



**Royal Commission**  
into Institutional Responses  
to Child Sexual Abuse

**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES**

**TO CHILD SEXUAL ABUSE**

**AT SYDNEY**

COMMONWEALTH OF AUSTRALIA

*Royal Commissions Act 1902*

PUBLIC INQUIRY INTO

**CHILDREN WITH PROBLEMATIC OR HARMFUL SEXUAL BEHAVIOURS IN**

**SCHOOLS**

**FURTHER SUBMISSIONS IN REPLY OF COUNSEL ASSISTING THE ROYAL**

**COMMISSION**

- 1 These submissions reply to the submissions made by the parties only where it is necessary to do so. In respect of most of the submissions made by the parties, Counsel Assisting relies on the submissions made in chief.

**Submissions on behalf of Uniting Church in Australia Property Trust (Q.) for Shalom Christian College**

- 2 In response to the submission made by the Uniting Church in Australia Property Trust (Q.) for Shalom Christian College at paragraph [38], Counsel Assisting does not suggest that the notes made by Chris Shirley are documents which existed or could have been produced. Counsel Assisting accepts that the documents are no longer in the possession, control or custody of Shalom Christian College or the Uniting Church in Australia.
- 3 In response to the submission made by the Uniting Church in Australia Property Trust (Q.) for Shalom Christian College at paragraphs [43] – [45], Counsel Assisting adopts the following revised finding based on proposed paragraph [44] of their submissions:

Available Finding 19

**As at 28 March 2006 the following information about CLF was known to a range of different staff members and an external service provider:**

- a) Between 15 February 2006 and 24 March 2006, CLF presented to the nurse at the sick bay in the Health and Wellbeing Centre on 11 occasions with a range of different complaints.**
- b) On 23 February 2006, CLF was sexually assaulted.**

- c) **By 1 March 2006, the Child Protection Register recorded an incident of 'inappropriate behaviour concerning CLF'.**
- d) **On the night of 23 March 2006, CLF and other various students were absent from the boarding house.**
- e) **On 24 March 2006, CLF disclosed to a teacher she did not feel safe at school.**
- f) **On 24 March 2006, CLF disclosed to an employee of the Queensland Health, Sexual Health Clinic that she had been assaulted on the evening of 23 March 2006.**
- g) **On 27 March 2006, CLF reported to a teacher that she was being bullied.**
- h) **On 28 March 2006, CLF disclosed the sexual assault to the head of boarding and a house parent.**

**Shalom did not have a system in place to ensure all of this information was brought to the attention of the principal and/or school counsellor in a timely manner.**

- 4 Counsel Assisting adopts the following revised finding as proposed in the submission made by the Uniting Church in Australia Property Trust (Q.) at paragraph [89]:

Available Finding 22

**As at March 2006 and continuing, the funding available to Shalom is not sufficient for it to meet the needs of the SCC students so that it may maintain a safe boarding environment for students who have particular vulnerabilities by reason of social disadvantage and health.**

5 In response to the submission made by the Uniting Church in Australia Property Trust (Q.) for Shalom Christian College at paragraph [101] of their submissions, Counsel Assisting accepts the following corrections to the submissions in chief:

- a. At paragraph 302, Counsel Assisting's submissions should refer to paragraph 43 of Exhibit 45-073, 'Statement of Elaine Rae' as follows:

"... As a result, the student population encompasses **thirty** different language groups..."

- b. At paragraph 434, Mr England's evidence given on 3 November 2016 as recorded in the transcript at 22792:28-41 was:

"... because it is not identified **if** it is prevented, but in terms of the numbers of incidents of students that are having sexual contact **with**in the school..."

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