

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMON LAW DIVISION  
MAJOR TORTS LIST

No.



Case: S ECI 2023 06203

Filed on: 09/12/2023 08:45 PM

BETWEEN

JAN MAREK KANT

Plaintiff

-and-

THE INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY

Defendant

AFFIDAVIT

Date of Document: 09 December 2023

Filed on behalf of: The Plaintiff

Telephone: 0450 827 208

Prepared by: The Plaintiff

Email: jmjarosz01@gmail.com

3/33 Bewdley Street

Ormond VIC 3204

I, Jan Marek Kant of 3/33 Bewdley Street, Ormond VIC, litigant, affirm:

1. I am the plaintiff in this proceeding.
2. Now produced and shown to me and marked "JMK-1" is a true copy of my 05 July 2023 email to the Defendant.

**Part A**

3. I was subject to (intendedly-)covert examination by Commonwealth public officials during the time of my employment by the *Department of Defence*.
4. I was subject to (intendedly-)covert experimentation, including experimentation by Commonwealth public officials, when working at the *Defence Science and Technology Group*. I believe that such experimentation is continuing at present and it appears to me to have interfered with my attempts to seek relief in the courts.
5. On 05 July 2023, I provided by email to the Defendant an affidavit in which I described relevant events. A true reproduction of the email is set out in pages 7 to 8 of the present affidavit. The facts set out in *Part B* of the present affidavit were also set out in the affidavit I provided by email to the Defendant on 05 July 2023.
6. On 09 July 2023, I made a privacy complaint about the Defendant to the *Office of the Australian Information Commissioner*. With this complaint, I provided a document identifying persons mentioned in the affidavit provided to the Defendant with the note: "The

A blue ink signature, appearing to read "Jan Kant", written in a cursive style.

A blue ink signature, appearing to read "JMK", written in a cursive style.

*Privacy Commissioner may provide IGIS with the information in this complaint, for IGIS to use for IGIS purposes."*

## **Part B**

7. Between August of 2018 and February of 2020, I was employed in the *Cyber and Electronic Warfare Division (CEWD)* of the *Defence Science and Technology Group (DST)*. I was first assigned to the *Position Navigation and Timing Technologies and Systems Group (PNTTS)*, then reassigned to the *Electromagnetic Battle Management Group (EMBM)* around February of 2019. I was reassigned to PNTTS from EMBM around September of 2019.
8. My place of employment with DST was at the DST facilities in Edinburgh, South Australia (DST Edinburgh).

## **"Covert" security investigation**

9. Before commencing employment with DST, I travelled to DST Edinburgh from my home in Victoria to interview with CEWD personnel. When I was interviewing with a CEWD officer, he and another person engaged in conduct such that would have me understand that an unauthorised disclosure of confidential information had taken place.
10. Sometime after my interview with the CEWD officer, in the state of Victoria, I discussed the interview and my proposed work at CEWD with a person (INTELLO1) who was known to me before I sought employment with Defence. I informed INTELLO1 that I believed I should not know some of the information I had about the proposed work at CEWD, and I was unsure whether to share it with him. INTELLO1 suggested to me that I was not yet obligated to keep such information confidential. I described the proposed work to INTELLO1 in general terms until he sought from me an indication as to whether it had to do with a particular function that he specified. The term he used was the same as (that) in relation to which I was to understand that an unauthorised disclosure of confidential information had taken place (while I interviewed at DST Edinburgh). INTELLO1 sought this indication from me while I was speaking, and I continued speaking uninterrupted. I did not provide INTELLO1 with the indication he sought. In the moment of silence that followed, it was evident to me from his appearance that INTELLO1 did not consider this to be an insignificant event.

## **Uninterested authorities**

11. Within two weeks of commencing my employment with DST, I met in Adelaide with a person (INTELLO2) who was known to me before I sought employment with Defence. INTELLO2 shared with me anecdotes of his own engagement with DST and the *United States Air Force (USAF)*. I had no prior knowledge of INTELLO2 engaging with Defence. INTELLO2 made use of language that grouped he and I together by our association with Defence and congratulated me on my employment with DST in a way that appeared to suggest that my becoming employed with DST was a significant achievement. This interaction with INTELLO2 was notably different to any interaction I had with him before that day.



12. During our meeting in Adelaide, INTELLO2 spoke of something called "*Plan Jericho*". INTELLO2 said the *Plan Jericho* had to do with systems communicating with other systems. INTELLO2 also told me to ask my boss whether I'll be working on *Plan Jericho*.
13. Sometime after my meeting with INTELLO2 in Adelaide, *Plan Jericho* was named in a document that was given to me by my second level supervisor at PNTTS (SUPERX). I visited SUPERX in his office and told him that a friend had also spoken to me of *Plan Jericho*. SUPERX informed me that more than one *Plan Jericho* may exist. SUPERX then provided me with basic information about the *Plan Jericho* referred to in the document he had given to me and while doing so, took a book from a shelf. I asked SUPERX whether *Plan Jericho* had to do with systems talking to other systems. SUPERX provided a partial confirmation of this.
14. During my second term at PNTTS, I had occasion to view the *LinkedIn* profile of INTELLO2. The information on this page suggested a real history of engagement of INTELLO2 by Defence. I conducted a cursory search of publicly available information on *Plan Jericho* but found nothing suggestive of a link between *Plan Jericho* and my work at PNTTS. I met with the CEWD divisional security officer (DIVSO) and discussed with him my meeting with INTELLO2, the information on his *LinkedIn* page and the absence of a link apparent in publicly available information between my work and *Plan Jericho*. DIVSO did not recommend creating an incident report.
15. Without creating an incident report, I provided written notification of the matters I had discussed with DIVSO to the *Australian Government Security Vetting Agency* (AGSVA). I wrote of an apparent connection between the person concerned, Defence and the USAF. I also wrote of my search of publicly available information and of the earlier mention of the project in my workplace. The notification I provided to AGSVA described a security matter regarding a particular person and a particular project but named neither the person nor the project concerned. I have not been contacted about this matter.

#### **Entrapment with security processes**

16. At some time during my first term at PNTTS, I met with a CEWD ICT support person (DIVIT) to discuss my need for use of a DVD drive with the computer that was assigned to me. DIVIT said to me that removal from a secure area of USB devices that were used computers connected to a Defence network was prohibited, but the mere use of USB devices with such computers was not. On this information, I formed an intention to procure an external DVD drive at my own expense for use with the Defence computer assigned to me. I expressed this intention to DIVIT, and he did not tell me of any problem that might arise from my doing so. I later learned that using (a) USB device that I had procured myself with a computer connected to a Defence network would constitute a security incident.
17. At some time during my first term at PNTTS, I received an email from a security adviser. In the email, the security adviser told me about a SECRET document containing information that I didn't need to know. In the same email, the security adviser invited me to inspect the document if I wished to do so. Accessing classified information without a need to know is a security incident.

**Commonwealth Ministers**


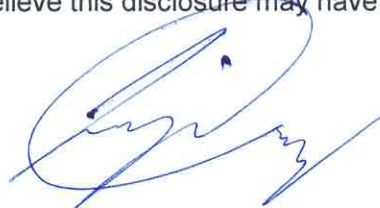
Two handwritten signatures in blue ink. The signature on the left is a large, stylized cursive signature. The signature on the right is a smaller, more compact cursive signature.



18. Some years before my employment with DST, I noticed that a former employer of mine (COMPANY1) had not made payments into my nominated superannuation account. I informed the *Australian Tax Office* (ATO) of the matter and sometime later, I informed COMPANY1 of having informed the ATO of the matter. Nearer to the date of my commencement at DST, I saw in an online listing of registered business entities that COMPANY1 was deregistered, and another company was trading under a very similar name. The matter of the superannuation payments was not resolved. I inferred from this that COMPANY1 may have been deregistered and restarted to escape financial obligations.
19. I told INTELLO1 of my inference regarding COMPANY1 shortly before my commencement with DST Group. I observed in his appearance that the information was of particular interest to INTELLO1. During our meeting in Adelaide, I told (INTELLO2) of my inference regarding COMPANY1. To the best of my recollection, I did not give this information to anyone other than INTELLO1 and INTELLO2 before my assignment to EMBM in 2019.
20. Sometime in 2019 before my assignment to EMBM, I received at my work address an email from the *Australian Public Service Commission* (APSC) containing a newsletter such that would appear to be distributed to public service personnel *en masse*. One of the articles in this newsletter described a kind of activity such as that which I had inferred in relation to COMPANY1. The article gave instructions for reporting activity of this kind to the ATO. I deleted the email from my inbox. Later that same day, the ministers for Defence and Defence Industry publicly announced their resignations.
21. While assigned to EMBM, I formed a suspicion that my supervisor at EMBM (SUPER2) and other members of the group were collecting information about me. Over time, I also came to suspect that the resignation of ministers for Defence and Defence Industry were not independent of the APSC newsletter sent to me that day or the communicating of my inference about COMPANY1 to INTELLO1 and INTELLO2. Sometime after having formed these suspicions, I raised the matter of the APSC newsletter and related details in a discussion with SUPER2. SUPER2's response had the effect of confirming my suspicions.

## Foreign intelligence

22. In November 2018, I travelled overseas. While overseas, I visited the place of business (LOCATION1) of a person (INTELLO3) who was known to me before I sought employment with DST. On one occasion, I met with INTELLO3 at LOCATION1 and made known to him that I suspect him of working for the United States *Central Intelligence Agency* (CIA). INTELLO3's response had the effect of confirming my suspicion.
23. At some time after having made known to INTELLO3 that I suspect him of working for CIA during my November 2018 overseas travel, I corresponded with INTELLO1 by SMS. I informed INTELLO1 that he is "*definitely here in spirit*". I then checked in at LOCATION1 on *Facebook*, with a caption containing the term in relation to which I was to understand that an unauthorised disclosure of confidential information had taken place while I was interviewing at DST Edinburgh. The *2019-2020 Annual Report* by the IGIS makes mention of a November 2018 disclosure of foreign intelligence by the *Australian Security Intelligence Organisation* (ASIO) to two partner services without written approval from the Attorney-General. I believe this disclosure may have been of information about me.



**Part C**

24. When taking action as described in paragraphs 22 and 23, I believed INTELLO1 to be employed by ASIO.
25. When taking action as described in paragraphs 22 and 23, it was my intention to draw the CIA into an investigation of circumstances that had led to events such as those described in *Part B*. It was my belief that events such as those described in *Part B* were resultant of a mistake of fact, and that the mistake of fact would be corrected by necessary outcome of the CIA attending to its own business.
26. The *2019-2020 Annual Report* produced by the Defendant in this proceeding makes mention of unlawful commencement of a joint warranted operation targeting an Australian person of security interest. I believe that I may be this person. I suspect that one or more references in the Defendant's *2019-2020 Annual Report*, further to those mentioned above, may also have to do with me or matters concerning me.

**The contents of this affidavit are true and correct and I make it knowing that a person making a false affidavit may be prosecuted for the offences of perjury.**

Affirmed at Moorabbin

in the State of Victoria on 09 December 2023

Before me,



Michael Gridley  
Sergeant 38360

on 09 December 2023

Moorabbin Police Station  
1011 Nepean Highway  
Moorabbin, Victoria 3189

A person authorised under section 19(1) of the **Oaths and Affirmations Act 2018** to take an affidavit.

FORM 43A

Rule 43.06(3)

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMON LAW DIVISION  
MAJOR TORTS LIST

No.

BETWEEN

JAN MAREK KANT

Plaintiff

-and-

THE INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY

Defendant

CERTIFICATE IDENTIFYING EXHIBIT OR EXHIBITS

Date of Document: 09 December 2023

Filed on behalf of: The Plaintiff

Telephone: 0450 827 208

Prepared by: The Plaintiff

Email: jmjarosz01@gmail.com

3/33 Bewdley Street

Ormond VIC 3204

\*This is the exhibit marked "JMK-1" now produced and shown to Jan Marek Kant at the time of affirming the person's affidavit on 09 December 2023:

.....  


.....  


Michael Gridley  
Sergeant 38360

9/12/23

Moorabbin Police Station  
1011 Nepean Highway  
Moorabbin, Victoria 3189

**Exhibit "JMK-1"**

05 July 2023 email sent to Defendant





Jan Kant &lt;jmjarosz01@gmail.com&gt;

## Re: Your contact with the Office of the Inspector-General of Intelligence and Security [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy]

1 message

Jan Kant <jmjarosz01@gmail.com>  
 To: IGIS Complaints <Complaints@igis.gov.au>

Wed, Jul 5, 2023 at 1:08 PM

Hi IGIS,

Thank you for your email. I'm not especially keen on providing names, locations, details of things said/done, etc. by email. Instead, I'm providing for complaint purposes a document that I prepared earlier for something else. If you need more details, please let me know exactly what you need and how to provide it to you.

The "*members of the public are not able to request or obtain access to current intelligence agency records*" thing doesn't really work for me. I believe that I have been unreasonably inconvenienced by intelligence persons/agencies pretending to do their job while not actually doing it, and I'm trying to decide whether to sue them. Please let me know how I can obtain relevant information.

Kind regards,  
 Jan Kant

On Wed, Jul 5, 2023 at 10:04 AM IGIS Complaints <Complaints@igis.gov.au> wrote:

**OFFICIAL: Sensitive  
 Personal Privacy**

Dear Jan Kant

Thank you for contacting the Inspector-General of Intelligence and Security (IGIS). We are writing to you in response to both the email and webform you submitted on 2 July 2023.

### Your email

In your most recent email you advised that IGIS did not reply to your 13 May 2023 email. We confirm that this Office attempted to send a reply to you on 1 June 2023. It appears there was an error in the email address we used and we are sorry you did not receive our reply. We have attached a copy of our 1 June 2023 response to this email.

In addition we have also attached copies of your previous submissions to this Office as you had requested.

### Your webform

In your webform you said one or more intelligence agencies had interfered with your privacy and requested copies of all documents held by Australian intelligence agencies containing information about you.

Our Office is not in a position to provide you with the documents you requested. IGIS cannot assist you to obtain files from any intelligence agency. Intelligence agencies are exempt agencies under the Freedom of Information Act 1982. This means members of the public are not able to request or obtain access to current intelligence agency records. Requests for historical intelligence agency records should be directed to the National Archives of Australia.

IGIS's role is to review the conduct of Australian intelligence agencies, including in response to complaints, to ensure that they act legally and properly, and consistently with human rights.

Information about the roles and responsibilities of the IGIS is available at <https://www.igis.gov.au/what-we-do>.

If you would like to make a complaint about an intelligence agency, please provide further details of the matters you raised (such as the nature of the incident/s, when it occurred, what was said/done, who was responsible and where it happened). If you do not provide our Office with this additional information we will be unable to take any action on your complaint.

We trust this information is of assistance to you.

Sincerely

## Disclosures and Complaints

Office of the Inspector-General of Intelligence and Security

T: (02) 6141 4555

E: [complaints@igis.gov.au](mailto:complaints@igis.gov.au)

W: [www.igis.gov.au](http://www.igis.gov.au)

*We acknowledge the Traditional Owners of Country throughout Australia and recognise the continuing connection to lands, waters, and communities. We pay our respects to Aboriginal and Torres Strait Islander cultures, and to Elders past and present.*

FOI and Archives Act warning: This is an exempt document under the Freedom of Information Act 1982 and may be an exempt record under the Archives Act 1983. Consult the Inspector-General of Intelligence and Security on any FOI or Archives Act request.

**OFFICIAL: Sensitive  
Personal Privacy**

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

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 **20230603-County-002-form-affidavit.pdf**  
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