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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 1 AUGUST, 2019

AT 10.00AM

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

MS WRIGHT: I understand Mr Lonergan is no longer in the matter for Mr Thammiah.

THE COMMISSIONER: Mr James is here.

MR JAMES: I'm behind the screen.

THE COMMISSIONER: Hiding?

10 MR JAMES: No. Doing the best I can I think is the term. Your Honour's already granted me leave. Mr Lonergan has withdrawn from the brief for perfectly acceptable reasons, and I now appear with my learned friend (not transcribable), who'll be appearing as my junior today, and similarly instructed as previously. I appear, of course, for Mr Thammiah, who is present, and I understand is to be called today and will be taking the usual objection.

THE COMMISSIONER: All right. Thank you, Mr James. Mr - - -

20 MR TIGHE: Tighe is my name, Commissioner.

THE COMMISSIONER: Tighe.

MR TIGHE: Yes, and seeking authority to appear instead of Mr O'Brien today and tomorrow in representing Mr Singh.

THE COMMISSIONER: Right, that authority is granted. Nobody else? All right, then. Any other administrative matters?

30 MS WRIGHT: Commissioner, could I formally tender four volumes which have been referred to at previous hearings and have been available to the parties for some time, and that's volumes 9D, 18, 19, and 22? And if they could form part of the original exhibit 30 – oh, I see. Volumes 18 and 19, I understand, were not on the restricted website, if I could just correct what I said about them being available to the parties, but the material has been referred to in the examination of Mr Soliman and he was taken to much of that material. If those four volumes could form part of exhibit 34, Commissioner.

40 THE COMMISSIONER: All right, Exhibit 34 will now include the additional volumes 9D, 18, 19, and 22.

MS WRIGHT: Commissioner, there's no other administrative matters. If I could now call the next witness, Stephen Thammiah.

THE COMMISSIONER: Mr Thammiah. Now, do you take an oath or an affirmation?

MR THAMMIAH: Affirmation.

THE COMMISSIONER: And Mr James, you mentioned Mr Thammiah would like an order under section 38.

MR JAMES: Yes (not transcribable)

THE COMMISSIONER: And you've explained it to him?

10

MR JAMES: I, to some extent, but it has to come from Your Honour as well.

THE COMMISSIONER: All right. Now, Mr Thammiah, I understand you've had a discussion with Mr James about a section 38 order. What I have emphasised to every witness and I know you've been here through a lot of the public enquiry, is that it is a protection that is given when you give an answer that generally that answer cannot be used against you in any civil or criminal proceedings. I always emphasise, there is a very important
20 exception, that is if you give false or misleading information or evidence, I'm sorry, during this public enquiry, that answer may be used against you in a prosecution for an offence under the ICAC Act. It's like a form of perjury. It's a very serious offence. It brings with it a maximum penalty of imprisonment up to five years.

20

So pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public enquiry are to be regarded as having been
30 given or produced on objection, and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

30

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS
40 PUBLIC ENQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

40

THE COMMISSIONER: Ms Wright.

MS WRIGHT: Thank you, Commissioner. Could you please state your full name?---Sorry, I don't think I should have eaten that lozenge. Sorry. Stephan Alan Thammiah.

How do you pronounce your surname?---Thammiah.

Thammiah.---Yep.

10 Thank you. I'm sorry if I've mispronounced it, Mr Thammiah.---Oh, that's fine.

Now, are you the director of the company known as Novation Engineering?
---Yes.

Are you the sole director?---Yes.

Is it correct the company has no employees?---Yes, at the moment.

20 And between 2015 and 2018, did the company have any other director or any employees?---Yes, one employee.

Who was the employee?---Karasen Naidu.

And when was he employed?---I believe it was 2017. Yeah, I believe it was 2017.

2017.

30 MR JAMES: Well, I'm having a problem hearing the witness. He probably does not realise the microphone's don't amplify, he'll have to speak loudly, and I'm sure no one can hear him further back.

THE WITNESS: Sure.

THE COMMISSIONER: Did you take that on board?---Yeah.

MR JAMES: Much louder.

40 THE WITNESS: Okay.

THE COMMISSIONER: Louder and maybe a little bit slower.---Okay.

MS WRIGHT: When did Mr Naidu become involved in Novation?
---Sorry, I thought it was 2017.

I'm asking you. Is that your answer?---Sorry, yes, 2017.

When in 2017?---I'm really not sure of the exact month, sorry.

And when did he stop being an employee?---2018, the financial year 2018 I guess, yes.

When in 2018, Mr Thammiah?---Sorry. I took him off the books after the financial year '18, so I guess 30 June, 2018, so - - -

30 June, 2018?---Yeah, sorry. Yeah, sorry, I thought it was financial year 2018, yes, yeah.

10

And so he was employed for the financial year 2017-2018. Is that your evidence?---Yeah, yeah.

And what was his role?---Originally I hired him to do, sorry, business development work, but it didn't really eventuate, and then I thought I could, yeah, basically use his storage facilities so I kept him on the books.

20

I'm sorry, I didn't catch that. You thought you could use?---I didn't have secure storage but he had secure storage in his apartment so I used his cage downstairs for, you know, storage purposes for the company.

THE COMMISSIONER: At his residential unit?---Yeah, yeah.

MS WRIGHT: But what was his role in the company as an employee? ---Business developer, that was the original - - -

THE COMMISSIONER: What do you mean by business development, is it getting more clients or - - -?---Yeah, yeah.

30

MS WRIGHT: Did he do that work?---No. I eventually learned that the licence that I had acquired was only for New South Wales so it kind of restricted, yeah, the business development I guess.

You're referring to your licence with IRD, are you?---Yes.

But business development wouldn't be restricted to work with IRD, would it?---Ah - - -

40

What I'm trying to understand is, what did Mr Naidu actually do?---Oh, in the end very little because I couldn't really pursue work outside of New South Wales, yeah.

He was on the books?---Yes.

You were paying him a wage?---Yes.

What were you paying him?---Sorry?

Were you paying him a monthly salary?---No. In the end, in the end I guess purely for tax purposes I, I used him on the books. In the end that's what happened.

10 THE COMMISSIONER: But sorry, did he receive a weekly wage, a monthly wage or was it going to be based on commission from bringing in new clients, what was the arrangement with him?---Well, originally I thought it would be like, yeah, wages kind of put in time, but because it didn't eventuate and I guess because it was easy to say yes to my accountant, I did in that respect.

Sorry, I'm a wee bit confused.---Oh, and in terms of the fact that I did put money in his name, but it was for me.

So if we looked at the books and records during the financial year there would be recorded that you had an employee, Mr Naidu.---Yes.

20 And what would it record in your accounts that you paid him for the year? ---I'm not too sure. I think it was around 40,000.

About 40,000.---I think so. Sorry, I'm not too sure.

MS WRIGHT: He in effect didn't do anything?---No, he couldn't really. Yeah, my hands were kind of tied in that respect.

Now, any, did he have any contact with RMS or were you the sole liaison with RMS?---I was the sole liaison.

30 So anything done in Novation's name in relation to its business with RMS was done by you?---Yes, yes.

Has the company ever had any office space or specific place of business?---I guess I've used my address as I've moved.

You've used your residential address?---Yes.

The records show that the company was registered on 29 September, 2015. Who registered it?---Myself.

40 Why did you register it?---Because I was starting a new venture I guess, I was starting a new opportunity, yeah.

And how did that come about, Mr Thammiah?---I guess at the time I had received, I'd receive a payout from my previous employee [sic] I was actively pursuing other opportunities and at the time Samer and I, we connected during I guess, when I moved back into Glenwood and he offered me this opportunity saying that it was, well, yeah, saying that it was a real opportunity.

Mr Soliman was your friend since high school?---Yeah, he was my friend in high school but we definitely I guess drifted apart and, yeah, our lives obviously went in different directions, until 2015 when we reconnected.

And what was the opportunity that he offered you?---Well, I obviously, I explained to him that I obviously wanted to do professional services because that's what I guess my previous employee [sic] was actually utilising our roles as, and yeah, he basically explained that he had technology trials and I'd be prefect for it, I had the experience and knowledge, yeah.

THE COMMISSIONER: Could I just pause for a minute.

MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: I'm sorry, Ms Wright, can I just confirm, is there anybody here representing Mr Soliman? We've had Mr Young and I think it was Mr Lawrence last time we were here.

20 MS WRIGHT: Yes, that's true, Commissioner. Doesn't appear to be any representative here.

MR JAMES: Commissioner, I'm quite sure that this witness's evidence will touch Mr Soliman quite materially.

THE COMMISSIONER: Yes.

MR JAMES: So I'm not sure, we can try and have contact made. My instructing solicitor can see what he can find out about somebody intending to come.

THE COMMISSIONER: And, sorry, is this Mr James?

MR JAMES: It is. It's James QC, James - - -

THE COMMISSIONER: Junior?

MR JAMES: Liam James.

40 THE COMMISSIONER: Liam James.

MR JAMES: The middle one gets the James.

THE COMMISSIONER: All right. Ms Wright.

MS WRIGHT: There was some contact after the previous hearing in respect of the issues, Commissioner, you may recall at the end there was an issue about a potential suppression order, but otherwise the date has

obviously been in place for some time. We're not aware of why there's no one here.

THE COMMISSIONER: Mr James, thank you very much for the offer. What I propose to do is we'll continue with the evidence. What I'm assuming is that a lot of this evidence won't be that controversial, and indeed it's being live streamed and there will be a transcript. We might make some inquiries at the morning tea break as to, you know, whether something has gone awry with Mr Soliman's representation.

10

MR JAMES: I can, I can indicate, Your Honour, as far as that evidence not being controversial, it's eminently likely that large swathes of this witness's evidence will relate to matters that have already been before the Commissioner and he may be able to add something, but generally speaking, that will not be contested.

THE COMMISSIONER: All right. Okay. Thank you, Mr James.

MR JAMES: I'm happy for my friend to question in any such way as she sees fit, but with that realisation there.

20

THE COMMISSIONER: All right. Thank you.

MS WRIGHT: Mr Thammiah, you said that Mr Soliman mentioned technology trials. Did you go to Mr Soliman to ask him about the possibility of doing some work or was it he that made the offer that you might be interested in work?---It was, sorry, no, he knew that I was actively pursuing other opportunities and he offered this up as a real opportunity and, yeah, given my situation at the time I had no reason to not take up this opportunity as a real opportunity.

30

And so on that basis you registered the company?---Yes.

And that was on the expectation of receiving work from Mr Soliman in his capacity as a manager at RMS?---Yes, but I, I never viewed it as Samer, I always viewed it as he was acting on behalf of Roads and Maritime.

And did you discuss the nature of the work that you would be doing with Mr Soliman?---The nature of the trials? Yeah. He definitely spoke about technologies that he's, you know, used previously and upcoming, yeah.

40

What did he say to you about the nature of the work that you did?---That they would be technology trials, basically testing out technology for law enforcement purposes.

What sort of technology? Did he tell you?---Yeah, number plate readers, thermal cameras, yeah, I mean, there wasn't, yeah, there wasn't a, what do you call it, a complete list but there were just several few.

What precisely did you understand that you would be doing in technology trials in 2015 when this offer was made to you?---Running, running the trial on behalf of Roads and Maritime and producing a report that basically, yeah, analysed data and gave indications of how useful it might be in terms of, yeah, applications, I guess.

10 Did you and Mr Soliman discuss at all how you would be going about that work, whether you'd be doing it with some assistance from RMS employees, whether he would be assisting you? How did you think you were going to be doing that work in practical terms?---In practical terms, I guess it depended on the trial itself. The, you know, number plate reader trial was quite autonomous. I could, you know, do it myself, take the equipment and kind of run it. Other trials obviously required heavy vehicles and, you know, required us to be onsite in different locations, and it also meant working with vendors and Roads and Maritime Services and anyone else, really, that was involved in the operation.

20 Now, who actually registered the company?---Sorry, yeah, I did.

And who chose the company name?---I did.

Mr Soliman earlier that month, that's September 2015, sent you some information regarding an automatic number plate recognition camera. Do you recall that?---Yeah, it's just the, sorry, was this the manual?

30 The automatic number plate recognition camera document, which he sent you on 10 September, 2015.---Yeah, sorry, is that, is that the, the manual for the automated number plate reader?

Well, I don't know if you (not transcribable)

THE COMMISSIONER: Do you recall?---Yeah, I, I recall but I thought it was the manual. Yeah, sorry.

So you recall getting a document around 10 September, 2015?---Not too sure the dates, that's, that's all.

40 MS WRIGHT: Don't worry about dates. Do you remember in early September 2015 that – this is before you registered the company – he, Mr Soliman, sent you a document about an ANPR camera. You recall that? ---Ah hmm. Yeah, I, yeah, I vaguely, yes, yeah.

And what conversation did you have with him about that document at that time?---I believe it was basically that this was a potential technology to be trialled.

And did you read it?---Probably not at the time. I probably skimmed through it and, yeah, got a brief understanding, I guess, of how they work.

And he told you this was a potential trial, did he?---A potential technology to trial, yes.

And did he ask you to do anything with the document?---Not that I can recall.

10 And did you consider whether that was an internal RMS document?---No.

Did you consider whether he was sending something he was authorised to send you?---No.

THE COMMISSIONER: That didn't go through your mind at all?---No, I mean, I don't, yeah, I, I don't presume people are sending me, yeah, sensitive documents. I presume they're obviously sending me stuff they're allowed to.

20 MS WRIGHT: The company's business name was registered with ASIC in August 2015, so that's prior to the actual registration of the company. You agree with that?---Sorry, the company's name?

The company's business name.---Business name, yeah.

Were you aware of that, that it was registered in August 2015 with ASIC? ---Yeah, probably because I had registered as a sole trader first, so I'm guessing that's the business, yeah, that would make sense then.

30 The business name, Mr Thammiah - - -?---Novation. Yeah.

- - - was registered - - -?---Okay.

- - - in August 2015. That's six weeks before the company itself was registered. Do you understand?---You mean, yeah, sorry, I, I understand what you're saying. Sorry. So originally the name was registered under a sole trader ABN which is probably why you're picking it up in August and then I was told I couldn't work unless it was an ACN, unless it was a company so I had to register the company. I think that's what the September registration is about, yeah. Sorry.

40

THE COMMISSIONER: Who told you that you couldn't work unless it was through a company?---Samer advised me about Roads and Maritime don't work with, yeah, sole vendors.

MS WRIGHT: How long before the business name was registered were you thinking about starting the company Novation?---It wasn't I guess not a hell of a long time. I was still actively pursuing other I guess interests. I,

yeah, I was doing a business case at the time for another company. I was working with a charity, working with some friends doing a, what do you call it, raffle, an online raffle for charities. Yeah, so it was, it wasn't, it wasn't really at the top of my mind at all to like, register or anything like that.

How long before the business name was registered – it was registered in August 2015 – were you thinking about starting this company, Novation Engineering, was it a matter of days, weeks, months?---Sorry. Yeah, maybe weeks. Yeah, it wasn't, yeah, it wasn't well thought out.

10

And at the time you registered the business name you'd already had the conversation you've given evidence of with Mr Soliman in which he offered you the opportunity to conduct some technology trials. Is that correct?
---Yes.

So is it the case that a number of weeks before you registered the business name Mr Soliman came to you and said I might have some work for you in the nature of technology trials?---Yes.

20 Is that how it happened?---Yes.

You then went and registered the business name with ASIC?---Yes.

Was it you who registered the business name, Mr Thammiah?---Yes.

And six weeks later you registered the actual company?---Yeah, because of the reasons I outlined, yeah.

30 Did you pay for the registration of the business name?---Yeah.

The ASIC invoice was located by the Commission on Mr Soliman's personal computer at home. You're aware of that?---Yes.

And the Novation company logo was found in a separate document on his personal home computer. You're also aware of that?---Yes.

40 And how do you explain how those documents were on Mr Soliman's personal computer?---Well, I guess at the time, at the time I was originally working in an OpenOffice. I think it was my first project, the first study, and I actually didn't have Word installed so I ended up going around to his place and sort of cutting and pasting and doing a lot of my work there but, but what happened I guess in 2016 where I ended up, yeah, I ended up, sorry, separating from my wife and Samer became quite close in that respect so I, I was at his house quite frequently doing a lot of these studies and it also meant that I just copied the folders that I was working on onto his desktop and, yeah, that's, that's why you have a logo and an invoice.

THE COMMISSIONER: Sorry, the logo and the invoice must have been created in 2015.---Oh, yeah. That was, yes, sorry.

So this is before you separated and you just gave an answer that you were working in an open office and - - -?---Oh, sorry, I was working, using a program called OpenOffice, yeah, which has, I mean it's, it's free and it's decent but it's not Word and it has compatibility issues and, yeah, so that's the main reason why I originally went over.

10 MS WRIGHT: Mr Thammiah, come 2018, you and Mr Soliman were discussing Novation together over WhatsApp, in terms which included "our company", "us", "we", "our profit", and the Commission has been taken through, the Commission has heard evidence of all of those WhatsApp messages, and you were in the courtroom during Mr Soliman's evidence in which he was taken through those WhatsApp messages?---Yes. Sorry (not transcribable)

20 And do you agree with the way I've characterised the discussion in those messages, namely that you both referred to the company as though it was a company that you were both involved in?---Yes.

Isn't it the case that you both set out in 2015 to create this company, so that it could earn work from RMS and that you and Mr Soliman would derive some profit from that work?---No, I, I understand how things descended to that sort of state, but that's not how it happened, I guess.

You say it "descended to that state."---Yep.

30 You're saying it didn't commence with that purpose?---No, not at all.

And so in giving evidence that the ASIC invoice for registration of the Novation business name was located on Mr Soliman's personal computer at his home, because you transferred, you say, files onto his personal home computer, you're not trying - - -

40 THE COMMISSIONER: I don't know what he said. He said he was working in a program, OpenOffice, and at that stage didn't have Word. ---Sorry, I should have been a little bit more clear. Originally, that's why I used his computer, because I had compatibility issues. So I - - -

But - oh, sorry, go on, I should - - -?---Yeah, but I, I didn't copy that folder. I, I know the folder you're talking about, like, it, it has the logo in it, and it has the, sorry, the invoice you're talking about. But that, yeah, that only happened later on, when I was working at his house much more, well, much more frequently, because I didn't have anywhere else, really to work.

So in 2016, after - - -?---Yep.

- - - registering a business name - - -?---Yep.

- - - I take it your evidence is that you registered and paid for the business name using your own computer?---Yes.

You then - - -?---And credit card. Yep. Sorry.

10 And then transferred it to - - -?---Oh, no, it was just – look, when I, when I was working on documents, I didn't, I didn't need the logo, so that's, that's why I transferred that folder specifically, because it had the logo in it. Yep.

All right, what about the receipt?---It just happened to be part of the substructure in that file, it had that in there, because it was the same hub sort of folder, if that makes sense. It's stuff that, you know, yeah, the logo, registration (not transcribable) yep.

20 MS WRIGHT: You're not trying to protect Mr Soliman somehow, are you, in giving that evidence, Mr Thammiah?---No, I, I did at the time even, you know, question whether I should be, you know, doing work at his house, but I really leaned on his friendship and thought that he was, yeah, helping me through something that was, yeah, quite traumatic. So, I didn't really think much about it at the time.

Now Mr Soliman sent to you a confidential RMS document on or about 22 July, 2015. You recall that?---Yes.

And that was about ruggedised mobile devices?---I, I remember it was a business case. Yep.

30 And so that's several months before registration of the company?---Yeah.

By the stage that you got that document had you had the conversation that you've given evidence about where he offered you work?---No. At that stage I was, at that stage I was working on a business case of my own and I asked him if he had any templates and that's what that document relates to.

40 Is your evidence that you received that document from Mr Soliman before you had a conversation with him in which he offered to give you technology trials through RMS?---Sorry, yes, I'm saying that document was given to me, yeah, because of another discussion I had, yeah.

You asked him for a template in relation to something totally unrelated to RMS. Is that what you're suggesting?---Yeah. I just asked him for a business case template because I was working on a business case at the time. Like, he wasn't - - -

Sorry?---I'm sorry. I was just going to say, he wasn't the only person I asked for a business case template.

Mr Thammiah, is that the truth?---Yes.

Let me take you to the document.---Sure.

It's volume 1, page 1.

10 THE COMMISSIONER: Just while we're finding that. Can I just confirm, so your evidence about the invoice and the logo is that it was on your own computer in what you've described as a setting up folder?---Yeah.

And then you transferred that setting up folder to Mr Soliman's computer in 2016?---Yeah, I was working in, I was working in his, on his computer because he had like, a really nice set-up in his room actually. So yeah, I, I transferred that file there, yeah.

In 2016?---Yes, I believe so.

20 MS WRIGHT: Do you see here an email from Mr Soliman to you of 22 July, 2015?---Yes.

And the attachment at page 2 - - -?---Ah hmm.

- - - is an ICT business case, Ruggedised Mobile Device Standardisation Project. Do you see that?---Yeah.

Is it your evidence that you receiving that had nothing to do with your subsequent work for RMS?---Yes.

30 That is not the truth, I suggest, Mr Thammiah. You're not being honest in that answer.---Okay.

You just happened coincidentally to have subsequently been involved in a number of technology trials?---Sorry, could you - - -

You're being - Mr Soliman is here sending you a document which has got to do with some technology, a ruggedised mobile device. You agree? ---Yeah.

40 And then you subsequently were paid a significant amount of money by RMS in connection with technology trials, were you not?---Yeah, but this is not a, this is just a document, it's not, you know, it's a business case.

It's a document dealing with a similar subject matter, is it not?---It's kind of weird though, but I mean like, any technology document would have relevance to technology trials, so I mean you could send me any document from Roads and Maritime Services and it would have a relevance

technically, so yeah, I don't, sorry, I don't see this as having that connection because it didn't for me.

What was this other project that you were involved in, in July 2015?---I was writing a business case for Mullaways Medical Cannabis. It was, yeah, they were pursuing a medical cannabis licence.

THE COMMISSIONER: Sorry, for whom?---Mullaways Medical Cannabis.

10

Medical cannabis?---Yes.

MS WRIGHT: And you say that you asked Mr Soliman for a business case document, do you?---Yeah, yeah. I've got, yeah, I've got, what do you call it, the, several versions I guess of a business case that I was working on at the time.

THE COMMISSIONER: And, sorry, that was for this particular company who was looking at what, introducing medical cannabis?---Yeah, they
20 wanted to get involved in it and acquire a licence and kind of go down that pathway.

And this is the area where for example people suffering from cancer as pain relief would like access to medical cannabis. Is that the area we're in?
---Yes, but it was more a grow licence, yeah.

And your evidence is you utilised as a template an RMS document on ruggedised mobile device standardisation project?---Sorry, no, I didn't say I
30 utilised it, I said I asked if he had any templates, but that was useless, it wasn't a very good template.

I thought that would have been obvious, but anyway, it seems that the two things you're looking at are just completely different and the idea that a template from a section within RMS which deals with technology used by law enforcement agencies when you're looking at a growing licence for medical cannabis, the evidence I have to say sounds a little bit of a nonsense.---I guess I didn't ask for that particular document, I mean if someone showed me that document and asked if I wanted it, I would have said no, but I was sent this as an example of a business case, so I have said
40 that it is quite useless but I didn't actually have a choice. That was sent to me. And high level I guess a business case template is only used high level, it's, you know, you're after the headings, you're not after the detail.

MS WRIGHT: And you were subsequently, you were subsequently invoiced, you subsequently invoiced RMS for an in-vehicle mounted tablet trial, didn't you?---Yes, much later on.

Which is similar in subject matter to this ruggedised mobile device business case, is it not?---I have no idea. I've never read that document.

You didn't open this document?---I said I didn't read the document.

You didn't open it and read it?---I opened it and scanned the headlines to see how useful it might be as a business case template but it was not useful.

10 And did you see on page 5 that it had a confidentiality clause stating that it was intended for internal use at RMS only?---No.

So hadn't you already had a conversation by 22 July, 2015 with Mr Soliman about you getting work through him from RMS?---No, I don't believe that conversation took place at this time.

20 And I suggest that's why he went to you this ruggedised mobile device business case towards the end of July 2015, to indicate to you the type of work that you could expect to be doing for RMS.---No, I believe the number plate recognition document was the first.

Now, you opened a bank account on 23 September, 2015.---Yeah. Sorry, I'm taking your word for it, yes.

And that was in your own name, that account?---Yeah, I'm presuming this is all factual, so yes.

30 And you opened that account in order to receive payments from RMS for future work.---I didn't open the account for, specifically for RMS, I opened it for the business, yeah.

Was that an agreement, you opened it for the business, you said?---Sorry, no, it's a requirement for a business to have an account.

Yes, that's all I'm asking. You opened that account in order to receive payments in connection with the work you'd be doing for RMS. Do you agree?---Oh, yeah, it was for the work, yes. I mean, yeah, but it's for the company's work. I wouldn't define it as, yeah, for RMS work, I wasn't, yeah, beholden I guess to one, to one client.

40 You had no expectation, Mr Thammiah, that you'd be doing work for any other company other than RMS when you set Novation up, did you?
---No, I mean Novation was supposed to be professional services and that's how I treated it.

And what other client offerings were you expecting in September 2015?
---Not, not in September but I didn't have a mindset that this was purely an engagement for Roads and Maritime Services. I, yeah, this was my own business for anything I choose, really.

You opened the registered company, you opened the account on the expectation of work from RMS, didn't you?---Yeah. Yes.

You weren't expecting work from any other source at that time?---Not at the time, no.

10 And throughout 2016/17 until the end of 2018, did you in fact receive new work from any other company or agency apart from RMS?---I did get involved with a company in America, the name escapes me now, but we were setting up in 2018, I believe, and, yeah, we were basically going to, they were using me as a project manager to I guess manage the acquiring of licences, yeah. So it's, yeah, I was pursuing other ventures.

THE COMMISSIONER: Sorry, so this is in 2018?---Yeah, I believe it was 2018, yeah.

You were involved with a company from America?---Yeah.

20 That wanted to use your company as a project manager to acquire licences in Australia?---Yeah, originally I, I got involved with a friend Adam from BuddingTech. He - - -

Sorry, Adam from where?---BuddingTech.

Buddy?---B-u-d-d-i-n-g. BuddingTech. Yeah, so originally he had, he had plans to do it himself and I don't think he could actually manage that whole licensing so he asked me to come on board.

30 So who was the company in the US?---Sorry, I, the name escapes me.

And the licences that they wanted to acquire in Australia were IT licences? ---Oh, no, cannabis licences. Medical cannabis growing licences.

Oh, we're back on the cannabis licence?---Well, it's always, it's always been a passion of mine, so I've kind of been following the movement I guess and - - -

40 So these are cannabis licences?---Yeah, so helping companies acquire and go through the, I guess the submission process.

MS WRIGHT: Did you in fact do any work or get any licence for that American company?---No, unfortunately the Australian company that wanted to pursue that pulled out of their contract.

Is it fair to say that between 2015 and 2018, Novation Engineering did no work for any other entity other than RMS?---It's fair to say we didn't get paid but I, I did do the work.

In 2018?---Yeah, I mean, we had several meetings with the client, with them, you know, talking about how we were going to do this and setting up the process to do it, so it's not like, yeah.

THE COMMISSIONER: And the client was the US company?---It was a US company. They were, they were the ones that were contracted to I guess through, go through the paperwork, but it was an Australian company that was using us if that makes sense.

10

And who was the Australian company? Was that BuddingTech or was that somebody else?---No, it's someone else. It's like PharmaCare or (not transcribable)

PharmaCare?---Yeah, I'm, no, that's, no, that's not right. Something with Pharma in its name.

20

MS WRIGHT: Where did you obtain the Novation logo?---A friend of mine had done a few other logos for Mullaways when I was helping them out, and I used this as a, as a logo.

How would you describe your friendship with Mr Soliman?---Yeah, sorry, at the time I, yeah, at the time I guess, yeah, Samer was pretty important.

THE COMMISSIONER: Sorry, at the time, are you talking about 2015? ---2015, we'd just kind of, I guess, rekindled the friendship, I guess. 2016 was where I was very much dependent on him, unfortunately.

30

MS WRIGHT: So he is your best friend?---Yes.

And you went to high school with him in years 11 and 12?---Yes.

And you attended university for a time together after school?---Yes.

What university was that?---Western Sydney Kingswood Campus.

What degree were you undertaking?---Computer science.

40

How long were you enrolled in that course?---For about a year.

And that was directly after school?---Yes.

And after that year in computer science, did you continue studying anywhere, or take a job?---I enrolled in engineering, in telecommunications engineering at New South, transferred, and - - -

And how long were you involved in the telecommunications engineering course?---At New South, I was involved for about a year, till I dropped out and dealt with some personal matters.

I see. So one year at Western Sydney, and one year at UNSW. And then what did you do? Did you continue studies?---No. I'm sorry, if I could touch on something personal, I guess? I'm not sure if it - - -

Well, I'll just ask you - - -

10

THE COMMISSIONER: I think we're just getting the chronology first.
---Yes.

Where I think Ms Wright's interested in your educational background. So you said computer science degree at Western Sydney for about a year, then you went to NSW uni for your telecommunications engineering course?
---Yeah, I changed, yeah.

And then after studying there for a year, you left that?---Yes.

20

All right. Let's get the chronology first.

MS WRIGHT: Ah hmm.

THE COMMISSIONER: Then what did you do? Did you continue studying or did you start a full-time job?---No, then I, unfortunately I suffered a, I guess, a health scare, I guess.

Okay, a health scare.

30

MS WRIGHT: Yes, okay, that's - - -?---Yep.

THE COMMISSIONER: That's all we need to know.---Sure. Okay.

MS WRIGHT: I'm just confining my questions to work or education, Mr Thammiah.---Sorry. Yep.

I understand that there's some personal issues behind that.---Yep.

40

And we may or may not come to that.---Sure.

But if you could just deal with the specific question I'm - - -

THE COMMISSIONER: Well, if we can just describe it, as you said, "a health scare", we'll just leave it at that for the minute.---Sure.

MS WRIGHT: Did you work or study at all after that year at UNSW?---Not for a while, no.

Okay. Then you recommenced some study, did you?---I worked for a little bit before I recommenced study.

What sort of work was that?---There was some data entry, for another kind of telco company that was, I guess that were used to manufacture leads for Telstra. And the other - - -

10 How long did you do that?---Oh, maybe six months. Yep. The other one was a technician installing telco equipment, like microwaves and satellites and – satellite dishes, I should say – and multiplexes, yeah.

How long did you have that job?---For about a year.

A year. And after that, did you study or work?---Yeah, I, sorry, I think I started studying again at Macquarie University, continued with a telco engineering degree, and started studying, started working part-time.

20 So at Macquarie University, you were enrolled in telecommunications engineering, is that correct?---Yes.

So that's the same degree as you've been involved in at University of New South Wales, but a different university?---Yep.

And how long were you enrolled at Macquarie University for?---I think it was two and a half years. Yeah.

30 THE COMMISSIONER: And that was full-time or part-time?---It was full-time. Yep.

MS WRIGHT: Did you complete the degree?---No. I, I switched again I guess in terms of, yeah, I, yeah, I switched roles I guess and didn't want to pursue the telco engineering because I saw that, yeah, it was kind of a dead-end within the telco itself. By that time I was working for a telco as well. I was working for Optus part-time.

So you worked for Optus while you were working at Macquarie University?---While I was studying, yeah.

40 And how long in total were you working for Optus?---I believe it was seven and a half years.

From what year to what year, do you recall?---It's like, 2007 to 2014, 2014/15, something like that.

THE COMMISSIONER: And that was a combination of part-time and full-time work?---Yes.

MS WRIGHT: What were your roles at Optus during that time?---The first role was activations, wireless activations and then moved into international operators and then - - -

Sorry?---Wireless activations and then moved into international operator assistance and then moved into portfolio coordination and then project management.

10 Wireless activations and international operating systems that's the area but what was your role, what were you actually doing? Were you doing data entry or were you doing call centre or - - -?---In which - - -

THE COMMISSIONER: You started with wireless activations.---Wireless activations. Wireless activations was basically you were, it was a new product that they developed where you could have a home phone attached to a mobile number so what we were doing was that backend sort of system transfer between when they were registered with a mobile number and then actually activated with a landline number.

20 MS WRIGHT: So you were connecting people in that manner?---It was backend systems sort of activations. It wasn't directly talking to customers, yeah.

And international operating systems, what were you doing?---That was kind of what it sounds like. It's international operator assistance. Anyone having trouble I guess overseas in terms of emergencies would come through to us. Any operator assistance from overseas would come through to us and, yeah, any outgoings for the same matters.

30 I see. So people who had an Optus account would call and you would answer that call to give assistance of a technical nature to Optus customers? ---Yes, and international operators calling in.

So is that a call centre type role?---Yes.

I see. Now, then you said portfolio management?---Yeah, portfolio coordinator, yeah.

40 And what was your final role at Optus?---Project manager.

What sort of projects were you managing, Mr Thammiah?---Transition projects so it was technology transition projects.

What does that mean?---Basically when a big company transfers, transfers over to Optus we have to manage that whole transition, all of their ICT requirements I suppose from manage services to mobile fleets and, yeah. Data (not transcribable)

At Optus did Mr Soliman introduce Mr Hamidi to you?---Yes, on occasion, yeah.

And did you socialise together during that time - - -?---No.

- - - with both Mr Soliman and Mr Hamidi?---No.

10 Did you have lunch together at Optus?---I can't really remember catching up with them. I was definitely introduced to Ali but that was as far as our, yeah, relationship went.

And you knew Mr Hamidi to also be working for Optus at that time? ---Yeah.

And Mr Soliman was also working for Optus?---Yeah.

20 And during that period you and Mr Soliman were good friends or at least friends, do you agree?---Yeah. I mean, it's not like, yeah, I mean, we had a relationship previously. I don't just, you know, presume that we're not friends any more.

Did you work at all together in the same team area at Optus?---No.

But you saw each other from time to time at work?---Yeah. It was one campus. Everyone's kind of stuck on there so - - -

30 And you also saw him outside of work during that period?---Yeah, on occasion at get-togethers where, you know, old school friends would get together.

And Mr Singh, he also worked at Optus. You knew of him at Optus, did you?---Yeah.

And you also saw him from time to time at mutual friends' parties or get-togethers.---No, I only saw him at Samer's get-togethers that he would organise at his parents' place, yeah.

And that was during the time that you were all at Optus?---Yes.

40 Now, you've attended Mr Soliman's two weddings?---Yes.

Now, in 2015 when you started getting involved with RMS work, what did you understand about the type of work RMS did?---Just in the general nature, I guess?

Yes.---Yeah, yeah, I guess I understood that Roads and Maritime Services policed the heavy vehicle industry, that, you know, all cars, I guess, roads.

I didn't really have, like, yeah, it was just, it's a very general nature, I guess, from a, you know, a public perspective.

And you understood it had some responsibility for road safety?---Yes, definitely.

And Mr Soliman would have told you that he was the manager of the Heavy Vehicle Program?---He probably did at the time, yeah.

10 You knew his work had to do with heavy vehicles?---Yes.

And their safety on roads, especially New South Wales?---Yes.

Now, you understood from what he told you, did you not, that he had the capacity to engage contractors directly himself?---Yes.

And did he tell you what his delegation was, that is what he was authorised to award in terms of contract values?---No. No.

20 And you understood, did you, that he was the person who would be deciding what work was or could be allocated to Novation in these technology trials that you've spoken of?---Yeah, I, sorry, yes, I, I understood that he had the capacity but I didn't think it was like the individual.

THE COMMISSIONER: Sorry, what do you mean by that?---I didn't think it was the individual, sorry, the capacity to, you know, approve these trials. You know, I thought it was the organisation.

30 Right. But organisations work through people. Did you consider that he was the one who would be determining which contracts could be given to Novation?---No, that's what I mean, not as an individual. I thought there was, yeah, a team behind these decisions.

So your evidence is you didn't think Mr Soliman would be making the decision. A team would be making the decision.---Yeah, that would be a collective as opposed to an individual.

40 MS WRIGHT: Are you referring to the decision about what technology trials would be done, that you thought a team, or it wouldn't just be him who was deciding what technology trials would be done?---Yeah, yeah.

Yes. But you, you understood that he himself had the capacity to allocate that work?---Yes.

Once it was decided that a particular technology trial would be done - - -?
---Yeah.

- - - that Mr Soliman could decide who would get that contract.---Yeah.

Now, what sort of skills – I withdraw that. Did you turn your mind to whether you had the skills to be doing work for RMS?---Yeah, definitely.

10 And what was your view about that, Mr Thammiah, in 2015 when you started working for RMS?---Yeah, sorry, yeah, look, I, I was coming off actually a peak kind of point in my career, so I was, I thought I was well versed to actually take on a technology role since I have been involved with technology for most of my academic career and pursued it, I guess, as a passion, obviously. But more to do with the project management side of things in terms of managing a trial in general. It was, I guess, no more complicated or different to what I was accomplishing.

Do you hold any formal qualifications in engineering?---Not in engineering, but I guess in project management.

20 THE COMMISSIONER: What are they?---At the time I had a diploma in project management and I was AIPM-certified, which is the Australian Institute of Project Management.

And where did you get your diploma from?---The University of New England.

Was that a correspondence - - -?---No, no, you have to go in for the course and write submissions.

30 And when did you obtain that?---That would have been while I was in Optus, I believe it was maybe around 2010 or 2009, yeah, 2010 sounds right.

And were you made redundant from Optus?---Yes.

So the position as a project manager was made redundant?---Yeah. They were attempting to offshore project management, to Malaysia I believe at the time.

MS WRIGHT: How long was the course for the diploma?---It was a week in-house and then you had to do a project for about, I think in a month.

40 A week in-house and a one-month project. Is that correct?---A, yes, a one-month submission time for the project.

And that was self-directed work which you could do in your own time?---Yeah.

And that was a diploma in project management, do you say?---Yes.

And what was the second qualification?---Certified Australian Institute of Project Management.

And what was involved in getting that qualification?---We, sorry, yeah, you had to register your interest with them and they would come out to the organisation that you were working with and basically run through a project that you'd finished end-to-end and decide if you had the relevant experience to attain this qualification.

10 What sort of projects were you running at Optus?---Sorry, I touched on that, it was infrastructure projects, transitions.

Transition projects.---Yeah.

And were any of the projects related in any way to road safety devices, cameras and the like?---No, they touched on technology in general, on a general basis, but not specifically to any technology.

20 And nothing to do with heavy vehicles?---No. I mean it's the telco industry.

So you really didn't have much, do you agree, by way of relevant experience to be doing work for a road safety agency such as RMS, did you?---Sorry, the way it was proposed was that you would be trialling technology, it wasn't, you know, anything to do with the heavy vehicle itself, you didn't need to have any heavy vehicle experience, you needed to have experience working with technology and I felt like - - -

30 How did you know that in 2015, that you didn't need to have any experience of that nature?---Because I was told the nature of the trial itself.

How did you know that you didn't have to have any experience in road infrastructure or heavy vehicles?---Because I was told that this is the technology you're trialling here is a number plate reader.

Was it an assumption that you made or was it something that Mr Soliman told you?---I guess it was an assumption I made based on the technology that I was supposed to be trialling.

40 You had no experience of any of this technology, did you, prior to doing work for RMS?---Experience in technology?

Either heavy vehicles or the type of technology that you understood that you would be involved in.---I didn't have any experience in heavy vehicles, I agree, but technology, I mean it's, it goes across the board. I've never viewed it as, yeah, as a specific experience that was required. I mean either you had the interest and the knowledge to apply or you didn't, and I thought I did.

And how did you know that you didn't have to have any experience or knowledge about heavy vehicles or matters concerning heavy vehicles and road safety in trialling and assessing the technology?---Okay. So I guess I have made an assumption based on the information that I was given and based on the technology that I was provided I guess, yeah.

10 Were you at any stage between 2015/2018 concerned at all about whether your involvement in work for RMS might in some respect have an impact on road safety issues?---No, not at all. I mean, I, I definitely took my cues from other Roads and Maritime Services personnel I, yeah.

THE COMMISSIONER: Sorry, what do you mean by that, you took your cues?---Well, whenever I had to work with them I made sure that I worked according to their regulations and rules and, you know, procedures like, yeah, so I - - -

I think we're at cross purposes. I think Ms Wright is asking you a different question.---Sorry, could you repeat the question.

20 MS WRIGHT: I think, Commissioner, he is attempting to answer that question but I'm asking, Mr Thammiah, lest there be any confusion whether at any stage between 2015-2018 when you were doing work for RMS whether you ever turned your mind to the fact that perhaps you didn't have the appropriate expertise because there were road safety issues involved in your trialling of technology?---No, I didn't. Road safety was, sorry, an issue for the Roads and Maritime officers that I worked with during those trials.

30 Now, the name Novation Engineering, do you agree that having a company with that name there would be an expectation that there is some background in engineering?---Yeah, definitely.

And you really didn't have a background sufficient to warrant a name like Novation Engineering, did you?---I would say I did but that's just my own personal opinion.

Well, it's a name that might suggest that a person actually has engineering qualifications. Do you agree with that?---I wouldn't say that the company suggests the person has qualifications, no.

40 You don't agree with that?---No. I mean, it does suggest that the company is capable of engineering type of work but I wouldn't say there's any individual basis.

But you were the company.

THE COMMISSIONER: But companies only work through individuals. ---Sorry, I - - -

Don't they?---Work is done by individuals but work doesn't represent qualifications.

You've agreed that by calling your company Novation Engineering the name suggests you accept that the company has some kind of engineering expertise.---Yeah, we can perform engineering work, yeah.

10 You just said we can perform that. You couldn't perform it because you didn't have any engineering qualifications, did you?---Sorry, I draw a clear distinction between I guess what a piece of paper says and what a person is capable of doing.

We're dealing at the moment with qualifications. You didn't have the qualifications to perform any engineering, did you?---Only qualifications in project management.

Yes.---Yeah, but - - -

20 So strictly it should have been Novation Project Management if we're reflecting on your skills and experience?---I mean, you do have to pick a name that also sounds good. I mean, it doesn't - - -

I know that but we're looking at what skills you brought to the company that you established and your skills were not engineering skills. Your evidence is they were project management skills. Correct?---With a background in technology, yeah.

30 Developed through your work experience at Optus?---No, through my degree and my work experience.

Well, your diploma and you work at Optus.---Yeah. So I wouldn't - - -

You don't have a degree, do you?---No, but I wouldn't say that I didn't do three years of an engineering degree and didn't learn any engineering principles. Yep.

40 MS WRIGHT: And engineering is different to computers and technology, isn't it? Engineering can suggest civil engineering, such as infrastructure projects and including roads and things that have to do with roads. ---Engineering's pretty broad. I mean, it could suggest anything.

Didn't you choose a name in order to convey that you had qualifications and experience and expertise in engineering that would be relevant to RMS? ---No, was purely just picking a name that sounded good. Yeah, I don't think, yeah, sorry, I don't think people should be thinking of names as, you know, in that suggested way, I guess.

Mr Thammiah, you had a scheme with Mr Soliman to mislead RMS into believing that you were doing legitimate work for the company, didn't you?
---No.

And in fact, much of the technology trial work, which you were paid for, you didn't in fact do yourself, did you?---Sorry, I did.

So do you say that you did all of the scoping study reports - - -?---I did.

10 - - - for the scoping study trials?---Yeah, I did the reports. Yep.

Mr Soliman didn't do any of the reports, is that your evidence?---No, he was there, but he didn't do the reports, I did them, as far as I can recall.

You drafted them, did you?---Sorry, yes, well, I, I guess they were my reports.

20 In their entirety?---I, yes, I mean, I'm, I'm taking ownership of these reports, because that's how I remember (not transcribable)

THE COMMISSIONER: I'm not interested in a term like "ownership". You were asked by Ms Wright, "Did you draft all of them?" Did you draft all of them?---I believe I did, yes.

You just answered that, in respect of Mr Soliman, he was there, what did you mean by stating Mr Soliman was there?---I, I worked on my reports at his house for those reasons I mentioned earlier, so, I mean, he had to be home.

30 Sorry, what was - so, the original reason was that you didn't buy Word?
---Yeah, that was the original reason, yep.

Word's not very expensive. Why didn't you buy it?---It was just one project. I didn't realise this was an ongoing relationship with RMS. It wasn't something - - -

You thought it was just a one-off?---I thought it was, yeah.

40 And so you thought, why bother buying Word?---Yep.

And then in 2016, you said you were spending a lot of time around there?
---Yeah, I, I used his, his family and himself.

His what, sorry?---I used his family.

His family?---As a, like, his house was, and his family was like a support network, I guess, for me and I did appreciate that.

MS WRIGHT: Mr Thammiah, what was going to be a one-off?---Sorry, yeah, I didn't foresee, yeah, you're asking about buying, like, software, and I didn't foresee other projects, so I didn't really pursue, I guess, like software at the time.

So the first project was the under-vehicle camera project?---Yes, yes.

10 And that was the first project, and the only project that you thought you were doing, was it, at that time?---No, I mean, there was, there was talks, but at the time, I'm, you know, I'm only basing it on what's in front of me, so, yeah, I, yeah, which is the one thing.

And you'd registered a company, you've opened a business account with a bank account, you've registered a business name, you've got a company logo, you've been sent a document by Mr Soliman, all for just one project, is it?

MR JAMES: I'm sorry, that - - -?---Sorry.

20 I'm not sure that's correct in terms of the document. Everything else there's no problem with, but if we're referring to that earlier ruggedised tablet document, that seems to be added into the compendium when it seems to have some different relationship.

MS WRIGHT: I should clarify. There was a second document. There was a document in September 2015. You'll recall I asked you about the document earlier, before you registered the company in September 2015. The ANPR document.---Yes, yes. Yeah.

30 I was referring to that document.---Yeah.

I apologise if there was confusion. But you've done all those things, you agree.

THE COMMISSIONER: You did all those things, incurred all those costs, didn't buy Word and thought it was a one-off?---Yeah, I presumed there was a, you know, I, I took every, sorry, I took every project as it came. I didn't count my chickens before they hatched, if that makes sense.

40 MS WRIGHT: Now, you would have known at that time – so we're still talking about 2015, Mr Thammiah – that it was inappropriate for Mr Soliman to be giving work to a friend, wouldn't you?---No, I didn't know at the time.

Are you really saying you had no idea that there would be some sort of ethical issue with Mr Soliman giving his friend work?---No, sorry, at the time I, Samer had said that he was allowed to work, I guess, in this capacity, and he used Jai unfortunately as an example.

THE COMMISSIONER: Sorry, so Mr Soliman said to you he could work in this capacity and used Jai as an example?---Yeah.

What did, in what, when he said I can work in this capacity, what was your understanding that he was referring to?---Friends and RMS, like working with RMS.

10 So he can just give them work or employ them?---Yeah, as in he was allowed to, yeah.

And he gave as an example, your recollection is that he employed Mr Singh?---Yeah.

Why did he – I’m sorry, Ms Wright. And this conversation arose in what context?---I have, yeah, I guess I, I obviously had questions initially because, you know, I wanted to make sure this was perfectly fine because I had no reason to.

20 Well, you do realise the RMS is actually an agency of government, so the money that RMS spends is taxpayers’ money. You knew that at the time. That must have been obvious to you.---Yeah, I, I guess it’s, yeah, it is kind of obvious when you think about it like that, yeah.

And did you realise that within any organisation there are issues about conflicts of interest, but with the public sector, where you’re using, spending public money, that becomes very, very important issue. Did that go through your mind at the time?---I mean, I asked, I asked the question because of that - - -

30 And, sorry, what question did you ask Mr Soliman?---Well, I asked him I guess along the lines of, you know, was this perfectly legitimate and he said, yes, it didn’t breach, I guess he used internal governance against me in that respect by suggesting that he hadn’t breached probity.

So they were the words he used, “I haven’t breached probity”?---Yes.

40 MS WRIGHT: Did you question that at all?---Unfortunately, given my frame of mind, it became very hard to question Samer. It became harder as the friendship prolonged, I guess.

Because you felt or you feel now that back then you were in a vulnerable state, I think that’s what you’re suggesting, Mr Thammiah?---Yeah, I, yeah.

MR JAMES: I have no objection to this at all.

THE COMMISSIONER: I’m sorry?

MR JAMES: We have no objection to this at all, but we would ask for live streaming to be cut, that there be some suppression. This will go into the very personal matters which the Commissioner will need to hear but do not need to be disseminated generally publicly.

THE COMMISSIONER: All right. I'll just inquire through Ms Wright. Are you going to pursue this line of questioning at this time or - - -

10 MS WRIGHT: No. No, Commissioner. No, I was just confirming - - -

MR JAMES: We're happy for it to be done because Commissioner will have to hear it.

THE COMMISSIONER: All right.

MR JAMES: We just want it protected when it comes.

20 THE COMMISSIONER: Okay. Ms Wright, I'll rely on you. Mr James has raised if we move, if you want to move into this territory at any time that there will be an application for the live streaming to stop and a suppression order, but if I can rely, just allow you to ask your questions and if you think you've got to move into that territory, Mr James has indicated that maybe you could flag that we're about to move into that.

MS WRIGHT: Yes, I understand the issue, Commissioner, and I will do that. Mr Thammiah, we'll come back to that, but you've indicated that you had a conversation with him at the start of the work where you raised whether it was legitimate for him to be giving you work.---Yeah.

30 That's correct. And he said that it was and that he wouldn't be breaching probity in giving you work. Was that the effect of what he told you?
---Yes.

And this was in 2015?---Yeah, but it, I, it was something that continued, he generally I guess gave me a safety net of, yeah.

THE COMMISSIONER: Well - - -

40 MS WRIGHT: And the thing that continued – I'm sorry, Commissioner.

THE COMMISSIONER: Can I just confirm, the first conversation which was along the lines of Mr Soliman saying to you, I haven't breached any probity, that occurred in 2015?---Yeah, I believe that probably was used more, more so when he - - -

I'm just trying to establish the first time he said it to you. So that was in 2015?---I believe it was the start of 2016, the start. Before that he just alluded to the general nature and legality of it all, yeah.

MS WRIGHT: Before that conversation about probity he'd mentioned that it was legal. Is that what you are saying?---That he followed all the rules, yeah.

But you had nevertheless raised with him the question whether it was legitimate for him to be giving you work. And this is in 2015, before you'd been given any work by RMS you raised that question with him?---Yeah.

10 And he answered yes, that it was legitimate?---Yes.

And did – I withdraw that. You understood that there might be an issue with him favouring you and Novation because you were friends, didn't you? ---Yeah.

And that he might actually make a decision which was not in RMS best interests but rather make a decision in your best interests.---Yes.

You understood that.---Yeah.

20

And you knew that he had the power to allocate work to you.---Yes.

And you were also aware, weren't you, Mr Thammiah, that Mr Soliman was not declaring to anyone at RMS that you were his good friend?---No, I didn't know that.

Did you have any belief that he had told anyone at RMS that you were friends?---Yes.

30 And what was your belief?---Sorry, that he had told other RMS employees, not just - - -

And what was that based on?---I guess also it was based on the fact that we would travel, he would take me to site in his car, so obviously showed there was a relationship, and Jai knew of our relationship as well, so he, I guess was portrayed in that, in that manner.

Did Mr Soliman tell you that he'd declared or told anyone at RMS that you were friends, apart from Jai?---No, he'd never made any declaration.

40

So you really didn't have any reason to believe that anyone knew that you had a pre-existing friendship, did you, apart from Mr Singh?---I guess this is where you kind of, you know, either accept that your best friend is lying to your face or that he's honest and a man of integrity I suppose.

When you say not lying to your face, did Mr Soliman ever tell you that he had told his employer that you were his friend and he was giving work to

someone he knew in a personal capacity?---No, he only portrayed it that way, he never made any direct - - -

How did he portray it that way?---Like I said, it was the fact that, you know, he'd take me to site and, yeah, we'd travel together basically and, and he did obviously say that, you know, Jai was there as well.

10 But travelling with someone to site is not unusual, is it? Colleagues travel together in cars to workplaces.---Yeah, but I, I thought it was very unusual for a contractor and an RMS employee to be travelling to trials together, yeah.

Why?---Well, because it shows a friendship, yeah.

How does travelling in a car together show a friendship?---Well, I guess you're attending site together or you're, you know, yeah, it's I guess assumptions that I've made and the way it was portrayed, the relationship was portrayed.

20 You knew, didn't you, that RMS was not aware of your close personal relationship with Mr Soliman?---No, I generally thought that they knew that, yeah, I was a friend.

In 2018 you had multiple WhatsApp messages with Mr Soliman in which you were concerned about questions being asked by staff members such as Mr Zatschler, Guido.---Yeah, but that was well, just out of concern for Novation's actions I guess, you know, delivery of parts. We've, you know, we've had multiple issues I guess.

30 Is it really your evidence that you believed that RMS was aware of your friendship with Mr Soliman throughout the time that Novation was given work by RMS?---I definitely believed that they were individuals, yeah. That, that, you know - - -

And who were the individuals apart from Mr Singh?---I, I guess it was Roads and Maritime personnel that I worked with on the trials and, yeah.

40 Are you able to name those people?---No, not off the top of my head but I, I did think that, you know, the guys down at Penrith, David Jones's team, I thought they knew that there was a relationship there but, yeah, I don't think they've indicated that.

Did you ever disclose to IRD, to either Mr Garza or Mr Malhotra that you and Mr Soliman were friends?---I did to Rish but, yeah.

And what did you tell Mr Malhotra?---I told him we were friends.

And when did you tell him that?---It was the second time he came back actually.

When was that?---Sorry, I'm not, not too sure when he came back the second time.

Now, the only source of income for Novation from 2015 to 2018 was RMS. Correct?---Yeah, I think apart from a software purchase by AccuWeigh, yeah.

10

One software purchase?---Yes.

And the total payments made to Novation by RMS between December 2015 and October 2018 were in the order of \$7,200,000. Do you agree with that?---Yeah.

And you returned about half of that money in 2018 after the 425 scale procurement came to an end?---Yes.

20 That was the 50 per cent deposit that RMS had paid to Novation for the 425 portable weigh scales which you returned. Correct?---Yeah.

That transaction didn't go ahead.---Yeah.

And you returned \$3,700,000-odd to RMS. Correct?---Yes.

So the total money you were paid or that you received from RMS relevant to this inquiry which you've kept is almost \$3 million. Correct?

30 MR JAMES: Except the words, "you've kept." There's expenses and taxes and so forth. I'm happy with the question otherwise than the word, "You've kept." Received I'm content with.

MS WRIGHT: In gross amount. Do you understand what I'm referring to, Mr Thammiah?---Sure.

THE COMMISSIONER: Is it correct, 3 million?

40 MS WRIGHT: Almost \$3 million?---Yeah, I'd, I'd say so.

Is Novation still engaged by RMS as a supplier of PAT scales and parts?

MR JAMES: The questions of confidentiality arise at the moment, if Your Honour please, there are discussions between the parties and those discussions are in relation to litigation pending or imminent and that, if my friend wishes to go into that, perhaps we could deal with that after the short adjournment when I can apprise her of where we're up to.

THE COMMISSIONER: You've raised a short adjournment, how about we
- - -

MS WRIGHT: Sorry, I do note the time as well.

THE COMMISSIONER: How about we adjourn for about 15 minutes and
Ms Wright, if you need to have a discussion with Mr James about this, that
would be an appropriate time.

10 MS WRIGHT: Thank you, Commissioner.

THE COMMISSIONER: So we'll adjourn for 15 minutes.

SHORT ADJOURNMENT

[11.41am]

THE COMMISSIONER: Right. We've solved the issue.

20 MS WRIGHT: The issue appears to be resolved so I'll repeat the question.
I think I only attempted one question before the technological issue arose.
Mr Thammiah, when did you last – by that I mean most recently – make a
supply of products to RMS?---I believe we had some scales delivered in
July 2018. Early July, yeah.

Since July 2018, you haven't sold anything to RMS, is that correct?---Yes,
correct.

30 Well, of course there was the 425 scale procurement, which occurred later
in that year.---Yes.

But which did not eventuate. But subject to that intended transaction,
Novation Engineering has not transacted with RMS for the sale of
products?---Yes, correct.

Now, Novation's work for RMS started with the under-vehicle camera
project, correct?---Yes.

40 And you then undertook some scoping study projects?---Yeah. A little bit
strange, though, because the under-vehicle one had a scoping study as well,
yeah.

Then in 2016 the Canadian company IRD appointed Novation as its
distributor in New South Wales for weigh scales.---Yes.

And after that you then supplied spare parts to RMS for the IRD portable
weigh scales?---Yes.

And Novation was awarded two large portable weigh scale contracts by RMS in 2018.---Yes.

Totalling over \$9 million plus GST.---Yes.

I'm going to ask you about the last of those, the 425 scale procurement first.---Sure.

10 At the time of the tender for the procurement of the 425 portable weigh scales, you were in Canada, correct?---Yes.

And the tender close date was the 30th of August, 2018.---Yes.

And you were in contact with Mr Soliman throughout the preparation period for Novation's tender by WhatsApp in particular.---Yes. Yes. Ah hmm. Yes.

20 And you were in the hearing room when I took Mr Soliman through all those WhatsApp messages exchanged between the two of you from the middle of July 2018?---Yes.

Do you agree that Mr Soliman told you in July 2018 how much funding was available within RMS to pay for the new scales?---Yes.

He told you there would be an increase from 4.7 million to \$7 million available for that procurement. Correct?---Yes.

30 And when he told you that you understood he was indicating how much Novation stood to earn as a gross figure by that transaction.---Yes.

You and Mr Soliman agreed on the price that Novation would charge for the scales based on the available funding.---No. I mean, he made a suggestion for sure, but, yeah.

And you agreed with that suggestion, didn't you?---No.

He said to you that \$7.1 million funding at \$15,800 per scale would be possible.---Yeah.

40 And you said, "Epic, cool, cool," didn't you, in response to that message? ---Yes. Yeah.

By that you were agreeing that Novation could charge RMS \$15,800 per scale.---Sure, as an indicative measure, yeah.

You were agreeing with that price, Mr Thammiah.---I, sorry - - -

You're not hesitating in some way about that agreement, are you?---No, I wasn't agreeing with that. No, I'm not, sorry, I'm not disagreeing with, what do you call it, the statement, but I'm disagreeing with the fact that it was somehow a decision that he was making for me, I guess.

So it was your decision as well?---No, it was my decision.

Yes, because in fact you offered the PAT portable weigh scales to Mr Mitchell the previous year at \$15,000 per scale, hadn't you?---Yes.

10

And so you were quite happy with that price, the \$15,800 to be charged to RMS?---Sorry, could you repeat that last - - -

You fully accepted and agreed with Mr Soliman's proposal that \$15,800 be charged to RMS for each scale.---No, I didn't agree with that. I mean, he - - -

20

You didn't agree?---No, I mean, he took a figure and divided it and, you know, he, he got a price but that's, you know, not any sort of agreement from my perspective.

THE COMMISSIONER: So you didn't use that price?---No, I didn't use that price, no.

MS WRIGHT: How is you responding to him that "That was epic, cool, cool," indicate any sort of disagreement with his proposed price?---I guess it's the same as, you know, a verbal cue you give someone when they are saying something. It's not an acknowledgement but, you know, I, yeah.

30

So did you disagree with his proposal to charge that amount for the scales? ---Yeah, from my point of view I wasn't going to charge that.

You did charge that, ultimately, did you not?---I thought I charged 15,500.

I see. You drove IRD's price down \$300, did you not?---No, I didn't.

You negotiated with Mr Malhotra and you got a \$300 discount.---No, I did not. I, I mentioned that figure but that's, you know, just, just nominal. That's not actually what happened.

40

All right. Well, we'll come to that. I suggest there's an explicit message in which you indicate that there's a \$300 discount which you got from IRD. ---Oh, no, I, I know I said that. Yeah, but that's only what I told him. That's not actually what happened.

THE COMMISSIONER: Sorry, that - so you told Mr Soliman an untruth, did you?---Yeah, I wasn't, I didn't want to tell him, actually. So I just made it up. I mean, taking \$300 - - -

So you made up that you got a \$300 discount from IRD? When you told Mr Soliman that, you made it up?---Yeah, I did.

MS WRIGHT: You charged RMS \$15,500 per scale.---Yes.

Do you agree with that?---Yes.

10 And you lied to Mr Soliman, for what reason?---I just didn't want him knowing my conversations with IRD. I just, yeah.

Why did you tell Mr Soliman that IRD had given you a \$300 discount?
---Just wanted to, I guess, make him feel like, you know, he was that friend to me, I guess, but – I wanted to tell him something, but I didn't want to actually tell him what was going on.

20 So you didn't seek any reduction in the price IRD was charging to Novation from Mr Malhotra, is that your evidence?---Yeah. I mean, we, obviously, I went and asked the question, but we had discussions back when the 125 was going on, and - - -

THE COMMISSIONER: Sorry, who's "we"?---Sorry, IRD and myself. Sorry. And, yeah, around that time, we'd already set in stone figures, should any further tender eventuate.

And what were the figures that you'd set in stone back then?---Was around the 400 benchmark, I guess, yeah.

30 400 - - -?---400 scales. I think it was around that sort of equivalence.

But, sorry, I thought you said you'd set in stone figures, I assumed that was the price that you'd pay.---Yeah, for a further tender if I had won that, yeah.

Right, and what was the figure?---I, sorry, I can't remember off the top of my head, but it was roughly – yeah, I'm sorry, I really can't off the top of my head. What I do remember is that, I guess, the only thing that was discounted from the, the 425, in terms of my price from IRD was just the advance payment discount. That was the only thing that changed.

40 MS WRIGHT: Did you tell Mr Soliman that you'd got a discount from IRD so that Mr Soliman would think you'd done something in order to negotiate the price, is that why you lied to him?---Yeah, basically. I just, yeah, wanted him – yeah.

I'm just asking you, Mr Thammiah, you're shrugging, but it just doesn't make a lot of sense, do you understand?---Sorry - - -

Why is it that you - - -?---Yeah.

- - - told an untruth to your friend, Mr Soliman?---I didn't want to, look, I, I didn't want him to know the exact figures, so I just made it up, that's it.

Mr Soliman knew the exact figures. He had suggested \$15,800.---Yeah.

In your email, in your WhatsApp messages to each other.---Yeah, he suggested the figure, yeah.

- 10 And you invented a story that IRD had given you a \$300 discount on their price, and let's be clear, their price is not 15,800. Their price is in the order of [REDACTED] per scale. Correct?---Yep, US, yeah.

And that – that's US dollars. Thank you. And that you then passed that savings on to RMS by reducing your price to \$15,500.---No. I mean, that doesn't make any sense. Why would I, you know, get a discount to my wholesaler and then pass it onto the customer if I'm trying to maximise profits? I'd keep it at 15,800.

- 20 So why did you reduce it to \$15,500?---Because that was my price, not – it wasn't Samer who was making up this figure, it was mine. It was my decision. So, I made that decision.

And you were not concerned about whether that was a competitive price for RMS?---No, not at all.

Because you wanted to maximise your profit?---No, because I couldn't compete with price.

- 30 You couldn't, sorry?---I couldn't compete with price.

THE COMMISSIONER: I couldn't compete with price?---Yeah, on a price, on a basic price merit basis I couldn't compete with other scales.

With whom?---With other manufacturers.

MS WRIGHT: What other manufacturers did you consider that you were potentially competing with?---HAENNI, Intercomp, I guess all of the rest.

- 40 And when you say you couldn't compete with other manufacturers, what do you mean by that?---Sorry. Just based, sorry, just based purely on a, on price, IRD scales can't compete with other manufacturers because they, I guess they're, the quality that the put into the manufacturing process, you know, is quite involved, it's quite a high-quality product compared to something that's manufactured in I guess the US with lower quality parts and, yeah.

IRD was charging Novation US [REDACTED] per scale. Do you agree?---Yeah, sorry, was that for the tender or was it individual price?

For each scale in the tender.---In the tender, yeah.

So that's around [REDACTED] Australian dollars.---Ah hmm. Sure.

And you were charging RMS \$15,500 per scale.---Yes.

10 You weren't concerned at all about whether that was a competitive price for RMS, were you?---No, I wasn't.

And you were, with Mr Soliman, seeking to exhaust all of the available funds which RMS had made available for the procurement in setting that price, weren't you?---No, I would have charged 15,800 if I wanted to do that.

20 And you had profited from the previous procurement for 125 scales, hadn't you?---Yes.

And you told Mr Soliman that, "We should do a lot better this time," didn't you?---Sorry, yeah, I'm sure I said those but I have no context really.

And for that previous procurement of 125 scales, IRD had charged Novation US\$ [REDACTED] per scale, hadn't it?---Yeah.

And it had included 21 chargers at no additional cost?---Ah hmm.

30 As well as six additional scales at no additional cost. Do you agree?
---Yes.

And so there were 131 scales provided?---Yes, but the six scales didn't form part of that tender.

But you charged RMS for all of those products, didn't you, you charged a cost for the chargers?---For the chargers, yeah, I mean, yeah, of course, it was my deal I guess to negotiate with IRD.

40 Did you charge for the six free scales?---No, they were, I believe that was the compensation provided by IRD and myself for the issues that they had experienced with the dynamic system.

And it wasn't fair to charge RMS for the chargers when they had been supplied to you for free, was it?---Well, I mean it's kind of perspective, you know, what's fair if you, yeah, you've got a business kind of mindset to run. It's not like you're not trying to make money.

You don't think it's unfair to be charging RMS for something provided to you for free?---That was a negotiation made by myself so I don't see how it comes into play.

And the mark-up that you applied I suggest to the price of the scales was unreasonable and excessive. Do you agree with that?---No, I don't.

So you consider that a mark-up of about [REDACTED] to be reasonable and justified, do you?---For a once in 20-year purchase.

10

How do you justify it?

MR JAMES: With respect, we were dealing apparently with gross figures and now the mark-up is expressed as the difference between the original cost and the eventual, without any reference to anything in between. The mark-up, if it's being expressed as including the intermediate costs, duties, taxes and expenses and so forth, would be deceptive. If what we're after is an actual mark-up in the sense of in his pocket, it's not of that order.

20 MS WRIGHT: Commissioner, I consider it fair to be asking about a unit price. That's all I'm asking at this point.

THE COMMISSIONER: I'll allow the question.

MS WRIGHT: Mr Thammiah, do you consider the mark-up which you applied, that is between US [REDACTED], and I'm referring to the 125 scale procurement, and your price of \$15,000 per scale – and I'm not even including the charges, which were an additional cost – you consider that to be justified?---Sorry, did you quote US and then Australian?

30

Yes, I did.---Okay. Sorry.

THE COMMISSIONER: Can you answer the question or not?---Yes. Sorry, yeah, I don't believe it's a considerable mark-up when you take into account that it's a once-in-20-year purchase.

MS WRIGHT: What does it being a once-in-20-year purchase have to do with anything?---Well, I mean, you're saying it's a considerable mark-up but these, these products last for 20 years. It's not like, it's not like RMS are buying these every three or five years. Like, other manufacturers might break down.

40

You don't think IRD is also aware of the longevity of its own products in setting its price?---Sorry, that's not, that's their distributor price. I don't know what they would be selling direct to consumers for.

Could you just explain that?---Sorry, you - - -

You justified that mark-up, which I suggest is excessive, by referring to the longevity of the products, which you say last for 20 years.---Yes.

Has not IRD taken that factor into account in setting its own price?---Sorry, that's IRD's price for the wholesaler. It's still not the end-user price. I'm not too sure why the two would kind of cross there.

You don't understand the point I'm making, Mr Thammiah?---No, I'm saying that, you know, a wholesale price is not the consumer price.

10

I'm not taking issue with that.---So - - -

That's obvious, isn't it? IRD sets a price which it considers to be justified based on the quality of its own product.---I believe - - -

So how does that justify you in applying the mark-up which you did?
---Sorry, I'm not, I don't think you're kind of clarifying whether IRD have a substantial mark-up. I mean, am I comparing my mark-up to their mark-up and justifying it from that perspective?

20

I think you're evading the question, aren't you?

MR JAMES: Well, with respect, the questions are difficult to comprehend. They're being put in terms of whether or not because of the original cost to him the mark-up was unconscionable.

THE COMMISSIONER: No, I think what the question is going to is if part of his justification is this it's a one-in-20-year purchase, Ms Wright's point is that should have been reflected in the price charged by IRD to him, and he hasn't answered that particular question.

30

MR JAMES: No. And of course he can't because IRD may be selling all over the world, every day of the week. We just don't know.

THE COMMISSIONER: I'd prefer you not to give evidence when you're making an objection, Mr James. You are.

MR JAMES: I'm not seeking to do that, Your Honour. I'm seeking – he can't say at all. I'm simply saying the reason he can't say is there are a whole lot of imponderables.

40

THE COMMISSIONER: Ms Wright, can you ask your question again?

MS WRIGHT: Mr Thammiah, your suggestion that because these scales last 20 years justifies the mark-up which you applied to this price, that's your, that's the reason that you applied that mark-up, is it?---Yes.

And as the Commissioner has said, what I'm suggesting to you is that IRD's own price would have reflected that fact.

THE COMMISSIONER: Do you accept that or not?---No, I don't.

Okay, you don't accept it.

MS WRIGHT: Really you were just trying to squeeze as much money as you thought feasible out of RMS in setting the price that you did, weren't you?
10 you?---No.

Is that a no?---No.

And you were aware that Mr Soliman would be setting the tender requirements to ensure that Novation would win the tender, weren't you?
---Sorry, is this for, are we still talking about the 125?

I'm referring to the 425.---Yes, the 425, yes.

20 And is it your evidence that you were not aware for the 125 that he would be setting the tender requirements?---No.

Now, he even asked you for the 425 how many scales to tender for, didn't he?
---Yes, yes.

And you told him to tender for 450?---Sorry, I don't - - -

Sorry, you told him to set as a figure 450 scales?---Sorry, I can't recall, yeah, I can't recall.
30

Well, I'll take you to Exhibit 53. If we could have that on the screen. And then we can turn to message 14. Now, I think the message numbers are in fact below each message, so if we could just go up, thank you. Now, Mr Soliman said, towards the end of that particular message, "I need to put a number in for delivery." Do you see that?---Yeah.

And he said, "200 days sound reasonable for 450 scales?"---Yep.

40 And you say, "Yeah, that should be plenty." And then over the page, "450." ---Yeah.

You were both bidding together because you were both to profit from this tender. Do you agree with that?---No.

Was that yes?---No.

What aspect do you not agree with?---Sorry, you said both of us?

Yes.---No, it was just me.

You don't consider that it was also his tender?---No.

And he told you that the tender requirements were all up to him?---I, sorry, I'm sure he might have said something like that, yeah.

10 And then if we go down to message 16 he asks you, "So the question is with \$7 million budget at approximately \$15,800 per scale, excluding charges and delivery, how many scales should I tender for?"---And you asked, "Do we have a choice?" And he said, "Yeah." And then you said to him that, "This should be, should this be the last?" Do you see that?---Yes.

And you were referring to the last transaction, should this be the last transaction where we defraud RMS, weren't you?---No.

20 Because you'd had a previous transaction for the 125 scales where you'd profited handsomely from the mark-up which you'd applied to the scales. ---Sorry, was that a question?

When you said, "Should this be the last time?" - - -?---Yes.

- - - you said that because there had been a previous transaction, Mr Thammiah, for the procurement of the 125 scales, correct?---Yeah, that was in reference to the total amount of scales.

And you'd both profited handsomely from that transaction.---No.

30 You say you didn't profit from that?---No, you said "we both". I did.

So is it your evidence Mr Soliman didn't profit from that transaction?---Yes.

I'm having trouble hearing you. If you could keep your voice up, please. ---Sorry.

Did you and Mr Soliman profit from the previous procurement for 125 scales?---No.

40 Well, what do you say you profit was?

THE COMMISSIONER: I think the issue is Mr Thammiah is saying that he's the only one who profits, that Mr Soliman has – is this what you're saying? This is your evidence?---Yes.

That Mr Soliman's not gaining any financial interest from all this. Is that what you're saying?---No, I'm referencing to, regards to the tender, like, it was referenced.

What you're being asked, what we've put to you, that you and Mr Soliman profited from it. Now, is it your evidence that that is incorrect, that you're the only one who profited from it?---Yes, Mr Soliman profited from my friendship, if anything.

And you said, and you transferred money to him, didn't you?---I didn't transfer anything, but he took - - -

10 You didn't transfer any money to him ever?---Yeah, I let him.

You let him take money out of your account?---Yes. Yes.

MS WRIGHT: And some of that money was the money that you derived from the 125 scale purchase.---Yes, it was Novation's, it was my wages but it was Novation's earnings, yes.

And Mr Soliman took some of that money.---He took my money, yes.

20 Well, it's RMS's money originally, isn't it, Mr Thammiah?---Originally.

And so he profited as well from that transaction, didn't he?---I profited from the transaction. I never thought of it as him profiting. Unfortunately I didn't have that, I guess, ability to think of him in such a way.

THE COMMISSIONER: Sorry? I don't understand that. You're getting money through your company.---Yeah.

30 And at one stage you handed him an ATM card and he just withdrew money from that account.---Ah hmm. Yeah. Yeah.

And as you've just agreed with Ms Wright, some of that money was the profit that Novation earned from RMS. Indeed, probably all the money in the Novation Engineering account was money from RMS.---I, I put \$100,000 of my own savings into - - -

What, at the beginning?---No, mid-2017, I did that, and, yep, so, a lot of that also went to Samer.

40 And sorry, your last answer which was, you didn't understand that, what did you mean by that?---No, I didn't have the ability to really think of Samer, I guess, in that frame of light where, like Ms Wright pointed out, that Roads Maritime Services, and they would come back to me, working with Roads Maritime Services.

MS WRIGHT: I note the time, Commissioner.

THE COMMISSIONER: All right. Take your luncheon adjournment. We'll resume at 2 o'clock.

LUNCHEON ADJOURNMENT

[1.04pm]