

Statement of Jason Richard Freney

Special Commission of Inquiry into matters relating to the Police Investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle

On 6th day of May 2013, I say:

Preliminary matters

1. My full name is Jason Richard Freney and I am a Detective Senior Constable with the New South Wales Police Force (NSW Police Force). I am presently attached to the Newcastle Detectives' Office within the Newcastle City Local Area Command.
2. This statement is prepared by me for the sole purpose of responding to a summons dated 3 May 2013 issued on 3 May 2013 by the Special Commission of Inquiry (established by way of letters patent dated 21 November 2012 and varied by letters patent dated 25 January 2013) for me to produce a statement in relation to a number of defined issues. This statement is produced by me to the Special Commission of Inquiry pursuant to the said issued summons unwillingly and only on the basis that, without exception, section 23(2) of the *Special Commissions of Inquiry Act 1983* applies to restrict the use of this statement and the documents referred in it, and attached to it.
3. Pursuant to section 23(2) of the *Special Commissions of Inquiry Act 1983*, I object to the information contained within this statement, and the attachments to the statement, being used in any criminal, civil or other proceedings or inquiries or investigations of any kind.

Background

4. I was attested as a police officer with the NSW Police Force in 1997. After date of attestation, I carried out general duties at Chatswood up until the year 2000. From that period up until September 2001, I carried out plain clothes duties with the Anti-Theft Squad at Chatswood. Thereafter, I was stationed at Gosford with the Anti-Theft Squad until 2002. Between 2002 and 2003, I was attached to Tuggerah Lakes Anti-Theft Squad. In 2003, I became a trainee detective at Tuggerah Lakes, where I served during the period of 2003-2004. I was made a permanent detective at Tuggerah Lakes, serving there until 2006. From that time onwards, I was attached to the Lake Macquarie Detectives' Office up until 2010. In June 2010, I was transferred to the Newcastle City Local Area Command.
5. In my duties as a detective, I have been involved in the investigation of serious indictable offences. These offences have varied and have included sexual assaults, armed robberies, homicide as well as other serious indictable crimes.
6. After my transfer to the Newcastle Local Area Command in 2010, I carried out general investigatory duties as a detective. However, towards the latter part of 2010, I was approached to assist Detective Sergeant Kirren Steel with an investigation to be carried out by Strike Force Lantle. I understood that Detective Sergeant Kirren Steel was to be the officer-in-charge of the strike force investigation and the investigation related to sexual assault matters involving members of the Catholic Church. I agreed to the request to assist Detective Sergeant Kirren Steel.

7. After Detective Sergeant Steel commenced her investigations, I assisted her in the investigations carried out by Strike Force Lantle. However, I also carried out other general detective duties. Whenever called upon by Detective Sergeant Steel, I performed whatever duties were requested of me.
8. I refer to a meeting held on 2 December 2010 at the Waratah Police Station in relation to Strike Force Lantle. Annexed hereto and marked with the letter "A" is a true copy of the investigator's note prepared in relation to the meeting. The minutes of the meeting were kept by Detective Sergeant Justin Quinn. I am aware that it was Justin Quinn who kept the notes, as I have checked this with the information contained on the E@gle.i holdings.
9. Prior to the commencement of the meeting on 2 December 2010, I was advised of the fact that a meeting was to be held. I was also told that one of the purposes of the meeting being held related to the fact that Detective Chief Inspector Peter Fox was to attend for the purpose of handing over whatever material he had, which could be of assistance to the Strike Force Lantle investigators. It was also my understanding from what I had been told that Strike Force Lantle was to be investigated by the Newcastle City Local Area Command, with the investigators to be Detective Sergeant Kirren Steel and myself as her assistant.
10. Whilst I was in attendance at the meeting, I also prepared some notes as to what occurred at the meeting. Annexed hereto and marked with the letter "B" is a true copy of the handwritten notes made by myself during the course of the meeting. When making my notes at the meeting, the focus of my attention was on investigative issues that were discussed and which were of interest to myself as an investigator attached to the strike force. The other matters discussed during the course of the meeting, such as whether or not there should be any contact with members of the media, were not matters that were of major concern to me. This is because up until that point of time, I had very little if any contact with members of the media, and hence media contact was not an issue to me.
11. In terms of the handwritten notes made by myself, I made a record of the information that was provided by Detective Chief Inspector Fox in terms of what information he had at his disposal, and the nature of the documentation that was in his possession. It was my understanding from what Detective Chief Inspector Fox was indicating at the meeting that he was giving an overview of the holdings held by him for the purpose of this material being handed over to Detective Sergeant Steel and myself.
12. In terms of any other statements made by Detective Chief Inspector Fox at the meeting, to the best of my recollection he did not at any time indicate that he wanted to be an officer-in-charge of the investigation, or that he wanted to play any lead role in the investigation. I do not recall him making any statement to the effect that he wanted to have any direct involvement in the investigation.
13. Having been advised that Detective Chief Inspector Fox was to hand over material at the meeting, I anticipated at the meeting that this material was to be handed over during the course of the meeting itself. However, during the course of the meeting, I was made aware that Detective Chief Inspector Fox did not have the material with him at the time of the meeting, and I recall him being told to forward the material on to Strike Force Lantle by Assistant Commissioner Mitchell.
14. Shortly after the meeting held on 2 December 2010, my recollection is that Detective Sergeant Kirren Steel went on sick leave. Once she went on sick leave, I

ceased working with Strike Force Lantle in her absence and focused my attention on working on the other matters in which I was conducting investigations. However, after Sergeant Jeff Little became the officer-in-charge of Strike Force Lantle, I went back to my duties in assisting the Strike Force Lantle investigator in carrying out any investigations required.

15. I continued to assist the Strike Force Lantle investigator and specifically, Sergeant Jeff Little, up until October 2011. In October 2011, I was appointed to assist in a homicide investigation and from that point of time onwards, the focus of my attention related to that particular investigation and other general criminal investigations in the Newcastle City Detectives Office.
16. My other involvement with the Strike Force Lantle investigation was my applying for and obtaining a search warrant in relation to material held at Zimmerman House. Once the search warrant was obtained by myself, I executed the warrant with other detectives: Annexed hereto and marked with the letter "C" is a true copy of the application and search warrant that was applied for by myself in relation to Zimmerman House.
17. On the 1 June 2011 search warrant 43/2011 (Granted at Newcastle Court) was served upon the manager of Zimmerman House, Sean TYNAN. By virtue of the search warrant, Mr Tynan provided Detective Sergeant Little and me a number of files including those on individual victims: *AL*, Cogarty, *AK* and *AJ* along with a number of files on Fr Denis McAlinden. The items were taken from Zimmerman House and secured with the brief of evidence that was secured in Newcastle City Detectives Office.
18. In relation to the documents that were seized at the time of the execution of the warrant at Zimmerman House, I commenced to record the documents seized within the E@gle.I holdings.

Redacted

19. In terms of the other work carried out by myself in assisting in the investigation carried out by Strike Force Lantle, in addition to applying for and executing the search warrant, and examining the documents that were seized, I also assisted Detective Sergeant Little in carrying out whatever investigations he required of me. This included my participating in any interviews carried out by him, were he to need a corroborating officer during the course of the interview, or undertaking other investigations where information was sought from third parties. Whilst assisting Detective Sergeant Little, I remained on the floor of the Detectives' Office, assisting in the carrying out of other investigations as well. In that sense, I was not exclusively attached to Strike Force Lantle.

20. Prior to my attendance at the meeting on 2 December 2010, I did not know Detective Chief Inspector Peter Fox. I met him at the meeting for the first time. Since the date of that meeting, I have not had any conversations with him or other contact with him in relation to the Strike Force Lantle investigation.

Signed

Jason Richard Freney
Detective Senior Constable

"A"

THIS IS THE ANNEXURE MARKED "A"
ANNEXED TO STATEMENT OF
JASON RICHARD FRENEY
SIGNED THIS 18th DAY OF May 2012

Signed

NSW Police
INVESTIGATOR'S NOTE

Investigation: S/F LANTLE
Title of Note: Case Conference in relation to S/F LANTLE

Narrative:

At 12.25pm on Thursday 2 December 2010, a meeting was held at Waratah Police Station in relation to S/F LANTLE. Officers present were:

- Supt. MITCHELL
- Supt. HAGGETT
- DCI TAYLER
- D.I. FOX
- Det. Sgt. STEEL
- Det. Sen. Con. FRENEY
- Det. Sen. Sgt. QUINN

Detective Inspector PARKER (Northern Region) arrived midway through the meeting.

Superintendent MITCHELL outlined that Newcastle City LAC has carriage of investigations relating to AK, AL and GOGERTY. This was at the direction of the Region Commander. Mr MITCHELL identified that the investigations presented a high level of risk to the organization and needed to be managed well. He acknowledged that Detective Inspector FOX had a strong background in relation to the nature of the complaints, and that for the investigation team to perform their function, it was essential that he disclose all relevant information to the team.

Inspector FOX indicated that he had compiled all relevant documents held by him, but had mistakenly left them behind. He indicated that he had no problem disclosing information held by him to the investigation team. He indicated that he would make arrangements for the documents to be presented to the investigation team. He indicated that the information available would indicate that the clergy abuse/cover up is widespread and that there is a need for a broad ranging task force to be established to investigate it. He indicated that he had recently documented this in a report to the Region Commander.

In order to control confidentiality in relation to the investigation, Supt. MITCHELL indicated that nobody was to speak to the media (including Joanne MCCARTHY) without his knowledge. Mr MITCHELL indicated that in the event police are contacted by MCCARTHY, he was to be advised.

Inspector FOX indicated that in addition to his knowledge of the AK and AL cases, he had interviewed another lady named AJ. FOX indicated that AJ had only wanted to deal with him. She is a victim and a witness and has information dating back to the 1980s about offending behaviour by high ranking members of the Catholic Church including ~~relected~~, HART, CLARKE and LUCAS. He indicated that she was from an inter sanotum of the Church and had been privy to a lot of conversations. She is born in 1951 and was ten when offences occurred against her. He indicated that she was very fragile.

Inspector FOX also indicated he had a statement from a Mike STILLWELL who was a teacher at Merriwa.

Inspector FOX indicated that he had begun obtaining a statement from AK who resides in Queensland. He indicated that a loose arrangement had been made to complete that statement when AK returned to the Newcastle area over the Christmas break.

Inspector FOX indicated that he had interviewed Leo CLARKE after his retirement, primarily in relation to his investigations concerning FLETCHER and RYAN. He did however speak with CLARKE about MCALINDEN. He believes that CLARKE deliberately lied to him when CLARKE advised him that he knew of no other incidents involving MCALINDEN.

Inspector FOX indicated that he had come into the investigations on and off over the years. He indicated that in 2004 he submitted two reports to SCC calling for a far reaching investigation of the incident. He had also submitted a number of information reports. He indicated that he had informants in the form of a former priest and sister. He indicated that he had no doubts that there was collusion in the Church.

Det. Insp. PARKER arrived at this stage of the meeting.

Insp. FOX indicated that due to the scale of the investigation it was imperative that a task force was established.

Supt. MITCHEL indicated that there was a need for LAC Investigators to collate available information at this stage in order to allow further assessments to be made.

Insp. PARKER indicated that the Region Commander's firm view that the file was to remain with the LAC. It was a matter for the LAC to collate the information and present that to S.C.C. if that was appropriate. Insp. PARKER indicated that if the information gathered went beyond the Terms of Reference, the L.A.C. would need to identify why.

Insp. FOX outlined that the information given by **AS** discloses other witnesses and potential witnesses. He reiterated his earlier view that a task force needs to be pursued.

The meeting was concluded at this point and Supt. HAGGETT and Insp. FOX departed.

Inspector TOWNSEND arrived at this time and was briefed by Sgt STEEL. Present for this briefing were:

- Supt. MITCHELL
- DCI TAYLER
- Insp. PARKER
- Insp. TOWNSEND
- Det. Sgt. STEEL
- Det. Sen. Const. FRENEY
- Det. Sen. Sgt. QUINN

Det. Sgt. STEEL indicated that she had spoken with Helen KEEVERS earlier that morning. KEEVERS was the Manager of Zimmerman House for 30 years. She indicated that she had a high level of knowledge about MCALINDEN'S offending and other priests and victims. She indicated that she has seen numerous critical documents outlining such conduct.

She indicated that the most crucial documentation had been forwarded by Zimmerman House to the Catholic Church's insurance body. She made reference to a document authored by Monsignor COTTER where he indicated that it was fortunate that MCALINDEN'S offending was on children and not adults and females. She also indicated that MCALINDEN had engaged in a course of conduct regularly used by Catholic Priests where children were taken swimming in deep water so that they would need to hold onto the priest for assistance.

STEEL outlined the 'Encompass' program that was set up by Archbishop PELL to treat priests who have problems (primarily child abuse). The program maintained files outlining the problem behaviours and identified treatment plans. KEEVERS indicated that PELL had closed the program down without notice. She indicated that the files relating to the program had been moved by a man known to her for storage.

STEEL indicated that senior clergy moved MCALINDEN to P.N.G. for a period after his offending behaviour was discovered.

Redacted

Other Senior Clergy (BURSTON/HART and LUCAS) were involved in cover ups.

KEEVERS told STEEL that police would only get one chance at a search warrant because she is certain that Church members would destroy documents.

Supt. MITCHELL indicated that the issue for the L.A.C. is the scope of the investigation. Inspector TOWNSEND agreed that the scope of the investigation had greatly broadened since it was first allocated to the L.A.C. It was agreed that the following would occur:

1. Inspector PARKER would contact Insp. JACOBS of S.C.C. to invite an investigator(s) from Sex Crimes to attend a debrief to be held with KEEVERS.
2. Det. Sgt. STEEL to conduct the debrief in the week commencing 6 December 2010.
3. Det. Sgt. STEEL to collate all information available to date after the debrief and formulate a summary document to be forwarded to S.C.C. for their consideration as to whether or not the investigation would fit their charter.

Meeting Concluded 1.15pm

- fragile

- spoken to on couple occasions

- born - 1951

- offences 10 yrs old

Vict - school teacher - Stallwell
Michael
McAlinden - Marywah school

- AK - Brisbane

- Leo Clarke interviewed

- Bishop at Murray Lane

v. Fletcher / Vince Ryan

- spoken to about McAlinden

neg - Clarke lied - any other victims of McAlinden

- said "Ask Michael Malone"

- Clarke outright lies

- 2 reports in 2009 - SCC

- priest - informant

- via - statement - extracted

- left

- Anne Purvis (Coadresser)

refused to release report on her report

- Michael Malone - hinder

- Fletcher cleared out

porn mag + videos

AJ

listed in statement - other victims

12.50 meeting

- Tony Tannard / Graham Parker

region
- Michael / Quinn / Taylor / Steel / Freay

1:25 pm

2/12/10

New C City AT

7:00 start

1:20

[REDACTED]

[REDACTED]

[REDACTED]

1:27

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

P
Q
R

THIS IS THE ANNEXURE MARKED "C"
ANNEXED TO STATEMENT OF
JASON RICHARD FRENBY
SIGNED THIS 12th DAY OF May 2012

Form 1

Signed

Application for Part 5 search warrant/record (other than covert or criminal organisation search warrant)/record of application
(Law Enforcement (Powers and Responsibilities) Act 2002)

(Clauses 4 (1)(a) and 5 (a))

Note: This Form is to be used for search warrants (other than covert or criminal organisation search warrants) in relation to indictable, firearms, prohibited weapons, narcotics, child pornography or child prostitution offences or stolen goods. Form 1A should be used for covert search warrants and Form 2 should be used for search warrants (other than Part 6 search warrants).

Part 1 Application

On 31/05/2011, [Date]

I, Jason Richard FRENBY [Name]

Detective Senior Constable of Newcastle City Detectives, [Rank] [Place of work]

apply for a search warrant to enter and search the premises known as

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

In the State of New South Wales, being a Office. [Description of premises e.g. dwelling house]

I swear/solemnly, sincerely and truly declare and affirm* that:

1 I have reasonable grounds for believing that:

(a)* there is, or within 72 hours will be, in or on the premises, the following things:⁽¹⁾

- Files / documents / recordings and other holdings in respect to alleged victims: / AK, AL, Peter COGARTY and AJ
- Files / documents / recordings and other holdings in respect to Denis McALINDEN and the before mentioned victims only (I AK, AL, COGARTY and AJ).
- Files / documents / recordings and other holdings in respect to Persons of interest: Redacted Retired Bishop Michael MALONE, Father Brian LUCAS, Monsignor Alan HART Redacted (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 (AK, AL, COGARTY and AJ).

(b)* the things are connected with the following searchable offence(s) within the meaning of section 46A (1) (a) of the Law Enforcement (Powers and Responsibilities) Act 2002:⁽²⁾

- (1) Delete if inapplicable.
- (2) List items to be searched for. If exact location of items is known, include that information.
- (3) Insert description of offence(s).

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

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)

(c)* a child prostitution offence, within the meaning of section 47 of the Law Enforcement (Powers and Responsibilities) Act 2002 has recently been committed, is being committed or, within 72 hours will be committed, on or with respect to the premises.

2 I rely on the following grounds in support of this application:⁽⁸⁾

Strike Force LANTLE was initiated in July 2010, to investigate allegations of 'cover ups' in the concealment of serious offences relative to child abuse by clergy formerly and currently attached to the Maitland Newcastle Diocese of the Roman Catholic Church (RCC). Investigation by the NSW Police Force (NSWPF) was requested by the identified alleged victims.

Strike Force LANTLE principally pertains to allegations of cover ups in the concealment of serious offences, by former and current serving senior RCC Clergy who became aware of such offences in 1985, 1993 & 1995; relative to child sexual offences proven to have been committed by RCC Clergy prior to 1995. The principle offender being priest Father Dennis McALINDEN (deceased in Perth 2005).

It is alleged that, rather than report the serious allegations of child sexual assault related offences to Police, RCC Persons of Interest Leo CLARKE (deceased) *redacted* chose to displace those incidents by 're-locating' the offending priest. With little other option 'internally' they initiated proceedings to have McALINDEN removed as a priest; a complex procedure of 'laicization' / 'defrocking' pursuant to Canon Law 1044.2.2 and ultimately provided a one-way air ticket to England.

This investigation is underpinned by allegations of historical sexual assault by three identified victims and their documents.

It is alleged during 1983, 1993 & 1995; the RCC clergy were made aware, via separate victims, of alleged child sexual assault related offences committed by McALINDEN. It is apparent the victims for each alleged account were unknown to each other.

1. During 1961 or 1962, McALINDEN is implicated as having committed child sexual assault related offences as follows (but not limited to):

redacted

- b. During January 1993, *AJ* verbally disclosed to Sister REDGROVE of being sexually abused; REDGROVE arranged consultation with Monsignor Allan HART. Despite being informed of the child sexual assault related offences by McALINDEN, HART did not disclose same to Police. Instead, it appears he commissioned the services of qualified clergy lawyer Father Brian LUCAS.
- c. During 1993, *AJ* verbally disclosed to LUCAS, of being sexually abused. Despite being informed of the child sexual assault related offences by McALINDEN, LUCAS did not disclose same to Police.

⁽⁸⁾ Insert the reasonable grounds on which the application for the search warrant is based. If space is insufficient continue overleaf or attach a separate sheet.

2. During 1961-1965, McALINDEN is implicated as having committed child sexual assault related offences as follows (but not limited to):
 - a. *AL* provided a statement (on 10/10/95; signed 13/10/95) to CLARKE (deceased), and an unknown priest, (possibly HART), who did not disclose same to Police. Two days later (12/10/95), *redacted*.
 - b. *AK* provided a statement to CLARKE (deceased), and an unknown priest, (possibly HART), who did not disclose same to Police. *redacted*
 - c. CLARKE makes reference to McALINDEN's admission to another priest (LUCAS during 1993) in his capacity as a clergy lawyer about his sexually abusing children. *AJ* also makes reference to LUCAS being informed by McALINDEN
3. HART agreed to buy McALINDEN a one way ticket to England in an apparent attempt to rid his diocese of the problem. No warning relative to the extreme risk posed by McALINDEN was provided to persons in England, affectively leaving McALINDEN with unfettered access to more child victims, just at a different location. This is reflective of previous 're-locations'. Additionally, CLARK was aware McALINDEN quickly returned to live in Western Australia.
4. RCC payout of to alleged victim *AL*, not to disclose the alleged offences. (Ref: 'Deed of Release (dated 29 & 30/01/2009) signed by *AL*' agreeing to take no action against the clergy).
5. Possibility victims did not want police intervention at the time RCC were notified, raising confidentiality issues therein.
 - a. COPS information report (I-36224034) cites the same circumstances as those outlined in the documentation by *AL*, and evidently relates to her. It states, "The victim is apparently aware of their right to speak with Police however at this stage the victim has chosen to go through the Catholic Church's Towards Healing process."
 - o I-17256624 dated 15/03/03. Unknown source. Reporting Police Officer terminated.
 - States:

Information was received that deceased POI McALINDEN allegedly involved in female child sexual assault incidents during his time at Merrilwa Parish. It is alleged the POI sexually interfered with young females. Catholic authorities were made aware of these allegations by the victims families and POI was relocated to another parish. The victims families were told not to bother the police with these matters and that they would take care of it. It has since come to notice that the POI was permitted to continue preaching and have access to children until being removed from the church in 1993.

The grounds on which this search warrant application is relied has been formulated from copies of documents given to victims by RCC, copies of reports given to police by ex-employees of Zimmerman House and the police own data holdings.

On their website, Zimmerman house describes itself as, "The Diocesan Child Protection and Professional Conduct Unit (now known as Zimmerman House) works to ensure that matters of Child Protection and Professional Conduct are managed within the appropriate legislative requirements, are consistent with Christian tradition and the basic belief that the human is made in the image of God and deserves reverence and respect".

On the 23rd May 2011, Zimmerman House advised police that they had a file compiled on Father Denis McALINDEN (Dec) and the church response to sexual assault allegations against him. Police were further advised that the file would only be released by virtue of a search warrant.

It is the belief of investigators that pertinent inculpatory and exculpatory evidence exists in this file, of interest to Strike Force Lantle investigators.

[3 and 4 are to be completed if a previous application for the warrant has been made and refused. Attach a copy of previous application to this Form.]

3 The following are details of the refusal of a previous application:

4 The additional information that I consider justifies the making of this further application is: ⁽⁴⁾

5 * I seek that a certificate pursuant to clause 11 of the Law Enforcement (Powers and Responsibilities) Regulation 2005 be issued, on the following grounds:

[Specify grounds]

Sworn/declared and affirmed before me on

[Date]

at

Newcastle

[Place]

In the State of New South Wales.

Applicant

[Print name and insert signature]

Justice of the Peace ⁽⁶⁾

[Print name and insert signature]

(4) Need not be completed if the previous application was made to an eligible issuing officer who was not a Magistrate and this application is made to a Magistrate.

(5) This application may be sworn before the eligible issuing officer to whom the application is made for the issue of the warrant. Any alterations, deletions or annexures should be initialed or signed by the applicant and witnessed by the justice of the peace.

(6) Delete if inapplicable.

Warning

IT IS AN OFFENCE UNDER SECTION 63 OF THE LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) ACT 2002 TO GIVE INFORMATION IN THIS APPLICATION KNOWING IT IS FALSE OR MISLEADING IN A MATERIAL PARTICULAR. THE MAXIMUM PENALTY IS A FINE OF \$11,000 OR 2 YEARS IMPRISONMENT (OR BOTH).

Note. In the case of an application by telephone (but not by facsimile), this Form of application should be completed by the eligible issuing officer for record purposes as if it were made in person by the applicant but not verified on oath or affirmation or by affidavit.

Part 2 Eligible issuing officer's record of application for a search warrant

On

[Date]

at

a.m. / p.m

[Time]

I, the undersigned eligible issuing officer, received this application for a search warrant.

1* (To be completed if the application was not made in person.)

The application was made by⁽⁶⁾

and I was/was not* satisfied that the warrant was required urgently and it was/was not* practicable for the application to be made in person.

2* (To be completed if the eligible issuing officer required the applicant to provide further information concerning the grounds on which the warrant was sought.)

*Further information provided by the applicant, as required by me, is attached.

*Particulars of further information orally provided by the applicant, as required by me, are as follows:⁽⁷⁾

3 On considering the application I found/did not find* that there were reasonable grounds for issuing the warrant.

4 The relevant particulars of the grounds on which I relied to justify the issue of/refusal to issue [Delete whichever is inapplicable] the warrant are as follows:⁽⁸⁾

5 (To be completed if the warrant may be executed by night.)

The grounds on which I relied to justify the execution of the warrant by night are as follows:

- (a)* execution of the warrant by day is unlikely to be successful,
- (b)* there is likely to be less risk to the safety of any person if it is executed by night,
- (c)* an occupier is likely to be on the premises only at night to allow entry without the use of force,
- (d)* Other grounds

(*) Delete if inapplicable.

(6) Specify how the application was made (eg facsimile, telephone).

(7) Specify particulars.

(8) Either identify or specify the relevant particulars of the grounds in the application that are relied on. If space is insufficient, continue overleaf or attach a separate sheet.

6 The search warrant was issued at | | a.m. / p.m. on | |
[Time] [Date]

Eligible Issuing
Officer

.....
[Print name and insert signature]

NOTES:

1. Return this Form, together with a copy of the warrant and a copy of the occupier's notice, to the Local Court named in the occupier's notice.

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 2:30 a.m. / p.m. on 31st May 2011

and must not be used after that time.

On 31st May 2011, Suzanne May Jenner

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 Detective Senior Constable of Newcastle City Detectives

(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 Glpps Street, Carrington, (Address)

being a

Office (Description of premises e.g. dwelling house)

2 To search those premises for any of the following things: (1)

-Files / documents / recordings and other holdings in respect to alleged victims: AK, AL, Peter COGARTY and AJ
-Files / documents / recordings and other holdings in respect to Denis McALINDEN and the before mentioned victims only (AK, AL, COGARTY and AJ)
-Files / documents / recordings and other holdings in respect to Persons or Interest: redacted
Retired Bishop Michael MALONE, Father Brian LUCAS, Monsignor Alan HART
Redacted (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 (AK, AL, COGARTY and AJ)

The applicant has reasonable grounds for believing that those things:

(a)* are connected with the following searchable offence(s) of: (2)

CONCRETE SERIOUS INDICTABLE OFFENCE OF ANOTHER PERSON - T1
LRC: 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.1052; 319 of 40/1900 (25/11/90 > present)

3* To search those premises in connection with the following child prostitution offence(s):^(*)

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 or used in connection with the premises

(*) Specify the offences under the Crimes Act 1900 in relation to which the search is to be made

Signed _____

Signed _____

[insert signature]¹⁰

Date

3/5/11

(¹⁰) 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.