

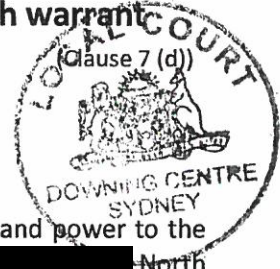
"PT-5"  
ASN E17/0144/AS-07-001

2015/18

Form 25

## Occupier's notice for search warrant other than Part 5 search warrant

(Independent Commission Against Corruption Act 1988)  
(Law Enforcement (Powers and Responsibilities) Act 2002)



A search warrant has been issued by an authorised officer. It gives the authority and power to the persons named in the search warrant to enter and search the premises at [REDACTED] North Wagga Wagga, being a block of land with a two story brick dwelling, detached garage, sheds and any vehicle within the bounds of the property ("the premises").

### Expiry

The search warrant will expire at 2:20 am/pm on 7 October 2018.

### Warning

You have the right to inspect the search warrant. You must not hinder or obstruct the persons executing it, as to do so may be a criminal offence. Under section 84 of the *Independent Commission Against Corruption Act 1988*, the maximum penalty for obstructing or hindering a search without reasonable excuse is a fine of 20 penalty units or imprisonment for two years, or both.

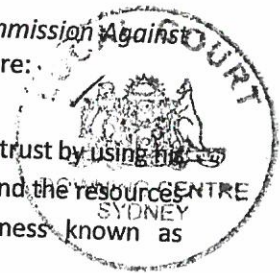
### Powers given by the search warrant

The search warrant gives the power to the persons executing it to do the following things:

- (a) to use such force as is reasonably necessary to enter the named premises,
- (b) to break open any receptacle in or on the premises for the purpose of the search of the premise, if it is reasonably necessary to do so,
- (c) to search for the following things:
  - Computers, computer hard drives and electronic data storage devices
  - Electronic images of computers and email accounts
  - Electronic communication devices, including
    - a) Mobile telephones
    - b) Tablet computers
  - Originals, copies or drafts of documents or records (whether hard copy or electronic), including but not limited to emails, correspondence, arrangements, agreements, deeds, submissions, file notes and memoranda, contracts, property development proposals, accounting records, tax invoices, credit and debit card records, statements of account, account opening documents, notices, briefing papers, opinions, information memoranda, memoranda of advice, technical specifications, membership records, financial records, share and stock records, diaries, travel records and photographs.

connected with a matter that is being investigated under the *Independent Commission Against Corruption Act 1988* concerning an allegation or complaint of the following nature:


That Daryl Maguire engaged in conduct that involved a breach of public trust by using his public office, involving his duties as a member of the NSW Parliament and the resources of Parliament, to improperly gain a benefit for himself, a business known as "G8wayInternational" and associated persons.



(d) exercise the following powers:

- i) to bring to the premises any electronic and other equipment reasonably necessary for the examination of a thing found at the premises and to operate any such equipment (or equipment already at the premises, if the person has reasonable grounds to believe that the examination can be carried out without damaging the equipment or thing) to examine a thing found at the premises in order to determine whether it is or contains a thing that may be seized under the warrant
  - ii) to move a thing found at the premises to another place (for up to 7 working days) for examination in order to determine whether it is or contains a thing that may be seized under the warrant if the occupier of the premises consents or if:
    - a. it is significantly more practicable to do so having regard to the timeliness and cost of examining the thing at another place and the availability of expert assistance, and
    - b. there are reasonable grounds to suspect it is or contains a thing that may be seized under the warrant.
  - iii) to operate equipment at the premises:
    - a. to access data (including data held at premises other than the subject premises) if the person believes on reasonable grounds that the data might be data that could be seized under the warrant
    - b. to copy any accessed data to a disk, tape or other data storage device brought to the premises, and with the approval of the occupier of the premises, to any disk, tape or other data storage device already at the premises (if the person operating the equipment has reasonable grounds to believe that the equipment can be operated without damaging the equipment or the data), and
    - c. to take the disk, tape or other data storage device from the premises to examine the accessed data to determine whether it (or any part of it) is data that could be seized under the warrant, and
    - d. put any data that could be seized in documentary form and seize the document so produced, and
    - e. if not otherwise practical to exercise any of the above powers, or the possession of the equipment would constitute an offence, to seize the equipment and any disk, tape or other data storage device,
- (e) to exercise such other powers as are specified in Division 4 of Part 4 of the *Independent Commission Against Corruption Act 1988*. These powers include:
- i) to enter the premises



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- ii) to search the premises for documents or other things connected with any matter that is being investigated under the *Independent Commission Against Corruption Act 1988*
  - iii) to seize any such documents or other things found in or on the premises and deliver them to the Commission
  - iv) to use such force as is reasonably necessary for the purpose of entering the premises
  - v) to break open any receptacle in or on the premises for the purpose of the search, if it is reasonably necessary to do so
  - vi) to execute this search warrant with the aid of such assistants as the person considers necessary
  - vii) if a member of the NSW Police Force, or a senior Commission investigator, named in and executing the warrant, to search a person found in or on the premises whom the member of the NSW Police Force or senior Commission investigator reasonably suspects of having a document or other thing mentioned in the warrant
  - viii) if in the course of searching, in accordance with the terms of this search warrant, for documents and other things, to seize a document or other thing the person executing the warrant finds, and that in respect of that other document or thing, the person believes on reasonable grounds to be evidence that would be admissible in the prosecution of a person for an indictable offence against the law of the Commonwealth, a State or a Territory, and the person believes on reasonable grounds it is necessary to seize in order to prevent its concealment, loss, mutilation or destruction, or its use in committing such an offence.

### Issue details

The search warrant was granted by an authorised officer under section 40(1) of the *Independent Commission Against Corruption Act 1988* on 7th September 2008 at 2:20 am/pm.

The search warrant was issued on the application of Senior Investigator [REDACTED] of the Independent Commission Against Corruption, Level 7, 255 Elizabeth Street, Sydney, New South Wales.

### Basis for the issue of the warrant

The warrant was granted on the basis that the authorised officer found that there were reasonable grounds for the issue of the warrant and, in particular, that the applicant had reasonable grounds to believe that:

- there are, or within 72 hours of the issue of the warrant that there would be, in or on the premises, the documents or things for which the warrant authorises a search (see paragraph (c) above), and
- those documents or things are connected with the matter that is being investigated by the Independent Commission Against Corruption concerning an allegation or a complaint as described in paragraph (c) above.

### Challenging the issue of the warrant or conduct of the search

If you are dissatisfied with the issue of the warrant or the conduct of the people executing the warrant you should seek legal advice. This advice may assist you to decide whether your rights have been infringed and what action you can take. If your rights have been infringed you may be entitled to a legal remedy.

You should keep this notice as it will assist you if you seek advice.

### Limitations on the powers conferred

The following limitations apply to the warrant:

- (a) the warrant must be executed before the date and time of the expiry given above
- (b) any force used to enter premises must be reasonably necessary
- (c) the warrant must be executed between 6 am and 9 pm unless the warrant states that it may be executed by day or night
- (d) the warrant must be shown to you if you ask to see it
- (e) only functions and powers authorised under the warrant or by the Act authorising the issue of the warrant may be performed.

### Inspection

The application for the warrant, written reasons for the issue of the warrant and other associated documents are to be held at The Downing Centre Local Court. You may seek to inspect those documents by arrangement with that registry. You should produce this notice at the registry when seeking to inspect those documents.

Signed



.....  
(signature of authorised officer)

Date: 7/9/2018

*[In the case of a notice relating to a telephone search warrant, in circumstances where the warrant is issued but the notice is not furnished to the applicant (for example, because facsimile facilities are not available), the applicant officer is to complete this Form of notice in the terms dictated by the authorised officer.]*