

EMBERPUB01407  
11/06/2019

EMBER  
pp 01407-01466

PUBLIC  
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

PUBLIC HEARING

OPERATION EMBER

Reference: Operation E18/0281

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 11 JUNE, 2019

AT 9.30AM

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

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

THE COMMISSIONER: Ms Wright, any administrative matters?

MS WRIGHT: No, Commissioner.

THE COMMISSIONER: Mr Soliman.

MS WRIGHT: Mr Soliman, you were involved in establishing the Heavy Vehicle Maintenance Panel. Do you agree with that?---No.

Wasn't the panel your idea?---No, definitely not.

10 In relation to the panel, were you involved in selecting the Tender Evaluation Committee?---No.

Mr Steyn, Mr Singh and Mr Dubois were members of the committee?  
---Yes, I believe so.

And they all reported to you?---Yes.

20 And did you encourage your superiors to establish the panel?---No. I knew, found out that it was being set up after Mr Dubois has pretty much set up the specifications and met with Nathan, and that's the first time I met Nathan also during one of their, one of their meetings.

Could I show you a document at volume 7, page 173.---Yeah.

Is this an email that you sent to yourself from your personal email address on 4 September, 2017?---Looks like it, as a reminder or something, I don't know.

Well, it's from you to you. Do you agree with that?---Yeah.

30 So you sent this to yourself, did you not?---Looks like it, yeah.

And you've said, "Send final HVP Unit plan email to Paul and Roger." Is that a reference to Paul Hayes and Roger Weeks?---I'm guessing so, yeah.

Including the, "I audited agreed HVP agenda contracts and found key efficiencies can be gained by implementing two new panel contracts to carry out the majority of work, Heavy Vehicle Program perform, including infrastructure, building/maintenance." Do you see that?---Yes.

40 It goes on to ITS maintenance?---Yes.

R&D?---Yes.

And when you refer there to two new panel contracts you're referring to the Heavy Vehicle Maintenance Panel contract and the Professional Services contract?---Must be, yes.

Yes. And so this was a note to yourself reminding yourself about what you should tell your superiors, was it not?---Don't know what it was. It looks like it's a reminder of some sort.

And it was to remind yourself to state to your superiors that two new panel contracts, including the Heavy Vehicle Maintenance contract should be implemented because there were certain benefits flowing from that in your view?

10 I don't know about that, but it looks like it's some sort of reminder for something I was doing.

Well, doesn't the content refresh your memory about what the reminder was about?---Maybe it was just about the, the unit plan that I was updating.

It says that you audited HVP agenda contracts and found key efficiencies can be gained by implementing two new panel contracts. Do you see that?---Yes.

20 And that is therefore a recommendation from you that the HVP Unit implement two new panel contracts, including the Heavy Vehicle Maintenance Panel contract. Do you agree with that?---No. Again, I don't think that's what the purpose of this email was. I think it was some sort of reminder, but by the time I knew that the maintenance panel was being set up the specifications had already been finished by Mr Dubois and Mr Chehoud and Steyn.

This is dated 4 September, 2017, Mr Soliman.---Yes.

30 And how else should we interpret this email where it says, "I audited agreed agenda contracts and found key efficiencies can be gained by implementing two new panel contracts?"---Yeah, I'm not, I mean, yeah, it was some sort of reminder to me but for the premise of the question was based on whether I was the one setting up the maintenance panel and I wasn't.

THE COMMISSIONER: Mr Soliman, don't try and guess what the premise of question is. Listen to the question and answer it. If the question isn't clear you can raise that, but don't try and think what is the purpose of this question, what is it getting at, just listen to the question and answer it,  
40 please.

MS WRIGHT: Did you make recommendations to your superiors that the Heavy Vehicle Maintenance, sorry, the Heavy Vehicle Program Unit should implement two new panel contracts?---I don't think I did.

Do you agree that this email is a reminder to yourself to send to Mr Weeks and Mr Hayes a plan which recommends the implementation of the two new panel contracts?---I don't think that's what the purpose, I think, jogging my

memory back, that was one of the times that I updated the unit plan and maybe in the unit plan there was a plan to have those two panels set up in, in the team, but I don't recall recommending it.

And this sets out the representations that you were to make, including that the work has increased in nature over 12 months.---Yes.

And to ensure that RMS receives the best competitive pricing.---Yes.

10 The panel would be necessary or of benefit for that purpose?---Yes.

That was your, that's what you represented to your superiors at the time? ---I don't think I said anything to them about that. These look like they were my thought bubbles if I wasn't at work, yeah, if I wasn't at work I didn't have access to my PC for some reason, this looks like what it was.

And for what purpose were you recording thought bubbles?---There would have been some reason. Again I'm thinking at the point it was to update the unit plan, but I can't, I can't be sure.

20

And the unit plan would set out your recommendations about how the unit should function, would it not?---Generally, yeah.

Now, and one of the justifications that you put forward for the two new panel contracts was that RMS could, through the panels, receive the best competitive pricing. Correct?---It's in this email but I didn't I guess recommend that to anyone.

30 Now, you signed a conflict of interest declaration in relation to the Heavy Vehicle Maintenance Panel, did you not?---Did I? There was just one last page which Mr Dubois gave to me and Mr Hayes.

And then you're aware of what I'm referring to?---Yes, yes.

And you signed the conflict of interest declaration and the memo from the Tender Evaluation Committee. Do you agree with that?---I recall just me, me and Mr Hayes getting the last page of the tender from Mr Dubois and we signed it, but I'm sure there would have been some sort of conflict of interest, yes.

40

There was a conflict of interest section to that memo. Do you agree with that?---I didn't see it but I'm sure there would be, yes.

And you had a conflict of interest in relation to your friend, Mr Thammiah's, company - - -?---Yes.

- - - in relation to his application to be included in this panel?---Yes.

And you should have declared your conflict of interest at the time of his application and at the time that you signed the Tender Evaluation Committee memo. Do you agree with that?---I should have, but again, I didn't see the last page when I, when I signed, but definitely I should have declared.

You didn't see what?---That page. We were just given, Mr and Mr Hayes were just given the last page, from memory there was a page of the successful vendors - - -

10

THE COMMISSIONER: You didn't bother looking at that?---We were never given that by Mr Dubois.

You didn't ask for it?---Yeah, I didn't really think it was important for my purposes, it was just I guess a panel for all the work which Mr Dubois and Mr Steyn managed so - - -

MS WRIGHT: You were aware that the memo was recommending the appointment of Novation - - -?---Yes.

20

- - - among other companies to category B - - -?---Yes.

- - - of the Heavy Vehicle Maintenance Panel?---Yes.

And in signing that memo you were endorsing that recommendation? ---Yes, and there was a conflict.

Yes. And you were endorsing that recommendation and you were aware that you were in a conflict of interest situation in relation to Novation.

30

---Yes.

And you should have declared your conflict of interest.---Yes.

Now, following Novation's appointment to that panel, it got or it received a large contract for spare parts in early 2018.---Okay.

Do you agree with that?---I don't recall the date but I know they got a couple of parts ordered, yeah.

40

And that was as a result of its appointment to the Heavy Vehicle Maintenance Panel?---I don't understand the question. As a result of - - -

Following its appointment to the Heavy Vehicle Maintenance Panel, Novation received a contract to the value of \$218,000 approximately, plus GST, for the provision of spare parts.---Okay.

Well, you say okay, Mr Soliman, but you were aware of that at the time, were you not?---Yeah, definitely, yeah.

And so if you agree, if you could just say yes or no rather than okay. Okay can suggest that I'm informing you of information, Mr Soliman.---Ah hmm.

But what I'm suggesting is that you were fully aware of that in 2018. You agree with that?---Yes.

10 Now, the Heavy Vehicle Maintenance Panel was later used for the issuing of the tenders for portable weigh scales, you agree with that?---Yes.

For both the procurement of the 125 and the 425 scales.---Yes.

And at the time of the procurement of the 425 scale tender process, Mr Lee wrote an email saying, "We are confident there has been a scan of the market." You recall that email?---Yeah, I think you told me last week. Yeah.

20 I took it to you last week at volume 11, page 238. And it was your evidence that that panel, in your view, did involve evaluation of the market for scales.---Yeah, there was an open tender, yeah.

I'm sorry, and when I refer to that panel, I refer to the Heavy Vehicle Maintenance Panel.---Yeah.

That, in your view, the appointment of category B to that panel did involve an evaluation of the market for portable weigh scales. Is that your view? ---The way that it was worded by Mr Dubois and Chehoud, yes, to me it asks for any scale.

30 But it referred to specific brands of scale. You recall that?---The ones which were there now, yes, that was for the maintenance purpose.

PAT and HAENNI brand scales.---Yeah, but it wasn't limited to that.

And in relation to the tender process for the 125 portable weigh scales, did you appoint the committee members?---Don't know. I don't think so because I was going on leave. When Mr Jansen told me that there was an urgent need to finish this after a couple of people died, I don't think I did.

40 I suggest you asked Ms Lemarechal and Mr Everson to be members of that committee.---It was either Jai or myself, I don't know who asked them, but I went on leave straight after we were told.

And you also asked Mr David Jones and Mr Singh to be members of that committee.---I don't know if I asked them but I definitely asked Mr Singh to manage the tender.

And you asked Mr Singh to ensure Mr Jones was included in the committee. Do you recall that?---Probably, yeah. I don't recall it but I probably would have asked him, yeah.

And you would have been aware that none of those committee members had had any procurement process training by RMS.---No, I wasn't aware of that.

10 And do you agree that it was your responsibility to, as the manager of the Heavy Vehicle Panel Unit, to seek funding for the purchase of the portable weigh scales?---I guess so. I mean, either me or my senior managers, which was the case.

And you made a number of submissions that funding was needed to replace the portable weigh scales.---It wasn't necessarily for a funding submission. It was to highlight the risk to safety and the political risk because we knew that the parts that were going in there weren't from the manufacturer, and if these things were questioned in court, then the whole program's in tatters, basically.

20 And you nominated the amounts of funding needed to replace the portable weigh scales, do you agree with that?---Don't know. I think a couple submissions had some estimates.

You provided those estimates to RMS?---Either myself or Mr Hayes in his briefings would have.

Could I take you to volume 10, page 6. Do you see this is an email from you to Mr Hayes - - -?---Yeah.

30 - - - setting out the opex funding required for portable weigh scales for 550 scales refurbishment at \$5.5 million?---Yeah.

You see that? And then you say, "Note, compared to the capital expenditure requirement of \$8.5 million to replace the 550 scales."---Yeah.

Do you see that?---Yeah.

40 So you are there informing Mr Hayes of the figures, do you agree with that?---Yeah.

And you informed staff shortly after this that business cases for funding had been rejected in the past.---Yeah, I think Mr Hayes's ones were rejected.

THE COMMISSIONER: Sorry? I didn't hear that.---I think Mr Hayes's ones were, I think ignored is the better word, actually, for several years.

MS WRIGHT: And if we could go to page 8 of volume 10. And this is an email chain from you to Mr Weeks on 1 November, 2017.---Yeah.

And then if we go over to page 9, which goes back in time in the email chain, Mr Christison writes to Ms Bailey, saying he's been trying to confirm cost estimates for the work required on the weigh scales. You see that?  
---Yes.

10 And in the email above, Ms Bailey says that she's asked Roger to prepare a plan for a progressive replacement of new scales rather than repair, given the bulk of the scales are some 20 years old. "Further, re cost of new scales, when did we last go to market and what is the current market price?" Do you see that?---Yes.

And you then respond to Ms Bailey's email. Sorry, there's an email in between from Mr Christison asking you and Mr Weeks to answer Mr Bailey's question, "When did we last go to market and what is the current market price?"---Yes.

20 And in your response, which commences on page 8, you state that "The scales are over 20 years old, so we have not gone to market since they were purchased and hence why the cost estimates given are just estimates."  
---Yes.

"However, in my experience I'm confident to provide a cost estimate range of 6 million minimum to 8.5 million maximum, if this helps." And you say, "We will not know the actual cost until we go to tender, and of course having a tender ensures we secure the lowest prices available on the market." You see that?---Yes.

30 And so you've told Ms Bailey here that RMS has not gone to market since the scales were first purchased.---Yes.

That suggests, does it not, that the Heavy Vehicle Maintenance Panel did not involve going to market for replacement of scales purposes?---No, no, she was, she was, the context of this email is what the costs may be to firm up the estimates, and by that point the first tender for 125 hadn't happened so there was no firm price.

40 Indeed. And she wants to know the price, doesn't she?---I think she's, because she flipped and flopped here. First she was saying we can only have opex, that's what this email's about, so you can only, you can't buy, she said you can't use that for new scales, so he, she asked Mr Christison for another option and he said to refurbish, which you can use opex for, and this flipped and flopped for another year, I think.

Do you agree that her question is a very clear one? "When did we last go to market" - - -?---Yes.

- - - "and what is the current market price?"---Yes.

See that?---(No Audible Reply)

And your answer is also a very clear one, do you agree? “We have not gone to market since they were purchased, and hence why the cost estimates given are just estimates.”---Yes.

See that?---(No Audible Reply)

- 10 Now, what I’m suggesting is that the Heavy Vehicle Maintenance Panel, which process has been engaged in and finalised by this time did not involve going to market to determine suppliers and prices of portable weigh scales. ---Yeah, it looked for suppliers. It was a non-price panel, from what Mr Dubois said. So it went to market for suppliers, but not prices.

You’ve told Ms Bailey that you can only give estimates because RMS has not gone to market.---Yes.

- 20 Is that not inconsistent with your position that the Heavy Vehicle Maintenance Panel did involve going to market - - -?---No.

- - - for the replacement of portable weigh scales?---No, because the context of this email is price. The context of the open-tendered panel was to scan the market for suppliers.

And yet you did not refer Ms Bailey to the Heavy Vehicle Maintenance Panel, did you?---Mmm, no, it would have been useless, because there was no, it wasn’t a price panel.

- 30 It was a panel which was used for potential suppliers of scales in 2018, was it not?---Yes.

And that was based on your view that it was – I withdraw that. That was because you were seeking to narrow the options that RMS could use for procuring new portable weigh scales, I suggest.---Could you repeat the question – are you talking about the panel contract?

- 40 When you made representations with Mr Lee that the Heavy Vehicle Maintenance Panel had involved a full evaluation of the market and you were confident about that, I’m suggesting that that was a pretence, because you were seeking to narrow the potential suppliers to favour Novation.---I don’t agree with that. The panel was an open, open tender. Mr Dubois ran it, and he said he had contact all of, all of the, the vendors, and anyone that submitted a submission got placed on the panel.

And I suggest that this email dated 26 October, 2017, which you have sent to Mr Christison and Mr Weeks directly contradicts the assertions you made

in 2018 justifying the use of the Heavy Vehicle Maintenance Panel in the tender process for the portable weigh scales.

MR YOUNG: Well, I object to that. I mean, that's not made clear at all in way that there's a contradiction or inconsistency. I mean, we're talking about a number of different concepts here, including evaluation of a market and going to market. The questions all presuppose that they are the same thing.

10 THE COMMISSIONER: Ms Wright?

MS WRIGHT: In my submission, Mr Soliman knows and understands very well what's being put to him, and he's answered the questions, Commissioner. If there's any confusion, it's not apparent from the witness's answers, if that's what my friend's objection is based on.

THE COMMISSIONER: Can you put the question again?

20 MS WRIGHT: Yes, certainly, Commissioner. Could I take you to volume 11, page 238? This is the email from Mr Lee with which you agree, and I suggest which you assisted him to draft, that states that all submissions to the category B panel for scales were successful in being added to the panel so we are confident with the market scan and that there is no real benefit from going to open tender again unless you advise us. You see that?---I do.

And that was a representation which you made on 30 July, 2018, in the context of the procurement for the 225 scales.---Yes.

30 Now if I could take you back to volume 10, at page 8. In answer to a question on page 9 from Ms Bailey, which is forwarded to you by Mr Christison, asking, "When did we last go to market and what is the current market price?" You see that?---I do.

You have said, "We have not gone to market since they were purchased." You see that?---Yes. Just - - -

40 And do you see that there were two aspects to Ms Bailey's question? The first is, "When did we last go to market?" Do you see that's the first aspect?---I do.

And the second aspect concerns the current market price.---Yes.

And you, in your email in reply, have responded to both parts of Ms Bailey's question. Do you agree with that?---Yes. Yes.

And as to the first part, "When did we last go to market?" your reply is, "We have not gone to market since they were purchased," and you note that they are over 20 years old.---Yes.

And in relation to the second aspect, you tell her that you can only provide an estimate of the market price. You agree with that?---Yes.

And that is because you had not gone to market and therefore you could not provide an accurate current market price. You agree?---Yes.

10 So what I suggest is that in 2018, July of 2018, when you told Ms Willis that you were confident with the market scan conducted via category B of the Heavy Vehicle Maintenance Panel, that was a misleading position.  
---That's not true.

Now, Mr Weeks, in this same email, at page 8 of volume 10, asked you to put together a procurement plan and you suggested two options. Do you see that in the middle of the page?---Yes.

You suggested replacement of the scales with brand-new PAT scales to fit into existing vehicle docks as the first possible option, you agree?---Yes.

20 And the second option you proposed was to repair the scales to restore them to as-new condition. You agree with that?---Yes.

No one ever suggested to you that the scales had to be fit into their existing vehicle docks, did they?---That was a preference but it wasn't a mandatory part of it, obviously.

30 But no one ever suggested that was a preference or a requirement to you, did they?---I mean, it was always a logical thing when I was speaking to the inspectors over the years.

Mr Jones did not suggest that the existing racks should be maintained, did he?---I believe the dimensions which he gave were for the racks specifically.

40 And in option 1, you've also told Mr Weeks that there are high-cost scales, battery chargers and custom, you say each – I withdraw that. You say, "Each vehicle has a customised and hence high-costs scales, battery chargers and custom fit-out in the rear of the vehicle that fits PAT scales."  
---Yes.

And by that you were also referring to what you said was high-cost existing vehicle, the high cost of replacement of the vehicle docks.---Sorry? I didn't get the question.

Sorry, wasn't very clear. In your email there, were you also suggesting that replacement of the vehicle docks would be a high cost?---I don't know. I don't know that I said that, but I think the issue that Roger had was, here was time because there was potential funding that could be given around

Christmas. He was, I guess, looking at if the money could be spent by the end of the financial year.

Where you refer to high cost, you're referring to the - - -?---Oh, yes, sorry.

- - - the chargers?---Yes, just the whole changeover. I think I was more speaking about, it would have been the racks itself, to replace them and everything.

10 And so you're suggesting that it would be expensive to replace the docks and including the charger setup.---Yeah, that's what I had learned from looking into what it takes.

Well, you've said looking into and speaking to inspectors, but was this done in any formal way, Mr Soliman?---Ah, no.

20 So you made an assumption, did you, that it would be preferable to maintain the existing vehicle docks and chargers?---It was an educated guess I guess, based on the costings that it would take to do the ADR testing and the project management and again it's not a simple fit in and fit out, if you get a scale that's a very different size, then the whole rear docks of those vehicles have to be changed, there's laptops, there's printers, all kind of things in there, there's electricals which also need to go through their own testing. It's not, not a matter of going to Kmart, screwing something out, screwing something in. I mean if someone died in there, in those vehicles, they say show me the certification for these racks, if they don't have it you can imagine what will happen.

30 THE COMMISSIONER: And where have you put this in writing or in a memo or some kind of study or report, or is it just your educated guess, as you last answered?---It was an educated guess that was always a preference. We used - - -

Okay, so just an educated guess.---Yeah, from the projects that we done previously which I mentioned we had to do the ADR testing for the monitors which go inside the vehicle.

40 MS WRIGHT: And did you use that, to use your words, educated guess to favour a situation where the existing brand of scales would continue to be used?---No, it was always about I guess the time it would take to refit these, but it was always on the, on the table always, that was always, always an option.

And you told Mr Lee that it would be preferable to maintain the existing storage racks, didn't you?---Yes.

And I suggest you said that in order to influence the outcome of any future purchase to favour the existing PAT brand scales.---That wasn't the purpose

of what I'm saying to him, but obviously, as I said previously, I did favour Mr, Mr Thammiah so - - -

And the PAT scales would fit the existing racks, wouldn't they?---Depends which one he would tender for. I think only the 10, 10A I think fits.

And around this time you ever had Mr Thammiah check with IRD if the new Series III PAT scale could be built to fit in with the existing setup of vehicles, didn't you?---I don't recall that.

10

I'll take you to volume 10, page 225. Did I say 225? I apologise, I meant page 22 of volume 10. Do you see here an email from you to Novation Engineering of 30 November, 2017?---Yes.

You respond to an email from Novation to you of the same date - - -?  
---Yes.

- - - signed by Mr Thammiah.---Yes.

20

And it sets out FYI and there are a couple of questions in black font. You see that?---Yes.

And there appear to be answers in blue font to the questions.---Yes.

And in your response at the top of the page you say, "Great. The main factor is the charging plug. What more information does IRD need? Pretty simple, really. Can the 10A III and 10C III be built from factory to enable them to plug in and charge by the current chargers in the RMS vehicles, which are the 10A Series I and II charger cable plug." You see that?---Yes.

30

And the email below, do you understand that to be questions which Mr Thammiah posed to IRD and, in blue font, the answers given by IRD?  
---Seems like it.

And so Mr Thammiah has asked IRD, "How much can we modify scales in terms of software like the reading of weights in increments of 50 kilograms or length of handles/wheels?"---Yes.

40

And IRD have responded that they can be modified from factory in ways that he sets out there.---Yes.

And below that there is a question posed to IRD whether it's possible to get the Series III made with the older plug to still utilise the current charging units in the RMS vehicles.---Yes.

And then in your response to Mr Thammiah, you are seeking, you're asking him to seek assurance from IRD whether the Series III – whether it be the

static or dynamic version of the 10C scale – can be built in a way which allows the current chargers in RMS vehicles to continue to be used.---Yes.

Because you were seeking to favour a situation where the existing brand of scales would continue to be used.---That wasn't the purpose of this. I think I'm just trying to look at if we, if the plugs are generic for all scales. I never seen the charger myself, so I just, looks like I'm just checking if it's a generic thing between any brand even.

10 You see, by this time Novation was the exclusive distributor of PAT portable weigh scales in New South Wales, wasn't it?---Yes.

And it had been the exclusive distributor for over 12 months by this stage. ---I think so, yeah.

And Mr Thammiah was not in a position to supply to RMS any other brand of scales, to your knowledge.---No, I don't think he was, no.

20 And so you were seeking to influence the outcome of the future purchase of scales which was in the planning, were you not?---That wasn't the purpose of this email.

Well, why are you having Mr Thammiah ask specific questions to IRD, seeking to ensure that the new series, the new model of portable weigh scale can continue to be used in RMS vehicles?---I think I just answered that. But just to, just to repeat, to see if all scales use the same charger. I had never seen a charger before in the actual vehicles, so I didn't know if any brand can use any charger or what it is, what it was exactly.

30 I suggest your answer is not responsive to what I'm putting to you, Mr Soliman.---Not really sure what you mean by that.

You are seeking to check with IRD whether the new model of scale can be modified in some fashion to ensure that it can be used in the existing inspectors' vehicles, aren't you?---No. Doesn't, that's not the way it reads at all.

40 Well, you've set out in your email that it's "pretty simple, really."---Yep, I think what I would have meant by that is the answer would be pretty simple. Either all scales use like, a generic charger, or they don't.

And you wanted to make sure that they could be used in the existing equipment in inspectors' vehicles.---Well, I wanted to see if they would fit, yeah.

And if they couldn't, you wanted IRD to modify them in some respect, to ensure that they could fit in existing inspectors' vehicles.---Mmm, sorry, what, where are you reading that? I don't, I don't understand.

“Can they be built from factory to enable them to plug in?”---Yep, okay.

In other words, “Can you modify them if necessary, to ensure they can plug in to the current chargers in RMS vehicles?”---Yeah. Once again - - -

That’s what it means, doesn’t it?---Well, again, I didn’t know what the chargers were, exactly. Was it a generic plug and play for all types of scales?

10

And that’s why you’re asking the question, because you didn’t know precisely what the charger set-up was.---I guess so, yeah. Yeah.

And the reason you’re asking the question is that you want to ensure that the Series III model can be built in such a way it can be used - - -?---Mmm.

- - - with the existing equipment in inspectors’ vehicles. It’s plain, isn’t it? ---Mmm, again, I don’t think that’s what the purpose of this email was. I could have, I mean - - -

20

What is the purpose of the email?---If I was doing what you’re suggesting, I’ve already told him - - -

THE COMMISSIONER: No, no, no, what’s the purpose of the email? ---Looks like I’m just – first of all, in the bottom email, I don’t think I was the one asking that. In the top email - - -

30

No, well, looking at the top email where you say, “Great. The main factor is the charging plug. What more information does IRD need? Pretty simple, really.” And then you go on, and say, as Ms Wright has put to you on a number of occasions, “Does it fit into the current plug? If not, can it be modified to fit the current plug?”---Yep. Yep.

So what’s the – the purpose of that must be to see if the new model PAT scale either can use the current plug or can be easily modified to use the current plug.---Yeah. Yep.

40

MS WRIGHT: And the reason that you’re making that enquiry is that you want to be sure that the PAT scales can be selected as, in the context of the purchase of replacement scales.---Mmm, I don’t think, again, that’s what, the purpose of this email, it looks like I’m just trying to query, and I, me or Jai probably queried also the other vendors, AccuWeigh, to see if they plug in.

You had in mind at this stage that the 10A model III would be the scale which RMS purchased.---Mmm, no.

You're just taking a very, very close interest in the 10A Series III, are you, for no apparent reason.---Mmm, that's what David Jones wanted.

MR YOUNG: Well, I object to that, it's, it, the reference is to the 10A III and the 10A/C IIIs, so, it's not specific.

THE COMMISSIONER: Oh, well - - -

10 MR YOUNG: No, but it's not specific in - - -

THE COMMISSIONER: Just put the question, you were taking a particular interest in the 10A III and 10C III.

MS WRIGHT: You were taking a particular interest in the Series III PAT scale, both the 10A and the 10C. You agree with that?---I do.

20 And you're not, on your evidence, you're not doing that for any real reason. ---Well, the only thing I can think of, that's what Mr Jones kept on speaking about for a long time. They're the ones who wanted - - -

So it's Mr Jones favouring them, is it?---Well, the whole sector, all of the users wanted them.

30 And notwithstanding all of the WhatsApp messages we heard over a period of two days in which you say that it's your tender, and you will change the requirements as necessary, and that you'll be \$2 million richer as a result of it.---That's a different thing, though. I mean, you're, you're asking me here if the purpose of this email is to only select the 10A III and the 10C III. That's, I don't believe that was the purpose of this email.

All right. Now, you provided a procurement plan, did you not, as requested by Mr Weeks?---I think Mr Lee did.

Page 10 of volume 10. Do you see here this document which sets out option 1 and option 2?---Yeah.

40 And you had asked Mr Weeks whether he would like you to document a procurement plan for both options, option 1/option 2 in the email I took you to earlier?---Yeah.

And this document sets out consistent with that email option 1, which is scale replacement with brand new scales. Do you see that?---Yeah.

Or option 2, being scale repair. Do you see that?---Yeah.

And the replacement cost over two financial years is between 5.9 million and 8.1 million, taking the two years together. Do you see that?---Yeah.

How did you come up with the cost estimate?---I don't recall.

And you'd given a cost estimate of 6 to 8.5 million in the previous email I took you to of 26 October, 2017. Do you recall that?---Yes.

And how did you come up with that cost estimate?---Don't know. I don't recall.

10 Well, you must recall, Mr Soliman. This is not very long ago. Please tell the Commission how you came up with the cost estimate of 5.9 million to \$8.1 million?---Which date was this on, sorry?

This is your document - - -

THE COMMISSIONER: You sent it on 1 November, 2017.

MS WRIGHT: How did you come up with that cost estimate?---I don't know.

20 And you say at the bottom in a note, "The current RMS static portable weigh scales fleet are over 20 years old so RMS has not gone to market for an entire asset replacement since they were purchased and hence these costs provided are just estimates."---Yes.

Do you see that? Again I suggest inconsistent with your position that in 2018 that the Heavy Vehicle Maintenance Panel involved a market evaluation.---I don't agree. The context again here is cost. We haven't done to market to look at the cost critically.

30 And going to market to determine cost would involve going to a broader range of potential suppliers in a tender process, would it not?---I don't understand the question. I mean - - -

And when I say broader, I'm referring to broader than the five members of the category B of the Heavy Vehicle Maintenance Panel.---I don't understand the question again because the panel wasn't open, open tender. Anyone that wanted to go on the panel could submit their submission and everyone, as far as I'm told by Mr Dubois, that asked to go on the panel were put on the panel. I don't really know what else you can do.

40 Some would not apply to the panel, given the panel nominated particular brands of scale in the tender documentation. Isn't that common sense? ---I don't agree that's common sense. The wording to me that Mr Dubois made, put in there was pretty sensible after he showed me with Mr Nathan Chehoud. I didn't see any issues with it at the time.

And at the end of 2017 you did not have in mind that the category B Heavy Vehicle Maintenance Panel was a market evaluation I suggest.---It was an

open, open tender panel. I mean it makes sense that if you go to open tender anyone can press a submission. That's a market scan to me.

Now, just in relation to the cost estimate that you've provided in November 2017 of between 5.9 million and \$8.1 million, is it really the case that you are not willing to assist the Commission with how you came up with that cost estimate?---That's not true.

10 Your answer is "I don't recall" but I suggest that you are not willing to answer that question candidly.---I don't agree.

Because you came up with this cost estimate based on an idea that you, or you and Mr Thammiah in combination, came up with for the unit price of each scale.---I don't know exactly how I came up with it. Could have been taking a guess, plus putting on some padding or something (not transcribable) like that.

20 And you came up with a price which involved padding, and based on that price you put forward a funding projection of 5.9 million to \$8.1 million to your superiors at RMS, did you not?---Yeah, just estimate.

An estimate which would provide to you and Mr Thammiah a significant profit from any future of PAT scales in the procurement?---Don't understand the question.

30 You intended, by providing this funding, this budget estimate for the replacement of brand-new scales, to provide, to enable funding to be provided which would ultimately profit you and Mr Thammiah.---Don't agree with that.

Well, you don't agree but you haven't told the Commission how you came up with this cost estimate, Mr Soliman.---I had to give them some sort of cost, so, and at this point pretty sure Mr Thammiah had never sold a scale, so - - -

He'd sold plenty of spare parts, hadn't he?---Yeah. I don't think he ever told me about the price until close to the second tender.

40 The price of what?

THE COMMISSIONER: Of what?---Sorry?

You just said Mr Thammiah hadn't told you the price until near the second tender. Price of what?---The scale.

MS WRIGHT: You were aware of the fact that he had been invoicing RMS on multiple occasions by this stage for spare parts for PAT scales.---I knew of obviously the purchase order. I wasn't talking to him about any invoices.

Did you not know what the mark-up being applied by Mr Thammiah was on these spare parts that he was sourcing from IRD and then invoicing RMS for?---Don't recall him telling me what the cost was.

Did you know that he was applying a mark-up?---I was assuming he was, yeah.

10 Did you know that it was a significant mark-up?---I don't recall him telling me what the cost to him was.

I'm not asking you about the precise amounts. Do you deny being aware that he was applying a significant mark-up to his cost price?---I didn't know the cost, so I mean, I, I wasn't aware what his mark-up was, so - - -

Is that your answer?---Yeah, I don't recall him ever telling me what his mark-up was, yeah.

20 Were you aware, as at November 2017, that Mr Thammiah was applying a significant mark-up to the cost of spare parts that he was invoicing RMS for? Not the precise amount but that it was a significant mark-up.---I don't think so, no.

Well, I suggest that is false evidence, Mr Soliman.

THE COMMISSIONER: Do you maintain it?---Again, I maintain that I don't recall him ever telling me what the cost or the mark-up was, so - - -

30 MS WRIGHT: All right. Now, just coming back to the 125 procurement. If I could take you to page 11 of volume 10. You see this is an email chain from Mr Weeks to you copied to Mr Patterson of 2 November, 2017?---Yes.

And Mr Patterson, in the email at the bottom of the page, expresses a preference to replace the scales with new equipment. That's just above the table and the paragraph starting, "My suggested reallocation."---Yes.

Then over the page, do you see here Mr Patterson suggests there is a need to look at HAENNI long scales or similar?---Oh, yes.

40 And you would have seen that suggestion at the time, would you?---Yeah, that was again a different context to what we're talking about here.

What is the context?---He needed a couple of their sets to test to see if they could work for a certain type of heavy vehicle that they got sometimes.

So you're being asked to look at the HAENNI long scales, aren't you?  
---Just for a certain context, not for the overall replacement of the 550 or so scales.

And you didn't look at the HAENNI long scales at all?---No, we were trying to. I think that was one of the trials.

Conducted by whom?---Well, that were meant to be or planned to be conducted by AZH. I think that was the one which was part of it.

Did that trial take place?---I don't know.

- 10 You were asked specifically to look at the HAENNI and you were the manager of the Heavy Vehicles Unit but you say you don't know if the trial took place.---Yeah, now I don't know if it took place but it was definitely planned to. I just don't recall if that was the one that was meant to be part of the AZH trial.

Did a trial of the HAENNI scales take place at all?---Not that I know of.

Does that mean it did not take place?---No, not that I am aware of.

- 20 You would be aware, wouldn't you, as the manager of the Heavy Vehicles Unit at a time when you are seeking to replace the scales assets and your superior, Mr Weeks, is suggesting you should look at HAENNI scales, whether a trial took place?---Like I said, I'm not aware if one happened, unless someone else done it, unless Brett done it or any of the, Brett's managers done it.

There was no trial, was there, of the HAENNI scales.---Not that I can recall, no.

- 30 Now, page 25, you may not need a document for this, but you were advised in December 2017 that \$2 million was available to go to market for new scales. Do you agree with that?---I thought it was right around Australia Day in 2018.

If we could go to page 26 of volume 10. See an email halfway down the page dated 21 December, 2017, addressed to you and Mr Weeks.---Yes.

And there's an email trail referred to below, and then the words, "There is two mil available."---Yes.

- 40 So you agree it's before Christmas 2017?---No, I recall there was another issue here.

And Mr Weeks says, "Thanks. So can we commence the procurement process now." You see that?---Yes.

And on page 25, Mr Weeks answers, "Yes, I was very conscious of the time frame you guys were wanting to work to, so I came up with a solution to

expedite the situation for you. I believe this should let you go to market to determine actual cost of the replacement campaign.”---Yeah.

And then Mr Weeks says, Samer, let’s go to market. You see that?---Yeah.

And you reply, at the top of page 25, “Thanks for the confirmation, Paul! Appreciate you chasing this for a long time.” And you say, “The (not transcribable) work for requirements is completed. We will be able to issue the RFQ as soon as business recommences in the week of 8 January, 2018. I’d expect to have a result by the end of January, 2018. Merry Christmas, gentlemen.” You see that?---Yes.

So you agree that you were advised in December about the \$2 million in funding that had become available to go to market for new scales?---I’m certain there was another hiccup here and the funding was stopped again because I recall getting a tap on my shoulder from Mr Jansen right around before or after Australia Day in 2018 when he said, “We have to go now due to the deaths.” So there must have been a hiccup from this email to when the funding was actually ready to be used.

The request for quote was issued on 17 January, 2018, Mr Soliman.---Okay.

I’ll take you to page 43 of volume 10. Do you see?---Yes.

Mr Singh issued that to the five members of the category B Heavy Vehicle Maintenance Panel. Do you agree with that?---Yes.

And it was put to the members of the panel at your direction. Do you agree with that?---I don’t know if it was my direction but I think that’s where Jai ended up going.

Well, Mr Singh didn’t come up with the idea to issue it to that panel himself, did he?---I’m not sure. I handed over the whole thing to him as I was, I was about to go on leave.

He would not have been of his own initiative the person to decide that this procurement would be issued to members of the category B panel, would he, he would have no authority to make that decision?---Hmm - - -

Do you agree that he would have no authority to issue this request for quote to members of the category B - - -?---Yeah, sorry, I’m just trying to think what happened.

Do you agree with that?---He does have authority. He can issue work orders from the panel. I think it’s only him and Alex and Craig who can I believe.

He would have no authority to decide that this \$2 million procurement of scales would proceed by way of a request for quote to the category B Heavy Vehicle Maintenance Panel. Do you agree with that?---No. I mean authority based on the panel, I think there's some sort of listing that goes on the panel settings, Mr Dubois showed me, and I think just him, Mr Singh, Mr Dubois and Mr Steyn I believe.

10 THE COMMISSIONER: I don't think you're answering the question. We're not talking about if you're going to rely on the panel who can authorise it, we're talking about that you've got funding of \$2 million to buy scales. The issue is, how is that going to be done, and what Ms Wright is putting to you, that Mr Singh, given his position within the hierarchy of your unit, would not have had the authority to determine that it would have been done through the Heavy Vehicle Panel.---Yeah.

And do you agree with that or not, it would have had to come from somebody more superior?---Oh, I guess he would have asked either me - - -

20 He would have asked you.---Not necessarily, I mean either myself or Mr Dubois who managed the panel what were the limitations of the panel. I don't know exactly how it came to use the panel.

MS WRIGHT: This was a significant purchase for your unit within RMS, was it not?---Yes.

You'd been seeking funding for a number of years, you and your superiors, including Mr Weeks, who you mentioned before, had been seeking funding to enable the replacement of the portable weigh scale assets.---Yeah, yeah.

30 And so you, as the manager of the Heavy Vehicles Programs Unit, would have had input into how this procurement process was to unfold, would you not?---Yeah, it's likely, but I'm just trying to think back to exactly what happened right before I went on leave. Something happened and it was obviously set out that the panel would be used.

Well, I suggest that it was your decision that the panel be used.---I don't recall.

40 And in any event, you would agree, would you not, that you agreed with the panel being used to issue the request for quote?---I, I don't see any what, any reason why not.

And you asked Mr Singh to be a committee member on this panel?---I asked him to manage the tender, because I was about to go on leave.

And also to be a committee member?---Didn't really think about that much, I just said to manage, manage the, the tender.

And the RFQ set out specific scale dimension requirements that any scales would have to meet in order to be successful in the tender?---Mmm, I'm not sure.

You got size dimensions from Mr Jones, didn't you?---Yep.

And at page 45 of volume 10, the RFQ's set out the maximum size dimensions of the scales required by RMS?---Yep.

10 You see that?---Yep.

And you knew that when I asked you a moment ago whether the RFQ set out size dimensions.---I just wasn't sure if it was specified in this tender.

You knew that it was specified, Mr Soliman.---No, Ms Wright.

And yet you answered, "I don't know."---I wasn't sure.

20 You had Mr Singh get the dimensions a year before, didn't you?---I recall Mr Jones sending us dimensions that he wanted to go in the tender, and then Mr Singh, oh, he done some sort of exercise to look at the rest of the racks in the state, or something like that, I'm not sure (not transcribable) I don't know exactly what happened. But he went out and looked at sizes that could go into the tender.

And you caused the size dimensions to be included in this RFQ, didn't you?---Mmm, how so? I'm not, I, I don't understand.

30 It was ultimately your decision, was it not, that the scale size dimensions be included in this RFQ, I'm putting to you.---(No Audible Reply)

Do you agree with that or do you disagree?---I don't know if it was my choice, but actually it still makes sense that you need to go into a tender with some sort of size specification that you want the scales to fit into.

You don't deny that it was your choice that the scale dimensions be included in the RFQ, do you?---I don't recall if I told anyone to put it in there, but I'm sitting here now and I'm telling you it makes sense.

40 Well, I'm not asking you - - -?---So I don't deny it, yeah.

I understand your answer, that you don't recall. And what I'm asking is whether you deny that it was your decision that the scale dimensions be a requirement in the RFQ.---Mmm, I don't deny that I would, no.

Because it makes sense in your view?---Yes.

And the size of AccuWeigh's LP788 scale was too big for those dimensions, you're aware of that evidence?---Mmm, I'm not sure. I thought it fit.

Well, you referred to it earlier in your evidence, I suggest, on, I think it was the first day you gave evidence.---Yeah, I thought it fit, and looking at it afterwards - - -

10 I'll take you to it, at page 61. You recall that three companies tendered in response to the RFQ, AccuWeigh, Novation, and NEPEAN?---Okay.

You recall that?---No, I wasn't on, I was on, I was on leave.

And you were aware that AccuWeigh responded to this RFQ, weren't you? ---Mmm, when I got back I was, yeah.

And you found out that AccuWeigh had responded, yes?---Mmm, when I got back, yes.

20 And you can see here, AccuWeigh's put forward two scales, the LP600 and the LP788?---Ah hmm.

And you see that the overall dimension is listed in the first row?---Yes.

And you see that the length of the LP600 is 762, you see that?---Yes.

And you see that the length of the LP78 is 940 millimetres. You see that? ---Yes.

30 Then if we go back to page 45. Do you see that the maximum size dimensions of the scales required are specified as 670 millimetres width times five 20 millimetres length. Do you see that?---Yes.

And the Commission has received evidence that what was meant was 670 millimetres length by 520 millimetres width.---Yes, yes, I guess so.

Do you see that either way the length of the LP600, which was 762 millimetres, exceeds both those measurements?---I think you're reading it wrong, with due respect. That's not including the handles.

40 So you're on top of that, Mr Soliman?---That's what I've already heard in the evidence, yeah.

Yes. So the 762 would fall within the overall measurements if one includes the handle depth, which is also specified in the requirements.---Yes, that's right there, yeah.

And you rely on that, don't you, to say that the LP600 would have been eligible based on size restrictions.---Yes.

And the LP788 is more problematic, isn't it?---I'm not sure. Could you go back?

Page 61. See 940?---Yes.

It can't satisfy the maximum size dimensions even including the additional length of the handle depth. You see that?---Yes. Yes.

10 So it was totally excluded from eligibility for the tender. You agree with that?---I don't know if it was excluded. I wasn't there. But, again, that's not a mandatory thing that will knock anyone out.

Are you suggesting that the scale size requirement was not a mandatory thing?---Yes. I don't think it was or should have been.

What do you base that on?---Just what Jai told me after when I was back.

20 And yet the tender evaluation report expressly states that the nominated scale won't fit into the current scale racks. And you're aware of that evidence?---No, sorry. What - - -

Page 230. Do you see the very first note made in respect of AccuCorp's submission is that the nominated scale within the submission won't fit into the current scale racks installed in the vehicles?---Yes.

30 And the very first note in relation to NEPEAN's submission is that the nominated scale won't fit into the current scale racks installed in the vehicles. You see that?---Yes.

And for Novation, the very first note is that the nominated scale will fit in the current vehicle racks. You see that?---Yes.

And so your evidence that the size restriction would not knock out potential scales is not correct, is it?---I still maintain it's correct. I don't see any evidence that it's knocked anyone out.

40 Well, it's in front of you on the screen, I suggest.---The only thing that's knocked anyone out is the scoring from what I can see the committee's done.

And do you agree the scoring included the compliance with the size restrictions set out in the RFQ?---Logically it would have, yeah.

Yes.---But again I wasn't in this panel, in this committee.

All right. So you weren't on this committee but you were ensuring the outcome of this tender evaluation from the sidelines or the background, weren't you?---I don't agree with that.

And you would have been aware of the price which Novation had quoted RMS?---No, I only found out when I got back.

You would have found out when you got back what the price was?---Yep.

10 Is it your evidence that you did not discuss that price at all with Mr Thammiah before Novation was selected?---Mmm, yeah, I don't recall talking to him. We were, actually had a, I guess the best word to use is, we were distant for a few months here.

And Mr Singh told you that Novation wanted the \$2 million upfront, didn't you, didn't he?---Mmm, did he? I don't know.

And he suggested to you that there should not be an upfront payment of \$2 million to Novation, and there should be a milestone payment plan in place.  
20 Do you recall that?---Mmm, no, but that makes sense anyway.

So if he's told the Commission that, you wouldn't deny it?---Well, oh, I just don't recall him saying that to me.

And I suggest that if there was any distance between you and Mr Thammiah, that is likely the reason why you agreed with Mr Singh that Mr Thammiah should not get \$2 million upfront for this procurement.---Mmm, no. When I say "distant", it wasn't a falling-out. He would just, he had his own personal issues, he was going through a separation. So, we just weren't  
30 seeing each other.

Now, you were aware, were you not, of the amount which Mr Thammiah was charging for these scales?---I, no, I don't think I ever found out until the second tender.

Could I take you to page 213 of volume 10? Do you see here an email from Mr Thammiah to Mr Singh copied to you on 16 March, 2018 - - -?---Yes. Yes.

40 - - - attaching Novation's quote 204 for the scales?---Mmm. Yes.

And page 215 is the attachment to that email?---Yes.

And it clearly sets out the unit price of \$15,000 for 125 scales, and the unit price for each charger at \$2,400 for 21 scales.---Yes.

With a total figure of \$2,117,940, including GST.---Yes.

So you were aware in March, 2018, of the price which Mr Thammiah was charging for the scales and the chargers.---Yes, I, yes. I don't know if I opened it, yeah.

Can I suggest that you discussed that price with Mr Thammiah prior to Mr Thammiah submitting his quote as part of Novation's tender for this procurement?---Mmm, I don't agree with that, because when I came back, I asked Jai how he got so close to the mark, and he asked me too, so I was thinking to myself, did I let it slip out, or did Mr Jones tell him, because they were meeting lots? I don't know.

THE COMMISSIONER: Sorry? Say that again?---When I got back from leave, and Mr Singh told me that he won the tender, and he said he got very close to, he went over the mark, I think, and I just recall thinking to myself, did I let it slip out to him? Because I, I was thinking, I hadn't seen him in a long time. Or had someone else told him, like Mr Jones, because he was meeting Mr Jones regularly for the other matters also.

MS WRIGHT: I'm sorry, I haven't understood any of that answer. You – over the mark of what, Mr Soliman?---Over the budget.

THE COMMISSIONER: The budget? He comes back, and says, "Oh, he's so close to the budget, just slightly over, did I slip it, let it slip out what the budget was to him?" That's what you're saying.---Yeah.

And then, now you're saying that, but then Mr Jones was talking to him, so it might have been Mr Jones who let it slip to him.

MS WRIGHT: To Mr Thammiah, you mean?---I'm just saying that was what was going through my mind when I got back from leave, because I knew I hadn't seen him in a long time, actually.

Is your evidence that Mr Singh said, oh, did I accidentally let slip to Mr Thammiah what the budget was?---No, no, no. No.

MR YOUNG: I object to that. That wasn't the evidence at all.

THE COMMISSIONER: No, no, she's just putting it to him whether that was his evidence.

MR YOUNG: Well, but it, well, but it's not what he said, so - - -

MS WRIGHT: I'm clarifying. I'm just clarifying.

THE COMMISSIONER: She's clarifying his evidence. She can ask it.

MR YOUNG: But it's not close to it.

THE WITNESS: So - - -

MS WRIGHT: Well, if I'm not close to it, then the witness can - - -

THE WITNESS: I'll clarify. I'll clarify if you would like. I just remember coming back from leave sometime in March, and Mr Singh was giving me kind of a run-by on what, what had happened. This was one of the matters, obviously. And, yeah, he said he was kind of just, just over the budget. And I started thinking, "Did I let it slip out?" But then I thought, you know  
10 - - -

THE COMMISSIONER: And just let it slip out is what the budget was?  
---Yeah, yeah. But at the same time I was thinking, you know, I don't see how because I hadn't seen him in a long time.

Did you let it slip out at your wedding that he attended?---He, I think he said he was there for 20 minutes, so I didn't actually see him. He was in hospital with chickenpox he said or something. That was another thing happening.

20 MS WRIGHT: Just as you lined up the price for the 420-scale procurement, you lined up the price and what Novation would charge for the 125-scale procurement, I suggest.---That's not what happened here at all.

And in fact you went further and you sought funding from RMS based on the unit price that you and Mr Thammiah wished to charge RMS, I suggest.  
---I don't agree with that because I know I wasn't seeing him here for a long time.

30 And you told Mr Thammiah what the available budget was.---No, I don't recall telling him and I was shocked myself when I came back.

And you came up with the quantity of 125 scales, which would exhaust the available budget as at the beginning of 2018.---No.

Now, is it your evidence that you were, as at 16 March, 2018, when you received Novation's quote, totally unaware of what IRD had charged or would be charging Novation for each scale?---I don't recall Mr Thammiah telling me or me being aware of it at that, at that time.

40 And were you aware of what IRD was charging Novation for chargers?  
---Again, I don't recall him telling me.

Now, Mr Soliman, you were also receiving cash payments from Ali Hamidi, were you not?---Yes.

And he gave you a total of about \$175,000 in cash?---No. No.

Whatever cash you got from him, he actually handed the cash to you, didn't he?---Yes.

And so it wasn't the case that you were using his ATM cards to withdraw cash as you'd been doing with Novation.---No, it was just always in a small envelope.

10 And you got those envelopes from him at his house and/or cafes.---I can only think about his house, but, yeah.

I didn't hear that.---I can only think about his house. I don't know about cafes.

And you kept a record, didn't you, on your phone of the cash payments that you received from Mr Hamidi.---No (not transcribable) ones were in Wickr. I believe the ones in my phone were what his wife's salary was, because we had agreed - - -

20 THE COMMISSIONER: Hold on. I can't understand you.

MS WRIGHT: If you could keep your voice up slightly. I'm having quite a lot of trouble hearing you this morning.

THE WITNESS: So what, what was the question, sorry?

30 THE COMMISSIONER: You kept a record of the cash payments you received from Mr Hamidi on your phone.---Yes. That's not what I, that's not what my takings were, but he said that he would give me about half of his wife's salary he was pulling out of the bank.

Hold on. He said he would give you half of his wife's salary?---Yeah, about half, yeah.

So he would basically pull a figure out. Say he pulled out 10,000, say, that's, say, 100 per cent of his wife's salary, and he would generally give me half of that.

40 Well, you weren't actually asked that, you were asked whether you kept a record of the cash payments - - -?---Yes.

- - - that you received from Mr Hamidi on your phone. Now, we've got to take it in stages.---Okay.

Do you agree that you kept a record of those cash payments on your phone. Yes or no?---No, they weren't the payments that I was getting, no.

Okay. So there is some record of payments on your phone. Correct?---Not payments. They were what he was pulling out, I wanted to make sure, again it was a backup and I also wanted to make sure - - -

Hold on, hold on. Can we just take it in stages. So the record of numbers that is linked to Mr Hamidi on your phone, what's your understanding that represented?---So the purpose was - - -

No, what did it represent?---His wife's salary.

10

Right.

MS WRIGHT: Why would you keep a record of his wife's salary?---There was a couple of reasons in my mind. Number 1, because he said he will give me about half of that to train him up basically, and the second half again - - -

20

THE COMMISSIONER: To train him up, sorry? So he said he would give you half of his wife's salary so you could train him up.---Yeah, basically in the ITS field and give him lots of templates that we used before.

MS WRIGHT: Did he tell you what his wife's salary was?---No.

So how were you to know whether you were getting half?---That's why I kept that records, that was one of the reasons, and obviously I would basically count the money when I, when I got home and put it into my Wickr.

30

Now, the record on your phone, is that a record of half of the wife's salary that you got or is that her total salary?---That's what he said he was pulling out. So that's her total salary allegedly.

Sorry, I thought you said he said he would get half of his wife's salary and give that to you?---That's right, yeah.

But the answer you just gave was that he got out her total salary.---Yeah. So what he said he was pulling out, say if he pulled out - - -

40

THE COMMISSIONER: When you say pull out, are you taking withdrawal from a bank account?---Oh, I guess, I don't know how he's doing it, I was never with him. Whatever he would withdraw from the bank in whichever fashion, that will be 100 per cent of his wife's salary and he would give me about half of that.

MS WRIGHT: So why is it that you would record in your phone 100 per cent of her salary being withdrawn by Mr Hamidi in some fashion? ---First of all I wanted to make sure that he was actually giving me half, and number 2 was the same reason - - -

THE COMMISSIONER: Sorry, sorry, so let me just get this right. You wanted from Mr Hamidi that he – let's use the figure of \$10,000. So his wife's salary was \$10,000. You wanted a record from Mr Hamidi in which Mr Hamidi asserted, I have taken out 100 per cent of my wife's salary, being \$10,000, and you would make a record, \$10,000, and then you would get \$5,000 of that?---Approximately, but there was no hard and fast. I don't think I ever told him I was even keeping a record, I would just ask, ask him.

10 But you're not, sorry, you never told him that you were keeping a record of what?---The salary that he was telling me he was pulling out. He was just building a house and he went on holiday and - - -

Yes. So what?---He just wanted spending money basically.

MS WRIGHT: So are you saying that on each occasion that he got money out of the bank, he would say to you, I've got out my wife's total salary of, to take the Commissioner's example, \$10,000?

20 THE COMMISSIONER: And here's \$5,000 for your - - -?---Yeah, well, we, yeah.

- - - training and giving me templates.---Yeah. Well, we never spoke in that fashion obviously but that's the understanding.

MS WRIGHT: Well, you've recorded in your phone some specific amounts. Do you agree with that?---Ah, yes.

30 And they vary. Do you agree with that?---Probably, yeah, I'm not sure.

And those amounts you say are the total amount of Ms Hamidi's salary which Mr Hamidi told you he had withdrawn in some fashion from the bank.---Yes, exactly. So the purpose of say the financial - - -

I'm not asking about the purpose, I'm just asking about what he said. So that's your evidence. And he must have told you the total figure that he'd withdrawn on each occasion.---Yes.

40 So you had a conversation in which he said, this time I've taken out \$10,000, and that's her total salary?---Yes, yeah.

Something to that effect.---Yeah, but we took - - -

THE COMMISSIONER: And then you would surreptitiously make a record of that.---Yes.

MS WRIGHT: And how is it that that would assist you to check that he was giving you half of her salary?---Because I would go, go home after the

meeting, I would count the money which he gave me and basically I know if it's about half or not.

But isn't it slightly self-fulfilling, Mr Soliman? He could have told you any figure, couldn't he?---That's why I counted it.

10 THE COMMISSIONER: But he could have said to you, Ms Hamidi might have been getting a salary of \$20,000 and he might have not told you the truth and said to you, here's her salary, I've got her salary of \$10,000, you'll get \$5,000. What on earth is the point of you recording \$10,000?---Well, there's no reason not to trust him and also it was a backup of the dates which, which he gave me the money.

Are you suggesting that this was an agreement that you could sue upon if it was - - -?---No.

- - - revealed that he wasn't giving you half of his wife's salary?---No, no, not at all. I'm not sure what you mean by that.

20 Well, I'm just having a struggle as to why you would bother recording the assertion by Mr Hamidi, I have withdrawn \$10,000 representing my wife's salary, here is your share of it.---Yeah, that was just one purpose, the other purpose, it had turned into a habit also from Mr Thammiah, it was a backup of the dates when he gave me the money also so we could kind of retranslate if I did lose the Wickr, which I did.

MS WRIGHT: But the backup of the dates is not assisting you with the amounts, if what you want is the date you were given the money.---I understand that.

30 And why did you have to also record what was not given to you, but what was withdrawn by each of those two men?---I understand that, but it turned into a habit basically after the first time I lost my Wickr, so - - -

THE COMMISSIONER: So you lost your Wickr twice?---Just in the very early stages of me using Wickr.

MS WRIGHT: And I suggest you would have no reason to keep a record of Mr Hamidi's withdrawals.---No, there was still for me.

40 THE COMMISSIONER: But what was it? It just sounds ludicrous, Mr Soliman, I've got to tell you.---It may seem that way, but you know, the agreement was he would give me about half to train him up for a period of time and then he was on his own so - - -

MS WRIGHT: So there was no particular amount that he would give you for a project?---No, it wasn't really, we didn't really talk about that, but whenever we met he would basically give me the money.

Was that money for each project that he had been engaged or AZH had been engaged in to undertake for RMS?---No, it wasn't specifically about a project, it was just a period of time. I gave him basically like, I told him one year you've got to kind of be a sponge and learn everything you can, I wasn't taking money for the first six months, he didn't offer me, I didn't ask.

10 And after six months the money, the cash payments start. Is that your evidence?---I think it was six or so months, yeah, something, it was around the middle of 20 - - -

And the amounts that you were receiving from Mr Hamidi are not connected to each project. Is that what you're saying?---No, no, it was just a period, kind of like a training period I guess, he would be a sponge in the ITS, he didn't know much about that previously, but he was a very good data, data analyst and a business analyst so - - -

20 So he would give you cash payments on an ongoing basis at the time you were training him in relation to RMS work?---Yeah, yeah.

But the cash payments were no worked out per project. Is that your evidence?---Yes.

All right. Well, I have a variation application, Commissioner.

THE COMMISSIONER: Yes.

30 MS WRIGHT: And it's at page 499.

THE COMMISSIONER: Yes.

MS WRIGHT: Just in fairness, perhaps from line 29 to page 500 at line 18. And then also at page 501 at line 19 to page 502 at line 13.

THE COMMISSIONER: On page 502, the line that finishes "the amounts"?

40 MS WRIGHT: Line 13 I had in mind ending "probably not".

THE COMMISSIONER: All right. Let me just have a look for a sec. The non-publication order made on 8 April, 2019 will be varied to exclude the evidence of this witness recorded in the transcript commencing page 499, line 28 and ending at page 500, line 18, and also excluding the evidence at page 501, line 19 and finishing at page 502, line 15.

**THE NON-PUBLICATION ORDER MADE ON 8 APRIL 2019 WILL BE VARIED TO EXCLUDE THE EVIDENCE GIVEN BY THIS WITNESS RECORDED IN THE TRANSCRIPTS COMMENCING PAGE 499 LINE 29 AND ENDING AT PAGE 500 LINE 18 AND ALSO EXCLUDING THE EVIDENCE AT PAGE 501 LINE 19 AND FINISHING ON PAGE 502 LINE 15**

10 MS WRIGHT: Mr Soliman, I'm going to read you some transcript, but I could just first ask you what was the purpose of the payments?---Basically to skill him up in the area of ITS (not transcribable) I guess project planning, what sites he thought I should do his trials at, what he should be doing, vendors to get in contact with (not transcribable) obviously got a leg up.

And why did you accept the money?---Because I'm a bloody idiot.

20 What were you going to do with the money?---Spent it on basically a wedding and a couple of holidays and probably just, like, spending just bills.

All right. Well, Commissioner, if it's convenient I could read those aspects of the transcript. Mr Soliman, on 8 April, 2019, you gave the following evidence in the Commission. Question, "Did Mr Hamidi ever give you any money from the profits he made through his company from RMS work?" Answer, "I don't know if it was from the profits, but from basically the second project to about June he paid me to basically train him and guide him through any questions which, which he had, formatting of the documents. So he basically, after he was asking lots of questions after the first project, he said, 'Can you keep on helping me and I'll pay you a fee to basically train me up in this, in this area?' And I was silly. I needed the money for a wedding and other, other things and I accepted the moonlighting and I was basically moonlighting." Question, "What was the fee that he paid you?" Answer, "Basically it varied, but on average six grand." Question, "Six grand. What, on average a job?" Answer, "Well, per project basically that he needed guidance for."---Yeah.

30 Question, "And did he need guidance on every project?" Answer, "Yes. Except until about June, when he said he doesn't need help anymore." Question, "This is from June 2018?" Answer, "Correct, yes, yeah." Question, "So how much do you think you would have earned moonlighting all up from Mr Hamidi's payment?" Answer, "I don't know an exact figure, but it might have been 75,000 or so." Question, "About 75?" Answer, "Yeah, or so. I don't know the exact figure again." Question, "So you would develop the scope of works for a project, it would be appointed, AZH would be given the job, then you would moonlight and train and guide AZH in finishing the project and you got paid \$6,000?" Answer, "Not in finishing the project. He basically asked me for what he thought was the best plan and asked me to look at different options for the hardware and the

technology and how they might be put in the ground and where the location is.” Question, “So this was after they were given the job?” Answer, “Yes, generally, yes.” And then a little later you gave the following evidence. Question, “But I’m a bit confused about this. It’s 6,000 per project or if he rang you or what?” Answer, “It was a mix of both. There was no solid agreement. It’s, you know, whenever he needed me to kind of do some, you know, work for him or train him in a certain area. Obviously that’s time and, you know.” Question, “You got \$6,000?” Answer, “Approximately, yeah, yeah.” Question, “And 75,000 in total?” Answer, “I don’t know the exact figure again. I’m just guessing.” Question, “Okay, how did you get, sorry, are you getting into – how did you get the money?” Answer, “He would just give me the money when I went to guide him through these on whatever he needed.” Question, “So you’d give him a tutorial at your house, at his house or where? A café or where?” Answer, “Generally at a café or at his house.” Question, “Okay, and then he would hand over, what, \$6,000 in cash to you?” Answer, “About that, yeah.” Question, “In cash?” Answer, “Yeah.” Question, “So in a brown paper bag, something like that, or did he transfer it to you or what?” Answer, “No, just, just cash. Just cash, okay.” Question, “Did anyone keep a record of how much he was paying you, Mr Soliman?” Answer, “I believe I did keep a record on Wickr. Again, I don’t recall if I kept another copy or somewhere else, but I definitely, at least for the first six months, I kept a record on Wickr.” Question, “And, what, you would record what sort of information?” Answer, “The amounts.” Question, “And anything else? A date or hours worked or project worked on or anything like that?” Answer, “I think it was just the amount and the date maybe. I don’t know if I put any other information. I, probably not. Probably not.” You’ve listened to what I’ve just read out?---Yes.

30 And you said nothing in those answers about the amounts being recorded as withdrawals, did you, by Mr Hamidi.---Sorry? I think I was asked how much I was given in that transcript, if I heard correctly.

And you said that you kept a record on Wickr.---Yes.

And you said, “I don’t recall if I kept another copy but I definitely kept a record of the amounts and the date.”---Yes.

40 But you said nothing to the Commission about keeping a record of what Mr Hamidi had withdrawn or anything about his wife’s salary, did you?---I think I was asked, yeah - - -

MR YOUNG: Well, I object to that. I mean, there’s no, there’s a distinction here between records kept on Wickr and records kept on the, on what’s been referred to as the phone, and if there’s something inconsistent with what he’s said in relation to the phone, well, that should be put. But what I’ve heard, there isn’t.

MS WRIGHT: Well, you were asked if you kept a record previously, Mr Soliman, and you mentioned that you kept a record on Wickr.---Yes.

And you said nothing about keeping a record on your phone of withdrawals made by Mr Hamidi, did you?---That's not what I was asked in the hearing.

Well, you've just given very specific evidence this morning - - -?---Yes.

10 - - - about keeping a record of Ms Hamidi's salary - - -?---Yes.  
- - - withdrawals by Mr Hamidi.---Yes.

And you said nothing to the Commission about that when you gave evidence previously.---You, the Commission asked me how much I was given and I answered.

20 And your evidence this morning was that the payments were made to you after six months from June, 2018, wasn't it?---I, mmm, I, from memory, the first was around June or something, '17. That's from memory.

But you told the Commission at line 46, page 499, on 8 April this year, that after June, he said he doesn't need help anymore.---Yep, that was 2018.

Yes, and that you didn't receive payments after that date.---Was around June, I don't know the exact date. It was definitely around the middle of the year.

But isn't your evidence inconsistent, that - - -?---No.

30 Okay. I withdraw that. Now, your evidence this morning was that the amounts you received were 50 per cent of Ms Hamidi's salary.---No, there was, it was never a hard and fast, he just said he'll, "I can give you around half."

And the evidence you gave to the Commission in April is that it was about \$6,000 per project.---Mmm, no, that's - the majority of them I recall got \$6,000 payments, but again, it wasn't a hard and fast, I don't recall it was per project. It was whenever we met.

40 And before I read that transcript, I asked you a number of times whether the payments you received were connected to each project, and you denied that. ---I don't, still don't recall or think that it was.

But you told the Commission in April that it was \$6,000 per project. ---Mmm.

You agree you told the Commission that.---Yeah, but I think, oh, that was taken out of context.

THE COMMISSIONER: That's what you told me. That's what you told me back in April. Not a word about, "Oh, it was half Mrs Hamidi's salary." Your evidence on oath before me was, "Per project basically that he needed guidance for."---Mmm, it's a bit more complex than that, Commissioner, because generally when I would meet him, it would be for a project, so it wasn't a hard and fast that he would pay me per project. Still in my mind it was not the way it was generally. But sometimes when I would speak to him about a project, that's when he would pay me also.

10

You're making this up now?---No, I'm, no, I'm not, Commissioner.

MS WRIGHT: Your evidence has changed between 8 April, 2019, and this morning about the timing and the amount of the payments that you received, I suggest.---I don't think it's changed again. There was never a hard and fast thing here. I would meet him sometimes, and at the same time where we're talking about a project, he would pay me for that, but others, you know, I would go only just to basically, so he can pay me, and not to talk about a project, so it's hard to say, is it per project or - - -

20

You were asked, "Six grand, what, on average a job?" "Well, per project basically that he needed guidance for." That was your evidence.---Yeah, okay.

\$6,000 per project.---Again, it's not so straightforward, when sometimes I'm meeting him for project work and he's paying me at the same, the same time. And sometimes, we're not talking about the projects at all.

30 And I asked you this morning whether you were paid an amount per project and you said, "No."---Yeah, generally it wasn't. I mean, it's, again, I mean - - -

You just make it up as you go, Mr Soliman.---No, no, we're not, I mean - - -

Every time you're asked a question, there's a different answer.---I don't agree.

Now, Mr - - -

40 THE COMMISSIONER: Sorry, so, getting half of Mrs Hamidi's salary, when? Like, every time she got paid, or when he felt like it, or what? ---When he felt like it, when he said, you know, "I, I've taken some money out, and come over." But sometimes this, he would also say at the same time, "I need some help with this project."

MS WRIGHT: I can keep going, Commissioner. I note the time, Your Honour, which - - -

THE COMMISSIONER: Is it a convenient time?

MS WRIGHT: It's a convenient time.

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

**SHORT ADJOURNMENT**

**[11.31am]**

10

THE COMMISSIONER: Mr Soliman.

MS WRIGHT: Yes, Commissioner. Could we please have an extraction report from a Samsung Galaxy S9 phone, and could we turn to page 4 of that report. Do you see – and if that could be enlarged if possible. Do you see here a note with the title Ali and a dollar figure, Mr Soliman?---Yes.

20

This is a note that you kept on your phone in relation to Mr Hamidi?---Yes.

And the amounts recorded commence on 4 June, 2017 and go to 9 August, 2018.---Yes.

And you're aware, aren't you, that Mr Hamidi has told the Commission this is what he gave to you by way of cash payments?---I, I heard that part of his evidence, yes.

And you disagree with that, do you?---I do.

30

And it records a total of \$175,000 I suggest, plus an amount for a bucks for 2,450. Do you see about halfway down the note?---Ah, yes.

And that related to a bucks party. Is that correct?---Yeah.

And that was a payment by Mr Hamidi to you through friends paying for accommodation for a bucks party. Do you agree with that?---Yeah, I'm just not sure exactly what it was for. It was for a bucks that he planned but I don't know if it was a hotel or what exactly that he spent that on.

40

That has nothing to do with a withdrawal of Ms Hamidi's salary, according to your evidence?---I'm not sure if that's, I'm not sure if that's what he might have given me when we were there or exactly what it was.

But you agree it relates to a bucks party?---Yeah. I think he might have given me some money there. I'm not, I'm not sure.

And it has nothing to do with Mr Hamidi's wife's salary. Do you agree with that?---Again I don't know if that's what he withdraw or what exactly that spend was for.

THE COMMISSIONER: But it's your note.---Yeah, it was a while ago.

And you've called it bucks, 2,450.---Yeah, yeah.

10 And that records an amount that Mr Hamidi gave you as some kind of reimbursement for the bucks night, doesn't it?---Yeah, I'm not, I'm not sure if it was what he withdrew for me when we were there or if it was other payments also for maybe hotel also on top of that. I don't know exactly.

But Ms Wright's point is, that's got nothing to do with Ms Hamidi's salary, does it?---It could be, because if he gave me the money there and he gave me a portion of that, it could be. I'm not sure exactly.

MS WRIGHT: Now - - -

20 THE COMMISSIONER: This note, how did you compile it?---It was just, I think it was in, wasn't it in like a, either in a WhatsApp chat or like a notepad. I forgot which one it was in.

Well, it's your note.---Yeah.

Where did you - - -?---I forgot exactly where I put it.

- - - compile it on your, on your, what was it, your phone?---(No Audible Reply)

30 Which section of your phone?---Yeah, it was either in a notepad or like a WhatsApp chat maybe, so some of that.

And what was your, what do you say your practice was in recording this?  
---So there's a couple of points and it was - - -

No.---It was a habit.

Answer my question.---Yeah.

40 Your practice. For example, you had 4/6/17, 29K.---Yeah.

So when was that recorded?---Whenever he would have given me that amount basically.

So whenever he gave you 29,000, on that date you recorded it in this note?  
---Yeah, but that's not what he gave me though, yeah, that's when he would have pulled it out.

You just said, I record the, that was the amount that he gave me.---No.  
When he would give me some sort of a dollar, a dollar figure I would make  
a note in Wickr, obviously after I counted it, and a note here.

Not interested in that. I'm interested in this - - -?---Yeah, that's - - -

10 - - - note that you're keeping.---That's my evidence, yeah. So when he  
would give me some, some sort of dollar, dollar figure he would tell me  
how much he had pulled out and I would put that here.

So on this note page, and what, are you saying on 4 June, 2017, you had a  
meeting with Mr Hamidi where he gave you some money?---Yes.

And you said to him, how much did you pull out of the account, and he said  
29,000, and you recorded the 29,000 in that note section on about 4 June,  
2017?---Basically, yeah.

20 And then separately, if you were given an amount of that 29,000 you  
wouldn't record it on that note, you recorded it on another document in your  
Wickr account?---Yes, after I - - -

That's your evidence?--- - - - counted it, yeah.

MS WRIGHT: A document which you said self-destructs when you open it.  
---Yeah, I thought ICAC already pre-accessed it.

That's just ludicrous, Mr Soliman, I suggest.---No.

30 THE COMMISSIONER: Sorry, can - - -

MS WRIGHT: I'm putting it to you, you put - - -

THE COMMISSIONER: No, no, go on.

MS WRIGHT: You recorded cash payments you were receiving in a  
document, which on your evidence, self-destructs when it's opened?  
---That's the way Wickr works when - - -

40 And you were aware that Wickr works that way.---Yeah, which is why I  
never actually looked at it, and then when I tried to look at it obviously  
there's a, I think it's called a burn timer or something like that.

And so why on earth would you make a record of cash payments you're  
receiving in a document that can easily disappear?---Well, if you, there's a,  
there's a timer that you can still store it once it's read, obviously once it's  
read there's a, there's a set period there which you can change and it'll get  
wiped, as a security feature, but you can only have one Wickr username per

hardware, which is why I had to figure out another place to put the other amounts.

You had no reason for keeping two separate records - - -?---I did.

- - - in relation to this matter.---I did.

10 You have not provided any reasonable or comprehensible reason to the Commission why you would record what Mr Hamidi had withdrawn from his account.

THE COMMISSIONER: Or what he claimed he had withdrawn from his account.---Yes.

All you're interested in is how much money you got.---Well, I wanted to make sure, number 1, that he's doing what he said he would do, number 2, that I have a record of the dates when the money was pulled out, which was a habit from the Thammiah, and I continued.

20 MS WRIGHT: And did you ask him, "Well, how much does your wife earn?"---Mmm, I don't recall asking that, but I just wanted to, I guess, make sure that, over the financial year.

And all of these amounts of, they're varied amounts, are they not?---Yep.

They're all different.---Yep.

Except when we get to \$8,000 per month from February, 2018.---Yep.

30 So they don't appear to bear any relation to a set salary amount, do they?---No, it was the over the, a, a financial year, basically.

Now, could we have Exhibit 37, please?

THE COMMISSIONER: And sorry, the self-destructing Wickr account, where was it held?---On my laptop.

Is this a work laptop?---No.

40 This was a personal laptop?---Yes.

MS WRIGHT: You see, Ali Hamidi has told the Commission that he kept his own note of payments which he gave you, and the dates he gave you the cash payments.---Ah hmm.

You see the document in front of you?---Yes.

And do you see how it corresponds exactly with the list of payments and dates kept by you on your telephone?---Yes.

And he's told the Commission that this is what he gave you.---Mmm, that's not true at all. He needed lots of money during this period too, to build his house and for IVF and he went on a holiday.

10 And you, as I took you to earlier, gave an answer to the Commission in your compulsory examination in April that you had received about \$75,000 or so from Mr Hamidi, didn't you?---Yes, over that year period, yeah.

And since then, you've heard Mr Hamidi's evidence and become aware of this note which he kept about the cash payments, haven't you?---Yes. Yes.

And to make your evidence consistent with what you told the Commission in the compulsory examination, you've said that you received half - - - ?  
---No.

20 - - - of what Mr Hamidi's told the Commission he gave you, haven't you?  
---No. No.

And you've made up this story about him withdrawing 100 per cent of his wife's salary and you making a record of that in your phone.---No.

Isn't that the case?---No.

If I could take you to table 7 in volume 20, please, which is at page 27 of volume 20. Do you see here a table, Mr Soliman?---Yes.

30 The Commission has – sorry, table 7, at page 27, please. Thank you. You see here a table, Mr Soliman.---Yes.

Now, the Commission has produced this table which reconciles the bank records of the Hamidis against the note that you kept in your phone.---Yes.

And your first payment recorded in your phone, on 4 June, 2017, is for \$29,000?---Yes.

40 And the records, the bank records show that there was a, in a matter of days leading up to 4 June, and on 5 June, cash - - -

MR YOUNG: After the - - -

MS WRIGHT: Sorry?

MR YOUNG: After the 5<sup>th</sup>, after, well, with respect, it's, one of the payments is after 5 June. One of the withdrawals, I should say, is after 4 June.

MS WRIGHT: Yes. I can see that on the table, Commissioner. And you see there's a cash withdrawal of 1,000 and then 10,000 and then \$19,000?  
---Yes.

And none of those figures – well, withdraw that. Those figures are all different, aren't they? They're not consistent figures.---No.

10 And then you can see the next amount of \$46,000, which you recorded in your phone in relation to the date 23 June, 2017.---Yes.

And if you go across to the left, four rows above the reference to \$46,000, indicate that cash withdrawals were made amounting to \$46,000 between 15 June and 23 June, 2017 from Hamidi accounts.---Yes. Yes.

You see, those amounts I suggest have nothing to do with Ms Hamidi's salary.---Sorry, is that a question or - - -

20 Well, I'm just giving you an opportunity to see that these are, these withdrawals, Mr Soliman, vary wildly, don't they?---Yes.

They're not salary withdrawals from an account, I suggest, and not consistent with your evidence that Mr Hamidi told you that he was getting out a hundred per cent of his wife's salary and - - -?---Over the financial year, yes, he was.

So this was money already earned, was it?---Don't understand, sorry.

30 By Ms Hamidi.---Well, I have to, must have been in his bank, yes.

You didn't think she was earning \$46,000 a month, did you?---That's whatever salary they would have put, obviously.

But you didn't think she was receiving \$46,000 a month, did you?---Don't understand.

40 Because you've recorded in your phone \$46,000 and you say that's a reference to a hundred per cent of her salary.---No, the salary means over the actual financial year. The ledger's different. That's what he would have pulled out at that time.

THE COMMISSIONER: Sorry, that just did not make sense.---So when I - - -

So she earns 100,000 a year.---Yes.

You were going to get 50,000 of that.---Approximately, yeah.

For providing him with tutorial?---Well, to train him, obviously, in this area and give him a lot of project plans also.

So that was income you were earning.---I guess, yeah.

Did you declare it to the Tax Office?---No. Didn't know I had to.

Mr Soliman - - -?---Well, I know, I know now, obviously.

10 If you were concerned about keeping a record and making sure everything was pursuant to this agreement and not being concerned about your Wickr account, what was it, self-destructing or whatever, the best way was for Mr Hamidi to transfer funds electronically from an account into your account. ---Maybe so, yeah.

Do you agree with that? It would have been the best way of keeping a record.---Yeah. But he was - - -

20 That wasn't done, was it?---No. He said he was also using, using money for his house and other things, so - - -

Not interested in that. I'm interested in why with supposedly money you're getting – and you were explaining it to me for tutorials or training – why that wasn't transferred to you by electronic funds transfer.---Just what we, what we said would happen because he was also pulling out money for his own needs, so that's what we agreed.

30 That's irrelevant to your, to whatever you're getting.---I understand. I understand.

If he wants to withdraw funds for his own purpose, he can do it. But you're supposedly getting funds for training. You claim to me that you're keeping a record of this in Wickr. The easiest way of doing it, instead of receiving amounts of cash in an envelope is to say, "Transfer it by ETF into my account." Clear record, 1 May I got \$5,000 from Mr Hamidi.---Yes - - -

And you didn't do that, did you?---No, that's just what we said would, would happen at the, at the start.

40 No, the reason why, I would suggest, you did it this way is to conceal it because you knew it was wrong.---Well, it wasn't - - -

Do you agree with that or not?---It wasn't the moral thing to do, but I mean at the time we weren't speaking about that. We just said, okay, just, just be cash because I'm also pulling out money, so I'll pull it out for you also.

Sorry, go on.

MS WRIGHT: Could I take you to volume 21, please, at page 62. You see this is a bank statement from Ms Hamidi's account, and do you see her salary, \$2,489.58?---Um - - -

The second row, on 11 January?---Okay, yeah, yeah.

And then you see, if I could take you to page 65, you see 14 February, under the yellow entry, there's another deposit of a salary, \$2,489.---Yes.

10 And you would expect Ms Hamidi to be paying tax on her salary?---Yes.

Now, her salary wasn't anywhere near the figures which you have recorded as being referable to the whole financial year, being 29,000 and \$46,000. You see that?---That's not what Ali, Ali meant. He meant the salary which he was setting for his wife through the AZH business.

I see. So when you say 100 per cent of her salary, you're referring to her AZH salary, are you?---That's what he said, yeah.

20 And what work did you understand Ms Hamidi to be doing for AZH?---I wasn't too sure but he said she was, she was good at, you know, managing the comms and the finances and things, things like that.

And did you understand her to be doing work for AZH?---I'm not really sure now, but all I got, all I know is that I got some emails from her, so all I can assume it was from her, but again now I just don't know. I don't know.

Did you ever speak to Ms Hamidi?---Rarely, rarely.

30 Did you speak to her about AZH business?---I don't think so, no.

THE COMMISSIONER: And the emails you got from were just her signature block, wasn't it?---Yeah.

MS WRIGHT: And are you sure – well, I withdraw that. What was your answer, Mr Soliman? Did you ever speak to Ms Hamidi about AZH business?---I don't recall, no, I don't recall that I ever did. It was just Ali.

40 Possible that you did?---Don't recall ever speaking to her about it. Just the emails and stuff like that.

You went over to Mr Hamidi's house at times to get cash payments from him?---Yeah.

And did you also go around to his house to discuss AZH work. ---Sometimes, yeah.

And she would have been present on occasion?---She would have generally got home quite late, you know, after 6.00-ish. I was generally gone before that.

You were there during working hours, were you?---No, it was generally after, after work and prior to Zoe getting home. Obviously he wanted his own family time.

10 Before 6 o'clock were you at the Hamidi household?---Yeah, depends. It varied. Yeah, it varied.

What time did you finish work at RMS?---It varied always.

Between what time and what time?---If I was in the Parramatta office, so, you know, 9.00 to 5.00 or something like that. But it depends. It varies. I work from several sites too.

Please tell me the variation. So Parramatta until about 5 o'clock.---Yeah.

20 What other sites did you work at?---There was another Parramatta site on Argyle Street.

Another Parramatta site, did you say?---Yeah, yeah.

And what time did you leave work when you worked at that other Parramatta site?---Depends. Sometimes 4.00.

30 And where else did you work?---I would sometimes need to go to, when there was a North Sydney office, I would go there sometimes. That varied a lot. I could have been in and out of there. I think I went to the Lee Street site a couple times.

And these other sites, were you working there throughout the day when you visited, or were you just there for a short period of time?---It depended. Like, if there's, mmm, it varied. It varied.

40 Weren't you mostly working till 5.00pm at night, at least?---No, general, no. Generally, I mean, most of, most of, most of the office would have been empty by, say, 4.30. But I'm just giving that as like, a window.

The office was empty by 4.30, was it?---Generally, yeah.

And you think your colleagues would agree with that?---Yeah, generally, yeah.

And how far did you live from the Parramatta office?---20 minutes on the motorways or so.

And what about if you went straight to Mr Hamidi's house, how long would that take you?---Mmm, about the same.

You're not trying to give evidence in favour of Ms Hamidi, are you?---No. I'm just, I'm just answering what you're asking me. I mean, I didn't think she was doing much at all I know is that she was good at the comms and the finances, and that's what I thought she was doing, but again, I'm not sure now, based on what Ali's, Ali's said.

10 And did Mr Hamidi tell you that she was doing those things?---Yeah, he said she was, well, he said she was good at that, at that stuff, so I guessed she was doing it, but he'd never said that she was doing it.

Did he say she was looking after any particular projects?---Mmm, no.

All right, we'll come to the emails. Now, you commenced giving work to Mr Hamidi in December, 2016.---Mmm. Okay, yep.

20 And the thermal trial at Picton Road was the first trial which you awarded to AZH, do you agree with that?---Yeah, it's the first work he got, I think, yeah.

And you attended that trial with him and Mr Singh, didn't you?---From recollection, I was there for a very short time, and Mr Singh and Ali stayed with the vendor.

30 And did you give Mr Hamidi any instructions at that trial when you were there?---I remember speaking to him. I think I just done an introduction between IMC, I forgot the gentleman's name, and Ali, and to explain what they're going to be doing together, to collect the data, to normalise it. And then I'd basically left.

And you requested a quote from Mr Hamidi for that project, didn't you?  
---Yes.

And you also sent him an email setting out trials which AZH would be conducting this financial year, around that time?---I'm not sure.

40 If I could take you to volume 3, page 15. On 10 January, 2017, you sent an email to the AZH consulting email address, which you copied to your personal address?---Yes.

Setting out four projects?---Yes.

And you were informing Mr Hamidi of the trials he would be able to charge RMS for, weren't you?---I'm not sure exactly what this is, but I think this was the implementations which were, either happened or happening soon,

and we need to confirm that just the data was, if it was actually true or not, so we can roll it out further. I think that's what it was for.

You were listing for him the trials that AZH would be able to be involved in, weren't you?---Basically, yes, yeah.

And the emails that you sent to him are at page 16, and 17 is attachments to your email of 10 January. Do you agree with that?---Yes.

10 And you had taken, if you could just look at page 16, you had taken those dot points from an IMC report, had you not?---I think they were just the specifications of the camera, yeah.

You had taken those specifications from some material which IMC had sent to you, hadn't you?---Probably, yes.

And on 17 January, this is at page 91 of volume 3, you emailed to Mr Hamidi a quote for this project at 12.47pm.---Yes, yes.

20 And the quote is at page 92, setting out a scope of works including a field trial for a three-month period, a scoping study, field trial requirements, engineering design and fabrication and a report. Do you agree?---Yes.

You drafted that quote, didn't you, Mr Soliman?---Don't know. For the earlier ones I don't know if it was me. I think maybe I gave him the original empty quote template because I remember he asked for what's a good template to use, but I - - -

30 Well, you've sent this quote to him - - -?---Yeah, I think just - - -

- - - completed.---I don't know if it was completed but pretty sure the scope of works part, that's how, that probably would have been mine, that looks like what I sent him.

When you say you don't know if it was completed, this is the attachment to your email at page 91 which we've just seen, and so you've sent it to him in a completed state.---Yeah.

40 And then about, or less than 40 minutes later at page 95, in the middle of the page, on 17 January, 2017 he sends you an email attaching his quote.---Yes.

And that's at page 97.---Yes.

And that is the same as the document which you sent to him - - -?---Yes.

- - - a little more than half an hour beforehand.---Yes.

So he hasn't done anything to this quote.---Yeah, I'm not sure, I'm just trying to say I'm not sure if he gave me the original template or I gave it to him, but I'm pretty sure my part was the scope of works, yeah, I just, that's another way of kind of guiding him through some parts that might need to be pre-done.

And you came up with the figure, \$31,900?---No, the prices are always, always him.

10 Didn't you come up with this figure?---No, I didn't, no.

Because you thought that a quote just under \$30,000 excluding GST would not require you to seek more than one quote, didn't you?---No, that's not the purpose. The, the one thing I told him about price, he, when he did ask me generally, you know, for this type of works, he asked me what, you know, what's the ballpark, you know.

So he asked you what to charge?---No, he asked me what the, what the ballpark and I shouldn't have - - -

20

And the ballpark was so that he could charge RMS something in the ballpark?---Yeah, I shouldn't have said anything obviously but I did, I just said, you know, if you're, if you're over, you know, X, X amount, I think I said 50,000 or something like that, not sure which number exactly, you're not likely to get it, but again - - -

You suggested to him that it should be around 30,000, didn't you?---Mmm, I don't think I said, no, I never said it should be anything. I said, he, he was asking me, you know, what's the ballpark and I didn't want to say anything, but I did.

30

You've assisted your friend, through training and guidance, and he's paying you - - -?---Yes.

- - - and yet you resist the proposition that you assisted him with how much he should charge RMS. Is that really what you say?---Well, I mean, I didn't tell him what to charge, but when he asked me, you know, is there a ballpark, and I had gotten questions like that from other vendors in general, I generally said, you know, you're in the ballpark or you're not.

40

And then at page 104, Mr Hamidi advised you that the scoping study was complete and that due to the file content and size he'd sent all documentation, including photos and videos, on a USB to you. You see that?---Yes.

You did not receive any USB from him, though, did you?---I did. He just gave me the USB.

In person, did he?---Yeah.

When?---It was around the time of this email, but I had asked him to also add some of the photos which I knew he had taken, and he was also using a temperature gun I think on the actual wheels.

When you said you asked him to add photos, was that before or after he gave you the USB?---After.

10 So you looked at the USB?---Yes.

And you decided that there were photos he'd taken which weren't on it, is that right?---Yes.

And you then asked him to do what?---Just to add that and the temperature data that he was taking.

20 Do you say you gave him back the USB?---I think there was a few USBs that went back and forward. This could have been one of them.

What did you do with this USB when it came back to you?---Yeah, I don't know if this one went back to him but there were a few that kind of went back. One was, had the quotes on it and others kind of had these studies on it and stuff like that.

30 I suggest that you told him to write this in this email, that he had sent documentation on a USB, but in fact you knew that he would not be in a position to send a USB.---Don't recall saying just type it in because I did want the actual, the study after he done it with IMC. I don't recall saying that to him.

So is it your evidence that you received a USB with a report on it from him, a scoping study report?---Yeah, but this was after he already worked on it and I done some formatting changes for him also.

How did that unfold, do you say, Mr Soliman?---That's, that's how. So the study that him and IMC were working on - - -

40 They weren't working together, were they?---Well, that's as I thought at the time but I still think they were.

THE COMMISSIONER: Sorry, you thought they were working on it together?---Yeah, that's, that's what he was saying, and he was taking the temperature data, and when I was there for a short time he was taking photos of the laptop that was there. So his purpose, really, was to make sure that the data was correct and, yeah.

Well, if he was doing that, he wouldn't be working with ICM [sic]. I thought the whole idea was that he's supposed to be somebody independent.---Yeah, he was, but the purpose really was just to make sure, the independent part was to make sure the data wasn't modified like we'd been, like we've seen previously.

10 Yeah, so that's not working with ICM [sic]. That's trying to establish a distance, be independent from them.---It depends with each one, but with this one he could see the actual data. He said he could see the actual data on the, on the screen.

So he wasn't being independent from ICM [sic]. Like, what is it, Mr Soliman?---He was. He was as far as I could tell. I even saw the actual screen when I was there for a short time.

MS WRIGHT: Now, IMC sent you its report on 23 February, 2017.  
---Okay.

20 And you looked at that report, didn't you?---Yeah, yeah.

And Ms Hamidi – sorry, I withdraw that. You received an email from Ms Hamidi on 18 May, 2017, if we could go to that, page 118, attaching a scoping study report which she said that she'd mailed to you on 15 March, 2017. Do you see that?---Am I looking at the right page, sorry?

Sorry, this is page 118.---Yes.

And the attachment's at page 119.---Yes.

30 And if we could turn to page 120, 121, and you see the contents here?  
---Yes, yes.

During the 12 months to the end of June 2016, 208 people died - - -?---Yes.  
- - - from 182 fatal crashes. Do you see that?---Yes.

And then page 122, the photo and the text.---Yes.

40 Page 123, 124 and 125 contains thermal images, and then at page 126, do you see that?---Yes.

And 127, 128, an image - - -?---Yes.

- - - of the FLIR A65 with a third wheel, and at page 129, and the conclusion at page 130, and it goes on. The evidence shows that report is identical - - -?---Yes.

- - - in all the critical respects with the report sent to you and others by Mr Snell of IMC on 23 February, 2017.---Yes.

I can take you to that.---No, that's all right, I know that, yeah.

This report under the AZH logo was fraudulent, wasn't it?---That's not the way I saw it, but obviously - - -

10 The report represents that AZH has produced it, doesn't it?---That was what I understood at the time, that they were working together to produce the report and Ali's side was to produce the data and make sure it wasn't changed, but now again I'm not sure what exactly they did together or didn't do together.

Mr Soliman, the report I've just taken you through is on AZH Consulting Pty Ltd corporate logo.---Yeah, yeah.

Page 119.---Yeah.

20 Do you see that?---Yeah.

And then at the bottom of every page is the AZH logo.---Okay, yeah, yeah.

The report purports to be by AZH, doesn't it?---Yeah.

And the A & C report purports to be a report provided by IMC.---Yeah.

30 And you knew the IMC report to be a legitimate report which contained IMC's work and IMC's opinions, didn't you?---I thought it was both. I mean that's what I was told and - - -

It's not both, it's IMC's report.---Well, if that's what they say now, obviously I trust what they're saying, but at the time they were working together.

Well, you have no reason to doubt IMC's report is totally legitimate, from a legitimate company, do you?---Yes, but I also thought the data in there was being collected by Ali.

40 You used IMC's report to create a false and misleading report under AZH letterhead, didn't you?---That wasn't the purpose, no, that wasn't, that wasn't how things went. I wasn't getting paid here even.

Who is the person who took off the IMC logo and applied AZH's logo?---I recall on this one re-sizing the logo. I don't recall putting it on there, though. He had asked me to kind of check it for the final formatting and stuff. I'm not sure what other formatting things.

You sent the report to Mr Hamidi, didn't you, with AZH logo on it?---Yeah, that, that would have probably been after the formatting changes and things like that.

10 I suggest you took the IMC report, you removed IMC's name, you applied AZH's logo, you then sent it to Mr Hamidi and asked him to submit it back to you, didn't you?---That's not what I recall happened with this one. I recall that I done minor formatting changes after he asked me to. But again now I just don't know exactly what he did or didn't do with them, so it's - -

There are no drafts going backwards and forwards. You took IMC's report and you made it look like it was a report by AZH.---That's not how things went. Like I, like I said, what I recall is that just asked him to do a check of the formatting and everything and I just recall just making the logo a little, changing the logo size.

20 Checking formatting or even changing formatting is hardly substantial work, is it?---Yeah, he wasn't asking me for much in these early stages.

He was being paid \$31,900 just for formatting according to your evidence. ---Well, that's not what I thought was happening. I mean, what I knew to, to be true is the, the thermal data in there was all coming from him and he was managing the, the guys onsite. But again now I just, I don't know.

30 You knew that not to be the case, Mr Soliman. You received IMC's report containing its data. What do you say?---I think I've already given evidence, but again at the time I was being told what I thought was the truth and at the time it kind of made sense to me that the data was coming from Ali after he had, I guess, normalised it. And, yeah.

You see, the scope of works provided by you to Mr Hamidi didn't just relate to formatting or getting data. It referred to engineering and fabrication and a scoping study report and other matters, didn't it?---Yeah. Yeah, I just seen the quotes which he submitted. It was the exact same scope as what I gave him but that wasn't ever the purpose. That was all of the things which he could need to do, and I always told him, you know, just after I send you the invoice, take out things which you haven't done.

40 So you sent to him the invoice for this matter, which is at page 117B?  
---Don't know, I'm not sure for this one.

THE COMMISSIONER: Well, have a look at 117B.---Yeah.

MS WRIGHT: Did you produce this invoice?---I don't know if I did for the first few. I do recall that I sent him, like, a blank template of what an invoice would look like, and for a long time, the majority of the time he said he wasn't getting the purchase order numbers, so one thing led to another

and he asked me just to chuck in what's been done from the scope of works from the quote into the invoices, send it to him.

The system was that Mr Singh would receive an invoice in his workflow, and then he would check with you and you would approve the invoice, wasn't it?---Mr Singh only checked with me if there was a problem. He, he would not have checked with me if there was no problem.

10 You were happy for this invoice to be paid, weren't you?---Yeah, I didn't - -  
-

You were happy for this invoice to be paid, weren't you?---I wasn't, not happy, but for the first, you know, half I wasn't getting paid so I, for me the purpose of it was to help a friend out that was in need. There was no money involved for me. There was no benefit at the beginning. But things got out of control.

20 If Mr Singh had asked you, you would have approved payment of this invoice, wouldn't you?---Well, it was, it was based on what Mr Singh saw, because he was the one there.

This is Mr Singh's problem, is it?---Well, he was managing this project, he was the one there. I mean, asking me wouldn't really benefit anyone. I wasn't there.

You had Mr Singh manage this project, didn't you?---Oh, in a general sense, yes.

30 And you went and met with IMC with Mr Singh, didn't you?---I, yeah, I think we met them at their Newcastle office, yeah.

Yes, you travelled to Newcastle to meet with IMC.---Yeah. Yep.

And you were Mr Singh's manager.---Yeah, that was quite early on.

And you received IMC's report.---Mmm.

Didn't you?---Not when we were there, but subsequently, yes.

40 So it wasn't just Mr Singh managing this project. You as his manager had oversight of this project, Mr Soliman.---Yep.

And so when you say it was Mr Singh who was there, and he was the person who would have approved the invoice, you had total oversight of everything that Mr Singh did, didn't you?---No. We met IMC quite early on, before any project. Another guy in the office suggested, and I forgot who, who it was, and Mr Singh essentially managed the payments, and he went to site,

with the vendors, and done scheduling for these early things. That's what I meant by it.

Now, the next project that was awarded to AZH was one conducted on SICK, S-I-C-K, Technology, wasn't it?---Mmm, it was one of them, yeah. I think it was early on too, yeah.

10 And you asked Mr Singh to open a purchase order for AZH's quote, which had been sent to you?---Yeah, he would have, he was also managing that one.

You asked Mr Singh to raise a purchase order – this is page 140 – you see that?---Yes.

And you had prepared the scope of works on page 141, on quote RMS02? ---Yes.

20 Did you come up with the numbering RMS01, RMS02, et cetera used on AZH quotes?---Oh, no, I don't think so.

I suggest that you did.---Don't recall coming up with the number, just a random number, I guess he would have come up with - - -

You prepared this quote for Mr Hamidi to submit, did you not?---Again, I'm not, I, pretty sure the scope of works, originally same as the first one, I've done on a piece of paper for him then it turned into I was doing the actual, the document for him, the scope of works. But - - -

30 So you say you wrote on a piece of paper - - -?---At the beginning, yeah.

- - - for the first one, do you?---At the beginning. But then he asked me to, obviously to put the scope of works into a nice template.

Okay, so when you say "at the beginning", are you referring to the first project, being the one I just took you to, the thermal camera project? ---Mmm, yep, yep.

40 For that one you say you wrote it on a piece of paper, do you, the scope of works?---At the beginning, yeah, but then he asked me just to translate it into a, a template, obviously, and that's how, was one of his methods of learning, because I'm showing him the scope, this is all the things that you may need to do as part of this project.

Mr Soliman, I've just taken you through the thermal camera project. You said nothing about writing a scope of works on a piece of paper. You now tell the Commission, where I'm taking you to the second quote from AZH, that for the first project, you had written the scope of works first on - - -? ---Yes, I did.

- - - a piece of paper.---Well, generally, yes, that's what I will do for most of them, actually, or even the project plans.

Well, I thought it was the first ones. And now you're saying it's generally for most of them.---Mmm, yeah, a lot of the project plans and stuff like that, we would kind of draft it, you know, on a piece of paper. But, and then he just asked me just to put it into a, a document, and I did that.

10 Did you just say, "We'd draft it on a piece of paper"?---Yep.

So before it was that you drafted it on a piece of paper.---No, okay, it's, I'm talking about the project plans. I'm mixing things up here. So obviously when I'm going over the projects with him and telling him what he should and shouldn't do, what sites and maybe how he should set up the cameras, that was in person. If he would ask me to do the scope of works or the, the actual quote here, a lot of the times it would have been on a piece of paper (not transcribable) first, okay, this is what you need to do. You need to set up a field trial. You need to normalise the data. You need to do this, do  
20 that. And then it went to him asking me just to put that in a template, and I did.

Which projects did you write the scope of works on a piece of paper for?  
---It would have been the first few at least.

And when did you start drafting the quotes up yourself?---Early in 2017, I guess, around that time.

Well, this quote here – at page 141 – you see how this is early 2017?---Yes.  
30

This is a quote which you prepared, isn't it?---Again, I recall doing the scope of works. I don't know if he sent me originally or - - -

He sent what originally?---The quote itself or if I sent him the scope of works.

He didn't send you, I suggest he didn't send you any quotes at all, Mr Soliman. You prepared all of the quotes that emanate from AZH.---I don't think I did all of them but I would have definitely at least looked at all of  
40 them, and most of them I would have put the scope of works in there.

And you submitted to him all of the invoices for him then to submit to you, didn't you?---Invoices, again, I don't think I did all of them, from memory.

And that was the case of all invoices and quotes on AZH letterhead. You created them.---That wasn't always the case. I mean, from what I can recall, there were several which, you know, he sent me and it went back on the USB, basically.

What USB?---There was a USB that was going back and forth with the quotes on it.

Now, you've said that this was Mr Singh's trial, this SICK over-dimension trial, did you?---Yeah, he was the only one that went to site.

You went with him?---No.

10 But is it your evidence that it was not your trial?---What do you mean, my trial?

Well, you've said, in a way which I suggest you're trying to exculpate yourself, you've said that it was Jai's trial in your evidence earlier.---I mean, I think you're misunderstanding what I'm saying by those things. I mean, when, when someone's to manage a project, they manage, you know, if they need to go to site, go to site. If you need to schedule vendors, you schedule vendors. If you need to make sure that a site is, you know, offline or online, when you need to mount something with a cherry picker, that's the  
20 manager. It doesn't mean that I'm not curious about the project. It doesn't mean that I'm not, you know, asking about the project.

But you're more than curious. This is your trial as the manager of the Heavy Vehicle Programs Unit, Mr Soliman. And you might have Mr Singh assisting you, but it is your trial.---Don't know if I would term it that way. I was the, the manager of the team and I was invested in it obviously as the manager of the team.

30 Could I have – I note the time, but just before we adjourn – an email of 8 May, 2017, please?

THE COMMISSIONER: Do we know page?

MS WRIGHT: It's not in the brief, Commissioner. Do you see this email from you, Mr Soliman, on 8 May, 2017?---Yes.

Saying, "Gents, myself and Jai are kicking off the SICK dimension sensor trial at Twelve Mile Creek from Monday to Wednesday."---Yes.

40 "Please email me if you need anything."---Yes.

Because it was your trial with Mr Singh, wasn't it?---Again, I mean, you can, you can term it that way if you want because I was the manager of the team. I didn't actually go to site, I'm sure, because I don't, I don't even know what this technology looks like.

It's not my terms, it's your terms, this is your email, "Myself and Jai are kicking off the SICK dimension sensor trial at Twelve Mile Creek." You

see that?---Yeah, okay, but I'm just saying, I wasn't managing the project, I didn't go to site, I didn't schedule anything, I mean

---

You're "kicking off" the trial, Mr Soliman?---I didn't go to, go to site.

Well, you're telling your team to email you if they need anything.

---Yeah, something must have happened, maybe I was busy after that, but I know I didn't go, go to site.

10

Then the staff from SICK who you dealt with, do you recall the name of the person that you dealt with?---I know for the other SICK one it was Steven something.

And what was his surname?---Ah, I don't recall, I don't know.

Are you sure about that?---Am I sure?

20

Are you sure about that, that you don't know his surname?---I don't recall his surname, yeah.

Commissioner, I've got a little to go on this project so if that's a convenient time.

THE COMMISSIONER: That's all right. Can you remind me, the extraction report, did we - - -

30

MS WRIGHT: Yes. I have not tendered that. If I could tender the extraction report containing both the Hamidi and Steve payment record made by Mr Soliman, and there are some other items as separate exhibits.

THE COMMISSIONER: All right. The extraction report from the Samsung phone which records notes of Steve and Ali, payments made, by Mr Soliman, will be Exhibit 56.

40

**#EXH-056 – THE EXTRACTION REPORT FROM THE SAMSUNG PHONE WHICH RECORDS THE NOTES STEVE AND ALI PAYMENTS MADE BY MR SOLIMAN**

MS WRIGHT: And I tender volumes 20 and 21 of the brief, being financial analyses and supporting documents, and could they please go back into Exhibit 34, Commissioner.

THE COMMISSIONER: All right. Exhibit 34 will now include volumes 20 and 21, which are described as the financial brief.

MS WRIGHT: The email I've just referred to, there's some subsequent emails and perhaps if that could wait to be unbundled.

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

**LUNCHEON ADJOURNMENT**

**[1.08pm]**