  
14  
15 Q. And what about Keith Stephens. Was he on that panel?  
16 A. Probably.  
17  
18 Q. I will speak with you about Mr John Renk towards the  
19 end of the examination, if I may. Did Keith Stephens ever  
20 speak to you - put aside sex abuse - about any concerns  
21 about Dennis McKenna?  
22 A. No, or not that I can recollect, and I'm sure if he  
23 had, I would recollect that.  
24  
25 Q. Yes, that would be one of my next questions. So you  
26 have covered that. What's your view of the relationship  
27 with Keith Stephens at the time. It is your assessment of  
28 him but do you think that he would have been able to talk  
29 to you if he had any concerns?  
30 A. I would have thought he would have been able to. I  
31 thought our relationship was such - as I say, we did talk  
32 over a number of issues, not of great consequence of input  
33 but I would have thought that the only thing which worried  
34 him particularly in terms of sort of which might have some  
35 child welfare implications he would have talked to me.  
36  
37 Q. I was going to ask. You are one step ahead of me but  
38 someone said that's not difficult. He was aware of your  
39 occupation?  
40 A. Yes.  
41  
42 Q. You mentioned your predecessor being on the board?  
43 A. I'm not sure about that. I think he was, yes.  
44  
45 Q. I was going to ask you though, if you were there  
46 because of your occupation and because of the fact that  
47 there were children at the hostel?

1 A. I mean, my guess, probably so. That would seem to  
2 have some sort of, you know, authority and hopefully some  
3 skill in dealing with children. They were probably also  
4 hard pressed to find board members.  
5  
6 Q. You see, you were part of the interview panel that  
7 assessed Dennis McKenna as a house master?  
8 A. Yes.  
9  
10 Q. Do you recall if it was advertised, that position?  
11 A. I presume it was, and I think Dennis answered the  
12 advertisement or must have answered the advertisement. I'm  
13 pretty sure all of the positions were advertised.  
14  
15 Q. Do you recall the number of applicants for the - we  
16 will talk about the house master position?  
17 A. There were a number of applicants. I can't recollect  
18 how many. I would have thought three or four, and I can't  
19 recollect how many we interviewed but I do recollect that  
20 of those we interviewed, Dennis was by far the best  
21 applicant. Well, so it seemed at the time. History may  
22 show that not to be the case but at the time it would  
23 appear to be the case.  
24  
25 Q. And at the time had he been working as an assistant  
26 manager at a business called Freecorn's.  
27 A. Yes, my recollection - I have actually quite a good  
28 recollection of that part of the meeting. I remember  
29 Dennis saying he was the Assistant Manager of Freecorn's,  
30 that his fiancée had recently died and that he had spent a  
31 lot of time working with the local Catholic youth group and  
32 hence had developed an interest in working with children.  
33  
34 Q. So do you actually remember him saying that, that he  
35 was looking to work with children?  
36 A. Yes, yes.  
37  
38 Q. And do you recall anything about the other candidates?  
39 A. The fact that I have little recollection suggests they  
40 were insignificant. Most of the people who were  
41 interviewed for the warden and assistant warden's jobs, I  
42 mean the pay level was not good and we tended to find  
43 people that sort of failed in their other profession and  
44 other walks of life. So to find somebody like Dennis who  
45 appeared to be reasonably successful and was - you know,  
46 had an interest in working with kids, it was somewhat of a  
47 surprise.

1  
2 Q. What recollection do you have about references and  
3 checks and so forth?  
4 A. We - I can't think of the specific reference but I do  
5 recollect that we contacted I think his youth group and  
6 spoke to the youth group leader, who gave Dennis a glowing  
7 reference.  
8  
9 Q. You may have mentioned this but I will ask. Did he  
10 have any formal qualifications as to working with children?  
11 A. No  
12  
13 Q. When did you first meet Dennis McKenna. Can you  
14 recall?  
15 A. It would have been at the interview.  
16  
17 Q. Putting aside his suitability for the actual job, did  
18 you form any other views about him. Did you make any other  
19 observations?  
20 A. Yes, I did. I - he effectively had a number of sort  
21 of almost feminine mannerisms and I thought to myself that  
22 he possibly may have been gay, although I don't think we  
23 would have used the term "gay" in those days. I think they  
24 were far more basic descriptions.  
25  
26 Q. Yes, I think we have heard a few of those basic  
27 descriptions?  
28 A. We probably would have.  
29  
30 Q. So he becomes house master. How long before he was  
31 acting. I am saying there that he is acting but do you  
32 recall how long he worked as a house master?  
33 A. I would have thought he would have been appointed as  
34 warden probably within a year. Six, nine months.  
35  
36 Q. In the course of your paid employment and you have  
37 talked about the scope of the area, are you travelling  
38 through that area to attend jobs during your normal  
39 employment?  
40 A. Travelling through the district?  
41  
42 Q. Yes.  
43 A. Yes, I would probably spend, with respect, two days a  
44 week.  
45  
46 Q. While you were out and about in your work and so on,  
47 did you hear any direct complaints about McKenna?



1 A. No. The only reports I ever heard of Dennis were  
2 extraordinarily positive.  
3  
4 Q. Put aside direct complaints. Did you hear any rumours  
5 or similar circulating, and I'm talking more about the  
6 outlying towns?  
7 A. I have a fair bit to do with places like Lake Grace.  
8 I think at one stage something like three-quarters of the  
9 council were clients for some reason or another, and Lake  
10 King, but no, there was - I heard no (indistinct) of  
11 complaints about hostel, but by the same token, the people  
12 I spoke to probably would not have known I was on the  
13 hostel board and perhaps if they had been aware of that and  
14 there had been some concerns they may well have been  
15 raised.  
16  
17 Q. So you never made that known?  
18 A. No. Well there wasn't any - there is no need.  
19  
20 Q. It is not part of your paid employment, in any event?  
21 A. Yes.  
22  
23 Q. So there comes a point where he is acting warden. Do  
24 you recall that?  
25 A. Yes, I do.  
26  
27 Q. And then he actually got appointed warden. Was there  
28 any advertising - this is your recollection - any  
29 advertising of that position before --  
30 A. I don't think so. I think we - you know, the board  
31 was pleased with Dennis's contribution to the hostel that  
32 we simply appointed him. I do - I think he was at a  
33 meeting. We interviewed him and then he left the room for  
34 five or 10 minutes and we discussed it and we appointed  
35 him.  
36  
37 Q. Did he attend all the meetings that you were certainly  
38 present for?  
39 A. Yes. Yes, yes. I think it was part of his duties to  
40 attend the board meetings. He would provide feedback and  
41 comment about what was happening in the hostel.  
42  
43 Q. Can you ever recall any complaints about him either at  
44 the board meetings?  
45 A. Complaint, no. In fact, as I say, he was I think  
46 required to attend board meetings.  
47

1 Q. Given that, his presence there at the time, had there  
2 been complaints, was there a protocol or procedure in place  
3 as to how they would be dealt with?  
4 A. I would have thought that if he indeed - if it related  
5 to Dennis we would simply ask him to leave the room.  
6  
7 Q. At about the time he gets appointed warden - I should  
8 ask you, is it almost like a fait accompli, a rubber stamp  
9 process that he gets appointed warden?  
10 A. Probably, but my recollection is that his performance  
11 was such that we were dealing with someone we knew who was  
12 clearly confident at that stage and it was a case of he was  
13 working as a warden, as acting warden, was doing a good job  
14 and we thought we would hold on to him.  
15  
16 Q. And how would you describe him. At the time he is  
17 appointed to the warden's position, how would you describe  
18 your relationship with him?  
19 A. My relationship with Dennis was quite good. We would  
20 have occasionally conversations about managing children and  
21 things like that. He seemed to be receptive to the ideas  
22 that I proposed.  
23  
24 Q. Did you socialise with him or was it purely in the  
25 context of the --  
26 A. Purely in the context of the hostel.  
27  
28 Q. Your time on the board, what is your recollection  
29 about expulsion and their frequency or otherwise?  
30 A. Well, my recollection of when there had been some sort  
31 of misbehaviour of a serious nature that would come to the  
32 attention of the board, that generally speaking Dennis took  
33 the view that if it could be resolved within the hostel  
34 then that would be fine. I mean I think Dennis took the  
35 view that expulsion is almost a matter of failure of the  
36 hostel and that would be only an extreme measure.  
37  
38 Q. Do you recall many during your time?  
39 A. No, I can't.  
40  
41 Q. Do you recall how they came about. Was it ever the  
42 case that the expulsion - I'm talking about expulsion from  
43 the hostel - that was carried out and then presented in the  
44 form of a warden's report and discussed at a meeting, so  
45 discussed post the expulsion?  
46 A. I can't recollect that. It may well have happened  
47 and, yes, conceivably it could have happened. I can't

1 recollect it.  
2  
3 Q. We have heard a lot of evidence about changes that he  
4 made at the hostel and pools and so forth. What was your  
5 view about how he got things done?  
6 A. I mean Dennis would present the board with some  
7 scenarios of what could be done and I recollect the first  
8 one he says that we have no - there is no recreation  
9 centre, so we managed to acquire, and I'm not sure how and  
10 what cost, some money for - I think it might have come from  
11 - I think it might have come from the department. We got  
12 an old (inaudible) hut and that was transported to the site  
13 and was the recreation centre.  
14  
15 Q. And during your time was the pool built?  
16 A. Yes. Yes, indeed.  
17  
18 Q. And the nursery?  
19 A. And the nursery. The nursery was operating.  
20  
21 Q. Were these all things that were well received within  
22 the community and within the hostel itself?  
23 A. Well, the nursery was open to the community. When the  
24 new recreation centre was built, that was open to the  
25 community. From memory, there were - I think Dennis  
26 organised a film club, a film society on Friday nights,  
27 Friday or Saturday nights, which was well attended for a  
28 while.  
29  
30 Q. I understand you have stated to the investigators or  
31 made a statement that he attended church?  
32 A. Yes, my - I mean, my understanding is that he would  
33 take the - he was a Catholic and he would take the kids off  
34 to the Catholic church in the bus of the Sunday morning.  
35  
36 Q. And I think you have also said that he presented  
37 certainly the way he wanted to present himself to the  
38 outside world, he presented as a person with moral values?  
39 A. Yes, very much so.  
40  
41 Q. Do you recall any involvement with his parents at the  
42 hostel?  
43 A. I met his mother and a couple of his brothers, one who  
44 went to the hostel. His mother was an elderly, you know,  
45 quite shining woman who was delighted to see Dennis doing  
46 so well, extremely proud of him.  
47

1 Q. Did you make any observation about her in relation to  
2 church?  
3 A. I assumed that she was a good practising Catholic.  
4  
5 Q. You have mentioned that he presented as being moral  
6 and he made all these great changes. We have heard it  
7 described by several people that he pulled the wool over  
8 many people's eyes. Sitting there now, would you accept  
9 that that's what happened?  
10 A. Well, I certainly wasn't aware of his activities, no.  
11 I mean I suppose you could call it pulling the wool over  
12 people's eyes.  
13  
14 Q. I don't say that to criticise you?  
15 A. No, I appreciate that.  
16  
17 Q. It is just a term of phrase?  
18 A. It's that, you know, the Dennis persona, the public  
19 persona was fine. I mean the hostel had from a sales year,  
20 which was almost on the point of closing, to within a  
21 couple of years the hostel was full to overflowing, but the  
22 feedback from the parents certainly to the board was  
23 excellent and there was really nothing that that anybody  
24 had said or complained about. There were no negatives.  
25  
26 Q. All right.  
27 A. I think the only negative that occurred was when  
28 Dennis was transferred by the High School Hostels Authority  
29 to both Narrogin and to Esperance. We felt that there was  
30 some - you know, we were losing his leadership, his ability  
31 to manage the hostel.  
32  
33 Q. All right. Now, I also understand that at one point  
34 you had a young lady stay with you, who spent some time  
35 working at the hostel as a supervisor; is that correct?  
36 A. Indeed, indeed. She was the daughter of a friend of  
37 ours, from memory. Her intention was to do dental therapy  
38 or dental nursing and there was a period between the time  
39 she left school and the time the course started, and her  
40 parent were of the view that she should be gainfully  
41 employed, so she came and stayed with us and worked at the  
42 meatworks. She then, probably at my suggestion, gained  
43 extra income by moving in and working at the high school  
44 hostel.  
45  
46 Q. All right. Did you have any contact with her after  
47 she moved out and when she moved into the hostel?

1 A. There would have been some contact with her, but  
2 certainly Shirley made - had no negative comments.  
3  
4 Q. I was about to ask you --  
5 A. Yes.  
6  
7 Q. So no reports of anything, and it doesn't have to be  
8 outright sexual abuse?  
9 A. No.  
10  
11 Q. But she's not saying there's anything strange or  
12 uncomfortable or anything at all?  
13 A. Indeed, she rang two or three days ago and commented  
14 on what had happened and, I mean, she was - I think was  
15 probably as surprised - certainly as I was at Dennis's  
16 misdemeanours, Dennis's crimes.  
17  
18 Q. I'll get to that shortly if I may. Was there a time  
19 when Dennis McKenna approached the Board and you had a  
20 suggestion as to what might happen with the Year 12 school  
21 leavers?  
22 A. Yes, indeed. There had been previous problems with  
23 the Year 12 going to the town and buying liquor and causing  
24 a bit of a problem, and Dennis had suggested to the Board,  
25 and required the Board's acquiescence, that they be  
26 encouraged to use the back of the hostel and the grounds at  
27 the back of the hostel, and a blind eye would be turned to  
28 the purchase and consumption of alcohol on the basis that  
29 it would be better for the hostel, the town and the  
30 reputation of the school for the kids to be there, rather  
31 than sort of roaming somewhat randomly over the township of  
32 Katanning. I thought it was a good idea.  
33  
34 HIS HONOUR: Q. What rules were in place in terms of age  
35 and that sort of thing?  
36 A. These were the Year 12 leaders.  
37  
38 HIS HONOUR: Year 12, right.  
39  
40 MR DOBSON: Q. So generally speaking how turned 17?  
41 A. They would have been somewhere between - my guess  
42 would be about 17, probably.  
43  
44 HIS HONOUR: Q. And was that a Board decision?  
45 A. Yes, the Board supported that decision.  
46  
47 Q. Sorry?

1 A. The Board supported the decision.  
2  
3 Q. All right. So it was fully discussed at Board level?  
4 A. It was fully discussed at Board level.  
5  
6 Q. And do you remember what year that would have been?  
7 A. Probably in the late '70s, I would have thought - '6,  
8 '77, '78.  
9  
10 Q. And was there any vigorous discussion, anyone opposed  
11 to the idea or anything like that?  
12 A. I can't recollect.  
13  
14 Q. All right.  
15 A. I mean, it may not have been a unanimous decision on  
16 behalf of the Board, but there was generally speaking  
17 support for the suggestion.  
18  
19 MR DOBSON: All right.  
20  
21 Q. Were there any --  
22  
23 HIS HONOUR: I don't think we've seen anything in  
24 the minutes on that, have we?  
25  
26 MR DOBSON: No, not that I'm aware of, your Honour, and --  
27  
28 HIS HONOUR: Q. Do you know for any reason why it might  
29 not have been minuted?  
30 A. I have no idea, sir.  
31  
32 Q. Right. And what was the problem that gave rise to  
33 that suggestion?  
34 A. Well, the previous years the Year 12s had gone on a  
35 bit of a rampage, which was sort of not unusual with the  
36 Year 12s at the end of school, and caused a bit of a  
37 problem in the community, and it reflected - Dennis was of  
38 the view that it reflected very poorly upon the hostel and  
39 the high school, and I suppose Katanning at large. So his  
40 suggestion we accepted with alacrity.  
41  
42 HIS HONOUR: Right, yes.  
43  
44 MR DOBSON: All right. Thank you, your Honour.  
45  
46 Q. Do you recall that when the Board agreed with the  
47 proposal, were there any stipulations, any rules put in

1 place about the type of alcohol, the amount of alcohol, who  
2 might be present, number of adults, supervision, anything  
3 like that, please?  
4 A. My understanding - again, my recollection was that  
5 Dennis said he would be keeping an eye on what was  
6 happening, and I think his brother - one of them, I think -  
7 would keep an eye and just make sure it didn't get out of  
8 hand.  
9  
10 Q. Do you recall if Dennis - while we're talking about  
11 consuming alcohol, things getting out of hand - do you  
12 recall ever, Dennis McKenna drinking alcohol?  
13 A. No, no, I can't  
14  
15 Q. All right. Now, when you started on the Board, did  
16 you receive anything from the Country High Schools Hostel  
17 Authority as to guidelines about the responsibility of a  
18 Board member, anything at all like that?  
19 A. I can't recollect that, and I think if I had to see  
20 something, I would probably remember.  
21  
22 Q. All right.  
23 A. But, no, I can't recollect that.  
24  
25 HIS HONOUR: Q. Do you remember seeing something called  
26 a letter of arrangement --  
27 A. I can't recollect that.  
28  
29 Q. -- setting out the responsibilities of the Board?  
30 A. I can't recollect that.  
31  
32 HIS HONOUR: Right.  
33  
34 MR DOBSON: Q. All right. And you've said - you've just  
35 said that had you received something, you expected you  
36 would have - you would recall that?  
37 A. I would expect I would recall it.  
38  
39 Q. Your memory is perhaps a lot better than some others  
40 that we've encountered --  
41 A. Yes.  
42  
43 Q. -- but I'll speak with you about one chap in a minute,  
44 if I may. I spoke about the Country High Schools. Do you  
45 recall anything about their view of Dennis McKenna - how he  
46 was thought of, or his interaction with them?  
47 A. He was regarded very highly.

1  
2 Q. I'll just interrupt you there. Is that your personal  
3 knowledge, or something that people have relayed to you  
4 during conversations?  
5 A. Relayed in conversation, the fact that the high school  
6 Hostel Authority had approached the Board to use Dennis  
7 when there were problems at the Narrogin hostel. When the  
8 Board - the High School Hostels Authority, I think, was  
9 aware that the St Andrew's, in the early 1970s was on the  
10 point of closure, and we were aware that there had been a  
11 significant turn around and that Dennis was primarily  
12 responsible for that turn around.  
13  
14 Q. All right. You mentioned Narrogin needing Dennis  
15 McKenna's advice and assistance; am I - is that correct?  
16 A. That's right, yes.  
17  
18 Q. Do you remember when that was?  
19 A. I would have thought about '75/'76 --  
20  
21 Q. Do you recall?  
22 A. -- and he did --  
23  
24 Q. Sorry, go on.  
25 A. -- spend some time just after that.  
26  
27 Q. Do you recall who the warden was at Narrogin at the  
28 time?  
29 A. No, I have no idea. I always regarded there was no  
30 warden, which was the reason why they were using Dennis.  
31  
32 Q. Okay. Now, I've touched on this during your early  
33 time, I think. But let's just say for your whole time, the  
34 whole time you were on the Board or in the town, were you  
35 aware of any allegations about anyone doing anything  
36 untoward at the hostel at St Andrew's?  
37 A. No.  
38  
39 Q. And we know what your job was. Does it follow that  
40 you would have been perhaps a bit more aware and alert to  
41 issues to do with child abuse than perhaps the average  
42 person in those days?  
43 A. Yes, I think that could be said with some degree of  
44 certainty.  
45  
46 Q. Yes. Did you hear any rumours of any sexual abuse  
47 or --



1 A. None whatsoever.  
2  
3 Q. -- of the boarders?  
4 A. And, indeed, if I had, I would have taken some action.  
5  
6 Q. What action - now you've mentioned that, had you  
7 needed to take some action, what type of action would you  
8 have instigated?  
9 A. If I had become aware that there had been an  
10 allegation of sexual abuse, I would have probably called an  
11 emergency Board meeting, had Dennis suspended and further  
12 assisted police with their investigation.  
13  
14 Q. All right. When did you first become aware about  
15 allegations against Dennis McKenna?  
16 A. Only from the newspaper when he was - he was charged,  
17 I think, back in 1991.  
18  
19 Q. 1990?  
20 A. Yes, 1990.  
21  
22 Q. Now, looking back, do you recall your feeling at the  
23 time when you saw that he'd been charged.  
24 A. I was frankly surprised.  
25  
26 Q. And why?  
27 A. I suppose that I thought that Dennis was - was moral;  
28 I would not have thought that his sexuality would have  
29 interfered with his performance as the warden. I would  
30 have - my guess would have been that being warden, being  
31 successful as a warden would have been of such importance  
32 to Dennis that that would have overcome any other, sort of,  
33 feelings that he may well have had.  
34  
35 Q. All right.  
36 A. Yes, I was - I was most surprised.  
37  
38 Q. Now, are you aware of evidence that's been given to  
39 the Inquiry by Mr Brian Humphries?  
40 A. Yes.  
41  
42 Q. Do you know Brian?  
43 A. I know Brian.  
44  
45 Q. And for how long?  
46 A. I have known Brian since, I suppose, 1972.  
47

1 Q. And in what capacity did you get to know him in 1972?  
2 A. He was an officer in Albany, and I worked in  
3 Katanning. We would have conversations about one thing or  
4 another. There would be conferences we would attend.  
5  
6 Q. All right.  
7 A. I think we might have even been to the odd nightclub  
8 or two together after conferences.  
9  
10 Q. Okay. Now, you're aware of the evidence - I'll try  
11 and summarise it as best I can - that Mr Humphries left -  
12 he was based in Albany, left Albany heading out to  
13 Katanning to do a particular job at St Andrew's. It was  
14 something to do with a child - either sexual abuse or other  
15 abuse - and he stopped off at the Katanning office. There  
16 was a phone call and he was told by a superior, by his  
17 supervisor who was in Albany, that he was not to pursue  
18 this particular Inquiry. So you're aware of that part of  
19 the evidence?  
20 A. I'm aware of that part of the evidence.  
21  
22 Q. All right. Regardless of who it was he may have  
23 spoken to, put that to one side. We'll start, probably, at  
24 the beginning of it. Do you have a view as to Mr Humphries  
25 being in Katanning to do an Inquiry?  
26 A. I have no recollection of that.  
27  
28 Q. Well, I think --  
29  
30 HIS HONOUR: Well, the evidence would indicate it was  
31 after your time, because it would seem to be around about  
32 1983.  
33  
34 THE WITNESS: 1983 - would have been after my time.  
35  
36 MR DOBSON: Yes. No, I was just about to - yes, thank  
37 you, your Honour.  
38  
39 Q. But in relation to your knowledge of your department's  
40 practices and procedures, do you have a view about Mr  
41 Humphries going out to Katanning from Albany to do a job?  
42 A. Well, the protocol would have been, if it had been a  
43 genuine Inquiry about an allegation of abuse, then the  
44 allegation would have come to me, as being the District  
45 Officer. And that would have come from, I suppose, a  
46 supervisor in Bunbury, who was at that stage Peter Varga,  
47 who is now deceased. For Brian Humphries to conduct the

1 Inquiry, the only scenario that I could consider was that  
2 the child was a ward, and he was responsible, he was the  
3 case officer, and that the - the child had been placed at  
4 St Andrew's Hostel. Now, that would not be uncommon. I  
5 can't recollect any other wards that were there - any wards  
6 that were there, but he could well have been placed in the  
7 Katanning - in the St Andrew's Hostel.

8  
9 Q. I was just about to ask you, and his Honour may well  
10 have this on his mind --

11 A. Yes.

12  
13 Q. -- during your time in your paid employment at  
14 Katanning, do you recall any wards being placed at St  
15 Andrew's?

16 A. No.

17  
18 Q. And his Honour's mentioned this is 1983.

19 A. Yes.

20  
21 Q. So by 1983 there's a District Office in Albany,  
22 because you mentioned Peter Varga during your time?

23 A. Yes.

24  
25 Q. So if you put that to one side, Mr Humphries would  
26 have a district supervisor or similar --

27 A. Yes.

28  
29 Q. -- at Albany. Okay. So even with that in mind, you'd  
30 say that the one scenario that you can think of is that he  
31 went out there for a ward of the state?

32 A. The only scenario which would make any sense to me  
33 would be that he would - it was - he was the case officer  
34 for a ward of the state, and that the child had been there  
35 for a relatively short period of time, because he'd been  
36 there for probably more than a couple of months. It would  
37 have been transferred to Katanning for two reasons - one,  
38 because you got rid of - he would have got rid of one of  
39 his caseload; and, secondly, because it would have been  
40 more convenient to manage the case from Katanning.

41  
42 Q. Well, in fairness to you, you're probably not aware of  
43 this either, the lad had previously - or the lad we had in  
44 mind previously had a caseworker for many, many years based  
45 in Gnowangerup, and when that caseworker left, the care of  
46 the lad was assigned to the person who came into  
47 Gnowangerup and took over. So it would seem that the care

1 of that lad was never assigned to Katanning?  
2 A. But to Albany. Assigned to Albany.  
3  
4 Q. Gnowangerup.  
5  
6 HIS HONOUR: No, the position is the evidence would seem  
7 to indicate that the boy lived with his parents on a farm  
8 at - out of Gnowangerup, the parents went off overseas, New  
9 Guinea, leaving him behind - they were having difficulties  
10 with him, he was about 14 years old, he was - he had been a  
11 ward of the state from birth and the parents, of course,  
12 were foster parents. While at Gnowangerup, his case  
13 manager was Rosemary Crowley --  
14 A. Yes.  
15  
16 Q. -- did you know her?  
17 A. Frances Crowley.  
18  
19 Q. Frances Crowley, sorry; Frances Crowley?  
20 A. Recently deceased.  
21  
22 Q. That's right. And the boy, when his parents - foster  
23 parents went to New Guinea, was placed with St Andrew's  
24 Hostel in the year 1983, and at about that time Frances  
25 Crowley was transferred to the Albany office, but before  
26 going there's evidence to suggest this boy made a complaint  
27 to Frances Crowley and she at that time was transferring  
28 to Albany, and it may well be that she organised Brian  
29 Humphries to go and look that this complaint at St  
30 Andrew's?  
31 A. That is possible, but it sounds to me unlikely. I  
32 would have thought that Frances Crowley, having had that  
33 lengthy relationship with the child, particularly if it was  
34 a matter of abuse or even particularly sexual abuse, having  
35 that long relationship would be critical in terms of  
36 conducting some form of investigations. I would be --  
37  
38 Q. Well, witness, the indications are that it mightn't  
39 have been an explicit complaint --  
40 A. Explicit, yes.  
41  
42 Q. -- but it raised cause for concern and, in fact, it's  
43 only in recent times that the lad now managed to confirm  
44 that he had, in fact, been sexually abused by Dennis  
45 McKenna?  
46 A. Well, possibly - I would have thought still much more  
47 likely that Frances Crowley, having that relationship with

1 the boy, whatever, indeed, the nature of the problem was -  
2 would conduct the investigation. I mean, the child would  
3 be far more likely to respond, one would hope, to somebody  
4 that she has a relationship with, than somebody unknown. I  
5 mean, just my supposition.

6  
7 HIS HONOUR: You can continue, yes.

8  
9 MR DOBSON: Thank you, your Honour. Just taking up one  
10 point arising out of this discussion.

11  
12 Q. It seems that it's your expectation of practice and  
13 procedure that upon the boy lad at the time leaving  
14 Gnowangerup and going to Katanning, you would have expected  
15 that his caseworker would have also been assigned in  
16 Katanning?

17 A. The protocol would have been that the Katanning office  
18 would have been advised that there was a ward living in the  
19 area, and that if the child had settled into the hostel  
20 environment after a period of some time, probably two or  
21 three months, the case would have been transferred.

22  
23 HIS HONOUR: That might have been a problem. The evidence  
24 suggests that he hadn't settled in well.

25  
26 THE WITNESS: Yes. Well, that could very well be the case  
27 yet.

28  
29 MR DOBSON: Yes, all right.

30  
31 Q. So rather than would have been, should have been  
32 transferred?

33 A. Well, it depends. My guess is that Katanning would  
34 not - if the case was still unsettled.

35  
36 Q. As his Honour --  
37 A. -- they may well say, "Look, well, just wait until  
38 this matter has been resolved, and we are sure the kid's  
39 settled into the hostel, and then we'll accept transfer".

40  
41 MR DOBSON: All right. Thank you for that.

42  
43 HIS HONOUR: Have you got any further questions on that?

44  
45 MR DOBSON: No, your Honour.

46  
47 HIS HONOUR: Well, let's just ask you this now.

1  
2 Q. Mr Humphries had said that after you got to Katanning  
3 and actually as per usual, he went there I think he said  
4 every month or two he'd have a few matters to attend to,  
5 and on this occasion, this particular matter to be dealt  
6 with at St Andrew's Hostel, but when he got to Katanning,  
7 he received a phone call from his supervisor back in Albany  
8 to tell him to desist from any further Inquiry into matters  
9 at St Andrew's, and that direction had come from the head  
10 office, and that a former Community Welfare Minister, Mr  
11 Logan, had had something to do with that direction. Mr  
12 Logan hadn't been the Minister for something like 10 years,  
13 and at that time there was a Labor Government and a Labor  
14 Minister. Now, do you have any comment as to the  
15 likelihood of such a direction?

16 A. I find that - the proposition bizarre. Firstly, as I  
17 would think that if Logan had contacted anybody within the  
18 department, I can't think of anybody that would have made a  
19 decision without the Authority of Keith Maine. I would be  
20 extremely surprised, and I - you know, I would put it in  
21 the 99.9% that Keith would not accede to that sort of  
22 request for a whole range of reasons, because the  
23 department's based on child protection, and once the  
24 department took - made some cognisant of not investigating  
25 because of a retired or even current politician, then the  
26 department would be corrupted. And I cannot think of any  
27 supervisor, or anyone I knew in the department who even if  
28 they had been instructed to do that, would have indeed  
29 followed that advice.

30  
31 Q. And, of course, the very reason why Mr Humphries  
32 remembers this incident because it was so bizarre, it was  
33 the only time in his professional career anything like that  
34 happened.

35 A. I find it surprising. It is beyond my comprehension  
36 that anybody in the department would have made that  
37 decision, particularly if it was an allegation of sexual  
38 abuse. I --

39  
40 Q. Well, it wasn't that clear.

41 A. Just an allegation --

42  
43 Q. As far as Mr Humphries was concerned --

44 A. -- of abuse.

45  
46 Q. -- it was some sort of - I think he used the word  
47 interference.

1  
2 MR DOBSON: He wasn't sure.  
3  
4 HIS HONOUR: -- it could be physical, it could be sexual.  
5 His recollection was it wasn't --  
6  
7 MR DOBSON: Yes, he is --  
8  
9 THE WITNESS: Yes.  
10  
11 HIS HONOUR: -- very clear.  
12  
13 THE WITNESS: Yes. I have - I would be - I would be very  
14 surprised. It doesn't - it doesn't feel with me.  
15  
16 HIS HONOUR: Q. Now, if I was to find that Mr Humphries  
17 was a credible witness and he was, in fact, given that  
18 direction in those terms, have you got any comment as to  
19 the likelihood that head office would have given such a  
20 direction to the supervisor in Albany?  
21 A. I find that inconceivable for a number of reasons.  
22 Certainly I would have thought whoever received the event,  
23 if it was not Keith Maine, they would have gone to Keith  
24 Maine. I mean, it would have been to actually make a  
25 decision without discussing it with Keith would have been  
26 unprofessional and probably extremely foolish. So, I mean,  
27 I find it most surprising that it would be any of the  
28 senior officers within the organisation would - the Chief  
29 of Welfare Services, or the Chief of Country Services,  
30 would have made that decision without discussion with Keith  
31 Maine.  
32  
33 Q. And, of course, it would seem bizarre that a former  
34 National or Country Party Minister could come into the  
35 department under the back of a Labor Minister and give such  
36 a - make such a --  
37 A. I - indeed, I find - sorry.  
38  
39 Q. Yes.  
40 A. -- and, I mean, in those days the departments were not  
41 as - dare I say, as precise as they are now. And there was  
42 - indeed, there were - there was a space between the  
43 political office and the department. I would - I just find  
44 it surprising, but I cannot conceive anybody in the  
45 department at that stage who would have (a) made that  
46 decision and directed a supervisor in - I assume now in  
47 Albany - to take that action. And I would be also

1 surprised if the supervisor in Albany would have acceded to  
2 that request.  
3  
4 MR DOBSON: All right. Just following on from that. That  
5 was the area I was going to move into, your Honour.  
6  
7 HIS HONOUR: I didn't realised, I'm sorry. I thought you  
8 had completed it.  
9  
10 MR DOBSON: No, I wanted to deal with the initial  
11 Katanning bit --  
12  
13 HIS HONOUR: I beg your pardon, I'm sorry.  
14  
15 MR DOBSON: -- and then Brian Humphries.  
16  
17 HIS HONOUR: I'm sorry, yes.  
18  
19 MR DOBSON: Q. The one last question I'd like to ask you  
20 is: given that his Honour has made clear that the original  
21 complaint didn't stipulate sexual abuse, is it conceivable  
22 that someone in the Authority could have rung the Albany  
23 supervisor and said something along the lines of, "There is  
24 a complaint by a boy, it's about Dennis McKenna, McKenna's  
25 a wonderful bloke, we don't need this trouble, we don't  
26 need this drama, can you just put a stop to it?" Given  
27 that there's no mention of sexual abuse initially?  
28 A. I mean, I think it's unlikely, because my guess is  
29 that the only people that would have been aware of Dennis's  
30 ability in terms of running high school hostels (a) being  
31 the Authority and the people who lived in the country, and  
32 particularly in the Great Southern. I mean, my guess is  
33 that outside of that area no one would have known of  
34 McKenna, and no reason why they should have.  
35  
36 Q. That's what I was going to ask you next.  
37 A. Yes.  
38  
39 Q. If it's not your department, then the other people who  
40 know of McKenna who have access perhaps to politicians,  
41 would be the Country High Schools Authority?  
42 A. Indeed, indeed.  
43  
44 Q. All right.  
45 A. That does - interesting question.  
46  
47 MR DOBSON: Anything further, sir?



1  
2 HIS HONOUR: No, thank you.  
3  
4 MR DOBSON: All right.  
5  
6 Q. Look, it seems clear on the way you've spoken,  
7 particularly to his Honour about this, but it seems clear  
8 that someone, anyone, had come to you with instruction  
9 along the lines that Mr Humphries received, you would  
10 refuse it, but if you said that - was that on the basis  
11 that it's sexual abuse?  
12 A. Any form of abuse.  
13  
14 Q. Of a child?  
15 A. Of a child.  
16  
17 Q. All right. During your time on the Board, do you  
18 recall Dennis's brother, a fellow by the name of Neil  
19 McKenna, working at the hostel?  
20 A. I do.  
21  
22 Q. Did you form any views about Neil McKenna?  
23 A. My views of Neil McKenna was that there were - the  
24 boundaries between Neil and the students were minimal. We  
25 probably know what you mean, but can you give examples.  
26 What does that actually mean, boundaries?  
27 A. I mean, it struck me that it was sometimes difficult  
28 to determine when Neil was with the kids, that he was  
29 actually a supervisor. He would - he would join with the  
30 students, rather than be seen as - stepping aside - not  
31 necessarily being authoritarian, but he was - there was no  
32 sort of separation, as it were.  
33  
34 Q. Too familiar, would that be one way of --  
35 A. That would be one way of putting it.  
36  
37 Q. His approach was perhaps a bit too casual as opposed  
38 to being, "I'm here to supervise you"?  
39 A. I would have thought so.  
40  
41 Q. And was that with the girls and the boys, or anything  
42 in particular that you noticed about?  
43 A. I would have said both girls and boys. I wouldn't  
44 have - I wouldn't have necessarily thought just one group,  
45 one sex.  
46  
47 Q. All right. Did you take any steps about that?

1 A. No. I - it was a vague notion I had, and I was of  
2 views that Dennis would probably be aware of his brother,  
3 knowing him well, and would probably ensure that nothing  
4 inappropriate occurred.  
5  
6 Q. All right.  
7 A. May I say I was wrong.  
8  
9 Q. Yes. But to use a colloquialism, you'll know all from  
10 there in relation to Katanning. So thank you, sir. Now,  
11 finally, I mentioned we'd return to a fellow, Mr John Renk.  
12 Is it true that you have bumped into him at a social  
13 gathering in recent years?  
14 A. Yes. 2005.  
15  
16 Q. All right?  
17 A. October 2005.  
18  
19 Q. Why do you recall that?  
20 A. Well, it was 40 years after I had graduated from  
21 Roseworthy Agricultural College in South Australia.  
22  
23 Q. Sorry, what was the name of the place?  
24 A. 40 years after I graduated from Roseworthy  
25 Agricultural College of South Australia, and there is a 40  
26 year reunion.  
27  
28 Q. Just the name of the - my hearing is not the best.  
29 The name of the place?  
30 A. Roseworthy.  
31  
32 Q. Roseworthy?  
33 A. Roseworthy.  
34  
35 Q. Sorry, thank you.  
36 A. Yes. Roseworthy, yes.  
37  
38 Q. So you were at a reunion there?  
39 A. Had a reunion there.  
40  
41 Q. And what took place?  
42 A. And I met John prior to the reunion. I saw his  
43 Katanning car and I made the observation, "You're from  
44 Katanning" and --  
45  
46 Q. I'll just stop you there. I'll just stop you there.  
47 I'm assuming you didn't recognise the car. There's another

1 reason why you knew it was him.  
2 A. I recognised the car, being from Katanning. I didn't  
3 recognise John Renk, but he did recognise me.  
4  
5 Q. All right. Was it the number plate that drew your  
6 attention?  
7 A. Number plate. The KA number plate.  
8  
9 Q. And are you saying that whilst - you're saying he  
10 first recognised you?  
11 A. He first recognised me.  
12  
13 Q. Can you describe how that happened?  
14 A. Well, I was passing the car. It looked vaguely  
15 familiar, but only vaguely. And I said, "I see you're from  
16 Katanning." He said, "Yes, it's John Renk." I said,  
17 "G'day John". He had recognised me whereas I hadn't  
18 recognised him.  
19  
20 Q. How do you know he recognised you?  
21 A. He said - he indicated he knew me.  
22  
23 Q. Okay. All right. And what took place from there?  
24 A. Well, we were accommodated in the same sort of area,  
25 and John and Margaret took me to the reunion which was held  
26 in the Glenelg Golf Club, which was about, I suppose, a  
27 couple of kilometres from where we were staying. And I  
28 think he also brought me home. I don't know, I can't  
29 recollect that.  
30  
31 Q. This is the same John Renk that you were on the Hostel  
32 Board with?  
33 A. On - the same John Renk was on the high school Hostel  
34 Board.  
35  
36 Q. Was there any discussions about the Hostel Board while  
37 you were --  
38 A. Indeed there was. We were - there'd been some  
39 surprise of what had happened to Dennis McKenna, and we  
40 talked about that.  
41  
42 HIS HONOUR: Q. Did he remember Dennis McKenna?  
43 A. Yes, very much so. We had quite a lengthy discussion  
44 about Dennis, and I had a bit to do with one of his  
45 children.  
46  
47 MR DOBSON: Q. So both you and he discussed Dennis

1 McKenna?  
2 A. Yes, yes.  
3  
4 Q. In what context? In relation to what matters?  
5 A. Indeed, the sexual abuse with the fact that Dennis had  
6 been locked up and I think I also mentioned that Dennis -  
7 that stranger was running our local picture theatre.  
8  
9 Q. All right. Did you have to prompt Mr John Renk in  
10 relation to Dennis McKenna at all --  
11 A. No.  
12  
13 Q. -- as in did you have to aid his memory or assist him  
14 in any way?  
15 A. How do you mean?  
16  
17 Q. Well, was it you that brought it up and, for example,  
18 did he say, "Dennis who", or --  
19 A. Oh, good lord no. He talked about Dennis. We were  
20 revisiting old times, and I remember John said that he  
21 talked about his kids, what his daughter Susie was doing,  
22 and his son who was in Albany, and that they had sold the  
23 family home and moved into a retirement unit in Katanning.  
24  
25 Q. All right. Did you actually ever get to the point  
26 where you were saying to each other, "Can't believe it was  
27 happening under our nose all that time", or, "We didn't get  
28 told"?  
29 A. I am sure we would have had that discussion.  
30  
31 Q. Sitting here now, have you got any doubt about this  
32 conversation with Mr John Renk?  
33 A. None whatsoever.  
34  
35 MR DOBSON: All right. I don't propose to take that any  
36 further, your Honour.  
37  
38 HIS HONOUR: Right.  
39  
40 MR DOBSON: Those are the questions I had of you. Thank  
41 you, Mr Laffer, there may be some more.  
42  
43 HIS HONOUR: All right. Ms Morgan, do you have any  
44 questions?  
45  
46 MS MORGAN: No, thank you.  
47

1 HIS HONOUR: Nothing from you. All right. That completes  
2 your evidence. Thanks, very much Mr Laffer, you're free to  
3 go.

4  
5 THE WITNESS: Thank you.

6  
7 <THE WITNESS WITHDREW

8  
9 MR DOBSON: Thank you, sir. I've been --

10  
11 HIS HONOUR: We adjourn until when?

12  
13 MR DOBSON: Well, I've been told - this is tentatively  
14 scheduled, Tuesday, 22 May is a tentative date, but it  
15 will be confirmed on the Inquiry website later in the week  
16 for anyone who's been following proceedings.

17  
18 HIS HONOUR: All right, then tentatively we will adjourn  
19 until Tuesday, 22 May

20  
21 **AT 3.54PM THE HEARING ADJOURNED (TENTATIVELY) TO**  
22 **TUESDAY, 22 MAY AT 10.00AM**

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