

EMBERPUB02029
17/10/2019

EMBER
pp 02029-02098

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION EMBER

Reference: Operation E18/0281

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 17 OCTOBER, 2019

AT 9.30AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Now, Ms Wright. Any administrative matters?

MS WRIGHT: Not at this stage, Commissioner.

THE COMMISSIONER: All right. Mr Thammiah. Now, I can't remember, oath or affirmation?

MR THAMMIAH: Affirmation.

THE COMMISSIONER: Mr Lonergan, as I said yesterday, or I think the other day with Mr Soliman, my view is the original section 38 order that I made continues.

MR LONERGAN: Please the Commission.

10 THE COMMISSIONER: Right. Ms Wright.

MS WRIGHT: Thank you, Commissioner. Mr Thammiah, when we left off on 1 August this year, I was asking you about the ANPR trial and that was the automatic number plate recognition camera project, one of the early scoping studies that you were involved in. Do you recall that?---Yes.

And I'm going to ask you a few more questions about that trial and the other four scoping studies that I haven't yet asked you about, just do you know where we're going. Do you understand?---Yes.

20

And I had taken you to Novation's quote and some emails which you sent and Novation's two invoices in relation to the ANPR project. I'd also taken you to an email which I will take you to now to remind you, at volume 18, at page 33. Do you see here an email from Mr Soliman at his personal email address to Novation Engineering dated 28 January, 2016?---Yes.

And the subject is "The mobile ANPR scoping study". Do you see the subject at the time he top of the page?---Oh, yes. Sorry, yes.

30 And the email, in its body, says, "Update."---Yep.

And the email attaches a document.---Ah hmm.

You can see there, and if we turn over, there was an attachment consisting of a Novation scoping study report. Do you see that?---Yes.

And if we turn to page 40, being page 7 of that report, do you see in section 2.1, there's some Xs?---Ah hmm.

40 You'll have to say yes or no for the transcript.---Sorry, yes.

Thank you. Do you agree that that document, which Mr Soliman has sent to the Novation email address, is a draft report?---Sorry, I, look, I'm, if this is difference between the end result and this one, like - - -

Okay. Well, you can see that it says, "XXXX."---Yeah, but this XXX is related to this 2.1 sort of banner. It's the, the only difference.

Yes, and there's no word there, is there?---Yeah.

It's just "XXXX".---Yes.

And it's supposed to have some content that is a paragraph or a sentence under section 2.1, do you agree with that?---No, because this title doesn't make any sense at all. Like, you, you can't really put any information on there, nah.

10 THE COMMISSIONER: But I think the point is that you wouldn't be submitting a final report with a heading 2.1 Mobile AMPR World Best Practice Report XXX, would you?---Yeah. No, I agree, if, but if, yeah.

And I think on the next page there's some similar - - -

MS WRIGHT: Page 42, yes, Commissioner, over two pages. Do you see the question marks in the table?---Yes.

20 THE COMMISSIONER: And I think Ms Wright's point is this can't, that it's got to be draft.---Yeah. Yes, that's correct.

MS WRIGHT: You know what a draft is?---The version before the final, but like, you know, yeah.

Yes. And this is a draft, isn't it?---Yes, I would agree, yes, with this picture.

And that's being sent to Novation from Mr Soliman's personal email address on 28 January, in an email which says, "Update."---Yes. Ah hmm.

30 Now, that was sent to you in order for you to complete this report, wasn't it? ---I don't know if, well, yes, it was sent to me to update this, you know, obviously, there are missing elements there.

I see. So you accept that the word "Update", you understood to be a direction or request to you from Mr Soliman to update this report?---Yes, in this context, I believe that there are some missing elements, and by sending me the file, yes, it does have that sort of, I - - -

40 You understood at the time that this was a request from Mr Soliman for you to update this report, are you agreeing with my question?---It's, look, I, I do agree that this, it does look that way, but I don't have any recollection of this. So, I, how do I, you know, say that this, like, the last time we spoke, I did say it could have been me, because I don't have a recollection of this.

Okay. I'll come at it a different way.---Yeah.

You see this draft, this document which you've agreed is a draft, you did not prepare that draft, did you?---No, I believe I did. By, look, when I, when I

said I did, I am giving you a recollection of working on documents consistently.

I'm talking about this particular document.---And unfortunately I don't have a memory of working on any particular document, because - - -

10 How is it that you say you did prepare it?---I'm writing, I'm, I'm thinking of my collective memory throughout doing these reports. I don't have one memory of any singular report. There is not, you know, it's not, my memory's not that great.

Okay, so is it the case that you remember working on some reports, but you have no specific recollection of preparing this draft which was sent by email on 28 January, 2016?---Yeah, I agree. I don't.

And so it's possible, is it not, that it was not you who prepared it, and that it was Mr Soliman?---It is possible.

20 Yes, because from time to time, he did prepare some of the scoping study drafts, didn't he?---No, from my recollection, I did prepare those reports, but I realised that I was actively lying to myself about his role, and that plays into other aspects. But I, I remember it that way, but I don't see it that way anymore, unfortunately.

All right, well, we'll come to those other aspects.---Yeah.

But just dealing with the scoping study reports,

30 Is it your evidence that Mr Soliman did prepare at least some of these scoping study report drafts?---From my recollection, he always made me feel like I was the main contributor to these reports. Like, his help was always justified from the perspective of what I was going through. He never made me feel like he was doing the work.

All right. I am talking about the physical typing out of documents.---Yep, yep.

40 I understand how you say you felt or how he made you feel about your contribution. The person who sat at a computer, you'd agree with me these documents, these scoping study reports are prepared on a computer?---Yeah.

The person who sat at a computer and prepared them was, to your knowledge, on occasion Mr Soliman?---He sat there but he did not, he did not write these reports. They were done with me by my hand in the sense that I was dictating, in the sense that I was producing this work. I felt that way at the time of doing this work.

It's not a question of feeling, it's a question of a physical act of typing on a computer, Mr Thammiah.---Yes, then - - -

Who was the person - - -?---Yep, and in my presence - - -

THE COMMISSIONER: Hold on. Let Ms Wright finish her question.
---Sorry, yep.

10 MS WRIGHT: Who is the person sitting at the computer typing the words into a document?---I would say it will be both of us. If he was, if I was dictating, he would type but I would usually type.

So there were occasions when you were dictating and he was typing?---Yep.

And there were occasions where he was typing but you weren't dictating, weren't there?---No. I was definitely like, he, no offence to him, but I don't like the way he, he writes.

20 You did not come up with the content of all of these reports, did you?---As far as I can recall, I did come up with that content but I am saying it from a very different perspective now because my recollection of the events is not a hundred percent accurate as far as I can tell.

All right. Well, I'll take you to the content of relevant reports. Now, you've accepted that this email, at volume 18, page 33, was sent to you by Mr Soliman. You agree with that?---No. I told you I'm not too sure about that.

30 You've accepted that the word "update" was a request by him for you to update the report.---Sorry, I accept that the word "update" is clarifying that this document needs to be updated because there is some missing elements but I don't know who sent this email because I was working from his room, on his computer.

Is that your honest evidence, Mr Thammiah, that you do not recall who wrote this email?---I have no recollection of this email because it's one email three years ago, more than three and a half year ago. I have no recollection.

40 You wouldn't be telling yourself to update a draft report, would you?
---Sorry. It's just one word. If I sent the document, yeah, you're right, like in that perspective it could be that.

And so it's probable, isn't it, that it was Mr Soliman instructing or requesting you to update the draft?---I really can't answer that because I don't have a recollection of this. I mean, you could be asking a stranger the same question.

THE COMMISSIONER: Well, she's not asking a stranger. She's asking - -
-?---No, I, I realise - - -

Let me finish, please.---Sorry.

She's asking somebody integrally involved who ultimately provides a finished report to RMS and her question was, I'm sorry, Ms Wright's question was, is it probable? Now, can you answer whether it was probable that Mr Soliman sent the email with "update" as an instruction on it?

10 ---Yes. If I'm being objective, yes.

MS WRIGHT: I'll take you to the scoping study report that you submitted at volume 1, page 136. Do you see on 2 February, 2016, that's five days after the update email I just took you to, an email from Novation to Mr Soliman's RMS email address, attaches a mobile ANPR scoping study report. Do you see that?---Yes.

And it says, "PDF version minor formatting adjustment." See that?---Yes.

20 And now, I suggest that the changes made in this report from that draft I took you to are minimal.---Yes.

And you agree with that?---Yes, it's likely that it is minimal because the last document was quite substantial.

And did you make those changes?---Judging by this email, I'd say yes.

And you say that you prepared the draft, do you?---Sorry. I'm saying I prepared all documents, yes.

30

THE COMMISSIONER: I'm sorry, Ms Wright, which draft?

MS WRIGHT: The draft I took him to.

THE COMMISSIONER: The one back in volume 18?

MS WRIGHT: Yes.

THE COMMISSIONER: Okay, sorry.

40

MS WRIGHT: Yes.

THE WITNESS: Yes.

MS WRIGHT: You see, on 13 January, 2016, you had given Mr Soliman \$10,000, hadn't you?---Yes.

And I suggest you gave him that money as a contribution for his work on this report.---No. I explained the \$10,000 previously.

And you had both jointly worked on this matter and his cut at that time was \$10,000. Isn't that the case?---No.

10 And you've given evidence that you believe that was to assist a friend, Tim with the square jaw, and I suggest whether it was to assist a friend or not, you paying him money when he was giving you work from RMS, you knew that could lead to him favouring your company, didn't you?---Yes, I agree. From that perspective now, it is inherently wrong but at the time I, yeah, at the time I felt like Samer was a more than trustworthy character and would never, would never put himself in harm's way, let alone his friends. So, I did give him that with, I guess, some integrity because I thought the best of him and he did advise me of that as well.

20 And you knew that giving him cash was part and parcel of his involvement in Novation's work, didn't you?---No. Unfortunately, I gave him cash for other reasons.

They weren't separate issues, were they? At the very time you were giving him cash, he was favouring Novation in allocating work to you, wasn't he? ---I didn't realise that he was bending the rules to sort of give me this opportunity. I thought it was a real opportunity so I did not see the favouring, as you put it.

Now, just moving onto the next scoping study. That was the thermal camera project. Do you recall that one?---Yes.

30 And what was that project about?---Roughly it was a thermal camera that was to detect the brake temperatures, brake pad temperatures and basically trigger, based on the temperature, it would trigger an alarm that would then cause for a visual inspection and we were looking for a pattern between the temperature pads and the brake, brake faults.

40 And where did it take place?---We had initially set it up in, I believe it was Marulan, yeah. It was Marulan. Initially it was Marulan and then we realised it was a horrible set-up and it wasn't, it just didn't work at all and then we changed to an alternate location, I can't remember the road. It might be Picton Road.

Were you present at the trial?---Yes.

How many days were you present?---I believe Marulan was only two days and I think Picton was maybe four days. Maybe four.

And how did you know how to carry out this trial?---I was there with the vendor, I had the specifics on what was required, and, yeah, it wasn't, meaning how was I actually - - -

Who told you what the trial was to be about?---Yeah, Samer did, and then I found out a little bit more once I got onsite and spoke to other people about it, predominantly.

10 And you always got your instructions from Mr Soliman about trials?---Yes, unfortunately.

And no-one else from RMS gave you instructions about what trials would involve?---No.

How would he give you those instructions?---He would basically invite me around to his house, and give me a prospectus of what was coming, in terms of trials and if I needed to engage with the vendors beforehand, or, you know, dates and timings.

20 When you refer to a prospectus, you're not referring to an actual document, are you?---No, just a, you know, an informal way of saying, look, this is the trial, this is what's happening, this is what it's about, this is what the criteria might be.

Were the instructions always given to you at his house?---Predominantly, yes, but occasionally, we'd, you know, meet, I guess, for lunch.

30 And I'll take you to the quote at volume 1, page 160F for this project. And do you see here an email from you to Mr Soliman attaching quote 91 for the thermal vehicle scanner project?---Yeah. Mmm.

And then at page 160G, the attached quote appears.---Ah hmm.

You see there's a scope of works set out in this document?---Yes.

Who provided that scope of works?---Samer did.

40 Who prepared this quote?---Well, we sat there together and did it in his room, but, you know, he gave me the information for the scope of works, because it's coming from RMS.

You sat together at his house at a computer, and prepared the quote together, is that your evidence?---Yeah, I believe this one was. I'm not too sure about, you know, other ones that kind of subsequently. But this one I remember. It was quite early on.

And who did the typing?---I really can't say. Oh, it probably, probably was me, but I have no recollection.

And if it was you, because you say he provided the scope of works, he dictated the quote to you and you prepared it?---More about the scope of works, these requirements.

And the price which is over the page at 160H, of \$69,304, excluding GST -
- -?---Ah hmm. Yep.

10 - - - did Samer Soliman give you the price to be quoted?---I wouldn't say he gave me the price, but he definitely said the right things to make me come up with the right price.

MR YOUNG: Well, I object to that, Commissioner.

MS WRIGHT: What are the – sorry.

THE COMMISSIONER: Mr Young, sorry, I was going to ask something, but can I just hear what your objection is?

20 MR YOUNG: Oh, well, it's probably the same thing, but “do the right things” is not evidence.

THE COMMISSIONER: Well, it's not helpful for me.

MR YOUNG: I mean, it's a conclusion about something else.

THE COMMISSIONER: Yes.

30 MS WRIGHT: It's an answer, so I don't see how there can be an objection, but I propose to explore it, Commissioner.

THE COMMISSIONER: Yes, and I think that meets Mr Young's issue, so if you can explore it and get some more details as to what's actually meant by that.

MS WRIGHT: Yes. What did you mean by that, Mr Thammiah?---I mean at the time, I didn't recognise his, I guess, manipulation of the situation.

40 MR YOUNG: Oh, well, I object to - - -

THE COMMISSIONER: We're not – no.

MS WRIGHT: Well, I need you just to tell us – you've said that this quote, you do remember the preparation of this quote, that's the case?---Yes.

You said that you were together at his house.---Ah hmm.

And he provided the scope of works?---Yep.

Now, I asked you about the price.---Mmm.

You seemed to hesitate about whether it was you who came up with the price.---No, I know it was me who came up with the price, but when someone's saying, "Oh, well, you might have to do this, and you might have to do that, and you might have to," yep.

10 All right. Well, what did he say?---Look, I - - -

I'm not asking you to guess or speculate?---Yeah, I can't, yeah.

What is it that Mr Soliman actually said?---I, I really can't give you any specific because it happened so many times. It's - - -

What's the effect of what he said? I'm not asking you to remember precisely the words.---Yeah.

20 But when you were talking about price, what was the effect of the discussion?---Look, I, I, I really do struggle to remember anything specific but from my perspective I do remember coming up with lower prices and eventually I would reach a higher price after our discussion.

Are you saying that you would propose a possible price to be quoted by Novation to RMS and you recall an occasion when Mr Soliman said you can quote higher? Is that what you mean by that last answer?---I wouldn't say he said I could quote higher, because that would I think - - -

30 THE COMMISSIONER: No, no, no. So he wouldn't say you can quote higher?---Yeah, but he would suggest that the technology required might require a more robust solution or that we might need different technologies to implement a different working solution in regards to like, layouts, because we did change layouts, but effectively that's how I believe I got to my price.

MS WRIGHT: That was in the context of you discussing price with him, that he would make those sorts of comments?---Yes.

40 And did you understand by that that you should or could put in a higher quote than the price you'd proposed to him?---It's not that I understood that I could charge more, but the fact that I, this was my first opportunity as a business, he was sort of I felt mentoring me through this, so I felt like his guidance was, yeah, was gospel.

I'm asking you what you understood in the context of discussion about price from the suggestions he made, such as this could require more robust technology or more work. Did you understand from that, that he was in effect inviting you, if you so thought - - -

MR YOUNG: Well, I object, I object to this.

MS WRIGHT: I'm asking about what he understood, Commissioner.

THE COMMISSIONER: Hold on. Can Ms Wright just first finish the question?

MR YOUNG: Yeah.

10

THE COMMISSIONER: Do not answer it. Let me just hear the question in full.

THE WITNESS: Sure.

MS WRIGHT: Your answer about the types of things Mr Soliman would say, such as this might require more robust technology, did you understand by that, that because you said, your evidence is this was in the context of discussing prices - - -?---Yes.

20

- - - and how much Novation could charge. Correct?---Yes.

Did you understand by that, that you could put in a higher quote because more work may be involved?

THE COMMISSIONER: Pause.

MR YOUNG: I have no problems with that question.

30 THE WITNESS: Yes, in regards to each project I believe that's what happened.

THE COMMISSIONER: No, no, no.

MS WRIGHT: This is what you understood. Sorry, Commissioner.

THE WITNESS: Yes, I'm sorry.

40 THE COMMISSIONER: That was the question. The question was that Mr Soliman would say, look, I think this is going to involve more robust technology, and Ms Wright has put to you when he said that, was this your understanding, that you could increase the quote price? Was that your understanding. Not whether it had that effect. Now, sorry, Mr Young has now leapt to his feet.

MR YOUNG: Yes. Understanding from that statement by Mr Soliman.

THE COMMISSIONER: From those words Mr Soliman used.

MS WRIGHT: I didn't confine it to those particular words, but those types of comments that - - -

MR YOUNG: Well, see, this is the difficulty here because we are talking here about a particular incident in relation to one discrete matter. Now, if it's just going to go from that into something more general, I think that for example things that he says happened later, then that is in danger of
10 distorting the evidence as to what was said here. This is a very important conversation, clearly, and we need to establish what was said. He's given his evidence of that, it's - - -

THE COMMISSIONER: All right.

MR YOUNG: My friend's entitled to ask what he understood from what he has given evidence about, but it can't go wider than that.

THE COMMISSIONER: I thought she was. I don't know if I've muddied
20 the waters by just picking up on those particular words about more robust technology, but my understanding of Ms Wright's question is that she was picking up on the evidence that Mr Thammiah had given that he would use these words.

MS WRIGHT: Yes. And the evidence, if I've understood it correctly, it's not confined to this particular project. He's talking about there were occasions - - -

THE COMMISSIONER: With scoping studies.

30 MS WRIGHT: - - - with, yes, in the scoping study context, where he remembers those sorts of comments by Mr Soliman in the context of discussing price. So it's not just any context. I think that's - - -

THE COMMISSIONER: All right. Sorry, Mr Thammiah. I'm going to allow the question and what it's focussing on is you've given evidence about certain phrases that Mr Soliman would use when you were with him, drafting your quote for a scoping study, for example the one that we're looking at.---Yeah. But sorry, just to correct that robust solution comment. I think it was more around the time frames that he would use for the project.
40 So it, it was more about, it might run for a month extra. You should add in some fat to account for that. If that makes sense.

What was your understanding when he was saying things like that to you?
---I thought he was guiding me through proper processing channels in order to succeed at delivering this project.

MS WRIGHT: Do you recall him saying the words, “You should add in some fat”?---No, that was my interpretation of, you know, “You should add in something to account for” - - -

I see. So you understood from those more general comments about what the work would entail - - -?---Yeah, that I should increase the price.

- - - that you could add in some fat and increase a price that you’d previously put forward verbally in a discussion to Mr Soliman?---Yes.

10

Now, this particular project, coming back to the ANPR, page 168, which is the quote for \$69,340, is that a price that you proposed?---I don’t think so but I don’t remember my original price. I just remember it’s probably lower.

You would have discussed the price with Mr Soliman?---Yes, I would have.

And for each quote that you put forward to RMS, you discussed price before you put in the quote with Mr Soliman, didn’t you?---I did.

20

You two always discussed price.---I discussed the price but it was mainly because I wanted to know that I was doing the right thing as well. I - - -

And you would have discussions in which he agreed, or you mutually agreed, that that would be the price Novation would quote?---No. I always felt like the decision was mine.

You always felt but you always had his agreement to that price, didn’t you? ---Yes. That’s true.

30

You never understood that any quote that you would put forward to RMS would be rejected, did you, based on price?---I actually have to say I didn’t think much about the projects being rejected.

You expected them to be accepted, that is the quotes. You expected they’d be accepted?---I, yeah, accepted that this was his team that was doing work but I did accept that as a collective, they, that my work and projects were, you know, had complete visibility that, you know, it wasn’t - - -

40

I understand that but you knew that he was he person ultimately who would decide whether your quotes would be accepted, didn’t you?---No. I didn’t know that he was the person ultimately that was, like, doing this.

He discussed purchase orders with you, didn’t he?---Yes.

And he told you that he was the person that authorised purchase orders, didn’t he?---I don’t know if he said that but he might have.

He told you how much was remaining on purchase orders on occasion, didn't he?---Yes.

10 And you understood from that, that that was the amount of money available for Novation to invoice RMS for, didn't you?---But those, I thought those were in circumstances where that whole PO was already defined as work related to Novation. So telling me the remaining amount was just the remaining amount of required parts or work. Yeah. I'd say it was remaining parts because I don't, nothing else really had that, the connotation you're talking about.

Well, I'm not talking about connotations. I'm just asking you questions. He discussed with you that he was a decision maker in relation to authorising purchase orders, didn't he?---Yes.

And you understood that when you put in quotes he could accept them?
---(No Audible Reply)

20 He personally had the authority to accept them.---I thought there was – sorry.

MR LONERGAN: Commissioner, just for the sake of clarity, Counsel Assisting, I think, has moved from scoping studies to now going to purchase orders in relation to spare parts. If that be the case, it may be not so clear, it certainly wasn't clear to me that we changed to a completely different area.

THE COMMISSIONER: I'm just - - -

30 MS WRIGHT: I don't recall saying anything about spare parts. He referred to - - -

THE COMMISSIONER: Yes, that was in actually Mr Thammiah's answer.

MS WRIGHT: Yes.

40 THE COMMISSIONER: My notes are that Mr Thammiah agreed that Mr Soliman would tell him the outstanding amount available under a purchase order. Then he agreed that he was a decision-maker in authorising purchase orders. And then the question was, "You understood when you put the quote, he had the authority to accept it?"

MS WRIGHT: Yes.

THE COMMISSIONER: And I think we were waiting for that answer. And Ms Wright, my understanding was this was in the context of the scoping studies.

MS WRIGHT: Well, if – it is in the context of the scoping studies, but given answers sometimes, I’m picking up on an answer and going a little bit more broadly. But I don’t think I’m disentitled from that approach, Commissioner, based on answers given.

THE COMMISSIONER: Yes.

10 MR LONERGAN: I mean, one issue with that is that the proposition that there was money outstanding under a purchase order only occurs in relation to the spare parts, it doesn’t, unless there’s a proposition that’s going to be put to Mr Thammiah that there was money left under purchase orders in relation to scoping studies.

THE COMMISSIONER: All right. Look, I don’t really see a difficulty with it, although obviously Ms Wright is proceeding under topics, because there’s a lot of topics to cover. I can’t see, especially as the parts issue arose because of an answer Mr Thammiah gave, that there’s any problem with the question. He’s not being misled. He’s not being confused by it.

20 MR LONERGAN: Well, my submission is that there was the potential for confusion, because they were traversing between the spare parts and the scoping studies, highlighted by this potential conflation of the money remaining under a purchase order only occurring in relation to spare parts, and in the context of the questions being in relation to - - -

THE COMMISSIONER: Well, that’s your understanding of evidence. No, look, I’m going to allow the question.

30 MR LONERGAN: Please the Commission.

MS WRIGHT: I’ll just move on, Commissioner, because I don’t recall the question, but - - -

THE WITNESS: Can I just make a comment?

THE COMMISSIONER: No, Mr Thammiah.---No. Okay.

Your question was, “You understood when you put in the quote that he had the authority to accept them?”

40 MS WRIGHT: Yes.---Yes.

Yes. Now, just dealing then with the thermal camera project, you sent an invoice to RMS for this project on 8 March, 2016, and I’ll take you to that, volume 1 at 167. Do you see here an invoice?---Yes.

And it’s dated 09/01/01. And I suggest the evidence shows that you submitted another invoice 09/01/02 for this particular project, so there were

two invoices. Do you accept that?---Yes, but I believe the same invoice just came up on the screen.

All right. So you can see this invoice here, and if we go over a page, it's for \$38,137, and it's dated 8 March, 2016. And then if we go over to 174C, do you see on 13 June, 2016, so it's about three months later, you'd submitted another invoice which is at 174D?---Ah hmm.

10 And then over the page we have the total, which is \$38,137. So you agree you've sent two invoices for this project?---Yes.

Did Mr Soliman draft these invoices?---No, I don't believe so.

Did you prepare them at his house?---No, I don't believe so.

Did you prepare them at your house?---Yes, likely.

Did you have a computer at your house?---Yes.

20 Did you have a laptop in March 2016?---Yes.

Did you ever take your laptop over to Mr Soliman's house?---Yes.

Did you sometimes do work on your laptop at his house?---Not really.

Why did you have your laptop at his house?---Just to access some files.

Novation files?---Yes.

30 That involves doing work on your laptop at his house, doesn't it?---I would say it just means accessing the laptop, but yes.

Did you prepare Novation documents on your laptop at his house?---No, I don't really have a recollection of doing that.

Did you prepare Novation document on his computer at his house?---Yes.

40 Why didn't you use your own laptop?---Because his room has a 50-inch TV on the wall that he uses as a screen, it's connected to his laptop so it's got a - - -

Well, why did you take your laptop to his house?---In case I needed any, in case I needed any documentation or files.

Did you have remote access to Novation's email address on your laptop? ---Yes, email.

So anywhere you went you could send or receive an email to the Novation address on your laptop?---Yes.

Now, in relation to these two invoices, do you say you prepared them at your house?---No, I have no recollection of where these invoices were prepared. I just, yeah, I recall preparing invoices but I cannot tell you any, yeah.

10 So you say it's possible you prepared them at his house, do you?---No, it's very unlikely.

THE COMMISSIONER: You said you didn't believe, and now you're saying it's unlikely that you prepared it at his house?---Yeah, I don't have any recollection of preparing any invoices at his house.

MS WRIGHT: And if it wasn't at his house, it was at your house?---Yes.

20 Are they the only two places where you would have prepared Novation documentation - - -?---Yes.

- - - namely his house or your house?---Yes.

So if it was not at his house it had to have been at your house?---Yes.

And you say it's unlikely you prepared these ones at his house.---Yeah, it's unlikely.

30 Why is it unlikely?---I guess just because I don't have a recollection of really doing any invoicing at his house, preparing any invoices.

All right. So why would it be that this invoices was found on his home computer?---Probably because I did transfer files across to his computer.

What do you mean by that, Mr Thammiah?---I mean, I did transfer a folder across from my laptop or USB onto his computer to access files. It could have been in amongst that.

40 Why did you do that?---Because I was working on documents off his, off his computer.

But you said you had your laptop there in case you needed documents, Novation documents.---Yeah, like the logo.

Why transfer documents onto his computer when you had your own computer?---At the start I didn't have Word, I was using his computer because I didn't, you know, because I was using OpenOffice.

I asked you if you had a laptop in March 2016 and you said yes.---Yes, but that doesn't mean I'm using Microsoft Word on that laptop. I had OpenOffice for a reason.

And so if we check that, that's the case, is it? You couldn't do document preparation on your laptop?---No, you could do it in OpenOffice, it's not a bad program, but it's free and has flaws. You can't submit a document that's created in OpenOffice to an organisation that uses Word because it doesn't translate, you'll just get character flaws and errors everywhere.

10

Why couldn't your documents just remain on your laptop? Why did you have to transfer onto his computer?---No, you're – sorry, are you asking me why I transferred documents?

Yes. Why did you need to do that?---I would say it was purely because of the logo that I needed.

So you transferred the logo onto his computer?---I transferred a folder that had the logo folder in there.

20

What else was in the folder?---I have no idea.

And your purpose in transferring onto his computer documents was so that you had the logo. Was that your purpose?---Yes.

And you wanted the logo on his computer for what reason?---Because I was prepared documents as well on his computer.

30

You just said it was unlikely that you were preparing documents on his computer.

MR LONERGAN: Commissioner, my understanding was that he was not preparing invoices on his computer. I think he readily accepts that he was preparing documents on Mr Soliman's computer.

MS WRIGHT: All right. I'll confine my question. You said that it's unlikely that you were preparing invoices on his computer.---Ah hmm.

40

What were you preparing on his computer?---Oh, he mainly, he mainly wanted me to work on the scoping studies.

So on his computer, you were working on scoping studies. What else? ---That would be it.

Nothing else. You weren't working on quotes, you weren't working on invoices, unlikely to be working on any other Novation documentation on his computer other than scoping studies?---It is possible but my memory is of a generalised perspective of being in that room and working on that

computer and looking at the screen. I don't have a recollection of any documents. So it is possible.

See, I suggest that he prepared the invoice found on his home computer at volume 1, page 167, being the first one for the ANPR project.---I really don't know if that's the case. I don't have that recollection.

But it's possible, is it, that it was him?---I, look, there was only two people in that room that were working.

10

And it's possible that he said, "Here it is. You submit it"?---No, I, I don't have a recollection of that at all. I mean, like - - -

Did that ever happen, that he gave you a document and said, "Here's the document, you submit it"?---Not to my recollection.

Not even in the early stages of your work for RMS did Mr Soliman, to your recollection, ever prepare a document for you to submit to RMS?---I don't have a recollection of that happening.

20

It's a simple yes or no.---No.

Now, in relation to this project, if we could have volume 18, page 62. This is on the 14th of March, 2016, and Mr Soliman has sent to you an email that's saying, "Here is the other thermal trial I did. Have a look at what they reported on and include these stats in your scoping study." Do you see that?---Yes.

30

What did you understand him to mean by, "Include these stats in your scoping study"?---As in look at what statistics they've used to complete the study and perhaps mirror your results into those statistics.

And by mirror, do you mean copy these stats into your report?---I would say use the template because if you copied it - - -

Well, a template's different to stats, isn't it?---Yes.

A template is a general structure of a document. Do you agree with that? ---Yes.

40

The stats are particular numbers, are they not?---Yes.

Did you understand him to be asking or directing you to take the stats from the attached report to the email and copy them into your report?---No.

How else can it be understood, Mr Thammiah?---I was, well, I just explained the first time I answered, that it was - - -

THE COMMISSIONER: Well, no, look, sorry, please don't make gratuitous comments, Mr Thammiah. Listen to the question and answer it. It's been put to you this particular email. I would like to know – where it says, including these stats in your scoping study – how you can say that isn't directing you to take the stats and put them in your study. So what's your answer?---Sorry, my answer is that I did not read it that way because I didn't need to copy data. I had data that I was getting from the trial. So I didn't read it that way.

10 So you ignored it?---No, I looked at the document and tried to look at how they perceived the trial, and what statistics they did use. I presume that's what happened in this case.

Well, can you distinguish between presuming and if you have an actual recollection of what happened? Because I'm really interested in what you can recall. If you can't recall, we can then explore it further, but it's very important that your starting position be what my actual recollection is.
---Yep.

20 So, do you have a recollection of when you received this email from Mr Soliman, what you did?---No, unfortunately I don't.

MS WRIGHT: Now, at volume 18 – I'm sorry, just before we move off that, if we could just look at the attachment, which is at the next page, page 63. This is a report by a company or organisation called Strategic Innovations. Do you see that?---Yes.

30 And did you consider whether you were being sent confidential RMS material in Mr Soliman sending you this document? Did you ever turn your mind to that?---No.

You never turned your mind to whether Mr Soliman was sending you documents which you thought you shouldn't be receiving, because they were internal RMS documents?---I thought he knew the rules of his organisation and followed the rules of his organisation. I never turned my mind to whether these documents were sensitive.

40 Did you ever, ever say to yourself, "I shouldn't be receiving this, this is not appropriate"?---In some senses, I did.

And when was the first time that thought occurred to you?---When I received the business case template.

That was in 2015, wasn't it?---Yes.

That was the ICT business case.---Yes.

And you thought to yourself, I shouldn't be getting this.---I thought, he should have sent this to me without that information. I just needed the template. So yes, I did think that.

And did you raise it with him?---No, I thought it was irrelevant.

Coming back to the thermal camera project, volume 18, page 113. Do you see here an email dated 12 July, 2016, from Mr Soliman's personal email address to Novation's address?---Ah hmm.

10

You knew he was emailing you from his personal email address, didn't you?---Yes.

And you knew that he was doing that because he wasn't supposed to be sending you this material, didn't you?---No, I didn't perceive it that way.

You knew he had an RMS email address, didn't you?---Yes.

20 And you knew that his involvement in Novation's work at this stage was not authorised by his employer, didn't you?---No, I could not see, I couldn't see any wrong in what he was doing, at the time.

You couldn't see any wrong in what he was doing in July, 2016?---I would say it was, I would say it was from the start.

That you knew it was wrong?---No, that I couldn't see what was wrong, that, you know, now, yes, objectively you can look at it and say, yes, I should have acted this way, and it was wrong.

30 Notwithstanding that you knew in 2015 he was sending you some confidential RMS material, and that you were meeting with him at his house to prepare documents, it didn't occur to you that what he was doing was wrong?---Not at all, because of my dependency.

THE COMMISSIONER: Your what, sorry?---Dependency.

MS WRIGHT: Mr Thammiah, you were a free agent. You're an intelligent person, aren't you?---That's objective too.

40 You're an intelligent person, Mr Thammiah.---I'd like to think so.

You understand my questions?---Yeah.

You're sometimes disagreeing with my questions, aren't you?---Sorry, I'm answering your questions, I'm not too sure.

You have the ability to discern right from wrong, don't you?---I would say I do now.

And you did in 2015 because you knew he wasn't supposed to be sending you a confidential document, didn't you?---No, unfortunately I wouldn't say that.

Well, you've given evidence of that. You knew he wasn't supposed to be sending you an RMS document in 2015.---No, I said that this document does look sensitive and perhaps he shouldn't send it to me.

10 Yes. So you knew what was appropriate and what was not appropriate, didn't you?---No. I don't work for Roads and Maritime Services, I thought, and I perceived him to follow all the rules.

You had not gone to RMS in connection with your work for RMS, had you, you'd not attended at RMS's offices at all?---Just once, and it was like, next door.

And you'd only spoken to your very close friend, your best friend, about this work.

20

THE COMMISSIONER: True?---Before, before the engagement with RMS, yes.

MS WRIGHT: And throughout 2015 and 2016, we're now talking about the middle of 2016, you had only been dealing with your best friend about this work?---No, I'd been dealing with multiple people onsite during these trials.

30 I see. And you thought that your personal friendship with Mr Soliman was not a hidden matter. Is that your evidence?---My personal friendship was not a hidden matter?

Yes.---I believed that Novation was not a hidden entity, that's - - -

THE COMMISSIONER: No, you're not being asked that.---Yeah, sorry. Sorry, I did not perceive my friendship as being a hidden matter.

40 MS WRIGHT: And this is even though you're meeting with him at his house and he's involved in preparing some of these documents.---Like I said, I did not, I was not able to see the actions for what they, what they might be perceived as and any, anything I did raise to Samer, he did I guess soothe any aches that I might have.

I suggest you're not being frank in your evidence. I suggest you knew from the outset that Mr Soliman's involvement in Novation's work was wrong and that he was not acting impartially and you were aware of that.---No, I was not aware of it.

And by this stage you had been charging RMS well over market price for the work, including, I'm referring here specifically to the under-vehicle camera project, which was your first project, you charged RMS about \$45,000 for that, and you knew that was a scam, Mr Thammiah.---Sorry, this was my first business and my first engagement with RMS and I took his guidance. I did not perceive anything as being, yeah, untowards I guess.

10 So he's here sent you, coming back to 18, volume 18 at 113, a scoping study report on 12 July, 2016, and only two weeks later, page 196 of volume 1, you sent him the same report for this project. If we just go over the page. I suggest this is the same report as what Mr Soliman had sent to you on 12 July. Do you accept that?---Yes, there's no difference, yes.

He prepared this report, didn't he?---No.

Did he give you a report to copy?---No.

20 There's no changes between what's been sent to you and what you have submitted to RMS.---But I did explain – sorry, I explained that we worked in his room on these studies. I was, I, at the time I could not work on my projects alone. I could not work on these studies alone.

Because you relied on him to tell you what the content of the report should be.---No, I relied on him to force me to do the work because I was so disengaged.

30 If you were so disengaged I suggest you would not have been able to come up with the content of this report by yourself.---I was disengaged from, I was disengaged from parts of my life. I'll put it that way.

And so is it your evidence that you prepared this report at his house?---More than likely, yes.

How did it come to be sent from him to you on 12 July from his personal email address?---If we're working off his computer he generally has to send me those documents somehow off his computer.

40 So you say you prepared it together at his house and then he sent it to you?
---(No Audible Reply)

Why didn't you just submit it to RMS on that date?---I have no idea. I guess it was just a timely response. I didn't really factor that in.

You've prepared a report which for all intents and purposes looks like a final report on 12 July and then you wait two weeks to send it to Mr Soliman.
---Yeah.

It doesn't make much sense, Mr Thammiah, what you're saying, that he would send it to you when you're at his house.---Sorry, why does it not make – sorry, I shouldn't ask a question, sorry.

THE COMMISSIONER: No, no, don't, no, please don't.---Yeah, sorry.

MS WRIGHT: Let's go to the content of the report at page 202. "This scoping study is created for Roads and Maritime Service. RMS has expressed interest in such vehicle thermal screening technology due to the fact that 40 to 50 per cent of all vehicle, heavy vehicle defects issued in New South Wales are related to tyre or brake noncompliance." Where did you get that information?---Likely from, from Samer, yes.

Who would have written this out, who would have typed it up?---I have no idea. I mean, if he was dictating maybe me.

So there are occasions when he is literally standing behind you I take it saying type this and you are in a secretarial fashion typing up?---Well, it's the project background. This information has to come from Roads and Maritime Services.

THE COMMISSIONER: No.

MS WRIGHT: Could you deal with the question.---Sorry. Yes, I, I wouldn't say he was standing behind me. I would say he would give me a project background in this instance and then I would type it up.

When you say give you a project background, how is he giving you that background?---Verbally.

And is he giving you the actual words, "This scoping study is created for Roads and Maritime Services. RMS has expressed interest in such vehicle," I'm not going to read it again. It's very specific information, isn't it?---Yes, it is.

And you wouldn't want to get any of these details slightly wrong, would you?---No. It's, I'd, I'd say there's nothing too crazy about this sentence. I mean, the 40 and 50 per cent is really the only marker I'd say.

Well, we might get to some crazy bits if by crazy you mean not very specific. See I'm just trying to understand how it is that he's giving you background. Isn't it the case he is actually dictating the words? This is what word, from word to word you should insert in this report?---No, I don't have a recollection of doing that.

And so is it your evidence, because it's not clear, Mr Thammiah, is it your evidence that you constructed the sentences yourself based on information he gave you?---Yes. I would say that as a generalisation.

What do you mean a generalisation?---As in my recollection of this is not accurate and I am giving you the generalised recollection I have.

We'll go on. Second paragraph - - -

THE COMMISSIONER: When you said, "There's nothing crazy about that," what did you mean?---Well, I mean, you alluded to the sentence being some complicated sentence but there was nothing in there that's - - -

10

I don't think Ms Wright alluded to it being complicated. I think she alluded or she referred to the fact that it's specific and it's specific information that you must have obtained from somewhere but crazy, what use as - - -?
---Apologies, though.

- - - as what - - -?---No. I, I, look, my apologies. My definition is based purely around if I read this sentence there's only one fact in there.

MS WRIGHT: Commissioner, I think he said, "This is not such a crazy sentence." In other words he could have come up with it himself. That's how I understood - - -

20

THE COMMISSIONER: Okay, thank you.

MS WRIGHT: - - - the evidence. And I suggested that there might be parts of this which are, in fact, very much more specific. But the second paragraph, Mr Thammiah, "The vehicle thermal scanner selected to trial," who selected it?---Roads and Maritime Services.

30 Mr Soliman?---No, I have no idea if he selected it.

"This is currently the world-leading technology in terms of its ability to precisely measure temperatures on moving vehicles." That's an opinion, would you agree?---Yes.

Where did you get that opinion?---From Roads and Maritime Services. From Samer.

40 Samer asked you to include that in this report?---I don't know if he – no. I, I have no recollection of him asking me to include anything.

But you said it came from RMS. It must have come from him.

THE COMMISSIONER: I think he agreed with that.

MS WRIGHT: Yes, yes.---Yeah, because the, the project background is Roads and Maritime Services information.

So how is it you say you don't have a recollection about whether he asked you to include that in the report?---Because it was three and a half years ago.

Well, you recall that it came from RMS, this information.---All the project background information came from Roads and Maritime Services.

10 And you recall that it came from RMS. How is it you don't recall how it is that it came to be in this report?---Sorry. I will be more specific. Every project background that I have ever written for every report has come from the customer.

Well, we'll come to parts that aren't project background. Third paragraph, "RMS have advised that the key business objectives of this study are," 1 and in 2, then 3 and 4, in a paragraph that you can see in front of you. You see that?---Yes.

And how were you advised of that information?---Verbally, again.

20 By?---Samer.

All right. And then fourth paragraph, "Novation Engineering performed and extensive in-field trial of the camera." Is that the six days that you've given evidence about, two days at Marulan and four days at Picton, I think you said?---Yes. But the length of time of the trial was not dictated by myself.

30 When you say, "An extensive in-field trial of the camera according to best practice standards and WHS requirements," it's the six days that you're referring to?---(No Audible Reply)

The trial, that's what the trial was, the six days? That's all I'm asking.

THE COMMISSIONER: See, you refer in paragraph 4, "Novation Engineering performed an extensive trial"?---Yes.

40 That's referring to the two days and then the four days at Picton, is that what it's referring to?---I wouldn't even say it's referring to anything. I'd call that a throwaway line that you put in most documents, unfortunately.

MS WRIGHT: A throwaway line. Is that another word for a lie?---No, it's ---

What's a throwaway line?---When you write "yours sincerely", how sincere are you? It's just, you know, it's a phrase, it's a comment.

It's not a sincere phrase, that Novation did an extensive in-field trial?---I would call it fluff.

Spin?---Spin, if you like.

Then, “According to best practice standards and WHS requirements.” What were the WHS requirements?---Work, the onsite Work Health and Safety requirements, as enforced by Roads and Maritime Services personnel.

And how did you know that it was being done according to WHS requirements?---Because they made sure we followed those rules.

10

THE COMMISSIONER: So you were told the rules, were you?---And also when we broke the rules.

So were you inducted, went through some onsite induction when you arrived at the site?---Yes.

MS WRIGHT: And is best practice standards here also spin?---No, look, you have to follow these standards but I wouldn't say that, you know, this is
- - -

20

They weren't Novation's standards, were they?---I beg your pardon?

They weren't Novation's standards, when you say, “Novation performed according to best practice standards,” they weren't Novation's standards, were they?---I'm not too sure how you, best practice standards generally for me doesn't mean the company's standards, like it just means - - -

You had no previous experience in this market of conducting scoping studies for thermal cameras, did you?---No.

30

And how did you inform yourself, if at all, about what best practice standards were?---I guess it was following the trial requirements and - - -

Set by whom?---So by Roads and Maritime Services.

So when it says, “Novation performed a trial according to best practice standards,” they weren't Novation's standards, were they, they were standards which you understood someone else had set?---I'd say it was standards set by the customer because all trials are performed on their site.

40

Then if we go over to 204 where it says, “Following several meetings and discussions with RMS stakeholders,” does that just mean discussions with Mr Soliman at your house, at his house, rather?---What I perceived it as was an internal discussion within RMS and then translated to me. I did not perceive it as - - -

THE COMMISSIONER: You're not being asked that. You make a factual assertion here of, "Several meetings and discussions with RMS stakeholders."---Ah hmm.

With whom did you have the meetings and the discussions, which people, person?---Yes, me directly, Samer.

Just Mr Soliman. Okay.

10 MS WRIGHT: And just at his house?---Yes, as far as I can recall.

And when it says, "Following several meetings and discussions with RMS stakeholders," the stakeholder is Mr Soliman?---Yes.

Because it suggests that you, Novation, who are preparing this report, have met with RMS stakeholders, doesn't it?---Yes.

20 And it suggests something much more broad than Mr Soliman, just a discussion at his house with Mr Soliman, doesn't it?---(No Audible Reply)

This is spin as well, isn't it, Mr Thammiyah?---It is in some senses, I agree, but from my perspective there was a whole team behind these projects. I met up with people onsite.

But this is suggesting that you, Novation, have had, "Several meetings and discussions with RMS stakeholders," doesn't it?---Yes, but those RMS stakeholders are people onsite during the trial as well.

30 But you intended to convey that it was something much bigger or broader than discussing it at Mr Soliman's house, didn't you, because if you'd said her, following a discussion at Samer Soliman's house, it wouldn't have been appropriate, would it, to put that sort of information in a report?---I'd say you should use professional language.

Yes.---Yeah.

THE COMMISSIONER: It's not professional language, it's language that isn't very clear. Like I don't quite know what an RMS stakeholder is.

40 ---Do you want me to clarify or - - -

Well, you know, you've suddenly said, oh, look, it was everybody onsite when I was conducting the trials, but they're not stakeholders, they're employees of RMS. Aren't stakeholders, isn't it a buzz management word that means people outside the organisation who have an interest, such as people who drive trucks or people who drive on the highways, organisations that represent such people, isn't that what a stakeholder is?---A stakeholder is anyone that touches the project in any form.

So it's pretty meaningless, then.---No, it's, everyone, like, if you'd, if you've never worked on the project, if you've never on the trial, then you're not a stakeholder. You might be – actually, you might be an informed stakeholder. There are different levels of stakeholder membership.

MS WRIGHT: Then over the page at 205, you see Optris PI 160 Thermal Vehicle Scanner Specifications Summary. Where did you get this table?
---Likely off the manufacturer website.

10 Did you go onto the manufacturer website?---I have no idea. Likely. I don't have a recollection of these documents.

So it was a copy and paste from a website, to your knowledge?---To my knowledge, it's the documentation provided by this manufacturer, yes.

At page 206, we'll just skip the first paragraph, but the heading is Vehicle Thermal Scanner Field Trial Results Summary. The second paragraph says that "The first part of the study collected background brake and tyre temperature for randomly-selected heavy vehicles at Marulan HVSS, and
20 Picton Westbound Enforcement Site." Do you know what "HVSS" means?
---It's a heavy vehicle station.

And it says, "This data was analysed to determine a normal brake and tyre operating temperature range for the specific truck classification." How was that analysis done?---Sorry, I'm not too sure, this sentence is a little bit confusing.

You drafted this report, Mr Thammiah.---Yeah, but it's, it's been three
30 years.

THE COMMISSIONER: Your question was that was undertaken.

MS WRIGHT: How was the analysis done.

THE COMMISSIONER: How was the analysis done. So how was it done?
---Sorry, I'm, I'm answering the question in regards to this sentence, or just in regards to projects?

40 MS WRIGHT: This sentence says, "This data was analysed to determine a normal brake and tyre operating temperature range for the specific truck classification." So some data's been analysed. How was that analysis done?---I really can't recall. I mean, I can tell you what I think happened, but I really can't recall. I - - -

The paragraph after this talks about the second portion of the study. And then if we go to page 207, which is the next page, it talks about the third portion of the study. So there's three different parts to this study. If we go back to 206. And I want to know how each of these parts of the study were

done, because you're representing in this report that Novation did this study, Mr Thammiah.---Yes.

And there's a real question mark over that, because the report was sent to you from Mr Soliman's email address.---Yeah.

10 And so the question is whether you have sent in to RMS a report which you didn't prepare. Is that really the true position?---Look, I, I think I alluded to this earlier, but my recollection is doing these reports. But I do concede that, yes, I was going through some issues and I caused myself to look at him differently and see facts not as they were.

And the true facts are that you didn't write this report, which talks about three parts of a study involving analysis of data and use of a scanner. That's the true position, isn't it?---From my recollection, that's not the position.

20 And yet, you cannot tell the Commission how you conducted the analysis that you've said was done.---Unfortunately I haven't, I haven't read this document in a while. I, my recollection of the study is not of each day specifically, it's just, you know, snapshots of what happened on, you know, on each location. Not even the time or specific day.

You don't have some problem with your memory, do you?---No.

No, because - - -

MR LONERGAN: Commissioner, sorry.

30 MS WRIGHT: The question was answered.

MR LONERGAN: If Mr Thammiah's going to be asked, you know, questions in relation to the document, he has had all of, you know, a brief period of time to look at it to ascertain the question and then answer it.

40 THE COMMISSIONER: Mr Lonergan, I would assume, when this public inquiry has been going on for a while, we stopped on the last occasion because of the new material from the phone. I would have assumed that (a) Mr Thammiah would have been looking at the documents and reading them and I also assume that, as being represented by counsel and solicitor, that there would have been conferences and proofs and taking instructions from him about it, and the idea that now he's been confronted with a report that he had given evidence that he prepared and that he hasn't read it, I find quite astounding.

MR LONERGAN: Well, it can be answered by a question to the witness as to when he looked at this.

MS WRIGHT: (not transcribable) know the answer.

THE COMMISSIONER: And what do you propose I do? What - - -

MR LONERGAN: Well, Commissioner, if he's going to be asked a bunch of questions as to, you know, what does all this mean, and being provided with a document for all of - - -

10 THE COMMISSIONER: Well, no, he hasn't been provided with the document for all of, he's been given access to the documents for a considerable period. How long, Ms Wright? How long have we been going here?

MS WRIGHT: Well, since May. Since May. So it's about four months. It's about four months that he's had access to this and he's been taken to other reports in the previous tranche of hearings. But I don't want to go into submission, but the point is that he can't say anything about what he did and that's relevant, in my submission.

20 THE COMMISSIONER: And, I'm sorry, Mr Lonergan, do you have an application to make or what, other than raising with me that he's being asked questions about a document that he's looking at at the moment. Do you have an application for me or what?

MR LONERGAN: Commissioner, if he's going to be asked his recollection in relation to the specific aspects of the studies that were conducted that are represented in this document that he be given the opportunity to go through the document for five minutes before he is asked detailed questions about it.

30 THE COMMISSIONER: Ms Wright.

MS WRIGHT: Well, he's had, it's been more than five minutes of questioning. I'm entitled to ask him what his recollection of how he did the analysis and it's relevant, in my submission, if he's unable to come up with any explanation as to that. That's a highly relevant evidence, in my submission, to the question whether he did the analysis or drafted this report. And if he persists in saying that he prepared the report, I'm entitled to explore that and the question of - - -

40 THE COMMISSIONER: I understand the proposition you're putting to me. Mr Lonergan, have you got anything further to submit to me?

MR LONERGAN: Just the point that it's not a memory test, Commissioner, and if he's able to look at the document to refresh his memory, as opposed to being shown it on a screen for brief periods of time, then that may be of greater assistance and evidentiary value to the Commission whether or not he's able to recall specifics.

THE COMMISSIONER: No, look, I'm against you. I understand the reason why Ms Wright, the reason she had put forward as to why she is asking these questions and taking him to particular pages. I am going to allow her to pursue the line that she has been asking about.

MR LONERGAN: Please the Commission.

10 MS WRIGHT: If we could have the relevant page back up on screen, 206 of this report. The paragraph I've been taking you to, Mr Thammiah, starts at the first part of the study.---Yep.

Does it accord with your recollection that there were three parts of the study?---No.

No. And how many parts do you say there were?---My recollection as I said of doing the documents is a recollection from a generalised perspective of working on documents. Nothing specific.

20 THE COMMISSIONER: I think you weren't being asked about the document.---Yeah, sorry.

It was actually the study that you - - -?---Yeah, I was just - - -

- - - supposedly undertook. So we've got here, as Ms Wright has taken you to this report refers to three portions or three sections of the study, recollection that there were three parts or portions to this study.---No. My recollection of the study itself is from a generalised perspective of what occurred on site.

30 MS WRIGHT: Did someone provide this information to you about there being three portions of the study?---No, I can't recall this document specifically.

How did these paragraphs come to be in your report?---Sorry, I, I'm not too sure how to answer that question. I did say I did these studies from a generalised perspective. I don't have any specific memory of any paragraph.

40 By generalised perspective do you mean that you attended at the site, Marulan and Picton, you had some discussions with Samer then you sat with him at his house at the time the scoping study report was prepared and he conveyed to you the content in a general way?---No, that's not my recollection.

What do you mean by generalised?---The way I remember doing the studies is I remember being on a computer in his room working on documents.

With him?---Yes, with and without him.

And these paragraphs are very specific about there being three portions of the study but you have no recollection of there being three parts of the study. Is that the case?---Yes. I think what – look, I’m reverse engineering from reading these paragraphs but all of these just involve screening, screening vehicles and getting brake and tyre temperatures.

10 And when you say, “This data was analysed to determine a normal brake and tyre operating temperature range for the specific truck classification”, you are unable to assist the Commission with how the analysis was done.---I can tell you by reading this how I would do it but I have no recollection of the instance of, of, of analysing the stuff.

And when it talks about specific truck classification, what do you understand that to mean?---As in different truck classifications, as in different axles.

20 Are they your words, “the specific truck classification”, in the sentence I just read out?---I have no idea.

THE COMMISSIONER: I’m sorry, what did you say when you were asked what it meant or what it referred to? I missed your answer.---The truck classification, the axles, the (not transcribable) axles.

Axle. Thank you.

30 MS WRIGHT: And the second portion of the study involves screening brake and tyre temperatures using the scanner and conducting brake inspections on vehicles which breach the normal operating temperature thresholds determined in the previous step. Were you familiar with the normal operating temperature thresholds?---So the first part was to determine that so by second part, yes, we would have been.

And who operated the scanner?---The scan itself was autonomous. We just had to set it up though.

Who set it up?---I believe it was Chris, Chris Mathison maybe (not transcribable)

40 Did you understand him to be an RMS employee?---No.

Who did you understand him to be?---The vendor of the product in question, yeah.

So you weren’t involved at all in setting up or operating the scanner?---No. I wish I was but, no.

Were you supposed to be?---I thought I was but I was disregarded.

Was setting it up part of what you understood you had quoted for?---Yes.

And did you think that was an issue, that you weren't actually doing the work that you quoted for?---No, not at the time.

But you can see now that it was, is that the case?---Yes.

10 And were you actually present? Where were you when it was set up, this scanner by Chris?---I was present at the second site but the first site was an absolute failure, yeah.

You weren't present at the first site?---No, not with, I was present when they did the initial, after they did the initial installation then tried to see whether that setup was actually viable. That's the day I was there.

Were you present at the first site?---Yes.

20 So you were present throughout the full two days?---No, no. They attended site earlier and completed and installation because they needed like a wireless - - -

I see.---Yeah.

So you weren't present when it was set up for the purposes of the trial at the first site?---Yes.

But you attended the trial itself?---Yes.

30 And for the second site, which was Picton West, is that the case?---Yes.

Were you present when they set up the scanner?---Yes.

Then over the page at 207, "Third portion of the study. Evaluated the ability of the selected screening criteria to identify defective brakes and/or tyres in a separate sample of trucks." And it refers to the initial test results. How did you get those results?---Well, you're comparing the first and second portion to get the - - -

40 Right. And it says, "There was a trend in the data." Do you see that? "There was a trend towards high average temperatures as axle weight increased et cetera."---Yes.

Who determined there was a trend?---The data.

But that's a qualitative opinion, isn't it, that there's some pattern in the data? Who was it that looked at the data and said, oh, look, there's a trend?---Oh, no, this is, this is kind of obvious like before we even started this trial.

I'm not talking about whether it's obvious or not, it might be obvious, it might not be. Someone has said there's a trend in this data. Who is it that identified that?---In this data? I would say me and Chris.

Who would say, who?---I would say myself and Chris.

But you don't know whether that was the case. Is that your evidence?
---Sorry?

10

Your answer is, "I would say it was myself and Chris." You don't sound too sure about that.---Well, when we were conducting the trial this is exactly what we were looking for. This trend should be supporting the trial and the data that we were expecting.

So you don't know whether it was you who was involved in identifying the trend?---Sorry, I'm a little bit confused about this question because before we started - - -

20 THE COMMISSIONER: All right. So you're confused by the question.
---Yeah.

In this report it says, "There was a trend towards higher average temperatures," et cetera. Do you have a recollection of looking at the data and identifying that trend?---No.

All right.

30 MS WRIGHT: And then when it goes on to say, "Temperature varied widely within each axle weight group," do you have a recollection of looking at the data and identifying that fact?---No, I have no recollection of the specific information. I would be reading this document and reverse engineering it.

Okay. Don't reverse engineer.---Yeah.

I'm asking you about your memory, Mr Thammiah.---Yeah.

40 No recollection. Does that actually mean it didn't happen?---(No Audible Reply)

To your recollection it didn't happen - - -?---No, that's - - -

- - - that you looked at the data and identified these facts that you provided in this report?---Sorry, can you repeat that question?

You've said you have no recollection of looking at the data and seeing a trend or seeing that temperatures varied widely, and what I'm asking you is

if in fact your recollection is you didn't do that?---No. My recollection is hazy because there were lots of years between this event and myself.

Then you say, "Screening criteria was developed." You see in the middle of the paragraph?---Yeah.

By whom?---I would say myself and Chris.

10 But you're just guessing?---Well, we performed the trial, so - - -

What sort of contact did you have with Chris?---In regards to the project itself, or outside of the project?

THE COMMISSIONER: Well, you just said that you and Chris did the trial.---Yes.

So what was Chris doing?---Sorry, what was he doing, in what context?

20 Well, you said, "Me and Chris," or "Chris and I," did the trial.---Yeah, we performed the trial. Yeah.

So what did Chris do in doing the trial?---I would say he performed a similar function.

Right.---Yeah.

Which was?---Which was ensuring that the trial was being carried out, as in screening these trucks and using the camera, and - - -

30 But was he there? Like, you've given evidence that he was the one who was, who set up the scanner. So we've got that he did that. Even though you quoted for it, you didn't do it. But when the trucks were moving over it, over the scanner, was he there with a clipboard writing things down, or did he go and have a cup of tea and not bother with that, or - what was he actually doing?---We both had laptops set up on the side of - - -

Right. Okay, that's what I'm trying to get.---Yeah.

40 So your recollection is you both had laptops?---Yes.

And what was occurring on the laptops? Were you getting what information?---We were getting these images as the trucks moved across these, yeah.

MS WRIGHT: When you said in your evidence, when I, this paragraph, 207, I've taken you to a number of the sentences, "Screening criteria was developed. There were trends. There were things identified in the data about temperatures." And your answer was that, "It would have been me

and Chris.” And my question is, what contact did you have with Chris, in relation to this study?---Every day we were together.

And what did, what sort of contact were you, did you sit down together to look at the data? What did you do?---(No Audible Reply)

What did you actually do with Chris that leads to your answer that, “It would have been me and Chris”?---Because we performed the trial together, so - - -

10

THE COMMISSIONER: Yes, but you’ve given evidence that you have a recollection that you had your laptop, he had his laptop.---Yes.

And you’ve assumed that the measurement for the coming off, that you’re seeing on your laptop, Chris is also seeing on his laptop? That would be correct?---Yeah.

20

Okay, and I think Ms Wright’s now asking, did you sit down at the end of the day and have a discussion with him, or anything like that, or did you just keep to your own little laptops?---No, we had continuous discussions throughout the whole day, about the data that we were constantly getting.

MS WRIGHT: And you say after performing analysis on the data, a low temperature threshold of lower than 30 degrees and a higher than 120 degrees were chosen as the best temperature thresholds. Who chose them? ---Sorry, this would have been set by the first portion of the study.

30

And who chose the thresholds?---I would say it was me and Chris again, because we performed the trial.

And so if we were to ask Chris, you say that’s what he would say, that you and he together did this analysis and came up with best temperature thresholds and patterns in the data, trends and screening criteria, et cetera, et cetera?---I am answering from the perspective, sorry, I’m answering from the perspective that both of us were onsite doing this trial. I have no recollection of this specific questions you’re sort of putting towards me. I, yeah. I’m giving this answer based on the fact that we were the only two present then, obviously these criterias [sic] and assumptions and, yeah. Must have been us.

40

Which scoping study trials do you remember?---Sorry, I remember the trials, but you’re asking me very specific information that I cannot recall.

Which trials do you specifically remember doing the work for?---I would say - - -

So if I was to ask you about one of the trials that Novation was paid for, which trials do you actually remember doing the work such as the analysis

and the things that you say you have done on page 207 of this report?---I have no recollection specifically, well, from your perspective of what you, you know, of these trials. I only have a generalised perspective of the trials being conducted, and these reports being written.

10 Your evidence is very vague, Mr Thammiah, and I suggest it's because you did not have any substantive role in these trials that you have purportedly reported to RMS on and your evidence that you don't have a specific recollection, I suggest, is not the candid truth because you are not willing to acknowledge it's not you who prepared this documentation.

MR YOUNG: Well, I object to that because there are a large number of propositions in that, starting with the proposition, which has not been put or accepted, that his evidence is vague.

20 THE COMMISSIONER: I thought he, in a sense – maybe the term vague wasn't used, but I think to repeatedly say I have a generalised recollection is getting to vague. I don't really see a difficulty with that. Ms Wright, can you just put – you really put the main point towards the end. Maybe if you just repeat that.

MS WRIGHT: Mr Thammiah, I suggest that your evidence to the effect that you just have a generalised recollection but no specific recollection of any trial, as I understand, that's your evidence, that you have no specific recollection of any trial, you just have a generalised - - -?---Look, if you asked me the question, I will answer it but I can't answer this question because I don't - - -

30 THE COMMISSIONER: No, no. Please listen to the question, Mr Thammiah. Repeat your question, Ms Wright.

MS WRIGHT: Your evidence is that you only have a generalised recollection of the work you did in the scoping study area for RMS. You have no specific recollection of any particular trial?

THE COMMISSIONER: Is that right?---Yes.

40 MS WRIGHT: And I suggest that your evidence that you have no specific recollection is because you are not willing to acknowledge that you can't answer specific questions about the trials because you did not do the substantive work which is reported on in the Novation reports, such as the analysis I've taken you to on page 207?---No.

THE COMMISSIONER: What Ms Wright's putting to you is your absence of any specific recollection arises from the fact that you did not do the substantive work which is recorded in this report. Do you agree with that or not?---No, I would say it's another reason.

MS WRIGHT: What does that mean, it's another reason that your answers are not going to be intelligible?---Well, I don't want to touch on my personal issues but that's the other reason, I would say.

I'm suggesting you're not being truthful in your evidence about your lack of involvement in the detailed work that Novation has supposedly reported on in relation to the ANPR project. Do you agree that you're not giving truthful evidence?---No, I am giving truthful evidence.

10 And you don't have any medically diagnosed memory problem, do you?

MR LONERGAN: Commissioner, if we're going to start going into that field, then I'd make an application for the live stream to be taken down.

MS WRIGHT: I'm just asking one question, Commissioner, I apologise, that he has no diagnosis going - - -

THE COMMISSIONER: I've got no problem with that one question being put.

20

MR LONERGAN: If it please the Commission.

THE COMMISSIONER: I take your point if there are further questions, then renew your application. But just that one question I'll allow and allow the livestreaming to continue.

MS WRIGHT: Mr Thammiah, you have no medically diagnosed memory problem, do you?---Sorry, I do have a medically diagnosed problem but I don't know how much of that relates to memory but I believe it does.

30

No specific diagnosis about memory? Excuse me.

THE COMMISSIONER: For example, early set dementia?---No, I don't have any specific.

MS WRIGHT: Now, just one other matter in this report at page 209. Do you see here under "other considerations" you've set out four dot points? ---Yes.

40 Do you recall where you got this information from?---No.

Did you draft it?---I'm saying yes from my recollection of these documents.

Do you specifically remember drafting this page?---No.

Then if we go to the fourth dot point, "System integration. It's recommended that this thermal vehicle scanner be integrated with the

current RMS heavy vehicle enforcement system TruckScan.” Do you see that?---Yes.

“Which would enable automated intercepts of heavy vehicles which trigger any pre-set temperature criteria.”---Yeah.

Why did you make that recommendation?---Because it would be a good addition to the TruckScan sort of model that they have.

- 10 What's the TruckScan model?---Well, it scans the vehicle as it's coming through and gives you all the information that they can actually pull up and draw on from multiple sources. So the system integration would be, you know, the temperatures, brake and tyre pad temperatures for that specific vehicle as it pulled into the station.

And so you thought that would be a good integration, is it?---Yeah. Look, TruckScan is their main system, you know. Every, everything that you try to integrate has to really try and integrate through TruckScan.

- 20 And did you consider yourself qualified to be making a recommendation about equipment to be used in relation to heavy vehicles?---Sorry, this is, for me this is a common sense approach. The guys on the ground were telling us to do this as well.

THE COMMISSIONER: So your answer is because it was a common sense approach you did think you were qualified? You were asked whether you thought you were qualified to make that recommendation.---Apologies. I was conducting the trial so I think I am qualified to conduct the trial therefore I do give this recommendation because I think I'm qualified.

- 30 MS WRIGHT: And on what basis did you think you were qualified having had no experience in heavy vehicles?---I didn't believe the technology trials to be heavy vehicle centred. It had technology that was enforcing laws against heavy vehicles but you didn't need to have specific heavy vehicle knowledge. It was more about the technology.

But this is equipment that has to do with the safety of heavy vehicles, isn't it, and whether their brakes are working properly?---Yes.

- 40 And you're making a recommendation that the scanner should be integrated with some other enforcement systems used by RMS to enable automated intercepts of heavy vehicles on roads, so it has a safety component, doesn't it?---Yes.

And you had no prior experience at all with heavy vehicles, did you?---No.

So it's not just a matter of using common sense, is it?---If you're asked to trial a technology for an organisation and you look at the organisation's

systems that they use you have to incorporate that technology into their systems somehow.

And in your initial answer you said, "Common sense based on what they were saying," something to that effect, the inspectors.---It is common sense.

10 And so the inspectors, were they saying that this was a good piece of equipment and you adopted their recommendation. Is that the case?---No. I believe their generalised perspective was everything has to come through a truck scan.

I'm talking about the scanner.---Yes.

THE COMMISSIONER: Were the inspectors saying that it was a good piece of equipment to you?---Look, I don't have a specific recollection of them saying that.

20 MS WRIGHT: So was it a recommendation that you alone came up with? ---No, I would say it was in collaboration with the trial and all the stakeholders involved there.

Now, so you're very clear in your evidence, Mr Thammiah, that you were not given a copy of a report to copy for this particular project. You are the person that drafted this report. Is that your evidence?---Yes, that's my recollection.

30 The next project was the portable weigh scale study and I want to ask you some questions about that scoping study. Do you recall that study?---Yes. And what did that involve?---I believe it involved trialling three different portable weigh scales down at the Kogarah depot.

Did you attend the Kogarah depot?---Yes.

Who determined which weigh scales were to be compared?---Roads and Maritime Services.

40 Do you actually mean Mr Soliman?---No, I don't believe it was him, but because we did get the scales from, all the scales were being used currently or at least trialled in some respect by Roads and Maritime Services.

And who provided you with the equipment?---Roads and Maritime Services.

THE COMMISSIONER: But who?

MS WRIGHT: And what did the - - -

THE COMMISSIONER: Who within RMS?---Sorry, there's no -- when we, when I got to site at Kogarah, at Kogarah, the - - -

An RMS employee provided you - - -?---Yeah, yeah.

MS WRIGHT: The equipment was already in place, you didn't choose it?
---(No Audible Reply)

10 You didn't select what scales to be trialled?---No, Roads and Maritime Services did.

Who was at the trial?---I don't remember specific RMS employees I guess, but Samer was there and, yeah, there were several guys there, maybe five or six.

Were you introduced to them?---Yes.

20 And what did you do at the trial?---I conducted the trial and took data, took down data.

What did you actually do?---Specifically I - - -

Yes, I'm asking specifically.---Okay. Look, if I run through the process it was about looking at how the scales were being used from the storage within the, the vehicles they use, to setting it up, yeah, and then looking at the analysis of several trucks on different scales and looking at the pain points and just the pros and cons of every, of every scale.

30 Who took the lead at this trial?---I believe Samer took the lead.

And were trucks driven over scales?---Yes.

And Soliman was directing traffic, so to speak, which trucks to go over which scales, and taking scale readings?---Oh, no, I'd say the RMS personnel were doing that, yeah.

And what were you doing when they did that?---Just taking down notes, watching how everything operates and - - -

40 And did you prepare a report in relation to this project?---Yes.

Where were you when you prepared it?---I, I don't know. Like, it could be my place, it could have been his place.

Was he with you when you prepared it?---I have no idea. - - -

When you prepared reports at your house, was he ever there at your house?
---No.

THE COMMISSIONER: And he is Mr Soliman?

MS WRIGHT: Sorry, he is Mr Soliman. You don't know whether it was at his house or your house. Is that your evidence?---Yes.

Now, you sent him a report which is at volume 18, page 17. Just before that. I note the time. I am not sure whether you which to break, Commissioner. It's twenty to 12.00.

10

THE COMMISSIONER: Is this an appropriate point?

MS WRIGHT: Well, I'm in the middle of a particular project but I just note the time, that's all.

THE COMMISSIONER: How long do you think you'll be with this?

MS WRIGHT: Maybe 10 minutes.

20 THE COMMISSIONER: Look, we might go for 10 minutes and then have a quick, short break.

MS WRIGHT: Do you see you, at page 73 of volume 18 - - -?---Yes.

- - - sent an email to Mr Soliman saying you were pleased to submit the final version of the report?---(No Audible Reply)

30 And if we turn to the next page. Now, we'll just go back to page 73. You submitted that on 11 May, 2016, in a Google Drive. Did you create that Google Drive, Mr Thammiah?---Yes. I believe so.

And the report itself is at volume 1, page 230. The report makes a recommendation about a particular scale. Do you recall that?---Yes.

And do you recall which scale was preferred?---I think the first time I answered this I answered it incorrectly because - - -

40 Well, I'm not asking you about that. Do you recall which scale was preferred according to this report?---Yes.

And which brand was it?---I believe it was the HAENNI.

And was that a recommendation that you made, that the HAENNI be pursued as the preferred scale by RMS?---Yeah, based on the results, yep.

Did you make that recommendation yourself or did someone else convey that that's what the recommendation should be?---They were based on those scales, that was a clear winner.

That was a clear winner - - -?---I think so.

- - - over what other scales?---I believe it was like the older model Intercomp and the older model PAT scale.

10 And this report was also located on Mr Soliman's home address computer. And you can see at page 230 the document is dated 4 May, 2016, but you sent a report on 11 May, 2016. So how is it that a report dated 4 May came to be found on Mr Soliman's home computer, to your knowledge?---To my knowledge, it's because I was working from his computer and I would go there to finish these reports.

And he worked on it with you, did he?---Yes, from the perspective of the stakeholder kind of thing, yep, yes.

If we turn to page 235, that's - - -

20 THE COMMISSIONER: Sorry, what do you mean "from the perspective of a stakeholder"? What do you mean by that answer, that he worked on it from the perspective of a stakeholder?---That he would always have a veto over the scoping study if submitted and he didn't like something, because it was being submitted to RMS, and he was the, I guess, the responsible person, I guess the project sponsor in some ways. And I think we had a little bit of issues about (not transcribable) last time.

30 MS WRIGHT: He would have a veto over the content of the report? ---Yeah, definitely, because it was being submitted to him, so that's generally the perspective of any documentation submissions.

So he would check the report before you submitted it, and if he wasn't happy with it, he would indicate so?---Yes.

THE COMMISSIONER: Aren't you supposed to be independent?---(No Audible Reply)

MS WRIGHT: Yes.

40 THE COMMISSIONER: Sorry. Go on, Ms Wright. I'm jumping in.

MS WRIGHT: Aren't you supposed to be independent, Mr Thammiah? ---Sorry, if, if someone doesn't like the formatting or the grammar, they're allowed to say so. If they don't like the wording, they're allowed to say so. I thought that - - -

Aren't you changing your answer now? Now you're confining it to formatting and grammar. Weren't you suggesting in your previous answer that he had a veto over the content of the report?

THE COMMISSIONER: You actually said that.

THE WITNESS: Sorry, that might suggest that the, that might suggest that the results, if he didn't like the results, but I am only talking about the perspective of, yeah, the generalised perspective of the report. Was he happy with how the information was represented.

MS WRIGHT: Oh, you're just making it up as you go, Mr Thammiah, your evidence.---I'm sorry you think that.

10

Isn't that what you're doing? You're giving an answer, and then you realised that that answer was problematic, because it was pointed out that you should be independent. Do you agree with that, that you were supposed to be independent of RMS in assessing the technology?---I agree with that independence now.

You knew at the time, didn't you, that your involvement was because RMS needed an independent oversight of technology trials?---And I thought the work was being conducted independent of.

20

THE COMMISSIONER: But you knew that at the time, that you were supposed to be independent. You knew, you must have known that at the time, that you were supposed to be independent from anybody at RMS in providing your report, the content of your report.---I wouldn't, yeah, I'd say the content, yes, definitely, that has to be an independent product, I suppose.

MS WRIGHT: And where did you say this trial was?---I thought it was Kogarah, Kogarah depot.

30 And you attended?---Yes.

And just going back to Mr Soliman's veto, are there occasions you recall when you drafted a report where he said, "No, no, it shouldn't say that, it should say something else"?---Not specifically with anything verbal, but there were definitely graphics that he didn't like.

And how were they removed?---Just changed, as opposed to representing it maybe in a graph or a pie, you know, something like that.

40 And so you took them out when he suggested they should be taken out?---Or represented a different way, or put in the diagram that clearly illustrates something that was missing.

THE COMMISSIONER: But I think Ms Wright's getting at, he would use his veto and you would then change the graph to a pie chart or something like that. Is that your evidence?---Yeah. Yeah.

MS WRIGHT: And did he veto or approve your recommendation about the HAENNI scale in the portable weigh scale study?---No, that was the results of the study.

The results, but someone had to make a recommendation coming out of that study to be included in Novation's report, did they not? Someone had to choose one of the scales?---Yes.

10 Did he approve that it be HAENNI?---That wasn't a question that I would ever put to him.

Was it your recommendation that it be HAENNI?---Yes.

Now, you submitted an invoice in June for this study, you'd accept that? ---Yes.

20 And you've quite strongly recommended that it be HAENNI as the preferred and recommended portable weigh scale model based on RMS requirements coming out of this study, haven't you?---Yes.

And by the middle of August you were resending, around that time, middle of August, to IRD a Novation prospectus or résumé. Do you recall that? ---Yes.

This is 2016, so it's within a few months of you having provided a recommendation for a competitor's scale, HAENNI is a competitor scale to the IRD PAT scale, isn't it?---Yes.

30 And it was in 2016?---Yes.

And so is it the case that it was within a short period, and by that I mean a few months, of doing this report for the portable weigh scale study that Mr Soliman discussed with you that Novation could be in a position to take over as supplier of the PAT brand scales for RMS?---Yes.

Was it shortly after about May or June of 2016 that he had that discussion with you?---I mean it's likely based on when the prospectus was sent.

40 How long before the prospectus was sent to IRD did Mr Soliman first discuss with you the opportunity potentially for Novation to take over as supplier of the PAT brand scales for RMS?---I can't recall, but he spoke extensively about issues with the current supplier.

Talk about issues with the current supplier, but specifically about Novation taking over that role, when was that first discussion?---I guess it was around the time that the previous supplier decided to, yeah, relieve himself I guess of that partnership.

You've made a recommendation for the HAENNI scale, this is in about mid-June or rather specifically 11 May, 2016. I suggest at that time you didn't have in mind, did you, or did you, there's a question, did you have in mind at that time that Novation could become involved in the supply of the PAT brand scale?---No, not at the time.

No, because it's likely isn't it that you would have recommended the PAT scale in the portable weigh scale study if at that time you'd seen an opportunity for Novation to supply the PAT brand, wouldn't you?---No.

10

And so you recommended the HAENNI. But then afterwards – I withdraw that. Do you recall how long before you sent the prospectus, Mr Thammiah, to IRD, that Mr Soliman had a chat to you about Novation getting involved in the supply of the PAT brand scales?---Sorry, I – you said after the prospectus?

Before.---Sorry.

So you sent the prospectus.

20

THE COMMISSIONER: And the reason you sent the prospectus I assume is that Mr Soliman had a word with you that this opportunity was arising? ---Yeah, and I met up with Rish as well.

So the point is how long before you sent the prospectus to IRD did Mr Soliman have that word with you about this opportunity is arising? Was it a matter of weeks, days?---I, look, I have no idea about the, you know, the time frame, but my recollection of him sort of alluding to the fact that this opportunity might come up was the way he spoke about his issues with the current supplier but that was happening since, I'd say before April.

30

MS WRIGHT: So before April he's talked to you about ELWC?---Yeah, and issues that he's had, yes.

All right. And what I'm asking you to confirm is whether, and I think you've already confirmed it, but after you made a recommendation in favour of the HAENNI scale, it was some point after that that Mr Soliman discussed with you that there could be an opportunity for you through Novation to get involved in the supply of the PAT's brand scale?---Yes.

40

Is that how you recall it?---Yes.

Just one final question on this particular study. You said it took place in Kogarah. Could we have page 238. You see here it says, "Field trials were conducted at the RMS Botany site"?---Yes.

So it didn't take place in Kogarah, did it?---No, sorry, I'm getting confused obviously.

Were you even there?---Yes. Sorry, if I can, would you like me to clarify why I was getting confused or - - -

Why were you getting confused?---Because they do have the deadweight tester out in a Kogarah site. I think it's an RMS site so I believe that's why I mentioned RMS Kogarah.

10 There's a deadweight tester where?---I believe that there's a deadweight tester or an RMS facility in Kogarah, yeah, and that's - - -

Why would that lead you to confuse Kogarah with Botany?---Because they're quite close and this is in regards to the portable weigh scales. It's, yeah, that's all.

If we could just go to page 239. This sets out some results from the trial. Where did you obtain that data?---Onsite at the trial.

20 And who gave it to you?---I transcribed it as we screened each vehicle.

Will I keep moving onto the next - - -

THE COMMISSIONER: No, we might take a break. If we can resume at about a quarter past. Thank you.

SHORT ADJOURNMENT

[11.58am]

30 THE COMMISSIONER: Right, Mr Thammiah.

MS WRIGHT: Mr Thammiah, do you recall the vehicle dimension scanner report and study?---Yes.

If we could have the quote at volume 1, page 266A, please. You sent a quote to Mr Soliman on 9 May, 2016. Do you see that?---Yes.

40 And at page 266B you quoted for a vehicle dimension scanner report, setting out a scope of works?---Yes.

Did Mr Soliman provide that scope to you?---Oh, he definitely helped, yes.

He definitely did? Someone coughed, I'm sorry, I didn't hear your answer? ---Sorry, he definitely helped, yes.

He definitely helped. Well, he would have given you the scope of works in its entirety, wouldn't he?---Yes. Well, yeah. I mean the report maybe not,

but it's hard to, yes, he would have given me the background information which includes the scope of works.

And did he prepare this quote?---No.

Do you recall where you were when you prepared it?---No.

Did you prepare it?---I believe so, yes.

10 When you say I believe so, were there occasions when you didn't prepare the quote for Novation?---No, I believe all the quotes are prepared an invoices by myself.

Are you sure about that?---That's my recollection.

So why did you answer, "I believe so," rather than "Yes"?---Well, previously you put the proposition to me that there was a possibility that he had access to my files and I, yeah, so I guess that train of thought is still in my head.

20

I have not put to you that he had access to your files.---Sorry, previously.

I haven't put to you that he had access to your files. What do you mean by he had access to your files?---Well, because we were working on his computer.

I see.---Yeah.

30 So you're referring to you transferring a file you said onto his computer?
---No, in a generalised sense I was working off his computer with documents as well so - - -

You keep referring to a generalised sense. I'm not sure what that means, Mr Thammiah. If I could ask you to be more specific. You said in your evidence that you transferred a file onto his personal home computer which contained the Novation logo and some other documents that you couldn't recall what they were.---Yeah, folders, yes, a folder.

40 All right. In terms of the actual preparation of quotes, did you prepare all of the quotes submitted by Novation?---Yes.

This particular quote is for, if we could have it back on the screen, please, a field trial scoping study, a vehicle dimension scanner field requirements, engineering/design and fabrication of mounting bracket for vehicle dimension scanner and a report, and there's a description of what the report will deal with. Do you see that?---Yes.

What engineering/design and fabrication were you intending to do?---This particular study I believe there was a requirement for a mounting bracket.

I'm asking you, when you prepared this quote, what engineering/design and fabrication were you intending to do?---(No Audible Reply)

Was it the bracket?---Yeah.

10 And what engineering and design was involved in the bracket?---I have no idea. In the end I did not fabricate any bracket.

So you didn't do any engineering of a bracket. Correct?---No, there was no design and fabrication.

You didn't do any design of a bracket. Correct?---Yes.

And you didn't do any fabrication of a bracket. Correct?---Yes.

20 And did you amend your quote downwards to reflect that different scope of work?---No, I did not.

Your quote over the page at 266C is for a scope for \$29,990, excluding GST.---Yes.

Did you prepare the price, did you come up with the price quoted?---Yes.

30 If I could just go back to page 266B. You see, "The report will deal with results of all vehicle dimension scanner trial results in the format prescribed by RMS and provide recommendations." See that?---Yes.

Did you provide results of the trial in a report?---Yes.

And in what sort of form were those results?---(No Audible Reply)

Were they statistics, or descriptions of how it worked, or data? Do you recall?---Yeah, I believe it was data and descriptions.

40 And what sort of data was it?---Would be the, the reflection of the manual measurements versus the measurements picked up by the dimension scanner.

So this was a piece of equipment that was supposed to measure the dimensions of vehicles?---Yes.

And did you attend a trial involving the technology and some vehicles?
---Yes. Yes, but only the first - - -

Where was that? Sorry, I didn't mean to cut you off.---No problem. That was at Marulan again.

Was that one day, over one day?---No, I believe I was there for two, but that was the initial sort of trial attempt, I believe.

You were there for two days, were you?---Yes, I believe so.

10 Was that the entirety of the trial or did the trial, was the trial conducted over further days that you didn't attend?---When we attended the trial, they realised during the first and the second day subsequently that the data that we were capturing was not accurate at all, and they needed to get a cherry picker in to adjust those sensors.

They needed to get a what?---A cherry picker.

So you went for two days, did you, and there was a realisation that the data was not accurate, is that what - - -?---And the trial could not go ahead.

20 Well, when you say the trial couldn't go ahead, you'd been there for two days, had you, at that point?---Yes.

So there'd been two days of trial?---No, no, two days, I would say, the vendor was actually trying to set it up correctly, and we were screening vehicles and seeing that the, there was a massive discrepancy between what was, what was the manual, well, the manual measurement and the dimension scanner.

30 I see. And there was a view taken that the setup wasn't correct? Is that what happened?---Yeah, initially they tried to resolve it through some of the software. Like, they had the, they had the graduate there that, well, actually wrote this piece of software. So he was onsite, trying to resolve it, I guess, through the software.

Was he from the manufacturer?---Yes.

Were you there throughout that two-day period where these attempts were being made?---Yeah.

40 Was that considered to be the trial, or was that just two days of trying to get the scanner to work?---No, the trial was postponed to a later date, because they did have to in the end adjust those scales.

I see. So the trial ended up being postponed to a later date?---Yes.

And you did not attend that later date?---Yeah, correct.

So is it fair to say you didn't really attend the trial at all, because you'd only been there for two days of setup, and you didn't attend the actual trial proper?---I'd say yes, I did not attend the second trial, but I did attend the first trial.

10 But were there any results to be garnered from the first trial, given that the setup was considered by everyone there not to be accurate, in that you had these wide discrepancies between the manual recording and the scanner's recordings?---Yeah. I guess from my perspective, what I saw was how it was implemented, and I guess some of the pain points, in terms of the software, and that was, I thought, enough for me to complete the trial with the information that I was given from the second trial.

Those two days you attended resulted in no valuable or genuine observations of the technology, if I understand your evidence correctly.
---No, I'd - - -

20 Is that what you're saying?---No, I'd say there was value in observing the installation and how the software worked, and - - -

So did you issue a report which reported on these wide discrepancies between the manual readings and the scanner readings, based on those two days that you observed?---No, the data that we analysed was from the second trial, but - - -

Which you did not attend.---Which I did not attend.

30 How did you put together your report?---Based on the first two days that I did attend the trial and the data that was collected.

From the first two days?---No, from the data that was collected from the second trial.

You've set out data in your report, haven't you?---Yes.

40 Is it data which you obtained from the two days you attended or is it data that was given to you later which you understood to be based on a subsequent trial that you did not attend?---Sorry, can you repeat that question.

You've given evidence about two days you attended. You've said that there were problems with the equipment.---Yes.

There were wide discrepancies between the readings on the camera and the actual manual readings of the vehicles dimensions.---Yeah.

Is that the case?---Yes.

You took down some data, did you, on those two days?---Yes.

And you observed that the equipment wasn't working as it should have.
---Yes.

And there was a software developer there from the manufacturer who was trying to sort it out.---Yes.

You then went home.---Yes.

10

The trial was postponed to a later date when it was thought the scanner might work on the subsequent date.---Yeah.

You understand there was then another, or a trial involving the scanner.
---Yes.

You were not there.---Yes.

You then submitted a report, a scoping study report to RMS.---Yes.

20

In that report you've included observations on the scanner. Is that correct?
---Yes, but I can't remember what those observations are, yeah.

And you've included some data, haven't you?---Yes.

Some measurements taken of vehicles using the scanner, haven't you?
---Yes.

30 And you've also included some manual measurements of vehicles, haven't you?
---Yes.

And the whole purpose of this is to see whether the scanner is good at measuring the dimensions of trucks, isn't it?---Yes.

And what I'm asking you is, the data that you've included in your report, is it the data from the two days that you attended or is data from the trial that you didn't attend?---Raw data it's from the, it's from the two days I did not attend.

40 That you did not attend?---Yes.

So where did you get that data?---It was provided to me by Roads and Maritime Services and - - -

By who at Roads and Maritime Services?---I think it was Samer but he got that information from the vendor. Yeah.

THE COMMISSIONER: Which the supposedly independent person providing the report wasn't present to see if it was all obtained legitimately. ---I agree. If I had it my way I would have postponed the trial so I could be there.

MS WRIGHT: And did you have a view about whether – I withdraw that. Volume 18, page 91. If the witness could be shown that, please. Here is an email from Mr Soliman's personal email address to Novation on 2 July, 2016 attaching a vehicle dimension scanner scoping study report. Do you see that?---Yes.

And then at page 92 onwards is the report attached to the email.---Yes.

Did Mr Soliman send that email to you to your knowledge?---Not to my knowledge, no.

Did you receive that email at the time?---Sorry, I have no recollection of receiving this email.

20 You sent a scoping study report the same day, later the same day, to Mr Soliman, didn't you?---Yes.

And he had sent this report which is in front of you on the screen in Word form. Do you agree with that? If we could go back to page 91?---Yes.

It's a .doc which I suggest is a Word version of the report?---Yes.

And you then sent the scoping study report to Mr Soliman in a PDF format, didn't you?---Yes.

30 And I suggest it's the same report but for a couple of small deletions in the report.---Yeah, okay.

Isn't it the case that Mr Soliman prepared it and sent it to you and then you sent it on back to him?---That's not my recollection.

And you were seeking to have it appear that you had prepared the report, when in fact he'd sent it to you and you'd resubmitted it subject to some minor deletions?---No, I don't believe that's the case.

40 Is it possible that it's the case?---Not to my recollection.

Do you deny that it's the case?---This sort of, yeah, I'm not too sure how to answer that question.

Could you please attempt to answer the question. It's a very simple question.---(No Audible Reply)

And you're under oath, Mr Thammiah.---I, I understand that, but I mean it's come to, it's come to light that I guess my recollection might not be as factual as I think it is, so when you put that proposition to me it's, it's a little bit difficult for me to answer I guess.

Do you deny that Mr Soliman sent you a fully-prepared report which you then sent back to him?---I do deny it from my recollection of the events.

10 Well, it doesn't sound like you deny it, given your previous answer.---No. What I'm trying to allude to is the fact that I've, I've had to recognise that I do have logical flaws and that's why that particular question sort of stops me.

And you recognise that you have some logical flaws, as you put it, because in fact Mr Soliman did send you a scoping study report for you to submit to RMS, didn't he?---No, I was alluding to my mental health.

20 Well, you've said that he did send you the data from a trial which you did not attend to include in the report, you've acknowledged that, haven't you? ---Yes.

30 Did he provide, or perhaps we should go to your report to make it easier for you, at volume 1, page 274. You see here on the same day, 2.30 in the afternoon, you've sent an email to Mr Soliman, "Hi, Samer. I am pleased to submit the final version of the vehicle dimension scanner scoping study. Please do not hesitate to contact me for any further information." And at page 275 is the attached PDF document which I suggest is very largely the same as the report Mr Soliman had sent from his email address earlier that day. Do you see that?---Yes.

And at page 280 is the project background. Did Mr Soliman dictate that information to you?---I don't know if he dictated it, but I definitely got this information from him.

You got it from him verbally?---Yeah.

And were you together when you prepared this part of the report?---Yes, more than likely.

40 At his house?---Yes.

And going over the page, we'll skip a few pages, 282, please. There's a reference to "following several meetings and discussions with RMS stakeholders". Is that again a reference to your discussions with Samer Soliman?---Sorry, it's, it's still in relation to everyone that I worked with on the scoping study.

On the two days that you attended.---Yes.

Which wasn't really the trial itself. It was just the setup of the equipment.
---No, it was the trial itself, it was scheduled for those days.

The trial itself was postponed, wasn't it?---After we realised we couldn't conduct the trial over the two days of observations that we - - -

Indeed. So the two days of observations were not the trial. It was an attempt at the trial.---Regardless, it was set up as the trial dates.

10

That was the intention, but it didn't materialise, did it?---Because of the vendor's issues with the equipment.

THE COMMISSIONER: So you're agreeing, it didn't eventuate, because of the vendor issues.---No, I thought Ms Wright put the proposition that this wasn't the trial, that it was a testing. That's not the case. They should have tested it before that trial date, and in fact they did. It was supposed to be ready for that trial.

20

MS WRIGHT: I haven't said anything about testing. But Mr Thammiah, the trial was postponed, wasn't it?---Yes, after – yes.

Yes. Now, but what you're referring to on page 282 is your discussions with Samer Soliman and your discussions with people that you interacted with on the two days that you attended.---Yes.

And that's all.---That's all it ever was.

30

There's no formal meetings or anything else.---No, there were no formal meetings.

And you've again referred to the roof or gantry mount in the report as being a requirement for the field trial. Do you see that?---Sorry, yes, that's a requirement for the field trial, yes. Yeah.

And at 283 – well, it's a requirement that you were going to be involved in the design, fabrication, and engineering of, wasn't it?---(No Audible Reply)

40

THE COMMISSIONER: You quoted for. You quoted for that work, didn't you?---Yeah, I agree, but that was actually stipulating the specifications of the trial, as opposed to my work.

MS WRIGHT: As opposed to your work.---Yes.

At 283, you've set out specifications for the SICK VPR553 vehicle dimension scanner. Where did you get that information?---Probably from the vendor. Probably from the vendor's documentation or website.

But you do not recall?---Sorry, I do not recall.

And then if we go over the page, 284, there is a heading, Vehicle Dimension Scanner Field Trial Results Summary. It talks about field trials being conducted in conjunction with Enforcement Operations inspectors. The scanner was trialed against business requirements and comparatively against the current manual vehicle dimensions measuring processes. And it goes on. Now, given that you weren't actually there for the trial proper, where did you get this information?---Sorry, what do you mean?

10

THE COMMISSIONER: When you talk about weather conditions, you weren't there. How did you know about the weather conditions and whether the performance was not impacted?---(No Audible Reply)

You must have got it from somewhere.---Well, it was - - -

Or did you just make it up?---It was installed under a gantry. There was no way weather conditions could affect it.

20

MS WRIGHT: So really weather conditions was entirely irrelevant, is that what you're suggesting, because it was under a gantry?---I'm suggesting I didn't know how it was to be installed until I got to site and actually visually inspected it.

But you weren't there on the day that this trial took place.---The installation didn't change. We just needed to adjust the lasers.

You were not there when the trial took place.---Sorry, your question was specifically about the weather.

30

THE COMMISSIONER: No, the question was for you to confirm that you were not there when the trial actually took place, and that's the case, isn't it?---For the second trial, yes.

MS WRIGHT: This report is dealing with the trial proper, isn't it? It's not dealing with the failed set-up days, is it?---There were two trials and the first trial was unsuccessful. The second trial was.

40

Indeed, and this report deals with the second trial, doesn't it? What you call the second trial. I call it the trial you call it the second trial. This report is dealing with the second trial, isn't it?---It deals with both trials even though the first was unsuccessful in getting the raw data required.

You told me a moment ago that the data you included in this report was for the second, from the second trial and that you got it from Mr Soliman.---I said the raw data, yes.

So the data deals with the second trial but the rest of the report deals with both trials, does it?---I believe those observations in that report extends towards the first trial as well. You can make all of those observations.

THE COMMISSIONER: Observations such as where the scanner was installed, is that what you're talking about? Is that an example?---I would say the installation and set-up and personnel involved.

10 MS WRIGHT: Then over at page 285 you've included a table setting out some very specific data about vehicle speeds, widths, deviations, accuracy, error percentage, et cetera, do you see that, as well as vehicle numbers?
---Yes.

Where did you get this data?---This data would have been provided from -- sorry, I don't know the vendor's name.

20 THE COMMISSIONER: But did you get it -- I thought your evidence before was that the raw data you got from Mr Soliman.---Yes, but that was provided to him by - - -

No, no, no, no. Let's take it in steps. You got your raw data from Mr Soliman. That's the evidence that you've given. You did not get it directly from the vendor or any other person, you got it directly from Mr Soliman.---I, I recall an email where Samer asks the vendor to share that information with me but I'm not too sure if he shared it with me directly. I thought it came through Samer.

30 MS WRIGHT: And this was data which you had no involvement whatsoever in collating or gathering, is it?---No. Unfortunately I could not attend the second trial.

And your table says, "Table 1.0 displays a subset of the vehicle length data collated during the trial and associated accuracies." Do you see that?---Yes.

And you've said in your report that "Novation Engineering performed an extensive infield study on the dimension scanner."---Yes.

40 By that was not true, was it?---It's true from the perspective that I did attend the first trial.

But you're representing in this report that this is data that you as Novation have collated during the course of a trial, aren't you, and that this is the data which Novation has obtained during the trial?---But I'm representing that data to an organisation that's part of the trial and has approved of this so - - -

It was completely false, wasn't it, to be representing that Novation has performed an extensive infield study on the dimension scanner according to best practice standards and WHS requirements?---I don't believe so.

And to set out data which is said to be collated during the trial but which Novation was no part of.---I don't believe so because the customer was well aware of everyone involved in that trial.

Mr Soliman was aware of everyone involved in that trial.---I think subsequently we've all realised it was just Mr Soliman.

10 And he was in receipt of your report, wasn't he?---Yes.

And he sent you that report.---No.

And you sent it back to him the very same day.---Yes, that occurred, but yes.

Well, how do you explain that, that he sent you the report and you sent it straight back to him the same day?---Sorry, I thought I touched on this where I said - - -

20 THE COMMISSIONER: No, how do you explain it?---Sorry, yes. Look, I worked on these reports in his house, in his room, on his computer. That's how I explain it.

MS WRIGHT: So are you suggesting he, that when it says it's from Samer Soliman's personal email address it's you that sent that email?---No, he could have sent that email.

He sent the email, did he?

30 MR LONERGAN: He could have.

MS WRIGHT: He could have sent that email?---Yes.

But I suppose you say you don't recall whether he did?---No, I don't recall.

And if he could have sent that email, he could have prepared the report, couldn't he?---No, no, I don't agree with that.

40 Why wouldn't you just send the report that you'd worked on at his house with him directly to RMS?---I'm not sure at the time.

Why did it need to go from Samer Soliman to Novation then from you to, back to his RMS, legitimate RMS work address?---It could of.

But it didn't, did it?---But it didn't.

And that's because you were hiding his involvement in the preparation of the report, weren't you?---No.

You didn't send it back to his personal address, did you, you sent it to his RMS address.---Yes.

You knew he wasn't supposed to be involved in the preparation of the report, didn't you, Mr Thammiah?---No, I did not.

10 And you knew that this data had come from an external party and it wasn't Novation's data, was it?---I wasn't happy with how the trial was conducted.

So you knew that, you're agreeing with me, you knew it was someone else's data, not Novation's data, didn't you?---No, I'm, I'm, no, I'm, I'm saying I'm not happy with how the trial was conducted but I was given that data to complete the report by my customer.

20 THE COMMISSIONER: And where do you reveal in your report the fact that you weren't there on the second trial to perform the duties that you had included in your scope of being an independent person to verify that everything, the raw data that was being gathered was being gathered legitimately, where is that revealed in your report?---You're right, it's not revealed.

MS WRIGHT: Do you recall then, I'm moving on to another trial, the in-vehicle mounted tablets project for which Novation was paid?---Yes.

Now, this particular trial, do you acknowledge you had really no involvement in this trial?---I can't recall this.

30 Well, I just asked you if you did recall it and you said yes.---Sorry, I thought you just - - -

The in-vehicle mounted tablets trial.---Yes.

Do you recall that one?---Yes.

And do you acknowledge, is my question, that you really had no involvement in this project?---Not from my recollection.

40 And yet you prepared a quote and an invoice that was sent to RMS. That's the case, isn't it?---Yes.

And the invoice was for \$92,345 excluding GST?---Yes.

And you received that payment knowing that you had had no involvement in the in-vehicle mounted tablets trial. That's the case?---Sorry, no involvement? No.

No involvement in the trial or any scoping study in relation to the in-vehicle mounted tablets.---No, that's, it's not, it's not what I recall.

But do you, sorry, were you agreeing with me?

THE COMMISSIONER: No, I think he's now – I'm sorry, I withdraw that.

MS WRIGHT: Yes.

10 THE COMMISSIONER: I think what Mr Thammiah is saying is that he did have involvement in this trial.

MS WRIGHT: I see. Okay. Could I take you - - -

THE COMMISSIONER: That's correct? Is that what you're saying?---I thought so.

MS WRIGHT: And what were you trialling?---Ruggedised tablets.

20 Was that a question? Are you - - -?---No, no.

Is that, you were trialling ruggedised tablets?---Yes.

And where did the trial take place?---I have no idea. Thought maybe Picton Road.

And were you present?---I believe so.

30 And what did the trial involve?---Just general utilisation of the ruggedised tablet, I guess.

General, sorry?

THE COMMISSIONER: Utilisation.

MS WRIGHT: Utilisation. I'm sorry, your voice has lowered somewhat. I'm finding it hard to hear you.---Sorry.

40 How did you trial – was it one item or several?---I can't recall.

And how did you conduct the trial?---From recollection, I can only really remember using the tablets and kind of getting feedback from other RMS personnel.

Was Mr Soliman there?---I think so.

And someone else was using the equipment, operating it?---(No Audible Reply)

Not yourself?---Yes. I think so.

What were you doing when they used the equipment?---Just taking down feedback, I, I presume.

10 And you presume, but you were there, Mr Thammiah. What can you tell us about this trial, and what occurred at it?---I really can't remember much about this one because every, every time I was at a trial, there was a ruggedised tablet in a, yeah, RMS personnel's hand. So I feel like a lot of the trials I attended, I kind of blurred because of this particular device.

If we could have the quote at volume 1, page 296 - - -

THE COMMISSIONER: I'm sorry, just before we go there, so your recollection – and I take into account that there's blurring. But your recollection is, the way the trial was conducted is that an RMS person would stand there with one of these rubber, what is it called?

20 MS WRIGHT: I think it's "ruggedised".

THE COMMISSIONER: Ruggedised tablets, and what, do something on it, and then would say to you, "Gee, it performed well when we did that," or "That wasn't very good," or something, and you're just taking notes on what they're saying. Is that what, how the trial was conducted?---That's all I can really remember.

Okay. Right.

30 MS WRIGHT: And what did you do at the trial?---Apart from getting observational - - -

THE COMMISSIONER: Well, taking notes of - - -?---Feedback.

- - - when people said to you it was crook or it was good.---I would also, like, I mean, I presume I would have used the tablet as well and checked, you know, operating system start times, light conditions - - -

40 MS WRIGHT: But you're just guessing, aren't you?---Yeah, because I don't have a recollection.

What was the point of the trial? What was being tested?---I thought it was a comparison to find the best device.

A comparison between what?---Between ruggedised tablets.

Different brands?---Yes.

And how did that comparison take place?---(No Audible Reply)

Who was doing it? How were they doing it? What criteria were they applying? Those sorts of things.---Sorry, I'd have to read the document to refresh my memory on that.

You don't know, because you really didn't do anything at this trial, did you, Mr Thammiah?---I really don't have the accuracy to, you know - - -

10 THE COMMISSIONER: Sorry, you don't have the accuracy?---Sorry, my, my recollection is of this trial, I - - -

I just didn't know what you meant by I don't have the accuracy.---Because I've got a vague recollection of all these trials.

MR LONERGAN: Commissioner, the witness did reference being able to see the document to refresh his memory.

20 THE COMMISSIONER: Well, I think we're about to go to the documents but - - -

MR LONERGAN: That may be of assistance to the Commission if he's shown the document.

THE COMMISSIONER: All right. You're about to go to the quote or something?

30 MS WRIGHT: Yes, Commissioner. That's at volume 1, page 296. Do you see here the scope of works, Mr Thammiah?---Yes.

And it's a field trial procurement is within the scope of works - - -?---Yes.

- - - of the actual tablets?---Yes.

But you did not procure the tablets?---Yes.

You did not. Are you agreeing with me?---Yes.

40 And did you revise down your quote to take that into account?---No. I was advised otherwise.

THE COMMISSIONER: By whom?---By Samer.

MS WRIGHT: So you raised with him, did you, that you'd quoted for procurement but hadn't actually procured the equipment and that your quote may need to be adjusted?---Yes.

And what did he say?---That he couldn't change the value of the PO.

And so you proceeded to invoice him thereafter?---Yes.

And you've invoiced him for the full amount, being \$92,345, did you?
---Yes.

10 And did you consider that that was inappropriate, given that you hadn't done part of the works?---I did ask the question and I was told that because it couldn't be changed I should try to I guess ensure that the next project or whatever else I worked on was - - -

Did you consider - - -

THE COMMISSIONER: Sorry, ensure the next project that you're working on?---I guess that I, I've lowered my quote slightly to adjust or provided more work without a costing.

MS WRIGHT: Mr Soliman suggested that to you, did he?---Yes.

20 That you should either do more work or reduce a quote for some later work to take into account the fact you hadn't done some of the work you'd been paid for in this particular project?---I this particular, yes.

And did you do that?---I believe I did.

In which project?---I believe it was, I guess in, it wasn't a project, I guess it was more when I took over the licence and whatever issues sort of arose I generally did not ask for any costings.

30 Are you talking about the spare parts invoices?---No, I'm talking about issues like missing parts, you know, I'd get the parts delivered free of charge.

I see. So consider that you did work for free for RMS in relation to parts. Is that what you're saying?---No, I - - -

40 You did some work for free to take into account that you'd been overpaid for the in-vehicle mounted tablets project?---I was told that from a practical perspective this is how things operate.

THE COMMISSIONER: But you - - -

MS WRIGHT: And what did you actually do? Sorry, Commissioner.

THE COMMISSIONER: No, no, no, no, that's where I was going. Please continue.

MS WRIGHT: You've said that you then took into account the fact you'd been overpaid for the in-vehicle mounted tablets project by doing some work in relation to parts, such as when there's missing parts or following things up, which you did not seek payment for from RMS.

THE COMMISSIONER: Is that your evidence?---Yes, but at the time when I had the opportunity to do anything I, I never really thought about that as the reason why I was doing the work.

10 MS WRIGHT: It just doesn't make sense, Mr Thammiah. You've given quite specific evidence that you knew that you had over-quoted for the in-vehicle mounted tablets project and the way that you took that into account so as to I assume avoid an unfairness to the taxpayer through RMS paying you for work you hadn't done, was to then do work for free, for no charge to RMS. That's what you're suggesting.---I was asked to take a practical point of view in regards to how this I guess occurred.

What does that mean?---It means I asked for the PO to be reduced because I wasn't purchasing this and - - -

20

The PO has nothing to do with your invoice, does it?---Well, okay, I asked for the, the quote, I asked for the project total to be reduced.

THE COMMISSIONER: Why couldn't have you just invoiced for 60,000, for example? I'm just plucking a figure out of - but you could have done that?---Unfortunately in the position that I was in I took his word as gospel and that's to my own detriment and that's my fault.

30 MS WRIGHT: And you did whatever he suggested. Is that what you mean?---Yes.

And was that throughout the entire period 2015 to 2018 inclusive?---Yes.

You did everything that Samer Soliman directed you to do or requested you to do. Is that the case?---I would say I had some control but the level of I guess agreement, I guess the amount - sorry, it's hard to put into words but, yes, in a general perspective I'd say I was in agreement because I didn't trust myself really. I trusted him.

40 There were occasions when you told him no, I'm not doing it that way, aren't there?---Yes.

And you could have, as the Commissioner said, quite easily with this in-vehicle mounted tablets project reduced your quote. You could have said no, I won't charge RMS for \$92,000. I'll reduce that because I had no involvement in procurement of the equipment.

THE COMMISSIONER: So reduce the invoice.

MS WRIGHT: Reduce the invoice.---I agree. Looking back I did voice an opinion but I wasn't strong willed enough to really stand up.

And you knew that was wrong, didn't you, being paid for something you weren't entitled to?---I definitely questioned it at the time but like I said, Samer would give me a reason not to.

10 If we go back to page 296 of volume 1. You see here to go on, the scope of works also includes a scoping study of the tablets and sets out field trial requirements and there's a particular item for engineering, design and fabrication of three in-vehicle dash mounting brackets for tablets in RMS enforcement vehicles.---Yes.

What engineering, design and fabrication did you do?---None.

And you didn't reduce your quote or subsequently your invoice to take into account that you didn't do that work?---No, I did not.

20 That was quite a significant item in the invoice, wasn't it, to be designing, engineering and fabricating something?---I'd say the purchase of the ruggedised tablets was the majority.

The purchase being - - -?---The procurement.

- - - the procurement?---Yes.

30 And you would have had to buy some equipment to fabricate brackets, would you not?---If I went down that path, yes.

So it was not an insignificant item to be including in the scope of works you quoted for, was it, the fabrication, design and engineering of brackets?---I wouldn't say it was significant.

And then the report is within the scope of works. So really all that was done pursuant to this quote was the report. Is that the case? You agree with that?---And the field trial.

40 And the trial itself. I see. Now, just going to the report. Just before we do that, volume 18, page 112. On 4 July, 2016 Mr Soliman has sent some information to Novation.---Yes.

See brightness, weight, handling, ruggedness, car dock keyboard, et cetera. ---Ah hmm.

Do you agree that you received that email?---Yes.

And that's information that was relevant to the preparation of the report in this project?---Yes.

And then at page 137 on 19 July, 2016, an email was sent to Novation from Mr Soliman's personal email address attaching an in-vehicle tablet scoping study.---Yes.

10 Do you agree this is the report, if we turn over to page 138, relevant to this project?---Yes.

And you recall receiving that email?---No.

And then at page 157, on 29 July, there is an email from Mr Soliman's personal email address to Novation, and a steveyeah address containing some information. Now, first the steveyeah address is your personal email address?---Yes.

20 And the information in this is relevant to this in-vehicle mounted tablets trial?---Yes.

And then if we go back to volume 1, page 309, on 11 August, you sent to Mr Soliman at his Roads and Maritime email address the scoping study report for this project, didn't you?---Yes.

And did you make any changes to the report?---Sorry, I have no idea. You mean from, sorry, you mean from the original copy I got from him, like the last email? Is that what your reference is to?

30 From the actual report, I took you to the report that was sent from his email address on 19 July, a Word version report.---Yeah.

You've then submitted a PDF version of that report. Did you make any changes to the report?---No, I don't think so.

So it's the case, isn't it, that he prepared this report and you submitted it.

40 MR LONERGAN: Commissioner, I object to that question on the basis that my learned friend is using the word "sent from Samer Soliman's personal email address" but is not asking the question or establishing that it was not Person A or Person B that sent the email using that address. So it can't then be said that Person A was the one that created the report and then Person B didn't make any changes to it, because it may well have been Person B who sent the report and then later submitted it. I'm using that terminology.

MS WRIGHT: I thought the question was that Mr Soliman prepared the report.

THE COMMISSIONER: I thought she was putting to him that Mr Soliman prepared the report that he received on 19 July, and then it's the same as the proposition Ms Wright's put previously, and then Mr Thammiah just forwards it on to RMS. He can agree with it or not.

MR LONERGAN: If I understood the proposition, it was that there were no changes made from the report that was received to the report that was subsequently amended to PDF from Word and then submitted to RMS.

10 THE COMMISSIONER: And I thought he agreed with that proposition.

MR LONERGAN: Yes, that's right, but it doesn't follow that - - -

THE COMMISSIONER: But she's putting that proposition to him. It's not assumed in the question. Ms Wright's putting to Mr Thammiah that what actually happened here was that Mr Soliman prepared the report that was sent by 19 July and then he just changed into a PDF and sent it back to RMS.

20 MR LONERGAN: That's a perfectly acceptable question, yes.

THE COMMISSIONER: That's the question you're putting, isn't it, Ms Wright?

MS WRIGHT: Well, I think the question was more simple. It was that I asked him whether it was Mr Soliman who prepared the report which he submitted to RMS.

30 THE COMMISSIONER: And is that on the basis that it's the report on 19 July?

MS WRIGHT: Well, I would have moved on to that, but it's just a straightforward question at this point of the report – do we still have it on the screen?

THE COMMISSIONER: So this is on page - - -

MS WRIGHT: 310.

40 THE COMMISSIONER: 10.

MS WRIGHT: Of volume 1.

THE COMMISSIONER: And it's dated 8 July?

MS WRIGHT: 11 August. Oh, the actual report's dated 8 July, yes, Commissioner, yes.

THE COMMISSIONER: Yes, okay.

MS WRIGHT: And you see the page before, page 309, is an email from Novation to Mr Soliman at his RMS address. Now, you sent that email, didn't you?---Yes.

And then we go over to 310, which is the report. Did Samer Soliman prepare that report?---No, I believe I did.

10 And why do you say it was sent from his personal email address to Novation and then sent by you to RMS?---Because I worked on these reports at his house, on his computer.

Now, we'll go to the content of this report.

THE COMMISSIONER: People's sugar levels might be – I know the Commissioner's are. All right, look, we'll adjourn and resume at about 25 past 2.00.

20

LUNCHEON ADJOURNMENT

[1.22pm]