

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE

AT SYDNEY

PUBLIC INQUIRY INTO

THE RESPONSE OF SHALOM CHRISTIAN COLLEGE TO ALLEGATIONS OF
CHILD SEXUAL ABUSE

(CASE STUDY 45)

FURTHER SUBMISSIONS IN REPLY ON BEHALF OF MR CHRISTOPHER
SHIRLEY

INTRODUCTION

1. Mr Shirley has read and considered the Submissions in Reply, submitted on behalf of EAL and EAM and the Submissions in Reply submitted on behalf of The Uniting Church in Australia Property Trust (Q.) for Shalom Christian College and wishes to make the following response.

Records maintained by Mr Shirley

2. The evidence of Mr Shirley is that he maintained 'lengthy notes and documents' in relation this and other matters during his tenure. These documents were stored securely in his 'office file in a Child Protection file in his desk filing cabinet in a folder marked with CLF's name. Electronic files of those notes and documents were stored his office hard drive with multiple backup copies on the school's main frame and offsite hard drives. There were also paper based copies of these notes and documents filed in the school office student's files

under CLF's name¹. He makes no criticism of Shalom's inability to locate the documents at this time but maintains that there were in the possession of the school at the end of his tenure. There is no evidence to explain what has become of those documents.

Response to Available Finding 17

3. Mr Shirley submits that the Royal Commission should reject the submissions made on behalf of EAM and EAL that proposed finding 17 should be expanded as suggested². He further submits that the evidence summarised at paragraphs 11 -22 do not support such a finding being made.
4. These submissions do not address each of the areas in contention within those paragraphs as to do so would be outside the scope of the available findings.
5. Relevantly, the suggestion that the errors contained in the SCC Child Protection Register³ was a product of a 're-classification', deliberate or otherwise ought to be rejected. There is no evidence to explain why the incident was not recorded as sexual abuse as identified in Ms Binsiar's report.
6. Mr Shirley relies on his previous submissions made with respect to this available finding at paragraphs 26 - 33 and specifically to the oral evidence given by him during the public hearing.⁴
7. As indicated, Mr Shirley gave clear evidence that his usual practice and the policy he implemented in the school was to 'over report' rather than under report matters. He said, 'for personal reasons, I overreport, I don't make any judgement about the information that

¹ Exhibit 45-051

² Subm.1045.014.001, paragraph 10

³ Exhibit 45-050

⁴ Transcript 22765, 22743 - 22745

comes to me about inappropriate sexual behavior or sexual abuse. I send that straight to Child Safety and to JAB, and I keep detailed records of that.’⁵ There is no evidence to suggest that he diverted from his usual practice in this instance.

8. With respect to the appropriateness of proposed finding 17, Mr Shirley adopts and endorse the submissions made on behalf of The Uniting Church in Australia Property Trust (Q.) for Shalom Christian College at paragraphs 22 – 37 as they apply to him. Specifically, the conclusion reached at paragraph 37 that it would not be appropriate to make an adverse finding that Mr Shirley failed to report an allegation he was not required to report at the time.

Louise Jardim
Counsel for Mr Shirley

⁵ Transcript 22765