

STATEMENT IN THE MATTER OF: Operation Ember
NAME: Deborah Marks

INDEPENDENT COMMISSION AGAINST CORRUPTION

STATEMENT IN THE MATTER OF: Operation Ember

PLACE: Independent Commission Against Corruption
NAME: Deborah Marks
ADDRESS: Roads and Maritime Services
OCCUPATION: Technical Project Manager, Compliance Operations
TELEPHONE NO: Known to ICAC
DATE: 10th April 2019

States: -

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.
2. I am 44 years of age.
3. On 3 April 2019, I participated in an electronically recorded interview with Stephen Wood and Yvonne Miles at the Independent Commission Against Corruption. During the interview, I was asked questions. This statement was drafted from the digital recording and transcripts of that interview. I have been given the opportunity to read the draft statement and make any necessary amendments prior to signing this document.

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4. I am a Technical Project Manager in Fixed Camera Support. I report to Tam McCaffery, Manager Fixed Camera Support but as he is now on secondment, I report to Frank Chan who is acting in Tam's position. Tam McCaffery, or now Frank Chan, reports to Arnold Jansen, Manager, Compliance Monitoring, Compliance and Regulatory Services (CaRS) Division.
5. I have been at Roads and Maritime Services (RMS) for over 8 years having commenced in October 2010 as a Project Officer, Skill Hire. In January 2011, I became a Project Officer, Limited Duration and thereafter an ongoing Technical Project Manager in Compliance Monitoring from July 2012.
6. I was originally with the Navy and later with Defence but immediately prior to commencement with RMS, I was with Global Renewals as a maintenance planner.
7. I have no particular qualifications that equip me for this role but have extensive experience.
8. I undertake various projects – but all of them are associated with fixed digital speed cameras.
9. For example, the Centre for Road Safety will request installation of a new fixed digital speed camera at a particular location. I will go out, do an assessment of the installation location, and assess requirements and determine specifications. I will then seek quotes from the panel contract for fixed digital speed camera installation. That panel has two suppliers Redflex and Jenoptik. More recently, I think a company called Tess has a camera as well. I would get a quote from both of them, see which provides the better option, and take it from there.

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10. We also have a panel contract for the civil installation side of things to complete sites or undertake refurbishment – in effect upgrading systems that are unserviceable or use out of date equipment that is not supported anymore. I recall that in approximately 2012 or 2013 we had done a full cost benefit analysis relating to fixed digital speed cameras. This was used to work out the most cost effective option for the 12 to 13 sites we had at that time.
11. The only time I would be involved with the Heavy Vehicles Program (HVP) unit was when TIRTLs – the infrared traffic loggers – were purchased or installed. I look after the RMS-wide TIRTL contract so have visibility whenever anyone is buying or installing TIRTLs.

Budget Management

12. I undertake budgeting and forecasting for fixed speed cameras. Every year I am allocated approximately \$3M, however I rarely use or need the full \$3M. I do not know why I keep getting the amount of funding allocated. Often, when I have available funds, these have been reallocated to HVP because they have limited funding.
13. I have a spreadsheet that I use to monitor the fixed speed camera budget, both my expenditure and when funds are reallocated to other areas such as HVP, so that I can stay within budget.
14. In or around January 2017, management advised that the HVP unit should not be using the Fixed Speed Camera funding for Safe-T-Cam expenditure, but that HVP would still be getting funding under a different work breakdown structure (WBS) code. I had a WBS code for additional projects so the funding was slipped underneath this. My

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understanding was that the HVP unit were still getting the funding but under the board.

The instruction to use a different WBS code came from Paul Hayes.

15. My understanding of Operational Expenditure is that it is 'Like for like' replacement, new for old is Capital Expenditure. There has not really been any guidance. It was just viewed as funds.
16. My budget was purely Operational Expenditure. There is also a Capital Expenditure for fixed speed cameras but I do not use that. I was not aware that that Fixed Speed Camera funding was Capital Expenditure. I had thought it was Operational Expenditure.
17. Paul Hayes would make decisions for reallocating funds. Samer Solimon or Alex Dubois or someone would approach Paul Hayes to see if there was spare budget and Mr Hayes would then direct me to make funds available. When I did procurement training, I realised just how poorly procurement was done in the CaRS Division.
18. I do not have a financial delegation. I can only raise purchase orders, create contracts, and do good receipts. Any workflow to me is for notification and tracking purposes only. The workflow would then pass up the line to my manager. Until recently, when money is moved from my WBS the workflow still comes through my WBS code so I have visibility.
19. I recall purchases orders stopped coming through to me but do not recall when this happened. It is possible to alter workflows but I am not aware how it was done. I have not altered a workflow.

EXHIBIT: I AM SHOWN AND ATTACH A COPY AN EMAIL DATED 01 FEB 2017 AT 12:14:57 FROM SAMER SOLIMAN TO JAI SINGH THAT I AM COPIED INTO; SUBJECT RE: FDSC FUNDING FOR STC STUFF; (ANNEXURE A)

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20. This email attached my spreadsheet I created to track expenditure against every purchase order raised against Fixed Speed Camera WBS code. Completed projects are highlighted in green. This includes projects that the HVP unit was undertaking. I had no need to pay any attention to who the suppliers used by the HVP unit or what was being purchased. I assumed that contracts were in place.
21. I have never heard of Novation Engineering. When funds were reallocated to the HVP unit, I had no knowledge of which companies might have been used to procure products or services. I do not have a financial delegation but I do authorise workflows that use the WBS code associated with Fixed Speed Cameras.

EXHIBIT: I AM SHOWN AND ATTACH A COPY AN EMAIL DATED 08 MARCH 2017 AT 15:06:30 FROM JAI SINGH TO DEBORAH MARKS; SUBJECT: FORECASTS (ANNEXURE B)

22. I recall that I noted that the HVP unit had gone over budget but I cannot recall all the detail. I still had sufficient funds to undertake my projects. I do not recall how the issue identified in that email was resolved.

Funding Allocation

23. If I reallocated funds to the HVP unit, I would give them the WBS code to use. The capacity existed for me to look up Equip to see what was on the purchase order. Generally, I would only look up Equip for accrual and forecasting purposes in relation to expenditure by other areas using funding from one of my WBS codes. Mostly I would not have visibility over what the HVP unit were doing. The unit is siloed.

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EXHIBIT: I AM SHOWN AND ATTACH A COPY AN EMAIL DATED 14 MARCH 2016 AT 16:29:42 FROM THERESA JABSON TO SAMER SOLIMAN I AM COPIED INTO - SUBJECT: REMINDER TO UPDATE DEB WITH FIXED COSTS AND FORECAST EXPENDITURE (ANNEXURE C)

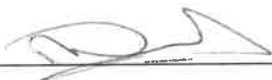
24. If I were to have reallocated some of my funds to the HVP unit (in this instance \$300,000), I would need them to provide me a forecast or schedule for the pattern of how those funds were to be expended. Forecasting is done monthly and I am reliant on the business area if it is not one of my projects to provide me with the forecasting.
25. I am involved in accruals for fixed speed cameras only. Accruals are done at end of the month, for the next month, for anything that has been completed. If something is complete but you will not get the invoice until next month then you can accrue that. Otherwise, if it has not been done then you do not accrue. If it is partial completion but as specified in a contract payment plan, you can accrue that. Otherwise, it can only be accrued if it is complete.

Market Testing

26. Recently Fixed Speed Cameras did a market testing for TIRTLs to ascertain whether there were any other providers a suitable product. CEOS is currently the sole supplier. One respondent indicated they could develop a product if they could be paid to do it. Even though RMS did not accept that offer, they have still gone to open market for the TIRTL contract. Senior Management are always looking to find out if there are competitors so they can open up tenders to a wider field and have greater competition.
27. When I first started at RMS, the CEOS work was verbal. There was no contract even though expenditure was over one million dollars per year. Therefore, I then went and got a contract created and this was renewed every three years. I am not aware of any strategic

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planning relating to the fixed digital speed camera network. I am aware that approaches are made to the open market to see if there is new technology or suppliers. I understand some sites have now changed in terms of the vendor equipment installed at those sites.

28. Prior to the current system, to set up a panel we did a scope of works, and got some quotes or went through eTender after we discovered eTender existed. Usually we would go out, get three quotes, and create a panel. Most of my panels had only one or two members. With CEOS, it needed to be empanelled because we needed to do multiple work orders.

29. I have never heard of a company called AZH Consulting.

Asset Management

30. Asset management is not done well. Nothing is documented so little is known about the assets we are responsible for maintaining. All we have to manage assets is an Access database. Several years ago (2014) we had to create one so we developed one to cover ten years. After that, we were not consulted. Tam was going to be the Asset Manager for CaRS but it has not yet happened. I worked in Defence over ten years ago and what we have here is nothing like what Defence had.

31. We do not have an asset management system as such. There is no configuration or asset management. We do not have the capacity to do this; we would need a proper system. I was tasked last week with preparing an asset management plan for the 20/21 submission. This is just for budget purposes. The plan identifies anything that needs potentially needs installing or replacement and its cost as well as our normal operating budget for repair and maintenance.

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32. I created basic spreadsheets but there is no current plan or direction. We are still using an access database. I recall that one financial year we had a WBS code for each individual site being refurbished that year. Finance section hated this. We are nowhere near having a system where every site and its associated assets is on a register with individual budgets linked to each site. This is what I was used to at Defence. I do not think it will ever happen in RMS.

33. Record management is not done well. There is no emphasis on proper accountability.

Culture

34. There is an attitude of just get things done. For example, while I was acting in higher duties I was given a purchase order to approve from the Heavy Vehicle project managers. Delegations are associated with the position you hold so I had the delegation because I was acting in Tam McAffery's position. The supplier was a recently formed office fit-out company with suspicious website and letterhead. I advised my manager, Tam McAffery (who was acting in Paul Hayes position at the time) that it seemed suspicious. I was told by him just to approve it.

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From: SOLIMAN Samer <samer.soliman@rms.nsw.gov.au>
To: SINGH Jai <jai.singh@rms.nsw.gov.au>
Cc: MARKS Deborah <deborah.marks@rms.nsw.gov.au>, DUBOIS Alexandre <alex.p.dubois@rms.nsw.gov.au>
Date: Wed, 01 Feb 2017 12:14:57 +1100

Thanks deb. We won't use this bucket anymore this FY.
Cheers,
Samer

Sent from my iPhone

On 1 Feb 2017, at 12:06 PM, SINGH Jai <Jai.SINGH@rms.nsw.gov.au> wrote:

|

Below is the attached from Deb.

- Items 4 and 5 should be last FY
- Items 6 and 9 are the same bit of work.

Proposed STC Refubs									
Site			Camera						
1	STC Refurbs	\$400,000.00				0	WIM - Hare integration at Mt White	4000013396	\$
2	STC Refurbs	\$100,500.00				Jan-00	WIM - batt charger and cables	4200003469	\$
	STC Refurbs	\$100,000.00				0	CIC - Additional Equip	4200005957	\$
					determine if this or last FY	Jan-00	Secondary vehicle detection	RM10394082	\$
		\$600,500.00			determine if this or last FY	Jan-00	Branxton STC Trial	RM10394596	\$
						0	Installation of FPS equipment 12 Mile Creek	4200003954	\$
						0			
		\$683,178.85				0	FPS equipment for Twelve Mile Creek	4000020592	\$
					need to fix wbs as on both	0	Installation of FPS equipment	4000020593	\$
						0	Flir - thermal camera trial at Picton Rd	4000022876	\$
	Remaining	-\$82,678.85				0	Reactive maintenance of RMS enforcement	4200004950	\$2
						0	Reactive maint of RMS Portable Weigh sca	4200006046	\$2
						0	Calibration software & 2 x IOC III packages	4200006078	\$1
		\$255,825.15				0	unknown cost		\$
									\$6

From: SOLIMAN Samer
Sent: Wednesday, 1 February 2017 11:58 AM
To: MARKS Deborah
Cc: SINGH Jai; DUBOIS Alexandre
Subject: Re: FDSC funding for STC stuff

That's weird, by my calculations, we have spent approx \$550k...with \$100k left to use (you gave me \$650k total).
Can you let me know what else has been expended on your bucket deb?

Alex,
Have you used this bucket?

Cheers,
Samer

Sent from my iPhone

On 1 Feb 2017, at 10:44 AM, MARKS Deborah <Deborah.MARKS@rms.nsw.gov.au> wrote:

Hi,

Just going over the PO's for STC stuff and it shows that you guys are \$80k's over the money allocated.

Can you please have a look and let me know if any of the costs listed are funded from other budgets so I can take it off my sheet.

Otherwise, please DO NOT book any more to my WBS as I don't have the funds – you have basically taken all my contingency.

Thanks
Deb

<Book1.xlsx>

From: SINGH Jai <"o=rta/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=sinjai">
To: MARKS Deborah <deborah.marks@rms.nsw.gov.au>, SOLIMAN Samer <samer.soliman@rms.nsw.gov.au>
Cc: MCCAFFERY Tam A <tam.mccaffery@rms.nsw.gov.au>
Date: Wed, 08 Mar 2017 15:06:30 +1100
Attachments: RE_ FDSC funding for STC stuff.msg (65.02 kB)

Hi Deb,

- In the attached email, there's a piece of work from CIC that was charged twice which still appears to be reflected in your costings (cost highlighted in green below).
- I have +\$400 in my calculations for **P.0018378.20**

Everything else looks correct.

WBS: P.0018378.20

Description	Vendor	WBS	Cost
Reactive maintenance of RMS enforcement portable weigh scales 2	NOVATION ENGINEERING PTY LTD	P.0018378.04	\$220,000.00
Reactive maintenance of RMS enforcement portable weigh scales 1	NOVATION ENGINEERING PTY LTD	P.0018378.04	\$220,000.00
Calibration software and 2 x IOCIII packages	NOVATION ENGINEERING PTY LTD	P.0018378.04	\$106,800.00
FPS equipment for Twelve Mile Creek	SICK PTY LTD	P.0018378.04	\$30,000.00
FLIR thermal camera trial Picton Road	IMC	P.0018378.04	\$5,560.00
Installation of over dimension equipment at Marulan Southbound	C . I . C . Engineering Pty Ltd	P.0018378.04	\$3,047.44
		Total	\$585,407.44

WBS: P . 0018378.20

Description	Vendor	WBS	Cost	Actual
Additional equipment for dimension sensor trial	C . I . C . Engineering Pty Ltd	P . 0018378.20	\$3,721.00	-
Installation of FPS equipment at Twelve Mile Creek	C . I . C . Engineering Pty Ltd	P . 0018378.20	\$6,144.00	-
WIM/HARE integration at Mt White North	CEOS	P . 0018378.20	\$24,400.00	-
Procurement of battery chargers and SAW III distribution cables	ELECTRONIC LOAD WEIGHING CO. OF AUSTRALIA PTY LTD	P . 0018378.20	\$8,800.00	-
		Total	\$43,065	-

Regards,
Jai

From: MARKS Deborah
Sent: Tuesday, 7 March 2017 8:42 AM
To: SOLIMAN Samer; SINGH Jai
Cc: MCCAFFERY Tam A
Subject: forecasts
Importance: High

Hi,

Can you please confirm that this is correct?

Actual	2017-P1	2017-P2	2017-P3	2017-P4	2017-P5	2017-P6	2017-P7	2017-P8	2017-P9	2017-P10	2017-P11	2017-P12
WBS Used	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17
STC Refurbs	P.0018378.04						3,047.44	83,250.00	136,750.00	220,000.00	41,704.00	106,800.00
STC Refurbs	P.0018378.20										42,665.00	

Regards

Debbie Marks
Technical Project Manager
Compliance Operations | Compliance & Regulatory Services
T 02 8848 8398 M 0459 825 881
www.rms.nsw.gov.au

From: SINGH Jai <"o=rta/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=sinjai">
To: SOLIMAN Samer <samer.soliman@rms.nsw.gov.au>, MARKS Deborah <deborah.marks@rms.nsw.gov.au>
Cc: DUBOIS Alexandre <alex.p.dubois@rms.nsw.gov.au>
Date: Wed, 01 Feb 2017 12:06:53 +1100

Below is the attached from Deb.

- Items 4 and 5 should be last FY
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						0	Calibration software & 2 x IOC III packages	4200006078	\$1
		\$255,825.15				0	unknown cost		\$
									\$6

From: SOLIMAN Samer
Sent: Wednesday, 1 February 2017 11:58 AM
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Cc: SINGH Jai; DUBOIS Alexandre
Subject: Re: FDSC funding for STC stuff

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Have you used this bucket?

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Samer

Sent from my iPhone

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Hi,

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Can you please have a look and let me know if any of the costs listed are funded from other budgets so I can take it off my sheet.

Otherwise, please DO NOT book any more to my WBS as I don't have the funds – you have basically taken all my contingency.

Thanks

Deb

<Book1.xlsx>

ANNEXURE C

RE: Reminder to update Deb with fixed costs and forecast expenditure about STC fallback project and she will advise which WBS bucket we can charge to.

From: JABSON Theresa T <theresa.jabson@rms.nsw.gov.au>
To: SOLIMAN Samer <samer.soliman@rms.nsw.gov.au>, MARKS Deborah <deborah.marks@rms.nsw.gov.au>, SINGH Jai <jai.singh@rms.nsw.gov.au>
Cc: HAYES Paul P <paul.hayes@rms.nsw.gov.au>
Date: Mon, 14 Mar 2016 16:29:42 +1100
Attachments: Unnamed Attachment (123 bytes)

Thanks Samer

Jai any update pls let me know ta

Regards

Theresa Jabson
Team Leader Finance | Co mpliance Operations Branch
T 02 8848 8918 | M 0413 368 032
www.rms.nsw.gov.au

Every journey matters

Roads and Maritime Services
110 George Street Parramatta NSW 2150



From: SOLIMAN Samer
Sent: Monday, 14 March 2016 3:14 PM
To: JABSON Theresa T; MARKS Deborah; SINGH Jai
Cc: HAYES Paul P
Subject: RE: Reminder to update Deb with fixed costs and forecast expenditure about STC fallback project and she will advise which WBS bucket we can charge to.

~\$100k in April, May and June respectively; pending red-tape delays from IM&IT for the iTREE portion of the cost.

Jai is managing this project for me while im on leave after next week, so pls contact him for any information.

Samer Soliman
Manager Heavy Vehicle Programs
Compliance Operations

From: JABSON Theresa T

ANNEXURE C

Sent: Monday, 14 March 2016 1:35 PM**To:** MARKS Deborah; SOLIMAN Samer**Cc:** HAYES Paul P**Subject:** RE: Reminder to update Deb with fixed costs and forecast expenditure about STC fallback project and she will advise which WBS bucket we can charge to.**Importance:** High

HI all

Thanks I will put aside the \$300K

Samer can you tell me roughly some costs to allocate in each month

March

April

May

June

Total \$300K

Deb I wont be using the \$300K for MSCP anymore

I will have to use the underspent in FDSC new install T78045

Please go ahead and use this funds for FDSC instead

CfRS prefers me to use the funds from T78045 instead + RLSC T78026

FYI Paul

regards

Theresa Jabson

Team Leader Finance | Compliance Operations Branch

T 02 8848 8918 | M 0413 368 032www.rms.nsw.gov.au***Every journey matters*****Roads and Maritime Services**

110 George Street Parramatta NSW 2150

<< OLE Object: Picture (Device Independent Bitmap) >>

From: MARKS Deborah**Sent:** Monday, 14 March 2016 11:09 AM**To:** SOLIMAN Samer**Cc:** JABSON Theresa T**Subject:** RE: Reminder to update Deb with fixed costs and forecast expenditure about STC fallback project and she will advise which WBS bucket we can charge to.

Hi,

Please use T/78055/G

Regards

Debbie Marks

Technical Project Manager

Compliance Operations | Safety & Compliance

T 02 8848 8398 M 0459 825 881www.rms.nsw.gov.au***Every journey matters*****Roads and Maritime Services**

Level 6, Pod F, Octagon Building, 110 George St, Parramatta NSW 2150

From: SOLIMAN Samer
Sent: Monday, 14 March 2016 11:01 AM
To: MARKS Deborah
Cc: JABSON Theresa T
Subject: FW: Reminder to update Deb with fixed costs and forecast expenditure about STC fallback project and she will advise which WBS bucket we can charge to.

Hi Deb,

We will need approx \$300k for this work, so just within your budget. Could you pls advise WBS?

Samer Soliman
Manager Heavy Vehicle Programs
Compliance Operations

From: SINGH Jai
Sent: Friday, 11 March 2016 2:56 PM
To: SOLIMAN Samer
Subject: RE: Reminder to update Deb with fixed costs and forecast expenditure about STC fallback project and she will advise which WBS bucket we can charge to.

So I got quotes from all parties

Vendor	Cost (ex GST)
CEOS works	\$16,830
CIC works	\$4,340
Gatso works	\$135,000
Itree works	\$120,000
Total	\$276,170

So all up it's around \$304K with GST

Do we have to consider IM&IT since we're engaging with Itree?

Regards,
Jai

-----Original Appointment-----
From: SOLIMAN Samer
Sent: Thursday, 3 March 2016 1:48 PM
To: SOLIMAN Samer; SINGH Jai
Subject: Updated: Reminder to update Deb with fixed costs and forecast expenditure about STC fallback project and she will advise which WBS bucket we can charge to.
When: Monday, 14 March 2016 10:00 AM-10:30 AM (UTC+10:00) Canberra, Melbourne, Sydney.
Where:

When: Monday, 14 March 2016 10:00 AM-10:30 AM (GMT+10:00) Canberra, Melbourne, Sydney.
Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Reminder to have all costs/quotes ready for "STC fallback project". Ie/mounting GATSO and CEOS cameras at branxton AND interface with iTREE STC backend.

I have currently advised \$300k estimate including ^{ANNEXURE C}ITREE's interface work.

Cheers,
Samer