

**Submission
No 4**

**INQUIRY INTO NSW GOVERNMENT'S USE AND
MANAGEMENT OF CONSULTING SERVICES**

Name: Mr John Kite

Date Received: 27 June 2023

I would like to offer the following circumstances that I believe may be of interest to the inquiry.

My circumstances would indicate that as early as 2000 the NSW public sector had sought the involvement of PWC to justify its decision making.

Precis

In 2000 I was investigated by the NSW ICAC concerning the Authorship of a document identified in a report as Exhibit 3 that suggested corrupt conduct involving the NSW ICAC.

The ICAC Copyrighted report was titled "John Kite and National Parks and Wildlife Service" Dated Dec 2001. The report details the unusual circumstances where ICAC had enlisted PWC's consultancy to examine my personal computer hard drive after it had been previously examined by ICAC computer experts.

PWC claimed to have found edited versions of the document as deleted text on the computer hard drive which had no operating system installed to create or edit the text..

The ICAC finding had fatally miscalculated that the secondary slave drive was the Primary drive.

ICAC then changed course to make a "Finding of Fact" based on PWC's claim that a floppy drive and my personal computer had been used and edited to create two documents identified as Exhibits 39 and 40. The recovered text was claimed to be conclusive forerunners in creating the contested document Exhibit 3.

Despite the three exhibits showing contested discrepancies in place and date of creation, format, font and font size to disassociate the claimed connection the ICAC adopted the evidence of PWC and found that I was the Author of all exhibits resulting in my false indictment for Perverting the Course of Justice.

In 2005 I was acquitted of the crime. The trial Judge had first raised his concern in the absence of the Jury questioning if ICAC had acted corruptly in bringing the charge against me then addressed the jury again raising the question if the ICAC had within it corrupt officers . (A copy of the verdict is attached. Dated 30 Nov 2005 No. 5/11/0246 Judge Solomon.)

The acquittal and concerns by the trial judge raises unresolved and very serious questions involving complicity by PWC in a criminal act that caused a false indictment..

The circumstances question if PWC had created a version of the document at the behest of the ICAC or had the NSW ICAC enlisted PWC to discover the deleted text created when in the ICAC custody to establish a "Finding of Fact" that was found under trial conditions to be baseless.

There are very strong indicators that the ICAC had enlisted PWC as a hired gun to cloak its exposure to the corrupt conduct indicated in Exhibit 3. That conduct continued throughout the course of a very expensive and long running inquiry. I strongly believe that collusion would surely follow the money trail.

Not only had the ICAC misled Parliament by declaring the report be made public in accordance with section 78(2) Of the ICAC Act 1988 as to its "Findings of Fact" based on PWC's unsubstantiated claim but, despite my repeated requests the ICAC continues to resist any inquiry into the matter.

("Finding of Fact." Conclusive evidence sufficient to convince a Judge or Jury that an offence had occurred).

Yours Sincerely

John Kite