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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

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AT SYDNEY

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AT 2.00PM

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THE COMMISSIONER: Right. Mr Singh, thank you. Right, Mr Young.

MR YOUNG: Yes, thank you, Commissioner. Mr Singh, do you recall prior to lunch I was asking you questions in relation to what you say would happen when you would receive an invoice?---Yes.

10 And I was specifically asking you questions in relation to those period when Mr Soliman would be away from work and you agreed I think that there was one period when he was away from a period in January 2018 to March of 2018.---Yes.

Now, at page 279 you were being asked questions in relation to a particular invoice involving the Hamidi company, you know that by the Hamidi company I'm talking about the company of Ali and Zoe Hamidi, AZH?  
---Yes.

20 And you were asked - - -

THE COMMISSIONER: We might get it up. Page 279 of the transcript.

MR YOUNG: 279, yes, at line 20. Now, do you see there that you say, "What would happen here as the invoice would have come into my workflow and it would have appeared in my workflow, and yeah, would have required my approval to progress it." And then you gave that approval, "I had to check with Samer. I told him that this invoice is in my workflow and asked him whether it's good to approve or not." Now, if the  
30 basis of your practice is you had this discussion at the time that it appears in your workflow, how do you say that you have conversations over periods of many weeks in advance?---Like I said, during the handover periods these kind of items could be discussed, but I can't recall exactly every handover period when Mr Soliman went on leave.

And yesterday at page 946T you were, 946, you were being asked questions in relation to invoices from around December 2016 from Novation and you said this, "So having raised the purchase orders," this is the question - - -

40 THE COMMISSIONER: Sorry, page?

MR YOUNG: Page 946, Commissioner, which is yesterday's transcript.

THE COMMISSIONER: And which line?

MR YOUNG: It's about line 43. See there, you're asked, "So having raised the purchase orders, the invoices would come to you, the invoices would

come to you?" "Yes." "And was it your job to approve payment of the invoices?"

THE COMMISSIONER: Hold on for a sec. Are we having – 946.

THE WITNESS: Yep, got it now.

MR YOUNG: Now, just look towards, you see on the left-hand side the number 40 there. Just look below that, the two questions below that. Just read them to yourself and you've agreed in the last question on that page that it was your job to approve payment of the invoices.---Approve as in progress the, the invoice for scheduling a payment.

Well, you see, go over to the – if we have a look at 947, first question there, have you got that up on the screen? You see there you say, "I can approve it without having to consult with Samer in this instance, yeah." And the Commissioner asked you, "Is that because it's an open purchase?" And you said, "I don't know the reason for it. It's not just for open purchase orders, it's for any purchase orders, you can just progress it, yeah." Now, what you're saying there is that you could approve payment in the sense of progressing it for any invoice, couldn't you?---I could, yes.

And that is exactly what you did?---No. My practice was to always consult with either my manager or whoever requested me to raise the purchase order.

Well, why did you do that?---Because I thought I didn't have the delegation myself to just approve an invoice, that was my understanding.

You've said there in perfectly plain terms that you understood that it was within your power to progress the invoices to scheduling he payment.---Yes. I could do that but I always consulted with either my manager or whoever requested me to raise the purchase order.

Well, you just raised an issue about delegation. Do you agree that that's just utter nonsense?---No.

Well, it's nothing to do with any delegation issue, is it?---My, I thought I couldn't have the delegation to approve just invoices just like that. Like I can't raise a purchase order because I have no delegation for any value of any amount so I thought the same applied for invoices as well.

See, what I want to suggest to you is that your evidence at the two places that I have taken you to, it is crystal clear that you understood that it was your decision whether to approve in the sense of progress the matter for payment?---I could progress it but my practice was always to consult with someone or, in some cases, Mr Soliman would give me a heads up that there's invoices coming to my workflow and they're okay to approve.

And if it was an issue about delegation, then it would be important to record who had in fact approved it, wouldn't it?---Yes, you're right about that. There was no process in place for that.

So you didn't believe it was about delegation at all, did you?---That was my understanding.

10 Well, what was your understanding?---That I didn't have the delegation just to approve an invoice like I don't have the delegation just to raise a purchase order.

Well, you'd just agreed with me a moment ago that if it was because you didn't have the delegation you would seek to record - - -

THE COMMISSIONER: No, he, you said it would be important to record, and he said, yes, but there was no - - -?---Process like that.

- - - process in place.---Yeah, like that.

20

MR YOUNG: It would be - - -

MR O'BRIEN: Sorry, Commissioner, can I raise a point by way of objection to this line of examination? There is no point specific being raised except by reference to the transcript and what was asked of the witness at that time. We know from the evidence of Mr Singh so far that in November of 2017, his understanding of what approval he had, as relayed to him by Mr Soliman, changed. And - - -

30 THE COMMISSIONER: That was when he was given responsibility for the AccuWeigh contract.

MR O'BRIEN: Correct, and he said in evidence that he had authority at that stage, as he understood it, to approve invoices. So the question's lacking in particularity as to time. It may lead to confusion and may be misleading and I'd simply ask my learned friend to be aware of that, and these questions are lacking in that type of specificity.

40 MR YOUNG: Well, with due respect, I have taken him to particular parts of the transcript and referred them to particular times, such as, in relation to Novation, the period at the end of 2016, and in relation to the evidence which was at 279 at the transcript that relates to the TSS, Transport Shared Services invoice which is in relation to AZH, and from Zoe Hamidi. So that, I think Mr Singh has been in the witness box long enough to know the periods of time that these things refer to.

THE COMMISSIONER: So, can I just confirm with you, Mr Young, your questions relate to prior to November, '17, when, as Mr Singh's given

evidence, he was given particular authority in respect of an AccuWeigh contract?

MR YOUNG: Correct. That's correct.

THE COMMISSIONER: Okay. Does that – so the questions are going to that period?

MR YOUNG: That is correct.

10

MR O'BRIEN: Well, my understanding of the evidence, I might be wrong, but my understanding of the evidence is it was after November of 2017 that he had that authority, as relayed to him by Mr Soliman, not prior.

THE COMMISSIONER: Yes, and I think Mr Young's questions are, cover that prior period where he's testing Mr Singh about his evidence that prior to November, '17, he could progress an invoice that came into his workflow, but his practice was always to refer to Mr Soliman or the relevant person?---Yes. Yes.

20

MR YOUNG: Yes.

MR O'BRIEN: Well, I understand that to be the evidence, but the questions – my concern is that the questions seemed broader than that, and I know that Mr Young is attempting to delineate between “progress” the invoices and “approve” them, and that that is also of some importance, it would appear.

THE COMMISSIONER: All right, so Mr Young, the questions you are focusing on are all pre-November, 2017?

30

MR YOUNG: Correct.

THE COMMISSIONER: Okay, Mr Singh?---Okay.

MR YOUNG: Now, do you agree where you have given evidence such as at page 279 of the transcript, and I'll take you to it again if we have to, but you said, “I had to check with Samer,” do you agree that that evidence is incorrect? You did not have to check with Samer to progress the invoice. ---That was just my practice. Whether it was right or wrong, I can't answer that. I don't know it was wrong. I mean, it was just my practice to check.

40

Well, and I want to put it to you that you never had any practice of consulting with Mr Soliman prior to progressing an invoice.---I did.

And what would be the nature of this discussion that you would have with him?---Well, he used to sit in front of me, so if I had an invoice, it could be simply simple as, “Samer, I've got this invoice in my workflow, is it okay to approve?”

But why would you do that?---It was just how, that's just was my practice, how I, yeah.

Now, in relation to the Hamidis' company and Ali Hamidi in particular, you've given evidence that you attended at least one trial where Mr Hamidi was present?---Yes.

10 Now, your best recollection is how many did you attend where Mr Hamidi was present?---There was three.

Now, you've also given evidence in answer to Counsel Assisting that you thought that Mr Hamidi was capable of picking up information in relation to the kind of reports that he ultimately, ultimately you thought had produced from, from research. What did you, what was it about what you knew about Mr Hamidi that led you to believe that?---Just because I've known him for a decade, just, yeah, it was just my understanding that he, you know, he'd be engaging with either, you know, or when I was onsite at Picton Road he was talking to, he was in discussion with Samer, he was in discussion with  
20 inspectors, he was in discussions with IMC as well and just my time with Ali at Optus, yeah, just gave me that thought that he would be doing better research.

Would you describe him as somebody who seemed to be naturally inquisitive in terms of tasks that they were given?---You mean as in asking questions?

Asking questions, yeah.---Yeah, yes.

30 Somebody who you'd describe as being intelligent and knowledgeable in relation to the areas in which he worked?---Yeah, in the, in the area he worked at Optus at data analytics and reporting and his time at then technical support, yes.

And was there, and to the extent that you did have knowledge of the matters that were involved in these trials, was there anything about your knowledge of Mr Hamidi that made you think he would not be capable of producing that sort of work?---No.

40 THE COMMISSIONER: Sorry, what sort of work?

MR YOUNG: The kind of work that was involved in the trials that you attended.---I mean if we talk about the dimension sensors, I explained how the system worked, I explained how operations, how the inspectors, their processes and he appeared to be understanding what I was telling him and yeah, SICK was there for the high-speed, because SICK is a vendor, they were there for high-speed trials, so I saw Ali ask, speaking to them as well, so - - -

Now, you've given evidence in relation to IRD, the company IRD and Novation's role in relation to IRD. What was your knowledge of the company IRD and their role in relation to the manufacture of scales?  
---During what period?

10 Well, really in the period around say late 2016/early 2017.---At that point I would have just known IRD as a manufacturer for portable weigh scales, but over time I've learnt to understand that they do more than just portable weigh scales, they do WIMs - - -

THE COMMISSIONER: They do what, sorry?---WIMs, weigh-in-motion systems, and I think just recently they've got other solutions for I think something that checks tyre wear, like wear on tyres and things like that.

20 When did you discover that they also, what, manufactured WIMs, was that their role?---Yeah, manufactured WIMs, that's probably, it would be around the same time as the portable weigh scales but yeah over time, yeah, they'd turn up, discovered they do other, provide other services.

MR YOUNG: Now, you've also given evidence in relation to the company ELWC and you say that you were either involved in meetings or discussions about the performance of ELWC. What - - -

MS WRIGHT: I object.

THE COMMISSIONER: Were you?---No.

30 That wasn't my recollection of his evidence. I thought his evidence was that he heard chatter in the - I'm sorry, that probably isn't correct. You overheard talk within your team?---Yep.

And then some kind of email was sent out that - - -?---About the termination.

The termination of the relationship with ELWC?---Yeah, that's correct.

40 MR YOUNG: Well, were you at a, was there a meeting as well where the performance of ELWC was discussed?---Not that I was involved in, no meetings like that.

At page 940 you said that you knew from, you knew that both Alex Dubois and Samer Soliman were working on it.

THE COMMISSIONER: So this leads - - -

MR YOUNG: Working on the issue of the service that ELWC was providing?---Yes, yes.

THE COMMISSIONER: And you can see before that, “Were you involved in the whole ELWC issue at all?” “No. Just what I overheard sitting at my desk.”---That’s correct.

MR YOUNG: Now, when you say that there was an email forwarded to the team, what do you mean by the team, who’s included in that team?---Well, the team back during this time would have been myself, Barry Everson, Theepan Thevasathan, Alex Dubois and Craig Steyn.

10

THE COMMISSIONER: And Mr Soliman?---Oh, he’s the manager, yes.

And was this before those, Paul Walker and Me Lee and kind of brought across?---Yeah, I think they came in sometime in late 2017 or mid-2017 from what I recall, yeah.

MR YOUNG: Now, as best you recall, the email, who was the author of it?---Glen Doherty.

20

And Glen Doherty is from ELWC, we heard that from the evidence I think of Mr Jones?---That’s correct.

And he said that he was ceasing his relationship with RMS, is that correct? ---Yes. That’s what I can recall from the email.

And is your best recollection that Mr Soliman forwarded the email of Mr Doherty onto the team members that you have, you nominated?---Yes. I believe it was to the team, just yeah, just saying FYI, ELWC’s terminated their business relationship.

30

And was there any, as you recall it, any commentary or suggestions from within RMS as to what would need to be done as to the situation in relation to ELWC having terminated the relationship with RMS?---From what I recall, Mr Soliman and Alex Dubois were going to look at alternative options, yeah.

40

And was that something that was, and I’m just asking for your best recollection, but was that something that was in the discussions at the time of the forwarding of the Doherty email or was that something that was discussed a bit later?---So the issues with ELWC, that was discussed prior to that termination and then once the termination was received there was, yeah, discussions about other options afterwards.

Now, I just wonder if the witness could be shown page 381 of the transcript. Now, if you just read, well, firstly just to remind you of your evidence, you gave evidence about a particular trial where Mr Thammiah didn’t attend. Do you recall that evidence?---Yes, for the dimension sensor.

Right. Now, you were asked questions by Counsel Assisting at page 381 about being shocked. You'll see up the, up the, higher on the page you were referring to having been, having seen an email I think on the day that you gave the evidence. Is that correct?---Yeah.

Or sometime very, very shortly before you gave the evidence. Now, you say this, that you requested Samer to cancel that purchase order because Stephen wasn't there. Now, is that evidence correct?---That is correct.

10 Now, what I want to suggest to you is that there was no power in Mr Soliman to cancel the purchase order that you had raised.

THE COMMISSIONER: Is that your understanding?---So I did ask him how we go about cancelling the purchase order and he said leave it with him to, yeah.

MR YOUNG: See, what I want to suggest to you is that the system was that only the person who had raised the purchase order could cancel it, that he couldn't do it.---Okay, well - - -

20

THE COMMISSIONER: Was that your understanding?---That wasn't my understanding. I mean if that was the case then he should have just directed me to cancel the purchase order.

MR YOUNG: And I want to suggest to you that you never requested him to cancel the purchase order.---I did request that.

THE COMMISSIONER: Sorry, you requested of Mr Soliman?---Yes, yes.

30 MR YOUNG: And do you say that was in just verbally?---It was a verbal conversation, yes.

And you were asked by Ms Wright at line 40, "Do you maintain your evidence that you did raise with Mr Soliman the issue of Stephen Thammiah's non-attendance and that the purchase order needed to be cancelled?" And you said, "Yes, yes." Do you still maintain that you raised the issue of Mr Thammiah's non-attendance and that the purchase order needed to be, needed to be cancelled?---I did, and then afterwards, sorry, I think Mr Lonergan did raise that there were two trials that occurred.

40

THE COMMISSIONER: And that Mr Thammiah did attend - - -?---Yeah, I can't recall - - -

Was it the - - -?--- - - - the second trial, the second trial, um, which is where the data was forwarded onto Novation. I don't recall if Novation was there. I thought I would have been there, but now I can't, I couldn't, I can't recall myself. So, yeah.

So the day that you attended the trial - - -?---Yes.

- - - Mr Thammiah wasn't there?---Wasn't there, no.

And then I think Mr Lonergan did ask you some questions, and - - -?

---There was a second trial, following - - -

10 And you can't recall whether you attended?---Yeah. So, it's possible that the first trial, it was after the first trial where I requested the cancellation of the purchase order, but it looks like there was a subsequent trial. I just can't recall whether I was there or not. Yeah.

MR YOUNG: Now, you gave some evidence yesterday in relation to the issue of pricing. Do you – I'll just refer you to that evidence. At page 944, this is in relation – oh, if we just go back to 943, you'll see there that there's reference to quotes that you're receiving in the period around late 2016 from Mr Thammiah/Novation. Do you see that that's what the reference to? So that you're aware of the time period that we're talking about there.---Sorry, I'm just trying to find - - -

20

THE COMMISSIONER: So about line 23 - - -?---Okay.

- - - Ms Wright says, "Now, at page 112, Mr Thammiah sent you another quote" - - -?---Yep.

- - - being quote 101 on 1 December.---For the price list of parts, yep.

30 MR YOUNG: Now, do you see at the bottom of the page, you say, you talk about raising the prices with Samer. Now, what do you say are the prices that you raised with Samer?---Oh, just the general, the whole, the general pricing on the price list, it just seemed high. I asked Samer, do these seem high? And his response was that, yeah, they don't, these parts don't come off the shelf anymore, because these series of scales are no longer manufactured, so they, these need to be fabricated specially for these scales, these parts in Switzerland or Sweden.

And what was it that led you to have this discussion about price?---I just looked at the price list and thought I'd ask the question.

40 And was this the only conversation you ever had about Novation prices? ---From what I recall, yes, that was the only conversation.

See, I suggest to you that there was no such conversation in relation to that at that time, or any other time.---Conversation did happen.

Yes, that's my cross-examination, Commissioner.

THE COMMISSIONER: Thank you, Mr Young. Now, Mr Lonergan, you had some other questions?

MR LONERGAN: I did, Commissioner.

THE COMMISSIONER: You remember Mr Lonergan represents Mr Thammiah and Novation?---Yes. Yes.

10

MR LONERGAN: Can you explain to me the process for the approval of invoices, so particularly TSS?---Step by – okay, so - - -

So how does that work?

THE COMMISSIONER: So the role of TSS?

MR LONERGAN: Yes, the role of TSS and the approval?---I can give my understanding of how it works.

20

Yes.--- So the contractor would send the invoice to TSS - - -

THE COMMISSIONER: Hold on. So - - -?---Now, I don't know if this is automated or it's manual but then TSS converts this invoice into, presents it in a way that's understandable in the workflow inbox. So it would then come into my inbox. I can then open that invoice, I can see the invoice itself and then to, to progress the invoice, I mean, I will check with manager or whoever was responsible for having me raise that purchase order, whether it's good to approve or not. And then from there, there's a different screen you have to go, which is called the goods receipt screen. So you grab the purchase order from the invoice, you paste it into that good receipt screen and the, the invoice, the purchase order details will come up and you, you fill in the amount from the invoice into the good receipt screen and I think that's about it from what I remember and then you hit accept and that schedules it for payment.

30

MR LONERGAN: Now, the goods receipt screen is for the purpose of marrying up the payment of moneys versus the goods that the RMS has received, is that the purpose of it?---Yeah. I don't know why they did it that way because there's a, there's a new system, I've forgotten the name of this, Ariba, there's an Ariba system that was implemented recently where those invoices will come straight into your workflow and then from the workflow you can hit accept or reject and that will progress it for payment but this system was, yeah, so it's not - - -

40

THE COMMISSIONER: So it's an additional screen, is it, that - - -?  
---Yeah, you've got to go into an additional screen in Equip, the whole system's called Equip, and yeah, you've got to open up the purchase order

itself and then fill in the amount that's from the invoice into that purchase order goods receipt screen and then hit accept to schedule it for payment.

MR LONERGAN: But as the name good receipt screen suggests, there is a process where validation of the receipt of the goods has to occur before you approve the payment?

THE COMMISSIONER: Sorry, what invalidate – sorry, I didn't hear the question.

10

MR LONERGAN: Sorry, Commissioner, I'll repeat it. So as the name suggests, goods receipt screen, the process or the point of the process is that you are paying money and you are ensuring or validating that the goods are received for the payment of the money?---I don't recall any, anything about receiving the goods on the good receipt screen. Just trying to think. It was just more so for scheduling payment. Yeah.

20

THE COMMISSIONER: And when you say more so for scheduling of payments - - -?---So that, the purchase order, so you get the invoice and then you've got to open up the purchase order in the good receipt screen and then you've got the value of the purchase order there and there's a box next to - - -

So does that confirm that if the purchase order was for 100,000 and the invoice was for 150, if you had that discrepancy - - -?---I've never had that scenario happen to me.

30

But the point of looking at the purchase order is to see that the amount of the invoice is encompassed by the purchase order amount?---So you don't see the full purchase order, you just see the value of the purchase order and then what you do is, you fill in the value from the invoice, there's a box next to it and what happens is, when you schedule a payment, if it was for a, a, if it was a partial amount, it would, it would remove that amount from the total amount remaining on the purchase order.

40

So then if a subsequent invoice came in when you opened the purchase order it would have the smaller amount?---Yes, yes and I think the amount only gets removed once the payment is made. So I think there's a couple days difference between scheduling and actual payment. So - - -

MR LONERGAN: So you gave evidence, I think it was last week, in relation to post November 2017 where you became the point person in relation to spare parts or procurement of parts?---Yes.

And you implemented there a process of validation of the receipt of goods against the payment of moneys. Do you agree with that?---Yes.

Now, and I also, I showed you an email from earlier in 2017, we can go to it if you need to, whereby you were following up to check whether goods had been delivered, and your evidence was I think that Mr Soliman took over at that point.---He was lead at that point. I don't know if he took over.

10 He was lead or - - -?---He was lead at that point. It used to be Ange Fenech, a guy named Ange Fenech, that used to manage it all, and then he retired I believe and then it was, I think it was, I can't recall if it was managed between either Alex or Samer, but then when WeighPack came in effect it was Same Soliman.

THE COMMISSIONER: And when you've said Mr Fenech used to deal with it all, is that the maintenance?---Oh, not the maintenance, so the way he used to do it was every - - -

20 Which area are we in, what did Mr Fenech look after?---This is portable weigh scales, the whole program. So, so he used to work with ELWC in, yeah, maintaining and calibrating the scales and then he retired and that task got handed over to our team. He was in our team for a brief period, I don't know the exact period but yeah, he was there and I think it was for the purpose of doing a handover to Alex, I believe it was, and then, yeah.

MR LONERGAN: So Mr Fenech, he managed the process of the parts being ordered and the reconciliation of payments - - -?---Yeah, so - - -

30 - - - versus parts?---Yeah. So he used to actually go out to the dead weight tester and actually I think witness the calibration process and, yeah, I don't know what kind of reconciling process he had in place, but so for every job he used to raise a purchase order, yeah.

So, Mr Singh, what I'm trying to get at is, in early 2017, to your understanding, what was the reconciliation process for the payment of moneys versus the goods that were ordered under the purchase order? ---In terms of confirming the parts had been delivered?

Well, confirming that RMS is paying money for something in return. ---So I, because Samer was lead I just made the assumption that Samer was reconciling, confirming that the parts were being delivered.

40 THE COMMISSIONER: So that was an assumption of yours?---It was an assumption of mine, because when I first approached him he said payment needs to be made upfront, so it was okay to approve the invoices, so I just thought following on that he was doing the reconciliation process.

So your understanding is the payment would be made upfront - - -?---Yeah.

- - - and then you assumed Mr Soliman would then check that 100 widgets or whatever had been - - -?---Delivered.

- - - delivered to - - -?---Mark Mitchell, oh, WeighPack.

WeighPack.---Yes.

MR LONERGAN: Well, let's go forward to when you actually took responsibility post-November 2017. Outside of your own diligence in implementing your system of reconciliation, was there a system within RMS that checked off the payment of moneys versus receipt of goods?---I don't  
10 know if there was a system in place. Normally it would be someone from RMS confirming themselves that the work has been delivered or the work has been performed, but are you asking if there's a system as in process or is there a system as in as a - - -

Process is the word I should use to - - -?---A process. Process-wise I never saw anything documented from what I recall, but it was just someone from RMS confirming that the work has been delivered or the work, if it was, yeah, something, a contract to put up a, put up a structure for example, it had been completed.

20

THE COMMISSIONER: And you would assume that that person who confirmed or checked within RMS would have been the person given the responsibility for particular project of that particular aspect of a project? ---Yes, or it doesn't have to be them, they could send someone out on their behalf just to go and confirm. So, for example, in 2018, I worked on a lot of camera upgrade projects, and the invoices were going to my program, the program manager's queue, and he would just, and then he will ask me, "Hey Jai, has the," because these cameras need to be certified, after the upgrade, "Has the certification been completed?", and I can tell him yes or no. Based  
30 on that, he can then make a decision on whether to approve the invoice or not.

MR LONERGAN: And so there was no quarterly, yearly audit of this payments and inventory?---Not that I was aware of, yeah.

So just as a hypothetical, if a maintainer or servicer of the weigh scales was not using parts or was taking parts and saying that they were used, then how would RMS know what had been done, in terms of the goods that were meant to be in the parts?---I mean - - -

40

Sorry, I withdraw that question.

THE COMMISSIONER: Sorry, I - - -

MR LONERGAN: Because that's very - - -

THE COMMISSIONER: Yes.

MR LONERGAN: Confusing myself there. So, the, where I'm - - -

THE COMMISSIONER: Because you – the scenario I think you're talking about, you've got the party that provides the spare parts and then you've also got the person who maintains the scales.

MR LONERGAN: Well, that's true, Commissioner, in one factual - - -

10 THE COMMISSIONER: Okay, look, I'm sorry, I won't interfere. You ask your question.

MR LONERGAN: So, no, I'm going to the position of equivalence to ELWC. I'm not suggesting that this is what ELWC did.---Yep.

20 But a company in the position of ELWC who order the parts, use the parts in the, you know, the maintenance and repair of scales could have been invoicing you, RMS, saying, "Well, we've used 100 widgets," but in fact used zero widgets, and you would not be able to tell, because you have no reconciliation of the order or delivery of the 100 widgets.---That is true, but when, with AccuWeigh, whenever there was a repair work required, they used to send me a report of the repairs that's required, and then the corresponding quote for, for the repair work. But it wasn't – you're right, it wasn't actually checking whether, it wasn't a reconciliation process for parts itself.

THE COMMISSIONER: Do you know how ELWC did it? Like, did - - -? ---No idea.

30 - - - you didn't have any role in that?---Yeah, no idea. But I think I mentioned yesterday, the day before I got suspended, I had a phone, I was in a phone conversation with AccuWeigh and they did advise that they were running low on spare parts, so, I mean, I, unfortunately, I didn't take any action on that, but yeah.

40 MR LONERGAN: And so there was no other time that AccuWeigh or WeighPack said they were running low on spare parts?---I mean, I can't recall WeighPack ever raising that with me, but AccuWeigh did raise it with me from that delivery which was sometime in 2018, up until the day before I got suspended, yeah, they didn't raise anything about low, being low on spare parts.

THE COMMISSIONER: Would you anticipate that WeighPack would have raised it with you?---I would have anticipated if they had to raise it, it would have been raised with Samer.

MR LONERGAN: Yes, and because WeighPack – this is pre the purchase of the 125 scales by almost a year. So they were servicing and maintaining the old 10A Is, 10A IIs.---That's correct.

And you've heard – were you here when Mr Jones gave evidence?---I was outside, but I, I missed a chunk of it.

Right. Well, the bit that I'll take you to is that Mr Jones said that during 2016, there was a blitz on construction industry and the trucks that they use, and as a consequence, weigh scales were being taken off the road, or out of service and every, I think it was every two to three days. So there was, to his evidence, a high – well, the frequency to which they were taken off the,  
10 out of service, one could conclude required a high level of maintenance.

THE COMMISSIONER: Well, he agreed it was a high level of maintenance but said he was doing it. - - -

MR LONERGAN: Yes. He did say he was doing it, well, some of it. I think his evidence was that part of it did go to - - -

THE COMMISSIONER: WeighPack.

20 MR LONERGAN: - - - WeighPack, yes. So, just taking that into account, I know that's not your evidence, but during this process or this time, you were, well, you were not, were you, involved directly in the procurement and reconciliation of that?---I was requested to raise purchase orders for the spare parts but, yeah, in terms of reconciliation, no.

THE COMMISSIONER: And also progress the invoices that came in?  
---And progress the invoices, yes.

30 MR LONERGAN: But WeighPack would have come to you if they had a need for parts during that time period?

THE COMMISSIONER: So are we talking about - - -?---2016/2017?

MR LONERGAN: Quarter 1, quarter 2.

THE COMMISSIONER: Up until about May/June 2017.---I mean, I can't recall that WeighPack ever came out to me for spare parts. Like I said, I anticipate if they were short on spare parts, they would be going to Mr Soliman like AccuWeigh came to me when they were short on spare parts.  
40

Because you were given responsibility for the contract?---Yeah.

MR LONERGAN: And sorry, were you, WeighPack's invoices, were they going to you to approve as well?---Yes. So WeighPack's invoices were coming to me, yes.

And were they coming frequently, can you recall, during that period?---Yes, they were frequent. So, yeah, I did raise them with Mr Soliman. I think he

eventually got annoyed by the frequency of the WeighPack invoices but, yeah, they were coming to me.

So to the best of your recollection, they were coming, what, daily, weekly?

THE COMMISSIONER: Well, we saw yesterday on 17 March, which was a Friday, there were three.---I think Mr Lonergan's asking about WeighPack and Electrical, I think, Commissioner, you're referring to Novation's invoices.

10

Oh, I'm sorry. I withdraw, yes, sorry. So, I'm sorry, Mr Lonergan, I'll pay attention. These are invoices from WeighPack for what, maintenance that they've done?

MR LONERGAN: Maintenance work, yes.

THE COMMISSIONER: Did they come to you?---Yeah, because I raised the purchase order so, yeah, those invoices came to me. They were frequent. I can't tell you how often.

20

MR LONERGAN: And what was the magnitude, dollar amount of the invoices over a period of a month, to your recollection?---They weren't big amounts. I don't know how he had, so, so, I think their set up was similar to AccuWeigh, so the say AccuWeigh did it was they calibrate the scales and they assign a job number and I think WeighPack worked the same way so they sent an invoice based on a job number and if you're talking about 500 scales, you know, you've got a lot of job numbers even though some invoices could be for 20 scales, some invoices could only be for 6.

30

THE COMMISSIONER: And so that was for the annual service and calibration and certification?---Servicing yes, yes, yes. And I think from what I recall, Weighpack did have a similar set up where they would send invoices based on jobs but, yeah, the number of scales could vary, I can't think of the prices off the top of my head.

MR LONERGAN: That's all right if you can't remember, Mr Singh. But would they identify in those invoices the parts that they were using in the repair or maintenance of the scales?---I don't recall the parts. From what I recall, there was the scale serial numbers.

40

We've heard reference to keeping the asset register. Part of that was to record that this particular scale had had its annual service calibration and certification?---Yes. on that day, whatever day it's recorded next to it and - -

So who did that during the WeighPack era?---That responsibility should have been on WeighPack. I don't know if that was happening. So I can, again, I can talk about AccuWeigh. I was receiving spreadsheets, I think it

was monthly and they used to give me, so they used to identify each calibration work by job number. So you'd have the job number, you'd have the date the job occurred and if it was repair works, it would mention the repair works, then it would have the scale serial numbers that were assigned to that job number. So, and I get the certificates, calibration certificates as well, which I didn't receive when WeighPack was performing the work, so I got the calibration certificates. That's all on Objective alongside a final spreadsheet for that financial year, so if anyone needs to retrieve any certificates they can go into that directory and open up the spreadsheet, look for serial number they're interested in and find the associated job number and then find the certificates for that job number, because before, before any court cases the team, there was a team in Glen Innes that would get in touch with me and ask me for the certificates because those certificates need to be presented to court and before I had to go to WeighPack and ask them for those certificates, which yeah, I didn't prefer, I prefer certificates to be ours within RMS. So yeah, so AccuWeigh used to send me the certificates, which they sent to the office.

20 THE COMMISSIONER: So you kind of centralised the system.---I did, I did centralise it, yeah. So there's now a central location where the certificates are, so I think I showed Barry Everson in my team how to, if anyone, because he'd sometimes get inquiries himself, so I just showed him, it's all here, if they give you a serial number just search the spreadsheet by the serial number and you'll get the job number and you can find the certificates associated to that.

30 But that centralised system didn't operate when WeighPack - - -?---No, there was no system like that. The, the offices should have received certificates. So when WeighPack certify the scales they send it - - -

Send it back to - - -?--- - - - send it to the office and they should send a soft copy to the, to the office as well. I don't know if that was occurring. But when AccuWeigh was in place they used to cc me too in those emails saying, hey, your scales have been sent back, please find attached certificates, yeah.

MR LONERGAN: If we can take Mr Singh to volume 9B, page 251 and 2. And you recall seeing this before, Mr Singh?---Yes.

40 And if we go over to the next page, 252. Now, so this is 5 February, 2018, and you remember seeing this?---Yes.

Now, at that time the RMS still had a large number of 10A I and 10A II weigh scales in the field, didn't they?---That's correct.

And those scales still needed to be maintained?---Yes, they still need to be maintained and operational for mass enforcement.

And this is now a period in which you had introduced or implemented your reconciliation process?---Yeah. I mean it was just one check with AccuWeigh to confirm the quantities delivered by Novation matched the spreadsheet I sent to them.

And is it your evidence that what was ordered here was delivered and received by AccuWeigh?---That's correct.

10 Now, post the delivery of these parts, did you confirm over the period pre your employment coming to an end that these parts were used in the maintenance of the scales?---No, I didn't confirm that, yeah, it honestly didn't cross my mind at that time until that conversation I had with AccuWeigh where they advised that they were running low on spare parts.

And were they running low on spare parts in relation to the 10A I and 10A IIs?---From what I recall they just said they were running low on spare parts, so I assumed it would have to have been related to the delivery of these parts.

20 THE COMMISSIONER: What, the Series I?---Series I, yeah, because I don't recall any, unless Series I and Series II used the same parts, I'm not sure, but I thought it was in reference to this delivery.

MR LONERGAN: Right. So your understanding was that they were telling you that the parts that were the subject of this order were coming, well, they were low in those stock and they needed to be replenished?---Yeah. So I didn't get quantities at that point, but yeah, I mean next day I got suspended so I couldn't really progress it anymore, but yeah, but they just said they were running low so - - -

30 And - I withdraw what I was going to ask there. And, sorry, if they, if they're issuing invoices to you they would be including, AccuWeigh now, not WeighPack obviously, they included the parts that they were using in the invoices they were sending?---So for the calibration they would just send me the serial numbers, for the repair works they used to have a description of the actual repair works. I can't recall the parts though, yeah, I can't recall whether the parts were also mentioned. It had description of the repair works, so a lot of it was just machining from what I remember, but I can't recall whether it mentioned the parts being used.

40 And just while we're on this screen, page 252, you'll see there halfway down, "Weigh pad 10A."---Yes.

And is it your understanding that the weigh pad is a subset of the scale, a large subset of the scale but not the entirety of the scale?---I don't think I - - -

THE COMMISSIONER: Do you know what it is?---Well, I didn't know until Ms Wright pointed it out. I don't know what it's referring to. I don't know if it's the whole scale or if it's a subset of the scale.

MR LONERGAN: Excuse me for a second, Commissioner, I'm just – just, you were asked questions by Counsel Assisting in relation to the position of Novation being a supplier but not a maintainer of the scales. Do you recall that?---Yes.

10 Now, your evidence is that at the time you didn't consider that unusual, that they were just supplying and not maintaining parts for the scales?---Yeah, at the time, no.

THE COMMISSIONER: You didn't think it was unusual?---I didn't think it was unusual, yeah.

MR LONERGAN: And why, why is that, Mr Singh?---Well, I didn't, I guess I didn't know much about weigh scales and how the different organisations worked, so I guess, yeah, just didn't really cross my mind.

20

Now, NEPEAN were part of the tender for the category B. Do you recall that?

---They were, they are, they are in category B, yes.

Now, they would have, if they were successful, would have been maintaining and/or supplying the Intercomp scales?---The Intercomp scales, sorry?

30 Yes, the LP600. If they were successful. Remember their tender was for the maintenance – sorry, I withdraw that. I'm incorrect. Sorry, the HAENNI scales. So if they were successful they would have been maintaining the HAENNI scales. Is that right?---Sorry, the HAENNI scales?

Yes, the HAENNI scales. They were part of the scope for the category B, weren't they?---Yeah, so if I remember category B asked for PAT and HAENNI. I mean I can't - - -

40 It's entirely possible that NEPEAN would have been maintaining HAENNI scales?---I mean it's a possibility but I can't confirm that.

Yes, it's a possibility though, isn't it?---You'd have to ask NEPEAN, yeah, whether they can.

THE COMMISSIONER: I thought they did something with brakes. ---Maha? Yeah, NEPEAN also, yeah, I think they said Y to brakes, Maha brakes, I think there was a Y for everything actually for NEPEAN, from what I recall.

MR LONERGAN: Yes. And including provision of and maintenance of all the scales.---Yes, yes.

So it's entirely possible that NEPEAN would have been in a position where they were maintaining scales supplied by HAENNI?---It's possible, but obviously, you know, you have to send them the RFQ and confirm or even just ask them directly just to confirm it, yeah.

10 So the point is that there are a multitude of possibilities whereby there was a potential supplier of scales and a maintainer of the scales who was different, a different company to the supplier.

MR O'BRIEN: Well, I object to that. It's just speculative. It's a possibility upon a possibility.

MS WRIGHT: I join the objection, Commissioner.

20 THE COMMISSIONER: I don't know whether it really assists, Mr Lonergan. I think you've established NEPEAN's position that would probably ground any submission you want to make.

MR LONERGAN: It will indeed, Commissioner. No further questions.

THE COMMISSIONER: Thank you. I think we're up to you, Mr O'Brien.

MR O'BRIEN: Thanks, Your Honour, Commissioner. Mr Singh, I want to ask you first of all about your involvement in panel work.---Yeah.

30 So I'm talking about procurement panels. Do you understand what I'm asking you?---Yes.

Your first involvement in panel work for procurement was around September of 2017 with the Heavy Vehicle Maintenance Program Tender Panel.---That's correct.

And this is the Tender Panel that you came to be in and involved in at the last minute, is that right?---That's correct.

40 And you were asked to come into that by Mr Dubois and Mr Steyn, is that so?---It was one or the other. I can't recall who it was, yeah.

In any event, Mr Dubois and Mr Steyn were both on that panel?---Yes.

And can you explain to the Commissioner how, what was the purpose of your being on that panel at that time?---It was just to get exposure to the tender process, and I guess for them just to have another number in the committee itself.

THE COMMISSIONER: Was it three in total?---It was three to begin with and then adding myself it became four.

Four.---Yes.

MR O'BRIEN: Who was the third person if you're the fourth?---So you had Nathan Chehoud, Alex Dubois, Craig Steyn and myself.

10

Thank you. And was the purpose of that that you would simply watch and learn about the process?---Yeah, just get exposure, be a bit of a sponge and see how it all works, yeah.

20

And what did you learn from that process?---So basically I think the tenders were opened prior, the tenders were open prior to me entering the room, so at that point they've already recorded who the contractors were, they made a submission, then what the next steps were, to check all the tender submissions and check if all the attachments were supplied, and then after that we evaluated the tender submissions based on the criteria of the tender.

What was the key focus involved in that?---Well, the criterias were listed. I think in handwriting someone wrote the criterias. I think one's demonstrate experience in different areas and you score, provided your scores next to it. So there was three criterias from what I remembered, so basically we evaluated, we just looked through the tender submissions and to see whether those three criterias were met. We were just looking out for those three criterias.

30

THE COMMISSIONER: Did you score them individually?---They were scored individually, but, yeah, just keeping an eye out for the criterias themselves.

MR O'BRIEN: So they were the key things that you learnt, as you've described?---And then, yeah, afterwards we provided scorings to, Nathan captured the scorings and converted them to the weightings that were assigned to those three criterias, and then you had the final scores.

40

And is it the case Mr Chehoud had drafted all the tender documentation?  
---That's correct.

Now, was there any reference to the procurement manual through that process?---No. I don't believe there was any reference to the procurement manual.

Had you at that time at the RMS done any training courses relevant to being on the Tender Panel for the procurement of goods or services?---No, so the

one we're supposed to do is the probity and ethics in procurement, and I didn't do that until mid-2018.

10 THE COMMISSIONER: And why hadn't you done it?---I didn't know I had to do it. It was, so Samer was having a discussion with Evan King, who's a colleague in our area, and they were talking about a tender Evan, Evan was working on, and Samer mentioned that, oh, you need to do this probity and ethics training. And at that point he turned around and I think he was, he thought I, he thought I had done it and he was going to ask me to just tell Evan what it's all about, and I told him.

You had to 'fess up you'd never done it.---Yeah, I had, had to tell him, oh, I hadn't, I don't think I have done it, and he was, Samer was a bit shocked, and he goes, oh, you were supposed to do this before working on a tender. So the plan was for me and Evan to sign up to a, it's a class, in-class training. So - - -

20 So you didn't do it on your computer, you had to actually attend a class?  
---No, no, you had to actually go into a classroom, and I think it went for a like, an hour and a half or two hours. Yeah, so, the plan was for me and Evan just to tee up the same time, and I don't think that happened, but yeah.

So until you overheard that conversation, you had no idea you were supposed to - - -?---Do this probity and ethics training.

- - - do it before you started sitting on panels or whatever.---Yeah, oh, just tenders, yeah.

30 Or tenders.---Yeah.

MR O'BRIEN: Thank you, Commissioner. So when do you think that was that you had that, you overheard that conversation?---Oh, it was, I remember, it would have been in 2018, because I think it was that day where I started looking for training sessions.

Can I ask that we just be shown volume 16A, page 168, please?

THE COMMISSIONER: Sorry, which volume, again?

40 MR O'BRIEN: Volume 16A, Commissioner. 168. And whilst that's coming up, can you tell us what was involved in this training that you did related to procurement?---So it was an in-class training. Basically, just how to conduct yourself during a tender evaluation. The topics, it spoke about what's corruption, conflict of interest in detail. There was video examples of conflict of interest and examples of corruption as well. Yeah.

Are you suggesting that there was a heavy focus on conflict of interest in that program?---Yeah, yeah, so they gave different examples of conflict of interest. So there was a focus on that, yes.

Now, this document on the screen is a list of the training that you've had whilst at the RMS, is that so?---Yes.

10 And you were taken to this by Counsel Assisting on the first or second day that you gave evidence, do you remember that?---Yes.

And you can, you were also referred to the code of conduct training that's set out in the third and fourth rows, you see that?---Yes, that's correct, yep.

And you described that training as an online, computer-based training?  
---Training, e-learning, oh, yeah, something, e-learning where you can just, it's like a presentation which you can, yeah, hit next slide on.

20 Right, and you can see the TFNSW Ethics and Probity in Procurement Training that is listed on the second row?---Yes.

And it appears that you completed that on 11 May, 2018, is that correct?  
---That's correct. Yes.

And is that the training that you're referring to that you were supposed to have done before being involved in any procurement panel work?---That's correct.

30 And you said that it was, focused heavily on the, on conflict of interest, is that so?---That's correct.

How did that compare, in terms of your understanding of conflict of interest, as compared with those code of conduct online programs that you did?  
---Well, it gave me a better understanding of the whole perceived conflict of interest. They had examples of perceived conflict, conflict of interest. Yeah, just, yeah, it wasn't initially what, previously my understanding was different to what I learnt in that training, so, it gave me a better understanding on - - -

40 THE COMMISSIONER: Was there anything in RMS that alerted you to the fact that before you became involved in tenders you should have done the ethics and probity?---There's no alerts or anything.

Or a policy document, or something like that?---It is, it is in the, from what I recall, it is in the procurement manual. Yeah. But - - -

But you hadn't had much exposure to the procurement manual.---Yeah, I didn't, I mean, when I opened up the procurement manual, you normally just look in - - -

Go to the section.--- - - - at the contents just to see the section relevant for what you're looking for, so - - -

MR O'BRIEN: Now, your second involvement in panel work was in the Heavy Vehicle Programs PSC Panel, is that correct?---That's correct.

And that was around the October of 2017, is that so?---That's correct.

- 10 In that we've heard that AZH was one of the four successful tenderers?  
---That's correct.

Again, this was a situation where you came in more or less the eleventh hour, is that so?---So I was always nominated to be on the panel, not as a governor though.

That changed because Mr Chehoud's company decided they were going to -  
- -?---Apply for the same panel tender, yes.

- 20 Notwithstanding the fact that they had in fact drafted the panel  
documentation, is that so?---That's correct.

Now, in that procurement process, that panel committee, was there reference to the procurement manuals, so far as you can recall?---Not that I can recall, no.

And again, it's the case that that occurred before you had done the procurement, ethics and probity training, is that so?---That's correct.

- 30 Did anyone alert you to the fact that you ought to have done that by that time?---No, no one alerted me, no.

And did anyone tell you that it was necessary for you to have done that training before you were involved in that panel work?---No. No one told me.

And am I right to suggest that your understanding of conflict of interest was enhanced by that training in May of 2018?---That's correct.

- 40 And it was far superior than it was in or around October of 2017?---That's correct.

Now, after AZH was successful in that tender, do you ever recall raising a purchase order in favour of AZH after their successful application?---I can't recall raising any purchase orders after them being added onto the panel, no.

THE COMMISSIONER: In respect of that panel work?

MR O'BRIEN: Yes. Do you understand the Commissioner's point, in respect of that panel work?---Yes, yes.

What about AZH work generally?—I can't recall.

THE COMMISSIONER: Were they still doing the scoping studies?  
---Because this was around the time, it was like afterwards where Samer kind of reassigned me because this is when we got funding to start upgrading out Safe-T-Cam and average speed camera programs. So the two  
10 program managers, Alex Dubois and Craig Steyn, needed support. So that's when he reassigned me to, to that area, also the reasons, the evidence I gave before about 10 people were going to be made redundant and, yeah, so - - -

And when did that roughly occur?---So the panel was in November, so it was after November 2017 where I, yeah, I got reassigned and got asked to support, yeah, the average speed camera and Safe-T-Cam programs.

MR O'BRIEN: Now, in relation to AZH and Ali Hamidi, you have gave evidence that when you found out that his company, AZH, was to become a  
20 supplier of goods and services or particularly serviced to the RMS, you spoke to Mr Singh, is that so, Mr Soliman, is that so?---That's correct.

And you said that you raised concerns about him being Mr Soliman's friend?---Yeah, I raised concerns about, oh, not being a friend, sorry, his expertise.

That's right, sorry. I stand corrected, that's right. And you were allayed by his response, is that so?---Yeah. So his response was that his other  
30 background skills can, in data analytics and reporting, will assist greatly with the work that Samer was going to engage with him to do. Did he, that is Mr Soliman, raise any concerns that he had in relation to his friendship with Mr Hamidi?---No, he didn't.

Did he raise any concerns in relation to a conflict that he may have had as a result of that personal association?---No, he didn't.

Did that conversation, in any way, influence your view as to whether you had a conflict of interest in relation to your personal association with Mr Hamidi?---I didn't think I had a conflict of interest at that time.  
40

Why not?---Oh, it was just, I guess, my understanding of conflict of interest plus I didn't have the power to award any work. I didn't have the delegation, sorry, to award any work, so yeah, I didn't think I had a conflict of interest, yeah.

It appears even with the benefit of hindsight that Mr Soliman most certainly did have a conflict of interest.---Yes.

But he didn't raise that with you at that time.---No, he didn't.

Did that factor influence you in any way as to whether you would have had a conflict of interest?---Well, he didn't discuss it with me, so I guess in a way if there was a conflict of interest, he would have discussed it with me and he would have advised me to raise one also. So, yeah, I, I also, you know, I didn't think I had a conflict of interest myself, but, yeah, Mr Soliman (not transcribable) discussed it with me.

10 Over the course of the last few weeks, and in particular this afternoon in some of your responses to Mr Young's questions, you've talked about your understanding of Mr Hamidi.---Yes.

And you said that you had known him by that stage – that is, by the time that he was accepting work at RMS, at the commencement of that, throughout – that you'd known him for about a decade.---Yeah. I'd say about a decade.

20 And from your understanding, had he been involved in data analysis?---To begin with, he was in mobile technology with myself, just providing technical support for mobile phones and then wireless broadband and mobile-based technologies, then he moved on to premium support, then he became a trainer, and then after that I believe he moved into the reporting and data analytics role.

So he had been involved in data analysis and reporting?---Yes.

30 And what about in IT project management, so far as you're aware?---I'm not aware of him being involved in IT project management.

THE COMMISSIONER: Were you still at Optus when he moved to data analytics and reporting?---Yes, so that was in Wholesale, so he moved to Wholesale, the Wholesale Division at Optus. So I was still at Optus at that point.

40 And, sorry, data analytics or analysis, is that purely you get data and you do, you know, calculate an average or a median?---Produce reports, produce reports and make findings based on the data that's presented to you. So finding patterns in the data. I guess an example for Optus would be, you know, things that could improve revenue like patterns in sales and, but this will be strictly for Wholesale Division. Wholesale is the - - -

Sorry, to use something really trite. If we give a 10 per cent discount - - -? ---Well, he worked in Wholesale. So Wholesale, I'm trying to find examples. Dodo. You know how Dodo had a mobile, so they used Optus network, so they're a wholesale customer. So it was just reports, reporting and data and analytics for the Wholesale Division.

What, how to increase the wholesale revenue by - - -?---Yeah, I mean, it's a private company so revenue is always number one. So, yeah, finding ways to improve revenue or any possible process issues in Wholesale. Yeah.

All right.

10 MR O'BRIEN: So by that stage – and by that I mean by the time you came to know that Mr Hamidi was securing work with the RMS – how long had you known him to be in the technology industry?---So the whole time he was at Optus. So - - -

The whole time you'd known him.---The whole time I've known him, yeah.

Which was about a decade?---Yeah.

Thank you. Now I want to take you to the Picton Road trial, about which you've been asked many questions. Are you with me?---Yes.

20 You said you saw him talking to the IMC staff. Who were they?---Tim Snell and Joe Bullock I think his surname, yeah.

And you saw him talking to Samer Soliman, is that so?---Yes, he was talking to Samer Soliman.

And you saw him speaking to inspectors?---Yes, I saw him talking to inspectors as well.

30 You didn't overhear these conversations?---No, I didn't overhear these conversations.

What did you, what did you think that he would be speaking to Mr Snell and Mr Bullock about?---I guess just - - -

MS WRIGHT: Well, I object. It's speculative.

40 MR O'BRIEN: I'll respond very simply and obviously, Commissioner, that this goes to his state of mind which has been inquired about time and time again by Counsel Assisting as to what he knew as to the capacity and understanding of Mr Hamidi at the time of the tender process was put up and applied for by AZH and at the time when tendered work was being sought by AZH. His understanding and what he knew and what he thought, importantly what he thought Mr Hamidi was capable of doing was informed by what he saw at Picton Road trial and therefore this area of re-examination is totally appropriate and in accordance with what has already been asked of him.

MS WRIGHT: Commissioner, he's been asked a number of times, he's given evidence that he didn't hear the conversations, he's been asked that a

number of times, and he's confirmed that he didn't hear. To ask him what he thinks they were talking about is entirely speculative. His evidence is also that at the time that he saw the reports during the PSC Panel he made an assumption which he didn't check about what Mr Hamidi must have done, and he hasn't given evidence that he based that on what he thought what was discussed at the trial itself. In my submission it enters into conjecture and it has no probative value.

10 THE COMMISSIONER: I can't really see the probative value, Mr O'Brien.

MR O'BRIEN: Well, because I expect that Counsel Assisting, given the mode of inquiry and the, and the, and the approach to the inquiry that's been made of this witness is going to be, well, he ought to have known Mr Hamidi didn't have the qualifications, didn't have the wherewithal to make and consider and provide these reports to the RMS. Well, that, that submission fails if this witness did believe, based on what he'd seen, what he'd heard and what he knew of Mr Hamidi suggested otherwise, and that is what I'm endeavouring to inquire about. It is totally unreasonable to allow that sort of inquiry by Counsel Assisting and then not to allow me to re-  
20 examine on what he thought he was seeing, because the evidence is going to be obvious because those assumptions that he drew at the time when the PSC Panel evaluation was taking place as to the competency of Mr Hamidi was drawn about by personal experienced linked and learned by Mr Singh by that time. This was one of them and it was an important one.

THE COMMISSIONER: Look, I'll allow the question but I really have a question mark over its probative value, given his evidence is I just saw them speaking, and now he's giving – look, ask your question.

30 MR O'BRIEN: Thank you, Commissioner. What did you think that Mr Hamidi was speaking to Mr Snell and Mr Bullock about at that site, at that place?---About the camera system, the thermal camera system and its operations. I mean I know Mr Snell and Mr Bullock also had cameras set up on the site capturing vehicles passing by, so I thought, you know, he'll be asking questions about that as well.

40 Are you suggesting that Mr Hamidi was asking them questions in the process of them doing some work in setting up the cameras or having them in place?---The cameras were already set up so I thought he would be asking questions about, you know, yeah, how these camera systems work, because one was a special camera that, so someone from FLIR actually attended the site as well and they provided this special cooled camera which removes any blur in the images, so as the vehicle passes by you don't have that blur, so I thought he was asking questions about that to Mr Soliman - - -

THE COMMISSIONER: But you really had no idea, did you?---No, it was just what I witnessed.

Speaking?---Yeah, just speaking, yeah, to Mr Soliman, again I thought he would be talking about the operations, this operation in place at the moment, the business processes for screening, yeah, and with the inspectors, the inspectors' outcomes, yeah.

MR O'BRIEN: What were the inspectors doing whilst Mr Hamidi was speaking to him, from what you saw?---So the inspectors, this is when they would have that heat gun and they were trying to get the measurements, the heat measurements from the brakes.

10

And Mr Hamidi was talking to them whilst they were doing that?---Yes. He was, yeah, he was standing around them while they were capturing those measurements, yeah.

And you said that a FLIR operator was present?---Yes.

Did you see Mr Hamidi speaking to the FLIR operator?---I can't recall if he spoke to the FLIR operator, no.

20

But he was present when the FLIR operator was there?---Yes.

Thank you. You were asked questions obviously learned Counsel Assisting this Commission about the thermal camera IMC report. Do you remember that?---Yes.

You were taken to that IMC report in detail, do you recall those questions? ---Yes, yes.

30

And it appears that you did receive that report in March of 2017, is that so? ---the IMC report?

Yes, the IMC report.---Yes, yes.

MS WRIGHT: I'm sorry, that's not the evidence, it was 23 February, 2017.

THE COMMISSIONER: Was it? I can't recall.

THE WITNESS: Okay, sorry.

40

MR O'BRIEN: I stand corrected, I'm not going to – I accept that.

THE COMMISSIONER: So February 2017, thank you.

MR O'BRIEN: Thank you, Counsel Assisting. I'll repeat that. The evidence suggests that you received that report in February of 2017?---Yes.

Now, you were also taken to the AZH report that you received in the PSC tender process. And I believe it to be the case that you would have received that around November of 2017, is that so?---That's correct.

And Counsel Assisting made the suggestion that those reports were identical and I think you largely accepted that proposition, is that so?---That's correct.

10 How many reports or lengthy documents would you have received between February of 2017 and November of 2017?---Many documents, dozens, there would have been requirement documents, software specification documents, I was doing documentations myself, so I would have been referring to different other reports or documentations also. So, yeah.

Your job as a business systems analyst, did it involved the reading of lots of documentation?---It did. I mean, like I said, there was dozens of documentations. I also acted in Theepan's role, so Theepan's a system strategy manager, so I was acting in his role for a bit.

20 THE COMMISSIONER: When was that?---So there was brief periods in 2017 but there was a large period in 2018, he had to - - -

So brief periods in - - -?---In 2017, whenever he had to on leave, so, yeah, so in those cases it was not just reviewing the documents but then providing approval because he was the IT system strategy manager, yeah.

30 MR O'BRIEN: And was his role even more document heavy that yours? ---Yeah, well, it's providing approvals, so yeah. It was, it was document heavy, project documents would go his way, change requests would come his way as well, so - - -

Thank you. Yesterday you were taken to the statement of Mr Tim Snell and in particular several of the attachments to the email. Do you recall that, that statement, do you recall that?---Yes.

And that included many emails between you and Mr Snell in relation to the thermal camera trials?---That's correct.

40 Now, it was suggested to you that you were heavily involved in that trial. Do you recall that being suggested of you?---Yes.

What do you say your role was predominantly in relation that trial and your liaison with Tim Snell and IMC?---So it was initial engagement with IMC, organising the meeting between IMC and myself, Samer and David Pasilow and then following that there was a few questions that went back and forth. Those questions were based on discussions I had with Samer, so Samer had those questions because he worked on a previous thermal camera trial where there was a housing involved so he understood all of the requirements and

then, yeah, just organising the, the dates for the trials and, yeah, engaging with the inspectors and IMC and AZH, yep.

So apart from the questions that went back and forth between yourself and Mr Snell related to the questions that were raised by Mr Samer – do you understand what I mean by that?---Um - - -

10 I'll withdraw that question. I'll come at it again. Apart from the questions back and forth between you and Mr Snell from Mr Soliman, it appears that the other matters were all logistical issues, is that right?---Yes. Yes. I was, so I was, yeah, I was the point of contact. As a result, I was the point of contact because I did all the schedulings. They saw me as a point of contact, yes.

But the point of contact was largely in order to organise the, for the trial to take place and the parties to meet up, is that so?---That's correct.

So it's largely logistical. Is that a fair description or not?---Yeah.

20 You've been asked a number of questions in relation to the approval process for invoices.---That's correct.

You were taken to page 279 by Mr Young.

THE COMMISSIONER: Of the transcript?

MR O'BRIEN: Of the transcript, sorry. Yes, thank you, Commissioner. And it was said there that you had to check the invoice with Mr Soliman. You see that?---Yes.

30 In 2017 or at least until November of 2017, is it your evidence that you understood that you had to check invoices for approval from Mr Soliman? ---Yeah, I would, yeah, consult with Mr Soliman or whoever requested me to raise the purchase order to begin with.

Did you ever raise a purchase order of your own initiative?---No, because I don't have the delegation to accept the quote to begin with, let alone raise a purchase order.

40 Did you ever approve an invoice of your own initiative prior to November of 2017?---Not that I can recall, no.

THE COMMISSIONER: Can I just confirm. So the purchase order, you would be designated the requester.---Yes.

And then somebody had to approve it, and we've been looking at a number of them where Mr Soliman approved or authorised.---Someone with the

financial delegate. So it could be someone in, in my team that has the delegation they could approve, they could sign off as the financial delegate.

And I think you originally gave evidence when you first were here that it was, often it was an administrative task that a member of your team, including Mr Soliman, would say to you, look, can you just raise this purchase order.---Yes. Yeah.

10 And you would do it and it would be given to them, even though in a sense it was their project or a matter that they had responsibility for.---Yeah, that's correct.

MR O'BRIEN: So was it the case that most often in terms of practice at the RMS, so far as you were concerned, that the person who approved the purchase order was also the person that requested you raise it?---Sorry - - -

20 Yes, that was a difficult question. I'll rephrase it. Was it your understanding at the RMS and was it your experience at the RMS that the person who approved the purchase order and requested the purchase order was in fact the person who approved it rather than the requestor?---Yes.

Thank you. I want to ask you about the backdated WeighPack tender documents.---Yeah.

You understand what I'm talking about?---Yes.

These are the documents that were dated the 9<sup>th</sup> of December, 2016 but have been signed by you later than that date.---That's correct.

30 How did the RMS come to learn that that event – namely your signing documents that had the wrong date on them – come about?---I volunteered the information to the investigator. I think his name was David Boss.

Was the RMS aware otherwise of that information?---No, they weren't.

THE COMMISSIONER: So you were being interviewed about something completely - - -?---It was about Samer's conduct at RMS.

40 All right.---Yeah.

MR O'BRIEN: And your involvement in that and your admissions to that it's fair to say played a large part in the reason why you were suspended and ultimately terminated, correct?---Yeah. Yeah. Ended up getting me terminated but, yeah.

I want to ask you lastly about Mr Samer Soliman. If your evidence is correct, you were duped by him, is that right?---Yeah.

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

THE COMMISSIONER: I think we might have to – sorry, Mr Young. I'll hear what your objection is.

MR YOUNG: Well, I mean, conclusions such as this, duped by Mr Soliman, is quite unhelpful. If there are particular aspects of evidence, then they should be dealt with as particular aspects of evidence.

10 THE COMMISSIONER: Mr O'Brien, I do agree. I think I need a little bit more particularity.

MR O'BRIEN: Well, in relation to a number of the assertions that Counsel Assisting has put to you, Mr Singh, you've responded that you trusted Mr Soliman and that you were doing as he was directing you, correct?---Yes, yes.

Now, if that's to be accepted, he has obviously betrayed your trust.

20 MR YOUNG: Well, again I object. I mean, this is based on some acceptance of particular evidence given. Betrayal of trust in relation to a, I mean, it just raises all sorts - - -

THE COMMISSIONER: I prefer betrayal of trust rather than duped, Mr Young. I think it's quite clear if it's going to have any probative value at the end of the day, it relies on certain facts to be established, and I would only take it into account if those facts were established in my mind. Mr O'Brien, again we're at a rather general level. Do you think you could give a specific example to, or a specific area to Mr Singh and then explore  
30 whether he thought, what he thought of Mr Soliman's conduct?

MR O'BRIEN: Well, the difficulty with that, Your Honour, and why I'm approaching it with more of a broader brush is that there are so many facts that need to be established. And first of all we've got the evidence of Mr Hamidi to put to Mr Singh in that respect, then we'd need to put to Mr Singh each of the, each, every bit of the puttage by Counsel Assisting in relation to the, the raising of purchase orders time and time again where, and, and establishing that each of them was ultimately a matter of fact to be found fraudulently put.  
40

THE COMMISSIONER: Can I just (not transcribable) circumvents or short-cuts it.

MR O'BRIEN: Please.

THE COMMISSIONER: Let's assume that the purchase orders, some of the purchase orders for the spare parts, do you remember there were three

on 17 March, and then on the next Monday I think there were another three, and on the Tuesday there were another three.---Yeah.

And you gave evidence, just confirm this, that you progressed the paying of the invoice because Mr Soliman okay'd it.---Yes.

And I want you now to assume that none of those spare parts were delivered to WeighPack.---Okay.

10 Given if I accept your evidence that you ask Mr Soliman, "Okay to pay these?" and he gave you the green light - - -?---Yes.

- - - what's your view on Mr Soliman's conduct?---Well, he was misleading me. Well, the example I can give is the HAENNI, the whole HAENNI trial up in Ballina. When I followed up with him to see what the status was with AZH, he told me they were going there next week. It appears now that probably didn't happen, so - - -

20 And if I accept your evidence on that, again, what do you say about Mr Soliman's - - -?---Just, yeah, he was misleading. I mean, yeah, misleading me. Took advantage of the, the trust I had in him, had in him, yeah.

MR O'BRIEN: Mr Singh, why did you trust him?---Well, yes, look, he was a, I mean, I've known him for a decade, I think a bit more than that. He was a, considered him a good friend. Always seemed a good character. And when I started working for him, he was very well-respected, I respected him. He's very, I mean, he's innovative, which I admired. He always looked like he, he directed the team to do the correct thing. And yeah, I mean, like I said, he was well-respected by his peers. Before he got  
30 suspended, there was a, there was talk of a restructure and that he would progress into a role where he would be looking after multiple programs, instead of just heavy vehicle programs, so - - -

Was that a promotion of some sort?---It seemed that way, because there was a, so there was programs that were going to fall under him, alongside the heavy vehicle programs, so he was going to start overseeing multiple programs. Yeah.

40 So when you say he was well-respected, you've talked of him being in line possibly for a promotion. What, anything else that you observed as to his being well-respected within the RMS?---I mean, he worked, so the National Heavy Vehicle Regulator, the NHVR, they would usually go directly to Mr Soliman for information. I think there was a, supposed to be a heavy vehicles team in RMS, but they would go to Mr Soliman, because they felt like, oh, in his opinion, he, they felt like that he was the best person to approach for heavy vehicle matters in terms of compliance and enforcement. Yeah, so, yeah. And the, yeah.

Did he appear to have much autonomy within the RMS?---I know with Arnold Jansen he used to have meetings frequently, maybe weekly. I don't know what the, the content of those meetings were. It didn't, I don't know about Paul Hayes, I don't recall – I mean, there was team meetings that I heard of, like with Paul Hayes and the other managers, but I don't know if, if Paul Hayes was in constant contact with Samer about the work he was doing. Yeah.

10

He'd been at the RMS for some time before you joined, is that right?  
---That's correct.

And now, and what about the other people within your team? We've heard about them and we've heard from them in this enquiry. Who was the most junior in terms of time at the RMS within the team?---That would be me.

By how many years?---So Barry Everson's been there for 50 years.

20

THE COMMISSIONER: 50?---Yeah. Craig Steyn and Alex, I think they're around the same period. Not 50 years, I think about 10, 10 plus years, around that time. And Theepan, I recall, started at the same time Samer started, so seven, eight years. Yeah, I don't know how long. I know Paul Walker's been there for 40-plus years. Guido has been there for a while. I don't know exactly how long Alex Lee has been at RMS, though.

MR O'BRIEN: Now, we've heard also about the seating arrangements as between you and Mr Soliman. I understood he sat across from your desk in an open plan partitioned office.---Yes.

30

Now, was he always at his desk?---He was out of, no, not always at his desk. He was in meetings a lot and out of the office as well. Yeah.

Were there other offices of the RMS that he would go to to work?---He told us I think it's every Tuesday or Wednesday he'd be located at the Burwood RMS office. Yeah, that was once a week.

I have nothing further, thank you.

40

THE COMMISSIONER: Ms Wright.

MS WRIGHT: Mr Singh, just going back to the questions you were asked about checking with AccuWeigh that the items on the Novation quote of February 2018 were delivered to AccuWeigh.---Yes.

Did you provide AccuWeigh with the Novation quote or did you provide AccuWeigh with the RFQ or some form of documentation in order to check

that?---Yeah, from what I recall I just copied the, that table from the RFQ and pasted it into a spreadsheet and I sent that spreadsheet across.

And AccuWeigh confirmed to you that it had received those parts and those quantities?---Yes.

Now, counsel for Mr Thammiah put to you that you became the point person for the supply of parts as at November 2017. I had understood your evidence to be that you were the lead or the manager for the AccuWeigh maintenance contract from November 2017.---Yes, it was just the  
10 AccuWeigh contract.

So is there a difference in your mind between being the point person for the supply of parts and the lead for the AccuWeigh maintenance contract?

---Yes, because I think I gave evidence before where DJ, sorry, David Jones reported cracked screens on the scales, so I recall sending an email to Novation for a price and then Samer responded saying just put this on hold or a moment, he's going to, he wanted to have a discussion with me about spare parts in the future, and he did send me a meeting invite about it but at  
20 that point he was already, he got suspended so none of that occurred. I don't know what the, what the discussion was going to be about or anything like that.

Right. But you wouldn't, are you saying you wouldn't characterise your role as being the point person or the lead for the supply of parts contract?

---No. If there was a shortage on parts I would have to speak to my manager to see how to move forward with that.

Now, you gave some evidence in relation to the Heavy Vehicle Maintenance Panel where you agreed with the proposition that Mr Chehoud drafted the tender documents.---Yes.  
30

Is it possible you're wrong about that?---Um - - -

What's the basis of your view that Mr Chehoud drafted the tender documents?---Just from discussions I heard around my desk again. The, yeah, the documents were drafted by Nathan but the requirements themselves I have to assume came from either Alex or Craig.

I see. So your evidence is not that Mr Chehoud drafted the requirements that were included in the tender documentation?---Just the, the rest of the documentation.  
40

The framework or the template for the documentation?---Yes.

You understand from what you've heard that Mr Chehoud had prepared that?---Yes.

But is it your belief that it was RMS that provided the requirements - - -?  
---That's correct.

- - - to be included in that tender? Okay. I'm just going to show you a document. Commissioner, I accept this may not strictly be in reply, but there is a document I wish to show to Mr Singh from the volume C, if possible.

10 THE COMMISSIONER: All right. Which volume?

MS WRIGHT: Sorry, volume 9C. If we could have page 166 on the screen. Mr Singh, this is on the topic of the backdating of documents.  
---Okay, yeah.

Do you see this document and it's got some initials in the bottom right-hand corner?---Yes.

20 And do you recognise this document?---It's WeighPack's response.

And it's got the initials SS and JS. Are they your initials, JS?---Yes.

Did you write your initials on the document?---I honestly can't recall.

If I could show you page 168. Do you see that's an AccuWeigh cover letter dated 19<sup>th</sup> December, 2016?---Yes.

30 Offering services for quotation and it's got your initials on the bottom right-hand corner?---Yep.

And then if we go to page 170, your initials again on page 172?---Yep.

Did you write your initials on this document?---I think so because I mean it looks very different to SS, so - - -

Well, apart – okay. So that's one reason you think it might be your initials but do you recall initialling this quote by AccuWeigh?---I can't recall but again just from what I'm seeing visibly, looks like I may have, yeah.

40 And it's dated 19 December, 2016. Does that help refresh your memory at all?---I mean, this, I'm assuming this was alongside those backdated documents.

Yes. And your evidence had been that you were not involved in the request for quote issued for the maintenance contract before Christmas in December, 2016?---That's correct.

And this appears to be a quote from AccuWeigh and the other document I showed you at 166 appears to be a quote from WeighPack.---Yes.

Would you have initialled their quotes back in December, 2016?---No. I wasn't, I wasn't involved in the valuation in 2016.

Are you aware of there even being an evaluation in 2016?---Not that I can recall.

10 At the time Mr Soliman presented the five documents to you in 2017 for signing and backdating, did he present quotes to you to initial?---I mean I can't recall but he may have. Yeah, sorry, I'm just trying to, I'm just trying to think. Yeah, I mean I wasn't involved in any evaluation in 2016 so - - -

Did you see these quotes in 2016?---I would think I would have to have seen the WeighPack quote because I, I raised a purchase order. Don't know about the AccuWeigh quote but, yeah, I can't recall if in 2017 Samer presented me the quotes as well to initial but like I said the, just the handwriting itself looks different, so - - -

20

Now, when those five documents were given to you to sign, did Mr Soliman sign any documents in front of you?---I don't know if he signed it in front of me or he had signed his parts already. I can't recall that.

Was it your understand that he signed around the same time as you some documents relating to the RFQ?---Yes.

30 Where did you get that understanding?---Well, like I said, he told me that he was putting the documents together for this evaluation. So, so then he presented the documents to me. I just can't recall whether he signed it then or did he sign it before but it was around that same time, the same day, yes.

You signed some documents, you have given evidence about that but how do you know he signed some documents also?---I think he signed them in front of me from what I, I'm just trying to recall.

And what do you think he signed in front of you?---All the, those five documents that you showed me.

40 Well, one of them is a document only signed by you, that's at 108.---The conflict of interest, yes.

The conflict of interest.---Yeah.

And then I'll show you, I'll just show you 108. So Mr Soliman hasn't signed that document.---No.

But 106?---Yes.

So this is a counterpart document, a conflict of interest statement part 1, but in his name.---Yes.

Do you recognise that document?---Yes, it's the, you mean the conflict of interest document or - - -

10 Well, have you seen that document in Mr Soliman's name before I've just shown it to you?---Yes. So when he, when we signed the documents he had me bundle it all together and scan it later on and put it on Objective, so yes.

And then going to page 157, do you recall whether his signature appeared when this was presented to you for signing or whether it was blank and you were the first to sign?---I can't recall, sorry. I think, yeah, I'd be making speculations, I don't want to do that.

20 And in terms of whether he signed in front of you, whether or not you were the first or he was the first to sign, do you recall whether he signed in front of you?---I recall him signing documents but I can't recall which ones specifically he signed in front of me, but he did sign some of these documents in front of me, I just can't recall which ones to be exact.

So it's your evidence that you recall he signed some of the five documents or the counterpart that he would have signed - - -?---Yes.

- - - in front of you at the time that you signed, but you no longer are able to say specifically which ones they were.---Who signed first or which ones, yeah, I can't recall which ones, yeah, sorry.

30 Now, you have given evidence that after doing training in May 2018, that gave you a better understanding of a perceived conflict of interest.---Yes.

40 Could you explain what you mean by a perceived conflict of interest?  
---Perceived conflict of interest is basically a perception that there could be a conflict of interest. So the examples they gave in that training was friendships, people you've worked with before, so prior to your time at RMS or wherever in Transport. I'm just trying to, even to the point I think even working alongside, not alongside, working with contractors could also have that perception, perceived conflict of interest.

So is it fair to say you knew what a conflict of interest was but that training gave you a better understanding of what a perceived type of conflict of interest would be?---That's correct.

And you said you had a far superior understanding of a conflict of interest after you did that training, but is it fair to say you already understood what a conflict of interest was before you did training in May 2018?---Yeah, I had some understanding of it, obviously this training enhanced it further, yeah.

Because you'd done training online in 2015 and 2017 in relation to the code of conduct, hadn't you?---Yes.

And that included training about what a conflict of interest is?---Yeah, I can't recall the contents of the training.

Well, the online training, did it require you to complete each page and respond to a multi-choice question before being permitted to move to the next page?---Not that I can recall. Usually if it was a setup like that, the questions would be at the end of the presentation.

Wasn't there a multi-choice question on each page?---Not that I can recall.

And you can't fast forward until you've done that?---I can't recall the contents of that, those trainings, sorry.

But do you agree that's a possibility?---I always thought, like, if there was multi-choice questions, it would normally be, the format would be, you go through the presentation and it would be at the end. So - - -

But you recall, is your evidence that you recall specifically that you flicked through the online training?---That's my recollection.

So why if you recall that can you not recall the page setup and the fact of there being multiple choice questions?---Because I used to do that - - -

MR O'BRIEN: No, I object to that. You're asking what a person can't recall based on evidence that they can't recall something is pointless, it is not going to help you, Commissioner.

MS WRIGHT: He can recall something specific which assists him but he can't recall something that doesn't. I'm entitled to - - -

THE COMMISSIONER: I'll allow Ms Wright to test it.

MS WRIGHT: Mr Singh, you've given evidence quite a few times during the Commission hearing that you don't recall things but at other times you do recall things that appear to assist your position, which is that you had no idea of any of the misconduct that was going on.

MR O'BRIEN: I object to that. That is an error that I was accused of falling into that - - -

THE COMMISSIONER: What, too broad?

MR O'BRIEN: That is it's too broad. If that sort of accusation is a serious one, it has very broad consequences in terms of the, the ramifications and,

and, and the, the import of this inquiry and what this inquiry's all about. It has to be more specific than that, please, Commissioner.

THE COMMISSIONER: I think I would be assisted by something more specific.

10 MS WRIGHT: Mr Singh, I'm suggesting that the code of conduct online training required you to do more than just flick through, you couldn't just fast forward through the training and you've given evidence that you don't recall having to answer a multi-choice question at the end of each page but you do recall that you had, you just flicked through it and didn't read it? ---Yeah, because I used to not just do it for the code of conduct, I admittedly did it to a lot of other online training, so , but the format I recall is that there's a presentation and then you have the multi-choice questions at the end. So if there was multi-choice questions on each page that would be different - - -

20 And how did you answer the multi-choice questions if you just flicked through?---Guess.

You guessed?---Yeah.

So you didn't really care about the content of the code of conduct of RMS? ---Yeah, it was just, again, just something, so a box to tick for us. Yeah.

Well, it's more than just a box to tick, isn't it, because doesn't it deal with very serious matters?---It does.

30 And you, in doing it in 2017, were involved in the award of contracts and the approval of invoices to two companies, AZH and Novation, one of which was run by your friend Ali Hamidi, and the other one you knew to be run by Mr Soliman's friend.---Again my understanding of conflict of interest back then wasn't correct. I should have done the code of conduct properly. It probably would have assisted me.

40 THE COMMISSIONER: But I take it there was no kind of supervision by your managers about whether you were doing it properly or - - -?---They might have access to the system, and all they can see would be a tick, yes, this person's completed it or, no, they haven't.

So really no supervision or proper - - -?---Not that I was aware of, no.

MS WRIGHT: When you say your understanding of a conflict of interest, you agreed when I suggested that what had improved after May 2018 was your understanding of what a perception of a conflict of interest was, but you knew at all relevant times to this investigation what a conflict of interest was, didn't you?---At the time my understanding was not correct of conflict of interest but I accept what you are saying. Yeah.

And do you think you had a conflict of interest in relation to the allocation of work to AZH?--Look, after doing that training, yes, I did.

And did you think you had a conflict of interest in relation to the allocation of work to Novation?---After doing that training, yes, you still have that perceived conflict of interest.

10 And do you accept that in relation to AZH, you had an actual conflict of interest, not just a perceived one?--I thought it feel under perceived. That was my understanding.

Why is it perceived?---Just the examples that were provided in that training session.

No one knew through 2016/2017 when you were involved in the award of contracts to Mr Hamidi's company that you were his friend apart from Mr Soliman, is that correct?---As far as I'm aware, yeah, that's correct.

20 So how would that give rise to a perceived conflict of interest?---Well, just the fact that he's a friend. There's that perception that, you know, that there could be preferential treatment given, yes, so.

So what you really had, I suggest, is an actual conflict of interest between your duties and responsibilities in serving the public interest and your existing private interests in gaining an advantage for your friend Ali Hamidi when you were involved in that work. Do you accept - - -

30 MR YOUNG: Well, I object to that. I object to that. There's no basis, there's no basis on which it can be put that Mr Hamidi, on the evidence, that Mr Hamidi had any interest.

THE COMMISSIONER: That Mr Hamidi had any?

MR YOUNG: Yes. It was Mrs Hamidi's company. She – no, well, on the evidence that, on the evidence he, it was 100 per cent shareholding by her.

THE COMMISSIONER: What about all the financial material I've got?

40 MR YOUNG: Well, in terms of who owned that company and who derived a benefit from the company, Mr Hamidi's evidence is he derived no benefit from the company.

THE COMMISSIONER: No, I reject that, Mr Young. Ms Wright.

MS WRIGHT: Do you recall the question, Mr Singh?---No, I don't sorry.

I suggest that you had an actual conflict of interest between your duties and responsibilities at RMS to serve the RMS interests and the public interest, and that conflicted with private interests, which was that your friend gained an advantage from your involvement in the work allocated to AZH.---Well, I had no private interests in AZH, but I do accept that, yeah, I did have a conflict of interest after, after all this. I accept it.

10 You have difficulty accepting that you had at all those times an actual conflict of interest, don't you?---I accept that now. At the time I didn't.

THE COMMISSIONER: I think he says he accepts it now but that's on the basis that you've done, you eventually did the proper training - - -?---Did the training.

- - - that nobody had told you about.---Lost my job for it, so, yeah.

20 MS WRIGHT: Well, yes, but with respect, Commissioner, the evidence, he's being quite persistent that it's a perceived conflict of interest and so I'm seeking to establish whether he does understand it's more than just a perceived conflict of interest.---Okay. I'll - - -

THE COMMISSIONER: Can you answer that?---I'll accept that, okay.

It's - - - ?---Yeah.

Sitting here now - - -?---Yes.

30 - - - you would agree you had an actual conflict of interest?---Yes, I accept it now, yes.

Okay.

MS WRIGHT: Those are my questions.

THE COMMISSIONER: Can I ask you something. When Mr O'Brien asked you about your relationship with Mr Soliman and there was I think a very broad question about he misled you, the example you gave to me was the - - -?---HAENNI.

40 HAENNI.---Yes.

Now, that was the one, can you just tell me again, it was supposed to be a test of the HAENNI up around Lismore/Ballina?---Ballina, yes. So I went to Ballina to begin with to see the equipment, it was Ballina Shire Council that was running the operations.

That's right.---So they've got their own mass enforcement operations, which is I think approved by the National Heavy Vehicle Regulator. So I went up

there, I saw the equipment, it was, all of it was positive. So the way they did it, they ran the trucks over the dynamic scales and then they, anything that seemed odd they would then pull out their static scales and weigh it. So yeah, I came back to the office, I gave Samer the positive feedback and then yeah, he engaged AZH to go up there for the trial, so I asked what days AZH was going to go up there so I can line myself up as well, because I thought I'd be the RMS contact point up there. He told me I didn't need to go. And then it was sometime later I was having a chat with HAENNI, the manufacturer in Queensland, and they mentioned my visit to the Ballina because the guy from Ballina Shire Council paid HAENNI a visit to get the scales calibrated and he was mentioning my visit and I told him, oh, there should have been another consultant that also went up there to capture a trial in detail, the data and everything, and the guy from HAENNI said, I think the guy's name was Steve from Ballina Shire Council, Steve didn't mention anything like that. And I thought that was odd. I asked him, oh, perhaps Steve forgot to mention it, and the guy from HAENNI said that it's not something that Steve, he's known Steve for a very, very long time and it's not something he would forget to mention, he usually tells, apparently tells them his life story so - - -

20

Right.---Anyway, and so next time I saw Samer in the office I followed it up with him and - - -

What did Mr Soliman say?---He said that AZH was going to go up there next week, yeah.

Now, could I have volume 3, page 293B up, please. Now, that's an invoice, it's for your attention. Can you see it's on AZH letterhead?---Yeah.

30 Invoice for ITS technology HAENNI dynamic portable scales end-to-end management for field trial. Is that your understanding of the work that was supposed to be done up at Lismore?---Yes, yes, I believe so.

That's dated July.---Yeah.

40 Payment due by August. And, sorry, I think to be fair if we could go to 293A, and I acknowledge this is an email that you don't appear to be the recipient of, but it says, "Hi, RMS. I'm happy to advise that we've secured a field trial location and period for the technology commencing this week." So that appears that according to that email it was supposed to be around end of July/early August.---Yeah.

Now, does that help you remember when you had these conversations with the person from the HAENNI scales and then your conversation with Mr Soliman?---No, it doesn't. All I knew is it was sometime in 2017 but, yeah, I don't know the exact dates, unfortunately.

Because could we then go to Exhibit 38, please. Now, this was AZH's tender to get on the PSC Panel.---Okay.

Exhibit 38, yes. And then if we could go through to page 12.---Yeah.

You can see the heading Past Performance/Demonstrated Experience. ---Yeah.

10 And there are a number of field trials. The last one seems to be the Lismore one.---The Ballina one, yes, yes.

Yes. Now, it seems all the information that you have is that that never occurred. But it seems to, this appears to be an assertion because you can see under the columns Completion of Time, Completion Within the Agreed Budget, Achievement of Quality Aspects.---Yeah. Yes, I see what you're saying. Yeah.

20 When you were on the panel and you got this, did you turn your mind to, gee, they've included the Lismore on-road site, and all the info I've got is that - - -?---No, it doesn't, yeah.

- - - nothing happened.---Yeah, so it didn't occur to me at the time.

That just didn't register?---Just didn't register. Yeah. But, yeah, I see what you're saying. I see what - I can't recall the dates when these conversations were had.

30 See, that invoice I think was paid sometime in maybe August. Yes, 9 August.---Yeah. Yeah, that's got me stumped.

And this is - what's the date of this?---This is November.

November, yes.---Yeah. So with AZH, their payment terms was always upfront, so I would have checked with Samer and he would have given approval.

40 I suppose the issue I'm raising with you is more your knowledge that something odd was going on with Ballina and then you sit on a panel and - - -?---It's mentioned.

- - - there's an assertion that - and particularly with that it was completed on time, completed within budget, and it was accepted by the client.---Yeah, I just, yeah, I mean, I can't recall when the conversations were had but, yeah, that's another thing I should have picked up on.

Now, that's all a little bit new. Did anybody have any other - - -

MR O'BRIEN: May I, Commissioner?

THE COMMISSIONER: Yes.

MR O'BRIEN: Thank you. You said in relation to that HAENNI trial that was to happen in Ballina that after this conversation with the HAENNI representative and his conversation with Steve from the council that you raised that with Samer Soliman, is that so?---Yeah.

10

And his response was?---That they were going there next, AZH was going to go there next week.

And did you hear anything further about that after that point?---I didn't follow up on it.

Did you think that that was what was going to happen or did you know otherwise?---That, I thought that's what was going to happen.

20 Was there anything that indicated that it didn't happen?---Nothing that I heard otherwise, no.

So far as you're aware, Soliman told you the truth that time?---I thought it was the truth, yes.

Which you subsequently learnt through this inquiry was a lie?---Yep.

Nothing further.

30 THE COMMISSIONER: Ms Wright, have you got anything - - -

MS WRIGHT: Well, your evidence, Mr Singh, was that it didn't occur to you about the Lismore trial and that it hadn't occurred and that there was something suspicious about this part of the tender submission by AZH. That's what you gave in answer to a question by the Commissioner.---Yeah, something I should have picked up on.

40 Yes. And, Commissioner, lest it be suggested I haven't put things, I am putting to you that it didn't occur to you because you knew full-well that AZH's submission for inclusion on the PSC panel was entirely false?---No, that's not correct. It just that, yeah - - -

Well, you've given evidence that the representations were false, including that Mr Hamidi was an international consultant in ITS and had a 10 year career in ITS.

MR O'BRIEN: Can I object to that. This document, I mean, I should have objected at the time but this document doesn't say that he had a 10 year

career in ITS, it says he had a 10 year career, this is on page 9 of Exhibit 38, “10 year career in the technology industry, including the ITS industry,” comma.

10 THE COMMISSIONER: Those representations on page 9, my recollection is that you agreed that they were false, that Mr Hamidi draws on a 10 year career on the technology industry including the ITS industry also the assertions of the drawing on the international, on his international consulting for road government agencies throughout the world.---Yeah, I accept that was exaggerated but - - -

Not exaggerated, they’re lies, aren’t they, Mr Singh?---Yeah. But the 10 year career in technology industry including ITS, I, at the time it was brought to my attention, I read that as 10 years in ITS.

But he didn’t have 10 years in ITS.---No, no, I just read this incorrectly at the time it was present to me. He didn’t have 10 years in ITS, it says 10 years in a technology industry.

20 If it was 10 year in technology industry full stop, you might be happy with that.---But including the ITS industry, so there was work raised to him throughout that year which was ITS work. Yeah.

30 MS WRIGHT: I suggest you’re just not being truthful to the Commission in your evidence, Mr Singh. The document is peppered with references to Mr Hamidi’s experience which are false. ITS technology subject matter expert, detailed knowledge or worldwide best practices in the ITS industry. I can take you through it again but the entire document, with some minor exceptions, which are exaggerations, is false.---At the time, I thought it was just exaggerations but I accept what you’re saying.

And in combination with these false representations and the provision in support of his tender of the IMC report which would have been obvious to you was a report produced by IMC and the evidence you’ve given about the Lismore trial, the technical detail of the reports, the two scoping study reports and your prior knowledge of Mr Hamidi and your friendship with him, I suggest that you are not telling the truth to the Commission about your involvement in the PSC panel. What do you say?---That’s not correct.

40 And that you knew full-well that AZH’s submission was false and that its inclusion on that panel would favour the financial interests of Zoe and Ali Hamidi?---That’s not correct.

THE COMMISSIONER: All right then. Now, can Mr Singh be excused?

MS WRIGHT: It’s very unlikely that Mr Singh would be required again, Commissioner, but I would prefer that he not be excused at this point.

THE COMMISSIONER: All right.

MR O'BRIEN: Can I ask that consideration be given overnight. My client has been in the witness box I think seven days and the prospect of him having to come back, he's just overly over us. In the context of the very short period of time that we have left in this sitting, if it goes beyond that I don't know, there can be a re-summons issued? Can I ask that he be excused, please?

10

THE COMMISSIONER: Mr O'Brien, I have some sympathy to the submission you've made. Mr Singh, what I'm going to do, I'm not going to excuse you now, I'm going to just reflect on it overnight. If you were recalled I would anticipate it would be on a very narrow area and why I'm a little bit hesitant is we're about to hear some evidence from Mr Soliman and then Mr Thammiah.---Okay.

And as a matter of fairness to you it might be appropriate to have you back to respond to something. It's a little bit difficult trying to predict that.

20

---Sure, Commissioner.

But I take Mr O'Brien's point. You've given evidence over a number of days and over disjointed days and I've been very grateful for that and you've been very polite and courteous in giving your evidence, which again I'm very grateful for, but I'm not going to excuse you, I will ponder it overnight and if it's a matter of excusing you I can do that in chambers and notify Mr O'Brien, because Mr O'Brien, you will continue to be here, won't you?

30

MR O'BRIEN: Yes, yes, of course.

THE COMMISSIONER: All right.---No worries. Thank you, Commissioner.

Now, Mr Soliman I see you at the back of the hearing room. I apologise that we haven't reached you today. And Mr Young is on his feet.

MR YOUNG: Yes.

40

THE COMMISSIONER: Do you want to raise a matter?

MR YOUNG: I do, Commissioner.

THE COMMISSIONER: Can I just stop. Mr Singh, thank you very – oh, just leave Exhibit 38 there, we'll grab it.---Thank you.

**THE WITNESS STOOD DOWN**

**[4.42pm]**

THE COMMISSIONER: Yes, Mr Young?

MR YOUNG: Commissioner, could I just make reference to what I'll describe as the 9C issue, which was the subject of legal argument earlier in the day. And the rulings that you made were to allow questions of Mr Singh. You also made rulings that you thought that those questions were within jurisdiction and relevant, but that you didn't propose to admit into evidence the transcript. Two things in my submission arise from that. Firstly there is no clarification of the position in relation to Mr Soliman, that's simply – and I accept that I joined in Mr O'Brien's application, I supported that application, but it doesn't provide any clarity in relation to Mr Soliman. The second point is that I would with great respect seek reasons, albeit they may be, they may be concise reasons in relation to that, in the event that questions are allowed of Mr Soliman that I be in a position to provide advice in relation to the legal issues which are raised. At this stage the question might be regarded as moot because your ruling only covers questions asked of Mr Singh.

20

THE COMMISSIONER: All right. Do you anticipate that if Counsel Assisting ventured into that area with her questioning of Mr Soliman you would make an objection?

MR YOUNG: I would make, I would object and I would, and at this stage, just so my position is clear, I would say that it is outside of your ruling, which at this stage only covers questions being asked of Mr Singh and the, based on the interviews that he gave.

30 THE COMMISSIONER: And can I just – I don't want to debate it now because it's quarter to 5.00, but do you anticipate if you did object it would be on the basis of relevant jurisdiction alone?

MR YOUNG: It would be, it would be, well, the questions that were allowed of Mr Singh appear to be based on the fact that Mr Singh had given an interview in relation to it, rather than that they were freestanding facts which were of themselves relevant. Now, there's some lack of clarity there with respect and that's part of the reason why I would be seeking some reasons in relation to it so that in relation to it - - -

40

THE COMMISSIONER: Sorry, you're seeking reasons for my decision about Mr Singh?

MR O'BRIEN: Well, in the event that questions were allowed of Mr Soliman.

THE COMMISSIONER: All right.

MR O'BRIEN: The ruling that you – I'm seeking reasons in relation to the ruling that you gave in the event it has application to Mr Soliman.

THE COMMISSIONER: All right. I think – did you want to say something at the moment, Ms Wright.

MS WRIGHT: Well, just that I didn't ask any questions about the interview itself. I think my friend suggested that the questions centred around the interview rather than being freestanding.

10

THE COMMISSIONER: I think it was more the facts - - -

MS WRIGHT: I see.

THE COMMISSIONER: - - - arose from - - -

MS WRIGHT: Perhaps I misunderstood. Commissioner, Mr Young's position might affect what I was proposing to do before we adjourn, and that is to tender a bundle of documents pertaining to the backdating issue. They include the documents that Mr Singh says that he backdated as well as two documents which bear similar dates signed by Mr Soliman.

20

THE COMMISSIONER: All right. Have you got a bundle for me?

MS WRIGHT: Yes, I do.

THE COMMISSIONER: All right. The bundle of documents dealing with the evidence of Mr Singh of backdating documents in the context of Federal Court proceedings brought by AccuWeigh against WeighPack shall be Exhibit 50.

30

**#EXH-050 – BUNDLE OF DOCUMENTS DEALING WITH THE EVIDENCE OF MR SINGH OF BACKDATED DOCUMENTS IN CONTEXT OF FEDERAL COURT PROCEEDINGS BROUGHT BY ACCUWEIGH AGAINST WEIGHPACK**

THE COMMISSIONER: Mr Young, how about we proceed tomorrow with Mr Soliman's evidence. If we get to a particular point where you want to object, we can take it from there.

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MR YOUNG: All right. Well, it does seem, though, that with Exhibit 50 going into evidence that it now seems inevitable, and the fact that Mr Singh has given the evidence that he's given that Mr Soliman is going to be asked questions in relation to that, which has now become a freestanding potential corruption issue in relation to itself. That's the issue that concerns me, and that is also the reason why I'm seeking reasons.

THE COMMISSIONER: All right. Now, Mr Soliman, I'm sorry we didn't reach you tomorrow, but if you could be back tomorrow morning and we'll commence your evidence at half past 9.00. So we're adjourned until half past 9.00.

**AT 4.47PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.47pm]**