



INDEPENDENT COMMISSION
AGAINST CORRUPTION
NEW SOUTH WALES

Independent Commission Against Corruption Act 1988 (Section 22)

NOTICE TO ATTEND AND PRODUCE DOCUMENTS

Ms Helen Minnican
Clerk of the Legislative Assembly
NSW Parliament
Macquarie Street
Sydney NSW 2000

You are required to attend and produce:

- to the Senior Property Officer of the Independent Commission Against Corruption ("ICAC");
- at the ICAC office at level 7/255 Elizabeth Street, SYDNEY;
- at 10:00am on 30 September 2020;

the document(s) and/or other thing(s) described in the Schedule to this Notice.

You are required to produce the document(s) and/or other thing(s) for the purposes of an investigation the ICAC is conducting.

This requirement may be satisfied by some other person(s) acting on your behalf.

You may comply with the notice by posting, couriering or emailing documents(s) and/or things(s) to the ICAC providing you ensure it is received by the ICAC no later than the date and time specified in this notice. The material should be sent to:

Senior Property Officer
Property Services

Independent Commission Against Corruption
Level 7/255 Elizabeth Street
SYDNEY NSW 2000

Postal: GPO Box 500 Sydney NSW 2001

Email: property@icac.nsw.gov.au

FAILURE TO COMPLY

It is an offence under s.83 of the ICAC Act without reasonable excuse to refuse or fail to comply with this Notice.

DISCLOSING INFORMATION ABOUT THIS NOTICE

YOU MUST NOT DISCLOSE INFORMATION ABOUT THIS NOTICE INCLUDING THE EXISTENCE OF THE NOTICE WHICH IS LIKELY TO PREJUDICE THE INVESTIGATION TO WHICH IT RELATES.

You may disclose information about this Notice:

- to an employee, agent or other person in order to obtain information to comply with the Notice **if you have directed** the employee, agent or other person not to inform the person to whom the information relates about the matter;
- to obtain legal advice or representation in relation to the Notice; or
- for the purpose of, or in the course of, legal proceedings.

It is an offence under s.114 of the ICAC Act to disclose information about this Notice that is likely to prejudice the investigation to which it relates.


Please note:

- (a) To ensure the ICAC is able to correctly reference the document(s) and/or thing(s) you provide in response to this Notice, please **complete and include the attached Property Delivery Advice form** with the document(s) and/or thing(s) required to be produced by this notice. If you wish to change your property disposal/return instructions, address and contact information provided on the Property Delivery Advice form, you will need to advise the ICAC by contacting Property Services on **(02) 8281 5999** or via email at property@icac.nsw.gov.au
- (b) If the document(s) and/or other thing(s) required to be produced by this notice tends to incriminate you, **and you object to production at the time**, neither the fact of the requirement nor the document(s) and/or other thing(s) itself (if produced) may be used in any proceedings against you (except proceedings for an offence against the *Independent Commission Against Corruption Act 1988* and certain disciplinary proceedings as provided for by section 114A). The document(s) and/or other thing(s) can be used for the purposes of the investigation to which it relates.

- (c) The ICAC shall set aside the requirement if it appears to the ICAC that any person subject to the requirement has a ground of privilege whereby, in proceedings in a court of law, the person might resist a like requirement and it does not appear to the ICAC that the person consents to compliance with the requirement.
- (d) The person must however comply with the requirement despite:
 - (i) any rule which in proceedings in a court of law might justify an objection to compliance with a like requirement on grounds of public interest, or
 - (ii) any privilege of a public authority or public official in that capacity which the authority or official could have claimed in a court of law, or
 - (iii) any duty of secrecy or other restriction on disclosure applying to a public authority or public official.

If you have any questions about this notice please email [REDACTED] on [REDACTED]@icac.nsw.gov.au.

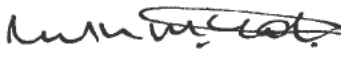
Date: 24 September 2020


.....
The Hon. Ruth McColl AO SC
Assistant Commissioner

SCHEDULE

1. Copies of all payment records relating to the function held at the Presidents Dining Room on 30 November 2012 hosted by the former member for Wagga Wagga, Daryl Maguire MP.
2. Copies of all emails from NSW Parliament's IT department to the former MP Daryl Maguire and/or Rebecca Cartwright from 1 July 2018 to the date of this notice, relating to Mr Maguire's hard drive.

Date: 24 September 2020



 The Hon. Ruth McColl AO SC
 Assistant Commissioner

OFFICE USE ONLY	
This page and the preceding <u>3</u> pages is a true copy of the notice that was served:	
by: <u>[Redacted]</u>	(full name of serving officer)
at: <u>24/9/20 17:00</u> am/pm	[Redacted]
on: <u>[Redacted]</u>	(subject individual)
at/by: <u>email</u>	
(place/method of service)	
The following documents were also provided at the time of service/execution:	
<input type="checkbox"/> Property Delivery Advice form	
<input type="checkbox"/> other (specify) <u>[Redacted]</u>	
<u>[Signature]</u> (signature of serving officer)	<u>25/9/20</u> (date of endorsement)

This is page 1 of the schedule to the Notice to Produce Documents addressed to Ms Helen Minnican, Clerk of the Legislative Assembly.

From: Helen Johnston
Sent: Tuesday, 24 July 2018 12:30 PM
To: Daryl Maguire
Cc: Andrew Johnston
Subject: FW: Member Leaving Parliament
Attachments: DOC240718-001.pdf

Daryl

Thanks for submitting the form.

You have selected option C which means all the data will be deleted. Option A states that you can receive a copy of your data if you wish. Let me know if you are still happy with option C as the data will be deleted and you will **NOT** receive a copy.

Helen



Helen Johnston

Service Desk Team Leader, IT Services
DEPARTMENT OF PARLIAMENTARY SERVICES

P [REDACTED] M [REDACTED] E [REDACTED]@parliament.nsw.gov.au

Parliament House, Macquarie St Sydney NSW, 2000 Australia

www.parliament.nsw.gov.au

This email is solely for the named addressee and may be confidential. You should only read, disclose, transmit, copy, distribute, act in reliance on or commercialise the contents if you are authorised to do so. If you are not the intended recipient of this email, please notify the sender by e-mail immediately and then destroy any copy of this message. Except where otherwise specifically stated, views expressed in this e-mail are those of the individual sender. The Parliament of New South Wales does not guarantee that this communication is free of errors, virus, interception or interference. • Please consider the environment before printing this email.

From: ElectorateOffice WaggaWagga
Sent: Tuesday, 24 July 2018 12:19 PM
To: Helen Johnston
Cc: Andrew Johnston
Subject: Member Leaving Parliament

Please referenced attached.

Thank you
Office of Daryl Maguire MP
waggawagga@parliament.nsw.gov.au



DEPARTMENT OF PARLIAMENTARY SERVICES
Information Services Branch

Members Leaving Parliament - Electronic Data Management Form

DARYL MAGUIRE
Member's name

WAGGA WAGGA
Office/Electorate

This form must be signed by the member and submitted to DPS.ITservicedesk@parliament.nsw.gov.au.
For further information see the 'Guide for Members Leaving Parliament' on the intranet, contact the IT Service Desk on the above email or tel: 9230 2339.

		OFFICE USE
<p><i>Please circle either option A, B or C:</i></p> <p>A I wish to be provided with a copy of the data in my personal directory (P: drive), Outlook personal mailbox (email, calendar, address book) and the following:</p> <p><input type="checkbox"/> All data in the shared directories (I:\ and L:\ drives)</p> <p><input type="checkbox"/> Electorate Office mailbox</p> <p>OR</p> <p>B I wish to be provided with a copy of the data in my personal directory (P: drive), Outlook personal mailbox (email, calendar, address book), but transfer other data as indicated below, to the following following nominated candidate (should this candidate not be elected, I understand that IT Services will delete all data I had nominated for transfer):</p> <p>Candidate: _____ is to receive:</p> <p><input type="checkbox"/> All data in the shared directories (I:\ and L:\ drives) and/or</p> <p><input type="checkbox"/> Electorate Office mailbox</p> <p>OR</p> <p>C Please delete all my data and do NOT transfer any of it to another member. This includes my personal directory (P: drive) and Outlook mailbox, data in shared directories (eg I:\ and L:\ drives) and for Legislative Assembly members, the Electorate Office mailbox.</p>		Completed by / date:
<p>Tick additional options as required:</p> <p><input checked="" type="checkbox"/> I wish to establish an auto-reply rule in Outlook to reply to any emails for a period of 4 weeks following my official departure (<i>attach reply subject line and body text</i>).</p> <p><input type="checkbox"/> I wish to retain a copy of my Lotus Notes contacts database (if applicable).</p> <p><input type="checkbox"/> I wish to retain my current mobile phone number and require the relevant forms to transfer it to a private account.</p> <p>Mobile number _____</p>		

Important information for members

- This service is provided on a "best efforts" basis. In particular, IT Services cannot guarantee the integrity of data transfers as they are dependent on the age and format of the data.
- All data requested to be retained is provided members after their departure on digital storage media.
- All data not requested for retention is managed according to the Parliament's IT Access and Use Policy which may result in its permanent deletion

Member's signature _____

Date 24.07.18

Subject Line – Unmonitored Email Account

Body Text- This email account is no longer monitored please refer to Wagga Wagga electorate office – waggawagga@parliament.nsw.gov.au

From: [Helen Johnston](#)
To: [Daryl Maguire](#)
Subject: RE: Morning
Date: Tuesday, 24 July 2018 12:20:00 PM
Attachments: [image001.png@01D42348.B57DB940](#)

Daryl

I have removed the 2 PCs from your office and they are labelled and on my desk. Will the staff be coming to the Parliament office to use a PC anytime soon?

Thanks

Helen



Helen Johnston

Service Desk Team Leader, IT Services
DEPARTMENT OF PARLIAMENTARY SERVICES

P [REDACTED] M [REDACTED] E [REDACTED]@parliament.nsw.gov.au
Parliament House, Macquarie St Sydney NSW, 2000 Australia
www.parliament.nsw.gov.au

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From: Daryl Maguire
Sent: Tuesday, 24 July 2018 9:54 AM
To: Helen Johnston
Subject: Re: Morning

Yes proceed now, I will sign the form tonight

Sent from my iPhone

On 24 Jul 2018, at 9:52 am, Helen Johnston <[REDACTED]@parliament.nsw.gov.au> wrote:

Daryl

I have asked Andrew to send you the form to complete in relation to your data.

I can ask security to let me into the office if you are ok with that.

Helen

<image001.png> **Helen Johnston**

Service Desk Team Leader, IT Services

DEPARTMENT OF PARLIAMENTARY SERVICES

P [REDACTED] M [REDACTED] E

[REDACTED]@parliament.nsw.gov.au

Parliament House, Macquarie St Sydney NSW, 2000 Australia

www.parliament.nsw.gov.au

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From: Daryl Maguire
Sent: Tuesday, 24 July 2018 9:51 AM
To: Helen Johnston
Subject: Re: Morning

Dear Helen , it is my intention to resign from Parliament in coming days before the house resumes . Please wipe my 1 computer in Wagga and 2 in SYDNEY office today . . I do not wish to retain any data . My staff will arrive shortly to pack and clear the office . Please proceed immediately , kind Regards Daryl Maguire

Sent from my iPhone

On 24 Jul 2018, at 9:45 am, Helen Johnston
<[REDACTED]@parliament.nsw.gov.au> wrote:

Hi Daryl

As discussed can you put your request in writing?

Thanks

Helen

<image001.png> **Helen Johnston**

Service Desk Team Leader, IT Services
DEPARTMENT OF PARLIAMENTARY SERVICES

P [REDACTED] M [REDACTED] E

[REDACTED]@parliament.nsw.gov.au

Parliament House, Macquarie St Sydney NSW, 2000 Australia

www.parliament.nsw.gov.au

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From: Helen Johnston
Sent: Tuesday, 24 July 2018 1:07 PM
To: Daryl Maguire
Subject: RE: Member Leaving Parliament

Yeh Sure

Just let Sarah know all your passwords so we can download the app. I am in training 9-1pm tomorrow.

We can extract your contacts from your email account and give them to you in a spreadsheet if you want as well as downloading them from your phone.

Helen



Helen Johnston

Service Desk Team Leader, IT Services
DEPARTMENT OF PARLIAMENTARY SERVICES

P [REDACTED] M [REDACTED] E [REDACTED]@parliament.nsw.gov.au
Parliament House, Macquarie St Sydney NSW, 2000 Australia
www.parliament.nsw.gov.au

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From: Daryl Maguire
Sent: Tuesday, 24 July 2018 12:54 PM
To: Helen Johnston
Subject: Re: Member Leaving Parliament

I will send this phone with Sarah tomorrow can you load the app and download the contacts please

Sent from my iPhone

On 24 Jul 2018, at 12:35 pm, Helen Johnston [REDACTED]@parliament.nsw.gov.au> wrote:

Thanks Daryl

I will start to wipe the PCs now.

Can you backup your contacts on your mobile device as these will disappear when your access to the Parliament network stops? We have used contacts kit before, this is an app, but I am happy to assist with any of this over the phone or if you are in Parliament.

Let me know if there is anything else I can assist with.

Helen



Helen Johnston

Service Desk Team Leader, IT Services
DEPARTMENT OF PARLIAMENTARY SERVICES

P [REDACTED] M [REDACTED] E [REDACTED]@parliament.nsw.gov.au
Parliament House, Macquarie St Sydney NSW, 2000 Australia
www.parliament.nsw.gov.au

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From: Daryl Maguire
Sent: Tuesday, 24 July 2018 12:31 PM
To: Helen Johnston
Subject: Re: Member Leaving Parliament

I don't believe there is anything I need there proceed

Sent from my iPhone

On 24 Jul 2018, at 12:29 pm, Helen Johnston <[REDACTED]@parliament.nsw.gov.au> wrote:

Daryl

Thanks for submitting the form.

You have selected option C which means all the data will be deleted. Option A states that you can receive a copy of your data if you wish. Let me know if you are still happy with option C as the data will be deleted and you will **NOT** receive a copy.

Helen

<image001.png> **Helen Johnston**

Service Desk Team Leader, IT Services
DEPARTMENT OF PARLIAMENTARY SERVICES

P [REDACTED] M [REDACTED] E [REDACTED]@parliament.nsw.gov.au
Parliament House, Macquarie St Sydney NSW, 2000 Australia
www.parliament.nsw.gov.au

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From: ElectorateOffice WaggaWagga
Sent: Tuesday, 24 July 2018 12:19 PM
To: Helen Johnston
Cc: Andrew Johnston
Subject: Member Leaving Parliament

Please referenced attached.

Thank you
Office of Daryl Maguire MP
waggawagga@parliament.nsw.gov.au

<DOC240718-001.pdf>

From: Helen Johnston
Sent: Wednesday, 25 July 2018 4:55 PM
To: ElectorateOffice WaggaWagga; Daryl Maguire
Cc: Andrew Johnston
Subject: RE: Member Leaving Parliament

Daryl

After speaking with Sarah we have decided to destroy this data management form. If you can fill in a new form please, selecting option A means you will be provided a copy of all your data and then selecting option C means it will be deleted afterwards.

Give me a call if you have any questions.

Helen



Helen Johnston

Service Desk Team Leader, IT Services
DEPARTMENT OF PARLIAMENTARY SERVICES

P [REDACTED] M [REDACTED] E [REDACTED]@parliament.nsw.gov.au
Parliament House, Macquarie St Sydney NSW, 2000 Australia
www.parliament.nsw.gov.au

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From: ElectorateOffice WaggaWagga
Sent: Tuesday, 24 July 2018 12:19 PM
To: Helen Johnston
Cc: Andrew Johnston
Subject: Member Leaving Parliament

Please referenced attached.

Thank you
Office of Daryl Maguire MP
waggawagga@parliament.nsw.gov.au

From: Andrew Johnston
Sent: Tuesday, 21 August 2018 4:27 PM
To: 'info@waggahorseagistment.com.au'
Cc: Rebecca Cartwright
Subject: RE: Hard drive with electronic data

Hi Daryl,

The hard drive was given to Rebecca earlier.

Best of luck
Andrew

From: info@waggahorseagistment.com.au <info@waggahorseagistment.com.au>
Sent: Monday, 20 August 2018 3:27 PM
To: Andrew Johnston <AndrewR.Johnston@parliament.nsw.gov.au>
Subject: Re: Hard drive with electronic data

Confirmed

Sent from my Huawei Mobile

----- Original Message -----

Subject: Hard drive with electronic data
From: Andrew Johnston
To: "'info@waggahorseagistment.com.au'"
CC:

Hi Daryl,

Can you please confirm your approval for Rebecca Cartwright to receive the hard drive with your Parliament electronic data on your behalf?

Thanks



Andrew Johnston

Asset & Admin Support Officer
IT Services
DEPARTMENT OF PARLIAMENTARY SERVICES

P [REDACTED]
M [REDACTED]
E [REDACTED]@parliament.nsw.gov.au
Parliament House, Macquarie St Sydney NSW, 2000 Australia
www.parliament.nsw.gov.au

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DEPARTMENT OF PARLIAMENTARY SERVICES
Information Services Branch

Members Leaving Parliament - Electronic Data Management Form

DARIN MAGUIRE
Member's name

WAGGA WAGGA
Office/Electorate

This form must be signed by the member and submitted to DPS.IT servicedesk@parliament.nsw.gov.au.
For further information see the 'Guide for Members Leaving Parliament' on the intranet, contact the IT Service Desk on the above email or tel: 9230 2339.

Please circle either option A, B or C:

A I wish to be provided with a copy of the data in my personal directory (P: drive), Outlook personal mailbox (email, calendar, address book) and the following:

- ☒ All data in the shared directories (I:\ and L:\ drives)
☒ Electorate Office mailbox

OR

B I wish to be provided with a copy of the data in my personal directory (P: drive), Outlook personal mailbox (email, calendar, address book), but transfer other data as indicated below, to the following following nominated candidate (should this candidate not be elected, I understand that IT Services will delete all data I had nominated for transfer):

Candidate: _____ Is to receive:

- ☐ All data in the shared directories (I:\ and L:\ drives) and/or
☐ Electorate Office mailbox

OR

☒ C Please delete all my data and do NOT transfer any of it to another member. This includes my personal directory (P: drive) and Outlook mailbox, data in shared directories (eg I:\ and L:\ drives) and for Legislative Assembly members, the Electorate Office mailbox.

Tick additional options as required:

☒ I wish to establish an auto-reply rule in Outlook to reply to any emails for a period of 4 weeks following my official departure (*attach reply subject line and body text*).

☐ I wish to retain a copy of my Lotus Notes contacts database (if applicable).

☐ I wish to retain my current mobile phone number and require the relevant forms to transfer it to a private account.

Mobile number _____

OFFICE USE

Completed by / date

See attachment

Important information for members

- This service is provided on a "best efforts" basis. In particular, IT Services cannot guarantee the integrity of data transfers as they are dependent on the age and format of the data.
- All data requested to be retained is provided members after their departure on digital storage media.
- All data not requested for retention is managed according to the Parliament's IT Access and Use Policy which may result in its permanent deletion

Member's signature _____

Date 26.07.18

Please return completed form to DPS.ITadmin@parliament.nsw.gov.au

[REDACTED]

From: Sarah Vasey <Sarah.Vasey@parliament.nsw.gov.au>
Sent: Friday, 27 July 2018 9:51 AM
To: DPS IT Service Desk
Subject: electronic data management form - Daryl Maguire
Attachments: DOC270718.pdf

Good morning,

Please see attached.

Kind regards
Sarah

Sarah Vasey
Media Officer

[REDACTED]
sarah.vasey@parliament.nsw.gov.au

[REDACTED]

From: Sarah Vasey <Sarah.Vasey@parliament.nsw.gov.au>
Sent: Thursday, 2 August 2018 10:17 AM
To: DPS IT Service Desk
Subject: RE: IT Incident# 57673 update

Yes please

Sarah Vasey
Media Officer

[REDACTED]
sarah.vasey@parliament.nsw.gov.au

From: DPS.ITservicedesk@parliament.nsw.gov.au [mailto:DPS.ITservicedesk@parliament.nsw.gov.au]
Sent: Thursday, 2 August 2018 10:02 AM
To: Sarah Vasey
Subject: IT Incident# 57673 update

Hi Sarah,

Thanks for sending this through.

The auto-reply message for Daryl's email has been removed from the new form. Do you still want me to use the auto-reply previously given?

Thanks



DPS IT service desk

Information Services Branch
DEPARTMENT OF PARLIAMENTARY SERVICES

P 9230 2339

Parliament House, Macquarie St Sydney NSW, 2000 Australia
www.parliament.nsw.gov.au

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Subject Line – Unmonitored Email Account

Body Text- This email account is no longer monitored please refer to Wagga Wagga electorate office – waggawagga@parliament.nsw.gov.au

[REDACTED]

From: Daryl Maguire
Sent: Tuesday, 24 July 2018 3:26 PM
To: Andrew Johnston
Subject: Re: Data Management Form
Attachments: image001.png

Gday They are in my office I don't want them thanks

Sent from my iPhone

On 24 Jul 2018, at 2:00 pm, Andrew Johnston [REDACTED]@parliament.nsw.gov.au> wrote:

Hi Daryl,

There are some assets purchased from your LSA that will need to be purchased by yourself from Parliament, or returned to IT.

The 2 items are as follows;

Nikon Digital Camera – purchased in 2012
Bury Cradle (purchased with your iPhone 6) – purchased in 2015

Please let me know if you would like to return both items or purchase them.

Thanks
Andrew

From: Andrew Johnston
Sent: Tuesday, 24 July 2018 10:19 AM
To: Daryl Maguire <Daryl.Maguire@parliament.nsw.gov.au>
Cc: Helen Johnston [REDACTED]@parliament.nsw.gov.au>
Subject: Data Management Form

Hi Daryl,

We will need the attached form completed and signed to go ahead with the management of your data. If you would like your data deleted, please circle option C.

You also have the option for an auto-reply to any email sent to your Parliament email address over the next 4 weeks. If you would like this, please send me the message you would like people to receive.

Thanks

Andrew Johnston

Asset & Admin Support Officer
IT Services
DEPARTMENT OF PARLIAMENTARY SERVICES