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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION EMBER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 3 JUNE, 2019

AT 2.15PM

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

<JAINESH SINGH, on former affirmation

[2.16pm]

THE COMMISSIONER: Right, Mr Singh. Ms Wright.

MS WRIGHT: Commissioner, could a statement dated 31 May, 2019 of Mr Snell be marked for identification, which I've taken Mr Singh to parts of it.

10 THE COMMISSIONER: Right. The statement of Tim Snell dated 31 May, 2019 will be MFI 6.

#MFI-006 – STATEMENT OF TIM SNELL DATED 31 MAY 2019

MS WRIGHT: Could we have volume 9A, page 85 on the screen. Mr Singh, on 16 November, 2016 did Novation and specifically Stephen Thammiah send you a quote for portable weigh scales?---Yes.

20 Was that quote 100? If we could turn to page 86.---I mean I can't recall what the quote looked like but if this was the attachment then yes.

Do you know why you were being sent a quote for portable weigh scales by Mr Thammiah?---No, not sure why.

Did Mr Soliman speak to you about this quote?---I can't recall, sorry.

30 If we could go to page 97 of the same volume. Perhaps just going, sorry, to the start of that email chain, which is page 93. Do you see the email to you on 21 November, 2016, advising you that the attached request will be created as a CM21 contract and a purchase order will be raised once approved?---Yes.

And saying, "A shopping cart will not be required."---Yes.

40 Did you attempt to raise what's called a shopping cart to approve the quote which I've just taken you to which Mr Thammiah sent to you?---Mmm, looks like, yeah, so this would have been in that period where we were transitioning from the old system to the new shopping cart system.

Okay, I'll come to that in a moment.---Yep, sorry.

But does this refresh your memory about the quote, being quote 100?---Not for quote 100. It just refreshes my memory about the whole shopping cart Equip system being implemented.

And did you attempt to raise a shopping cart to approve expenditure on reactive maintenance for portable weigh scales?---So, yeah, so Samer

requested me to raise a shopping cart, and then we found out that for CM21 contracts, we don't follow that process, that we fill in a form 5399.

So the process was incorrect and you needed to raise a contract with a purchase order in the usual way?---Well, the form 5399 was a new form. Prior to that, I don't know what the form number was, but we had to fill in that form and we thought that with this new system we had to raise shopping carts, but that wasn't the case. We'd had to raise a form 5399.

10 And if we could go to page 95, this is within the same email chain. At the top you sent to Gemma of Transport Shared Services, quote 100.---Yep.

And that's the quote which I took you to a moment ago.---Yep. Okay.

And you, at page 94, in the middle of the page, you said, "Hi Gemma, can you call me back when you get a chance to discuss this? In short, this is an open PO for the portable weigh scale enforcement program."---Yep.

20 Do you see halfway down the page?---Yep.

Now, I'll come back to that in a moment, but does that remind you, going back to page 85, that you received this quote at page 86, being quote 100, on 16 November, 2016, from Mr Thammiah?---Yeah, so, when I, yeah, so, from what I'm recalling, Samer had asked me to raise a purchase order for parts and he had requested me to attach this quote to that request.

If I could just ask you to note what's in the item descriptions there.---Yep.

30 Would you – you would have looked at this at the time, would you?---I'm not sure. I don't recall, sorry.

You can see some prices listed?---Yep, for scales.

For scales?---Yep.

And if I could just ask you to note the 10C III, at \$12,852.---Yep.

40 And would you have looked at the prices at the time?---I can't recall looking at the prices, no, sorry.

Why did you think you were being sent a quote by Novation for portable weigh scales?---I'm not sure. I recall Samer asking me to attach this quote for the spare parts, but I'm not sure why it was sent to me to begin with, sorry.

By - - -

THE COMMISSIONER: Because a lot of it aren't spare parts.---No, there's no spare parts on it whatsoever.

MS WRIGHT: Well, there's some ramps, and - - -?---May, yeah, but - - -

THE COMMISSIONER: Maybe a charger? I don't know. Anyway, sorry.

MS WRIGHT: Mr Singh, by this time – so this is November 2016 – do you agree that you had signed six purchase orders in favour of Novation?---For spare parts?
10

No.---Oh.

Just six purchase orders in favour of Novation.---I can't recall how many purchase orders I raised at that, until that point, sorry.

All right, well, putting aside the number, I did take you to them, but you recall there was the purchase order for the under-vehicle camera matter?
---Yeah. Yes.
20

You were the requester?---Yes.

And you gave evidence that Mr Soliman asked you to raise that purchase order?---I thought I gave evidence that Mr Soliman had put that purchase order together.

I see. But you signed as requester?---Yes, I signed as requester.

And then there were five scoping study-related purchase orders for Novation, the ANPR thermal camera?---Yes, yeah.
30

Portable weigh scales?---Yeah.

And I took you to those five purchase orders when you first gave evidence.
---Yeah.

And I suggest the dates of those purchase orders pre-dates November 2016. Would you agree that they were the first purchase orders you signed - - -?
---For Novation.
40

- - - for Novation?---I'd say so, yes.

And so by this stage your obviously familiar with the company, Novation?
---Yes.

In a sense that you've raised some purchase orders at Mr Soliman's request for the company?---Yes.

And I suggest there were five of them, sorry, six of them by this time.
---Okay.

And would you accept that?---Yeah, I'd say, yeah.

None of them had been for portable weigh scales.---Oh, sorry, was that a question?

10 What I'm getting at, Mr Singh, is you were now receiving a quote related to Novation supplying scales to RMS.---Yeah, yeah.

Did you think that was a significant change in the business which RMS was doing with Novation?---So prior, I'm guessing prior, oh, it would have to be prior to this quote Samer did tell me that Novation was supplying IRD parts and scales. I don't recall exactly the date he told me though.

20 But before you got the quote, you had a conversation with Mr Soliman about Novation moving into parts and scales?---I think he told the team, so the whole team was sitting in the area and he just, it was a bit of an announcement from what I recall, because there's the whole ELWC issue prior to that.

Were you involved in that whole ELWC issue at all?---No, no, just what I overheard sitting at my desk.

What did you overhear?---That there were some, the service ELWC was providing was poor, I know, I know Alex, Alex Dubois and Samer Soliman was working on it, that's about as far as I know.

30 And did you hear that ELWC had ceased doing business with RMS?
---Yeah. So when they ceased, when they terminated their business relationship, Samer forwarded that email to the team I believe, just notifying us that that business relationship had been terminated.

You knew that ELWC had been looking after the portable weigh scale fleet until that time?---Yes, and also the WIMs I think as well they were looking after from what I heard, yeah.

40 And had you been told that Novation was now going to supply portable weigh scales to RMS?---Yeah, that's what Samer told us.

And did that occur to you as being unusual at all, given that this was Mr Soliman's friend?---Not at the time, because I just assumed IRD did their due diligence tests and did their screenings and, I mean, yeah.

You thought it was IRD's choice to use Novation, did you?---That was my thought.

What did you base that on?---Just assumptions, sorry.

I took you to an email before where in relation to the FLIR thermal camera trial where you noted that Novation were to be involved in that trial.---Yeah.

And you recall that the calendar placeholder which was sent was for a trial at the end of November 2016 including Novation in the trial?---Yes.

10 And then you wrote to, or you wrote to IMC and said your consultant who would be capturing the results of the trial was unable to attend next week and that was in, that was the last week of November 2016. You recall that? ---Yes.

Now, you've just received a quote from Novation on 16 November for scales.---Okay.

20 And does that help you to put your mind back to that time and when you told IMC that your consultant for the thermal camera trial would not be able to attend, would that have been Novation or AZH?---It may, I think it may have been Novation now that I'm thinking about it. It was probably somewhere around that time Samer sent me that email advising me that Novation is no longer involved in this thermal camera trial.

Did he tell you whether that had anything to do with Novation having a new or additional role in providing scales or scale parts?---I don't recall him saying that, no.

30 But you understood that Novation was taking on this business, this additional business on behalf of RMS?---Yeah, that's what Samer told us, yes.

Now, you raised the purchase order for, or you requested the purchase order for the reactive, well, it's called reactive maintenance. If we could have page 99 of volume 9A on the screen.---Yeah.

And over the page the subject matter is reactive maintenance of RMS enforcement portable weigh scales.---Yes.

40 And a unit price of \$220,000.---Yeah.

Did you fill that out?---I did fill that out.

And you signed on 21 November?---That's correct.

And did you submit it to Mr Soliman for signature?---It would have just been going to his desk and having him sign it.

How would it have got to his desk?---Oh, he sits, he used to sit right in front of me, like I sat here and he sat on the other side of the, I don't know what those walls you call.

THE COMMISSIONER: So it was all open plan, was it?---Yeah, it was an open plan floor and he sat pretty much opposite.

But with a divider between you?---Yeah, it was like about this high though. It was, yeah.

10

MS WRIGHT: And so you submitted it to him for his signature?---Yes. From what I recall, yes.

Now, the figure of \$220,000 what was that for?---So Samer told me this was for spare parts and he gave me the figure and also the line item description. He asked me to use that description.

20

THE COMMISSIONER: And the line item is reactive maintenance - - -? ---Of RMS portable weigh scales, yeah, and for that value so my understanding this was supposed to be an open purchase order so where spare parts are needed Novation will supply the spare parts and charge it against this purchase order.

And when you say an open purchase order, what do you mean by that?--- Basically it's just a purchase order of a value and whenever there's any works performed by the contractor of this purchase order they can charge it against that purchase order, yeah.

30

What, up to the maximum of the purchase order?---Up to the maximum of the purchase order, yes.

So here if there was an order of widgets that only came to 50,000 that could be charged against this purchase order and there would be 150 left?---Yeah. Yes.

And then if next month they needed another 100 widgets, another - - -? ---They could charge it against this purchase order, yes.

40

MS WRIGHT: Had you noticed that the quote which is at page 86 again didn't have a total on it, it was a - - -?---Just prices.

A price list?---Yeah. So, yeah, so Samer told me it was an open purchase order so there was no quote required to show the price for the, for the purchase order and he asked me to use this quote for that purchase order.

And when you attempted to raise the shopping cart, was there any attempt to circumvent the usual contract creation process?---No, not at all, I was just, it was a lot of confusion during that time with the two systems, so when I, I

think, you know, email trail when I did go about trying to raise a shopping cart, someone did point out to me that with CM21 contracts you've got to follow the CM21 and the form 5399 process.

Now, is it your evidence that Mr Soliman came up with the figure of 220,000?---Yes.

10 And did he tell you what that was based on?---No, he didn't tell me how he came up with that figure. He gave me the figure and then also the WBS I'd get the charge against.

THE COMMISSIONER: Do you know what bucket it was?---If we go back to that purchase order, the form 5399, sorry.

Which I think is at page 99. Does that help?---Yes. So there's, halfway down you can see WBS code or cost centre, under Financial Details.

20 Yes.---Yeah, so that's the WBS code. I have no idea what the description for that code is.

That's the P0018 - - -?---Double zero, yeah, 18378.04.

MS WRIGHT: Now, at page 112, volume 9A, Mr Thammiah sent you another quote, being quote 101, on 1 December, 2016.---Yeah.

Which included, if we turn to page 113, a pricelist - - -?---For parts. Sorry.

- - - for spare parts for the PAT SAW 10A Series I scale.---Yes.

30 And you are named on the quote at page 113.---Yes.

And it says, "Further to our recent discussions." What discussions had you had with Mr Thammiah, if any?---I can't recall any recent discussions, sorry, at that point, yeah.

It's addressed to your attention.---It is, it's addressed to my name, yes.

40 And it suggests, "Our" recent discussions, that the discussions are with you on behalf of RMS.---Yeah, I don't recall any discussions, unless I was requested to send an email to Novation to ask for a pricelist for parts. I can't recall any other - - -

Well, when you got it did you think what discussions are you talking about, or you just don't recall at all?---I don't recall. I mean when I opened this up I just looked at the prices, which is when I raised the prices with Samer, because even though I don't know much about scales at this point it just seemed high.

So this time there are individual parts and prices included on a quote.
---Yeah.

And you looked at the prices - - -?---Yeah.

- - - and you had a view that the prices were irregular or unreasonable?
---Well, I don't know the prices for what spare parts should be, so it just seemed high, just, I've got no expertise to formulate that opinion, it just, just seemed high and I did ask Samer about it and that's when he said that, you
10 know, because these 10A Series Is are not, are no longer in production and they've reached end-of-life these spare parts need to be fabricated in Switzerland, hence the reasons for the pricing.

Mr Soliman, around the time or after you received this quote, did he say to you that the spare parts need to be fabricated in Switzerland and that is why they are priced that way?---Yes. I think it's Switzerland, I can't confirm the country, but I think PAT scales are Swiss so, but they had to be fabricated, they weren't available off the shelf.

20 Was the place where they were fabricated part of what he told you?---Yeah, yeah, oh, Switzerland or Sweden. Sorry, it's one of, yeah.

But in, he mentioned an overseas country.---Yes. Yes.

So somewhere outside of Australia?---Yes.

And that was in response to your question about the prices?---Yes, that's right.

30 And did you accept what he told you?---Yeah, I did.

You didn't question it any further?---No, I didn't question it any further.

And did you know where Novation was sourcing the parts?---My understanding was from IRD.

You understood that they were in Canada, did you?---They're, yes, they're in Canada, yes.

40 And did you know what IRD's prices were?---No. I did not.

Mr Soliman never gave you an IRD pricelist?---I, I can't recall him ever giving me an IRD pricelist, no.

Or Mr Thammiah?---No, I can't recall any pricelist from IRD.

Had you ever been involved in the supply of ELWC's parts for RMS, any aspect of their supply of parts?---I recall, so I was, when I was looking back

at my purchase orders, there was one purchase order for ELWC for cables, and I think it was just for cables, from what I recall.

And you - - ?---Charging cables, I think it was, but yeah.

I see. And when was that?---I don't know the date, sorry.

You were the requester for that purchase order?---Yeah, I was that requester for that purchase order.

10

THE COMMISSIONER: And, sorry, who was the payee for the purchase order?---ELWC. Yep.

MS WRIGHT: Now, what did you do with quote 101 that was sent to you by Mr Thammiah?---So, Samer had me raise, requested me to raise another purchase order. He told me that WeighPack and Electrical were maintaining the scales at this time, were running low on spare parts. So I would have used this quote alongside that purchase order to raise that purchase order.

20

Okay, now are you sure that WeighPack had the maintenance contract in December, 2016?---I'm not sure, sorry. I thought, yeah, sorry.

Now, if we could turn to page 194 of volume 9A, this is an email from Mr Soliman to you of 22 December, 2016, asking you urgently to have WeighPack Electrical added into Equip and CM21, telling you this is quite urgent, and asking you to give Mark Mitchell a ring.---Yep.

30

Did you do that?---I, I assume so.

And then, page 196, did you send an email to Mr Mitchell to obtain WeighPack's information, including ABN, other corporate information? ---Yes. Yep.

Did you then add the company to the RMS Equip database?---I, from what I remember, the way it works is you fill in a form and you send it to the TSS team, and they add it into the database themselves.

40

Did you add it to CM21?---It's the same process for CM21, except for CM21 is Fujitsu. There's a team in Fujitsu that manages CM21. So you got to fill in the form and send it to that team in Fujitsu who then add the, the vendor into the CM21.

So you completed the necessary forms and submitted them for WeighPack? ---Yes, I would have.

Now, did Mr Soliman tell you why you had to urgently add WeighPack to the RMS databases?---I can't recall, sorry, if he did tell me.

Did he tell you a request for tender had been issued to the company?---I don't recall him ever saying that, but I do recall him later on mentioning that WeighPack and Electrical are now the supplier. I think from what I heard it was either them or AccuWeigh at that point.

THE COMMISSIONER: The supplier of what?---Not, sorry, not the supplier, the maintainer of the, of the scales, yeah.

10 MS WRIGHT: So at this time, this is just before Christmas, December 2016, so 22 December. Did Mr Soliman show you a request for tender or tell you it had been issued?---No, not that I can recall, no.

And you weren't a member of a Tender Evaluation Committee for that RFQ?---No.

But you, Mr Singh, you were terminated recently from RMS.---Yes.

20 And your termination partly resulted from your involvement in signing some documents relating to that RFQ?---That's correct.

Commissioner, I will deal with that but I will come back to it. Now, if we could go page 201. In January of 2017 did you receive from Mr Thammiah an invoice for portable weigh scale parts?---I guess so.

Well, it's there on the email.---Yeah, I know, it's there, yeah.

30 And he's attached an invoice numbered 101-01, and if we could turn to page 202, the invoice is addressed to you, Mr Singh.---Yes.

And you'll see what's set out there, it looks the same as the quote of 1 December, 2016 in terms of the unit price, but there's an additional column which says Quantity. Do you - - -?---Yes.

Do you agree with that? I can take you back to the quote.---Yes, yes, no, you're right, yeah.

40 And what was your understanding of why were you were sent this invoice? ---So I would have, because I was the requester so the purchase order that Novation received would have had me as the contact point in the purchase order.

So having raised the purchase order the invoices would come to you?---The invoices would come to me, yes.

And was it your job to approve payment of the invoices?---Yes. So I can progress those invoices for scheduling of payment, yes.

And are you able to do that without recourse to the delegate who has authorisation to approve expenditure, given that you've already raised a purchase order?---Yeah, I can, I can approve it without, without having to consult with Samer in this instance, yeah.

THE COMMISSIONER: Is that because it was an open purchase?---I don't know the reason for that. It's not just for open purchase orders, it's for any purchase order, you can just progress it, yeah.

10 MS WRIGHT: Because you've given evidence previously that when you received invoices in relation to scoping studies, say from AZH and Novation, you would, before approving invoices, seek the approval of your manager, Mr Soliman.---Yeah, that was my practice, yes.

In relation to this invoice for spare parts from Novation, did you approve payment of the invoice yourself or did you consult with Mr Soliman?---I thought I sent an email to Novation just confirming whether these parts had been delivered to WeighPack and Electrical and then also sent an email to WeighPack and Electrical just asking the same question.

20

So does that mean you didn't consult with Mr Soliman?---It was after that I consulted with Mr Soliman and he told me what the payment terms were, that we need to pay Novation upfront, so, and he said, "You can go ahead and approve this."

So you had made some inquiries and determined that the parts had not been supplied to the maintainer. Is that - - -?---Yeah. So Mark, I recall Mark Mitchell responding, "No, I haven't received these parts." So that's when I, yeah, inquired with Samer also and that's when he told me, yeah.

30

Now, are you sure it was, when you made that inquiry that it related to this invoice of 10 January, 2017 or are you unsure of the date?---I'm unsure of the date. I thought it was the first invoice I received.

So you understood that there was a maintainer and you think it was WeighPack at this stage?---Yeah, yeah.

But in any event you understood there was a separate company doing the maintenance and servicing of scales?---Yes.

40

Is that your understanding?---Yes

And Novation was the supplier only of parts?---That's correct.

It wasn't doing maintenance itself?---No, not, no, no, not at that time. I can't recall, yeah, anyone telling me that Novation was doing servicing.

Now, if I could take you to page 207. You see here Mr Soliman is sending you an email on 12 January attaching three quotes and telling you that the winning tenderer is WeighPack Electrical?---Okay, yeah.

“Please create a purchase order using,” seems to be suggesting that you would use the quote to create a purchase order.---Yes, using the WeighPack Electrical quote, yes.

10 So he refers to a winning tenderer which suggests you understood that there had been a tender by this stage?---Yeah. Yeah, I can’t recall discussions about it but receiving this email there must have been some prior discussions.

And did you understand that there had been a tender for the appointment of a maintainer of the portable weigh scales?---I know Samer was, when ELWC terminated that business relationship Samer was looking at alternative options. I can’t recall him telling me whether there was a tender or not though.

20 But would you agree that by 12 January you must have been aware either on that day or at some point before that day but at that time at the latest that there had been a tender for maintenance?---Yeah, I’m thinking there had to have been some prior discussions but I just can’t recall, yeah.

But you were aware by 12 January in any event?---Yeah.

And the tenderers AccuWeigh, WeighPack and Novation?---Yeah.

30 Because you’ve received quotes from each company?---Yes.

And Mr Soliman in the subject line of the emails asked you to call the purchase order “portable weigh scales certification and calibration”, you see?---Yeah.

And then if we turn to page 208 this is AccuWeigh’s submission. Do you see that---Yes.

40 If we could turn the pages. Would you have looked at this?---I only looked at the WeighPack one.

I see. So if we could turn to page 215, sorry 214. You saw the WeighPack submission by Mark Mitchell?---Yes.

And at page 215 he’s quoted a price for the service and calibration?---Yes.

And sorry, just on 214 his submission is dated 20 December, 2016.---Yes.

And then going forward there's one at page 217 from Novation and this is quote 99 and it's addressed to your attention.---Yes.

Had you received that quote?---Prior to that email?

Yes.---I can't recall receiving a quote like that, no.

And it talks about maintenance of IRD PAT scales.---Yeah.

10 Did that take you by surprise at all that Novation would be proposing to do maintenance of scales?---No, like I don't recall actually opening this quote at the time.

Why do you think you're named on - - -?---I didn't, yeah.

- - - this quote?---I'm not sure. Yeah, I'm not sure why I was named on the quote.

20 And his cost over the page at page 218 is \$104,760 for quarterly maintenance.---Yeah.

And so that's a quarter, every quarter annually - - -?---104.

- - - he would charge that much.---Yes.

Whereas Mr Mitchell had given a unit price per scale.---Yes.

30 Did you have any concerns about that quote?---Yeah, like I said, I don't recall opening this quote at the time, probably just opened Mark Mitchell's quote and then obviously Mark Mitchell's got the unit price so I would have had to have spoken to Samer to see what value he wanted that purchaser order raise to be.

Did you have any concerns about Mark Mitchell's quote?---No, no.

And Novation's quote, if you go to page 218, 17 October, 2016.---It hasn't changed, sorry.

40 You see the date issued?---(No Audible Reply)

Do you see that, half - - -?---Oh, sorry, sorry, yeah, yes.

Date issued. Do you know anything about why this was issued in October 2016?---No, I can't recall why that would be, yeah.

Are you sure you don't know anything more about all of this, Mr Singh?
---I'm just trying to think.

THE COMMISSIONER: It's a bit bizarre you get one quote which is dated October then you've got two, 19 December and 20 December.---Yeah, yeah. I know there was one meeting that Samer had with Novation and there was another subcontractor, it was to see whether, yeah, to see whether the subcontractor could maintain the scales. I don't know the, I forgot the subcontractor's name.

This is before these various quotes?---I think this was before, I think this was before, and, yeah, so - - -

10

MS WRIGHT: So was that after ELWC lost its business with RMS?---I think, yeah, yeah, it was afterwards.

And there was a meeting with you and Mr Soliman and a subcontractor? ---Mr Soliman, yeah, invited me to a meeting with a subcontractor and Novation was there also.

Stephen Thammiah?---Yeah.

20

Was the subcontractor proposed to be Mr Thammiah's subcontractor or the maintainer's subcontractor?---I'm not sure. So from what I understand the discussions were that the subcontractor was going to maintain the scales, but Novation was going to do the admin work, like the shipping and maintaining the asset register, but that's the only meeting I was invited to so - - -

Where was the meeting?---It was in the, the AON Building, which is next to the Octagon Building where we're located.

30

And Mr Thammiah was going to do the admin and the, being the shipping and the asset register?---The asset register, shipping from what I recall, and just communications with the different offices.

THE COMMISSIONER: So does the asset register, does that keep track of we've got 500-odd - - -?---Scales.

- - - scales - - -?---Yeah.

40

- - - and these ones are due for their annual service and calibration by 1 March, this lot are by the - - -?---Yeah.

And the shipping is to organise the particular scales to get to the - - -? ---Subcontractor, oh, whoever the contractor was, and then back to the office again afterwards, yeah.

So as you said, it would just be Novation really working, providing some administrative tasks with that framework.---Yeah, yeah, yeah.

MS WRIGHT: Whose suggestion was it that Novation could take over the administrative tasks associated with that arrangement?---So Samer was running that meeting, so he was kind of coordinating the, the possibilities of Novation doing the admin works, and I've forgot, again, I've forgot who the subcontractor was doing the maintenance of the scales.

Was it Tenlow Tools?---I can't recall, sorry.

10 And did Mr Thammiah appear to be receptive to that idea?---He did, he seemed like, yeah, he was on board with that idea, but - - -

Was - mmm, sorry.---Yeah, sorry, no.

Was there a general understanding that he and his company would not be in a position to do the maintenance itself?---There was no discussions like that in that meeting. It was just, yeah, Novation could do the admin work and the subcontractor could maintain the scales.

20 And what happened to that arrangement, to your knowledge?---I never heard anything about it after that meeting I went to. Yeah.

THE COMMISSIONER: But that was consistent with your understanding of Novation's skill set, that they couldn't maintain the scales.---Well, I, yeah, I don't, I don't know what Stephen's background is - - -

30 Other than he worked at Optus.---Other, other than he worked at Optus. But I know CIC, so CIC were, they became the authorised maintainer and I think supplier as well for the WIMs, for IRD. And they had to go to Canada to get trained, get trained up on, yeah, how to maintain those, the WIMs.

MS WRIGHT: Was that after ELWC ceased its business with RMS? ---Yeah, yeah, so it's after ELWC ceased, in my understanding, CIC then became the authorised maintainer and supplier for the WIMs.

So, CIC is doing both jobs. Did it strike you as unusual that Novation was only doing a part of the functions required, in that it was only supplying? ---At the time, no.

40 Now, you received the winning tender quote, along with the other two quotes for the certification and calibration. What did you do, did you create a purchase order?---Yeah, so I would have created a purchase order. Samer would have given me the value to put into that purchase order and also the WBS.

THE COMMISSIONER: And, sorry, would the value be an estimate that if all 500-odd portable weigh scales had to be serviced and calibrated - - -? ---Yep.

- - - whatever the quote was, that times 500, roughly?---Yeah, yeah, so times 500. But at that time, Samer used to always add additional funding to the purchase order for repairs, for any repair work, so, yeah.

MS WRIGHT: Sorry, what was that last answer that you gave, Mr Singh?
---The additional, additional funding?

Yes.

10 THE COMMISSIONER: It wasn't just a case of, we've got 500 scales, the quote is \$500 for an annual servicing and certification. Mr Soliman would add a bit for - - -?---Yeah. To cover any repair works.

Cover any repair work.

MS WRIGHT: If we could turn to page 228. This is a purchase order request in the amount of \$106,800. And turning to page 229, you're named as the requester?---Yep.

20 And Mr Soliman has signed as the delegate?---Yes.

And it's for calibration software and two 10C III packages.---Yes.

What were the circumstances in which you came to sign that purchase order request?---I can't recall. Yeah, I mean looking at the description it was to get the two 10Cs, which were the scales, and calibration software as well. Yeah, I can't recall how it's - - -

30 And do you know what packages means?---No, can't recall, yeah.

And then at page 230 you received another invoice from Novation, being invoice 101-02, on 16 January, 2017.---Yes.

So that's the second invoice for parts. And if you turn to page 231 it seems to be for another four aluminium baseboards, right and left.---Yeah.

In the amount of \$29,480 plus GST, coming to \$32,428. The previous quote was for \$28,391, so they're all around, they're both around \$30,000.---Yes.

40 Were you aware of the need to get three quotes for, or did - I withdraw that. Did you have any understanding about what the requirements were for procuring goods or products and whether there was a requirement for a request for quote to be issued and the receipt of a number of quotes?---Not in this instance because I, because this was an open purchase order that Samer had me raise, so that didn't cross my mind.

The purchase order was for 220,000.---Yeah.

Did that trigger any requirement to your knowledge for any sort of tender process for the supply of parts?---At the time it didn't.

The purchase order referred to reactive maintenance.---Yeah.

It didn't actually refer to the procurement of spare parts, did it?---No, no, the description was, yeah, reactive maintenance.

10 But to your understanding was the purchase order issued for the purpose of - - -?---Spare parts.

- - - spare parts?---That's correct.

Where did you get that understanding?---That's what Samer told me, that's what the purpose of the purchase order was for, to cover payments for any spare parts.

Did you query the description given?---At the time, no, yeah.

20 Was it your evidence that he provided the description of reactive maintenance?---Yeah, yeah, 'cause yeah, I recall him saying, "Yeah, use that description, reactive maintenance," I think there was additional wording as well.

But it really wasn't about maintenance, it was about supplying - - -?---It was about supplying spare parts.

Spare parts.---Yeah.

30 For the 220,000 raised, did you say you didn't turn your mind to whether there needed to be a tender or an RFQ process?---At the time, no, it didn't, I don't recall it, it didn't cross my time, I don't recall, during that time, because I know there were subsequent purchase orders that Samer had me raise for spare parts and he also, from what I recall, he provided me with the letter, the authorised supplier letter, and he asked me to attach that to the, alongside the purchase order request because that would show that we can only go to one supplier for the, for this, for the spare parts.

40 And why did you understand that was relevant to raising a purchase order? ---Well, he asked me, when he, when I, when he asked me to raise the subsequent purchase orders he asked me to also attach that when sending to TSS because that shows that in this case Novation's the only supplier that can provide these parts.

I understood that.---Yeah.

But I'm just asking you to articulate if you can why that would be relevant, is that because it would obviate the need for seeking quotes or engaging in a

tender with anyone else because there was only one supplier?---That was my understanding, that he was using that as like a method, maybe best word is probably exemption, yeah.

Now, did you authorise payment of this invoice that we're looking at now at pages 231-232 for Novation?---Yeah, if it came into my workflow I would have followed the practice of getting in touch with Samer and advising him that the invoice in my queue, sometimes Samer used to give me a heads-up that there were invoices coming to my queue and they're okay to approve, yeah, I don't - - -

When you say he gave you the heads-up, was that in relation to spare parts invoices from Novation or was that just a general practice generally in relation to any invoice in any - - -?---It was, it was just general, if he knew there was an invoice coming into my workflow he would let me know and he would, yeah, let me know that it's okay to approve, yeah.

Now, on the same day, this is at 235, you signed, so this is an email from you to TSS Contracts copied to Mr Soliman, documentation to support the creation of a purchase order.---Yes.

And you've said, "This is a blanket purchase order to cover reactive operational maintenance of RMS Enforcement portable weigh scale fleet until the end of this financial year."---Yeah.

So that's a similar explanation as you gave in respect of the raising of the shopping cart back in December. Do you agree with that?---Yes. This time around I don't think it was a shopping cart, it would have been a form - - -

30 No, no.---Okay.

But it was a similar description.---Yeah.

When you raised the shopping cart you included a similar - - -?
---Description, yeah.

- - - description, a blanket purchase order to cover reactive operational maintenance of portable weigh scales.---Yeah.

40 And you said that there will be several small invoices charged.---Yes.

And you've said that again now on 16 January, 2017.---Yeah.

You had received two invoices from Novation by this stage I suggest, the two I've taken you to?---Yes.

You haven't exhausted the previous purchase order of 220,000 yet had you?
---I wouldn't, if there was only two invoices, then no.

And Novation's not the maintainer, we've just asked you about that.---Yeah.

The two purchase orders together would amount to \$440,000, would they?
---Was that the, was this 220,000 as well?

I'm sorry, I should take you to it, Mr Singh. At page 236, you see - - -?
---Yeah.

10 - - - to Novation 220,000 then over at page 237, reactive maintenance, unit price, 220,000.---Yeah.

So together with the first purchase order which was 17 November, I can take you quickly back to it, I think it's page 97, sorry, it's 100, dated 21 November, 2016 for 220,000, reactive maintenance.---Yes, yeah.

And then in January, you're raising another one for the same amount of the same purpose, do you agree?---Yes.

20 And you'd received two invoices only, each being about \$30,000 from Novation?---Yes.

Was it justified to be raising another \$220,000 purchase order to authorise Novation to buy parts up to now \$440,000?---I was, again, I was, I was just following Samer's instructions. He requested for me to raise another purchase order.

30 But you'd been receiving the invoices, Mr Singh, in relation to the first purchase order, yes?---Yes, yes.

And surely it occurred to you why on earth are we raising another purchase order for \$220,000?---I feel like I may have raised a concern with Samer but I can't recall if I did or not, yeah.

Did you know that Soliman was favouring his friend, Thammiah?---At the time, no, I didn't.

But you see, you knew they were friends.---Yes.

40 And you're suddenly observing that Novation's getting a whole new line of business from RMS and that is in relation to portable weigh scales.---But I wasn't across any of that.

Well, you knew ALWC had been dislodged or it has ceased being - - -?
---Terminated their business relationship.

And that Novation had come into position as a supplier of parts, yes?---Yes.

And you'd attended a meeting where it was discussed that Novation could just do the admin side of things?---Yes.

It really had no skill or special skill in relation to the scales themselves?
---Not that I am aware of.

10 And you're being asked to raise, in a fairly short period of time, two purchase orders for together \$440,000. You agree it's a significant sum of money?---It is, it is. I don't recall what happened during that time. Yeah, I mean, it was under the request of Samer. He, he would have given me a reason why he asked me to raise another purchase order. I just can't recall what happened.

Were you willing to do anything that he said?---I mean, he's a manager. I did raise concerns here and there but, yeah, I mean, I respected his authority and yeah.

20 And do I take it that no one in Transport Shared Services queried the raising of an additional purchase order for the same type of service for the same amount?---Not that I can recall.

No one said, "But you've got another purchase order for this and we've only had two invoices under it"?---I can't recall anything like that being raised to me.

THE COMMISSIONER: And it's using the, both coming from the same - -
-?---WBS?

30 Yes.---Yes.

Sounds like double dipping, doesn't it?---Yeah. I mean, look, I'm sure Samer gave me a reason at that point but I just can't recall what it was.

Do you recall raising it with him?---I recall raising three.

40 Three purchase - - -?---Purchase orders for spare parts and I mean, yeah, usually it revolved around the maintainer being low on spare parts but in this case, you know, as it's been pointed out there was two, only two invoices received. Yeah, I mean, I didn't have much visibility of what was going on. I mean, I can, I - - -

Sorry, what do you mean by not much visibility?---So, so visibility, where the spare part's being received by the maintainer and what they're requesting from Novation.

That wasn't part of your duties at all?---No, so, November 2017 onwards, that's when AccuWeigh was maintaining the scales and that's when I was given lead so I used to have weekly meetings with AccuWeigh to begin

with, which turned into fortnightly. David Jones was invited to those meetings as well, just getting an update on what's going on with the scales, any invoices that are coming, upcoming, any repairs that are upcoming. So
- - -

Can I just stop you there.---Yeah, sorry.

So the sequence was ELWC's relationship with RMS was terminated?
---Yes. ELWC terminated.

10

I'm sorry, this relationship with AccuWeigh, when are you talking about?
---November 2017.

Sorry, I'm just getting around my brain. So it went AccuWeigh, WeighPack, then AccuWeigh came back into the picture?---Yes.

And you're talking about at that stage - - -?---Samer gave me the lead on that.

20

You had responsibility over it.---Yeah, over, yeah, so I had meetings with AccuWeigh constantly. I was in frequent contact with, you know, people from AccuWeigh, so that purchase, so there was a spare parts, they were ordered during that time, I think that was early 2018, and it was, I think, so they got that, those parts were delivered and I verified they were delivered.

You've given this evidence before.---Yeah.

But we're looking back, end of 2016, early 2017.---Yeah.

30

At that stage, your involvement with the spare parts is - - -?---Just seeing the invoices.

This kind of administrative work with payment.---Yeah. Yeah. But if it assists, when I was lead, that purchase order and those parts that were delivered, the day before I got suspended I was on, I had a phone call with AccuWeigh and they advised me they were running low on spare parts, and that was the first time they ever notified me about being low on spare parts.

40

And that would have been in 2018?---'19.

'19. Sorry, yes, I'm losing a year. Yes.---Yeah. Yeah, yeah.

Thanks, Mr Singh.

MS WRIGHT: And this purchase order of 16 January, 2017, if I could take you to page 250. Is this the time when you provided the IRD letter of appointment of Novation to TSS in support of the purchase order creation?
---Yes.

And in fact I should have pointed it out before, but if we go back to page 235, your cover email actually says that you've attached the sole provider licence.---Yeah.

And you've said that was given to you by Mr Soliman.---Yeah, from what I recall, Mr Soliman forwarded me that licence.

10 And you then attached it of your own accord or did he ask you to?---He requested me to.

Now, page 251. 251 of volume 9A. Two days later you received an invoice from Mr Soliman – that is 18 January, 2017 – asking you to open purchase order and DOI 32346 for this quote.---Yeah.

And he attached a quote at page 252 to his email. And you looked at the quote, did you?---I probably would have just looked at the, the total cost for the, for the purpose of the purchase order request.

20 Why would you look at the total cost?---Because in the purchase order you've got to put in the value, total value.

I see.---Form 5399.

Were you interested in the items quoted?---At the time I probably didn't give it much attention.

Well, see, it's addressed to you again.---Yeah.

30 It's quote 102.---Yeah.

“Further to our recent discussions.”---Yeah. There was the, I can't - - -

Isn't it all seeming very odd, Mr Singh? Have you had any recent discussions with Mr Thammiah?---Don't recall about this but, yeah, when I get asked to raise a purchase order and I get a quote sent to me, I just open the quote and pull out the, the total cost. Yeah.

40 But, I mean, this is your friend, sorry, this is your boss's friend, isn't it?
---Yes.

And you're getting documents that refer to recent discussions which are addressed to you. Yes?---Yes, which I didn't read at the time.

Well, there's hundreds of thousands of dollars going out to Novation potentially.---But I trusted it was for a legitimate reason.

Are you sure you didn't turn a blind eye to what was going on?---No, of course not. No, no.

It seems that you were turning a blind eye to Novation receiving RMS money.---No, that was not the case. I was just trusting that my manager was having me do the correct thing.

10 And you see the contents are for an access ramp or four access ramps, SAW 10C III with long handles. And were you aware that was a portable weigh scale?---SAW 10C. At the time I didn't know what kind of scale that was.

With a unit price of \$20,000.---Yeah, the 10C IIIs, from what I know now, is a dynamic scale.

And that had been – I asked you earlier to note a price of a 10C III with long handle, which was \$12,852 on a quote you've received at the end of 2016. ---Yes.

20 Didn't notice there's a \$7,000 increase in price in a short period of time? ---Not at the time. Like I said, I would have just been looking at the total cost for my, for the purpose of raising a purchase order request.

You didn't even think of the possibility this was overcharging by your manager's friend?---At the time, no. It didn't cross my mind.

That this was a rip-off?---No, it didn't cross my mind.

30 So is your evidence that you saw no warning signs whatsoever in January 2017 in relation to Novation's business with RMS?---No, I was just trusting my manager's direction at the time.

But if you could answer my question, is your evidence that you saw no warning signs whatsoever in relation to Novation's business with RMS in January 2017?---No, not at that time I didn't, no.

And you went on to recommend the appointment of Novation to the category B Maintenance Panel?---Yes, I was part of that committee.

40 And you went on to recommend the appointment as part of that committee? ---Well, I wasn't supposed to be in that committee, so - - -

Well - - -?---But, look, I was on that committee and Novation were recommended.

And by you.---There was a few of us in that panel.

Are you avoiding the question for any particular reason?---No, I mean, I was one of the committee members so, yes, a recommendation, I was one of the recommended, people that recommended it, but, yeah.

And you could make your own recommendation. You could have recommended against it.---Oh, I mean, I was just following the others.

10 Who's the others?---Sorry, Craig and Alex. So they wanted, they said that all the, the contractors need to be on the, on the panel because they're essential to the works, works we do.

THE COMMISSIONER: This is the one that you were put onto - - -?
---Five minutes prior.

- - - five, I was going to say two minutes.---Yeah. Yeah, yeah.

You say five minutes beforehand.---Five minutes prior, yeah. So I was just following their, their lead.

20 MS WRIGHT: So it was suggested that Novation was essential and you followed that lead.---Yeah, so I recall I think it was Alex that pointed out that Novation were the sole supplier for IRD scales, which are scales we, we use, so for parts we'll need to engage with Novation, so, yeah, they're essential to our, our services for our team.

And you followed that lead?---I followed that lead, yes.

30 THE COMMISSIONER: Can I just ask, so in January, on the Monday you raised the purchase order for 242,000 for Novation and then on the Thursday you raise another one for 242,000.

MS WRIGHT: Sorry, Commissioner.---Sorry.

THE COMMISSIONER: Sorry, am I getting totally confused? We've got, on page 236 – I'm ignoring the one in November, 2016. But on 235-236, we've got a purchase order being created for Novation in 242,000.

MS WRIGHT: Yes.

40 THE COMMISSIONER: And then we've got, on the 19th, if we look at page 254, this is another purchase order, is it?

MS WRIGHT: That is the purchase order, whereas the previous document's the purchase order request, which results in - - -

THE COMMISSIONER: Okay.

MS WRIGHT: Yes.

THE COMMISSIONER: So these ones are all linked together.

MS WRIGHT: Yes.

THE COMMISSIONER: Sorry. Okay.

MS WRIGHT: So you see, Mr Singh, page 254, if that could be, that is the actual purchase order which you requested, do you agree with that?---Yes.

10

And your name's at the top right under Order Contact?---Yes.

And the description Reactive Maintenance of RMS Portable Weigh Scale?
---Yes.

220,000 plus the GST gives 242. Then if we could, so - - -

THE COMMISSIONER: So what happens to the one on page 252? Or 251 and 252?

20

MS WRIGHT: That is for, that was the purchase order for 100 and something thousand dollars.

THE COMMISSIONER: 117. So, and that's just a quote? Sorry, now I'm getting - - -

MS WRIGHT: That is a quote, and I think Mr Singh's evidence was that he couldn't remember.

30

THE COMMISSIONER: All right. So at the moment we're at two purchase orders for the same company in about two months in the amount of about 200 and, sorry, 480,000.

MS WRIGHT: 440, excluding GST. So 220 plus 220. And there was another one I took Mr Singh to which was for about 106,000, and that was for software and 10C - - -

THE COMMISSIONER: Is that the one on page 252?

40

MS WRIGHT: No, it is the one at - - -

MR O'BRIEN: 228.

THE COMMISSIONER: Which page?

MS WRIGHT: 228.

MR O'BRIEN: 228.

MS WRIGHT: Yes, 228. Thank you to my friend. Just going back to the one at 252, the quote at 252, you used that to raise the second purchase order, didn't you?---The 10C and the calibration software?

Yes, so page 252 is quote 102. You see, you remember you've got that quote, and Mr Soliman's asked you to raise a purchase order?---That's correct.

10 And then at page 265, you raised this purchase order for \$117,480 for the calibration software and 10C III packages.---Yes.

Did you know why these things were being purchased, the calibration software and 10C III packages?---Well for the 10C III packages I'm guessing it was a request from the inspectors.

Well, don't guess. Do you know why they were being purchased?---At the time, I can't recall. At the time, I don't recall. Samer, usually when he asked me to raise a purchase order he does give me some brief description of what the purchase order is about. So, but I can't recall that conversation.
20

Now, if we could go to page 267, you received another invoice from Novation, this one dated 25 January, page 268, which is also addressed to you for around \$30,000.---Yes.

Why do you think you're being sent multiple invoices all for around \$30,000?---At the time I didn't think about that. I was thinking, I don't know what the process was back then, whether the maintainer was requesting Novation to supply parts and Novation would supply the parts and then charge RMS.
30

You didn't know what the arrangement was for the supply of spare parts?---I don't know what the arrangement was, I don't know what the arrangement was back then.

Did you understand that the maintainer would need parts in order to do the maintenance?---Do to the repairs.

To do the repairs?---Yes.
40

Did the maintainer contact you at all in January 2017 about the repairs it was doing?---That's when I thought I'd sent an email to Mark Mitchell for the, for the, for what I thought was the first invoice and then Mark Mitchell said he didn't receive those parts and that's when I spoke to Samer and he said that, you know, we need to pay for the parts upfront. I didn't follow up on that afterwards. Yeah.

You approved this invoice?---Yeah, it would have come into my workflow and, yep.

And until November 2017, is it your evidence that you only contacted the maintainer once to ask whether he had received the spare parts and that was the time you contacted Mark Mitchell?---For spare parts, I think that's the only time I got in touch with Mark Mitchell. I probably did get in touch with Mark Mitchell again throughout that time. Usually - - -

10 But for the purpose of – sorry, Mr Singh, I didn't mean to interrupt you.
---No, sorry, go on.

For the purpose of checking whether he had received parts, you only contact him the once?---That's the only time I can recall contacting him.

20 Why did you stop doing that?---Well, Samer explained to me how the, the process was, that we needed to pay for the parts upfront so I assumed he was across the arrangement and, yeah, WeighPack requesting for parts, I thought he was across all that so I just left it with him.

And so WeighPack, who did you understand they were requesting the parts from?---Either from Samer and Samer would go to Novation or just directly with Novation and keeping Samer in the loop. I don't know the exact, how it worked but, yeah.

But you say you were never contacted yourself with a request for parts from WeighPack?---Not that I can recall, no.

30 Or by AccuWeigh prior to November, 2017?---I don't think AccuWeigh knew I existed at that time.

So that's a no?---No, I can't recall AccuWeigh ever getting in touch with me, no.

Now, the records show that Novation sent a number of invoices to your attention at RMS in 2017. If I could just take you to Exhibit 49.---Thank you.

40 Mr Singh, I can take you to the invoices themselves, but this document sets out in the fifth column the dates of invoices received by RMS between 10 January, 2017 and 15 May, 2017. Now, I've taken you to the ones in January, but you'll see there are invoices on 17 March, 2017, in fact there were three that day, there were three on 20 March, 2017, three on 21 March.---I'm sorry, you said 21 March?

21 March.---Am I looking at the wrong column?

So if you look at the fifth column - - -?---Because I see three for the 22nd.

Do you see 21st of the 3rd, '17, invoice 101-08?---Yeah.

And then you see there's another one further down numbered 101-09?
---Okay, okay.

And there are also invoices in May, 15 May, there are invoices on 17 May. Perhaps if we go across to the next page. And again. So the invoices, if we just go back and just back again, so they're the invoices up to 15 May, and then – so, sorry, I withdraw saying that there were invoices on 17 May.
10 Now, do you recall receiving quite frequent invoices in March from Novation?---I know I received frequent invoices but March specifically I can't recall exactly how many.

Well, there were three on 17 March. If we could have volume 9A, page 280. Do you see an email cc'd to you by Mr Thammiah?---Yes.

101-04, and then the invoice at page 281.---Yeah.

20 He's ordering a number of parts for about \$30,000?---Yeah.

And then page 286, this is three minutes later, he's ordering another \$32,000 worth of parts, and they're aluminium baseboards, four of them, and the previous invoice at 281 included two aluminium baseboards as well as other items. Didn't you wonder why you're getting multiple invoices with the same items on them on the same day?---I probably didn't look at the items being ordered. Again I would have just asked Samer, "I've got these invoices. Are they good to approve?" And he would have let me know if it was good or not to approve.

30 And then four hours later on the same day, 17 March, at page 289, Mr Thammiah is sending you another invoice for \$32,835 for a ramp, one alignment flex frame, and a dynamic/static software and chargers.---Yeah.

You seem to be involved in the raising of many invoices, Mr Singh.---Well, receiving invoices.

THE COMMISSIONER: And arranging for their payment.

40 MS WRIGHT: And arranging for their payment.---Yeah. But like I said, my practice was to always consult with Samer before progressing any of these, or Samer would give me a heads-up that invoices are coming in and they're okay to approve.

And then – I'm sorry.---And, yeah, sorry, I was – go on.

No, no.---I just said, yeah - - -

I thought you'd finished. I'm sorry.---I'm sorry. I was just going to say, I, you know, I trusted his directions and, yeah.

THE COMMISSIONER: But look at the circumstances. It's Novation. You know that there's a connection between Mr Soliman and Mr Thammiah, and we've had the rather, I'll describe it as unusual raising of, I think by think this time we've got three purchase orders up to about, let's say roughly about 600,000, and then on 17 March, within three minutes you get two invoices just under 56,000, and then towards the end of the day
10 another one just under 30,000.---Yeah.

Just alarm bells must have been ringing, Mr Singh.---At the time, no, because, I mean, this is not all I, all I did at work, you know.

Oh, no, I know that.---Yeah. So, yeah. I mean, I feel like an idiot now, I do.

It just - - -?---Yeah.

20 Just what happened on the 17th screams out invoice splitting.---Yeah, but, yeah, I mean - - -

And then we've got the circumstances of your knowledge of Mr Soliman's friendship with Mr Thammiah.---Yeah, I, again I trusted that he was doing the right thing. And obviously, you know, I trusted the wrong person but, yeah - - -

MS WRIGHT: Weren't you suspicious?---At the time, no. The first time my suspicions came was the first tender for the 125 scales, which I've
30 already given evidence about. Yeah.

THE COMMISSIONER: And, sorry, when was that? Just roughly.---Early 2018, yeah.

So this is all occurring at the beginning, towards the beginning of 2017. ---Yeah.

MS WRIGHT: And then the next Monday morning, so you've raised three on the, you've approved three on 17 March that you've received, which I
40 just took you to in your workflow.---Yep, yes.

And then at page 294, you get another invoice from Mr Thammiah for \$31,306 for baseboards, electronics cover, battery compartment. And nine minutes later, at page 297, you receive another invoice by email from Mr Thammiah for \$31,757. You see?---Yes, I see.

And battery packs, it's \$600 each and eight of them.---Yeah.

And then seven minutes later, on the same day, page 300, you get yet another invoice for \$32,000 from Mr Thammiah.---This wasn't for parts, was it?

Well, this says, 15C III scale and access ramps.---Yeah.

10 Isn't it the case you knew there was something dishonest going on and you intentionally kept yourself unaware of the facts because you didn't want to disturb what was going on with Mr Soliman and Mr Thammiah?---No, not at all, I just trusted Mr Soliman too much, that was my, my problem.

Why did you trust him?---Because of his character. I mean he's very well respected, I respected him, he was driven, I mean I admired his appreciation for innovation. I mean when I started thermal cameras, dimension sensors were, he was already looking into all that so, and again, he was a friend of mine so that was, you know.

20 You made one inquiry of the maintainer and you'd been told that they had not received the parts. That was the inquiry you made?---Yeah.

You said you thought it was the first invoice and that was an inquiry you made of Mark Mitchell?---Yeah.

And that's all you knew, that the parts had not been received.---Yeah.

30 So to your knowledge you have no knowledge whether what Mr Thammiah is invoicing RMS for is being actually ordered from the supplier or the manufacturer, you have no idea whether that's happening in the background.---I was, yeah, I was relying on Samer, on by what Samer was giving me. But yeah, I didn't have, I can't recall having any visibility myself.

THE COMMISSIONER: Sorry, when you say visibility, I don't quite understand that.---Just seeing Mark Mitchell, yeah, he's got the parts, receiving the parts.

40 Does visibility mean checking or chasing up whether something that's been ordered or paid for - - -?---For example, when I was leading from November 2017 onwards I was chasing up with AccuWeigh and Novation as well just to see when the parts were going to be delivered and then I chased up with AccuWeigh to make sure that, you know, they - - -

And this term, visibility, is it used throughout RMS to mean checking up? ---I don't know if it's an RMS terminology or not.

Okay.---Yeah.

But is somebody usually assigned the task of checking up or - - -?---Well, that's what I thought Samer was - - -

And why did you think he was doing it?---Because he was, he was, he was pretty much leading the maintenance of portable weigh scales during that time so - - -

10 Did you think that was a bit weird, that the manager would be doing that? Not wanting to - - -?---No, no, no.

- - - undermine your position - - -?---I think, yeah.

- - - but it seems to me it's something a manager might delegate - - -?---Yes.

- - - to somebody underneath him.---Yeah. So originally I think it was supposed to be Alex Dubois that was supposed to manage it but I don't know what happened but it ended up in Samer's hands and, yeah, then November 2017 he advised that I'll be leading it at that point so - - -

20

MS WRIGHT: So, Mr Singh, you weren't aware of any system for reconciling the maintainer's orders with Novation's invoices?---No. So the way I reconciled with AccuWeigh was just sending the spreadsheet of the quantities I've ordered and they'd confirm that, but I don't know if there's any system in place to - - -

You sent WeighPack a - - -?---No, AccuWeigh, AccuWeigh.

I'm sorry, AccuWeigh.---Yeah.

30

This is after November 2017.---This is after, yes, yeah, yeah.

THE COMMISSIONER: This was the system you put in place?---Yes.

That doesn't seem to have been in place - - -?---Yeah, not that I know of.

Not that you knew of.---Yeah.

40 What about your Finance system, section, if I can describe it broadly like that. Shouldn't alarm bells be ringing with them that, you know, for example on the Friday then the Monday then the Tuesday all these invoices to the same institution under \$30,000 are being raised? To your knowledge - - -?---Nothing was raised from TSS, but I know Samer used to have usual or frequent meetings with our Finance team and our Contracts team.

Is that, are they involved in this, or is it more TSS?---No, this would not be TSS. This would be, so Compliance and Regulatory Services is our division. So we'd have meetings with the, the CaRS, that's the acronym,

CaRS. So you would have meeting with the CaRS Finance team. And also with the Contracts team. So the Contracts team has visibility of all the contracts being raised.

I hate that term, “visibility.”---Oh, sorry.

Are they supposed to be checking things?---I don’t know exactly what their role was, but Samer used to, I think it was a weekly meeting or a fortnightly meeting, used to - - -

10

Did you attend?---No, I never attended those meetings.

So you don’t quite know what was, what went on.---So it’s, yeah, it was a manager, yeah, a manager meeting with the Contracts team, and - - -

All right.---Yeah.

MS WRIGHT: If we could go to volume 9B now. There are further invoices that you received, Mr Singh, on 22 March, 2017. I’ll just take you briefly to page 1 of volume 9B. And then page 2. And then if we go to page 4. So five minutes later, you get another invoice from Mr Thammiah, on page 5. And do you see it says on it, region, “western consignment”? ---Yes.

20

Do you know anything about that?---No, but I can take a guess, if you will like.

Well, don’t take a guess.---Yeah.

30 But, see, the one at page 2 says, “southern consignment.”---Yep.

And then the one at page 5 says, “western consignment.”---Yes.

Do you know what that means?---It sounds like the sectors, so the western sector.

MR YOUNG: I’m sorry, I just missed that word. “Sounds like,” something?---Oh.

40 MR O’BRIEN: Sectors.---I mean - - -

THE COMMISSIONER: Different sectors, I think.

MR YOUNG: Sectors.---Different sectors, yeah, sorry. So we have a western, we have a Sydney sector, northern sector, western sector, and southern sector.

THE COMMISSIONER: And this where the various inspectors are allocated, and - - -?---Yeah, so each sector has a sector manager, and under the sector manager you have the operation managers. Under them there'll be inspectors, yep.

MS WRIGHT: Please don't speculate, but do you know why there is this indication on the invoice of a sector?---I don't know.

10 You don't know how it came to be there - - -?---No.

- - - or why it's there?---No.

Did you have any discussion with Mr Soliman or Mr Thammiah about that? ---I didn't even notice that until you just pointed it out.

20 All right. And then page 7, the same date, 22 March. Page 8, an invoice, again, around \$30,000. Page 12, the next day, 23 March, 2017, invoice, 101-12. Page 13 is the attached invoice addressed to you, again for around \$30,000. And page 15, another email on 23 March, for an invoice around \$30,000, at page 16. Page 18, again on 23 March, page 19, the invoice is for around \$32,000. And then on page 25, you requested Transport Shared Services to raise a purchase order - - -?---Yep.

- - - in favour of Novation, and the request is at page 28, and that's for another \$190,000.---Yes.

And you signed that at page 29.---Yes.

30 How did you come to be raising that purchase order?---Again, under the instructions of my manager, Samer Soliman.

And where did you get that figure, \$190,000, from?---From Samer Soliman.

Did you fill it out?---Yes, I would have filled this purchase order out.

And at page 30 you provided to TSS, in support of the purchase order creation, the quote 101 from Novation.---Yeah.

40 And you agree that's just a price list?---Yes.

So there was no specific quote for further parts which you used to support the creation of the purchase order?---No, so Samer asked me to use this same quote.

And he gave you the figure?---Yes.

Then page 40, I suggest on 29 March there were three further invoices, page 41, page 43, page 44, at page 46, page 47 is the third attachment. And again

Mr Thammiah's purchasing 15C scales. Do you know what's going on with the purchase of actual scales?---Of actual scales?

Yes, as opposed to parts.---I believe this one would have been related to that 15C, that purchase order relating to the 15C scale.

Did you understand that 15C scales were being purchased at this time?
---No.

10 Did you look at the invoices?---I would have, if I saw the invoice I would have just asked Samer, hey, I've got this invoice from Novation and, yeah, is it okay to approve.

Would you ask, "Where are these new scales going to?"---At that time I wouldn't have asked that sort of question.

And at page 64, 15th of May, 2017, now you're not, you don't appear to be a recipient of that email, but at page 65 your name's on the invoice.---Yeah.

20 Were you aware of that?---I can't recall.

The invoice would have come to you because of the workflow setup.
---Yeah, the workflow should, should allow that invoice to come to me.

So page 71, this is 15 May again. At page 74, 15 May you get another one for – they're all around \$30,000, do you agree? Approximately.---Yes.
Yes.

30 And so how are these coming into your workflow? They're coming in as separate items?---Yes, they would be separate items.

On the same day?---So sometimes there's a delay, so if you send it to TSS, it might not come in until the next day or the day after.

Did you ever say to Mr Soliman, "Why don't they just invoice everything in the one invoice?"---No, I don't think I raised that question with Mr Soliman.

40 And you didn't ask him, "Are all these parts going to the maintainer?"---I can't recall asking that question. Yeah.

And then just quickly, page 77. Again that's 15 May and that's for around \$22,000. Page 80, 15 May. And page 83, 15 May. But I suggest those emails were sent to TSS on 16 May, so I'm not suggesting you'd received them in your workflow on the 15th. But you'd accept that's a very short period of time to be receiving such a large number of invoices on 15 and 16 May?---Yes. So when I did take leave from November 2017, I do recall getting in touch with WeighPack and Electrical to send any remaining spare parts they had to AccuWeigh, and from what I remember, AccuWeigh did

receive some spare parts. I didn't get quantities but they said there wasn't much from what they received.

But had you been told what WeighPack had received itself during the course of its duties as maintainer?---No, no. Only at the end when I requested WeighPack send whatever spare parts they had over to AccuWeigh. I didn't get quantities but AccuWeigh did say there wasn't much when they, from what they received.

10 Now, if we could go to page 87. Mr Singh, did you, on the 25th of July, 2017, issue a request for quote for reactive maintenance of portable weigh scales?---I think it was for both scheduled and reactive.

And were you the manager of the request for quote?---Yeah, so Samer asked me to send that RFQ out and I think my contact details were put down as the manager.

20 And at page 89, sorry, if we just show page 88, this is the front page of the RFQ and at page 89, it says at 1.1 that the works involved repairing PAT portable weight scales to ensure the scales remain operational.---I thought it was for maintenance as well.

You may be referring to another RFQ but - - -

THE COMMISSIONER: Can I just ask, scheduled maintenance and reactive maintenance, I assumed the scheduled maintenance was the yearly servicing leading to calibration and certification?---Yes, yep.

30 While the reactive maintenance was, for example, if something happened to a scale in operation and it broke.---Yep. It needs repairs.

And it needed repairs.---yeah.

So that kind of ad hoc repair is the reactive maintenance?---Also for scheduled maintenance if they identify that a repair's required, that would fall under reactive maintenance as I understood it, yeah.

40 MS WRIGHT: And the RFQ set out at 1.3, the parts which could require labour to replace and it says, "Which should be quoted on individually or one bulk price per scale," and then if we turn to page 90, it specifies that the 10A Series III are still under warranty and will not require to be quoted on for reactive maintenance. So this was intended to cover the existing portable weigh scales in use?---Yeah, sorry, I don't recall this document because I thought there was one for both scheduled and repairs. I'm, I'm, just confused.

That's okay. Page 96, you're the RFQ manager.---Yep.

And the page 92, the scope of the works includes the labour for the reactive maintenance and it says, "The contractor should proactively request parts from RMS with a view of having sufficient parts for 12 months." So it was your understanding that parts would be supplied via RMS?---So, I'm just trying to recall this RFQ. Because when I, during this time if I, when I was putting this together I would have had Samer's assistance as well. So - -

So you're confused because it's referring to repairs and reactive - - -?---Just repairs only.

10

- - - maintenance but you thought it covered - - -?---I thought there was one for both.

- - - annual scheduled maintenance?---Because I recall there was one for both and then it was sent out and then WeighPack got in touch with me and they had some concerns about sourcing the parts themselves, I forgot what the concerns were, but then after having a chat with Samer he asked for the spare parts to be taken out of the RFQ and just for scheduled maintenance. So I didn't, can't recall one specifically just for reactive maintenance, yeah.

20

If I just take you back to 87. You see your email, it says at the bottom of the page, "Attached are two updated RFQs for the following work."---Yep, okay.

So that suggests there was two separate RFQs.---Two, okay, okay.

One for the reactive, which I've just taken you to, and one for scheduled maintenance and verification.---Okay, okay.

30 Now, at 97, did you receive a response from Novation saying that it would not pursue the maintenance contract?---Yes.

And you understood that's because it couldn't do the labour?---What Samer told me was that Novation wasn't interested in doing maintenance at that point in time.

But did you have an understanding about whether they could if they'd wanted?---That I didn't know. I just got told at that point in time, yeah, Novation was just interested in supplying and not maintenance.

40

You'd processed a lot of invoices for the supply of parts for Novation, did you have any information that it had ever done anything other than supply goods?---No, no.

At page 101, did Mr Soliman want to review the quotes with you? He says he's sent you agenda for a meeting, "Review quotes for both RFQ, scheduled maintenance and reactive maintenance and review RFQ for PAT dynamic scale end-to-end field trial.---Yeah.

So what trial did that relate to?---I can't recall. Yeah, I can't recall.

Did you attend any PAT dynamic - - -?---No.

- - - scale trial?---No, I did not.

Did you review the quotes for a trial of that nature?---Not that I can recall, no.

10

Okay. Now, at page 102, this is 25 August, 2017, so exactly a month after the RFQ which I just took you to dated 25 July.---Yeah.

In this email you appear to be issuing another request for quote and this is for maintenance, verification and repairs of RMS portable weigh scales. ---Yeah.

20

And if we turn to page 103, this is the request for quotation document, and this refers to at page 104, section 1.1, "Annual servicing, annual routine servicing, repairs, calibration and certification." Why were there two, or it seems three request for quotes and more specifically, what was the difference between this request for quote and the one issued at the end of July?---So I think it goes back to I think WeighPack, WeighPack and Electrical did get in touch with me about the supply of spare parts and they had some concerns, they preferred RMS supplied the spare parts.

30

Sorry, they preferred RMS supplied the spare parts?---Yeah, yeah, their, their preference was for RMS to supply the spare parts. I don't recall the details. So from those discussion what Samer requested was I use another RFQ just for the scheduling and the repairs, the scheduled calibration, certification and repair work only, not the spare parts side of things.

So are you saying that the one in July was for the supply of parts?---That was my, because there was two, there was scheduled and reactive.

40

Because the reactive RFQ, you recall I took you to the scope of works and it included the requirement that the contractor proactively request parts from RMS.---Okay, yeah, okay. My understanding was that the contractor would source the spare parts themselves. That was my understanding from discussions with Samer about that RFQ.

That doesn't appear to be correct.---Yeah.

It says the contractor proactively requests parts from RMS. And that's what had been occurring to date with Novation, correct?---Yeah, that's right.

It had been – sorry not with, well, you have given evidence that you’d never received requests for parts from the maintainer WeighPack in the first half of 2017.---Yeah, not that I can recall.

But you’d received invoices from Novation for parts.---That’s correct.

And you didn’t know what the system was for parts being requested or what the system was for checking that the parts were in fact ordered and delivered.---That’s correct. That’s correct.

10

But you’re here the manager of an RFQ which is for, directed to maintenance services and repairs of portable weigh scales with a requirement that the contractor request the parts from RMS.---Yeah, so that wasn’t my understanding for that RFQ. I thought that the maintainer would source the parts themselves, which was why WeighPack got in touch with me about concerns, which is why the RFQ had to be changed and there was no longer spare parts, it was no longer part of the RFQ. If this is the RFQ that I’ve got on the screen right now, I can’t really scroll through it myself, but I think this is the modified RFQ is my understanding.

20

So page 104 it says that, it’s for annual routine servicing, repairs, calibration and certification.---Yeah.

And that the second paragraph, under 1.1, “The contractor is required to source parts from the manufacturing distributor.”--- Okay, yeah. Okay.

You knew that to be Novation?---Well, yes. In this case, yes.

30 “Any costs associated with spare parts must receive a written approval from Roads and Maritime Service prior to incurring the costs.”---Yeah.

And then it also requires, in addition to the annual servicing, calibration and certification on an approved dead weight tester and “The contractors to maintain an asset register to proactively contact the respective enforcement operations officers.”---So this one – sorry, go on.

Sorry.---No, I think this one is the one I was just talking about, about the contractor is required to source parts.

40 THE COMMISSIONER: So you’ve switched them round?---So, yeah, I think I’m just, a few RFQs I’ve been looking at just confused me.

MS WRIGHT: And then at the bottom of this page it says that the contractor, the minimum information to be recorded by the contractor would include the scale serial number, type of scale as well as location of equipment, date of certification, details of repairs or nature of service undertaken.---Yeah.

Did you set out this description of works?---I would have sat down with Samer when I was putting this together because my understanding of portable weigh scales wasn't so great. So this one, this whole RFQ process eventuated to the one that was awarded in November 2017 to AccuWeigh.

So, this - - -?---Because this was when that whole legal dispute kicked off between WeighPack and AccuWeigh during this time as well.

10 Is this the reason the RFQ was issued?---The reason for this RFQ would have been that, because we, we only issued the contract for a year, so that contract was ending, so we had to issue another RFQ for the subsequent, oh, for the next year. So that was the purpose of this RFQ but then, yeah, the legal dispute between WeighPack and AccuWeigh occurred during this time and the decision was made to hold off until the category, oh, the, the Heavy Vehicle Maintenance Panel was put together because the hope was that we would have more contractors that could perform the work, the maintenance works. Yeah.

20 All right. Now, the, I took you to page 104 where it said that the contractor would have to record certain information and it also specified that would be on a monthly basis.---Yes.

Did you get those reports after this RFQ?---So, from AccuWeigh I used to get a spreadsheet and the spreadsheet contained the job number, so the job number the scales were associated to.

Is this after November, when you became the lead?---Yes, yes.

30 This RFQ is in August?---Yep.

So the period between August and November - - -?---There was no one in place because of that legal dispute.

There was no maintainer in place?---No, maintainer in place, yeah.

40 THE COMMISSIONER: So who was providing maintenance?---There was nobody at that point in time. It was chaotic because I remember once AccuWeigh did get awarded the work, they had a bit queue of scales to certify.

So roughly from about August to November, 2017, your recollection is because of this - - -?---Legal dispute.

- - - dispute in the courts between AccuWeigh and WeighPack, there was no reactive maintenance and no scheduled maintenance?---No, no scheduled maintenance, no. Yeah. So the hope for this Heavy Vehicle Maintenance Panel to actually find, find more contractors so they could actually perform

the work because at that point we only knew of WeighPack and AccuWeigh. So - - -

MS WRIGHT: Prior to this RFQ, the maintainer was WeighPack to your recollection?---Yes.

10 Did Mr Mitchell ever query with you why he needed to get spare parts through RMS?---Not that I can recall. I only recall that, I think it was the issuing of this RFQ that he had concerns about sourcing the parts himself. He preferred RMS source the parts but, yeah.

Did he say why he was concerned about sourcing them himself?---He, he, he did explain, I can't recall the nature of that conversation but I did raise it with Samer and Samer then, his direction was to modify the RFQ to remove the, the requirement there for the contractor to source its parts and it would go back to the previous set up where RMS would pay for the parts. Yeah, which all began from November 2017 onwards, but yeah.

20 So it says, I took you to it before, paragraph 2, that the contractor would have to source the parts from the distributor?---Yes.

And Mr Mitchell was concerned about getting them from Novation, was he?---No, he didn't say Novation he just, he had concerns about that set-up of the contractor sourcing the parts. He preferred if RMS sources the parts as per, as per the set-up before. Again, I don't recall the details of that conversation. I may have put it on loud speaker so Samer could talk to Mark directly. Yeah, so the, the direction was to change it back to as it was originally.

30 Did this RFQ, so we're still on the one dated 25 August, did that replace the one issued on 25 July?---That's my understanding, yes.

And if you could just assist me again with why it replaced it?---I can't recall. Because I know there were, in July there was two and now there's one. I don't know if the, the decision was to just join those two together into one single RFQ or, yeah, I can't recall what the reason behind that was.

40 And then at page 107, you've set out the parts for the Series I and the Series II - - -?---Yep.

- - - SAW scale, and the quantities needed, and then, at page 109, the scope of the works, which includes at the third-last bullet point that the contractor must have sufficient stock of spare parts such that scales can be repaired within 10 days - - -?---Yep.

- - - of them being provided for repair. Parts are available through the manufacturer-nominated local distributor.---Yep.

And that was Novation.---Yes.

And then at page 117, you're the manager of this RFQ.---Yes.

Then at page 147, five days after the RFQ is issued, you replied to an email from Mr Mitchell, in which you asked him to please stop work on the RMS weigh scales.---Yep.

10 No further work can be performed until there's an outcome on the current RFQ.---Yes.

Was that related to the legal proceedings?---I don't know if that was related to the legal proceedings, or whether there was no, because there was no contract in place. I can't recall which one it was, sorry.

20 And at page 148, this is an email chain from Mr Soliman copied to you in which he informs Mr Jenkins and – sorry, it's not copied to you, it's addressed to you and Mr Jenkins – that currently WeighPack and AccuWeigh are the only two vendors certified interested for the PAT scale verification.---Yeah.

So Novation couldn't assist at all with the maintenance and certification? ---Mmm, no, at this time, yeah, they were only interested in supplying parts.

30 And it was about this time that the Heavy Vehicle Maintenance Panel tender process began and was published?---I can't recall when it was published. But yeah, Samer did point out an open tender was, went out this week, so I don't know, know the exact date it was published, but it would have been around that time.

And did the RFQ result ultimately in AccuWeigh being nominated as the maintainer?---So, as a result of that legal dispute, WeighPack couldn't work with us for, I think it was a period of 12 months. So, ultimately, yeah, the, AccuWeigh was awarded the, the contract to maintain the scales.

40 So the RFQ in the end was largely pointless, because it was determined by the court who would be the maintainer?---Yeah, so from the, as a result of the Heavy Vehicle Maintenance Panel, there was another RFQ issued to, I forgot who it was on the panel. But, yeah, AccuWeigh were the only ones that could perform the work. It went to NEPEAN Transport, and I don't, from what I recall, NEPEAN, they weren't, I guess, they weren't certified to maintain the IRD scales or something along those lines. I don't know the details off the top of my head. So, yeah, it was just AccuWeigh. We were left with AccuWeigh.

All right. I note the time, Commissioner. I'd probably be another hour at most with Mr Singh.

THE COMMISSIONER: All right. We'll adjourn for today, and resume at 9.30 tomorrow morning.

THE WITNESS STOOD DOWN [4.30pm]

AT 4.30PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.30pm]