

43/11

**Form 9**

(Clause 6 (1)(a))

**Part 5 search warrant (other than covert or criminal organisation search warrant)**

(Law Enforcement (Powers and Responsibilities) Act 2002)

This search warrant expires at 230 [Time] a.m. / p.m. on 31st June 2011 [Date]

and must not be used after that time.

On 31st May 2011 [Date], Suzanne May-Jemer [Name]

an eligible issuing officer empowered to grant search warrants under Division 2 of Part 5 of the Law Enforcement (Powers and Responsibilities) Act 2002, granted this search warrant authorising

Jason Richard FRENEY [Name] Detective Senior Constable [Rank] of Newcastle City Detectives [Place of work]

(the applicant), a police officer, and all other police officers, as follows:

1 To enter the premises known as

Zimmerman House, Diocesan (Maitland- Newcastle) Child Protection and Professional Conduct Unit, 58 Gipps Street, Carrington, [Address]

being a

Office [Description of premises e.g. dwelling house]

2\* To search those premises for any of the following things:<sup>(1)</sup>

-Files / documents / recordings and other holdings in respect to alleged victims: AL, AK  
Peter COGARTY and AJ  
 -Files / documents / recordings and other holdings in respect to Denis McALINDEN and the before mentioned victims only ( AL, AK COGARTY and AJ )  
 -Files / documents / recordings and other holdings in respect to REDACTED  
Retired Bishop Michael MALONE, Father Brian LUCAS, Monsignor Alan HART and Archbishop Barry HICKEY (Documents only in respect to their dealings in the Denis McALINDEN investigation and / or the before mentioned victims).  
 -Documents / statements from witnesses that identify themselves as witnesses of first complaint from the before mentioned victims ( AL, AK, COGARTY and AJ )

The applicant has reasonable grounds for believing that those things:

(a)\* are connected with the following searchable offence(s) of:<sup>(2)</sup>

CONCEAL SERIOUS INDICTABLE OFFENCE OF ANOTHER PERSON - T1  
 LPC: 1054; NSW Crimes Act s.316 (1) of 40/1900 (25/11/90 > present)  
Imprisonment: 2 years  
HINDER DISCOVERY EVIDENCE RE: SERIOUS INDICTABLE OFFENCE - T1

(1) Delete if inapplicable.

(2) List and describe the things to be searched for with particularity. If space is insufficient continue overleaf or attach a separate sheet.

(3) Specify relevant offences.

LPC: 1052; NSW Crimes Act s.315 (1) (b) of 40/1900 (25/11/90 > present)  
*Imprisonment: 2 years (L.C.) Imprisonment 5 years (D.C.)*

**DO ACT WITH INTENT TO PERVERT THE COURSE OF JUSTICE – SI**  
 LPC: s.1062; 319 of 40/1900 (25/11/90 > present)

3\* To search those premises in connection with the following child prostitution offence(s):<sup>(3)</sup>

This search warrant may be executed:

(a)\* only by day (ie between 6.00 am and 9.00 pm).

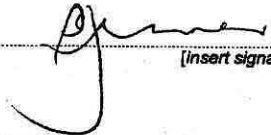
~~(b)\* by day (ie between 6.00 am and 9.00 pm) or night (ie between 9.00 pm and 6.00 am).~~

In executing this search warrant a police officer may exercise the powers provided by the *Law Enforcement (Powers and Responsibilities) Act 2002*. These include the following powers:

- (a) to enter the named premises,
- (b) to search for the things (if any) mentioned in this warrant,
- (c) to use any persons necessary to assist in the execution of the warrant,
- (d) to use such force as is reasonably necessary to enter the premises,
- (e) to break open any receptacle in or on the premises for the purposes of the search of the premises if it is reasonably necessary to do so,
- (f) to search any persons found in or on the premises who are reasonably suspected of having a thing mentioned in this warrant,
- (g) to arrest any persons found in or on the premises whom a police officer suspects on reasonable grounds of having committed an offence,
- (h) to seize, detain, remove from the premises or guard anything mentioned in this warrant and any other thing found by a police officer in the course of executing this warrant that the police officer believes on reasonable grounds is connected with any offence,
- (i) if the warrant is issued in relation to a child prostitution offence – to make in the premises inquiries relating to any such offence.
- (j) to disable any alarm, camera or surveillance device at the premises.
- (k) to pacify any guard dog at the premises,
- (l) to render safe any dangerous article found in or on the premises,
- (m) to operate electronic and other equipment brought to the premises or at the premises to examine a thing found at the premises,
- (n) to move a thing found at the premises to another place for examination in order to determine whether it is or contains a thing that may be seized,
- (o) to operate equipment at the premises to access data (including data held at premises other than the subject premises),
- (p) to do anything that is reasonably necessary to do for the purpose of preventing the loss or destruction of, or damage to, any thing connected with an offence that the police believe on reasonable grounds to be at those premises, including by blocking any drains at or used in connection with the premises

<sup>(3)</sup> Specify the offences under the Crimes Act 1900 in relation to which the search is to be made

Signed

  
[insert signature]<sup>(4)</sup>

Date

31/5/11

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(4) The eligible issuing officer should sign and date the warrant and initial any corrections. In the case of a telephone search warrant, in circumstances where the warrant is issued but not furnished to the applicant (for example, because facsimile facilities are not available), the applicant is to complete this Form of warrant in the terms dictated by the eligible issuing officer and write on it the date and time when the warrant was signed.