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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

PUBLIC HEARING

OPERATION EMBER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 11 JUNE, 2019

AT 2.30PM

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THE COMMISSIONER: Now, I apologise for that delay, there was some technical problem with the hearing room with the recording or something, so I've now been told it has been fixed but I'm sorry about the delay. Did you want to raise something, Ms Wright?

10 MS WRIGHT: I was just being polite, standing when you were talking, but I do wish to in fact clarify something just before I resume questions of Mr Soliman. Commissioner, you may recall there was evidence this morning of the note headed Ali with a dollar sign on Mr Soliman's phone, and I took Mr Soliman to table 7 in volume 20, showing the Commission's analysis of withdrawals made from Mr Hamidi or related Hamidi accounts compared to Mr Soliman's Ali note, and there appeared to be an objection from Mr Soliman's counsel but I moved on to another example and it didn't affect my questioning. But if I could just clarify, there was a reference in table 7 to a withdrawal of \$19,000 on 5 June, 2017 and the objection appeared to be that that was made after the cash payment, which certainly appears to be the  
20 case, on table 7, but there is - - -

THE COMMISSIONER: Can I just – that's volume 20, page 27 is the table?

MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: And you're referring to item 3?

30 MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: Which has a date of 5 June. Now, item 4 refers to that payment of 29,000.

MS WRIGHT: Yes. And so one of the withdrawals which in my submission is relevant to that record kept by Mr Soliman that states \$29,000 is a record at volume 21, page 54, which indicates that in fact the withdrawal was made on 3 June, 2017.

40 THE COMMISSIONER: Yes.

MS WRIGHT: It is recorded in the bank statement on page 53 as being 5 June, but the branch record of the transaction at page 54 clarifies that the cash withdrawal was 3 June.

THE COMMISSIONER: I think the document on page 54 is known as the bank voucher.

MS WRIGHT: Thank you, Commissioner.

THE COMMISSIONER: And my understanding is it's the document that's generated or created by the bank at the time of the transaction, and as you said, it clearly indicates a cash withdrawal of \$19,000 on 3 June, 2017, but it appears to have been recorded in the statement that appears at page 53 on 5 June.

MS WRIGHT: Yes, Commissioner.

10 THE COMMISSIONER: Right. Mr Lonergan?

MR LONERGAN: Yes, Commissioner. While we're on the topic of technical issues, the internet, or certainly the provider of one of the internet services has been down and we were trying to get access to the volume 20 and 21 in order to do redactions in relation to financial records. We've been unable to do so because we've been unable to download, and we did have a time, close of business today to put forward those redactions. We're just not going to be in the position to be able to do so. So we're seeking further time to provide redactions in relation to those financial records.

20

THE COMMISSIONER: Ms Wright?

MS WRIGHT: There's no issue with that, Commissioner, they will be kept on the restricted website until we've heard from Mr Lonergan and his team.

THE COMMISSIONER: All right. Now, can I just raise one other matter. We have two other days set down in June. What I want to indicate to the parties is what I will describe as tentative additional dates, being 25 and 26 July and 1 and 2 August. I say tentative, they are yet to be confirmed for particular matters outside my control, but maybe if people can pencil those into their diary and then if confirmation occurs before we're back on the 21<sup>st</sup>, you'll get some email from the solicitor from the Commission, otherwise I'll revisit the matter on 21 June.

30

MR YOUNG: Could I just raise a matter generally, Commissioner, in relation to the dates? The dates of the 21<sup>st</sup> and 26<sup>th</sup> of June were, I think, first advised last week, late last week, I think, an exchange between you and Ms Wright on the Thursday of last week, that was the first I was aware of it. I am not available on either of those dates. It now appears that Mr Soliman – I did expect at that stage that Mr Soliman's evidence would be completed by that time. It does not appear that that's going to be the position now. I just simply indicate that, that it does seem to me that as we, at this point, that it's very unlikely that Mr Soliman's going to be completed his evidence today, I would have thought, even through Ms Wright, and that he probably wouldn't be in re-examination till the 21<sup>st</sup>. Now that may be that another counsel can assist on that day.

40

THE COMMISSIONER: But I will not be able to complete Mr Soliman's evidence because you're not available on either the 21<sup>st</sup> or 26<sup>th</sup>.

MR YOUNG: That's so, I, it may be, as I say, that somebody else can come represent Mr Soliman on those days. I think I should indicate that now, though. I don't want to have the situation where the Commissioner says, "Where is Mr Young? He didn't tell us about this."

10 THE COMMISSIONER: Mr Young, I would be very grateful if you were not available on the 21<sup>st</sup> and 26<sup>th</sup> if alternative counsel could be organised, because I am very eager to finish Mr Soliman's evidence in the sitting days that I have available in June.

MR YOUNG: I understand that, Commissioner, yes.

THE COMMISSIONER: I think it would be unfair to Mr Soliman for, in a sense, for his evidence to hang over till July. So if you're not available on those two days, could you make sure that alternative representation is available for Mr Soliman?

20

MR YOUNG: I'll do that, yes.

THE COMMISSIONER: Thank you, Mr Young.

MR O'BRIEN: Commissioner, I'm also in a difficult position. I've raised this with your solicitor assisting - - -

THE COMMISSIONER: I was told you had an issue on one particular day?

30 MR O'BRIEN: Yes, the 21<sup>st</sup> is the date. I am not available for the afternoon of that date. I've made arrangements so that I can be here on the morning of 21 June. I anticipate I have about an hour's worth of examination of this witness. But I can't be available past about 12 o'clock on that date. I'm afraid that that's a longstanding commitment that I really simply cannot move, despite my best endeavours.

40 THE COMMISSIONER: All right. Mr O'Brien, this was raised with Counsel Assisting who had a word with me. The fact that you're available on the morning of the 21<sup>st</sup>, I would be very hopeful that we will be able to schedule you straight after Ms Wright finishes to undertake your cross-examination.

MR O'BRIEN: I'm hoping that might take place, but it depends on how things transpire this afternoon, I imagine.

THE COMMISSIONER: All right. Okay, Mr Soliman.

MS WRIGHT: Mr Soliman, before the lunch adjournment, I took you to an email of 8 May, 2017, from yourself to Mr Dubois, Mr Steyn, Mr Everson, and Mr Hayes, saying that you were kicking off the SICK's dimension sensor trial at Twelve Mile Creek with Mr Singh, you recall that?---Yes. Yes.

If I could take you to an email of 12 May, 2017. You received a report from Steven Down of SICK relating to that trial?---Yes.

10 And the report itself, if we could go over two pages. This is the report. You recognise it, do you?---Yes.

I suggest there's a typo on the front of that report where it says 12 May, 2015, that the trial took place in 2017. Do you agree?---Okay.

Well, if I could go back to the email of 12 May.---Yeah, it must have.

20 Do you see at the bottom of the page Mr Singh sends a placeholder for the SICK FPS trial at Twelve Mile Creek for 8 May, 2017?---Yes. Yes.

And he says, "Just to confirm, we're good to go for the trial next week." He says that on 5 May - - -?---Yes.

- - - in an email to you and others. You see that?---Yes.

And then Mr Down sends the report on 12 May relating to the trial that was carried out at Twelve Mile Creek.---Yes.

30 So it's likely, is it not, then turning to the front of the report again, that the report should be dated 12 May, 2017.---Yes.

And then turning to the contents page, you see the contents page there? ---Yes.

And if we could turn to page 3 of the report, the free-flow vehicle profiling system results report.---Yes.

And there is an introduction, 1.0.---Yes.

40 And there is then an overview of work and a photo. Indeed, two photos. And it says, "Three scanners and one computer were installed and commissioned on a gantry above the screening lane at Twelve Mile Creek inspection station."---Yes.

"A total of 53 vehicles were compared over a period of two days." Do you see that?---Yes.

And then if we turn to the next page, being page 4 of the report, it sets out recorded data.---Yes.

You see? And it has columns headed Vehicle Number - - -?---Yes.

- - - FPS Data, RMS Manual Measure - - -?---Yes.

- - - Comparison and Comment.---Yeah.

10 You see that?---Yeah.

And then the next two pages contain similar data. And then page 7 there is a comparison of the data and general observations in section 4.1.---Yeah.

And then over the page, headed Length, there's a graph and some images. ---Yes.

Similar over the next page and then a conclusion.---Yes.

20 And there's an appendix to the report, appendix A, results chart, description, and a number of other pages I suggest. It's a five-page appendix. You would have looked at that report at the time?---I must have, yeah.

On 23 May, and this is at volume 3 at page 75, you sent an email from your personal email address to your RMS address attaching the AZH corporate logo.---Okay.

30 And the next page is the attachment. And then at page 150 of volume 3, on 1 June, 2017 you received an email, said to be from Ms Hamidi, attaching the AZH scoping study report for the SICK FPS.---Yes.

And it says, "Following from our discussion, please find attached an email-friendly sized version of the scoping study."---Yes.

And then if we turn to the report, you see it has the same title as the SICK report.---Yes.

But it contains AZH's logo.---Yes.

40 And it doesn't contain SICK's logo. You see that?---Yes.

And then if we turn to the contents page, I suggest it's the same as in the SICK report.---Yes.

And the contents, if we could go through there. The introduction - - -? ---Yes.

- - - is very similar, I suggest.---I guess, yeah.

And the overview of work with the two photos, three scanners and one computer were installed and commissioned on a gantry above the screening lane at Twelve Mile Creek inspection station, a total of 53 vehicles were compared. Do you see that?---Yes.

But the words, “over a period of two days” have been deleted. Do you know why that is?---I’m not sure, but I thought Ali told me this went over a couple of phases also, I think.

10

If we could turn to the next page, and then there is a table which has the same content, I suggest, as the SICK report, and if we could go through the table. The next page, over three or four pages, and then we get to a section headed Comparison, which has the same content, and then the next page, section 4.1 with General Observations, and the next page contains the graphs and images which I took you to. So you agree that this is very substantially the same - - -?---Yes.

- - - report with some minor changes?---Yes.

20

Someone has apparently removed SICK’s corporate logo and applied the AZH logo.---Yes.

And you had just the week before sent to yourself the AZH logo from your personal to your work computer.---Yes.

And I suggest it was you who converted SICK’s report to an AZH report. Do you agree with that?---I don’t recall doing it, but again, this would have been the same thing as previously, I’m pretty sure I done similar formatting changes for him here. I’m not sure what other reason I would send myself the logo, I didn’t even realise I did that.

30

So you were passing off SICK’s work as AZH’s work, were you not? ---That wasn’t what I was doing though. I mean again what I was, what I was told by, by Jai and by Mr Hamidi when he was there, they were taking the data and they were working with SICK. I wasn’t onsite so I took his, take their words for it, but yeah, I was always happy to kind of, if he had any questions of how a study looked or anything like that, I was always happy to help him with it.

40

Are you suggesting that part of SICK’s report was in fact AZH’s work? ---What I was, what I was told is that they were taking the technical data and the images here and Ali was taking down the, the numbers, the measurements and the things like that, the manual measurements.

THE COMMISSIONER: Okay. Who told you that?---Ali.

And when you said they were taking down technical data and images, who is they?---SICK.

MS WRIGHT: What part of SICK's report do you say Mr Hamidi contributed to?---He just said it was the actual numbers, so I'm guessing here it's just the temperature, sorry, the dimension data, the manual measurements and things like that.

10 Could we go back to the email of 12 May, please. Could we turn to the attachment. So could we turn to the contents. You're not saying that AZH contributed to any part of the contents page?---I don't know. He didn't say anything about that.

If we could turn to the next page. You didn't understand from anything Mr Hamidi said that he had contributed to the first page of the report?---He didn't mention that, no.

20 And if I could turn to the next page, you see here this table of recorded data?  
---Yes.

What did you understand Mr Hamidi had contributed to, if anything?  
---Well, I assumed this was what he done, he took the data and he took the manual measurements and - - -

You see how it says "FPS data"?---Yes.

That's from SICK's technology, is it not, that data?---Yes, must be.

30 So, you didn't understand that Mr Hamidi had provided any of that data?  
---Well, he just said the data, so I'm assuming it was everything.

Well, you didn't understand Mr Hamidi to be operating SICK's technology, did you?---I thought he was.

You thought Mr Hamidi had contributed this entire table, did you?---Again, I don't know if it was a table, it was just what he's told me he was taking the data and making sure it's not changed.

40 Okay, so the data in it, did you understand that Mr Hamidi had contributed all of the data in this table?---I didn't ask that. He didn't, he didn't say that.

Did you take any interest in this, Mr Soliman?---Mmm, yes, I did.

So, what is it that you say Mr Hamidi has contributed to SICK's report?  
---Well, what he's told me is he was the one taking down the actual data, and doing the manual measurements of the actual vehicles.

Well, you can see there's a very broad range of data here.---Yep.

There's data from the FPS. There's data from manual measurements.  
There's a comparison data, and there's a comment. You see that?---Yes.

You didn't think Mr Hamidi had done all of that, did you?---Well, I don't see why not.

Well, I'll tell you why not, because SICK was there - - -?---Yeah, I understand.

10

- - - and they were doing work.---I understand.

And it was their report.---Mmm, that's very different to what I was told, though.

And you stole the contents of their report and put it in a report by your friend's company.---Mmm, that's not what I was also told was actually happening, but - - -

20

Oh, well, that's what you did, I suggest. Can I take you to an email dated 30 May, 2017? You see here an email to Mr Singh from Mr Lysek of SICK Pty Ltd - - -?---Yes.

- - - sending an invoice?---(No Audible Reply)

And then there's an email below from Mr Singh to Mr Lysek and Mr Down of SICK, copied to you, on 30 May?---Yes.

30

And below that, an email from Mr Lysek to Mr Singh on 25 May?---Yes.

And Mr Lysek asks, "Can you provide an update on the report from the third party on the trial results from Twelve Mile Creek?"---Yes.

You see that?---(No Audible Reply)

So it suggests, doesn't it, that SICK did not have any of the data or the report from AZH at that stage?---I don't know, I wasn't asked about this.

40

Well, you were copied on the email back from Mr Singh. You see that?  
---(No Audible Reply)

And Mr Singh informs Mr Lysek that based on the findings from our consultant, AZH, the results of the trial met tolerances outlined in the specifications.---Okay, yes.

THE COMMISSIONER: What was the invoice that SICK was sending?  
---Mmm, I'm not sure.

So - - -?---It would have went to Jai.

MS WRIGHT: Commissioner, there is an invoice in - - -

THE COMMISSIONER: Oh, sorry.

MS WRIGHT: - - - that I can - - -

THE COMMISSIONER: Okay.

10

MS WRIGHT: If, in two pages after this. There is a commercial invoice for a gantry mounting, is it not?---This is the first time I've seen it, but yeah.

For \$945?---Yep.

And AZH had in fact as part of their scope of works included a gantry mounting, hadn't they?---I think so, but again, that was just the scope of works I gave him as a, an overview of things that may need to get done.

20

And that was work that SICK did and invoiced for, \$945.---Don't know exactly, I think this was after the fact, after the actual trial started, though.

How is that answer explanatory of the fact that your friend's company has included on its quote a gantry mounting, and you've been charged for the same item by SICK?---I just don't think that he charged for that, because on most of these things, in the invoice - - -

You don't think who?

30

THE COMMISSIONER: Sorry, who charged for it?---AZ, AZH.

Well, the quote was, if we forget about GST, was 29,000.---Yeah.

And the invoice, again ignoring GST, was 30,000, wasn't it?---(No Audible Reply)

MS WRIGHT: There's been no reduction between the quote and the invoice, has there, Mr Soliman?---No, don't think so, no.

40

What was quoted for was invoiced to the full extent.---Yeah.

There should have been a reduction if there was less work done, shouldn't there?---Again, probably. But my scope of work in the, in the quote, that was my primary way of kind of saying this is everything that may, may need to get done and you will need to work with the vendor or the, the manufacturer to see who's doing what, but obviously he didn't take any, anything out of it.

Now going back to the email of 30 May, 2017. Now, if SICK had obtained, prior to finalising its report, data from Mr Hamidi, as you suggest, I suggest it would not be asking for the report from the third party in the email chain that is in front of you.---I'm not sure exactly what they said they want. I wasn't there.

10 They've said they want an update on the report from the third party on the trial results.---I understand, but, I mean, I wasn't there so I don't know exactly why they were asking for it. Maybe just to confirm the data that was in the original report or so.

Does it not suggest to you that the evidence that you've given that the data in the SICK report was contributed by AZH is wrong? You are wrong about that?---Again - - -

MR YOUNG: Well, I object to that. The evidence was that that's what he was told.

20 MS WRIGHT: That's what you say you were told, Mr Soliman, but you're suggesting, aren't you, that that is a possible explanation for the fact the SICK report is identical to the AZH report.---I think - - -

Somehow this is a joint collaboration between AZH and SICK.---I'm saying that's, that's what I was told but now I definitely know, don't know what's true or if it was true.

30 And do you agree with me that that is an extremely unlikely scenario, that SICK obtained data from AZH, which it included in its report?---Not particularly because, I mean, Jai said that he was there every, every day with, with Ali and he was taking down all the data. I mean, from what I was told by, by these guys it kind of made sense, but again, right now I don't know, really know what's true anymore.

And IMC – sorry, I withdraw that. SICK has not acknowledged the contribution from AZH in its own report, has it?---Don't know. I don't think so, no.

40 No. And in producing the AZH version of the report, you were representing that that was a report produced by AZH for which payment was justified by RMS.---I'm not sure I understand the question, sorry.

You have accepted in your evidence that you took off SICK's corporate logo and applied AZH's logo.---That's not what I said.

Who did it?---I don't recall myself doing it, so it must have been, the only other person could have been Ali, but I do remember again going through the, the formatting of it, he asked me to check it out, and I did.

And you knew that it was the same as a report from SICK, didn't you?  
---Well, again what I thought, it was, it was a collaboration from the both,  
but again I don't know anymore. I don't know if that's true.

You see, there's no evidence that Mr Hamidi received SICK's report. It's  
you who received it, Mr Soliman.---Okay. I don't know if he got it through  
them or whatever, but - - -

10 THE COMMISSIONER: Well, there's no evidence.---Yeah.

And he did not give evidence of receiving it.---Yeah, I don't know.

You were the one who received it.---Yeah.

MS WRIGHT: And you also sent yourself AZH's logo the week before.  
---Yeah, because I know I would have re-sized the logo at the very least, I  
do remember that, but I don't recall putting their logo on there.

20 It makes it very likely that you were the person who applied the AZH logo  
to that report, having received the report and having sent yourself the AZH  
logo, it's very likely, is it not, that it's you who applied the AZH logo to the  
SICK report and removed the SICK logo?---I don't think so myself, I mean  
Ali could have done that himself, if that's what was happening.

But you said you don't recall?---Yes.

You haven't denied that it's a possibility, Mr Soliman?---Well, because I  
don't recall doing that, so - - -

30 So then why is it that you say it could have been Mr Hamidi?---Just saying,  
if it was going to be anyone else obviously it's going to be him or his wife,  
but I mean - - -

He had to get the report from somewhere, didn't he, by SICK?---Yeah.

And he would have only been able to get it from you?---Or SICK. I don't  
know how he got it but he would have got it from either of us obviously.

40 And if SICK tells the Commission that he did not, that it did not provide the  
report to AZH or Mr Hamidi or Zoe Hamidi, he could only have got the  
report from you?---Yes, of course, yep.

And if he got the report from you, you provided it with the intention of the  
report being converted to an AZH report and passed off as an AZH report to  
justify a payment from RMS. Do you agree with that?---That wasn't the  
point or the, of why I was actually helping him. I wasn't even getting paid  
at this point so it was just - - -

Do you agree with this. If AZH didn't do the work or did it only very superficially and yet it received payment for a scoping study report which it didn't actually prepare, that that would be a fraud on RMS?---If he didn't actually take the data and normalise it, like you said, well, yeah, but why did he go to the sites and why did he, why did Jai say he was taking down the data? It also doesn't make, make sense.

10 Because you had Mr Hamidi, I suggest, involved in a superficial fashion in some of the early trials in order to make his involvement in RMS work look legitimate.---That's, no, that's not what was happening at all.

And then after a certain period of time you said to him, "It's just easier if I do it."---Sorry? Do, do what?

Do the work.---I said that? No.

Yes, I suggest that you said that.---No.

20 And then you continued to produce the quotes and the invoices - - -?---No.  
- - - and approve the invoices.---No. Well, that was happening prior to me getting paid, as you can see, I was always helping him with the quotes anyway, if he asked me for something.

And then you started to be paid.---Yep.

30 And so you were getting a benefit from this scheme, weren't you?---To me it wasn't a scheme, it was helping a friend out who didn't have a job and didn't have an income, but we both pulled out towards about a year later.

It was helping a friend out but it was also helping yourself because you benefitted from it financially.---Well, I did get paid, yes.

And if I could tender that bundle, Commissioner, being three emails, the first dated 8 May, 2017, the second dated 12 May, 2017 attaching a SICK free flow vehicle profiling system results report, and then an email dated 30 May, 2017 attaching a commercial invoice.

40 THE COMMISSIONER: The three emails, the first one dated 8 May, 2017, the second one dated 12 May, 2017 attaching the SICK report, and the third one being dated 30 May, 2017 attaching a commercial invoice from SICK will be Exhibit 57.

**#EXH-057 – THREE EMAILS FIRST DATED 8 MAY 2017, THE SECOND ONE DATED 12 MAY 2017 ATTACHING A SICK REPORT AND THE THIRD ONE DATED 30 MAY 2017 ATTACHING A COMMERCIAL INVOICE FROM SICK**

MS WRIGHT: Mr Soliman, the next projects for which AZH were paid were the TIRTL and Optris thermal scanner integration trial and scoping study, and the TIRTL or TIRTL and LTI dimension scanner integration field trial and scoping study.---Yes.

10 And you arranged for Mr Hamidi to submit quotes for both of those projects, did you not?---I think he again asked me for help with the scope of works of that.

You arranged for him to submit quotes for those projects, didn't you?  
---Which way? I don't understand.

Both the TIRTL and Optris and the TIRTL and LTI scanner projects.---Yes.

20 He didn't come up with these names himself. You sought quotes from him, didn't you?---I told him, yeah, there's, there's work to be done there if you want to do it.

And then you drafted the scope of works, do you agree with that?---Yeah, I, I gave it to him in the quote, I think.

Did you give him the quote itself?---Look, most of them I did, but there were some that he already done also. I don't know which ones exactly.

All right. And then if I could take you to page 168A of volume 3. You see here an email from Mr Hamidi to you - - -?---Yes.

30 - - - on 31 January, 2017.---Yes.

And if we could just turn to the quote, 168B, for a field trial and a scoping study and the field trial requirements, engineering, design and fabrication of housing for vehicle thermal scanner and TIRTL, and a report.---Yes.

You drafted that?---Again I'm not sure exactly but I would have drafted the scope of works for him again to show him what would or could need to be done.

40 And when did this trial take place, if at all?---Implementation was earlier, but there was no data collected from the implementation, so - - -

THE COMMISSIONER: Sorry, what do you mean, implementation was earlier?---So the (not transcribable) went in sometime earlier, but there was no actual data which came out of it, so that was essentially the point of this, to see if it was worthwhile to put there.

MS WRIGHT: Did you attend this trial?---No.

Mr Hamidi didn't attend, did he?---I don't know but I assume he did because I gave him all the project plans for the thing and the site location.

Where was the site location?---Mount Ousley.

And who else attended?---It would have been just him, I guess. I don't know.

10 Just him without anyone from RMS?---I don't know exactly but I told him all the people that he needs to contact because the inspectors, obviously, after he, he goes, would need to pull, pull in the vehicles for him. Again I kind of stayed at arm's length with most of these things.

This is your friend who you've just recently got involved in RMS work and you stayed at arm's length and let him run a trial by himself?---Yeah.

20 Who were the inspectors that you put him in touch with?---I think it was the southern area manager. I forgot his name. It's a guy from the southern area. He was the operations manager there. I forgot his name, though.

And the invoices at page 178A, in fact this will be the email which was sent by Mr Hamidi to Mr Singh, and you see you're bcc'd on that email?---Yes.

Do you understand why you were being bcc'd?---No, but probably just to show me that he had invoiced.

30 And that you were to approve that invoice?---I'm not the one that is approving these invoices.

You see how the date of the invoice – if we turn to page 178B – states, "Date of issue, 27 March, 2017"?---Yes. Yes.

And then if I could show you at page 175.

THE COMMISSIONER: I'm sorry, Mr O'Brien.

40 MR O'BRIEN: I'm sorry. Can I ask through you the source of these documents, in particular that email attaching this reference? This is - - -

THE COMMISSIONER: Sorry, are you talking about the email at page 178A?

MR O'BRIEN: Yes.

THE COMMISSIONER: Ms Wright, my understanding is that there's, we put a property source?

MS WRIGHT: Yes. So an email such as that with an AS-2-1 is from, sorry, the AS-2 indicates that the property was obtained by way of a section 22 notice, I assume that's to RMS. That is an RMS record of an email sent by Mr Hamidi to those recipients.

THE COMMISSIONER: And there's a table, isn't there, you tendered? That was my recollection.

10 MS WRIGHT: That has not been tendered, nor has it been put on the restricted website yet.

THE COMMISSIONER: Okay. All right. Mr O'Brien, that helps?

MR O'BRIEN: I'm grateful, thank you.

MS WRIGHT: And so, Mr Soliman, I'm now at page 175, and this is the same invoice but the date of issue is different. Do you see it's dated 3 [sic] March, 2017, whereas the invoice I took you to a moment ago was dated 27 March?---(No Audible Reply)

20

Would you like to see the other - - -?---I see, I see 13 March.

Yes, 13 March, and the invoice I took you to a moment ago at page 178B which was attached to the email from Mr Hamidi which was copied to you, was dated 27 March. Do you see the difference?---Yes.

But it's the same project. Do you agree with that?---Yes.

30 And if we go back to 175, this email, and again I'm just informing you that the reference at the top of the page which is AS, E, sorry, E180281 AS-2-42 et cetera, do you see that number?---Yes.

That indicates that the record was recovered from your workstation at RMS. ---Okay.

40 So there's two different versions of the invoice, there's the one recovered from your workstation, okay, your workstation, and then there's the version at page 178B which is attached to Mr Hamidi's email to Transport Shared Services, copied to Mr Singh and bcc'd to you.---Yes.

See that difference?---Yes.

And how would you explain you having an invoice with a different date of issue at your workstation?---Like I said, a lot of these I was drafting the invoice for him because he said he wasn't getting the purchase order number, so it went from that to him basically asking me, can you chuck it in the, in the template and go, go from there.

Okay. So you prepared the invoice and then you sent it to him?---For a lot of them, yes. I don't know about this one specifically though.

Well, it's likely that you did, isn't it, if you've got in your workstation a differently-dated invoice?---Yes, it's likely, yeah.

And it's likely you prepared it around 13 March, 2017 and then submitted it to Mr Hamidi sometime thereafter?---I guess so, yeah.

10 And then he sent it back to Transport Shared Services on or around 29 March.---Yep.

Now, isn't it the case that you didn't receive any scoping study report from Mr Hamidi following this purported trial?---Yeah, this is the period where he was going through serious personal issues with his wife and I cut him way too much slack, but it's not an - - -

THE COMMISSIONER: So the answer is no, I didn't receive - - -?---Yeah.

20 - - - a scoping study - - -?---Yes.

- - - from Mr Hamidi?---Yes.

MS WRIGHT: But the invoice was paid?---I assume so.

Well, the records show it was paid on 12 April, 2017. Do you accept that? ---Yes.

30 Therefore it was approved prior to payment. You would accept that? ---What was approved?

The invoice, if it was paid, that is the remittance was made, it was necessarily approved in some fashion within RMS?---Yes.

And it's likely that you approved it, isn't it? I'm talking about the invoice. ---I don't approve invoices.

You approved the purchase order?---I don't know if it comes to me or - - -

40 Page 169. Just turn to page 171 with your signature.---Yes.

See you approved that purchase order?---Yes.

And yet you received no report about this trial from AZH.---Yes.

And you didn't at any stage seek to have the invoice or purchase order cancelled, did you?---Not necessarily because again I saw basic drafts and he had everything he needed, and I felt I guess sympathy on him because of

his personal issues, and I think he knew that he had quite some time to, to finish it, so he was waiting to, for his personal issues to finish for him to finalise all of his drafts, I guess.

But you knew that he was getting paid for work that he hadn't done.---Yeah, but, I mean, in my mind there was no reason why it wasn't going to get done or wasn't getting done, in the process of getting done. That's what I was always assuming and told and saw.

10 At any stage between March 2017 and your termination or suspension at RMS in October 2018, did you follow up with Mr Hamidi about the TIRTL Optris thermal scanner report?---Only when he showed me the basic draft of it. But, yeah, I didn't push him because he knew he had till 2020 and I think he just, he used that - - -

THE COMMISSIONER: Why did he have till 2020?---Sorry?

20 Why did he have till 2020?---Basically we had to draft or meet a state plan, Roads and Maritime Services plan, by 2020 and one of those things was to recommend new, new technology by 2020. Yeah, and I told him that and I guess he knew he had time.

MS WRIGHT: Mr Soliman, the evidence you've just given is completely false, isn't it?---Which part of it? I, no.

30 You're suggesting that Mr Hamidi had three years to produce a report, and on that basis you didn't think that you needed to cancel the purchase order or the invoice.---That was probably my fault because I, I cut him way too much slack because of his personal issues and, I don't know, I just, I didn't want to push it. And all I saw was that the work was either getting done or I saw drafts and he had the project plans from me. Jai said he was going to the sites.

You had no evidence this report was getting done.---Not the report, but he had everything he needed for it.

He was paid for producing a report which you knew he had not completed. ---Not a date, yeah. Not in 2018.

40 And isn't it the case that you created a report after the Commission conducted a search warrant on your home, and you placed that report on a USB?---Sorry, which - - -

For this project.---Sorry? No.

Mr Soliman, you've been listening to the evidence in the Commission?---A lot of it but definitely not all of it.

Isn't it the case that on 18 October, 2018 you asked your brother Shady to attend Mr Hamidi's house?---Yes, I did.

And you asked your brother to ask Mr Hamidi to delete everything.---That's not what I recall at all, no.

And you spoke to Mr Hamidi on the phone that day.---I spoke to him when my brother got there. I didn't tell him to wipe everything, no, definitely not.

10 And on 16 November, 2018, you met with Mr Hamidi at your lawyer's office in Parramatta.---Met him? What do you mean? No. No, that's not what happened. He was, I was with, with my lawyer for, for my family law matter and he turned up. I heard the receptionist saying to, to my lawyer that Mr, Mr Hamidi is chasing him again, and my lawyer kind of looked a bit puzzled because he said that he had come previously, and he walked out and that's a bit, that's it.

Didn't your lawyer tell you Mr Hamidi was wanting to speak to you?---Yes.

20 And isn't that why you attended at your lawyer's office in Parramatta?  
---No, I was there almost every day for a family law matter and other things.

But you knew Mr Hamidi was coming to the office to speak to you?---No. No, I did not, no.

Well, you spoke to him that day in the lawyer's office, didn't you?---No. No.

30 You agreed to speak to him in your lawyer's office?---No, no.

And Mr Hamidi told you, I suggest, that Paul Walker had called him to follow up about some work.---I don't recall him ever telling me that. I mean, he only told me that I think after he came after the fact, closer to the end of November. He came to my, to my house.

And he told you that Mr Walker had called to follow up about some work on that occasion, do you say?---Yeah.

40 And he told – I withdraw that. You told Mr Hamidi that you hadn't done the work and that it was fraudulent, didn't you?---No, no. No.

And you told Mr Hamidi that the two of you should meet and try to complete the work.---No, he said that. He, he said that he wants, wants me to look over his USB and he wants to meet and help, but I said, "You need to leave."

This was at your house, do you say?---Yeah.

And didn't you and Mr Hamidi then arrange to meet at a coffee shop in Castle Hill called The Coffee Company?---He wanted to but I said no. I had way too much happening. Had a family law matter and obviously I didn't think it was smart to help him more.

THE COMMISSIONER: So – sorry, go on, Ms Wright.

10 MS WRIGHT: Do you say around this time you never met with him at The Coffee Company in Castle Hill?---No, but that was a place that we would meet sometimes, but I don't recall going there during that period, no.

In November 2018, do you say you didn't go and meet with him at The Coffee Company in Castle Hill?---No, I don't recall going there at all with him. It was, I, we went there maybe several times during the year but not then. I don't recall that.

20 And you've said that you did meet with him at your house at the end of November.---Yeah, it was around the end, and I know because I had a, I had a break-in to my house a couple days after that.

You were going to give Mr Hamidi instructions - - -?---No.

- - - on how to complete the work that had not been done, weren't you?  
---No. No, he came without even telling me or notifying me, and he wanted to show me a USB, and he gave it to me and I said, "No, I can't. I can't do this. You need to leave."

And did he leave the USB with you?---No.

30 Now, I suggest that Mr Hamidi said to you at The Coffee Shop in Castle Hill, "I don't know how to do it myself." That is, the work.---Mmm - - -

You deny that, I take it?---Yes, I didn't meet him there.

And you suggested that you both meet up in a few hours.---No.

40 And then you met with him at the coffee shop later that day and Mr Hamidi raised with you that he'd looked at the invoices and they had required AZH to purchase certain equipment. Do you recall that he raised that with you?  
---No.

Do you recall he raised it with you at your house?---No, when he came it was only a very brief meeting and I didn't want to have anything to do with it afterwards.

He expressed concern to you that AZH had been purporting to provide equipment to RMS when in fact he knew that AZH had not provided any equipment to RMS.---I don't recall him saying anything about hardware or

the equipment. He said he wants to look over, he wants me to look over the, the documents that he's, that he's got.

And you asked to, for him to provide you with various invoices and quotes and scoping studies that he had in his records, didn't you?---Sorry? No.

You asked him to provide them to you, didn't you, the documentation that he had.---No. I would have already had those or known what they are anyway.

10

Because you wanted to see, didn't you, what was missing from the work.---I don't understand, sorry.

You wanted to know – because I suggest it was unclear to you at that point – precisely which scoping study reports had not been prepared.---No. I mean, don't see why I would have asked for the quotes from him. I mean, I know the scope and I've - - -

20

You wanted to know, because I suggest it was unclear to you at that point, precisely which scoping study reports had not been prepared.---Mmm, no. I mean, I don't see why would I ask for the quotes when, I mean, I know the scope, and I've - - -

You asked him to provide you with the scoping, any scoping study reports that he had, didn't you?---I didn't ask for anything. I didn't ask for anything.

30

And you said that you were going to finish the scoping studies off where you could, and that you would include instructions for him on how to finish the other ones.---I don't recall saying anything like that to him. Like I said, he came to my house, and he wants to show me the documents.

And you met with him then, I suggest, on 19 November, 2018?---No, it was later than that when he came, definitely. I had a break-in - - -

Didn't you meet him around the corner from The Coffee Company at the Anytime Fitness gym?---Oh, no.

40

Just outside the gym, there was an alleyway - - -?---No.

- - - near the carpark?---No.

And the coffee shop was closed?---No.

And you asked him whether he'd contacted Paul?---No.

And he told you that he hadn't?---That's all false.

He handed to you a USB at that time, didn't he?---No.

And you took that USB, didn't you?---No.

Are you saying that Mr Hamidi never gave you a USB in 2018?---Like I said, he tried to show me the one when he came later in the month. I remember the break-in was on the 28<sup>th</sup>, I got a police, police report. I know he came within a couple of days of that.

10 So he brought a USB to your house and showed you a USB, is that what you say?---Well, he gave it to me, but - - -

And then what happened to it?---Then I gave it back to him, because I said I can't, I can't do this anymore, I've got too much on. I had a Family Law matter going on.

How long were you in possession of it?---Ten seconds.

20 I see, so it was a handover, and then you handed it back?---Basically, yeah.

Did he tell you what was on it?---He said all of, all of the scoping studies and he wants me to look, look through everything.

And what was the reason, did you understand, for him to be handing you over that documentation on a USB?---For me to check it for him like I had, I had done previously with everything else.

30 You told him, I suggest, that you would try and complete as much of the scoping studies as you could, and that you would give him instructions on how to deal with the other ones that you couldn't complete.---Mmm, no.

And you said that you would give him back the USB the following Tuesday, at Stanhope Gardens, didn't you?---No. He already had all the project plans anyway from me prior to, to that. Why would he ask for it again?

Well, you told him that if ICAC raided him, as you had been, quote, "raided", Mr Hamidi would have the documents completed in order to do the work, didn't you?---No. No.

40 And you told him that worst-case scenario, Mr Hamidi would look like he was a negligent vendor who was just not experienced enough - - -?---I definitely didn't say that.

- - - rather than a corrupt one.---No.

Because you see, a TIRTL and thermal scanner integration scoping study report was found on the USB that you placed in Mr Hamidi's letterbox, I suggest. I'm sorry - - -

MR YOUNG: Well, I object to that. I object to that. There are a couple of propositions in that.

MS WRIGHT: I accept that. I accept that, Commissioner. Mr Soliman, didn't you put the USB that Mr Hamidi had given to you back into his letterbox in late November or early December, 2018?---No.

10 And when you had that USB, you saved on it a number of documents, I suggest - - -?---No.

- - - including a document which I'm now going to show you at volume 14B, page 272. See here a TIRTL and thermal scanner integration report? ---Yes.

And then if we turn to the contents page at 273, and then 274. "This report details the trial conducted for RMS which tested the efficacy of integrating standalone thermal scanner and a standalone vehicle detection method." ---Okay.

20 "The hardware is installed at Mount Ousley Road, southbound. Mount Ousley Road southbound is notorious for accidents." You see that?---Yes.

And if we go over the page to page 275, do you recognise that page? ---Recognise the graph from the IMC.

Yes, the graph and the content, I suggest, is identical to what is contained in IMC's thermal scanner report - - -?---Yeah, it is.

30 - - - from 2017.---Yeah.

And then if we turn the page at 276, the method, and then 278, the results, and then a conclusion at page 281.---I remember that, I remember that page, this page, from when he skimmed through what he was saying is the drafts. The detection rates.

Where do you recognise it from?---When he would generally skim through the, the drafts. I recognise these tables.

40 What do you mean when he would generally skim through the drafts? ---Sometimes he would kind of skim through some of the drafts when I would see him and I recognise these tables somehow.

Where would you be when he would generally skim through drafts in front of you, Mr Soliman?---A lot of the time at his, at his house.

Would he skim through one draft at a time or multiple drafts? What do you say?---Nothing specifically. I mean, it just depends what he wanted to show me or what he wanted to ask.

And in relation to this particular document, what did he ask you or tell you? ---Nothing. He just would show me, kind of skim through the drafts and move on. I don't know - - -

10 For no apparent reason, just skim through, not say anything, not ask you anything?---Well, when he would show me, he generally wouldn't ask anything but, you know, if he had a specific question, he would ask me, you know.

And wouldn't you have said to him, oh, look, I can see that there's a page in there that looks exactly like IMC's report?---I didn't see that before. I mean, and when he did skim through it, it was a quick skim. I don't know if that was his kind of way of showing me the work was moving on. I still believe it was but I just don't know now.

20 But you specifically remember section 5, headed Results, do you?---I remember that table. I remember those, the tables, yeah.

So how is it, then, that this has turned up on a USB which was found in Mr Hamidi's letterbox?---Well, I guess you need to ask him. I mean - - -

If he'd prepared it, he would have sent it to RMS, wouldn't he?---I'm sure he wanted to check if it was finished to a standard that was good enough, you know.

30 THE COMMISSIONER: Sorry, go on, Ms Wright.

MS WRIGHT: So you're saying this is not up to standard, this report?---I haven't seen it. I haven't read it.

Well, then I go back to my question. If he'd prepared a report about this project, why would he not have sent it to RMS given he'd been paid for this work?---Again, I mean, as he had done previously, he would check with me to see if there's anything that I would change or add.

40 I don't think you answered my question, Mr Soliman.---Could you repeat the question, then?

Why do you think Mr Hamidi would not have sent this report to RMS if he'd completed it?---I don't know.

Now, the same scenario applies to the fourth project which I referred to earlier, being the TIRTL and LTI dimension scanner. You approved the purchase order?---Yes.

You understand. Mr Hamidi sent an invoice to TSS which was bcc'd to you and copied to Mr Singh?---Yes.

And then there was no report, no evidence of any report being submitted by Mr Hamidi to RMS.---Yes.

10 And yet there is a report, volume 14B, page 223, which again was found on the USB which the evidence suggests was located in Mr Hamidi's letterbox. If we could turn to page 224, and then that's the contents. Do you see that?--Yes.

And page 225. Do you see how the font and the spacing of this report is identical to the previous report I took you to?---Yes.

And if we could turn to the next page, Background, and then the next page, and then the next page, and the next page. Do you agree that looks similar to the LTI, sorry, the TIRTL and Optris report?---No.

20 Would you agree - - -?---This, this page does, yeah.

This page, Results page. Do you agree that this is also a poor quality report?---In which way, sorry?

Well, it's a very simplistic report. Would you agree with that?---From what I've seen so far, yeah.

30 And I suggest that you prepared it and submitted it to Mr Hamidi on the USB - - -?---No.

- - - so that he would have it among his records in case there was a search warrant - - -?---No.

- - - implemented by or executed by - - -?---No.

- - - ICAC.---No.

When did this trial take place?---I don't know.

40 You engaged Mr Hamidi to conduct this trial.---Yeah, it was similar to the previous one where we had to collect the data from it now, I think it was Twelve Mile Creek or something, I'm not sure exactly which one, or Marulan.

And are you saying that you engaged him to manage and conduct the trial without any involvement by your team?---I think this one was just primarily collecting the data, because if it wasn't at a checking station like I think it

was, it's looking at the sensor data and seeing if there's an improvement by using the different sensor.

An improvement in what?---The dimensions that the different sensor's picking up.

Mr Soliman, this would have been a matter of interest to you as the manager of the Heavy Vehicles Programs Unit.---Yes, yes.

10 And yet you're giving very vague answers about what this trial was about and when it took place.---I'm trying to recall when it did take place, that's the best I can recall right now.

It did not involve, when I say it, the trial did not involve AZH, did it?---In which way, what do you mean?

Any trial that took place in relation to the TIRTL and LTI dimension scanner did not involve any staff from AZH, did it?---Of course it did, yes, yeah.

20

Well, I'm suggesting that it didn't. And if you say of course it did - - -?  
---Don't agree.

- - - please give us the details.---Well, first of all I gave him the plan for this, the vendors that he needs to contact and everything.

How did you give that to him, did you email him those details?---All these things are on paper when I would have seen him and we were talking about the project.

30

So no email from your RMS email account giving him the details of what he needed to do.---Not that I can recall, no.

So you say you told him the details when you met with him at his house?  
---No, it was on paper.

Typed?---No, handwritten. I was generally kind of speaking through the, the scope and which manufacturers he may need to speak to, if there's any users he may need to speak to. Depends on the scope of the project, obviously, exactly.

40

Which users did you suggest he speak to?---If I'm correct here, there were no users that would be needed to kind of collect the data. I think it was at a checking station.

So no users now?---I believe, again I'm trying to think what, exactly where the project was. If it was at Twelve Mile or Marulan, the vehicles get pulled in using the screening lane, so you don't need a human there to manually

pull the vehicle in. And the purpose was basically to see if the data is, of the vehicles are better than it was previously using the new sensor.

So vehicles randomly come in. You don't need to pull them in. Is that the case?---It's not randomly. There's a system there. But, yeah, in, in, in a sense, yes.

10 So vehicles come in. Mr Hamidi's there onsite at Marulan.---I don't think he needed to go onsite for this one. Just to collect the data, to speak to the vendors. I think there was a bit more but I forgot exactly what I recommended to him.

Wasn't the purpose of this to test the efficacy of integrating to standalone measuring detection systems to measure dimensions of a heavy vehicle and its weight - - -?---Yeah.

- - - sorry, height, length and width?---Yeah.

20 So how was that to happen without someone being there to conduct those measurements?---Yeah, because there was a TIRTL there, which is measuring the height of it also, and the new sensor, the LTI, is measuring I believe it was the height also, and I guess there was a comparison, but I don't recall if I told him that you should manually measure it. I don't know exactly what else I told him about this one.

How is he supposed to get the data?---By speaking to the manufacturers or the people what had the data, obviously, in the Roads and Maritime systems.

30 And the report says that the LTI laser was installed on a gantry.---Okay.

Mr Hamidi didn't do that, to your knowledge?---I don't think so.

And it says, "Tests were performed to determine the success or lack thereof of the integration of the TIRTL with this LTI laser system."---Okay.

You knew that Mr Hamidi hadn't conducted any tests, didn't you?---As far as I knew, he, you know, was in the process of doing it. I didn't see any reason - - -

40 What did you tell him – sorry, I didn't let you finish.---That's okay. I didn't see any reason from what he showed me and from what Mr Singh was telling me that wasn't happening.

What did you tell him about how he was to perform the tests?---Don't recall exactly what I recommended to him for this project.

See, the report also goes on to say that “Manual matching of the output and actual vehicles sighted showed perfect detection rates with this solution.”  
---Yeah.

This is at page 229 of the report.---Yeah.

So, and he had to be there, didn't he, to make that observation.---Well, if the manual measurements (not transcribable) then, yes, he would have had to, had to go.

10

All right. So then we get back to, he's at the Marulan site and trucks are coming in without being specifically or deliberately pulled over.---Yes.

And Mr Hamidi's there without anyone from your unit conducting these tests and manual matching, is he?---Again, I don't know if he went. I mean, I'm just basing my answers of the assumption that he went and, I don't know, I trusted him.

20

Where has this report come from, Mr Soliman?---My guess is that he would have taken a lot of the stuff that I wrote for him, the project plan and other things he knew, and put it into the report.

You're saying he did that without your knowledge, are you?---Well, I didn't see him do it, no.

Would you like to tell the Commission the truth about this, Mr Soliman? Would you like to change your evidence and tell the Commission that in fact you drafted this report?---I didn't draft them. I didn't draft them.

30

Well, lest it be unclear, I suggest that you did draft it, and put it on a USB which you put in Mr Hamidi's letterbox. What do you say?---I didn't draft them. There'll be no point for me, at that point.

Now, there was another report, which I suggest followed the same pattern as the last two, and that was the fifth project for which AZH was paid for a TIRTL and WIM integration field trial and scoping study. And if we could go to volume 14B at page 200. And you, Mr Soliman, approved the purchase order on the same day as the previous two projects, being 31 January, 2017, you wouldn't dispute that?---No, I wouldn't.

40

And Mr Hamidi sent an invoice to RMS, which was paid on 26 April, 2017, you would accept that?---Yes.

And this report here on-screen at the moment was found on the USB which Mr Hamidi has told the Commission he found in his letterbox shortly after meeting with you in November, 2018.---Okay.

And I suggest that the format of the report in terms of the font and the spacing is identical to the other two reports I've taken you to from volume 14B. If we could go to page 202. And the report purports to detail a trial conducted testing the efficacy of integrating two standalone ITS technologies. The weight-in-motion system is one. Do you see that?---Yes.

And integration with the TIRTL technology?---Yes.

10 And it says that the integration was tested at Mount White and Marulan. You see that?---Yes.

And having engaged AZH to do now three TIRTL-related technologies at the same time, you are unable to assist the Commission with evidence as to when and where these trials actually took place, is that the case?---Thought I have. Well, that one just stated it was at Marulan or Mount White. And again, it was to see if we can roll this solution out further to the rest of our sites.

20 Is this another project where you sent Mr Hamidi along by himself to test this technology?---Again, I don't recall exactly what I recommended to him. It was a long, long time ago. But if it was needed to go, he would, he would go.

Well, see, your evidence for the previous one, which was the TIRTL and LTI dimension scanner, was he wouldn't have needed to be there, and then you changed that to if there were manual measurements, he would have been there.---Mmm, yes, if there was - - -

30 So you really don't know anything about these trials, do you?---I can't recall exactly what I recommended back then to him. Obviously, from looking at the project scope clearly I know exactly what he would need to do.

And what he needed to do for this matter was a field trial, a scoping study with requirements to compare results of vehicle classification before and after integration, and vehicle mass accuracy before and after integration, and to report on the results, and comparisons of all vehicles screened before and after TIRTL integration with WIM.---Yep.

40 And you agreed to pay him \$30,800 for doing that work.---Yep.

But there is no report submitted by Mr Hamidi to RMS, according to RMS records.---Mmm, nothing at 2018, anyway, but - - -

And you were aware of that.---Well, I knew he hadn't submitted the final report, but like I said, I, mmm, had no reason back then to doubt that it wasn't happening.

You were content for that payment to be made and no attempt to be made to claw it back, notwithstanding that you knew he hadn't produced any report in relation to this project, weren't you?---Once again, I mean I had no reason to doubt that the work wasn't getting done. I saw everything that he needed and I saw some drafts.

So when in 2020 were you going to ask for the first time to Mr Hamidi that he provide - - -?---No, we just, we just needed it by 2020.

10 - - - the work that he'd been paid to do?---We just needed it by 2020 so we can actually make the recommendations in 2020.

So you needed it in 2019, did you?---Preferably it would have been before the calendar year ended, preferably.

Did you ever tell Mr Hamidi that?---I just told him 2020 and that was probably the thing that has caused a lot of this. If I didn't say that then I'm sure his urgency would have been different.

20 I submit, I put to you that that evidence you're giving about 2020 is absolutely far-fetched, Mr Soliman, and is patently untrue.---It's not. There's a Roads and Maritime Services state plan and part of that plan was in the Heavy, Heavy Vehicle Unit's business plan.

Who else were you engaging to do work and paying to do work without any work being provided but on the expectation that the work could be provided two or three years later?---No-one.

30 It was only AZH that fell into that category?---Yes.

And if these Commission proceedings hadn't intervened you'd still be waiting for AZH's work on these projects, would you?---Well, he was basically on his own after that last payment around July or whatever it was, I said, "I don't want to do this, I've already trained you enough," and he said, "It's fine, I don't need help anymore." And I guess businesswise we went our separate ways.

40 And you never said to anyone at RMS, I've paid Mr Hamidi for these three trials, over \$90,000, and we didn't get anything?---I had no reason to doubt that it wasn't going to happen or - - -

But you went your separate ways you said.---Only in a sense of that I wasn't going to help him anymore.

THE COMMISSIONER: I think the training was over.

MS WRIGHT: I see, the training was over.

THE COMMISSIONER: But you didn't tell anybody at RMS that AZH had been paid over \$90,000 for three trials with nothing produced?---No.

MS WRIGHT: Now, the next matter is a quote, which is at volume 3, page 221, for technology hardware trials and scoping studies. Do you see how this quote does not nominate any particular project?---Yes.

10 This is just a standard fee which you're proposing to pay per trial, regardless of the trial, of \$30,000 plus GST. Is that the case?---Hmm, yeah, it's weird, yeah.

You raised and approved the purchase order through Mr Thevathasan. Page 218.---Perhaps, yeah, I remember he done one of these, yeah.

The next page at 219 and perhaps the next. At page 230. Do you see here the purchase order raised?---Yes.

For \$90,000?---Yes.

20 For R&D trials?---Yes.

So you were authorising payments to AZH for trials that were unidentified. ---I think there was a bit of a mix-up with this one. I remember Theepan was telling me.

You're the person that approved this, Mr Soliman.---Yes. Yes, it was meant to be just, I think it was just for one, from what I can recall, and then he came back and said there's more money in the bucket or something.

30 THE COMMISSIONER: Who came back and said there's more money? ---Theepan. He said there was more something, more something in the DOI or something like, like that, and we could fit it into the existing one or something like that.

MS WRIGHT: At this stage I've taken you to a quote, which is at page 221 - - -?---Yeah, I remember that.

- - - for \$30,000 plus GST.---Yeah.

40 You prepared that quote for AZH, didn't you?---Don't recall this one. Seems weird because the body, the body of it is generic, so - - -

The body of the quote, are you referring to?---Yeah, the scope, yeah.

Yes. The scope is unspecified.---Yeah, there might be a reason. I just don't recall why.

Isn't the reason – could we just go back to page 221, please – see how it says, “Within the scope, field trials at RMS selected sites, scoping study report. Field trial requirements and a report.”---Yeah.

You see that? And then you, at page 230, have approved a purchase order for \$90,000.---Yeah, I think that was a mistake originally.

10 Well, I suggest it wasn't a mistake. You fully intended to pay your friend for a number of trials, regardless of what they were, and you were seeking to authorise the expenditure up to \$90,000 for that purpose at this stage. ---Don't recall exactly what happened but I know there was a big mix-up. Theepan was telling me.

And at page 243, 242 rather, Theepan sent to you an invoice, which is at 243, for a thermal and cold camera field trial and scoping study for automated brake and tyre screening related to this purchase order. You recall that?---Yeah.

20 And it's for \$99,000.---Yeah.

That seems to exhaust the purchase order, do you agree?---Yeah.

And then back at page 242, Mr Thevathasan asked you whether the work's received to a satisfactory standard and it's okay to release the funds.---Yeah.

And you responded that it was, didn't you, satisfactory to release the funds?---I'm not sure, no. I think I - - -

30 You must have - - -?---I think I, I just recall a scoping study on my desk at the time. I just don't know if I was referring to the previous thermal camera one.

When you say you saw a scoping study on your desk at the time, you're not mixing that up with IMC's report, are you?---I think I may, may have been, yeah.

And didn't you use IMC's report to then produce a report relevant to this trial?---Sorry, can you repeat the question?

40 Didn't you use IMC's report to produce a report relating to this trial?---No.

How did you respond to Mr Thevathasan when he asked you if the work was done to a satisfactory standard?---I don't know my exact wording, but I remember I was, I was talking about another thermal camera trial, I think it's the previous one, the IMC one, and I said it's, that one's good. Don't know the exact wording.

You think you said to Mr Thevathasan, "I think the other one's good."  
What about this one?---Yeah, I think I was referring to the one that was on  
my desk anyway, the thermal camera trial.

THE COMMISSIONER: You received - - -

MS WRIGHT: Okay, well, this is a different project.

THE COMMISSIONER: Sorry, go on, Ms Wright.

10

MS WRIGHT: This is a different project, isn't it?---Yeah, I know, and I  
think I may have got mixed up.

THE COMMISSIONER: But you're being sent an email from Thepan  
attaching an AZH document, which is quite obvious when you look at  
attachment, and when you open that attachment it's an invoice from AZH.  
---Yeah, we were just talking, talking about it verbally because he just sits  
over at a desk from me. He was speaking about a thermal camera trial and -  
- -

20

So you completely ignored the email that you got?---No, because we're just  
sitting across the desk from each other, so - - -

So you did see this email and you did open the attachment and you did see  
the AZH invoice for a scoping study including a thermal camera.---Don't  
recall opening the attachment because as soon as he said it, he started  
talking to me, I remember, and I had the thermal camera trial right, right in  
front of me and I'm thinking maybe I told him that one was good to go.  
Maybe I thought (not transcribable) he was asking about. I'm not sure  
exactly.

30

MS WRIGHT: So are you saying that you might have mixed this one up  
with the IMC thermal camera trial, which had occurred earlier in the year?  
Is that what you're saying?---Possibly. Possibly.

And yet this one is a thermal camera and a cold camera. IMC hadn't  
provided a cold camera in its trial, had it?---I don't think so, but we were  
just talking over our desks, and I'm just thinking when I said that I could  
have been looking at the scoping study and thinking, yeah, it's right there.

40

Highly unlikely, Mr Soliman, as manager of the unit with the responsibility  
to ensure high budgetary standards are applied, would you agree?---Well, all  
I can tell you is what I was thinking when we were sitting across the desk  
from him.

That you'd just say \$100,000, that's fine. There was another thermal  
camera one. Who cares if this is the same one or not?---No, that's not what  
my thinking was.

You'd already approved the invoice for the IMC project, hadn't you?  
---Probably by this point, but again I may have got mixed up. I don't even know what I answered him exactly. I'm just trying to recall what he said to me, sitting over the other desk.

10 So is it your evidence that the only thermal camera trial you were aware of as at 24 May, 2017 was the IMC thermal camera trial, which had occurred earlier in the year?---There was another one. I think there was an Optris thermal camera also.

And you were not aware of any thermal and cold camera field trial except for those two, is that what you're saying?---Except for these ones here.

And this was not the Optris thermal trial, was it?---No. I - - -

Because that was the fourth project that you had given to AZH and approved the invoices for.---Yeah, there was another one, but, also.

20 So this could not have – I see, so now there's three, are there?---Yeah.

There was the IMC one, the Optris one, and now you're saying there was another one?---I think so. I think so.

When was the other one?---I don't recall. I just feel there was another Optris one somewhere or that I would have recommended the newer one trialled. I just don't recall why or when.

30 And Ms Hamidi sent you an email on 19 May, at page 241, that the report was complete and had been sent by USB to you. Do you agree you got that email?---Yes. I don't recall getting USB, though, for this one. I think I just saw his draft.

Because you didn't receive any USB from Mr Hamidi - - -?---No, there was a few - - -

- - - in May 2017, did you?---I'm pretty sure I did but I just don't recall getting a USB for this one, but I recall seeing a draft, don't think it was on a USB but I can't be sure.

40 I suggest you asked Ali Hamidi or Zoe Hamidi to send this email to make their work look legitimate.---Don't recall ever doing that, there would be no purpose, kind of thing.

THE COMMISSIONER: There was a purpose, they could be paid.---I think they were already paid for this.

And then you can get your share of that money.---No.

MS WRIGHT: This report, or a report relating to this trial was on the USB which you placed into Mr Hamidi's letterbox, I suggest. Do you agree with that?---That it was on the USB?

Yes.---I don't know.

10 Page 175 of volume 14B, please. Do you see here the title on AZH Consulting logo is Cooled v Non-Cooled Thermal Imaging Sensors?  
---Yes.

And then if we turn to page 176, the Contents page, and then the Purpose at 177.---Yes.

Does this report relate to the invoice which I took you to for thermal and cold camera trials?---Just reading that, it may, yeah, use cooled thermal imaging cameras, yeah.

20 And at page 178, do you recognise this page?---Yeah, it's the same one from the other one.

It's the same page from the IMC report - - -?---Yeah.

- - - about thermal cameras, isn't it, with - - -?---Yeah.

- - - crash statistics.---Yeah.

So it's been stolen from IMC's report. You agree with that?---Hmm - - -

30 Do you agree with that?---I don't know if stolen is the right word, but yeah, it's been taken from there.

Well, it's been lifted from IMC's report and included in here.---Yeah.

And it looks like to any reader that AZH has come up with this material, doesn't it?---I guess so, yeah.

And do you deny preparing this report, Mr Soliman?---Yes, I do.

40 Well, I suggest like the others you placed it on the letterbox USB to give the impression, if Mr Hamidi was the subject of a search warrant by the Commission, that there was a report which he had produced.---No.

Now, the next project is the Houston Radar vehicle scanning technology trial. You requested Mr Singh, at volume 3, page 249, to obtain a quote from Mr Hamidi.---Yes.

THE COMMISSIONER: Sorry, which page was it again?

MS WRIGHT: Page 249, Commissioner.

THE COMMISSIONER: Thank you.

MS WRIGHT: And in your email to Mr Hamidi, page 249, you've said,  
"Thanks for meeting last week to discuss the requirements of this upcoming  
field trial and scoping study for the Houston Radar technology. As  
discussed, please provide a quotation." What meeting were you referring  
10 to?---We must have met.

Did you ever meet with him at RMS premises?---I don't think so, no.

So if you say you must have met, would that have been at his house?---I'm  
not sure. Either in a, somewhere in, at Parramatta if it was during business  
hours, a café or something, or at his house, or a café close to his house.

And you've said, "Hi AZH." Why have you used that expression?  
---Because it's their business name.  
20

This is your friend, Ali Hamidi.---Yeah. It was generally just what he used,  
so, why, why not?

Why not use his name?---Also wasn't too sure if it's Ali or Zoe kind of  
answering back, because I got some emails from her, so - - -

So you were receiving all of the correspondence from Zoe Hamidi, weren't  
you?---Not sure.

30 Could I take you to page 250? You see here, email from Ms Hamidi, "Hi  
Samer, after our discussion and reviewing your requirements"?---Yep.

That suggests you've had a discussion with Ms Hamidi, doesn't it?---No.

How can it be taken otherwise, Mr Soliman? It's to you from Ms Hamidi,  
saying "after our discussion and reviewing your requirements."---Well, I  
know I didn't speak to Zoe about this, so, maybe she just means "our" in the  
sense of AZH. I don't know what she meant. That's probably what she  
meant.  
40

You were receiving a lot of correspondence from Ms Hamidi, weren't you?  
---I'm pretty sure I got some from Ali too, I mean, I - - -

This email was a pretence, wasn't it, to make you look like you were arms-  
length from AZH Consulting.---I don't know if it was on purpose, but  
normally what I would kind of send him in my email to him, that's stuff that  
will be done in the project planning. This time for whatever reason, we  
done it over email for that part of it.

Could you please repeat your answer? I didn't understand any of that, Mr Soliman.---So generally, when you see, I gave him the RMS requirements here - - -

THE COMMISSIONER: Sorry, so when you gave "him" - - -?---Yeah.

10 - - - you're referring to Ali Hamidi?---Yep, that's who it would have been going to, because he, well, even though I got emails from Zoe, I, I thought she was doing the communications and things like that. She wasn't going to, to site. So anything which I would give him at the project planning would be for him. Sorry, I lost my train of thought. Yeah, so that will be, normally I would give that to him on paper for the project planning, but this time for whatever reason, I put it in an email for him. That's only one part of it anyway.

20 MS WRIGHT: So you gave him the requirements for this project on paper at his house, is that what you say?---Mmm, no. I said that normally that's what would, would happen, but this time, for the requirements for the technology itself, just the data that needs to collect, I done it over email for some reason.

When you say "the data", you're referring to the email which says, "RMS requirements" - - -?---Yes.

- - - "to accurately detect lane, speed, class of individual vehicles, et cetera"?---Yes.

30 And then you receive from Ms Hamidi a quote saying, "After our discussion and reviewing your requirements."---Yes.

And your evidence is that you didn't actually have a discussion with Ms Hamidi.---No.

And you didn't have a discussion with Mr Hamidi either.---Yes, I did.

40 Where was that discussion?---Mmm, I don't know, but I know I, for every single project, I would have spoken to him. Generally it's at his, at his house.

And your evidence is that Ms Hamidi was never there, is that your evidence?---No, I said, I mean, generally she came home quite late, and I don't recall seeing her, I mean, I know she had to go pick up their son and stuff like that also. I wasn't there long, anyway, whenever I was there. They, they have their own family and their, their own problems.

This email was sent to create the pretence or a façade that you were at arm's length from AZH, correct?---I don't think that was the purpose, I mean, but like I said, I did want to keep at arm's length from them.

Well, you were not at arm's length from them because they were your friends, Mr Soliman.---Yeah, I know. I was, had a, a, a conflict obviously and that's why I wanted to keep at arm's length from the outcome.

10 Yes, and the email makes it look like you are not friends, that you have a, and that you have a professional relationship, does it not?---I don't think that's the purpose of the email.

Well, the email's not saying anything about you being friends or familiar with each other. It's in a professional tone, isn't it?---Yes.

20 And so it's an email which is designed to maintain the deception that you are in a professional or business relationship with AZH and its officers, isn't it?---That's not what I would have been thinking when I was sending this email. He would have asked me to send me the specifications and that's what I did and - - -

You asked Mr Singh to raise the purchase order, correct?---I think so, yes.

And you emailed to Mr Hamidi the invoice in relation to this project, didn't you?---I thought it was generally on a USB but - - -

Page 262. You see you sent to AZH Consulting - - -?---Yes.

30 - - - at attachment in the form of an invoice?---Yes.

And you've said nothing in your email.---Yes.

You created the invoice at page 263?---More than likely it was the body, yeah. The service goods description.

And you submitted that to AZH so that they would send it back to you or to TSS at RMS, didn't you?---Well, it would come back here, obviously, but I, the same issue that I said previously.

40 Being what?---It turned, turned into a habit at this, at this point in that he wasn't getting the purchase order numbers, the purchase order number, so he asked me to do it the first time and it turned into a habit now.

There was no Houston Radar field trial that Mr Hamidi or his wife were involved in, was there?---There was, yeah. I scoped it also for him because it was mounted at Galston Gorge, and we were trying to see if there's a benefit also for measuring the length of a vehicle.

AZH did not participate in any form in that trial, did it?---Again, I don't know actually if they did now, but I definitely at the time had no doubt or in my mind then that he was planning to do the work.

What did you tell him to do?---I basically summarised the technology and the location and to, and the manufacturer that is collecting data, and I told him there's a piece of software also that he needs to get, I remember, to actually get the data wirelessly.

10 When did you tell him all this?---It was generally always around the time of the project.

And when you say at the time of the project, is that at the time you requested the quote or at the time he submitted the quote, or is it the time you emailed him the invoice?---It was generally right at the beginning to see if he wants to do it, if he can do it.

20 What precisely did you tell Mr Hamidi to do for this trial, Mr Soliman?  
---Just get evidence for that, but I don't know the exact words that I would have given him.

He would have had to know who to contact, wouldn't he, to progress those matters?---Yes.

And who did you tell him to contact?---Well, it would have been Houston, Houston Radar for this one, to get the software, obviously, first of all. I'm not sure exactly what the wording would have been for the rest, like, you need to get software and connect to the actual hardware.

30 You expected Mr Hamidi to connect the software to the hardware?---Yeah, there was a way that you could do it wirelessly.

Do you mean remotely?---Yes.

And how was he to do that?---I don't know the exact wording I told him but at the, at the time for each project I gave him a project plan and what he would need, who he would need to contact.

40 Who did you tell him to contact at Houston?---I don't recall.

And did you tell him to contact anyone at RMS?---I don't recall if I told him to contact anyone else.

Was he to attend at a physical location?---I think it would have been, but I mean thinking about it now, it's logical, but again I don't recall what I told him then. It's beneficial that he takes photos and everything like that, but the problem with Galston Gorge is there's not many places you can stop, so I don't - - -

So he was to attend at Galston Gorge, was he?---I don't recall if that was part of my recommendation to him.

Mr Soliman, it just does not make any sense. All of your answers about these trials are incredibly vague.---That may seem so, but you know, I've  
- - -

10 THE COMMISSIONER: Also I don't understand why you're spending public money engaging a company that would appear not to have a clue what it's doing. Why weren't you – if you were dealing with any other entity that had to be told, you had to write the project plan, you had to tell them the location, you had to tell them the manufacturer, you had to tell them the software, you had to tell them the technology, it just, I'm sorry, it beggars belief that you would be engaging with this third party that doesn't have a clue what it's doing.---I see what you're saying, but what's, what was needed here was someone who's been doing data, data analytics for a long time and business analysis for a long time and I guess that's why he asked me to train him in the ITS side because he didn't know that part.

20

And you could easily have got another organisation that had skills in all of those aspects. This is, it's just, as I said, putting to one side that you were receiving a payment for this, it, I'm sorry, I'm just kind of flabbergasted that you're engaging this company, and as I said, using public resources and basically doing all the work for them or telling them the work to do, and then it doesn't appear even that they do the work, let alone produce a report.  
---I mean - - -

30 It's – can you see why I'm flabbergasted, Mr Soliman?---Of course, but that's not the way I kind of saw it. At the beginning obviously I was favouring him, yes, as a friend, but, yeah, he was showing me he had everything he needed to do it.

We're way past the beginning, we're up to May.---Yeah, and this is - - -

You've been spoon-feeding him or doing all the work for a number of months.---Or just giving him I guess the plan on how he needed to do the work, that's not a huge amount of work, but obviously he had a leg up because he was my friend.

40

MS WRIGHT: And by this point you haven't received a single scoping study report except for two reports for the first two trials which were identical to reports produced by the actual technology manufacturer.  
---Ah, yeah, I think so.

So you've received nothing from AZH at all to account for the regular payments of around \$30,000 being made to them for these projects.

---From again what I thought I was being told about the first two, I thought it was true.

And just finally in relation to this particular project, a scoping study report I suggest was found on the letterbox USB that was left in Mr Hamidi's letterbox, and that's at volume 14B, page 118.

THE COMMISSIONER: Did you say 118?

10 MS WRIGHT: 11, 88, sorry.

THE COMMISSIONER: Sorry.

MS WRIGHT: 188. Sorry.

THE COMMISSIONER: 188.

MS WRIGHT: Yes. You see this?---Yes.

20 And if we could turn to page 189, you see the contents?---Yes.

And page 190 - - -?---Yes.

- - - the purpose? And again, it's the same presentation as the other reports that I've taken to you which were found on the USB provided by Mr Hamidi to the Commission, you see that?---Yes.

And at page 191 - - -?---I remember seeing that top photo.

30 Because you created this report, Mr Soliman,---No. Did not.

And at page 192, did you obtain that from a Google search of the Houston Radar SpeedLanePro, that photo?---What do you mean?

Did you get that photo from doing a Google search?---I didn't get this photo.

Did you get this photo and information from a report that you had at RMS about - - -?---I didn't get the information.

40

And at page 193, sets out apparently a method, and the report is to provide an independent review and recommendations for future use potential - - -? ---Yeah, this is - - -

- - - and to recommend any enhancements which could be required to meet the RMS's goal of an automated and gazetted over-length vehicle detection centre. You see that?---That's some of the information that I gave him during the project planning.

So you knew he had no expertise to be providing recommendations for future use potential, and to recommend enhancements.---No, I mean the bottom part is what I, what I told him during the, the project planning for, for this part.

Are you referring to the words “from various applications”?---No, I’m looking at the last paragraph.

10 “A successful result”?---Yes.

That’s what you told him? That - - -?---The 1, 2, and 3.

That paragraph?---Yes, but not in that wording.

Going back to the recommendation, you knew that Mr Hamidi didn’t have any expertise to provide recommendations to RMS in relation to the future use of this system or enhancements to meet RMS’s goal of an automated and gazetted over-length vehicle detection system, did you?---Sorry, where  
20 are you reading that from?

At the first paragraph, page 193.---Okay, I’m reading that, but I didn’t, I don’t understand what he even means by it.

Well, he’s going to recommend enhancements which could be required to meet the RMS’s goal of an automated and gazetted over-length vehicle detection centre.---Mmm.

30 You understood that’s what this technology was about, it was a radar length detection system - - -?---Yes.

- - - for heavy vehicles, wasn’t it?---Yes.

And Mr Hamidi had no expertise to be making recommendations to RMS about the use of such a system, did he?---I think by that point he should have. He’s already done the previous SICK one - - -

40 You can’t be serious, Mr Soliman. An over-length – a length detection system which has real significance for the safety of roads and the public in New South Wales, you thought Mr Hamidi, by May of 2017, had the appropriate expertise to be making recommendations to RMS about the use of that technology, did you?---Mmm, it’s, look, it’s just based on the data also, you know? Is it based on data, is it measuring what it’s meant to be doing, and do you recommend something else, based on what you, what you know. Obviously no-one knows everything.

I’ll take that as a yes, that answer.---Mmm, to a degree, yeah, I didn’t see why anyone else could do it better.

Oh, you're lying, Mr Soliman.---I'm not.

Is that an appropriate time, Commissioner?

THE COMMISSIONER: Yes. I just need to adjourn for five minutes, so if people just remain for a couple of minutes.

10     **SHORT ADJOURNMENT** **[4.34pm]**

THE COMMISSIONER: Right, thank you everybody for staying. I'm proposing the following. We're adjourning now until the 21<sup>st</sup>. Where's Mr O'Brien?

MS HOGAN-DORAN: He just went outside. I can see if he's there for you.

20     THE COMMISSIONER: Could you, Ms Hogan-Doran? Mr Glover can do it. That's - - -

MS HOGAN-DORAN: I came in. Our paths crossed.

THE COMMISSIONER: It's just this affects him. Thanks, Mr O'Brien.

MR O'BRIEN: Sorry, Commissioner.

30     THE COMMISSIONER: That's all right. I wanted you here. What I'm proposing to do is we're now adjourning until the 21<sup>st</sup>, but my proposal is that we start at 9.00am. I had a word with Counsel Assisting. That should ensure that here examination is finished and then we will fit your cross-examination in, Mr O'Brien.

MR O'BRIEN: Yes.

THE COMMISSIONER: So then you can leave and then we'll continue with the other parties.

40     MR O'BRIEN: I'm grateful.

THE COMMISSIONER: Now, this is your opportunity to complain about a 9.00am start on the 21<sup>st</sup>. All right, then. We are adjourned until the 21<sup>st</sup> of June at 9.00am.

**THE WITNESS STOOD DOWN** **[4.38pm]**

**AT 4.38PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.38pm]**