

EMBERPUB01784  
01/08/2019

EMBER  
pp 01784-01828

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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

PUBLIC HEARING

OPERATION EMBER

Reference: Operation E18/0281

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 1 AUGUST, 2019

AT 2.00PM

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This transcript has been prepared in accordance with conventions used in the Supreme Court.

<STEPHEN ALAN THAMMIAH, on former affirmation [2.10pm]

THE COMMISSIONER: Mr Thammiah.

MS WRIGHT: Mr Thammiah, first project that you were awarded was the under-vehicle camera project, correct?---Yes.

10 Is it the case that Mr Soliman asked you to purchase 21 under-vehicle cameras?---Yes.

What was to be your role in this matter?---Sorry, purchasing and supporting the hardware and I guess also running a trial of the equipment itself.

And Mr Soliman told you which company to purchase the hardware from? ---Yes.

And he told you the type of camera to purchase?---Yes.

20 And how many to purchase?---Yes.

And that was a company in Canada from whom you made the purchase? ---Yes.

And do you recall how much you paid for each camera?---I think it was two-four, was that – well, yeah, roughly two-four.

For 24 cameras?---Yes. Yes.

30 What do you mean by two-four?---Sorry, \$2,400. But if I can get that document (not transcribable)

And this is at the end of 2015?---Yes, that's the one.

And where were the cameras delivered?---I believe they were delivered to RMS.

40 And you didn't handle them at all?---No, they required a – sorry, a, I guess they required more of a ruggedised - - -

But if you could just deal with my question, you didn't handle the cameras as all yourself?---No, only on the trials.

And if something had have gone wrong with the cameras requiring support, how were you proposing to provide that support?---Depends on the problem but just basic, basic troubleshooting I could do and anything that required any replacement, I'd get replacements for, but it wasn't a, wasn't exactly a very complicated piece of equipment.

And the Commission has heard evidence that it was Mr Singh who put together a short manual for inspectors who would be ultimately using the cameras?---Yes.

That could fall within what you'd call support, could it not?---Yeah, definitely.

10 But it's not something that you did yourself?---No, it was, I believe that was actually Jai taking initiative.

But you were being paid, you said, to procure and support or your role was to procure and support these cameras.---I agree if a user guide was required, it should have been asked.

And did you in fact provide any support at all with respect to these cameras to RMS employees?---No, not in respect to these cameras. After the trial was conducted, yeah, that was pretty much it.

20 And if they had have required fixing, you would have had to get someone else to do that repair job?---Sorry, it depends on what was actually wrong.

But you didn't have any (not transcribable) fixing a camera, a broken camera, did you?---Sorry, I've, I've got general experience with multiple electronics, like, in the field of electronics. I have no problem supporting a piece of electronic equipment that's quite basic. But, yeah.

30 So if you had had to open up one of these cameras to fix it, do you say that you had the skills to do that?---Yeah, definitely.

Where did you get those skills?---I've worked as a technician. I've done an electrical engineering background. I have - - -

THE COMMISSIONER: Have you got an electrical engineering background?---Yeah, telco and electrical engineering spend the first three years doing the exact same subjects.

40 MS WRIGHT: Have you ever opened up a camera and fixed one?---Not that particular camera, no.

I have a variation application, Commissioner. It's in relation to page 75, lines 31 to 34.

THE COMMISSIONER: So line 31 to 34?

MS WRIGHT: Yes.

THE COMMISSIONER: All right. The non-publication order made on 4 December, 2018, in respect of the evidence of this witness will be varied to exclude the evidence given by the witness as recorded at page 75, lines 31 to 34.

10 **VARIATION OF SUPPRESSION ORDER: THE NON-PUBLICATION ORDER MADE ON 4 DECEMBER, 2018, IN RESPECT OF THE EVIDENCE OF THIS WITNESS WILL BE VARIED TO EXCLUDE THE EVIDENCE GIVEN BY THE WITNESS AS RECORDED AT PAGE 75, LINES 31 TO 34.**

MS WRIGHT: Mr Thammiah, I'm just going to put to you some evidence you gave to the Commission on 4 December, 2018, in relation to these cameras.---Yep.

20 And you were asked, "Your ongoing role is if there's a problem with the camera, they will contact you, but basically you don't have the expertise to fix them. You would have to contract that out to some local engineer or somebody with relevant expertise," and you answered, "Yeah." You recall that answer that you gave to the Commission?---Yep.

But your evidence here today has been that you have expertise as a technician to fix or repair broken cameras of this type if necessary. That's been the effect of your evidence this afternoon?---Yeah.

30 And you told the Commission something at odds with that evidence, back in December last year. Do you agree with that?---Yes.

And your evidence has changed because you, because why?---Oh, because it's in my nature to actually try and fix the problem first and I can't suggest that I would need that external support unless I've actually exhausted my own experience, I suppose. And I do have that experience.

Mr Thammiah, you were quite emphatic in your answers that you had the expertise to fix these cameras yourself. Weren't you?---Sorry, yes, now? Sorry.

40 And by giving that evidence, you were suggesting that you were in a position to support these cameras, which was what you were paid by RMS to do. That's why you gave those answers, didn't you?---No. Just trying to answer the question.

I was asking you about your role in procuring and providing support for these cameras.---Yep.

And I asked you what would happen if the cameras needed to be fixed, and you said, "I could do it."

THE COMMISSIONER: "It's not a complicated piece of equipment."  
---Yep.

And your evidence is contrary to the answer you gave under oath or affirmation on 4 December, isn't it?---Yes.

10 Well, step number one, which one is true? Is it the evidence you gave today on affirmation, or the evidence you gave on 4 December on affirmation? Which one's the true answer?---Well, I guess it's both, because I would obviously try and fix it myself first, that would be the - - -

No. Mr Thammiah, you gave evidence today that your view, you have the expertise to fix the camera.---Yep.

20 And 4 December, you gave a contrary answer, that you didn't have that expertise, and it would have to be contracted out to a local engineer or somebody with the relevant expertise, and you said, "Yes."---Yeah, I guess I disregarded my own experience at that point.

All right, so that question that you gave on affirmation isn't true, on the, the evidence you gave on 4 December?---I guess it's not 100 per cent true, yes.

30 MS WRIGHT: Well, I suggest it's the evidence that you're giving today which is not true, Mr Thammiah. You wouldn't, and had no intention of fixing these cameras yourself, did you?---No, I did. If any issue was raised by RMS, I took all levels of appropriate action and always, I was the first point.

You didn't even provide a manual for these cameras, it was Mr Singh who had to do that.---The device itself is quite easy to operate, I don't even think a manual is required personally.

40 And Mr Soliman told you which camera to get, didn't he?---Yes, because this was something that they had originally kind of trialled I guess, they've, yeah, they, they picked this camera because they purchased one and kind of gave it their approval.

You had no relevant skillset to know what to be purchasing. You were just following a direction from your friend, Mr Soliman, when you purchased those cameras.---Yeah, he proposed that I would be able to support this product for RMS and that would give me an opportunity to work with them.

THE COMMISSIONER: You basically did no support, providing no support in substance, did you?---No, because they ultimately decided against going with these cameras.

You didn't provide the manual, that was Jai's initiative, as you answered?  
---Yeah, but those, like I said, nobody asked me to put something together,  
if it was asked I would do it. I've never said no.

And you never fixed one?---No, they, yeah.

MS WRIGHT: How did you know what price to quote to RMS for this  
work?---Sorry, I wasn't - - -

10

How did you know what price to quote to RMS for these cameras?---I guess  
I wasn't too sure how to effectively cost them out but - - -

THE COMMISSIONER: Well, you put forward a price to RMS, didn't  
you?---Yeah.

How did you determine that price?---I guess it was a rough estimate based  
on the support required as well, because there was a - - -

20

Sorry, please answer?---Yeah, sorry, there was a clause in there about if  
they were to return the cameras, about returning the cameras, so that I guess  
put me in a position to lose, if that makes sense.

Right. So there's – sorry, so you're saying because there's a provision that  
they could return the cameras, you may lose?---Sorry, I should have said  
that better. I guess the clause under the warranty and support, I needed to  
actually be able to undertake these tasks and I guess I predicted a worst case  
scenario that they would all be returned and as well as the fact that there was  
trial that was I guess accounted for in this cost as well.

30

MS WRIGHT: You didn't quote for a trial, Mr Thammiah.

MR JAMES: Before my friend goes on, can I please – at page 223T, lines  
10 to 30 is the evidence concerning the providence of the documentation  
instructions and so forth, particularly commencing at line 9.

THE COMMISSIONER: Yes, what's your point?

40

MR JAMES: The answer to the question is, something comes, well, without  
going into the factual matters before this, while this witness is here, but  
Your Honour will see there's reference to how something was provided,  
something else was done, then there was some lamination, then what, as to  
what was necessary to be able to use or operate and so forth the device, the  
necessity for any change and so forth, and even down to the part at line 30.  
I'm just simply suggesting that it was not the, not the case as the question  
postulated that these things were complicated and Mr Singh had to adopt  
any complex or complicated role. He simplified something and laminated  
it.

THE COMMISSIONER: I think the point Ms Wright is making is that, as agreed by the witness, support would have included provision of a manual and he did not provide it.

MR JAMES: No, but there's a reason - - -

10 THE COMMISSIONER: And if it was a particular type of manual, whether it was laminated or not, he did not provide the manual. That's the relevant evidence.

MR JAMES: But the relevant evidence is that it came with the camera – that is, the manual – and Mr Singh simplified it and laminated his simplification.

THE COMMISSIONER: And also I note Novation didn't provide any training in how to use the cameras.

20 MR JAMES: And indeed Mr Singh goes on to say training was not necessary.

THE COMMISSIONER: Continue, Ms Wright.

MS WRIGHT: You quoted RMS \$2,180 per unit for these cameras. Do you agree with that?---Yep.

30 How did you know what price to quote to RMS for the work? How did you come up with that price?---Yeah, it was based on that document supporting them and - - -

THE COMMISSIONER: Sorry, that - - -

MS WRIGHT: What document?

THE COMMISSIONER: Yes, what document?---Sorry, the, the quote that had the warranty support statements regarding the purchase.

40 MS WRIGHT: What quote are you referring to? The quote from Medit? ---No, the one provided to Roads and Maritime, the one with the clauses about returns and supporting the product?

Is that a quote provided by Novation to RMS?---Yeah.

What quote are you referring to?---Sorry, I thought that was - - -

THE COMMISSIONER: We don't understand which document you're talking about.---Sorry, I thought it was the one referencing the price of the 21 cameras.

You've been asked how did you determine the price that you quoted to RMS.---Yeah.

And you have talked about a document. Your answer was "the document". We're trying to work out what document it is. So what document are you referring to?---Yeah, that was just the quote, I guess, to (not transcribable)

10 So the quote that Novation provided to RMS obviously contains the price.  
---Yeah, and the level of support.

And how did you come up with the figure, the actual monetary figure in that quote? Did you pluck it out of thin air or did you do some comparison? Was there anything scientific to it? How did you come up with the figure?  
---Yeah, I, I basically think it was based on the, the fact that the products can be returned post the refurb.

20 Sorry, the products could be returned post - - -?---Post the refurb. There was like a, like a refurb of the product itself. It wasn't delivered straight to Roads and Maritime Services, so I still, I was supporting a product that was, yeah, I guess changed, I guess.

All right. So in the determination of the figure you quoted, the fact that the products could be returned after they had been fabricated was something that you took into account, is that what you're saying?---Yeah, and, yeah, and the additional cost of I guess the trial.

And the additional cost of the trial.

30 MS WRIGHT: Where do you say the term "allowing RMS to return to you modified cameras" came from?---I don't know if it was set out in those words. I - - -

THE COMMISSIONER: Well, you've referred to a clause a provision in the quote you provided.---Yeah.

40 That would suggest there's some wording in the quote.---Yeah, I guess it does say that once the, once RMS receive the product, and they only received it after it was altered or changed by the third party fabricator.

MS WRIGHT: Mr Thammiah, it's just not making any sense. These cameras were delivered to RMS, were they not?---Yeah, but then they were modified.

Could you just answer my question?---Yes. Sorry.

THE COMMISSIONER: I think we've got to take it in stages.---Yeah, sure.

MS WRIGHT: They were delivered to RMS, and to your knowledge they were thereafter modified, correct?---Yes.

You quoted for \$2,180 per camera.---Yes.

And you say that you came up with that figure.---(No Audible Reply)

You need to answer verbally.---Yes, sorry.

10

And that figure took into account the fact that the cameras might be returned to you by RMS.---Yes.

And you say that it took into account that even if RMS had modified the cameras, RMS was entitled to return the cameras to you?---Yeah, that was my assumption.

20

And do you agree that that would be a very unusual state of affairs for someone to whom you sell a product who then, of its own volition, modifies the product to then return it to the vendor modified?---Yeah, but that was I guess the price of working with them.

You agree that's unusual? That's not usually the case, is it, in life?---No, it's unusual.

Yes, so why would you make that assumption, Mr Thammiah, that RMS could return the products to you in modified form?---Because that's the best case scenario for the customers, so - - -

30

No-one ever said that to you, did they?---That's, I guess it's my prerogative whether to do that or not - - -

Answer my question, please.--- - - - for the customer.

No-one ever said that to you.

MR JAMES: I'm sorry, with respect, he should be allowed to finish his first answer, and then finish what he needs to say concerning it.

40

THE COMMISSIONER: Your answer, finished your answer?---Sorry, yes.

MS WRIGHT: I asked you, I put to you, no-one ever suggested it to you, that that's what would happen, and you said, "It's my prerogative."---Yeah, no-one suggested I had to support them, no.

No. And so really, wasn't the position this, that you charged \$2,180 per unit to maximise the amount of profit that you could squeeze out of RMS on this contract?---No, not at all. I - - -

Because Medit charged you how much per camera?---I'm not too sure, I think it was around 500.

Australian dollars?---Yeah, I think so.

And you were charging \$1,680 mark-up on that price.---Yes.

10 You don't think that's exorbitant?---Not considering, like you said, it wasn't very standard, in terms of the support.

Mr Thammiah - - -

THE COMMISSIONER: Sorry, I don't understand that.---Well, you - - -

It's not really standard with the support? What are you talking about?  
---(not transcribable) the support provided is not a standard support that you would provide after someone's refurbished a product that you've sold them.

20 MS WRIGHT: What I'm suggesting is, you've made that up, Mr Thammiah. No-one ever suggested to you that you might have to pay back RMS for these cameras, did they?---I thought it was well within their rights, based on that quote I provided them.

THE COMMISSIONER: If the cameras had been modified after you provided them to RMS, they're changed, aren't they?---Yeah, they've - - -

30 You'd agree with that, the cameras have been changed?---Not the fundamental use, but you know, like, the joints were strengthened with, I guess, some sort of plastic, and they put on more ruggedised wheels, but not the product itself. And I think they lengthened the pole. Yep.

So, the cameras wouldn't have been in an as-new condition, would have they?---No, they, they would have been in brand-new condition.

But they're not like new because they've been changed, haven't they?  
---They've been modified, but, you know, it was a customer requirement that they be modified. I wanted to take that - - -

40 But you didn't modify them.---Yeah, I know, I asked for it, but they said they've got their own third party that they use.

Sorry, so, I'm trying to get my brain around this. So you provide them, and because there's a warranty that says something along the lines of, if the camera is broken or doesn't operate for a period, they could return it to you?  
---Yeah.

And because of that, you charged - - -?---I thought it was quite risky, because I couldn't return that to my wholesale distributor at all.

But if it's a warranty because there's a fault, you must have been able to return it to the person who provided it to you.---But like you said, if it was modified, they're not going to take on any warranty claims. So that was my own warranty claim for RMS.

I just – I'm sorry, I don't – this is just - - -

10

MS WRIGHT: No. Could I take you to volume 1, page 102? See this is the quote, Mr Thammiah, and in, under the returns policy, you say in the second paragraph, towards the end of the line in the second paragraph, "The instrument must be returned in the original packing material and received in like new condition."---Yep.

It doesn't contemplate the return of modified cameras, does it?---No, it doesn't.

20

That's because that was never in contemplation, was it?---No, it was. I guess it was based on the 14 days after the item was received by you.

But you've said no one ever told you that you might need to take these cameras back, no one ever suggested that, did they?---That's, sorry, I presumed that based on the return policy that I wrote for RMS, so it was always a possibility.

30

No one ever suggested that you might have to take these cameras back after RMS had modified them, had they?---Are you, sorry, proposing that I wrote this statement on my own?

THE COMMISSIONER: No. Answer the question, please.

MS WRIGHT: No one ever suggested to you that you might have to accept a return of modified cameras back from RMS, did they?---No, no one suggested it.

40

No. And that is not the reason why you quoted \$2,180 per unit for cameras that you'd paid \$500 for.---That was definitely part of the reason.

And if I could seek a variation, Commissioner, on some evidence given at page 77 on 4 December at lines 30 to line 35.

THE COMMISSIONER: Yes. The non-publication order made on 4 December, 2018 is varied to exclude the evidence of the witness recorded in the transcript at page 77, commencing at line 30 and finishing at line 35.

**VARIATION OF SUPPRESSION ORDER: THE NON-PUBLICATION ORDER MADE ON 4 DECEMBER, 2018 IS VARIED TO EXCLUDE THE EVIDENCE OF THE WITNESS RECORDED IN THE TRANSCRIPT AT PAGE 77, COMMENCING AT LINE 30 AND FINISHING AT LINE 35.**

MS WRIGHT: On 4 December last year you were asked, “How did you know what price to quote to RMS for the work that you were going to undertake?” Answer. “I quoted whatever I thought was reasonable.” Question. “And how did you ascertain what might be reasonable?” Answer. “I guess through my own experience working in a corporate environment, just basically based on what I’m doing.” Do you recall that answer?---Yes.

You said nothing about choosing a price based on the fact you might have to return, accept a return and make a reimbursement for these cameras to RMS, did you, when you gave that evidence?---Sorry, the question that you quoted seems quite broad in nature.

THE COMMISSIONER: No, just answer the question. Don’t argue with the person asking the question. If you can’t understand the question, state that.---Yeah, sorry, could you repeat the question?

MS WRIGHT: You were asked, “How did you know what price to quote to RMS for the work that you were going to undertake?” And you answered, “I quoted whatever I thought was reasonable.” Then you were asked, “And how did you ascertain what might be reasonable?” “I guess through my own experience working in a corporate environment, just basically based on what I’m doing.”---Yes.

Now, you didn’t tell the Commission anything about choosing a price to take into account the possibility you might have to reimburse RMS for the cameras, did you, when you gave that evidence last year?---Yeah, no, I didn’t.

And that’s because you’ve had time to think about how you might justify the excessive mark-up applied by you on the procurement of these cameras for RMS, haven’t you?---No. I believe the previous response was a general answer and not specific to the cameras.

THE COMMISSIONER: You might need to apply further – I’m sorry, I withdraw that. Page 77, line 14 and continuing.

MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: It identifies the subject matter of the questions which then leads to the question that you’ve read out at line 30.

MS WRIGHT: Yes. So I make that application, starting at, that's at line 9 on page 77 to line 28.

THE COMMISSIONER: All right. The non-publication order made on 4 December, 2018 is varied to exclude the evidence of the witness as recorded in the transcript commencing at page 77, line 9 and concluding at line 28.

10 **VARIATION OF SUPPRESSION ORDER: THE NON-PUBLICATION ORDER MADE ON 4 DECEMBER, 2018 IS VARIED TO EXCLUDE THE EVIDENCE OF THE WITNESS AS RECORDED IN THE TRANSCRIPT COMMENCING AT PAGE 77, LINE 9 AND CONCLUDING AT LINE 28.**

MS WRIGHT: Mr Thammiah, you were asked just prior to being asked about the price a question, "And so it's fair to say that that job would have been around this time, September 2015?" Answer, "Yeah, but I'm not, like, obviously it was like a fixed date that the job happened. I'm pretty sure it happened over some time, yeah." Question, "And did you hear about the job through an email or how were you told about the job involving the cameras and obtaining them from Canada?" Answer, "Through Samer." Question, "Verbally, by email?" Answer, "Both, I believe." Question, "Was there a purchase order? Do you recall how it happened?" "I, yeah, I believe there would have been a purchase order and stuff, and created as well, so." Question, "Do you recall whether you had to submit a quote in order to be given this particular contract?" Answer, "Yeah, I believe there were quotes about it." Question, "How did you know how to quote?" Answer, "Sorry, in what sense? How do I, how do I?" And then you were asked the questions that I took you to, "How did you know what price to quote to RMS for the work that you were going to undertake?" and you said, "I quoted whatever I thought was reasonable." And you ascertained what was reasonable through your experience working in the corporate environment.---Yeah.

You see? So you were being asked specifically about these cameras and you said nothing about choosing a price or quoting a price based on any term that might require you to return amended or modified cameras. ---Sorry, yeah, the way I interpreted that question was very generalistic in nature. I should have responded to the cameras specifically.

You were answering questions about the price of the cameras, Mr Thammiah.---Yeah, I agree, but I definitely didn't see the question that way.

What did you think you were being asked about?---Just a generalised question, "How do you quote on your work?"

Now, the quote also included a term that it be 100 per cent payment upon the purchase order creation.---Yes.

Do you agree with that?---Yes.

Who came up with that term? Was it you or was it Mr Soliman?---Came up with the term? I'm not too sure, really, but I mean if it was, it was more than likely given the green light, I guess, or, you know, he approved of the nature of the 100 per cent - - -

10

Did you draft this quote?---Yes.

And so it was you that drafted in the term "100 per cent upon the purchase order created, was it?---Yes.

And you came up with the price, \$2,180 per unit, is that correct?---Yes.

Totalling around \$45,000.---Yes.

20 And you don't accept that that's an unjustified mark-up on US\$389 per camera?---Not at the time I didn't.

Even if one doubles that amount, so if you said it's AU\$500, even if one doubles that, that's \$1,000, you were charging more than double again and you don't think that's a large or unjustified mark-up?---No, not at the time.

And you knew that RMS had purchased these cameras previously, hadn't you? Didn't you?---I knew they'd purchased one I think.

30 And RMS paid significantly over the market price for the cameras, didn't it?

MR JAMES: No, not the previous purchase (not transcribable).

THE WITNESS: Yeah.

MS WRIGHT: And you were paid for that transaction?---Yes.

And your quote did not include any scoping study report to be provided by you, did it?---No, I was told about that requirement verbally.

40

And did any trial actually take place, to your knowledge?---Yes.

Did you attend a trial?---Yes.

Where do you say that was?---At Mount White. I specifically remember that one because we drove up there together and the other one was, I believe it was like, Canterbury Council, around there. There was, I think there was an organised operation with police officers as well, yeah.

And with Mount White you said, "We drove up together." Are you referring to Mr Soliman?---Yes, sorry.

And did he attend Canterbury Council with you as well?---No, that was just the RMS personnel that was running that particular operation.

And what do you say the Mount White trial entailed?---Visually inspecting heavy vehicles using the under-vehicle camera.

10

And doing what?---Performing - - -

Visually inspecting?---Yeah, visually inspecting the undercarriage of the heavy vehicles.

And what happens after you visually inspect the undercarriage, what did you do?---Sorry, no, I didn't do it, it was the RMS personnel that had to do it, using the under-vehicle camera, showcasing how it would be utilised and how it would actually prevent I guess some of the OH&S issues that they, that they had.

20

And why were you there?---That was part of the trial to gain feedback from the operators at Mount White and actually view them using it.

THE COMMISSIONER: So you stood there at Mount White and an inspector went up with the undercover [sic] camera, stuck it underneath a heavy vehicle and what, said this is terrific, I can see lots of things, or this doesn't work, it's not very good, and you recorded those. Is that what happened?---No. Initially, initially they, initially they gave some feedback when we arrived and kind of, I think they complained that one wasn't working, one was, they gave us some information about, yeah, how they'd been using it or not using it and then showed us in practice I guess, yeah, how they were utilising it.

30

Yes. But we're trying to work out what you're doing. You were just standing there and you watched the - - -?---Yeah, it's a trial, so you're actually I guess trying to see where the device is, has a practical nature, whether it has a use, whether it is actually benefitting these personnel the way it's supposed to.

40

But you wouldn't have a clue about that, you don't work as an inspector, that would be reliant on speaking with the inspectors, wouldn't it?  
---That's every trial though, you need to speak to the inspectors to understand.

So I'm trying to ascertain your role. Your role is that the inspectors are there, they're utilising this camera and they're giving you feedback.  
---Yes.

And you're recording the feedback.---Yeah, record feedback, take some pictures and, yeah, just understand I guess from their point of view how practical this device was and whether it could be rolled out.

So that was it, basically inspectors, what did you think, terrific or poor or this, took some photos and that was it?---Yeah, I guess if you kind of bring it down to that level, yes.

10 MS WRIGHT: And how many inspectors were at Mount White when you were there?---I think there were two.

And did they both use this under-vehicle camera?---No, just the one came up with us and inspected the heavy vehicles.

Okay. So one inspector got a camera, stuck it under the vehicle and gave you some feedback. Is that what happened?---No, I think there were several vehicles, but yeah, he showcased how the device worked and where the pain points were and where the positives were I guess.

20

He showcased how the device works, did he?---Yeah, he utilised it in his general inspection of the vehicle that he would normally undertake.

And the feedback was positive or negative?---In that regards it wasn't too bad, but they weren't too happy with I guess the other one that they'd broken.

Why do you say they? You've talked about one inspector.---The personnel. Sorry, the both of them as in two of them, they.

30

You said one inspector came out and used it.

THE COMMISSIONER: I think he said two inspectors were there but one inspector used it.---Yeah, sorry, two were in the office and one came out to the, sorry, inspection bay and used it.

MS WRIGHT: And you got feedback from one or two inspectors?---From two.

40 And the feedback from the two inspectors was positive or negative?---Can't remember if it was, yeah, I remember they were negative about the one that obviously, that they broke, but the other, the other inspector, you know, was fairly happy I guess with that particular one.

And why were you involving yourself in this trial when you hadn't quoted for participation in a trial?---I was told that RMS have a practical nature about the way they work and it would be required of me, yeah.

THE COMMISSIONER: Who told you that?---Samer.

When?---Before the trial started.

But you didn't quote for it.---No.

It wasn't included in the amount that you're charging.---No, but it was I guess seen as the value-add that I could bring to the table.

10 Sorry, the value-add that you could bring to the table?---Yeah, in the general sense just because I quoted that figure, doesn't mean that was all the work. I was told that if any ad hoc requirements came up like a trial, then I should be prepared to do that.

So when were you told that?---Before the trial took place, before those dates.

What, after you provided your quote?---Oh, no, it was like kind of discussed at that point, yeah.

20

Sorry, at what point?---At the point about purchasing the equipment, that the trial would be part of the work as well.

So after you provided the quote?---Yeah.

MS WRIGHT: Is that the only time that you've done work for free for RMS?---No.

At no charge?---No.

30

THE COMMISSIONER: You've done other work for free for RMS? ---Yeah.

What? What other work for free have you done for RMS?---I guess - - -

Don't guess. What work - - -?---Sure.

- - - have you done for free?---If there were any missing parts.

40 Sorry?---Any, if any missing parts issues were raised.

In - - -?---Generally, in, sorry, in - - -

In respect of what equipment?---Yeah, any missing parts from orders or, you know, if, like when the dynamic system was delivered, we had end-to-end delivery of all equipment, but Roads and Maritime told us that there was a missing frame and it was missing screws, so we couldn't actually locate it but we, yeah, just decided to go ahead and deliver it. And I guess

with those issues as well, I provided support to them in resolving the bluetooth and the hardware licence issues that they had.

So they're not the, part of the scoping study. That was part of the delivery of - - -?---Oh, no, the product has been delivered. I was, yeah, I didn't have to do anything.

MS WRIGHT: Now, you submitted a report to Mr Soliman - - -?---Yeah.

10 - - - did you, in relation to the under-vehicle project?---Yeah.

And did you draft that report?---Yeah.

And if we could just have that report at volume 18 of page 74, please. Just going back to page – sorry, we're on page 74. This is your email to Mr Soliman submitting the report, and then the report is at page 75. If you go over the page, page 78, you have an executive summary. You say that "The under-vehicle cameras will prove to be a useful tool for inspectors" in the third paragraph.---Yes.

20

Is that something that you drafted?---Yes.

And what did you base that on?---Sorry, the trials.

What did you base that on?---The trials.

The trial at Mount White?---And at, I think it was Canterbury Council.

30 I thought you said you couldn't recall precisely what the feedback was from Mount White?---Sorry, you - - -

Wasn't that your evidence, that you couldn't recall what the feedback was at Mount White?---Yep. Okay. So from, this document was written in regards to the trials, so it's based on information from the trials. But I can't remember any specific statements from any of the officers, if that's what you're asking.

40 And at Canterbury Council, how many RMS inspectors were there?---I think there were three, from recollection. It was quite a long time ago.

And you say that there was the – the feedback was that it was a useful tool, was it?---In this regards, yes, with mobility impairments.

Mr Thammiah, was the feedback that you received that the cameras were a useful tool?---Yes, in this regard, it was a useful tool for mobility-impaired.

For inspectors that have mobility impairments?---Yeah.

But not otherwise?---No, I don't think so. Well, based on some of the limited views, yes.

Were you aware of other feedback that the units were not considered successful at all?---Yep.

And did you include that in your report?---I am not too sure if I've highlighted that but, yep.

10 You didn't highlight that, did you?---Doesn't look – no, I don't think I did.

And the money that you made from this transaction, what did you do with that?---Sorry, I've got no idea.

And how much did you give to Mr Soliman?---I don't believe I gave him any money from, no, what do you call it, this project. I gave him - - -

Didn't you give him \$10,000 in cash in January, 2016?---Yep.

20 And that was shortly after you were paid by RMS in the order of \$45,000 in December for this project.---Yep.

And a \$10,000 withdrawal was made out of the account into which RMS had paid for this project.---Yes.

You understand?---Yeah.

Didn't that money go to Mr Soliman?---Yes, that did.

30 And you retained the rest for yourself?---Was the company that I kept it in, I, yeah.

You are the company though.---Yeah.

Now, the next project that you were involved in was the mobile automatic number plate recognition camera project. You agree with that?---Yes. Yes.

40 THE COMMISSIONER: Sorry, just before we leave this, can I just get the timeline? Is your evidence that you were told, that you were asked to provide a quote for providing the cameras and the support, and you provided that quote, and then subsequently, Mr Soliman said to you, "You're going to have to do some kind of trial"?---Yep.

And who determined that you'd go to Mount White? Was that Mr Soliman told you that?---I can't recall if it was Jai or Samer.

So it was either Jai or Mr Soliman?---That gave me those locations and dates, yeah.

And I think you said for Mount White you drove up with Mr Soliman?  
---Yep.

So you had no – and when you got to Mount White, there was you said two inspectors in the office there, and one inspector came out and operated the camera.---Yes.

10 And so the scoping, or the trial study, that came about because Mr Soliman told you that he wanted you to do it, and you agreed to do it?---Well, yeah, because that figure was quite large and I did ask, you know, was there any other work involved in this, and that was part of it.

Oh, hold on. Now I'm getting confused. What are you talking about, "I asked if there was any other work involved in it"?---Well, the, the quote that I provided?

Yes, you provided the quote and it was accepted.---Yep.

20 And I thought your evidence was that subsequently you were then told that you were to do a trial.---I think it was around the same time. I'm not too sure if it was post the quote. I feel like it was all discussed around that quote. Sorry for mixing it up.

MS WRIGHT: So in your answers to me you said that RMS told you, and I clarified by that you meant Soliman - - -?---Yes.

30 - - - that you were expected to attend any trial, that as part of this you were expected, there was an expectation - - -?---To do a trial, yeah.

And now you've told the Commissioner that you went and asked is there any other work that I need to do with this, because I was being paid a significant sum of money.---Yeah, fair point. Yeah. I guess I'm a little hazy on who initiated that, but from my perspective, like, I thought it was me, but it – and I say that as well because of kind of I guess my view on the evidence that was submitted so - - -

40 THE COMMISSIONER: Sorry, your view on the?---On the evidence about this particular trial and the document not going anywhere in that respect. Like it was just - - -

So which document going nowhere?---The under-vehicle camera scoping study, yeah.

Right.---Because it was, I feel like, sorry, because it wasn't non-standard I feel like it was just for me, this trial and this requirement.

I'm totally confused.

MS WRIGHT: Mmm.

THE WITNESS: Sorry.

MS WRIGHT: Wasn't there an agreement between you and Mr Soliman that you wouldn't have to do much at all and that you could charge a very large figure to RMS for the purchase of some cameras that RMS wanted to use?---No.

10

Isn't that the truth of it, Mr Thammiah?---No. That's why I - - -

And you knew that you could charge this very high price, this very significant price because your friend would accept it and he would authorise the payment in his capacity as a manager of the Heavy Vehicles Program. ---No. I thought he was acting in the best regards of Roads and Maritime.

And you knew that he could authorise that payment.---Yeah, I'm not sure of the payments but yes, projects for sure.

20

And you could just pick a figure and it would be acceptable and paid.---No, not at all.

And that's why you then gave Mr Soliman \$10,000 cash as his reward for facilitating that contract to Novation.---No. Samer had asked me for that to help out a friend of his that was experiencing financial distress.

And you - - -

30 THE COMMISSIONER: Sorry, so Mr Soliman asked for \$10,000 so he could give it to a friend who was, to a third party who was suffering financial difficulty?---Yeah, he did. Yeah, he took me to his house and showed me this person and kind of made it out that I was helping him kind of I guess from an altruistic perspective and, yeah, he said that this friend of his helped him out during his divorce, much like I guess he was providing some support to me at the time.

So who was this person, what's the person's name?---He said Tim.

40 Tim?---Yeah. He's an Islander guy with sort of a square jaw, a bit shorter than me.

Sorry?---I went out to his house - - -

Tim, an Islander guy with square jaw?---Yeah, he, the property was out on Rooty Hill Road, that was the house, so he was renting a room there so it was share house, yeah, and he took me there and kind of showed me this person but didn't really discuss the particulars regarding helping him out of

this financial stress but I guess made me believe that that was why he needed the 10,000.

And so you didn't give the 10,000 directly to Tim with the square jaw, you gave it to Mr Soliman?---Yeah.

In the expectation that he was going to give it to Tim, the Islander with the square jaw. And were you ever going to get it back or what?---From Mr Soliman, yeah.

10

So you were going to get it back from Mr Soliman?---Yeah.

Did you ever get it back from Mr Soliman?---No. He pursued a larger loan instead.

And, sorry, with the undercover, sorry, undercover, under-vehicle camera study, how did you know what to do, what you were doing, were you just basically told by Mr Soliman, we need you to do a study on how it works or if the inspectors like it, was that how it came about?---As in, sorry?

20

Sorry, you've given evidence I think basically that you've provided a quote and you thought that was to provide the cameras and for support, and then we're a little bit hazy about this, but at some stage you're told scoping study.---Yeah.

Or trial study.---Yeah.

Now you told us that Mr Soliman informed you that it would be at Mount White?---Yeah, I think there were three sites.

30

Well, you've told us about Mount White.---Mount White and - - -

Then you told us something about Canterbury Council which involved the police and some RMS personnel.---Yeah, had a drug van there as well, yeah (not transcribable)

And so they're the only two you've told us about, the two sites.---Yeah.

40

Was that it?---Yeah, I think there was a third but I don't think we ended up going to the third site, yeah.

And so your evidence is Mr Soliman said to you, "My expectation is that you do this study."---Yeah.

Did he then say to you, "And the study is to determine if the inspectors find it a useful piece of equipment"? Is that kind of it?---Yeah, there was - - -

Is that what you were told?---Yeah, basically to see how functional it was and, yeah - - -

And that was just a verbal discussion with Mr Soliman?---Yes.

And then he told you that you were going to go to Mount White and undertake at least part of this study?---Part of the trial there, yeah.

10 And that was it. So all the information you're getting is from Mr Soliman.  
---Yes.

And you're only dealing with him about what is involved in the study?  
---Yes.

All right.

MS WRIGHT: Could I just take you to volume 20, please, at page 120.

20 THE COMMISSIONER: And so Tim you'd never met before?---I had met  
him on one occasion before but - - -

What, just in a social context?---Yeah, in a social context.

MS WRIGHT: Do you see here, Mr Thammiah, an account with ANZ in your name, account number ending 8-7-2-5, a Business Premium Saver account?---Yes.

And do you see a deposit on the 22 December, 2018 for \$45,780?---Yes.

30 Will you accept from me that that is the remittance by RMS for this under-  
vehicle camera project?---Yes.

Do you see the withdrawal on 13 January in the amount of \$10,000?---Yes.

And you understand that's the withdrawal that I was asking you about of cash which was given to Mr Soliman?---Yes. Yes.

40 And that is the amount that you say was given to him in respect of or to  
assist this person called Tim.---Yeah.

Is that your evidence?---Yeah.

That's why you gave it to him.---Yes.

That was the sole reason you gave him that money, to assist this person called Tim, is that correct?---Yes.

Could I seek a variation order, Commissioner, in relation to page 62?

THE COMMISSIONER: Sorry.

MS WRIGHT: Perhaps starting at line 40 and then going to the next page, on page 59, to line, so 59 - - -

THE COMMISSIONER: Sorry, 63? Sorry.

MS WRIGHT: I'm sorry. 62.

10

THE COMMISSIONER: 62, line 40.

MS WRIGHT: I'm sorry, Commissioner. I have an issue with my page numbering. I'm sorry, Commissioner, I'll just have to – it will have to be, it will have to start, there's in fact a number of extracts starting at page 59. 62. I'm sorry, Commissioner, I'll just have to, it'll have to be, it'll have to start, there's in fact a number of extracts. Starting at page 59 - - -

THE COMMISSIONER: Hold on.

20

MS WRIGHT: Line 1 to line 12. And then line 62, oh, sorry, page 62.

THE COMMISSIONER: Yes.

MS WRIGHT: Line 40 to the end of that page.

THE COMMISSIONER: Yes.

30

MS WRIGHT: And I think that's – and then it'll have to continue, I'm sorry, Commissioner, page 64, and at the bottom of the page, line 46 to 48. And then page 65, lines 1 to 10.

THE COMMISSIONER: The non-publication order made on 4 December, 2018, is varied to exclude the evidence of the witness recorded in the transcripts commencing at page 59, lines 1 to 12, page 62, lines 40 to 48, page 64, lines 46 to 48, and page 65, lines 1 to 10.

40

**VARIATION OF SUPPRESSION ORDER: THE NON-PUBLICATION ORDER MADE ON 4 DECEMBER, 2018, IS VARIED TO EXCLUDE THE EVIDENCE OF THE WITNESS RECORDED IN THE TRANSCRIPTS COMMENCING AT PAGE 59, LINES 1 TO 12, PAGE 62, LINES 40 TO 48, PAGE 64, LINES 46 TO 48, AND PAGE 65, LINES 1 TO 10.**

MR JAMES: Commissioner, I did not appear in, and nor did my instructing solicitor in the closed session. The counsel who was in that is no longer in

the matter. We would seek a variation so that we can have the context surrounding those passages in respect of which you have made the variation order, so that we're in a position to be able to make sure that the passages are put in context if we need to.

10 THE COMMISSIONER: What I propose, Mr James, is I'm going to allow Ms Wright to ask the questions, because – sorry, I won't explain, I'll ask her, allow her to ask the questions. When you hear the questions, if there is some issue, you can raise it again. But I think to be fair, allow her to raise the questions and answers. If it is some issue is out of context, I can determine that at the moment.

MR JAMES: Oh, we won't know, of course. We have no objection to the questions being asked. We only want to be in a position so that we're able to look at the context when the questions are asked.

THE COMMISSIONER: Well, I'm not allowing, I won't allow that application.

20 MR JAMES: May it please.

THE COMMISSIONER: Ms Wright.

MS WRIGHT: Mr Thammiah, you gave evidence on 4 December, 2018, about a loan to Mr Soliman, and I'll just read you some questions. Question, "So how much did you say you could lend him?" Answer, "Initially I think maybe it was 7,000." Question, "And you said it then required repeated withdrawals of cash, so you gave him a card." Answer, "Yeah, because he was building a house, and said obviously if I could help  
30 him out, and so that was quite a bit of money." Question, "So casting your mind back to 2016, there was an initial approach to you, you think it was for 7,000." Answer, "Yeah." Question, "And you recall giving that to him in cash?" Answer, "Yeah." Then on page 62, line 40, question. "You've given evidence that you're making these withdrawals which are some kind of a loan. Correct?" Answer. "Yeah, he was in financial stress." Question. "And you've said, you've just said that they came out of your personal account." Answer. "Yes, but I mean I - - -" Question. "And you can see the first one on 13 January, there's \$10,000 coming out of your personal account." "Yes." At page 64 you were asked, "Mr Thammiah, can you  
40 look at that table and look at the amount that was withdrawn on 13 January, 2006 [sic] which is a \$10,000 cash withdrawal." "Yes." Question. "200 \$50 notes. Can you tell us what that withdrawal was for?" Answer. "I believe some of it went to Samer and some of it went to me." Question. "How much of it went to Samer, can you remember?" Answer. "Seven. That was my initial - - -" Question. "I'm sorry?" Answer. "Seven, yeah." Question. "7,000?" Answer. "7,000, yeah." Now, do you recall the general gist of those questions and answers?---Yes.

And you were being asked about this amount of \$10,000 which I took you to on the screen a moment ago, made from your account on 13 January, 2016.---Yeah.

And your evidence was that you provided a loan to Mr Soliman, wasn't it?  
---Yes.

10 And you said that he was building a house and needed money for that purpose. That was the effect of one of your answers, wasn't it?---Yes.

And that you had given him \$7,000 and kept some of it yourself.---Yes.

Your evidence today has been somewhat different. Do you agree?  
---Definitely.

20 Which version is true in respect of this withdrawal of \$10,000 from your account on 13 January, 2016?---The account now. At the time when I answered the question I didn't realise the difference between when the, when the loan started and it was constant amounts being taken out of my account and the 10,000 being separated. When I saw that in sort of the statements I guess later on I realised what had happened initially with that particular sum, that's why I'm clarifying.

Do you say that after you were examined by the Commission in December last year, you then examined your accounts?---I don't think I willingly, I think it was more to do with the general ongoing lawyer discussions that kind of brought it about.

30 THE COMMISSIONER: Sorry, lawyer discussions?---Yeah.

What, between you and your lawyer or - - -?---Yeah, yeah.

MS WRIGHT: And are you saying that you realised that evidence that you'd given to the Commission in December was not true?---Yes.

And because it was not true because in fact you gave Mr Soliman the entire \$10,000, rather than \$7,000. Correct?---Yes.

40 And you had not said to the Commission anything about a person called Tim, had you?---No, I had not.

And when you told the Commission that you had given Mr Soliman a loan because he was building a house, that was not true, was it?---It was, but only I guess in, was it June? June, when those payments started, when that loan started initially.

June what year?---2016.

What commenced in June 2016?---I believe that's when he asked me for the loan, after I was separated, when I was quite vulnerable, he took advantage of that opportunity.

So Mr Soliman, you thought, seeing that you were in a vulnerable position, asked you for money. Is that your evidence?---Yes, yes.

10 Any payments that you made to him prior to June 2016 were not for a loan to him. Correct?---I know it was a loan to him but it was, he had created another reason I guess for that initial 10,000.

I see. So the initial payment of 10,000, that was a loan but it was not for the purpose of building his house?---Yes.

20 And when you gave that evidence to the Commission in December 2018, you were telling a lie to the Commission?---No, I completely, like, I didn't even recall any of the transactions. I didn't even recall this person. It was only until I was trying to figure out why there was such a disparity (not transcribable)

If you didn't recall - - -

THE COMMISSIONER: Sorry, disparity in what?---In the amounts, when the amounts were taken out of my account. 10,000 was quite an outlier, I guess.

30 MS WRIGHT: If you didn't recall, why was it that you suggested that you provided an initial payment of \$7,000 because he was building a house?---I guess it was just at the time I answered as best as I could. I wasn't, I guess, thinking about it as much as I should have and taking my time.

THE COMMISSIONER: You've never seen the \$10,000 again, did you?  
---No, I haven't.

40 And it's, can I say, they're unusual circumstances that you've given evidence about this afternoon, that you're taken to a house where this person who you've described in a rather particular way, Tim, an Islander with the square jaw, was present in a room in a share household, going through a divorce, and \$10,000 is provided to Mr Soliman on the basis of a loan going to Tim, and that money never comes back to you. That description and those circumstances, I can't really see how anybody could forget that, and you seem to have forgotten it, on your current evidence, in December 2018.  
---Yeah, unfortunately my relationship with Samer has left me, I guess, with the inability to kind of see the patterns and - - -

That's not what I'm asking. I'm asking that – sorry, my point is the description you've given today of the circumstances in which you handed over \$10,000 to Mr Soliman is very unusual.---Yeah.

It's not a run-of-the-mill he needed money because he was building a house. It is quite unusual evidence, and because it's unusual evidence I have difficulty in understanding how you could have forgotten those circumstances.---Yeah, I guess it's - - -

Do you understand what I'm saying to you?---Yeah, I guess it's because at the time I was going through my own, I guess, personal problems.

10 What, in December 2018?---Oh, ah - - -

Yes, in December 2018 you give an account which doesn't mention Tim with the square jaw, the Islander.---No, yeah, yeah.

My point being – and I'll be quite blunt with you – it just has the suggestion of fabrication today.---Yeah, look, I apologise we're having that viewpoint, but I guess at the time it's not like I was well – yeah, sorry, I want to just touch on some personal health issues - - -

20 See, in December – I'm looking at the answer you gave in December 2018. ---Yeah.

Now, in December 2018 we're not going through your mental health crisis or your health crisis, is that the case?---No, it was - - -

It's still ongoing?---Yeah, unfortunately, yeah. Yeah.

All right. Ms Wright, you take over.---Yeah, sorry, I did, yeah, doesn't matter.

30

MS WRIGHT: Mr Thammiah, this loan of \$10,000, you call it a loan, do you?---Yes.

Did you document it in any way in January 2016?---No, but I should have.

At any stage did you document it?---No. Samer did.

Was there any interest payable on it by either Tim or Soliman?---No.

40 None of it's ever been paid back?---No.

And, really, it was a gift to Mr Soliman, wasn't it, by you?---No, it wasn't.

Now coming back to the mobile ANPR camera project, that was the second scoping study project that you were awarded.---Yes.

The first if we don't count the under-vehicle cameras as a scoping study. ---Yeah.

But the second project overall. You'd never done anything like this project before, had you, dealing with automatic number plate recognition devices?  
---No.

How did you know how to quote for this job?---Yeah, it was based on the requirements that they outlined.

10 Who is "they"?---Sorry, Roads and Maritime. Samer.

You're not trying to protect Mr Soliman in your evidence that you're giving today, are you, Mr Thammiah?---No.

Because in referring to RMS and "they", it seems that you're trying to minimise Mr Soliman's involvement.

MR JAMES: With respect, with respect, he said, "RMS, Samer," in that reply he gave a few moments ago.

20 THE COMMISSIONER: I think he said "they".

MR JAMES: He did, and he later said, "RMS, Samer," when asked who "they" was.

MS WRIGHT: When asked. And my point is the initial question, the initial answer was "they" and RMS.

30 THE COMMISSIONER: Was "they".---Yeah, sorry, I, yeah, I always thought that he acted on behalf of an organisation.

MS WRIGHT: He was really the main person that you dealt with, wasn't he?---Yes.

Now, how did you know how to quote for this job? Was it Samer who told you what the price should be?---No, he told me what the requirements were.

And based on those requirements, you say you came up with the price, did you?---Yeah.

40 And what was the price that you came up with?---I can't remember off the top of my head. I think it was 80 - - -

You issued a quote on behalf of Novation for this job?---Yes.

And I'll take you to that at volume 1, page 124. Sorry, just before we go to that, if we could just go back to page 122A. Here is an email from you to Mr Soliman of 3 December, 2015, attaching a quote for this project. Do you see that?---Yes.

Quote 89. And then turning to page 122B it's Novation's quote for the mobile ANPR technology.---Yes.

See? And you've included within the scope of works "Research world best practice mobile ANPR systems."---Yes.

And another five items.---Yeah.

10 You see that? And they include fabrication of the camera mounting.---Yes.

And fabrication of an in-car camera mounting.---Yes.

And a report. You see that?---Yes.

And over the page you've provided a fixed-cost quotation for \$39,540, excluding GST.---Yes.

20 And that's the total figure for all of those items falling within the scope of works on the previous page, correct?---Yes.

And you've included payment milestones of 50 per cent upon project initiation and 50 per cent upon report acceptance.---Yes.

You see that? And so 50 per cent would be about \$20,000, is that correct? ---Yes.

And that's the price that you figured might be acceptable by RMS, is it? ---Sorry, this 39,000?

30 Yes.---Yes.

Yet you've done nothing before like this. Did you just pick that figure out of the air or how did you come to it?---I, yeah, I guess it was based on the requirements and the trial period as well, the, yeah.

It's not a figure that Mr Soliman suggested to you?---No, I don't believe so.

40 And when you say it was based on the requirements, how were you given the requirements?---Verbally.

By whom?---Samer Soliman.

The requirements are set out in the scope of works at page 1 of this quote, being page 122B of volume 1 of the brief, are they the requirements that he verbally communicated to you?---Yeah.

And they're quite specific and lengthy, do you agree?---Yeah, I suppose.

You would have had to write them down when he verbally conveyed them to you, wouldn't you?---Yeah.

Or did you recall them and then write them down later?---No, I probably typed it up as we spoke, yeah.

And where were you when he gave you the requirements?---More than likely in his room.

10

What room?---Sorry, at his house, yeah, his house in his room.

And he conveyed them to you verbally and did you then go home and type them up on your computer?---Either that or there, more than likely there.

At his house?---Yeah.

And yet you came up with the price.---Yeah.

20

So he didn't – did you discuss it with him at that time at his house when you were drafting up the quote?---More than likely, yeah.

And did he indicate that that was an acceptable quote?---I don't know if he made such indications.

I didn't hear the last part of the answer.---No, I don't think he made any indications, not that I'm aware of.

30

Are you telling the truth about this, Mr Thammiah?---Yeah, you asked, sorry, yeah, I'm answering the question.

Do you recall specifically being at his house, do you?---Not specifically but in a generalised manner, yeah, probably took place there, yeah.

And Mr Soliman submitted a purchase order to his employer with a quote for \$79,000 for this project. Are you aware of that?---No, but I think I should have been, yeah.

40

And you submitted some invoices for this project, didn't you?---Yes, I would have, yeah.

And did you draft those invoices?---Yeah.

And you invoiced RMS for well in excess of \$39,540 for which you quoted, didn't you?---I'm not too sure.

Do you recall invoicing for milestones for this project?---I, I recall there were definitely invoice milestones, yeah.

And each milestone was in the order of \$39,540. Do you recall that?---No, but I'm presuming that's the figure.

I'll take you to page 126A of volume 1. You submitted invoice 89, and at page 126B, if we could go back to 126A on the request of my friend, you see the email from Novation to Mr Soliman on 15 December, "Please find attached the invoice for payment milestone 1?"---Yes.

10 And then page 126B, you've invoiced for the results of all mobile ANPR technology trial results for \$39,570?---Yeah.

And, Mr Thammiah, can you explain at all how it is that Mr Soliman, or perhaps if I – I withdraw that. If I just take you to the second invoice at page 160A, do you see here an email from you on 17 February, 2016, attaching the invoice for payment milestone 2 regarding the mobile number plate reader trial? And then over the page, at page 160A, RMS is being invoiced for a further \$39,570, this time plus GST, for the same trial. Do you agree with that?---Yeah.

20

And so you're in effect doubling the quote, aren't you?---Yeah.

You said you came up with the quoted amount of \$39,540.---Yeah, there's obviously either a mistake with the quote or a mistake with the invoices.

Surely you remember why it came to be that you ended up doubling your money for this project and that you issued two invoices.---No, I'm presuming that there was an error by looking at this.

30 Surely you remember, Mr Thammiah, and you can assist the Commission with this.---Sorry, I can't.

Did you prepare the invoices that I've taken you to?---Yes.

Are you sure that it wasn't Mr Soliman that prepared them?---Yes.

Did Mr Soliman ever discuss with you doubling the price that you'd initially quoted?---No.

40 You must have become aware that you were entitled to issue two invoices each for the amount initially quoted. How do you explain that?---No, it should have been two invoices for 50 per cent each. It shouldn't have been – the quote's wrong. This is, the two invoices are wrong.

So is it your evidence that - - -

THE COMMISSIONER: So which one is it?---I don't actually know. I mean, it could be either, just kind of retrospectively looking at the documents.

MS WRIGHT: So are you accepting that you should have only quoted – sorry, you should have only been paid the initial amount of \$39,540 by RMS?---Or provided a quote of roughly 80,000.

10 Mr Thammiah, your evidence was that you came up with that price of \$39,540 yourself, correct?---Yeah (not transcribable)

Based on the requirements.---Yeah.

You considered that to be a fair and reasonable price, didn't you?---Yeah.

20 And so it's not the case that you should have quoted in the order of \$80,000 for this project. That would have been totally excessive, wouldn't it?---I'm not, I'm not too sure if it would have been excessive given the amount of work involved, but I think that, yes, it should have been – me personally looking at it, I say it should have been one invoice or the 40 split into two.

Or two invoices at about 20,000 each?---Yeah.

Could you take us through the process by which you were actually contracted to do this scoping study?---I was given the technology and the manual and asked to conduct the study autonomously.

Who gave you the technology?---It was the manufacturer. TES, is it?

30 Who was the manufacturer?---I think it's TES. I think it was TES.

And what did you do with the technology? Was it one camera or more?---It was one, one camera.

And what did you do with it?---I trialled it according to the specifications.

How did you do that?---By actually utilising it to monitor traffic on highways and the public roads and, yeah.

40 How did you actually go about monitoring traffic with this camera? What did you do?---You had to set it up properly to, you had to park on the side of the road with the vehicle and, yeah, set up the camera and then make sure it was aligned properly and make sure, well, it would error-out consistently because of multiple issues with the camera software. But, yeah, you basically used it to pick up number plates.

And you followed a manual, did you, in order to work out how to pick up number plates with this camera.---How to use the camera? Yeah, but also I

had a brief 10-minute kind of walk through with the camera with the guy that delivered it from TES I believe.

How long were you on the side of the road doing this?---It was quite a long trial.

How long was the trial?---Three months.

10 THE COMMISSIONER: Sorry, how long was it?---Over the period of three months. Yep.

MS WRIGHT: How many days within that three-month period were you operating this camera on the side of the road, Mr Thammiah?---Multiple days. Yeah, at least, at least over 150 hours on the side of a road.

150 hours?---Yeah, easily.

20 THE COMMISSIONER: How have you come up with that figure?---Oh, because I'd spend at least six to eight hours on the side of the road, and I know how many, like, roughly how many locations I've done, and how many, yeah.

Sorry, so six to eight hours on the side of the road, and then, at different sites?---Yeah, at different sites.

Ending up with 150 hours in total?---Yeah. I'd say plus.

Do you keep a record of this in a time sheet or a diary?---No.

30 So you have a recollection of that time, as you sit there today?---No, it's more a recollection of, you know, the amount of, I guess, thinking back, where would, where was I, how much time did I spend out there.

MS WRIGHT: Over what three-month period did you conduct that study? ---I thought it was - - -

Bearing in mind your quote was issued on 3 December, 2015.---I thought it was December, January, February, over that period.

40 You've issued your quote on 3 December. Were you already doing work? ---No, I can't remember if I have received the camera by then, oh - - -

When did you receive the camera?---I'm not too sure. I thought it was December, after that quote. Yep.

Then you have the Christmas period. Did you have any break or holiday at that time?---No.

Were you working throughout December, January, and February?---Yeah.

150 hours, you say.---Yeah.

Then what did you do with the photos that you took?---(No Audible Reply)

Are they photos?---Yeah. Oh, they're images, yeah, yep.

10 What did you do with them?---So they were put on a USB, I suppose.

What do you mean, "I suppose"?---(No Audible Reply)

THE COMMISSIONER: Can you recall what you did?---I thought I did a USB with - - -

So you put the photos on a USB?---I thought I did, but I'm not too sure if that was handed in as part of this scoping study.

20 Sorry, you're uncertain whether - - -?---It was part of this scoping study, I think it might have (not transcribable) - - -

What, taking photos?---No, attaching the, or providing a USB with images. It might have been the thermal camera study. I'm just not, not too sure if it was provided for this one as well.

MS WRIGHT: And what else did you do, apart from taking the photos, in this mobile ANPR camera study?---I had to analyse the data based on the requirements.

30 What data, Mr Thammiah?---The number plate recognition software, how well it actually worked.

And by "how well it actually worked", what do you mean by that? Whether it could pick up - - -?---Yeah, its accuracy.

- - - a number plate, number plates?---Yep, accuracy and uptime and, yeah.

40 How did you measure the accuracy?---That's based on, yeah, how, like, if there's 1,000 images, and it's picked up 70 per cent of them as accurate compared, comparing the numerical value versus the image, I guess your - -

The numerical value of what?---That the number plate reader recognises. So when it reads the number plate it recognise letters, and it has to actually transcribe them, or recognise them. So, is the photo displayed next to that, the characters captured, is it actually correct, is it the number plate captured?

I see.---Yep.

So there's software associated with this camera.---Yeah.

You took a photo and then you determined whether the picture in the camera correlated with the recording of the number plate. Is that how it worked?---Yeah, that's how the software works, yeah.

And did you need a computer in order to do that comparison?---Yeah, to make the full comparison, yeah.

10 And did you do that at home?---Yeah.

And 150 hours of photos, that would have entailed a lot of, required a lot of time to do that checking at home. Is that right?---Yeah.

Just explain to us how it worked.---Well, you'd download the, like the images and I guess the output from that camera. It was broken down into sort of a spreadsheet-style view. I'm not sure if, you know, it's in the document, I think there's a - - -

20 And what did you do with that data?---Yeah, I guess represented it in the scoping study.

Right. So you prepared a scoping study report?---Yep.

And what did you do with the report?---Sorry, I handed it in.

So once it was complete you handed it to Mr Soliman, was it?---Emailed it, yeah.

30 So why is it that Mr Soliman sent the report to you?---Because I was doing the work at his house.

Ah hmm.---Yeah.

I'll take you to volume 18, page 33. Do you see here an email from Mr Soliman's personal email account?---Ah hmm.

You agree that that's his personal email account?---Yeah.

40 And it's addressed to Novation Engineering. Do you see that?---Yeah.

And it says, "Update," in the body of the email?---Ah hmm.

That's a direction to update, isn't it?---No.

This email you recall attaches a mobile ANPR camera scoping study. Do you see page 34?---(No Audible Reply)

Do you recognise that?---Yeah.

And then we go to page – I’ll just take you to page 40. Why is it that you say – this document was sent to you by Mr Soliman, wasn’t it, Mr Thammiah?---It was sent to me from his personal email, yeah.

But by Mr Soliman himself, wasn’t it?

10 MR JAMES: Well, with respect there may be an ambiguity in that question.

THE COMMISSIONER: Well, she’s asked the question, he can agree with it or not.

MR JAMES: He can’t in the sense that question is so inherently ambiguous there’s a problem. Could Your Honour go back to the cover page and Your Honour will see what I mean.

THE COMMISSIONER: Yes. Ask the question, Ms Wright, again, please.

20 MR JAMES: If Your Honour goes to the - - -

THE COMMISSIONER: No. Sit down. I’m allowing the question. Thank you, Mr James.

MS WRIGHT: Mr Thammiah, Mr Soliman prepared this report, didn’t he?  
---No.

And he sent it to you to complete it, didn’t he?---No.

30 And that’s why you’ve received an email from his personal account with a direction to update the report. Correct?---No.

And at page 40 of volume 18 we see indeed an incomplete report with XXXX under section 2.1, don’t we?---I don’t think you see an incomplete report because this was ultimately not included in the report

Section 2.1 contains text XXXX, doesn’t it?---Under - - -

40 That’s not a word, is it?---Under the name Best Practice Report. I don’t think this heading is actually in the final version.

THE COMMISSIONER: No, we’re looking at this version that was, according to the email, was emailed from Mr Soliman’s private email address to Novation Engineering with an instruction “Update,” and on page 40 we have, with a subject heading and XXX. Now, looking at that version of the report, that’s an uncompleted section. Do you agree with that or not?  
---No, I don’t.

So the section Mobile ANPR World Best Practice Report XXX is completed, is it?---No, it shouldn't be there.

No, I'm not asking you that. There was no expectation that the report would be produced with that heading with XXX underneath?---No, there's no expectation.

10 MS WRIGHT: I'll take you to the next page, which is page 8 of the report, page 41 of the brief. Do you see a table under section 2.3?---Yes.

One column is headed Trial Results. Do you see that and you see the question marks, repeated question marks in that column - - -?---Yeah.

- - - next Vehicle Detection Rate and ANPR Engine Accuracy? And going over the page you see question marks on the two tables about camera angle and vehicle detection rate - - -?---Ah hmm.

20 - - - on page 9 of the report? Page 43, page 10 of the report you see this depiction is labelled Figure XXX. Do you see that?---Yep.

It goes on, Mr Thammiah, but all of those indicate an incomplete report, don't they?---Yeah.

So your previous answer was, I suggest, totally disingenuous that section 2.1 referring to XXXX did not indicate that the report was incomplete. Your answer was disingenuous. Do you understand that?---No, I was answering it based on that particular title.

30 But with quite some confidence, weren't you?---Because the title was ridiculous.

And so now I've taken you to other aspects of the report which clearly show that it's incomplete - - -?---Yeah.

- - - you're willing to agree - - -?---Because it's relevant.

- - - that it's an incomplete report.---Yeah, sorry, 'cause it's relevant, yeah.

40 And that was sent to you by Mr Soliman.---I don't believe it was sent by him, I believe I was in the room when it was sent, because I was working on it.

By him?---No, I believe I was in the room working on the document and sending it to my email address.

You sent it to your email address from his personal email account, did you? ---Yes.

Why not send it from your own email account to your own email account?  
---Because his is logged in all the time.

You had access to your own email account online, didn't you?---Yeah, if I  
logged in I could have accessed my email, yeah.

So why use his email account?---Because it was right there.

10 It's just not true, Mr Thammiah.---No, it is true.

You're trying to minimise the involvement of Mr Soliman in the answers  
you're giving the Commission.---No, I had, I had no reason to be there.

THE COMMISSIONER: Sorry, you had no reason to be there?---Yeah, I  
had no reason to be there doing this work, it was, I was there because I  
thought I was leaning on a friend during a hard time, I didn't think I needed  
his help at all to do any of this.

20 MS WRIGHT: And so why tell yourself to update?---If anything I think  
there's a D missing there, it's actually updated.

And did you hear Mr Soliman's evidence on this matter?---No, I'm not too  
sure what he said.

Well, he suggested that what he meant was I have updated the report when  
he said update.---That's his evidence.

30 But you're saying that you in fact wrote this email.---No, I believe I was  
there when the email was sent. I don't know if I wrote that email. I believe  
he sent it.

So you're changing your answers now.---I don't think I - - -

Wasn't it your evidence that you used his email address because it was  
readily available in front of you at his house and sent yourself the report?  
That was your evidence.---You asked why use his email.

40 Mr Thammiah, could you listen to the question. Your evidence was that his  
email address was logged in and so you used it to send yourself this report.  
That was your evidence, wasn't it?---Sorry, I thought your question was  
why use this email address and my answer was because it was already  
logged in on the computer.

You're just changing your answers to protect your friend, Mr Soliman,  
aren't you?---No, I'm trying to give you an honest answer, that's it.

So your evidence now is that Mr Soliman wrote this email, is it?---Like I said, it could have been me, I was, I'm sure I was in the room when this email was sent, that's what I'm saying.

THE COMMISSIONER: Well, now you're speculating. "I could have been there. I'm not sure." Are you making this up as you go along or what's your actual recollection?---Sorry, you're, you're asking me about - - -

10 Mr Thammiah, please listen to the questions and answer them.---Sure.

You've now provided answers along the lines of "could have, would have". I'm not interested in that. I'm not interested in you sitting here speculating what it could or might have been.---Yeah.

Do you have a recollection of the circumstances in which that email was sent to you? Yes or no?---No.

20 MS WRIGHT: Now, the report – if we could go back to the executive summary at page 4 of the report – in paragraph 2 it refers to research undertaken. What research did you do?---I guess it was more to do with the fact that RMS had actually undertaken the research and picked at this.

So you did no research?---In regards to choosing this ANPR technology, no.

You quoted for research world best practice - - -?---So - - -

- - - for the following key performance indicators, didn't you?---Yes.

30 That was within the scope of works.---Yes.

And you say you quoted for that and charged in the order of \$80,000, and yet you did no research in fact.---Sorry, I didn't read this. I, I thought it was, thought it read fixed ANPR technology and then kept going to Tattile. No, just basic research on the market itself tells you I guess where the ANPR market is at in terms of how, I guess how it's developed.

I asked you clearly before, Mr Thammiah, what research you'd done. ---Yeah, sorry (not transcribable)

40 And you said it refers to RMS's research.---Yeah, sorry, I read the Tattile part with that ANPR and presumed it.

What research did you do?---Just general research on ANPR technology. Just - - -

What does that mean, general research on ANPR technology?---Look up ANPR, when it was I guess, roughly when it was developed, who's the

leading provider, how is it applied, what is its, you know, useful applications.

So a Google or a Wikipedia search, is that the type of thing?---It's the only place you, well, it's the only place I would go.

10 "Quoting for research world best practice mobile ANPR systems" suggests something somewhat more sophisticated than googling for research, does it not?---Well, you have to pick and choose your sources. I mean, it's not like Google's going to give you the answers.

I'll ask again, "Research world best practice mobile ANPR systems" suggests something somewhat more sophisticated than googling.---I guess that's open to interpretation, then.

20 And it doesn't suggest researching what ANPR means, when it began and what its history is. It suggests you're going to actually research what is the world's best practice system for automatic number plate recognition systems that might be used by road highway agencies such as RMS, doesn't it?---If I was to choose the product being trialled, yeah.

And that's quite a serious matter for road safety, isn't it, that RMS can accurately identify number plates, correct?---Sorry, it - - -

You agree that that's quite a serious matter for road safety that RMS can accurately identify number plates?---I'm sure it's important.

30 And you've quoted to research world best practice systems in that area, haven't you?---Yes.

And you've been paid \$80,000, and all you've done is Google what ANPR is.---I don't think that's where the work was.

Well, tell us what other research you did, please.---Sorry, I, I don't think that's where the work was (not transcribable) I don't think the work was in the research that you're trying to suggest. I think the work was in the trial itself.

40 It's clearly stated in your quote, Mr Thammiah.---Yeah, but there're several propositions in that quote.

Among other matters, it's clearly stated that you will do research of world best practice ANPR. Do you have a problem with that proposition?---No.

Commissioner, I note the time. It's - - -

THE COMMISSIONER: Is it a convenient point for you, or - - -

MS WRIGHT: Well, there's obviously a lot more material to canvass, but I'm not sure how the parties are positioned to go beyond 4 o'clock.

MR JAMES: I think my friend's being kind to me.

THE COMMISSIONER: Oh, is she, Mr James?

MR JAMES: I have an appointment with an exercise physiologist. However, my solicitor's here and perfectly competent. There is one matter I  
10 want to draw my friend's attention to before - - -

MS WRIGHT: I'm happy to continue if everyone is content with that. But I don't - - -

MR JAMES: Your Honour, we'll have to come back tomorrow, I would think, in terms of timing, anyway.

THE COMMISSIONER: We're not.

20 MR JAMES: Oh. I see.

THE COMMISSIONER: Mr James, have a seat. I have an announcement to make. As the parties are aware, this matter was listed for four more days with the proposal being that we would finish the public enquiry component of this investigation. Now, there has been a development this morning in the investigation being conducted by the Commission. Because of the result of obtaining some enhanced technology, evidence not previously accessed by the Commission from a mobile phone which was seized has now become  
30 available, and this has really, has only become evident this morning, a preliminary review of the material indicates that there is relevant evidence or potentially relevant evidence to this enquiry. But given the volume of material, it's not going to be able to be reviewed within the time period of the public enquiry as already set down. So I have decided that I am vacating the public enquiry for tomorrow and next Thursday and Friday, and we are going to resume the enquiry on 14 October for five days. Now unfortunately, that's a longer time period that I would have liked, but you may have seen an announcement in the press today that another public enquiry is commencing which is set down for six weeks and is taking up  
40 most of September.

MR JAMES: There's probably nothing I can say in terms of dates. However, I can say that there's a criminal trial (not transcribable) set down for those five days. It's one trial, and I'll do what I can to make myself, to see if I can be replaced in that trial, to be here, because this is part, the other counsel having left this case, and being at the point at which it is, and together with the fact that some questions were asked concerning relations with lawyers previous to my instructing solicitor and myself being involved in the matter, and there still is matters to go which may raise other

questions, I think that there is an ethical problem if I have to leave here. So I'll see what I can do about the other matter. But otherwise I'm going to have to make an application to Your Honour, to try to see where we are and how it is likely to affect my, how the new developments are likely to affect my client, if at all.

THE COMMISSIONER: All right. Well, I'll leave that with you, Mr James. I do note that one of the lawyers previously involved was Mr Lonergan.

10

MR JAMES: Yes. Mr Lonergan's no longer available.

THE COMMISSIONER: All right.

MR JAMES: With both health and location reasons. At the moment this is the problem.

MS WRIGHT: Could I just - - -

20

MR JAMES: Not in any way a matter of evidence.

THE COMMISSIONER: All right.

MS WRIGHT: Could I just indicate, Commissioner, although obviously I haven't seen this new evidence, that it could require recalling Mr Soliman.

THE COMMISSIONER: Yes.

30

MS WRIGHT: And he wasn't excused, if I recall correctly, on the last occasion formally, but obviously we would seek to accommodate that within that tranche in October.

THE COMMISSIONER: Yes. That was my anticipation for five days. We've had a day of hearing today and you've covered some topics. My expectation is we will finish Mr Thammiah's evidence and if there is anything as a matter of fairness we need to put to Mr Soliman, that will be accommodated in those five days.

40

MS WRIGHT: Yes, thank you for the indication, Commissioner.

THE COMMISSIONER: All right. On that basis, Ms Wright, is the proposal to conclude now or - - -

MS WRIGHT: Yes, I think that's a convenient point.

THE COMMISSIONER: All right. Mr James, I hear what you say. If you can make some inquiries.

MR JAMES: I will.

THE COMMISSIONER: And if there is an application that you have to make, you can obviously contact the Commission's solicitor in the matter and we can proceed on that basis.

MR JAMES: With some trepidation might I say is Your Honour indicating it will take five days or the best part of five days to finish my client's evidence?

10

THE COMMISSIONER: No. What I'm trying to ensure, one of the difficulties with the Commission is we're listing public inquiries and once they're listed we lose the capacity of using that date.

MR JAMES: No, I understand.

THE COMMISSIONER: So instead of what I would have hoped to have gone over until September, because Operation Aero has just been listed I've lost that opportunity. So by grabbing five days in October, what I'm hoping for is that gives us sufficient time to finish Mr Thammiah's evidence and if I have to recall Mr Soliman, we can deal with him so we get everything finished from a public inquiry perspective in those five days.

20

MR JAMES: Do I understand that it's likely that Your Honour will have written, an outline of submissions from Counsel Assisting and written submissions from parties rather than an oral submission hearing?

THE COMMISSIONER: Yes. When we finish the evidence we will then move into a timetable where, and again this is roughly, Counsel Assisting usually has about four weeks to put on her submissions, they're circulated to everybody and then usually it's about another three or four weeks for the parties to reply in writing. The usual rule down here is we don't have oral submissions.

30

MR JAMES: And in this case you have counsel for the RMS here as well, it may be that amongst those who are replying there may need to be a short addendum to meet submissions coming from one or the other parties.

THE COMMISSIONER: Let's see how we go. Sometimes we can accommodate that by, at the end of the second stage where all the parties have exchanged submissions, if an issue arises where there needs to be a very short cross-submission by a party, we can accommodate that.

40

MR JAMES: And could I indicate to Your Honour that I'm expecting that the way in which we should do that is not to look to whether he said this or that, whether he said he or she, but to address Your Honour on the effect of the evidence concerning the particular issues to which Counsel Assisting and Your Honour have gone. The big picture issues rather than nit-picking.

THE COMMISSIONER: That would be my hope.

MR JAMES: Thank you, Your Honour.

THE COMMISSIONER: And expectation. Ms Wright?

MS WRIGHT: No, Your Honour, just perhaps to confirm that the general timetable as set out in, not the specific timetable but in the practice note - - -

10

THE COMMISSIONER: There's a practice note, isn't there?

MS WRIGHT: Yes.

THE COMMISSIONER: All right. Then look, I apologise for this, Mr Thammiah, but you'll have to return on 14 October.---Okay.

All right. We're adjourned until 14 October.

20

**THE WITNESS STOOD DOWN** **[4.09pm]**

**AT 4.09PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.09pm]**