

**BLAXELL INQUIRY REPORT — “ST ANDREW’S HOSTEL KATANNING:
HOW THE SYSTEM AND SOCIETY FAILED OUR CHILDREN”**

Statement by Premier

MR C.J. BARNETT (Cottesloe — Premier) [12.07 pm] — by leave: I rise today to advise the house on the special inquiry undertaken by Hon Peter Blaxell into the response of government agencies and officials to allegations of sexual abuse at St Andrew’s Hostel, Katanning. On 22 November 2011, Hon Peter Blaxell, retired Supreme Court judge, was appointed to undertake a special inquiry pursuant to section 24H of the Public Sector Management Act 1994 into “the response of government agencies and officials in regard to allegations of sexual abuse at St Andrew’s Hostel in Katanning”. This inquiry was established in response to the revelation, through criminal proceedings, of the extent of sexual abuse that Dennis McKenna had been able to inflict on students of St Andrew’s Hostel at Katanning between 1975 and 1990, and, in particular, the emergence of information that certain public officials had been made aware of McKenna’s suspected behaviour over the 15-year period, but nothing was done.

The terms of reference for the inquiry were —

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

Findings about why the behaviour of staff the subject of allegations at St Andrews Hostel was able to continue for an extended period; and

- Recommendations on:
 - any disciplinary action that should be taken against any public official as a consequence of the findings; and
 - any changes that should be made to the policies, procedures or operations of relevant government agencies as a consequence of the findings.

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

On 3 August 2012, Hon Peter Blaxell provided the Public Sector Commissioner with the report on his inquiry. The inquiry held public hearings in Perth and Katanning, with 85 witnesses attending and 64 statements read into proceedings. A total of 160 people made contact by phone or email with the inquiry. Through his investigations, the inquirer referred 11 matters to Western Australia Police. When members read this report, they will find that the special inquirer has conducted a very thorough examination of how this abuse was able to occur and continue for such an extended period.

The devastating impact that this abuse has had on a large number of people cannot be underestimated, and Mr Blaxell has recounted the stories of the victims who came forward to the inquiry with sensitivity and compassion. I commend the courage that those individuals have mustered in retelling their painful stories in order that the inquiry and, in turn, the whole community is able to gain a complete picture of how this terrible abuse was able to continue unabated for such a lengthy period. The inquiry report reveals that a number of brave individuals did try to alert relevant authorities and individuals to the sexual abuse that Dennis McKenna was committing against students at St Andrew’s Hostel; however, they were not listened to and, worse, on a number of occasions, were actively diverted. It is a sad fact that, had their concerns been given the attention they deserved, a great deal of pain would have been spared.

The inquiry heard extensive evidence about the circumstances surrounding the offending by Dennis McKenna while he was the warden at St Andrew’s Hostel from 1975 to 1990. It found that a significant factor enabling McKenna to continue offending for such a length of time was the regimented manner in which he ran the hostel. McKenna was able to create a veil of secrecy around his sexual activities with boys at the hostel through a variety of means that involved a mixture of favouritism, intimidation, threats and tight control of the behaviour of hostel residents. The inquiry also documents the manner in which McKenna was able to groom the community of Katanning into accepting him in a positive light. He received positive recognition for enhancing the facilities and reputation of the hostel and developed close relationships with significant people in the community. In 1984 McKenna was awarded Katanning citizen of the year for “his significant contribution to the Katanning community”. However, the report states —

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

The inquiry report documents in detail 20 instances when attempts by various people, including victims, other hostel residents, parents and teachers, to disclose the sexual abuse that was occurring at St Andrew's were unsuccessful. Tragically, the abuse was able to continue and the inquiry received evidence of at least 48 individuals who alleged sexual abuse while they were residing at St Andrew's Hostel. Although the vast majority of these related to the conduct of Dennis McKenna, the inquiry heard of seven allegations that have been made against his brother, Neil McKenna, and two against a third staff member at the hostel.

Unfortunately, the extent of sexual abuse uncovered by the inquiry was not limited to St Andrew's Hostel in Katanning. The inquiry also heard evidence of abuse that was alleged to have occurred at the hands of the warden or supervisor in four other hostels operated by or on behalf of the Country High School Hostels Authority in the period prior to 1990. For example, 18 former students of St Christopher's Hostel in Northam came forward to the inquiry to give evidence of alleged sexual misconduct by the warden between 1963 and 1977. St Christopher's provides another example of public officials failing to take appropriate action when they became aware of allegations of the abuse that was occurring.

Consistent with its terms of reference, the focus of the inquiry was on the question of why McKenna was able to continue his offending throughout the 15-year period leading up to his arrest. In particular, it focused on the actions and inactions of public officials who were made aware of the sexual abuse at the time that it was occurring. Given that the rumours of McKenna's offending had become widespread within the local community by the mid-1980s, the inquiry found that an unknown number of hostel board members between 1982 and 1990 failed in their responsibilities to safeguard the wellbeing of hostel students by ignoring the allegations and rumours of sexual abuse by McKenna. Findings were made against several public officials. Because these persons are now deceased or retired, the issue of whether they should be subject to disciplinary action under part 3 of the Public Sector Management Act 1994 does not arise. Findings were also made against two individuals who remain in official positions in the community. The Public Sector Commissioner has referred the inquiry's evidence regarding the actions of these individuals to the attention of the appropriate agencies so that they may consider whether or not any action needs to be taken as a result of the findings.

The fact that sexual abuse at St Andrew's Hostel was able to continue for 15 years is a sad indictment of the systems then in place for dealing with such matters. The inquiry documents that a lot has, however, changed in the legal environment and community awareness of child sexual abuse since the period during which McKenna was offending. The inquiry found that the new policies, procedures and operations of government agencies have resulted in much earlier identification and management of child abuse allegations. Compared with the inadequate arrangements in place at the time of McKenna's sexual abuse, the inquiry identified changes that have improved the public sector's ability to prevent unsuitable candidates being placed in positions of trust with children, as well as its ability to respond in a timely manner if child abuse is suspected. In this regard, the report refers to developments such as improvements in the education of children, parents and public officials in relation to child abuse and the range of protective behaviours training and resources for education staff; improved recruitment and support strategies for hostel and education staff, including central control over employment, police clearances, working with children checks and formal induction processes; improved complaint management when allegations of abuse are made; the establishment of clearer roles and responsibilities between the Country High School Hostels Authority and the boards of management at local hostels; a more approachable and proactive police service, with improved service delivery through measures such as the child abuse squad, the sexual assault squad and others; the introduction of mandatory reporting of suspected child abuse by doctors, nurses, teachers, midwives and police officers; and statutory protections, such as from defamation, for people reporting sexual abuse to particular bodies. The special inquiry's terms of reference asked for consideration of any changes to the current policies, procedures and operations of government agencies that might be desirable as a consequence of its findings.

Mr Blaxell made five recommendations that are aimed at ensuring that the public sector continues to evolve and operate towards primary consideration being given to children and their protection. The government accepts each of these recommendations and is taking action to ensure that each is promptly implemented. The inquiry recommended, firstly, a comprehensive child-focused complaint system for the Country High School Hostels Authority; secondly, that the state government develop a central child-focused complaint system, referred to in the report as a one-stop shop, to encourage and protect disclosure of child abuse; thirdly, that further consideration be given to including Country High School Hostels Authority staff as mandatory reporters under the Children and Community Services Act 2004; fourthly, a review of the Department of Education's child abuse

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prevention curriculum; and, fifthly, the development of a comprehensive training program for hostel board members to assist them in areas such as duty of care, complaint handling and protective behaviours.

As the inquiry found, a lot has changed in the regulatory and policy environment since the period during which McKenna's offending occurred. However, the report also documents the devastating impact that child abuse has on the individual victims and their families. It is incumbent on government to ensure that robust procedures are in place in the public sector and related authorities to help prevent, detect and respond to any suspicion of child abuse. The community needs to have confidence that its children are adequately protected, particularly when they are in the care of public officials, and that any allegations of child abuse will be given the serious attention they deserve.

The government is taking the following action to implement the recommendations of the Blaxell inquiry. The Country High School Hostels Authority, in conjunction with the Department of Education, will implement a comprehensive child-friendly complaints system by 15 December 2012. The government has selected the Commissioner for Children and Young People as the preferred body to perform the one-stop shop complaints role recommended by the inquiry to prioritise the welfare of children in any government facility. This does not replace or duplicate current reporting options. It provides a mechanism to support children or young people in making such a complaint. In some cases a child or young person may feel more comfortable in making a complaint directly to the commissioner as this office is removed from direct service delivery. The commissioner is a child-friendly advocate for children and young people and is well placed to support any person requiring assistance to make a complaint of child abuse independent of the investigative bodies to whom such complaints may be referred. The community must have faith that allegations of child abuse will be given the serious attention they deserve by the relevant government agencies and investigative bodies.

The statutory review of the Commissioner for Children and Young People Act 2006 will determine the legislative amendments necessary to give the commissioner these important additional functions. The statutory review of the Children and Community Services Act 2004, which is currently underway, is giving active consideration to whether Country High School Hostels Authority staff should be included as mandatory reporters of child abuse under that act. By 15 December 2012, the Department for Child Protection will review how its protective behaviours program can be more widely implemented as part of schools' preventive curricula. The Country High School Hostels Authority, with assistance from the Department of Education and the Public Sector Commission, will develop a comprehensive training program by 15 December 2012 to ensure that members of the boards of country high school hostels are fully supported in carrying out their responsibilities to help protect the students in their care against child abuse.

The government is committed to progressing the recommendations and additional initiatives as a matter of priority. It is expected that the recommendations that do not require legislative change will be completed by the end of this year. The establishment of the one-stop shop approach under the children's commissioner and country high school hostels staff being made mandatory reporters require legislative change that cannot be achieved in the remaining sitting weeks of this Parliament. The government will ensure that all preparatory work, including drafting of instructions, is undertaken as a matter of priority so that once Parliament resumes in 2013, these two recommendations can be progressed as a matter of urgency.

The government is also taking the further measure of opening an ex gratia scheme to assist victims who were abused while students at St Andrew's Hostel or any other country high school hostel for the suffering they have endured. The scheme will be open for residents of these hostels during the period 1960 to 2006 and a maximum payment of \$45 000 will be available. Over the next few weeks the specific operation of the scheme will be finalised with advertisements to be placed in the media and on relevant websites. In addition, all people who made contact with the special inquiry will be provided with full details of the scheme. It is anticipated that the scheme will be in place by 30 November 2012. It will be open for approximately four to six months and applications will be processed and payments made as a matter of priority.

The Department of the Premier and Cabinet will be responsible for the oversight of the implementation of the recommendations of the special inquiry and the ex gratia scheme. A status report is to be provided on the Western Australian government website by 30 December 2012. The 1800 hotline that was set up by the special inquiry to provide support to affected people during the operation of the inquiry will continue to be available to 30 January 2013. The hotline will provide access to WA Police and counselling services through Crisis Care. It is likely that the current chapter in the exposé of the suffering that occurred at St Andrew's Hostel will bring difficult memories and feelings to the surface and it is most important that those affected are properly supported. The government has given in-principle support to closing the Country High School Hostels Authority and placing those hostels within the Department of Education.

Once again, I praise all those people who bravely brought their distressing experiences as students at St Andrew's Hostel to the attention of the special inquiry. I also acknowledge the families and other concerned

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community members who assisted the individuals during the inquiry. Although these events occurred 30 years ago, the grief and pain continues. On behalf of the government of Western Australia, I apologise to the victims and their families for the abuse that was able to continue at St Andrew's over such a long time. I am sorry that the system of which the hostel was a part was unable to protect them against that harm. For those who are no longer here, I also acknowledge their struggle and pain and the impact that it has had on those who remain.

My sincere thanks also go to Mr Blaxell, who conducted his inquiry with care, diligence and sensitivity and gave a voice to the many innocent victims of this abuse. The outcome of this inquiry is a set of measures that this government is confident will help continue to build the robustness of the public sector's ability to protect children and young people against sexual abuse by adults whom the community entrust with responsibility for their care. To repeat the concluding words of Mr Blaxell in his report —

Hopefully the lessons learned from what happened at St Andrew's will help ensure that such a tragedy can never happen again.

I now table the report of the special inquiry into the response of government agencies and officials to allegations of sexual abuse titled, "St Andrew's Hostel Katanning: How the System and Society Failed our Children".

[See paper 5251.]

Standing Orders Suspension — Motion

On motion without notice by **Dr K.D. Hames (Leader of the House)**, resolved with an absolute majority —

That so much of standing orders be suspended as is necessary to enable the 15-minute reply to the ministerial statement made today to be shared between the Leader of the Opposition and the member for Albany.

Statement by Leader of the Opposition

MR M. MCGOWAN (Rockingham — Leader of the Opposition) [12.26 pm]: I begin by acknowledging Hon Peter Blaxell on his comprehensive report. I thank those people who suffered but who had the courage to bring this abuse to public attention. I thank my colleague the member for Albany, Peter Watson, for having the sense to listen and the courage to expose this matter, which he did in September last year. I also thank the Premier for calling this inquiry, which further brought these issues to attention and which came up with these recommendations.

This inquiry was initially established to inquire into abuse and the response to it at St Andrew's Hostel in Katanning, but it was expanded to examine abuse at St Christopher's in Northam, Hardie House in South Hedland, Craig House in Bunbury and Narrogin Hostel. Many children from regional Western Australia attending schools in major regional centres were placed by their parents in hostels overseen by the Country High School Hostels Authority. Those parents trusted that their sons and daughters would be safe. This report shows that over a significant time that trust was breached. Those children who dared to speak up despite the fear and horror of what was done to them, were not believed. They were intimidated and abused further. Their trust in adults and authority was breached. As Hon Peter Blaxell states in his report —

The sexual abuse of children by adults who are responsible for their care is an evil and terrible thing. It often causes long-lasting harm to its young victims by taking away their self-esteem, their joy in life, as well as the ability to develop their sexuality at their own pace and in their own particular ways.

This report details that many public officials let down these children by not adequately responding to information or complaints about sexual misconduct. Much has changed in 20 years, but there is still room for significant improvement.

On behalf of Western Australian Labor, I offer our apology to the Western Australians abused while in the care of the state at those hostels. I express my sympathy for what they suffered while in these government-run hostels that were supposed to protect them. I acknowledge the courage of survivors to speak out about the abuse and to honour those whose lives have ended early because of the circumstances of their past. I hope that the findings of the St Andrew's Hostel inquiry will bring some comfort and ease some of the pain they have endured.

The special inquiry looked at the degree to which the Western Australian system has the ability and capacity to receive and respond to allegations of mistreatment and abuse of children and examined the circumstances that allowed this offending to continue for so long. What makes child abuse so complex is the issue of shame and fear that surrounds it. It takes remarkable courage for victims of child abuse to speak out about the abuse. Last year, the member for Albany raised in Parliament the shocking story of three Albany men's abuse at the hands of Dennis McKenna. Their courageous steps in bringing their story to the attention of their local member of Parliament really shone the light on the paucity of the response by those in charge at the time. Without the courage of these men, the extent of the abuse could still be hidden. The report includes evidence of the nature of

the abuse inflicted on these children. It is raw and horrific and it wreaked havoc on the lives of many. It cost the lives of some.

Dennis McKenna and his cronies ran an evil little empire in that hostel, a world punctuated by control, fear, abuse and torment. It was worse than any prison, yet its inmates had done nothing wrong. They were young people with stars in their eyes and with the sweetness and innocence of youth and the naivety that comes when one has no experience. They had evils perpetrated upon them that they did not deserve and that they could never have understood. Their parents' lives were affected and their trust and confidence destroyed. The most precious thing in their lives—their children—were hurt and abused. They must now also endure ongoing guilt, sadness and anger at what took place. Hon Peter Blaxell found gross breaches of responsibilities by many of the adults who, as public officials, were charged with the responsibility of providing safe care for these children. Their failures to respond to or make complaints themselves allowed the abuse to continue for years and years. He also found some good and decent people who did speak out, and he describes them as helping to make the world a better place in which to live. I thank those people who did speak out and those witnesses that Hon Peter Blaxell thanked in his report. Some of them are in the gallery today.

Western Australian Labor supports the recommendations made by Justice Peter Blaxell. These recommendations include: mandatory reporting be expanded to include Country High School Hostels Authority staff as reporters; the Country High School Hostels Authority to develop a more robust child-focused complaints process; the establishment of an independent oversight body to be a one-stop shop to receive complaints of child abuse related to public sector programs either by a government agency or a contracted agency to support the complainant through the complaint process; to ensure when a complaint is made in the belief it is true, the complainant is protected from liability; the Department of Education review its preventive education program; and the Country High School Hostels Authority board members be better trained.

We must have confidence in the systems that look after our children across government and ensure that Western Australian children living in the care of the state are safe. The protection of children must be a priority of government and we must do everything we can to ensure that this never happens again. To all the Western Australians who suffered this unimaginable abuse, you are survivors and have shown true spirit of survival and courage to tell your story. I support the government in adopting all the recommendations of the inquiry to try to ensure the tragedy of St Andrew's and other hostels does not happen again.

Statement by Member for Albany

MR P.B. WATSON (Albany) [12.34 pm]: I would like to speak on Justice Blaxell's report. I congratulate the Premier for instigating the report. I also congratulate Justice Blaxell. I had the opportunity to attend his hearings. His investigators were very caring when they interviewed some people in Albany. I sat in with some of those people and observed the tremendous work they do.

The three main people I would like to thank today are Todd Jefferis, Mike Hilder and Darryl Stephens. I ask them to stand in the gallery so we can acknowledge them. These are the three brave men who came to my office and told me a story. I could not sleep that night and I could not sleep the next night. I cannot imagine what these guys went through for 20, 30 or 40 years. They told me stories about what they had experienced, which I did not think would happen in Australia, especially in Western Australia. The horrors they went through affected their childhood, their youth and their marriages. We lost some guys who went to the hostel. Talking to the guys on the day they came to see me, they said that they started to realise that they were going to a lot of funerals and then noticed that a lot of these guys from the hostel were committing suicide. We did not have a pathway for these young men. They went away to a government institution as young boys off the farm. They thought that everything that happened was their fault. Mr McKenna had so much power over them that they started to think that what they were doing was their fault. Now we have a system, Justice Blaxell has recommended mandatory reporting include the Country High School Hostels Authority. I always thought that something like that would have happened before. Obviously, it did not. That is a tremendous bonus. Justice Blaxell has also recommended that an independent body be established—a one-stop shop—so that every child in a hostel has an opportunity to make a complaint. We have to ensure that when every child goes to a hostel, someone sits down and explains everything to them. A lot of country members might have gone to hostels when they were younger and they might have had a great experience. We have to find a way to ensure that this sort of thing never happens again. I think this independent body is a great suggestion but we have to ensure that we educate people. People going to these hostels are young and very gullible. They are away from mum and dad for the first time in their lives. As long as it is done properly, this independent body will help.

After talking to some of the men this morning, I was aware that we need a commitment to pursue those people who have had adverse findings made against them. Eleven matters were followed up. I know they have been referred to the police but I have to ensure that these people are held accountable. Some of these people are in very high positions. One little thing came up after talking to the men this morning; that is, no-one has apologised

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to them. The Shire of Katanning has not apologised or said that maybe it should have done something. All these people have wrecked these young people's lives and not one person has come out and said, "Maybe we're wrong." It is terrible for the people of Katanning but it would be nice for the Shire of Katanning to say, "We apologise for what happened. We are not responsible for it now. This should never happen again. What happened should not have happened but we apologise." This is a big part of the grieving process for these men. The compensation package is good but there is a maximum benefit of \$45 000. I would be interested to know how this is being worked out. How can we say that one person suffered less than another or one person should get \$45 000 and another should get \$10 000? We are talking about people's lives here. I will be very interested in the process that occurs. A lot of these guys are not in it for the money; they just want closure. Counselling is a real issue for me. Someone might be very strong and need only one counselling session but someone else may be on the verge of suicide or suffering from a marriage breakdown. They might need four or five or 10 or 15 sessions. We cannot forget these guys.

The report has been presented today, but we cannot forget what these guys have been through. We talk about courage on a football field and in wars, but these guys have stood in their local community and said, "I was abused." I know I would find it very hard to do that, but these guys have had the courage to. I will not forget them, I will keep fighting for them; we cannot forget them. They suffered horrible abuse in a government system that was supposed to protect them. They suffered abuse the like of which we will never know. I cannot imagine what they went through and how it affects them now. We have them here today, and we also have Kim Daniels from Katanning who has also laid charges against McKenna.

I congratulate the Premier and former Supreme Court Justice Blaxell, and I have so much admiration for the guys who came forward because they might have saved other people's lives. I congratulate the Premier on the report and support all the findings.