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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION EMBER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 5 JUNE, 2019

AT 9.45AM

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

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

THE COMMISSIONER: Ms Wright.

MS WRIGHT: Commissioner, I reconsidered my position overnight in relation to Mr Singh being excused, and in my submission he can be excused at this stage, and the same applies in my submission to Mr Lee.

THE COMMISSIONER: All right. Mr O'Brien's not here but Ms - - -

10 MS TOLLEY: I'm Ms Tolley, excuse me, Commissioner, just appearing on behalf of Mr O'Brien this morning.

THE COMMISSIONER: That's okay. I will excuse Mr Singh, if you could inform him of that.

MS TOLLEY: I will, thank you.

MS WRIGHT: Thanks, Commissioner.

20 THE COMMISSIONER: And Mr Lee.

MS WRIGHT: Thank you.

THE COMMISSIONER: Thank you.

MS TOLLEY: Commissioner - - -

THE COMMISSIONER: Oh, I'm sorry.

30 MS TOLLEY: No, I apologise. Just while I'm on my feet, if I might raise one further short issue in relation to Mr Singh. Yesterday afternoon I understand that Mr Young made an application for reasons with respect to the Commissioner's judgement about Mr Singh. Mr O'Brien was hoping we might join in that application.

THE COMMISSIONER: All right. I don't know if I'm going to grant that application, but thank you for notifying me.

MS TOLLEY: Thank you.

40 THE COMMISSIONER: Mr Lonergan.

MR LONERGAN: Yes, Commissioner. Just while we're dealing with some administrative parts, Mr David Jones was asked for the production of some documents, emails, I believe there were two separate ones. I don't believe there was a time that was assigned for him to produce them by, however clearly the content of at least one of them will pertain to our cross of Mr Soliman.

THE COMMISSIONER: All right.

MR LONERGAN: So in those circumstances - - -

THE COMMISSIONER: I'll make some inquiries, unless Ms Wright can help.

10 MS WRIGHT: Commissioner, I'm instructed that Mr Jones has got back to the Commission and he has said that he does not have email records of those matters.

THE COMMISSIONER: All right.

MR LONERGAN: So that means that he does not have either of the two emails that he was asked for?

MS WRIGHT: Yes. I'm instructed yes, that that's correct.

20 THE COMMISSIONER: Okay.

MS WRIGHT: There's just two other matters before we call the next witness.

THE COMMISSIONER: Yes.

30 MS WRIGHT: Commissioner, I tender a statement of Tim Snell of IMC dated 31 May, 2019, subject to a suppression order which I seek in respect of certain invoices. So if I could hand that up and indicate the items and the basis for the application for a suppression order.

THE COMMISSIONER: Now, can I just confirm, at the moment Mr Snell's statement and annexures is MFI 6.

MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: Right.

40 MS WRIGHT: The suppression order is sought in respect of annexures B, I, M, O and P and they are annexures containing reports of IMC. The first three annexures are the reports of IMC and the fourth and fifth annexure I referred to, annexures O and P are also reports but - - -

THE COMMISSIONER: And sorry, was it annexure M for Mary or N for Nelly?

MS WRIGHT: M for Mary.

THE COMMISSIONER: Let me just - - -

MS WRIGHT: The annexures are indicated at the top.

THE COMMISSIONER: The statement of Tim Snell dated 31 May, 2019, including annexures A through to P will be Exhibit 51 and I make a non-publication order in respect of annexures B, I, M for Mary, O and P.

10 **#EXH-051 – STATEMENT OF TIM SNELL DATED 31 MAY 2019
INCLUDING ANNEXURE A-P**

**SECTION 112 DIRECTION – SUPPRESS ANNEXURES B, I, M, O, P
IN TIM SNELL’S STATEMENT DATED 31 MAY 2019 (EXH-051)**

20 MS WRIGHT: And just for the record, Commissioner, the basis of that application was the proprietary nature of the information. Now, I also tender, as bundle, two emails. One is dated 8 May, 2018, to Mr Singh, including an IRD packing list as an attachment to that email and an email from Mr Singh of 8 May, 2018. And Commissioner, those emails go to the evidence which Mr Singh gave yesterday that he had checked with AccuWeigh whether spare parts had been delivered in 2018 and those emails confirm that AccuWeigh received from IRD spare parts and the nature of them.

THE COMMISSIONER: And the emails are between Mr Singh and a representative of AccuWeigh?

30 MS WRIGHT: Yes, Commissioner. Yes. I can hand them up.

THE COMMISSIONER: And then can be tendered together?

MS WRIGHT: Yes.

THE COMMISSIONER: Or the same exhibit?

40 MS WRIGHT: Yes. They were provided to me late, well a copy was shown to me late yesterday and I was provided a copy this morning.

THE COMMISSIONER: All right. The two emails dated 8 May, 2018, the first one between Ashley Frost and Jai Singh, Ashley Frost being from AccuWeigh at 4.46pm and the second email from Mr Singh to Ashley Frost at 5.55pm will be Exhibit 52.

#EXH-052 – TWO EMAILS DATED 8 MAY BETWEEN ASHLEY FROST (FROM ACCUWEIGH) AND J SINGH AT 4:46PM AND AN EMAIL FROM MR SINGH TO ASHLEY FROST AT 5.55PM

MS WRIGHT: Those are all the preliminary matters.

THE COMMISSIONER: All right.

10 MS WRIGHT: I call Samer Soliman.

THE COMMISSIONER: Mr Soliman. Now, do you take an oath or an affirmation?

MR SOLIMAN: An oath, please.

THE COMMISSIONER: Mr Young, have you explained section 38 to Mr Soliman?

MR YOUNG: I have, yes, yes.

THE COMMISSIONER: And he would like - - -

10

MR YOUNG: He would like a declaration under section 38.

THE COMMISSIONER: Now, Mr Young [sic], the effect of section 38 has been explained to you by Mr Young. With every witness I emphasise there's a very important exception, that is, if you give false or misleading evidence during this public inquiry. In those circumstances the protection does not prevent your evidence from being used against you in a prosecution for an offence under the ICAC Act including an offence of giving false or misleading information. It's a serious offence. Brings with it a penalty of imprisonment of up to five years. It's a form of perjury.

20

MR YOUNG: Commissioner, just for transcript purposes, you commenced that by addressing Mr Soliman as Mr Young. It doesn't need to be re - - -

THE COMMISSIONER: Sorry.

MR YOUNG: No, I'm just making it clear that for transcript purposes it was directed plainly at Mr Soliman. You referred to Mr Young having explained section 38 and that it was plainly directed towards Mr Soliman.

30

THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

40 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT**

**OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR
THING PRODUCED.**

THE COMMISSIONER: Ms Wright.

MS WRIGHT: Thank you, Commissioner. Sir, could you please state your full name.---Samer Soliman.

10 Were you the Manager of the Heavy Vehicle Programs Unit at the Roads and Maritime Service from 2014 until 18 October, 2018?---I think it was 2014 or '15, around that time.

THE COMMISSIONER: Mr Soliman, you're going to have to speak up. ---Yeah. I, I think it was around 2014 or '15. I'm not sure exactly when.

MS WRIGHT: Did you join RMS in January, 2011 as a system strategy manager?---I think that was the title, yes.

20 And were you then promoted to the position of Manager, Heavy Vehicle Programs?---Don't know if promoted is the right word. There was a new role and I applied for it and I've been in the role - - -

Did your salary go up?---Yeah.

You were promoted then, weren't you?---I guess so, yeah.

After you started as manager were you involved in the recruitment of Jai Singh to your unit?---Yes.

30 And he commenced in your unit in October 2014?---Approximately, yes.

And you were his manager?---Yes.

Mr Soliman, did you become friends with Ali Hamidi in about 2006?---I thought it was around 2008 but I could, I could be wrong.

40 Did you meet each other at Optus?---That was the, that was the main area but there may have been, I recall there was a party or something where I may have seen him prior but I'm not sure but it was primarily at Optus.

You became friends when you were working together at Optus?---Not best friends or close friends but we knew each other.

You were working together in technical support?---Yes.

And you became friends during that time, didn't you?---I didn't really hang out with him but we spoke at work and so, yeah.

You also worked with Jai Singh at Optus?---Not sure if he was in my team but we weren't friends at that point. I just knew who he was.

The three of you socialised outside work while you were working at Optus, didn't you, that is, you, Mr Singh and Mr Hamidi?---I don't recall the three of us socialising at the same time.

10 You became good friends with Mr Hamidi after you worked at Optus, did you?---It was pretty much when our kids were born and we became friends, like, proper friends then.

And you were friends with him right up to the time AZH started doing work for RMS?---Yes.

And you remained friends with him throughout the time AZH did work for RMS?---Yes.

20 Are you close friends with Stephen Thammiah?---Yes.

You went to high school with Mr Thammiah?---Yes.

And you went to university for a short period of time together?---With Mr Thammiah?

Yes.---I don't recall going to university with him. I think he started in the same university as me but I don't recall seeing him there.

30 You were friends after school, weren't you?---Yeah, for a period of time, yeah.

And you knew he was at the same university as you?---Yeah, I think he dropped out straightaway though, I don't know what happened exactly.

You worked together at Optus?---Hmm, I don't recall ever seeing him at Optus during that period.

He worked at Optus at the same time as you worked at Optus.---Okay.

40 Didn't he?---I'm not sure, to be honest. I never saw him.

You were aware of that, weren't you, Mr Soliman?---I knew he worked there but he wasn't in my team or he wasn't on my radar, no.

Didn't you introduce Mr Hamidi to Mr Thammiah at Optus?---Introduce them? I don't think so. I don't recall an introduction, no.

Now, do you count Mr Thammiah amongst your closest friends?---I do.

And when Novation Engineering started getting work from RMS he was among your closest friends?---Yes.

And you've been close friends with Mr Singh since about 2007, haven't you?---No.

10 When did you become good friends with Mr Singh?---We knew of each other from the period of say 2007/8 till pretty much when he was asking me if there's, if he knows anyone that's looking for a business, a business analyst, which was whenever he started, around that time, that's when we became proper friends.

20 Now, you saw each other before that time, didn't you, before he started in a business analyst role at RMS?---I would have seen him though I wouldn't call us friends. I mean for a period prior to that we did have a couple of mutual friends, Ali was one of those mutual friends, but I never knew his parents, I never, I don't think I ever went to his house, I mean I wouldn't call it friends prior to, prior to that.

THE COMMISSIONER: Sorry, prior to Mr Singh approaching you about whether you knew of any employment opportunities?---Yeah, yeah, I wouldn't, I wouldn't personally call us friends, I didn't know his parents, I mean we weren't going out to dinner, I mean we had a, I think one or two mutual friends.

MS WRIGHT: Did he attend your first child's birthday, first birthday?---I don't recall. I don't recall.

30 It's possible?---Probably not because he doesn't have kids of his own. That's all I can think right now.

Now, you recommended that Mr Singh be recruited by RMS, did you?
---Based on his skills and his, everything that he presented, he was the best candidate for, for the role.

40 And in 2014 you told Mr Singh about the business analyst's job opportunity at RMS, did you not?---I don't know if, I don't know if I told him about that specific role, I said I was about to hire for, for a role and he was also looking for work he said and I may have told him about the actual title, probably did.

Okay. But you told him a role was coming up?---Yeah, I was in the process of doing it when he asked.

Well, you told him I'm suggesting about the role. He didn't ask, you told him that there was a role coming up.---He asked if he knew anyone that

could get, get him work. I basically said there is a role coming up, if you want to go for it you can.

And you sat on a two-member interviewing panel that interviewed Mr Singh?---I'm not sure how many members, but there was some sort of panel I recall.

And it was with Mr Willoughby and you were the members of the panel. Correct?---Okay, okay.

10

And you saw Mr Singh's application before he submitted it to RMS, didn't you?---Sorry, what, what do you mean?

His job application to RMS, you saw it before he applied for the job.---Ah
- - -

Do you agree with that?---I don't recall seeing it prior to him applying.

20

Didn't you assist him with the selection criteria?---I don't recall doing that, no.

It's possible? You don't recall it, but do you accept that it's a possibility? ---It's a possibility.

You did see his job application, didn't you, Mr Soliman?---I don't recall. I don't recall seeing it, I don't know even what was in it now. If you asked me what, what was in it now - - -

30

THE COMMISSIONER: Well, you're not being asked that, you're being asked whether you saw it before he actually submitted it.---I understand. I don't recall seeing it prior to him putting it in.

MS WRIGHT: You declared that you did not have a personal connection with him when you were involved in his recruitment, didn't you?---I probably did on the forms, I guess.

Well, do you accept it or don't you? I can show you the document.---It's fine. I mean, I didn't see us as friends personally. Obviously I - - -

40

I haven't asked you that. Do you accept that you declared in writing to your employer that you did not have a personal connection with Mr Singh?---I'm sure that would have been on the, on the forms, yes, I accept that.

And what was not true, was it?---I'm not sure I totally agree with that. I mean, we weren't, we weren't friends. I, I wouldn't call us friends.

THE COMMISSIONER: But you had a personal connection because you worked together at Optus, correct?---Yep.

And you had a discussion with him about the role coming up?---Okay, I guess it can be looked at that way, I didn't see it that way personally.

MS WRIGHT: Well, I suggest that you didn't declare to your employer that you had in fact assisted him to get the job by seeing his application and assisting him and advising him about his application before he submitted it. ---I don't recall seeing what he put in and obviously I'm wrong now but at the, at that time I didn't see knowing him to that small level was a, was a
10 problem. Obviously as I've heard over the past weeks, it is, it's wrong.

You've been listening to the evidence in the Commission?---Some of it.

Now, you went to Las Vegas with Mr Singh and another friend in December 2015?---I did.

That was a little more than a year after Mr Singh started at RMS?---That's correct.

20 And he was reporting to you?---That's correct.

And do you say there was no friendship with Mr Singh before he started at RMS? Is that your evidence to the Commission, that there was no friendship, you knew him but there was no friendship before he started at RMS?---That's the way, that's the way I would personally state it. To me, a friend is someone that you know their parents and you know their sisters and I never met his sister, I never went to his house I don't think. I mean, to me that's not what a friendship is but I knew him.

30 You saw him socially, didn't you?---Through the, through the other, other people we know like Ali but he wasn't, again, I, I don't, in my view, he wasn't a friend, quote/unquote, but later on we did, we would go to dinner obviously and things like that and we, and we travelled so that's what I would call a, call a friend, someone that you meet.

Before he started at RMS you was him socially with other friends, didn't you?---Yes, yes.

40 Gatherings at mutual friends' houses?---Yes.

And going out from time to time?---Probably, yes.

So is there any difficulty with calling him a friend?---Look, I just telling you, I mean - - -

MR YOUNG: Well, I object to that. I mean, he says he's not a friend, why is he being asked is there any difficulty with - - -

THE COMMISSIONER: Because if, I think Ms Wright may make a submission ultimately that if he's seeing people socially with other friends, going out, you are a friend.

MR YOUNG: Well, that should be put but the question - - -

THE COMMISSIONER: Well, she's asking the questions now, Mr Young.

10 MR YOUNG: Well, the question is there any difficulty with calling him a friend, I mean he says as he regards the expression friend, he's not a friend. Well - - -

THE COMMISSIONER: And Ms Wright's testing it as is allowed to test it.

MR YOUNG: Well, that's not testing it, with respect, Commissioner.

THE COMMISSIONER: Ask your question, Ms Wright.

20 MS WRIGHT: I'm just putting to you, Mr Soliman, you seem resistant to the notion that he was your friend before he started at RMS but you saw him socially, you saw him at gatherings at mutual friends' houses, you'd worked with him and you've accepted that, that you saw him socially, including at gatherings at friends' houses, you agree?---I saw him, I don't even think I would have spoken to him when we had these meetings between the mutual friends and groups. He wasn't, I wouldn't classify him as a friend personally. I mean, everyone has their own term of friend, I, I didn't deem it a friendship until a few, probably a few months prior to him starting.

30 And you struck up such a good friendship that after a year you went on a holiday to Las Vegas together. Is that the case?---Sure, yeah.

And you had him at your wedding in 2008, 2018?---Pretty sure he would have gone, yeah.

Well, he was there, wasn't he, you know who was at your wedding, don't you?---Not completely sure who was there. I mean I'm at the front, I didn't, don't think I shook his hand but I'm sure he would have gone, I just don't recall seeing him.

40 You invited him to your wedding?---My wife done all of the, the planning side, but he, she, he would or should have been there.

Is your wife good friends with Mr Singh?---No.

You invited Mr Singh to your wedding. Do you agree with that?---I probably would have, yes.

And Mr Hamidi and Mr Thammiah were also at the wedding?---They probably were. That day's a bit of a blur to me.

Why is it a blur?---Well, it's my wedding, I was nervous and I had a bit to drink so - - -

You know who you invited to your wedding, don't you, Mr Soliman?---I'm just saying I probably would have and they probably would have been there but do I recall kind of shaking everyone's hand and shaking their hands, no.

10

Well, I'm not asking you that, I'm asking you did you invite, excuse me, Mr Thammiah and Mr Hamidi to your wedding?---I probably would have, yes.

Well, is it probably? Why probably? This is your - - -?---Because I don't - - -

Isn't it one of the most significant days of your life, your wedding?---Yeah, that's why I was very nervous and that day's a bit of a blur.

20

I'm not talking about the day. You invited the guests before the wedding day, didn't you?---I think I just gave a list to my wife and she sent out the cards.

And Stephen Thammiah and Ali Hamidi were on the list that you gave to your wife?---More, more than likely, yes, yeah.

Yeah. Well, no, not more than likely, you invited them to your wedding, Mr Soliman. Do you agree or disagree?---I'm just telling you, if I'm sure of something I'll say yes, if I'm not 100 per cent sure that they were there I don't see how I can say yes. More than likely they would have been there, I don't see why they wouldn't have been there but - - -

30

Are you reluctant to acknowledge it because - - -?---No, no, I'm not.

- - - of the Commission's investigation into your conduct - - -?---No. I've already said - - -

- - - in relation to the companies AZH and Novation?---I've already said I was friends with Ali and Steve and Jai. I don't really see the point of me saying that, something about a wedding.

40

THE COMMISSIONER: Don't – you were asked a question about being reluctant to admit. Do you agree with that or not, that you are reluctant to admit because - - -?---Because I'm not sure. I'm not sure.

MS WRIGHT: Now, you were in WhatsApp group with Mr Hamidi and Mr Singh in 2016.---I think so, yeah, I think.

And with some other friends?---I know Ali, I know Ali was in the group, I'm not sure about Jai.

Okay. Well, could I show you - - -

THE COMMISSIONER: Sorry, who was in the group?---I knew that Ali was there and Ali's friends, I'm not sure Jai was there, I don't recall seeing him say anything, but he could have been if Ali added him.

10 MS WRIGHT: I'll show you an extraction report from a Samsung S9 mobile phone containing screenshots of Cockperts and Cuckolds WhatsApp messaging. And if we could go to the second page. Now can you see that, Mr Soliman? It's clearly on the screen.---Yes, yes.

And you see at the top there's a screenshot of a group, a WhatsApp group, Cockperts and Cuckolds?---Yes.

And the date, 26 April, 2016?---Yes.

20 And the names and phone numbers some can be seen at the top where it's black on the screen, do you see, and the first person is Ali?---Yes.

And the third person is Jai. Do you see that?---Yes.

And that's Jai Singh. Do you agree he was a member of this group?---Yes, yes, I can, I can see that here.

And on the first page Mr Hamidi is saying, "Boys, let's tee up a catch up, dinner and drinks."---Yes.

30 And, "Been too long."---Yes.

And then if we go to the next page Mr Singh participates, "LOL. Sounds good."---Yes.

40 And then if we go over the page you also contribute to the group. You said, "I'm in." That's on message number 3. Perhaps if I could identify by reference to the message number which is you will see at the top left-hand corner of each message where there's a shaded bar and halfway down that page you've said, "I'm in next week."---(No Audible Reply)

THE COMMISSIONER: That's correct, isn't it?---Yes, it is.

MS WRIGHT: So you're organising in April 2016 a dinner or catch up among friends including Mr Hamidi and Mr Singh. Correct?---It looks like Ali was organising it, yes.

Sorry?---It looks like Ali was organising some sort of dinner.

Yes, and you've agreed to attend?---Yes.

And then if we got over to page 9 – sorry, not page 9. I mean message 9. I apologise. You've said, "Everyone cool with Sat or is Friday better?" You agree that's you?---Yes.

And message 10 which is over the page, "I was thinking late lunch on Saturday then some drinks and chill at someone's house."---Okay.

10

And then you change to Saturday night so we can have a few drinks. Message 11 Mr Hamidi agrees with that but you've already agreed you were close friends with Mr Hamidi?---I wouldn't term if close friends but we were definitely friends.

You wouldn't say you're close friends going out for drinks on Saturday night together?---This may have been the first time we've, I, I would have seen him in a long time actually. This is why we, why I've said earlier, earlier it's been, been a long time.

20

So how long?---Sorry?

How long since you'd seen him before April 2016?---It would have been a long time. I don't know exactly but we, I hadn't seen him in a while.

THE COMMISSIONER: Have you spoken to him on the phone?
---WhatsApp maybe in four kids' birthdays, yes. I guess we just had our own lives but we were still friends.

30 When you say kids, how many children have you got?---I've got one.

And I'm sorry, is it a girl or a boy?---It's a girl.

And when was she born?---2010.

MS WRIGHT: Message 12 Mr Hamidi asks if everyone is good for that and then if we go down, if we could just scroll down to message 15, "Jai remains quiet. Obviously jerking it." And then you say, "Good job, Jai." So these are close friends, aren't they, Mr Soliman?---Do you mean all of us or - - -

40

Yes. You and, Mr Hamidi and Mr Singh are your good friends who you're arranging social occasions with and making jokes with.---We were friends, yeah, definitely.

Yes, good friends.---If you want to term it that way. I mean, it's fine, I don't say we weren't.

Aren't these the messages of a close-knit group of friends?---That's just the language that these guys used to speak with but I don't, we never saw each other regularly but we were friend, definitely we were friends.

And then over at message 19, just before that you can see at the top of the page your friend talking about, "We'll smash the two metre pizza if it's after soccer," and then going to message 19, "Samer, are you into cuckold?" "Yeah, I do enjoy a good cuckold. Is it cockold or cuckold? LOL."

10 Message 21, Mr Hamidi sends some kind of picture, "This will lure Jai in," and Jai says, "Hello," and he's asked, "Are you coming into training, Jai?" If we could go down to the next message, 22, Jai, "Yeah, mate, get those hands ready," and then skip down to Mr Hamidi, "Joe, are you coming?" Ali Hamidi says, "Yeah, come play," Then down to message 23, Ali suggests, "Samer, get your leatherwork shoes on. Come to training." Did you go training from time to time with Mr Hamidi?---No, never.

THE COMMISSIONER: Never?---Never.

20 MS WRIGHT: He's asking you to come to training, it suggests that you did go to training from time to time.---I think they're talking about, I think they're talking about soccer. I never, I hated soccer personally. I never went to whatever these soccer things were.

THE COMMISSIONER: So you weren't interested in soccer?---Never, no, not at all.

So you didn't play it?---Both, yeah. Play or watch or - - -

30 So World Cup, not interested?---The World Cup, I guess I would watch a couple of things but - - -

Not really interested at all?---No, no.

MS WRIGHT: So why would Mr Hamidi be asking you to come to training?

MR YOUNG: Well, I object to that.

40 MS WRIGHT: I understand the objection.

MR YOUNG: That's speaking for Mr Hamidi.

MS WRIGHT: I understand the objection, Commissioner. Mr Hamidi's asking you to come to training, do you agree that suggests that you did from time to time go to training?---No, it doesn't.

What sort of training is he referring to, to your understanding?---I'm assuming it's the training, the soccer training that he and Jai used to go to.

And you didn't respond to him, "What are you talking about, I never come to training, training's not my thing"?---I don't know what I said afterwards but I know I never went to any of his soccer training.

So were you surprised when you got that invitation to come to training?---I don't remember how I thought about it, I just know I didn't go to the soccer training.

10 Message 24, Mr Hamidi asking, "So are we on for Saturday? Should we make a booking?" "Yeah. Are you free to call? I'm eating sushi." "Is that code for knob? What time for?" And then you respond at message 25, "Say 7.00pm. I'm easy." And then if we go over to message 26, well Mr Hamidi's asked, "Can everyone do that?" And Mr Singh says, "Yeah." And then I'll skip over to message 46. Sorry, not message 46, message 89. If we could just go back to show the date, message 87, you see this is 19 July, 2016. Mr Hamidi sent a link to an article about a man who masturbated in front of a girl. And then going across to the next page, so that's 19 July, 2016, and you say to Mr Hamidi, "Come and have lunch with me and Ali," to, I'm sorry, you say to someone, "Come and have lunch with me and Ali. Jai, you too." And over the page, page 90, sorry, message 90, and then message 91 you talk about catching up next weekend, you suggest, "Next weekend, Friday night." And Mr Hamidi suggests, "Say a place in Castle Hill." Is that a restaurant? Do you see message 91, Mr Soliman?--- Yes.

The last message on that page, that's a restaurant in Castle Hill, is it not? ---Criniti's do you mean?

30 Yes.---Yeah, it's a restaurant.

An Italian restaurant where you were going to catch up - - -?---Yeah.

- - - with arrangements being made on 19 July, 2016. Now, you had a very close friendship with the principals of both AZH and Novation before they commenced work with RMS. Do you agree with that?---Ah - - -

40 And when I say principals, I'm referring to Mr Hamidi and Mr Thammiah. ---With Mr Thammiah, yes, I did have a very close friendship, with Ali I wouldn't deem it a very close friendship but we were definitely friends.

Would you deem it a close friendship?

MR YOUNG: Oh, he's answered that question five times at least, with respect.

THE COMMISSIONER: No. We've now seen communications between them. I would like to hear if Mr Soliman has changed his evidence in light of that, of those exchanges.

MR YOUNG: (not transcribable)

THE WITNESS: Sorry?

10 THE COMMISSIONER: You've seen the evidence.---Yeah, I've seen the evidence, yeah.

Do you consider yourself a close friend of Mr Hamidi?---As I said, personally I guess there is levels to friendships. Did he come over to my house every single day? No. Did I see him every week? No. I don't personally deem that a very close or best friendship. I mean whereas Mr Thammiah, I would deem it a very close or best friendship.

20 MS WRIGHT: Okay. If it's not very close or best, it's still a close friendship with Mr Hamidi.---I'm not sure how to answer you any differently, to be honest.

Well, how would you describe him, would you describe him as an acquaintance?---No, he was a, he was a, he was a friend. He was a friend.

Now, do you agree that you introduced both companies, Novation Engineering and AZH Consulting to RMS?---Yes.

30 And it was you who engaged both companies to undertake work for RMS? ---Engaged? What do you mean, what do you mean engaged?

Well, it was you who engaged both companies, that is you got both companies to undertake work for RMS. Do you agree with that? ---Well, I showed them what the work was and, to see if they could do it, so I guess the answer's yes.

But for your involvement, AZH and Novation would not have done any work for RMS. Do you agree with that?---Yes.

40 Novation Engineering was added to the RMS vendor file at your request - - -?---I believe so, yes.

- - - in September 2015?---Yes.

And all you had to do – tell me if this is not correct – but all you had to do was attach a form to an email to add a new contractor to the RMS system in order to get Novation included on the RMS system?---I think there were a couple of steps, but - - -

What were the steps?---I recall there was form you have to add the business name to some system, I've forgotten what it was called.

If I could show you volume 1 at 83. At the bottom of the page you've sent an email within RMS asking to process an attached CM21, new contractor. Do you see that?---Yes. Thank you for jogging my memory, yeah, the system's CM21, yeah.

10 And you were asked, you were told or informed that the company name had been or the contractor had been created and the company name at that stage was Stephen Thammiah, trading name Novation. And did RMS obtain the bank account details and the ABN number as well?---I'm sure they would have, yeah.

But apart from that, there was no due diligence by anyone prior to Novation being added to the system. Do you agree with that?---As part of this process I don't think there is any needed.

20 No, but I'm not asking whether it was needed, but that's all you had to do in order to have Novation added as a contractor to the RMS system?---I believe so, yes.

And if I could take you to, while we're there, page 85, sorry, page 86. This is a vendor details form and this is dated 23 November, 2015. You provided to Transport Shared Services the information on this form about Novation. Is that correct?---I don't recall it but I can see here clearly, yes.

30 And was there not a similar process for introducing AZH as a vendor in November 2016, in that you just had to provide some details including company name, ABN, address?---I believe so, yes.

And AZH was successfully added on the basis of that information?---Yes.

And so the companies didn't have to go through any other checking mechanism at all?---I don't think there was any mechanism for that.

40 And you didn't make any submission or report to your manager, Mr Hayes, when you introduced the companies as vendors?---I don't think so, no, there was no practice or a process.

And do you agree that these were inappropriate external relationships for you to be introducing to RMS's business?---Well, with what I know now, obviously. Back then my mind wasn't really on that, wasn't really thinking is there a problem with this. There was work there and friends, friends were in need and we spoke and then things just happened without obviously me thinking that and now I know, very, very, wrong.

You didn't declare to anyone at RMS that Novation was run by your friend, Mr Thammiah?---I think I - - -

THE COMMISSIONER: Close friend.

MS WRIGHT: Your very close friend.---Pretty sure I told Jai that he was my friend and that he is looking to do some work.

10 But apart from speaking about it to Jai, you didn't tell anyone at RMS that Novation was run by your very close or best friend, Mr Thammiah?
---I don't recall telling anyone, no.

And you didn't declare to anyone in 2016 that AZH was run by your friend, Mr Hamidi?---Just Jai probably again.

20 Jai, you wouldn't need to tell him, would you, because the three of you were friends?---Yeah. I mean at that time I didn't really think it was a major issue. I've read some things now properly and obviously it's very, very wrong, that's why I'm sitting here.

And you know what a conflict of interest is, Mr Soliman?---In general, yes.

And you knew what it was in 2015 and 2016, didn't you?---I knew in general what it was but that wasn't at the front of my mind and obviously I didn't think about it otherwise I wouldn't be in this boat I'm in.

Well, you were given code of conduct training by your employer on a number of occasions, weren't you?---I'm not sure, yeah. I'm not sure.

30 You're not sure if you were given code of conduct training?---Yeah, I read, I read it after all, all this happened, I don't know if we did training. I guess during the onboarding there would have been some sort of training maybe, I guess, I don't recall it.

THE COMMISSIONER: Sorry, onboarding?---Yeah, when you start in, in a new job.

40 MS WRIGHT: Could I have volume 16A, page 46. See this list of training which has been provided by RMS in relation to your training and about a third of the way down it states that you had online code of conduct training on 9 February, 2015?---Yes.

And 9 March, 2016 and 14 September, 2017. So you accept that is correct?
---That's what I see, so yes.

Yes. And that you undertook that training, you accept that?---I must have, yes.

And the code of conduct, if we could go to page 140, now this is the code of conduct as at November, 2014. You were familiar with the code of conduct?---I, I read it properly after all of this happened.

Well, you knew it existed, didn't you?---Yes, yes.

At the time?---Yes.

10 And it set out the standards of behaviour expected of you as an employee, do you agree?---Yes.

And it set out what a conflict of interest is, do you agree with that?---Yes.

If we could go to page 146. It set out your responsibilities to behave in a lawful, professional and reasonable manner and always act in the best interest of transport?---Yes.

20 And comply with agency policies and procedures, do you agree with that?---Yes.

And you agree you had that responsibility?---As I now know, yes.

You didn't have any doubt at the time, and I'm talking about the times relevant to this investigation, that you were required to act in the best interests of the your employer?---Of course, yes.

And the public interest?---Of course.

30 And that you were required to comply with agency policies and procedures, you knew that?---Yes, of course.

And so when you said, well, I know that now, a few questions ago, you're not suggesting that you didn't know that at all relevant times to this inquiry, are you?---That's not what I meant. I mean after I've actually read it properly after all of this, I mean, now I know the depth of the wording and everything.

40 And you're required to make impartial decisions, it says here, that demonstrate your agencies values and promotes confidence and integrity of public administration?---Yes.

Maintain the integrity, confidentiality and security of corporate information, you were aware of that, weren't you?---Not specifically, only after I've read it and I understand exactly what all of these things mean.

Well, you were a manager – sorry, Commissioner?

THE COMMISSIONER: No, no, no, go on.

MS WRIGHT: You had managerial responsibilities, didn't you?---I did.

You understood you had to maintain the confidentiality and security of RMS's corporate information, didn't you?---I mean, in general. That's what you would do in any, any job but I'm just saying I didn't read that specific part in the code of conduct until later but it doesn't matter. Obviously I knew.

10 I'm not asking you - - -

THE COMMISSIONER: But a lot of this is just common sense, isn't it, Mr Soliman?---That's what I mean. Yes, it is common sense.

Surely not you're suggesting that you thought you could make partial decisions?---No, definitely not.

MS WRIGHT: And you didn't ever think that it was acceptable to release confidential RMS information to third parties, did you, unless it was
20 authorised?---After I read all this now later. That wasn't really at my mind. I mean, unless there was something very clear, you know, a senior manager saying don't do that or don't do this I mean, then I wouldn't but other than that if, that's all I can say. After I read all this then it's blatantly clear.

And you had a duty as set out here on page 146 of volume 16A to report unethical, dishonest and/or corrupt conduct?---Yes.

And you would have known back then, at the time that this code of conduct was in force that you had to report anything unethical, dishonest or corrupt
30 that came to your attention to someone appropriate within the organisation? ---I, I mean, again, it is common, common sense but I didn't know what that meant or what the process was but now I know. It's blatantly clear and - - -

RMS had an ethics hotline, didn't it?---I don't know.

Not aware of the ethics hotline?---I don't, no, no.

You reported to managers above you, didn't you?---Yeah, several, yeah.

40 And would it not have been obvious to you that you could report something untoward such as unethical, dishonest or corrupt conduct up the line? ---There was probably a process. I just never called that number. I never knew what it was or I never engaged with that. It was never, I never saw anything about it.

I'm asking you now about reporting to managers above you, to whom you reported. You could have reported easily by simple conversation if corrupt

conduct or unethical conduct came to your attention, couldn't you?---I assume so. You can just tell your manager is the normal course.

It's obvious, isn't it, you can just tell them?---Yeah.

And you knew that throughout this period of time?---I assume so, yeah.

10 Now, there was a specific Transport conflicts of interest policy – sorry, I haven't taken you to the relevant page of this one. If I could just take you on to page 149. This is still the code of conduct, Mr Soliman, with a specific section on conflicts of interest and it sets out that a conflict of interest can be actual, potential or perceived. You see that? And when you could be influenced by a personal interest in the course of your official duties and the conflicts of interest that affect in partial decision making may constitute corrupt conduct. You understood that at all times?---I understood what the conflict of interest was in general.

What was your - - -

20 THE COMMISSIONER: So what did it mean in general?---I mean, if you're, if you're getting a benefit from it, from work or something from a contract then there's a conflict basically.

MS WRIGHT: What sort of benefit?---Anything. Monetary obviously.

THE COMMISSIONER: Sorry, monetary, and you said a second word, I couldn't hear you.---Monetary obviously, yeah.

30 MS WRIGHT: And it can arise as set out here through personal interests or connections, including family, friends and associates. You understood that? ---Not at the time, but now that I've read it, it's blatantly clear.

But you understood at the time, didn't you, that the conflict of interest can arise between your duties to the public interest and your personal friendships?---It definitely wasn't prime on my mind, I mean my I guess instinct was different to what this sets out. When you need something done you would generally go to your close group of friends or family or they would come to you. I guess that was, that's the human nature that was always in me and it's because I wasn't clear on this.

40

You didn't really think that giving work to your closest or best friend was appropriate, did you, Mr Soliman?---I don't know about appropriate, but again that wasn't on the forefront of my mind. There was work there and they were also in times of trouble I guess and that was at the forefront of my mind, but of course what I done was wrong.

And you knew it was wrong at the time.---Don't know if I can agree with you. I mean I did, knew it wasn't a ethical thing but that wasn't at the forefront of my mind.

THE COMMISSIONER: Sorry, you knew it wasn't an ethical thing?
---Yeah, because obviously I mean I'm talking about later on, later on, obviously, there was, someone was doing, running a tender I think in 2017 or something like that, I don't know which year, and there was a part where you have to sign a conflict of interest and I read a bit about that and then and
10 there I knew my actions had been wrong, but it had been too late to - - -

In 2017 when you - - -?---I think so. Maybe, maybe earlier, I don't remember, I just remember someone running a tender.

And what, were you part of the tender panel or something?---No, I've never, never run any open tender, I just remember, I think it was for a speed camera thing, I wasn't part of a speed camera and I remember them signing it.

20 But you read a document, did you?---Yeah, yeah.

And that document opened your eyes to what a conflict of interest actually was?---Yeah, showed me clearly that I'd done the wrong thing, without, without doubt.

MS WRIGHT: And there is a specific conflicts of interest policy that was in force from November 2016. Do you agree with that?---What do you mean, sorry?

30 If we could go to page 230. This document was introduced on 1 November, 2016. You would have been aware of that as the manager of the Heavy Vehicles Programs Unit.---That's the first time I've seen this. I'm not sure what this is. Is this a new code of conduct or - - -

This is a conflicts of interest policy effective from 1 November, 2016.
---I don't recall ever seeing this or being told there was any kind of change I guess.

40 And it sets out at page 231 a detailed explanation of what a conflict of interest is, "A situation where an individual covered by this policy could be influenced or be seen to be influenced by personal interest in carrying out their official duties." And when you introduced Novation Engineering to RMS, you knew that that was a conflict of interest situation for you, didn't you?---Like I said, it wasn't at the front of my mind but now I can clearly tell you I had a clear conflict of interest.

It wasn't at the front of your mind perhaps but it was in your mind, wasn't it?---I don't think so. I mean, I hadn't read this at the, at the time first of all

and I think if I, if I would have known the actual wording, I wouldn't have helped them.

MR LONERGAN: Commissioner, I raise simply because it's not clear that Counsel Assisting is asking in relation to the conflict based on this document at the time Novation was introduced. Because if that be the case, this document was not in existence at the time Novation was introduced.

THE COMMISSIONER: Ms Wright.

10

MS WRIGHT: I've taken him to the code of conduct which was in existence, Commissioner. The content is in substance and in effect the same and I've gone on to ask him whether he accepts that he knew that he was in a conflict of interest situation when he introduced Novation. Now, I accept that this specific policy is dated after the introduction of Novation by Mr Soliman to RMS business but the content is in effect the same as the code of conduct which I've already taken him to.

THE COMMISSIONER: Look, I'll allow it on that basis, Mr Lonergan. It's been noted that this postdates Novation's inclusion on the vendor contract system at RMS.

20

MR LONERGAN: Please the Commission.

MS WRIGHT: Mr Soliman, you understood, didn't you, that you had a conflict of interest with respect to Novation an Stephen Thammiah when you introduced the company to RMS, didn't you?---I, I wasn't clear on it, I wasn't clear on it.

30

Well, did you understand it in some way which you say is unclear? You knew it was wrong, didn't you?---I wouldn't say I knew it was wrong. I wouldn't have done it but again, what was at the forefront of my mind is his personal circumstances and he was someone that I wanted to help and I had helped him prior in his personal life for many, many years and I wanted him to be better, I guess, as any friend would. That was at the forefront of my mind but - - -

And you were favouring his personal interests over your interest to your employer, do you agree with that?---I guess you could look at it that way, yes.

40

And you knew at the time that that was a conflict of interest, didn't you? ---Again, not really because I mean he could do the work, he did do the work. I mean, I'm just telling you, at the, at the time, at the time it wasn't at the forefront of my mind.

You had a code of conduct training session in 2015 and you were a manager in the Heavy Vehicle Programs Unit. I suggest you knew full-well that this

was a conflict of interest situation for you in introducing Novation to RMS?---I know now obviously but when I, when I think back again, I mean, that wasn't at the forefront of my mind. I just, it was an instinct to, where there's something that needs or needs to be done, you naturally go to your family or friends or they come to you and that's what I done. I done it without thought. I clearly had a conflict of interest if that's what you - - -

10 You had been in this job for a number of years by 2015.---I think I wasn't the manager, I would have started 2014/15, is that what you mean?

And you had been working for RMS since 2011?---Yes.

And you'd been the manager of the Heavy Vehicle Programs Unit since 2014?---Okay, yes.

And it was not the case that you thought that if you need something done you get friends and family to do it in your job. RMS didn't function that way?---I'm just telling you that was my instinct. Definitely not telling you looking back now it was right. Looking back now it was definitely,
20 definitely wrong.

So who else - - -

30 THE COMMISSIONER: But it was put to you that, all right, you're saying that was my instinct but you've been working at RMS since 2011. You've been attending code of conduct training online. There are things like procurement manuals, other policies, et cetera. You could not have thought that that was acceptable to RMS that something needs to be done so I turn to my family and friends?---I'm not saying it was right. It was wrong. I'm just

But you must have known at the time.---I don't know if I agree with that. I'm just trying to track back to where my mind was at then and I also think about the private sector and people kind of giving work their friends because that's a natural thing to do and - - -

Yes, but you're not in the private sector.---I know. I know.

40 You've been in the public sector - - -?---I know.

- - - since 2011 with public funds.---Yeah. I, I know it was wrong and I had never managed contracts prior to that I think. I'm just telling you what was on my, the forefront of my mind. I'm not saying it was right. Obviously it was very, very wrong.

MS WRIGHT: Could I have 16B at page 1, please. You are sent on 13 September, 2017 a fraud and corruption awareness training presentation. Do you see that?---Yes.

And you're responded, "Some good general information here."---Yes.

And so you were familiar with this – if we could turn to page 2 and page 3, an understanding of ICAC and how it relates to ethical requirements. You are familiar with ICAC by September 2017?---In general, yes.

10 And the ethical duties that attach to public officers. If we could – do you understand the question?---No, sorry. If I understand ethical - - -

You understood that as a public officer working for RMS you had ethical duties?---In general, yes, but I wasn't 100 per cent clear until I read the code of conduct after all this.

If we could turn to the next page, audit and risk branch and you're given the names there of particular people that can be contacted. Do you agree with that?---Yes. Yes.

20 Page 5. If we could turn to page 6, what is fraud. So you understood the concept of fraud?---I don't recall reading this but obviously fraud is an obvious thing.

And at page 7 it tells you what corruption is. Do you see that?---Yeah. I just recall the page with those three images.

At page 8. Did you say you recall the page with images?---No, the one that you showed prior. That stood out in my mind as - - -

30 THE COMMISSIONER: With the cartoon?---Yeah.

On page 4, that one.

MS WRIGHT: I see. And it talks about the real gut-wrenching drama of a fraud investigation.---Yeah.

40 And at page 10, 11, 12, 13 and 14 and it goes on to 15 and it gives you the framework for ethical behaviour at RMS, the code of conduct. Gifts, benefits, bribes, procedures and it goes on, if we could just flick through it, page 16 and 17. It talks about conflicts of interest and it says, "You should declare or discuss with manager." And if we could just go through to page 27, it refers to an ethics hotline, a 1800 number at Page 28, whistle-blower protection at page 29. You understood about whistle-blower protection?---No.

You'd heard the expression whistle-blower?---I know what a whistle-blower is, yes.

You received this presentation, Mr Soliman, you agree with that?--- Yes.

And page 31 and page 32 advises you how to internally report corrupt conduct and how to externally report it.---Okay.

And you've confirmed in your email that you, it contains some good general information. So you had no doubt about your obligation not to favour private interests such as your own interest or those of your friend at all times?---As I said, as, as I learned after, after the fact, it was very clear.

10 Well, I suggest you're not telling the truth with that answer. Do you understand what I'm putting, that you knew at all times that your behaviour was unethical?---I understand what you're saying but again, what I, what I'm saying at the beginning, that wasn't at the forefront of my mind and because it wasn't at the forefront of my mind, my judgement was clouded.

Well, one can have a number of things in their mind, can't they? When you say the forefront of your mind, what do you mean by that?---About why someone would make a decision regarding anything, I mean - - -

20 I didn't understand that answer, I'm sorry. What did you say?---When you make a decision about anything, you're looking at the things which influence you and the things which were at the forefront of my mind at that time were the things causing me to make that, those choices.

Now, your role as a manager of the Heavy Vehicle Program was to manage a team in the unit, do you agree?---Yes, yes.

And your role was to deliver the Heavy Vehicle regulatory programs?
---Yes, as, that's the whole team's general role.

30 And as manager you had oversight of the delivery for your team of the Heavy Vehicle regulatory programs, didn't you?---In general, yes.

One of your main duties in the role was to ensure high financial and budgetary standards were applied to the delivery of project, do you agree with that?---That's part of my role, to manage the budget and funding.

40 And to ensure high standards in budgetary and financial matters, do you agree with that?---I've never heard that wording before but yes.

It's in your job description, is it not?---I'm not sure.

Did you receive your job description?---Five years ago.

Yes, that's a yes, you did receive it?---Yep.

And you also had, as a key accountability, "The duty to manage multiple service delivery stakeholders and partners to ensure value for money and to

minimise risk for RMS,” and I’m quote from your job description, Mr Soliman. You accept that was one of your accountabilities?---If that’s what you say is in there, it’s in there obviously.

Yes. But do you accept it, that you had that as an accountability in your role?---If it’s in my job description then of course I accept it, yes.

And you knew that throughout your role as manager, did you not?---Knew that specific part or - - -

10

Yes, you knew that you had to seek to ensure value for money and to minimise risk for RMS.---I guess I just, when you’re kind of doing a job you don’t always focus back on specifically what the JD says or the PD says, but it’s obvious also.

I’m not suggesting that you would think in terms specifically of the job description but it was a given, wasn’t it, that you understood one of your key accountabilities was to ensure value for money and to minimise risk for RMS?---Yes.

20

Now, you had the capacity to engage contractors directly yourself?---What do you mean, engage?

Well, you had the capacity to decide who would do whatever work was necessary, didn’t you?---I guess, yeah, anyone in the team who manage a program could choose basically.

And that included you, because you were managing a program?---Yeah, yeah.

30

And as at February 2016, did you have a delegation of a level 4 delegation?---Maybe. I don’t remember what it was exactly.

Well, do you recall what your delegation was in monetary terms for authorising expenditure?---I’d have to check the procurement manual but I think it was 500,000.

500,000?---I think so.

40

And so unless you had a contract that was worth 500,000 did you have the capacity to engage contractors and to award contracts?---I don’t know, I don’t think so, it would just go to the next level.

I’m sorry, perhaps I wasn’t clear. Up to \$500,000 you could award contracts?---Yeah, I’m just guessing what it would be. I’m not sure, I’m not sure, you’d have to check the procurement manual whatever the number was I guess.

THE COMMISSIONER: But you said that your recollection was that your delegation was up to 500,000.---Yeah, yeah, I think.

That's correct, isn't it?---Don't know. I'm not sure.

So I think what we're - - -?---I've never signed off on anything that large, I just, I don't know.

10 MS WRIGHT: You signed off on a large number of scoping studies, did you not?---Yes, yes.

And you signed off on a contract for spare parts up to about \$240,000 in 2018 to Novation?---I thought it was 2017. Okay.

But that was up to about \$240,000. Do you recall that?---Ah, yes, yes.

And you had the capacity to do that within your delegation, did you not? ---Yes.

20 So you didn't have to consult with your manager or anyone else - - -? ---No.

- - - before you could authorise that expenditure?---No.

And in relation to scoping studies and field trials, you could decide who would be awarded those contracts, that is which companies would be engaged by RMS to be involved in some fashion in field trials and scoping studies.---In general, yes.

30 And if you decided that you were going to spend public money on a field trial or scoping study there was no process that you had to follow to seek approval for that project.---There was no real process for any project that we done.

Well, the Commission's heard evidence about tenders and the like, that's a process which can precede the award of a contract. Do you agree with that? ---Of course, yeah, that's, yeah, yeah.

40 For scoping studies and field trials, as long as it was within your delegation there was no process, no formal process such as a tender that you had to follow to seek approval before proceeding with the project and engaging a contractor.---Not necessarily, but it's the same as any other work that we done in the team, whether it be one of the guys in my team building a gantry or something like that, there's no specific process to get approval or something of that, it's just we were siloed in the heavy vehicle team.

THE COMMISSIONER: Sorry, you were siloed?---Siloed, yeah. The rest of the branch was basically more or less speed-camera based and the

legislation is separate and we were a little silo within the whole branch. There used to be, before I start there I think there was some sort of heavy vehicle branch, a whole branch, and lots of people got cut, then that branch turned into a small unit which is the unit which I was in now, and it was kind of seated in the, seated as part of the camera branch. That's not what it was called but it's predominantly a camera branch.

10 So you're agreeing that as long as it was within your delegation you could appoint anybody to perform a scoping study or a trial or something like that?---Any, any piece of work. I mean if it's a construction, I mean the guys in my team manage the construction and things like that, if they can do it, then yeah.

And you could do it. That's who we're concentrating on.---Sorry?

You could do it?---No, I mean if the vendor could, could do the work and that's basically it.

20 MS WRIGHT: When you refer to your team, you're referring to the Heavy Vehicles Programs Unit - - -?---Yes.

- - - within the CaRS Division?---Yes.

And you authorised all of the expenditure that came out of that unit or incurred by that unit, did you not?---Not always. I mean if I'm on leave someone would take on that role obviously, but the majority of it went through me, yes, as the manager.

30 So for all purchase orders created within the Heavy Vehicles Programs Unit, you were the delegate that signed, unless you were unavailable.---Should have, yes, yes.

Now, Mr Singh reported to you?---Yes.

And do you agree that he didn't have any financial delegation to allow him to authorise expenditure?---Probably not, probably not. I'm not sure what number he was on but he never signed off on, he never approved anything so probably not.

40 MR LONERGAN: Commissioner, I'm just having difficulty hearing.

THE COMMISSIONER: Mr Soliman, you're going to have to speak up.

THE WITNESS: I'll speak up, I'll speak up, sorry.

THE COMMISSIONER: Thank you. Sorry, Mr Lonergan.

MS WRIGHT: You know that, don't you, Mr Soliman, Mr Singh could not of his own accord authorise expenditure.---I'm not sure what his level was but based, just based on the fact that he never did approve anything, I'm assuming he didn't have the delegation.

You were his manager and he reported to you.---Yeah.

10 You would have known what he was capable of authorising.---Just saying I don't know what his delegation level was. I mean you can easily look it up.

You never asked him to authorise a purchase order where he was the delegate, did you?---No.

No. Because you knew that he didn't have the capacity to do that as a business analyst, didn't you?---No, but there'll be no purpose for that also.

20 What do you mean no purpose, because you had oversight of everything. ---No, I mean if he's managing the work, why would he be the delegate to kind of approve that same piece of work?

If he's managing the work?---Yeah.

Then that would suggest he may be the person to authorise expenditure. ---Not particularly. I mean the manager generally, the manager of the small unit would generally just simply sign off on all purchase orders, there was no other practice I guess.

30 And that was because you alone could authorise the expenditure.---Look, again, I don't know what everyone else's levels were, but if you had the delegation where you could approve then you could do it, but the general practice wasn't based on your delegation, it was on your role or your function.

But you knew that Mr Singh could not approve purchase orders, didn't you?---I did not.

40 His name is on purchase order in this matter as a requester because you asked him to be the requester, didn't you?---Well if, I mean, if the, the people in my team are managing a piece of work, then of course they're the requester.

And if he, if you thought that he could have been the approver on those purchase orders, you would have asked him to be the approver, wouldn't you?---No.

So why were you the approver?---I was, like I said, I was, as I said a general practice. The manager of the unit is the person approving the purchase

orders as I did for the majority of the work, all of the work if I was, if I was there, not just for Jai or, for everyone.

And Mr Lee also reported to you?---No.

THE COMMISSIONER: He reported to you at one stage when they moved over, didn't he?---No.

10 MS WRIGHT: He reported to you during the 425 procurement process?
---No. He reported to Mr Guido Zatschler.

And Mr Zatschler reported to you?---Yes.

So Mr Lee, when you asked him to be involved in the procurement of 425 scales was reporting to directly to you and not to Mr Zatschler, wasn't he?
---Sorry?

20 When you engaged Mr Lee - - -?---No, no, I heard you sorry, but he wasn't reporting directly to me.

THE COMMISSIONER: On that particular project.---I'm not sure what you mean by reporting to me for that project. He was managing the tender, is that what - - -

MS WRIGHT: You were giving him instructions in the 425 procurement tender process, weren't you?---Instructions in which fashion. I mean, when he asked for questions, I would help him if I knew it but also I had never run a tender myself, so I was learning with him.

30 You were learning with him, did you say?---Yes.

You were running that tender, Mr Soliman.---Sorry? No.

You were running that tender, I suggest. Do you disagree with that?---I wasn't running the tender.

THE COMMISSIONER: Do you agree or disagree that you were running that tender?---I assigned him to run the tender.

40 MS WRIGHT: And you, through him, were running that tender.---I don't agree with that.

MR YOUNG: Well, I object to that.

THE COMMISSIONER: Well, he doesn't agree, that's fine. I'm sure we'll come back to it.

MS WRIGHT: Did you ask Mr Lee to manage the job of preparing the request for tender documents for the 425 scale procurement?---I believe, I'm not sure if he started it or Nathan Chehoud started it but he was responsible for it, yes.

10 And did you sent to Mr Lee the RFT documents use for the previous procurement of 125 portable weigh scales?---From memory, I'm pretty sure I asked Jai to send it to him and they went and had a chat about it after he sent it to him. I don't recall me sending it to him. I don't think I even had the document.

Could I have volume 11, page 164. You see this is an email chain which contains an email from you to Mr Lee on 14 June, 2018?---Ah hmm.

“Attached is the last portable scales RFQ we issued. You need to translate these same requirements into an RFT for the procurement of 300 portable weigh scales. Can you please get started in creating the RFT documents.”
---Okay.

20 So you sent that to Mr Lee and you asked him to use the same requirements that had been used for the previous tender and so you were aware of the requirements used for the previous tender of 125 scales?---Vaguely. I think right before I went on leave, for the first 125 scales tender Jai normalised what the, what all the uses wanted and went out to tender with it. So I don't see why they would be different, I guess.

And here you're suggesting it's for 300 scales. Correct?---Yes.

30 And you came up with that figure, didn't you?---I don't know where it came from.

You purchased 125 and you're telling Mr Lee, aren't you, that the new procurement is for 300 scales?---Yeah. Something changed with the funding. I don't remember what exactly. So that number changed.

THE COMMISSIONER: The 300 changed, did it?---Yeah, yeah.

40 MS WRIGHT: And in relation to the previous tender you had got those requirements from Mr Jones, hadn't you, in relation to the size of the scales?---Yeah, he gave me, and I think Jai also, the specifications he wanted to go in the tender.

Well, you say that he wanted to go in the tender.---Yes.

But he was asked for scale dimensions and he provided them to you, didn't he?---Scale dimensions?

Yes.---Sorry.

Did he give you scale dimensions?---He, he gave - - -

THE COMMISSIONER: This is Mr Jones.

MS WRIGHT: Mr Jones.---Yeah. He gave the specifications that he wanted to go into the tender. There would be no point to give me, to measure a scale and say, I mean, what's, I don't see what the point is just to measure a scale and say that's what he wants.

10

You asked him for the scale dimensions, didn't you?---I don't think, I never asked him for that. I, we asked him I mean, what specifications - - -

THE COMMISSIONER: So what's your recollection of what you asked Mr Jones for?---I recall asking him what specifications do you want to go into the tender for the scales.

20

MS WRIGHT: We'll come back to the 125 scale procurement but just dealing with this email. Page 163 on 20 June you sent to Mr Lee updated requirements for the RFT. Do you see that?---Yeah, I'm just reading it. Yeah, okay.

And it sets out quantity required 300 portable weigh scales.---Yeah.

And scale requirements. Now, do you see all the specifications there, dimensions, weight, wheels, lower end plate, handle depth, accuracy, scale type, weight capacity, certification, durability, chargers?---Yes.

30

You had drafted those requirements. Do you agree with that?---I'm pretty sure they came from the previous tender if I recall correctly but that's not my wording.

Well, let's take scale dimensions. It gives width 810 millimetres. This is total width including handles, screen and all - - -

MR YOUNG: Well, I object to that. Unless the top part is read that's misleading because it's maximums.

40

MS WRIGHT: That's fine. That wasn't germane to what I was putting but the total maximum size dimensions. Do you see there, Mr Soliman?---Yes.

And it gives a total width. Now, the previous RFQ for the 125 had not given an overall size for the scale dimensions. Do you agree with that?---I thought there were specifications in there. Were there not?

There were size specifications but not the overall size including handles, et cetera. Do you agree with that?---I was of the understanding there was.

Well, we'll take another one. Do you see durability? It says "Scales required to have a usable life of 25 years" and then it goes on to say "Tender must advise at least 10 states/countries around the world which have used the tendered scales for 10 plus years." Do you see that?---Yes.

Failure to provide this will result in the submission being invalid. Now, that wasn't a requirement of the 125 procurement, was it?---There was some durability requirement in there I'm pretty sure.

- 10 The reference to advising of 10 states/countries around the world which have used the scales for 10 plus years, this was a new requirement for the 425 tender, was it not?---I'm not completely sure.

I suggest that you are sure.---I'm not sure. I mean, there's no, there's no trick in this, it was or it wasn't, I just don't recall the exact specifications that went out for the first tender.

Didn't you introduce this requirement?---I'm not sure who brought it in but the requirement makes a lot of sense.

20

But do you think you introduced this requirement?---I'm not sure. It's, it could have possibly been me but reading it now, it definitely makes sense.

And I didn't you know that PAT was the only one that could satisfy that requirement?---No, how would I, how would I know that?

You understood and were familiar with the PAT brand scales, you were familiar with the - - -?---Yep. The guys had used it for a long time.

- 30 And you knew that the PAT scales could meet this requirement, didn't you?---Based on the fact that they've had it for a long time, yes.

And is it your evidence that you possibly introduced this requirement but you don't recall specifically?---That's right, yep.

- 40 And so no one else, to your recollection, introduced this requirement?---At the beginning we were meeting with Nathan Chehoud and he was asking us what specifications we want for the life of the asset. I could have been brought up then, I don't know if he brought it in or it was just a group chat but it makes sense. I mean, if you're going to procure these scales once, they're never going to be purchased again. I'm sure you want to make sure they last.

And use in 10 countries for more than 10 years, isn't that very restrictive?

MR LONERGAN: Commissioner, I object to that question. If my friend is going to put those questions, then she needs to be clear as to exactly what is said in there because there is an issue, in my submission, as to the criteria,

states/countries, and what imports. So if the question is going to be asked then it needs to be put in that fashion, in my submission.

THE COMMISSIONER: Can you deal with that, Ms Wright?

MS WRIGHT: Mr Soliman, did the tender document ultimately refer to states or did I only refer to countries?---Well, it should definitely be 10 states and countries, that's what I've told Alex here.

10 So you think the tender document referred also states, do you?---It definitely should have. That's what I told him.

And you don't think that requiring evidence of use in at least 10 states or countries around the world for more than 10 years is too restrictive a requirement to be imposed?---Definitely not.

Now, you sent to Mr Lee some feedback on the PAT scales and the Intercomp scales, didn't you?---Yeah, there was a one say demo with David Jones, yes.

20

And if we could go to, I'm sorry, just before because we're already here, I'll just stay on page 163. You then wrote to Mr Lee and said, "We should preferably look for cost savings by reusing the existing housings and you're referring there to the inspectors vehicles.---Sorry, where are you reading this?

I'm reading from about a third of the way down the page. You see, "In essence"?---Yes, yes.

30 "We preferably should look for cost savings by reusing the existing housings."---Of course.

And you're referring to the inspector's vehicles?---Of course.

And you say, "However, to enable competition we should put a comment in the tender which states that if the tender of scales does not fit, they must include the cost to," and then you've set that out and you've again referred to the 300 scales. Do you see that?---Yes, yes.

40 So at this stage, you're seeking to procure 300 scales?---Yes but something changed. I think that funding was pulled. I don't know why. And later on different funding was given in, maybe in August or something like that.

And do you think you're making it harder here to introduce scales which do not fit the current housings?---Definitely not. I mean these racks, I've heard Mr Jones specify that it's a very simple thing, you can just get a fabricator to put it in and put it out. That's not the case actually. Anything which is put into a vehicle - - -

THE COMMISSIONER: Well, how do you know?---Australian design rules basically if there's an object like this - - -

How do you know? Have you read, so you're relying on an Australian standard that you've read?---No, we done, we done a project also. There was - - -

10 Which project did you do?---There's monitors in our vehicles, small monitors, and part of that is if you put any object inside the actual vehicle which means it could potentially harm the people inside the vehicle, you need to follow the guidelines and do testing on it.

All right. Who did the project?---C, it's the company that manages the speed limit compliance, C, I forgot the, the name.

20 When?---2016 I want to say, I'm not sure, but they basically, the process is when there's any risk to the people inside the vehicle, even if it's as small as a screen, you have to do ADR tests on it which means you basically have to smash it, smash the unit, see what happens to it, report on it, and there's a lot, it's not, not just that, you can imagine what that would probably need, for the racks you probably need to smash the actual vehicle.

None of this was put to Mr Jones when he gave his evidence?

MR YOUNG: Oh, I object to that, I object to that, that was put.

THE COMMISSIONER: Why?

30 THE WITNESS: He was, yeah.

MR YOUNG: Because it's, well - - -

THE COMMISSIONER: Sorry, I'm sorry, Mr Young, was - - -

MR YOUNG: You are putting, you're putting - - -

40 THE COMMISSIONER: Mr Young, let me speak. Mr Young, what I'm putting to the witness is he's now put specific details about some kind of project or report. My recollection is that was not put to Mr Jones when he gave evidence.

MR YOUNG: Well, the transcript will show what the transcript shows.

THE COMMISSIONER: Mmm.

MR YOUNG: But in any event, to put that to the witness is in my submission unfair.

THE COMMISSIONER: Why?

MR YOUNG: Was that put – he hasn't even said that he listened to – I mean there's a whole series of propositions that have got to be put before that, but it's - - -

10 THE COMMISSIONER: You've been listening, all right, Mr Young. You've been listening to the evidence, haven't you?---Bits and pieces, definitely not all of it.

You applied to listen to the live streaming?---Yes.

You applied for access to the restricted website, which was granted to you? ---Yes, yeah.

20 You must have been very interested in Mr Jones's evidence?---Hmm, I watched some of it, I didn't watch all of it, some of it was very hard to watch when people are throwing me under the bus and making what I think are lies.

I thought if somebody was throwing you under the bus and telling lies you'd be very interested in listening - - -?---There's a transcript.

- - - so you could instruct your legal representatives to confront the witness and set out why they are supposedly lies.---I've read the transcript after but it was just hard to watch all day sometimes.

30 All right. And, all right, Ms Wright.

MS WRIGHT: So you read Mr Jones's transcript.---Some of them, yes.

What's that?---Some of them, yes.

I'll just ask you to keep your voice up, Mr Soliman.---Sorry.

40 And Mr Jones's evidence is that the existing housings would have been quite inexpensive to replace and he could have funded the replacement through his own budget. You heard that evidence?---That's what he says.

And you don't dispute that, do you?---I do dispute that. As far as I know he does not have any capital funding at all.

So didn't you use the dimensions of the existing housings in order to limit the options for - - -?---No.

- - - the purchase of - - -?---No.

- - - future scales by RMS?---No, of course not. Those specs were given by the actual users and if those specs, they were either the racks or if they gave me specifications were, which were too specific then to me that shows they were favouring a certain scale.

You proactively sought the size dimensions of the racks from the inspectors, didn't you?---Of course, yes.

10 They didn't come to you, you sought them?---Of course. We need to go to tender with something.

And so you decided that in tendering you would impose a requirement that any scales fit the existing racks.---It wasn't a requirement, as in even, in my mind anyway, even if the vendors didn't meet that spec, the scoring in a tender process would choose who the actual winner was, based on scales which are two and a half metres long. I mean there's some scales which are very, very small, you need to give some sort of guidelines as what the guys are looking for.

20 You set size dimension requirements in the tender for 425 scales.---I didn't set them, they came from the users.

You sought the dimensions from the users you say.---Yes, of course, yeah.

And the users are not involved in the tender process itself, Mr Soliman, are they?---Mr Jones was part of the first one and - - -

30 He was not part of the second one.---He didn't want to be part of the second one.

You excluded him from the second one.---I did not exclude him, he did not want to.

Because he raised an issue with the first one.---No, that's not correct.

Well, we'll come back to all this, but I note the time, Commissioner.

40 THE COMMISSIONER: We'll have the morning tea adjournment and we'll resume at 12 o'clock.

SHORT ADJOURNMENT

[11.36am]

THE COMMISSIONER: Right, Mr Soliman.

MS WRIGHT: Could Mr Soliman please be shown volume 11, page 108. Now, Mr Soliman, still dealing with the 425 scale procurement process, you

sent to Mr Lee a feedback about the portable scales in relation to the PAT scales and the Intercomp scales on 18 June, 2018.---Yes.

And that included some positive feedback about the PAT 10A III scale, did it not?---Yes, that was from David Jones.

And also some negative feedback about the Intercomp 788 scales?---Yes, again from David Jones.

10 Well, it wasn't just Mr Jones's feedback, you made observations to Mr Jones, did you not, at 109?---I never saw the Intercomp scale being used. By the time I'd got there the scale had broken.

You've included at the bottom of page 109 in an email to Mr Jones on 25 May, 2018, some negative comments about the Intercomp scale and the build quality.---Yes.

And you referred to the scales buckling and shifting, lifting of the asphalt. ---Yes.

20

And you've said, "I suspect these scales would not last too long in the field."---Yes.

And what did you base that on?---Seeing as they had put silicon around the weigh pad itself, it was a very messy job obviously, and David Jones also gave me some initial ideas. They may, they may have showed me actual, they may have actually weighed one truck with it while I was in the, when he talks about the 200 kilos after the load was removed, it wasn't zeroing back. I think he may have taken a truck over it.

30

Okay. But in your comment to him on 25 May you've said you didn't see the scales in use.---Yeah, I think now I, he probably did, he may have driven a truck over it.

Who is he?---David Jones.

THE COMMISSIONER: Which you observed?---I believe so from memory, yeah.

40 MS WRIGHT: And so you did see the scales in use then?---Again from memory I saw I recall either a video or them driving a truck over it, yeah.

And you've said that the PAT 10A performed well to Mr Jones.---Yeah.

And then going back to 108 you've sent that feedback to Mr Lee and you've said that the same applies to the HAENNI scales, that is, that "The Intercomp scales have been received poorly. Poor build quality same as the HAENNI scales also."---Okay.

Do you see that you've said that?---Yes.

You agree you said that?---Yes.

And what did you base that on?---I think the, the users generally said that the HAENNI sales weren't of as good build quality as the PAT scales which they've had for 20-odd years.

10 And you've said poor feedback for various reasons and the IRD PAT scales have received excellent reviews so far in the trial. Do you see that?---Yes.

What trial are you referring to?---It would have been just that first demo day that I went out to meet David Jones I think.

So is it correct to call that a trial if it was just a demo?---I guess it's semantics, you know. They trialled the scales for a day. I didn't know they were actually trialling it until David told me he got the new PAT scale and if I want to come check it out check it out.

20

So there was a new PAT scale and Intercomp had also lent it's 788 scale for use?---Yes.

And this was not a scoping study matter, was it?---No. That was happening at around that, it should have been happening around this time - - -

What was happening around this time?---The scoping study for scales because Mr Jones wanted to look at, you know, the best products that were out there.

30

Where did this trial occur that you're referring to around this time?---Well, obviously after the evidence that Ali has given, I don't know what the truth is now.

You've referred to around this time so you've demoed the Intercomp and the new Series III PAT with Mr Jones. Is that the case?---Yes.

And that's what you're referring to here in your email to Mr Lee, the demo? ---It seems that way, yes.

40

And you're saying around this time there was a scoping study around scales?---Yes.

And you're not referring to that in this email at all?---No, I'll be just speaking in the context of what I saw at that demo I believe.

Now, just dealing with this scoping study. So that's a separate trial, is it? ---Yes.

Did you attend that trial?---No.

Which scales were trialled for the purposes of the scoping study?---I think I recommended to Ali three different models, the 10A III from PAT, a newer HAENNI model, maybe it was a WL10 something, I forgot what the name is, and one of the Intercomp ones. I forgot which one I recommended to him.

10 Did you engage Mr Hamidi to conduct that trial or his company?---He was part of a, he put in his quote and he was meant to be doing the work.

Did you request the quote - - -

THE COMMISSIONER: So you did engage him?---Yes.

MS WRIGHT: Did you request the quote from him?---Sorry?

20 Did you request the quote from him for that scoping study?---I don't know if it was me or someone else in the team. I think it was someone else in the team that managed that.

But you were aware of it?---Yes.

And did he send the quote to you?---He could have, yeah. I was, I was aware of the quote.

30 What was the name of that trial?---I'm not sure. Portable scales field trial or something like that.

And you said there's some confusion now after hearing Mr Hamidi's evidence?---Yes.

What's the confusion?---Well, he says he never done the work. He says he was never meant to do the work. I don't really know what the truth is any more about what he is saying.

40 Where did the trial take place?---As I said, I don't even know if it took place at all now. I'm confused about his evidence versus what he was saying.

At the time, this is 2018, this is May/June 2018, you were interested in different scales, weren't you?---Yes.

And you were interested in procuring further portable weigh scales for RMS?---Finding hadn't come in yet. I believe by this point, for the second batch, obviously we had to know if there's another option out there and David Jones always, also wanted to see if there's any other options that could last.

You would have been keenly interested in this portable weigh scales trial that Mr Hamidi had been engaged to conduct, wouldn't you?---Well, I was interested in it, yes.

And you can't assist the Commission as to where or when it took place?---I did recommend a site to Ali but again - - -

10 Which site?---I don't recall which one it was. I gave him a couple of options as, so I did, there was a few on-road sites but I don't recall which ones I told him exactly.

THE COMMISSIONER: But after giving him those options you would have found out when and where the trials occurred?---Well, that's, that's the mix up here. I don't know exactly what the truth is now. I - - -

20 No, no, no. I'm asking you what you did. You've given evidence that you gave him a couple of options of sites including on-road sites. As Ms Wright has put to you and you've agreed you were interested in the trials, you would have asked Mr Hamidi afterwards about the trials, asked for the report, did you do anything like that?---I didn't do much about that one. I didn't help him much with that one actually. That was one of the few that I didn't give him guidance on. Generally, I would give him kind of - - -

So you didn't give him guidance but did you ask him for a copy of the report?---I don't think it was even finished by that point, definitely it was, he had never even said that, he never showed me proof that he had even purchased the actual hardware.

30 MS WRIGHT: I'll come back to that. If we could just go back to volume 11, page 108 and I'll come back to the AZH trial with you later, Mr Soliman. Now, you've said to Mr Lee here that the IRD PAT scales have received excellent reviews and so that was just based on the demo that you'd attended with Mr Jones?---Yeah.

So when you said excellent reviews, there was nothing else that you were basing that on?---No, this is just about the subject matter, the photos and videos from Orchard Hills.

40 "Keep this in mind for the tender. It is critical to create the RFT to look at all aspects such as proven durability et cetera and not just price." Now, were you seeking to influence Mr Lee's recommendation in this tender by sending this email?---No.

You were not a member of the Tender Evaluation Committee?---No.

You were supposed to be at arm's length from the Tender Evaluation Committee's recommendation, were you not?---Yes.

And you appointed Mr Lee as a member of the Tender Evaluation Committee?---Yes.

Do you not see that this is seeking to influence his view about the appropriate scale to be selected in the tender?---No. I mean, if he is running the tender, he should be aware of the requirements and the specifications.

10 But you're senior to him in RMS and guiding him through the tender process, are you not?---Sorry, what do you mean by that?

You're senior to him in RMS, do you agree with that?---In the hierarchy, I guess, yeah.

And you're instructing him and guiding him in relation to this tender process?---I don't want to say instructing or anything like that. He would have asked a specific question which is why I would have sent this to, to him.

20 You had a position of authority in relation to Mr Lee, did you not?---I was, I guess, yeah.

And you were guiding him in relation to the tender process, were you not? ---When he asked me a question, if I could answer it, if I knew, if I could help him then I would.

30 Are you saying that he asked you specifically about feedback about scales? ---No but I'm pretty sure around, around this time is when Nathan and he were meeting to look at what the, what should be part of the tender and I'm only assuming that's why he would have asked what should be in there.

You were meeting with Nathan and Mr Lee, were you not?---I recall one meeting with them, one early meeting and then from there it would have been Nathan and Alex.

Aren't you telling Mr Lee in this email don't go with the Intercomp or HAENNI, go with the PAT scales?---Where are you reading that?

40 Where you tell him that, "The Intercomp scales have a poor build quality and same as the HAENNI, poor feedback, the PAT scales have received excellent reviews. Keep this in mind for the tender."---David Jones is saying the same thing, he gave the same feedback.

I'm not asking what David Jones said. I'm asking you what you were telling Mr Lee. Were you not telling him don't go with the Intercomp or HAENNI, go with the PAT scales?---No.

You don't accept that's what this email is saying?---I don't accept, no, I don't accept that. I mean, if, if I see a car crash about to happen I'm probably going to tell the people I'm working with, hey, watch out, there's a car crash about to happen. Is that - - -

So the car crash would have been not buying the PAT scales, is that he analogy you're seeking to draw?---No, I don't agree. No, I'm, I'm saying that based on that scale on that day, it was botched up.

10 And you're asking him to keep that in mind for the tender.---Yeah, to make sure, I mean, you don't see the same issues, obviously.

And aren't you telling him to select the PAT scale as the ultimate outcome of this tender process?---No. There could have been other submissions.

Didn't you say to Mr Lee a number of times Novation's are the best?---I never once said that and I heard him say that in his, in his evidence and it's not true.

20 Now, you sent to Mr Chehoud the procurement manual, do you agree with that?---I could have.

If we could have page 112. And you forwarded to him, well, firstly, do you accept you sent him the procurement manual?---Yes.

And you sent to him an email that you'd sent to Mr Jansen setting out options for procurement of the portable weigh scales?---Yes.

30 And your email set out, as you can see here, two options for the tender process?---I can only see option 1.

Can you see down the bottom of the page it says, "Option 2. Six month time frame to award contract"?---Yep. Is there more to this email?

Well, do you see it says two options, Mr Soliman?---Yeah but can I see the whole, whole email, please?

40 Well, I'll let you see it when I'm ready to let you see it. Option 1 is two month time timeframe to award the contract, you see that?---Yes.

And the first option is to gain an exception to bypass the tender process, do you see that?---Yes.

And then if we could have option 2, the next page. It says, "Run an open tender," do you see that?---Yes, yes.

Now, by this stage you have discussed with Mr Lee the possibility of using a select tender process, had you not?---I don't know if it was at this point. I believe a select tender option was only brought up by the procurement team.

10 So is your evidence that you never yourself considered or came up with the thought that you could use the Heavy Vehicle Maintenance Panel as a vehicle for publishing this tender?---I was always, from the beginning, going for an open tender. It would have been just as easy, it would have just taken longer. When, when Mr Lee was managing the procurement and what were the preferred options, I believe at some point they asked if there's any panels and there was, obviously. Then they checked if that's the proper way to do things and things followed from there.

Now, in this email to Mr Chehoud you see you've asked him to consider the email below and you've said, "The goal is to get the procurement over the line as fast as possible with the best scale on the market. If you could advise on your previous experiences with gaining exceptions for government procurement of this size." Do you see that?---Yes.

20 And you've set out the approximate size of the procurement, 4.7 million.
---Yes.

And at this stage there was funding of 4.7 million available for the purchase. Is that correct?---I don't think it was available, I think that was just verbally stated that's how much it was.

And did you provide that estimate to your superiors for this procurement?
---Estimate?

30 That the purchase would cost about 4.7 million?---I don't know. I think that was just the funding which may have been on the table at that time.

And then in your email to Mr Jansen which you forwarded to Mr Chehoud and Mr Lee, you've set out reasons why an exception to bypass an open tender would be applicable. Do you see that?---Yes.

40 And you've said there that, "There's insufficient time to conduct a formal tender because of an immediate requirement," and you've based that on public safety reasons.---Yes.

And you've said that there's a risk to, a risk of mass heavy vehicle operating on New South Wales road leading to accidents - - -?---Yes.

- - - without proper portable weigh scales. So you agree there's a public safety aspect to the procurement?---That's why these things were being pushed from above, yes.

And then you've said there's an absence of competition which would justify bypassing an open tender.---Sorry, where do you, where do you read that?

Second bullet point.---Yes.

And you've talked about the previous procurement which showed that the successful supplier was the only one which met the requirements.---I think that's what came back in the tender report from that committee.

10 And then you've set out some further information about that, but the third ground that you say justified an exemption from an open tender would be that a scoping study has been run to assess all leading scales on the market and the study conclusively showed that the Swiss-made IRD scale is the clear winner in every KPI.---Mmm.

Now, which scoping study are you referring to there?---Well, that's the one that I thought was being done by AZH. Now I don't know if it was done.

20 Well, you've said that you didn't know whether it had been done.---That's right, but at that point what I was being told was something different.

You were asked questions about that, Mr Soliman, and you didn't know where or when it had taken place and your evidence was you engaged Mr Hamidi to conduct it but you didn't know anything about it.---Well, I didn't know where he ran it but I just gave him basic ideas about that one but that was one of the few ones I didn't specify exactly what he should or shouldn't do, I just saw basic drafts that he would kind of spin through quickly.

30 THE COMMISSIONER: You saw drafts?---Yeah, yeah, of, yeah.

So your evidence is that you saw drafts?---Yeah. He would kind of, kind of skim through his work in progress, the document, would never really let me read it properly, he just said it's not, not finished yet.

And sorry, where was this occurring?---Generally at his, at his house when we would meet, you know.

40 MS WRIGHT: And you saw drafts in relation to a scoping study on all leading scales on the market, did you?---Yes.

And where did you understand that the scoping study or the trial relating to leading scales on the market had taken place?---I'm not sure.

But you saw numerous drafts.---When I say - - -

Surely the drafts referred to the - - -?---When I say drafts I mean - - -

- - - the trial?---When I say drafts, I'm not reading it, I think it was just his way of kind of showing me that things were moving, but now I just don't know what's true.

I'm sorry, what was that answer?---I think that was his way of showing me that things were moving and - - -

But you saw these drafts?---No, he just basically skimmed through it on his little laptop showing me those pages and headings.

10

So you didn't look at the drafts?---No.

You didn't read the content?---No.

Is that what you're saying?---That's right.

And because you didn't read the content you don't know where the trial had taken place?---Yeah, but there was only kind of a handful of places that it would have happened based on some things that I probably mentioned in passing.

20

And what did he tell you about his recommendation about the options out of all these leading scales on the market?---He just said based on what he's seen and heard the PAT scale was, was the best but he had obviously heard a bit from the people around him and the inspectors. He went to, or Jai says he went to several of these studies - - -

THE COMMISSIONER: Hold on. Hold on. No, we're dealing with what you know.---Yeah, that's what - - -

30

So you're claiming that Mr Hamidi has said to you PATs the best?---Yeah. Well, he, I'm, I'm only guessing he said that based on what he's heard from the others and he was working with the inspectors and Jai said he went to several trials. I think I only saw him at one trial where I was, I popped in so I think it was one of the thermal camera trials. Again I'm just basing that on the evidence which he's given. I don't see other, any other way he would have known.

No, no, no, we're not interested in that. We're interested in what you saw or heard back in 2018.---Yeah.

40

And you've given evidence now that you saw drafts. That they were, you would attend his house. You saw drafts and you would skim through work-in-progress documents but you wouldn't read it.---Yeah. He wouldn't generally give me the actual laptop. He would just skim through the pages. Look, maybe he was prepping to do these things.

No. So that's what you saw. That's correct?---Yes.

MS WRIGHT: And you remember that specifically about this scoping study about portable weigh scales?---As in?

That you went to his house and you saw drafts and he skimmed through and you didn't read it?---Yes.

And you said that the scoping study that you engaged him to conduct concerned the 10A III, the HAENNI, the WL10 and the Intercomp scale?
10 ---From memory that's what I told him previously but I didn't guide him specifically for this one. This is one of the ones I didn't guide him on because it's very easy. It's just to do kind of Google searches and ask the guys on, ask the actual users what, what they think. Yeah.

What does that mean, were you expecting him to conduct the trial based on asking users what they think?---Yeah. Which ones they would want to trial basically. People like David Jones.

And what did he tell you about his recommendation about which scale?
20 ---Just a very quick verbal comment saying it looks like the, the PAT scale is the winner here.

Did he send you a report?---No.

And did he say anything else about his recommendation?---Not particularly. I mean, he wanted to know what I, what I thought and all I could really tell him was is what I saw at that one day demo.

And you're referring to the demo with Mr Jones?---Yeah.
30

Where you're not sure but you think you saw Mr Jones drive over the Intercomp with a truck?---Yeah.

But you didn't otherwise see the Intercomp being operated?---Yeah, I just got the feedback from Mr Jones.

And, Mr Soliman, I'll just cut to the point, how have you said in this email, "A scoping study has been run to assess the quality and durability of all leading scales on the market and this study also conclusively showed that
40 the Swiss made IRD scale is the clear winner in every KPI"?---That was based on what I was told, the - - -

You just told me that the said - - -?--- - - - the assumption that it was happening.

- - - that the PAT, that his recommendation was for the PAT.---Yeah, that's what he said verbally.

And what's this reference to KPIs?---Well, what he would have been doing the test on, the durability and things like that, and ease, ease of use, ergonomics.

THE COMMISSIONER: So you saw no report or scoping study. Correct?
---Not, not from him, no.

10 Your evidence is you expected him to do Google searches and talk to the users. Correct?---To get a list of the ones that should be tested, yes.

And did you assume that he tested?---Yeah.

All right. And the upshot is he said to you the PAT scales are best, something along those lines.---Based on what he's seen, yeah, so far.

20 And that then leads you to write in an email, "A scoping study has been run to assess the quality and durability of all leading scales on the market and this study also conclusively showed that the Swiss-made IRD scale is the clear winner in every key performance indicator." That's a lie, isn't it?
---Not necessarily a lie, I mean that's, that's the belief I held based on the evidence which was given to me.

What, my view is the PAT scales are superior or my view is the PAT scales are best?---No, well, that's what was told to me, that the trial was running or even finished and he found them favourable, but now I just don't know what the truth is.

30 No, I'm not asking about what the truth is, I'm asking you, your evidence at the moment is that all you got from Mr Hamidi was, my view is PAT scales are superior, or PAT scales are best.---Yes.

Correct?---Yes.

You never saw a report?---No.

You had no idea where he tested them?---No.

40 And what I'm saying is, to then include in an email to your manager that a scoping study has been run, and I won't read it out again, is the clear winner in every KPI, is a lie.---I don't, I wouldn't say it's a lie personally, it's just what I thought was the truth. Now I'm not sure if it's the truth.

MS WRIGHT: Now, you were seeking, were you not, to favour an exemption from an open tender process?---No. I was only asked by, by Arnold and Roger Weeks about this, so I think Roger Weeks asked Arnold how can we get this done quickly, because there was major political risks, people had died prior to the first tender and that was the reason that funding

was given and Arnold was asking me what are all the options here, how can we push this quicker.

And you're favouring, are you not, in this email, an exemption from an open tender in providing reasons why an exemption would be available under the procurement manual?---I'm favouring option 2.

Well, I suggest that you clearly are, Mr Soliman. You've given quite strong reasons, do you agree, in favour of an exemption?---No.

10

You don't think that those three bullet points set out arguments in favour of an exemption?---They are the reasons that you could ask for, but I'm clearly asking for a second option which is an open tender.

THE COMMISSIONER: And where's your argument as to why option 2 should be preferred?---On the next - - -

Where are the dot points?---On the next page.

20 "This is my preferred option."---Yep.

No, where are the dot points explaining why you say it's your preferred option? Where's your argument, where's your submission to Mr Arnold, Mr Jansen, I'm sorry?---I don't think that's what it was about. I believe why I've got the dot points in the first option, from the procurement manual it lists reasons why you may be able to get an exemption.

30 But my point is, and what I asked you, which you haven't answered, is there are no setting out of an argument or a submission or a dot point about option number 2. It's a mere assertion, "This is my preferred option."---Yeah, that's, that was always the preferred option. I don't, didn't think I needed to push that one because my managers were pushing option 1 and any fast option, so they wanted to see if that's a possibility.

MS WRIGHT: And you've said to Mr Chehoud in forwarding him that email, you've asked if he could advise on his experience with gaining exemptions. Do you see that?---Yes.

40 At the top. And then you sent him the template for gaining exemptions, didn't you?---Possibly.

165, you sent to both Mr Chehoud and Mr Lee the procurement exemption approval template and that is at page 167 and you're trying to make it easier for them to choose that as an option, aren't you, in sending them that document?---No. I was, I was asked to look at ways that this would be sped up and that was obviously one of the issues, well, one of the options but I personally didn't like this option.

Well, you didn't say that anywhere, did you?---I was being asked to look into options and this was one of the options.

And you're seeking to influence the recommendation made by the persons who are nominated to run the tender, are you not?---I don't agree with that.

10 Do you accept it's possible that you're influencing the decision about it by setting out arguments in favour of an exemption and forwarding the template for an exemption?---I don't agree with that. I mean, Nathan's role was to look at all, all of these options and then draft the RFT.

You're the manager of the Heavy Vehicle Programs Unit, correct?---Yes.

And don't you accept that you were in fact, whether you intended or not, influencing the recommendation that would be selected?---No, I was asked to look at options that I would - - -

20 I understand you were asked to look at options but in setting out the arguments in favour of an exemption and then sending the template by which an exemption can be sought, do you not accept that you as the manager of the Heavy Vehicle Program was in fact influencing the outcome?---I don't agree with that because I mean at the end of the day I said I don't want this process and that's what happened.

THE COMMISSIONER: No, you didn't say I don't want it, you said it was, you assert, "Option 2, open tender is my preferred option," with no argument in support, no justification.

30 MS WRIGHT: And with a qualification if I could just add to what the Commissioner just said, "However, I understand the need to procure these scales quickly due to the risks mentioned above," correct?---Sorry - - -

And the risks include the public safety risks that you've identified in option 1.---Okay.

40 And so you haven't said, "I want an open tender," at any stage, have you? ---I've said, I said several times, probably not just in that email but there was at least another couple emails to senior managers saying open tender is the preferred option.

Well, you ultimately put forward a procurement strategy which recommended going to a select tender through the Heavy Vehicle Maintenance Panel, didn't you?---That was based on the recommendations from the procurement team when Mr Lee worked, worked with them.

But you made the recommendation, you were free not to make a recommendation, do you agree?---Recommendation for, on which document, sorry?

The procurement strategy memo that you were involved in.---I don't recall what I said in there.

10 Well, I'll come to that in a moment but Mr Chehoud, if I could turn to page 170, he sent to you a proposal letter setting out what his involvement would be in the tender process. Do you recall that? And if we could turn to page 171. Do you recall, I should say he sent it to Mr Lee and copied you in but he said, "Hi Alex and Samer." Do you recall getting Mr Chehoud's proposal letter?---I know Alex told me that he got it. I don't recall the contents of what I'm seeing right now.

Well, if we could – sorry, we're on the letter. Now, you would have looked at this letter at the time, do you agree?---Could you flick to some more pages so I can jog my memory?

20 We can look at the next page.---No, I don't think I read this document.

You engaged Mr Chehoud, didn't you?---Hmm, I'm pretty sure Alex Lee signed or I think I referred Nathan to Alex Lee and then Alex Lee done the engagement.

30 Yes, but you are the person that engaged Mr Chehoud in the sense that you were the one that asked him to be involved in this process. It wasn't Mr Lee. Do you agree with that?---I'm not sure. I'm not sure who was the original call.

Okay. Page 107, if we could go back to that. You see here you've written to Mr Cudmore of WSP saying, "I need Nathan to manage a simple open tender in the next couple of months."---Yes.

"Could you advise what's the best way to engage WSP for these consultation services?"---Yes.

And that's in reference to the 425 procurement tender process.---Okay.

40 So do you agree that you engaged Mr Chehoud on behalf of RMS to assist with the tender process for the procurement?---Yes.

And if we could go back to page 171. You would have been interested in the terms of Mr Chehoud's engagement, correct?---To a degree, as long as it, as it did whatever Alex Lee needed to manage the tender. I just don't recall reading these contents.

What do you mean by what Mr Lee needed to manage the tender?---He was
- - -

You were managing Mr Lee in this tender, were you not?---What do you mean exactly, managing Mr Lee in the tender?

10 You had full oversight of every step taken by Mr Lee in relation to the tender.---He would generally feed back what was happening and if there was any issues he would ask me, but I don't recall him saying there was any issue with this engagement and I don't believe there was any issue with this engagement.

But you proactively managed and took an interest in every step that Mr Lee took in this tender, didn't you?---I don't know if you would term it that way. I mean when he asked me a question, if he needed help, if I, if I could help him I did.

20 Are you saying that you were only responsive to what he raised with you rather than you taking a proactive interest in what Mr Lee was doing?
---I'm not saying that, but I mean I wasn't pulling him by a rope, if, if you want to put it that, that way, he was managing the tender and there was some back and forth with Nathan and he, yeah.

Did you see this letter from Mr Chehoud in July 2018, Mr Soliman?
---Yes.

And it says that the scales, the new scales, do you see the word, portability?
---(No Audible Reply)

30 "The new scales must fit in the allocated space in Roads and Maritime vehicles and be less than 18 kilograms each, allowing for single-person movement and operation." Do you see that?---Okay.

And do you see that?---Yes.

Did you give that information to Mr Chehoud?---Don't, I don't recall sending it to him but I'm guessing most of these specs would have come from the previous tender.

40 You met with Mr Chehoud prior to his engagement for this tender of the 425.---Yes.

Yes.---Yes.

And you discussed with him, didn't you, that any new scales purchased must fit in the allocated space in the RMS vehicles?---I would have never said must fit in there, that would have been a preference obviously, but if

they can't fit, then it was always an option to look at the costing to actually refit these things.

And so you agree that you expressed a preference for that to occur, for the scales to fit in their existing allocated space in vehicles? You expressed a preference to Mr Chehoud?---I don't really agree it was my preference. I mean, based on what everyone else wanted at the time that I heard was a logical thing to preferably fit scales in existing racks.

10 Sorry, who is everyone?---The inspectors.

Had you consulted widely with the inspectors?---Well, when I was on, when I was everyone's site with them I would see their vehicles, you know. Just general chats over the, over the years. It became very clear to me that the fabrication of the metal itself may have been cheap, you know, a few, a few grand or whatever, but the rest would definitely not be cheap. However, if that's an option that was always on the, on the, on the table.

20 Well, you suggested that the inspectors had told you that a purchase of any new scales should fit within the existing racks. I thought that's what you were suggesting in your previous answer. Is that, have I misunderstood?
---Preferably, yes. Preferably, yeah. I mean, it's just - - -

THE COMMISSIONER: So that's what the inspectors told you?

MS WRIGHT: No, no, the inspectors?---I don't know if it was stated to me but it always inferred that if new scales could fit in these racks it makes perfect sense. Why would you build new racks if the scale fit in there. That made sense to me and to everyone.

30 Is it something that you came up with yourself or did the inspectors suggest that to you?---That was always a logical thing which came through their chats and still seems logical to me now.

40 Why would the inspectors be talking about the purchase of new scales and the fact that the racks should remain as they are? Did - I withdraw that. I'll reframe that. I just want to be clear about this, Mr Soliman. Did the inspectors suggest to you that the existing racks should remain if there were to be a purchase of new scales?---I believe from my understanding of meeting lots of people it was always inferred. They had always had the PAT scales - - -

But when you say inferred, are you referring to what the inspector said or something that you assumed or thought of yourself?---I think it was what I guess assumed what they wanted. To change the rear vehicles, the, the back of those vehicles didn't seem like a simple thing. There were many other mountings. There was wiring. There was printers. There was laptops. And like I said, the other issue with the ADR testing and the project management

and you have these cars out of circulation for who knows how long it just always seemed a very logical thing to the inspectors and to me. The preference would be - - -

So you just assumed, it was just you – I withdraw that. You assumed that the racks should stay in place for the future. Is that what you're saying? You assumed that that should be the case?---It wasn't just me. I mean, the specifications that we got from Mr Jones for the first tender.

10 Were for scales.---No.

The scale dimensions.---No. They, they, they should have been for the specifications he wanted to go into the tender which I would assume are for the actual racks and there's varying racks, rack sizes. I think Mr Singh done a small exercise and looked at all the different rack sizes. I don't understand why Mr Jones would be giving me dimensions of a scale.

Now, page 173. You met with Mr Chehoud and Mr Lee. Do you see that?
---Yes.

20

And you discussed the draft request for tender?---Yes.

And the draft tender evaluation report and the topic of whether it be an open tender or procurement exemption was also discussed between the three of you?---Okay.

Is that correct?---Yes.

And Mr Chehoud was engaged as an independent consultant, is that the case?---Yes.

30

He was not a probity adviser, was he?---I don't know.

He was not – you're familiar with the expression probity adviser?
---Vaguely. I think someone was telling me if you, if you have a tender over a certain dollar value, you needed an external consultant or something like that, I think.

You'd sent him the procurement manual?---Yeah.

40

And you're aware of the references to a probity adviser in RMS policy, are you not?---Vaguely, like I just said.

You did not engage Mr Chehoud as a probity adviser?---I don't know exactly. I thought it was just a to draft the RFT documents and I think the initial plan was for him to be on the actual committee because it was over a certain value and you need an external consultant or adviser, I'm not sure what word is correct here.

Initially you were also to be on the Tender Evaluation Committee?---No.

Could we go to page 174. Mr Lee sent you the RFT documents on 17 July, 2018, do you see that?---Ah hmm.

And he says, "Please see attached amended documents as per discussed this morning." Can you see that?---Yes.

10 And if we could turn to page 192, it included a clause in relation to inducement, coercion and improper assistance in conflicts of interest. Do you see that? Do you see it?---Yes, yes.

Sorry, for the transcript we need an answer, a verbal answer if that's okay. And then at page 200, the documentation set out the non-price evaluation criteria. Do you see?---Sorry, where am I looking?

Page 200, non-price evaluation criteria.

20 THE COMMISSIONER: Down the bottom, schedule B5.---Okay.

MS WRIGHT: And the requirement that – well first, did you set these requirements?---It looks very similar to what was in my email to Mr Lee but different.

Similar but different?---Yep.

30 The requirement that the evidence include demonstration that no fewer than 10 highway agencies from around the world have used the tendered scales for 10 plus years, you're referring to the email where it referred to states/world, is that the email you're referring that I took you to this morning?---Yes.

That requirement was one - - -

MR YOUNG: Well, I object to that. I object to that. The words are evidence could include. It can't be described as a requirement.

40 MS WRIGHT: Was it a requirement, Mr Soliman?

MR YOUNG: Well, I object to that.

THE COMMISSIONER: No, she can ask that, why not?

MR YOUNG: Well, with respect, the document speaks for itself.

THE COMMISSIONER: No, I'll allow it.

MS WRIGHT: Did you regard it as a requirement, Mr Soliman?---In my mind it was a nice to have but at the same time I'm thinking now what if no scale met that specification, then again it comes into the scoring of the tender but the real hard and fast things were the, the core things about the actual scale, you know? Has it ever been used, is it certified and things like that.

10 And you don't think this thing that was nice to have, evidence of demonstration of no fewer than 10 highway agencies from around the world for 10 plus years, would dissuade other potential tenderers from putting in a submission?---If they didn't put a submission based on this, it probably means their scales not very good.

So this was a requirement, then, if you - - -?---No.

MR YOUNG: I object to that. Just it's a total non-sequitur. If they didn't put in a tender because of that, their scales weren't very good, that means it's a requirement.

20 THE COMMISSIONER: Well, you haven't answered the question to begin with.

MR YOUNG: No, because I've objected.

MS WRIGHT: I'll ask another question, Commissioner. If it means the scale's no good, you wouldn't want to buy scales that are no good, would you?

30 THE COMMISSIONER: Mr Soliman?---I'm thinking about the answer. I mean, I don't see why you would choose to buy anything that's not good.

MS WRIGHT: No. So you wouldn't buy scales that are no good, and if this – I don't know what you'd call it, but I'll avoid the word requirement – if this thing is not met, then it means the scales are no good in your view.---I think that would be anyone's view, yes.

Anyone's view?

40 THE COMMISSIONER: Well, it was your view.---I'm just thinking about it now. That it makes sense if they can't meet that basic specification that, you know, your product needs to last.

MS WRIGHT: But 10 highway agencies from around the world is very specific, is it not?---Specific in which way? I didn't, I didn't, I mean, in, in there, there's no mention of which agencies. Just pick 10.

Has to be 10 highway agencies from around the world.---Yes.

Can't be nine, eight, seven. Must be 10 from around the world.
AccuWeigh couldn't meet that requirement, could it?---I believe they did.

Now, the next requirement is successful delivery of 100-plus scales in the last 24 months. That's something that you required to be included in this tender, do you agree?---Not sure. I don't think that was in the original email to Alex Lee, was it?

10 No, you're quite correct. It was not in that initial email. This is something that you have added since that time, do you agree?---I'm not sure.

Is it possible that you added it?---It's possible.

Mr Lee wouldn't have come up with it himself, would he?---Don't know. That's also possible.

20 Mr Lee wasn't coming up with requirements for the tender of his own accord, was he?---If it made sense to add some based on what his learning was too, I don't see why not. He was running the tender.

He did not come up with requirements himself, did he? He never came to you and said, "This should be a requirement for this tender"?---I don't recall him saying anything, no.

30 No. And Mr Chehoud didn't suggest this as a requirement.---Just, I recall one thing from that first meeting. He was asking us the requirements for the delivery time frame and what, I guess, things we need this financial year, so we were speaking about that subject. That's may, maybe that's where it came from, that meeting.

This is something that Novation could satisfy, could they not?---I believe through the first tender, yes.

Yes, because it had supplied 125 scales in the last 24 months, correct?
---Yes.

40 And you didn't think this was also a restrictive requirement?---I'm reading it now. I don't think it's restrictive. I mean, if we only have, say, six months for the manufacturer to manufacture, modify and deliver the actual hardware - - -

What's that got to do with the requirement to provide examples of successful delivery of 100-plus scales in the last 24 months?---Well, if you, if the, if the vendor hasn't done that previously, I mean, how do we know they can do this current tender also?

THE COMMISSIONER: But this is for 425 scales?---Yeah.

Shouldn't it have been 200 scales?---I mean, if that - - -

Should have been at least half the scales that you were seeking, surely.---I seem to - - -

100 scales, very specific, and as Ms Wright said to you, it's something Novation could satisfy.---Just seems like a nice even number. I don't know if I came up with it or someone else in that meeting did, but four, if you put 400, that seems like a very high number that - - -

10

No, no, you're seeking 425 scales.---Yep.

I thought just under half those number of scales would be an appropriate requirement.---Yeah, I don't know exactly where that number came from, but again it was, I think the point of this one is just to - - -

I know the point, I'm asking you about how the number came about. ---Hmm, I'm not sure. It probably would have been at that meeting with all of us.

20

MS WRIGHT: Just before we adjourn, if we could turn to page 215, the number, given that we're talking about numbers, is 425 scales which is specified her in the tender documentation. Do you see that?---Yes.

This is the first time that the number for the procurement is 425 scales. If I could remind you, this is still an attachment to Mr Lee's email of 17 July, 2018. Did this number come into play around this time?---I don't know, it's just, I think we had 550 scales minus the 125 which were already procured, but I don't know when it came into play exactly because we just had to replace all of them and have spares.

30

Okay. When Mr Lee said to you in the covering email, "Please see attached amended documents as per discussed this morning," had you discussed with him that morning that it should be for 425 portable weigh scales and 70 portable chargers?---I'm not sure. I'm not sure.

Do you think that's what he's completed or he's filled in, in this documentation following a discussion with you, that morning on 17 July, 2018?---I'm not sure, but he knew there was 550 or so and minus 125 is, that's where the number comes from.

40

You gave him the number 425, didn't you, Mr Soliman?---I don't recall that but it's possible anyone could have given him that number.

All right. If we could - - -

THE COMMISSIONER: All right. We'll adjourn for lunch and resume at 5 past 2.00.

LUNCHEON ADJOURNMENT

[1.08pm]