

**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT SYDNEY**

**STATE OF NEW SOUTH WALES
ROYAL COMMISSIONS ACT 1923 (NSW)**

**PUBLIC INQUIRY INTO
THE SALVATION ARMY EASTERN TERRITORY'S HANDLING OF CLAIMS OF CHILD
SEXUAL ABUSE BETWEEN 1993 AND 2014
Case study 10**

**WRITTEN SUBMISSIONS IN REPLY ON BEHALF OF
THE STATE OF NEW SOUTH WALES**

Introduction

1. The submissions of Counsel Assisting the Royal Commission served on 16 May 2014 concerning the Public Hearing into The Salvation Army Eastern Territory's Handling of Claims of Child Sexual Abuse between 1993 and 2014 (**Counsel Assisting's Case Study 10 submissions**) contain submissions concerning an alleged report of child sexual abuse by Colin Haggar to the New South Wales Police Force. Counsel Assisting submits that:¹

'it is open for the Royal Commission to find that Commissioner Condon and Colin Haggar attended upon a police station to report the matter. It is also submitted that it is likely that the information given to the police officer who received the report was insufficient for the police officer to commence an investigation of the matter.'

2. The State of New South Wales submits that the evidence of the report to the NSW Police Force are so various as to create doubt about (a) whether any report was

¹ Counsel Assisting's Case Study 10 submissions at p 61 [228] SUBM.0010.001.0061

ever made, and (b) if a report was made, the terms of that report. The State of New South Wales submits that the version of the report implicitly accepted by Counsel Assisting's submissions is improbable.

3. Finally should the Royal Commission find that a report was made the State of New South Wales submits that the evidence of Commissioner Condon about the matter is so attenuated with the doubt that the evidence on the best view supports a conclusion consistent with that propounded by Counsel Assisting that "*it is likely that the information given to the police officer who received the report was insufficient for the police officer to commence an investigation of the matter*".

The various versions of the report to the NSW Police Force

4. Counsel Assisting has set out a number inconsistencies in Commissioner Condon's evidence as to the circumstances of a report said to have been made to the NSW Police Force by Colin Hagggar in 1990:²

'Commissioner Condon said that he had accompanied Colin Hagggar to the police at an undetermined date and time in 1990. He was unsure as to which police station they had visited. At first he thought it was in the Eastern Suburbs of Sydney and then he thought it was Parramatta. Under cross-examination from Learned Senior Counsel for the NSW Police Force, Commissioner Condon said he was unsure about which station he had visited. He described a number of steps to the building which did not accord with the number of steps at Parramatta police station. He also said that they went to Parramatta because the Sex Crimes Squad is located there when the squad had not been established in 1990. (references omitted)'

The improbability of the version of the report implicitly accepted by Counsel Assisting

5. Commissioner Condon gave evidence that he could not recall the uniformed officer who is said to have received the report from Mr Hagggar:
 - (a) taking any notes;³
 - (b) checking any indices to see whether there had been associated reports by the girl's parents;⁴
 - (c) asking for information about the identity of the girl;⁵
 - (d) asking for Mr Hagggar's name;⁶
 - (e) asking for Mr Hagggar's address;⁷ or

² Counsel Assisting's Case Study 10 submissions at p 60 [224] SUBM.0010.001.0060

³ TS 7433.2-13


⁴ TS 7433.46-7434.2

⁵ TS 7434.17

⁶ TS 7435.21-32

- (f) asking for Commissioner Condon's name or address.⁸
6. Accordingly on Commissioner Condon's version of events, the police officer had no information he could use to identify whether the girl or her family had made a complaint, or to locate Mr Haggar if such a report were made at a later date.
7. Counsel Assisting notes that:⁹
- 'Detective Inspector [Peter] Yeomans gave evidence that ... the procedure of the NSW Police Force at the time was that such matters were required to be reported to detectives for investigation. The two Salvation Army officers would have then been interviewed separately with the alleged offender being cautioned before interview. If the name of the victim was known an apprehended violence order would then have been sought and the family of the victim contacted for interview. The Department of Family and Community Services were also required to be informed. No police records were located of any such steps being taken with respect to Colin Haggar.'*
8. The State of New South Wales submits that Detective Yeomans' evidence demonstrates that the version of events described by Commissioner Condon is highly improbable.

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⁷ TS 7435.34

⁸ TS 7435.37-41

⁹ Counsel Assisting's Case Study 10 submissions at p 60-61 [227] SUBM.0010.001.0060- SUBM.0010.001.0061