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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 30 OCTOBER, 2019

AT 2.00PM

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

<STEPHEN ALAN THAMMIAH, on former affirmation [2.23pm]

THE COMMISSIONER: All right. Mr Thammiah. Ms Wright.

MS WRIGHT: Commissioner, I call on a bank record of a transfer of funds from Alston Thammiah to Novation in May 2019 that was referred to prior to the luncheon adjournment.

10 THE COMMISSIONER: Yes. Mr Lonergan, you referred to that.

MR LONERGAN: Yes, Commissioner. Sorry, did I?

THE COMMISSIONER: Yes, you did.

MR LONERGAN: It was a long lunch. No, it wasn't.

THE COMMISSIONER: All right. You can produce that? Kind of?

20 MR LONERGAN: Clarifying, we can provide the documentation and we'll provide that electronically, that shows a transfer of \$300,000 from a RAMS franchising account, or franchising BSB to the Novation account. The instructions are that that is the money that was transferred by Alston Franklin Thammiah. However, establishing that explicitly from that document cannot be done.

THE COMMISSIONER: All right. Now, are you emailing the document to the Commission's solicitor?

30 MR LONERGAN: Yes.

THE COMMISSIONER: Mr Thammiah, what I am going to do, I do want to just have a look at this document and I apologise for this. What I am going to do is, I am going to stand you down and you can either remain here and I'm going to recall Mr Soliman so we can deal with these issues of procedural fairness. In the meantime, hopefully, I'll be able to look at that document and then either recall you can if there were any questions, deal with that and then you will be excused.---Sure.

40 All right. So the end is in sight and I don't mind if you want to sit in or sit outside while Mr Soliman gives his evidence. It's up to you.---I might sit outside.

That's all right.

MR LONERGAN: The section 38 will apply to that document, Commissioner.

THE COMMISSIONER: Hold on. Let me just make sure. Yes. I'm just confirming that that's fine.

MR LONERGAN: Thank you, Commissioner.

THE COMMISSIONER: Sorry, when I say it's fine, it would be covered by the terms of the section 38 declaration. All right. Mr Thammiah, if you pop outside and Mr Young, do you want to sit down here.

10

**THE WITNESS STOOD DOWN**

**[2.26pm]**

THE COMMISSIONER: I'm sorry, Mr James. I forgot - - -

MR JAMES: There's no concern, Commissioner. I'm happy to sit down the back.

THE COMMISSIONER: All right. What have you actually done?

20

MR JAMES: It's a minor surgery to remove a spot.

THE COMMISSIONER: Oh, okay. I didn't know if you were going to say something like skiing and - - -

MR JAMES: I wish it was that impressive.

THE COMMISSIONER: All right. Mr Young.

30

MS WRIGHT: Just while that change over's happening, Commissioner. Just arising from Mr Thammiah's further examination, I tender an email relating to the mobile ANPR study dates 7 December, 2015, together with quote 89 and I confirm that those records were among records obtained from RMS by the Commission. Could I just hand that - - -

THE COMMISSIONER: Could I just have a look at it, please. Thank you. The email dated 7 December, 2015, from Novation Engineering to Samer Soliman with an attachment, "Quote 89, mobile ANPR technology field trials and scoping study," with that attached quote shall be Exhibit 67.

40

**#EXH-067 – EMAIL FROM NOVATION ENGINEERING TO SAMER SOLIMAN DATED 7 DECEMBER 2015 ATTACHING QUOTE 089 MOBILE ANPR TECHNOLOGY**

THE COMMISSIONER: All right. Mr Soliman.

THE COMMISSIONER: Thanks, Mr Soliman. Ms Wright.

MS WRIGHT: Mr Soliman, I'm just going to ask you whether you said some things to Mr Thammiah. If I could have the transcript, please, of page 2178 of 18 October, 2019. And this is on the issue of spare parts and the multiple invoices issued by Novation to RMS for spare parts in the first half  
10 of 2017. Do you recall you were asked about those invoices?---Yes.

Now, I asked Mr Thammiah at about line 10 whether he agreed that the invoices were false and he agreed and I asked him, "What made you think that you were in a position to issue false invoices to RMS for spare parts?" And he said, "Because it was explained to me." Question, "By?" Answer, "By Samer." I asked him, "What did he say?" And he said, "That these leftover funds on these POs are going to disappear because of the financial year close and that we needed to use them and that was his way of," and then he said, "Because the department would lose the funding." All right.  
20 And then I'll just take you to page 2181. And if you could just cast your eye to about line 20. He was asked to provide the effect of the words that he says you said to him and he said that you said words to the effect of, "This money will be gone and it needs to be used in this financial year. Order these random parts and it'll, we can fix it up in the New Year with, with Jai's kind of sanity check or the word, or the other word escapes me, sorry." All right. So my question to you, Mr Soliman, is whether you ever said to Mr Thammiah words to that effect, namely that leftover funds on purchase orders were going to disappear because of the financial year close and that he should use up the funding and it could be fixed up in the New Year?---  
30 Not in those terms or ways, no, there was just one time generally at the end of each financial year the Finance people tell us to close off all open purchase orders, I don't know which year it was, maybe '17, there was some funds left in his purchase orders and I asked him to basically order some of the commonly-used parts and this is the first time I've actually heard that he never actually ordered those, those parts.

Did you ever say anything to the effect that it could be fixed up in the New Year?---No, never.

40 Now, if that could be taken down. I'll just take you to another part of the transcript rather than paraphrasing it for you, page 2215. And the context here is Mr Thammiah was asked about a WhatsApp message which you were also taken to when you gave evidence where he told you, "That's the last of the half by the way." Do you recall that?---Yeah, sort of.

At page 2215 Mr Thammiah was asked, "What's the half mean?" And he answered, "So I guess the initial premise of this was that he was going to lose his job and that he would start working for Novation and in order to

build something I told him I would leave at least half into the account but I always gave him much more than that.” The next answer was, “He told me quite frequently that they were a reorganisation, yeah, a revamp going on, there was, and that was to, he told me that at the start actually but it never eventuated I think till 2017 when they actually had the reorg and he was worried about losing his job.” First, did you tell him you were worried about losing your job in 2017?---Not, not that I can recall, that was no, I’ve never heard of my job being at risk at that point, from what I can recall.

- 10 All right. And then I asked Mr Thammiah to explain the half again and he said, “So initially he told me he was going to lose his job and the plan was that he would join Novation so I needed, I told him I needed at least half to build something and especially if he was going to join.” And then down at line 30, “He said he was going to leave actually.” And then I asked him, “So not lose his job but leave RMS and go and work for Novation. Is that what he’s told you?” And he said, “He did both, did both. I remember him saying it during 2016 then 2017 during, I think that was during the actual reorg or the revamp that they were going to, the restructure, sorry, I’m using the wrong word.” And down the bottom of the page, “He wanted to join  
20 Novation.” And then we just go over the page. Just under line 10, “This was the assumption that he would leave and join Novation and I told him I would lend him as much money as I could to build his house.” So did you tell Mr Thammiah that you were wanting to join Novation or going to join Novation?---I don’t think anyone ever mentioned that, him or me, no.

You don’t think or it’s possible that you did express an interest in leaving RMS in the future and working for Novation?---I don’t think so, no, it doesn’t make sense to me. Sitting here now I wouldn’t do that, no.

- 30 And you did refer in some messages to joining the national regulator at some point, didn’t you?---I think there was some kind of rumours that, that there might be a merger or something like that, but it wasn’t by choice.

Did you have in mind leaving RMS?---No.

- THE COMMISSIONER: I assumed those messages with a reference to a national regulator was referring to the fact that your area was going to come under the umbrella of the rational regulator.---Yeah, there were some rumours that the two would kind of merge or one would fall under the other,  
40 but no real, effectively there will be no changes, just that it might come under a different banner, under the national regulator.

But you’d still be doing the same work but under that different banner?  
---Yeah, yeah.

MS WRIGHT: Now, did you ever, just turning to a slightly different topic, did you ever tell Mr Thammiah that you would have to declare a loan that

you were getting from him to your employer and that you'd lose your job over it?---Sorry, that I would have to declare the loan?

Declare your loan to him, sorry, your loan from him of money and that you would or could lose your job over it if it was declared?---I never said anything like that to him, no.

10 Did you tell him that AUSTRAC and RMS had connecting systems and would be able to recognise that there was a loan or transfer of money from Mr Thammiah to you?---Sorry, did you say AUSTRAC? What - - -

AUSTRAC.---What's that, sorry?

Did you ever say anything to him about AUSTRAC?---No, I don't know what that is.

20 Did you ever say anything to him about RMS having connecting systems with any other authority?---I have no idea actually what you're talking about, to be honest.

All right. And did you say to Mr Thammiah that you were not breaching probity at any point?---No, I've never mentioned the word probity. I'm not even sure what the word probity means. I wouldn't use that word.

Did he ask you ever if what he was doing was okay?---No.

30 And did you ever respond to the effect that, "I'm not breaching probity," or "I'm not breaching policy?"---No, he never asked about it. I don't think we, either of us really thought about it much.

Did you have any discussions together about the fact that what you were doing was wrong or could be unlawful?---No, I don't think so, no.

In relation to scoping study reports, did you sit with Mr Thammiah as he prepared those reports?---Sometimes I was in, in the house, sometimes I was in the same room doing my own, own thing and I remember sometimes he would ask me, you know, should I use word X or word Y, kind of basic things like that.

40 Would you suggest corrections to the reports?---I mean, I guess in general, if there was a question, a basic question such as, should I use, you know, word X or word Y. I don't know about correction but maybe recommendations if he asked, asked me.

Did he do all of his scoping study reports in your house?---I don't think all of them, no. But - no. I don't, I don't think all of them, no. He would, a lot of the time - - -

But you agree he did some of them in your house?---Yeah, but - - -

And you were together as he did them?---Yeah. I definitely, at least reviewed most of them.

And you reviewed them in real time as he was doing them?---I don't know. I know he was obviously working on it there but again I wasn't reviewing it as he was doing it. I was just doing my own things and if it happened, if he  
10 asked me question, I was sitting there, then I generally answered, yes.

And did he ever ask you if it was okay to do it with you?---Sorry, to - - -

Did he ever say to you, "Is it okay that I am doing this with you?"---As in the scoping studies?

Yes.---No.

Did he ever have his own laptop at your house?---I'm sure he brought it  
20 over from time to time, yeah.

And did you understand whether he had a computer, a PC at his own house?---I don't know because he moved quite a bit. He had one when he was living with his wife but I don't know after that.

I have no further questions, Commissioner.

MR YOUNG: Nothing arising, Commissioner.

30 THE COMMISSIONER: And I – Mr Lonergan, you were about to leap to your feet.

MR LONERGAN: I've just got one question, Commissioner.

MR YOUNG: Well, that's against the rules, Commissioner.

THE COMMISSIONER: Hold on. I did – which topic, Mr Lonergan?

MR LONERGAN: Oh, leaving his job. Just a reference to some, a  
40 WhatsApp message. It's literally one question, Commissioner.

THE COMMISSIONER: Do you promise it's one question?

MR LONERGAN: Yes.

THE COMMISSIONER: All right. Very, very quickly.

MR LONERGAN: I'll just take you to Exhibit 63, sorry, Exhibit 64, page 640. Do you see the second message down to the fourth message there? Just read that Mr Thammiah, sorry, Mr Soliman. Apologies.---Sorry, the top? During this, this day with my arsehole boss, restructuring, the beginning?

Yes. And then there's two responses and then there's yours, "All ours are," -- -?---Yep.

10

Yes. You meant that your job was on the line as well as the rest of your team's, is that right?---At that point I wasn't sure obviously but there was changes happening. All I knew is from one of the other managers basically that was managing the finances and everything, kind of telling me rumours about the changes and some other matters.

THE COMMISSIONER: And that's all June 2018?---Yeah. Around that time and Saurav kind of told me what was happening and some other stuff.

20 MR LONERGAN: That's my question.

THE COMMISSIONER: Thank you, Mr Lonergan. Mr Young, do you have - - -

MR YOUNG: No questions.

MS WRIGHT: I have no further questions, Commissioner.

THE COMMISSIONER: All right. Can Mr Soliman be excused?

30

MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: Mr Soliman, thank you very much for coming in. You're excused, you can go.

**THE WITNESS EXCUSED**

**[2.45pm]**

40 THE COMMISSIONER: Have we got this document?

MS WRIGHT: Yes, Commissioner. We do and I unfortunately have a couple of questions of Mr Thammiah. So - - -

THE COMMISSIONER: All right. I wouldn't mind having a look at this.

MS WRIGHT: Yes. Perhaps we could adjourn or - - -

THE COMMISSIONER: Could we just adjourn – sorry. Mr Soliman will leave, we'll adjourn just for about five minutes so I can just look at his document. Mr Lonergan, in the meantime can you and poor old Mr James walk down, resume your positions down here. Mr Thammiah, if you can go back into the witness box and then hopefully we will finish your evidence very shortly. So we'll adjourn for five minutes.

**SHORT ADJOURNMENT**

**[2.46pm]**

<STEPHEN ALAN THAMMIAH, on former affirmation [3.10pm]

THE COMMISSIONER: All right. Mr Thammiah. Ms Wright.

MS WRIGHT: Could we have the bank record that was produced electronically by Mr Thammiah's counsel on the screen, please. Do you see here an ANZ Access Advantage statement for the account ending 2-0-0-4, Mr Thammiah?---Yes.

10

An account in your name?---Yes.

And if we could turn to the next page and the entry will be on the next page, I think. The third page, perhaps. There's a transfer of 14 May of \$300,000. Do you see that?---Yes.

Now, you gave evidence that you had transferred that sum, or authorised a transfer from your solicitor at City Legal's account, trust account, into Novation's account.

20

THE COMMISSIONER: No, it's the - - -

MS WRIGHT: There was a transfer - - -

THE COMMISSIONER: The 300,000 went to your brother?---Yes.

MS WRIGHT: I'm sorry. So your brother from City Legal to your brother, Alston Thammiah?---Yes.

30

And there was then a transfer from Alston Thammiah back to Novation? ---Yes, first, well, it wasn't, this is obviously not a Novation account. It's my account but then it gets back.

So are you suggesting that there is another transfer other than this one, which is a transfer from RAMS to your account, 2-0-0-4, that's relevant to this issue of the \$300,000 that came out of the City Legal account and went to your brother, Alston Thammiah?---Yeah. I wasn't too sure whether I should put it back into Novation's account but I did before the close of the year.

40

Did you transfer any money into a Novation account other than this account?---Sorry, what do you mean other than - - -

Money goes from City Legal to Alston Thammiah?---Yep.

Your evidence before the break was that it then went from Alston Thammiah to Novation.---Yeah but it should be corrected that it went into my account first and then into Novation.

THE COMMISSIONER: All right. Hold on for a sec. So the evidence that it went from your brother back into Novation isn't correct.---Isn't correct.

Your evidence is that the transfer that I'm looking at on 14 May in the amount of 300,000 that went into your bank account ending in 2-0-0-4, is it?  
---Yes.

MS WRIGHT: Yes, yes.

10

THE COMMISSIONER: That's the relevant funds?---Yes.

Now, can we just look at this end of it.---Yeah.

That's in your bank account. What happens to it then?---It goes into Novation's.

And when did that happen?---It was before the close of the financial year, so before, I think it was 30 June was the last transaction of 100,000.

20

Which Novation account did it go into?---It would have been that, sorry, that secondary account that was in Novation's name with the correct ACN attached.

Sorry, Ms Wright.

MS WRIGHT: So there was a transfer after this date from your account here ending in 2-0-0-4 to Novation's account?---Yes.

30

And then the funds thereafter went to another solicitor, did they?---I had to close the accounts.

And did the funds go to another solicitor?---Not another solicitor but my, my current solicitors.

THE COMMISSIONER: Sorry, so they're in the Novation account.---Yep.

40

You then decided you had to close the Novation account around the time of the end of the financial year 30 June, 2019?---Not that I had to, not that, not that I had to close the account but I thought I had to put the money back into Novation's account.

No, no, no, no. Now I'm getting confused. We've got you say the 300,000 that was transferred into your account on 14 May. You then transferred into a Novation account.---Yes.

And you did that before 30 June, 2019?---Yes.

And where is the money now?---Subsequently after ANZ had advised me that I needed to that they were going to close my accounts all the money is now transferred to my lawyer's trust account.

So it's - - -

MS WRIGHT: The whole 300 – sorry?

THE COMMISSIONER: Sorry, go on.

10

MS WRIGHT: The whole - - -?---Yeah, everything that was left in Novation's account.

That's 300,000?---I think plus at least, like, yeah.

There was no transfer from Alston Thammiah to Novation?---No.

Now, just dealing with the transfer to Alston Thammiah, to your knowledge what was the purpose of that transfer that you authorised from City Legal?

20

---What was the purpose?

What was the purpose of transferring \$300,000 - - -?---I guess - - -

- - - to Alston Thammiah?---Sorry, the advice I got was that they could freeze, well, ICAC could freeze assets and so that would be an alternative approach to putting it back into Novation's accounts.

So in other words to avoid ICAC getting back or freezing money which had originated from RMS?---I guess that was the basic understanding.

30

But you gave evidence that money was irrelevant to you, why were you seeking to preserve the money?---Because, because I had outstanding fees and like I could obviously see that something was coming.

But money was very important to you in this whole scheme of work with RMS, wasn't it?---No, I said, I said it wasn't.

But you were trying to secure that money in transferring it to your brother, weren't you?---I only took the advice of the legal counsel I had at the time and then subsequently got better advice.

40

Now, the money that your brother had, to your knowledge what did he do with it?---Nothing. It was on his home loan account, I guess his offset account.

He put it on his home loan, did he?---Yeah, offset account, yeah.

And who did he have that account with?---His wife.

With what financial institution?---Sorry, I believe it was RAMS.

And is that the organisation or the institution that's transferred this 300,000 back into your account on 14 May?---Yes, it is.

Is it your evidence that that transfer has come from Alston Thammiah and his wife's RAMS home loan account?---Yes, it is.

10 Did you have an interest in investing in a RAMS franchise business yourself at any stage?---My sister had, I guess, and I guess she wanted to do something like that but for me it wasn't, like, if I could support her doing that, yes, but not for myself personally.

And you looked into that, didn't you, investing in a RAMS franchise?  
---No, I wouldn't say I looked into it.

Could I have - - -

20 THE COMMISSIONER: What's your sister's name?---Kama Thammiah, K-a-m-a.

MS WRIGHT: Some messages, and if we could just go up to the first page. Mr Thammiah, these are some messages exchanged between you and your brother Alston Thammiah. Do you agree with that? You can see at the top is says "@whatsapp.net Alston."---Yes.

And do you recognise these messages from 19 April, 2018?---Look, I wouldn't say I recognise them but, I mean, they're mine.

30 And your brother asked you what was wrong with your current gig, "Seems like you're doing okay, with not much effort too." And you said, "Current gig is okay but it's not long-term." What did you mean by that?---I don't know, I just didn't see a future.

Why was that?---I'm not too sure. I guess at the time I – I'm not too sure because the timing seems, you know, weird because obviously 125 is on the way at this point, there's plenty of funds there. I'm not too sure why.

40 And you said that you wished Kams started a RAMS franchise of her own. Was that a reference to your sister?---Yes.

And, "No, but she followed her heart." And then if we just go over the page you said, "That would have been good, they make a mint and only cost 100K." Do you see that?---Yep.

And then over the page, "Who knows. Maybe when she comes back." And your brother asked you, "Wouldn't they just let you buy into one, you

enquired.” And you said, “Nah, she had the inside path.” Over the page, “Kams told me usually you need experience in the sector, blah, blah, blah, you know the drill.” And further on, “Can’t let any muppet have your brand.” Down the bottom you said that you just wanted to bankroll her and make 20 per cent. You see that?---Yes.

So the money that's come back on 14 May from a RAMS franchise, had that come from an actual RAMS franchise business?---No.

10 Had you put any money from the Novation money, the 300,000, into or invested it for the purpose of developing your own RAMS franchise business?---No.

So it’s just a coincidence, is it, that you wanted to bankroll a RAMS franchise the year before?---My sister worked for RAMS, that’s why my brother has the RAMS home loan.

She was an employee at RAMS?---Yes, sorry. She, yeah, she worked for them.

20

But that’s a different thing, isn’t it, to investing in an actual franchise as a business, as a business investment?---(No Audible Reply)

You were interested in investing in a franchise and bankrolling a franchise as a separate thing to your sister’s employment?---Because that was something she was interested in. I, I didn’t have that opportunity.

Well, you’ve said, “I want to bankroll her and make 20 per cent.”---Yeah, because she had that opportunity, not me.

30

This is something you want to do, you want to make 20 per cent from investing in a franchise and in fact you’ve said, “She chose another path,” so it seems she doesn’t want to do that, doesn’t it?---Yeah.

You’re saying, I wish she’d done that, I wish she’d started a RAMS franchise of her own.---Yeah.

So you wanted to invest in a RAMS franchise.---No. I knew she had an opportunity to and I would have - - -

40

She followed her heart and she did something else.---Yes, she did something else.

And you’re expressing the wish because you wanted to bankroll that investment and make 20 per cent.---Yeah, if the opportunity came up I would have, yes.

Well, you see you then get a transfer of \$300,000 from a RAMS franchise on the face of a bank account statement a year later, Mr Thammiah.

MR LONERGAN: Commissioner, I object to that question. The premise that Counsel Assisting is drawing there is that it's from a RAM franchising account, that's on the statement, but the RAMS franchising account, I don't want to give evidence from the bar table, but there is - - -

10 MS WRIGHT: If it suggests and answer it shouldn't be said.

MR LONERGAN: No, that's why I'm pausing.

THE COMMISSIONER: Can't Counsel Assisting explore it? If she's on the wrong track I'm sure Mr Thammiah will inform her of what the reference either means or what his involvement if any with RAMS was. I think it can be dealt with that way.

MR LONERGAN: Please the Commission.

20 MS WRIGHT: Do you see I'm just asking you to explain, Mr Thammiah, because you have received a transfer back from on the face of it a RAMS franchise of \$300,000 and there's some evidence that you were interested in making 20 per cent off an investment in a RAMS franchise. All right. ---Yeah.

So, but your evidence is that that transfer of \$300,000, correct me if I'm wrong, is from your brother's RAMS home loan account?---Yes, yes.

30 And so you had not, is it your evidence that you had not invested any sum in a RAMS franchise?---Yes.

Now, I'll just complete these messages. If we could just go over to the next page. After you've said you want to bankroll her and make 20 per cent, your brother says, "Fair enough." You ask, "So got anything I can bankroll?" He says, "LOL, got nothing." And you stated, "Well, you've an angel investor here, ha ha." You see that?---Yes.

40 And you were in a position to be an investor as at April 2018 because of the money you were making from Novation, weren't you?---Yeah, sure, I had money.

And so the money was not irrelevant. You had money and you made money and your motivation was to make money from RMS, wasn't it?---No, I think I didn't know what to do with it and that's why even asking my own brother, so - - -

Well, it's just not correlating, you see, your answers with the evidence of what you said at the time, Mr Thammiah, because you're interested in making 20 per cent, you've got you're an angel investor, and you - - -?  
---I mean that was - - -

- - - persist in telling the Commission - - -?---Sorry, that was a joke.

- - - that you gave Mr Soliman all he wanted and money was irrelevant.  
---Yes.

10

THE COMMISSIONER: It seems, it suggests a keen interest in I've got money and what am I going to do with it, what other investment opportunities are there, what else can I bankroll, et cetera. So it suggests that you have a keen interest in the money that you've earned through Novation and what you want to do with it. Do you agree with that or not?  
---I wouldn't suggest I had a keen interest. I mean, you can, you can look at the expenses that were drawn during those years up until that point. I think it's, yeah.

20 MS WRIGHT: All right. Sorry, Commissioner.

THE COMMISSIONER: No, no. That's fine.

MS WRIGHT: If we could just keep going through these pages. The next page, "It's hard. Let's see what happens over the next year. Easier said than done is what I mean." Your brother said, "Why don't you just get a normal job as well? You'd have enough time." You answered, "I would get hit with a 45 per cent tax bracket. That's fucked." So nothing about Mr Soliman influencing you, is there?---Sorry, why, why would there be in this context?

30

Well, your brother suggested, "Why don't you just get a normal job," and you've said that option's fucked because you'd get hit with a 45 per cent tax bracket. So you were choosing the path you were on, I'm suggesting.---I don't think I was choosing that path but I think I was definitely, I definitely took advantage of the opportunity because it allowed me to do certain things as well.

40 And then he said, "Even part-time at increased tax rate would bring in an extra thousand a month," and you said, "May as well work on my own things. That's useless. Pay me a thousand per month and I don't get to do whatever I want." Over the page, "Bum deal." Your brother, "I guess, but more money is more money." And you say, "I have freedom. Can't (not transcribable) for that price, can't give, yeah, but it's a better equation if you build your own brand." Over the page, "Even if it's something small like a café, café, I'll have to choose soon." Your brother, "Government contract running out?" You say, "Not yet but why wait?" Your brother says, "Thought there was a tender process going on." Answer from you, "That's

done. It'll be back again next year." Over the page, question from your brother, "So you didn't get it? I would try to expand the business, it's already making you money." And you said, "Nah, too much effort. I will expand if I need to only and that's because I would want to sell." So you were making decisions of your own free will in 2018, weren't you?---(No Audible Reply)

You agree with that?---No. This is just a conversation.

10 You'll expand if you need to, only if you need to.---Yeah, sure.

And then he says, "I guess. I don't understand all this stuff. I just want a job that pays well and hopefully build some sort of property portfolio over the next 10 years." And you answered, "Well, property's on its way down now by all accounts but it means it's a good time to buy." And it goes on. And I tender that extract from the WhatsApp, Commissioner.

THE COMMISSIONER: All right. And the extracts are all 19 April, 2018?

20 MS WRIGHT: Yes.

THE COMMISSIONER: The extracts from the WhatsApp download of messages between Mr Thammiah and his brother on 19 April, 2018, will be Exhibit 68.

**#EXH-068 – EXTRACT FROM WHATSAPP DOWNLOAD  
BETWEEN STEPHEN THAMMIAH AND HIS BROTHER DATED  
19 APRIL 2018**

30

THE COMMISSIONER: Do we also need to tender that bank statement?

MS WRIGHT: Yes, Commissioner. From ANZ Access account ending 2-0-0-4.

THE COMMISSIONER: The extract from the ANZ bank account ending in 2-0-0-4, which included the May - - -

40 MS WRIGHT: 14, 2019.

THE COMMISSIONER: Thank you. May 14, 2019, deposit will be Exhibit 69.

**#EXH-069 – ANZ ACCESS ACCOUNT ENDING IN 2004  
INCLUDING 14 MAY 2019 DEPOSIT**

MS WRIGHT: Thank you, Commissioner. I have no further questions.

THE COMMISSIONER: Okay. Mr Thammiah, thank you very much. Mr Thammiah can be excused?

MS WRIGHT: Yes.

10 THE COMMISSIONER: You're excused.

**THE WITNESS EXCUSED**

**[3.34pm]**

THE COMMISSIONER: All right. Now, look, there's two things outstanding one of which we're not going to deal with this afternoon. There are some other documents that Counsel Assisting wishes to tender but I understand they're in a folder in and are a bit bulky.

20 MS WRIGHT: Yes.

THE COMMISSIONER: The alternative proposal is for me to deal with them in chambers.

MS WRIGHT: Yes, if that's convenient, Commissioner, and then for there to be a direction that within say seven days of them being placed on the restricted website any party that has an objection to a document could raise that objection and if there's no objections or once they're dealt with they would then be uploaded onto the public website.

30 THE COMMISSIONER: So in respect of that, sorry, Ms Wright, any rough indication of when they would be put on the restricted website?

MS WRIGHT: By the end of the week or early next week.

THE COMMISSIONER: Right. Now, for everybody, if you can check the restricted website either - - -

40 MS WRIGHT: I understand, I'm sorry, Commissioner, I should have mentioned, I understand Ms Hook will write to - - -

THE COMMISSIONER: Oh, yes, sorry.

MS WRIGHT: - - - parties and notify them once the upload onto the restricted website occurs.

THE COMMISSIONER: That's good. You'll receive an email from the Commission's solicitor informing you that the proposed documents to be

tendered will be on the restricted website. Have a look, if people have got objections please inform the Commission's solicitor and then we can deal with the objections probably through correspondence.

The next matter to deal with is timetable for written submissions.

MS WRIGHT: Written submissions of, my written submissions and the written submissions of the parties and a date for reply.

10 THE COMMISSIONER: I'm going to make the following orders, and before I make the orders can I preface this by you might sit back and think they seem generous timetable but I am taking into account the Christmas and New Year break, and if we did a strict timetable I'm fearful a lot of you would have been required to come in probably early January to complete written submissions. So I make the following orders. Submissions by Counsel Assisting to be provided by 3 February, 2020, submissions by all other parties to be provided to the Commission by 4.00pm on 9 March, 2020, Counsel Assisting, any submissions in reply are to be provided by 16 March, 2020.

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All right then. Is there any other issue that anybody wants to raise? All right then. Can I first thank everybody for attending and their assistance throughout this public inquiry and this public inquiry is now adjourned. Thank you.

**AT 3.38PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[3.38pm]**