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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 FRIDAY 7 JUNE, 2019

AT 9.30AM

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THE COMMISSIONER: Now, just before we resume your evidence, Mr Lonergan?

MR LONERGAN: Commissioner, I'm just flagging that we do have some further redactions that we would seek in relation to the material that was put on the restricted website last night, but we're not yet complete in our - - -

THE COMMISSIONER: This is with Exhibit, it was 53, wasn't it?

10 MR LONERGAN: Yes, 53.

THE COMMISSIONER: Now, and sorry, you're still undergoing that procedure.

MR LONERGAN: We're still working through it, yes.

THE COMMISSIONER: Ms Wright, can I inquire through you, is the best way for this to be facilitated if Mr Lonergan would provide you and my solicitor with the sought deletions and then that can be facilitated?
20

MS WRIGHT: Yes. It would be convenient if an email could be sent, just in bullet points would be sufficient, indicating the message number and the words that are proposed to be deleted so it could be considered.

THE COMMISSIONER: All right. I saw Mr James nodding. That seems doable?

MR SULLIVAN: Yes, Commissioner. And, Commissioner, RMS may wish to do that same, and if I could make the application in the same way by email.
30

THE COMMISSIONER: Certainly.

MR SULLIVAN: Thank you, Commissioner.

THE COMMISSIONER: And have I got a new appearance?

MR MAHON: Yes, Commissioner. May it please the Commission, I seek authorisation to appear for Mr Ali Hamid [sic]. My name is Mahon, M-a-h-o-n.
40

THE COMMISSIONER: Right. Thank you, Mr Mahon. That authority is granted. Look, the other thing I should indicate is that we will be sitting two additional dates in June and, Ms Wright, my recollection is it's the 21st and 26th?

MS WRIGHT: Yes, the 21st, which is a Friday, and the 26th, which is a Wednesday of the following week.

THE COMMISSIONER: Right. Thank you. All right. If there's nothing else, Mr Soliman.

THE COMMISSIONER: Now, Mr Soliman, before Ms Wright resumes her questions, do you have a mobile phone that you've brought to the hearing?
---It's flight mode, in my bag, yeah.

And it's in your bag. Right. Thank you. Ms Wright.

10 MS WRIGHT: Thank you, Commissioner. Mr Soliman, when we left off yesterday I was showing you an email from your personal email account at volume 18, page 177. If that could be brought up on the screen. This was the email where the first words are, "Business prospectus," and the subject line is IRD Meeting. You can see it in front of you now?---Yes.

And what is your view about the contents of that email in relation to Novation's capabilities and expertise as at 14 August, 2016?---Some is accurate, some has been embellished.

20 And when you say embellished, do you agree that some of it is false?
---The only thing I'm not sure about is the contracts with third party fabricators and engineers. He never said he had any contracts with third parties.

And are there any other parts that you think are embellished?---I'm not sure what the term legal certification means, that seems embellished.

Anything else?---Not really.

30 Did you consider fabrication and engineering to be true statements about what Novation could do and had done?---I'm not sure exactly to what length he'd done engineering and fabrication.

To your knowledge he had done no fabrication or engineering for RMS. Isn't that the case?---I have no knowledge of that.

So you're agreeing with me that to your knowledge he had not done any fabrication or engineering for RMS as at 14 August, 2016?---I have no knowledge if he did or didn't. I don't recall him ever saying that to me.

40

So to your knowledge he hadn't done any.---That's right.

Now, if we could then turn to page 178. This is an email from Novation to Mr Malhotra sent six days after the email I just took you to from your personal email address, attaching a brief prospectus of Novation Engineering. Do you see that?---Yes.

And did you know that Mr Thammiah was going to send the prospectus to Novation?---To IRD?

Sorry, to IRD.---Yes.

Yes. And that your name would be on the prospectus?---Yeah, he done it at, at my house.

10 Page 179. Is this the prospectus for Novation which was prepared at your house?---Ah, yeah, I think that's, that's what it was.

And did you prepare the document at all?---No.

Mr Thammiah prepared it in your presence?---Not in my presence. I worked from home sometimes and I remember he was there at least to start this.

So you recognise it?---Yeah, I read it I think back then.

20 And it contains on the right-hand side under Business Services some of the information contained in the email from your ducktape Hotmail address. Do you see that?---Yes.

Strategic ITS technology, maintenance 24/7 et cetera. And then your name is on the left-hand side as an RMS contact. Do you see that?---Yeah, I didn't realise my name was there, but yeah.

30 Well, you did realise your name would be on there, didn't you?---I didn't see it previously, no.

I asked you just before whether your name was on the prospectus and you agreed that it was.---No, I think I said that he done that at my house.

Now, you supported Mr Thammiah sending this prospectus to IRD, didn't you?---I didn't have any, I didn't tell him not to, I wouldn't say support, I mean again it's up to, up to him.

40 He prepared it at your house and you've said that you discussed the contents of the email of 14 August, 2016 together.---Yeah.

And he has sent himself, this is your evidence, that email from and using your personal email address.---Yeah, when he was at, at my house.

And you've given evidence that you knew that he would send this to IRD as a Novation business prospectus.---Yep. I didn't have any specific issue with him sending it.

So you supported him sending it to IRD, didn't you?---If you want to use that word, yeah, it's fine.

And you knew that it contained false and misleading information about IRD's experience and capabilities.---No.

Well, you've given evidence that legal certification didn't make sense, you didn't have any knowledge about engineering or fabrication.---Just saying reading this now I definitely didn't read all of the content. I mean obviously
10 I knew that he was working from my PC but I'm not looking over, over, over him for every single word and - - -

Mr Soliman, you supported Novation making these false and misleading representations to IRD about Novation's experience and capabilities, I suggest.---I don't agree.

Now, in September, so shortly after this prospectus was sent, you arranged a meeting between Mr Thammiah and IRD to discuss IRD formalising
20 Novation as a reseller of IRD parts. Do you agree with that?---What date was that, sorry?

In September 2016.---I don't know what date but I think that's perhaps when Rish was in Sydney for a conference and he met, met us.

And you arranged the meeting, do you agree?---I don't know if it was me or Rish.

Could we have volume 6, page 1-8?

30 THE COMMISSIONER: It was 1-8?

MS WRIGHT: Yes.

THE COMMISSIONER: Thank you.

MS WRIGHT: 1-8, 18, sorry, 18. Do you see this meeting organiser where you are named as the organiser?---Yes.

40 For 2 September?---Yes.

Required attendees being Mr Malhotra and Novation?---Yes.

And you've set out an agenda for the meeting?---Yes.

And that includes that a reseller certificate to be created and signed for Novation - - -?---Yes.

- - - to be a formal reseller of IRD parts?---(No Audible Reply)

Correct?---Yes.

So you accept that you did arrange a meeting - - -?---Yes.

- - - for that purpose?---(No Audible Reply)

10 Now, you were very invested in who, in IRD appointing Novation as its exclusive distributor in New South Wales, weren't you?---No, I had a major, major problem at work, where the mass breaches for the past three years at least were found to be illegal, and I had to act.

THE COMMISSIONER: So the answer is yes?---The answer was no.

MS WRIGHT: Accepting that you needed to find someone to replace ELWC, on your evidence, you were very invested in the replacement company being Novation. Do you agree or disagree with that?---I don't really agree, because they were my last option.

20 Your last option?---(No Audible Reply)

You didn't have a last option, Mr Soliman. You don't think it's unusual that RMS would be influencing who a overseas manufacturer chooses as its distributor in New South Wales?---Influencing in which way? I just, I just gave them names, and once they basically picked, then they wanted to lock in someone.

30 You forced IRD's hand to comply with your demand that they use Novation.---Again, they were my last option. I gave them several vendors prior to that.

You caused IRD to replace ELWC with Novation on the threat of the withdrawal of work from RMS, didn't you?---No, that, Mr, Mr Paul Hayes went over there and basically said, "You need to fix your problem."

And you represented, or conveyed to IRD that unless they used Novation, they'd lose RMS business, didn't you?---Mmm, no. I said you need to fix your problem, so I can get the manufacturer parts.

40 And we saw in WhatsApp messages yesterday that you, even two years later in 2018, were seeking to ensure that Mr Malhotra didn't go for a different reseller, such as CIC.---As I said yesterday afternoon, that wasn't the context.

And going back to September, 2016, you sent to Mr Thammiah tips about how to progress his business, such as asking him to contact the National Measurement Institute?---(No Audible Reply)

Correct?---Don't, when did we see that evidence, sorry?

Do you agree or disagree?---I don't recall seeing that evidence yesterday.

I'm not asking you if you saw the evidence. You, in September, 2016, sent to, or asked Mr Thammiah to contact NMI, didn't you?---I don't recall.

10 Volume 18, page 210. So here you are. You've forwarded from your work address to your personal address an email from Mr Ange Fenech. Do you see that?---Yes.

And then you've forwarded from your personal email address to Novation that email directing Mr Thammiah to contact NMI to see what you need to do to issue the portable scales verification certificate.---Yes.

So again you are treating Novation as though it's your own company. Do you agree with that?---No.

20 And you're sending Mr Thammiah internal RMS emails.---Yes, I didn't see what special material was in that email.

You had no authorisation, did you, to send to a third party internal RMS records.---Didn't realise that I needed it.

But you're sending it from your personal email address. Why the step in between from your RMS address to your personal address and from your personal address to Mr Thammiah's address?---Not sure.

30 You did that because you knew that that was unauthorised.---No.

Why else would you do it?---Maybe I want to see that when, when I'm at home or, I don't know why.

THE COMMISSIONER: Or you're concealing the source.---I'm not concealing. I've sent him - - -

It's obvious, Mr Soliman. Do you agree with that or not?---No.

40 MS WRIGHT: Could I mark or could it be marked for identification, Commissioner, some documents I've taken him to from volume 18.

THE COMMISSIONER: Yes.

MS WRIGHT: Being pages 177-179 and then page 210, and 188, which I took him to yesterday from volume 18.

THE COMMISSIONER: They can be the one MFI?

MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: All right. The following pages from volume 18, 177-179, 188 and 210, will be MFI 7.

#MFI-007 – VOLUME 18 - PAGES 177-179, 188 & 210

10 MS WRIGHT: Sorry, should I continue, Commissioner?

THE COMMISSIONER: Yes, thank you.

MS WRIGHT: Mr Soliman, your multi-vendor approach representation that you made to Mr Doherty, which I took you to yesterday, that was a pretence, wasn't it?---In which sense?

Do you understand what a pretence is?---I do.

20 And when you introduced this multi-vendor approach, which you told Mr Doherty that was now and henceforth to be introduced for the supply of services in procurement, that was a pretence on your part, correct?---No.

To justify to Mr Doherty why his contractual arrangements with RMS would be reduced.---No.

30 Could we have volume 5, page 36. On 8 September, 2016, you emailed Mr Doherty and Mr Malhotra, telling them, "Gents, agreements needed for the multi-vendor approach for IRD portable weigh scales. I need to be clear in saying that we need to come to agreement in this meeting. It has been dragged far too long. Recommended option, vendor A procure about 50 per cent of all new procurement, service entire fleet, calibrate entire fleet. Vendor B procure 50 per cent of all new procurement."

And then you confirm that ELWC currently has a good performance with service and calibration. So again you were content at this point with ELWC's performance in terms of servicing the scales, correct?---For a, for a very short time.

40 You were content here, on 8 September, 2016, with ELWC's performance servicing the scales. Do you agree with that?---No.

This is what you've said in your email.---Not in general, just for the short time that I was performance managing them, but that's not the purpose of this email.

Have you lied in this email?---No, I have not. There's a, there's a different point - - -

Well, then we should take it as your view about ELWC's performance.
---That's not the context of this email.

Well, the words are plain, aren't they? It's ordinary English.---No.

10 "ELWC currently have a good performance with serving and calibration."
That was your view, and you didn't lie.---The context is that they were still
failing to provide parts. Mass breaches were still being sent illegally
because the certification was illegal.

And you saw an opportunity to introduce - - -?---No.

- - - Novation as procurer of those parts.---I had to make some sort of
change, where I could get these scales certified legally, because this was a
massive political risk, and it will now will be a major risk.

20 A major risk, and you were content to have your friend, who has no
experience in portable weigh scales, introduced as procurer of parts,
notwithstanding the risk to public safety.---Sorry, public safety?

THE COMMISSIONER: That's what you were doing, wasn't it?---What's,
I don't understand the public safety - - -

MS WRIGHT: Well, weren't you talking about a risk to public safety?
---That's what happens, due to ELWC's actions, and people literally died.

30 And you were content to have your friend's company, Novation, knowing
that your friend has no experience in portable weigh scales, introduced as
procurer of parts, notwithstanding the risk to public safety.---I'm not
understanding the public safety connection to this.

THE COMMISSIONER: You've identified that there's a public safety
issue. You've just given that evidence.---Yes.

40 And what Ms Wright is saying to you is that by introducing or assisting
your friend, his company that's got no experience in portable weigh scales,
to introduce them in the way as set out in this paragraph is also putting
public safety at risk - - -?---I don't agree.

- - - do you agree with that or not?---Definitely not.

MS WRIGHT: And you had already sent to your friend advice to contact
NMI to see whether he could issue the verification certificates for portable
weigh scales, which I took you to a moment ago.---Yes.

Certifying portable weigh scales would present a significant public safety
risk, would it not?---In which way? If it's done right, there is no risk.

I see. So Mr Thammiah was going to certify scales “right”, notwithstanding that he had no experience with portable weigh scales.---Well, that’s the purpose of the training.

I see. So he was going to do training, was he?---Yeah, he was planning it with IRD for quite some time, I believe.

10 And you thought that there would be no public safety risk with your friend certifying portable weigh scales in New South Wales.

THE COMMISSIONER: When he was untrained, and was, had to seek training.---In, there’s a process. He obviously never done the maintenance, because he never got the training until later, I believe.

MS WRIGHT: And against, in contrast with ELWC’s 20 years of providing certification and verification services to RMS, you thought Mr Thammiah was in the running for that job.---The man that was managing ELWC had been managing it for maybe six months when he stuffed up.
20

Are you going to tell the Commission the truth, Mr Soliman, in your evidence, or are you going to continue to make it up as you go?---Not making anything up as I go. Mr, Mr Glen Doherty took over the running from his father who had been running it for a very long time. As soon as he managed the business, Ange Fenech, who was managing it with him, warned me about him, says he’s mentally unstable and he’s not doing a job. And when I started to talk to this man, I found that exactly that’s the truth, and that’s what the users on, on the road told me, also.

30 Well, that is just entirely false, Mr Soliman.

MR YOUNG: That’s a question, is it?

THE COMMISSIONER: Yes, it is, and it’s obvious it’s a question. She’s putting to you, Mr Soliman, that it’s false. Do you agree with that or not? ---Which part of my statement do you think was false?

MS WRIGHT: The entire statement.

40 THE COMMISSIONER: Mr Soliman, please do not answer a question with a question. Your role is, you are in the witness box and you are to answer questions. It was put to you, do you agree with the proposition put to you by Counsel Assisting that your last statement was false.---No.

Good.

MS WRIGHT: Now, coming back to this email of 8 September, you confirmed following your meeting, in the email at the top of the page, that ELWC in principle agrees to be vendor A. Do you see that?---Yes.

And that would involve his procurement services to RMS being reduced to 50 per cent of all the procurement. Correct?---Of parts.

For parts, is it?---Yes. I need another vendor to procure parts that could actually procure it.

10

And at that stage you had in mind that that would be Novation?---Not at this stage.

Well, you had sent a meeting request and had a meeting, which I took you to a moment ago, on 2 September with IRD and Novation about Novation signing to be a formal reseller of IRD parts.---IRD were still talking I believe also to AccuWeigh at this stage, under my instructions.

20

You arranged a meeting, Mr Soliman, on 2 September, 2016 - - -?---Yes.

- - - for a reseller certificate to be created and signed for Novation to be a formal reseller of IRD parts. Would you like to go back to volume 6 - - -? ---No.

- - - and page 18 to see that diary placeholder again?---No.

Do you agree or disagree that that's what you did on 2 September?
---What did I do?

30

Let's go back if we could to volume 6, page 18. Do you maintain your answer that as at 8 September, 2016 you did not have in mind that Novation would be the supplier of 50 per cent of all new procurement of parts?
---They were one of the vendors that IRD were speaking to and they were speaking to AccuWeigh I believe also when he came to Sydney.

And they were speaking to Novation at your request. Correct?---I believe Rish wanted to meet them so I organised the meeting.

40

So do you say that you had in mind Novation would be the supplier of some parts but not up to 50 per cent?---Yes, I just needed someone that would procure the real parts.

And as it turned out, how many companies supplied spare parts from manufactured by IRD in 2017?---I believe Novation had the licence by then.

Right. So how many companies supplied IRD spare parts?---Only one, as far as I know.

Yes. So this multi-vendor approach was entirely false, wasn't it?---No.

And it was used by you as a guise to introduce Novation to IRD and RMS's business.---No. ELWC terminated their business relationship, it wasn't my, my side.

Because of the pressure that you placed on ELWC.---To do their job, yes, of course.

10 And ELWC's hand was forced - - -?---No.

- - - because it was absolutely fed up.---No, he couldn't do the job.

And you introduced Novation as supplier of 100 per cent of spare parts procurement, did you not?---That wasn't my plan, that wasn't my choice, that's just what ended up happening.

Entirely inconsistent with your so-called multi-vendor approach. Correct?
---ELWC terminated, I did not terminate their contract.

20

THE COMMISSIONER: And it was inconsistent, as Counsel Assisting just asked you, it was inconsistent with this multi-vendor approach that you were referring to on 8 September, 2016. Do you agree with that or not?
---Yes.

MS WRIGHT: And IRD had told you that it would make adjustments to ensure your satisfaction. Do you agree with that?---I believe so, yes.

30 And who is it that you say introduced at RMS the multi-vendor approach needing to be introduced?---Who introduced it to me or - - -

Yes. Was it something that you thought up or was it imposed on you from above?---No. The programs were being pushed more and more to have more than one vendors, so we're not stuck with a problem that I was stuck with. The point-to-point program that was being run also was like that. All of the camera programs were moving to that. That was a practice that was being pushed.

40 THE COMMISSIONER: So it was a practice that you observed in respect of other provision of other equipment?---Programs, yes.

MS WRIGHT: Sorry, who imposed it?---I don't know.

THE COMMISSIONER: Don't know if it's - I think his evidence is that it's just a practice that he observed with other programs such as point-to-point and the cameras, and seems on 8 September to have adopted it temporarily. Is that a fair summary of your evidence?---Yeah, I do believe

it was a requirement somewhere in one of the documents. I don't know if it's - - -

Which documents would they be?---Don't know. I never, I never read it. I was just speaking to Craig Steyn, which, who manages the point-to-point program, and he was telling me why the Roads and Maritime were moving to that practice.

10 MS WRIGHT: Now, on the third – sorry, just go back to something else. You obtained ELWC's NMI certificate, did you not?---Don't recall.

And you did that before ELWC ceased its business arrangements with RMS.---I don't know.

And you sent it to Mr Thammiah.---I don't know.

If we could have volume 5, page 88.

20 THE COMMISSIONER: Sorry, which page again?

MS WRIGHT: I'm sorry, Commissioner. Volume 5, page 88. So do you see this email dated 14 September, 2016?---Yes.

This is before Glen Doherty informed you that he was fed up and ELWC would cease doing business with RMS. Do you agree with that?---Yes.

Do you agree?---Yes.

30 And you sent to Mr Thammiah Glen's NMI certificate, that is his servicing licence for weighing instruments.---Yes.

Page 89, if we could just show the NMI certificate that's issued by a Federal Government agency for this type of work. Are you aware of that?---I am now.

Well, you sent it at the time, Mr Soliman. You're clearly aware of what the NMI certificate is and what it's for, weren't you?---I just know it's something that you need to perform the certification.

40 Yes. And so you were lining Novation up to do certification, not just providing spare parts.---I was helping him, basically showing him what he would need if he wants to do that.

So you're agreeing with my proposition that you were lining Mr Thammiah up to get servicing business from RMS in respect of the portable weigh scales and you were not limiting his role at this stage to providing spare parts.---No. He was just asking me what, what he would need if he wants to do it.

So Mr Thammiyah showed an interest with you, did he, in doing servicing of portable weigh scales?---Yes, initially.

You didn't raise it with him?---Yes, initially.

10 So you were assisting him with what he would need to do and the type of documents he would need in order to secure the business from RMS for certifying and servicing of portable weigh scales?---Yeah, if he wanted to do it, yeah.

And then if we could have volume 5, page 45. In an email on 3 October, 2016, starting halfway down the page, Mr Doherty informed you that ELWC was ceasing its business arrangements with RMS effective immediately, due to the unjustified complaints against his company. Do you agree with that?---They were very justified.

20 And he took issue with the multi-vendor approach which you had introduced to him. Do you agree with that?---Yes.

And he considered that, if we could go over the page, he considered that to be untenable. Do you see [sic] with that?---(No Audible Reply)

Do you agree with that?---I'm just reading it, sorry. Yes.

And his complaints were in part justified, I suggest.

MR YOUNG: Well, I object to that.

30 THE WITNESS: No.

MR YOUNG: I mean there's, I mean there's been evidence before the Commission from a number of people as to the performance of this company, including from, including to some extent, conflicting I accept, but evidence from Mr Jones that they were not doing the job. If something's going to be put that his concerns weren't justified, that should be specified, but the evidence before the Commission is plainly that they were not doing the job.

40 MS WRIGHT: Commissioner, I've taken the witness to a number of documents where he indicated to ELWC he was satisfied at certain times with their servicing services and in my submission the multi-vendor approach was a spurious basis on which to take issue with Mr Doherty's service to RMS. And one of Mr Doherty's complaints is the multi-vendor representations made to him.

THE COMMISSIONER: I suppose my only – I agree my view is you can ask the questions, I suppose maybe because there's two aspects to it if you could just break those up.

MS WRIGHT: Yes, Commissioner. The email refers to the multi-vendor representations which you had made to Mr Doherty. Do you see that?
---Yes.

10 And I suggest that his complaint there was entirely justified.---No.
Because you did not go on to apply this so-called multi-vendor requirement.
---It was applied and then he terminated.

But it was not applied to either servicing or procurement.---The problem was with the procurement of parts he failed to do so for years.

20 You introduced Novation as the sole provider of spare parts for PAT scales.
---That wasn't my choice. Mr, Mr Doherty terminated the business relationship.

And you had told Mr Doherty that you were content with the services he had been providing.---For the past month.

Now, after you did this, you emailed, or perhaps we'll go to it because I'm sure you won't remember, volume 6, page 28. You set yourself a reminder to call Rish to ask for a sole vendor licence for Novation for one year in New South Wales to skip tender and speed up procurement. Do you see that?---Yes.

30 And so your claims about a multi-vendor approach were misleading in the extreme, I suggest.---No.

And you were acting here on behalf of Novation, are you not?---On behalf?

Yes.---What do you mean?

40 You're doing Novation's bidding with IRD here.---No, I've just told him to follow up Rish because I think Rish would have called me. That's the only, only reason I can think that I would send him.

You requested Rish to use Novation as its sole vendor.---Yeah, I believe he would have called me and that's why I would have got a reminder here.

And if we could have volume 5, page 42. Do you see a month later on 16 November, 2016, Mr Malhotra, as vice-president of IRD, informs Mr Doherty that given the request from the end customer, Roads and Maritime Services in New South Wales, that IRD is establishing alternative business channels?---Yes.

And the end customer, RMS, was you, Mr Soliman.---Yes, of course because as I've already said, they weren't doing their job.

And so you requested IRD to replace ELWC with Novation. You accept that?---I've already given evidence they were the last option. Sorry, Novation and IRD spoke and they made, made the agreement at the end of the day. I needed someone to procure the parts that ELWC failed to.

10 That's your answer?---Yes.

Now, you then, at page 50 of volume 5, on 28 October, 2016 ordered ELWC to return all intellectual property and assets to RMS before 4 November, 2016.---Yes.

Do you think that might have been slightly heavy-handed in the circumstances?---Not at all.

20 It was heavy-handed, wasn't it?---They terminated the business relationship.

20 years of business and then you give him about a week by way of order to return all intellectual property and assets to RMS.---They had legal, legal documents which we needed for court, and as it turns out they didn't even give us all that, so - - -

If you're not happy with heavy-handed, not courteous, would you agree with that?---No. It was very appropriate.

30 Now, you then advised IRD that it should give to Novation a licence. Do you agree?---Yes.

And you did that the very day after IRD terminated ELWC's distributorship in New South Wales.---Yes, that makes sense.

And you never told IRD that Novation was your friend's company.---No.

40 And on the same day as IRD terminated ELWC, you asked Mr Singh to raise a payment in favour of Novation for 220,000 for reactive maintenance of portable weigh scales to be paid over several invoices. Do you agree with that?---I think I asked him to raise, to get Steve to order parts.

And you asked him to raise a purchase order for \$220,000 for reactive maintenance of portable weigh scales.---Probably. I don't recall the exact amount.

And the reference to maintenance really meant supply of spare parts, did it not?---Yes.

And that's because Novation had no capacity whatsoever to undertake maintenance or repairs on scales, did it?---I don't think they did, no.

And it's only role would be to purchase or procure scales for RMS from IRD in Canada.---Parts, yeah, at this stage.

And ELWC's prior service to RMS had included both procuring and providing maintenance services, hadn't it?---Yes, but that's - - -

10 So this was an entirely new business arrangement for RMS.---In which way?

In that you'd have a company that really knows nothing whatsoever about scales, and all it will do is procure them.---I needed someone to procure the O, OEM parts, as I've given evidence.

You could have done that yourself, couldn't you?---How so?

20 Mr Thammiah was not adding any value whatsoever, was he?---How else were we going to get the O, OEM parts?

What are you talking about O, OEM parts?---OEM.

What are you talking about? What is that?

30 MR YOUNG: It's been explained.---The manufacturer has parts that they produce. They're certified. They're engineered. And they can be put into the scale. Anything else that is put into the scale basically voids the actual certification.

MS WRIGHT: So you're saying Mr Thammiah would, through Novation, procure the parts?---Yes.

And what I'm asking you is, why couldn't RMS do that?---Because you need someone locally here to obviously get the parts from them, and there's a warranty issue, and I didn't see that was an, ever an option. Every company has a local distributor.

40 And to date, the local distributor has been a company with expertise in the equipment, and who can service the equipment.---Was. Had the expertise before the father died.

And do you agree that Mr Thammiah and Novation was adding no value above and beyond procuring the parts?---Yes.

So it was a very unusual business arrangement, do you agree with that?
---No.

Now, if we could have volume 6, of page 90, on 23 November, 2016, IRD appointed Novation as its exclusive distributor in New South Wales for the SAW equipment and related accessories. Do you see that?---Yes.

And you were aware of that?---Yes.

And the next day, IRD – if we could have page 37 – advised you that it had done so, telling you that both licences, CIC and Novation, have been issued today with expiry on 30 June, 2017.---Yes.

10

And the CIC licence was for weigh-in-motion equipment?---Yes.

And CIC would be the servicer of that equipment?---Mmm, they had to do training first.

But they would not just be a procurer.---Yes, but the problems weren't, weren't the same.

And you told Mr Malhotra in the email below that you expected funding for the whole scales asset replacement program to be provided around April of 2017, do you see that?---Yes.

20

And you said that the approval process is lengthy in RMS for the whole asset replacement program?---Yes.

And so you knew that this was a long game in terms of having Novation positioned to be the company who would ultimately purchase the scales to replace the existing assets.---Not necessarily.

And it was your intention from this time that Novation be positioned to purchase scales.---The main thing was the parts.

30

Well, it wasn't, was it, because I've taken you to documents that show that you were interested in having Novation also be a maintainer and servicer. ---I wasn't, I wasn't telling Steve to do that. Steve was asking me, "If I wanted to do this kind of thing, what do I need to do?"

And the exclusive distributorship which Novation had won from IRD was not limited to parts, it was, it included the scales themselves, didn't it?---I believe so.

40

So you were seeking to position Novation in this way in order to facilitate its appointment by RMS as supplier of scales and spare parts and for the purpose of gaining for yourself and Mr Thammiah a financial advantage. ---It was for the parts at the, at the beginning but obviously the senior management started to talk about what do we do about the scales, that's when obviously they also purchased scales after that.

And you were receiving cash payments from Mr Thammiah throughout this time, weren't you?---Yes, for the loan.

Well, you say it's for a loan, and I suggest to you that it was for favouring your friend's interest with RMS. What do you say?---We only ever spoke about the loan that he was going to give me.

10 On 13 November, 2016, Mr Doherty sent you a list of the most commonly used spare parts for portable weigh scales.---I don't recall.

Volume 5, page 105. Do you recall it now, Mr Soliman?---No.

MR YOUNG: Well, I object to that. I mean he's been taken to numbers of document and refer to a document in 2016, does he recall it, and it's suggested that there's something disingenuous or dishonest in him saying before he's taken to the document that he doesn't recall it.

MS WRIGHT: How did I suggest that?

20 MR YOUNG: You said - - -

THE COMMISSIONER: Mr Young, I thought it was an innocuous statement. He said he didn't recall, Counsel Assisting has now taken him into the email.

MR YOUNG: And does he recall it now.

THE COMMISSIONER: Yeah.

30 MR YOUNG: Well, it suggests, it's, it's, it's pejorative suggesting, well, do you now recall it, now that it's put in front of you.

THE COMMISSIONER: Continue - - -

MS WRIGHT: Well, Commissioner, it wasn't meant to be pejorative but there has been a pattern of the witness not recalling and then when he's shown evidence suddenly recalling.

40 THE COMMISSIONER: Just continue with that, Ms Wright, please.

MS WRIGHT: Mr Soliman, you see here that you received from Mr Doherty a list of components for the PAT 10A Series I and II?---Yeah.

And he says he'll have a list of most commonly used spare parts with pricing for you by COB tomorrow.---Yeah.

And that's because you requested that list from him.---I don't know.

You did request it from him, didn't you?---I don't know.

You must have, because he has just in unpleasant terms, on unpleasant terms, ceased working for RMS and yet he's now sending you a list of the most commonly used spare parts with pricing. It's because you requested it. ---I don't know.

You have no reason to doubt that's what happened, do you?---(No Audible Reply)

10

THE COMMISSIONER: What's funny, Mr Soliman?---I've just given the answer four, four times now, I don't recall.

MS WRIGHT: Well, I'll take you to another document, Mr Soliman. Page 111 – sorry, this is the same volume, volume 5, 111. You even followed up with Mr Doherty saying, “Appreciate it, mate, looking forward to the pricelist so we can move forward on this.” Do you see that?---Yes.

20

So you had requested his pricelist.---Don't know if I did.

Is that email from you that's on the screen, “From Samer Soliman?”---Yes.

You did, didn't you?---Don't recall if I did.

Now, around this time you had Novation lined up to do other scoping studies?---Yes.

30

And once ELWC was out of the picture and Novation was appointed, you decided against pursuing scoping studies for Novation.---Steven said he doesn't want to do it anymore. Didn't have time.

Because he saw the opportunity for higher value contracts from RMS?---I don't know why. He just said it was a time, time issue.

You had prepared several quotes for scoping studies that you were preparing to progress with RMS.---Sorry? Quotes?

Yes.---Which ones?

40

Around the time that ELWC ceased doing business with RMS, you had already prepared around that time several quotes to progress further scoping studies to be awarded to Novation, had you not?---Don't know which ones you're talking about.

I'll take you to them.---Okay.

If we could have volume 2 at page 31. Do you see this quote, quote 96, for a secondary vehicle trigger laser technology?---Yes.

And do you see at page 32 that the quote is dated 3 October, 2016?---Yes.

And you had not issued any request for quote to Mr Thammiah or Novation asking for a quote, had you?---Don't recall ever doing that, no.

And do you see the number on the top of the document which starts with E?---Yes.

10 I'm not suggesting that's your number or Novation's number. That is a number applied by the Commission to documentation obtained in the course of the investigation. Do you understand what I'm saying?---Yes.

And this document I suggest, Mr Soliman, was found by the Commission on your home personal computer.---Okay.

That is because you prepared it on your home personal computer, didn't you?---I don't recall doing this myself but, again, Steven was there regularly.

20

So you're saying Steven used your computer, are you?---He used it regularly.

THE COMMISSIONER: So he's running a business and he doesn't have his own computer?---I don't think he had a laptop by that, by that point.

But he, what, he had a PC?---I don't know.

30 So he's running a business that he's getting thousands of dollars from RMS and he doesn't have his own laptop or PC to your understanding?---I'm sure he had something but, you know, if he's at my house he's not going to bring his PC if he doesn't have a laptop.

Well, why isn't he doing this work at his home or his office or wherever it is?---He could have, I guess, but he was at my house a lot.

40 MS WRIGHT: And so you decided not to progress this quote because on 3 October, 2016, Mr Doherty had said I'm not doing business with you anymore, correct?---I don't know if this was progressed or not.

And you saw an opportunity for Novation to then take over spare parts contracts and earn more money than it had for scoping studies.---Mr Thammiah said he no longer had time to do these.

And so you decided not to proceed with this particular quote which had been prepared?---I don't recall what, what happened with this time, but Mr Thammiah said he no longer wanted to do the studies.

Because this scoping study for a secondary vehicle trigger using laser technology, that was going to be another fraud on the RMS, wasn't it?---No.

Involving Novation earning money and not providing services or providing only very superficial services.---Don't understand.

10 All right, well, I'll take you to another quote. Actually, before I do that, you've seen the title of this one, Secondary Vehicle Trigger. If I could take you to page 40 of volume 2. Do you see here an email with the same date as the quote, 3 October, 2016?---Yes.

And below it an email that you've forwarded, which is dated 30 September, 2016?---Yes.

And you've forwarded from your RMS address to your personal ducktape email address - - -?---Yes.

20 - - - information about a secondary trigger trial, do you see that?---Mmm, that was the implantation.

And you have then forwarded from your ducktape personal email address to Novation the attachments in the email about the secondary vehicle trigger trial?---Yes.

And that includes quote 96.---Yes.

So I suggest that you'd prepared the quote, Mr Soliman.---I don't recall preparing it.

30 But you don't deny that you did?---I don't recall preparing it.

Looking at this email here, where you've forwarded internal - - -

MR YOUNG: Could it just be made, I'm sorry, Commissioner, but could it just be made legible? I just can't (not transcribable) can be enlarged a bit?

MS WRIGHT: Sorry.

40 THE COMMISSIONER: Which section, the bottom section?

MR YOUNG: Oh, it's, yes, it's the section - - -

THE COMMISSIONER: Yes, it is a wee bit hard to read.

MR YOUNG: It's the section dealing with the middle part where it's got the names of the people it's gone to, thank you.

THE COMMISSIONER: Now, is that better for you, Mr Young?

MR YOUNG: If it could just be brought down a little, thank you, yes.

THE COMMISSIONER: A little bit further, or are you right - - -

MR YOUNG: No, that's all right.

THE COMMISSIONER: That's good?

10 MR YOUNG: It was mainly the recipients of it I couldn't read.

THE COMMISSIONER: Okay.

MS WRIGHT: Has my friend had enough - - -

THE COMMISSIONER: Are you right, Mr Young?

MR YOUNG: Yes, thank you, Commissioner.

20 MS WRIGHT: Then if I could take you to page 58.

THE COMMISSIONER: And sorry, you can't remember whether you did prepare quote 96, even though you were forwarding it or attaching it - - -? ---Yeah, I don't recall.

- - - in an email to Novation Engineering, and steveyeah, is that another email address of Mr Thammiah?---I thought it was a different one. N-g something.

30 Yes, steve2ng.---Yeah. Yeah, I think so.

MS WRIGHT: And so looking at that email, you don't doubt, do you, that you were intending for Novation to do a scoping study, or that is, charge RMS for a scoping study relating to a secondary vehicle trigger?---Yeah, but he didn't want to do it.

But you were intending that it be progressed?---No, because he actually was planning to do it, then he didn't want to do it after that, so that, and I think there was a couple of others cancelled.

40

Prior to him indicating that he didn't want to do it, you were intending to progress this scoping study to be awarded to Novation by yourself? ---Because he wanted to do the, the work, yes.

Then on the same day, you issued another quote, on page 58 of volume 2, quote 97, for an over dimensioned vehicle enforcement using SICK high-speed FPS.---I think this one was cancelled also.

And at page 59, the date borne by this quote is 3 October, 2016.---Yes.

And again, this quote was found on your home PC?---Yes.

And this quote was not submitted for purchase order request?---Okay.

And it was not submitted by Novation to you?---I don't know.

10 Well, the only place it's found is on your home computer, I suggest, Mr Soliman.---Yeah. It was probably done on the same day as that other one with Steve.

And so it was created at your home?---Mmm, I don't recall, but probably, because he did, he was there a lot.

And are you suggesting you gave Mr Thammiah free rein of your computer? ---Yeah.

20 And did you know about this quote?---Yes, yeah.

And you were both proposing to submit it together to RMS?---What do you mean?

Well, you knew about it, it's been done at your home, you were both intending together to submit it to RMS. Correct?---I'm not sure I understand your question. Together?

30 You and Mr Thammiah had an agreement, didn't you, that Novation would submit quotes, you would then approve a purchase order authorising the expenditure quoted and then you would also approve Novation's invoices subsequently for payment.---Yes, I favoured him.

That was an agreement you had between you and Mr Thammiah.---Yes, I favoured him, yeah.

And no work would be done by Novation or any work would require only superficial input from Mr Thammiah. That was the agreement.---In which way? No.

40 And any involvement that Mr Thammiah would have would be a pretence to make Novation look like it was doing something but really it was doing nothing of any value.---I don't agree with that.

There was no business need at all for Novation's involvement in this project for an over dimension enforcement using SIC, was there?---Yes, there would have been, but he didn't want to do it.

He didn't want to do it, but you see you must have identified that there was a business need for a scoping project. Did you nominate any other company to proceed with it?---I think AZH done it afterwards, yeah.

Another friend's company?---Yes.

And what about the secondary vehicle trigger laser technology quote. You said Mr Thammiah didn't want to do it, did some other company take its place?---I'm not sure if AZH done that.

10

And if it didn't, that's because there was no business need for it. That would be the only conclusion one would draw.---No, there was.

What was the business need for the secondary vehicle trigger laser technology project?---By 2020 we, we had to put in essentially some sort of recommendation to see how we can change the technology being used for regulation and we had seen previously that - - -

20

Could you speak up, please, Mr Soliman?---Yeah. We were, we, we were told that you need a third party to basically do a couple of things, sometimes it was to report on the actual study itself and sometimes it was also to make sure that the data coming from the actual, the hardware, the manufacturer's hardware wasn't modified, just to prove that it's been checked basically.

And when did the secondary vehicle trigger laser technology trial take place?---Maybe 2017. I don't know exactly, yeah.

30

And who did it, who conducted that trial?---I think the implementation happened earlier.

THE COMMISSIONER: Who undertook the trial?---Well, I'm pretty sure, I don't know if AZH got that one but it would have been one of the ones, that happened.

MS WRIGHT: There were no other companies other than Novation and AZH involved as external third party so-called independent parties in there trials used by the Heavy Vehicles Programs Unit?---Yes, there were.

40

What are the names of the companies?---SGS, I think done a couple, JYW done a couple I believe, I don't - - -

Which ones?---I don't recall. There was, I don't recall which ones exactly they, they done.

And they were not manufacturers or providers of the technology. Is that your evidence?---No.

And they were there just in a checking capacity, were they?---Depends what the project was.

And how many did SGS do?---Maybe a couple, I don't recall exactly.

And which trials were they?---Don't recall.

You were running this unit, Mr Soliman.---Yep.

10

SGS didn't do any, did it?---It did.

Then you created another quote dated 3 October, 2016 on your home computer, I suggest, if we could go to page 97 of volume 2. And that is first an email that you have sent to yourself from your work address to your personal address, and which you have then forwarded from your personal address to Novation. Do you see that?---Yes.

20

Between 30 September and 3 October. And that pertains to a FLIR A615 brake and tyre compliance scanner trial.---Yes.

Do you see that?---Yes.

And so you were still thinking of proceeding with this scoping study to be awarded to Novation?---At that, at that time Steve was still wanting to do it.

And what changed was that on this date Mr Doherty said it was all over. He was not going to do work with RMS again.

30

THE COMMISSIONER: That was a change on that day, wasn't it?---If you say so, yeah.

MS WRIGHT: And so these quotes were not proceeded with because Novation would take over higher value work that it would receive from RMS.---It wasn't about the value at all. Mr, Mr Thammiah no longer wanted to do this work.

40

And it was around this time that you introduced AZH to scoping study work, wasn't it?---Yeah, I believe it's around this time that Ali was looking for work.

So you'd manoeuvred, I suggest, Novation out of the scoping study work into higher value work, and introduced another friend's company to take over this smaller value but consistent trial and scoping study work in order to profit both that friend and yourself?---That wasn't the purpose.

And the quote that this relates to is at page 88. And this is quote 98 and again on page 89, on the second page of the quote, the date of issue being 3 October, 2016, for \$84,340, excluding GST. You see that?---Yes.

And so the amounts, the value of these scoping studies has increased quite significantly from the first scoping studies awarded. Would you agree with that?---I'm not sure.

10 And did you prepare this quote, which is also found solely on your home computer, yourself?---I don't recall doing it, but again Steven was at my house a lot.

But you emailed information, including the quote, from your personal account – this is at page 97 again – to Novation at both the Novation email address and the steveyeah Gmail and your RMS address.---Okay.

You are the operator of your own personal email account, aren't you?
---Operator?

20 Yes. You're the person that uses your own email account.---Steve could use it if he wanted to obviously forward stuff.

Who prepared this quote?---I don't recall but, you know, I'm sure that we would have spoken about it when he was, when he was doing it.

30 So is it the case it really didn't matter who prepared it because you had an agreement that quotes would be prepared on Novation letterhead and submitted to RMS and progressed by you for payment?---If he wanted to do the work, then he could do the work, well, yeah. I didn't really see an issue with it if he could do the work and he was doing the work.

And on 5 October, 2016, you were still intending that Novation carry out the FLIR trial?---Sorry, what date?

That's the IMC trial.---He didn't want to do it, like I said.

On 5 October, you were still intending, weren't you – this is 2016 – that Novation still be awarded that trial.---I have no idea.

40 If I could show you an email, please.

THE COMMISSIONER: And would you remind me which trial it was again, sorry.

MS WRIGHT: This is the FLIR thermal camera trial and relates to the statement of Mr Snell from IMC.---Yeah.

It's just coming up on the screen. Do you see the placeholder you sent halfway down the page on 5 October, 2016?---Yeah.

And you've included Novation Engineering on the email.---Yeah.

And it's setting up a trial for 24 November, 2016.---Yeah.

10 And then you informed Mr Singh on 22 November, 2016 that he should not include Novation anymore.---Yeah. And I told him, he cancelled the purchase order.

And you switched to using AZH for that trial.---That was around the time that Ali was looking for work, yes.

And Mr Hamidi attended a day of this trial ultimately?---He, he would have went every day.

20 And so AZH would be, I suggest, your new vehicle for profiting from trials and scoping studies?---No, I wasn't, he wasn't paying me then.

AZH was incorporated – that is, registered – on 10 November, 2016. ---Okay.

You were aware of that?---No.

Could I, before I go on, tender the email dated 22 November, 2016 and the chain below?

30 THE COMMISSIONER: The one up on the screen?

MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: The email chain commencing on 5 October, 2016 and ending in the email from Mr Soliman to Mr Singh dated 22 November, 2016, concerning the FLIR, F-L-I-R, thermal camera trial will be Exhibit 54.

40 **#EXH-054 – EMAIL CHAIN COMMENCING ON 5 OCTOBER 2016 FINISHING ON 22 NOVEMBER 2016 TITLED ‘PLACEHOLDER FOR FLIR THERMAL CAMERA TRIAL’**

THE COMMISSIONER: You just said in an answer Mr Hamidi wasn't paying you then. When did Mr Hamidi start paying you?---He offered to pay me to continue basically training him around - - -

No, but when? My question was when he - - -?---I'm just, I'm just thinking, I'm just thinking.

Well, think.---Towards the middle of 2017.

MS WRIGHT: Now, Mr Soliman, just going back in time, you introduced Novation – I withdraw that. You commenced lining Novation up for work from RMS in the middle of 2015, do you agree with that?---I thought it was 2016.

10

Could we have volume 1 at page 1. Do you see here you've sent an email to steve2ng.---Yes.

That's Mr Thammiyah. And that's on 22 July, 2015.---Yes.

And you've sent him an attached report - - -?---Yes.

- - - called an ICT business case ruggedised mobile device standardisation project.---Yes.

20

If we could turn to page 2. You were sending him RMS internal records. Do you agree with that?---Yes, I didn't see an issue.

You were not authorised to do that?---Yeah, I didn't know I needed it.

And at page 82 of volume 1 you also sent him, and this is in September 2015, a link to a report about ANPR mobile information.---Yes.

30

And shortly after, this is at page 83, you asked staff at RMS to process Novation as a new contractor.---Yes.

And you forwarded the emails to Mr Thammiyah indicating that he's added as a vendor.---Yes.

Why had you sent him the internal report into the ICT business case, being a Transport Roads and Maritime Services report, on 22 July, 2015?---Not sure. Maybe as some sort of template or something.

40

A template for a future report to be prepared for what purpose?---What do you mean?

A template for what, Mr Soliman?---A general document template maybe, but I don't know why I sent him that specific one.

And do you agree that by that stage you had intended to introduce Novation as a contractor to the Heavy Vehicles Programs Unit at RMS?---Yes.

Novation registered its business name on 12 August, 2015. You're aware of that?---No.

Could we have page 66 of volume 1. Do you see this ASIC invoice?
---Yep.

10 And do you see the E reference number in the top right-hand corner?
---Yeah.

That is a number which indicates that the Commission found this ASIC invoice on your home computer.---Ah hmm.

And it was on your home computer, wasn't it, because you paid for the business name registration. If we just turn to page 67, the transaction paid for on 12 August, 2015, is the business name registration for Novation Engineering. Do you agree with that?---No.

20 THE COMMISSIONER: Sorry, you don't agree that you paid for it?
---That's correct.

MS WRIGHT: And so who has paid for it, Mr Soliman?---I have no idea. This is the first time I've seen this document.

If it's on your home computer, is it possible that it's you?---No.

30 How can you be so sure about that?---I think I would know if I paid for ASIC, which I've never even spoken to ASIC, so, and it's logical that Mr Thammiah would do it.

Using your home computer again?

MR YOUNG: Well, I object to that. I mean, that doesn't follow.

THE COMMISSIONER: Well, it was found on his home computer.

40 MR YOUNG: That document is but that doesn't say anything about the method it was paid by.

MS WRIGHT: Mr Soliman you have the invoice for the payment of the registration name of the business Novation on your home computer. You

see that? You don't dispute that's where it was?---It could have been there. It's the first time I've seen this document.

And the Commissioner has heard extensive evidence over the last two days in WhatsApp where two years, three years later you are referring to Novation in terms of "we" and "our" and "our profit", et cetera. You accept that?

10 THE COMMISSIONER: Remember those?---Yes, but like I said, the, the reasoning for those words were in terms of the ownership of the business. We were so close that the words, the words come out very differently.

MS WRIGHT: You see why the Commission might form the view that, with an invoice about Novation's business name being registered in August 2015 being found on your home computer, that this was a company that you helped to create from the outset?---Definitely not.

20 And the company logo was also found on your home computer, page 74. You see that?---Yes.

You were aware that the company logo was contained on your home computer as a standalone file, were you not?---No, no.

So there are things on your home computer of which you're not aware, is that the case?---It seems like it, yeah. I just built that PC.

THE COMMISSIONER: I'm sorry?---I just built that PC. I didn't even know that there was any other data on there.

30 MS WRIGHT: When did you build the PC?---Maybe the beginning of 2018, and I got a hard drive, an old drive, and obviously that drive had the, had the stuff on it.

So did you say, "I got an old drive"?---Yeah.

Where did you get an old drive from?---It was one that Steve gave me years ago but I didn't realise that it was, had data on it.

40 THE COMMISSIONER: When did Steve give you the hard drive?---When I was building the PC.

Ms Wright?

MS WRIGHT: So you had a PC before the beginning of 2018, didn't you, at home?---Yes.

And that's why there's emails where you send emails to and from your ducktape address, correct?---Yes.

And you're saying, are you, that Mr Thammiah has given you an old drive on which are documents relating to Novation created years before?---Yeah, he gave me a USB drive, but I didn't think that it had anything on there.

THE COMMISSIONER: So you didn't bother checking?---No, I don't know if that's what it was on, but I didn't even realise the documents were there.

10 MS WRIGHT: You're just lying, Mr Soliman.---I'm not. I didn't - - -

You're just making it up.---I'm not.

Because you can't answer these questions, so you have just invented what you have just told the Commission, about getting an old drive from Mr Thammiah.---He give me a, a USB hard drive. I don't even know if that's what it was found on.

20 It was found on your PC computer.---Okay, well, then it wasn't on, on the drive then that's not what it was.

I see. So you accept then that it was on your home computer, this document?---Yes.

And it was on your home computer back in August 2015, I suggest. I'm talking about the document at - - -

THE COMMISSIONER: The logo, page 74?

30 MS WRIGHT: Yes.---Okay.

You don't dispute that?---No.

Now, going back to the first contract awarded to Novation, was it your decision to purchase 21 under-vehicle cameras?---The users wanted them but I don't know where the number came from.

40 Was it your decision to extend the trial?---Sorry, I don't know what you mean, extend.

Did you have a small trial at Mount White of one or two cameras earlier in 2015 of under-vehicle cameras?---From memory I think we purchased a couple in, which weren't modified, I forgot the guy's name, the inspector, Phil, Phil something, he's the one that brought it to our attention and Mr, Mr Hayes also.

Was it your decision to then extend the trial to several vehicles in every sector?---Don't know.

Could I take you to volume 1 at page 122. Do you see this email of 28 October, 2015 at the bottom of the page?---Yes.

And at the end of the first major paragraph you say, "I would like to extend the trial to several vehicles in every sector."---Yes.

So you accept it was your decision to extend the trial?---Yes.

10 And Mr Thammiah's role was to procure the cameras, was it not?---Yes.

And he had no prior experience with under-vehicle cameras to your knowledge?---No.

And you asked Mr Thammiah to get a quote to procure the cameras, didn't you?---Yeah, I think he was asked, yeah.

I didn't hear your answer, sorry?---Yeah, I think he was asked for a quote.

20 By you, wasn't he?---I'm not sure, maybe me or Jai.

And you told him which camera to get?---Yeah, I think it was the same one.

Yes. And you told him where to get the same camera from?---Either me or Jai, I'm not sure.

Could we go to volume 18, please, at page 1. On 29 October, 2015, you told Mr Thammiah what cameras you were after.---Yes.

30 And you asked him to source them from the vendor.---Yes.

And you sent him the email trail from the last purchase for his reference. ---Yes.

And on the same day, if we could go to page 7, you sent him an image of the camera "to make sure they are quoting you for the correct thing".---Yes.

40 So you chose the supplier of the cameras for Novation?---I don't know if I told him specifically that one only, but it's more, more than likely, if that one worked.

Well, you've said in your emails, "Please source a quote from the vendor to make sure you're quoting for the correct thing."---Yeah. Yep.

So you chose the supplier of the cameras for Novation, didn't you?---Yep.

Correct?---Yep.

Mr Thammiah was not assisting you to look for a solution, you were telling him what the proposed technology would be, correct?---Yep.

Now, you signed a purchase request for this trial?---Okay.

Perhaps, Commissioner, if they could be marked for identification before I go on, at volume 18.

THE COMMISSIONER: Pages 1, 7?

10

MS WRIGHT: Yes.

THE COMMISSIONER: Volume 18, pages 1 and 7 will be Exhibit – oh, sorry, MFI 8.

#MFI-008 – VOLUME 18 - PAGES 1 & 7

20 MS WRIGHT: And then if we could go to volume 1, page 100. This is the purchase order request dated 19 November, 2015, that you signed, for the purchase of the under-vehicle cameras.---Yep.

And it's in the amount of \$45,780?---Yep.

And you signed that to authorise the payment to Novation?---Yep.

And so you signed, when you signed, you represented that you were satisfied there was a business need for this purchase?---Yep.

30

And that Novation had the capacity to fulfil the service?---Yep, they did.

And you, at page 102, signed Novation's quote?---Yep.

And that included 21 cameras, at page 101, and lifetime hardware and user support?---Yep.

And at page 2, a term of the, page 102, a term of the purchase would be 100 per cent payment upon PO, purchase order creation?---Yep.

40

Was that a unusual term to be applying to the purchase of equipment?---No.

You'd applied that term in other contractual arrangements, had you?---If there's a large cost at the front, I mean, the vendor can put whatever terms they want, really.

How did you determine the price of \$45,780?---How did I? I don't, I don't know. That was Mr Thammiah's price.

Did you discuss the price with him?---I don't know, I don't recall telling it, talking to him about it.

Did Mr Thammiah submit this quote to you, or did you draft it?---Mmm, don't recall drafting this.

Do you say it was Mr Thammiah who came up with the price of \$45,780?
---Yeah, I believe so. I mean, I don't recall that number.

10

Were you aware of the amount quoted by the supplier to Mr Thammiah?
---Mmm, don't think so, no. Was somewhere in Russia.

Did you say, "I don't think so"?---I don't think so. It was somewhere in Russia. There were major issues with the Customs and everything for the first couple of items.

Were you aware of the price that the supplier had charged or was to charge Novation?---I could have been then. I don't recall now.

20

And what do you recall about the price?---I don't recall now.

Didn't you have the quote from the supplier on your personal computer?
---I'm not sure.

Now, is your evidence that you have no idea of what the mark-up applied by Novation was?---My evidence was that I don't recall if I saw the number back then.

30

And what's your position today? That \$45,780 represented best value for money for RMS?---I don't know what the costing for shipment and Customs issues were.

And you approved the payment of an invoice to Novation?---Yes.

And you are aware that there were enhancements done to the cameras supplied by Novation?---I recall some sort of changes to it.

40

And special bags had to be obtained?---Oh, yes, yes.

And that was at additional cost to RMS? Additional to what Novation had charged?---I would think so, yeah.

And the enhancements to the cameras was also an additional cost to RMS?

THE COMMISSIONER: You had to fabricate longer handles.---It was something like that, and, and the guys wanted special carry bags so they can easily put it in and out of the car, yeah, something like that.

Yes, but we're looking at the additional costs, and those additional costs for the bag and also the fabrication of the longer handle were charged to RMS but by other entities other than Novation.---Yeah, must have been.

MS WRIGHT: And Novation was not able to do those enhancements.---I'm not sure if they were asked to. One of the guys in our team has a fabricating company that he generally uses.

10 That was Mr Steyn?---Yeah.

And he had to send the cameras to a fabricator to make the enhancements, didn't he?---That's what would have happened, yeah.

And Novation was not able to do any of that fabrication itself, was it?---I don't think we asked them. It was easier for Craig to organise it.

Novation was not able to do that fabrication itself. Do you disagree with that?---I'm sure they could have done the same thing, just we didn't ask
20 them because it was easier. The units were there already with us.

THE COMMISSIONER: What, just outsourced it?---Sorry?

You're saying they could have done the same thing.---Yeah.

So you're saying they could have gone to a fabricator?---Yeah.

MS WRIGHT: Well, his quote was for lifetime user support. Why didn't
30 you just ask him?---I think that's of the actual unit itself, not, that's not to do with the fabrication.

It was the unit itself being enhanced.---Yeah, from memory, me, Jai and Craig were just speaking about it and it was easier for Craig to organise it.

And what experience or expertise did you understand Mr Thammiah had that would allow him to do the fabrication himself?---Don't know.

You didn't know whether he had any, yet your evidence to the Commission
40 is that you could have asked him?---Asked him to do the fabrication?

Yes. You said, "We didn't ask him but he could have."---Yeah.

But you say you don't know what experience or expertise he would have had to engage in that task.---Yeah.

So how can you be so sure that you could have asked him and he could have done it?---Not sure that he could have done it. I mean, I'm sure anyone can just organise a fabricator to fabricate.

THE COMMISSIONER: I think his evidence is that Novation could have outsourced the fabrication, and would have that involved potentially a mark-up or additional costs being charged by Novation to RMS if he did it that way?---Basically, yeah.

MS WRIGHT: And those cameras, I think you've already given evidence, were not considered to be a success by the end users?---Yeah. A few of the guys liked it a lot a few of the guys did not like it at all.

10

Wasn't it all a big failure as a project?---In which way?

In that they were not subsequently taken up for use by inspectors around the state?---A few of them kept it in their cars, a few of them kept it in their stations, but that's the purpose of a trial.

And when you said a few of them kept it, do you understand that they were using it as a tool, this camera?---The guys at Mount White said they were using it, I'm not sure, a few of the guys, I recall going to Twelve Mile Creek for something else and they said they didn't like it there.

20

So did you in the end consider this to be an effective tool, this under-vehicle camera?---Judging by the trial, in my opinion, not really.

And did Mr Thammiah express a view to you about whether it was an effective tool?---Yeah, he thought it was good but only in certain circumstances where there's no glare on the actual monitor and he was saying something about some of the guys saying that it's very good if the truck, the moulding is very low, like they are built these days, so the guys can't actually fit under there anyway, so they have to use it.

30

And did Mr Thammiah make any recommendation about the rollout of these units?---Recommendation for?

Did he make any recommendation to RMS about the rollout of these units, whether they should be or shouldn't be rolled out?---I don't know.

Well, how is it that you don't know, Mr Soliman?---Don't recall if he did a recommendation per se. I'm not sure if that was part of this.

40

THE COMMISSIONER: Part of what?---The project.

MS WRIGHT: Did you ever receive a report from Mr Thammiah about the under-vehicle cameras?---Don't recall, but again, I don't know if that was part of this project.

You wrote a business memo to Mr Hayes about the project being expanded prior to the purchase of the 21 vehicle cameras.---Yeah, he would have asked me for something like that to go up.

And did you report at all about whether the trial of the cameras had been a success?---I'm not sure what I wrote in there.

After the trial did you report to Mr Hayes or anyone at RMS about whether the trial had been a success or not?---I'm not sure what I wrote in there.

10

THE COMMISSIONER: But hold on. You said that you wrote a business case. That was before, wasn't it, before the cameras were purchased? You said he would have asked me to go up.---No, I think he asked me to do something to notify that we done something, but I don't recall exactly what we put in that memo.

So what's your evidence, that a memo was written to whom?---Maybe it was the senior managers, I don't remember who exactly though.

20

So you wrote a memo to senior managers, and at that time who were the senior managers that you would have addressed it to?---I don't know if it would have been, maybe Peter Wells or Paul Endycott. I just remember Paul asking me about that one because he was curious.

Paul Endycott?---Paul, Paul Hayes asked me.

Hayes, I'm sorry. All right. Now, this memo that you wrote to senior managers, was it before you engaged Novation to go out and purchase 21 cameras and lifetime hardware and support or after?---I don't recall but it should have been after or even during.

30

MS WRIGHT: I note the time, Commissioner.

THE COMMISSIONER: All right. I'll adjourn for morning tea and resume at five to 12.00.

SHORT ADJOURNMENT

[11.31am]

40

THE COMMISSIONER: Right, Mr Soliman. Ms Wright.

MS WRIGHT: Mr Soliman, still in relation to the under-vehicle camera project, I asked you whether Mr Thammiah made a recommendation about the under-vehicle cameras. What is your answer to that question?---I don't know if he made a formal recommendation to anyone. I don't think that was part of the project.

Did he make an informal recommendation?---Just, just to me.

And what was the recommendation?---That he thought some of the guys liked it, some of the guys, they didn't like it, but the guys that liked it, it was because the vehicles, the body, when it was too low and they can't get under the vehicle, that was a major benefit, he saw.

10 And did he recommend that the cameras be rolled out, or that it cease?
What - - -?---I don't think he said anything about that. Just the comment about the actual use of it.

And Mr Romano informed you that the units were not successful and he had no use for them, do you recall that?---Vaguely, yeah.

Volume 1, page 120. He says on 25 July, "The units have not been successful and I have no use for them"?---(No Audible Reply)

Do you see that?---Yes.

20 Was the project pretty well finished by around the end of July, 2016?
---Mmm, I'm not sure how long they were testing it for.

Had the trial finished by this stage?---I don't know.

And you've asked, on 21 July, I'm sorry, Mr Singh has asked how many carry bags are required?---(No Audible Reply)

Do you see that?---Yes.

30 And on 9 May, you've talked about a forthcoming trial, in an email to Mr Patterson, Romano - - -?---Yes.

- - - Davey, Jenkins, and Johnstone?---Yes.

Does that refresh your memory, when Mr Romano got back to you on 25 July, to say that the units have not been successful, I have no use for them, that the trial was over by that point?---No, don't know if it was over. That's just one sector, anyway.

40 And you said earlier that you don't think a formal recommendation from Novation was part of the project?---Yeah, I don't know if that was part of the project.

It's not referred to on the quite from Novation that it provide any report or recommendation, you agree with that?---I don't know.

Well, I showed you the quote, we can go back to it. Page 102 of volume 1. You recall you signed this quote?---Yes.

And page 101, the quote is for the under-vehicle cameras themselves?
---Yes.

And the hardware and user support. So no recommendation required or report required under this quote?---Yes.

And is it your evidence that there was no report provided by Novation?---I don't recall if there was.

10

Could we have volume 18 at page 74. Do you see on 14 June, Mr Thammiah has sent to you a scoping study report for the under-vehicle camera?---Yep,

And at page 75 is the scoping study report?---Yeah.

And if we could turn to page 78, there's an executive summary, you see that?---Yep.

20

And the last paragraph says that the under-vehicle cameras prove to be a useful tool for inspectors?---Yep.

And then it says the under-vehicle camera proved to be an effective enforcement tool, a further rollout is not required at this time. Do you see that?---Yep.

Did you draft this report?---I didn't even recall that there was one. I don't know.

30

THE COMMISSIONER: So you didn't draft it, is that your evidence?---I don't recall drafting it.

MS WRIGHT: And Mr Thammiah's recommendation there that it's an effective tool, do you agree that's not consistent with what you said he told you, that some guys liked it and some didn't?---It's consistent to the, the, to the degree that the guys don't need it, it is useful for them.

It doesn't mention that some like it and some don't?---Not here, no,

40

THE COMMISSIONER: The report.---Not here, no.

MS WRIGHT: And then if we turn to page 87, there's a conclusion and a recommendation at the end of that section to distribute the existing 20 units to the appropriate mobility enforcement inspectors only, rather than equally to distributing the units among all sectors. "This reached the highest cost to benefit ratio." Do you see that?---Yes.

And do you recall reading that in 2016?---I don't recall it now.

Do you recall ever reading that?---I'm not sure, no.

Can you explain that you've been sent a report when it wasn't part of the quote?---I don't know.

And to your knowledge did Mr Thammiah attend the trial for the under-vehicle cameras?---He said he did, yeah.

10 And what did he tell you that he had done?---He was going out to the sites to give it to the guys and show them how to use it and review how it, how it went.

Did he tell you how many sites he went to?---No.

You said he told you that he was going out to the sites. Did he tell you that he'd been out to the sites?---I assumed he did. I didn't, I don't think I asked him after, after that.

20 Well, why wouldn't you ask him after you agreed to pay him \$45,000 for this project?---Because it's assumed that he did if he said he did.

And he sent you a report about the project, so you would have discussed this report with him, wouldn't you?---I'm sure I would have, yeah, at the time.

And did you understand that he had showed inspectors how to use the under-vehicle cameras?---That's what he said, yeah.

30 And he has said in this report which he has sent to you that there would be the highest cost to benefit ratio if the cameras are distributed to the appropriate mobility enforcement inspectors only. Do you see that?---Yeah.

This is at page 87.---Yeah.

What did you understand that to mean?---Maybe the inspectors that intercept vehicles on the side of the road. I'm not sure what mobility refers to.

40 So it doesn't refer to anything that you're familiar with?---As in the term mobility?

Yes, mobility enforcement inspectors. Is it a term that you're familiar with?---No.

So it's not a term that you used in the Heavy Vehicles Programs Unit?
---I think this is the first time I've seen it.

And when he talks about the highest cost to benefit ratio, your evidence this morning was that you did not know how much Novation had charged, had been charged by the supplier from whom it purchased the cameras.---I don't recall seeing anything like that.

10 And can I take you to volume 1, page 112. This is an invoice from Medit Inc addressed to Steven Thammiah, Novation Engineering, dated 4 January, 2016. Are you familiar with this document?---The name Konstantin Ordin rings a bell, so I don't see any other way I would know that name. I must have seen it.

And it describes the product as an under-vehicle inspection mirror portable monitor camera, et cetera.---Yeah.

With a list price of \$389. Do you see that?---Yeah.

And a shipping charge and a bank charge, giving a total of \$9,588. Do you see that?---Yeah.

20 And do you see the number at the top right-hand corner of the page starting with E18?---Yeah.

This document was found on your personal computer at your home by the Commission - - -?---Yeah.

- - - after execution of the search warrant.---Yep.

So you've had this on your home computer, Mr Soliman.---Okay.

30 Is it your evidence that you have seen it or haven't seen it before today? ---I have seen the name Konstantin Ordin. I don't recall the rest of it.

Were you aware of the \$389 price per unit for the cameras?---I am now, but I don't recall if I knew it back then.

And Mr Singh had procured two of these cameras earlier in 2015.---Yeah, he said there were major issues with the import and Customs.

40 THE COMMISSIONER: But he'd bought two of the cameras beforehand, you knew that.---Yeah.

MS WRIGHT: And Mr Singh had told you, hadn't he, that what the cost of those cameras was?---I'm sure he would have, yeah.

And so is it likely that you were aware in 2015 what the cost of each camera would be?---If Mr Singh told me I would have known, but if he didn't then I wouldn't know.

And at the time you engaged Novation to procure 21 further cameras, you would have expected that it would be the same cost, wouldn't you?---I don't know, but there was a major issue with Customs.

How would an issue with Customs affect the unit price?---Something to do, because it was stuck there for a while, there was some sort of cost or they were held up or something.

10 Australian Customs had charged something. Is that what you're saying?
---I don't know exactly but Jai just told me there was a major issue.

And you had asked Mr Thammiah to get the same camera, as we saw in the email this morning at volume 18, page 1.---Yep.

So you knew, did you, that the cameras would be \$389 US per unit, didn't you?---If Mr Singh told me that, then I would have known.

And Novation has charged RMS over \$45,000 for this.---Okay.

20 You can see how much Novation was charged by the supplier.---Okay.

You see that?---Yes.

And you're aware of what, how that converts to Australian dollars?
---Maybe close to 20,000. I don't know.

No. You've been to Las Vegas, haven't you, Mr Soliman?---I have.

30 One does not double the Australian dollar.---It was when I was there,
anyway, but - - -

MR YOUNG: Well, I mean, with respect, you have to specify the period.

MS WRIGHT: Has there ever been a time when one doubles the US dollar to get the Australian dollar?

MR YOUNG: Absolutely.---I think when I was there, it was, like, 60 US cents, so, that's what I'm basing my estimate off.

40 MS WRIGHT: All right, well, let's take \$20,000 Australian. Novation is charging \$45,780 for 21 cameras, and to your knowledge, there's no scoping study report required.---Yeah, I think there was some other issue with the Customs that had a major time issue or cost, I don't know exactly what it was.

And you thought Customs would be charging over \$35,000, did you?---I didn't think about that.

This is an exorbitant figure, isn't it?---I don't know. It wasn't for me to, I guess, to make, make the costs.

It's an unjustified, an unreasonable mark-up by Novation, isn't it?---Mmm, not necessarily. I mean, he was, he was out to, to the site a lot, lots of times also, by what he said, and yeah. And if the trial - - -

Who came up with \$45,780?---It would have been Stephen.

10 Stephen. I see. And you approved that internally at RMS?---Yes.

And you didn't care what the mark-up was, did you?---Well, I mean, it wasn't for me to say. I mean, he was also supporting it.

You didn't care, because you were going to get a cut of the profit, weren't you?---No, that's not, no, it's not what the agreement was.

THE COMMISSIONER: Why did you say something along the lines of, "It wasn't up to me," or "I didn't care"? You're spending public money.
20 You're authorising public money, aren't you?---No, I mean - - -

In paying 45,000-odd for these cameras, you are approving the use of public funds, aren't you?---Yes.

And as part of your duties and obligations is to make sure that the New South Wales public is not being ripped off.---Yes.

That's fundamental.---Yes.

30 So you did have to care. You did have to take responsibility.---That's, but I wasn't, I wasn't speaking about that, Commissioner.

What were you speaking about?---That, like, well, why I don't know exactly what the mark-up was. I don't know what other costs he had. And the price wasn't, wasn't mine. It was Novation's price.

But surely as a starting point, if you would enquire or check from Mr Singh, "How much did you pay for the two cameras" - - -?---I'd have assumed - - -

40 Surely there must have been vetting or checking procedure.---I mean, it's, that would have part of his role also, to kind of have a look at it, if there's an issue.

I'm not asking you about somebody else's role. I'm asking you about your role as a manager and a person who approved the expenditure of \$45,000 worth of public money.---Yes.

And you're saying, no, you didn't bother checking or verifying in any way.
---No.

MS WRIGHT: So you agree Novation has charged RMS significantly over the market price for the cameras?---For the hardware, but also there was other services and costs.

10 What are the services, Mr Soliman, that justified \$35,000 in a mark-up at, as a minimum, taking your Australian value of \$20,000 cost price to Novation?---Well, there was the trial, obviously, and he said that he went out to site many, many times. And obviously, if the, if the trial had worked, then he was actually supporting the users during the trial period.

Is it your evidence that this was value for money, best value for money to RMS?---I don't know what the other costs to Mr Thammiah were.

So you have no idea whether it was value for money, is that your evidence?
---Yes.

20 Then the next trial was a mobile ANPR camera trial that Novation was paid to do and if we could have volume 18, page 21. You told Mr Thammiah to use a spreadsheet as a template for his trials of the mobile ANPR camera on 3 December, 2015?---Yes.

And then Novation provided a quote, quote 89, which is at volume 1, page 124. Novation said that it would research world best practice mobile ANPR systems for the following agreed key performance indicators, do you see that?---Yes.

30 And then subsequently choose one or more camera technologies to trial and provide a scoping study, do you see that?---Yes.

And there were trial requirements set out, "Engineering, design and fabrication," and the over the page, "Providing a report on the results of the trial," can you see that?---Yes.

And you signed the quote?---Yes.

40 Now, you knew that your friend – if we could go back to 124. You knew that your friend, Mr Thammiah, did not have the expertise or experience to do any of this work?---No.

"Fabrication and engineering of a vehicle-camera mounting for all technologies." What experience did Mr Thammiah have to enable him to do that?---I don't think he needed any experience for that. Just choose a camera, figure out which mounting you need and see if it needs to be fabricated or you can purchase it.

Could I just take you to page 122A. Do you see this is the email by which Novation sent to you quote 89?---Yes.

And he attaches a document which is at page 122B?---Yes.

And it sets out, “World best practice, choose a camera,” et cetera?---Yes.

And, “Fabrication of a stationery camera mounting. Fabrication of an in-car camera, a report,” et cetera in items 1 to 6 under Scope of Works?---Yes.

10

And then over the page, page 122C, Mr Thammiah had sent you a quote for \$39,540 excluding GST?---Yes.

And he’s dated that quote 12 November, 2015?---Yes.

But sent it to you on 3 December, 2015?---Okay.

And then if we go to page 123, you approved a purchase order for this trial, you see that?---Yes.

20

And you asked Mr Singh to raise that purchase order?---Yeah, he must have been managing this work but the price is wrong.

And you don’t dispute that you asked him to raise the purchase order?---No.

And then in support of the purchase order request you attached a quote, which is at page 124, which I took you to a moment ago.---Ah hmm.

30

And the quote I suggest is slightly different to the one I just took you to. ---Yes.

And how is it different?---I’m not sure.

When I said, when I asked you or suggested that it was different, I thought you said yes?---No.

40

THE COMMISSIONER: So now you’re saying it’s not different?---I’m looking at, I’m looking at this page, I don’t see a difference of this on this page.

MS WRIGHT: All right. Well - - -

THE COMMISSIONER: Sorry, which page are you looking at, 124?---124.

MS WRIGHT: Perhaps if you look at the introduction, the words in brackets, “(Scoping study and field trials for one or more mobile automatic number plate recognition systems.)” And then if we go down to item 3, you’ll see there are four bullet points.---Yep.

And then item 4 there are two bullet points?---Yep.

If we go back to page 122B do you see item 3 has three bullet points?
---Yeah.

And there's item 4 and 5?---Yeah.

But there are no bullet points there.---Yeah.

10

And if we go up, the words between brackets are slightly different under Introduction.---Ah, yep.

Had you made the changes from this document sent to you by Mr Thammiah at 122B to then submit the quote at 124, page 124 in support of the purchase order request?---Did I tell him the different scope or - - -

Did you make the changes to the document itself between the document sent to you by Mr Thammiah at page 122B under the email at page 122A?

20

---Don't know.

He'd sent you the email at 122A - - -?---Yeah.

- - - on 3 December and then the purchase order request at page 123 is dated four days later, on 7 December.---Yeah.

Now, you must have made – if we could then go to the next page, to the quote submitted with the purchase order, you must have made those formatting changes and the small changes in content.---Don't know, I don't recall.

30

Do you agree with that?---I don't recall this, this far back.

It couldn't have been Mr Thammiah, could it, because this is now an internal RMS document?---What do you mean internal, it's his quote.

He's been, he's sent it to you by email on 3 December.---Yeah.

You've then submitted it on 7 December internally for approval. Correct?
---I guess so. It could have been changed before that.

40

So it must have been changed within RMS, don't you agree with that?
---I don't know if it was changed by, by me.

Isn't it likely that it was changed by you?---I have no idea.

Because you sent him a template for trials so you were assisting him in this project, weren't you?---Assisting him in which way, what do you mean?

Well, you sent him, I took you to, when I started with this project, an email where you said, "Use this template for your trials of the mobile ANPR camera."---Yes.

And did you send him that because you were assisting him with this project?
---I guess if he asked for some guidance, I, I definitely gave that, for this and other, other projects too.

10 And the guidance extended to sometimes amending the quotes, didn't it?
---It's possible. I'm just saying I don't recall doing this one.

So it's possible that you did. It would not have been Mr Singh who amended the quote, would it?---I can't say.

Well, Mr Singh would not have amended the quote, would he?---I can't say, I'm not Mr Singh.

20 THE COMMISSIONER: Mr Singh wouldn't have any idea what this was about.

MS WRIGHT: You would seek to blame Mr Singh if you could, wouldn't you, Mr Soliman?---Definitely not.

Did Mr Singh have anything to do with this project?---He was just managing it overall.

30 Have you ever known him to amend a document submitted by Novation?
---No.

It's very unlikely he would have amended this quote, isn't it?---Yes.

And if it wasn't him and assume it was not Mr Thammiah, the only other person who could have amended it would be you, would you agree with that?---I guess so.

Then if we go to page 125, do you see how this version of the quote has almost doubled the quote sent to you by Mr Thammiah to \$79,140?---Yes.

40 And you unilaterally doubled the price, didn't you?---Sorry?

Did you decide to double the price?---Me?

Yes.---No.

So how did that come about?---Well, if the price is changed, it would have been Mr, Mr Thammiah. If the scope changed too.

You see, there's no evidence of Mr Thammiah sending another quote to you apart from the initial version sent on 3 December, 2016 and he quoted \$39,550. Have you sent him any request for a quote?---I doubt it. At this stage, no one in the team knew how to do any of that.

So how did he know what to quote for, what the scope of work should be? ---Either via email or verbally or – that's, that's the way it was done for a lot of these, these kind of works.

10 Between him and who?---Anyone who was managing it. Myself and Jai probably.

Who was managing this project?---I think I came up with the idea but Jai was managing overall to, to make sure it gets, gets done.

And Jai did not come up with the scope of works himself, did he?---I don't think so.

20 No. You were the manager of the Heavy Vehicle Programs Unit?---Yes.

And you would have come up with the scope of works, wouldn't you?---For this one, probably, yeah.

And so you would have discussed the price with Mr Thammiah of \$39,540, wouldn't you?---I don't think so, no.

So is it your evidence that Mr Thammiah quote for \$39,540 of his own accord?---Yes.

30 And you then received that quote and thought that's not enough, I'll increase that to \$79,140?---No. It wasn't my choice.

You say it wasn't your choice?

THE COMMISSIONER: What do you mean by that?---I didn't choose the price.

40 MS WRIGHT: You said you didn't recall.---I definitely didn't choose the price.

How did this quote get increased to \$79,000 and come to be signed by you? ---Sorry, I don't understand the question.

How did this quote come to be increased from \$39,000 roughly to \$79,000 roughly and to be signed by you?---Well, Mr Thammiah's changed the price maybe based on scope change or, I don't know why exactly now.

There's no scope change, is there?---You showed me some scope change before.

All right. Well, let's go back. Page 122B, "Research world best practice ANPR systems for the following agreed key performance indicators." And then if we go back to 124, "Research world best practice mobile ANPR systems for the following agreed key performance indicators." Do you see they're the same?---Yes.

10 If we go back to 122B and it's, "Subsequently choose one or more camera technologies to trial, which meets RMS regulatory camera requirements and associated camera flashes outlined by Roads and Maritime Services." If we go back to 124, "Subsequently choose one or more camera technologies to trial." Do you see that?---Yep.

And provide a scoping study. Do you see that?---Yep.

And then if we go back to, so do you agree that they're the same?
---There appears to be some change to the mounting.

20

So you've gone on and looked at number 3. There's a camera mounting trial requirement in the second invoice at page 124. "Vehicle – vehicle roof." That's just a requirement for the trial, isn't it?---Yeah. He would have had to get some sort of mounting.

So that could be the \$40,000 increase?---Don't know.

30 And then we're on the second invoice, "Engineering design and fabrication of vehicle – camera mounting and vehicle roof camera mounting." And then if we go back to the first invoice, "Fabrication of a stationary camera and fabrication of an in-car camera mounting." So he's charging in the first invoice for the fabrication of the camera mounting.---Yeah.

Do you see that?---Yeah.

So he's already quoted for the camera mounting which you pointed to as a possible difference between the two.---Yep.

40 And in both quotes he's agreed to provide a report.---Yeah.

If we go back to 125. So do you agree there's no real substantive difference between the scope of works between these two quotes?---Yep.

And that does not account, does it, for the \$40,000 increase in the size of the quote.---It seems like it, yeah.

Isn't it likely that you, given that you were earning money from Mr Thammiah, thought fit to increase the quote in order to increase the money

to be derived by Novation?---No. I don't recall changing this, this price. If it was, it was by Mr, Mr Thammiah.

All right. You don't recall, but if there's no evidence of Mr Thammiah submitting any further amended quote or any amended quote to RMS, if there's no evidence of that, do you accept that you would have been the person to increase the size of the quote?---No. I mean he was the one that for sure would have picked it and there's no way I would have changed, changed his price for nothing.

10

But you cannot assist the Commission at all with how that came to pass. ---I don't know.

THE COMMISSIONER: You were sent the first one for 39,000-odd, and then you approved one for 79,000.---Yep.

That would have raised alarm bells, surely?---There must have been a reason. I don't know why.

20

You just can't give a reason now.---I mean I don't know why the price was changed. Maybe, I don't even know if he purchased this camera or not.

MS WRIGHT: And if we go to page 118, you see the second email on this page, you sent an email, I'm sorry, not you – I withdraw that. Now, if we could then go to 126A. Mr Thammiah sent you the invoice for the first milestone.---Okay.

And you accept that?---Yep.

30

He had not quoted in his initial quote on a milestone basis, had he?---I don't know.

He had just quoted for – well, I'll clarify that, he had quoted for 50 per cent upon project initiation, and 50 per cent upon report acceptance by RMS, but his quote was in the amount of \$39,540. And then you receive on 15 December, 2015, a quote for milestone 1, which represents the full value of the initial version of the quote. Do you see that?---Yes.

40

But it now represents the first milestone only.---Okay.

And you worked on the scoping study report to be produced by Novation? ---I recall that I put in some words about the camera, I think, or something like that. I knew a bit about this camera.

And you worked on the scoping study report produced by Novation?---Well, yeah, that's, that was just my evidence, yeah, I'm pretty sure it was a blurb about the camera itself. It was a Tattile camera, which I knew a, a bit, a bit about that camera.

Did you draft the entire scoping study report?---I don't recall doing all of it, no.

Is it possible that you did all of it?---Mmm, no. Well, very unlikely.

You knew a bit about the camera. Mr Thammiah, did he know nothing about the camera?---He was obviously learning during the actual trials. He went to all the trials.

10

Prior to the trial, he knew nothing about the ANPR camera?---He would have known a little. I know that he was researching and reading a lot about this, about this area.

How do you know that?---He planned to go to Intertraffic, I know that, and he had shown me a lot of different things, ideas, so I knew he was very curious about it all.

And what was his role in this trial?---To run the trial.

20

And, sorry, "run the trial", what do you mean by that?---To, hmm, run the trial, I'm not sure how else I can put it. To try all the hardware on the road, and report back to see how, how good it was.

And what hardware was he trialling?---I could be wrong, but I thought it was the Tattile camera.

The what camera?---Tattile. But I could be wrong.

30

And what was he -- did you attend the trial?---I don't recall going, no.

Wasn't he supposed to research world best practice mobile ANPR systems? ---Yes.

And did he report to you on doing that research?---Yeah, he done some research.

And what, how did he do his research?---He didn't say, but he said he was looking at kind of models and things like that, and he had some ideas, but - -

40

And who chose the camera to be trialled?---I'd preferred the Tattile. He came up with a couple other options.

How did he report to you?---Just verbally.

And you made the selection, did you, of which camera to trial?---Mmm, it was between the, the two of us at the end of it.

But your evidence was that you preferred one, so did you make the selection of which camera to trial?---No, it was between the both of us.

So, you both decided together which one to trial?---Yes.

And what was the camera?---Again, I could be wrong, but Tattile, I think.

10 I see. And was there fabrication of the dash camera mounting and roof camera mounting for all technologies being trialling?---I'm not sure. I didn't go to the trial, from memory.

And engineering?---Again, if there was, it would have been for the mounting.

And Novation was engaged to do that?---Yep, if it was needed.

20 And, no, well, it doesn't say if it's needed. His quote says, "Engineering, design, and fabrication of vehicle dash camera mounting." Nothing about "if needed". That's what he was engaged to do. Do you agree with that? ---Yes.

And did he do that?---I didn't go to the trials from memory, so I can't say yes or no.

You never checked with him?---I don't think I ever asked him about that specific thing.

30 And did you understand that he had any expertise to do engineering, design and fabrication?---If he had the camera it's not, not very hard to go to a fabricator to fabricate the actual hardware.

Do you think camera companies would be surprised to hear that, manufacturers of cameras, that it's not that hard?---For a mounting, for a mounting, no.

And was he to obtain the equipment to do that engineering and fabrication? ---I don't know if he purchased it or how he got the camera.

40 Engineering and fabrication, it doesn't talk about purchase, it talks about engineering and fabrication. Did he have the expertise in your mind to engineer and fabricate vehicle-camera mounting and roof camera mounting?---If you take the camera to a fabricator and you know what you need to mount it on - - -

So he would have to get someone else to do it?---I assume so. I didn't ask him.

Is that your answer because before you said, "Well it's not that hard."---It's not that hard.

And so in saying it's not that hard, you were suggesting he could do it himself, weren't you?---No.

What did you mean by it's not that hard?---It's not that hard to go to a fabricator, if you show them - - -

10 Oh, I see. Not that hard to go to a fabricator. See, you just make up your answers, Mr Soliman, as you go along, don't you?---No.

Then you sent to Mr Thammiah, from your personal email address, this scoping study report, didn't you?---Okay.

Have we been to page 135, if we could just go there first, at volume 1. You've sent yourself a reminder to work on the ANPR report.---Yep.

20 That's this report for this project, correct?---Probably, yeah.

And then at volume 18, page 33, you sent to Mr Thammiah, from your personal email address the mobile ANPR scoping study.doc document and you said, "Update." And if we turn to the attachment do you see Novation Engineering shown on the cover and then we'll go to page, if could just move through the pages. "This scoping study was commissioned to examine the efficacy, accuracy and potential vehicle regulation applications of selected mobile ANPR camera for the purposes of vehicle regulation by Roads and Maritime Services." It refers to the brand of camera that you referred to earlier and the scoping study evaluates the camera. And then if
30 we go to page 6 of the report, "Novation Engineering performed an extensive in-field study." To your knowledge, what made it extensive?---I don't know. I don't recall writing this.

Well, you sent it to Mr Thammiah and told him to update. So you look like you have prepared the report. Do you agree with that?---No.

Was that no?---No.

40 Normally it would be the other way around, wouldn't it, that the person who prepared the report would send it to you?---I know that I did add a blurb about the camera because I knew a lot about it.

THE COMMISSIONER: But the usual way is that the person who's being paid public money to produce the report would produce the report then sent it to you. It seems here it's the other way around.---No, he didn't but I thought I would add a bit of the blurb about the camera itself.

MS WRIGHT: And then if we go to the next page, section 2.1 has got an “XXXX”. You see that?---Yes.

Is that the section you were asking him to update?---Don’t think I was asking him to update anything.

Well, you did say “update” in your email to him.---Yeah, as in I’ve provided some sort of update, whatever it was.

10 I see. So you’re saying, your email to him saying “update” meant “I have updated”?---I think so, yeah.

Update sounds like a direction to him to update.---No. I don’t think that’s what it was.

And yet the report has “XXXX”, which would be consistent with a section that needed to be updated, do you agree with that?---No.

20 The report, the final report, would not contain “XXXX” under a section called 2.1 Mobile ANPR World Best Practice Report. Do you agree with that?---Yeah. It shows a part that’s not completed yet.

And you’ve sent an email saying “update”.---Yes.

Just a coincidence, is it, that the report has a section requiring updating and you’ve said update?---I’ve already answered.

30 And then you’ve said in section 2.2, “Following several meetings and discussions with RMS stakeholders.” You drafted that, didn’t you?---Sorry?

“Following several meetings and discussions with RMS stakeholders.” See that?---Yes.

Did you draft that?---I don’t recall drafting that, but.

And did you have several meetings and discussions with Mr Thammiah?
---We spoke about it but, I mean - - -

40 At your house?---It would have probably been at my house or somewhere.

Did he ever come to RMS to have meetings with you?---Maybe later on.

So not in relation to this project?---Don’t know.

To your knowledge did Mr Thammiah meet with RMS stakeholders?---For his project I’m guessing he would have.

Who?---Don’t know.

Who was it likely that he would have - - -

THE COMMISSIONER: Well, if you say, "Yeah, guess so." "Well, who are they?" "Don't know." They're inconsistent answers. If you thought he did meet with stakeholders, who were they?---I wasn't at, at the trial, so I don't know how the trial was managed exactly, if there was inspectors.

10 All right. So your answer is you have no idea whether he attended, whether he had several meetings and discussions with RMS stakeholders?---Yes.

MS WRIGHT: You see, this paragraph doesn't refer to the meetings and discussions at the trial. It's talking about meetings and discussions setting KPIs for the trial. Do you agree with that?---Yes.

So they're meetings and discussions in anticipation and in preparation for the trial itself.---Seems like it, yeah.

20 And you've received the quote from Novation.---Yeah.

Surely as the manager of the Heavy Vehicle Program Unit you'd be aware of what these meetings and discussions with RMS stakeholders in anticipation of the trial are.---If there was someone else, I don't know. Maybe he was meeting Jai also. I don't know.

So it might be a reference to you?---Definitely I am one of those people, obviously, yeah.

30 And you think it might be a reference to Jai, do you?---I said if it is anyone else, it might have been Jai, but I don't know.

Who else could it be?---Maybe the inspectors.

Were there any meetings between Mr Thammiah and inspectors before the trial?---I don't know.

40 Mr Soliman, you're just inventing things and possibilities. You know full well that you prepared this draft scoping study report.---No, I don't, don't recall doing this.

And that's why you've sent it to Mr Thammiah from your personal email address, haven't you?---No, I don't recall most of this content even.

And if you turn to page 8. It says that the trial lasted for two months. The trial lasted for a period of two months with many different weather conditions. You see that?---Yes.

That's not true, is it?---The weather conditions or the two month?

The two months?---I don't know, I wasn't at the trial from memory.

But you would have had a keen interest as the manager of the regulatory programs that this concerns, when there's a trial that goes for a whole two months, wouldn't you?---Concern in which way?

10 You would have been aware of it as the manager of the regulatory programs that those sort of trial is about? A two month trial's a pretty significant thing, isn't it, to happen in your section of RMS?---No, it's very, very short.

So trials are usually more than two months, are they?---Yeah, definitely, for a new technology.

And tell me one of the Novation or AZH trials that went for more than two months?---I don't know.

20 THE COMMISSIONER: There's none of them, Mr Soliman, is there?---I don't think any of those ones went for more than two months but Ms Wright was asking in general, I believe.

And then she asked you specifically about AZH and Novation and you know that none of them went more than two months?---I don't think any of them would have went more a few, a few months, yeah.

30 MS WRIGHT: And it's very specific content, isn't it, two months with many varied different weather conditions exposed to the camera unit, severe prolonged heat with no obviously damage or failure to any component, no obvious defects, et cetera?---Yep.

Very specific. And if we can turn to the next page, "The Tattile camera detection rate in single lane environments is excellent." So it's providing opinions about the performance of the camera?---Yep.

And you thought Thammiah was able to provide those opinions?---About this, the KPI 2?

Ah hmm.---Yeah, well he was at the trials.

40 And but you knew he didn't have any knowledge base which would allow him to have a really valuable opinion to offer on this, didn't you?---He did.

Where did he get that?---Research.

THE COMMISSIONER: What, googling on the internet?---Yeah, I'm sure, yeah. That's a very valuable tool, obviously.

MS WRIGHT: And – that’s not a serious answer, Mr Soliman. Are you suggesting any member of the community could just do a Google search and then provide an opinion to RMS on technology that might be used in the enforcement of heavy truck compliance?---Mmm, that’s not what I said. You asked me if he has any knowledge in general - - -

THE COMMISSIONER: No, I asked you about the Googling, and your answer was “valuable tool,” wasn’t it?

10 MS WRIGHT: That the internet, Googling is a valuable tool.---It is.

So anyone could come along, do some Googling, and proffer a report to RMS about the use of technology used in the enforcement of heavy vehicle regulations?---That wasn’t my evidence.

That’s the effect of what you said, I suggest.---No.

20 Well, please explain.---Because the, the commentary here is based on what’s been seen at the trials, obviously. And I’m also saying that Google is a useful tool to do research in general.

And so how is it that you think this opinion here, that the camera detection rate is excellent and on par with other world-leading camera technologies only if the camera is angled at the vehicle at less than an angle measured to be 15 degrees during the field trials, how is it that that is an opinion that Mr Thammiah was able to valuably proffer to RMS in this report?---I don’t understand how it’s not valuable.

30 What’s the basis upon which you understood he had the expertise to offer that opinion? You’ve talked about his presence at the field trial itself - - -? ---Ah hmm.

- - - and the ability to use the internet, which is a valuable tool, you said. ---Ah hmm.

What else?---What else would you need? If you see it in action, you know how it, how it works.

40 So anyone could come along and attend a trial, with no preceding knowledge about the technology, see it in action, do some Googling, and then include in a report to RMS an opinion such as that in the first sentence of page 8, page 9 of this report?---It’s a report on the performance of the camera, yeah. That’s exactly what it is.

And you would consider that to be a valid opinion to inform heavy vehicle enforcement operations?---Mmm, very much so.

Mmm. Is that a convenient time?

THE COMMISSIONER: Yes. We'll adjourn for lunch and resume at 2.00pm.

LUNCHEON ADJOURNMENT

[1.06pm]